

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY  
8 WORKING GROUP

9 (a) Findings.

10 (1) In 1999, the Vermont Advisory Committee to the U.S. Commission  
11 on Civil Rights published a report titled Racial Harassment in Vermont Public  
12 Schools and described the state of racism in public schools. The Committee  
13 held various hearings and received reports from stakeholders and concluded  
14 that “racial harassment” appeared “pervasive in and around the State’s public  
15 schools,” and observed that “the elimination of this harassment” was “not a  
16 priority among school administrators, school boards, elected officials, and  
17 State agencies charged with civil rights enforcement.”

18 (2) In 2003, the Commission released a follow-up report concluding  
19 that, although some positive efforts had been made since the original report  
20 was published, the problem persisted. One of the many problems highlighted  
21 at that time was that some curriculum materials and lesson plans promoted

1 racial stereotypes. One of the conclusions was that there was a need for a bias-  
2 free curriculum.

3 (3) In December 2017, the Act 54 report on Racial Disparities in State  
4 Systems, issued by the Attorney General and Human Rights Commission Task  
5 Force, was released. According to the report, education is one of the five State  
6 systems in which racial disparities persist and need to be addressed. The  
7 Attorney General and Human Rights Commission held three stakeholder  
8 meetings and found “a surprising amount of coalescence around the most  
9 important issues” and “the primary over-arching theme was that we will be  
10 able to reduce racial disparities by changing the underlying culture of our state  
11 with regard to race.” One of the main suggestions for accomplishing this was  
12 to “teach children from an integrated curriculum that fairly represents both the  
13 contributions of People of Color (as well as indigenous people, women, people  
14 with disabilities, etc.), while fairly and accurately representing our history of  
15 oppression of these groups.” The other suggestions were to educate State  
16 employees about implicit bias, white privilege, white fragility, and white  
17 supremacy and increase the representation of people of color in the State and  
18 school labor forces by focusing on recruitment, hiring, and retention, as well as  
19 promotion of people of color into positions of authority and responsibility on  
20 boards and commissions.

1           (4) The harassment of lesbian, gay, bisexual, transgender, queer,  
2           questioning, intersex, asexual, and nonbinary communities; other students of  
3           color; and students with disabilities and the lack of understanding of people in  
4           power about the magnitude of the systemic impacts of harassment and bias  
5           damage the whole community.

6           (b) Definitions. As used in this act:

7           (1) “Ethnic groups” means nondominant racial and ethnic groups in the  
8           United States, including people who are from the Abenaki indigenous group or  
9           other indigenous groups and people of African, Asian, Pacific Island, Chicax,  
10           Latinx, or Middle Eastern descent.

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

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

17           (c) Creation and composition. The Ethnic and Social Equity Standards  
18           Advisory Working Group is established. The Working Group shall comprise  
19           the following 17 members:

20           (1) eight members who are members of, and represent the interests of,  
21           ethnic groups and social groups;

1           (2) a Vermont-based, college-level faculty expert in ethnic studies;

2           (3) the Secretary of Education or designee;

3           (4) the Executive Director of the Vermont-National Education  
4 Association or designee;

5           (5) the Executive Director of Racial Equity or designee;

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

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

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

11           (9) the Executive Director of the Vermont Superintendents Association  
12 or designee; and

13           (10) the Executive Director of the Vermont Independent Schools  
14 Association or designee.

15           (d) Appointment and operation.

16           (1) The Vermont Coalition for Ethnic and Social Equity in Schools  
17 (Coalition) shall appoint the eight members who represent ethnic groups and  
18 social groups and the member identified under subdivision (c)(2) of this  
19 section. Appointments of members to fill vacancies to these positions shall be  
20 made by the Coalition.

1           (2) As a group, the Working Group shall represent the breadth of  
2           geographic areas within the State and shall have experience in the areas of  
3           ethnic standards or studies, social justice, inclusivity, and advocacy for the  
4           groups they represent.

5           (3)(A) The Secretary of Education or designee shall call the first  
6           meeting of the Working Group to occur on or before September 1, 2019.

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

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

10          (D) The Working Group shall cease to exist on July 1, 2022.

11          (e) Compensation and reimbursement. Members of the Working Group  
12          who are not employees of the State of Vermont and who are not otherwise  
13          compensated or reimbursed for their attendance shall be entitled to per diem  
14          compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for  
15          not more than ten meetings per year. These payments shall be made from  
16          monies appropriated to the Agency of Education.

17          (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of  
18          Education from the General Fund for fiscal year 2020 for the per diem  
19          compensation and expense reimbursements authorized by subsection (e) of this  
20          section to be paid to the members of the Ethnic and Social Equity Standards  
21          Advisory Working Group. The Agency shall include in its budget request to

1 the General Assembly for fiscal years 2021 and 2022 the amount of  
2 \$13,420.00 for the per diem compensation and expense reimbursements  
3 authorized by subsection (e) of this section to be paid to members of the  
4 Working Group.

