

December 6, 2023

VIA EMAIL

Jennifer Deck Samuelson
Tammy Kolbe
State Board of Education
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501
Tammy.kolbe@vermont.gov
Jennifer.Samuelson@vermont.gov

Re: Jewish Community of Vermont, Act I and EQS Request

Dear Ms. Samuelson and Ms. Kolbe:

My firm and Mr. James Pasch, Senior Director of National Litigation at the Anti-Defamation League (cc'ed here), write on behalf of our client, the Jewish Communities of Vermont ("JCVT") to clarify JCVT's request regarding the definition of "Ethnic Groups" in the proposed EQS.

JCVT insists that the definition of "Ethnic Groups" must be the exact one set forth in Act I. This definition was the result of the legislative process and was drafted, debated, and ultimately enacted by duly elected officials.

Furthermore, Act I does not grant a working group or subcommittee the authority to alter or modify any of the legislatively passed definitions, including "Ethnic Groups." Put simply, short of a legislative amendment, there is no authority for anyone to deviate from Act 1's definition of "Ethnic Groups."

As it stands now, the subcommittee attempts to combine the legislatively enacted definition with the proposal from the Act I working group. This is problematic for a several reasons, including that the working group's definition is vague, ambiguous, overly broad, and functionally renders Act I's definition of "Ethnic Groups" meaningless.

In an October 30, 2023, article published on VT Digger (available at: https://vtdigger.org/2023/10/30/anti-defamation-league-says-it-could-take-legal-action-if-ethnic-studies-rules-are-not-changed/), the former chair of the Act I working group, Mr. Mark Hage, indicated that its proposed definition was designed to "honor everyone, irrespective of their racial identity, ethnicity, nationality, religion, culture, everyone" and to "celebrate all." This

REPLY TO: Burlington Office • WEBSITE: www.langrock.com • EMAIL: attorneys@langrock.com

MIDDLEBURY: 111 S. Pleasant Street, Middlebury, VT 05753 • (802) 388-6356 • Fax: (802) 388-6149
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approach and the working group's proposed definition defeats the legislature's carefully crafted, debated, and enacted definition of "Ethnic Groups." It also poses practical problems for educators because it is impossible to teach about and "celebrate all" (*id.*) over the course of a single school year.

The upshot is that the definition of "Ethnic Groups" must be the exact definition set forth in Act I, which reads:

"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.

Therefore, we are requesting that the definition of "Ethnic Groups" must be the exact same definition set forth in Act I.

Sincerely,

Justin G. Sherman James Pasch

jsherman@langrock.com

JGS: 2066756.2



10/23/23 https://edicoalitionvt.org/blog

Talking about Gaza, Israel, and Palestine in Schools

Many youth and adults have been following the news and seeing divisive views presented regarding the violence in Gaza, Israel, and Palestine. It can be so easy to engage in either/or and us vs. them thinking. We are being confronted with challenging feelings and questions regarding religion, land rights, war, and genocide.

These feelings and questions and maybe even hate have been showing up in classrooms. This can be incredibly difficult to handle. We've put together some resources for talking about the violence and confronting Islamophobia and anti-semitism. We stand against anti-semitism and recognize its pervasiveness in Vermont schools and we understand that critiques of the Israeli state are not anti-semtic.

Curriculum

- Creating Cultural Competencies: Countering Anti-Muslim Racism in Schools Curriculum
- · Islamophobia is Racism: Resource for Teaching & Learning about anti-Muslim Racism in the United States
- Facing History & Ourselves: The Roots and Impact of Antisemitism
- Teaching About the Violence in Gaza and Israel: Zinn Education Project
- Challenge Islamophobia: A Project of Teaching for Change
- ReThinking Schools: Violence in Israel and Gaza
- TeachPalestine.org [MECA]

Articles and Books

- ReThinking Islamophobia: ReThinking Schools
- MHS Swastika not the only Antisemitic Incident in Schools
- Expelling Islamophobia: Learning for Justice
- How anti-Muslim sentiment plays out in classrooms across the US
- Free Ebooks for a Free Palestine!
- Decolonize Palestine: Palestine 101
- We are Palestinian: A Celebration of Culture and Tradition

