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Vermont Agency of Education
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501

Dear Committee Members:

I am sending in my written comments below, much of what I expressed at the October 3rd meeting, with some additional information.

My name is James Pasch, and I am the Senior Director of National Litigation for the Anti-Defamation League (ADL). I am submitting written testimony on behalf of ADL's client, Jewish Communities of Vermont (JCVT). JCVT works tirelessly to bring people together throughout Vermont to build community and support Jewish life in the state. We are submitting testimony as JCVT's legal representatives, that Part (B) of the definition of Ethnic Groups must be reinserted into the definition to maintain compliance with what is legally required under Act 1.

JCVT and ADL strongly support an ethnic studies program that teaches students to appreciate the challenges and contributions of different ethnic groups. Jewish organizations like ours know all too well the importance of such educational programs for preventing bigotry and discrimination.

ADL is the nation's leading anti-hate organization, and as part of our work, we track antisemitic incidents across our nation each year. In 2022, ADL tabulated 3,697 antisemitic incidents of assault, harassment and vandalism throughout the United States. Vermont, unfortunately, is not immune to the nation's woes when it comes to the growth of antisemitism. Since 2018, ADL has tracked over 50 incidents of antisemitic harassment, vandalism and antisemitic propaganda distribution in Vermont.

There could not be a more important time to ensure that we have an ethnic studies program instituted in Vermont schools. The Vermont Legislature passed Act 1 with the noble aim of teaching students about marginalized groups, and those harassed and discriminated against. With this goal in mind, the legislature itself defined "Ethnic groups" to include "groups that have been historically subject to persecution or genocide." That clearly includes the Jewish people.

To implement Act I, the legislature appointed a Working Group. (Act 1 (g)). The Working Group and the Agency of Education, like all state agencies, must abide by their mandate. Here, that mandate largely focused on "reviewing *standards*" for implementing Act I, and the ability to review statutes, board of education rules, and school district and supervisory

union policies “that concern or impact *standards* for student performance.” (Act 1(g)(1)-(2)).

The SBE changed the legislature’s definition of Ethnic Group by removing part (B) of the definition, without a legal right to do so. Here, the SBE deleted “groups that have been historically subject to persecution or genocide” from the definition of Ethnic Groups. This restricts rather than expands, the definition. To remain legally compliant with Act 1, Part (B) of the definition of Ethnic Groups must be reinstated.

Thank you for your time, and we look forward to hearing back from this committee.

Sincerely,

A handwritten signature in black ink, appearing to read "James Pasch". The signature is stylized with a large, looped initial "J" and a distinct "P".

James Pasch
Senior Counsel & Senior Director of National Litigation