

H.794 Side by Side
Jim DesMarais
3/19/18

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<p>Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY BOARD</p> <p><u>(a) Definitions. As used in this act:</u></p> <p><u>(1) “Ethnic groups” means nondominant racial and ethnic groups in the United States, including people who are indigenous and people of African, Asian, Pacific Island, Chicanx, Latinx, or Middle Eastern descent.</u></p> <p><u>(2) “Ethnic studies” means the instruction of students in kindergarten through grade 12 in the historical contributions and perspectives of ethnic groups and social groups.</u></p> <p><u>(3) “Social groups” means females, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual.</u></p>	<p>Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY WORKING GROUP</p> <p><u>(a) Definitions. As used in this act:</u></p> <p><u>(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.</u></p> <p><u>(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.</u></p> <p><u>(3) “Ethnic studies” means the instruction of students in prekindergarten through grade 12 in the historical contributions and perspectives of ethnic groups and social groups.</u></p> <p><u>(4) “Social group” refers to a group composed of individuals who:</u></p> <p><u>(A) self-identify with a specific sex, male, female, or nonbinary;</u></p> <p><u>(B) have a disability;</u></p> <p><u>(C) are immigrants, refugees, or seeking asylum;</u></p> <p><u>(D) are living in poverty; or</u></p> <p><u>(E) are lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual.</u></p>

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<p><u>(b) Creation and composition. The Ethnic and Social Equity Standards Advisory Board is established. The Board shall comprise the following 13 members:</u></p> <ul style="list-style-type: none"> <u>(1) a representative from the Native American community;</u> <u>(2) a representative from the Black and African American community;</u> <u>(3) a representative from the Latinx community;</u> <u>(4) a representative from the disability rights community;</u> <u>(5) a representative from the lesbian, gay, bisexual, transgender, intersex, and queer community;</u> <u>(6) a representative from the Asian and Pacific Islander community;</u> <u>(7) a representative from the Middle Eastern community;</u> <u>(8) a Vermont-based, college-level faculty expert in ethnic studies;</u> <u>(9) the Secretary of Education or designee;</u> <u>(10) the Executive Director of the Vermont-National Education Association or designee;</u> <u>(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;</u> <u>(12) the Executive Director of the Vermont School Boards Association or designee; and</u> <u>(13) a representative for the Vermont Principals' Association with expertise in the development of school curriculum.</u> 	<p><u>(b) Creation and composition. The Ethnic and Social Equity Standards Advisory Working Group is established. The Working Group shall comprise the following 17 members:</u></p> <ul style="list-style-type: none"> <u>(1) a representative from the Native American community;</u> <u>(2) a representative from the Black and African American community;</u> <u>(3) a representative from the Latinx community;</u> <u>(4) a representative from the disability rights community;</u> <u>(5) a representative from the lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual community;</u> <u>(6) a representative from the Asian and Pacific Islander community;</u> <u>(7) a representative from the Middle Eastern community;</u> <u>(8) a representative from Vermont families living in poverty;</u> <u>(9) a Vermont-based, college-level faculty expert in ethnic studies;</u> <u>(10) the Secretary of Education or designee;</u> <u>(11) the Executive Director of the Vermont-National Education Association or designee;</u> <u>(12) 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;</u> <u>(13) the Executive Director of the Vermont School Boards Association or designee;</u>

