



The
UNIVERSITY
of VERMONT

Vermont Legislative Research Service

<http://www.uvm.edu/~vlrs/>



Ethnic Studies in Primary and Secondary Schools

This is a report about creating an Ethnic and Social Equity Standards Advisory Working Group in response to H.3, “An Act Relating to Ethnic and Social Equity Standards for Public Schools,” a bill proposed by Representatives Kevin Christie (D-Windsor-4-2), Brian Cina (P-Chittenden-6-4), Dylan Giambatista (D-Chittenden-8-2) and Diana Gonzalez (P-Chittenden-6-7) in January 2019.¹ The House of Representatives passed the bill unanimously on February 1, 2019.²

H.3 creates the Ethnic and Social Equity Standards Advisory Working Group to “advise the State Board of Education on the adoption of ethnic and social equity studies standards into statewide educational standards” in order to address the need for a bias-free curriculum in schools that will reduce racial disparities in Vermont.³ More specifically, the goal of the new, integrated curriculum would be to teach children about both contributions of and the history of the oppression of ethnic and social minority groups, as well as educate teachers about biases that they may have. The bill also requires the State Board of Education to publish data on student performance, hazing, harassment, or bullying incidents related to ethnicity, race, poverty status, disability status, gender, and English learner status.⁴ The House passed H.3 unanimously, only amending one part of the original text by requiring the annual reports on the condition of education to be done on a supervisory union and school district level, rather than reporting school-by-school.⁵

Legislators in Oregon and California have established similar ethnic studies advisory groups. Oregon HB 2845, signed into law on June 29, 2017, stipulates that an ethnic studies advisory committee be formed.⁶ In September of 2016, California’s Assembly Bill 2016 was signed into law, which expanded the scope of the Instructional Quality Commission and tasked it with creating an ethnic studies curriculum with the help of teachers from the primary, secondary,

¹ Vermont General Assembly, “H.3: An act relating to ethnic and social equity standards for public schools,” 2019, <https://legislature.vermont.gov/bill/status/2020/H.3>.

² Vermont General Assembly, “H.3.”

³ Vermont General Assembly, “H.3.”

⁴ Vermont General Assembly, “H.3.”

⁵ Vermont General Assembly, “H.3”

⁶ Oregon Legislative Assembly, “House Bill 2845,” accessed February 7, 2019. <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2845>

and the collegiate level.⁷ Meanwhile, the Arizona House passed HB 2281 in 2010 which restricted ethnic studies education in Arizona.

Ethnic Studies Overview

In the 1960s, students demanded that administrative offices at public universities reform their curriculum with regard to the histories and experiences of minorities. Students and activists of color called for “better access to higher education, changes in the curriculum, the recruitment of more professors of color, and the creation of ethnic studies programs.”⁸ From their origins at San Francisco State University, Berkeley, and Santa Barbara campuses of the University of California, ethnic studies programs burgeoned throughout colleges and universities across the country. Today “there are more than 700 ethnic studies programs and departments in the United States,” most of which are concentrated in public colleges and universities.⁹ Ethnic studies programs originated out of the demands of student and community grassroots movements for changes in the academic power structure and white influence in both public and private universities, and these programs are now being attempted in primary and secondary schools in several states across the country.¹⁰

History of Ethnic Studies in Vermont

Effective September 1984, the Vermont State Board of Education Manual of Rules and Practices mandated that

[n]o student in a public school or independent school shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity as the result of, or based upon, the student’s race, gender, color, creed, national origin, marital status, sexual orientation, gender identity or disability, or any other reason set forth in state or federal non-discrimination requirements.¹¹

The Vermont Coalition for Ethnic and Social Equity in Schools (VCESE), a group of citizen advocates, plays an active role statewide in promoting more ethnic and social equality throughout Vermont schools. VCESE lobbied at Vermont Legislature in the 2018 session on H.794, the precursor to H.3, which sponsors drafted in order to create an advisory panel to help the Agency of Education adopt ethnic studies standards into statewide educational standards in

⁷ California State Assembly, “Assembly Bill No. 2016: An act to add Section 51226.7 to the Education Code, relating to pupil instruction,” Accessed February 7, 2019,

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB2016

⁸ Hu-DeHart, Evelyn, “The History, Development, and Future of Ethnic Studies,” *The Phi Delta Kappan* 75, no. 1 (1993): 50-54.

https://pages.ucsd.edu/~rfrank/class_web/ES-200A/Week%201/Hu-DeHart%20PhiDK%2075-1.pdf

⁹ Hu-DeHart, “The History” 51.

