



Re: Act 1's Education Quality Standards Rule Committee - Draft EQS Section 2114  
June 24, 2022

Dear Chair Kolbe, Co-Chair Gleason, and State Board of Education Members Brown, Lovett, and Lucci,

Attached please find Jewish Communities of Vermont's suggested revisions to Section 2114 (Definitions) of the Ethnic and Social Equity Standards Advisory Working Group's (Working Group) April 14, 2022, recommended changes to the Education Quality Standards (EQS).

JCVT is a non-denominational organization that seeks to encourage education about and connection with Jewish Americans in our state. We see Act 1 as vital to bestow in Vermont's youth an appreciation of the history, contributions, and perspectives of ethnic groups, social groups, and other groups that have faced marginalization, discrimination, and oppression.

In the attachment are JCVT and Vermont Jewish community leaders' suggested EQS changes with our rationale for each recommendation. You will see these revisions are to ensure that the EQS aligns with the law (Act 1) and the Vermont Legislature's intent.

We will be attending your Rules Committee's June 30 meeting and are happy to answer any questions you may have before and during that session.

To date, we asked three times that Working Group Chair Amanda Garces' Working Group consider our changes:

1. On September 30, 2021, JCVT sent Chair Garces a letter addressed to the Working Group with our recommendations. Chair Garces did not share our letter with Working Group members. Our recommendations were not discussed during the Working Group's December 2021 meeting on EQS Section 2114 (Definitions).
2. We asked Chair Garces and Vice-Chair Mark Hage to raise our September 2021 suggestions at their January 2022 Working Group meeting. They did not do so.
3. We resubmitted our recommendations to the full Working Group on March 7, 2022. Chair Garces and Vice-Chair Hage forwarded our suggestions this time but with a cover memo disparaging JCVT. Our recommendations were not seriously considered during the Working Group's March 17, 2022 meeting either.

At the March 17 Working Group meeting, Ms. Garces called for the EQS to be Vermont's "framework for collective liberation" and took issue with Act 1's definition of "ethnic group." Garces said that "the terms we have in that bill are not really inclusive...we're trying to leave that open so people feel included and seen." Her Working Group's changes to that definition, however, make it less inclusive (i.e. it does not include Act 1's "groups that have been historically subject to persecution or genocide").

The Working Group is asking your EQS Rules Committee to ask the State Board of Education to reject or rewrite sections of Act 1 without legislative authorization.

Thank you.

Sincerely,

Rabbi Tobie Weisman, Director, Jewish Communities of Vermont

Ted Molnar, President, Jewish Communities of Vermont

Yoram Samets, Chair Antisemitism Task Group, Jewish Communities of Vermont

#### Attachments

1. JCVT's EQS recommendations
2. JCVT's March 7, 2022, letter to Working Group



## Proposed Revisions

### Draft State Board of Education Manual of Rules and Practices

#### Series 2000-Education Quality Standards

(April 14, 2022 version)

(underscores reflect suggested revisions)

### 2114 Definitions

#### Revision 1:

Section 16 (“Ethnic Group”) shall be amended to read as follows (modified slightly for clarity):

“Ethnic Group” means a group whose members identify with each other based on (i) certain criteria including a common history, ancestry, culture, religion, national origin, social, geographic origin, skin color, language, and (ii) experiences of discrimination and social exclusion. Ethnic Group also includes:

(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 Islander, Chicanx, Latinx, or Middle Eastern descent, and

(b) Groups that have been historically subject to persecution or genocide.”

Rationale: Incorporates the enabling legislation (Act 1, Section 1(b)(1))’s “ethnic group” definition. Without this revision, the standards would exclude groups the Vermont legislature enacted be covered i.e. “groups that have been historically subject to persecution or genocide” such as Jews who, during the Holocaust, were targeted because of their perceived racial differences.

#### Revision 2:

Section 17 (“Ethnic Studies”) shall be amended as follows:

“Ethnic Studies’ means interdisciplinary, age- and grade appropriate curricula and programs dedicated to the historical contributions and perspectives of Ethnic Groups and Social Groups, emphasizing critical thinking, within the United States.”