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<p><u>(c) Appointment and operation.</u></p> <p><u>(1) The Vermont Coalition for Ethnic and Social Equity in Schools (Coalition) shall appoint the Board members identified under subdivisions (b)(1)-(8) of this section in consultation with the Vermont School Boards Association. Appointments of members to fill vacancies to these positions shall be made by the Coalition, in consultation with the Vermont School Boards Association, and the member filling a vacancy shall represent the same community or area that was represented by the vacated member.</u></p> <p><u>(2) A minimum of 80 percent of the members on the Board identified under subdivisions (b)(1)-(7) of this section shall:</u></p> <p><u>(A) be people from ethnic minority groups who have a background in advocacy for the group they represent; and</u></p> <p><u>(B) as a group, represent the breadth of geographic areas within the State.</u></p> <p><u>(3)(A) The Coalition shall call the first meeting of the Board to occur on or before January 1, 2019.</u></p> <p><u>(B) The Board shall select a chair from among</u></p>	<p><u>(14) a representative for the Vermont Principals' Association with expertise in the development of school curriculum;</u></p> <p><u>(15) a representative for the Vermont Curriculum Leaders Association;</u></p> <p><u>(16) the Executive Director of the Vermont Council of Special Education Administrators or designee; and</u></p> <p><u>(17) the Executive Director of the Vermont Superintendents' Association or designee.</u></p> <p><u>(c) Appointment and operation.</u></p> <p><u>(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.</u></p> <p><u>(2) A minimum of 50 percent of the members on the Working Group identified under subdivisions (b)(1)–(8) of this section shall be who have a background in advocacy for the group they represent.</u></p> <p><u>(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 inclusivity.</u></p> <p><u>(4)(A) The Secretary of Education shall call the first meeting of the Working Group to occur on or before September 1, 2018.</u></p>

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<p><u>its members at the first meeting.</u></p> <p><u>(C) A majority of the membership shall constitute a quorum.</u></p> <p><u>(D) Members of the Board 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, to be provided by the Agency of Education. The Board may meet up to ten times per year.</u></p> <p><u>(E) The Board shall cease to exist on June 30, 2022.</u></p> <p><u>(d) Duties of the Board.</u></p> <p><u>(1) The Board shall identify current statewide standards that fail to recognize the history, contribution, and perspectives of ethnic groups and social groups and shall develop ethnic studies standards for adoption into existing statewide educational standards for public school students and approved independent school students in kindergarten through grade 12 that:</u></p> <p><u>(A) increase cultural competency of public school students in kindergarten through grade 12;</u></p> <p><u>(B) increase attention to the history, contribution, and perspectives of ethnic groups and social groups;</u></p> <p><u>(C) promote critical thinking regarding the history, contribution, and perspectives of ethnic groups and social groups;</u></p> <p><u>(D) commit the school to eradicating any racial bias in its curriculum;</u></p> <p><u>(E) provide, across its curriculum, content and</u></p>	<p><u>(B) The Working Group shall select a chair from among its members at the first meeting.</u></p> <p><u>(C) A majority of the membership shall constitute a quorum.</u></p> <p><u>(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.</u></p> <p><u>(E) The Working Group shall cease to exist on July 1, 2020.</u></p> <p><u>(d) Duties of the Working Group.</u></p> <p><u>(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. These recommended additional standards shall be designed to increase:</u></p> <p><u>(A) cultural competency of students in prekindergarten through grade 12; and</u></p> <p><u>(B) attention to the history, contribution, and perspectives of ethnic groups and social groups.</u></p> <p><u>(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:</u></p> <p><u>(A) Ensuring that the school curriculum:</u></p> <p><u>(i) promotes critical thinking regarding the history, contribution, and perspectives of ethnic groups</u></p>

