

1 H.3

2 Introduced by Representatives Christie of Hartford, Cina of Burlington,  
3 Giambatista of Essex, and Gonzalez of Winooski

4 Referred to Committee on

5 Date:

6 Subject: Education; ethnic and social education in schools; Ethnic and Social  
7 Equity Standards Advisory Working Group

8 Statement of purpose of bill as introduced: This bill proposes to create the  
9 Ethnic and Social Equity Standards Advisory Working Group to advise the  
10 State Board of Education on the adoption of ethnic and social equity studies  
11 standards into statewide educational standards. This bill also proposes to  
12 require the State Board of Education to publish, to the extent consistent with  
13 State and federal privacy laws and regulations, data on student performance  
14 and hazing, harassment, or bullying incidents disaggregated by student groups,  
15 including ethnic and racial groups, poverty status, disability status, English  
16 language learner status, and gender.

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

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

2       Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY

3           WORKING GROUP

4       (a) Findings.

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

13           (2) In 2003, the Commission released a follow-up report concluding  
14       that, although some positive efforts had been made since the original report  
15       was published, the problem persisted. One of the many problems highlighted  
16       was “curriculum issues in the State’s public schools. In some instances,  
17       teachers employ curriculum materials and lesson plans that promote racial  
18       stereotypes.” One of the conclusions was that there was a need for a bias-free  
19       curriculum.

20           (3) In December 2017, the Act 54 report on Racial Disparities in State  
21       Systems, issued by the Attorney General and Human Rights Commission Task

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

17 (4) The harassment of lesbian, gay, bisexual, transgender, queer,  
18 questioning, intersex, asexual, and nonbinary communities; other students of  
19 color; and students with disabilities and the lack of understanding of people in  
20 power about the magnitude of the systemic impacts of harassment and bias  
21 damage the whole community.

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

2                   (1) "Ethnic groups" means nondominant racial and ethnic groups in the  
3                   United States, including people who are indigenous and people of African,  
4                   Asian, Pacific Island, Chicanx, Latinx, or Middle Eastern descent.

5                   (2) "Ethnic studies" means the instruction of students in prekindergarten  
6                   through grade 12 in the historical contributions and perspectives of ethnic  
7                   groups and social groups.

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

11                  (c) Creation and composition. The Ethnic and Social Equity Standards  
12                  Advisory Working Group is established. The Working Group shall comprise  
13                  the following 17 members:

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

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

17                  (3) the Secretary of Education or designee;

18                  (4) the Executive Director of the Vermont-National Education

19                  Association or designee,

1                 (5) an Assistant Attorney General in the Office of the Vermont Attorney General with experience working with the Agency of Education on racial and social justice issues in schools;

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

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

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

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

6                 (10) the Executive Director of the Vermont Independent Schools Association or designee.

7                 (d) Appointment and operation.

8                 (1) The Vermont Coalition for Ethnic and Social Equity in Schools (Coalition) shall appoint the eight members who represent 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.

9                 (2) As a group, the Working Group shall represent the breadth of geographic areas within the State and shall have experience in the areas of

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

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

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

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

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

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

15           (f) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of  
16      Education from the General Fund for fiscal year 2020 for the per diem  
17      compensation and expense reimbursements authorized by subsection (e) of this  
18      section to be paid to the members of the Ethnic and Social Equity Standards  
19      Advisory Working Group. The Agency shall include in its budget request to  
20      the General Assembly for fiscal years 2021 and 2022 the amount of  
21      \$13,420.00 for the per diem compensation and expense reimbursements

1       authorized by subsection (e) of this section to be paid to members of the  
2       Working Group.

3       (g) Duties of the Working Group.

4       (1) The Working Group shall review statewide curriculum standards  
5       adopted by the State Board of Education and, on or before June 30, 2021,  
6       recommend to the State Board updates and additional standards to recognize  
7       fully the history, contributions, and perspectives of ethnic groups and social  
8       groups. These recommended additional standards shall be designed to:

9           (A) increase cultural competency of students in prekindergarten  
10          through grade 12;

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

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

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

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

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

1                   (2) The Working Group may review all existing State statutes regarding \_\_\_\_\_  
2                   school policies and recommend to the General Assembly proposed statutory  
3                   changes with the following goals:  
4                   (A) ensuring that the school curriculum:  
5                       (i) promotes critical thinking regarding the history, contribution,  
6                       and perspectives of ethnic groups and social groups;  
7                       (ii) includes content and related instructional materials and  
8                       methods that enable students to explore safely questions of identity and  
9                       membership in ethnic groups and social groups, race equality, and racism; and  
10                      (iii) facilitates a welcoming environment for all students while  
11                       taking into account parental concerns about bias or exclusion of ethnic groups  
12                       or social groups; and  
13                      (B) ensuring engagement opportunities that provide families a  
14                       welcoming means of raising any concern about their child's experience as it  
15                       bears on race or ethnic or social group identity at school.  
16                   (3) The Working Group shall include in its report to the General  
17                       Assembly under subdivisions (h)(2) and (3) of this section any statute, State  
18                       Board rule, or school district policy that it has identified as needing review or  
19                       amendment in order to.

