

March 22, 2023

From Amanda Garces and Mark Hage, Act 1 Working Group Chair and Vice Chair
Response to State Board of Education/EQS Subcommittee E-mail dated Sunday, March 19, 2023

Kim, hi. Please see our responses in bold.

For reasons that will be clear in respect to some matters addressed here, please send us a copy of your subcommittee's **most current revised EQS Manual** in a *non-PDF format*.

Also, Kim, by what date do you need our final responses to the unresolved matters below?

1. The word "caste" appears in the statement of purpose, but it appears nowhere else in the document other than the definitions. There was a question posed to the EQS Committee as to whether caste might be able to be incorporated into socioeconomic status, since the statement of purpose is not actionable. In your previously provided guidance on this section, the use of "caste" was not addressed: *With this language, the Working Group asserts the need to broaden the categories of protection against discrimination in both public and approved independent schools beyond what is stipulated in Section 2113. These new categories, to be clear, reflect the personal, educational, and professional experiences of our members, their children and families, and their communities, and they are plainly unacceptable barriers to the attainment of an equitable, antiracist, anti-discriminatory, culturally responsive and inclusive education. "Religion" was added because "creed" in Section 2113 is a term many do not understand in this context as being inclusive of and protecting religious practices and beliefs or religious minorities. "Religion," on the other hand, is a term most people do understand.*

In respect to the inclusion of the word "caste," we did speak to it explicitly in a footnote in our introductory narrative that accompanied our submission of revisions to the EQS Manual (May 12, 2022), with these words:

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.

Second, the harmful and pernicious effects of caste stratification and persecution are not captured in the term “socio-economic status.” Socio-economic factors, like occupation, education, income, wealth and place of residence, and their intersection with the economy or economic systems, may not be a source of discrimination for some individuals or families, but they can nevertheless be victimized and marginalized by virtue of their caste standing. The man who chiefly authored India’s National Constitution, well-educated and urbane, suffered from caste discrimination as a Hindu most of his life.

There is also state litigation in California on behalf of a high-tech worker who alleged discrimination by his superiors of a different caste. To be clear, workers and their families on the lower rungs of the wage structure, who are exploited by virtue of their class or labor can also suffer caste discrimination. Caste stigma is the genesis often of severe consequences for a person’s or family’s chances of securing gainful occupation, finding a place to live, getting an education or medical care, and making a decent salary.

Caste discrimination has also been a problem for students at respected universities, public and private. In 2022, the California State University system added “caste” to its nondiscrimination policy. Brandeis University and Colby College on our side of the country did the same in 2019 and 2021, respectively. See: [Cal State System Bans Caste-Based Discrimination \(insidehighered.com\)](#). You and the State Board may also find these resources illuminating:

[Toronto school board becomes first in Canada to recognize caste discrimination | Reuters](#)

[Seattle Becomes the First U.S. Jurisdiction to Prohibit Caste Discrimination | Littler Mendelson P.C.](#)

2. "Culturally and Linguistically Diverse Students" is not used elsewhere in the document, beyond the definition section. "Linguistic Diversity" also appears in the definitions and is used in the document. We are considering whether we break out Cultural and Linguistic Diversity/Diverse Students into two definitions or leave the two combined and reference back to the combined definition.

The Working Group discussed this and concluded that we prefer keeping the phrase as is (Culturally and Linguistic Diversity Students), and we support, as you recommended, referencing back to it as needed. (Also, CLD is commonly used in educational circles.)

3. In the definition of "Ethnic Studies" and "Ethnicity" there is a list of examples of Indigenous People of Vermont. We are considering removing the list that appears after the Indigenous People of Vermont to ensure that we have not excluded others, by virtue of including a partial list). We would leave the following: "...(including the Indigenous People of Vermont)."

We will speak with our indigenous representatives and get back to you.

4. Throughout the document there are places where "students" and "learners," and "teachers" and "educators" are being used. We will be looking for consistency in that language on our final review. We recognize that there may be places where the law dictates the oversight of a licensed educator/teacher, but otherwise, was there a purpose for the distinction between students/learners and teachers/educators from the standpoint of the Act 1 Working Group?

We are going to review the document and discern, as best we can, where it is appropriate to use "student," "learner," "teachers" and "educators" based on the EQS context.

5. Could you clarify the meaning of 2120.1: *i) heightening the salience of learning objective and providing mastery-oriented feedback?* We may be looking for clarifying language to ensure that the rules can be operationalized.

This language is found in the national framework for "Universally Designed Instruction," which, as you know, is in the definition section.

6. We are considering adding the following terms to the definition section: *anti-racist and neurodiversity*. As there are many definitions for each of these terms, does the Act 1 working group have suggested language for these definitions?

Kim, there is a definition of "anti-racist" in the EQS. Did you mean "anti-racism"?

As for "neurodiversity," we suggest the following definition. It is condensed from something shared recently at a panel discussion organized by the Vermont Agency of Natural Resources:

"Neurodiversity" refers to the natural and important variations in how human minds think. These differences can include autism, attention deficit hyperactivity disorder, dyspraxia, dyslexia, dyscalculia, Tourette Syndrome, and others. The social dynamics that exert power over other forms of diversity also impact neurodivergent people. Neurodiversity is not something to be cured or corrected to fit a social norm.

7. Finally, we are going to make certain that terms that appear in the definition section of the rules appear in some form somewhere in the document. If there are definitions that were added by the Act 1 Working Group, but don't otherwise appear in the document, please provide rationale.

This is going to take a little time. We need to re-examine the EQS Manual and revisit the history of why we were asked by different parties to add certain definitions. We will do our best to get this done quickly.