Rationale:

- This mirrors the enabling legislation (Act 1, Section 1(b)(2))’s language and “ethnic group” and “social group” definitions: “Ethnic studies’ means the instruction of students in prekindergarten through grade 12 in the historical contributions and perspectives of ethnic groups and social groups”).

The Vermont State Board of Education may desire to expand this definition beyond what the Vermont Legislature mandated to include “sex, sexual orientation, gender identification, disability and class” called out in the draft but note that the legislature also designated curriculum on “social groups” which encompasses many of these categories so these could be placed in that definition instead. See Revision 4 below.

- The number and complexity of topics that can be covered in K-12 Ethnic Studies is vast hence the suggestion to restrict Ethnic Studies to Ethnic Groups within the United States which aligns with Act 1

(2019) directive (defines “Ethnic Group” as “nondominant racial and ethnic groups in the United States.”) The draft provided “within and outside the United States.”

- Similarly, this carries forward Act 1’s desire for students to develop critical thinking skills (“These recommended additional standards shall be designed to...promote critical thinking” and “The State Board may recommend to the General Assembly proposed statutory changes with the following goals: (A) ensuring that schools: (i) promote critical thinking”).

#### Revision 3:

Section 28 (“Racism”) is amended by inserting “individually or” between “expressed” and “systematically.”

Rationale: This recognizes that racism can operate on an individual as well as system level and aligns with the clause preceding it that “racism is practiced by individuals and groups.” Without this change the definition would imply that individual racism is only expressed through systems and organizations.

#### Revision 4:

Section 33 (“Social Identity Group”) shall be amended as follows:

“Social Group” means women and girls, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, or nonbinary.”

Rationale: : Incorporates the enabling legislation (Act 1, Section 1(b)(3))’s “social group” definition (“means women and girls, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, or nonbinary”).

In contrast, the draft’s definition is expansive and nonspecific and so does not reflect the Vermont Legislature’s intent and mandate (draft: “a group of people who share common characteristics that shape their identity and promote a sense of unity. The characteristics can be... fundamental to identity and to the exercise of rights and freedoms in political, economic, social, civil or any other field.”)

#### Revisions 5:

Rationale: Consistent use of terminology.

1. Capitalize “racism” in section 3 (“anti-racist”).
2. Capitalize “ethnic group” in section 18 (“Ethnicity”).
3. Change “social group” and “social identity group” to “Social Group” throughout Section 2114.



March 7, 2022

Re: Act 1 Ethnic and Social Standards Advisory Working Group's Draft EQS

Dear Amanda Garces, Chair, Mark Hage, Vice Chair, and the full Ethnic and Social Equity Standards Advisory Working Group,

We write to you as leaders of Vermont's Jewish community who enthusiastically support Act 1's call for students in our state to learn about the history, contributions, and perspectives of ethnic groups in their classrooms.

We urge your Working Group, however, to reject the draft Educational Quality Standards (EQS) that Working Group Chair Amanda Garces and Vice Chair Mark Hage presented at your February 17, 2022 meeting because this draft fails its most fundamental task -- to reflect the Vermont Legislature's Act 1 directives.

We ask that you review this and our September 30, 2021 letters and, at your March 17 meeting, and request that the draft EQS be revised to:

1. Include Act 1's exact language at a minimum:

In the definition of "Ethnic Groups" -- "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." (Section 1(b)(1))

In the definition of "Ethnic Studies" -- "Ethnic studies' means the instruction of students in prekindergarten through grade 12 in the historical contributions and perspectives of Ethnic Groups and Social Groups." (capitalization added) (Section 1(b)(2))

2. Remove "and outside" from the definition of Ethnic Studies so it comports with Act 1 which is limited to Ethnic Groups "in the United States." (Section 1(b)(1) and above)

3. Capitalize "Ethnic Studies" and "Ethnic Groups" throughout the EQS to denote that they are defined terms.

#### Background

In May 2020, without legislative authorization, Vice Chair Mark Hage announced that "due to the scope and complexity of the Working Group's duties" he would be delegating the Act 1 Ethnic and Social Standards Advisory Working Group's (Working Group) "essential duties" to a subcommittee. [Act 1 Advisory Group Draft Meeting Minutes 05 26 20.pdf \(vermont.gov\)](#) Vice Chair Hage and Chair Amanda Garces led the subcommittee which revised the EQS.

