

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:

Lynn Currier-Stanley, Vermont Chapter of the National Association of Social Workers (NASW), **Rachel Seelig**, Vermont Legal Aid (VLA), Project Director; **Heather Lynn**, Vermont School Boards Association (VSBA), Attorney; **Sarah Robinson**, Vermont Network Against Domestic & Sexual Violence, Deputy Director; **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; **V Pearson**, Outright VT, Director of Organizing; **Amanda Garces**, Vermont Human Rights Commission (HRC), Director of Policy, Education and Outreach; and **Heather Bouchey**, AOE, Secretary of Education.

AOE: Maureen Gaidys.

Members of the public/others: Mill Moore

Call to Order/Introductions Roll Call/Amendments to Agenda

There were no amendments to the agenda.

Approval of [Draft Minutes from July 12, 2023 Meeting](#)

Jay Nichols moved to approve the minutes from the July 12th meeting as presented. Lynn Stanley seconded the motion. Motion passed unanimously and minutes are adopted.

Public to be Heard

Chair Davis invited any members of the public who are not Working Group members to be heard. Chair Davis indicated that members of the public may also use the chat function in order to be heard. There were no comments from the public.

History, Charge and Opportunities for this Working Group – Davis and Lynn

Chair Davis provided some context and framing for today's meeting. The purpose of today's meeting is to further clarify the charge of this working group and to understand the landscape around hazing, harassment and bullying in schools including current law. The charge of this working group is as follows:

“study the current protections for students against harassment and discrimination in schools and make recommendations for legislative action to ensure Vermont students have the appropriate protections from harassment and discrimination.

In conducting its analysis, the Working Group shall consider and make recommendations on the following issues: (1) eliminating the severe and pervasive standard for harassment and discrimination for students in educational institutions; (2) compulsory educational attendance requirements for students who have been victims of harassment; and (3) the resources required for schools to develop harassment prevention initiatives as well as supports for students who have experienced harassment.”

Chair Davis highlighted that the purpose of the three discussion items is to simply highlight the current landscape and where we are right now, what is happening and not happening. We are not looking for positions or a debate, instead today is about context.

Heather Lynn provided a presentation outlining the legal context for Vermont's harassment law including the current framework of prohibited conduct, prevention, and enforcement including intake, referral, investigation and determination. In addition, the presentation highlighted the options for third party review/oversight as well as civil suit standards. The discussion included the history of the statutory framework, free speech considerations and areas of the statute that may warrant further discussion of the working group.

Sarah Robinson noted that larger national and regional context about severe and pervasive standards in case law may have some impact on the future of discussions for the working group.

Compulsory Attendance - Robinson

Sarah Robinson provided a brief overview of the legislative origin of the compulsory attendance charge to the working group. In testimony and committee discussion during the legislative session, there were concerns raised about compulsory attendance requirements for victims of harassment and bullying in schools. Concerns were raised by parents and children who had experienced harassment and were not comfortable or feeling safe attending school and that in some instances there have been punitive consequences for those students related to attendance.

Secretary Bouchey noted that she has some thoughts about this issue for future conversations and registered a concern that this particular charge to the working group was framed as though compulsory education was bad as opposed to students having a right to a free public education.

Vermont Legal Aid Experience – Seelig

Rachel Seelig provided an overview of Vermont Legal Aid's work related to discrimination and harassment in schools and what trends they are seeing in their work. The Disability Law Project of Vermont Legal Aid addresses the legal needs of people with disabilities, to prevent abuse and neglect, and ensure that their rights are enforced. Approximately 1/3 of all requests received by the Disability Law Project are education related for students with disabilities. Civil rights data is collected from all states related to reports of harassment based on race, sex and disability. There is a significant lag in data, and the most recently available data is from 2017-2018. In that year, there were 102 disability-related complaints, 177 race-related complaints and 509 sex-related complaints. We believe these to be likely undercounts because not all harassment gets reported, and not all harassment reported is treated as such and then investigated and reported. Harassment is sometimes mixed with other educational issues such as Individualized Education Programs (IEPs) and absenteeism. Students who are victims of harassment are sometimes the target of investigations because they have retaliated against their perpetrators and school exclusions.