¹⁰ Hu-DeHart, “The History” 52.

¹¹ Vermont State Board on Education, *Vermont State Board on Education Manual of Rules and Practices, Series 200- Education Quality Standards*, Vol. 2113, Series 2000, accessed February 14, 2019, 3,

<https://education.vermont.gov/sites/aoe/files/documents/edu-state-board-rules-series-2000.pdfhttpsf>.

Vermont schools.¹² Bill H.794 did not make it out of the Committee on Education. The State Board of Education opposed the bill for two reasons. First, H.794 would create separate entities to set education standards, which is a current responsibility of the State Board of Education. To maintain consistent policy, they did not wish to divide this duty. Second, the Board did not agree with the part of the bill that would impose curriculum and graduation requirements from Montpelier onto the local school districts, since curriculums are currently the responsibility of supervisory unions that meet standards the State Board of Education sets. The Board wanted to maintain the highly valued tradition of local control.¹³ Legislative sponsors introduced H.3 in the 2018-2019 Session with modifications to fix the issues the Board found with H.794.¹⁴

Benefits of Ethnic Studies in School Curriculums

Researchers have found that participation in ethnic studies courses offer academic advantages to students belonging to underrepresented groups. In a report from the Stanford Center for Education Policy Analysis, researchers observed 1,405 students across five San Francisco high schools and found that requiring underperforming students to take an ethnic studies class in high school “increased ninth-grade student attendance by 21 percentage points, GPA by 1.4 grade points, and credits earned by 23.”¹⁵ The study determined that ethnic studies classes can increase retention rates in public schools by offering struggling students more a more relevant and engaging education by using the culture and experiences of students as a basis for classroom learning.¹⁶ Additionally, the study found that ethnic studies classes promote closer student-teacher interactions.¹⁷ Similarly, a study conducted with indigenous Alaskan second-grade students found that using modules specifically tailored to a student’s cultural background when teaching mathematics improved students’ performance.¹⁸ According to the researchers, “this study and others in the MCC series show that a culturally based curriculum has the potential to narrow the academic performance gap between indigenous students and their mainstream counterparts and can improve the performance of mainstream students, too.”¹⁹

¹² Vermont General Assembly, “H.794: An act relating to the adoption of ethnic studies standards into statewide educational standards and a policy on ethnic and social equity in schools by public schools and approved independent schools,” 2018,

<https://legislature.vermont.gov/Documents/2018/Docs/BILLS/H-0794/H-0794%20As%20Introduced.pdf>

¹³ Vermont State Board of Education, *Memorandum: In Reference to H.793 and H.794*. Barre, VT: Vermont State Board of Education, 2018, March 21, 2018, accessed February 16, 2019,

https://education.vermont.gov/sites/aoe/files/documents/edu-state-board-memo-to-house-and-senate-education-civics-and-ethnic-studies_0.pdf.

¹⁴ Vermont General Assembly, “H.3.”

¹⁵ Thomas Dee and Emily Penner, “The Causal Effects of Cultural Relevance: Evidence from an Ethnic Studies Curriculum,” Stanford Center for Policy Analysis, (January 2016),

<https://cepa.stanford.edu/sites/default/files/wp16-01-v201601.pdf>

¹⁶ Dee, “Causal Effects.”

¹⁷ Dee, “Causal Effects.”

¹⁸ Ellen Eliason Kisker, Jerry Lipka, Barbara L. Adams, Anthony Rickard, Dora Andrew-Ihrke, Eva Evelyn Yanez, and Ann Millard, “The Potential of a Culturally Based Supplemental Mathematics Curriculum to Improve the Mathematics Performance of Alaska Native and Other Students,” *Journal for Research in Mathematics Education* 43, no. 1 (2012): 75-113.

¹⁹ Kisker et al, “The Potential.”

Another study published in the *American Educational Research Journal* corroborates the findings on the benefits of ethnic studies curriculum, finding that participation in a Mexican-American Studies program in the Tucson Unified School District led to increased graduation rates compared to students who did not take the course.²⁰ The authors of the report attribute these results to the idea that “the more Latina/o students see themselves and their experiences reflected in the curriculum, the more likely they are to be engaged in school, leading to greater educational success.”²¹

Ethnic studies programs can also promote better relations between students of different races and lessen the presence of racist attitudes and beliefs in elementary-level students. According to the authors of one study, after receiving several lessons on racism in American history, “European American children...had more positive and less negative views of African Americans than did children who received similar lessons that did not include information about racism.”²² These findings suggest that the inclusion of ethnic studies in school curriculums has positive effects on students both academically and socially, and these benefits are not limited to students of underrepresented backgrounds.

States with Laws Promoting Ethnic Studies in School Curriculums

Oregon

On June 8, 2017, the Oregon House of Representatives passed House Bill 2845, which mandates the creation of an ethnic studies advisory group that will identify areas of Oregon state curriculum that “fail to recognize the histories, contributions and perspectives of ethnic minorities and social minorities.”²³ This advisory group will be comprised of fourteen community representatives, including high school students or recent graduates, a member of the LGBTQIA community, a college-level professor in ethnic studies, and a number of representatives from ethnic minority groups.²⁴ The advisory group will have until June of 2019 to determine the shortcomings of current educational policies in representing the history of marginalized groups, and the Oregon Department of Education will have until September 15, 2020 to apply the findings of the group to a new ethnic studies state curriculum.²⁵ The recommendations of the advisory group will include “a list of suggested materials, resources, sample curricula and pedagogical skills training programs [and] professional learning

²⁰ Nolan L. Cabrera, Jeffrey F. Milem, Ozan Jaquette, and Ronald W. Marx, “Missing the (Student Achievement) Forest for All the (Political) Trees,” *American Educational Research Journal* 51, no. 6 (2014): 1084-118.

²¹ Cabrera, “Missing the (Student Achievement) Forest,” 1087.

²² Julie M. Hughes, Rebecca S. Bigler, and Sheri R. Levy, “Consequences of Learning about Historical Racism among European American and African American Children,” *Child Development* 78, no. 6 (2007): 1689-705.

²³ Oregon House Democrats, “Oregon House Passes Pioneering Ethnic Studies Bill,” News release, June 8, 2017, Oregon State Legislature, accessed February 7, 2019,

<https://www.oregonlegislature.gov/housedemocrats/Documents/EthnicStudies.pdf>

²⁴ Oregon Legislative Assembly, “House Bill 2845”.

²⁵ Oregon Legislative Assembly, “House Bill 2845”.

requirements for educators and staff to facilitate the successful implementation of the proposed ethnic studies standards.”²⁶

California

Since 1927, California has had its own educational advisory group in the form of the Instructional Quality Commission, which is responsible for “develop[ing] and recommend[ing] curriculum frameworks.”²⁷ In 2016, with the passing of Assembly Bill 2016, the Instructional Quality Commission was tasked with creating an ethnic studies curriculum with the help of teachers at the primary, secondary, and collegiate level. By December 31, 2019, the Commission must bring its curriculum to the state board, which will then implement the curriculum throughout the state by March 31, 2020.

A core feature of the bill is its decision to permit individual schools to customize their curriculum to represent more accurately the particular demographic makeup of their community.²⁸ Additionally, it seeks the support and involvement “of pupils and members of the community in the development of an ethnic studies model curriculum.”²⁹ Rather than having a single standardized curriculum across the entire state, California will permit schools to use the recommendations of the Instructional Quality Commission as a “model curriculum”³⁰ that will be adaptable depending on the individual school and community within which it is situated.

Indiana

In 2017, the Indiana State Legislature amended the existing Indiana Code on Education, requiring each public school, charter school, and accredited nonpublic school to “offer the study of ethnic and racial groups as a one semester elective course in its high school curriculum at least once every school year” by July 1, 2017. The Indiana Department of Education developed a set of standards, finalized in June 2018, which are benchmark measures of what students should know and be able to do in certain grades, but they are not a curriculum.³¹ A state-appointed committee of ten educators, policymakers, and advocates created the standards.³² The standards include Cultural Self-Awareness, Cultural Histories within the U.S.

