

**ATTORNEY GENERAL AND HUMAN RIGHTS
COMMISSION TASK FORCE**

ON

**ACT 54- RACIAL DISPARITIES IN STATE
SYSTEMS**

REPORT AND RECOMMENDATIONS

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Executive Summary

Section 3 of Act 54¹ charges the Attorney General (AGO), together with the Human Rights Commission (HRC) and interested stakeholders, with developing a strategy to address racial disparities within the state systems of education, labor and employment, access to housing and healthcare and economic development.

The AGO and HRC held three stakeholder meetings. There was a September meeting in Montpelier, a November meeting in Brattleboro, and a November meeting in Burlington. Attendance ranged from 17 to 33 people. In the Brattleboro and Burlington meetings the AGO and HRC facilitated input using a “turning the curve” results based accountability process for gathering ideas and prioritizing needs as perceived by those present. After these meetings, there was a surprising amount of coalescence around the most important issues that need to be addressed within state systems. The primary over-arching theme was that we will be able to reduce racial disparities by changing the underlying culture of our state with regard to race. The main suggestions for doing this were: 1) teach children from an integrated curriculum² 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; 2) educate state employees about implicit bias, White Privilege, White Fragility and White Supremacy; and 3) increase the representation of People of Color in the state and school labor forces by focusing on recruitment, hiring and retention, as well as promotion of People of Color into positions of authority and responsibility on boards, commissions, etc.

Concurrent with these macro level efforts, we need to make changes at the micro level to ensure that the cultures of state agencies and schools do not undermine these efforts. For example, we need to ensure that People of Color feel welcome, supported, and mentored and that they are not subjected to discriminatory behavior by state workers, co-workers, members of the public, or in their communities. We need to market Vermont as a great place, not only to visit, but also to live.

Addressing these issues also furthers other state goals. To the extent that People of Color are the fastest growing demographic in the state, taking steps to be more inclusive in all aspects of our state systems will further economic growth in a time when our workforce is rapidly aging. In other words, equality of opportunity is good for everyone, White, Black and Brown.

To this end, this Report recommends that the State prioritize initiatives to reduce and eliminate racial disparities across state systems much as we have prioritized the opiate crisis. The adoption of indicators or benchmarks and performance measures by each state entity that can address existing disparities within that agency’s purview, and a coordinated approach to data collection, sharing and reporting will result in improved conditions over time.

¹ <http://legislature.vermont.gov/bill/status/2018/H.308>

² Curriculum in which concepts are embedded rather than teaching about the contributions of white men and addressing others during Black History Month, Women’s History Month, etc.

Introduction

During the 2017 Legislative Session, with the backdrop of both national and Vermont specific statistics, from police stop, search and arrest data³ to sentencing data that shows disproportionate numbers of People of Color in our jails and prisons⁴, the Legislature passed Act 54. Act 54 established an advisory panel to examine racial disparities in the criminal and juvenile justice systems and report back to the Legislature with recommendations.

Separately, Section 3 of Act 54 charges the Attorney General, together with the Human Rights Commission and interested stakeholders, with developing a strategy to address racial disparities⁵ within the state systems of education, labor and employment, access to housing and healthcare and economic development. This task was the result of testimony that one cannot fully examine and understand the disparities in the criminal and juvenile justice systems without looking at the intersections of systemic racism in other state (and private) systems.

While slavery has been outlawed in this country for over 150 years, the vestiges of it and of Jim Crow remain today in the form of systemic racism. Despite amendments to the United States Constitution and the 1866 Civil Rights Act, which were intended to promote equality of opportunity, that equality remains elusive for many People of Color (POC)⁶ both nationally and within Vermont.

The Civil Rights Movement of the fifties and sixties saw enormous progress on issues related to race. Additional laws were enacted to protect the rights of People of Color including Title VII of the Civil Rights Act of 1964 which prohibited employment discrimination based on race, color, national origin and religion. Four years later, housing discrimination based on these categories was outlawed by the Fair Housing Act of 1968. While these laws, in theory, provide remedies for intentional discrimination or discrimination that has an adverse impact on particular protected classes, they have not changed the underlying racial oppression. This is because White people continue to control virtually every power structure in the country, including federal, state and local governments and their agencies, corporations, businesses, schools, etc.

When coupled with racial bias, whether it is explicit or implicit, this power of the majority results in the oppression of those in the “minority.” We live in a White Supremacy culture.⁷

³ Seguino and Brooks, *Racial/Ethnic Disparities in Traffic Stops: Analysis of Vermont State Police Data, 2010-15*; Seguino and Brooks, *Driving While Black and Brown in Vermont: Analysis of Police Data from 30 Agencies*, _____

⁴ Vermont ranked number 1 in its incarceration rate (rate per 100,000) in 2016 with 1:14 Black men incarcerated. <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

⁵ Based on feedback from stakeholders, this report also addresses issues related to Vermont's indigenous population, the Abenaki.

⁶ As used in this report, People of Color refers to all groups identified in census data as other than White (non-Hispanic).

⁷ <http://www.dismantlingracism.org/white-supremacy-culture.html> “White supremacy culture is the idea (ideology) that white people and the ideas, thoughts, beliefs, and actions of white people are superior to People of Color and their ideas, thoughts, beliefs, and actions. White supremacy culture is reproduced by all the institutions of our society. In particular the media,

Add to this, White Privilege⁸ and White Fragility⁹ and we begin to see how difficult it is to escape the current cycle despite a “belief” in equality of access and opportunity. For example, studies show that the difference in wealth accumulation of White households compared to Black households has actually increased since the 2009 recession. In 2010 White people had eight (8) times the wealth of Black people; by 2013 the rate was 13 times according to a Pew Research Center analysis of data from the Federal Reserve’s Survey of Consumer Finances.¹⁰ Thus there is far more to be done to address disparities than simply passing some laws and letting nature take its course.

In Vermont, the second whitest state in the United States, it is fair to say that all of the power structures in the state are in the hands of White people. Many of the comments from stakeholders were focused on the need to have better representation of POC in prominent positions within systems of government, on boards and commissions, in businesses and in schools as well as the need for White people to understand implicit/unconscious bias, White Privilege, White Fragility and how these contribute to maintenance of the all-White systems we currently have.

If the State of Vermont is truly committed to addressing the racial disparities that exist in the criminal and juvenile justice systems and our other state systems, it must undertake a system-wide analysis of the ways in which state government actively or passively contributes to these disparities, collect data to determine our baseline, and set goals for reducing those disparities across all agencies and areas of service including recruitment, hiring, promotion and retention of employees of color; culturally and ethnically appropriate service provision, and education systems that provide culturally appropriate curriculum and address racial and socio-economic disparities in exclusionary discipline as well as harassment and bullying.

The status quo is unacceptable. Nothing short of a comprehensive and data-driven approach will alter the landscape for Vermonters of color and indigenous Vermonters. As a small state, Vermont has a unique ability to tackle and address issues in a comprehensive and coordinated way. We have done so with the opiate crisis. We can reduce racial disparities if we take the same approach. People of Color have waited far too long for the equality we promise in word but not deed. It is time to remedy that wrong.

VERMONT STATISTICS

the education system, western science (which played a major role in reinforcing the idea of race as a biological truth with the white race as the “ideal” top of the hierarchy...”

⁸ White privilege is defined as “an invisible package of unearned assets which [a white person] can count on cashing in each day, but about which [the person] is ‘meant’ to remain oblivious. White privilege is like an invisible weightless knapsack of special provisions, maps, passports, code books, visas, clothes, tools, and blank checks.” Peggy MacIntosh, Associate Director of the Wellesley College Center for Research on Women, 1989. (Sample included in appendix).

⁹ https://en.oxforddictionaries.com/definition/white_fragility Definition of white fragility - discomfort and defensiveness on the part of a white person when confronted by information about racial inequality and injustice.

¹⁰ <http://www.pewresearch.org/fact-tank/2014/12/12/racial-wealth-gaps-great-recession/>

In 1990, the U.S. Census estimated Vermont's racial and ethnic minority population to be 2 percent of the total population. By 2007, the figure had grown to 4% representing 24,500 Vermonters.¹¹ By 2016, the figure had grown to 5.4% or 33,728 people. Latinos and Asians were the fastest growing population during this period. The second fastest growing racial group in Vermont is Black or African American.¹² Contrary to popular belief more than half of the state's racial and ethnic minorities reside outside of Chittenden County.¹³ So while the largest concentration of People of Color is in the greater Burlington area, the issues exist and persist statewide.

One of the major disparities, driven by the specific conditions identified below, is with regard to income. While 11% of White (non-Hispanic) households in Vermont were living below the federal poverty level (FPL) in 2016, 22% of American Indians, 23% of African-American/Black, 15% of Hispanics/Latinos, 15% of Asians and 21% of persons identifying as two or more races were living below the FPL.¹⁴

In addition, and likely related to the income disparities, racial disparities have been documented in each of the areas identified in Act 54 (education, labor and employment, housing, healthcare and economic development). A summary of some of the existing data points follows.

Education

Students of color are disproportionately subject to school exclusion. First raised in the 2015 report, *Kicked Out! Unfair and Unequal Discipline in Vermont's Public Schools*,¹⁵ the statistics have since been replicated by the Agency of Education in a subsequent report in 2015 that showed statistically significant over-representation of students of color in school exclusion.¹⁶ School exclusion is strongly correlated with criminal and juvenile justice involvement, i.e. the school to prison pipeline. In addition, data from the 2010 *Report on Health Disparities of Vermonters*, shows higher rates of cigarette smoking, binge drinking (5+ drinks), marijuana and cocaine use among students of color, grade 8-12. African American students had the highest use of injected drugs.¹⁷ In addition, the percentage of students of color who miss school due to safety concerns (last 30 days), who were threatened or injured by a weapon at school (last 12 months) and who were bullied (last 30 days) is significantly higher for students of color (Black, Hispanic, Native Hawaiian, American Indian and Asian) than for White students. Finally, all students of color (grades 8-12) have higher rates of attempted suicide compared to White

¹¹ Health Disparities of Vermonters, Vermont Department of Health, p. 50 (2010)

¹² U.S. Census, 2016 data

¹³ Health Disparities 2010, p. 52

¹⁴ <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

¹⁵ Jay Diaz, Vermont Legal Aid, *Kicked Out! Unfair and Unequal Discipline in Vermont's Public Schools*, (2015),

https://www.vtlegalaid.org/sites/default/files/Kicked%20Out_School%20Discipline%20Report.pdf

¹⁶ Exclusionary Discipline- Report to the Legislature, Agency of Education (2016)

¹⁷ Health Disparities of Vermonters, Vermont Department of Health, p. 60 (2010)

students: White (non-Hispanic)(5%): American Indian (12%), Asian (10%), Black (18%), Hispanic/Latino (16%) and Native Hawaiian/Pacific Islander (23%).¹⁸

Labor and Employment

One of the key issues identified by stakeholders in this area was recruitment, hiring, promotion and retention of People of Color in state government jobs. In 2016 People of Color made up 3.3% of the state workforce and were 6.6% of the hires.¹⁹ However, other statistics from the Vermont Department of Human Resources indicate areas of significant concern. The same report shows that Black/African American employees have a voluntary separation rate that is more than two times that of White employees (14.9% vs. 6.5%) and even more troubling, employees of color are three times more likely than White employees to be terminated (3.1% v. 1%).²⁰ Employees of color also have lower than average salaries compared to their White counterparts (\$51,538 vs. \$57,367).²¹

Housing

The lack of affordable housing is at a crisis point in Vermont. A majority of employers (76%) view the cost and availability of affordable housing as an obstacle to community development and with good reason.²² Seventy-two (72%) percent of low-income Vermonters lack affordable housing and 2/3 of those eligible renter households do not receive rental assistance.²³ Data from the January 2017 annual homeless count showed an overall increase of 9.7% and homelessness among families with children rose by 14.2%. Forty-five percent (45%) of those surveyed were homeless for the first time.²⁴ The Legislature and Administration appropriated more funding for affordable housing during the 2017 Legislative Session but this issue requires continued focus. Fifteen percent of Vermont households spend half or more of their income on rent. While the lack of affordable housing is an issue for all Vermonters, because a higher percentage of POC are low-income, affordability is of particular concern to POC.

Another issue that was identified is low vacancy rates. Vacancy rates have historically been very low due to supply and demand problems, particularly in Chittenden County. These low vacancy rates allow private landlords more prospects to choose from when filling apartments which can lead to discrimination against vulnerable populations including People of Color, families with children, and people with disabilities. Audit testing by Vermont Legal Aid's Housing

¹⁸ Health Disparities of Vermonters, Vermont Department of Health, p. 62 (2010).

¹⁹

http://humanresources.vermont.gov/sites/humanresources/files/documents/Workforce_Data/DHR-Workforce_Report.pdf, p.14

²⁰

http://humanresources.vermont.gov/sites/humanresources/files/documents/Workforce_Data/DHR-Workforce_Report.pdf, p. 42.

²¹

http://humanresources.vermont.gov/sites/humanresources/files/documents/Workforce_Data/DHR-Workforce_Report.pdf, p. 64

²² <http://www.vhfa.org/documents/Vermont%20Housing%20Need%20Overview.pdf>

²³ HUD's 2017 Annual Homeless Assessment to Congress

²⁴ <http://www.vhfa.org/documents/Vermont%20Rental%20Housing%20Needs.pdf>

Discrimination Law Project in 2014 documented high rates of differential treatment of individuals of color and people with disabilities as well as families with children during housing searches. The combined results reflect preferential treatment toward White American renters in 46 percent of the national origin tests and 36 percent of the race-based tests; renters without children in 45 percent of the familial status tests; and renters without apparent disabilities in 22 percent of disability tests.²⁵

Healthcare

While there was evidence in 2010 indicating that People of Color have lower rates of access to healthcare, including insurance, a personal doctor, or lack of money to pay for healthcare²⁶, the issue of health disparities goes well beyond issues of access. People of Color also experience higher rates of diabetes, asthma, and obesity.²⁷ Health risk factors (smoking, lack of exercise and poor nutrition) are all much higher among people of color as are sexually transmitted diseases (in 2010, the rate of chlamydia was 6x higher among Black people than White people).²⁸ Equally troubling, stress reactions to racism including headache, upset stomach, tensing of muscles or pounding of heart were experienced by 1.5% of Vermonters of Color (translating into 6,800 adults). These Vermonters were four times more likely to report poor or fair health compared to Vermonters who did not experience physical symptoms related to their race (40% vs. 6%). Higher rates of poor birth outcomes (low birthweight, pre-term births) for Black women may also be attributable to the stress of racism.²⁹ Stress manifests in other ways as well. Black people are more likely to smoke (46 vs. 16%), be depressed (59 vs. 22%) and to have low incomes (78 vs. 40%). Among the stakeholders present at the meetings the impact of racism on the health of individuals was identified as a top concern.

