

TO: Members of the House and Senate Education Committees  
CC: Sponsors of H.794 and Agency of Education  
FROM: Vermont Coalition for Ethnic and Social Equity in Schools  
SUBJECT: In reference to H.794  
DATE: April 3, 2018

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The Vermont Coalition for Ethnic and Social Equity in Schools would like to take the time to respond to the H.794 amendments put forward by the Agency of Education on March 30, 2018.

The amended bill changes significantly the spirit of the bill and we would like to provide testimony regarding our position in the hopes that a resolution can be made.

In 1999 the Vermont Advisory Committee to the United States Commission on Civil Rights published report a called [\*Racial Harassment in Vermont Public Schools\*](#) and described the state of racism in public schools. The committee held various hearings and received reports from stakeholders and concluded that “racial harassment” appeared “pervasive in and around the state’s public schools,” and observed that “the elimination of this harassment” was “not a priority among school administrators, school boards, elected officials, and state agencies charged with civil rights enforcement.”

[In 2003 the commission released a follow-up report](#) concluding that although some positive efforts had been made since the original report was published, the problem persisted. One of the many problems highlighted was the “curriculum issues in the State's Public schools. In some instances, teachers employ curriculum materials and lesson plans that promote racial stereotypes.” One of the conclusions was that there was a need for a bias-free curriculum.

On December 2017, [The Act 54 report on Racial Disparities in State Systems, issued by the Attorney General and Human Rights Commission Task Force was released](#). According to the report, education is one of the five state systems in which racial disparities persist and need to be addressed. The AGO and HRC held three stakeholder meetings and found “a surprising amount of coalescence around the most important issues” and “the primary overarching theme was that we will be able to reduce racial disparities by changing the underlying culture of our state with regard to race.” One of the main suggestions for accomplishing this was to “**teach children from an integrated curriculum that fairly represents both the contributions of People of Color (as well as indigenous people, women, people with disabilities, etc.), while fairly and accurately representing our history of oppression of these groups.**” The other suggestions were to 2) educate state employees about implicit bias, White Privilege, White Fragility and White Supremacy; and 3) increase the representation of People of Color in the state and school labor forces by focusing on recruitment, hiring and retention, as well as promotion of People of Color into positions of authority and responsibility on boards and commissions.

The harassment of LGBTQIA communities, other students of color, students with disabilities, and the lack of understanding of people in power about the magnitude of the systemic impacts of harassment and bias damages the whole community.

H.794 as proposed is about addressing the pervasive systemic racism that exists within our schools by tackling the issue at its root and by also ending the systemic marginalization of other groups including communities with disabilities, LGBTQIA communities, and women. One of the characteristics of systemic racism is that the systems and structures (i.e. the education system) in place work to marginalize non-dominant groups, *even if the individuals running the system do not have deliberate discriminatory intent*. The purpose of H.794 is to undo this systemic racism in the Vermont Education system.

A quality education is the foundation that every person needs in order to live well in a complex modern society like the U.S. in the twenty-first century. The intent of this bill is to establish new standards for pre-K through 12th grade Vermont students that will provide a quality education that will prepare them to live in a more diverse Vermont and a more diverse country, and to have a more accurate representation of history and the world. Ethnic and social equity standards are a necessary and desired precondition for addressing the systemic inequalities and disparities in the Vermont educational system.

All students (including students who have enjoyed the privileges of a system which has set them up for success) will benefit from this bill. The language we used in crafting the bill is strategic and intentional, with an aim to counter structural racism and other forms of oppression. We encourage you to revisit our suggestions and language. The Vermont Coalition for Ethnic and Social Equity in Schools is comprised of members who have rich experience doing work that counters systemic racism and other forms of discrimination. We look forward to working with you to make this bill as strong and effective as it can be, and welcome any opportunities for collaboration.

Signed,

Amanda Garces, Coordinator of the Vermont Coalition for Ethnic and Social Equity in Schools  
Carlen Finn, Senior Policy Associate, Voices for Vermont's Children  
Jabari Jones, Black Lives Matter of Greater Burlington  
Katrina Battle, Milton Inclusion and Diversity Initiative  
Mara Iverson, Education Director, Outright Vermont  
Marita Canedo, Migrant Justice  
Melissa Battah, Community member  
Sarika Tandon, Equity Consultant, Race Equity and Environment  
Wafic Faour, Vermonters for Justice in Palestine

**AOE Proposed Amendments:**

**Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY WORKING GROUP**

(a) Definitions. As used in this act:

(1) "Bias" refers to actions, beliefs, or attitudes that discriminate against any individual or group of people on the basis of their membership or perceived membership in an ethnic group or social group.

