

Microsoft Teams Virtual Meeting
Call In: 1-802-828-7667
Conference ID: 410 539 414#

DRAFT MEETING MINUTES

Present:

Lynn Currier-Stanley, Vermont Chapter of the National Association of Social Workers (NASW), **Xusana Davis**, Executive Director of Racial Equity; **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 V Pearson**, Outright VT, Director of Organizing; and **Amanda Garces**, Vermont Human Rights Commission (HRC), Director of Policy, Education and Outreach; **Sarah Robinson**, Vermont Network Against Domestic & Sexual Violence, Deputy Director; (joined at 9:09 a.m.); **Cammie Naylor**, Vermont Legal Aid (VLA), Project Director (joined at 9:22 a.m.); **Heather Lynn**, Vermont School Boards Association (VSBA), Attorney.

AOE: Tracy Watterson; Meghan Laird; Maureen Gaidys.

Members of the public/others: Representative Elizabeth Burrows; Big Hartman; Mary Gannon;

Call to Order/Introductions Roll Call/Amendments to Agenda/Minute taker

Davis called the meeting to order at 9:04 a.m. and started with a prompt of what WG members will be leaving behind definitively in 2023.

Approval of [Draft Meeting Minutes from December 18, 2023](#)

Stanley moved to approve the minutes; Myers seconded. There was no discussion. The motion passed.

Public to be Heard

There were no members of the public to be heard.

Review/Finalize January 15, 2024 Report to the General Assembly

Robinson reported that she, Myers, and Naylor have a plan to meet and discuss school-based staff responsible for addressing harassment and discrimination, but that meeting has not yet happened. Naylor drafted language and sent it to Davis. Myers added that this was about the broader conversation of resources in schools and that she has not yet reviewed Naylor's proposal.

Davis shared [Naylor's draft of proposed recommendations](#) with Working Group members and there was discussion on the whole child approach, relieving some work from administrators

while working in collaboration, not prescribing new staff funding solutions but leaving that up to the legislature, avoiding silos and burnout, ensuring interconnectedness of this work with equity and access work, and a more holistic approach.

Davis asked if the language was modified to make it clear that we don't want to create an unrealistic timeline and incorporate the other comments and concerns stated above, if the WG would be agreeable to including this in the list of final recommendations. There was discussion on voting again today, a request to include a recommendation that big policies (e.g., anti-racism policies) have an implementation procedures document accompany them and that training should accompany the implementation piece. There was discussion on who would provide the procedure document and trainings, districts creating their own model policy, VSBA might be able to support this with clarifying language, and important to have consultation with the community.

Davis gave the WG time to review the dot voting board of final recommendations for the WG's report to the General Assembly. There was discussion on reviewing the language in S.103 and the statutory language from the VSBA proposal. Hartman reviewed the [S.103 language](#) for the WG's consideration. There was discussion on clarifying if this was addressing lawsuits against schools and standard of proof, concern for anything that suggests schools because of potential liability will be encouraged to behave in ways that would run afoul of the first amendment.

Davis asked if there were any changes to this recommendation. There was discussion on keeping this as an option for the WG to weigh in on, redundancies in the report, voting on the language of recommendations of items with the most votes and moving through the draft from there, other options for approving the draft report, having another dot vote (unlimited) on recommendations, further consolidation to address redundancies, and needing another meeting to vote on the final document/report.

The WG reviewed the [spreadsheet compiled by Davis on the WG's list of recommendations](#) for the report to the General Assembly. There was discussion on AOE providing best practices/guidance and training (lines 5, 9 and 15), recommendation to AOE with topics to be included but not with specificity to the tool, whole child approach, to whom the WG is making its recommendation, moving away from punitive measures, schools need to have punitive/restorative tools available, supporting uniformity, restorative practice/ justice is a voluntary process, investigations must happen if policy is violated, language reflecting age-appropriateness and cultural responsiveness, narrowing the focus of recommendations, having the Harassment, Hazing, and Bullying Prevention Advisory Council (HHB) continue some of this work, expanding the membership of the HHB, accountability and giving students/parents a place to go when resources within the system are exhausted.

Garces asked that Hartman be able to respond to the VSBA proposal. Lynn gave some context for the VSBA's proposed changes to the "severe/pervasive" and sexual harassment statutory language. First, the proposal recommends amending 16 V.S.A. §11(a)26(A) to add a prohibition explicitly for sexual harassment hostile environment, and to define that hostile environment in a way that avoids the language, "severe, persistent, and pervasive." Hartman said she didn't see where this addition has a lot of significance or would change anything in the purview of the HRC or in a court of law. There was discussion on distinguishing this language from S.103 language, not an either/or decision, S.103 amendments and the sexual harassment hostile environment are not mutually exclusive or conflicting, agreement on

severe and pervasive being removed from the sexual harassment piece, and not having as much understanding on employment law. Lynn explained further that the VSBA proposal removes the need to prove particular behaviors under the single-multiple constructs, all of which are creatures of employment law. The change is. “When viewed from an objective standard of a similarly situated reasonable person, the targeted student’s equal access to education opportunities or benefits provided by the educational institution was substantially and adversely affected.” Hartman appreciated the removal of severe and pervasive language and is not sure it is enough. It still creates a legal standard for cases to be dismissed prematurely. There was discussion on civil liability, administrators misapplying standard of severe and pervasive, influencing school behaviors, unify and solidify language to be used, specifying non-consensus recommendations/ideas, and supporting both recommendations.

There was discussion on another meeting this week. The WG will meet again on Tuesday, January 9, 2024 from 5-6:00 p.m. At this meeting, the WG will finalize recommendations, including non-consensus recommendations and will determine drafting assignments. WG members should be prepared to make decisions about the list of recommendations and to offer suggestions for any changes needed. Garces said there is also a draft of the Student Protection piece and asked that WG members read this in advance. Davis will send one email to WG members with what needs to be read in preparation for the meeting on January 9, 2024.

Adjourn

The meeting adjourned at 11:02 a.m.

Meeting Minutes recorded by: Maureen Gaidys