

**STATE OF RHODE ISLAND,
PROVIDENCE, SC.**

SUPERIOR COURT

**NICOLE SOLAS,
*Plaintiff,***

vs.

**SOUTH KINGSTOWN
SCHOOL COMMITTEE,
*Defendant.***

C.A. No.

AMENDED VERIFIED COMPLAINT

1. This is an action for injunctive, declaratory, and other relief under the Open Meetings Act, R.I. Gen. Laws § 42-46-1, *et seq.* (“OMA”), seeking the Court to declare that the meetings of the South Kingstown BIPOC Advisory Committee (“Advisory Committee”) are public meetings under the OMA, declare that meetings of the Advisory Committee and all meetings, minutes, actions, and other activities of the Advisory Committee are subject to the OMA, declare any action taken by the BIPOC Committee in meetings that were closed to the public, or actions taken by the South Kingstown School Committee (“School Committee”) in response to recommendations from the Advisory Committee, to be “null and void,” and enter appropriate injunctive relief to ensure that the School Committee and its Advisory Committee comply with the OMA and its meetings are open to the public.

2. The Plaintiff files this Complaint to ensure that citizens are “advised of and aware of the performance of public officials and deliberations and decisions that go into the making of public policy” in accordance with the OMA. *Id.*

PARTIES AND JURISDICTION

3. Plaintiff Nicole Solas is a citizen of the State of Rhode Island and a resident of South Kingstown.

4. Defendant South Kingstown School Committee (“School Committee”) is the governing body of the South Kingstown School District (“District”) and a political subdivision of the State of Rhode Island. The School Committee is a “public body” within the meaning of R.I. Gen. Laws. § 42-46-2(5).

5. This Court has jurisdiction over this action pursuant to R.I. Gen. Laws § 9-30-1 *et seq.* and § 42-46-8.

6. Venue is proper in this Court pursuant to R.I. Gen. Laws § 42-46-8.

FACTS

7. On or about June 23, 2020, the School Committee held a formal meeting to discuss creating the Advisory Committee, which at the time was referred to as a “task force.” Ex. 1; *see also* <https://clerkshq.com/southkingstownschools-ri>.

8. Stephanie Canter was the chairperson of the School Committee from 2018-2020 and at the time of the June 23, 2020 meeting.

9. At the June 23, 2020 School Committee meeting, Ms. Canter “suggested that the ‘task force’ be referred to instead as an ‘advisory board.’” Ex. 1.

10. Robin Wildman is affiliated with “Nonviolent Schools Rhode Island.”

11. Ms. Wildman later became the chairperson of the Advisory Committee.

12. Ms. Wildman has stated that she “approached the superintendent [of the District] with an idea to form a BIPOC group that would look at policies and practices

and make recommendations to create a more inclusive, antiracist district.” Ex. 2 at Ex. 5, pg. 1.

13. Ms. Wildman attended the June 23, 2020, School Committee meeting and stated that two School Committee Members, Ms. Canter and Sarah Markey, contacted Nonviolent Schools Rhode Island about Nonviolent Schools Rhode Island coordinating meetings of the Advisory Committee. June 23, 2020 Committee Meeting Video, <https://clerkshq.com/southkingstownschools-ri>.

14. According to Ms. Wildman, the “charge of the Advisory Committee is to identify these practices and policies [in South Kingstown School District] based on personal experiences and to devise recommendations for eliminating or changing them.” *Id.*

15. On information and belief, the “Advisory Committee” included individuals affiliated with as “Toward an Antiracist South Kingstown,” or “TASK.”

16. On or about July 14, 2020, Ms. Canter posted on social media a message that described TASK and identified the entity as “[c]ombining the courage of community groups, educators, and the school committee” to “discuss systemic racism” and create “actionable changes for the upcoming school year. Ex. 3 at 1.

17. The stated purpose of TASK is “implementing antiracist policy changes in the South Kingstown school district regarding curriculum, representation, discipline, and accountability.” *Id.* at 2.

18. On July 22, 2020, the School Committee created and approved the Advisory Committee. Ex. 4 ¶ 2.

19. The School Committee created the Advisory Committee to advise the School Committee on issues of significant public interest, including education policies for students within the District and hiring and personnel policies for employees within the District.

20. The mission of the Advisory Committee is “to advocate for equity in the education of students who identify as Black, Indigenous, and People of Color (BIPOC) in South Kingstown schools, inspiring a healthier and just community and school system for everyone.” *Id.* ¶ 3.

21. One of the purposes of the Advisory Committee was to “review[] current School Committee policies,” and present “concerns to the School Committee Policy Subcommittee” if School Committee policies do not meet goals of “inclusivity and equity.” *Id.* ¶ 5.

22. The purpose of the Advisory Committee is to advise and offer recommendations to the School Committee.

23. On information and belief, some if not all, of the members of the Advisory Committee were invited to participate on the Advisory Committee by administrators within the School Committee.

24. From on or about February 2021 to August 2021, the Advisory Committee held regular, closed-door meetings every week. Ex. 2 at Ex. 1, pg. 3.

25. From on or about February 2021 to August 2021, the Advisory Committee held at least 25 meetings. *Id.*

26. On information and belief, the Advisory Board met every week from September 2020 to at least August 2021. *Id.*

27. On information and belief, the Advisory Board is still meeting on a regular and recurring basis.

28. Mwangi Gitahi is a voting member of a School Committee subcommittee that is responsible for reviewing and updating school policies. Ex. 2 at Ex. 5, pg. 4

29. Mr. Gitahi is also a member of the Advisory Committee.

30. According to Mr. Gitahi, “As a member of the BIPOC advisory board, I have been closely examining a number of existing school district policies, looking at them line by line through an anti-racist and equity lens. We have now reviewed policies ranging from discipline and suspension to coaching & hiring. We are hard at work crafting a framework for all these policies, which we are calling the Anti-Racism and Anti-Discrimination Policy. This policy will guide the language, process, and the enforcement of all of the changes we make to all of the other policies.” *Id.*

31. Ms. Solas first requested that Advisory Committee meetings be open to the public on or about May 15, 2021. Ex. 2 at Ex. 4, pg. 1.

32. Ms. Wildman, as chairperson of the Advisory Committee, denied that request on or about May 18, 2021. *Id.* pg. 2.

33. Ms. Solas also attempted to send communications to School Committee personnel requesting that the Advisory Committee open its meetings to the public on or about May 20, 2021, but she received no response. *Id.* pg. 4.

34. On or about May 20, 2021, at a formal meeting, the School Committee considered significant revisions to the hiring process and policies within the District. Ex. 2 at Ex. 6.

35. On information and belief, the School Committee considered those changes to the hiring process and policies based in part on recommendations from the Advisory Committee.

36. At a May 20, 2021 meeting, the School Committee voted unanimously to retire the then-existing Nondiscrimination and Anti-Harassment Policy in favor of considering a new, significantly revised “Anti-Racism, Anti-Discrimination and Anti-Harassment Policy.” Ex. 2 at Ex. 7.

37. On information and belief, the changes to the Nondiscrimination and Anti-Harassment Policy were based in part on recommendations from the Advisory Committee.

38. On information and belief, the Advisory Committee has advised and offered recommendations to the School Committee on a wide range of issues, including hiring, discipline, training, and school policies and practices.

39. The issues on which the Advisory Committee has advised and offered recommendations to the School Committee are of significant public interest.

40. At least two members of the Advisory Committee are also voting members of the School Committee’s Policy Subcommittee. Ex. 4 ¶ 6.

41. On or about March 24, 2021, the South Kingstown School District entered into a contract with Nonviolent Schools Rhode Island, represented by Robin Wildman, to provide various “services” to the District. Ex. 2 at Ex. 1.

42. The “services” Ms. Wildman promised to provide the District included “[f]acilitation of the BIPOC Advisory Board, February-August 2021, for 25 meetings.” *Id.*

43. The agreement between the District and Ms. Wildman estimated that the cost for “facilitating” meetings of the Advisory Committee was \$5,000. *Id.* at 3.

44. The Advisory Committee received public funds from the District to pay for its operations.

45. Then-Superintendent of the South Kingstown School District, Linda Savastano, referred to the Advisory Committee as “an advisory committee to the School Committee.” Ex. 5.

46. The School Committee lacks legal authority, including under its own by-laws, to appoint an advisory committee. Ex. 2 at Ex. 8, pg. 3.

47. The School Committee’s by-laws only permit the School Committee to appoint Sub-Committees, not informal boards. *Id.*

48. Some members of the School Committee have expressed concerns that the Advisory Committee was “illegally” formed during the District’s Policy Sub-Committee meeting. <https://www.youtube.com/watch?v=BPDWTy0Pk4U> at 1:37:24–1:39:08.

49. Meetings of School Committee Sub-Committees are open to the public under R.I. Gen. Laws § 42-46-1, *et seq.*

50. The School Committee charged the Advisory Committee with conducting matters of public concern, including Committee policy matters, but evaded its own procedures by funding the Advisory Committee to do this work instead of appointing a Sub-Committee that is subject to the OMA.

The OMA Complaint and Attorney General Review

51. On or about May 20, 2021, Ms. Solas submitted a complaint to the Office of the Attorney General, asserting that the Advisory Committee is a public body within the meaning of R.I. Gen. Laws § 42-46-2(5). Ex. 4 at Ex. A, pgs. 4–6.

52. On or about July 1, 2021, the School Committee responded to Ms. Solas’s OMA Complaint. Ex. 4.

53. On or about July 28, 2021, Ms. Solas submitted a rebuttal to the School Committee’s Response. Ex. 2.

54. On or about May 10, 2022, the Rhode Island Attorney General issued its decision on Ms. Solas’s OMA Complaint, finding that the Advisory Committee “is not a ‘public body’ under the OMA.” Ex. 6, pg. 1.

55. The Rhode Island Attorney General closed Ms. Solas’s Complaint on May 10, 2022. *Id.* pg. 8.

56. This Complaint was timely filed within 90 days of the Attorney General closing Ms. Solas’s complaint under R.I. Gen. Laws. § 42-46-8I.

COUNT I

57. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if fully restated herein.

58. Rhode Island General Laws § 42-46-1, *et seq.* Open Meetings sets forth the public policy of the State of Rhode Island as follows:

It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.

R.I.G.L. § 42-46-1

59. The OMA “should be construed broadly and interpreted in a light favorable to public access.” *Solas v. Emergency Hiring Council*, 774 A.2d 820, 824 (R.I. 2001).

60. Under the OMA, a “public body” is “any department, agency, commission, committee, board, council, bureau, or authority, or any subdivision thereof, of state or municipal government.” R.I. Gen. Laws § 42-46-2(5).

61. A public body that exercises “advisory power” is subject to the OMA whether or not it also possesses decision-making power. *Solas*, 774 A.2d at 825.

62. A “meeting” is “the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.” R.I. Gen. Laws § 42-46-2(1).

63. Because the Advisory Committee: (1) has “advisory power” (2) over a subject of significant public interest (3) discussed during regular and recurring meetings that (4) include public officials, and (5) it receives public funds, the Advisory Committee is a “public body” within the meaning of R.I. Gen. Laws. § 42-46-2(5).

64. As a “public body” under the OMA, the meetings of the Advisory Committee should have been and should be open to the public.

65. By closing the Advisory Committee meetings to the public, the School Committee violated the OMA.

66. Plaintiff has a right to attend all public meetings under the OMA.

67. By closing the Advisory Committee meetings to the public, the School Committee violated Plaintiff's right to attend public meetings under the OMA.

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Advance this matter on the calendar pursuant to R.I. Gen. Law § 42-46-8.

B. Declare that the Advisory Committee is a "public body" within the meaning of R.I. Gen. Laws § 42-46-2(5).

C. Declare that meetings of the Advisory Committee and all meetings, minutes, actions, and other activities of the Advisory Committee are subject to the OMA.

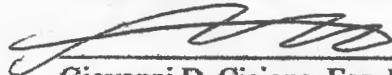
D. Order the School Committee to open meetings of the Advisory Committee to the public pursuant to the OMA and produce all minutes and records of the Advisory Committee's meetings for public inspection pursuant to the OMA.

E. Declare null and void any actions of the School Committee that were taken pursuant to recommendations made by the Advisory Committee that were promulgated by the Advisory Committee during meetings that were closed to the public pursuant to R.I. Gen. Laws § 42-46-8(d).

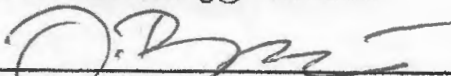
F. Order the School Committee to rescind any and all actions that were taken pursuant to recommendations made by the Advisory Committee that were promulgated by the Advisory Committee during meetings that were closed to the public pursuant to R.I. Gen. Laws § 42-46-8(d).

- G. Award Plaintiff reasonable attorney fees and costs pursuant to R.I. Gen. Laws § 42-46-8(d).
- H. Impose a civil fine of \$5,000 against the School Committee and each of the School Committee's members for willful or knowing violation of the OMA pursuant to R.I. Gen. Laws § 42-46-8(d).
- I. Enter judgment in favor of Plaintiff.
- J. Order such other relief as the Court deems just and proper.

Plaintiff,
Nicole Solas by her Attorneys



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VERIFICATION

[illegible]

I, Nicole Solas, being duly sworn upon my oath, state that I am familiar with the allegations in the foregoing complaint and verify that the allegations contained therein are true and correct, except for those counts alleged upon information and belief, which I reasonably believe to be true.

Dated this 11 day of August, 2022

By: Nicole Solas
Nicole Solas

Subscribed and sworn to before me this 18 day of August 2022.

Ms. Maguire
Notary Public

MOLLY D. MAGEAU
Notary Public
State of Rhode Island

My Commission expires 3.26.26

South Kingstown School Committee Business Meeting
Tuesday, June 23, 2020

Virtual Meeting

Attendees - voting members

Stephanie Canter - Chair
Sarah Markey - Vice Chair
Michelle Brousseau
Emily Cummiskey
Jacy Northup
Kate Macinanti
Alycia Collins

Attendees – other

Linda Savastano - Superintendent
Maryanne Crawford – CFO
Mike Polak - Attorney

1. 6:00 PM - Call to Order

- A. Call to Order
- B. Pledge of Allegiance to the Flag
- C. School Committee Agreements (norms)
- D. Chair – Agenda Review

2. Work Session

A. Anti-racist Work in the South Kingstown Schools

Superintendent Savastano introduced Dr. Robert Hicks and Robin Wildman and thanked them for being here. The committee began by completing an exercise led by Dr. Hicks focusing on a report from the Racial Equity Institute. Robin Wildman introduced herself and explained the mission of her organization, Non-Violent Schools Rhode Island. The focus of the organization is to change the climate and culture in schools. Robin introduced her colleague, Jonathan, who travels the globe teaching non-violence as a senior level non-violence trainer and works as the Director of Youth Training for the Organization. Robin explained the 2-tier approach for change; creation of a task force made up of students and community members and non-violence training/professional development for community, staff, and leadership. Stephanie Canter suggested that the ‘task force’ be referred to instead as an ‘advisory board’. Emily expressed desire to refer to ‘achievement gaps’ as ‘opportunity gaps’ going forward. Sarah Markey asked how our current teachers of color will be included in this work. Michelle Brousseau stressed the importance of getting input from people who might not necessarily have direct ties to the School Department currently. Discussion ensued. Stephanie Canter thanked the group for participating in this important discussion.

3. 7:00 PM - Business Meeting

Ms. Canter proceeded to the business meeting portion of the School Committee meeting at 7:11 PM.

MSV (1) move the community comments section to the beginning of the School Committee business meeting.

Motion made by: Sarah Markey

Motion seconded by: Jacy Northup

Vote: Unanimously Approved

- Comments from the Community

Phil Eden expressed appreciation on the thoughts that Robin Wildman shared earlier. Mr. Eden stated that the Black Lives Matter group would like to see changes in South Kingstown and that several individuals were going to share the list of changes they would like to see. Mr. Eden stated that there should be accountability, and to create an equity office and a sustained student organization (racial justice club).

Paula Whitford member of the leadership committee at Peace Dale. She stated that our children are not given an equal education; and that there is a stigma because of where you live. She stated that we need to look at equity and equality of education.

Jen T. stated that the group would like to see more black and brown teachers and coaches hired (25% of the teaching force in 2025 with a long-term goal of 50%); and they would like to see have the data published. She stated that they would like ethnic study classes.

Bella Cole stated that the group would like more training for teachers, bias training, part of the professional development for the teachers.

Becky Davis read the Mission of the South Kingstown School Department and made a statement about racialized discipline. Ms. Davis recommended creating an alternative to suspension

Willa Garceau, SKHS graduate, commented that students of color are disproportionately disciplined at school.

Lilly Dwyer, SKHS graduate, recommended to hire teachers of color and to look at other districts. She stated that one of the biggest issues at the high school is the AP placement by race; and that the information should be published each semester.

Michelle Flippin commented on racial inequality and stated that the Latino teachers are leaving our district. Ms. Flippin also recommended the district consider the children's emotional, physical, and mental health and let the 5th grade students stay in the elementary school for September.

May Bodziony commented on the curriculum regarding equity. She stated that the curriculum should work more on life skills, civics, voting, finances, and how to run for office; which could be taught in Advisory for 20 minutes.

Mongee B., SKHS graduate, commented on seeking resources that teach implicit bias for students, so that they can look at their own implicit bias to be able to identify them.

Carolyn Vincent commented that there were no students of color in her AP classes. She shared that she did not see how structural racism was until she went to college. Ms. Vincent stated that role models are

lacking for children of color in the school department; and that the number of teachers, staff, and faculty of color needs to increase.

Cadence questioned how students with disabilities, who see several therapists in a day, will be kept safe. What are the plans to address that in September?

Ginger Mombelly commented on the history of white men in South Kingstown. She stated that it should be mandatory to learn the black history.

Beth Stroble, SKHS graduate, commented on the discipline that she would like to see addressed. She stated that we need to find a way to keep the student in school so that they can be successful.

Karen Humes commented that there is not a lot of teacher diversity across the board; and that we need to inspire our students to go into this field.

Eddy P., student, commented on the DLI program and the importance of hiring bilingual black teachers.

Magnee Gomes, parent, commented on the need to teach life skills to children of color; and that they need more training from teachers so that they feel they share some type of experience with that teachers. Mentors should be provided for children in the community. Ms. Gomes also stated that we need to keep the children education and not suspended and out of school.

Dorald Beasley, commented that important subjects are placed on the agenda after community comments; and that the business meeting should be held before community comments. Mr. Beasley spoke about the budget referendum and how it will affect the school programs. He commented on the STARR data and stated that we have a systematic problem with math K-12 in the district.

Bob Hicks commented on the referendum and explained what it was about.

Valerie Sparadalozi applauded the students who spoke this evening and stated that the administrators, teachers, and community need to hear the voices they are raising.

Gail Mizner asked if this meeting was recorded.

MSV (2) move School Committee Business 6a next on the agenda.

Motion made by: Kate Macinanti

Motion seconded by: Jacy Northup

Vote: Unanimously Approved

- Discussion: Teacher of the Year Congratulations

Ms. Savastano expressed her honor and excitement to name the South Kingstown School Department's Teacher of the Year – Ryan Muir, south Kingstown High School Choir and Theater Director.

Gail Saborio read her nomination of Mr. Muir. She shared his accomplishments as a musician and commented that he goes above and beyond in everything he does.

Kenneth Dunn, student, shared that Mr. Muir is his favorite teacher. He further shared how Mr. Muir has influenced and impacted his life and future plans.

Carter Santos, student, shared that Mr. Muir is his favorite teacher and is a fantastic role model. He shared how Mr. Muir cares about his students and how Mr. Muir connected with him.

Jessica Macinanti, student, read a statement from student, Caroline Parente. Ms. Parente stated that Mr. Muir is a miracle worker and that South Kingstown is very lucky to have a teacher like him.

Jessica Macinanti shared her own thoughts about Mr. Muir. She stated that she has always struggled with mental illness and that Mr. Muir is the only reason she is still here. She shared that Mr. Muir truly cared about her and respects her as a human. Ms. Macinanti stated that the environment that Mr. Muir creates is the most inclusive and he makes everyone feel safe and accepted.

4. Consent Agenda

MS (3) move to approve the Consent Agenda.

Motion made by: Sarah Markey

Motion seconded by: Jacy Northup

Ms. Brousseau had a question regarding “H” the exchange student(s) request, with the COVID situation. Ms. Brousseau made a motion to remove “H” and move it to the Business Meeting.

MSV (4) move to amend the motion to remove 4H.

Motion made by: Michelle Brousseau

Motion seconded by: Jacy Northup

Vote:

Stephanie Canter - Yes

Sarah Markey - Yes

Michelle Brousseau - Yes

Emily Cummiskey - Yes

Jacy Northup - Yes

Kate Macinanti – *Not present at the time of the vote*

Alycia Collins - Yes

MSV (5) move to approve the Consent Agenda with part “H” removed.

