

To: Vermont State Board of Education, EQS Sub-committee

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

RE: Definition of Ethnic Group/Series 2000 – Educational Quality Standards/Manual of Rules and Practices

Date: July 26, 2022

INTRODUCTION

This document elaborates on the genesis and purpose of the Act 1 Working Group’s definition of **“ethnic group”** found in its revisions to the EQS Manual dated April 14, 2022, and its relationship to specific language in Act 1 (2019). Our purpose is to provide the State Board of Education with a detailed and nuanced understanding of how we arrived at our definition of “ethnic group,” as questions have been posed about it, and how we assessed and were influenced by the meaning assigned to the term **“ethnic groups”** in Act 1 (2019).

At the outset, we must stress two points. Act 1 (2019) is bold and vital legislation, and it has been foundational to the Working Group’s deliberations and work products. Next, the new and revised definitions in the EQS Manual, in tandem with other recommendations, are intended to serve two major purposes: (1) to assist and guide school boards, teachers, and school staff, in partnership with students, families and local communities, to conceptualize, design and implement interdisciplinary ethnic studies for grades Pre-K through 12; and (2) to achieve an anti-racist, non-discriminatory, culturally responsive and equitable learning environment for all students. Our definitions, like the rest of our recommendations, must be understood and assessed in this light.

PART I: DEFINING “ETHNIC GROUP”

The Working Group, to be clear, defined “ethnic group,” not “ethnic groups.” Here is the definition of “ethnic group” found in our [EQS Manual submission to the State Board of Education](#), followed by the pertinent language in the statute:

“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.

“Ethnic groups” means: (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, Chicanx, Latinx, or Middle Eastern descent; and (B) groups that have been historically subject to persecution or genocide.

Putting aside the singular versus plural constructions, here are the central questions from our perspective:

- (a) Does the statute define “ethnic groups” in a manner and with content that we would routinely understand and expect from the act of defining a term or concept?
- (b) Does the statutory language for “ethnic groups” provide sufficient detail and clarity to help facilitate implementation of the reforms called for by the Working Group in the revised EQS Manual?

Respectfully, in both cases, we found the statutory language insufficient. It did, however, influence our thinking and proposed revisions in other areas of the EQS Manual, a point we will return to below.

We believe a definition’s fundamental purpose is to determine and express the essential qualities or meaning of something – in this case, “ethnic group.” To this point, the [Merriam-Webster Dictionary](#) tells us a “definition” is: “*a. a statement of the meaning of a word or word group or a sign or symbol; b. a statement expressing the essential nature of something; c. a product of defining.*”

The statutory formulation of “ethnic groups” is comprised of a partial list of specific “nondominant racial and ethnic groups,” followed by a general reference to unnamed groups victimized historically by persecution or genocide.¹ **It does not delineate the essential attributes associated with the historical formation and coherence over time of an “ethnic group” and how its members identify with and relate to each other.** The latter is critical for two purposes: (1) to capture, as we said, the essence of the term and, as importantly, (2) to assist school districts with future curricular design, resource acquisitions, policy changes, and the development of teaching lessons and practices by local school districts. The Working Group, therefore, had to devise a definition of “ethnic group” that, together with other proposed changes, could accomplish both objectives, keeping in mind the strong endorsement of inclusivity in Act 1 (2019) and the

¹ To our thinking, the list of specific ethnic groups in Act 1 (2019) was not intended to be exhaustive by virtue of how it is worded. By its use of the word “including” and where it is situated in the text, the legislature did not intend to limit its concern just to the groups named. This suggests, too, that a more universal and inclusive definition of “ethnic group,” one that avoids delineating groups in favor of illuminating essential qualities, would be more appropriate and useful to school districts and students.

legislature's commitment to address the needs of historically marginalized and oppressed groups, like those named in the statute.