Reports

Islamophobic Bullying Rampant in US Schools: Report

Organizations

Vermonters for Justice in Palestine

Visualizing Palestine

Restorative Justice Circles

- Current Events Circle
- Violence in Gaza, Israel, and Palestine Circle

Questions for Educators to Consider:

- How has anti-Arab xenophobia and racism associated with the recent events in Israel/Palestine impacted you, your students, and your school community?
- How can we interrupt xenophobic or racist comments, conversations, and harassment from our students or peers?
- How can we equip our students with the historical context and skills to discern when something is xenophobic and how they can respond?

Thank you Jade Walker and Wafic Faour for gathering many of these resources. **Do you have resources to add? Please share them with us by emailing kayla.edjvt@gmail.com.** We'll continue adding to this blog post.

The Coalition mourns the civilian loss of life, both Palestinians and Israelis, and wishes for a world without war. We stand in solidarity for a free Palestine and echo the calls for a ceasefire.

What else can I do?

- You can call for a ceasefire by contacting your representatives at this link.
- Attend the "Jews Say Ceasefire Now!" Burlington Rally at 4:30pm on Church St. (Sponsored by Jewish Voice for Peace)
- Listen to Mohammed El-Kurd speak about Palestine "Women and Children" and the Politics of Appeal on Thursday, Oct. 26th at 7pm at UVM's Davis Center. (Co-sponsored by VTJP)



EJC is an Event Sponsor, post 10/26/23: https:// www.facebook .com/photo/? fbid=17160646 28868976&set =a.596289730 846477



12 Biducation Justice Coalition of Verminot Networked

Bin A Jerry's 10 Internandiamy July 18, 2022

Bin A Jamy's will end aske of our loc cream in the Occupied Palastinian
Tentitory Read our full statement: Improvement 18, 2027

18

BEN & JERRY'S WILL END SALES OF OUR ICE CREAM IN OCCUPIED PALESTINIAN TERRITORY

Additional EJC social media posts:



EJC shared event 10/17/2023 https://www.facebook.com/ events/283749891207338/? ref=newsfeed Early on Saturday, October 7th, Palestinian resistance

7th, Palestinian resistance fighters broke through Israel's siege of Gaza. In response, Israel has declared total war against the people of Gaza, completely cutting off access to food, water, and electricity, while bombing the Strip and killing entire families. This panel, featuring Wafic Faour (Vermonters for Justice in Palestine)...will discuss how to understand the current situation in Palestine, the 17vear siege of Gaza, and questions of resistance. colonialism, the role of Biden and US imperialism, and mass struggle



Education Justice Coalition of Vermont

– Posts post-October 7, 2023 --

Website

Core Hembers

Our core members are affiliated with arganizations and schools across the state of Vermont. We have representation from the following groups:

Outright Vermont

Migrant Justice

Safektr Vermont

ACLU VI

Rights and Democracy

Vermont Abendis Artists Association

Vermonters for Justice in Patestine

NAACP Rutland

Wincoss Parent Organizing

Vermont Family Network

TeachOut

Building Featness Eutures

<u>Talking about Gaza, Israel, and Palestine in Schools — Education Justice Coalition of Vermont (edicoalitionvt.org)</u> (archived: <u>Blog — Education Justice Coalition of Vermont (archive.org)</u>)

<u>Events — Education Justice Coalition of Vermont (edicoalitionvt.org)</u> (archived: <u>Events — Education Justice Coalition of Vermont (archive.org)</u>)

Instagram - n/a

Twitter



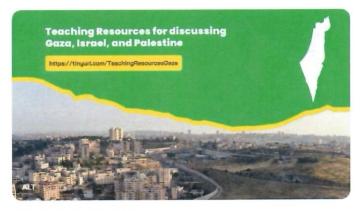


Education Justice Coalition of Vermont @EdJCoalitionVT

@EdJCoalitionVT

We are being confronted with challenging questions regarding religion, land rights, war, and genocide - some may be showing up in classrooms. We've gathered resources for talking about the violence and confronting Islamophobia and anti-semitism. edjcoalitionvt.org/blog/talking-a...

