

Anti-Discrimination Development Team Meeting
September 12, 2017
Cabinet Room, Townsend Building
6:30 p.m. – 8:00 p.m.

Meeting was called to order by Secretary Susan Bunting at 6:35 p.m.

Members present: Secretary Susan Bunting, Patrik Williams, Bob Fulton, Mark Holodick, Greg Meece, Andrea Rashbaum, Terri Hodges, Janis Hanwell, Charles Sheppard, Jennifer Nauman, Shanta Reynolds, student representatives, Mark Purpura.

Also present were Pat Ayers, Laura Makransky, Susan Haberstroh and Geri Donahue (recording secretary).

Secretary Bunting explained background of committee briefly for those members not present at the first meeting September 6, 2017.

Kathy Dunne then discussed adding another meeting on September 21st at 6:30 p.m. in Cabinet Room. It was then suggested to change the third meeting to September 19th due to a religious holiday.

Also asked to post Community Conversations for everyone so they can put on their calendar.

Discussed Gradient of Agreement chart, background on the use of it and explanation on where to put their “blue dot” once they review the edits to the regulation, that were made based on the first meeting feedback. Kathy gave instruction to review as a group and Susan Haberstroh will insert comments into document as we go along. Based on last week and what was discussed, a lot of agreement on what the regulation would serve in terms of students in DE.

Last week, it was agreed that an effective Anti-Discrimination policy should be easily enforced, succinct, inclusive and restorative. It would also address the needs of protected classes for all key stakeholders; provide a clear plan on how to address implementation issues; create coherence across Delaware by articulating “baseline” standards for the state while also minimizing discrepancies across districts and allowing for local control. We also emphasized cultural competency for all stakeholders and to be in full alignment with Delaware state code.

The group was then asked to take some time for quiet reading time, note anything that you agree upon, question, or feel you need more information. Upon completion of your reading, determine where they are on the Gradients of Agreement continuum and place their “blue dot” in that area. We will then discuss as a group your thoughts.

Issues to consider: do we include “appearance”; what is meant by genetic information? If this stays we need more information about what is meant by it. Secretary Bunting will reach out to the Governor’s office for clarification and get back to the team next meeting. Consider pregnancy – this is covered under Title IX. Bathrooms and locker rooms for transgender

students. At a minimum the Anti-Discrimination policy shall include any required components as noted in the model policy. “Non-negotiables” need to be identified in the policy.

Add into model policy language capturing the “protected characteristics” for purposes of the regulation.

Under the “Purpose” section, a question was raised about “what does monitoring and evaluation mean?” Tying this into Anti-bullying policies – how do we know?

Question was brought up around evaluation and grievance process.

Under Purpose – Extra Curricular activities, educational, are they same or different? What extent do they overlap? Extra-Curricular activity may differ from educational activity. Is it covered in a definition? State “IN ALL” that should cover it. Any and all would really strengthen. Put a placeholder in any and all, make it clear what Educational Programs and Activities should cover it.

Other on page 2:

Still have to resolve gender and sex issues. 3.1 – Deleting Or Sex just have it read “Same Gender”. 3.4 Should be gender – do it all the way through the document.

Do we need proactive approach in 3.0, not sure should school make every effort to determine course for child. Suggest we put in that context, dually noted, changes from sex to gender. Change throughout and take a look at it next week.

Page 3:

5.1 is not very clear. Needs further clarity. May be clearer in the negative. E.g. materials – will not discriminate. Look at Title IX to determine how equivalency is handled. Suggested we have a Title IX expert available next week to discuss.

Page 4:

Other comments: Why was gender deleted? The ability to request parent legal guardian permission. What about the students who can’t come out? If a student files a complaint, are you comfortable with LEAs telling your parents? States “may request”, does not say required. We do not want to bring harm to child.

Page 5:

Time limits on filing complaints too restrictive. 5 days too short. Advocating for 15 day.

5 days refers to response. A comment was made that students shouldn’t have a restricted time frame. Need to add explicit language in reference to school and student.

Who do you go to when “you” want to talk it through? This is informal step prior to formal process.

Before next meeting, need clarity on what each statement means. Two sides to this coin, be flexible, on other hand want to get to truth to support student. Can have negative consequence if wait too long for investigation into any complaint

Page 6 clarification. 90 days to establish policy. How about implementation?

We stopped at this point and it was determined Susan Haberstroh will make edits to document and will send out updated version showing edits before next meeting on Tuesday, September 19th.

Meeting was adjourned meeting at 8:25 p.m.

DRAFT