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TESTIMONY PROVIDED TO: House Education Committee
FROM: Dr. Amy Fowler, Deputy Agency of Education
TOPIC: H. 794- Ethnic Studies
DATE: February 27, 2018

The Agency of Education commends the legislature for considering the important issue of social equity and taking efforts to provide educational opportunities for young people to gain greater cultural competence. The Agency would be happy to assist Leg. Counsel with language modifications as requested.

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 12-15ⁱⁱ as this will help all parties recognize that this new statute is a reaffirmation of the state commitment to examine equity in all measures.
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.

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 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)

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.

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.

¹ Education Quality Standards Rule 2111 Adoption of Performance Standards

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

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.

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.

ⁱ 16 V.S.A. § 164. State Board; general powers and duties

(17) Report annually on the condition of education statewide and on a school- by-school 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 to determine its strengths and weaknesses. The Secretary shall use the information in the report to determine whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title.

ⁱⁱ [Link to the Vermont ESSA State Plan](#)

ⁱⁱⁱ 16 V.S.A. § 164 (1)

^{iv} [Link to Washington State Common Core Sensitivity and Bias Study](#)

^v [Link to Illinois Cultural Sensitivity Review of NGSS](#) and [Link to NGSS Cultural Sensitivity Review](#)

^{vi} Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS

(a) Definitions. As used in this act:

(1) “Ethnic groups” means all racial and ethnic groups in the United States, including people who are members of historically marginalized groups such as indigenous and people of African, Asian, Pacific Island, Chicano, Latinx, or Middle Eastern descent.

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

(3) “Social groups” means females, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, transgender, queer, questioning, intersex, or asexual.

(b) On or before December 15, 2018, The Secretary of Education will submit to the legislature a report that includes the following

(1) For each set of standards adopted by the Board of Education, information regarding all published bias and sensitivity reviews of those standards from other states or entities with recognized expertise in curriculum review and equity endeavors.

(2) A budget and work plan to execute a review of standards that do not have adequate bias and sensitivity reviews.

^{vii} 16 V.S.A. § 1161a

^{viii} 16 V.S.A. § 178 and 16 V.S.A. § 570