On September 30, 2021, Jewish Communities of Vermont sent Chair Garces a letter addressed to the Working Group setting out our recommended changes with a request that our letter be shared with the full Working

Group. Instead, Chair Garces embedded our suggestions in a 52-page document and tagged them "JCVT." By doing so, she hid from her subcommittee (i) the name of our organization, (ii) the 18 rabbis and community leaders who signed our letter, (iii) our explanation that being Jewish is both a religion and ethnicity, and (iv) our concern about antisemitism. She did not share our letter with her subcommittee and the Working Group. She also did not share with the Working Group the 52-page document that contained our suggestions.

Before the subcommittee's January 2022 meeting, Jewish Communities of Vermont wrote to Chair Garces and Vice Chair Hage again, asking them to raise our concerns during this meeting, noting that their subcommittee skipped our suggestions in December, and asked again that our letters be shared with the subcommittee and full Working Group. They did neither.

Ultimately, their subcommittee rejected each one of our substantive recommendations.

On February 17, 2022, Chair Garces and Vice Chair Hage's subcommittees' draft EQS was presented to the full Working Group with Chair Garces informing you that her and Vice Chair Hage's subcommittee ran out of time on this project. The Working Group also ran out of time and did not discuss the draft EQS. Prepared for this eventuality, both Chair Garces and Vice Chair Hage advised the Working Group that instead of a public discussion there will be private one-on-one meetings with you and representatives of Garces' activist group Education Justice Coalition\* before March 9 so that the Working Group can approve the 26-page draft EQS without hesitation at your March 17 meeting (they'll cover what "we need you to really understand" (Hage) so that you can approve the EQS "with your heart and soul" (Garces)).

Chair Garces and Vice Chair Hage did not meet the EQS legislative deadline; the Working Group's recommendations were to be delivered to the State Board of Education by December 31, 2021.

### Vermont Law

The draft EQS that Working Group Chair Garces and Vice Chair Hage are recommending, in essence, re-writes Act 1 by leaving out its foundational elements. For example, the draft EQS definition of "Ethnic Groups" omits "people of African, Asian, Pacific Island, Chicax, Latinx, or Middle Eastern descent" as well as "groups that have been historically subject to persecution or genocide."

Act 1 tasks your Working Group with "recommend[ing] to the State Board...standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups" that must be designed to, among other things:

- "increase attention to" and "promote critical thinking regarding" the "history, contribution, and perspectives of ethnic groups and social groups," and

- "ensure that the basic curriculum and extracurricular programs are welcoming to all students and take into account parental concerns about religion or culture."

The Vermont Legislature is clear which "ethnic groups" are, at a minimum, to be incorporated into the EQS and so Vermont's PK-12 classrooms:

- "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, Chicax, Latinx, or Middle Eastern descent," and

- "groups that have been historically subject to persecution or genocide."

It defines "Ethnic Studies" as the instruction of PK-12 students "in the historical contributions and perspectives of ...ethnic groups and social groups."

<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT001/ACT001%20As%20Enacted.pdf> (2019) and

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT066/ACT066%20As%20Enacted.pdf> (2021)

### Jewish Americans

As we explained in our attached September 30 letter which Chair Garces did not share with you, Jewish Americans, most of whom immigrated to the United States in the last century, are a multi-racial and multi-ethnic religious group sharing a common ancestry, indigenous liturgical language, traditions and histories of oppression.

