

## Summary of Conference Call

U.S. Immigration and Customs Enforcement  
Advisory Committee on Family Residential Centers  
Subcommittee on Education  
May 31, 2016

The U.S. Immigration and Customs Enforcement (ICE) Advisory Committee on Family Residential Centers (ACFRC), Subcommittee on Education convened for its weekly meeting on Tuesday, May 31, 2016, via teleconference from 12:00 P.M. to approximately 1:00 P.M. The purpose of the meeting was for subcommittee members to continue the discussion on recommendation topics.

### **Attendance:**

#### *Subcommittee Members Present for the Teleconference:*

- BethAnn Berliner
- Anadora Moss
- Michelle Brané

#### *Others Present:*

- John Amaya, Deputy Chief of Staff, ICE; Designated Federal Officer (DFO), ACFRC
- Andrea Washington, Special Assistant, ICE

### **Opening Remarks:**

Subcommittee Chair BethAnn Berliner recognized the subcommittee members on the call and confirmed the ICE staff on the line.

### **General Meeting:**

Starting the meeting with a brief readout of the subcommittee Chairs call, Chair Berliner informed members that the follow-up information requested from ICE should be received the week of June 13, and she reminded everyone that the deadline for draft recommendations was moved to August 1. The Chair asked ACFRC DFO John Amaya to confirm that given the new deadline, there would not be a full Committee meeting in July. DFO Amaya said that was correct.

Vice Chair Anadora Moss asked if there was an anticipated date for when ICE would inform members about the full Committee meeting date. Chair Berliner answered that there was not a notification date set yet, but that ICE is working fast and furiously to schedule the meeting. She added ICE staff has the struggle of not only working to accommodate Committee members' calendars, but also the calendar of ICE Director Sarah R. Saldaña.

Shifting the discussion to a potential visit to the Berks Family Residential Center (Berks), the Chair said it was her understanding that due to costs and logistics, only a small number of Committee members would be able to visit the facility on a date to be determined. She added

that a handful of Committee members had requested a tour of the family residential center (FRC) a while back.

Vice Chair Moss said that due to the limitations of the visit, it may be enough for her to just speak with the ICE sexual assault coordinator; she does not have to go on the tour. The Vice Chair said part of the reason why she raised the question was to see if anybody from the Subcommittee on Education was part of the group that would go on the Berks tour. Michelle Brané said that Margo Schlanger, a member of the Subcommittee on Access to Counsel and Language Services, had asked her if she would be willing to go when the initial request was submitted. However, Ms. Brané said she had not been further involved in the discussions about the tour. She stated that she would be happy to go, but since she has been to Berks before, she could share some of her experiences from past visits.

DFO Amaya, gauging interest from the subcommittee, asked members what they thought the universe of people wanting to go on the tour looked like. He outlined that part of the deliberation behind setting up the tour is ensuring that taxpayer dollars are being spent wisely, noting that the timing of the full Committee meeting is also part of the consideration.

Ms. Brané said based on conversations she had with other Committee members around the time of the public meeting in March, she believes most people would like to participate in the tour and feel it would be important to see Berks. However, she continued, they do not think it is essential to participate in a trip as long as they get good feedback from the members who do go on the site visit. Chair Berliner echoed this sentiment. She also flagged that it should be kept in mind that a site visit coupled with a full Committee meeting that gets scheduled too far after the submission of the draft recommendations could make it difficult to incorporate any information garnered from the tour, given the decrease in time to fine-tune recommendations for their final form.

Chair Berliner then suggested rethinking how to organize a Berks tour. She proposed that each subcommittee could delegate one person from their group to participate in the tour, and Ms. Schlanger could also join, given her expertise in detention management. Delegates would be responsible for sharing what they learned with the rest of their subcommittee.

DFO Amaya said he was leaning toward moving forward in this manner, noting that he would also like ACFRC Chair Kurt Schwarz to also be part of the delegation. He added that if this is the decision that is made, he would be sure to follow up with the entire Committee to ensure that people know that nobody is being systematically excluded, but rather ICE is being efficient with costs.

Chair Berliner said the decision could be made even easier if DFO Amaya just said each subcommittee Chair plus Committee Chair Schwarz will be invited to tour Berks. If a subcommittee Chair cannot make it, she can designate another member of the group to participate in her place. Chair Berliner stated that she would strongly support this approach and that most of the Committee members would understand if the tour is limited to the Chair and Subcommittee Chairs or their designee. She added that she would be okay designating Vice Chair Moss or Ms. Brané to go in her place since they are much closer to Pennsylvania.

Ms. Brané stated she would be fine with Vice Chair Moss going since she has visited the FRC before. If there have been changes since her last visit, she could receive those updates from the Vice Chair, she said. Vice Chair Moss said that before finalizing a decision about who should go, the subcommittee should agree as a group on what can be gained from the tour. She stated that she believed there was an advantage to Ms. Brané going because she has a basic knowledge of the facility and would be able to drill down more on the issues.