Our decision to assign a meaning to "ethnic group" based on essential qualities resulted in a definition that is far more **inclusive** than what is found in the statute. It will ensure that all ethnic and racial identities are properly recognized in their relevance to student learning, personal growth, self-esteem, safety, and sense of belonging. This inclusivity will also facilitate the development of curricula and educational programs that are obligated to serve students from all ethnic, racial and cultural communities, aligning with and re-enforcing other inclusive practices and definitions in the revised EQS Manual, like "culture," "culturally responsive teaching," "culturally and linguistically diverse students," "inclusive/inclusion," "equitable," "ethnic studies," "ethnicity," "linguistic diversity, and "restorative justice/restorative practices."²

Returning to the statute, its language is also insufficient from a definitional perspective for these reasons:

- a. "Nondominant" is not defined, nor is its corollary, "dominant," which is not mentioned. Regardless of how we construe the meaning of "nondominant" or "dominant," they are not criteria that constitute essential qualities for definitional purposes. This is because "nondominance" and "dominance" refer to the dynamic nature and exercise of power and cultural hegemony in a multi-ethnic/multi-racial society, and how they are determined, concentrated, and contested historically by different ethnic/racial groups. One cannot study or research "nondominant" ethnic groups in isolation from "dominant" ones; and, to state the obvious, an ethnic group deemed "dominant" has as much right to declare and defend an ethnic-group identity as any "nondominant" counterpart. It is also true that ethnic groups which successfully navigate the "transition" from "nondominant" to "dominant" status during periods of societal transformation – another complex matter worthy of study in our schools – do not cease being ethnic groups in the process.
- b. In respect to "persecution" and "genocide," we will be emphatic. Persecution and genocide are crimes against humanity. Their causes and consequences, and how they can be prevented, should be studied thoroughly and rigorously in ethnic studies and history classes. This means researching and cultivating an empirical understanding of why and how millions of people, victims first of discrimination and social exclusion in their

² The accuracy and adequacy of the Working Group's definition of "ethnic group" should not be assessed in isolation, but as part of a constellation of definitions required to realize the objectives of Act 1 (2019).

homelands or nation-states, were intentionally and methodically slaughtered or driven to a premature death during multiple genocides in human history.³

Once again, however, like “nondominant” and “dominant,” these terms do not represent qualities or attributes fundamental to a definition of “ethnic group.” (We must add that any ethnic group that has **not** been subject historically to persecution or genocide and is not mentioned explicitly in Act 1 (2019) does not forfeit the right to identify or demand recognition as an ethnic group.)

- c. “Chicanx” and “Latinx” often generate controversy and their meanings are disputed across the Americas.⁴ There are individuals and ethnic groups that identify as “Latino/a” or “Hispanic,” in whole or part, who will not use “Chicanx” or “Latinx” to express, defend, or celebrate their ethnicity or group heritage.
- d. It is unclear what is meant by “Middle Eastern descent” or, more generally, by “descent.”

PART II: THE PURPOSE OF THE WORDS “EXPERIENCES OF DISCRIMINATION AND SOCIAL EXCLUSION” IN THE WORKING GROUP’S DEFINITION OF “ETHNIC GROUP”

We incorporated these words into our definition of “ethnic group,” first, because the members of some ethnic groups identify with each other in some measure based on current or historical experiences of discrimination and social exclusion. Second, biased attitudes and acts often take the form of systemic discrimination and social exclusion, which can then escalate to a stage where they become “normalized,” as the Anti-Defamation League points out in its “Pyramid of Hate.”⁵ This progression to normalization will sometimes lead to more devastating forms of

³ There are many resources dedicated to assisting schools in teaching about genocide. Here is a small sample from the U.S. Holocaust Memorial Museum, the University of Minnesota, and Yale University:

- [Learn about the Holocaust — United States Holocaust Memorial Museum \(ushmm.org\)](https://www.ushmm.org/learn/about-the-holocaust)
- [Herero and Nama Genocide — United States Holocaust Memorial Museum \(ushmm.org\)](https://www.ushmm.org/learn/genocide/Herero-and-Nama-Genocide)
- [The Armenian Genocide \(1915-16\): In Depth | Holocaust Encyclopedia \(ushmm.org\)](https://www.ushmm.org/learn/genocide/the-armenian-genocide-1915-16)
- [Cambodia | Holocaust and Genocide Studies | College of Liberal Arts \(umn.edu\)](https://liberalarts.umn.edu/holocaust-and-genocide-studies/cambodia)
- [Rwanda | Holocaust and Genocide Studies | College of Liberal Arts \(umn.edu\)](https://liberalarts.umn.edu/holocaust-and-genocide-studies/rwanda)
- [Case Studies | Genocide Studies Program \(yale.edu\)](https://genocide.yale.edu/case-studies)

⁴ [What “Latinx” Doesn’t Include - YES! Magazine \(yesmagazine.org\)](https://www.yesmagazine.org/what-latinx-doesnt-include).