**VCESES Response:**

We propose to remove the definition of bias because it's too broad. We would like to continue to encourage the focus be placed on bias against groups that have been systemically underrepresented and marginalized.

**AOE Proposed Amendments:**

(2)“Ethnic group” refers to a group composed of individuals who self-identify with racial, ethnic, or identity based groups in the United States, including people who identify as native or indigenous and people of African, Asian, Pacific Island, Latin American Middle Eastern, or European descent.

**VCESES Response:**

We propose to leave the original language. Although ethnic groups can denote ‘any community or population of people that share a common background or descent’, the inclusion of people of European descent in the definition of “ethnic groups” for the purposes of this bill is counterproductive. The intent of this bill is to ensure that non-dominant, excluded, or underrepresented ethnic and social groups are highlighted. Due to the legacy of slavery and racism, those who identify as people from European descent have not been intentionally or unintentionally marginalized to the extent that other ethnic groups have been underrepresented, under-resourced or excluded by educational standards, government policies and practices, or educational institutions, whereas there is plenty of data indicating that the other ethnic and social groups (e.g. Indigenous, Black, Latinx, LGBTQIA, disabled) have experienced historic and ongoing systemic exclusion and discrimination.

**AOE Proposed Amendments:**

(3)“Ethnic studies” means the instruction of students in pre- kindergarten through grade 12 in the historical contributions and perspectives of ethnic groups and social groups.

**VCESES Response:** We agree with including Pre-K.

**AOE Proposed Amendments:**

- (4) “Social group” refers to a group composed of individuals who
- (A) Self identify with a specific sex, male, female, or nonbinary
  - (B) have a disability;
  - (C) are immigrants, refugees, or seeking asylum;
  - (D) are living in poverty; or
  - (E) are lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual.

**VCESES Response:**

We intentionally defined social group to highlight groups that are often underrepresented or excluded. We would like to keep the original language and add another group to the list: people who identify as nonbinary.

Statistics show that males have been disproportionately represented in positions of power in our society. Including them in the definition of social groups runs counter to the purpose of the bill, which is to ensure representation of groups that are often underrepresented.

**AOE Proposed Amendments:**

(b) Creation and composition. The Ethnic and Social Equity Standards Advisory Working Group is established. The Working Group shall comprise the following 7 members:

- (1) a representative from the Native American community;
- (2) a representative from the Black and African American community;
- (3) a representative from the Latinx community;
- (4) a representative from the disability rights community;
- (5) a representative from the lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual community;
- (6) a representative from the Asian and Pacific Islander community;
- (7) a representative from the Middle Eastern community;
- (8) a Vermont based, college level faculty expert in ethnic studies;
- ~~(8) a representative from Vermont families living in poverty;~~

**VCESES Response:**

We do not think this category should be included since this bill is not about accessibility but representation. Issues of poverty and accessibility are experienced across all ethnic and social groups. Also, poverty is an economic condition, not a social condition or group.

**AOE Proposed Amendments:**

- (9) the Secretary of Education or designee
- (10) the Executive Director of the Vermont National Education Association or designee;
- (11) an Assistant Attorney General in the Office of the Vermont Attorney General with experience working with the Agency of Education on racial and social justice issues in schools;
- (12) the Executive Director of the Vermont School Boards Association or designee;
- (13) a representative for the Vermont Principals' Association with expertise in the development of school curriculum
- (14) a representative for the Vermont Curriculum Leaders Association;
- ~~(15) the Executive Director of the Vermont Council of Special Education Administrators or designee~~

**VCESES Response:**

There is already a seat for those who represent the disability rights movement. The organization works with administrator and other leaders and we believe they will be well represented without having a seat on this committee.

**AOE Proposed Amendments:**

- (15) the Executive Director of the Vermont Superintendents' Association or designee.

**VCESES Response:**

Would like to propose the following additional representatives:

- (16) A designee of the Vermont Independent School Association
- (17) A designee to represent the Pre-K community. We would recommend a designee from Vermont Head Start Collaborative or VAECY because both groups work with standards
- (18) A designee from the State Board of Education

**AOE Proposed Amendments:**

(c) Appointment and operation. (1) The Agency of Education shall appoint the Working Group members identified under subdivisions (b)(1)(9) of this section in consultation with the Vermont Coalition for Ethnic and Social Equity in Schools (Coalition).

Appointments of members to fill vacancies to these positions shall be made by the Agency of Education in consultation with the Coalition and the member filling a vacancy shall represent the same community or area that was represented by the vacated member.

**VCESES Response:**

The Agency of Education shall appoint the working groups members identified under subdivision **(b)(1)(8)** of this section not through (9). There are three options for improving this language in order to improve the quality of representation on the working group:

1. To allow VCESES to appoint members (b)1-8 in consensus with the Agency of Education.
2. VCESES nominates names for appointment and then use consensus with the AOE to decide appointees.
3. The appointments shall be made by the Agency of Education **in consensus** with the coalition- *not in consultation*.

