

Anti-Discrimination Development Team Meeting #3
September 19, 2017
Library Conference Room, Townsend Building
3:00 p.m. – 5:00 p.m.

Meeting was called to order by Secretary Susan Bunting at 3:00 p.m.

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

Also present were Laura Makransky, Susan Haberstroh, Jeanette Hammon and Angela Moffett-Batty (recording secretary).

Secretary Bunting thanked everyone for attending. Angela Minnici from WestEd explained that the Development Team would be going through the draft of the regulation so that a final draft could be made available for the Community Conversations beginning the following week. Secretary Bunting also said that if the Development Team chooses, you may meet one more time the week of Oct. 9th. We want to urge people to get involved at the district and in implementation at the district. We will send a link to this group and to others on the Community Conversations and will include a link to the documents. We are posting this information on Facebook and in multiple other areas.

The Development Team went through the regulation as a group.

Section 1.0 Purpose, 2nd paragraph, individual characteristics were removed from revisions in place of “Protected Characteristics.” Member wants to know which characteristics were removed.

2.0 Definitions: Members state that some definitions are still missing and several important things need to be considered in the regulation moving forward.

“Extracurricular activities and educational programs” should be separated. Change made.

Request to add “sex” back into the language. Change made.

What is meant by “Genetic information?” Examples of sickle cell, cancer markers given.

Section 3.0: Members discuss how these changes will be monitored/evaluated at the school level. Any policy or implementation guidance moving forward must emphasize what’s required by districts.

What is “semi-officially approved?” Use “formal/informal” instead.

3.4 – Member states that “regardless of assigned sex at birth” is unclear. Would prefer “consistent with the student’s gender identity regardless of the student’s assigned gender at birth.” Suggests adding language to this area and getting feedback.

Section 4 – No concerns

Section 5 – Members have concern over 5.1 – “Develop curriculum and instruction materials.” Members discuss whether the regulation should prescribe curriculum and how schools can create curriculum/instructional materials with cultural competence. “Develop” puts districts in a tough spot – puts the burden on districts. Suggestion to include “use” in place of “develop” and to add to the policy instead of regulations.

5.2 – Replace “either” with “any.” Change made. No additional concerns

Section 6.0 – Under Section 6.1 – Concern that language allows schools to pick and choose when to follow the policy. Make change to use “include all.” No additional changes.

Section 7: Added 7.3.1 and 7.4.1 – Members request that these sections include language that requires conversations with students before speaking to families. Concerns over record-keeping – why can’t historical records be changed? Request to add into the policy a recommendation to seal records. DDOE states that school records must be maintained for 100 years. Members say there are no federal or state requirements for diplomas. Request to make diplomas retroactive in the case of name changes – similar to birth certificates. Request to determine how are other states dealing with this.

Members discuss “parents’ permission” – Do we have to add this? Request to look at existing language in health. Members share concerns over “preferred name and gender ID.” Request that this addition include implementation guidance and training. Members suggest conferences would be practical to follow the same process as wellness centers.

Section 8 – This is a new section consistent with feedback from Development Team Meeting #2. Member asks that the state addresses the issue of student bathrooms/locker rooms and requires students have access to bathrooms/locker rooms consistent with their gender identity. DDOE states that Delaware cannot provide this requirement. Delaware is a local control state, which means these decisions must be made at the district/school level. Members discuss a statement that districts shall take steps to work with students and families to provide access to bathrooms/locker rooms that correspond to the student’s gender identity and expression. This is not a requirement, but will be left up to communities to decide.

Section 9 – Members discuss the need for a timeframe. Clarification added that the timeframe is for the response only. Group determines that this information will be included in more detail in implementation guidance with language letting students know that waiting can change the outcome.

9.1.2.3.2: Remove time requirement after “complaint in writing.”

9.1.2.3.1: Remove requirement of “administrative position.” Clarification that “administrative position” includes all staff. Language remains.

9.1.2.3.3: Include after “Parent” the language, “if requested by the student.”

Section 10 – Under 10.2, remove the word “again.” Suggestion by member to remove 10.5 or edit to make certain students do not miss out on scholarship opportunities because of this section.

Section 11 – No changes.

Section 12 – No changes.

Final comments: Include all regulation definitions in the model policy. Implementation guidance must be more narrative and include best practices. Member states that this regulations hopes to encourage schools to think about anti-discrimination, even bathroom changes, with this less punitive approach.

Secretary Bunting closed out the meeting and said that she appreciates the concerns and perspectives voiced. Please remember we will have four community conversations sessions and we encourage your attendance.