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Senate Committee on Education
Montpelier, Vermont

RE: State Board of Education

Dear Chair Campion and Members of the Senate Education Committee,

Thank you for the opportunity to provide testimony on this crucial issue. As you are aware, our mission at the Human Rights Commission is to promote full civil and human rights in Vermont. The Commission enforces jurisdictional laws through investigations, conciliations, litigation, education, and training, as well as advocating for policies and legislation to protect the most vulnerable Vermonters.

I appreciate the invitation to this conversation. As the former chair of the Act.1 working group, I want to express my concerns and advocate for the diversification of the State Board of Education. While recognizing the importance of including independent school voices, I emphasize the primary focus should remain on ensuring a high-quality education for all students, irrespective of their educational institution.

The State Board's responsibilities, including regulating attendance, student performance standards, adult basic education programs, approval of independent schools, disbursement of funds, and ensuring equal access to quality education, directly impact students' lives. Therefore, the board's composition should reflect a comprehensive understanding of the diverse challenges and opportunities faced by students across all of our educational settings.

I would like to share my experience with the current State Board in relation to the Act.1 Working Group process. In 2019, this legislative body unanimously passed Act.1, establishing the Ethnic Studies and Social Equity Working Group. This initiative brought together 23 individuals, including 12 members representing various ethnic and social groups, four high school students, a Vermont-based college-level faculty member, the current interim Secretary of Education, the Vermont-National Education Association, the Executive Director of Racial Equity, the Vermont School Boards Association, the Vermont Principals' Association, the Vermont Curriculum Leaders Association, the Vermont Superintendents Association or designee, the Vermont Independent Schools Association or designee, the Agency of Education, and the Vermont Human Rights Commission. This inclusive collaboration aimed to address critical issues related to ethnic studies and social equity within Vermont's educational



landscape. It was a direct response to multiple reports and the reality of racism in our Vermont schools and curriculum which has been highlighted since 1999.

Over a meticulous four-year period, our working group devoted substantial effort to advancing our mission, resulting in a document reflecting consensus in virtually every aspect, except one crucial point. The majority of our working group, comprised of 23 members, voted to ensure that Independent Schools receiving public funding adhere to the Education Quality Standards (EQS). Notably, only one member, representing the Independent School Association, opposed this provision while expressing no objections to the remainder of the document.

Our collective efforts culminated in the approval of our Education Quality Standards work by our members on April 14, 2022. This document stands as a testament to our inclusive, well-researched, and holistic approach to addressing the diverse needs of Vermont's education system.

Subsequently, the State Board initiated a sub-committee tasked with ensuring compliance. This sub-committee actively sought public input, collaborated with our working group to incorporate changes, and received extensive documentation outlining the sources of our research. Although numerous modifications were made throughout this process, the final version removed Independent Schools from the EQS. The rationale provided was rooted in a statutory framework that purportedly does not apply to independent schools unless they actively seek designation meeting EQS criteria. The State Board communicated its intent to revisit Series 2200 to apply the provisions of Act 1 to independent schools.

Following this decision, the State Board voted on the EQS on May 17th, 2023, and subsequently, it entered the ICAR process, receiving approval on June 12th, 2023. Then, significant public comments were received, particularly in areas unrelated to the discrimination definition.

In line with their commitment, the State Board reopened the 2200 series and engaged another attorney. This legal expert proposed substantial changes to the definition of discrimination, which, crucially, were not publicly disclosed for EQS alterations until after substantial comments had already been received. This revelation emerged due to the vigilance of a few individuals closely monitoring the process, with no comprehensive legal opinion currently in the public domain. Specifically, the focus was on our definition of discrimination and the protective measures in place for students, highlighting a nuanced exploration of the expectations surrounding discrimination.

This detailed timeline underscores the intricacies and developments surrounding our efforts, highlighting both the collaborative successes and challenges encountered in our pursuit of an inclusive and equitable education system in Vermont.

To be clear, I support the idea of including representatives from independent schools on the State Board, but it is crucial that this inclusion serves the broader purpose of prioritizing students' well-being and educational outcomes. The conversation within the board should center on the overarching goal of providing an excellent education for all students, rather than becoming primarily concerned with regulations specific to independent schools.

I urge you to carefully consider the composition of the State Board, ensuring that it is diverse and representative of various perspectives, with an unwavering commitment to prioritizing the well-being and protection of students. By doing so, the board can effectively address the unique needs of our

diverse student population (growing more and more) and work towards creating policies that promote a high-quality education for every student in our state.

Thank you for your attention to this matter, and I trust that you will work towards creating a State Board of Education that is truly student-focused and inclusive.

Sincerely,

Amanda Garces
Director of Policy, Education, and Outreach