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Notes from editor (not for publication):

HEADLINE ELEMENTS:

####BEGIN HED####

1 Windham Central settles suits over student racial
2 discrimination

####END HED####

####BEGIN SUBHED####

3 Superintendent says \$250,000 agreement is 'not an
4 admission of wrongdoing'; Windham County NAACP tells
5 leaders, 'You didn't do the best you could'

####END SUBHED####

6 TEXT BODY:

####BEGIN TEXT####

7 The Windham Central Supervisory Union will pay a
8 historic \$250,000 in damages to two Black students who
9 allegedly faced discrimination, under a settlement agreement
10 signed last month.

11 The consolidated lawsuit had alleged that school
12 authorities did “little or nothing” to deal with the complaints
13 reported at the Leland & Gray Union Middle and High School in
14 Townshend. As part of the settlement, the school district also
15 agreed to centralize and improve its recordkeeping and
16 implement training sessions to better handle hazing, harassment,
17 and bullying in school.

18 It is the largest single settlement in the history of the
19 Vermont Human Rights Commission, according to a recent press
20 release.

21 “This settlement represents a significant step forward in
22 our ongoing efforts to ensure that every student can learn and
23 thrive in a safe and inclusive environment,” Big Hartman,
24 executive director and general counsel of the Human Rights
25 Commission, said in the release.

26 The commission received complaints and took up the
27 cases involving harassment faced in school by two students of
28 color.

29 The lawsuits outline pervasive incidents of racial
30 harassment, including students calling a Black male student the
31 N-word and “little brown banana” and a Black female student
32 being teased and taunted and called “lesbian” due to her sexual
33 orientation.

34 The commission determined that both students
35 experienced racial discrimination in violation of the Vermont Fair
36 Housing and Public Accommodations Act, according to the
37 lawsuits filed in 2022 and 2024 in Vermont Superior Court.

38 Bob Thibault, superintendent of schools for WCSU, said
39 the agreement is “a means of avoiding protracted litigation with
40 families” and “not an admission of wrongdoing in this case.” He
41 noted the settlement money will come from the union’s insurer
42 and not taxpayers.

43 “The School is not interested in protracted litigation with
44 families,” Thibault wrote in a Dec. 5 emailed statement. “We are
45 pleased to resolve the lawsuit on favorable terms given that it

46 covers two students with two separate claims. The School is
47 constantly working to improve and welcomes the additional
48 training from HRC to supplement our own rigorous training on
49 the prevention of harassment.”

50 A training program will be developed in partnership with
51 the Human Rights Commission and Windham County NAACP to
52 be implemented over the next three academic years, according to
53 the settlement agreement signed last month.

54 “By investing in comprehensive training for supervisory
55 union staff, we are committed to creating lasting change that will
56 benefit students, families, and educators alike. Schools and
57 administrators must understand the importance of addressing
58 student discrimination and following the mandates of Title 16’s
59 harassment complaint process,” Hartman said in the release.

60 Mary Gannon, an education consultant and vice
61 president of the Windham County NAACP, said the settlement
62 brings justice to the students and helps families pay for the
63 expenses incurred due to ongoing harassment. But she accused
64 school leaders of hiding behind settlements to avoid
65 acknowledging the harm done and called the practice
66 “absolutely preposterous,” she said.

67 “So, no, you didn’t do the best you could, and that’s
68 been an issue at Leland & Gray for a very long time, as it is with
69 other schools that we are talking with, some of which have cases
70 in front of the Human Rights Commission,” Gannon said. “We
71 have a lot of people in positions of leadership, mostly white men,
72 who don’t have an understanding of what the cumulative impact
73 is of something like this.”

74 Conflicts of interest and insurance companies, law firms,
75 and school boards protecting their own all further hinder progress
76 on hazing, harassment, and bullying (HHB) cases, she said,
77 adding that Vermont needs to better foster individual
78 responsibility among educational leaders.

79 This settlement comes after the Agency of Education
80 reestablished an HHB prevention advisory council this year to
81 seek advice and recommendations to update current policies.

82 The state agency has created a new Safe and Healthy
83 Schools Division, according to agency spokesperson Toren
84 Ballard. It aims to help schools foster a safe, inclusive, and
85 culturally responsive environment for students, educators and
86 staff.

87 “This renewed focus is crucial in ensuring that instances
88 such as those that occurred at Leland and Gray Middle School do
89 not happen again,” Ballard said in a Dec. 8 email.

90 **Persistent racial harassment**

91 The lawsuits shared with VTDigger describe complaints
92 from the parents of two Black students who faced multi-year
93 harassment at Leland & Gray Middle and High School.

94 According to the first complaint, an unnamed minor
95 identified as A.B., who attended the school from 2019 to 2022
96 and was the only Black student there, was subjected by students
97 to “continuing unwelcome conduct, including verbal, written,
98 visual, and physical conduct” and electronic communications
99 based on his racial identity.

100 Incidents outlined in the complaint included students
101 calling him the N-word and “little brown banana” and described
102 white basketball players mocking a kneeling pose used by
103 professional athletes during the Black Lives Matter movement.

104 Despite written or verbal accounts of the incidents he
105 faced, authorities at the school and the district “failed to take
106 prompt and appropriate remedial action” or follow their own
107 policies for addressing student harassment, the complaint noted.

108 While he started school as a “personable, intelligent,
109 curious student and athlete, eager and willing to make friends,
110 and interested in participating in and learning at school with
111 other children,” the “pervasive harassment” A.B. faced at Leland

112 & Gray “substantially and adversely” affected his access to equal
113 education there, according to the complaint.

114 As a result, A.B. self-isolated, lost interest in attending
115 school and participating in sports, refused to socialize with other
116 students, and cried when he came home from school.