Economic Development

In 2012, there were 75,827 employer owned firms in Vermont. Of those 2,354 (or 3%) are owned by minorities.³⁰ A recent report commissioned by the Agency of Commerce & Community Development (ACCD),³¹ identified making growth a number one priority in the state by encouraging more people to move to the state, supporting start-ups and entrepreneurial businesses and growing the number of out-of-state companies that relocate to Vermont. Along with other recommendations, retention and expansion of existing Vermont businesses was also deemed crucial to growing our economy. Since statistics show that POC are the fastest increasing demographic in the state, a focus on attracting and supporting businesses of POC dovetails nicely with these existing initiatives.

²⁵ <http://hrc.vermont.gov/sites/hrc/files/publications/Rental-Discrimination-Report-2014.pdf>

²⁶ Health Disparities of Vermonters, Vermont Department of Health, p. 55 (2010).

²⁷ Health Disparities of Vermonters, Vermont Department of Health, p. 56 (2010).

²⁸ Health Disparities of Vermonters, Vermont Department of Health, p. 57 (2010).

²⁹ Health Disparities of Vermonters, Vermont Department of Health, p. 58-59 (2010).

³⁰ U.S. Census Data, Quick Facts: Vermont, 2016

³¹ <http://accd.vermont.gov/sites/accdnew/files/documents/Vermont-Economic-Development-Marketing-PLAN-with-APPXs.pdf>

THE PROCESS

As described above, the AGO and HRC organized three public meetings to gather input from stakeholders. Stakeholders included representatives of state agencies, organizations that work with state agencies, organizations that work on racial and social justice issues and community members interested in making change. At the first forum, it was suggested that we conduct additional evening forums that could be attended by members of the community, one in the south and one in Burlington. Due to the time constraints associated with the November 1, 2017 due date for the report, a request was made to the Chair and Vice Chair of the Joint Legislative Justice Oversight Committee for an extension on the deadline until December 15, 2017. This extension was granted.

The first meeting was held at the Statehouse in Montpelier on September 28, 2017. It was attended by 33 people. The participants broke into small groups based on the topic areas (education, labor & employment, housing, healthcare, and economic development) and explored issues related to racial disparities, what data existed or did not exist that might provide a baseline to analyze, who else needed to be included in discussions and suggestions for addressing the issues.

A second meeting was held in Brattleboro on the evening of November 20th. This meeting was also attended by approximately 30 people, most of whom were community members. The participants again broke into groups around topic areas and completed exercises designed to narrow in on one or two issues in each of the larger topic areas. These topics were then subjected to a more comprehensive analysis that included identifying the root causes of the alleged disparity, potential partners, and some concrete steps that could be taken to address it.

A final meeting was held in Burlington on the evening of November 28th. The meeting was attended by 17 people. The participants completed the same exercises as the Brattleboro group, building on the work of the previous two forums.

This report and its recommendations are built on the stakeholder input received at these meetings.

STAKEHOLDER INPUT

Education

The following were identified by stakeholders as contributors to racial disparities for Black and Brown children (and families):

- Cultural barriers for students
- Need for increased supports for parents of color
- Lack of diversity in the overall education system- recruitment, hiring, and retention of educators of color/disparity between minority enrollment (20%) and minority educators (>1%).
- Exclusionary discipline/school to prison pipeline/teacher discretion in referrals for discipline/ restorative justice as solution?
- Achievement gaps/ % of students of color ready for school in all 5 domains of development/ lack of affordable quality early childhood education/early literacy education for parents
- Curriculum that is not representative, culturally responsive, social justice oriented, inclusive of accurate indigenous history
- Over-emphasis on “color blind”/noncultural curriculum of math and reading to the exclusion of social studies
- Over-identification for special education, 504 and EST
- Lack of adequate mental health support and lack of understanding of issues facing children of color in our schools
- White privilege/implicit bias- teachers need to understand the extent of White privilege and be trained on best practices in dealing with race issues in the classroom (especially in elementary school)
- Lack of community awareness of history as it relates to classism, racism, whiteness and privilege
- Lack of funding to support children of color to receive additional supports (tutoring, mentoring, cultural affirmation) that can help overcome barriers faced in a White majority culture
- Link between nutrition and readiness to learn—food programs are essential
- Lack of equity in personal learning plans, AP enrollment, tracking, technical education vs college

After identifying these factors, the groups voted on one item to examine further. In Brattleboro, the votes were tied for:

- 1) ***Recruitment, hiring and retention of educators of color; and***
- 2) ***Curriculum that is not representative, culturally responsive, social justice oriented or inclusive of accurate indigenous history. The top choice of the Burlington group was also the issue of non-representative curriculum.***

The groups were then asked to identify the story behind the factor (i.e. the root causes):

- 1) ***For recruitment, hiring and retention of educators of color***, the story behind the factor included:
 - White supremacy

- Unconscious bias in hiring and school practices- bias implicit within the structure and culture of a school
- Whiteness of the school staff and community
- Explicit bias in the school and community
- Unwillingness to recognize issues of racism
- White people making all decisions from AOE to Superintendents to school boards to principals

The group then identified Partners who could help to change it:

- AOE
- Superintendents
- School boards
- Administrators
- Spark program
- Teacher training programs & institutions
- N.A.M.E.
- Educators of color in each district
- Community members of color in each district

The group then provided ideas for addressing the issues:

- Provide loan forgiveness for People of Color who get trained as teachers and work in a Vermont public school for X years
- Partner with teacher training programs to promote the loan forgiveness program
- Train all staff about whiteness and White Supremacy with regard to curriculum, pedagogy and workplace culture
- Recruit educators of color

2) ***For the curriculum issue***, the groups identified the story behind (root causes) as:

- Failure to train teachers to provide racially sensitive class culture and curriculum
- Lack of staff diversity
- Assumption that a diverse curriculum is only important to Students of Color
- Limiting teaching to struggles of race (slavery, civil rights)
- Teacher fear of leading discussions that include issues of racism
- Pre-packaged curricula that is only from one White perspective and doesn't include or allow space for culturally responsive/social justice topics/lens

The groups identified partners who could help as:

- AOE, Superintendents, school boards, administrators
- Peoples, Places and History of Words- looking at how local history/culture connects to schools
- Homeschoolers/ Oak Meadow
- People of Color including indigenous people
- Brattleboro Community Justice
- Spark Program
- Library
- Teaching Tolerance

- Zinn Education Project
- Rethinking schools

Ideas for addressing the issue:

- Mandate that AOE provide culturally responsive/social justice curriculum
- Ethnic studies advisory committee (legislation being developed)
- On-going community forums-community voices in curriculum
- Ensure curriculum reform is addressed at all levels and in all subjects and that it is totally integrated, not an add on
- Integrate with co-curriculars (sports, arts, student groups)

Labor and Employment

The following were identified by stakeholders as contributors to racial disparities:

- Recruitment, hiring, promotion, and retention of People of Color in state government
 - Job requirements that may not be necessary to the job (e.g. bachelor's + 2 years experience) have an adverse impact on People of Color
 - Aspects of White culture/privilege create an unwelcome work environment for POC
 - Need for mentorship/internship opportunities for POC
 - Lack of role models and connections
 - Lack of POC on boards, commissions and in leadership positions reducing access to decision-making power
 - Job interview processes and job descriptions that are not inclusive
 - Need to strengthen recruitment efforts for POC
- New Americans stuck in low-wage jobs despite their skills
- Degrees from overseas not treated as equivalent
- Communities are not welcoming to POC
- Low wage jobs make childcare unaffordable and the cost of childcare makes it difficult to work
- Lack of paid family leave policies
- Need for on-going diversity/implicit bias training

After identifying these factors, the groups voted on one item to examine further. In Brattleboro the top vote getter was **1) recruitment, hiring, promotion and retention of People of Color in state government. In Burlington it was 2) the need to address specific aspects of white culture/privilege that create environments that are unwelcome for POC.** Given the statistical information indicating that POC voluntarily leave state employment at 2 times the rate of white employees and are terminated at 3 times the rate, this second issue appears to be a subset of the first issue (specifically retention).