Motion made by: Michelle Brousseau

Motion seconded by: Jacy Northup

Vote:

Stephanie Canter - Yes

Sarah Markey - Yes

Michelle Brousseau - Yes

Emily Cummiskey - Yes

Jacy Northup - Yes

Kate Macinanti – *Not present at the time of the vote*

Alycia Collins - Yes

A. Approval of Open Session Minutes - June 9, 2020

- B. Personnel Actions
- C. Contracts
- D. FY21 Purchases
- E. RFP Award Laptop Lease (Dell Latitude)
- F. RFP Award High School Esports League
- G. RFP Award Computer Workstations for CCMS STEM Project Lead the Way
- H. Exchange Student(s) Request – ***Removed from the Consent Agenda***

5. Comments from the Community – ***Previously Addressed***

- Exchange Student(s) Request (removed from Consent Agenda 4H)

MSV (6) move to approve 4H (from the Consent Agenda) and open for discussion.

Motion made by: Michelle Brousseau

Motion seconded by: Kate Macinanti

Vote: Unanimously Approved

Ms. Savastano advised that the Committee had already approved one exchange student and that this would be the second request for approval. She further stated that she would imagine that the student would follow all of what the other students have to do; and that we would work with the folks to make sure that we/they are safe as we get closer to school starting.

6. School Committee Business

A. Discussion: Teacher of the Year Congratulations – ***Previously Addressed***

B. Discussion: Summer Meeting Calendar

Ms. Savastano stated that she was looking for a date in July to meet, after the referendum; a date for the summer retreat; and another anti-racist work session. After discussion, it was recommended that Ms. Savastano's assistant send out a meeting wizard to determine the best date(s).

C. Discussion / Action: FY21 School Calendar

MSV (7) move to accept the School Calendar for FY21 as revised.

Motion made by: Emily Cummiskey

Motion seconded by: Michelle Brousseau

Vote: Unanimously Approved

Ms. Brousseau expressed concern about the start date of school and the impact on local businesses with losing their work force.

Ms. Macinanti asked how the teachers felt about the calendar, as it is their work calendar and work schedule.

Ms. Cummiskey stated that it was important to start early so that the students can develop a rapport with the teachers, just in case a second wave of the virus occurs.

Ms. Markey stated that there is a process of the bargaining unit disagrees with the calendar. She also recommended that Juneteenth be put on the calendar.

Ms. Brousseau recommended that the district reach out to the Governor's office and other Southern RI directors due to respect and concern for the local businesses. Ms. Brousseau also commented that February and April recess/vacation should be called breaks, as teachers do not get paid vacations.

Vote taken.

D. Discussion: Reentry Planning

Ms. Savastano advised that the State provided a template regarding opening schools. She stated that we will continue to discuss this through the summer and to make sure that the community is well aware of the plans. Ms. Savastano stated that at any given moment we will need to be able to go from face-to-face learning to virtual and then back again. Our goal is to get children back in school safely. Discussion followed.

E. Discussion: Budget

Ms. Savastano stated that she wanted to make sure that we are mindful that there is a referendum for the South Kingstown budget. The information is available online.

F. Discussion / Action: Resolution Amend Article I

MSV (8) move to approve the Resolution and forward it to the General Assembly and other State leadership.

Motion made by: Michelle Brousseau

Motion seconded by: Sarah Markey

Vote: Unanimously Approved

Ms. Canter expressed concern about rights infringing on the rights of others. She asked if we can make this without infringing on the rights of others.

Ms. Brousseau stated that she spoke with Tim Duffy and he has brought this up at every training she has attended. She stated that a public education was a constitutionally protected right for our State.

7. Adjournment

A. Adjourn

MSV (9) move to adjourn at 9:34 PM.

Motion made by: Michelle Brousseau

Motion seconded by: Alycia Collins

Vote: Unanimously Approved



July 28, 2021

SENT VIA U.S. MAIL & E-MAIL

State of Rhode Island
Office of the Attorney General
Attn. Adam Roach, Esq.
150 South Main St.
Providence, RI 02903
aroach@riag.ri.gov

Re: Solas v. South Kingstown BIPOC Committee – Rebuttal

Dear Mr. Roach:

The Goldwater Institute (“Institute”) and the Stephen Hopkins Center for Civil Rights represent Ms. Nicole Solas in the *Solas v. South Kingstown BIPOC Committee* Complaint under Rhode Island’s Open Meetings Act, codified at R.I. Gen. Laws § 42-46-1, *et seq.* (“OMA”).

This letter is submitted in rebuttal to the South Kingston School Committee’s (“School Committee”) Response to Ms. Solas’s Complaint.¹

As you know, the OMA was enacted to ensure that “public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.” R.I. Gen. Laws § 42-46-1. The OMA “should be construed broadly and interpreted in a light favorable to public access.” *Solas v. Emergency Hiring Council of State*, 774 A.2d 820, 824 (R.I. 2001). Under the OMA, “[e]very meeting of *all* public bodies shall be open to the public,” unless a specific statutory exception applies. R.I. Gen. Laws § 42-46-3 (emphasis added).

As outlined in Ms. Solas’s Complaint, the South Kingstown BIPOC Advisory Board (“Board”) is a “public body,” because it: (1) has “advisory power” (2) over a subject of significant public interest (3) discussed during regular and recurring meetings that (4) include public officials, and (5) it receives public funds. Under the plain language of the OMA and the cases interpreting it, the Committee is plainly a “public body.” Consequently, Ms. Solas’ Complaint should be sustained, the Board’s meetings and any materials created at them should be made open to the public, and any actions or activities conducted by the Board should be declared “null and void.”

¹ We have attached and numbered relevant exhibits and references made in the Complaint for ease of review.

Ms. Solas first requested that meetings of the Board be open to the public on or about May 15, 2021. Exhibit 4 at 1. The Board denied that request on or about May 18, 2021. *Id.* at 2. Ms. Solas also included communications to School Committee personnel requesting that the Board open its meetings to the public on or about May 20, 2021 but received no response from the School Committee. *Id.* at 4. On information and belief, the Board continued to meet on and after these dates. Exhibit 1 at 3. This Complaint was filed within 180 days of “an unannounced or improperly closed meeting...” R.I. Gen. Laws § 42-46-8.

A. The Board is a “public body” with significant advisory power.

The plain language of the OMA and Rhode Island Supreme Court precedent show that the Board’s exercise of advisory power brings the Board’s activities under the OMA.

Under the OMA, a “public body” is “any department, agency, commission, committee, *board*, council, bureau, or authority, or *any subdivision thereof*, of state or municipal government.” R.I. Gen. Laws § 42-46-2(5) (emphasis added). A “meeting” is “the convening of a public body to *discuss* and/or act upon a matter over which the public body has supervision, control, jurisdiction, or *advisory power*.” *Id.* at (1) (emphasis added). In this case, the Board identifies itself as a “board” that was established and funded by the School Committee, a political subdivision, for the express purpose of meeting “to discuss” matters over which the Board has “advisory power.”

In *Solas*, the Supreme Court explained that entities that exercise “advisory power” are subject to the OMA. 774 A.2d at 825. There, the court found that a hiring council created by an executive order of the governor to advise his office on the state’s hiring practice was a “public body” for purposes of the OMA. *Id.* Specifically, the court held that “the council functions in an advisory capacity in state hirings. Whether supervisory or advisory, both functions are regulated by the act. As the plain language of the statute provides, a council’s exercise of advisory power is enough to bring it under the act’s umbrella.” *Id.*; *see also* Advisory Opinion No. 99-13 (finding that a three-member committee appointed by the mayor to advise his office on the issue of hiring a new police chief was also a public body under the OMA).

Here, the Board was created and approved by the School Committee, a political subdivision, on July 22, 2020. Committee Response at 1 ¶ 2. By the School Committee’s own admission, the purpose of the Board is “to review policies and to suggest revisions” to those Committee-wide policies. *Id.* at 2 ¶ 11. In other words, the express purpose of the Board is to act in an advisory capacity to the Committee.

And the extent of that advisory power is broad and significant. According to one Board member, Mwangi Gitahi, who is also “a voting member of a School Committee sub-committee that reviews and updates school policies,” Exhibit 5 at 4, the purpose of the Board is to serve in an advisory capacity to the School Committee on nearly all significant school policies. According to Mr. Gitahi:

As a member of the BIPOC advisory board, I have been closely examining a number of existing school district policies, looking at them line by line through an anti-racist

and equity lens. We have now reviewed policies ranging from discipline and suspension to coaching & hiring. We are hard at work crafting a framework for all of these policies, which we are calling the Anti-Racism and Anti-Discrimination Policy. This policy will guide the language, process, and the enforcement of all of the changes we make to all of the other policies.

Id. In other words, the Board was created to advise the School Committee on an enormous range of policies across the district in nearly all areas of the School Committee’s operations and responsibilities.

The advisory powers conferred on the Board are being given close attention by the School Committee on major policy changes. Mr. Gitahi, observed that the Board is “also working on opportunities for BIPOC representation in the hiring process.” *Id.* That appears to be true, as the School Committee went on to consider significant revisions to the hiring process within the district at a meeting on May 20, 2021. Exhibit 6. At the same meeting, the School Committee voted unanimously to retire the then-existing Nondiscrimination and Anti-Harassment Policy in favor of considering a new “Anti-Racism, Anti-Discrimination and Anti-Harassment Policy” proposed by the Board that includes sweeping reforms and policy changes. Exhibit 7. Thus, not only is the Board operating in a substantial advisory capacity, which, according to *Solas*, brings it within the scope of the OMA, but the School Committee is also clearly implementing the Board’s advice in revising its policies.

The School Committee contends that the Board is not a “public body” because it “does not possess significant supervisory power and executive veto power.” Committee Response at 2 ¶ 11. But that is not the test. It is not the test in the OMA—which defines public “meetings” as those in which a “public body” meets “to discuss ... a matter over which the public body has ... advisory power,” R.I. Gen. Laws. § 42-46-2(1)—and it is not the test under *Solas*, where the Supreme Court rejected a nearly identical argument from the state and held that whether a public body is a decision-making entity or an advisory entity “is of no moment ... because application of the act is not limited to ‘public bodies’ that ‘meet’ to render decisions.” 774 A.2d at 825. Instead, “a council’s exercise of advisory power,” like the Board exercises here, is by itself “enough to bring it under the act’s umbrella.” *Id.* Because the Board meets to discuss matters over which it has advisory power, it is a public body subject to the OMA.

B. The Board has advisory power over a subject of significant public interest.

The Court in *Solas* held that another factor in determining whether an advisory board is a public body subject to the OMA is whether matters discussed by an advisory body are of “significant public interest,” 774 A.2d at 824, or include “matters of great interest to the citizens of this state.” *Id.* at 825.

By the School Committee’s own admission, that is plainly the case in this matter. The mission of the Board, according to the School Committee, is “to advocate for equity in education of students who identify as Black, Indigenous, and People of Color (BIPOC) in South Kingstown schools, inspiring a healthier and just community and school system for everyone.” Committee Resp. at 1 ¶ 3.

Of course, advocating for “equity in education” and creating “a healthier and just community and school system *for everyone*” are matters of “significant public concern,” *Solas*, 774 A.2d at 824, and of “significant public interest” to the community and its citizens. *Id.* at 825. Board chairperson Robin Wildman stated that she “approached the superintendent [of the School Committee] with an idea to form a BIPOC group that would look at policies and practices and make recommendations to create a more inclusive, antiracist district.” Exhibit 5 at 1. In other words, the Board was created and charged with making recommendations on matters of significant public interest. That means that, like the hiring board in *Solas*, its operations should be open to the public.

C. Members of the Board are public officials.

The inclusion of public officials on the Board also demonstrates that the Board is a “public body.” One of the stated purposes of the OMA is that “citizens be advised of and aware of the *performance of public officials* and the deliberations and decisions that go into the making of public policy.” R.I. Gen. Laws § 42-46-1 (emphasis added). The *Solas* case determined that an advisory council that “combine[d] senior executive branch staff members with employees,” was a public body under the OMA. 774 A.2d at 824.

Once again, the same is true here. First, it is undisputed that two of the members of the Board are also voting members of the School Committee’s Policy Sub-Committee. Committee Response at 1 ¶ 6. The work of the Subcommittee is indisputably subject to the OMA, and so should the work of its public members who also serve in an advisory capacity on the Board.

Additionally, the School Committee has evidenced a clear intent to appoint the Board, and its remaining citizen members, to act in an advisory capacity to the School Committee. As this Office previously found, a three-member committee appointed by the Mayor of Warwick to advise him on the issue of hiring a new Policy Chief, constituted a “public body” within the meaning of the statute. According to this Office, “the description and origin of the committee . . . [lead the] Department to believe that the committee [fell] within the definition of ‘public body.’” Advisory Opinion No. 99-13. Here, the Board was created (and funded) by the School Committee. Exhibit 1 at 3; Exhibit 3. Like the hiring board in Warwick, its members were charged by the School Committee with advising the Committee on matters of significant public interest.

D. The Board has regular and recurring meetings.

The frequency and regularity of meetings of the Board also show that the Board is a public body. In *Pontarelli v. Rhode Island Board Council on Elementary & Secondary Education*, 151 A.3d 301, 308 (R.I. 2016), the Supreme Court found that a Compensation Review Committee (“CRC”) created by the Department and Board Council on Elementary and Secondary Education was not a public body in large part because the CRC “does not meet on a regular basis.” Instead, the CRC was an “informal, *ad hoc* working group.” *Id.* at 303 (emphasis in original); *see also* OM 19-23 (because a Fisherman’s Advisory Board did not meet on a regular basis and instead convened “as-needed” it was not a public body). The *Pontarelli* court contrasted this with *Solas*, where the hiring committee “was required to meet at least biweekly.” *Id.* at 306 (quoting *Solas*, 774 A.2d at 824). The

Board's regular, recurring meetings in this case are like those of the hiring committee in *Solas*, and unlike the *ad hoc* entity in *Pontarelli*.

Specifically, the Board is *required by contract* with the School Committee to meet for 25 meetings from February–August 2021. Exhibit 1 at 3. And that is precisely what the Board has done—met every week on a regular and recurring basis. See Exhibit 5 at 1, 4 (Wildman: The Board has “met every week since September.” Gitahi: “All of this work has been a massive undertaking, a very heavy lift that the entire BIPOC Advisory Board has embraced and met weekly to work on, over the past eight months.”). As with the hiring committee in *Solas*, the Board's regular, weekly meetings to discuss matters of significant public concern show that the Board is a public body.

E. Public funds finance the Board.

Another significant factor in finding that the Board is subject to the OMA is that it receives its funding from public funds provided by the School Committee. The definition of “public body” specifically identifies entities that are “funded at least twenty-five percent (25%) of its operational budget in the prior budget year with public funds” as public bodies. R.I. Gen. Laws § 42-46-2. Although it is unclear whether this applies only to libraries or to the other entities identified, it is clear that receipt of public funds is one factor in determining whether the Board is a “public body” subject to the OMA. Indeed, on at least three separate occasions, this Office has identified the receipt of public monies as an important factor in determining whether an entity is a public body. See *Finnegan v. Scituate Town Council*, OM 97-05 (citizen council appointed by Town Council to advise on hiring a police chief was a public body when the citizen members received an honorarium and lunch and evening meals from the Council); *Schmidt v. Ashaway Volunteer Fire Ass'n*, OM 98-33 (because members of the Fire Association did not receive a salary or other public funds from a public entity, the Association was not a “public body.”); *Montiero v. Providence Sch. Bd. Nominating Comm'n*, OM 02-25 (because no public money was spent on commission, the commission was not a “public body.”).

In this case, it is indisputable that the Board receives public funds from the School Committee for the purpose of operating the Board. Specifically, the Board chairperson, Robin Wildman, signed a contract with the School Committee on March 24, 2021 for “[f]acilitation of the BIPOC Advisory Board ... for 25 meetings.” Exhibit 1. The cost for facilitating these meetings to the School Committee represented nearly the entire cost of the contract—\$5,000 was paid for service on the Board out of a total payment of \$7,474.00. Exhibit 3. Thus, it is clear that the School Committee hired and funded the Board for the purpose of advising the Board on matters of significant public concern, which, again, brings the Board under the umbrella of the OMA.

F. The School Committee has no authority to appoint an “informal advisory” body.

It should finally be noted that the School Committee lacks legal authority, including under its own by-laws, to appoint an informal, advisory body. As this Office has previously affirmed, “a public official or body ‘may not accomplish through appointees what it could not do itself’ outside the purview of the OMA.” *Oliveira v. Indep. Review Comm.*, OM 04-10 (quoting *Finnegan*, OM 97-05).

In this case, the Board's Bylaws permit the board to appoint Sub-Committees, not informal boards. Exhibit 8 at 3. Under the Bylaws, "Sub-committees shall post and conduct their meetings in accordance with RIGL 42-46." *Id.* The School Committee charged the Board with conducting business on policy matters in the role of a subcommittee. But the School Committee evaded its own procedures by hiring the Board to do this instead of by appointing an official subcommittee that is subject to this state's Open Meeting Act. Because the Board cannot do that outside the OMA and its own Bylaws, the work of the Board should be open to the public and any actions or recommendations the Board has made should be set aside.

In sum, the School Committee established and funded the Board for the express purpose of meeting regularly to discuss matters of significant public concern and to serve in an advisory capacity to the School Committee on those matters. The burden rests with the School Committee to establish that it is exempt from the provisions of the OMA, R.I. Gen. Laws. § 42-46-4, which "should be construed broadly and interpreted in a light favorable to public access." *Solas*, 774 A.2d at 824. The School Committee has not come anywhere near satisfying its burden of showing that the Board is not a public body. On the contrary, the Complaint and supporting evidence establish that the public has a right to access the public business being discussed and acted upon by the Board.

Should you have any questions regarding this matter, I can be contacted directly at jriches@goldwaterinstitute.org or (602) 462-5000.

Sincerely yours,



Jon Riches
Director of National Litigation
GOLDWATER INSTITUTE

/s/ Giovanni Cicione

Giovanni Cicione, Esq.
STEPHEN HOPKINS CENTER
FOR CIVIL RIGHTS

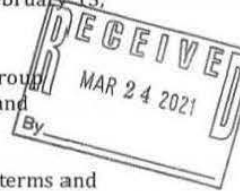
cc. Taylor O'Brien; tobrien@riag.ri.gov
Andrew Henneous, Esq.; ahenneous@hcllawri.com

Exhibit 1

**AGREEMENT BETWEEN NONVIOLENT SCHOOLS RI AND THE
SOUTH KINGSTOWN SCHOOL DEPARTMENT**

This is an Independent Contractor Agreement (the Agreement) dated February 15, 2021 and ending August 31, 2021.

The South Kingstown School Department (the Client) believes that the group entitled NONVIOLENT SCHOOLS RI (NSRI) has the ability, qualifications and experience to provide the services listed below.



The Contractor is agreeable to providing such services according to the terms and conditions set down in this Agreement.

In consideration of the matters designated above and to their mutual benefit, the Contractor and Client agree to the following:

1. SERVICES PROVIDED

- 20 hours of Kingian Nonviolence training to administrators, teachers and staff of the South Kingstown School Department during the NSRI Summer Institute, August 2021
- 3 Kingian Nonviolence workshops for the superintendent and school committee members, 90 minutes per workshop, during the months of March-June, 2021
- Kingian Youth Leadership Training for South Kingstown high school students-Spring 2021 (Phase 1-engagement)
- Facilitation of the BIPOC Advisory Board, February-August 2021, for 25 meetings
- Antiracism book club for South Kingstown school employees-Spring 2021
- Consultation with the Superintendent and Director of Curriculum, ad hoc to be paid hourly

The School Department will compensate the trainers and mentors according to the budget provided as an addendum to this Agreement. They will also provide adequate space and audio-visual/computer equipment for these training sessions (when in-person meetings are allowed).

Reimbursement to Contractor will be received not more than one month from the completion of each service that is provided.

2. TERM

- The term of this Agreement is from February 2021-August 31, 2021
- This agreement may be extended by mutual consent.

3. OWNERSHIP and INTELLECTUAL PROPERTY

- Any related work in the development of products during this Agreement is the property of the Contractor. The Client is granted a non-taxable limited use license of Intellectual Property. The distribution of Intellectual Property remains solely with the Contractor. For example, all materials are

copyrighted and should only be reproduced with permission from the authors.

4. **INDEPENDENT CONTRACTOR**

- In the provision of services under this Agreement, it is expressly agreed that the Contractor is an Independent Contractor and not an employee of the School Department. This Agreement does not create a partnership or joint venture, but is exclusively for the services stated herein.

5. **INDEMNIFICATION**

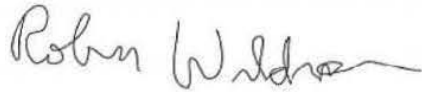
- Each party agrees to indemnify and hold harmless the other and all their respective associates in any matter that may result from or arise out of any act of omission of one of the parties. This indemnification will survive the term of this agreement.

