



Working Group on Student Protections from Harassment  
and Discrimination in Schools  
August 28, 2023

Microsoft Teams Virtual Meeting  
Call In: 1-802-828-7667  
Conference ID: 895 346 487#

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

DRAFT MEETING MINUTES

Present:

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

**Call to Order/Introductions Roll Call/Amendments to Agenda**

Chair Davis opens the meeting at 9:04.  
There were no amendments to the agenda.

**Approval of [Draft Minutes from August 14, 2023 Meeting](#)**

Rachel Seelig moved to approve the minutes from the August 14, 2023 meeting as presented. Lynn Currier-Stanley seconded the motion. Motion passed unanimously and minutes were adopted.

### **Public to be Heard**

No members of the public were present.

### **Icebreaker**

Chair Davis posted a picture on the screen for members of the Working Group to reflect on their role/experience in/with Hazing, Harassment, and Bullying (HHB) prevention.

Chair Davis summarizes the reflection noting that there was discussion about empowerment vs. helplessness.

### **Compulsory Attendance - Rachel Seelig**

Rachel describes [16 VSA Chapter 25 Subchapter 3 1121-1129](#)

Why did compulsory attendance become a part of the charge of this group? Students have a right to attend school but there is a tension for the students that are afraid to attend school. There are potential consequences in the court system for those who miss school. Rachel describes experiences with being able to change public schools to avoid truancy referrals.

Is there anything about the law that we would want to see change to protect students from ending up in truancy? How do we ensure ongoing access to schooling when experiencing hazing, harassment, or bullying?

Interim Secretary Bouchey indicates needing to depart at 9:45 am. Recognizes that statute is there for allowing students to miss schooling without becoming truant. How are schools applying this statute? Should AOE do more to educate district administrators? The solution should not be for the student to be out of school. Students are entitled to schooling. Do we need a statutory fix or is it already there?

Heather Lynn is interested in hearing from administrators what is driving them to initiate truancy protocols? There are some disincentives to moving schools. Office of Civil Rights (OCR) gives strong guidance not to suggest change in public school or classroom.

Rachel Seelig notes that the example was initiated by the parents not by the school. Have seen safety plans where those who have been hazed, harassed, or bullied are moved from the classroom.

Sparks would like to see data on this issue. How many schools are removing complainants. It is not the practice of his school districts. Have made recommendations to remove the respondent. How many cases are we talking about? Is that data available?

Jay Nichols echoes Sparks comments. Cannot think of a case where the alleged victim was moved. Each county has rules for truancy protocols. Sometimes there are misunderstandings about that.

Chair Davis wonders whether the exemptions need to be clarified or expanded upon.

Rachel Seelig says that there is not good data about that. Can we bring good data together on this? Discrepancy in how schools report attendance records.

Chair Davis asked about the student transfer scenario that Rachel Seelig mentioned. Is it always the schools that contracting parties? Why?

Rachel Seelig said the student was on Individual Education Program (IEP), so the school was able to contract with another school to provide the services.

V Pearson knows of two trans youth that needed to leave school. Went into alternative educational settings. How many students are trying to get their needs met on the margins of the law? If it is mental capacity exemption it is not categorizing what the student is experiencing. How can we communicate or track the experiences more readily?

Jay Nichols says that the school board piece used to monitor the administrators use of exemptions.

Sparks thinks that as we talk about truancy, the state is not taking truancy cases, especially at the state level. If that case is not coming forward with some other issue, the state will not take the case. Possibly at the elementary level they would be. When we talk about truancy, we have to acknowledge racial bias. We need to think about overall school safety. What are we doing to keep kids safe? As we think about HHB and Title IX, there are very specific measures talking about safety plans. If a school district is not keeping the students safe, the school is not doing its job.

Lynn is wondering if there is any requirement to report to the state about compulsory attendance?

Rachel states that the state collects data. There is chronic absenteeism data. Interim Secretary Bouchey had to leave. Does AOE have relevant data.

Sparks thinks that a step could be analyzing what data we have and don't have. Hard to address problem when we don't understand the scope of the problem. New since COVID, students who are in school but are not going to class. When we think about truancy do we have enough information to think about viable resources.

Rachel mentions the [Youth Behavior Risk Survey](#). Indicates that there is interest in hearing a report from the AOE about data.