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<p><u>methods that enable students to explore safely questions of identity, race equality, and racism; and</u></p> <p><u>(F) ensure the basic curriculum and extracurricular programs are welcoming to all students and take into account parental concerns about religion or culture.</u></p> <p><u>(2) The Board shall propose a model policy on ethnic and social equity in schools for adoption by public schools and approved independent schools that includes minimum standards for a school environment that:</u></p> <p><u>(A) promotes an overarching focus and participation in the racially, culturally, and socially diverse global community;</u></p> <p><u>(B) ensures every student a safe, secure, and welcoming learning and social environment in which every act or attitude of implicit or explicit racial, sexual orientation, gender, cultural, or ability bias is acknowledged and addressed appropriately;</u></p> <p><u>(C) challenges any racist, sexist, gender, or ability assumptions, attitudes, and behaviors when they occur using principles and practices of restorative justice methods;</u></p> <p><u>(D) provides parents a welcoming means of raising any concern about their child’s experience as it bears on race or social identity at school;</u></p> <p><u>(E) ensures that the school provides all its personnel training in how best to address racial incidents;</u></p> <p><u>(F) specifies prohibited conduct as it relates to racism, sexism, ableism, and other social biases, and refers to the process through which alleged misconduct will be addressed, including disciplinary action as appropriate; and</u></p>	<p><u>and social groups;</u></p> <p><u>(ii) 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</u></p> <p><u>(iii) facilitates a welcoming environment for all students while taking into account parental concerns about bias or exclusion of ethnic groups or social groups.</u></p> <p><u>(B) Ensuring engagement opportunities that provide families a welcoming means of raising any concern about their child’s experience as it bears on race or ethnic or social group identity at school.</u></p> <p><u>(C) Ensuring that school climate policies:</u></p> <p><u>(i) promote an overarching focus on preparing all students to participate effectively in an increasingly racially, culturally, and socially diverse Vermont and in global communities;</u></p> <p><u>(ii) ensure every student is in a safe, secure, and welcoming learning and social environment in which bias, whether implicit or explicit, toward others based on their membership in ethnic or social groups is acknowledged and addressed appropriately;</u></p> <p><u>(iii) challenge racist, sexist, gender, or ability-based bias or bias based on socioeconomic status when they occur, using principles aligned with restorative practice;</u></p> <p><u>(iv) specify prohibited conduct as it relates to racism, sexism, ableism, and other social biases, and refers to the process through which alleged misconduct will be addressed, including disciplinary action as appropriate;</u></p> <p><u>(v) establish disciplinary responses to racial</u></p>

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<p><u>(G) establishes disciplinary responses to racial incidents that include the increased utilization of restorative practices where appropriate.</u></p> <p><u>(3) The Board shall, on or before June 30, 2020, submit:</u></p> <p><u>(A) a report that, at a minimum, proposes the ethnic studies standards developed under subdivision (1) of this subsection (d), to the Agency of Education; and</u></p> <p><u>(B) the model policy developed under subdivision (2) of this subsection (d) to the Vermont School Boards Association.</u></p> <p><u>(e) Duties of the Agency of Education. The Agency of Education shall, on or before June 30, 2021, adopt ethnic studies standards into existing statewide educational standards for public school students and approved independent school students in kindergarten through grade 12. The Agency shall consider the report submitted by the Board under subdivision (d)(3)(A) of this section when determining the standards to adopt.</u></p>	<p><u>or ethnic and social group incidents that include the utilization of restorative practices where appropriate; and</u></p> <p><u>(vi) ensure that the school provides all its personnel training in how best to address bias incidents.</u></p> <p><u>(e) Reports.</u></p> <p><u>(1) The Working Group shall, on or before December 15, 2018, submit a report to the General Assembly that includes:</u></p> <p><u>(A) the membership of the Working Group and its meeting schedule;</u></p> <p><u>(B) its plan to accomplish the work described in subdivision (d)(1) of this section, including the timeline for reviewing all statewide curriculum standards and for its recommendation to the State Board of additional standards to recognize fully the history, contribution, and perspectives of ethnic groups and social groups; and</u></p> <p><u>(C) its plan to accomplish the work described in subdivision (d)(2) of this section, including the timeline for reviewing all existing State statutes regarding school policies and drafting proposed legislation.</u></p> <p><u>(2) The Working Group shall, on or before December 15, 2019, submit a report to the General Assembly including:</u></p> <p><u>(A) the membership of the Working Group and</u></p>

