



House Bill 2845

Ethnic Studies Standards

Report to the Oregon Department of Education

Submitted on behalf of the
Ethnic Studies Advisory Group
31 July 2019

Kendra Hughes, M.Ed.
Ethnic Studies Advisory Group Facilitator

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House Bill 2845

79th OREGON LEGISLATIVE ASSEMBLY--2017

Regular Session Enrolled House Bill 2845 Sponsored by Representatives DOHERTY, HERNANDEZ, Senator FREDERICK, Representative PARRISH; Representatives ALONSO LEON, BOONE, BYNUM, GORSEK, KENY-GUYER, LININGER, MALSTROM, MARSH, MCLAIN, MEEK, NOSSE, POWER, REARDON, SANCHEZ, SMITH WARNER, SOLLMAN, WILLIAMSON, Senators DEMBROW, ROBLAN, TAYLOR

CHAPTER

AN ACT

Relating to statewide social studies standards; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Ethnic minorities” means individuals who are Native American or Americans of African, Asian, Pacific Island, Chicano, Latino or Middle Eastern descent.

(b) “Ethnic studies” means instruction of public school students in kindergarten through grade 12 in the histories, contributions and perspectives of ethnic minorities and social minorities.

(c) “Social minorities” means women, people with disabilities, immigrants, refugees and individuals who are lesbian, gay, bisexual or transgender.

(2) The Department of Education shall convene an advisory group consisting of 13 members as follows:

(a) The Oregon Advocacy Commissions Office shall appoint two representatives who are public school students in grades 7 through 12 or recent high school graduates;

(b) The Commission on Indian Services shall appoint one representative;

(c) The Commission on Asian and Pacific Islander Affairs shall appoint one representative;

(d) The Commission on Black Affairs shall appoint one representative;

(e) The Commission on Hispanic Affairs shall appoint one representative;

(f) The Oregon Disabilities Commission shall appoint one representative;

(g) The Commission for Women shall appoint:

(A) One representative of the commission; and

(B) One representative of the lesbian, gay, bisexual and transgender community;

(h) The Superintendent of Public Instruction shall appoint:

(A) One representative of the department’s Education Equity Unit;

- (B) One educator of public school students in kindergarten through grade 12 who serves on a committee of the Oregon Education Association dedicated to ethnic minorities or civil rights; and
- (C) One Oregon college or university professor of ethnic studies; and
- (i) The Governor shall appoint one expert or professor in the field of Middle Eastern studies or Jewish studies.
- (3) The advisory group shall:
 - (a) Identify where current statewide social studies standards fail to recognize the histories, contributions and perspectives of ethnic minorities and social minorities; and
 - (b) Develop ethnic studies standards to propose for adoption into existing statewide social studies standards for public school students in kindergarten through grade 12 that:
 - (A) Increase cultural competency for public school students in kindergarten through grade 12; and
 - (B) Promote critical thinking regarding the interaction between systemic social structures and ethnic minority or social minority status.
- (4) The advisory group shall submit a report to the department that, at a minimum, proposes ethnic studies standards for adoption into existing statewide social studies standards for public school students in kindergarten through grade 12.
- (5) The department shall adopt ethnic studies standards into existing statewide social studies standards for public school students in kindergarten through grade 12. The department shall consider the report submitted by the advisory group under subsection (4) of this section when determining the standards to adopt.
- (6) Subject to rules adopted by the State Board of Education, the department shall:
 - (a) Determine the number and frequency of meetings to be held by the advisory group prior to submission of the report required under subsection (4) of this section; and
 - (b) Direct each school district to implement the ethnic studies standards adopted by the department.
- (7) Advisory group members may not be reimbursed for lodging expenses that arise by reason of attending a meeting of the advisory group.
- (8) The State Board of Education shall adopt rules for the implementation of this section.

SECTION 2. (1) The Department of Education shall convene the advisory group described in section 1 (2) of this 2017 Act no later than June 15, 2018.

(2) The report required under section 1 (4) of this 2017 Act must be submitted to the department on or before September 15, 2019.

(3) The department shall adopt ethnic studies standards as required by section 1 (5) of this 2017 Act no later than September 15, 2020.

(4) The department shall fulfill the requirements of section 1 (6) of this 2017 Act on or before July 1, 2021.

SECTION 3. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1 (1), chapter, Oregon Laws 2017 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2017, is increased by \$43,149 for the purpose of implementing sections 1 and 2 of this 2017 Act.

SECTION 4. Sections 1 and 2 of this 2017 Act are repealed on January 2, 2022.

SECTION 5. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Enrolled House Bill 2845 (HB 2845-B) Passed by House June 8, 2017

In 2017, the Oregon Legislature enacted House Bill 2845, which directs the Oregon Department of Education (ODE) to convene an advisory group consisting of 13 members.