#vted



6:00 AM · Oct 23, 2023 · 68 Views



Outright and EdJ brought 19 youth together for a youth organizer training. A local Jewish educator led a teach-in about Palestine. The youth were given the option to join the rally and march in solidarity with Palestine or stay in and discuss what solidarity looks like. #vted



12:35 PM · Nov 6, 2023 · 84 Views



Education Justice Coalition of Vermont

@EdJCoalitionVT

Join Jewish Voice for Peace VT/NH for this event: Educators will be provided context, history, and tools to teach about Palestine in their classrooms while addressing fears and concerns regarding teaching this topic in K-12 schools. Register now: edjcoalitionvt.org/events/teachin... #yted



4:36 PM · Nov 15, 2023 · 93 Views

Facebook



You can attend in person or online! Hear from Coalition members Wafic Facur and Debra Stoleroff.



ISRAEL, GAZA, AND THE STRUGGLE FOR PALESTINE

O.N.E. Community Center. 20 Allen Street, Burlington, VT 45 people interested



Details

- A franchis Sempest
- O DNE Community Center, 30 Aller Street Burlington of





Education Justice Coalition of Vermont

October 23 🔞

Many youth and adults have been following the news and seeing divisive views presented regarding the violence in Gaza, Israel, and Palestine. It can be so easy to engage in either/or and us vs. them thinking. We are being confronted with challenging feelings and questions regarding religion, land rights, war, and genocide.

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https://edicoalitionvt.org/.../talking-about-gazaisrael... We stand against anti-semitism and

recognize its pervasiveness in Vermont schools and we understand that critiques of the Israeli state are not anti-semtic. See less





















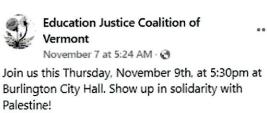
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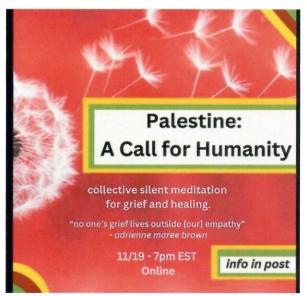


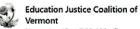






Q





November 15 at 7:59 AM · 🚱

Join us on Sunday, Nov 19th at 7 pm EST for guided meditation, silence and space as we turn our hearts, our bodies and our minds toward Palestine. This is a space for us to be in relationship with our heartbreak, our confusion, our anger, our resistance, our numbness as we center the humanity of a population of people, a culture, and a land under attack.

Participants will be guided in earth-based meditation practices of receiving care and support so that we may offer all that arises to a love greater than our ideas, our reactions, and our beliefs. A love that invites forth our greatest capacity as human beings. We invite participants to bring the following: a candle/light a small bowl of water Come as you are, with all that you hold. in love and courage, Catarina, Denise, and Jabari. Google Form & Info: link in bio.





Education Justice Coalition of Vermont

Vovember 15 at 4:40 PM 🕃

We know Teaching Palestine takes a lot of courage. In this historic moment, Jewish Voice for Peace VT/NH wants to help you learn and grow as an educator on Sunday, Dec. 4th 10am-3pm in the Montpelier/Barre area. During our event, we will be reviewing history, current events, and connections to struggles across the globe. Educators will be provided context, history, and tools to teach about Palestine in their classrooms while simultaneously addressing fears and concerns regarding teaching this topic in K-12 public and private schools. Register by Dec. 29th: https://edicoalitionvt.org/../teaching-palestine-a

Please also note: This event is for educators who want to teach about what is happening in Palestine including the history of the occupation and the current conditions of apartheid. This event is not a space to debate whether or not the occupation is just or unjust at this event we will take as a starting point that this is an unjust occupation and move into learning and teaching from that point. See less

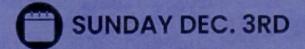


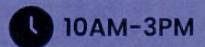
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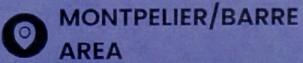
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TEACHING PALESTINE