Consultation is defined as: an information gathering or feedback activity that does not involve shared decision-making or sharing power with the consultee. It maintains power with the primary group asking others for their opinions, with no accountability to actually include the consultee's input. Consensus, on the other hand, involves a desire for cultivating full agreement between different parties, a degree of joint decision-making, shared power, negotiation, and collaboration. VCESES began working on this bill in September, 2017 bringing together a variety of groups and individuals who work and live in Vermont, and are from the ethnic and social groups defined above. Ensuring that the people appointed to the committee truly represent the voices of their communities key to the success of this work. It is not possible to have truly equitable outcomes unless power is shared with the representatives from underrepresented groups. It is important that representation is not symbolic, but genuinely inclusive. We sincerely hope that our voices are truly listened to and that we can become partners in advancing the work to end systemic racism.

**AOE Proposed Amendments:**

(2) A minimum of 50 percent of the members on the Working Group identified under subdivisions (b)(1)(8) of this section shall be people who have a background in advocacy for the group they represent.

**VCESES Response:**

We would like to keep the original language to ensure that those representing ethnic and social groups are truly represented.

A minimum of 80% of the members of the working group identified under subdivisions (b) (1) (7) of this section shall

- (A) be people from underrepresented ethnic and social groups who have a background in advocacy for the group they represent; and

(B) as a group, represent the breadth of geographic areas within the state,

**AOE Proposed Amendments:**

(3) As a group, the Working Group shall represent the breadth of geographic areas within the State and shall have experience in the areas of school curriculum standards, ethnic standards or studies, social justice, and inclusion.

**VCESES Response:**

It is important to further clarify that #3 is about the entire group. We would like to suggest that it says: Members of the working group as a whole, shall represent the breadth of geographic areas within the State and shall have experience in the areas of school curriculum standards, ethnic standards or studies, social and racial justice, and advocacy for the groups they represent.

**AOE Proposed Amendments:**

(4)(A) The Secretary of Education shall call the first meeting of the Working Group to occur on or before September 1, 2018

**VCESES Response:** We would like to propose to extend the time to October 1, 2018 to have more time for recruitment.

**AOE Proposed Amendments:**

(B)The Working Group shall select a chair from among its members at the first meeting

(C)A majority of the membership shall constitute a quorum.

(D) Members of the Working Group who are not State employees or whose participation is not supported through their employment or association shall receive per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010. The Working Group may meet up to ten times per year.

(E) The Working Group shall cease to exist on July 1, 2020.

**VCESES Response:**

We do not think that the group should cease to exist on July 1, 2020 but rather continue to exist until the standards are accepted, the work plan is completed and at the time of the submission of the last report, June 30, 2022.

**AOE Proposed Amendments:**

Duties of the Working Group

- (1) The Working Group shall review statewide curriculum standards adopted by the State Board of Education and on or before June 30, 2020, recommend to the State Board additional standards to recognize **fully** the history, contribution, and perspectives of ethnic groups and social groups.

**VCESES Response:**

We would like to suggest a different language for this:

“The Committee shall examine current standards in light of existing relevant research and recommendations publicly available from other states, and identify current statewide standards

that fail to recognize the history, contribution, and perspectives of ethnic groups and social groups and recommend additional standards to fully incorporate those perspectives.”

**AOE Proposed Amendments:**

These recommended additional standards shall be designed to increase

- (A) Cultural competency of students in prekindergarten through grade 12; and
- (B) attention to the history, contribution, and perspectives of ethnic groups and social groups.

**VCESES Response:**

The AOE re-organized and edited some of what we hoped the design of the developed standards would have been, but we would like to keep the original language as it pertains to the standards.

- (C) promotes critical thinking regarding the history, contribution, And perspectives of ethnic groups and social groups;
- (D) includes content and related instructional materials and methods that enable students to explore safely questions of identity and membership in ethnic groups and social groups, race equality, and racism; and facilitates a welcoming environment for all students while
- (E) taking into account parental concerns about bias or exclusion of ethnic groups or social groups.

**AOE Proposed Amendments:**

(2)The Working Group shall review all existing State statutes regarding school policies and recommend to the General Assembly proposed statutory changes with the following goals:

**VCESES Response:**

Although we believe that statutory changes will be needed, we do not agree with the assessment that this is the right time. Reviewing statutes, and drafting legislation at the same time as reviewing the standards might be a task far too big for a committee that is only meeting 10 times. We believe that drafting a model policy that takes into account the work that is being done is a first necessary step. Therefore recommend that we leave the original language and intent of the bill.