



## **OVERVIEW**

**June 19,2022**

### **A. State Board of Education's Charge**

The State Board of Education EQS Committee's charge:

“updating Vermont’s Education Quality Standards (Rule Series 2000), for compliance with Vermont Act 1, and other recommendations from AOE or others for the purpose of policy coherence and alignment...”

The Committee's work will include careful review of existing statutory requirements, recommendations of the Act 1 working group and the AOE, and substantive stakeholder input.” (May 13, 2022)

### **B. Act 1's Statutory Requirements**

Under Act 1 (2019):

Education Quality Standards (EQS) changes are "to recognize fully ... (B) increase attention to [and] (C) promote critical thinking regarding the history, contributions, and perspectives of ethnic groups and social groups...”

“Ethnic groups” is defined as:

(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, Chicana, Latinx, or Middle Eastern descent; and

(B) groups that have been historically subject to persecution or genocide.

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

This work begins with an advisory group's recommendations – the majority of whose members are appointed by Vermont Coalition for Ethnic and Social Equity in Schools (VCESES) -- to the State Board of Education.

After recommending EQS changes, the advisory committee may review State statutes, State Board rules, and school district and supervisory union policies that concern or impact standards for student performance or curriculum used in schools.

### **C. Education Quality Standards Working Group**

Amanda Garces is the chair of the Act 1 advisory group (the Education Quality Standards (EQS) Working Group (WG)). Garces started VCESES (now named the Education Justice Coalition of Vermont (EJCVT)) in 2017.

The WG is co-led by Mark Hage, long-time leader of Vermonters for Justice in Palestine whom Garces' VCESES appointed to the WG in 2019. (Footnote 1)

Garces' VCESES/EJCVT is a political activist group which focuses on liberation and critical race theory-informed social justice. EJCVT's Facebook and Twitter social media feeds feature with favor Black lives, Palestinians, and

Islam for example and disparage the West, its allies (i.e. the State of Israel), and mainstream Jewish organization the Simon Wiesenthal Center, an internationally renowned Jewish human rights organization known for its Holocaust research. (Footnote 2)

A majority of the WG's members were appointed by EJCVT.

Garces bills the State of Vermont's WG and her activist group EJCVT as co-partners in the State's work. For example, in June 2022 she advised the WG that it is "collaborating with the Education Justice Coalition to develop a train the trainer model program so that people can share what the EQS is about and learn about it. ... please reach out to Alyssa Chen at [Alyssa.edjvt@gmail.com](mailto:Alyssa.edjvt@gmail.com) – Mia [Schultz, EJCVT's appointed WG member and Statewide Campaigns Organizer for Rights and Democracy] will also lead a workshop with Alyssa on the 27<sup>th</sup> that will help us with messaging. Here is the link on how to register: [Meeting Registration - Zoom](#) (Garces June 15, 2022 email "Subject: A few things about Act.1") [https://us02web.zoom.us/meeting/register/tZYsf-CtgDwtHtFYRSvQ7SjR4gE3vN0Kus\\_z?link\\_id=5&can\\_id=206a1193dbb34b80e6d7e4699f473d8a&source=email-news-updates-from-edj-coalition-3&email\\_referrer=email\\_1568181&email\\_subject=get-involved-with-act-1](https://us02web.zoom.us/meeting/register/tZYsf-CtgDwtHtFYRSvQ7SjR4gE3vN0Kus_z?link_id=5&can_id=206a1193dbb34b80e6d7e4699f473d8a&source=email-news-updates-from-edj-coalition-3&email_referrer=email_1568181&email_subject=get-involved-with-act-1) (Footnote 3)

## **1. Amanda Garces and Mark Hage**

### **Garces' Assurances**

In May 2020, Garces assured the Vermont General Assembly that:

