

H.3

An act relating to ethnic and social equity studies standards for public schools

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

WORKING GROUP

(a) Findings.

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

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

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

(4) According to the U.S. Department of Justice report on hate crimes in Vermont in 2017, 51 percent of hate crimes were based on a motivation

involving racial bias, 23 percent of hate crimes were based on a motivation involving sexual orientation bias, 17 percent of hate crimes were based on a motivation involving religious bias, and 9 percent of hate crimes were based on a motivation involving disability bias.

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

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

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

(b) Definitions. As used in this act:

(1) "Nondominant Ethnic groups" means:

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

Commented [SE1]: This change is non-substantive. It corrects an apparent fragment statement.

Commented [SE2]: Suggesting this term throughout. We believe it helps users to understand the purpose of the bill, even if they do not carefully read the definitions section.

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

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

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

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

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

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

(3) the Secretary of Education or designee;

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

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

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

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

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

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

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

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

(d) Appointment and operation.

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

(2) As a group, the Working Group shall **have experience in the areas of ethnic standards or studies, social justice, inclusivity, and advocacy for the groups they represent, and to the extent possible,** represent the breadth of geographic areas within the State and shall **have experience in the areas of**

~~ethnic standards or studies, social justice, inclusivity, and advocacy for the groups they represent.~~

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

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

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

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

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

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

Commented [SE3]: We believe content knowledge should take precedence over geographic representation.

\$13,420.00 for the per diem compensation and expense reimbursements authorized by subsection (e) of this section to be paid to members of the Working Group.

(g) Duties of the Working Group.

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

(A) increase cultural competency of students in prekindergarten through grade 12 ~~by including content and methods that enable students to safely explore safely questions of identity, race equality, and racism;~~

(B) ~~increase attention to and promote critical thinking regarding the~~ history, contribution, and perspectives of nondominant ethnic groups and social groups;

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

(D) ~~commit enable the a school supervisory union to eradicating~~ identify and remedy ~~any~~ racial bias in its existing curriculum;

Commented [SE4]: This change will orient the Working Group to an achievable task. The Group should identify standards that meet the listed criteria, rather than identifying standards that are designed to do one thing or another.

Commented [SE5]: See new text in (B).

Commented [SE6]: This change correctly identifies the supervisory union as the entity responsible for curriculum for its member schools.

This change also identifies action that the SU should be able to take, based on the standards the Working Group will choose. This is stronger than seeking commitment.

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

Commented [SE7]: See new text in (A).

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

Commented [SE8]: Curriculum standards are not a good fit if the General Assembly seeks to impact extracurricular programs.

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

Commented [SE9]: AOE suggests striking (F). This language could open up the curriculum to parent concerns about “history, contribution, and perspectives of ethnic groups” that are fearful of change, motivated by personal biases, etc. This section is counterproductive to the goals of the bill.

Commented [SE10]: This change reflects that state statute drives rules and policies.

Commented [SE11]: The list below should be deleted. It is redundant to the list above.

~~(A) ensuring that schools:~~

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

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

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

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

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

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

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

(C) ~~challenge-protect against~~ racist, sexist, or ableist bias, or bias based on gender or socioeconomic status, using principles aligned with restorative practice;

(D) ~~specify prohibited~~respond to conduct ~~as it relates to~~that is racist~~m~~, sexist~~m~~, ableist~~m~~, ~~and~~ reflective of other ethnic and social biases and refer~~s~~ to the process through which alleged misconduct will be addressed.

Commented [SE12]: If the change in (g)(2) is not made as suggested, (change from State Board to Working Group) then this reference is in error as it would not actually be a Working Group report.

Commented [SE13]: Corrects a tense error

~~conforming to best practices in disciplinary procedures, including restorative practices including disciplinary action as appropriate and avoidance of exclusionary discipline as appropriate;~~

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

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

(h) Reports.

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

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

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

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

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

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

Commented [SE14]: We suggest deleting this section because the term “bias incidents” is not defined.

Commented [SE15]: See comment above regarding Working Group reports as opposed to State Board reports.

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

Commented [SE16]: See above.

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

Commented [SE17]: See above.

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

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

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

Commented [SE18]: See above.

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

Commented [SE19]: See above.

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

(i) Duties of the State Board of Education. The Board of Education shall, on or before June 30, 2022, consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board under 16 V.S.A. § 164(9) for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group under subdivision (g)(1) of this section.

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

§ 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

* * *

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

~~racial, and religious groups, gender, sexual orientation, gender identity,~~

~~poverty status, disability status, and English language learner status.~~ The

Secretary shall use the information in the report to determine whether students in each school, school district, and supervisory union are provided educational opportunities substantially equal to those provided in other schools, school districts, and supervisory unions pursuant to subsection 165(b) of this title.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Commented [SE20]: The Agency would encourage the working group to review existing reports and suggest ways to make them “easily understandable by the general public.”