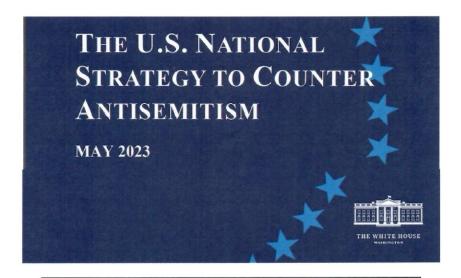
Educators will be provided context, history, and tools to teach about Palestine











Through this U.S. National Strategy to Counter Antisemitism, we are taking a historic step forward. I am proud to lead my Administration's efforts to counter antisemitism, and I urge all Americans to join me in ensuring that in America, evil will not win. Hate will not prevail. The venom and violence of antisemitism will not be the story of our time. The power lies within each of us to transform that story. To rise together against hate. To show the world who we are. And to restore the soul of America together.

In May 2023, President Biden issued a first-in-US-history nationwide alert to "confront antisemitism in America with urgency" and "U.S. National Strategy To Counter Antisemitism" road map.

A key focus is President Biden's "whole-of-society" call to action which includes K-12 Departments of Education, County Offices of Education, and school districts providing "readily available quality educational resources:"

We call on state and local governments to include Jewish studies in ethnic studies and history curricula. Lessons should include Jewish history, as well as curricula on positive Jewish contributions to America, Jewish diversity, and manifestations of contemporary antisemitism.

More education [is needed] on Jewish American history and the valuable role that Jews have played in our national story.

President Biden highlights the need for students to also learn about the United States and global histories of antisemitism, including the Holocaust, and "histories of antisemitism experienced by Sephardic and Mizrahi Jews—who trace their ancestry to Spain, the Middle East, and North Africa—and their stories of exclusion, persecution, and expulsion."

President Biden, embracing the most prominent definition of antisemitism, the International Holocaust Remembrance Alliance (IHRA)'s working definition, reiterates the United State's "unshakable commitment to the State of Israel's right to exist, its legitimacy, and its security [and] recognize[s] and celebrate[s] the deep historical, religious, cultural, and other ties many American Jews and other Americans have to Israel." https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf



COMMENTARY

California schools should opt for inclusive ethnic studies



PUBLISHED JUNE 26, 2022

14 COMMENTS













REPUBLISH



present racism and discrimination at the hands of individuals and institutions.

- Addresses the residual effects of past discriminatory actions.
- Highlights ethnic groups' positive impact on the broader society.
- Teaches respect for individuals who, despite discrimination, have led exemplary lives.
- Avoids a zero-sum mindset in which gains for one group mean losses for another.
- Rejects that society's main currency is power and privilege.

Inclusive ethnic studies does not prioritize group membership over the uniqueness of each individual *and so*:

- Rejects group identity as the primary lens to understand history, society, culture and politics.
- Advances the importance of an individual's characteristics such as character,
 personality, interests and talents to their path to purpose and success.

Inclusive ethnic studies programs that adopt these principles inspire all students to embrace their own and others' cultures, develop their individual potential, appreciate our common humanity and continue the important work of advancing America's quest for a more perfect union.

In contrast, there is a new genre of ethnic studies — "liberated" ethnic studies — marketed as "the authentic" version. With ideological roots in the 1960s Black Power movement's neo-Marxist and liberationist and university-promoted critical theory, "liberated" ethnic studies is part of a political movement centered on race consciousness that seems intent on alienating youth from our institutions. Presenting non-whites as victims and whites, individually and collectively

Developing young citizens devoted to a unified, diverse and democratic society with dignity, fair treatment and justice for all Americans is a daunting but crucial educational task.

For our democracy to survive, each new generation must embrace democratic values and respect common humanity. Consequently, school districts should provide fact-based history courses and a robust civics education. Ethnic studies courses should complement these efforts by teaching critical thinking skills that value context and objectivity and reinforcing our country's long-held democratic practices and ideals.

...

Bill Honig is a former California state superintendent, and subsequently chair and vice chair of the <u>California Instructional Quality Commission</u>. An expanded version of this commentary can be found here.