The story or root causes of these factors included:

- Vermont is primarily a White state
- Lack of incentives, mentors, support and/or pathways to success for POC to come to Vermont or to stay in Vermont

- Location- rural seat of government
- Systemic “circling of the wagons” to keep POC out or set them up for failure
- Lack of accountability
- Discerning what is skill and what is culture
- Awareness of employers and applicants
- People perpetrating micro-aggressions within the work environment
- Lack of effective training for White people on how to handle challenges of race when they arise in the workplace

Partners who can help to change:

- Media
- Schools (guidance counselors)
- Vermont Tourism- marketing the brand
- Community organizers and their organizations
- Existing community organizations that conduct implicit bias training
- Employers, human resources, leadership
- Service agencies
- Department of Labor
- Community/state colleges

Ideas for addressing:

- Accountability
- Creating a culture of inclusivity
- Promoting awareness/self-reflection of White privilege, White fragility and unconscious bias in White gatekeepers
- Hire more POC and track retention, promotion, etc.
- Change the school environments- start early to address these issues
- Encourage government leaders to model/lead by taking anti-racism training and then promoting it
- Look to more skill-based vs. credential-based job descriptions
- Discipline officials/employees who target people based on race, background, etc.

Housing

The following were identified by stakeholders as contributors to racial disparities:

- Blanket policies that exclude people with criminal records
- Language barriers for new Americans
- Segregated neighborhoods (Burlington, Winooski)
- Steering to segregated neighborhoods
- Gentrification that makes housing unaffordable to low-income people
- Discriminatory loan practices/ redlining
- Discrimination by private landlords and low vacancy rates that contribute to discrimination
- Insufficient affordable housing/housing vouchers
- Lack of transportation limits housing options
- Over-representation of POC in subsidized housing (due to income disparities)

- Question whether there is any disparity in eviction rates of POC
- Need for fair and impartial strategies to address these issues

After identifying the factors, the groups voted on the top choice which while slightly different in statement, was essentially the same two issues: *1) lack of sufficient affordable housing and 2) discrimination by private landlords (with low vacancy rates as contributing factors).*

1) Lack of sufficient affordable housing

The story or root causes identified included:

- The income cap on subsidized housing is too low
- Gentrification is a significant problem
- Housing prices are artificially inflated
- Subsidies for utilities are too low
- More POC are incarcerated which limits access to public housing
- Racial disparities in homelessness and rent burdened households
- Whether low income people are under-represented in subsidized or other affordable housing relative to their income level

Partners who can help:

- State- data collection
- Town health officers- improve safety and quality of housing (they need more training)
- All levels of government
- Media to get the word out

Ideas for addressing:

- Spread information about affordable housing opportunities (VFHA website, etc.)
-
- Encourage towns to form affordable housing committees to promote development of low-income housing
- More money to develop and renovate affordable housing
- Incentives to lower housing costs

2) Discrimination by private landlords (with low vacancy rates as contributing factors)

The story or root causes identified included:

- Racism limits economic opportunity, access to housing
- When there is an abundance of potential tenants vs. housing a landlord pays no price for refusing POC

Partners who can help:

- Vermont Legal Aid- for enforcement and testing
- CVOEO-education about fair housing

- Human Rights Commission (HRC)- enforcement and training (participants identified the Attorney General's Office (AGO) but it is actually HRC and HUD that have this enforcement responsibility)
- Housing advocates/activist organizations working to dismantle racism and poverty
- Landlord network activists

Ideas for addressing:

- Outreach- information about rights- use volunteer networks/students
- Promote channels for reporting discrimination
- Hire or appoint a housing ombudsman (similar to the Healthcare Ombudsman)
- System for advocates to accompany people searching for housing
- System of rating landlords (YELP for landlords) with federal funding tied to the YELP reviews related to racism, racist practices

Healthcare

The following were identified by stakeholders as contributors to racial disparities:

- Lack of providers who are POC (clinicians, mental health)
- Child/maternal health discrepancies for POC
- ACES scores (adverse childhood experiences)
- Referral rates
- Wait times
- Treatment follow-through (to completion)
- Access to health insurance
- Clinicians lack knowledge of special issues for POC
- Providers lack knowledge and understanding of relationship between racism and health (stress, etc.)- seen as pathology (e.g. depression)
- Racism as a social health determinant/diseases of despair (cumulative stress of racism)
- Doctors, social workers, nurses etc. need education about myths, stereotypes, so doctors "hear" concerns- cultural competency training
- Child protection removal rates are higher for children of color
- Historical trauma (including Eugenics)
- Opportunities for integrated care (mental, physical, substance abuse)
- New American health providers unable to practice in Vermont due to licensing issues

The groups voted on the top choice which while slightly different in statement, was essentially the same issue: ***relationship between racism (historical trauma) and health-related issues; racism as a social health determinant.***

The story or root causes included:

- Investments are in healthcare on the back end rather than social supports on the front end (in other countries less is spent on healthcare due to more robust social supports)
- Need for investments in community health and well-being
- Inability of health providers to identify issue-specific health needs
- Stress-related health outcomes- obesity, asthma, infant mortality, depression, chronic stress

- Racism affects entire community
- Treatment varies among different races (e.g. pain management vs. “med-seeking”)
- Trust of providers- patients of color less willing to follow through
- Behaviors seen as intentional rather than as a product of society

Partners who can help:

- Dr. Camara Jones
- Equity Solutions
- Medical schools, research universities, social work/psychology departments

Ideas for addressing:

- Update 2010 Health Disparities of Vermonters report
- Create and support Community Health Workers (from community, culturally appropriate services, paid a livable wage, reasonable caseloads, peer to peer, reimbursed through healthcare system savings)- See Elizabeth Bradley study on mismatch in funding medical care vs. community supports
- Invest in a generational approach to support families (children, parents and grandparents)
- Invest in building resiliency at the individual and community level
- Train on impact of racism and health as well as trauma informed treatment (on-going medical CEUs)
- Provide grants for research on racism and how it is addressed by providers
- Work to recruit and retain POC in physical and mental health positions
- Improve language access
- Call out specific impacts, needs, resources based on race/discrimination

Economic Development

The following were identified by stakeholders as contributors to racial disparities:

- Lack of businesses owned by POC later clarified as the need to expand POC owned businesses
- Businesses owned by POC are not supported (e.g. by Chambers, Rotary, etc.)
- Vermont is not welcoming to POC so people come but do not stay
- Prosecutorial gate keeping is used to drive POC from the state
- Boards, CEOs, etc. do not have diversity
- Insufficient emphasis on business opportunities in POC markets for POC-owned businesses and entrepreneurs
- Need to attract venture capitalists of color to the state
- Need more emphasis on government contracting with minority owned businesses
- Need grants and economic incentives to recruit business developers who are POC
- Insufficient data regarding POC businesses and homeownership
- Training for small business owners
- Need for more promotion of Vermont as a tourist destination for POC

The groups identified two areas for additional exploration: *1) need for expansion of marketing and business development efforts and 2) need to expand the number of POC owned businesses.*

1) *Need for expansion of marketing and business development:*

The story or root causes behind the two:

- Employers only use traditional forms of outreach
- Nepotism-markets are too narrowly defined
- Lack of diversity in job training
- Lack of emphasis on markets of communities of color
- Unwillingness to enter into new territory
- Not enough college and career awareness early on
- Silos in state government (Labor and Education)

Ideas for addressing:

- Paid internships
- Better collaboration among departments (Education, Commerce and Community Development, Agriculture, Labor- joint efforts)
- Introducing businesses to the market (e.g. ski resorts reach out to the National Brotherhood of Skiers & Snowboarders)
- Market Vermont products to Black and Hispanic manufacturers who need raw materials- capitalize on the Vermont brand
- Promote People of Color in the state- iamavermonter.org

2) *Need to expand the number of businesses owned by POC*

The story or root causes behind the issue:

- 2015 POC spent \$83m on travel and tourism
- Vermont gains estimated at \$10m at present- how to increase marketing to POC to increase exposure
- Tourism as a gateway to moving to Vermont

Ideas for addressing:

- Mining data from economic census
- Link marketing to locavore-agriculture-related products (e.g. every household of POC replaces Aunt Jemima syrup with real maple; maple syrup breweries)
- Link better food with better health
- Host Vermont conferences of associations of POC
- Expand outreach to pools of POC professional organizations

RECOMMENDATIONS AND STRATEGIES FOR ADDRESSING RACIAL DISPARITIES

Act 54 asks for “a strategy” to address racial disparities across these systems. That is simply not possible though the single strategy could be: *Vermont state government will devote sufficient resources to reducing identified racial disparities across all systems of state government.*

Addressing such a long-standing and complicated problem is incredibly challenging but doing nothing is not an option. We have done that for far too long with predictable results. The new approach needs to be at both a micro and macro level.

Stakeholders identified very specific issues across the identified state systems for the State to target and offered a variety of concrete suggestions for how to do so. These suggestions come primarily from the people most affected by the consequences of state systems that are not responsive to the needs of POC. Many of the suggestions are “low hanging fruit”--ideas that could be pursued without the need for significant resource allocation. For example, moving to a health model that puts resources currently being spent on healthcare into front-end social services that reduce the need for costly healthcare interventions could make a huge difference and provide decent employment opportunities for POC.

These stakeholder recommendations should be reviewed and considered by the agencies and departments of jurisdiction: Agency of Education, the Department of Labor, Human Rights Commission, Department of Health, Agency of Commerce & Community Development, and Department of Agriculture. Addressing these issues in a coordinated manner can be tied to existing initiatives, like economic development, health equity and the Governor’s Equity and Diversity in the Workplace Council.

We must also address the elephant in the room: White Supremacy. Vermonters have a tendency to believe that because the state is generally forward thinking and progressive, issues of race discrimination, harassment, etc. do not exist here. On an individual level, they believe that they treat people equally and therefore the problem, to the extent it might exist, lies with “other people”--- those who are explicitly racist.

This ignores the fact that anyone and everyone who has grown up in this country is a beneficiary of a White Supremacy culture that influences individual implicit biases which play out in interpersonal interactions and in the way that our systems and institutions treat People of Color. Every employee of state government needs to understand this.

On the micro level, every agency, department, commission, board, etc. (not just those mentioned above) must commit to addressing racial bias within its organization for the individual employee, the workplace as a whole, and in its service delivery systems. There are several state agencies already engaged in work on these issues, some more effectively than others.

The state uses Results Based Accountability (RBA) to improve services by identifying desired outcomes, indicators or benchmarks for those outcomes, and performance measures to see how we are doing with regard to the identified outcome. This system can be used by agencies, departments and other state entities to address stakeholder identified racial disparities.

To accomplish this the State should:

- ❖ Identify Vermont agencies/departments/commissions/councils, etc. that are currently engaged in affirmative efforts to address racial disparities;
- ❖ Examine what these entities are doing and what is and is not working well;
- ❖ Work to replicate what is working throughout state government;
- ❖ Task existing entities with more global tasks (e.g. task the Governor's Equity and Diversity Council with working on recruitment, hiring, retention and promotion and the health equity council/committee with health outcomes, require that all state contracts contain language related to reduction of identified racial disparities; diversify boards, commissions, etc.);
- ❖ Support efforts to create curricula that is representative, culturally responsive, social justice oriented and inclusive of accurate indigenous history.
- ❖ Ask that the Governor issue an executive order requiring each agency, department, etc. to:
 - ✓ Review, and where appropriate, utilize stakeholder suggestions for addressing racial disparities in each system identified in this Report
 - ✓ Identify indicators and performance measures that are related to racial disparities in the agency's workforce and services that the entity provides to track as part of the Results Based Accountability (RBA) initiative;
 - ✓ Have each agency/department identify an EEO officer who will oversee the work related to the performance measures;
 - ✓ Require EEO officers to gather public input, particularly input from affected groups on an annual basis;
 - ✓ Have the EEO officers convene on at least an annual basis to review and revise the work, examine trends, etc. and report to the Chief Performance Officer and Joint Justice Legislative Oversight Committee on progress.

Racial Disparities in the Criminal and Juvenile System Advisory Panel

Stakeholder Meeting- September 28, 2017

Horizontal Group

Rules of Engagement:

- We have cultivated system racism in this country
- Same factors cause problems throughout all systems
- What are the policy recommendations to suggest how to address root causes across these systems?

Group Conversation:

- We need look at this horizontally, especially across our state government
- Often, we look at these issues in silos, sometimes a coordinated effort comes out of that process, but often it fizzles out
- Need to recommend significant ways to state government on how to coordinate and communicate in addressing system racism
- How do these areas intersect?
 - there is a clear link between incarceration and housing
 - we see recidivism due to lack of housing
 - citizens not being able to find employment because many of the employment options are temporary
 - your whole life is impact by what seemingly is “just” a charge
 - you interact with all of these systems, so there are many ways in which one can fall through the cracks
 - what are the interactions/intersections of these systems that greatly impact an individual’s life
- Federal aspect- your criminal history can affect your eligibility for public housing
 - reasons for recidivism are often lack of access to housing, employment, etc.
- Racism permeates- keeps peoples at marginalized level
- Economic development
 - there has not been real program to help minorities or women owned businesses
 - need to see the data
 - we know some things anecdotally, but we need the data to support these conclusions
- Need to look at our legal framework, statues of the state
 - our statutes are contributing to institutional racism
 - are we doing enough to emphatically state that we’re protecting this group of people
 - need to hold agencies accountable for implicit bias
 - civil liberties- rights to be treated equally across all these sectors

- our state constitution allows for slavery, states prisoners are slaves
- the prison industrial complex has always been used to enslave people of color
- Sundown towns, restricted covenants
 - there are communities that still have these on the books across the U.S.
 - how much of this thinking is still in VT?
- Look at what our kids are being taught in schools about systemic racism, minority groups
- Consent decrees- city police departments act under the supervision of the Department of Justice
 - current administration is not seeking any further consent decrees
 - consent decrees offer a framework- based on data collection, policy, training, oversight
 - we need effective oversight

Conclusion:

How to address racial disparities horizontally:

- 1) Data collection
 - Need to choose indicators
 - 2) Education/ Community Empowerment
 - Educating about institutionalized racism
 - Look at what we currently have in place and what we don't
 - 3) Policy
 - What is compounding on these challenges within existing policies
 - Need implicit bias policy that could span across all these systems, intersections
 - 4) Training
 - Implicit bias training across all systems- housing, education, employment, health, economic development, etc.
- How to prove to state legislature that this approach is necessary
 - need to show the problem exists
 - the data collection allows us to gauge our progress
 - by tracking performance, we can then be held accountable, to hopefully enact change
 - need data infrastructure at state wide level that is accessible
 - Crucial decision are being made at all levels that greatly impact people's lives
 - these decisions must be captured
 - Need to ask other breakout groups what these indicators should be

JAMES DUFF LYALL
EXECUTIVE DIRECTOR

JIM MORSE
PRESIDENT



September 28, 2017

Attorney General T.J. Donovan
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Montpelier, VT
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Karen Richards
Executive Director
Vermont Human Rights Commission
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Re: Racial Disparities in Vermont Stakeholder Meeting Survey

Dear Attorney General Donovan and Ms. Richards,

The ACLU of Vermont¹ writes in response to your joint September 1, 2017 letter seeking input on strategies to address racial disparities in Vermont.

