

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 Abenaki, people from other
9 indigenous groups, and people of African, Asian, Pacific Island, Chicana,
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, or abelist bias, or bias based on gender or
11 socioeconomic status, using principles aligned with restorative practice;

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

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

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

20 (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 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, gender, **sexual orientation, gender identity**, poverty status,
11 disability status, and English language learner status. The Secretary shall use
12 the information in the report to determine whether students in each school,
13 school district, and supervisory union are provided educational opportunities
14 substantially equal to those provided in other schools, school districts, and
15 supervisory unions pursuant to subsection 165(b) of this title.

16 * * *

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.

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1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE