

To: Vermont State Board of Education

From: Amanda Garces, Chair, and Mark Hage, Vice Chair, Act 1 Advisory Working Group

RE: Revisions to the Series 2000 – Educational Quality Standards/Manual of Rules and Practices

Date: May 12, 2022

On behalf of the Act 1 Advisory Working Group (hereafter, the “Working Group”), we respectfully submit for your consideration and adoption a revised version of Series 2000 – Educational Quality Standards Manual (hereafter, the “EQS Manual”). The document saw multiple iterations and was endorsed by the Working Group in its present form on Thursday, April 14, 2022.

This introductory narrative includes an addendum that lists current Working Group members and their organization affiliations where appropriate, with an asterisk by the names of those who have served on the EQS Subcommittee since its inception or for a shorter duration. We will provide by the first meeting of your EQS subcommittee a summation of sources of expert information and guidance that helped to focus, shape, and inspire our thinking.

The revisions to the EQS Manual were approved unanimously but for those in Sections 2110, 2112 and 2120.5. The dissenting votes for each were cast by the representative of the Vermont Independent Schools Association (VISA). Although VISA was supportive overall and its appointed members made excellent contributions, it opposes the inclusion of “approved independent schools” in these specific sections. Its reasons for doing so were expressed in writing by Mill Moore, VISA’s Executive Director, and are found [at this link](#). There were also two abstentions to the changes in Section 2123.2. The individuals in question expressed a desire to take more time to reflect on the import of the new language, its alignment with federal law, and its implications for schools.

TO LEVEL SET, THE WORKING GROUP’S STATUTORY CHARGE IN ACT 1 (2019) STATES:

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:

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

- *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;*
- *challenge racist, sexist, or ableist bias, or bias based on gender or socioeconomic status, using principles aligned with restorative practice;*
- *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;*
- *establish disciplinary responses to racial or ethnic and social group incidents that include the utilization of restorative practices where appropriate; and*
- *ensure that the school diversifies its workforce and provides its personnel training in how best to address bias incidents.*

Our recommendations are informed by reading and research, by the personal, familial, educational, institutional, and professional experiences of Working Group members, by the collective deliberations of the group and its EQS Subcommittee, and by guidance from the Vermont Agency of Education via their Deputy Director who is a voting member of the Working Group and its EQS Subcommittee. In August 2021, the first stage of the Working Group’s revision work on the EQS Manual culminated with a comprehensive draft being circulated by members to outside stakeholders in the education field to solicit critical feedback. In September and October, we received detailed commentary from educators, advocacy organizations, parents and legal guardians, community members, and advocates. Additionally, we received feedback from such organizations as the Foundations Against Intolerance & Racism (FAIR), the Jewish Communities of Vermont, and the Anti-Defamation League.

In addition to the stakeholders’ submissions, Working Group members who represent the educational organizations in Vermont – the Vermont School Boards Association, the Vermont Principals Association, the Vermont Superintendents Association, the Vermont Curriculum Leaders Association, the Vermont-National Education Association, and the Vermont Independent Schools Association – and those whose organizations advocate in capacities dedicated to improving the lives of our state’s youth, families and local communities, like Outright Vermont and the Vermont Human Rights Commission, were asked to share versions of the revised EQS Manual in 2021 and 2022 with their respective leadership, boards, and members to seek their counsel, questions and suggestions for

changes before the document was finalized. This was a time-consuming and laborious process, but essential. We are grateful to all who made contributions to our process and work products.

We also pride ourselves on the intersectionality of the Working Group and place a high value on the lived experience of our community members and their communities. For the sake of brevity, we will not identify and explain each recommended revision. Rather, we will offer commentary here on select revisions and themes that we believe are particularly noteworthy or foundational to the Working Group’s mission. You will find the totality of our [revisions](#), together with [all relevant documents, in this folder](#). In due course, as your formal deliberative process unfolds, we will be happy to explain in more detail the rationales behind our final version.

SECTION 2110: STATEMENT OF PURPOSE

The language added to the Statement of Purpose unambiguously states that every child educated in schools that receive taxpayer dollars – “Vermont public schools and approved independent schools” – should be “afforded educational opportunities” that are not only “substantially equal in quality,” but **“equitable, anti-racist, culturally responsive, anti-discriminatory, and inclusive.”** The bolded language is reiterated throughout the document in different sections.

