

EQS Discrimination Language

Relevant Definition Section (problematic parts highlighted)

“Discrimination” means any **distinction**, exclusion, **classification**, restriction or preference based on any ground, such as race, ethnicity, skin color, sex, sexual orientation, gender identification, **language**, religion, **political or other opinion**, disability, **national, social or geographic origin**, citizenship or immigration status, **income or property**, **birth or other status**, which has the purpose or effect of denying or impairing the recognition, enjoyment or exercise of fundamental rights and freedoms **in the political, economic, social, cultural, civil or any other field**. Discrimination is practiced by individuals and groups, and it is expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.

Proposed NEW Language

“Discrimination” is intended to describe any exclusion, restriction, or preference based on any protected class consistent with state and federal law that has the purpose or effect of denying or impairing the recognition, enjoyment, or exercise of an individual’s fundamental rights. Discrimination is practiced by individuals and groups, and it is expressed systemically through the structures, laws, practices, and policies of public and private institutions, employers, and organizations.

FULL DRAFT OF CURRENT SOW (2/21/24)

2110. Statement of Purpose

The purpose of these rules is to ensure that all ~~students in Vermont public schools~~ students are afforded educational opportunities that are substantially equal in quality and are equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive. ~~and enable them thus enabling each student~~ to achieve or exceed the standards approved by the State Board of Education.

These rules are designed to ensure continuous improvement in student performance, instruction, and leadership to enable students to attain rigorous standards in high-quality programs, both in traditional school-based settings and in extended learning opportunities, with the latter including, but not necessarily limited to, virtual, work-based, co-curricular community-based and service-learning opportunities, community research and civic and community engagement projects, dual enrollment and early college, career technical education (CTE) and adult education and learning (AEL).

These rules prohibit discrimination against any student pursuing an education or participating in the general life or activities of a school because of or based on any actual or perceived protected class consistent with state and federal law. No student 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.

In addition to the non-discriminatory protections in Section 2113, discrimination against any student pursuing an education or participating in the general life or activities of a school as a result of or based upon, ethnicity, caste, language and linguistic diversity, socio-economic status, religion, housing status, and non-citizenship or immigration status, is contrary to the Board's intent for all students to experience an equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive learning environment.

These rules further require each supervisory union, school district, and independent school to which these rules apply to strive for a culturally responsive pedagogy that critically examines and imparts a comprehensive historical and socially conscious understanding of:

- (a) the causes and effects of bias and discrimination as a result of, or based upon, the reasons set forth in Section 2113 and in this Statement of Purpose;
- (b) why all persons should have equitable access to social and economic opportunity;
- (c) why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination, and all forms of unfair treatment; and
- (d) the positive and multi-faceted contributions of different social, cultural, racial, linguistic ethnic and indigenous groups to the historical and ongoing project of building and strengthening democracy in the United States and globally.

Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by other students in the same or different school, school district, supervisory district, or supervisory union. Further, ~~nothing herein shall create a private right of action.~~ These rules are in addition to and, unless otherwise specifically stated, do not supersede other rules adopted by the Agency of Education or contained in the Vermont State Board of Education Rules. Nothing herein shall create a private right of action.