5 (g) Duties of the Working Group.

6 (1) The Working Group shall review standards for student performance  
7 adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or  
8 before June 30, 2021, recommend to the State Board updates and additional  
9 standards to recognize fully the history, contributions, and perspectives of  
10 ethnic groups and social groups. These recommended additional standards  
11 shall be designed to:

12 (A) increase cultural competency of students in prekindergarten  
13 through grade 12;

14 (B) increase attention to the history, contribution, and perspectives of  
15 ethnic groups and social groups;

16 (C) promote critical thinking regarding the history, contributions, and  
17 perspectives of ethnic groups and social groups;

18 (D) commit the school to eradicating any racial bias in its curriculum;

19 (E) provide, across its curriculum, content and methods that enable  
20 students to explore safely questions of identity, race equality, and racism; and

1           (F) ensure that the basic curriculum and extracurricular programs are  
2           welcoming to all students and take into account parental concerns about  
3           religion or culture.

4           (2) The Working Group may review State statutes, State Board rules,  
5           and school district policies that concern or impact standards for student  
6           performance or curriculum used in schools. The State Board may recommend  
7           to the General Assembly proposed statutory changes with the following goals:

8                   (A) ensuring that schools:

9                           (i) promote critical thinking regarding the history, contribution,  
10                           and perspectives of ethnic groups and social groups;

11                           (ii) include content and related instructional materials and  
12                           methods that enable students to explore safely questions of identity and  
13                           membership in ethnic groups and social groups, race equality, and racism; and

14                           (iii) facilitate a welcoming environment for all students while  
15                           taking into account parental concerns about bias or exclusion of ethnic groups  
16                           or social groups; and

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

20           (3) The Working Group shall include in its report to the General  
21           Assembly under subdivisions (h)(2) and (3) of this section any statute, State

1 Board rule, or school district policy that it has identified as needing review or  
2 amendment in order to:

3 (A) promote an overarching focus on preparing all students to  
4 participate effectively in an increasingly racially, culturally, and socially  
5 diverse Vermont and in global communities;

6 (B) ensure every student is in a safe, secure, and welcoming learning  
7 and social environment in which bias, whether implicit or explicit, toward  
8 others based on their membership in ethnic or social groups is acknowledged  
9 and addressed appropriately;

10 (C) challenge racist, sexist, gender, or **abelist** or bias based on  
11 socioeconomic status when it occurs, using principles aligned with restorative  
12 practice;

13 (D) specify prohibited conduct as it relates to racism, sexism,  
14 ableism, and other social biases and refers to the process through which alleged  
15 misconduct will be addressed, including disciplinary action as appropriate;

16 (E) establish disciplinary responses to racial or ethnic and social  
17 group incidents that include the utilization of restorative practices where  
18 appropriate; and

19 (F) ensure that the school **provides its** personnel training in how best  
20 to address bias incidents.

21 (h) Reports.



1           (1) The Working Group shall, on or before March 1, 2020, submit a  
2 report to the General Assembly that includes:

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

4           (B) its plan to accomplish the work described in **subdivision (g)(1) of**  
5 **this section;** and

6           (C) its plan to accomplish the work described in **subdivisions (g)(2)**  
7 **and (3) of this section.**

8           (2) The Working Group shall, on or before December 15, 2020, submit a  
9 report to the General Assembly that includes:

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

11           (B) recommended statutory changes under subdivisions (g)(2) and (3)  
12 of this section;

13           (C) **its findings from its review of State Board rules and school**  
14 **district policies under subdivisions (g)(2) and (3) of this section;** and

15           (D) **recommendations for training and appropriations to support**  
16 **implementation of the recommended statutory changes.**

17           (3) The Working Group shall, on or before July 1, 2022, submit a report  
18 to the General Assembly that includes:

19           (A) any further recommended statutory changes under **subdivisions**  
20 **(g)(2) and (3) of this section;**

1           (B) any further findings from its review of State Board rules and  
2           school district policies under subdivisions (g)(2) and (3) of this section; and

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

5           (i) Duties of the State Board of Education. The Board of Education shall,  
6           on or before June 30, 2022, consider adopting ethnic and social equity studies  
7           standards into standards for student performance adopted by the State Board  
8           under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12,  
9           taking into account the report submitted by the Working Group under  
10           subdivision (g)(1) of this section.

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

12        § 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

18                                       \* \* \*

19           (17) Report annually on the condition of education statewide and on a  
20        ~~school-by-school~~ supervisory union and school district basis. The report shall  
21        include information on attainment of standards for student performance

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

16 \* \* \*

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.

19  
20  
21

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

4

FOR THE COMMITTEE