As this panel clearly recognizes, racial disparities are widespread in Vermont, including in the areas of education, labor and employment, access to housing and health care, and economic development. In education, for example, existing data shows significant racial disparities in school disciplinary actions: Black/African-American and Native American students are two to three times more likely to be suspended than White students in Vermont public schools.² Allegations and incidents of racial

¹ The ACLU-VT is a statewide nonprofit, nonpartisan organization with more than 7,500 members and supporters dedicated to the principles of liberty and equality embodied in the constitutions and laws of Vermont and the United States. It is the Vermont affiliate of the American Civil Liberties Union, a nationwide nonpartisan organization with over 1,500,000 members. The ACLU-VT is dedicated to protecting the individual rights and liberties embodied in the state and federal constitutions, and has a longstanding interest in advancing the civil rights of Vermonters.

² See Jay Diaz, Vermont Legal Aid, *Kicked Out! Unfair and Unequal Student Discipline in Vermont's Public Schools* (2015), https://www.vtlegalaid.org/sites/default/files/Kicked%20Out_School%20Discipline%20Report.pdf.

harassment, discrimination, and insensitivity in Vermont schools are also recurring and warrant much greater scrutiny.³

It is important to recognize that many individuals and communities are already working to remedy these harms⁴—particularly, students—and that any additional strategies for addressing racial disparities in Vermont’s education system must include, support, and continue to be led by communities directly impacted, particularly students of color and their parents.

The same is true for the many other issues involving racial disparities and discrimination in Vermont.⁵ Any strategies to

³ See, e.g., Dan D’Ambrosio, *Angry crowd demands Milton board respond to racism allegations*, BURLINGTON FREE PRESS (June 22, 2017), <http://www.burlingtonfreepress.com/story/news/2017/06/23/angry-crowd-demands-milton-board-respond-racism-allegations/422069001/>; Taylor Dobbs, *Suspended ‘For Being Called the N-Word?’ Milton Family Calls on Schools to Confront Racism*, VPR (June 14, 2017), <http://digital.vpr.net/post/suspended-being-called-n-word-milton-family-calls-schools-confront-racism#stream/0>; Elizabeth Murray, *S. Burlington school vandalized with racist graffiti*, BURLINGTON FREE PRESS (June 6, 2017), <http://www.burlingtonfreepress.com/story/news/local/vermont/2017/06/06/superintendent-racist-graffiti-found-so-burlington-school/375378001/?hootPostID=306d092599665a2da62f81fd18f5615d>; Molly Walsh, *‘Rebels’ Yell: Protests Build Over South Burlington’s Mascot Change*, SEVEN DAYS (April 19, 2017), <https://www.sevendaysvt.com/vermont/rebels-yell-protests-build-over-south-burlingtons-mascot-change/Content?oid=5173031>.

⁴ Nicole Higgins De Smet, *UVM students push to meet with president on diversity policies*, BURLINGTON FREE PRESS (Sept. 26, 2017), <http://www.burlingtonfreepress.com/story/news/local/vermont/2017/09/26/uvm-students-push-meet-president-diversity-policies/703985001/>; Cyrus Ready-Campbell, *Montpelier sophomores organize rally against racism*, VTDIGGER (Sept. 19, 2017), <https://vtdigger.org/2017/09/19/montpelier-sophomores-organize-rally-racism/#.Wcu5J7J96Uk>; Nicole Higgins De Smet, *S. Burlington students push school to redefine Rebel name*, BURLINGTON FREE PRESS (Nov. 7, 2016), <http://www.burlingtonfreepress.com/story/news/2016/11/07/s-burlington-students-push-school-redefine-rebel-name/93060842/>; Milton Inclusion and Diversity Initiative, <https://www.midivt.org/> (a community organization begun in response to the racial incidents in Milton schools).

⁵ See, e.g., Vermont Department of Health, *The Health Disparities of Vermonters 2010*, <http://www.healthvermont.gov/sites/default/files/documents/2016/11/Health%20Disparities%20of%20Vermonters%202010.pdf> (noting that more than twice as many American Indians, Asians, and Blacks reported not having a personal doctor than White non-Hispanic Vermonters); Renee Wunderlich, *Vermont DMV testifies on sharing undocumented immigrant info with ICE*, NBC5 (April 11, 2017), <http://www.mynbc5.com/article/vermont-dmv-testifies-on-sharing-undocumented-immigrant-info-with-ice/9264529> (describing one of the issues with Vermont DMV’s treatment of DPC holders and applicants); Vermont Housing Finance Agency, *2010 Vermont Housing Needs Assessment: Race, Ethnicity and Housing in Vermont*, <http://www.vhfa.org/documents/hna2010/08-race.pdf>, Mullin & Lonergan Associates Inc., *State of Vermont Analysis of Impediments to Fair Housing Choice* (April 2012),

remedy these issues must include the input and involvement of impacted individuals and communities.

The ACLU of Vermont commends this panel for working to address these important issues and we welcome the opportunity to participate. Please do not hesitate to contact us should you need additional information or have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Chloé White".

Chloé White
Policy Director
ACLU of Vermont

The Story of This Anthem – by John V. Wilmerding II – Wednesday, August 9, 2017

I have been a peace and social justice activist for almost my entire adult life, beginning in the seminal and traumatic year of 1968 when both the Rev. Dr. Martin Luther King, Jr., and the presidential candidate I was working for, Robert F. Kennedy, were assassinated. In 1973, I also began a career as a singer, guitarist, and songwriter.

In the mid-1990s, while doing 'hands-on' work in Restorative Justice, I encountered the work of Ruby Nell Sales, the renowned public theologian, human rights activist, and heroine of the Civil Rights era, and in the Spring of 2015, I accepted her invitation to take part in a June 18-20 community-building conference at White Rock Baptist Church in West Philadelphia.

The evening of June 17th I checked into Pendle Hill Quaker Conference Center in nearby Wallingford, PA, where I learned to my horror that in a premeditated act of race hatred, nine innocent people had been brutally murdered by a young white supremacist in Charleston, SC, at Mother Emanuel A.M.E. Church. They were Cynthia Marie Graham Hurd (54), Susie Jackson (87), Ethel Lee Lance (70), Depayne Middleton-Doctor (49), Tywanza Sanders (26), Daniel Simmons (74), Sharonda Coleman-Singleton (45), Myra Thompson (59), and Clementa C. Pinckney (41), the Church's Pastor.

The next morning I made the short drive to White Rock Baptist Church, where I was greeted by well over 100 anti-racism activists, almost all of them black. Along with Ruby, they welcomed me almost as if I were long-lost family. This was how I learned, viscerally and permanently, that racism, though harms countless people of color in many ways, diminishes the humanity only of the white people who harbor it and permit it to continue to exist, even – and especially – if they are unaware of their complicity in it.