Chelsea Myers asked about how VLA's services extend beyond litigation.

Rachel Seelig reported that VLA's services include counsel and advice, informal resolution and providing advice about independent review.

Update on Data, What is Not Happening and Advocacy Space - Garces

Amanda Garces provided an overview of advocacy around issues of hazing, harassment and bullying in schools. The Human Rights Commission (HRC) has been working on these issues for the past 3-4 years. The HRC took on this work when they saw a really high need for supporting families who were experiencing discrimination and harassment and did not have the information they needed. The HRC is also part of the Police Out of Schools Coalition with the Rutland NAACP, Windham NAACP, Education Justice Coalition and Rights and Democracy. We have seen a lot of families changing schools multiple times or leaving the state. Cases that are settled are not counted in the data. The Police Out of Schools Coalition will be launching a storytelling project with 10 organizations statewide to collect stories about bullying and harassment in schools.

Rachel Seelig asked about the process for families who do make a complaint through the HRC.

Amanda Garces reports that individuals can be referred to the HRC from a variety of sources and they will meet with an intake coordinator and possibly be referred to an investigator. Many times people do not want to go through an investigation.

V Pearson asked if there was a sense of what percentage of cases are settled and therefore not reported.

Amanda Garces reported that she does not currently have the specific numbers, but it does not paint the full picture of how many cases there are.

Secretary Bouchey noted that she is not sure that because a case is settled it is not reported in AOE data. There needs to be more clarification about what is included in the data. In addition, the AOE could bring a presentation in the future about what the current data is so that we can all be on the same page about data and ask questions.

Vermont Council of Special Education Administrators (VCSEA)

There was no one present from the VCSEA. Chair Davis indicated that she would follow up prior to the next meeting with the VCSEA.

Decision-making Around Meeting Cadence and Goals

The working group discussed various elements of meeting cadence, meeting process and goals. The group needs to report to the General Assembly by December 1st and ceases to exist on February 1st.

The group discussed assembling information that has already been provided to the legislature and in different forums regarding the three charges of the working group. The group discussed having a topic and purpose for each meeting. The following was proposed:

- Meeting biweekly for two hours at a time, for a total of 7 meetings between now and December.
- Working group member volunteers will work to compile existing resources and a reading list/syllabus for meetings in topics. Each meeting will cover a specific topic. The next meeting's topic will then be previewed for the last 15 minutes of the meeting.
- Meeting topics (and general order) will include:
 - Meeting #1: Compulsory Attendance (Rachel Seelig)
 - Meeting #2: Severe and Pervasive Standard (Sarah Robinson and Amanda Garces)
 - Meeting #3: Resources for schools and supports for students (Heather Lynn and Jay Nichols)
 - Meeting #4: Data on harassment and discrimination in schools (Heather Bouchey) and next steps
 - Meeting #5: Drafting Meeting
 - Meeting #6: Drafting Meeting
 - Meeting #7: Final Meeting

The working group also discussed the meeting process. To date, the group has used a parliamentary process based on Robert's Rules. Chair Davis suggested moving to a consensus-based process. The group discussed that there is no legal requirement to use Robert's Rules. V Pearson noted that it is important to be specific about our guidelines for consensus and that Outright Vermont has a tool to check for consensus which might be helpful to this group. Heather Lynn noted that we need to be consistent with applying the same participation guidance to members of this group and to the public. Chair Davis noted

that we can identify and approach moments of decision making as we see them and discuss together how to proceed through a decision-making process. The group discussed an icebreaker at the next meeting to allow members to get to know each other better. The group agreed to use first names rather than formal titles at future meetings.

The AOE will send out a meeting planning poll for a regular meeting time and members are asked to complete it expeditiously. The AOE will look into options for where materials can be stored.

Other

Minutes can be sent directly to Maureen at the AOE.

Adjourn

The meeting adjourned at 10:44 AM.

Meeting Minutes recorded by: Sarah Robinson

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