²⁶ Oregon Legislative Assembly, “House Bill 2845”.

²⁷ California State Board of Education, “Instructional Quality Commission,” accessed February 09, 2019, <https://www.cde.ca.gov/be/cc/cd/>.

²⁸ Frances Kai-Hwa Wang, “California Governor Signs Bill to Develop High School Ethnic Studies Curriculum,” NBC News, September 14, 2016, accessed February 09, 2019, <https://www.nbcnews.com/news/asian-america/california-governor-signs-bill-develop-high-school-ethnic-studies-curriculum-n648396>.

²⁹ California State Assembly, “Assembly Bill No. 2016”.

³⁰ California State Assembly, “Assembly Bill No. 2016”.

³¹ Oklahoma General Assembly, “Senate Enrolled Act No. 337: An act to amend the Indiana Code concerning education.”, 2017

³² Shelby Mullis, “How Indiana's New Approach to Ethnic Studies Goes beyond Slavery and Stereotypes,” Chalkbeat, August 08, 2018, accessed February 09, 2019, <https://www.chalkbeat.org/posts/in/2018/08/08/how-indianas-new-approach-to-ethnic-studies-goes-beyond-slavery-and-stereotypes/>.

Context and Abroad, Contemporary Lived Experiences and Cultural Practices, and Historical and Contemporary Contributions.³³ Each of the standards has four sub standards and teachers are encouraged to teach in a way that bridges them together. The full list of the Indiana Ethnic Studies Course Standards and sub standards can be seen in Table 1 below. Specific areas of racial or ethnic studies are not specified in the standards for statewide use, instead leaving the decision on what ethnic or minority groups the classes will be about up to the teachers, so the subjects can be better targeted towards the minority and ethnic groups in the different areas of Indiana. In the first semester of these courses, Indianapolis districts report student registration for them is low. Indiana State Senator Greg Taylor (Ind- D), who sponsored the bill, believes enrollment will increase and it will take a year or two to fully implement and gain student attention.³⁴

³³ Jennifer McCormick, "Indiana Academic Standards Ethnic Studies." Indiana Department of Education, 2018, accessed February 16, 2019, <https://www.doe.in.gov/sites/default/files/standards/ss-2018-ethnic-studies-standards.pdf>.

³⁴ Shelby Mullis, "How Indiana's New Approach to Ethnic Studies Goes beyond Slavery and Stereotypes," Chalkbeat, August 08, 2018, accessed February 09, 2019, <https://www.chalkbeat.org/posts/in/2018/08/08/how-indianas-new-approach-to-ethnic-studies-goes-beyond-slavery-and-stereotypes/>.

Table 1. Indiana Ethnic Studies Course Standards

<p>1: Cultural Self-Awareness</p>	<p>1.1: Students describe and defend the appropriate terminology including but not limited to race, ethnicity, culture, cultural practices, bias, implicit bias, and critical consciousness</p> <p>1.2: Students identify and analyze their social, ethnic, racial, and cultural identities and examine societal perceptions and behaviors related to their own identities</p> <p>1.3: Students evaluate how society’s responses to different social identities lead to access and/or barriers for ethnic and racial groups in relation to various societal institutions, including but not limited to education, healthcare, government, and industry</p>
<p>2: Cultural Histories within the U.S. Context and Abroad</p>	<p>2.1: Students investigate the origins of various ethnic and racial groups, examining the historical influence of cultural, socio-political, and socio-economic contexts on those groups</p> <p>2.2: Students explain the reasons for various racial/ethnic groups’ presence in the U.S. (indigenous, voluntary, or forcible).</p> <p>2.3: Students compare and contrast how circumstances of ethnic/racial groups affected their treatment and experiences (indigenous, voluntary, forcible) as a response to the dominant culture of the time.</p> <p>2.4: Students examine history and the present to make predictions about what role the dominant culture plays in the loss of racial/ethnic culture and cultural identity.</p>
<p>3: Contemporary Lived Experiences and Cultural Practices</p>	<p>3.1: Students identify and explore current traditions, rites, and norms of an ethnic or racial group(s) and how they have or are changing over time.</p> <p>3.2: Students assess how social policies and economic forces offer privilege or systematic oppressions for racial/ethnic groups related to accessing social, political, and economic opportunities.</p>
<p>4: Historical and Contemporary Contributions</p>	<p>4.1: Students examine historical and contemporary economic, intellectual, social, cultural and political contributions to society by ethnic or racial group(s) or an individual within a group.</p> <p>4.2: Students investigate how ethnic or racial group(s) and society address systematic oppressions through social movements, local, community, national, global advocacy, and individual champions.</p>

