

VERMONT
HUMAN RIGHTS COMMISSION

Addressing Discrimination in Schools

Recommendations from HRC and Community Experts

Presented By:
Big Hartman, Esq.

HRC Executive Director & General Counsel

January 29, 2026

Agenda

- HRC and Statutory Overview
- HRC School-Based Complaints
- HRC School Based Trainings
- Recommendations from the
HRC 2025 Civil Rights Summit

HRC Overview

Mission

The Mission of the HRC is to promote full civil and human rights. The HRC seeks to protect people from discrimination by investigating complaints, helping to resolve complaints, filing lawsuits, educating the public, and advising policymakers on the effectiveness of anti-discrimination laws.

Jurisdiction

The HRC investigates complaints of discrimination in housing, in State employment, and in places of public accommodation.

Under 9 V.S.A. § 4501(a), a “place of public accommodation” is defined to include “any school.”

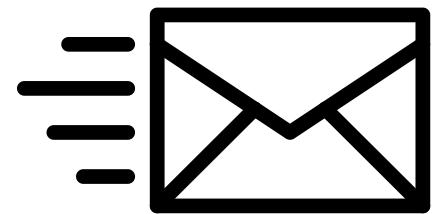
The HRC investigates school-based discrimination and harassment pursuant to Title 9.

The HRC is listed in the Model HHB Procedures as the State agency to receive harassment complaints.

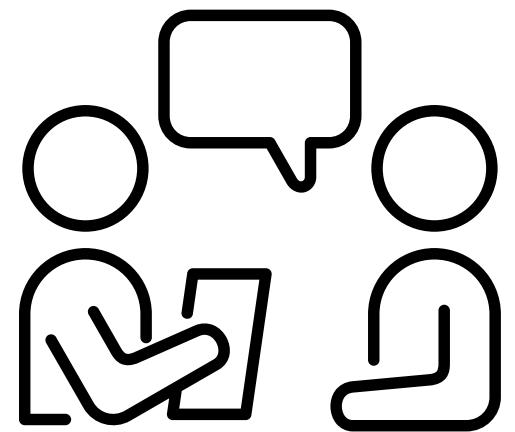
The HRC Complaint Process

Complaints can be resolved any time throughout the process

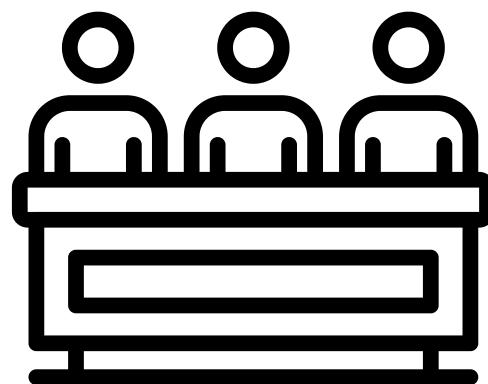
Intake



Investigation



Commission Meetings



Litigation



HRC's School Related Work

- **Policy**

- 2009 Study Committee on Harassment, Bullying, and Cyberbullying of Students in Vermont Schools
- 2012 Hazing, Harassment, and Bullying Prevention Advisory Council
- 2019 Ethnic and Social Equity Standards ("Act 1") Working Group
- 2023 Working Group on Student Protections against Harassment and Discrimination

- **Community Engagement**

- 2023-2025 Narratives for Change Project - Coalition for Transforming School Safety
- 2023-2025 Know Your Rights Events for Parents/Caregivers and LGBTQ+ youth
- 2025 Student-led Train-the-Trainer Event - Education Justice Coalition

- **Trainings**

- Harassment Response and Prevention Trainings for school personnel - since at least 2006
- In 2023, HRC re-vamped its School Harassment Prevention Training

WHAT IS SCHOOL-BASED DISCRIMINATION?

- Being treated differently (less favorably)
- Because of membership in a “legally protected category”
 - race
 - color
 - religion
 - disability
 - sex
 - sexual orientation
 - gender identity
 - marital status
 - national origin
 - immigration status
 - citizenship

(9 V.S.A. sec 4502)

Claims typically allege disparate treatment, harassment, and/or disparate impact

WHAT IS HARASSMENT?