SECTION 2110: NON-DISCRIMINATION PROTECTIONS

In addition to protections codified in state and federal law (see Section 2113 in this regard), our revised Section 2110 requires schools to prohibit discrimination based **on ethnicity, caste, language, and linguistic diversity, socio-economic status, religion, and non-citizenship status.**¹ This provision in Section 2110 is referenced throughout the revised EQS Manual in tandem with Section 2113 wherever pertinent. We recognize that some of these new categories may already be addressed, to a greater or lesser extent, by state or federal statutes or in judicial decisions. Just the same, including them here explicitly for the sake of schools, students, families, and local communities underscores their centrality

¹ We added “**religion**” because it conveys a meaning understood by most people in contrast to “creed” in Section 2113. The inclusion of “**caste**” is justified on the grounds that discriminatory and degrading treatment originating in caste identity is a problem for [South Asians in the United States](#). “A 2018 survey of 1,200 individuals of South Asian descent [in the United States](#) found that 26 percent said they had experienced a physical assault because of their caste, while 59 percent reported caste-based derogatory jokes or remarks directed at them.” There is also a growing movement of political and legal activism [[The Movement to Outlaw Caste Discrimination in the U.S. | Time](#)] that seeks to add “caste,” or has added it in some contexts, notably at institutions of U.S. higher education, as a protected class in anti-discrimination policies or to seek redress for individuals who allege they have been discriminated against because of their caste identity.

to identifying and eradicating discrimination. We also call for a “**culturally responsive pedagogy** that imparts a “comprehensive historical and socially conscious understanding of the causes and effects of bias and discrimination” and that can help “to identify and prevent individual, group, and systemic racism and discrimination and all forms of unfair treatment.”

Finally, we rewrote the language specific to a “**private right action.**” It acknowledges that the enhanced protections against discrimination are wider in scope than what is stipulated in law, but, nonetheless, as in the current manual, do not create a private right of action.

SECTION 2114: DEFINITIONS

There are **21 new definitions and amendments to 15 others.**² The definitions are essential to emphasize and bring clarity to the goal of ensuring greater equity, expanding opportunity, and eradicating discrimination in our schools. As with any set of definitions, the scope and depth of what can be expressed is limited. It will fall to local communities, school staff and leadership, school boards, students, and families to amplify or refine these definitions as they develop grade-appropriate and age-appropriate curricula, school board policies, professional development programs, restorative justice practices and problem-resolution protocols, student and staff evaluations, and school-quality assessments.

SECTION 2120.2: FLEXIBLE PATHWAYS

To ensure that these pathways are planned and facilitated in ways that ensure they are universally accessible, effective and equitable, we call on educators and schools to center the experiences of disability (physical and cognitive) in school curricula and programs; to “recognize and reduce social and economic barriers,” and to “integrate an understanding of and respect for the diversity of cultural, racial, ethnic, linguistic and social identities and experiences that shape and impact children’s lives as students.”

² The **new** definitions in the EQS Manual: anti-discrimination, anti-racist, caste, culture, culturally and linguistically diverse students, culturally responsive teaching, discrimination, equity/equitable, ethnic group, ethnicity, ethnic studies, inclusive/inclusion, interdisciplinary, language, linguistic diversity, race, racial discrimination, racism, research based, restorative justice/restorative justice practices, and social identity group. The **amended** definitions: academic record, applied learning, career and technical education, college and career readiness, educator technology, needs-based professional learning, personalized learning plan, proficiency-based learning/proficiency-based graduation, school, secretary, superintendent, teacher mentoring [changed to “educator mentoring], technology integration, transcript, and transferable skills.

Our revisions accent the importance of school communication with students and their parents/legal guardians about flexible pathway opportunities and of students having “quality interactions with teachers and other adults, including artists and culture bearers, who represent a range of cultural, ethnic, racial, linguistic, and social diversity....” Additionally, these unique learning opportunities must not be the preserve of students from backgrounds of privilege and affluence or of those whose life experiences align with stereotypical or narrowly defined conceptions of “normalcy” and “ability.”

As schools strive to expand participation in flexible pathways by traditionally underserved and historically marginalized students, they should account for the role language and culturally responsive outreach play in recruiting students to and sustaining their participation in such programs; and monitor and report annually on “general participation rates, continuous improvement metrics, the proportional representation of ethnically, racially, linguistic, and socially diverse student populations in the program, resource allocations and their effects on ensuring equitable access to the program, and any obstacles to student participation....”