Source: Oklahoma State, *Oklahoma Administrative Code: 201:21-19-2*, May 25, 07, Accessed February 19, 2019, <http://okrules.elaws.us/oac/210:20-19-2>.

Oklahoma

On January 19, 2019, the Oklahoma Administrative Code was updated in Section 210:21-19-2 of the Professional Development Program, requiring racial and ethnic education to “function effectively with all students in a culturally diverse society.”³⁵ This amendment includes requiring teachers to:

- A. understand “their own and their students’ environment and culture, including but not limited to- needs, abilities, attitudes, and world views,”
- B. recognize “that different cultures exist as separate and distinct entities; acknowledging the contribution of all cultural and linguistic groups to society; promoting a culturally sensitive curriculum representative of our diverse national population,” and
- C. develop “strategies for the integration of cultural and linguistic teaching tools and methods in the school environment.”³⁶

The type of racial and ethnic education resources that certified employees and support staff can use and the frequency they must use those resources is regulated by the local board of education, through a program called Teaching Tolerance.³⁷ Teaching Tolerance is a project of the Southern Poverty Law Center that provides free resources who work with children in K-12 education to supplement their curriculums, and inform their teachings. Teaching Tolerance says that their “program emphasizes social justice and anti-bias. The anti-bias approach encourages children and young people to challenge prejudice and learn how to be agents of change in their own lives... through identity, diversity, justice and action.”³⁸ Oklahoma requires teachers to use this website both for teacher and student education through modules, presentations, workshops, lesson plans and available texts.³⁹

Montana

Article X, Section 1(2) of the 1972 Constitution of Montana stipulates that, “the state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.”⁴⁰ Until the end of the twentieth century, the wording of Article X, Section 1(2) was ignored. In 1999, however, the Montana State Legislature passed state law MCA 20-1 501, known as “Indian Education for All” (IEFA), which required that public schools implement programs to fulfill the intent of the state

³⁵ Oklahoma State, *Oklahoma Administrative Code: 201:21-19-2*, May 25, 07, accessed February 19 2019, <http://okrules.elaws.us/oac/210:20-19-2>.

³⁶ Oklahoma State, “Administrative Code: 201:21-19-2.”

³⁷ United States of America, Oklahoma, Department of Education, *Professional Development Required for 2016-2017*, 2016.

³⁸ Teaching Tolerance, “About Teaching Tolerance,” accessed February 09, 2019, <https://www.tolerance.org/about>

³⁹ Teaching Tolerance, “Classroom Resources.” Accessed February 09, 2019, <https://www.tolerance.org/classroom-resources>

⁴⁰ Mont. Const. art. I, § 2

constitution. In order to enact the IEFA, in 2005 the State Legislature “appropriated more than \$7 million to local school districts to help with their implementation efforts and also allotted more than \$3 million to the Montana Office of Public Instruction (OPI) as start-up funding in support of IEFA.”⁴¹ Moreover, “OPI designated part of its special funding for competitive grant awards of \$25,000 to \$50,000 to design and test innovative Indian education implementation approaches.”⁴²

Researchers at the University of Montana assessed American Indian education and open-mindedness among teachers and students between the kindergarten and fifth-grade level at Lewis and Clark (L & C) School, one of the schools given a \$50,000 grant by the OPI to develop and implement an IEFA program. To fulfill the goals of the school wide IEFA program, over twenty teachers at L & C integrated perspectives of the Salish and Pend d’Oreille, the two closest Native American communities, into all subject areas. Under the L & C School’s place-based approach, “students reached beyond the classroom to experience the place where Indigenous cultures and histories reside and connected face-to-face with members of neighboring American Indian communities who are so close yet often so distant.”⁴³ The report found “impressive gains in L & C students’ knowledge of the place and the development of positive attitudes toward interacting with American Indians that carry the potential to improve future interracial relationships among Indians and non-Indians.”⁴⁴

