

Vermont Ethnic and Social Equity in Schools
Comments to The AOE testimony on H.794
Submitted to the Education committee
February 27, 2018

The Vermont Coalition for Ethnic and Social Equity in Schools (VCESES) would like to take the time to reply to each of the points made by the Agency of Education.

Modifications:

1. Sec 2, page 8. The AOE has no objection to inserting this language but we recommend amending the proposed language by inserting it into 16 V.S.A. § 164 (17) where statute exists to describe how the State Board is charged with sharing data with the public.i Under federal law (Every Student Succeeds Act-ESSA), the Agency of Education is compelled to present data by disaggregated student demographics where the numbers of students would not violate the Family Educational Rights and Privacy Act (FERPA). We encourage the legislature to use the same language to describe the disaggregated student groups as was used in the Vermont response to the Every Student Succeeds Act (ESSA), pages 12-15 ii as this will help all parties recognize that this new statute is a reaffirmation of the state commitment to examine equity in all measures.

VCESES: We have no objection to amend most of the language except that we do have a concern when it comes to gender identification. By describing the male/female in the ‘other reporting categories’ we are moving away from the goals of this bill to be inclusive to the already marginalized social groups.

In order to be inclusive our categories remained broad. It was a friendly amendment we submitted on February 22, 2018 and is clear that language that reflects a gender inclusive environment is essential.¹

*2. **Throughout.** The Agency supports the intention of the authors to shine light on student groups that have been historically marginalized in our society and schools. This is consistent with the approach taken in Vermont’s response to ESSA. We caution against altering definitions of terms that exclude students from dominant groups. To fully understand the impact of systemic bias, we also need to understand how more advantaged groups perform in our school systems. Researchers in the field of equity studies points out that a significant aspect of decreasing bias is to help all people understand how their ethnicity and membership in social groups informs their sense of identity. By including all groups in our definitions and data we gain valuable information to assist in our understanding of the degree to which inequity persists in our schools.*

¹ <https://www.genderspectrum.org/explore-topics/education/#more-239>

VCESES:

The intention of the bill is to ensure that the contributions of ethnic and social groups historically marginalized in our society are finally lifted. Our bill is clear that the task will benefit all students and promotes the types of qualities that ethnic studies seeks to incorporate in practice.

Additionally, the bill does include tools to increase cultural competency and at the same time provide content and methods that enable all students to explore safely questions of identify, race, equality, and racism.

By intentionally naming the ethnic and social groups in this bill, we are highlighting the utter and timely importance of naming the fact that this marginalization has gone for too long. In this bill, we are not excluding the advantaged groups but rather bringing the opportunity for students to reflect and critically think about systemic racism in the curriculum they already have.

Christine Sleeter², an author, teacher, and activist writes about ethnic studies extensively. She has an interesting blog post about white people in ethnic studies and shares a passage from a book written by Matthew F. Jacobson “Ironically, in a search for ethnic roots, white people used narratives from diverse ethnic histories to construct a homogenizing narrative of heroic and downtrodden, not quite white, European immigrants who triumphed through hard work. This narrative dismissed specificity and privilege while drowning out the Civil Rights narrative that challenged racial dominance. Jacobson observed that, “The ethnic contributions model of American nationality may have been a significant departure from the homogenizing model of the melting pot, but did share . . . an almost absolute erasure of power relations that made for a fairly sanitized and happy national narrative: diversity as feast, the nation as smorgasbord” (p. 56).”

Dr. Sleeter also reviewed ethnic studies research for the NEA and concludes that ethnic studies must be well designed.. “Ethnic studies teachers must be able to relate well with their students, believe in students’ academic abilities, and know ethnic studies content and perspectives well;” Relating is a term that will be important to the job that the advisory board needs to undertake.³

We believe our bill reflects the needed language to ensure the bill stays true to the long term goals of ending racial bias and systemic racism and in line with the Ethnic Studies field.

3. Throughout. The bill refers to the creation of the “Ethnic and Social Equity Standards Advisory Board” using the shortened phrase of “Board.” The AOE recommends re-naming this to an “Ethnic and Social Equity Standards Advisory Committee” as this has the potential to create regulatory confusion when the public discusses the “Board” in relation to standards, as this is most commonly associated with

² <http://christinesleeter.org/white-people-in-ethnic-studies/>

³ Ethnic studies teachers must be able to relate well with their students, believe in students’ academic abilities, and know ethnic studies content and perspectives well;

*the State **Board** of Education, which is tasked in statute with adopting standards for the state.*

a. In Vermont, the State Board of Education is the body that adopts standards for the courses of study in Vermont, not the Secretary of Education (Page 7, line 6).¹

b. The Board of Education has the power to convene advisory committees to inform its work.ⁱⁱⁱ If the purpose of the committee is to advise the Board on education policy, then the Board of Education may convene it through existing statutory procedures. (Page 2- 7)

VCESES: We do not have significant comments to this point.

Significant Alterations:

The Agency believes we can better achieve the goals of the bill through different paths.

