

1 H.3

2 Representative Giambatista of Essex moves that the report of the
3 Committee on Education be amended by striking out all after the enacting
4 clause and inserting in lieu thereof the following:

5 Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY
6 WORKING GROUP

7 (a) Findings.

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

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

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

19 (4) According to the U.S. Department of Justice report on hate crimes in
20 Vermont in 2017, 51 percent of hate crimes were based on a motivation
21 involving racial bias, 23 percent of hate crimes were based on a motivation

1 involving sexual orientation bias, 17 percent of hate crimes were based on a
2 motivation involving religious bias, and 9 percent of hate crimes were based on
3 a motivation involving disability bias.

4 (5) Hate symbols have in recent years appeared with disturbing
5 frequency at schools, in public spaces, places of worship, farms, and places of
6 business.

7 (6) The harassment of marginalized groups and the lack of
8 understanding of people in power about the magnitude of the systemic impacts
9 of harassment and bias damages the whole community.

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

11 (1) “Ethnic groups” means:

12 (A) nondominant racial and ethnic groups in the United States,
13 including people who are Abenaki, people from other indigenous groups,
14 people of African, Asian, Pacific Island, Chicanx, Latinx, or Middle Eastern
15 descent; and

16 (B) minorities that have been historically subject to persecution or
17 genocide.

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

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

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

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

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

10 (3) the Secretary of Education or designee;

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

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

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

16 (7) a representative for the Vermont Principals’ Association with
17 expertise in the development of school curriculum;

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

19 (9) the Executive Director of the Vermont Superintendents Association
20 or designee;

1 (10) the Executive Director of the Vermont Independent Schools
2 Association or designee; and

3 (11) the Executive Director of the Vermont Human Rights Commission
4 or designee.

5 (d) Appointment and operation.

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

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

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

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

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

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

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

7 (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of
8 Education from the General Fund for fiscal year 2020 for the per diem
9 compensation and expense reimbursements authorized by subsection (e) of this
10 section to be paid to the members of the Ethnic and Social Equity Standards
11 Advisory Working Group. The Agency shall include in its budget request to
12 the General Assembly for fiscal years 2021 and 2022 the amount of
13 \$13,420.00 for the per diem compensation and expense reimbursements
14 authorized by subsection (e) of this section to be paid to members of the
15 Working Group.

16 (g) Duties of the Working Group.

17 (1) The Working Group shall review standards for student performance
18 adopted by the State Board of Education under 16 V.S.A. § 164(9) and, on or
19 before June 30, 2021, recommend to the State Board updates and additional
20 standards to recognize fully the history, contributions, and perspectives of

1 ethnic groups and social groups. These recommended additional standards
2 shall be designed to:

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

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

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

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

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

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

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

20 (A) ensuring that schools:

- 1 (i) promote critical thinking regarding the history, contribution,
2 and perspectives of ethnic groups and social groups;
- 3 (ii) include content and related instructional materials and
4 methods that enable students to explore safely questions of identity and
5 membership in ethnic groups and social groups, race equality, and racism; and
- 6 (iii) facilitate a welcoming environment for all students while
7 taking into account parental concerns about bias or exclusion of ethnic groups
8 or social groups; and
- 9 (B) ensuring engagement opportunities that provide families a
10 welcoming means of raising any concern about their child’s experience as it
11 bears on race or ethnic or social group identity at school.
- 12 (3) The Working Group shall include in its report to the General
13 Assembly under subdivisions (h)(2) and (3) of this section any statute, State
14 Board rule, or school district policy that it has identified as needing review or
15 amendment in order to:
- 16 (A) promote an overarching focus on preparing all students to
17 participate effectively in an increasingly racially, culturally, and socially
18 diverse Vermont and in global communities;
- 19 (B) ensure every student is in a safe, secure, and welcoming learning
20 and social environment in which bias, whether implicit or explicit, toward

1 others based on their membership in ethnic or social groups is acknowledged
2 and addressed appropriately;

3 (C) challenge racist, sexist, or abelist bias, or bias based on gender or
4 socioeconomic status, using principles aligned with restorative practice;

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

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

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

13 (h) Reports.

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

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

17 (B) its plan to accomplish the work described in subdivision (g)(1) of
18 this section; and

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

1 (2) The Working Group shall, on or before December 15, 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) recommended statutory changes under subdivisions (g)(2) and (3)
5 of this section;

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

8 (D) recommendations for training and appropriations to support
9 implementation of the recommended statutory changes.

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

12 (A) any further recommended statutory changes under subdivisions
13 (g)(2) and (3) of this section;

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

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

18 (i) Duties of the State Board of Education. The Board of Education shall,
19 on or before June 30, 2022, consider adopting ethnic and social equity studies
20 standards into standards for student performance adopted by the State Board
21 under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12,

1 taking into account the report submitted by the Working Group under
2 subdivision (g)(1) of this section.

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

4 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

10 * * *

11 (17) Report annually on the condition of education statewide and on a
12 ~~school-by-school~~ supervisory union and school district basis. The report shall
13 include information on attainment of standards for student performance
14 adopted under subdivision (9) of this section, number and types of complaints
15 of hazing, harassment, or bullying made pursuant to chapter 9, subchapter 5 of
16 this title and responses to the complaints, financial resources and expenditures,
17 and community social indicators. The report shall be organized and presented
18 in a way that is easily understandable by the general public and that enables
19 each school, school district, and supervisory union to determine its strengths
20 and weaknesses. To the extent consistent with State and federal privacy laws
21 and regulations, data on student performance and hazing, harassment, or

1 bullying incidents shall be disaggregated by student groups, including ethnic,
2 racial, and religious groups, gender, sexual orientation, gender identity,
3 poverty status, disability status, and English language learner status. The
4 Secretary shall use the information in the report to determine whether students
5 in each school, school district, and supervisory union are provided educational
6 opportunities substantially equal to those provided in other schools, school
7 districts, and supervisory unions pursuant to subsection 165(b) of this title.

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9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on passage.