

1 H.3

2 Representatives Giambatista of Essex, Austin of Colchester, Batchelor of
3 Derby, Conlon of Cornwall, Cupoli of Rutland City, Elder of Starksboro,
4 Hooper of Randolph, James of Manchester, Mattos of Milton, Toof of St.
5 Albans Town, and Webb of Shelburne move that the report of the Committee
6 on Education be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

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

10 (a) Findings.

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

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

1 at that time was that some curriculum materials and lesson plans promoted
2 racial stereotypes. One of the conclusions was that there was a need for a bias-
3 free curriculum.

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

1 (4) According to the U.S. Department of Justice report on hate crimes in
2 Vermont in 2017, 51 percent of hate crimes were based on a motivation
3 involving racial bias, 23 percent of hate crimes were based on a motivation
4 involving sexual orientation bias, 17 percent of hate crimes were based on a
5 motivation involving religious bias, and 9 percent of hate crimes were based on
6 a motivation involving disability bias.

7 (5) Acts of harassment and discrimination based on religious affiliation,
8 including but not limited to anti-Semitism and Islamophobia, have been
9 reported in recent Vermont news reports.

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

13 (7) The harassment of marginalized groups, and the lack of
14 understanding of people in power about the magnitude of the systemic impacts
15 of harassment and bias, damage the whole community.

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

17 (1) “Ethnic groups” means:

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

1 (B) groups that have been historically subject to persecution or
2 genocide.

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

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

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

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

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

15 (3) the Secretary of Education or designee;

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

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

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

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

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

4 (9) the Executive Director of the Vermont Superintendents Association
5 or designee;

6 (10) the Executive Director of the Vermont Independent Schools
7 Association or designee; and

8 (11) the Executive Director of the Vermont Human Rights Commission
9 or designee.

10 (d) Appointment and operation.

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

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

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

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

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

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

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

11 (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of
12 Education from the General Fund for fiscal year 2020 for the per diem
13 compensation and expense reimbursements authorized by subsection (e) of this
14 section to be paid to the members of the Ethnic and Social Equity Standards
15 Advisory Working Group. The Agency shall include in its budget request to
16 the General Assembly for fiscal years 2021 and 2022 the amount of
17 \$13,420.00 for the per diem compensation and expense reimbursements
18 authorized by subsection (e) of this section to be paid to members of the
19 Working Group.

20 (g) Duties of the Working Group.

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

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

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

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

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

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

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

19 (2) The Working Group may review State statutes, State Board rules,
20 and school district policies that concern or impact standards for student

1 performance or curriculum used in schools. The State Board may recommend
2 to the General Assembly proposed statutory changes with the following goals:

3 (A) ensuring that schools:

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

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

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

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

15 (3) The Working Group shall include in its report to the General
16 Assembly under subdivisions (h)(2) and (3) of this section any statute, State
17 Board rule, or school district policy that it has identified as needing review or
18 amendment in order to:

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

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

5 (C) challenge racist, sexist, or ableist bias, or bias based on gender or
6 socioeconomic status, using principles aligned with restorative practice;

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

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

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

16 (h) Reports.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (i) Duties of the State Board of Education. The Board of Education shall,
21 on or before June 30, 2022, consider adopting ethnic and social equity studies

1 standards into standards for student performance adopted by the State Board
2 under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12,
3 taking into account the report submitted by the Working Group under
4 subdivision (g)(1) of this section.

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

6 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

12 * * *

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

1 and weaknesses. To the extent consistent with State and federal privacy laws
2 and regulations, data on student performance and hazing, harassment, or
3 bullying incidents shall be disaggregated by student groups, including ethnic,
4 racial, and religious groups, gender, sexual orientation, gender identity,
5 poverty status, disability status, and English language learner status. The
6 Secretary shall use the information in the report to determine whether students
7 in each school, school district, and supervisory union are provided educational
8 opportunities substantially equal to those provided in other schools, school
9 districts, and supervisory unions pursuant to subsection 165(b) of this title.

10 * * *

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on passage.