6. **MODIFICATION**

- Modification of this Agreement or any additional obligations assumed will be binding only if there is evidence in writing, signed and authorized by each party. **IN WITNESS THEREOF, THE PARTIES HAVE DULY AFFIXED THEIR SIGNATURES UNDER HAND ON THIS DAY AND DATE:**

NAME Robin Wildman

DATE March 24, 2021



FOR NONVIOLENT SCHOOLS RI

NAME



DATE

For South Kingstown School Dept.

Pricing for February 15-August 31, 2021

Name of Project	Timeframe February 15-August 31, 2021	Unit Price	Total
School Committee Kingian workshops 2 Facilitators	February-June 2021 (3 workshops)	\$250/workshop	\$750
20-hour Summer Institute-Kingian Nonviolence Training 2 Trainers	August 2021 (Cohort 1)	\$250/person Team of 3 staff + 1 administrator from the same school = \$200/person	TBD by the number of people the district will financially support
Kingian High School Youth Leadership Training- (Phase 1: Student Engagement)	Spring, 2021 (engage, inform, and sign up student members)	\$500	\$500
BIPOC Advisory Board (2 facilitators, includes planning)	February-August 2021 25 meetings	\$200/90 minute meeting	\$5,000
Antiracism Book Club (three 90 minute sessions/book)	Spring 2021	\$35/person (10 person minimum) Cost includes a book	\$35 x 10 person = \$350/book club (add \$35/person for additional participants)

Exhibit 2



SOUTH KINGSTOWN SCHOOL DEPARTMENT
307 CURTIS CORNER ROAD, WAKEFIELD, RI 02879-2106

Linda Savastano
SUPERINTENDENT OF SCHOOLS

(401) 360-1307
FAX (401) 360-1330
TTY 1 800 745-5555
email: lsavastano@sksd-ri.net

April 29, 2021

via email

Ms. Nicole Solas

Re: APRA Request of April 25, 2021

Dear Ms. Solas,

This letter is sent in response to your email request of April 25, 2021 in which you sought:

Implicit Bias Training Information
Cost, organization conducting training, and all relevant details.

Response:

We have included a copy of the District's contract relative to Kingian Non-Violence in an effort to provide you the information you are looking for. Please review and if this is not the information that you are looking for please clarify your request. We do not possess any documents entitled "Implicit Bias Training".

In accordance with R.I. Gen. Laws § 38-2-8, you may file an appeal with the Department of the Attorney General, 150 South Main Street, Providence, Rhode Island, 02903, or the Rhode Island Superior Court of the county where the record(s) are maintained. You may also access additional information concerning the Access to Public Records Act through the Attorney General's website at www.riag.ri.gov.

Sincerely,

Linda Savastano
Superintendent

05/14/2021 09:42
rpellerin

SCHOOL DEPARTMENT
VENDOR FISCAL YEAR SUMMARY



P 1
apvdrfys

FISCAL YEAR: 2021 07/01/20 TO 06/30/21


MINIMUM: .00

VENDOR NAME	ADDRESS	F.I.D.# SOC.SEC.#	YTD PURCHASES	YTD PAYMENTS
7535 NONVIOLENT SCHOOLS RI	PO BOX 496 WEST KINGSTON, RI 02892		7,474.00	7,474.00
1 VENDORS	REPORT TOTALS		7,474.00	7,474.00

** END OF REPORT - Generated by Raquel Pellerin **



Public Presence at BIPOC Advisory Committee Meetings

 Inbox



 days ago

to Robin ▾



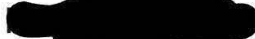
Robin,

Other parents and I would like to be present at future BIPOC Advisory Committee meetings. How can parents and other South Kingstown residents observe these meetings? I imagine you would be more than happy to open these meetings to the public because you believe it to be such important work that opens up honest conversations about what you believe to be very pressing issues for everyone in the beloved community.

I look forward to your responses to my other emails as well.

Nicole



 days ago

to Robin ▾



Other parents and taxpayers are still waiting on your response.



Robin Wildman 2 days ago
to me ▾

2



Hello Nicole,

I haven't forgotten about you and your friends. My parents came to stay for a few days and so I was busy visiting with them.

As a private vendor, hired by SK school district, Nonviolent Schools RI is permitted to have closed meetings. At this time the board meetings aren't open to the public.

You can look on the district's website for information about the board and their work. It should be posted soon.

Robin Wildman

Executive Director

Nonviolent Schools RI

www.nonviolentschoolsri.org

P.O. Box 496

West Kingston, RI 02892

"Building Compassionate School Communities"



[Redacted] days ago

to Robin ▾

3



Hi Robin,

There is nothing prohibiting you from having open and transparent meetings and you have not provided me with a reason why you should keep these meetings closed. You must know the work of your committee is controversial and looked upon with scrutiny. What better way to gain the trust of parents like me than to welcome us with open arms into your open meetings?

Nicole



3 AM

to Robin, Linda, Melissa ▾

4



Robin,

Please explain why your committee has been meeting secretly for a year but has accepted and benefited from thousands of dollars of taxpayer money? Your committee is not a private vendor. It is a public body. You get paid to lead that public body in your advisory committee position.

Further, your secret committee meetings produced work which now lands on the agenda of the school committee.

That is a huge problem.

Nicole

Community Spotlight: Robin Wildman

The Collective · May 13, 2021

Who are you? A wife, mom, grandmother, educator, sports enthusiast, gardener, hiker

Where are you from? Originally from NY, I came to URI as a freshman a LONG time ago and never left, so, I'm from South Kingstown:)

What kind of work do you do in the community? Retired SK 5th grade teacher. Started a not for profit organization, Nonviolent Schools RI in 2018, due to my desire to teach educators about conflict and how to address it using Dr. King's strategies and philosophy (you can look on our website for more info: www.nonviolentschoolsri.org After George Floyd's murder I wanted to do something to make our community a place of positive peace (Beloved Community). I approached the superintendent with an idea to form a BIPOC group that would look at policies and practices and make recommendations to create a more inclusive, antiracist district. Thanks to the incredible people on the BIPOC Advisory Board, Nonviolent Schools RI will now be doing even more work with the district in the coming school year.

Can you talk about what it's like to be involved in the BIPOC Advisory Board?

It has been an honor to facilitate the work that has come from the most committed group of people I have ever had the privilege of working with. They have met every week since September, and this is the mission they created:

The mission of the South Kingstown Advisory Board is to advocate for equity in the education of students who identify as Black, Indigenous, and People of Color (BIPOC) in South Kingstown schools, inspiring a healthier and just community and school system.

They have stated, and it is true, that they are "family". As a white woman, I feel accepted by these most wonderful, intelligent, committed people!

Why are equal rights for BIPOC important to you? Important to the world at large?

I believe in working for justice, and not equal rights. The difference is, in reality, while you may be offered the same opportunities, you can easily be denied access due to your race because the vast majority of those that control all of the systems in our country are white, due to racism. Justice means breaking down the oppressive systems that prevent BIPOC from accessing opportunities in your community that white people have. I believe in what Dr. King spoke of often, that the Beloved Community is the framework for the future. In order to work towards that goal, BIPOC rights should be at the forefront. I feel that as a white woman of privilege it is up to me to create change.

Can you speak to how you incorporate your teaching into activism?

Facilitating and teaching go hand in hand. My teaching practice centered around giving students choice and a voice in their learning. I use the same philosophy in the way that I facilitate and how I train educators in the practice of Kingian Nonviolence. It's important to teach others the strategies they need to create positive change, and then mentor them after they have the information they need to develop the kinds of communities they wish to live in.

Anyone can be an activist. All you have to do is find something you are passionate about, gather information about the issue, find like-minded people who will work with you, outline an action plan, and get to work. Well, it isn't that easy, but anyone can be an activist!

Community Spotlight: Mwangi Gitahi

The Collective · April 13, 2021

I am a servant of the people, first and foremost. I think that my purpose in life is to serve others and that is what I spend most of my waking hours doing. It is definitely personally gratifying, but that is just one way to describe what drives me to do this work. There is a much higher calling at play. I don't necessarily wake up every day looking forward to sacrificing my time and energy in service of others, but I wake up every day feeling a strong sense of purpose and motivation to serve others, if that makes sense. The work that we are engaged in, whether it is around racial justice, related to activism, or community empowerment, is much bigger than me, and that is why I "accept the suffering, without retaliation, for the sake of the cause, to achieve the goal" as Dr. Martin Luther King, Jr. would say.

I was born in Nyeri, Kenya. I moved to the US first when I was 8 years old, for a couple of years, and then again when I was 13 years old. I was born in a remote village where my mother and father met each other and got married. I'm part of a large family of mostly farmers, and we still own some land back in that village. Since I was 13 my family has lived in South Kingstown.

I've had a strong sense of social justice ever since I was in college, but the grassroots organizing around social justice issues began in 2020 and with Toward an Antiracist South Kingstown. The few months that surrounded Ahmaud Arbery, Breonna Taylor and George Floyd really brought things to a head with me. You can say those incidents and the protesting that followed awoke my inner activist. Since then I have worked on local organizing campaigns for school policy reform, education reform and a campaign to promote affordable housing. The most important organizing to me is one that really taps into a collective purpose among a wide variety of people. The variety of experiences is extremely important to organizing, but for those experiences to be effective there has to be a goal that is embraced by everyone. I also believe in strong leadership and that organizing should begin with negotiation, but should always be ready for direct action if necessary.

Right now I am an advocate for the BIPOC community in South Kingstown. I sit on a board (BIPOC Advisory Board) that represents the BIPOC community on issues related to SK school policies and school curriculum redesign. I also represent the board as a voting member of a School Committee sub-committee that reviews and updates school policies. Additionally, as mentioned above, I serve on the steering committee of a youth-oriented racial justice group called T.A.S.K. which organizes around racial and economic justice issues related to the school district and to the town as a whole. Finally, I am a mentor to an SK High School student and I coach a running group that serves our BIPOC community.

As a member of the BIPOC advisory board, I have been closely examining a number of existing school district policies, looking at them line by line through an anti-racist and equity lens. We have now reviewed policies ranging from discipline and suspension to coaching & hiring. We are hard at work crafting a framework for all of these policies, which we are calling the Anti-Racism and Anti-Discrimination Policy. This policy will guide the language, process and the enforcement of all of the changes we make to all of the other policies. We are also working on opportunities for BIPOC representation in the hiring process, for mentorship and for cultural awareness within the district. All of this work has been a massive undertaking, a very heavy lift that the entire BIPOC Advisory Board has embraced and met weekly to work on, over the past eight months.

I hope to inspire a change in the way history and social sciences are taught, to include the history and contributions of people of color to arts and sciences, politics, economics, the humanities and so on. I hope to inspire school policies that value and consider all students equally. I hope to change the way people think about the welfare of the members of their own community. I hope to create avenues for conflict reconciliation. I hope to create a desire for more diversity in our school staff and in our town population. Last but not least I hope to inspire people to suspend their first judgement of others.

An ideal South Kingstown is a town that is not content with the current racial and ethnic demographics that define it. There are reasons why South Kingstown looks the way that it does and an ideal town would be taking a hard look at those reasons right now. Find a way to collectively own the town's past and educate the community on how we got here, and simultaneously look for ways to move in a direction that is much more equitable, which would include uplifting our marginalized communities and providing ways for members of those communities to prosper. We already live in an ideal location and climate, but the ability to truly experience the benefits of living here depends on money, privilege and personal connections. An ideal South Kingstown would be a place where what matters the most is what you can contribute to the community and to society as a whole, and not how much you own or make, or who you know.

APPOINTMENT AND HIRING POLICY

~~I. Policy Statement~~ PHILOSOPHY:

The District is committed to empowering the superintendent of schools with the care and supervision of all schools within the District, including the appointment of principals and personnel at each school, as well as the appointment of administrators and other personnel not assigned to individual schools within the District, pursuant to R.I. Gen. Laws § 16-2-11. The District is concurrently committed to allowing principals of each individual school within the District to be the educational manager of their school, subject to the supervision and direction of the superintendent, including empowering principals with the authority to recommend the hiring of all personnel assigned to the school to the superintendent pursuant to R.I. Gen. Laws § 16-2-11.1

The School Committee is dedicated to adhering to this policy in order to create an inclusive community that promotes and values diversity in its hiring and strives for its employee workforce to be diverse in age, gender identity, race, sexual orientation, physical or mental ability, ethnicity, religion, socioeconomic status and perspective.

~~II. LEGAL AUTHORITY:~~ Legal Authority

Rhode Island General Laws § 16-2-11 delineates the powers and duties of the superintendent of schools, including with respect to the appointment of personnel within the District. Rhode Island General Laws § 16-2-11.1 delineates the powers and duties of school principals, including with respect to the recommendation of appointment of personnel within their individual school.

POLICY STATEMENT:

~~IVIII. District Protocol~~

~~I. District Protocols~~

~~A.~~ _____ The School District shall adopt the following protocol with respect to the _____ hiring of personnel: ~~Include the following:~~

_____ ~~1. The R~~ **recruiting, hiring and retaining teachers, staff, administrators, and coaches who identify as BIPOC** shall be one _____ of the District's top priorities. ~~Members of the BIPOC Advisory Board shall serve on the hiring committee for all new employees.~~

~~(From the Antiracism policy)~~

_____ ~~2.~~ Teachers and Other Personnel at Individual Schools

_____ ~~a.~~ ~~4.~~ _____ The principal at each school shall convene a hiring team _____ made up of the principal and additional interested parties, _____ including members who identify as BIPOC. ~~—~~

b. No member of the hiring team shall participate in the interview of any candidate with whom they have a personal relationship. Add in "no conflict of interest"

c. 2. The hiring team shall be comprised of a minimum of five (5) people and shall always consist of an odd number of participants. Members of the BIPOC community will participate on the hiring team in the following numbers: For a hiring team of five (5), there shall be three (3) members of the BIPOC community. For a hiring team representation 3, a hiring team of seven (7), there shall be four (4) members of the BIPOC community. 7--For BIPOC representation 4, a hiring team of nine (9), there shall be four (4) members of the BIPOC community. For a hiring team of eleven (11), there shall be five (5) members of the BIPOC community. BIPOC representation 4, and a hiring team of 11--BIPOC representation 5.

3d. The hiring team shall review all applications and interview candidates whom they agree meet the qualifications for the position pursuant to the job description for the position posted.

e. 4. The hiring team shall develop and ask a uniform set of questions to each candidate for a position, based on the job description associated with that position.

f. 5. Each member of the hiring team shall keep a score sheet associated with each candidate, broken down by question. Said sheets shall be kept by the District for at least one (1) year.

g. 6. After review of the tallied score sheets from the hiring team, and in consultation with the site-based school improvement team, the building principal shall recommend the hiring of all teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to the school, to the superintendent. Said recommendation shall be consistent with district personnel policies, collective bargaining agreements, and budgetary restrictions and may not interfere with the layoff or recall rights provided in collective bargaining agreements and R.I. Gen. Laws § 16-13-6. (For procedures for hiring coaches, see the Coaches Policy)

h. ~~7.~~ The superintendent shall appoint, at the recommendation of _____ the principal, personnel at individual schools.

i. ~~8.~~ Compensation for personnel assigned to individual schools, _____ who are members of a collective bargaining unit, shall be _____ determined in accordance with the collective bargaining _____ agreement under which they fall.

j. ~~9.~~ Compensation for personnel assigned to individual schools, _____ who are not covered by a collective bargaining agreement, _____ shall be determined by the School Committee.

k. ~~10.~~ The School Committee shall be responsible for entering into _____ a contract of employment with personnel assigned to _____ individual schools, who are not covered by a collective _____ bargaining agreement.

3. School Principals

a. The principal at each school shall convene a hiring team made up of the principal and additional interested parties, including members who identify as BIPOC.

b. No member of the hiring team shall participate in the interview of any candidate with whom they have a personal relationship.

c. The hiring team shall be comprised of a minimum of five (5) people and shall always consist of an odd number of participants. Members of the BIPOC community will participate on the hiring team in the following numbers: For a hiring team of five (5), there shall be three (3) members of the BIPOC community. For a hiring team of seven (7), there shall be four (4) members of the BIPOC community. For a hiring team of nine (9), there shall be four (4) members of the BIPOC community. For a hiring team of eleven (11), there shall be five (5) members of the BIPOC community.

~~1. The superintendent shall convene a hiring team made up of the superintendent and additional interested parties.—~~

~~2. The hiring team shall be comprised of a minimum of five (5) people and shall always consist of an odd number of participants. BIPOC will participate on~~

~~the hiring team in the following numbers: A hiring team of 5-BIPOC representation 3, a hiring team of 7-BIPOC representation 4, a hiring team of 9-BIPOC representation 4, and a hiring team of 11-BIPOC representation 5.~~

~~d. 3.~~ The hiring team shall review all applications and interview _____ candidates whom they agree meet the qualifications for the _____ position pursuant to the job description for the position _____ posted.

~~e. 4.~~ The hiring team shall develop and ask a uniform set of _____ questions to each candidate for a position, based on the job _____ description for that position.

~~f. 5.~~ Each member of the hiring team shall keep a score sheet _____ associated with each candidate, broken down by question. _____ Said sheets shall be kept by the District for at least one (1) _____ year.

~~g. 6.~~ After review of the tallied score sheets from the hiring team, _____ the superintendent shall appoint a school principal for each _____ school within the District.

~~h. 7.~~ Compensation for school principals shall be determined by _____ the School Committee.

~~i. 8.~~ The School Committee shall be responsible for entering into _____ a contract of employment with school principals selected by _____ the superintendent.

~~4. Administrators and Other Personnel Not Assigned to Individual Schools~~

~~a. The principal at each school shall convene a hiring team made up of the principal and additional interested parties, including members who identify as BIPOC.~~

~~b. No member of the hiring team shall participate in the interview of any candidate with whom they have a personal relationship.~~

~~c. The hiring team shall be comprised of a minimum of five (5) people and shall always consist of an odd number of participants. Members of the BIPOC community will participate on the hiring team in the following numbers: For a hiring team of five (5), there shall be three (3) members~~

_____ of the BIPOC community. For a hiring team of seven (7),
_____ there shall be four (4) members of the BIPOC community.
_____ For a hiring team of nine (9), there shall be four (4) members
_____ of the BIPOC community. For a hiring team of eleven
(11), _____ there shall be five (5) members of the BIPOC
community.

1. ~~_____ The superintendent shall convene a hiring team made up of the
superintendent and additional interested parties.~~

2. ~~_____ The hiring team shall be comprised of a minimum of five (5) people and
shall always consist of an odd number of participants. BIPOC will participate on
the hiring team in the following numbers: A hiring team of 5-BIPOC
representation 3, a hiring team of 7-BIPOC representation 4, a hiring team of 9-
BIPOC representation 4, and a hiring team of 11-BIPOC representation 5.~~

_____ d. 3. _____ The hiring team shall review all applications and
interview _____ candidates whom they agree meet the
qualifications for the _____ position pursuant to the job
description for the position _____ posted.

_____ e. 4. _____ The hiring team shall develop and ask a uniform set
of _____ questions to each candidate for a position, based on
the job _____ description for that position.

_____ f. 5. _____ Each member of the hiring team shall keep a score
sheet _____ associated with each candidate, broken down by
question. _____ Said sheets shall be kept by the District for at
least one (1) _____ year.

_____ g. 6. _____ After review of the tallied score sheets from the hiring
team, _____ the superintendent shall -appoint administrators and
other _____ personnel not assigned to individual schools within
the _____ District.

_____ h. 7. _____ Compensation for administrators and other personnel
not _____ assigned to individual schools, who are members of a
_____ collective bargaining unit, shall be determined
in accordance _____ with the collective bargaining agreement under
which they _____ fall.

_____ i. 8. _____ Compensation for administrators and other personnel
not _____ assigned to individual schools, who are not covered

by a _____ collective bargaining agreement, shall be determined
by the _____ School Committee.

~~j.~~ ^{9.} _____ The School Committee shall be responsible for
entering into _____ a contract of employment with administrators
and other _____ personnel not assigned to individual schools,
who are not _____ covered by a collective bargaining agreement.

ANTI-RACISM, ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

GOALS:

- Eliminate all forms of racism and discrimination in South Kingstown School Department ("District") policies and practices;
- Promote equity of opportunity for all students, staff, and administration in the District;
- Promote positive relations among people of different racial, ethnic, and religious groups.

PURPOSE:

The purpose of this policy is for the South Kingstown School District to be an actively anti-racist and anti-discriminatory school district with the ultimate goal of eliminating all forms of racism and discrimination from the South Kingstown School District in conjunction with related school policies.

The policy ensures compliance with Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Executive Order 11246, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and related Rhode Island General Laws, Executive Orders and regulations and mandates adopted and issued by the Rhode Island Department of Elementary and Secondary Education.