A Case of Restricting Ethnic Studies: Arizona

Unlike the other states discussed above, Arizona enacted a law to *restrict* ethnic studies curriculum. Arizona House Bill 2281, which was passed into law in 2010, states that public school courses may not include content that “promote resentment toward a race or class of people, are designed primarily for pupils of a particular ethnic group, or advocate ethnic solidarity instead of the treatment of pupils as individuals.”⁴⁵ In 2011, Arizona Superintendent of Public Instruction, John Huppenthal, issued an order finding that a Mexican-American ethnic studies program at the Tucson Unified School District was in violation of the law. Republican legislators stated that the “classes were stoking racial tensions and ‘radicalizing students,’ citing the use of Paulo Freire’s *Pedagogy of the Oppressed*, Rodolfo Acuña’s *Occupied America*, and a Che Guevara poster as examples.”⁴⁶ Huppenthal argued that the class was “indoctrinating students” and “identify[ing] whites as oppressors and Hispanics as the oppressed,” which would place the course in violation of the section of the bill that prohibited “resentment towards a race or class of people.”⁴⁷

⁴¹ Phyllis B. Ngai and Peter Koehn, "Implementing Montana's Indian-Education-for-All Initiative in a K-5 Public School: Implications for Classroom Teaching, Education Policy, and Native Communities" (2010), Communication Studies Faculty Publications, 17.

⁴² Ngai and Koehn, "Implementing Montana's," 17.

⁴³ Ngai and Koehn, "Implementing Montana's," 17.

⁴⁴ Ngai and Koehn, "Implementing Montana's," 17.

⁴⁵ Arizona House of Representatives, "House Bill 2281."

⁴⁶ Julie Depenbrock, "Ethnic Studies: A Movement Born Of A Ban," NPR. August 13, 2017, Accessed February 16, 2019, <https://www.npr.org/sections/ed/2017/08/13/541814668/ethnic-studies-a-movement-born-of-a-ban>.

⁴⁷ Depenbrock, "Ethnic Studies."; Arizona House of Representatives, "House Bill 2281."

To avoid losing state funding, the Tucson school board voted 4-1 to dismantle the ethnic studies classes in January 2012. Later, students and parents in the Tucson Unified School District filed a lawsuit to overturn the state's restrictions, accusing Arizona officials of passing and implementing the law with the goal of discriminating against Hispanics. The lawsuit argued that the statute violates the U.S. Constitution's 14th Amendment guarantee to equal protection before the law and students' First Amendment right to receive information freely. In 2017, the United States Court of Appeals for the Ninth Circuit struck down a portion of the law banning programs designed primarily for pupils of a particular ethnic group. In the ruling, Senior Judge A. Wallace Tashima said, "both enactment and enforcement were motivated by racial animus."⁴⁸

Conclusion

As multiple state legislatures pass requirements for ethnic studies in school curriculums, including Oregon, California, Indiana, Oklahoma, and Montana, there is significant discussion about the viability and benefits of applying such standards in other states. Researchers have found ethnic studies curriculums increase school attendance, GPAs, and graduation rates by creating a more relevant and engaging classroom environment for students of various backgrounds.

This report was completed on March 25, 2019, by Morgan Dreibelbis, Theo Cutler, and Alex Reese, under the supervision of VLRS Research Assistant Emily Klofft and VLRS Director, Professor Anthony "Jack" Gierzynski in response to a request from Representative Conlon.

Contact: Professor Anthony "Jack" Gierzynski, 534 Old Mill, The University of Vermont, Burlington, VT 05405, phone 802-656-7973, email agierzyn@uvm.edu.

Disclaimer: The material contained in the report does not reflect the official policy of the University of Vermont.

⁴⁸ Julie Depenbrock, "Federal Judge Finds Racism Behind Arizona Law Banning Ethnic Studies," NPR. August 23, 2017, Accessed February 10, 2019, <https://www.npr.org/sections/ed/2017/08/22/545402866/federal-judge-finds-racism-behind-arizona-law-banning-ethnic-studies>