

James Pasch

Senior Director, National Litigation



Vermont Agency of Education
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Montpelier, VT 05620-2501

Dear State Board of Education Members:

I am writing to follow up on the EQS discussion that occurred at the State Board of Education meeting on March 20th. My name is James Pasch, and I am the Senior Director of National Litigation for the Anti-Defamation League. I am submitting written testimony on behalf of ADL's client, Jewish Communities of Vermont (JCVT). We are submitting testimony as JCVT's legal representatives that the definition of Ethnic Groups must be reinserted into the EQS, as it is defined under Act 1.

When we originally wrote and provided comments on this issue, the Ethic studies definition had changed the legislature's definition of Ethnic Group by removing part (B) of the definition, without a legal right to do so. The draft had deleted "groups that have been historically subject to persecution or genocide" from the definition of Ethnic Groups. This restricted rather than expands, the definition. To remain legally compliant with Act 1, Part (B) of the definition of Ethnic Groups had to be reinstated.

The version 18 draft that is in front of you deletes the entire definition of Ethnic Group. One of the purposes of the EQS is to provide necessary guidance to teachers and administrators on how to implement a comprehensive and mandatory ethnic studies program. Removing the definitions entirely now requires educators to provide this required course of study without providing any guidance on which ethnic groups the General Assembly mandates that students study. At best, it is unrealistic to expect teachers and administrators to go back to the Act I definitions for guidance, and because of this, it will undoubtedly lead to confusion. At worse, the educators will choose for themselves which groups are worthy of study, leading to a subversion of the will of the legislature.

In fact, what already gives JCVT great pause is that the draft of the Education Equality Frameworks, which follow the EQS, does define Ethnic Groups, but leaves all of part (B) out of the definition, "groups that have been historically subject to persecution or genocide." Please see Page 4 of the draft Frameworks: https://drive.google.com/file/d/1imHbf-0xnA_AQm8_pT6cwk12s4rOCNuR/view. Although it is the Standards, and not the Frameworks the Board is deciding on currently, inserting the actual definition of Ethnic Groups will allow for necessary clarity in both the Frameworks and in the implementation of the curricula.

In addition, the current draft of the EQS does contain other definitions that Act I defines. The EQS comment on page 5, of version 18, notes the removal of these definitions is justified because "Ethnic Group" and "Ethnic Studies" are "[c]urrently defined in law." <https://education.vermont.gov/sites/aoe/files/documents/DRAFT%20Final%20Rule%202000%20v.18.pdf>. Yet, for example, Act I defines the term Social Groups, and the EQS Draft 18, defines Social Identity Groups. Similarly, the EQS should re-insert the definitions of Ethnic Groups as defined in Act I. Moreover, the term "ethnic group" is mentioned multiple times in version 18 of EQS and having the term undefined creates a lack of clarity.

We ask again that the definition of Ethnic Groups be inserted into the EQS, as defined prior by the state legislative body in Act I. Thank you for your time and consideration on this important matter.

Sincerely,

A handwritten signature in black ink that reads "James Pasch". The signature is written in a cursive style with a large initial 'J'.

James Pasch
Senior Director of National Litigation