- 1. The review of content standards by the Advisory Committee is duplicative of other work done by other states and entities.*

***Alternative:** The AOE recommends the Agency of Education staff identify what bias and sensitivity studies others have completed for standards we have adopted prior to convening an Ethnic and Standards Advisory Committee. For example, Washington reviewed Common Core English/Language Arts and Math and published a report resulting in 588 recommendations for improved delivery and bias reduction.^{iv} Illinois and the Next Generation Science Standards coalition have reviewed the Next Generation Science Standards for cultural bias.^v*

The AOE will report to the legislature how these studies were located, what standards need review and an estimated cost for engaging in review of standards not already assessed by December 15, 2018. Recommended language is included.^{vi} The AOE believes that by building on the bias-identification work of others, we can move more quickly to disseminating information to educators so that they may address the bias issues and provide more immediate impact for students in our schools.

VCESES: We believe that we can achieve the goals of the bill together.

The review of what other states have done to adopt standards that identify bias is a step that the advisory board can partake as their first role. The process will be enriched by the coalition of individuals representing the different arms of education.

One of the most powerful attributions to this bill is that it takes into account the inclusion of representatives from each of the ethnic and social groups. By including the already marginalized communities to this process, it would be easier to find where the bias lies and it will ensure a review that takes into account the people being spoken about.

2. *Current Vermont statute related to discipline vii as well as hazing, harassment, and bullying includes similar language to anti-bias language in this bill.viii when similar, but not identical statute exists, this creates challenges for implementation and fidelity.*

Alternative: The AOE recommends considering inserting this language into existing statute rather than as stand-alone language to increase coherence.

VCESES: Our bill without giving proper tools to educators, parents, and other staff is not complete. We applaud the already existing language but there is no mention of race in the anti-bias bill and based in some of our committee's experience with the existing policy we believe both should exist. It might be advisable for AOE to consider synthesis or merging of the goals and objectives of the current Hazing, Harassment and Bullying Committee to the work of the proposed Ethnic and Social Equity Committee. Both groups aim to address the needs of protected classes of students and have shared membership amongst stakeholder groups. This may eliminate redundancy and promote innovation in approaches.

3. *If a Standards Advisory Board is created before a review of available resources, the legislature would need to appropriate resources to the AOE to complete this work.*

There is currently no staff at the Agency dedicated solely to this work.

Alternative: *The AOE does not recommend convening the Advisory Board until after the study proposed is completed; but if it is convened, we estimate this would require nearly 25% of a staff member's time to coordinate, organize and operationalize the work effort required to host the committee (approximately \$40K) and approximately 5% of time for each of the 8 subject matter experts currently providing support to the field. In addition, the cost of providing for the meeting schedule as designed would be approximately \$15K per year. Other states that have engaged in this work have used curriculum experts to facilitate training and conduct the analyses. The AOE estimates a need for approximately \$100K to obtain a facilitator with enough expertise to guide this work. Total fiscal costs would be not less than \$155K per year beyond the budget submitted by the administration for AOE and AOE would not be able to cover them with existing fiscal resources.*

VCESES: If the AOE already has a plan in place to complete the study proposed we believe the advisory board will help support AOE staff in its efforts.

We understand that the AOE needs appropriations to provide support for this work but we do believe it can be done by much less than the estimated \$155K per year. We also believe that our coalition brings resources of many forms including but not limited to space and ideas to bring the most qualified people to the table. We also believe that it should be part of the 8 subject matter experts' jobs to focus on ethnic and social equity standards.

The effort should be funded appropriately and the coalition requests a consensus process with the AOE for transparency in the allocation process.

Further, it is problematic to invoke the concept of “unfunded mandates” when it relates to the real experiences of marginalized communities. Ethnic groups, queer and disabled youth should never be objectified as an ancillary concern to be added or removed from a school budget. This is work that is long overdue and should never be associated with inflammatory and highly negative, politicized terms like “unfunded mandates.” This work is hard. We stand firm that our youth are worth the effort it will require for schools to do what is right and just.

4. *While the AOE supports the use of restorative practices and training for all staff in responding to racial incidents, we are cognizant of the field response to unfunded mandates.*

Alternative: *Provide funding to support all supervisory unions to train at least 2 people in restorative practices and responding to racial incidents. Such training would need to occur in 2019-20. The AOE will require resources of \$50K in this appropriation to recruit a vendor with sufficient expertise to design the course for delivery in the summer of 2019.*

VCESES: Many of us read the Racial Harassment in Vermont Public Schools report⁴ conducted in 1999 by the Vermont Advisory Committee to the United States Commission on Civil Rights. The stories have not changed, many students are currently facing racial incidents in their school and we believe the training is long overdue and is needed for all who have the power to institute disciplinary action against students.

Additionally, failure to consider alternative methods as restorative practices may make schools subject to liability when discrimination in implementation of disciplinary policies are found. The state benefits greatly from a vast network of restorative justice centers and the creation of the Center for Justice Reform at the Vermont Law School that can likely offer additional technical assistance and training as needed to move this work forward.

⁴ <https://www.law.umaryland.edu/marshall/usccr/documents/cr12r1112.pdf>