MEMBER	ASSOCIATION
1. Ahlam Osman and Thidapech Lam	Public school students in grades 7 through 12 or recent high school graduates
2. Valerie Switzler	The Commission on Indian Services representative
3. Helen Ying	The Commission on Asian and Pacific Islander Affairs Representative
4. Joy Alise Davis	The Commission on Black Affairs Representative
5. Dr. Joseph Gallegos	The Commission on Hispanic Affairs representative
6. Dr. James Davis	The Oregon Disabilities Commission representative
7. Ami Patel	The Commission for Women representative
8. Jessica Arzate	The Commission for Women representative
9. Scott Ryan	Representative of the Lesbian, Gay, Bisexual & Transgender community
10. Dr. Darryl Tukufu	Representative of the Department’s Education Equity Unit
11. Alejandra Barragan	Educator of public school students who serves on a committee of the Oregon Education Association
12. Dr. Shirley Jackson	One Oregon college or university professor of ethnic studies
13. Dr. Robert Liebman	One expert or professor in the field of Middle Eastern studies or Jewish studies

In this process, group members worked as a large group and in the following grade level teams discussing age and developmentally appropriate recommendations for the ethnic studies standards.

ELEMENTARY SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL
Alejandra Barragan	Jessica Arzate	Joy Alise Davis
Laura Bolanos	Dr. James Davis	Dr. Shirley Jackson
Roshelle Weiser-Nieto	Carina Miller	Dr. Robert Liebman
(Kendra Hughes)	Ami Patel	Scott Ryan
	Valerie Switzler	Dr. Darryl Tukufu
		Helen Ying
		(Amit Kobrowski)

The Ethnic Studies Advisory Group would like to thank the following individuals for their contributions to the development of the recommendations to the Ethnic Studies Standards:

- Ana del Rocio, The Oregon Commission for Women representative
- Carina Miller, educator from the Confederated Tribes of the Warm Springs
- Irvin Brown, administrator from the North Clackamas School District
- Laura Bolanos, parent from the Reynolds School District
- Roshelle Weiser-Nieto, educator from the Confederated Tribes of the Warm Springs
- Tanya Munyua, student from Lincoln High School, Portland Public Schools

Ethnic Studies Advisory Group Meetings and Process

MEETING SCHEDULE

MEETING DATE	TIME	LOCATION
Tuesday, 28 November 2017	1:00 p.m. – 4:00 p.m.	Oregon Department of Education
Tuesday, 23 January 2018	1:00 p.m. – 4:00 p.m.	Oregon Department of Education
Tuesday, 27 February 2018	1:00 p.m. – 4:00 p.m.	Oregon Department of Education
Thursday, 26 April 2018	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Friday, 4 May 2018	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Thursday, 10 May 2018	1:00 p.m. – 4:00 p.m.	Oregon Department of Education
Thursday, 28 June 2018	9:00 a.m. – 3:00 p.m.	Oregon Department of Education
Thursday, 13 September 2018	1:00 p.m. – 4:00 p.m.	Oregon Department of Education
Friday, 19 October 2018	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Tuesday, 11 December 2018	12:00 p.m. 3:00 p.m.	Oregon Department of Education
Friday, 25 January 2019	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Friday, 22 February 2019	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Friday, 22 March 2019	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Friday, 26 April 2019	9:00 a.m. – 12:00 p.m.	Oregon Department of Education
Friday, 21 June 2019	9:00 a.m. – 12:00 p.m.	Oregon Department of Education

The Ethnic Studies Advisory Group met fifteen times between November 2017 and June 2019. During these meetings, advisory groups members engaged in meaningful and relevant discussions about the critical components that must be included in the ethnic studies standards. Group members expressed intentional teaching and learning experiences that centered on understanding whiteness: Euro-centricity, white privilege, white fragility, white dominance (white solidarity, white ally ship), understanding systems of power and oppression, legitimate and illegitimate, from basic interpersonal conflict to state-inflicted violence and everything in between, intersectionality, age, disabilities, sexual orientation, gender identify, religion, race, gender and national origin equity.

Early in the process, the group identified norms and agreements that were discussed at the beginning of every meeting.

- Start and end on time
- Stay on track, but flexible. When a conversation or idea needs more space, we won't run it over just to move on to the next agenda item
- Be present in the room. Phones are put away, email is closed on our laptops (but breaks are scheduled so we can stay on top of important or urgent items)
- Honor multiple perspectives, backgrounds, and knowledge. When we disagree, we will argue the idea, not the person
- Commit to making decisions using a model that makes space for dissent/moves us toward consensus
- Use our image of the child, our beliefs about learning, and our knowledge of cultural differences at the center of our decisions
- Come prepared
- Avoid acronyms and jargon

The recommendations for the ethnic studies standards address the following categories:

- Race/Ethnicity
- Gender
- National Origin
- Age
- Disability
- Religion
- LGBTQ
- Tribal Associations

The process began with a discussion of the definition of “ethnic studies” as written in the bill (*see below). As a result, advisory group drafted a new definition (**) of ethnic studies for consideration by the Oregon Department of Education.