This policy does not address requests for accommodations by students under Section 504 of the Rehabilitation Act of 1973, which requests are addressed in a separate policy.

This policy does not apply to compliance with Title IX of the Education Amendments of 1972, which shall be addressed in a separate policy.

PHILOSOPHY:

Personal and institutional racism and other forms of discrimination and harassment against protected classes have historically existed and continue to exist in South Kingstown. Combating racism and other forms of discrimination in South Kingstown schools is a legal and moral imperative. In the District, there are significant disparities between racial groups in student academic performance, achievement, and participation in academic programs. These include disparities in academic guidance and course selection, graduation rates, Advanced Placement selection, special education identification, standardized test scores, and suspension rates. Disparities also exist between the racial demographics of the students in the district and the staff the district hires. **These equity gaps exist because of inequitable access to opportunities that have significant intergenerational effects and perpetuate economic, social, and educational inequity.** Racial inequities were created over time and can be eliminated.

Similarly, discrimination on the basis of gender identity, sexual orientation, ability and other forms of discrimination have been perpetuated over time and manifest differently for different individuals. One form of discrimination often overlaps with other forms of prohibited discrimination and the compounded discrimination can be significantly greater than the sum of its parts.

Personal prejudice is learned and can be unlearned. Educators play a vital role in reducing racism and all forms of discrimination and inequity by recognizing the manifestations of racism and discrimination, creating culturally, gender and ability inclusive learning and working environments, and dismantling educational systems that directly or indirectly perpetuate racism, gender bias, ableism and privilege through teaching, policy, behavior patterns and practice.

TERMS:

Antiracism: The practice of continually identifying, challenging, and changing the values, structures, beliefs, and behavior patterns that perpetuate interpersonal and systemic racism.

Racism: A system of oppression maintained by institutions, cultural norms, and individuals that attack, exploit, control, and/or oppress Black, Indigenous, and People of Color (BIPOC) in order to maintain a position of supremacy and privilege for white people.

Harassment: Unwelcome verbal, written or physical conduct directed at a person based on their race or color, religion, gender expression, abilities or status as a member of a protected class (i.e. These groups include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps), including slurs or insults, graffiti or symbols, hostile acts, nicknames, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

Bullying: Unlawful harassment on the basis of any protected characteristic is not the same as “bullying,” although conduct that is “bullying” can constitute unlawful harassment, and vice-versa. The Committee has a separate Policy on bullying. Generally, bullying can, but need not be, based on race, color, religion, gender, national or ethnic origin, age, disability, sexual orientation, gender identity or gender expression. It means the use by one or more students of a written, verbal, or electronic expression, or physical act or gesture, or any combination thereof directed at another student that causes physical or emotional harm to the student or damage to the student’s property; places the student in reasonable fear of harm to himself/herself, or of damage to his/her property; creates an intimidating, threatening, hostile, or abusive educational environment for the student; infringes on the rights of the student to

participate in school activities; or materially and substantially disrupts the education process or the orderly operation of a school.

Cyber racism: Racism which occurs in the cyber world. This includes racism which occurs on the internet such as racist websites, images, blogs, videos and online comments as well as racist comments, images or language in text messages, emails or on social networking sites.

Interpersonal racism: Pre-judgment, bias, or discrimination by an individual toward another individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.

Institutional racism: Occurs within institutions and organizations, such as schools, that adopt and maintain policies, practices, and procedures that often produce inequitable outcomes for students who identify as BIPOC (Black, Indigenous, and People of Color) and advantages for white people.

Culture: The customs, traditions, language, beliefs, arts, social institutions, values, and achievements of a racial, religious, or other groups within a community, nation, and/or people.

Gender Identity: A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same as or different from the gender assigned at birth.

Gender Expression: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Transgender: Describes a person whose gender identity or expression is different from that traditionally associated with assigned sex at birth.

Gender Non-Conforming or Non-Binary: A term used to describe people whose gender expression differs from stereotypic expectations. This includes people who identify outside traditional gender categories or identify as both genders.

Sexual Orientation: Refers to a person's romantic or sexual attraction to people of the same or opposite or multiple sexes.

Discrimination: Pre-judgment, bias, or unjust acts based on race, ethnicity, immigrant status, gender and gender identity, religion, age, and different abilities.

Restorative Justice/Reconciliation: A method used to repair the harm and trauma caused by an event or act that is damaging due to its racist and/or discriminatory intent, and to reconcile the relationships of the individuals involved to one of civility. The intended outcome is to promote healing within the school community and beyond.

Structural (or systemic) racism: Encompasses the history and current reality of institutional racism across all institutions and society. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color and the values we uphold in South Kingstown.

Complainant: A student, parent/guardian and/or district employee who is alleged to be the victim of conduct that could constitute racism, discrimination and/or harassment against a member of a protected class.

Respondent: An individual who is a current or former student or current employee and who has been reported to be the perpetrator of conduct that could constitute racism, discrimination and/or harassment against a member of a protected class.

POLICY REGULATIONS:

These regulations are designed to dismantle the interpersonal, institutional, and structural racism that exists in the District. The South Kingstown School Committee ("School Committee") directs the following action:

I. Policy Communication

- A. It shall be made clear to all employees of the District that **racism and discrimination includes, but is not limited to: racially-motivated comments, microaggressions, slurs, jokes, pictures, objects, threats, physical assaults, and/or intimidation. It also includes institutionally or culturally racist policies, practices, and norms, unequal application of policies based on race, and unequal or biased treatment based on race. This includes behaviors, actions, or systems that may not be intended to be racist but harm people of color, as well as intentional racial harassment or discrimination.**
- B. Each school in the District shall **post a public statement against racism and all forms of discrimination** in a location visible to students, staff, and visitors entering the school. The District shall also post a public statement in high-traffic locations at its main office and on the District's website. The public statement shall read: *"South Kingstown Public Schools are committed to establishing and sustaining an equitable community that achieves the District's equity mission to end the predictive value of race and ensure each individual's success. The South Kingstown School district leadership and School Committee reject all forms of racism and discrimination as destructive to the District's mission, vision, values, and goals."*

- C. The District shall **establish a student organization** at the middle school and high school to promote equity, diversity, and cultural empowerment, and for these students to serve as leaders and spokespersons within their schools and school district.
- D. The District's Anti-Racism, Anti-Discrimination and Anti-Harassment Policy shall be **included in student handbooks** provided to students and families.
- E. The School Committee shall take necessary steps, in cooperation with all unions representing employees of the District, to ensure that the Anti-Racism Policy and Anti-Discrimination Policy will be **included in the various Collective Bargaining Agreements between the District and each union**, and supported in a written statement by each union representing employees in the District.
- F. The School Committee shall also ensure that the Anti-Racism, Anti-Discrimination and Anti-Harassment Policy will be supported in a written statement by the School Resource Officer (SRO) program, administered through the SKPD's Juvenile Division.
- G. This policy shall be **translated into the preferred language of all families in the District** and be made available for families who speak those languages.

II. Leadership and Administration

- A. The District shall address systemic racism as follows:
 - 1. **Develop and conduct a systemic Equity Needs Assessment** ("Assessment") for the District to identify policies and practices that cause or contribute to inequitable outcomes. The Assessment shall be done by an outside entity and shall include an inventory of what equity-related data is currently collected by the District. Following the Assessment, strategies shall be developed and implemented to address the identified issues.
 - 2. **Address disparities in course participation** (including AP/Honors participation):
 - a. All school staff making class/course recommendations shall provide a written or electronic explanation for the recommendation to students and/or families.

- b. School counselors shall be responsible for educating all students and families as equitable partners in the selection process and course sequencing.
 - c. Middle and High Schools will offer opportunities for supplementary coursework, such as summer bridge programs or tutoring during or after school, to students interested in moving to higher level courses.
- 3. **The District shall implement Kingian Nonviolence** and its process of conflict reconciliation and restorative justice as non-punitive methods to reduce and eventually eliminate racial disparities in discipline and suspension.
 - a. To ensure consistency in student discipline, **each school shall collect and, at least annually, report data on the South Kingstown dashboard about all disciplinary actions.** The data shall include, to the extent possible under the law, the student's race/ethnicity, gender, gender identity, sexual orientation if known and disclosed by student, socio-economic status, special education, and English Language/Multilingual Learner status, as well as a written explanation of the behavior leading to discipline and the specific corrective action taken. Each report shall comply with any and all federal and state laws and/or regulations, including the Individuals with Disabilities Education Act ("IDEA"), the Family Education Rights and Privacy Act ("FERPA") and any other applicable privacy laws or regulations.
 - b. When school administrators determine a **school community member has committed a racist or discriminatory act, that person shall be provided the opportunity to learn about the impact of the actions on others** through practices as restorative justice, mediation, role play or other explicit policies or training resources, such as Kingian Nonviolence, conducted by trained personnel.
 - c. **Each school shall organize a standing social justice and equity committee.** This committee, consisting of students, faculty/staff, stakeholders and members of the BIPOC Advisory Board will oversee in-school cultural appreciation experiences for students and faculty, including but not limited to: educational opportunities such as assemblies, exhibits, guest speakers, field trips, etc. In addition, this

committee shall recommend to the District what the needs are for each of the schools.

- d. **Each school will present this policy to the student body on the first day of school**, demonstrating its high priority and setting the tone for the school year.

III. Curriculum and Instruction

- A. **Recruiting, hiring and retaining teachers, staff, administrators, and coaches who identify as BIPOC** shall be one of the District's top priorities. Members of the BIPOC Advisory Board shall serve on the hiring committee for all new employees.
- B. **Curriculum and instructional materials for all grades shall reflect cultural and racial diversity** and include a range of perspectives and experiences, particularly those of historically underrepresented groups of color.
- C. **All curriculum shall be examined for racial, cultural and other discriminatory bias against a protected class** by the District's Director of Curriculum and the BIPOC Advisory Board. The District shall revise the present curriculum to reflect an antiracist/culturally empowered lens and shall provide additional supplemental educational resources for students at every grade level. Based on the collaborative relationship between the district and the BIPOC Advisory Board, resources can be requested and provided to the Director of Curriculum from the BIPOC Advisory Board and may include vetted guest speakers, videos, books, and other printed material, etc.
- D. **Where materials reflect racial, cultural or other discriminatory bias against a protected class, teachers utilizing the materials will acknowledge the bias and communicate it to students and parents.** The teacher will then seek other materials that have been approved by the District.
- E. Student in-class and extra-curricular programs and activities shall be designed to **provide opportunities for cross-cultural and cross-racial interactions** to foster respect for cultural and racial diversity. The District shall support interschool activities that will allow students to experience diversity (e.g. sharing a guest speaker, collaboration between student organizations, etc.).

IV. Training

- A. All School Committee members, administration, faculty, and staff shall be required to model and embody this Anti-Racism, Anti-Discrimination and Anti-Harassment Policy.
- B. All teachers, administrators and School Resource Officers shall be trained in implicit bias, cultural awareness and/or culturally responsive teaching practices. The BIPOC Advisory Board is available to provide recommendations for outside agencies that the District selects to conduct professional development. Culturally responsive teaching practices shall be incorporated into teacher and administration evaluations, to the extent allowable through potentially required negotiations with the Union and approval by the Rhode Island Department of Education. Training should occur annually and shall be on-going.
- C. All staff, including SROs, shall be engaged in on-going training in Kingian Nonviolence (i.e. workshops, and/or professional development), antiracism and anti-discrimination practices, antibias, and cultural empowerment, and how each can produce equitable practices and outcomes.
- D. This policy will be presented to the South Kingstown teachers and staff during the first staff meeting of the year by a member(s) of the BIPOC Advisory Board and a member of the school committee.

V. Policy Enforcement

- A. School administrators at each school shall be responsible for collecting, reviewing and providing an annual report to the School Committee on data regarding racial disparities in areas including, but not limited to: student achievement, attendance, suspension/discipline, graduation rates, and Advanced Placement identification. The report shall also include evidence of growth in each area outlined by the Anti-racism, Anti-Discrimination and Anti-Harrasment Policy (i.e., communication, leadership and administration, curriculum and instruction). The written reports shall be made available to the public, to the student cultural empowerment group, and to school equity teams.
- B. A report of each school's compliance with this Policy shall be posted on the District website on an annual basis. The report shall include the number of reported incidents, type of incidents (student to student, staff to staff, student to staff, etc.), resulting actions and documentation of

educational efforts. Each report shall comply with any and all federal and state laws and/or regulations, including the Individuals with Disabilities Education Act ("IDEA"), the Family Education Rights and Privacy Act ("FERPA") and any other applicable privacy laws or regulations. In addition, data on staffing (hiring, number of positions, demographic make-up) and action towards goal attainment (recruitment and retention of a more diverse workforce, including TAs and student teachers) shall also be reported.

- C. The Superintendent and School Committee shall be responsible for implementation and evaluation of district strategies for implementation of this Policy. Resources shall be set aside in the School District budget to allow for implementation of the Policy.

VI. Reporting

A. Foundational Principles

1. The South Kingstown School District encourages all members of the school community to attempt to resolve complaints and concerns through the District. All complaints shall be treated fairly and consistently, as confidential as possible, and resolved as speedily as possible.
2. Any member of the school community who raises an issue of racism, discrimination or harrasment in good faith shall not be victimized, retaliated against or otherwise treated unfairly. All complaints of victimization or retaliation shall be taken seriously, investigated, and acted upon as quickly as possible.
3. Every student and staff member in the South Kingstown School District should feel welcome, supported and emotionally and physically secure at school. The well-being of all students and employees are a priority for the District. The District understands that members of the community cannot achieve their full potential if someone is treating them unfairly, discriminating against them, vilifying, harassing or victimizing them.
4. Anti-harassment investigation procedures, as contained in subsection VII, exist to provide an avenue to address unacceptable behavior and are designed to explain what to do if a student/employee believes they have been discriminated against. The District shall treat all reports fairly, confidentially and quickly.

All complaints will be fully investigated and appropriate action will be taken to resolve the issue.

5. Students are encouraged to report incidents or allegations of incidents which violate the Anti-Racism, Anti-Discrimination and Anti-Harassment Policy and shall be assisted in the reporting by school staff.

B. Reporting Procedure

1. The District shall ensure there are various, including anonymous, means for students and staff to report racism and other forms of discrimination. When possible, complainants shall be encouraged to use names, so that a thorough investigation may be completed.
2. An online reporting form shall be made available on the District's website and each District school's website, for reporting violations of this Policy. This online form may be utilized by both students, parents/guardians, and employees. (Link to online reporting form).
3. Student and parents/guardians may also report an alleged violation of the Anti-Racism, Anti-Discrimination and Anti-Harassment Policy to any District employee. Any District employee who has knowledge of an incident or allegation of incident which violates the Anti-Racism, Anti-Discrimination and Anti-Harassment Policy is required to report it to the appropriate School District personnel, pursuant to the Investigation procedure, immediately.
4. District employees shall report alleged violations of the Anti-Racism, Anti-Discrimination and Anti-Harassment Policy through the online portal or to their building principal or, if the reporter is not located at a school or they feel that the building principal has a conflict of interest, to the appropriate School District personnel.
5. The District shall take any and all necessary mitigating measures to protect and keep reporting students safe after the reporting of a violation of this policy, including the use of safety plans and No Contact Orders.

VII. INVESTIGATION

- A. Any person who believes that they been subjected to a violation of this Policy is encouraged to avail him/herself of the District's resolution procedures, as described below. However, the District is obligated to respond to any notice of unlawful discrimination, even if that notice is provided outside the complaint procedures described below. Any complainant may elect to bypass the District's complaint procedures and file a complaint directly with one of the agencies listed below (see timeframe requirements for each agency). The District will strive to respect the confidentiality and privacy of those involved to the extent feasible. Retaliation against anyone who makes use of the complaint procedures below, or against anyone who participates in an investigation, is prohibited and will not be tolerated.

B. Informal Resolution Procedure

1. Employees and third parties may initiate the informal resolution procedure by notifying their immediate supervisor and/or a union representative of their complaint.
2. Students may initiate the informal resolution procedure by notifying the school principal or an adult of their choice of their complaint as detailed above.
3. The informal procedure can also be initiated by using the online reporting tool and/or communicating the complaint verbally.
4. The informal resolution procedure is intended to encourage communication and a resolution between the parties involved, through a trained mediator, who will facilitate a mutual understanding that will prevent a recurrence of such behavior. Any complainant may elect to bypass the informal resolution procedure and initiate the formal resolution procedure below.

C. Formal Resolution Procedure

1. Any employee, student or third party may submit a formal complaint alleging a violation of the District's Antiracism, Anti-Discrimination and Anti-Harassment policy. A formal complaint may be made through a written statement or by using the online reporting tool which shall set forth a statement of the facts describing the problem or action alleged to be discriminatory or racist and the specific remedy sought. Alternatively, oral

complaints may be communicated to any District employee, and if needed, the District will assist complainants in transcribing their oral complaints into written statements. There is no statute of limitations when filing a report at the district level.

2. Formal complaints regarding students and/or building level staff shall be investigated by the school principal and shall be immediately reported to the superintendent. In the event that, after consultation with the superintendent, it is determined that the principal has a conflict or the scope and/or subject of the investigation requires a designee, the Superintendent shall investigate the complaint or designate an investigator.
3. Formal complaints regarding central office employees shall be investigated by the Director of the Department in which the complainant works and shall be immediately reported to the superintendent. In the event that, after consultation with the superintendent, it is determined that the director has a conflict or the scope and/or subject of the investigation requires a designee, the Superintendent shall investigate the complaint or designate an investigator.
4. The designated investigator shall conduct a prompt, reliable, impartial, and thorough investigation of the complaint. The investigation will afford all interested parties an opportunity to present witnesses and submit other evidence relevant to the complaint directly to the investigator. The Superintendent will maintain the files and records of the District relating to all such complaints.

D. Determination

1. The District shall issue a written report ("Report") not to exceed 30 working days after the filing of the complaint. Under certain circumstances, such as delay occasioned by vacation periods or the complexity of the investigation, the District may extend this timeframe and will notify parties of the extension.
2. The Report should include background information, findings that resulted from the investigation, a proposed resolution and the rationale for any such resolution. To the extent possible, student and employee names and personally identifiable information shall be redacted from the Report.

3. Within a reasonable time after the Report is finalized, the School Principal, Director or Superintendent shall issue a written decision in which they revise (in full or in part), and/or confirm the Report (in full or in part). This written decision by the Superintendent ("Decision") shall be sent to the complainant and respondent.

E. Appeals

1. Both parties shall have the right to an appeal from a determination regarding responsibility contained in the Report.
2. The School Committee shall serve as the decision-maker for any appeal that is taken, according to the following procedure:
 - a. If either party wishes to appeal from a written determination of responsibility, they must file a notice of appeal with the Title IX Coordinator within thirty (30) days from the date that the School District provided said written determination.
 - b. The District shall notify the other party in writing when an appeal is filed. Each party will then have ten days to submit a written statement in support of, or challenging, the outcome.
 - c. Following this ten-day period, the School Committee will take up the matter in executive session at its next business meeting.
 - d. The School Committee shall issue a written decision describing the result of the appeal and the rationale for the result and provide it to both parties simultaneously.

F. MONITORING

The District, as well as each individual school shall monitor how complaints are resolved and of the well-being of those involved. Further action will be taken if the racist, discriminatory and/or harassing behavior continues.

VII. Reporting to Outside Agencies

- A. Even though the District encourages all members of the school community to attempt to resolve complaints and concerns through the District if possible, it recognizes the right to seek help from outside the District.
- B. The availability and use of this complaint resolution procedure does not prevent a person from filing a complaint of discrimination with the following agencies:

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
(401) 222-2661

File with EEOC within 180 days from the date of the alleged harm

Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000

File with EEOC within 180 days from the date of the alleged harm

Office for Civil Rights
United States Department of Education
5 Post Office Square Boston, MA 02109
(617) 289-0111

South Kingstown School Committee Bylaws

Article 1 MISSION

The role of the South Kingstown School Committee ("Committee") is to govern the school system with integrity and vision to benefit our entire student population.

Key Questions

- What do our students need to know and be able to do?
- How will we know when they have learned it?
- What will we do when they haven't?
- What will we do when they have?

Committee Mission: To provide leadership and oversight of community supported goals, policies, and resources to make certain the South Kingstown public schools deliver a high quality education for all students.