1           (A) promote an overarching focus on preparing all students to \_\_\_\_\_  
2           participate effectively in an increasingly racially, culturally, and socially  
3           diverse Vermont and in global communities;  
4           (B) ensure every student is in a safe, secure, and welcoming learning  
5           and social environment in which bias, whether implicit or explicit, toward  
6           others based on their membership in ethnic or social groups is acknowledged  
7           and addressed appropriately;  
8           (C) challenge racist, sexist, gender, or ability-based bias or bias based  
9           on socioeconomic status when it occurs, using principles aligned with  
10          restorative practice;  
11          (D) specify prohibited conduct as it relates to racism, sexism,  
12          ableism, and other social biases and refers to the process through which  
13          alleged misconduct will be addressed, including disciplinary action as  
14          appropriate;  
15          (E) establish disciplinary responses to racial or ethnic and social  
16          group incidents that include the utilization of restorative practices where  
17          appropriate; and  
18          (F) ensure that the school provides all its personnel training in how  
19          best to address bias incidents.  
20          (ii) Reports.

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

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

3               (B) its plan to accomplish the work described in subdivision (g)(1) of this section, including the timeline for reviewing all statewide curriculum standards and for its recommendation to the State Board of additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups; and

4               (C) its plan to accomplish the work described in subdivisions (g)(2) and (3) of this section, including the timeline for reviewing all existing State statutes regarding school policies and drafting proposed legislation.

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

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

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

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

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

1                   (A) any further recommended statutory changes under subdivision  
2                   (g)(2) of this section; and  
3                   (B) recommendations for training and appropriations to support  
4                   implementation of the recommended changes.  
5                   (i) Duties of the State Board of Education. The Board of Education shall,  
6                   on or before June 30, 2022, consider adopting ethnic and social equity studies  
7                   standards into existing statewide curriculum standards for students in  
8                   prekindergarten through grade 12. The State Board shall consider the report  
9                   submitted by the Working Group under subdivision (g)(1) of this section when  
10                  determining the standards to adopt.

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

12                  § 164. STATE BOARD; GENERAL POWERS AND DUTIES

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

18                   \* \* \*

19                  (17) Report annually on the condition of education statewide and on a  
20                  school-by-school supervisory union and school district basis. The report shall  
21                  include information on attainment of standards for student performance

ted 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  
and racial groups, poverty status, disability status, English language learner  
status, and gender. 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.

16 \* \* \*

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.

## *Sec. 1. ETHNIC AND SOCIAL EQUITY STANDARDS ADVISORY*

## *WORKING GROUP*

### *(a) Findings.*

(1) In 1990, 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, damage the whole community.

(b) Definitions. As used in this act:

(1) "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 Islanda, Chicanx, Latinx, or Middle Eastern descent; and

(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, 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 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 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 \$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 ethnic groups and social groups. These recommended additional standards shall be designed to:~~

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

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

- (C) promote critical thinking regarding the history, contributions, and perspectives of ethnic groups and social groups;
- (D) commit the school to eradicating any racial bias in its curriculum;
- (E) provide, across its curriculum, content and methods that enable students to explore safely questions of identity, race equality, and racism; and
- (F) ensure that the basic curriculum and extracurricular programs are welcoming to all students and take into account parental concerns about religion or culture.

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

- (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 ethnic or social groups is acknowledged and addressed appropriately;*

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

*(D) specify prohibited conduct as it relates to racism, sexism, ableism, and other ethnic and social biases and refers to the process through*

which alleged misconduct will be addressed, including disciplinary action 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;

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

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

(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

(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.~~

\* \* \*

*Sec. 3. EFFECTIVE DATE*

~~This act shall take effect on passage.~~

*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, of the 35 hate crimes reported in 2017, 51 percent were based on a motivation involving racial bias, 23 percent were based on a motivation involving sexual orientation bias, 17 percent were based on a motivation involving religious bias, and 9 percent 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, damage the whole community.

(b) Definitions. As used in this act:

(1) "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

(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 women and girls, 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 20 members:

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

(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 10 members who represent 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 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) The Working Group shall have the assistance of the Agency of Education for the purposes of scheduling meetings and processing compensation and reimbursement pursuant to subsection (e) of this section.

(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 \$15,860.00 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 \$15,860.00 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 ethnic groups and social groups. These recommended additional standards shall be designed to:*

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

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

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

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

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

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

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

(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 or supervisory union 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 ethnic or social groups is acknowledged and addressed appropriately;

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

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

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

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

(D) any 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;

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

(C) any 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 hazing, harassment, or bullying incidents shall be disaggregated by incident type, including disaggregation by ethnic groups, racial groups, religious groups, gender, sexual orientation, gender identity, 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.*

\* \* \*

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on passage.*