- ▶ **Incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means**
- ▶ **Based on or motivated by a student's or a student's family member's actual or perceived membership in a legally protected category**
- ▶ **That have the purpose or effect of objectively and substantially:**
 - **undermining and detracting from or interfering with a student's educational performance or access to school resources or**
 - **creating an objectively intimidating, hostile, or offensive environment**

SCHOOL LEGAL LIABILITY FOR HARASSMENT

- Harassment claims against schools can only succeed if all of the following can be shown:
 - the student was subjected to harassment
 - the harassment was so severe or so pervasive that “it substantially and adversely affected the targeted student’s equal access to educational opportunities or benefits provided by the educational institution”
 - the school had notice of the harassment
 - the school failed to take prompt and appropriate remedial action reasonably calculated to stop the harassment

COMMON HHB PITFALLS

- Staff fail to identify conduct that could be HHB when it happens
- Staff fail to document or report HHB conduct
- Administrators fail to investigate
- School does not inform parents/caregivers
- Staff do not intervene when they witness harassment
- Safety plans are not utilized
- Safety plans are not effectively carried out
- Administrators fail to “substantiate” incidents without witnesses
- Incidents accumulate without a wholistic approach from the perspective of the child experiencing harm

RECENT TRENDS

- School harassment complaints at the HRC are increasing in frequency and severity. They are more common in rural districts.
- Most harassment complaints are race-based, but some involve disability, sexual orientation, gender identity, sex, and national origin.
- Many cases involve some harassment by electronic means, coupled with in-person school based conduct.
- We are increasingly hearing reports of physical assault coupled with racial slurs or other discriminatory remarks.

COMMON PATTERNS

- The student complainant is one of a very small number of students “like them” at the school.
- The harassment has taken place for a year or more.
- The parents/caregivers have advocated, and feel like they have tried everything.
- The student experiences a significant and noticeable decline in mental health.
- There is a “last straw” incident that leads the parents/caregivers to take drastic action, such as pulling the child from school, to ensure their safety.
- Schools fail to follow basic requirements of the HHB Policy/Procedures.
- Schools inadequately and ineffectively use a safety plan as a prevention tool.
- School staff have not had live, in-person training on HHB Prevention.

RECENT EXAMPLES

- **A Black student is subject to multiple instances of overt racism in the school**
 - **This included remarks about his skin color, his body, and his white family members in the classroom, and use of the “N” word**
 - **no HHB investigation or safety plan done, while conduct continued**
- **A Black student is called the “N” word while physically assaulted by a group of students in the school playground during recess**
 - **he had been subjected to the slur many times before**
 - **he had reported that students were telling him that others were calling him the “N” word, yet no investigation or effective safety plan was carried out**

RECENT EXAMPLES

- A female student is repeatedly called “gay” and “lesbian” against her protests
 - this included namecalling, ongoing remarks, threatening conduct, and graffiti
 - no HHB investigation or safety plan done, while conduct continued
- A female student is sexually groped by a male student in her class
 - the school’s investigation took more than 6 months, during which time the students remained in the same class and another incident occurred

HRC Complaint Activity

- Since 2022, HRC has completed **13 investigations** against schools (9 of those included harassment allegations).
 - 9 found reasonable grounds to believe discrimination occurred
 - 2 found no reasonable grounds to believe discrimination occurred
 - 2 settled before HRC made a determination
- HRC currently has **16 HRC school-based complaints** under investigation. 13 of those complaints include harassment allegations. School-based complaints make up one quarter of all cases HRC is currently investigating.
- One school case is currently in litigation. Two other HRC enforcement actions against one school district recently settled for \$250,000, plus training and reporting requirements for the future.

HRC Prevention Trainings: 2023 - 2026

- HRC has led 5 live, in-person training events for school-based staff
 - Two for school district staff (2 hours each)
 - One for administrators/equity coordinators (5 hours)
 - One for a Middle/High School (2 hours)
 - One for school district staff (3 hours)
- HRC has led various workshops for parents, caregivers and students
 - Know Your Rights for the Vermont Family Network (2023) and at the Translating Identity Conference (2024 & 2025)
 - Know Your Rights for student groups and classrooms as requested
- HRC collaborated with Outright Vermont for a Know Your Rights workshop and a Know Your Rights Booklet in June of 2025

HRC Harassment Prevention Trainings

TOPICS

- Defining Harassment and Bullying
- Reporting Requirements and other relevant HHB Procedures
- HRC Complaints - cases and trends
- Racism in Vermont schools
- Understanding Ableism
- Considerations for Trans and Gender Non-conforming Students
- Bystander Intervention
- Best Practices for Prevention

Observations re: HRC Trainings

- Several training participants have indicated they do not know how to report harassment incidents using a student conduct form, as required by HHB Procedures.
- Educators are frustrated by the lack of transparency in the investigation process.
- Educators often are uninformed about safety plans impacting their students.
- Most educators are getting live training about HHB requirements for the first time.
- Participant feedback shows a desire for more information about:
 - how to support trans and gender non-conforming students
 - how bias manifests in the classroom
 - how to combat bias
 - skill-building for intervening in bias incidents

Feedback re: HRC Trainings

- HRC's Trainings have been very well-received, and clearly much needed. Educators express a genuine interest in more support, guidance, and tools for prevention.
- Overwhelmingly, participants in HRC trainings report that they believe the trainings will have a positive impact on their school. They have stated:

"It helps when a whole staff is on the same page with knowledge, then it helps all students"

"Clarity in defining terms and policies helps me feel more confident in acting when needed"

"People who are more aware can make more informed decisions"

"This training is a call to action for educators to become part of the solutions to create a safe, equitable and accessible learning environment for all."

In November of 2025, the HRC convened a 3-day hybrid **Civil Rights Summit** in Randolph with over 300 people participating.

The goals of this event were (1) to bring community members and advocates together and (2) to discuss strategies for strengthening civil rights in Vermont. We covered a range of topics including: housing, immigrant justice, trans rights, disability access, educational equity, equal protection, and racial justice.



EDUCATION EQUITY PANEL

Principles into Progress: Our Responsibility for Equity & Justice in VT Schools

The current landscape of public education in Vermont is one of countless challenges, many of which are deeply connected. Issues concerning school climate and culture continue to be part of that picture in our schools, and the reports of incidents involving hazing, harassment and bullying (HHB) are some of the highest we have seen. The civil rights of our students are at risk and HHB is impacting their right to a safe and welcoming academic experience.



Education Equity Panelists

Mary Gannon, PhD., Educational Consultant & NAACP Windham County Chapter

Esther Charlestain, Vermont Commission on Women & Conversation Compass

Wilmer Chavarria, Superintendent, Winooski School District

Alyssa Chen, Education Justice Coalition





HOLDING THE LINE:

**WHAT VERMONT'S CIVIL RIGHTS DEFENDERS
ARE ASKING OF US IN 2026**



1. ENSURE EFFECTIVE STATEWIDE HARASSMENT PREVENTION PROGRAMS, TRAINING, AND TOOLS

The Agency of Education has not implemented a meaningful statewide harassment prevention program to support schools in this crucial equity work, despite calls to do so for the past 25+ years. Community experts urge lawmakers to mandate and fund such a program.



2. INCREASE ACCESS TO PUBLIC DATA ABOUT HHB

Without readily available, reliable data about instances of HHB in Vermont schools, we cannot understand the scope of the problem, nor can we measure the effectiveness of any programs, training, or policies. We must require each school to comprehensively report on this information, and ensure that the Agency of Education makes that information available online.



3. SUPPORT SCHOOLS IN IMPLEMENTING NEW EDUCATION QUALITY STANDARDS

New education quality standards, including those relating to equity and ethnic studies, went into effect in 2026 - yet schools have been given little if any support in bringing those standards into the classroom. Educators and students need guidance, support, and resources to make these standards a reality.



4. REMOVE THE “SEVERE OR PERVERSIVE” HARASSMENT STANDARD IN 16 VSA §570f

While the “severe or pervasive” standard for unlawful harassment has been eliminated in all other public settings, employment, and housing, it remains an excessive burden for students who experience harassment in schools. It is time to abolish this unnecessary standard.



5. EXPAND REPRESENTATION AND ROLE OF THE HHB PREVENTION ADVISORY COUNCIL

Introduced in 2025, H.130 seeks to expand representation on the HHB Advisory Council to include more voices from the community, students, and education professionals. It also expands the role of the Council, so that it could make a more significant impact on actually preventing HHB.

