

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

Meeting was called to order by Susan Bunting at 6:32 p.m.

Members present: Patrik Williams, Mark Holodick, Greg Meece, Andrea Rashbaum, Terri Hodges, Janis Hanwell, Ralph Taylor, Shanta Reynolds, Gloria Bontrager-Thomas, Holly Williams, Mark Purpura, Susan Bunting.

Internal Working Team Members present: Susan Haberstroh, Tommie Neubauer, Laura Makransky, Geri Donahue (recorder of minutes).

Secretary Bunting discussed Governor Carney's directive to the Department. Secretary Bunting shared the importance of knowing that this is public education policy work on anti-discrimination and should not be viewed as a regulation and model policy developed in isolation by Department of Education staff. It was stated that they are here because the Development Team represent a certain group, whether that is as a parent, a local board member, school chief or student and need to be part of the development.

As the Governor stated in his July 17, 2017 memo to the Secretary of Education, "it is critical that all the schools in Delaware be welcoming, inclusive places where students and staff members alike can thrive. Every student should be able to learn, achieve, and grow without unlawful discrimination based on their appearance, gender, race and/or ethnicity, gender identity or expression, sexual orientation, or any other protected characteristic."

This is our policy together and the Department is ready to support you all in this policy work getting done well and in the timeline the Governor has laid out for us.

The regulation is to be effective January 2018. Students need to be successful while in our school system. We can work collectively to work on what the Governor has directed us to do.

Secretary Bunting also discussed goals and purpose of the team. She explained that it is our mission to develop an anti-discrimination regulation and model policy to be used by all school districts and charter schools throughout the state.

There is an internal team that has been doing background work. This team reviewed national policies, Delaware code and guidelines from other states resulting in the development of the DRAFT anti-discrimination regulation and model policy that you will be reviewing tonight. You represent a variety of key stakeholder groups. It is important that you be involved in revising these documents, which ultimately will be adopted or adapted by Delaware's districts and charter schools.

The Development Team is being asked to review these draft documents; provide feedback; and finalize drafts for public feedback. The Development Team and Community Conversation meetings will be facilitated by WestEd and supported by the Department.

Public feedback will be requested at the Community Conversation meetings which will be held throughout the state -- one in each county and one in the city of Wilmington. In addition, public comment is invited via an online survey located at www.doe.k12.de.us

The anti-discrimination regulation must be filed with the Register of Regulations on October 15th for publication on November 1, 2017. The process would then have this regulation final in January 2018.

One question raised was whether or not the Development Team is expected to be at the Community Conversations. Secretary Bunting said that the Development Team is welcome but not required to attend the Community Conversations. At the same time, it would be appreciated if the members of the Development Team would share the opportunity to be a part of this process and encourage others to participate in one of the Community Conversation meetings.

At this point, the meeting was turned over to the facilitators from MACC/West Ed: Kathy Dunne and Angela Minnici.

Kathy Dunne opened the discussion stating that there is a sense of urgency in ensuring that all students are safe in all Delaware schools. A very short video was shown from a 20/20 ABC Dateline show. Following the clip, members of the Development Team were invited to share their responses to the following question: "what are your reactions to what you saw on the video?" It was suggested that tables break into small groups to discuss what they saw on the video and to share their responses to the question posed.

Reactions: Several responses were centered on the idea that the children in the video demonstrated bias in their reaction to the photos shown in the video clip. A question was raised as to the culture and background of the particular children in the video. One comment noted the media plays a big part in children's perceptions. Terrorism was a first reaction for some of the children. Another question was raised as to where the children in the film reside. Comments were made that media in society is very powerful and influences the youngest among us.

Following this discussion, members were invited to discuss responses to the following questions:

What do we hope to achieve with this regulation and model policy?

What is essential to include in this regulation and model policy?

Members first jotted down a few responses to questions and then paired with another member to share responses to the questions.

Question #1 responses from participants - What do we hope to achieve with this regulation and model policy?

- Policy easy to enforced, succinct, restorative
- Clear plan, address all stakeholders, clear connection to plan to address issues
- Provide baseline standards
- Minimize discrepancies – promote coherence in policy across Delaware
- Allow local control but do not deviate from baseline standard (what are the non-negotiables?)

- Cultural competency for all stakeholders – training component
- Safe schools will include more kids than you think about – inclusive policies
- Make explicit what everyone knows and understands
- Best policies across the country gave me pause for thought

Question #2 responses from participants: What is essential to include in this regulation and model policy?

- Discussed having a clear plan
- Introspection and reflection
- How well the policy is implemented and enforced – how do we attend to do this? – Implement guidance – clear to individual how to navigate their rights.
- For special characteristics need more clarity (e.g. transgender)
- Need students to be in positions to flourish and succeed not just feel safe
- Definitions – need agreement on terms of definition

In light of the responses above, Development Team members were asked to review the anti-discrimination regulation and identify any issues or concerns. A question was raised relative to the definitions listed in the draft regulation and which ones do we need to discuss. What do we need to look at to implement. It was stated that the next draft needs to show that input from this group was made and we as a team are making progress.

How does the draft of the Anti-discrimination regulation and model policy align with the purposes identified?

- Address federal regulation on Title VI and Title IX and include in the regulation as applicable
- Delaware Public Accommodations law definitions are applicable to this regulation
Look across laws to align – and see reference in regulation regarding *all protected classes*
- Include process to follow a complaint that works and include students, parents, teachers perspective
- Regulation should be written to include *students and teachers*
- 8.1.2 – schools procedures for investigation complaints. More specifically in Section 10 as timeline. Should be added to 8.1.2. More clarification in our Section Titles.
- List all of protected classes – up front vs. embedding throughout – hard to read.
- Definition of gender as written does not get at true gender identity when we say gender identity is based on culture – *NOTE: this definition comes from current state law/code.*
- Our non-binary students are not a protected class under the current regulation.

Suggestions from facilitators:

Next meeting, spend time on definitions. We will provide you with where these definitions were found and share our resources. Please send your suggestions on definitions to Geri Donahue geri.donahue@doe.k12.de.us

The regulation will need to include any definitions that are in Delaware code. The questions remains as to whether there is a way through model policy, some of the definitions that are not in Code could be addressed. Some definitions should probably change in Code and this is much longer process.

The goal is to create a robust anti-discrimination regulation and model policy. We will continue this conversation next week. We will consider possible changes will strengthen the current draft regulation. It was suggested the regulation include a list all the protected classes and that definitions be removed from the language in the regulation.

The group was invited to consider the following question in preparation for the Development team meeting on September 12th: What else do we need to consider related to the regulation and model policy as written that should be included in the next draft?

Please feel free to use the information sent to you to include the draft regulation, track changes and send back to Susan Haberstroh, susan.haberstroh@doe.k12.de.us.

Next meeting is September 12th, 6:30 p.m. in the Cabinet Room, Townsend Building. Meeting adjourned at 8:06 p.m.

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