

Microsoft Teams Virtual Meeting  
Call In: 1-802-828-7667  
Conference ID: 320 651 439#

### APPROVED MEETING MINUTES

#### **Present:**

**Xusana Davis**, Executive Director of Racial Equity, Chair; **Lynn Currier-Stanley**, Vermont Chapter of the National Association of Social Workers (NASW), Co-Chair; **Cammie Naylor**, Vermont Legal Aid (VLA)/Disability Law Project (DLP), Project Director; **Heather Lynn**, Vermont School Boards Association (VSBA), Attorney; **Sarah Robinson**, Vermont Network Against Domestic & Sexual Violence, Deputy Director; **Rebecca McBroom**, Vermont-NEA, General Counsel; **Chelsea Myers**, Vermont Superintendents Association (VSA), Associate Executive Director; **Jay Nichols**, Vermont Principals' Association (VPA), Executive Director; **Henri Sparks (Sparks)**, Harassment, Hazing, and Bullying Prevention Advisory Council (HHB), Chair; **Courage Pearson**, Outright VT, Director of Organizing; **Amanda Lucia Garces**, Vermont Human Rights Commission (HRC), Director of Policy, Education and Outreach.

**AOE:** Maureen Gaidys.

**Members of the public/others:** Mary Gannon; Representative Elizabeth Burrows; Sue Ceglowski, VSBA; Jeff Francis, VSA.

#### **Call to Order/Introductions Roll Call/Amendments to Agenda/Minute Taker**

The meeting was called to order at 5:03 p.m.

#### **Approval of [Draft Meeting Minutes from January 8, 2024](#)**

Stanley moved to accept the draft meeting minutes from January 8, 2024; Nichols seconded. There was no discussion. The motion carried.

Davis asked how the WG wanted to use this meeting time.

#### **Public to be Heard**

Representative Burrows addressed the WG and read [her statement to the WG](#).

Mary Gannon provided comment via the Chat: *My name is Mary Gannon. As an educational equity consultant and strategist who has worked in the state for the last 25 years, I have been very concerned about what I perceive as the lack of understanding on the part of committee members regarding the daily severe and pervasive harm that our students who are furthest from justice experience. I would ask you to please center the students who are most impacted and understand that the current reality is what the cost is.*

## **Review/Finalize Recommendations and VOTE on Report to the General Assembly**

Davis referenced the three documents provided to the WG: [Vermont School Boards Association – Draft Proposed Recommendations](#), [Disability Law Project - Proposed Recommendations](#), and [Support for Students who have Experienced Harassment](#) and asked if WG members had questions or comments about those three documents.

Garces said the HRC cannot support the VSBA language. They could support the first part of sexual harassment language, but not the second part; they will continue to advocate for S.103 language.

Pearson said this has been challenging. They said the revisions from the VSBA does not remove the barrier posed by “severe and pervasive” but creates a similar barrier and they cannot support that revision. She expressed appreciation for the WG.

Nichols said he is struggling and after talking with many federal council people and people working the front-line, it has been made clear by the Education Law Center, that if we are not really careful, this will go to a very conservative Supreme Court and we are going to lose. He does not want to give more ammunition to people who want to discriminate against these kids. He is in the middle of two lawsuits, he is attacked daily; and now has security in the office. Everything he is told, by people across the country, indicates that Vermont is being watched closely on this issue, to open this up on freedom of speech issues and put us in a position that we are not going to be able to come back from.

H. Lynn responded that VSBA’s proposal addresses inconsistencies that currently exist that need to be made. These changes are designed to avoid a challenge that she believes could remove existing protections that we already provide under current rules and statutes – and that is the motivation for this proposal. Lynn explained that the severe/pervasive language can be distracting and limiting and is not necessary and it would be a shame for this group not to move forward on that basis and save other arguments for another day. The VSBA does have student rights at the center of and as the motivation for their proposal.

Robinson said she thinks it is a missed opportunity if these proposals are viewed separately and opposed to one another. The Vermont Network Against Domestic & Sexual Violence supports both of them and believes it is possible to do both as they are separate and do different things. There is a problem with the sexual harassment statute and the VSBA proposal addresses that. We should move forward if we are close to consensus on this item.

Myers said the presentation of the S.103 language introduced yesterday makes it difficult for those who were not part of that legislative discussion last year to keep up. It would have been better to start that conversation sooner. Given the time constraints of the WG, she called back the charge of this group: 1) eliminating the severe and pervasive standard for harassment and discrimination for students in educational institutions - and she believes the VSBA proposals does that; 2) the compulsory educational attendance requirements for students who have been victims of harassment – which the WG has not addressed in several weeks and the report will have to include some provisions for that; and 3) the resources required for schools to draft harassment support initiatives as well as supports for students that have experienced harassment. She hopes this important conversation continues in other forums, with the objective of this group in mind.