Her WG "will ... pursue opportunities foundational to its mission," and

"the Working Group, with assistance from the Agency of Education, will identify and disseminate to its subcommittees all pertinent written materials... informed at each stage by ... the statutory requirements of Act 1." [https://education.vermont.gov/sites/aoe/files/documents/Act%201-Advisory%20Group-Work%20Plan\\_05\\_27\\_20.pdf](https://education.vermont.gov/sites/aoe/files/documents/Act%201-Advisory%20Group-Work%20Plan_05_27_20.pdf)

On October 20, 2021, State Board of Education Chair Oliver Olsen spoke of the State Board's diversity, equity and inclusion goals during its meeting. Garces assured Chair Olsen and other State Board members that her WG's draft EQS will "fully recognize [the] history, contributions and perspectives of ethnic and social groups" specifying the Jewish Communities of Vermont (JCVT)'s Antisemitism Taskforce which, she reported, submitted comments to the WG for this very purpose. <https://www.youtube.com/watch?v=U7eUZWI8NWc>

On February 8, 2022, Garces testified before the Vermont Senate Education Committee taking up S. 189 (act relating to the status of Holocaust education in public schools) telling Vermont State Senators that "we need to teach about the Holocaust in our public schools [which is] very aligned [to the WG's] recommended standards." When Senator Perchik shared his desire to do so, Garces assured him that she will raise this at the February 17 WG Subcommittee meeting. When Senator Terenzini asked her "how do we get every history teacher in the state equipped and prepared to teach about [the Holocaust]," Garces also assured him telling him that "we can do it right." <https://www.youtube.com/watch?v=d6KkSEudNaU>

### **Garces and Hage's Refusals**

Garces and her co-WG lead Mark Hage. however, did not follow through:

1. They proposed an EQS definition of "ethnic group" that overrode the Vermont Legislature's Act 1 definition that included "groups that have been historically subject to persecution or genocide."

Garces felt that the Act 1 definition is "not really inclusive." (March 17, 2022 WG meeting).

Hage wanted to let local school districts decide what needs to be covered instead of the state mandating it, rejecting that the history, contributions and perspectives of "groups that have been historically subject to persecution or genocide" be taught uniformly across the state. (February 17, 2022 WG Meeting).



2. Garces did not discuss including the Holocaust in the EQS with the WG Subcommittee on February 17 as promised.
3. Garces and Hage repeatedly rejected Jewish Communities of Vermont's request that the WG discuss its recommended change to the ESQ's definition of "ethnic group" – to satisfy the Legislature's mandate and, in the case of S 189, Vermont Senators' desires -- to include in the EQS Act 1's definition of "ethnic group" "groups that have been historically subject to persecution or genocide."

## **2. Working Group: Sequence of Events**

The WG began revising the EQS standards in earnest in Fall 2021, discussing changes to the definition of "ethnic group" among other things and approving those changes February 1 (Subcommittee) and April 14, 2022 (full WG).

JCVT representatives attended the WG and WG Subcommittee meetings throughout 2021 and 2022, submitted detailed written comments with recommendations (September 30, 2021, January 12, 2022 and March 9, 2022), and gave public comment during meetings. (Footnote 4)

Garces and Hage did not advance JCVT's repeated requests regarding the definition of "ethnic group" for example until March 2022, after the WG Subcommittee acted.

JCVT's request was that, *at the very least*, the EQS name all the groups the Vermont Legislature specified in Act 1 including "groups that have been historically subject to persecution or genocide." JCVT also requested that "ethnic studies" definition match Act 1's in that it not include groups "abroad," a recommendation that Hage rejected. See footnotes 1, 5 and 6.

### **WG Subcommittee**

1. While WG chair Garces confirmed receipt of JCVT's September 30/October 4, 2021 communications, she did not:
  - "present all [JCVT's] feedback to the full subcommittee and working group" until after the WG Subcommittee had submitted its recommendations to the WG (see #14 and #16 below),
  - "advise [JCVT] in advance of all subcommittee and full committee meetings in which suggested changes will be discussed," and
  - "keep [JCVT] apprised of each draft as the process proceeds so we may respond in a timely manner"

as JCVT requested in those letters.

Included was JCVT's recommended revision to the EQS draft "ethnic group" definition to align it with Act 1's definition of the same.

2. At the December 7 WG meeting, Garces informed the WG that she was not sharing the public's comments "because we are still in the process of compiling" them.

3. WG Subcommittee EQS discussions started in earnest on December 21.

Garces and Hage (i) gave the WG Subcommittee a document with comments embedded throughout, and (ii) notified members that their silence on a suggestion will be considered approving Hage's draft and rejecting the offered change.

In the document the WG Subcommittee was given to review, Hage's definition of "ethnic group" was provided. Pasted under it were public comments suggesting changes. Omitted by Garces and Hage under "ethnic group" was JCVT's recommended change despite JCVT's September 30/October 4 requests to Garces that she share its suggestion on that definition with all WG members.

The two also did not share JCVT's September/October cover letter signed by Rabbis and Jewish community leaders throughout the state that was intended to inform WG members of the unsettling uptick in antisemitism, essential context for its recommendation.

Finally, the two opted to abbreviate Jewish Communities of Vermont to "JCVT" in that document, hiding that statewide representative group Jewish Communities of Vermont publicly submitted recommendations. (Footnote 5)

4. The following day, Hage wrote to the WG Subcommittee stressing that "time is of the essence" proposing "not to revisit decisions." He assured members that they will "have another opportunity to discuss the next iteration of this document at a full meeting of the Act Working Group."

JCVT's suggested change to "ethnic group" was not among the "ethnic group" comments in the document Hage attached to his email for the WG's reference. (December 22, 2021 email from Hage to WG Subcommittee, Subject: EQS Revision Work: Past and Future)

The full WG did not revisit these specific recommendations. (See #18 below).

5. On January 2, 2022 Hage reminded WG Subcommittee members again that "time is of the essence" and, as a result, he decided to "NOT reproduce [for the WG] word for word extended commentary" from the public because he "did not have time to type [it] out."

He assured members that his changes were "consistent with the Act 1 Working Group's support for bringing forward in our schools the experiences and narratives of historically marginalized and oppressed groups."

The attachment to Hage's letter again omitted JCVT's suggested change under the "ethnic group" definition. JCVT's recommendation was that this definition include as a group Act 1's "groups that have been historically subject to persecution or genocide." (January 1, 2022 Edition) (Footnote 6)

(Attachment to January 3, 2022 email from Hage to WG Subcommittee, Subject: EQS Revision Work: Past and Future)

6. The same – omitting JCVT's suggested change under "ethnic group" – was evident in Hage's January 10 email to the WG Subcommittee too while [sic] noting the need for the WG to make revisions "consistent with our mandate." (January 9, 2022 Edition) (January 10, 2022 email from Hage to WG Subcommittee, Subject: Materials for January 9, 2022, EQS Subcommittee Meeting)

7. Displeased, JCVT wrote to Garces and Hage on January 12 noting that its recommendation had been ignored thus far and urged Garces and Hage (i) to expressly bring JCVT's recommendations to the WG Subcommittee's attention at its next meeting, (ii) again to "share with the subcommittee (and later full working group) our entire submission," and (iii) to forward to JCVT all the Standards recommendations submitted by others in their entirety too."

Garces and Hage did not do any of these either. (Garces sent JCVT a response that she had already done this, attaching documents that did not demonstrate she had done so.)

8. Garces and Hage presented their suggested EQS definition changes the WG Subcommittee at its meeting on January 12. These again omitted JCVT's offered changes under "ethnic group."

9. Eleven days later, on January 23, Hage informed the WG Subcommittee that they will bring definitions 3-12 to closure on February 1 (those included "ethnic group") noting their attempts to get legal advice on some changes being considered.