At the end of the gathering, Ruby gave me an explicit and very exacting charge – she said that I should go forth and do anti-racism work explicitly among white people. For me, that meant I should work first among my fellow Quakers in the USA's northeast (who are almost entirely white, and who seem to be frequently wondering openly why our branch of Quakerism doesn't attract more people of color).

So that summer, heavily laden with my new concern to address and combat racism, I inter-visited at New York Yearly Meeting sessions at Lake George, NY, , spending much time with Friends there including activists with Jeff Hitchcock's Center for the Study of White American Culture. And similarly I participated under the same concern in New England Yearly Meeting's 355th annual sessions at Castleton, VT.

I was soon struck with a 'leading' to the effect that we white Quakers might perhaps repeat history by learning from its lessons: if we could deal effectively with our own racism, we might once again acquire enough moral authority to publicly and effectively combat and counter racism in the wider white population of the USA and elsewhere, just as we did as 'Abolitionists' during the struggle against slavery from the late 1700s through the pre-Civil War period.

Then I chanced to encounter the anthem 'I Am An Abolitionist', an adaptation of 'Auld Lang Syne' written in the 1840s by William Lloyd Garrison. I decided to try the same tactic, and in these lyrics you have the result. It is my fervent hope and prayer that by singing this pledge and affirmation together, we will deepen our resolve, and bind ourselves to a new covenant: to herald and bring about 'a more perfect union' of 'beloved community' by eradicating systemic racism to the greatest extent possible.

We Stand Against All Racism

Sung to the tune of 'Auld Lang Syne'. New words by John V. Wilmerding, Aug. 13, 2015
[After 'I Am An Abolitionist' by William Lloyd Garrison (1841)]

**We stand against all racism
stand fast for liberty
for freedom is our heritage
not white supremacy
we live in firm and deep resolve
to keep all people free
emancipate from state to state
from sea to shining sea**

**We stand against all racism
we're called into the fray
non-violently we persevere
in struggle, day to day
no need for violence to be done
to lay oppression low
for fighting cannot free the ones
who're lost but do not know**

**We stand against all racism
no fear can keep us down
no dangers cause us to desist
conferring freedom's crown
forever shall we stand our ground
for all posterity
with deep resolve we shall ensure
humanity stays free**

**We stand against all racism
opposing bigotry
our hands are joined as we defend
birth-right, and legacy
with strength in numbers we aver
all human beings are free
and peace and justice shall prevail
thus universally**

Richards, Karen

From: Klein, Heidi
Sent: Thursday, November 30, 2017 11:53 AM
To: Richards, Karen
Cc: Levine, Mark; Friedman, Martha
Subject: Racial Disparities in State Systems -- Health

Follow Up Flag: Follow up
Due By: Friday, December 01, 2017 12:00 PM
Flag Status: Flagged

Good morning, Karen.

Thank you again for reaching out to the health department to ensure that we had the opportunity to participate in the forum on Tuesday evening. The work you are undertaking aligns with the department's commitment to health equity and to holding ourselves accountable to the work (demonstrated in our Health and Equity Scorecard).

As promised, here is some information about the work that is currently being conducted through the Vermont Health Department to act upon our commitment to creating healthy communities for all Vermonters with special attention to eliminating health inequities:

Implementing the Health Department Strategic Plan

Creating health equity has been a core goal of the department's strategic plan since 2010. Here is the link to our current strategic plan which includes strategies for addressing health outcomes, recruiting diverse staff, and offering services to individuals with limited English proficiency. We are also embarked on efforts to look at our internal operations to see if/how we might make improvements to increasing diversity and addressing implicit bias.

Creating a definition of health equity that specifically calls out racism: A common definition is necessary to create a shared understanding of health equity. The Department developed a definition of health equity that has structural and systemic equity at its core. This has allowed us to begin to have conversations about structural racism and its detrimental effect on people of all racial categories.

Updating of the State Health Assessment and Health Improvement Plan

The state health assessment describes what we know about the health of Vermonters and the improvement plan states what we strategically plan to do to improve health in selected priority areas. The project team is using a health equity approach in the engagement, data analysis and priority setting. The vision developed by community advisors and stakeholders provides additional description of what it means to focus on health equity. The final documents will include a brief description of the role of structural racism and structural inequities in affecting the health of Vermonters

Incorporation of equity as a core value in the Health in All Policies Task Force

The Health in All Policies Task Force is a cabinet-level body established by Executive Order No. 7-15 to identify programs, policies and strategies to improve the health of Vermonters, especially vulnerable populations, and to coordinate across agencies around issues of healthy communities. As you will see, equity is a core value in the development of the health and equity framework which is intended to guide the task force. This framework is incorporated in for vision for the updating of the state health assessment and improvement plan.

Please let me know if you would like additional information about the initiatives above. We look forward to working together.

Heidi

Heidi M. Klein, MSPH
Public Health Director of Planning and Healthcare Quality
Vermont Department of Health
108 Cherry Street / Burlington, VT 05401
802.652.2051
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Please note: My phone number changed as of June 15, 2016; it is now 802.652.2051

November 20, 2017

Karen L. Richards, Executive Director
Vermont Human Rights Commission
14-16 Baldwin St.
Montpelier, VT 05633-6301

David Scherr
Co-Chief, Community Justice Division
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609

Dear Karen and David:

Thank you both for hosting a public meeting in Brattleboro and offering our community the opportunity to give input as you prepare your report.

My interest in Vermont's racial disparities stems from the following experience:

I work as the Developmental Assets Coordinator in the Windham Southeast Supervisory Union in the implementation of a Social Competency Development Curriculum for all students grades 4-12

I chair the Brattleboro Area Community Equity Collaborative (CEC)

I chair the regional Diverse Workforce Development Committee, which is a CEC sub-committee. It's membership includes the area's largest employers.

I am a former Benchmarks for a Better Vermont performance Institute Trainer

As a contribution to the exchange in Monday's meeting, I have prepared a results-based accountability proposal based on Vermont's Senate bill 293 passed in 2014, which established the use of data-based information to evaluate the effectiveness of State government. I am zeroing in on each step of the legislation through the lens of racial disparities in our State. The seven performance accountability questions offer a structure for examining ways racial disparities can be addressed.

With gratitude for your efforts,



Diana Wahle

Seven Performance Accountability Questions

From the Results-Based Accountability™ (RBA) framework developed by Mark Friedman

ORGANIZATION: Vermont Systems of Education, Healthcare, Housing, Labor & Economic Development

1) Who are our customers, clients, people we serve?

Vermonters of color who utilize State services, or potentially could access those services.

2) How can we measure if our customers/clients are better off?

Vermont's Quality of Life Outcomes approved by Vermont Legislature S. 293 2014

1) Vermont has a prosperous economy. (2) Vermonters are healthy. (3) Vermont's environment is clean and sustainable. (4) Vermont's communities are safe and supportive. (5) Vermont's families are safe, nurturing, stable, and supported. (6) Vermont's children and young people achieve their potential, including: (A) Pregnant women and young people thrive. (B) Children are ready for school. (C) Children succeed in school. (D) Youth choose healthy behaviors. (E) Youth successfully transition to adulthood. (7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer. (8) Vermont has open, effective, and inclusive government at the State and local levels.

All of these outcomes pertain to the well-being of Vermonters of color – population-level indicators can be written in more detail through using the racial disparities lens:

Examples to consider:

Outcome: Vermont has a prosperous economy.