117 Eventually, his parents transferred A.B. to private school
118 and began mental health treatment for him in March 2022, “all at
119 considerable expense,” to “protect their son from continued
120 harassment, suffering, and denial of educational opportunities,”
121 according to the lawsuit filed April 2024.

122 **‘Little or nothing’ done**

123 In the second complaint, a Black female student
124 identified as D.B. faced “unwelcome conduct” from other
125 students about her sexual orientation from 2020 to 2022.

126 These included “verbal, written, visual, physical conduct,
127 the use of epithets, stereotypes, slurs, comments, insults,
128 derogatory remarks, gestures, threats, graffiti,” and the display or
129 circulation of written or visual material, the complaint filed in
130 May 2024 states.

131 Examples include a student threatening to “beat the
132 fucking shit out of” D.B. because of D.B.’s sexual orientation.

133 A dean handling complaints in school reportedly
134 overheard the threat and emailed the parent to notify a student
135 had spoken “in an unkind way” and would be disciplined. But
136 nothing was done, according to the Human Rights Commission.

137 The complaint outlined other incidents in which D.B.
138 was allegedly called “lesbian” by a student who took food from
139 her tray at lunch, bit into it and threw it back on her tray, and
140 another where students drew graffiti on the bathroom wall
141 insinuating that D.B. and her best friend were lesbians.

142 “D.B. was thereafter repeatedly humiliated, even by
143 students she did not know, including by being told “to shut the
144 fuck up” or “to get her [ass] out of here,” according to the
145 complaint.

146 The complaint noted that school and district authorities
147 who were notified of the incidents “imposed little or no
148 discipline” on the perpetrators for the harassment.

149 The parents withdrew D.B. from school in March 2022
150 “to protect their daughter from continued harassment, suffering,
151 and denial of educational opportunities,” according to the
152 complaint.

153 D.B. entered the school as a “personable, intelligent, and
154 curious student, eager and willing to make friends,” but by the
155 end of those two years her performance declined and she
156 became “depressed and self-isolating,” lost interest in going to
157 school, refused to socialize with other children, and came home
158 crying, the complaint stated.

159 The complaints state the school and district “did little or
160 nothing to satisfy the requirements” of its own policy to prevent
161 harassment, “failed to take prompt remedial action” to stop the
162 harassment, and “failed to keep contemporaneous or accurate
163 records” of the harassment the two students faced and as
164 required by Vermont statute.

165 School discrimination cases in Vermont have surged in
166 recent years, yet very few make it to the Vermont Human Rights
167 Commission. Last December, the commission was forced to stop
168 taking cases in a year that saw a record increase, due to a serious
169 funding gap.

170 The commission that enforces anti-discrimination and
171 civil rights laws in Vermont has declined to investigate 45 cases
172 in the current fiscal year and has requested three new positions
173 for fiscal year 2027, according to Hartman. It is investigating 12
174 school discrimination complaints and has accepted two
175 additional school cases that have not yet been initiated.

176 These are among 23 cases accepted by the commission
177 this fiscal year. It has 70 open investigations and 14 cases under
178 litigation.

Students push for reform

Parents and students have shared similar testimony of discrimination faced in other schools at a press conference announcing the next phase of Narratives for Change, a statewide campaign, at Essex Middle School.

Alice Langbauer, a youth organizer for the Education Justice Coalition and a Colchester High School student, said they faced increased bullying after reporting harassment. Friends were afraid to speak up on their behalf because of potential retaliation from peers, they said, and school leaders did nothing to address the issue.

“I’ve experienced bullying getting worse or more people joining in on the bullying after reporting,” said Langbauer, who called for the agency to include whistleblower protection in its hazing, harassment, and bullying policy “because knowing that someone will report them makes a bully feel unsafe.”

Superintendent of Schools Amy Minor said she was sad to hear of it because addressing harassment and making sure students are heard is “a core priority” at the Colchester School District. When she hears about students feeling unheard or unsupported, she said she takes it as an opportunity to examine their systems and make improvements.

“Personally, I really want to make sure that every student feels safe, respected, and supported in our schools,” she said on Dec. 10.

In Berkshire, a middle school student was urged to report sexually explicit comments from a classmate, but no action was taken when she was called a racial slur at school, said parent Caroline Elander.

“I don’t feel like educators are given enough help,” she said in the release. “Right now the staff don’t know how to stop (bullies) from picking on other kids. There needs to be specific training to support staff to interrupt harm.”

212 Youth advocates outlined progress made in some areas,
213 such as students in White River Valley School District creating a
214 youth council to process cases of harassment and bullying. They
215 demanded the state agency implement student-driven priorities
216 — such as whistleblower protection, mandatory intervention and
217 restorative justice — to address “the growing crisis” of
218 harassment incidents across Vermont schools.

219 “At its root, bullying and harassment is about power and
220 abuses of power. Schools must use their power to intervene on
221 behalf of those who are being harmed,” Alyssa Chen, co-
222 coordinator of the Education Justice Coalition, said at the Dec. 3
223 press conference.

224 The concerns “underscore the need for proactive
225 engagement that centers the lived experiences of students,
226 educators, and caregivers,” Ballard, the Agency of Education
227 spokesperson, said in an email, which is why Secretary of
228 Education Zoie Saunders reestablished the Hazing, Harassment
229 and Bullying Advisory Council this year.

230 “The Agency is listening, and we are deeply appreciative
231 of the students, educators, and caregivers who have engaged in
232 this process,” Ballard wrote. “The Agency looks forward to
233 continuing to collectively work towards our shared goal of
234 ensuring that every student in Vermont can learn and thrive in a
235 safe and supportive setting where every member of the
236 community is treated with respect.”

####END TEXT####

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