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<p><u>(f) Duties of the Vermont School Boards Association. The Vermont School Boards Association shall, on or before June 30, 2021, develop a model policy on ethnic and social equity in schools for public school students and approved independent school students in kindergarten through grade 12. The Vermont School Boards Association shall consider the model policy submitted by the Board under subdivision (d)(3)(B) of this section when developing the model policy.</u></p> <p><u>(g) Duties of school districts. School districts and approved independent schools shall, for the 2021-2022 school year, implement the ethnic studies standards adopted by the Agency under subsection (e) of this section and adopt a policy on ethnic and social equity in schools that takes into consideration the model policy developed by the Vermont School Boards Association under subsection (f) of this section.</u></p> <p><u>(h) Report to General Assembly. On or before December 15, 2021, the Agency of Education shall submit a report to the General Assembly on the status of implementation by school districts and approved independent schools of the ethnic studies standards and the policy required under subsection (g) of this section.</u></p>	<p><u>its meeting schedule;</u> <u>(B) recommended statutory changes under subdivision (d)(2) of this section; and</u> <u>(C) recommendations for training and appropriations to support implementation of the recommended statutory changes.</u></p> <p><u>(f) Duties of the State Board of Education. The Board of Education shall, on or before June 30, 2021, consider adopting ethnic and social equity studies standards into existing statewide curriculum standards for public school students and approved independent school students in prekindergarten through grade 12. The State Board shall consider the report submitted by the Working Group under subdivision (d)(1) of this section when determining the standards to adopt.</u></p>

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<p>Sec. 2. 16 V.S.A. § 212 is amended to read: § 212. SECRETARY’S DUTIES GENERALLY The Secretary shall execute those policies adopted by the State Board in the legal exercise of its powers and shall:</p> <p style="text-align: center;">* * *</p> <p><u>(23) Publish, to the extent permitted by applicable confidentiality laws, statewide educational assessment results showing the results for the following categories of students:</u></p> <p style="margin-left: 40px;"><u>(A) female students;</u> <u>(B) male students;</u> <u>(C) students with disabilities;</u> <u>(D) students from economically deprived backgrounds;</u> <u>(E) students for whom English is not the primary language;</u> <u>(F) students who are from ethnic minority groups.</u></p>	<p>Sec. 2. 16 V.S.A. § 164 is amended to read: § 164. STATE BOARD; GENERAL POWERS AND DUTIES The State Board shall evaluate education policy proposals, including timely evaluation of policies presented by the Governor and Secretary; engage local school board members and the broader education community; and establish and advance education policy for the State of Vermont. In addition to other specified duties, the Board shall:</p> <p style="text-align: center;">* * *</p> <p>(17) Report annually on the condition of education statewide and on a school-by-school <u>school-by-school supervisory union and school district</u> basis. The report shall include information on attainment of standards for student performance adopted under subdivision (9) of this section, number and types of complaints of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school, school district, and supervisory union to determine its strengths and weaknesses. <u>To the extent consistent with State and federal privacy laws and regulations, data on student performance and hazing, harassment, or bullying incidents shall be disaggregated by student groups, including ethnic and racial groups, poverty status, disability status, English language learner status, and gender.</u> The Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to</p>

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	<p>those provided in other schools, <u>school districts</u>, and <u>supervisory unions</u> pursuant to subsection 165(b) of this title.</p> <p style="text-align: center;">* * *</p>
	<p>Sec. 3. APPROPRIATION</p> <p><u>The sum of \$8,500.00 is appropriated to the Agency of Education from the General Fund for fiscal year 2019 for the per diem compensation and expense reimbursements authorized by this act to be paid to the members of the Ethnic and Social Equity Standards Advisory Working Group. The Agency shall include in its budget request to the General Assembly for fiscal year 2020 the amount of \$8,500.00 for the per diem compensation and expense reimbursements authorized by this act to be paid to the members of the Working Group.</u></p>
<p>Sec. 3. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>	<p>Sec. 4. EFFECTIVE DATE</p> <p><u>This act shall take effect on passage.</u></p>