McBroom echoed Myers and Robinson and agreed that the proposals are not mutually exclusive and supports both of them. The funding mechanism is important and this needs to

be addressed in another proposal; if we are going to mandate positions, we need funding for these positions.

Pearson said via Chat: I feel a lot of concern about the second section of the VSBA proposal, which speaks to "educational institution was substantially and adversely affected." I feel the first section is not objectionable, but it's hard to get behind an incomplete process. I have been sitting with the S.103 language and I have been seeing it in opposition. Thank you for naming this as not oppositional, thanks for that.

Naylor addressed the DLP's position again and said her analysis of the second part of the VSBA proposal, while it removes "severe and pervasive", because it retains "substantially and adversely affected, maintains the same barriers. She hears the concern around the constitutional challenge and the first amendment, and that fear is real, but she agrees with Representative Burrows to leave this to the courts. She does not agree that these two parts of the proposal are mutually exclusive. She said she could support the VSBA proposal with a caveat that as to the specific language/recommendations of S.103, there was not consensus, and that several WG members didn't believe this went far enough to remove the severe and pervasive standard.

H. Lynn responded to the concern that VSBA's proposal is rooted solely in protecting school systems, explaining first that the proposal extends student protections which while already provided by policy are not yet explicitly reflected in Vermont's peer harassment statute (16 V.S.A. 11(a)(26)(A)), and go further to amend that policy language in the statute by addressing the issues raised before the group at large about the potential/actual 'counterproductive' and/or 'unnecessary' language in that policy and statute of 'severe and pervasive.' She also stated it additionally removes that language from the civil suit statute (570). Finally, with respect to the criticism that VSBA's opposition to further/more expansive changes to both statutes (That they would lead to litigation) as only seeking to protect the interests of schools, or are somehow adverse to the interests of students, those concerns are in fact genuine and relate to the interests of both schools AND student rights.

There was discussion on how schools respond to situations of harassment, use of the word "substantial", suggestion of removing "and substantial" from the VSBA draft and if that would mitigate some concerns, civil suit statute that sets a requirement for recovery of damages against a school, enforcement mechanisms and variety of responses, taking out "substantial" does not remedy any harm that has been identified by this group, and that VSBA is opposed to removing "substantial" from the civil suit statute as it will not increase protections or address problems identified.

Davis observed that this severe and pervasive piece will be a non-consensus part of the report. She suggested attaching statements for each WG member explaining their support and/or grievances. She asked about the wholistic picture of what would be presented to the General Assembly.

Naylor suggested agreeing to disagree and moving forward.

Garces offered to take everything discussed and draft it into a report with the understanding that we don't have consensus on all parts and tie in the other items included on the spreadsheet to have a starting point for the report. Myers asked if the WG would be voting on the other recommendations in the spreadsheet.

Stanley asked if there was consensus on support to the [DLP's proposal](#). There was discussion on giving latitude to school districts for assigning a person in the building and not prescribing a single person for each school district as needs vary across the state. The group was agreeable. She asked if there was consensus on the proposal titled [Supports for Students Experiencing Harassment and Discrimination](#). Davis offered that there are several other recommendations that fall under this category and need to be combined to be approved. There were no concerns from WG members with what was already drafted, knowing that there might be additions.

There was discussion on when/how a draft would be ready for the WG to review, how the WG was going to achieve a draft for review and approval to meet the extended deadline for getting the report to the General Assembly by January 15, having a sole drafter or assigning sections to WG members, identifying areas of non-consensus in the report, organizing the components of the WG's charge for the report, scheduling another meeting, and taking the time needed to review and approve the report.

Myers suggested appointing a smaller subcommittee to meet before the full WG to draft and distribute a report. There was discussion. Davis named the drafting subcommittee: Garces, Myers, Robinson, Lynn and Naylor. Davis confirmed that this was not a quorum of the full WG. Pearson, Davis and Nichols offered to assist with editing.

Garces will connect with AOE for warning a subcommittee meeting. She will send a Doodle poll for the subcommittee meeting with the hope of having a draft for review prior to the weekend.

The full WG decided to meet Tuesday, January 16, 2024 from 12:00 p.m. - 2:00 p.m.

### **Adjourn**

The meeting adjourned at 6:06 p.m.

Meeting Minutes recorded by: Maureen Gaidys