The school committee is accountable to:

- Ensure a clear focus on the district mission, goals and priorities for student achievement in all deliberations and communications
- Ensure a safe, caring, nurturing, and orderly learning environment
- Ensure our schools have positive cultures and are housed in high quality facilities
- Direct and shape district goals and priorities through policy, planning, and accountability
- Monitor, measure, and communicate effectiveness and efficiency of teaching and learning programs to ensure continuous improvement toward achieving district goals and priorities
- Advocate for the district goals and priorities through communication with students, staff, parents, community, business, and public officials
- Work in collaboration with the superintendent to provide team leadership for the school district

ARTICLE 2 SCOPE of BY-LAWS

These bylaws set forth the responsibilities and authority of the Committee. The bylaws also set the standards of conduct expected from each member. Rhode Island General Laws ("RIGL") are cited where applicable. (<http://www.rilin.state.ri.us/Statutes/Statutes.html>)

ARTICLE 3 GENERAL POWERS and DUTIES

Under Rhode Island law, and the South Kingstown Home Rule Charter, the entire care, control, and management of the South Kingstown public schools is vested in the Committee. In addition to those specific duties enumerated elsewhere in [Title 16](#), the Committee has the following powers and duties:

1. To identify educational needs in the Community;
2. To develop education policies to meet the needs of the Community;
3. To provide for and assure the implementation of federal and state laws, the regulations of the Board of Education for the State of Rhode Island, and of local school policies, programs, and directives;
4. To provide for the evaluation of the performance of the school system;
5. To have responsibility for the care and control of the schools;

South Kingstown School Committee Bylaws

6. To have overall policy responsibility for the employment and discipline of school department personnel;
7. To approve a master plan defining goals and objectives of the school system. These goals and objectives shall be expressed in terms of what men and women should know and be able to do as a result of their educational experience. The Committee shall periodically evaluate the efforts and results of education in light of these objectives;
8. To provide for the location, care, control, and management of school facilities and equipment;
9. To adopt a school budget to submit to the Town Council in consultation with the Superintendent;
10. To adopt any changes in the school budget during the course of the school year;
11. To approve expenditures in the absence of a budget, consistent with state law;
12. To supervise and be responsible for the purchase, lease, storage, distribution, and maintenance of such supplies, equipment, materials, or services as are required by the schools. Purchases will be subject to same rules and regulations for competitive bidding as are applicable to the town.
13. To employ a Superintendent and assign any compensation and other terms and conditions as the Committee and Superintendent shall agree, provided that in no event shall the term of employment of the Superintendent exceed three (3) years;
14. To give advice and consent on the appointment by the Superintendent of all school department personnel, and to remove all school department personnel;
15. To establish minimum standards for personnel, to adopt personnel policies, and to approve a table of organization;
16. To establish standards for the evaluation of personnel;
17. To establish standards for conduct in the schools and for disciplinary actions;
18. To hear appeals from disciplinary actions;
19. To enter into contracts, including collective bargaining agreements;
20. To authorize, with approval of the Town Council, the performance of any functions or services not directly connected with education by any officer or department of the town under the control of the Committee.
21. To publish policy manuals which shall include all Committee policies;
22. To establish policies governing curriculum, courses of instruction and text books;
23. To provide for transportation services which meet or exceed standards of the Board of Regents for elementary and secondary education;
24. To make any reports to the Department of Education as are required by the Board of Regents for elementary and secondary education; and
25. To delegate, consistent with law, any responsibilities to the Superintendent as the Committee may deem appropriate.

South Kingstown School Committee Bylaws

26. To authorize the town manager to direct the department of public works to maintain and care for school buildings, grounds, and other property as needed, provided that the costs are charged against the appropriation for the public schools
27. To address the health and wellness of the students and employees;
28. To establish a sub-committee of the Committee to decrease obesity and address school health and wellness policies for students and employees consistent with § 16-21-28;
29. To undertake annually a minimum of six (6) hours of professional development as set forth and described in § 16-2-5.1.

ARTICLE 4 ORGANIZATION

Section 4.1 Organization Meeting and Election of Officers

The name of the school district is the South Kingstown School Department. By December of each municipal election year, the Committee shall hold its organizational meeting when it shall elect its officers of Chair and Clerk - Vice Chair.

Section 4.2 Filling Vacancies

If the office of Chair becomes vacant, the Clerk - Vice Chair shall assume the duties of the Chair until a new Chair is elected at a special election.

If the Clerk - Vice Chair is unable to serve, the Chair shall appoint a Clerk - Vice Chair until a new Clerk - Vice Chair is elected at a special election, which shall occur within thirty days of the vacancy occurring.

4.3 Removal of Elected Officers

The Chair and Clerk - Vice Chair shall serve at the pleasure of the Committee and may be removed from office by a majority vote of the full Committee.

Section 4.4 Appointments

At the Organizational Meeting, the Chair shall appoint members as liaisons to such organizations as: Special Education Local Advisory Committee, Wellness Committee, Chariho Career and Technical School, and the Rhode Island State Legislature. Liaisons are expected to provide regular reports to the full Committee about their assigned organizations to share knowledge and communicate with the community. At the annual review, at the discretion of the Chair, liaisons can be appointed to other groups/committees of interest.

Section 4.5 Sub-Committees

The Committee may establish sub-committees to assist in the completion of its business. The Chair shall appoint up to three members of the Committee to each sub-committee.

Community members serving on sub-committees shall be appointed by the Committee on the recommendation of the Chair and serve until the Committee's next organizational meeting or until the Committee declares the seat vacant, whichever comes first.

Sub-committees shall post and conduct their meetings in accordance with RIGL 42-46. Sub-committees will be charged by the full Committee for a specific purpose such as fact-finding, studying issues and/or making recommendations to the full Committee.

Other Committee members may attend sub-committee meetings as community members.

South Kingstown School Committee Bylaws

Section 4.6 Changes to Bylaws

Amendments to these Bylaws may be proposed by any Committee member during the biennial review. The review process shall start in January of every election year with formal adoption to be completed by September of the same year. All revisions or additions shall be approved by the Committee after two readings.

ARTICLE 5 DUTIES OF MEMBERS

Section 5.1 Chair and Clerk- Vice Chair

The Chair shall preside at all meetings of the Committee and seek to engage Committee members to take ownership for the work of the Committee.

The duties of the Chair shall include the following:

- Prepare meeting agendas with input from the Superintendent
- Maintain order in meetings and facilitate discussion relevant to the issue
- Unless otherwise restricted by these bylaws or other Committee established regulations, the Chair shall have the authority to appoint members to sub-committees
- Retains the right to engage in discussions, offer solutions, questions, entertain and propose motions and to vote on all matters before the Committee
- Serve as an authorized signatory to all legal documents
- The Chair may call for a special meeting of the Committee
- Serve as the spokesperson for official Committee positions
- Oversee the Superintendent's evaluation process

The duties of the Clerk - Vice Chair shall include the following:

- Perform the duties of the Chair when the Chair is absent
- Serve as an authorized signatory to all legal documents
- Participate in the preparation of meeting agendas with the Chair and Superintendent
- Oversee the Committee annual self-assessment

Section 5.3 Individual Members

Committee members have legal authority to act only during meetings convened in accordance with these bylaws and Rhode Island law. Members fulfill their obligations by participating in meetings. Participation is through discussion, with deliberation, debate and voting to follow.

Expectations for member conduct, both individually and collectively, are consistent with RIGL § 16-2-9.1, the code of basic management principles, ethical standards and other provisions of state law, including but not limited to:

1. Formulate written policy for the administration of schools, to be reviewed regularly and revised as necessary.
2. Exercise legislative, policy making, planning, and appraising functions, and delegate administrative functions.
3. Recognize critical responsibility for selecting the Superintendent, defining his or her role, and evaluating his or her performance.
4. Accept and encourage a variety of opinions from and communicate with the community.
5. Make public relevant information to promote communication and understanding between the Department and the community.

South Kingstown School Committee Bylaws

6. Act on matters only after reviewing pertinent information and the Superintendent's recommendations.
7. Conduct meetings with planned and published agendas.
8. Encourage and promote professional development of Department staff.
9. Establish and maintain procedural steps for resolving complaints and criticisms of Department affairs.
10. Act only through public meetings.
11. Recognize that the first and foremost concern must be the educational welfare of the students.
12. Work with other Committee members to establish effective Committee policies.
13. Avoid being placed in a position of conflict of interest, and refrain from using Committee positions for personal gain.
14. Attend all regularly scheduled Committee meetings, and become informed on issues to be considered.
15. Regularly participate in professional development opportunities.

The Committee may convene a duly posted meeting, under the provisions of RIGL §§ 42-46-2 (a) and 42-46-5 (a) (1), to sanction a member who does not comply with the individual limits, responsibilities and ethical standards set forth in this article.

Section 5.4 Ethics and Conflicts of Interest

Committee members are expected to understand and comply with the language and spirit of the Rhode Island Code of Ethics in Government Act and disclose in writing to both the ethics commission and the Committee chair any personal interests or ties prior to acting or voting on any matter before the Committee. Committee members are also required to disclose to the Committee itself any actual or potential conflict of interest prior to discussion of the matter by the Committee.

Pursuant to the state Code of Ethics, a Committee member has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, if he or she has reason to believe or expect that he or she or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.

Committee members must at all times be aware of any official acts or decisions that can reasonably be expected to directly result in an economic benefit to the Committee member, his or her spouse, any dependent children, business associates, or business interests. Specific attention should be paid to items involving personnel, purchasing, or votes requiring expenditure of funds. Committee members are expected to recuse themselves from all real or potential conflicts, as required under law.

Committee members are expected to avoid being placed in a position of conflict of interest, and refrain from using the Committee position for personal gain. Information acquired by the Committee member in the course of his or her official duties is, therefore, to be treated as confidential and is not to be used for personal gain, pecuniary or otherwise, or to benefit family members, business associates, or personal business interests. If the Committee member is in doubt about a possible conflict, an advisory opinion may be requested from the Ethics Commission. For a full enumeration of prohibited activities, Committee members should consult [RIGL § 36-14-5](#).

Section 5.5 Remuneration

South Kingstown School Committee Bylaws

Each Committee member shall receive a stipend set as follows: 5 members at \$2,000 each, the Vice-Chair at \$2,500, and the Chair at \$3,000 per year.

Members of the Committee are not reimbursed for additional expenditures incurred except for beginning in the 2007-2008 school year, a total of \$8,000 will be available for professional development. Each reimbursement shall be approved by the Committee in accordance with the Committee's professional development plan.

ARTICLE 6 MEETINGS

The Committee meets publicly in open session, as required by law, and in executive session, as permitted by law. Committee meetings consist of discussion among its members and administrative staff or invited individuals. Meetings provide the vehicle for all Committee decision-making. All meetings must be held in compliance with RIGL § 42-46-1 et seq. (<http://www.rilin.state.ri.us/Statutes/TITLE42/42-46/42-46-2.HTM>).

The Committee, in accordance with [RIGL § 42-46-6](#), recognizes and welcomes its responsibility to receive input from the public. At the same time, responsiveness to community input must be balanced with the Committee's responsibility to fulfill its mission and to ensure the integrity of its meetings so they are both orderly and efficient. This requires an understanding that Committee meetings are meetings held before the public but are not meetings with the public.

All Committee meetings shall be posted and conducted in accordance with applicable sections of the state's open meetings act, [RIGL Title 42, Chapter 46](#). Unless otherwise specified in these bylaws, all meetings will be conducted in accordance with the current edition of Robert's Rules of Order (revised).

Section 6.1 Quorum

A majority of the entire Committee shall constitute a quorum. In the event that the Chair determines that a quorum will not be present, the Chair shall have the responsibility to postpone the meeting.

Section 6.2 Posting of Meetings

The Superintendent shall be responsible for posting all Committee meetings in accordance with RIGL § 42-46-6 and these bylaws. Written notice of dates, times and places of regularly scheduled meetings shall be provided at the beginning of each calendar year on the Department's website, to public members upon request and electronically transmitted to the R. I. Secretary of State. Every regular meeting agenda shall be posted on the Department website, Secretary of State website, the Department's web-based management system, at the town hall and at the district administrative building.

Section 6.3 Adjournment

Meetings shall be adjourned upon a motion when seconded and approved by the members present.

Section 6.4 Types of Meetings

Section 6.4.1 Regular Meetings

The regular business meeting of the Committee shall generally be held on the second Tuesday of each month at 7:00 PM in the high school cafeteria or a location determined by the School Committee.

Section 6.4.2 Work Sessions

Work sessions shall generally be scheduled for the fourth Tuesday of the month and shall be posted and advertised in the same manner as regular meetings.

Work sessions shall be held to provide Committee members with opportunities for discussion, knowledge sharing and planning without formal action requiring a vote. Schools may be asked to serve as host sites for a work session.

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Business items may be included on the agenda as needed to allow the Committee to conduct district business. The posting shall include the workshop topics for discussion, any business items, and only those topics shall be discussed in accordance with RIGL § 42-46

Section 6.4.3 Special Meetings

A special meeting shall be called whenever the Chair considers such a meeting necessary or at the request of four members. The notice shall state the special matter or matters to be considered, and be posted in the manner that regular meetings are posted. At such meetings only the business for which the meeting was called will be in order. All special meetings will be posted and advertised.

Section 6.4.4 Public Hearings

The Committee may convene a meeting to conduct a public hearing to solicit opinions and information from the community on a specific topic. All Committee public hearings will be posted as would a regular meeting, in accordance with law.

Section 6.4.5 Executive Sessions

An Executive Session (closed meeting) may be called by the Chair provided that such is listed on the posted agenda for one or more of the following purposes in compliance with state law:

1. Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.
 - Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the Committee shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
2. Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.
3. Discussion regarding the matter of security including but not limited to the deployment of security personnel or devices.
4. Any investigative proceedings regarding allegations of misconduct, either civil or criminal.
5. Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.
6. Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.
7. A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including but not limited to state lottery plans for new promotions.
8. Any executive sessions exclusively for the purposes (a) of conducting student disciplinary hearings or (b) of reviewing other matters which relate to the privacy of students and their records, provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting;

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- Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting:

9. Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.

The motion shall include the reason (s) to hold the Executive Session and the Chair shall cite the applicable subsection of RIGL 42-46-5 (<http://www.rilin.state.ri.us/Statutes/TITLE 42/42-46/42-46.5.HTM>) which authorizes the exception to open session.

There shall be a majority vote by members to convene in Executive Session and the vote of each member shall be recorded in the open meeting minutes. All discussions shall be considered confidential, except when the Committee as a whole has agreed to publication of the matters discussed. Any action taken at this meeting will be reported in open session, subject to certain exceptions. All executive sessions will be posted and advertised. Final action shall be taken only in open meeting (Town Charter).

Section 6.4.6 Emergency Meetings

The Chair may call an emergency meeting on less than 48 hours' notice to address an unexpected occurrence that requires immediate action to protect the public.

Reasonable effort shall be made to notify all members of the Committee. In accordance with RIGL § 42-46-6 (c), the holding of such meeting shall be approved by a majority vote of the members at the time and place that the Committee assembles to meet, provided there is a quorum present. The vote of each member and the reason for holding the meeting in less than 48 hours shall be recorded in the minutes. As soon as practical, the meeting notice and agenda shall be posted in the manner that regular meetings are posted and shall be electronically filed with the secretary of state.

Section 6.4.7 Sub-committee Meetings

Sub-committee meetings may be held to conduct the work charged to them by the full Committee. All such meetings shall be posted.

Section 6.5 Minutes

The Committee shall keep written minutes of its meetings. The purpose of minutes is to record what gets done at meetings not what gets said per Robert's Rules of Order. In accordance with § RIGL 42-46-7, minutes shall include but not be limited to:

- The type of meeting, time and place, members present, approval of the minutes of any preceding meeting(s).
- A record of all actions taken to include motion, names of the members making the motion and seconding it; and a record of the vote, with the vote of each member recorded.
- A record of all business that comes before the Committee through reports of the superintendent.
- A record that an executive session was held and the reason for the session.
- The record of adjournment.
- Committee members may request to have their reasons for particular votes recorded in the minutes "for the record."

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- Committee members may request substantive discussion points likely to inform future decision-making and/or concepts that require follow-up by staff be included in the minutes “for the record.”

The Committee delegates to the Superintendent, as its chief administrative officer, the duty of keeping record of all meetings in accordance with RIGL § 42-46-7.

Article 7

AGENDA

Section 7.1 Agenda Development

The Chair and the Clerk-Vice Chair, with input from the Superintendent, shall prepare the agenda for all meetings of the Committee. The agenda shall specify all items to be discussed. In developing the agenda, determinations of what items to include, including those requested by members of the Committee, shall be based on the following criteria:

- Items requiring action by the Committee (per RIGL or other requirement)
- Data updates requested by the Committee to support Committee goals and decision making
- Items reflected in the Committee’s strategic planning calendar
- Information updates brought to the Committee by the Superintendent as needed
- Resolution of issues that could not be resolved through other appropriate District channels

Section 7.2 Agenda

The order of business at regular meetings may include:

- Call to Order
- Delegations
- Superintendent’s Report
- Consent Agenda
- Community Comments
- Committee Business
- Comments from Committee Members
- Adjournment

The order of business for any meeting may be altered with the consent of the members present. Under provisions of RIGL § 42-46, items may be added to a published agenda up to 48 hours before the meeting.

In accordance with the Open Meeting Act, RIGL § 42-46, the Committee is prohibited from discussing items that are not listed on the published agenda. It is the responsibility of the Chair to focus discussion on posted agenda topics, clarify issues, keep discussion relevant, and maintain reasonable time limitations.

- Each agenda item shall include a reference to related policies, if applicable.
- Any action item shall include a resolution which may be accepted, rejected or amended by the Committee.
- Data updates shall include a narrative interpretation and context as well as providing reference to the Committee’s goals.

Section 7.2.1 Delegations and Presentations

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Delegations shall appear before to the Committee to recognize and commend faculty and staff and highlight accomplishments/interests of the District.

Section 7.2.2 Superintendent's Report

The Superintendent's Report shall provide district news and informational updates.

Section 7.2.3 Consent Agenda

The Consent Agenda shall consist of routine items which require action by the Committee and may include:

- Committee Minutes
- Personnel Actions
- Bid Awards
- Expenditures Greater Than (\$10,000) or current policy
- Field Trips
- Exchange Students
- Home Schooling
- Other Routine Business

Members may ask for clarification of items on the consent agenda, or they may ask to have an item removed from the consent agenda for discussion at a later part of the meeting. Approval of the Consent Agenda shall be fully equivalent to approval of each item within the Consent Agenda as if they had been acted upon individually.

Section 7.2.4 Business Meeting Community Comment Protocol

Each regular business meeting of the Committee shall include a public comment period of up to 30 minutes. The purpose of community comments is to provide an opportunity for members of the public to make a statement regarding agenda items or matters of general policy for which the Committee has responsibility or jurisdiction.

During regular business meetings, members of the public shall be invited to address the Committee during Comments from the Community given the following protocol:

- Speakers shall introduce themselves
- Speakers shall limit individual comments to 3 minutes
- Speaker comments shall be brief and focused on the issue(s)
- Speakers are encouraged to write down their thoughts before approaching the Committee
- Community comments is not a time to engage in a question and answer dialogue
- Groups/organizations are encouraged to appoint a spokesperson
- Individuals are welcome to submit and/or add comments in writing
- Individuals may address the Committee once during community comments

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At the Committee's discretion, a time clock shall be available to cue a member of the public on their speaking time.

At the Committee's discretion, the comment period may be extended beyond 30 minutes or continued at a latter portion of the meeting.

The Chair may respond to matters proposed by a member of the public and is responsible for directing Committee and superintendent interactions at his/her discretion.

Additional public comments may be elicited by the Chair prior to action on any item.

Section 7.2.5 Committee Business

Each regular meeting of the Committee shall include a period for Committee Business. Committee business shall include but not be limited to:

- Items requiring action by the Committee
- Data updates requested by the Committee to support Committee goals
- Planning and monitoring activities of the Committee

Section 7.2.6 Comments from Committee Members

Comments from Committee members provide an opportunity for Committee members to recognize accomplishments of members of the school community, bring forward announcements of interest to the school community, assess meeting expectations and process, and request information to bring back to the Committee for future discussion. Comments shall be limited to 3 minutes per School Committee member.

ARTICLE 8 SCHOOL COMMITTEE PROFESSIONAL DEVELOPMENT

The purpose of professional development is to ensure that Committee members develop and improve their knowledge, skills, and abilities to enhance their leadership role in the district.

Section 8.1 Expectations

All members of the Committee are expected to engage in continuous professional development to provide the greatest service to the community. Professional development shall include:

- Orientation Sessions
- Team Building
- Annual School Committee Retreat
- Continuing Education in RIASC and NSBA
- Chair Leadership
- Committee Self-Evaluation

Section 8.2 Professional Development Opportunities

Section 8.2.1 Orientation

Access to orientation sessions shall be available within the first 30 days of service for all newly elected members. The initial orientation shall include:

- Overview of District Goals and Priorities
- Overview of Committee By-laws and Policies
- Overview of RIGL and Legal Obligations, including:
 - Title 16 Education Code
 - Title 42, Chapter 46 Open Meetings Act
 - Title 36, Chapter 14 Rhode Island Code of Ethics in Government Act

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- Overview of Parliamentary Procedures

Just-in-time training shall be provided as needs are identified during the first year and subsequent years of service.

