

1 TO THE HONORABLE SENATE:

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 Senate propose to the House that the bill be amended by striking out all  
6 after the enacting clause and 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) 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 women and girls, people with disabilities,  
7           immigrants, refugees, and individuals who are lesbian, gay, bisexual,  
8           transgender, queer, 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 20 members:

12           (1) 10 members who are members of, and represent the interests of,  
13           ethnic groups and social groups, two of whom shall be high school students;

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 10 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 \$15,860.00 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          \$15,860.00 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 and supervisory union policies that concern or impact  
21           standards for student performance or curriculum used in schools. The State

1 Board may recommend to the General Assembly proposed statutory changes  
2 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 or supervisory union policy that it has identified  
18 as needing review or 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 diversifies its workforce and provides its  
15          personnel training in how best 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 and supervisory union policies under subdivisions (g)(2) and (3) of this  
10           section; and

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

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

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

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

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



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

12 \* \* \*

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.

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17 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE