

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 794
3 entitled “An act relating to the adoption of ethnic studies standards into
4 statewide educational standards and a policy on ethnic and social equity in
5 schools by public schools and approved independent schools” respectfully
6 reports that it has considered the same and recommends that the bill be
7 amended by striking out all after the enacting clause and inserting in lieu
8 thereof the following:

9 Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

10 WORKING GROUP

11 (a) Definitions. As used in this act:

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

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

19 (3) “Ethnic studies” means the instruction of students in prekindergarten
20 through grade 12 in the historical contributions and perspectives of ethnic
21 groups and social groups.

1 (4) “Social group” refers to a group composed of individuals who:

2 (A) self-identify with a specific sex, male, female, or nonbinary;

3 (B) have a disability;

4 (C) are immigrants, refugees, or seeking asylum;

5 (D) are living in poverty; or

6 (E) are lesbian, gay, bisexual, transgender, queer, questioning,

7 intersex, or asexual.

8 (b) Creation and composition. The Ethnic and Social Equity Standards

9 Advisory Working Group is established. The Working Group shall comprise

10 the following 17 members:

11 (1) a representative from the Native American community;

12 (2) a representative from the Black and African American community;

13 (3) a representative from the Latinx community;

14 (4) a representative from the disability rights community;

15 (5) a representative from the lesbian, gay, bisexual, transgender, queer,

16 questioning, intersex, or asexual community;

17 (6) a representative from the Asian and Pacific Islander community;

18 (7) a representative from the Middle Eastern community;

19 (8) a representative from Vermont families living in poverty;

20 (9) a Vermont-based, college-level faculty expert in ethnic studies;

21 (10) the Secretary of Education or designee;

1 (11) the Executive Director of the Vermont-National Education
2 Association or designee;

3 (12) an Assistant Attorney General in the Office of the Vermont
4 Attorney General with experience working with the Agency of Education on
5 racial and social justice issues in schools;

6 (13) the Executive Director of the Vermont School Boards Association
7 or designee;

8 (14) a representative for the Vermont Principals' Association with
9 expertise in the development of school curriculum;

10 (15) a representative for the Vermont Curriculum Leaders Association;

11 (16) the Executive Director of the Vermont Council of Special
12 Education Administrators or designee; and

13 (17) the Executive Director of the Vermont Superintendents'
14 Association or designee.

15 (c) Appointment and operation.

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

19 Appointments of members to fill vacancies to these positions shall be made by
20 the Agency of Education, in consultation with the Coalition, and the member

1 filling a vacancy shall represent the same community or area that was
2 represented by the vacated member.

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

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

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

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

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

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

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

1 (d) Duties of the Working Group.

2 (1) The Working Group shall review statewide curriculum standards
3 adopted by the State Board of Education and, on or before June 30, 2020,
4 recommend to the State Board additional standards to recognize fully the
5 history, contribution, and perspectives of ethnic groups and social groups.
6 These recommended additional standards shall be designed to increase:

7 (A) cultural competency of students in prekindergarten through
8 grade 12; and

9 (B) attention to the history, contribution, and perspectives of ethnic
10 groups and social groups.

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

14 (A) Ensuring that the school curriculum:

15 (i) promotes critical thinking regarding the history, contribution,
16 and perspectives of ethnic groups and social groups;

17 (ii) includes content and related instructional materials and
18 methods that enable students to explore safely questions of identity and
19 membership in ethnic groups and social groups, race equality, and racism; and

1 (iii) facilitates a welcoming environment for all students while
2 taking into account parental concerns about bias or exclusion of ethnic groups
3 or social groups.

4 (B) Ensuring engagement opportunities that provide families a
5 welcoming means of raising any concern about their child’s experience as it
6 bears on race or ethnic or social group identity at school.