Chair Berliner outlined a few things she would like to observe and garner from a visit, including watching teachers deliver a lesson, viewing children engaged in the classroom, seeing how the available technology is used, and talking to educators and school administrators.

Vice Chair Moss followed by stating that although she and Ms. Brané were closer to Berks, she did not think that should be a disqualifying factor for Chair Berliner going, pointing out her strong base on the content piece when it comes to education. Ms. Brané agreed, stating that Chair Berliner would get more out of a conversation with a primary or secondary educator than the rest of the subcommittee.

Chair Berliner said the group should wait to see how things shake out before confirming who should participate. She mentioned that if the visit is scheduled for a time when school is not in session, it might not make as much sense for her to go.

Ms. Brané said the discussion reminded her about a previous conversation the subcommittee had regarding the school session. She asked if this issue was addressed in the group's recommendations. The Chair and Vice Chair confirmed that it was included. Chair Berliner reiterated that she believes school should be full-day, year-round. She said she heard and understood the concerns raised by Vice Chair Moss in regards to the impact this could have on the facilities and education staff at the FRCs, but there were ways to work around those issues.

Transitioning to the subject of the subcommittee's topics matrix, Chair Berliner reminded the Vice Chair and Ms. Brané that she still needs information from them to complete filling in the document. Vice Chair Moss said she has been working on her recommendations and commented that she has everything she needs on the subject of the Prison Rape Elimination Act (PREA) and the final rule. She said this topic can be removed from the additional information request that is with ICE.

Chair Berliner then brought up the question of potentially skipping a week in the meeting schedule. She said she liked the weekly check-in, but it might be a better use of everyone's time if members took a break to focus on filling in the matrix and refining what is already in the document. Vice Chair Moss stated that she also liked the check-in, but agreed that skipping a week at some point would be good. She suggested the week to skip might be the week of June 20, which would be after the subcommittee receives additional information from ICE.

The Vice Chair continued that one of the issues she wanted to further discuss was the fact that the FRCs have to be PREA compliant. She said that compliance touches on a lot of different areas—detention management and staff training, for example—and as she has been thinking through recommendations, she has struggled with how to craft complete recommendations that

stay within the scope of the subcommittee's work. She asked if it would be better to write overarching recommendations for PREA compliance or to move forward with recommendations that are more granular, but might slip outside of the group's scope.

Chair Berliner said that was an important question, noting that there was a similar short discussion on this issue during the subcommittee Chairs call; she said nobody had a full answer. Ms. Brané stated that she thinks recommendations around PREA compliance absolutely need to be more granular because compliance is already the law. She said there is a lot of variation in how compliance is interpreted, and it is members' responsibility as experts to outline what needs to be done to ensure the facilities are really compliant. She said this is especially important in the context of family detention because it is out of the norm for detention, and there are a lot of pieces that do not easily fit into how PREA compliance is interpreted.

Vice Chair Moss asked if the subcommittee should request the housing policy, given that cases that have come forward involve claims of staff going into resident housing in an inappropriate manner. Ms. Brané responded that the group should ask for the policy, adding that she is sure it would be a concern for every subcommittee. She said there are a lot of issues that fall into categories that do not fit perfectly in any of the subcommittee buckets, but are clearly issues that everyone will want to address in some way. Ms. Brané suggested that the Chairs should discuss this matter in more detail on one of their calls.

Ms. Brané continued that in looking through the standards, she found other topics that she is not sure will be covered by the different subcommittees. For example, she pointed out that the FRCs are supposed to have an emergency plan for what to do when there is a separation if a mother goes in the hospital, and there is an unaccompanied child in family detention. However, she said she has never actually seen a plan and the subcommittee did not request it because it does not appear to fall into the education bucket. Ms. Brané said she believes the group should think about these broader issues because she would feel very uncomfortable if the Committee just leaves those issues out.

Chair Berliner said these comments led to a larger conversation about how the subcommittees will knit together their recommendations and how they will create a coherent whole out of the three separate pieces. Ms. Brané concurred and reiterated her point about the subcommittee Chairs needing to discuss the matter of subject gaps on their call. She added that she would be willing to continue going through the standards and finding these holes to compile a list of more general detention management issues that do not fit into a specific subcommittee. The Chairs could then walk through the list together to confirm whether or not one of the subcommittees is actually addressing the topic in some manner or decide which should own it if it is not being addressed.

Vice Chair Moss said she was interested in hearing the ICE staff's take because she thought in earlier calls the subcommittee was told there was no harm in making recommendations that might fall outside of the scope of their specific work. She stated that she was trying to figure out that gray area and wanted to know if there had been any further discussion at ICE.