Hage made clear that "we will NOT be reviewing each public comment per definition" in February.

The attachment to his letter again omitted JCVT's recommended change to "ethnic group."

(January 23, 2022 email from Hage to WG Subcommittee, Subject: EQS Meetings in February: the 1st AND the 8th)

10. Garces followed up with the WG Subcommittee expressing the need to "move the work faster" and so "instead of going one by one [through the definitions], we will be making motions to do 10 at a time" when it comes to a vote. (January 28, 2022 email from Garces to WG Subcommittee, Subject: Getting to finish line)

11. At that February 1 WG Subcommittee meeting, the attachment the WG Subcommittee was given had the same deficiencies noted above.

This time WG member Michael McRaith said "I wonder how our Jewish friends would feel."

Mr. McRaith was not privy to the Jewish community's views or concerns because Garces and Hage did not share JCVT's letters with WG members and did not include JCVT's suggested change to Hage's definition of "ethnic group" under "ethnic group" in the documents Hage sent to the WG Subcommittee to review.

## Full WG

12. The EQS draft moved to the full WG on February 17, 2022 which ran out of time to discuss the EQS' definition section that day.

Garces incorrectly assured the WG that the WG Subcommittee "took all the recs from people" and "took all the comments and revised" the document.

Hage shared his goal for the WG; rather than honor the State of Vermont's requirements he said the goal is to "strike the right balance between the state mandate and local control" and contradicted Garces by admitting that the WG did not consider all the suggested changes.

Hage expressed a desire to cut the WG's discussion short; "what we need you to really understand" is that we want you to return only with that "you cannot accept [and which would] prevent you from voting."

13. Still displeased that JCVT's suggestions had not been considered by WG members, JCVT wrote to Garces on February 27 asking for each committee member's email address.

Garces would not facilitate JCVT communicating with members directly; rather she told JCVT to send the communications to her to distribute to WG members. (February 28, 2022 email from Garces to JCVT, Subject Ethnic Working Group members)

14. On March 9, JCVT reiterated its substantive asks to Garces, this time copying State officials pointing out that "you have chosen to ignore and or deflect our concerns...we ask that you and the Working Group address our issues."

15. On March 10, the Anti-Defamation League (ADL) wrote to Garces and the WG sharing similar concerns:

"To date, the most fundamental request raised by ADL and other members of the Jewish community ...has not occurred. This is a glaring omission."

"At previous meetings, you have considered submitting your recommendations for a vote before they are fully completed and thoroughly reviewed. While we understand the pressures of your tight deadline, we believe this process is too critical to the future of Vermont for it to be rushed. We therefore urge you to complete your recommendations before submitting them for a vote, even if the vote must be postponed, and provide sufficient time for public review and comment."

16. On March 12 Garces responded by finally forwarding JCVT and ADL's letters to the WG, misleading the WG that "all ...comments that were specific to sections were noted next to those respective sections." (included link to a Google document that did not include Section 2114's definitions)

In the memo to the WG, Garces made her displeasure with JCVT clear. Not mentioning that she did not honor JCVT's September 2021 request to deliver JCVT's detailed letters to the WG, she shared the following with the WG on the eve of its deliberations: "It is disappointing that while members of JCVT were in attendance at each one of our meetings, including the sub-committee meetings, none provided any feedback during the public comment period. We must now use precious time at our next meeting to address these issues. I will make this letter public for transparency." (March 12, 2022 letter from Garces to WG, Subject: Ethnic and Social Standards Draft - Jewish community response)

17. At the March 17 WG meeting preparing for the WG vote:

Garces presented the WS Subcommittee's recommendations, referring to it as a "framework for collective liberation" bearing witness to "systems of oppression," and thanked Mark Hage for "leading us."

The Agency of Education representative, noting that they were not given the entire draft EQS to review, wondered if WG members had a chance to read the full document before voting on it.

JCVT's representative addressed the WG during public comment asking that members take time to get the EQS right and noting its request that the EQS be revised to define "ethnic group" as the Vermont Legislature defined that term. (Footnote 7)

Garces admitted that she disagreed with the Legislature on its definition of "ethnic group:" "The terms we have in that bill are not really inclusive...we're trying to leave that open so people feel included and seen."

WG member Asma Elhuni – anti-Israel activist and EJCVT's WG appointee whom appears to have lived in New Hampshire at this time but was allowed to remain a voting member of the Vermont State WG – called for the EQS to protect the "voices of ... Palestinian advocates and organizers."

18. On April 14, the full WG approved recommendations to the EQS draft to forward to the State Board. Most of these, including the definition of "ethnic group," were approved in batches without reviewing individual changes.

<https://education.vermont.gov/sites/aoe/files/documents/04.14.22%20Act%201%20Meeting%20Minutes.pdf>

The EQS draft approved that day defines "ethnic group" as follows:

"Ethnic Group" means a group whose members identify with each other based on certain criteria, including a common history, ancestry or culture, religion, national, social or geographic origin, skin color, language, and experiences of discrimination and social exclusion.



## State Board of Education

19. The State Board of Education asked Garces and Hage to prepare a supporting document setting out the reasons for the recommended changes.

Their first submission did not present the reasons for the 36 changes in the EQS' definition section. <https://education.vermont.gov/sites/aoe/files/documents/sbe-EQS%20rule%20committee-memo%20to%20sbe-revisions%20to%20EQS-5-12-2022.pdf> ("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") (May 12, 2022)

They were asked to supplement their supplement. Their second submission gave only this as the reason for their recommended definition of "ethnic group:"

Research sources: • Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities | OHCHR. • Ethnocultural characteristics' research by the United Nations: United Nations Statistics Division - Demographic and Social Statistics.

This is also consistent with our definition of "ethnicity."

<https://education.vermont.gov/sites/aoe/files/documents/sbe-EQS%20rule%20committee-supplemental%20guidance%20to%20revised%20EQS%20manual.pdf>

20. On June 30, 2022 Garces wrote to JCVT and the State Board of Education defending her and Hage's transparency and responsiveness to the Jewish community. In support of that, she quoted from ADL's March 10, 2022 letter to the WG ("appreciation for your group's commitment ... and navigating the many comments and concerns raised by the public").

She did not share the rest, and purpose, of ADL's letter: ADL's complaint that her work was "rushed" and had "glaring" omissions with respect to the Jewish community's "fundamental" requests, with ADL urging the WG to allow "sufficient time for public review and comment."

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### Footnote 1

<https://ethnicstudiesvt.org/new-members-appointed-by-vceses-to-act-1-the-ethnic-studies-and-social-equity-working-group/>

Mark Hage is an anti-Israel activist leading Vermonters for Justice in Palestine.

Hage and his group mounted a decade-long unsuccessful campaign to persuade Ben and Jerry's to cease ice cream sales in the West Bank; they pressed that selling ice cream to Palestinians there made Ben and Jerry's complicit with Israel's "military occupation" and settlements in "Occupied Palestinian Territory." (<https://www.theguardian.com/commentisfree/2021/aug/05/ben-jerrys-israel-settlement> and Facebook self-description)

Parent company Unilever, referencing antisemitism, roundly rejected Hage's campaign:

Unilever rejects completely and repudiates unequivocally any form of discrimination or intolerance. Antisemitism has no place in any society. We have never expressed any support for the Boycott Divestment Sanctions (BDS) movement and have no intention of changing that position. <https://www.unilever.com/news/press-and-media/press-releases/2022/unilever-reaches-new-business-arrangement-for-ben-jerrys-in-israel/>

### Footnote 2

EJCVT's December 14, 2020 Facebook post (caption "always should be careful whom to partner with" with article about the Wiesenthal Center titled "California schools 'anti-bigotry' initiative partnering with group known for bigotry")

### Footnote 3

See also

Garces June 17, 2022 email to WG members regarding vacant WG spots: to “join the Act 1 Ethnic Studies Working Group – Education Justice Coalition of Vermont ([ethnicstudiesvt.org](https://ethnicstudiesvt.org)) <<https://ethnicstudiesvt.org/3585-2/>> Applications are due 6-30”.