SECTION 2120.5: CURRICULUM CONTENT

In addition to new language that stipulates schools will make curricula accessible to families and members of the community, this section’s provision on “literacy” has been broadened to include “spelling” and “comprehension” and to emphasize the importance of systemic literacy instruction and assessments to learning. National data shows that BIPOC children do not meet reading and writing standards, which prompted us to expand this section. A member of the EQS subcommittee lead this effort and we engaged in conversations with the Chair of Act 28, who approved our final language. A summary of inspiration [and resources for this section can be found here](#).

a. literacy (including critical thinking, language, reading, spelling, speaking, and listening, and writing); demonstrating proficiency in literacy includes the ability to engage with language to acquire, construct and communicate meaning, and shape meaning to identity in all aspects of daily living. All students need to receive systematic reading instruction in the early grades from a teacher who is skilled in teaching reading and through a variety of evidence-based instructional strategies that take into account language knowledge and skills, as measured by effective assessments (e.g. screening, formative, summative, and diagnostic), and the linguistic background of each student. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, irrespective of special-education eligibility.

SECTION 2120.6: CURRICULUM COORDINATION

The Working Group calls for **age-appropriate and grade-appropriate Ethnic Studies** to be integrated into curricular content for grades Pre-K through 12. Ethnic Studies require rigorous, sustained, and complex intellectual and social engagement with the historical and contemporary lives, cultures, struggles, and aspirations of historically racialized, marginalized, or oppressed groups. They require educators, students, school boards and communities to reckon truthfully with the past and present, with critical attention paid to race, ethnicity, culture, and indigeneity and the intersection of these fields of study with questions of gender and sexual identity, socio-economic standing, citizenship and immigrant status, and disability.

To achieve this objective (see our language below), the Working Group calls for the development of school policies as needed by school boards, administrators, educators, and school staff, undertaken in respectful partnership with students, families, and community members. Please note the necessity of collaboration in policy creation with students, parents and legal guardians, and other adults “who are often underrepresented in this work and in school decision-making”:

Each local school board shall ensure the alignment of existing school policies and create new policies as needed to accomplish the following:

- a. Promote research, coordination and professional learning that leads to the development of age-appropriate and grade-appropriate programming and resources in Ethnic Studies that are integrated into all Curricular Content areas in Section 2120.5 of this Manual and that are responsive to the developmental needs of all students, Pre-Kindergarten through Grade 12; and*
- b. Create systems for regularly, systematically, and continuously evaluating a school district’s performance in attaining the above goals.*

When undertaking this policy work, school boards and school leadership shall engage with the communities they serve; and seek input and guidance through a process that includes the voices and experiences of students, parents/legal guardians, and other community members who are often underrepresented in this work and in school decision-making.

Later, in Section 2126.2, we recommend that a “culturally and socially diverse group of parents/legal guardians, community members, home-school liaisons, and students” be given a voice in the peer-review stage of the Education Quality Standards Review for schools.

SECTION 2121.3: NEEDS-BASED PROFESSIONAL DEVELOPMENT

Professional learning for educators and school staff must include cutting-edge instruction in Ethnic Studies and in pedagogical theory and practices, including in restorative justice, that are anti-racist, anti-discriminatory, inclusive, and culturally and linguistically responsive. The ongoing effort to eradicate racism, bias, and discrimination will also require specialized training, funding, and other resources to help teachers, school staff, administrators and school boards identify and prevent prohibited behavior by individuals, groups, and institutional entities.

CONCLUSION

The recommendations of the revised EQS Manual are dedicated to all our state’s children, to all our families, and to the shared future we must build and cherish together. Every Vermont child is entitled to a truthful, creative, exciting, and challenging education, one that imparts fundamental knowledge and skills in an anti-racist and inclusive educational, civil, and moral space that our state sanctions, celebrates, and protects.

The Working Group looks forward to its public dialogue with the State Board on its revised EQS Manual. We desire this dialogue to be open, respectful, empirical, nuanced, and compassionate, and for the diverse voices of Vermonters be heard in their fullness.

Thank you.

Members of the Act 1 Working Group & Their Organizational Affiliations

(Those with an asterisk after their names serve presently or have served at some point since 2020 on the Working Group’s EQS Subcommittee.)

| Name | Appointed by |
|-----------------------|---------------------------------|
| Amanda Lucia Garces * | Vermont Human Rights Commission |

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| Asma Elhuni | Education Justice Coalition of Vermont |
| Barbra Marden * | Education Justice Coalition of Vermont |
| Celilo Bauman-Swain * | Education Justice Coalition of Vermont – Student Representative CVU |
| Chelsea Myers * | Vermont Superintendents Association |
| Cynthia Reyes * | Education Justice Coalition - Vermont-based, college-level faculty |
| Heather Bouchey * | Agency of Education |
| Heather Lynn | Vermont School Boards Association |
| Hiba Ali | Education Justice Coalition of Vermont – Student Representative – SBHS |
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