Indicator: Number/percent of business owners who are people of color

Indicator: Number/percent of homeowners who are people of color

Outcome: Vermonters are healthy.

Indicator: Percent of Vermonters of color with health insurance.

Indicator: Percent of Vermonters of color with a medical home.

Outcome: Vermont's communities are safe and supportive.

Indicator: Percent of offenders who live in affordable housing immediately upon their release.

Indicator: Percent or rate of residents of color entering the corrections system.

Outcome: Vermont's children and young people achieve their potential, including:

(A) Pregnant women and young people thrive.

Indicator: Percent of women of color who receive first trimester prenatal care

Indicator: Percent of children of color with health insurance

(B) Children are ready for school.

Indicator: Percent of children of color ready for school in all five domains of healthy development

(C) Children succeed in school.

Indicator: Percent of children of color below the basic level of 4th grade reading achievement under State standards

Indicator: Percent of children of color who drop out of school

Indicator: Percent of children of color who graduate from high school

(D) Youth choose healthy behaviors.

Indicator: Rate of pregnancy for young women of color (15-17 & 18-19 years of age)

Indicator: Number and rate of minors of color who are under the supervision of the Dept. of Corrections.

(E) Youth successfully transition to adulthood.

Indicator: Percent of high school seniors of color with plans for education, vocational training, or employment.

Indicator: Percent of graduating seniors of color who continue their education within 6 months of graduation

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

Indicator: Rate of confirmed reports of abuse and neglect of vulnerable adults of color

(8) Vermont has open, effective, and inclusive government at the State and local levels.

Indicator: Number/percent of Vermonters of color elected to town, county and State office.

3) How can we measure if we are delivering services well?

Performance measures are measures of how well public and private programs and agencies are working. The State of Vermont Chief Performance Officer has designated an employee in each agency of State government to be a performance accountability liaison to the General Assembly. Racial disparities performance measures need to be added to the present reporting requirements. Take into account quantity and quality vs. effort and effect in preparing performance measures. Each of the examples listed need to be expanded keeping this intersection in mind.

Examples to consider:

Outcome: Vermont has a prosperous economy.

Performance Measure: Entrepreneur development education engages people of color

Performance Measure: Re-define job descriptions to emphasize competency over degrees

Performance Measure: Best practice in retention of people of color in work settings

Outcome: Vermonters are healthy.

Performance Measure: Outreach to communities of color re: health insurance enrollment

Performance Measure: Outreach to communities of color re: securing a medical home

Performance Measure: Program that strengthens the academic proficiency and career development of students underrepresented in the health professions and prepares them for a successful application and matriculation to health professions schools. These students include, but are not limited to, individuals who identify as African American/Black, American Indian and Alaska Native and Hispanic/Latino, and who are from communities of socioeconomic and educational disadvantage.

Outcome: Vermont's communities are safe and supportive.

Performance Measure: Number of landlords who will rent to ex-offenders

Performance Measure: Percent of ex-offenders who have a circle of support and accountability upon release from prison

Outcome: Vermont's children and young people achieve their potential, including:

A) Pregnant women and young people thrive.

Performance Measure: Outreach to pregnant women of color to establish a medical home

B) Children are ready for school.

Performance Measure: Early education available to children of color, including transportation

C) Children succeed in school.

Performance Measure: Percent of administrators, teachers and support staff in each school who have received ongoing implicit bias education.

D) Youth choose healthy behaviors.

Performance Measure: Social competency development education (topics include implicit bias and privilege) is established as parallel to academic achievement in all public schools.

E) Youth successfully transition to adulthood.

Performance Measure: Programs exist to help youth of color gain connections to the larger community, where they see themselves having a valuable role.

Performance Measure: Internship programs support graduating students of color to gain awareness of employment opportunities.

(7) Vermont's elders and people with disabilities and people with mental conditions live with dignity and independence in settings they prefer.

Performance Measure: All elderly advocates and ombudsmen have ongoing education related to implicit bias and racial disparities.

(8) Vermont has open, effective, and inclusive government at the State and local levels.

Performance Measure: Support programs identify, train, and encourage people of color to run for office at all levels of government, get elected, and serve their communities and our state.

4) How are we doing on the most important of these measures? Where have we been and where are we headed? (baselines and story behind the baselines)

I propose that the Vermont Chief Performance Officer convene the performance accountability liaisons from each branch of State government to meet with the Attorney General and Human Rights Commission representatives who prepared the racial disparities report to the General Assembly. Their task will be to add racial disparities indicators and performance measures to their annual reports to the General Assembly. In addition, they should make recommendations on implementing performance accountability.

5) Who are the partners that have a role to play in doing better?

Vermont Chief Performance Officer

Performance Accountability Liaisons for each branch of State government – they represent teams who have dedicated time and effort to eliminating racial disparities in their area of work.

Vermont legislators

6) What works or could work to do better, including no-cost and low-cost ideas? (best practices, best hunches, including partners' contributions)

Each State branch of government will take the time to respond to these questions. However, in the meantime we recommend -

Implicit bias and racial disparities education for:

- Vermont Chief Performance Officer
- Performance Accountability Liaisons for each branch of State government
- All Vermont legislators and their staff.
- All State government staff

7) What do we propose to do? (action plan and budget, including no-cost and low-cost items)

Each branch of State government will develop a result-based accountability plan focusing on racial disparities related to their work.

November 20, 2017

Dear Director Richards,

Thank you for convening a public forum with the VT Human Rights Commission in Brattleboro tonight. I am unable to attend this evening due to family obligations but I would like to file some brief comments, on behalf of the communities with which I work. A Brattleboro resident, I serve on the VT Commission for Native American Affairs and work with contemporary Native communities to advocate for their many interests, both as a Commissioner and as a personal commitment.

I will refer primarily to one item listed in your Nov. 9th summary of some of the root causes of disparity, since I feel it directly affects/reflects almost all of the others concerns listed. The item is this: "Lack of culturally responsive/representative curricula- multicultural lens/culturally responsive curriculum."

Vermont's Native communities, primarily Abenaki but with citizens of many other tribal groups, of course, have a both a unique and a common situation. Although the Abenaki, with their fellow indigenous peoples, are the land's original residents, their story is, for the most part, not known or even more damaging, grossly misrepresented. This "not telling" leaves them out of mind, and effectively out of existence. In their own homeland, they find themselves in a limbo outside the dominant society - and everybody else. They don't fit the white paradigm, they don't fit the people of color paradigm, and they're not immigrants (far from it). This only persists because no one talks, much less does anything, about it in places where lasting change can be effected. Oh, there are special events and occasional human-interest articles, but it is systemically ignored. There are many reasons for that - habit, fear, guilt, bias - but they remain fundamentally discriminatory; it is death by ignorance and carelessness, the ultimate marginalization.

The first and most effective move toward changing this centuries-old situation is education. People do not care about something of which they are unaware. The Native community feels that the single best answer is an integrated, required, comprehensive educational curriculum, developed by the Agency and the schools in consultation with the communities themselves. There are many who would step forward to assist with this. It is a part of Vermont's story that is missing. We posit ourselves here in the Green Mountain State as progressive and embracing of all who come, yet for the most part we don't know, care about, respect, and empower our own indigenous people. When this begins to change, the other things will follow. The primary thing that most Natives want is not to be like or equal to everyone else (which strikes me as the main thrust of many of bias investigations) but to be allowed to be themselves. *That has never been the case.* When a person does not exist, they do not matter.

I welcome your thoughts and comments.

Kchi wliwni - with great thanks,
Rich

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