Amanda reports working with families that move schools or leave the state. Wants a way to track that data.

V Pearson echoes the statement.

Rachel asks if we should make any recommendations.

Sparks doesn't think that we will have enough information to move this off of our plates. Would like to understand the scope.

V Pearson wonders if it would be possible for a couple of Working Group members to write some guidance when it comes to the current scope of the law?

Chair Davis indicates that it is within the charge to recommend guidance and the General Assembly (GA) appreciates draft language. Do we want to make it easier for people to remove themselves from the situation that they are in? That is the fundamental question.

Amanda Garces wonders about a few things. We know we don't have enough data. How are we moving the conversation forward? What are the things that are going to shift to support the families more? We need to do the work differently and understand the perspective of the families that have gone through it.

Heather Lynn echoes that there might not be an understanding of the statutory exemptions. Could there be attendance considerations in AOE mandatory procedures? Procedures are up for review with the agency, perhaps we could offer some draft language?

Xusana Davis mentions that another group was formed on truancy prevention.

Amanda Garces wants to bring in [Act 35 recommendations](#) to this group.

Rachel Seelig recognizes the intersections of Act 35 and this work. Is exclusionary discipline the right action for HHB incidences? Should they be included as allowable reasons for exclusionary discipline?

Amanda Garces asks that we look at the experience of the students rather than solely changing the statute.

Chair Davis asks whether the group thinks the statute needs to change or need more resources and guidance?

Rachel Seelig asks whether there should be more alignment with the exemption to the HHB experience. "Physically and mentally unable" is a high bar and not necessarily reflective of the experience. What evidence would that require? Can there be a more closely drawn connection. Can we add something that can be more in line with these experiences?

Sparks doesn't know if changing statute is the answer, but we are walking on a fine line. In our district, we have moved the respondent and the complainant still does not feel safe. The school should always be able to show what has been done. How can schools be more creative to respond? We are not going to be able to legislate our way out of this. How do schools engage on the front end? Climate and culture of the school is important. That is not a policy or procedural issue. Not sure if changing policy is the answer.

Rachel Seelig thinks it is both – policy and practice.

Sparks says schools need assistance with training but also need to be held accountable when it is not going right.

Xusana summarizes potential recommendations:

1. Possible modification of statutory language to clarify that HHB is a valid reason for being "unable to attend" and to clarify who determines a student's inability
2. Additional guidance to accompany formal policies so schools understand how to implement
3. Resources for schools to implement any mandates/required policy changes
4. More trust-building so families actually utilize the options codified in policy
5. Data reporting improvements

Generally in agreement.

Jay Nichols wants to ensure that we continue to put Free Appropriate Public Education (FAPE) in the forefront to any changes.

Sparks talks about restorative practices in Burlington. Even if a school has done everything that they can to ensure safety, it does not mean that the student feels safe. Wonder once a school does everything required to ensure safety and student still does not feel safe, how do we resource that school to change that?

Heather Lynn shares remedial actions. While we would prefer not to discipline students and exclude them, we have to be mindful that there has to be a willing participant in restorative practices. Seeing some families pushing back on these practices. Schools should not burden-shift to those harmed.

Amanda Garces suggests that it is nuanced and restorative practice can be used effectively to move culture.

### **Other**

Recommended next agenda items:

- Ask AOE for data report related to compulsory attendance
- Bring Truancy Prevention Group together with us to talk about this
- Members to look at the statute on compulsory attendance
- Thinking about implementation

Next Meetings:

August 28: Meeting #1 - Compulsory Attendance (Rachel Seelig)

September 11: Meeting #2 - Severe and Pervasive Standard (Sarah Robinson and Amanda Garces)

September 25: Meeting #3 - Resources for schools and supports for students (Heather Lynn and Jay Nichols)

- October 9: Meeting #4 - Data on harassment and discrimination in schools  
(Heather Bouchey) and next steps
- October 23: Meeting #5 - Drafting Meeting
- November 6: Meeting #6 - Drafting Meeting
- November 20: Meeting #7 - Final Meeting

**Adjourn**

The meeting adjourned at 11:03 a.m.

Meeting Minutes recorded by: Chelsea Myers

DRAFT