Jewish people arrived in the United States from all corners of the world including the Middle East, North Africa, and Europe, with the United States one of the world's largest Middle Eastern Jewish diasporic communities.

A racially diverse people -- Asian, Black, Latino, and White to name a few -- Jews of all races, ethnicities, and nationalities share a culture and language developed by our ancestors more than 3,000 years ago.

Sadly, we also share a long history of persecution and genocide, most recently the Holocaust 80 years ago, where 6 million Jews were murdered because of their race, and the forced exile of almost a million Jews from North Africa and the Middle East making them dispossessed refugees after that.

Discrimination against Jews continues in America today. While only half of our nation knows that antisemitism exists according to a recent American Jewish Committee survey, sixty-four percent (64%) of our nation's religious-based hate-crimes are directed at the 2% Jewish population making it the most prevalent in that category and accounting for 9% of all hate crimes in our nation.

### Moving Forward

We hope that at your March 17, 2022 meeting you will insist that the EQS define Ethnic Studies and Ethnic Groups as they are defined in the law which we set forth above so that the EQS envelops, at the very least, all the groups the Vermont Legislature has decided that children need to learn about including those of "Middle Eastern descent" and "groups that have been historically subject to persecution or genocide."

Thank you for your careful consideration.

Rabbi Tobie Weisman, Director, Jewish Communities of Vermont

Cantor Scott Buckner, Clergy & Spiritual Leader, Israel Congregation of Manchester

Rabbi Howard Cohen, Rabbi Emeritus, Congregation Beth El, Bennington

Rabbi Michael M. Cohen, Rabbi Emeritus, Israel Congregation of Manchester

Rabbi Asher Crispe and Sara Esther Crispe

Rabbi David Edleson, Temple Sinai, South Burlington

Rabbi David Fainsilber, Jewish Community of Greater Stowe

Rabbi Ilene Haigh, Congregation Shir Shalom, Woodstock

Rabbi Amita Jarmon, Brattleboro Jewish Community

Rabbi Eliyahu Junik, Chabad, Burlington

Rabbi Donna Kirshbaum, Bethlehem Hebrew Congregation

Rabbi Shana Margolin, Montpelier

Rabbi Yitzchok Raskin, Chabad, Burlington

Rabbi Jan Salzman, Congregation Ruach haMaqom, Burlington

Rabbi Ira Schiffer, Rabbi Emeritus Middlebury College

Rabbi Ellie Shemtov, Rutland Jewish Center

Rabbi Ariello Shimko, PJ Library

Rabbi Amy Joy Small, Ohavi Zedek Synagogue, Burlington

Cantor Steve Zeidenberg, Ohavi Zedek Synagogue, Burlington

Barry Cohen, President, Rutland Jewish Community

Jan Feldman, PhD., Professor, University of Vermont

Ethan Felson, Executive Director, A Wider Bridge

K. Heidi Fishman, MA, EdD, VTHM Board Member

Phyllis Forbes, PhD., President, Congregation Shir Shalom, Woodstock

James Grossman, M.Ed. Middle School Special Educator, Burlington

Susan Leff, President, Temple Sinai, South Burlington

Steve Levine, MD, President, Jewish Community of Greater Stowe

Mike Kanarick, JCVT Antisemitism Task Group, Burlington

Jessica Meller, JCVT Antisemitism Task Group, Shelburne

Ted Molnar, President, Jewish Communities of Vermont (JCVT), Rutland

Laura Nugent, Ed.D., Champlain College, Burlington

Jeff Potash, President, Ohavi Zedek Synagogue, Burlington

Yoram Samets, JCVT Antisemitism Task Group/Chair, Charlotte

Debora Steinerman, President, Vermont Holocaust Memorial (VTHM), Jeffersonville

Alan E. Steinweiss, Raul Hilberg Distinguished Professor of Holocaust Studies, University of Vermont

Matt Vogel, Executive Director – Hillel at the University of Vermont

Sarah Zweigst, Program Director, Beth Jacob Synagogue, Montpelier