7 (C) Ensuring that school climate policies:

8 (i) promote an overarching focus on preparing all students to
9 participate effectively in an increasingly racially, culturally, and socially
10 diverse Vermont and in global communities;

11 (ii) ensure every student is in a safe, secure, and welcoming
12 learning and social environment in which bias, whether implicit or explicit,
13 toward others based on their membership in ethnic or social groups is
14 acknowledged and addressed appropriately;

15 (iii) challenge racist, sexist, gender, or ability-based bias or bias
16 based on socioeconomic status when they occur, using principles aligned with
17 restorative practice;

18 (iv) specify prohibited conduct as it relates to racism, sexism,
19 ableism, and other social biases, and refers to the process through which
20 alleged misconduct will be addressed, including disciplinary action as
21 appropriate;

1 (v) establish disciplinary responses to racial or ethnic and social
2 group incidents that include the utilization of restorative practices where
3 appropriate; and

4 (vi) ensure that the school provides all its personnel training in
5 how best to address bias incidents.

6 (e) Reports.

7 (1) The Working Group shall, on or before December 15, 2018, submit a
8 report to the General Assembly that includes:

9 (A) the membership of the Working Group and its meeting schedule;

10 (B) its plan to accomplish the work described in subdivision (d)(1) of
11 this section, including the timeline for reviewing all statewide curriculum
12 standards and for its recommendation to the State Board of additional
13 standards to recognize fully the history, contribution, and perspectives of
14 ethnic groups and social groups; and

15 (C) its plan to accomplish the work described in subdivision (d)(2) of
16 this section, including the timeline for reviewing all existing State statutes
17 regarding school policies and drafting proposed legislation.

18 (2) The Working Group shall, on or before December 15, 2019, submit a
19 report to the General Assembly including:

20 (A) the membership of the Working Group and its meeting schedule;

1 (B) recommended statutory changes under subdivision (d)(2) of this
2 section; and

3 (C) recommendations for training and appropriations to support
4 implementation of the recommended statutory changes.

5 (f) Duties of the State Board of Education. The Board of Education shall,
6 on or before June 30, 2021, consider adopting ethnic and social equity studies
7 standards into existing statewide curriculum standards for public school
8 students and approved independent school students in prekindergarten through
9 grade 12. The State Board shall consider the report submitted by the Working
10 Group under subdivision (d)(1) of this section when determining the standards
11 to adopt.

12 Sec. 2. 16 V.S.A. § 164 is amended to read:

13 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

14 The State Board shall evaluate education policy proposals, including timely
15 evaluation of policies presented by the Governor and Secretary; engage local
16 school board members and the broader education community; and establish
17 and advance education policy for the State of Vermont. In addition to other
18 specified duties, the Board shall:

19 * * *

20 (17) Report annually on the condition of education statewide and on a
21 ~~school-by-school~~ supervisory union and school district basis. The report shall

1 include information on attainment of standards for student performance
2 adopted under subdivision (9) of this section, number and types of complaints
3 of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of
4 this title and responses to the complaints, financial resources and expenditures,
5 and community social indicators. The report shall be organized and presented
6 in a way that is easily understandable by the general public and that enables
7 each school, school district, and supervisory union to determine its strengths
8 and weaknesses. To the extent consistent with State and federal privacy laws
9 and regulations, data on student performance and hazing, harassment, or
10 bullying incidents shall be disaggregated by student groups, including ethnic
11 and racial groups, poverty status, disability status, English language learner
12 status, and gender. The Secretary shall use the information in the report to
13 determine whether students in each school, school district, and supervisory
14 union are provided educational opportunities substantially equal to those
15 provided in other schools, school districts, and supervisory unions pursuant to
16 subsection 165(b) of this title.

17 * * *

18 Sec. 3. APPROPRIATION

19 The sum of \$8,500.00 is appropriated to the Agency of Education from the
20 General Fund for fiscal year 2019 for the per diem compensation and expense
21 reimbursements authorized by this act to be paid to the members of the Ethnic
22 and Social Equity Standards Advisory Working Group. The Agency shall

1 include in its budget request to the General Assembly for fiscal year 2020 the
2 amount of \$8,500.00 for the per diem compensation and expense
3 reimbursements authorized by this act to be paid to the members of the
4 Working Group.

5 Sec. 4. EFFECTIVE DATE

6 This act shall take effect on passage.

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10 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE