



June 27, 2022

Tammy Kolbe, Chair
Kimberly Gleason, Co-Chair
State Board of Education

Sent via email

Dear Ms. Kolbe and Ms. Gleason,

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties, and promoting a common culture based on fairness, understanding, and humanity. We have nearly 100 chapters and tens of thousands of members nationwide, including in Vermont. Our website, fairforall.org, can give you a fuller sense of our identity and activities.

We write to follow up on our letter that was sent to Ms. Amanda Garces on September 30th, 2021 regarding FAIR's proposed amendments to the Board of Education's draft Education Quality Standards. More recent proposals by the State Board of Education (SBE) would require ethnic studies and amend section 2114 of its Manual of Rules and Practices to define ethnic studies. The Ethnic Studies and Social Equity Working Group submitted [recommended changes](#) to the SBE that would define ethnic studies as:

Interdisciplinary, age appropriate and grade-appropriate curricula and programs dedicated to the historical and contemporary study of race, ethnicity, and Indigenous Peoples (including the Indigenous People of Vermont, the Abenaki, Mahican, Pennacook, Pocomtuc, and others) with a critical focus on the experiences and perspectives of racial and ethnic groups and Indigenous Peoples that have suffered systemic oppression, marginalization, and discrimination within and outside the United States. “Ethnic Studies” may involve a critical examination of these experiences and perspectives not only through the lens of race, ethnicity, and Indigenous People’s history and cultures, but of sex, sexual orientation, gender identification, disability, and class. (2114.17)

We are particularly concerned with this definition's repeated and ambiguous use of the term “critical.” While “critical” may innocuously refer to conducting a thorough and scrutinizing examination, it may be construed (or misconstrued) as referring to critical theory. Formal critical theory seeks to understand our world in terms of “circumstances of domination and oppression” and “institutional forms of domination,” especially along lines of race, gender, and class. (See, “[Critical Theory](#),” *Stanford Encyclopedia of Philosophy*). The proposed definition's suggestion to “focus on the experiences and perspectives of racial and ethnic groups” and their “systemic oppression,” as well to use race, gender, and class as a “lens” all mirrors the language of critical theory and makes it particularly likely for the term “critical” to be construed as referring to critical theory. To avoid this ambiguity and potential misconstrual, we would urge the SBE to remove the term “critical” from the definition of ethnic studies.

Additionally, while we appreciate the recognition of religion under the proposed definition of discrimination (2114.12), we urge the SBE to make the following changes to ensure that the experiences of religious groups and individuals, many of whom have been subjected to horrific and invidious discrimination, are representative in ethnic studies programs:

- Include a definition of religion and religious groups to parallel the definitions of caste (2114.7), culture (2114.11), ethnic groups (2114.15), ethnicity (2114.18), race (2114.26), and social identity group (2114.33).
- Amend the definition of ethnic studies (2114.17) to include religion and religious groups amongst the lists of experiences and perspectives to be considered.
- Amend the definition of social identity groups (2114.33) to specify that such groups may be “fundamental” to the “exercise of rights and freedoms” in the religious sphere in addition to the currently listed “political, economic, social, [and] civil” spheres.

“Ethnic Group” means a group whose members identify with each other based on certain criteria, including a common history, culture, religion, ancestry, language, and geographic origin. These small changes would ensure that religious groups, experiences, and discrimination are included in the ethnic studies curriculum on equal terms with other groups and characteristics.

We urge the SBE to make these amendments to prevent any misunderstanding over the role of formal critical theory in the definition of ethnic studies and to ensure that the program fully and equally addresses the experience of religious groups and individuals.

We also attach FAIR’s curriculum, learning standards, and learning standards overview. These materials should give you an idea of FAIR’s balanced and pro-human approach, which recognizes current and past injustices as well as the progress made to remedy them, and places our shared humanity at the forefront.

We would be happy to discuss our position in more detail, and to collaborate with you further.

Very truly yours,



Leigh Ann O'Neill
Staff Attorney
Foundation Against Intolerance & Racism

cc: Amanda Garces, amanda.garces@vermont.gov, Patrick Brown, Patrick.Brown@partner.vermont.gov, Tom Lovett, Tom.Lovett@vermont.gov, Gabrielle Lucci, Gabrielle.Lucci@partner.Vermont.gov

Attachments: (FAIR Curriculum; FAIR Learning Standards Overview; FAIR Learning Standards)