Section 8.2.2 School Committee Annual Retreat

In May of each year, the Committee shall determine the date, or dates, of its annual retreat for all members and the superintendent. The annual retreat work session shall include team building, goal setting as well as the development and review of the Committee strategic planning calendar.

A mid-year check-in on status of goals and the strategic planning calendar shall be scheduled during the following February to adjust or modify as needed.

Section 8.2.3 Continuing Education

Professional development for members shall be provided through an array of continuing education opportunities such as:

- District Work Sessions
- Regional, State, and National Training Sessions
- College/University or Online Courses
- Coaching and Mentoring Opportunities

Committee members are required to annually undertake a minimum of six (6) hours of professional development as set forth and described in RIGL Title 16-2-9.

At the end of June each year, each School Committee member will complete a report detailing the Professional Development completed for the preceding year.

Continuing education shall also be scheduled in conjunction with the regular business meeting. Committee members are encouraged to attend regional, state, and national workshops, conventions, and conferences. Any discussion of public business shall be merely incidental to the convention or workshop.

Section 8.3 Chair Leadership

The Committee Chair and Clerk - Vice Chair shall engage in continuing education specifically related to the leadership duties of the Committee.

Section 8.4 Recognition and Commendation

The Committee shall annually recognize its members and the superintendent for engagement in leadership training. Special commendation shall be provided to members who design and/or lead training for local, regional, state, and/or national professional development.

ARTICLE 9 POLICY PROCESS

Among the powers and duties of Committees is the responsibility to develop education policies to meet the needs of the community. The goal of such policy is to ensure that each learner receives an education of the highest quality in a positive environment with caring, dedicated, and effective teaching and administrative staff.

Policies are principles adopted by the Committee to chart a course of action. Written policy is the means by which the Committee informs the community of these principles.

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Adopted policies serve as a guide for the administration and help to promote common understanding and uniformity in the basic procedures and operations for all district personnel. Within the context of current law, the School Department shall be guided by the adopted, written policies that are available and accessible online to staff members, parents, students, and community residents.

Effective policies:

- Clarify the operation of the school system
- Create understanding and good will
- Give clear and coherent direction
- Facilitate control and efficiency

Section 9.1 Policy Development and Analysis

A new policy or policy amendment may be proposed by Committee members or the superintendent.

All policy development shall require an analysis that includes:

- Clear identification of the problem, issue, or need for new policy or policy amendment
- Relevant data to support new policy or policy amendment as appropriate
- Information and input from multiple sources within the school district and community at-large
- Statement of financial implications (if appropriate)
- Alignment with district's stated philosophy, mission, and goals
- Coherence with state and federal law, local and district policies and regulations

Public comment shall be invited on all new policy and policy amendments via oral, written, and electronic formats.

Section 9.2 Policy Review

The policy review process shall be based on guiding questions:

- -Did we do what we said we would do?
- -Did it work?
- -How do we know?
- What is the evidence?
- If it did not work, what should be changed?

A policy review shall be considered with the introduction of new programs and/or revisions to established programs. All new and revised policies shall include a monitoring schedule and evaluation criteria as appropriate for policy review.

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Section 9.3 Policy Adoption

A new policy or a policy amendment shall be considered at two separate meetings before adoption. Official Committee action may be taken at the second meeting.

Unless otherwise specified, a new policy or policy amendment will be effective upon the date of adoption by the Committee and will supersede all previous policies in that area. Unless otherwise specified, the repeal of a policy will be effective on the date the Committee takes such action.

The Committee shall make exceptions to the above requirements when the immediate adoption, amendment or repeal of a policy is in the best interest of the district.

The Committee shall suspend its rules by a vote of four members and bring up a proposal for immediate action.

Section 9.4 Policy Distribution

All policies shall be accessible online for district staff and all members of the public. A hard copy record of all policies shall be maintained in the superintendent's office.

ARTICLE 10 ACCOUNTABILITY

The Committee shall provide oversight of the district to guarantee the integrity of management processes and systems informed by three key questions:

1. How well are students in the school system doing?
2. How well is the school district supporting learning and achievement?
3. How well is the school district managed?

The Committee shall hold itself accountable to engage in effective governance practices.

A. Annual Practices

- Superintendent Evaluation
- Committee Self-Assessment
- Retreat Planning

B. Biennial Practices

- New Committee Member Orientation
- Committee Bylaw Review

Adopted: September 13, 2005

Updated: November 2006

Updated: September 23, 2008

Updated: September 4, 2012

Updated: October 14, 2014

Updated: May 10, 2016

Relevant Laws

R.I. Gen. Laws § 36-14-1 et seq. – The Rhode Island Code of Ethics in Government Act

R.I. Gen. Laws § 42-46-1 et seq. – The Rhode Island Open Meetings Act

R.I. Gen. Laws § 16-2-1 et seq. – Rhode Island Education Laws concerning Committees and Superintendents

R.I. Gen. Laws § 16-2-9 – General Powers and Duties of School Committees

R.I. Gen. Laws § 16-2-9.1 – Code of Basic Management Principles and Ethical School Standards.

South Kingstown Home Rule Charter § 4810 et seq. – Public Schools and the School Committee

Exhibit 3



Stephanie Canter- South Kingsto...

[Home](#)[About](#)[Videos](#)[Posts](#)[Events](#)[Photos](#)**Stephanie Canter- South Kingstown**Jul 14, 2020 • 

I am filled with gratitude and hope following an opportunity to meet with this group and candidly discuss systemic racism and how it's oppressed our students of color.

There must be actionable changes for the upcoming school year, and a framework for continuous improvement towards anti-racism in our schools. Combining the courage of community groups, educators, and the school committee- we are going to make it happen. Thank you, TASK.

TOWARD AN ANTIRACIST SOUTH KINGSTOWN

is a new organization made up of local students, parents, and allies striving toward enacting antiracist policy changes in our community. We are an all inclusive organization that centers marginalized voices to uplift the underrepresented bipoc community in our town.



Currently, T.A.S.K.'s primary focus is implementing antiracist policy changes in the South Kingstown school district regarding curriculum, representation, discipline, and accountability.

**Curriculum**

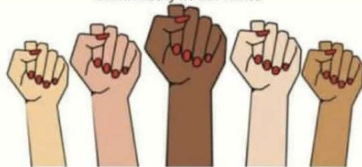
From kindergarten to senior year of high school, students learn white-washed US history and global studies while Black and indigenous history is glossed over. This drives the false narrative that white men did the most to contribute to this country and sells all students short of a complete and honest education. We need to give our students the complete education they deserve by incorporating the history and contributions of people of color into every grade level. When we teach about the

**Send Message**



TOWARD AN ANTIRACIST SOUTH KINGSTOWN

is a new organization made up of local students, parents, and allies striving toward enacting antiracist policy changes in our community. We are an all inclusive organization that centers marginalized voices to uplift the underrepresented bipoc community in our town.



Currently, T.A.S.K.'s primary focus is implementing antiracist policy changes in the South Kingstown school district regarding curriculum, representation, discipline, and accountability.



Curriculum

From kindergarten to senior year of high school, students learn white washed US history and global studies while Black and indigenous history is glossed over. This drives the false narrative that white men did the most to contribute to this country and sells all students short of a complete and honest education. We need to give our students the complete education they deserve by incorporating the history and contributions of people of color into every grade level. When we teach about the contributions and history of people from ALL backgrounds, we show our students of ALL backgrounds that they can achieve greatness too.



Discipline

Studies show that students of color are disproportionately disciplined and spend more time out of school on suspension than their white classmates, feeding into the harmful preschool-to-prison pipeline. We need to limit, or abolish completely, out-of-school suspension as a disciplinary tactic, because displacing students from school and taking away their learning begins a downward spiral. Taking students out of school impedes their educational success, and makes them more likely to act out again upon returning to school. If we ban out-of-school suspension, we will be sending a message to our children that we value their education over harmful punishment tactics.



Staff

The lack of black and brown teachers and administrative staff in South Kingstown schools is detrimental to the learning experience of all students. Students see teachers as role models, and having an almost entirely white staff reinforces the idea that white people are the arbiters of knowledge and deprives BIPOC students of mentors who share the same experiences. Hiring more black and brown staff would improve the educational outcomes of students of color and their comfort. Having a diverse staff would be beneficial to white students as well; by giving them role models of all backgrounds we will be increasing their awareness of different experiences and the significant contributions to history, science, art, etc by people of color.

Please join us at our meetings every Sunday @ 5pm in the Wakefield School field to make your voice heard and help strategize implementing a complete education for our students.



12

9 Shares



Like



Comment



Share



Send Message



RESPONSE OF THE SOUTH KINGSTOWN SCHOOL COMMITTEE

The South Kingstown School Committee (the "School Committee") hereby submits the following response to the complaint filed with the Rhode Island Department of Attorney General by Nicole Solas on or about May 25, 2021, alleging a violation of the Rhode Island Open Meetings Act ("OMA"), Rhode Island General Laws §§ 42-46-1 *et seq.*

1. Attached hereto as Exhibit A is a copy of the May 25, 2021 letter from Adam D. Roach, Special Assistant Attorney General, Department of Attorney General and the complaint of Nicole, alleging that the School Committee BIPOC Advisory Committee violated the Open Meetings Act by being a "public body" and "not holding open meetings..."
2. The BIPOC Advisory Board ("Board") was approved by the South Kingstown School Committee at a meeting dated July 22, 2020.
3. Its mission is "to advocate for equity in the education of students who identify as Black, Indigenous, and People of Color (BIPOC) in South Kingstown schools, inspiring a healthier and just community and school system for everyone."
4. The Board meets, in part, to discuss member's personal experiences (see attached Affidavit of Robin Wildman, Exhibit B).
5. In addition, the Board reviews current School Committee policies through the lens of inclusivity and equity. If the Board finds facts to lead it to believe that the policy being reviewed does not meet these goals, they bring those concerns to the School Committee Policy Sub-Committee ("Policy Sub-Committee") (see Exhibit B).
6. There are two members of the Board who also serve on the Policy Sub-Committee (see Exhibit B)
7. The Policy Sub-Committee is a public body which advertises its meetings in accordance with the OMA.
8. The School Committee argues that the Board is not a "public body" within the meaning of the OMA and therefore is not required to advertise and hold its meetings in public.
9. The Attorney General's office has addressed this argument in the past. "In a past case we noted that determining whether a particular entity is or is not a "public body" "is a fact-intensive question not subject to 'bright line' rules." See *Oliveira v. Independent Review Committee*, OM 04-10. Langseth V. RIEDC, AGO OM 10-06.
10. "To our knowledge, the Rhode Island Supreme Court has considered the "public body" issue only once, in *Solas v. Emergency Hiring Council*, 774 A.2d 820 (R.I. 2001), which concerned the application of the OMA to an entity formed by two executive orders of then-Governor Lincoln Almond to "manage and control the state's hiring practices and its fiscal resources." *Id.* at 823. The Hiring Council consisted of five senior executive

branch staff members who met on a biweekly basis "to determine whether creating a new position in state government or filling a vacancy is absolutely necessary." Id. at 824. It was the Governor's intent that "no person or persons other than the Council shall have the authority to make any determinations in this regard." Id. (internal quotation omitted). Based on these facts, the Supreme Court concluded that the Hiring Council was a "public body" because: "the [Hiring Council] is composed of a group of high level state officials that convenes to discuss and/or act upon matters of great interest to the citizens of this state. In addition, our reading of the executive orders creating the council persuades us that the [Hiring Council] possesses significant supervisory and executive veto power over creating or filling state employment positions. At the very least the council functions in an advisory capacity in state hirings. Whether supervisory or advisory, both functions are regulated by the [OMA]. As the plain language of the statute provides, a council's exercise of advisory power is enough to bring it under the [OMA's] umbrella." Id. at 825." See *Oliveira v. Independent Review Committee*, OM 04-10.

Langseth V. RIEDC, AGO OM 10-06.


11. Unlike Solas, the Board does not possess significant supervisory and executive veto power. The Board has absolutely no power other than to review policies and to suggest revisions.¹ (see Exhibit B).
12. The Board does not and has not reviewed "employment contracts" and "all school guidance" as alleged. (see Exhibit B)
13. "One factor that our past findings have considered when determining whether a particular entity is or is not a "public body" is the membership and manner of appointment. For example, in *Schmidt v. Ashaway Volunteer Fire Association*, OM 98-33, this Department examined whether the Ashaway Volunteer Fire Association ("Fire Association") constituted a "public body." In reviewing that organization's composition, we noted the Fire Association was a "non-business, non profit corporation duly incorporated in 1937." Additionally, the members of the Fire Association did not receive a salary, medical benefits, or a pension for their services; and the officers were not elected by the public, or appointed by a subdivision of state or municipal government, but instead, were elected by the members of the Fire Association itself. Based upon these facts, we concluded the Fire Association was not a "public body" pursuant to the OMA. See also *Lataille v. Primrose Volunteer Fire Association*, OM 99-21 (noting Fire Association not a "public body" since Board members are elected by the members of the Fire Department and do not receive a salary, benefits, or pension). Similarly, in *Montiero v. Providence School Board Nominating Commission*, OM 02-25, we concluded the Nominating Commission for the Providence School Board was not subject to the OMA because it was not a subdivision of state or municipal government. Our conclusion rested upon factors common in our analyses: (1) the Commission was formed as a result of recommendations made by a private, non-profit group studying the Providence Public Schools; (2) its five members were nominated by private, non-profit sponsoring

¹ It is important to note that this is only one of the Board's functions, as it also serves as a venue for members to share personal stories related to their experiences as members of the BIPOC community. (see Exhibit B)

organizations who were not subject to a governmental or public approval process; (3) no public money was spent on the commission; and (4) neither city ordinances, the Home Rule Charter, nor any Mayoral executive order, referenced the Commission." See *Oliveira v. Independent Review Committee*, OM 04-10." Langseth V. RIEDC, AGO OM 10-06.

14. Similarly, members of the Board do not receive a salary, medical benefits, or a pension for their services; and the officers were not elected by the public, or appointed by a subdivision of state or municipal government, but instead, were volunteers elected by the members of the Board themselves. (see Exhibit B).
15. Finally, it should be noted that all purposes of the OMA are served through the Policy Sub-Committee. Any suggestions made by the Board must go through the Policy Sub-Committee. If the Policy Sub-Committee does not approve of changes, they are not made.

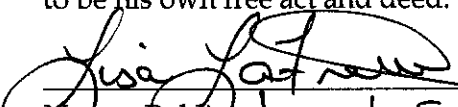
As to any legal arguments:



Andrew Henneous, Esq.
Attorney, South Kingstown School Committee

State of Rhode Island
County of PROVIDENCE

In the City of Providence, on the 1 day of July, 2021, before me personally appeared Andrew Henneous, Esq., to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument so executed, to be his own free act and deed.



Notary Public: Lisa LaFratta
My Comm. Exp: 8/9/22

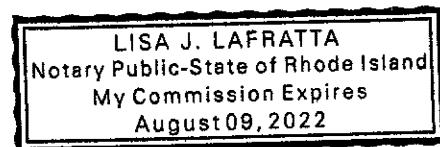


EXHIBIT A



STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400 • www.riag.ri.gov

Peter F. Neronha
Attorney General

VIA EMAIL ONLY

May 25, 2021

Andrew Henneous, Esquire
Legal Counsel, South Kingstown School District
ahenneous@hcllawri.com

RE: Solas v. South Kingstown BIPOC Advisory Committee

Dear Attorney Henneous:

Enclosed please find an Open Meetings Act ("OMA") complaint filed against the South Kingstown BIPOC Advisory Committee ("Committee"). By correspondence dated May 20, 2021, the Complainant alleges that the Committee is a public body and is not holding open meetings and is in violation of the OMA.

In accordance with our procedure, kindly provide a substantive response within ten (10) business days. Any factual representations must be supported by evidence, such as an affidavit. Your substantive response, as well as any documents provided as part of your response, must also be sent to the Complainant, unless they are being submitted to this Office for *in camera* review. Kindly certify in your response that your substantive response, as well as any other provided documents, has been provided to the Complainant, specifically indicating if any documents have been omitted and the reason(s) for any omission, such as if certain records are being submitted *in camera*. The failure to provide a copy of your response to the Complainant, as well as the failure to specifically indicate that certain documents are being provided *in camera* only, may lead this Office to forward all received material to the Complainant. **Please note that after the Complainant's opportunity to respond to your response, neither party will be allowed additional response without permission or inquiry from this Office.**

If you have any questions, please feel free to contact me.

Sincerely,

/s/ Adam D. Roach

Adam D. Roach
Special Assistant Attorney General

ADR/to
Enclosure



STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400 • www.riag.ri.gov

Peter F. Neronha
Attorney General

VIA EMAIL ONLY

May 25, 2021

Nicole Solas
nicolesolas@gmail.com

Re: Solas v. South Kingstown BIPOC Advisory Committee

Dear Ms. Solas:

I am in receipt of your Open Meetings Act ("OMA") complaint filed against the South Kingstown BIPOC Advisory Committee ("Committee"). By correspondence dated May 20, 2021, you allege that the Committee is a public body and is not holding open meetings and is in violation of the OMA.

In accordance with our policy, a copy of your complaint will be sent to legal counsel for the above-mentioned entity, along with our investigatory request. We will request that legal counsel forward its response to you so that you may have one opportunity to rebut the Committee's response. Your rebuttal should be limited to the matters addressed in the Committee's response and should not raise new issues that were not presented in your complaint or addressed in the Committee's response. You have five (5) business days from receipt of the Committee's response to provide a rebuttal to this Office.

Please note that after this opportunity to respond, neither party will be allowed additional response without permission or inquiry from this Office. After the expiration of this timeframe, we shall conduct our investigation based upon the evidence presented in the parties' written submissions. If you have any additional information that you wish this Office to consider, or if this acknowledgment letter does not accurately reflect your complaint, please contact me in writing within five (5) business days. After the expiration of this five (5) business day period from receipt of this letter, no further correspondences will be accepted by this Office without permission, besides your rebuttal. In addition, please confirm (by cc or otherwise) that any additional correspondence sent to this Office was also forwarded to legal counsel the public body, Andrew Henneous, Esquire, ahenneous@hcllawri.com.

You should also be advised that at all times during this Office's investigation of this matter, and if necessary during all judicial proceedings, the Office of Attorney General serves only as the attorney for the State of Rhode Island. This Office does not, and cannot, represent or act as an attorney for either the complaining party (individual) or the respondent (public body). Nothing

prohibits either the complaining party or the respondent from obtaining their own legal counsel to represent their interests in this matter and nothing prohibits you from pursuing this complaint in the Superior Court, rather than pursuing it with the Office of Attorney General.

If you have any questions, please feel free to contact me.

Very truly yours,

/s/ Adam D. Roach

Adam D. Roach

Special Assistant Attorney General

aroach@riag.ri.gov

ADR/to

From: Nicole Solas
To: Open Government
Subject: OMA Violation by South Kingstown School Committee
Date: Thursday, May 20, 2021 1:29:47 PM
Attachments: Screenshot_20210509-071201~3.png
Screenshot_20210509-071212~2.png
Screenshot_20210520-125012~2.png
Screenshot_20210509-071149~2.png
Screenshot_20210517-150707~2.png
Screenshot_20210520-060427~2.png
Screenshot_20210520-055148~3.png
Screenshot_20210520-055123~3.png
Screenshot_20210520-055158~2.png

[External email: Use caution with links and attachments]

Hello,

I am filing a complaint of an OMA violation against the South Kingstown School Committee. On July 22, 2020 the school committee created an "Equity and Antiracist Advisory Board" charged by Robin Wildman and Jonathan Lewis. Meeting Minutes here:
<https://go.boarddocs.com/ri/soki/Board.nsf/Public>

Some point later, this Committee then became the "BIPOC Advisory Committee."

The leader/facilitator, Robin Wildman, was paid with public funds in her position as BIPOC Advisory Committee member. The committee is funded 100% with public monies and thus is a public body subject to the OMA.

For the past year, the committee has held secret meetings to revise and audit South Kingstown School District curriculum, hiring and firing policies, athletic policies, discipline policies, all employment contracts, and all school guidance.. These meetings were never open and the public was never notified. I learned of these meetings through a blog on the website of a private organization, The Collective, where another advisory committee member, Mwangi Gitahi, blogged that he had been meeting with his BIPOC Advisory Committee once a week for eight months. See attached evidence. The Collective is an organization owned by School Committee Member and Union Organizer, Sarah Markey. Sarah Markey emailed me that she is "not aware of any curriculum changes being made by outside organizations or allies or vendors," but she fails to mention her knowledge about policy changes being made by outside organizations. She also states that "Policy decisions happen at public policy sub-committee meetings where recommendations are made to the School Committee, and then discussed publicly in School Committee meetings." This may be true, but the BIPOC Advisory Committee nevertheless is publicly funded and held secret meetings to produce their recommendations to the school committee.