The opinions in this commentary are those of the author. If you would like to submit a commentary, please review our guidelines and contact us.

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1

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JIMENA & K-12 Education November 6, 2023

JIMENA: Jews Indigenous to the Middle East and North Africa is a San Francisco, CA based organization that was created to raise awareness to the heritage, history and rights of the one million Jewish refugees from the Middle East and North Africa and their descendants, who now comprise more than half of Israel's Jewish population.

JIMENA has a proven track record of creating impactful solutions to help public schools and education agencies nationwide learn about the various manifestations of antisemitism and the experiences of Jews from North Africa and the Middle East. During this critical time of surging antisemitism from the far-left, it is essential to counter misinformation about the Middle East, put forward factual information, and propose solutions related to antisemitism emanating from the Middle East. Additionally, building relationships with influential local, state, and national leaders who can help prevent the alarming rise of antisemitism our state and society are currently facing is crucial.

JIMENA remains committed to advocating for the rights of all students to access rigorous social science curriculum and schools that are free from bias and denigrating language concerning Israel, Jewish people, and the Middle East. We continue to design and implement a number of interventions to help school districts and states support Jewish communities while educating the public on these subjects both inside and outside the classroom. The White House's U.S. National Strategy to Counter Antisemitism¹ included JIMENA's suggestion of teaching the antisemitism experienced by Jews in North Africa and the Middle East in public schools.

"In addition to learning about the horrors of the Holocaust, students should learn about global histories of antisemitism. This should include histories of antisemitism experienced by Sephardic and Mizrahi Jews—who trace their ancestry to Spain, the Middle East, and North Africa—and their stories of exclusion, persecution, and expulsion. Students should also learn about the history of antisemitism in the United States as well as contemporary manifestations of antisemitism. Educators need readily available quality resources to enable such education." https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf

¹ https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf

A comprehensive outline of JIMENA's activities in the K-12 space <u>can be found here</u>². Some of our successes in this space include:

- Led successful statewide effort to ensure that antisemitism is addressed in California's Ethnic Studies Model Curriculum and prepared an antisemitism lesson for teachers, centering around the IHRA antisemitism definition, that the California State Board of Education included in its final model curriculum.
- Presented with <u>California State Superintendent Tony Thurmond on the California</u>
 <u>Department of Education's "Education to End Hate: Countering Antisemitism" initiative</u>³
 to educate the public and California teachers about antisemitism and how to address it in public schools.
- Participated in listening sessions for the design of the White House's National Strategy
 to Counter Antisemitism⁴ with the final report including JIMENA's key
 recommendations -- teaching about antisemitism in Ethnic Studies courses and the
 history of Mizrahi and Sephardic Jews, particularly their refugee experiences, in Social
 Studies classes.
- In response to the White House's National Strategy to Counter Antisemitism's call to action, developed a <u>comprehensive collection of lesson plans on Sephardi and Mizrahi Jews</u>⁵ and antisemitism that the California Department of Education distributed widely.
- Participated in <u>the United States Department of Education's Antisemitism in Education</u> <u>gatherings</u>⁶ in San Francisco, and New York City, lending our expertise to Federal, State, County, and City education officials and school district superintendents.
- Hosted conferences⁷ for educators to learn more about Sephardic and Mizrahi Jews and subjects related to antisemitism.

² https://www.jimena.org/jimena-californias-ethnic-studies-model-curriculum/

³ https://www.facebook.com/watch/live/?ref=watch_permalink&v=184124838018844

⁴ https://www.jimena.org/sephardic-and-mizrahi-jews-included-in-white-house-strategy-to-counter-antisemitism/

⁵ https://www.jimena.org/sephardic-and-mizrahi-lesson-plans/

⁶ https://www.timesofisrael.com/biden-includes-antisemitism-in-civil-rights-act-protections-at-8-cabinet-departments/?__cf_chl_tk=kJidcuVnvfuSFmsEwHeDvRFJ0FEwbH17Nf53Ql0R4bA-1698866754-0-gaNycGzNFmU https://www.facebook.com/watch/JIMENAVOICE/5033810403385876/