⁵ See [pyramid-of-hate-web-english_1.pdf \(adl.org\)](https://www.adl.org/files/pdfs/pyramid-of-hate-web-english_1.pdf). The Human Rights Commission uses this graphic aid and its explanatory narrative in trainings.

violence, destruction, and oppression, including, at the most extreme, **genocide**. Third, the Center for Constitutional Rights, in a report that examines the meaning and history of **persecution** as a crime against humanity under international law, explains that the term is understood to mean *“severe discrimination that results in the denial or infringement of fundamental rights.”*⁶

For our purposes, in respect to the definition in question, “discrimination” and “social exclusion” serve a dual (and broad) purpose. They encompass a multiplicity of unjust, biased, and harmful acts, institutional barriers, and attitudes too numerous to mention in a definition of “ethnic group.” And, at their most destructive and systemic, discrimination and social exclusion fuel persecution and genocide...and other inhuman acts, atrocities and systems of domination (e.g., slavery, eugenics, colonialism, forced exile from one’s homeland, mass incarceration, etc.) that are not denoted in Act 1 (2019), that do not fall neatly or unambiguously into the categories of “persecution” and “genocide,” and that also cannot be enumerated comprehensively in an EQS Manual definition. Nonetheless, like persecution and genocide, they bear directly on how members of some ethnic groups build and sustain personal, communal, and cultural bonds with each other.⁷

As we continue to discuss this matter in relation to the EQS Manual, we should give serious consideration to how we should define and frame these terms more pointedly, extensively, and appropriately, for curricular development, learning and teaching purposes, in a reformulation of key parts of Vermont’s **curriculum standards**. The Working Group’s next major undertaking, in fact, will be dedicated to reviewing and offering recommendations on how to improve and strengthen those standards consistent with the objectives of Act 1 (2019). What we have learned during our EQS Manual research, community engagement, and dialogue with the State Board of Education will inform our research and findings in this vein.

PART III: EVERY STUDENT IS IMPORTANT, AND ALL STUDENTS MUST BE SAFE, SECURE, AND WELCOMED IN OUR SCHOOLS.

The legislature empowered the Working Group, among other duties, to bring forth recommendations that would

⁶ See “What is Persecution?” at [Smug infosheets 3.pdf \(ccrjustice.org\)](#).

⁷ The same is true for members of “social groups.” See [The Intersection Between Disability and LGBT Discrimination and Marginalization \(american.edu\)](#).

*“(A) promote an overarching focus on preparing **all students** to participate effectively in an increasingly racially, culturally, and socially diverse Vermont and in global communities; [and]*

*“(B) 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;...”*

The accent on “every student” or “all students” is vitally important. As we discussed in part II of this submission, the Working Group was determined that its inclusive definitions and other proposed changes would ensure that **every child** feels safe, secure, and welcome in our classrooms and sees themselves, their families and their people reflected in their school’s curriculum, learning practices, and social-cultural environment. So, again, we adopted a definition of “ethnic group” that is grounded to essential criteria. Our definition is in line, too, with the one we crafted for “ethnicity.”⁸

Our definition is also in step with a recommendation in Section 2110 (“Statement of Purpose”) of the EQS Manual that schools impart an understanding of *“the positive and multi-faceted contributions of **different social, cultural, racial, linguistic, ethnic and Indigenous groups** to the historical and ongoing project of building and strengthening democracy in the United States and globally.”*

Throughout the revised EQS Manual, in fact, we demonstrate our unqualified commitment to the achievement of a high-quality, culturally responsive, and inclusive education for **all students**. And, concurrently, we advocate for reforms in teaching, learning practices and school-community engagement that will bring a critical focus to **the experiences of historically marginalized and oppressed groups**. By doing both, in coordination with other reforms, our schools, as stipulated in Act 1 (2019), can more effectively

(i) promote critical thinking regarding the history, contribution, and perspectives of ethnic groups and social groups;

(ii) include content and related instructional materials and methods that enable students to explore safely questions of identity and membership in ethnic groups and social groups, race equality, and racism; and

⁸ “Ethnicity” means a concept that embodies a wide range of criteria to identify ethnic groups, such as common history, ancestry or culture, national, social or geographic origin, skin color, languages, religions, tribe or Indigenous People (including the Indigenous Peoples of Vermont, the Abenaki, Mahican, Pennacook, Pocumtuc and others), or various combinations of these characteristics.”