The WG membership application cover memo states that “the Education Justice Coalition of Vermont in conjunction with the working group is currently accepting applications to fill 3 seats. ...The EDJ Coalition will be accepting applications.

[https://docs.google.com/forms/d/e/1FAIpQLSflnrcJHtEtmjm9PuFDLL2Cu6DSAdN\\_QLTwsTik\\_dUQP3eSUQ/viewform?link\\_id=0&can\\_id=ebc90918aed8e4b24862aa2c0543f03c&source=email-news-updates-from-edj-coalition-3&email\\_referrer=&email\\_subject=get-involved-with-act-1](https://docs.google.com/forms/d/e/1FAIpQLSflnrcJHtEtmjm9PuFDLL2Cu6DSAdN_QLTwsTik_dUQP3eSUQ/viewform?link_id=0&can_id=ebc90918aed8e4b24862aa2c0543f03c&source=email-news-updates-from-edj-coalition-3&email_referrer=&email_subject=get-involved-with-act-1)

### Footnote 4

Giving informed public comment was difficult: (i) often the materials the subcommittee discussed were not posted with the agenda so not available to the public before (and at times during) the meeting, and (ii) many meetings had no minutes that informed the public of what had transpired.

### Footnote 5

Another of JCVT’s recommended changes was addressed and rejected by Hage:

JCVT pointed out that Act 1 defines Ethnic Studies as “nondominant racial and ethnic groups in the United States” and recommended that the reference to “abroad” in Hage’s definition of “ethnic studies” be removed.

Hage disagreed; he told the WG Subcommittee that the EQS “can reference global concerns.” (December 21, 2021 WG Subcommittee meeting)

As mentioned in footnote 1 above, Hage’s activism centers on convincing companies and municipalities to boycott Israel (the BDS movement), something that Ethnic Studies teachers will be able to advance in Vermont classrooms if the EQS standards define Ethnic Studies to include ethnic groups “abroad.”

The same issue arose with the controversial first draft of the California Ethnic Studies Model Curriculum advanced by an advisory committee that, like ECJVT, supports the political “liberated” ethnic studies movement. (Its Ethnic Studies guiding values and principles included “connect ourselves to...contemporary resistance movements that struggle for social justice on the global and local levels”).

The California draft was rife with anti-Israel, pro-BDS and antisemitic passages which prompted enormous public outrage and was flatly rejected by California Superintendent of Public Instruction Tony Thurmond, State Board of Education President Linda Darling-Hammond, and Governor Gavin Newsom. [https://drive.google.com/file/d/1\\_LNvdDqJa0A-ougc9deePJ-XyB7JurNz/view](https://drive.google.com/file/d/1_LNvdDqJa0A-ougc9deePJ-XyB7JurNz/view) and <https://www.ins.org/proposed-anti-israel-ethnic-studies-curriculum-in-california-high-schools-has-jewish-community-on-alert/>

Among other things, the California State Board of Education removed the term “global” from Ethnic Studies’ final guiding values and principles.

### Footnote 6

Hage also told WG members that “I have remained true to the Act 1 Working Group’s desire that the scope of learning not be limited to what is happening inside our national borders.” (in attachment to January 3, 2022 email from Hage to WG Subject: EQS Revision Work: Past and Future)

### Footnote 7

Noting the increase in antisemitism throughout Vermont, JCVT’s September 30/October 4 and March 7 letters explained that Jews are an ethnicity and religion with many dispossessed hailing from the Middle East having escaped persecution there.