Miwangi Gitahi blogged on her organization's website that, "As a member of the BIPOC advisory board, I have been closely examining a number of existing school district policies, looking at them line by line through an anti-racist and equity lens. We have now reviewed policies ranging from discipline and suspension to coaching & hiring. We are hard at work crafting a framework for all of these policies, which we are calling the Anti-Racism and Anti-Discrimination Policy. This policy will guide the language, process and the enforcement of all of the changes we make to all of the other policies. We are also working on opportunities for BIPOC representation in the hiring process, for mentorship and for cultural awareness within

the district. All of this work has been a massive undertaking, a very heavy lift that the entire BIPOC Advisory Board has embraced and met weekly to work on, over the past eight months."

I asked the BIPOC Advisory Committee to open their meetings but was told they are permitted to have closed meetings because they are a "private vendor." See attached correspondence between myself and Robin Wildman, leader of the BIPOC Advisory Committee.

Now the work of these secret committee meetings (policy proposals and revisions) land on the agenda of the South Kingstown School Committee tonight, May, 20th.

I request that you conduct an investigation into this egregious violation of the Open Meetings Act by the South Kingstown School Committee and the BIPOC Advisory Committee. Since the violations are so egregious I request that you seek a court order declaring all actions taken by this public body to be null and void.

Attached is my evidence. Please let me know if you need further evidence, as there may have been attachment issues.

Here is an article about the BIPOC committee where I first learned of its existence. It lists the members of the committee.

https://www.ricentral.com/narragansett_times/bipoc-advisory-board-looks-to-create-racial-justice-equity-in-south-kingstown/article_bdb09c2c-4ec4-11eb-8967-573001b29b0d.html

List of evidence:

1. Contract between Robin Wildman/RI Nonviolent Schools and the South Kingstown School Department. This contract pays Robin Wildman in various respects, including paying her in her capacity as a BIPOC Committee Advisory member with public monies. She also receives an ad hoc hourly fee to consult with the superintendent and it is unclear whether this ad hoc payment is in her capacity as a private vendor or in her capacity as a BIPOC Advisory Committee member.
2. Response letter to my APRA signed by Superintendent Linda Savastano. Linda Savastano directs me to RI Nonviolent Schools, a private organization, to obtain public information about this public body receiving 100% of its funding from public monies.
3. Payment to Robin Wildman in the amount of \$7474. There is no itemization of monies paid to her in her position as a public advisory committee member distinguished from her position as a private vendor.
4. Email correspondence between myself and Robin Wildman requesting public meetings.
5. Screenshot of BIPOC Advisory Committee Member, Mwangi Gitahi, blogging about his work in weekly meetings for 8 months as a BIPOC Advisory Committee member. Blog is here:

<https://www.thecollective401.com/blog>

6. Work produced by the BIPOC Advisory Committee which now lands on the agenda of the South Kingstown School Committee including

-proposed revisions to the hiring policies

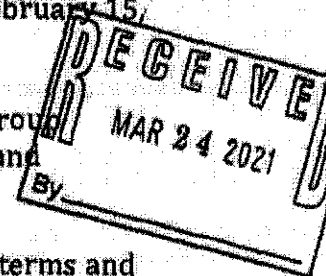
The rest of the BIPOC Advisory Committee's work can be viewed at the link below. Please see documents under 5. School Committee Business on May 20th.

<https://go.boarddocs.com/ri/soki/Board.nsf/Public>

AGREEMENT BETWEEN NONVIOLENT SCHOOLS RI AND THE SOUTH KINGSTOWN SCHOOL DEPARTMENT

This is an Independent Contractor Agreement (the Agreement) dated February 15, 2021 and ending August 31, 2021.

The South Kingstown School Department (the Client) believes that the group entitled NONVIOLENT SCHOOLS RI (NSRI) has the ability, qualifications and experience to provide the services listed below.



The Contractor is agreeable to providing such services according to the terms and conditions set down in this Agreement.

In consideration of the matters designated above and to their mutual benefit, the Contractor and Client agree to the following:

1. SERVICES PROVIDED

- 20 hours of Kingian Nonviolence training to administrators, teachers and staff of the South Kingstown School Department during the NSRI Summer Institute, August 2021
- 3 Kingian Nonviolence workshops for the superintendent and school committee members, 90 minutes per workshop, during the months of March-June, 2021
- Kingian Youth Leadership Training for South Kingstown high school students-Spring 2021 (Phase 1-engagement)
- Facilitation of the BIPOC Advisory Board, February-August 2021, for 25 meetings
- Antiracism book club for South Kingstown school employees-Spring 2021
- Consultation with the Superintendent and Director of Curriculum, ad hoc to be paid hourly

The School Department will compensate the trainers and mentors according to the budget provided as an addendum to this Agreement. They will also provide adequate space and audio-visual/computer equipment for these training sessions (when in-person meetings are allowed).

Reimbursement to Contractor will be received not more than one month from the completion of each service that is provided.

2. TERM

- The term of this Agreement is from February 2021-August 31, 2021
- This agreement may be extended by mutual consent.

3. OWNERSHIP and INTELLECTUAL PROPERTY

- Any related work in the development of products during this Agreement is the property of the Contractor. The Client is granted a non-taxable limited use license of Intellectual Property. The distribution of Intellectual Property remains solely with the Contractor. For example, all materials are

copyrighted and should only be reproduced with permission from the authors.

4. **INDEPENDENT CONTRACTOR**

- In the provision of services under this Agreement, it is expressly agreed that the Contractor is an Independent Contractor and not an employee of the School Department. This Agreement does not create a partnership or joint venture, but is exclusively for the services stated herein.

5. **INDEMNIFICATION**

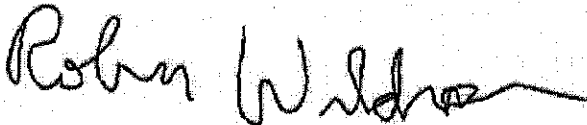
- Each party agrees to indemnify and hold harmless the other and all their respective associates in any matter that may result from or arise out of any act of omission of one of the parties. This indemnification will survive the term of this agreement.

6. **MODIFICATION**

- Modification of this Agreement or any additional obligations assumed will be binding only if there is evidence in writing, signed and authorized by each party. **IN WITNESS THEREOF, THE PARTIES HAVE DULY AFFIXED THEIR SIGNATURES UNDER HAND ON THIS DAY AND DATE:**

NAME Robin Wildman

DATE March 24, 2021



FOR NONVIOLENT SCHOOLS RI

NAME



DATE

For South Kingstown School Dept.

Pricing for February 15-August 31, 2021

Name of Project	Timeframe February 15-August 31, 2021	Unit Price	Total
School Committee Kingian workshops 2 Facilitators	February-June 2021 (3 workshops)	\$250/workshop	\$750
20-hour Summer Institute-Kingian Nonviolence Training 2 Trainers	August 2021 (Cohort 1)	\$250/person Team of 3 staff + 1 administrator from the same school = \$200/person	TBD by the number of people the district will financially support
Kingian High School Youth Leadership Training- (Phase 1: Student Engagement)	Spring, 2021 (engage, inform, and sign up student members)	\$500	\$500
BIPOC Advisory Board (2 facilitators, includes planning)	February-August 2021 25 meetings	\$200/90 minute meeting	\$5,000
Antiracism Book Club (three 90 minute sessions/book)	Spring 2021	\$35/person (10 person minimum) Cost includes a book	\$35 x 10 person = \$350/book club (add \$35/person for additional participants)

05/14/2021 09:42
rpellerin

SCHOOL DEPARTMENT
VENDOR FISCAL YEAR SUMMARY

P 1
apvdrfys

FISCAL YEAR: 2021 07/01/20 TO 06/30/21

MINIMUM: .00

VENDOR NAME	ADDRESS	F.I.D.# SOC.SEC.#	YTD PURCHASES	YTD PAYMENTS
7535 NONVIOLENT SCHOOLS RI	PO BOX 496 WEST KINGSTON, RI 02892		7,474.00	7,474.00
1 VENDORS	REPORT TOTALS		7,474.00	7,474.00

** END OF REPORT - Generated by Raquel Pellerin **

Public Presence at BIPOC Advisory Committee Meetings



Inbox



[Redacted] days ago

to Robin ▾



Robin,

Other parents and I would like to be present at future BIPOC Advisory Committee meetings. How can parents and other South Kingstown residents observe these meetings? I imagine you would be more than happy to open these meetings to the public because you believe it to be such important work that opens up honest conversations about what you believe to be very pressing issues for everyone in the beloved community.

I look forward to your responses to my other emails as well.

Nicole



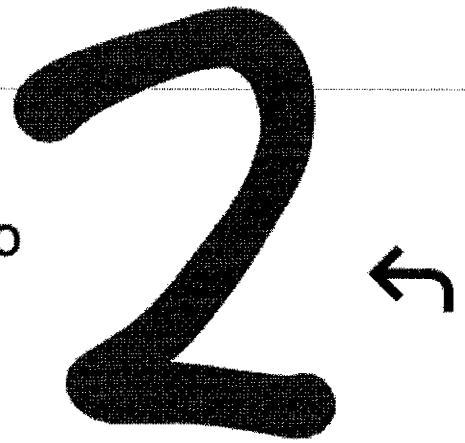
[Redacted] days ago

to Robin ▾





Robin Wildman 2 days ago
to me ▾



Hi Nicole,
I haven't forgotten about you and your friends. My parents invited me to stay for a few days and so I was busy visiting with them.

I am a private vendor, hired by SK school district, Nonviolent Schools RI is permitted to have closed meetings. At this time the board meetings aren't open to the public. You can look on the district's website for information about the board and their work. It should be posted soon.

Robin Wildman

Executive Director

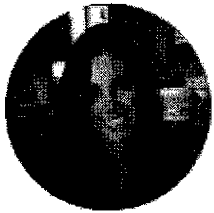
Nonviolent Schools RI


www.nonviolentschoolsri.org

P.O. Box 496

West Kingston, RI 02892

"Building Compassionate School Communities"



 days ago
to Robin ▾

3



Hi Robin,

There is nothing prohibiting you from having open and transparent meetings and you have not provided me with a reason why you should keep these meetings closed. You must know the work of your committee is controversial and looked upon with scrutiny. What better way to gain the trust of parents like me than to welcome us with open arms into your open meetings?

Nicole



3 AM

to Robin, Linda, Melissa ▾

4



Robin,

Please explain why your committee has been meeting secretly for a year but has accepted and benefited from thousands of dollars of taxpayer money? Your committee is not a private vendor. It is a public body. You get paid to lead that public body in your advisory committee position.

Further, your secret committee meetings produced work which now lands on the agenda of the school committee.

That is a huge problem.

Nicole



SOUTH KINGSTOWN SCHOOL DEPARTMENT

307 CURTIS CORNER ROAD, WAKEFIELD, RI 02879-2106

Linda Savastano
SUPERINTENDENT OF SCHOOLS

(401) 360-1307
FAX (401) 360-1330
TTY 1 800 745-5555
email: lsavastano@sksd-ri.net

April 29, 2021

via email

Ms. Nicole Solas

Re: APRA Request of April 25, 2021

Dear Ms. Solas,

This letter is sent in response to your email request of April 25, 2021 in which you sought:

Implicit Bias Training Information

Cost, organization conducting training, and all relevant details.

Response:

We have included a copy of the District's contract relative to Kingian Non-Violence in an effort to provide you the information you are looking for. Please review and if this is not the information that you are looking for please clarify your request. We do not possess any documents entitled "Implicit Bias Training".

In accordance with R.I. Gen. Laws § 38-2-8, you may file an appeal with the Department of the Attorney General, 150 South Main Street, Providence, Rhode Island, 02903, or the Rhode Island Superior Court of the county where the record(s) are maintained. You may also access additional information concerning the Access to Public Records Act through the Attorney General's website at www.riag.ri.gov.

Sincerely,

Linda Savastano
Superintendent

From: [Nicole Solas](#)
To: [Open Government](#)
Subject: Re: OMA Violation by South Kingstown School Committee
Date: Friday, May 21, 2021 9:06:34 AM
Attachments: [image003.png](#)

[External email: Use caution with links and attachments]

Hi Katherine,

Yes, I'd like to file against the BIPOC Advisory Committee. My basis is that this committee is a public body as defined in the statute: **§ 42-46-2. Definitions.**

(5) "Public body" means any department, agency, commission, committee, board, council, bureau, or authority, or any subdivision thereof, of state or municipal government or the board of directors of any library that funded at least twenty-five percent (25%) of its operational budget in the prior budget year with public funds, and shall include all authorities defined in § 42-35-1. For purposes of this section, any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a public body; provided, however, that no such meeting shall be used to circumvent the requirements of this chapter.

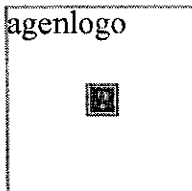
Thank you,

Nicole Solas

On Thu, May 20, 2021 at 2:04 PM Open Government <opengovernment@riag.ri.gov> wrote:

You indicated that you wish to file a complaint against the South Kingstown School Committee but it appears that your allegations are directed against the BIPOC Advisory Committee, which you allege is a public body. Please clarify the entity you allege violated the OMA and if you wish for your complaint to be filed against the School Committee, specify which provisions of the OMA you contend were violated by it and why. No complaint will be opened pending clarification.

Sincerely,



Katherine Connolly Sadeck
Special Assistant Attorney General

Chief, Open Government Unit
The State of Rhode Island | Office of the Attorney General
150 South Main Street | Providence, RI – 02903

Office: +1 401 274 4400 | Ext:2480

ksadeck@riag.ri.gov | www.riag.ri.gov

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From: Nicole Solas <nicolesolas@gmail.com>
Sent: Thursday, May 20, 2021 1:29 PM
To: Open Government <opengovernment@riag.ri.gov>
Subject: OMA Violation by South Kingstown School Committee

[External email: Use caution with links and attachments]

Hello,

I am filing a complaint of an OMA violation against the South Kingstown School Committee. On July 22, 2020 the school committee created an "Equity and Antiracist Advisory Board" charged by Robin Wildman and Jonathan Lewis. Meeting Minutes here: <https://go.boarddocs.com/ri/soki/Board.nsf/Public>

Some point later, this Committee then became the "BIPOC Advisory Committee."

The leader/facilitator, Robin Wildman, was paid with public funds in her position as BIPOC Advisory Committee member. The committee is funded 100% with public monies and thus is a public body subject to the OMA.

For the past year, the committee has held secret meetings to revise and audit South Kingstown School District curriculum, hiring and firing policies, athletic policies, discipline policies, all employment contracts, and all school guidance.. These meetings were never open and the public was never notified. I learned of these meetings through a blog on the website of a private organization, The Collective, where another advisory committee member, Mwangi Gitahi, blogged that he had been meeting with his BIPOC Advisory Committee once a week for eight months. See attached evidence. The Collective is an organization owned by School Committee Member and Union Organizer, Sarah Markey. Sarah Markey emailed me that she is "not aware of any curriculum changes being made by outside organizations or allies or vendors," but she fails to mention her knowledge about policy changes being made by outside organizations. She also states that "Policy decisions happen at public policy sub-committee meetings where recommendations are made to the

School Committee, and then discussed publicly in School Committee meetings." This may be true, but the BIPOC Advisory Committee nevertheless is publicly funded and held secret meetings to produce their recommendations to the school committee.

Miwangi Gitahi blogged on her organization's website that, "As a member of the BIPOC advisory board, I have been closely examining a number of existing school district policies, looking at them line by line through an anti-racist and equity lens. We have now reviewed policies ranging from discipline and suspension to coaching & hiring. We are hard at work crafting a framework for all of these policies, which we are calling the Anti-Racism and Anti-Discrimination Policy. This policy will guide the language, process and the enforcement of all of the changes we make to all of the other policies. We are also working on opportunities for BIPOC representation in the hiring process, for mentorship and for cultural awareness within the district. All of this work has been a massive undertaking, a very heavy lift that the entire BIPOC Advisory Board has embraced and met weekly to work on, over the past eight months."

I asked the BIPOC Advisory Committee to open their meetings but was told they are permitted to have closed meetings because they are a "private vendor." See attached correspondence between myself and Robin Wildman, leader of the BIPOC Advisory Committee.

Now the work of these secret committee meetings (policy proposals and revisions) land on the agenda of the South Kingstown School Committee tonight, May, 20th.

I request that you conduct an investigation into this egregious violation of the Open Meetings Act by the South Kingstown School Committee and the BIPOC Advisory Committee. Since the violations are so egregious I request that you seek a court order declaring all actions taken by this public body to be null and void.

Attached is my evidence. Please let me know if you need further evidence, as there may have been attachment issues.

Here is an article about the BIPOC committee where I first learned of its existence. It lists the members of the committee.

https://www.ricentral.com/narragansett_times/bipoc-advisory-board-looks-to-create-racial-

List of evidence:

1. Contract between Robin Wildman/RI Nonviolent Schools and the South Kingstown School Department. This contract pays Robin Wildman in various respects, including paying her in her capacity as a BIPOC Committee Advisory member with public monies. She also receives an ad hoc hourly fee to consult with the superintendent and it is unclear whether this ad hoc payment is in her capacity as a private vendor or in her capacity as a BIPOC Advisory Committee member.
2. Response letter to my APRA signed by Superintendent Linda Savastano. Linda Savastano directs me to RI Nonviolent Schools, a private organization, to obtain public information about this public body receiving 100% of its funding from public monies.
3. Payment to Robin Wildman in the amount of \$7474. There is no itemization of monies paid to her in her position as a public advisory committee member distinguished from her position as a private vendor.
4. Email correspondence between myself and Robin Wildman requesting public meetings.
5. Screenshot of BIPOC Advisory Committee Member, Mwangi Gitahi, blogging about his work in weekly meetings for 8 months as a BIPOC Advisory Committee member. Blog is here:

<https://www.thecollective401.com/blog>
6. Work produced by the BIPOC Advisory Committee which now lands on the agenda of the South Kingstown School Committee including

-proposed revisions to the hiring policies

The rest of the BIPOC Advisory Committee's work can be viewed at the link below. Please see documents under 5. School Committee Business on May 20th.

<https://go.boarddocs.com/ri/soki/Board.nsf/Public>


EXHIBIT B

AFFIDAVIT AND RESPONSE OF ROBIN WILDMAN

I, Robin Wildman, do hereby depose and say that:

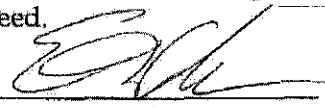
1. I was approached then Superintendent Linda Savastano with the idea to form a BIPOC Task Force, now called the Beloved Community Advisory Board of SK.
2. The Board is voluntary. I gathered people by word of mouth.
3. I facilitate the meetings. I am not a member of the Board.
4. None of the current Board members are members of the South Kingstown School Committee.
5. The members came together, initially about 15 people, once a week, to share personal stories, and to outline a mission statement and goals.
6. Due to the personal nature of the stories that were shared, over time, the members began to call each other "family" and we dropped down to about 7-8 regular members.
7. When the woman (Ms. Solas) emailed me to ask what the purpose of the board was, and demanded I release the names, addresses, qualifications, and contact information about each member, the members were alarmed, to say the least. Fearful for their safety was the prevalent feeling. Several said that if their information was made public they would leave the group.
8. I promised them that I would never release their names or any other information to anyone. I stand by that promise.
9. The Board is a voluntary group. Nonviolent Schools RI ("NSRI") facilitates the meetings. NSRI and members make the agenda, informally (we don't send anything out to them). They have spent the past 10 months reviewing policies to determine whether they are inclusive and equitable.
10. If we believe the policies require revision, we have two (2) members of our group that sit on the South Kingstown School Committee Policy Sub-Committee and they bring our suggestions to the public meetings.
11. The Board simply reviews policies as written and brings suggestions to the Policy Sub-Committee. My Board has no decision-making authority whatsoever. In fact, the Policy Sub-Committee has no obligation to consider our suggestions at all.

12. The Board does not and has not reviewed "employment contracts" and "all school guidance" as alleged.

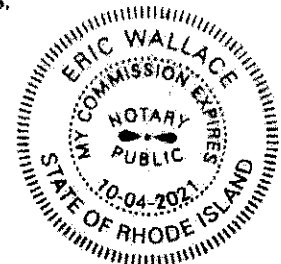

Robin Wildman

State of Rhode Island
County of Washington

In the Town of South Kingstown on the 30th day of June, 2021, before me personally appeared Robin Wildman, to me known and known by me to be the party executing the foregoing instrument and she acknowledged said instrument so executed, to be her own free act and deed.


Notary Public

My Commission Expires:



On Mon, May 3, 2021, 3:59 PM Linda Savastano <lsavastano@sksd-ri.net> wrote:

Hi,

The BIPOC advisory board is not a subcommittee but an advisory committee to the School Committee. Kingian Nonviolence (Robin) facilitates the advisory committee.