(iii) facilitate a welcoming environment for all students while taking into account parental concerns about bias or exclusion of ethnic groups or social groups;....

PART IV: TAKING DIRECTION FROM THE CHARACTERIZATION OF “ETHNIC GROUPS” IN ACT 1 (2019)

Even though the statutory language on “ethnic groups” is not sufficient for our purposes, it still informed the Working Group’s deliberations in respect to other definitions and sections in the EQS Manual. The language in Act 1 (2019) conveys a morally compelling and socially responsible concern for the deleterious effects of systemic marginalization, discrimination, and oppression on Vermont students and their families, including, but limited to those, who are “*Abenaki, people from other indigenous groups, African, Asian, Pacific Island, Chicanx, Latinx, or Middle Eastern descent,*” or are members of groups who have been “*historically subject to persecution or genocide.*”

The statute reminds us that stakeholder meetings in Vermont facilitated by the Attorney General and the Human Rights Commission prior to the enactment of Act 1 (2019) coalesced around the following theme: “*...that we [the State of Vermont] will be able to reduce racial disparities by changing the underlying culture of our state with regard to race.*” It also reiterates this recommendation from those same stakeholder meetings to address racial disparities through curricular innovation and an honest rendering of the history of oppression: “*teach children from an integrated curriculum that fairly represents both the contributions of People of Color (as well as indigenous people, women, people with disabilities, etc.), while fairly and accurately representing our history of oppression of these groups.*”

With this in mind, we approved a definition of “**Ethnic Studies**” that calls in part for “*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.***” It calls for this to be accomplished “*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.*”

The Working Group added to the EQS Manual definitions on “discrimination,” “race,” “racism,” racial discrimination,” “caste,” “anti-discrimination” and “anti-racism.” No one who reads these definitions with an open mind can draw any conclusion other than that the Working Group is passionately dedicated to eradicating racism and discrimination in all forms for all students.

In the same vein, beyond definitions, in Section 2110 (“Statement of Purpose”) of the EQS Manual, the Working Group proposed language that expands protections against discrimination, including on the grounds of “ethnicity,” and requires schools to impart an understanding of “*why persons and institutions must identify and prevent individual, group, and systemic racism, discrimination and all forms of unfair treatment;....*”

In Section 2120.6 (“Curriculum Coordination”), we recommended that when writing school policies for the purpose of developing age-appropriate and grade-appropriate programming and resources in Ethnic Studies, local school boards must *“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.”* This was proposed to raise up and legitimize the “voices and experiences” of individuals and groups who feel they have been marginalized, ignored, or rendered invisible in the past, distant or recent, by school governance systems, policy development, and curriculum design. This would certainly include the ethnic groups listed in Act 1 (2019).

In Section 2121.5 (“Tiered System of Support”), we called for school counseling services to *“offer support and resources that are respectful of the lived experiences and unique identities of students, and support students who either experience or witness issues of racism and discrimination.”*

Over more than two years of reading, researching, debating, and revising provisions in the EQS Manual, with substantial public involvement, the Working Group never lost sight of the social, educational, and moral imperative to speak to the acute needs of historically marginalized and oppressed people and their children, which, by necessity, include the ethnic groups referenced directly and indirectly in Act 1 (2019).

CONCLUSION

The legislature conferred on the Working Group the intellectual and deliberative autonomy to fulfill the mandate of Act 1 (2019), subject to its recommendations being reviewed and approved by the State Board and other public bodies at the appropriate time. We stand by our work products to date, our decision-making process, our transparency, and our open and sincere interactions with the public.

The Working Group is looking forward eagerly to its engagement with the State Board of Education on the revised EQS Manual. It could well be, during the process of deliberation and exchange of views with the State Board, we and others will recommend new ways to improve the document to better serve all students. The Working Group will be a willing partner in those efforts.

Thank you.