DFO Amaya asked if there was a specific example the Vice Chair wanted to flag. Vice Chair Moss said one example would be a previous conversation on whether or not recommendations could be made regarding staff training. At the time of that discussion, the DFO said that was fine, although there could be a number of factors that would affect implementation of such recommendations. DFO Amaya responded that yes, if subcommittee members feel strongly about a recommendation that is not exactly within their scope, they should feel free to make it as long as there is an understanding that there could be multiple variables—contracts and union issues, for example—in place that could impact the application of the recommendation.

Vice Chair Moss, providing another example, came back to the question about the housing policy. She said although the Subcommittee on Education did not request the policy, their group can make the argument that mothers and children not getting sleep at night because they are being interrupted inappropriately or have experienced sexual abuse can have an impact on the classroom. She said there are a number of issues that start to become connected when the string is pulled, and perhaps it is going to be the subcommittee's task to come up with the art of how to tie the string around those issues. DFO Amaya said he did not think the Subcommittee on Education was the only group wrestling with this concern. He stated that it might be the case that in the course of compiling all of the recommendations, the group might have a detention management section, and that is where all of the gap issues that do not fall exactly into their purview could be placed.

Chair Berliner said her takeaway from this portion of the conversation was that there are really important issues that do not fit neatly into any of the subcommittees' focus areas. She suggested that these issues should be placed in the last row of the group's matrix, "Detention Management: Policy and Contracts." She said these items could be presented to the full Committee, and those that are not in the education bucket can be made to fit somewhere else.

Circling back to the discussion about skipping a meeting week, Chair Berliner asked members if not meeting on June 7 and reconvening on June 14 worked them for them. Vice Chair Moss and Ms. Brané both said that schedule was okay. The Chair said that if everyone could complete filling in their parts of the matrix by June 10, she would compile everyone's work into one document that the subcommittee can discuss on June 14.

Chair Berliner then pointed out that she had taken a crack at writing a recommendation on the subject of teacher evaluations. She said usually a teacher is evaluated by an administrator, meaning a principal, instructor lead, or district administrator. The evaluation is conducted using the research-based rubric that judges instructional effectiveness, and the assessment is combined with other measures of educator effectiveness such as curriculum and lesson plans and student work. Chair Berliner said she was not comfortable making a recommendation stating that the contracted administrators at the FRCs should conduct teacher evaluations because she did not feel they were the counterpart to a principal. She added that the administrators have a vested interest in keeping their business afloat, and she believes a better recommendation is for the evaluations to be completed by a qualified, independent evaluator, perhaps someone from the district in which the FRC is located. The Chair continued that there also should be a plan in place for giving formal feedback and helping less effective teachers improve.

Ms. Brané said she thought Chair Berliner was on the right track, and it made her think about the issue of licensing as well as child welfare involvement in the facilities, another area she said might not be covered. She said whoever does the evaluations needs to be someone who has the substantive expertise to conduct them and a deep interest in ensuring that the education and well-being of the children is the priority.

Vice Chair Moss said these comments made her think about oversight and accountability and the different audits of the FRCs; she said she does not believe the audits go into the issue of education. Ms. Brané said she also did not think audits covered education, but noted that she was aware of work being done by Kevin Landy, ICE's Assistant Director of the Office of Detention Policy and Planning (ODPP), on monitoring and oversight. She said DFO Amaya might have more information.

DFO Amaya said Mr. Landy's team has done a pretty exhaustive review, but since he does not have day-to-day oversight of ODPP, he could not speak in detail.

Ms. Brané said she was sure the audits were not substantive in terms of education; the focus is more on is education available at the FRCs. She continued that the Office of Refugee Resettlement (ORR) within Health and Human Services provided education, and although she is not always happy with what is provided, there might be some helpful guidelines that the group could pull from. She added that since ORR is following what are already approved Government plans, it might be easier for ICE to implement them. Chair Berliner asked if the ORR facilities use the same education contractors. Ms. Brané responded that she was not sure, but she would look into it.

Chair Berliner asked if Ms. Brané had an idea of how long children were in ORR's custody. Ms. Brané answered that the average length of stay is currently about 30 days. Vice Chair Moss said it would be useful to know what trauma-informed approaches are used by ORR in that timeframe. Ms. Brané said ORR also does a lot more case management and social work that is geared toward children's interest, given how the office is organized. Vice Chair Moss said it seemed that there was a lot that could be learned from what ORR does. Ms. Brané agreed and said she would keep digging to see what good practices might be worth recommending for the FRCs.

Chair Berliner asked if there were any additional items to discuss, and Vice Chair Moss and Ms. Brané stated that they had nothing else to cover. With no further issues, Chair Berliner adjourned the meeting.

**Adjournment:**

The subcommittee adjourned at approximately 1:00 P.M.