Thank you,

Linda

photo



Linda Savastano

Superintendent, South Kingstown School District

401.360.1307 | LSavastano@sksd-ri.net

<https://link.edgepilot.com/s/4b89a763/bY4634M-BUyf5GKbqzI8Rw?u=http://www.skschools.net/>

307 Curtis Corner Road, Wakefield, RI 02879



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On Mon, May 3, 2021 at 3:48 PM Nicole Solas <nicolesolas@gmail.com> wrote:

Linda,

I received your signed letter in response to my APRA request for information on implicit bias training with the addendum showing the contract between RI Nonviolent Schools and South Kingstown School District. See attached.

Robin Wildman is the executive director of Nonviolent Schools RI. She is also a member of the South Kingstown BIPOC subcommittee. Please explain how it is acceptable for her to personally profit from her position on the BIPOC subcommittee.

This contract should be revoked.

Nicole Solas

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Peter F. Neronha
Attorney General

VIA EMAIL ONLY

May 10, 2022
OM 22-25

Nicole Solas
nicolesolas@gmail.com

Andrew Henneous, Esq.
Legal Counsel, South Kingstown School District
ahenneous@hcllawri.com

Re: Nicole Solas v. South Kingstown BIPOC Advisory Committee

Dear Ms. Solas and Attorney Henneous:

We have completed an investigation into the Open Meetings Act (“OMA”) Complaint filed by Ms. Nicole Solas (“Complainant”) against the South Kingstown BIPOC Advisory Committee (“BIPOC Committee”).¹ For the reasons set forth herein, we find that the BIPOC Committee is not a “public body” under the OMA.

Background and Arguments

- **The Complaint**

The Complainant contends that the BIPOC Committee is in violation of the OMA as it is a public body under R.I. Gen. Laws § 42-46-2(5) and is not holding open meetings pursuant to the OMA. The Complainant asserts that the BIPOC Committee is completely funded with public funds and “held secret meetings to revise and audit South Kingstown School District curriculum, hiring and firing policies, athletic policies, discipline policies, all employment contracts, and all school guidance.” The Complainant acknowledges that it “may be true” that “[p]olicy decisions happen at public policy sub-committee meetings where recommendations are made to the School Committee, and then discussed publicly in School Committee meetings,” “but the BIPOC

¹ We understand BIPOC to refer to Black, Indigenous and People of Color. The BIPOC Committee has changed its name over time but for ease of reference will be referred to in this finding as the BIPOC Committee. It is also sometimes referred to as the “Board” in the parties’ submissions that are referenced in this finding.

Advisory Committee nevertheless is publicly funded and held secret meetings to produce their recommendations to the school committee.” The Complaint attached documents showing that Robin Wildman, on behalf of “Nonviolent Schools RI” (“NSRI”), signed an agreement with the South Kingstown School Department to provide services, including “Facilitation of the BIPOC Advisory Board” for 25 meetings. The agreement specifically identified NSRI as an independent contractor, not an employee of the School Department and not a partner or joint venturer with the School Department. The Complaint also included a chart (seemingly related to the independent contractor agreement) showing pricing for different projects and listing the “BIPOC Advisory Board” as having a “unit price” of \$200/meeting for a total of \$5,000.

- School Committee’s Response

Attorney Andrew Henneous submitted a substantive response on behalf of the South Kingstown School Committee (the “School Committee”), which included an affidavit from the facilitator of the BIPOC Committee, Robin Wildman. The School Committee states that the BIPOC Committee was approved by the School Committee at a meeting dated July 22, 2020. The School Committee contends that the BIPOC Committee is not a public body subject to the OMA and “therefore is not required to advertise and hold its meetings in public.”

The School Committee asserts that the purpose of the BIPOC Committee is “to advocate for equity in the education of students who identify as Black, Indigenous, and People of Color (BIPOC) in South Kingstown schools.” The School Committee explains that the BIPOC Committee meets to discuss member’s personal experiences and “reviews current School Committee policies through the lens of inclusivity and equity.” The School Committee states that if the BIPOC Committee finds facts to lead it to believe that the policy being reviewed does not meet the goals of inclusivity and equity, “they bring those concerns to the School Committee Policy Sub-Committee” and “[i]f the Policy Sub-Committee does not approve of changes, they are not made.” The School Committee asserts that the School Committee Policy Sub-Committee is a public body, and its meetings are conducted in accordance with the OMA.

The School Committee argues that the BIPOC Committee is not like the Hiring Council in *Solas*² v. *Emergency Hiring Council*, 774 A.2d 820 (R.I. 2001), which the Rhode Island Supreme Court determined to be a public body. In particular, the School Committee asserts that the BIPOC Committee “has absolutely no power other than to review policies and suggest revisions.” The School Committee asserts that like the body in *Ashaway Volunteer Fire Association*, OM 98-33, the BIPOC Committee members “do not receive a salary, medical benefits, or a pension for their services.”

Ms. Wildman states that she is not a member of the BIPOC Committee, but only facilitates its meetings. She describes the BIPOC Committee as a voluntary group who were gathered together “by word of mouth” and states that the members, along with NSRI, “informally” create the agenda for meetings. Ms. Wildman represents that the BIPOC Committee initially consisted of about 15

² The plaintiff in that case was Gregory Solas, not the Complainant in this case.

people who met once a week to share their personal stories and to outline goals and a mission statement, and then dropped to “about 7-8 regular members.” Ms. Wildman also attests that the BIPOC Committee’s “officers were not elected by the public or appointed by a subdivision of state or municipal government, but instead were volunteers elected by the members of the [BIPOC Committee] themselves.” The BIPOC Committee reviews policies and includes two members who sit on the School Committee Policy Subcommittee and who bring the BIPOC Committee’s suggestions to the Policy Sub-Committee’s public meetings. Ms. Wildman states that the BIPOC Committee “has no decision-making authority whatsoever” and the Policy Sub-Committee has no obligation to consider suggestions made by the BIPOC Committee. Ms. Wildman attests that the BIPOC Committee “does not possess significant supervisory and executive veto power,” and “does not and has not reviewed ‘employment contracts’ and ‘all school guidance’ as alleged.”

- Rebuttal and Supplemental Submissions

We acknowledge the Complainant’s rebuttal and supplemental submissions, some of which were submitted by legal counsel on her behalf. The Complainant asserts that under the plain language of the OMA and cases interpreting it, the BIPOC Committee is a public body “that was established and funded by the School Committee, a political subdivision, for the express purpose of meeting ‘to discuss’ matters over which the [BIPOC Committee] has ‘advisory power’.” The Complainant argues that “[b]y the School Committee’s own admission, the purpose of the Board is ‘to review policies and to suggest revisions’ to those Committee-wide policies. . . . In other words, the express purpose of the Board is to act in an advisory capacity to the Committee.”

The Complainant provided a screenshot of a blog post with comments attributed to a voting member of the Policy Subcommittee who is also a member of the BIPOC Committee, who described how the BIPOC Committee:

“reviewed policies ranging from discipline and suspension to coaching & hiring. We are hard at work crafting a framework for all of these policies, which we are calling the Anti-Racism and Anti-Discrimination Policy. This policy will guide the language, process and the enforcement of all of the changes we make to all of the other policies. We are also working on opportunities for BIPOC representation in the hiring process, for mentorship and for cultural awareness within the district. All of this work has been a massive undertaking, a very heavy lift that the entire BIPOC Advisory Board has embraced and met weekly to work on, over the past eight months.”

The Complainant also cites examples and argues that the “School Committee is also clearly implementing the Board’s advice in revising its policies.” The Complainant also contends that the BIPOC Committee’s mission is a matter of significant public concern, the members are public officials, the BIPOC Committee has regular and recurring meetings, and the BIPOC Committee is

funded by public funds. The Complainant additionally argues that the School Committee has no authority to appoint an “informal advisory” body like the BIPOC Committee.³

The Complainant provided an additional submission consisting of a vendor RFP provided by NSRI which included a description of some of the BIPOC Committee’s work: “the [BIPOC Committee] has written an Antiracism/Anti-discrimination policy for the district, has provided recommendations for editing the Coaches and Suspension policies, and has chosen three Board members to be voting members of the district’s Policy sub-committee.” According to the RFP, the BIPOC Committee has also performed work on projects that will be implemented at a later date, such as an after-school “empowerment” club, and “[t]hrough NSRI’s facilitation, members of the Advisory Board have been productive during the weekly Zoom meetings, which are attended by BIPOC students, teachers, parents, and community members[.]” This document also identifies various members of the BIPOC Committee by name⁴ and states that “[t]he Advisory Board will assist and advise in rewriting curriculum to uplift BIPOC throughout South Kingstown, the state, the country, and the world.”

The Complainant provided additional supplemental submissions including a video clip of a BIPOC Committee member indicating that “I was invited by [school] administrators” to join the BIPOC Committee, which the Complainant asserts shows that the BIPOC Committee is a public body.

Applicable Law and Findings

When we examine an OMA complaint, our authority is to determine whether a violation of the OMA has occurred. *See* R.I. Gen. Laws § 42-46-8. In doing so, we must begin with the plain language of the OMA and relevant caselaw interpreting this statute.

For the OMA to apply, a “quorum” of a “public body” must convene for a “meeting” as these terms are defined by the OMA. *See* R.I. Gen. Laws § 42-46-3; *see also Fischer v. Zoning Board for the Town of Charlestown*, 723 A.2d 294 (R.I. 1999). As a threshold issue, we must determine whether the BIPOC Committee is a “public body” within the meaning of the OMA. The OMA defines a public body as “any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government[.]” R.I. Gen. Laws § 42-46-2(5).

We have previously noted that determining whether a particular entity is or is not a “public body” is “a fact-intensive question not subject to ‘bright line’ rules.” *GoLocalProv v. Providence City Council*, OM 20-15.

³ This Office’s authority under the OMA is to investigate alleged violations of the OMA. We do not opine on whether the School Committee has the authority to appoint an advisory body as that issue is outside of our purview under the OMA.

⁴ This seems to conflict with the statement in Ms. Wildman’s affidavit that she “promised [the members] that I would never release their names or any other information to anyone.”

The Rhode Island Supreme Court considered the issue of what constitutes a public body in *Pontarelli v. Rhode Island Board Council on Elementary and Secondary Education*, 151 A.3d 301, 307-08 (R.I. 2016). There, the Rhode Island Board Council on Elementary and Secondary Education (“RIDE”) created a Compensation Review Committee (“CRC”), which was tasked with reviewing requested and proposed salary adjustments to RIDE employees. *Id.* at 302-03. The CRC was described as an “‘informal, *ad hoc* working group with a strictly advisory role’ and with no legal status or authority[.]” and which did not have regular meetings. *Id.* at 303. The Rhode Island Supreme Court held that the CRC was not a public body, stating:

“[T]he CRC in this case does not meet on a regular basis, nor was the CRC created by an executive order. Instead, the undisputed evidence in this case is that the CRC acted as an informal, strictly advisory committee. Although the CRC was composed of a group of high-level state officials and operated under a charter, these two factors alone are insufficient to place them into the ‘public body’ umbrella. Importantly, the CRC’s sole function is to advise the commissioner of RIDE, who in turn has to make a recommendation to the council. At this point in the process, if the commissioner decided to present any proposal to the council for the council’s required approval, the public would have an opportunity to be informed of and object to such proposal.” *Id.* at 308.

Although the Complainant cites *Solas* and argues that “‘a council’s exercise of advisory power,’ like the Board exercises here, is by itself ‘enough to bring it under the act’s umbrella,’” *Pontarelli* demonstrates that an entity that has an advisory role is not necessarily a public body.

Other, non-exhaustive, factors to consider when determining whether an entity is a public body subject to the OMA were set forth in *Oliveira v. Independent Review Committee*, OM 04-10. These factors include the authority under which the entity was established, “the scope of its stated authority, the nature of the public business delegated to it, and its membership and composition. We have found each of these factors relevant, to varying degrees, in findings issued by this [Office].” *See Oliveira v. Independent Review Committee*, OM 04-10; *see also Arditi v. Governor’s State Equity Council*, OM 21-32.

Applying these considerations to the BIPOC Committee is not straightforward because different considerations point in different directions.

Here, unlike in *Pontarelli*, the record indicates that the BIPOC Committee meets on a regular basis. Based on the evidence provided, from at least February 15, 2021 to August 31, 2021, the BIPOC Committee was scheduled under NSRI’s contract to meet twenty-five (25) times for ninety (90) minutes; typically these meetings occurred once a week. The BIPOC Committee was created by a vote of the School Committee during its July 22, 2020 meeting and its mission, i.e. to “advocate for equity in the education of students who identify as [BIPOC][.]” was set forth by the School Committee. The School Committee clearly has a role in the creation and direction of the BIPOC Committee. Additionally, NSRI receives public funds to facilitate the meetings and work of the

BIPOC Committee. These factors all weigh in favor of the BIPOC Committee being considered a public body.

Conversely, other factors are ambivalent or indicate that the BIPOC Committee is not a public body. In *Pontarelli*, the group was composed of high-level state officials, whereas here, the BIPOC Committee is comprised of volunteers, including former students and parents, and does not appear to have a set membership. Indeed, based on the record, even the number of members fluctuates over time. However, we do note evidence that some of the members are also members of the School Committee Policy Sub-Committee. Although NSRI is paid to facilitate these BIPOC Committee meetings, the members themselves do not receive pay or benefits related to their membership. See *Schmidt v. Ashaway Volunteer Fire Association*, OM 98-33 (finding entity to not be a public body and noting that members do not receive a salary or benefits for their services).

The evidence regarding the work of the BIPOC Committee is also mixed. Some of the evidence describes the BIPOC Committee as an informal group that gathers to discuss their personal experiences and ideas for improving their community. Other evidence characterizes the BIPOC Committee as having a somewhat formal function of engaging in rigorous work to review a wide variety of policies and to propose policy changes and implement new programs. The School Committee asserts, however, that the “[BIPOC Committee] has no decision-making authority whatsoever.” “[T]he [BIPOC Committee] reviews current School Committee policies through the lens of inclusivity and equity. If the [BIPOC Committee] finds facts to lead it to believe that [the] policy being reviewed does not meet these goals, they bring those concerns to the School Committee Policy Sub-Committee[.]” The record indicates that the BIPOC Committee does not itself have the authority to expend public funds or to implement policy changes, and instead presents its proposals to the Policy Sub-Committee, which is a public body and which has authority to vote on the proposed changes. The BIPOC Committee’s mission as described by the School Committee, i.e., to “advocate for equity in the education of students who identify as Black, Indigenous, and People of Color (BIPOC) in South Kingstown schools, inspiring a healthier and just community and school system for everyone,” is also more focused on promoting general advocacy than on carrying out any particular role or authority that has been designated to it.

Our review of the School Committee minutes supports the notion that the BIPOC Committee presents its recommendations to the Policy Sub-Committee and the School Committee, which has ultimate authority over what, if any, actions to take. For example, at its February 25, 2021 meeting, the Policy Sub-Committee minutes note that the Policy Sub-Committee discussed and reviewed feedback related to the anti-racism policy and discussion followed regarding other policies that may potentially need revisions. At the same meeting, the Policy Sub-Committee minutes note that “the BIPOC Advisory Board will revisit the policy and will bring the *suggested* edits back to this committee.” (Emphasis added). Additionally, the Policy Sub-Committee noted that “[n]ew or revised policies will come before this committee first. Once approved, this committee will vote to move them forward to the school committee for a first reading. If feedback is received the policy will come back to this committee for revision, otherwise, it will be moved for a second read by the school committee.” This example supports the School Committee’s representation that the BIPOC Committee is an advisory group that can make recommendations to the Policy Sub-Committee,

but the Policy Sub-Committee has the authority to discuss and decide the proposed revisions that will eventually be submitted to the School Committee for final approval. Ms. Wildman attests that “the Policy Sub-Committee has no obligation to consider [the BIPOC Committee’s] suggestions at all,” and the School Committee asserts that if the Policy Sub-Committee does not approve of the suggested changes, then the changes are not made. The record thus indicates that the BIPOC Committee only makes suggestions and does not have authority over implementing its suggestions, or over whether its recommendations will even be considered.

During its April 15, 2021 meeting, the Policy Sub-Committee reviewed the anti-racism draft policy and a motion was made “to recommend the Anti Racism, Anti Discrimination, and Anti Harassment Policy to the School Committee.” At the same meeting, the Policy Sub-Committee made a motion “to recommend deleting the Anti Discrimination and Anti Harassment Policy as stand-alone policy to the School Committee.” On May 20, 2021, the School Committee’s meeting minutes show that the School Committee took a unanimous vote to retire the Nondiscrimination and Anti-harassment policy and held discussion/first reading of the new Anti-racist, Anti-discrimination, & Anti-harassment Policy.

These illustrative examples support the School Committee’s representation that the BIPOC Committee does not itself have authority delegated to it, but rather is an advisory group that can make recommendations to the Policy Sub-Committee, which will in turn make recommendations to the School Committee, and then the School Committee has ultimate authority over implementing these policies and suggestions.

The evidence that the BIPOC Committee does not have any independent authority over any particular matter or issue, but rather reviews and makes general recommendations about a variety of matters, weighs in favor of it not being considered a public body. *See, e.g., Pontarelli*, 151 A.3d 301 (finding CRC, which was a strictly advisory body without authority, did not constitute a public body); *Howard v. Portsmouth Senior Center Focus Group*, OM 21-22 (finding that a focus group that makes proposals that are subject to approval by the Town Council at open meetings is not subject to the OMA); *Arditi v. Governor’s State Equity Council*, OM 21-32 (finding group that has no governmental decision-making authority but instead serves as a ‘strictly advisory group’ to not constitute a public body).

Here, based on the totality of the facts presented, the BIPOC Committee acts as an advisory group that makes recommendations but lacks any specific authority. We nonetheless emphasize that an advisory body can still be subject to the OMA. *See Solas v. Emergency Hiring Council of State*, 774 A.2d 820, 825 (R.I. 2001); *see also* R.I. Gen. Laws § 42-46-7(d) (referencing public bodies whose duties are “solely advisory in nature”). However, here the BIPOC Committee more closely resembles the advisory body in *Pontarelli* that reviewed certain matters but lacked any authority and was not a public body. *See* 151 A.3d at 303.

By contrast, in *Solas*, the “EHC” council at issue in that case had “been granted significant influence and veto power over creating positions in state government, promoting employees to existing positions and filling existing vacancies.” 774 A.2d at 824. Thus, “at the very least, the

EHC functions in an influential advisory capacity with veto power over a subject of significant public interest.” *Id.* The Rhode Island Supreme Court described the authority of the EHC as follows: “The EHC was created by executive order on January 6, 1995, *to manage and control* the state’s hiring practices and its fiscal resources. Pursuant to this directive, no new positions, vacant positions, or promotions *could be created or filled without authorization from the EHC*. In creating the EHC, the Governor stated that the intent of the order was *to insure that ‘no person or persons other than the Council shall have the authority to make any determinations in this regard.’*” *Id.* at 823-24 (emphases added). Although the EHC was considered advisory in nature and appears to have been ultimately subject to the authority of the Governor (we note that the majority of its members were designated by the Governor), the EHC nonetheless had significant advisory influence over the matters within its purview.

As such, the EHC was an advisory body but one that had been delegated specific authority over a particular issue, including “veto” power over creating positions in state government. Although the BIPOC Committee clearly has some degree of influence and makes recommendations to the School Committee Policy Sub-Committee, there is insufficient evidence presented to this Office that the BIPOC Committee possesses the same type of authority or influence as the EHC that was the subject of the *Solas* decision.

Additionally, the EHC consisted of certain designated members, whereas the record indicates that the BIPOC Committee does not have a set number of members and that the individuals who make up the BIPOC Committee vary over time. The OMA applies when a quorum of a public body convenes for a meeting, *see Fischer v. Zoning Board for the Town of Charlestown*, 723 A.2d 294 (R.I. 1999), but here where there is no set membership or number of members, it is difficult to see how it could even be determined whether a quorum exists at any given time and whether a meeting is taking place. This further weighs against the BIPOC Committee being a public body.

Weighing the factors, we find that on balance the BIPOC Committee is not a public body under the OMA. As such, the OMA does not apply to the BIPOC Committee, and we find no violation. We note, however, that the OMA is a floor and not a ceiling. Even if an entity is not legally obligated to comply with the OMA, we encourage entities to adopt the types of measures set forth in the OMA when it is appropriate to do so to increase transparency.

Conclusion

Although the Attorney General has found no violation and will not file suit in this matter, nothing in the OMA precludes an individual from pursuing a complaint in the Superior Court as specified in the OMA. R.I. Gen. Laws § 42-46-8(c). The Complainant may pursue an OMA complaint within “ninety (90) days of the attorney general’s closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later.” *Id.* Please be advised that we are closing this file as of the date of this letter.

We thank you for your interest in keeping government open and accountable to the public.

Sincerely,

PETER F. NERONHA
ATTORNEY GENERAL

By: Katherine Sadeck
Special Assistant Attorney General