*“Ethnic studies” means instruction of public school students in kindergarten through grade 12 in the histories, contributions and perspectives of ethnic minorities and social minorities.

**“Ethnic studies are a compelling way to examine identity, race, ethnicity, community, religion, nationality and culture in the United States. It equips students with a more robust historical narrative that centers on the histories, contributions, and perspectives of historically, traditionally and/or currently marginalized communities and individuals who are Native American or Americans of African, Asian, Pacific Island, Chicano, Latinx or Middle Eastern descent, women, people with disabilities, immigrants, refugees and individuals who are lesbian, gay, bisexual or transgender, as well as assist students in developing a critical lens to see the world, and to be politically, socially and economically conscious about their personal connections to local and national history by understanding systems and power at the root of American society”

The advisory group discussed themes to promote conversations about identity, racial identity theory, systems of power/oppression and taking action/community engagement (unity, strength, coming together). The group did not finalize the themes that emerged in the discussions and recommends that ODE consider presenting the standards aligned with themes as they share them with educators across the state.

Throughout the process, the advisory group engaged educators and community members and invited several individuals to share their voice regarding considerations for the ethnic studies standards. Invited guests included Matthew Bacon-Brenes, a Japanese immersion teacher at Mt. Tabor Middle School and 2018 Oregon Teacher of the Year (TOY) discussed how he became the TOY and his excitement about being a social studies teacher in the Japanese immersion school. April Campbell, Advisor to Deputy State Superintendent on Indian Education provided an overview of Tribal History/Shared History curriculum (SB13) and responded to the following questions from group members:

1. What are the goals of the bill?
2. What is taking place at this time?
3. What research is being used to guide the development of the curriculum?
4. How can the work of SB13 and HB2845 align to strengthen the development of the curriculum?
5. What is the role of urban natives in this work?
6. What standards are being used to create the curriculum (Social Science standards??)
7. What are the central understandings for the Native American curriculum?

Roberta Dunn, Executive Director of FACT Oregon spoke to the group about the needs of individuals experiencing intellectual and developmental disabilities and the importance of “special education being a service and not a place”.

The advisory group engaged in numerous conversations about the need to hear from more educators, specifically social studies teachers. Unfortunately, timing and resources prevented these individuals from attending and participating in meetings in Salem. The advisory group recommends that ODE conduct a series of listening sessions with educators to obtain feedback on their opportunities and needs related to teaching ethnic studies.

“Where the current statewide social studies standards fail to recognize the histories, contributions and perspectives of ethnic minorities and social minorities.”

Ethnic Studies Advisory Group members were asked “as we think about ethnic studies teaching and learning experiences for all Oregon students, what is imperative for students to know and learn about category “*Where do the standards fail?*” (Verbatim comments)

- a. Intentionality and time – intentional time is needed to teach social studies in Oregon schools.
- b. Disability and Aging issues – standards created that integrate a cultural perspective, how they respond to disability and aging. Young people need to understand the aging process from a cultural perspective. Great to look at ethnic heroes and role models that made an impact on history.
- c. The history about contributions from Asian Americans and Pacific Islanders and the same is true for many other ethnic groups.
- d. Ethnic groups are not mentioned until 8th grade.
- e. There is not a clear distinction of the history and contributions and the roles of women as well as members of the LGBTQ community, particularly from communities of color. We cannot gloss over this piece if we are looking at “ethnic studies”
- f. The existence of multiply family formations and gender identifies across cultures in history.
- g. Differentiating between gender identity and gender expression, biological sexual orientation -this can be addressed through the history of an individual or movement.
- h. The impact of trauma. How can we make sure that we are addressing these issues and standards when students are not seeing themselves reflected, but instead see themselves as lower?
- i. A broader perspective and understanding of Oregon history, so that students are able to see their communities have been in Oregon for a long time.
- j. Not all courses or classes can cover everything; hopefully there can be discussions about culture/ethnic studies in other classes and school events.
- k. The classes will not consist of expert students by virtue of their inclusion based on race, etc. on the subject matter.
- l. An understanding that some information may be difficult for students to understand, given the myth of a colorblind society or family belief system.
- m. Ethnic studies cannot just be about race and ethnicity. Students must be provided opportunities to engage in conversations about immigration, migration, decolonized systems or communities, and oppression.
- n. Students needs to know and learn that there is no unanimity and thought and or action in these various categories. Students must be encouraged to go outside the box and weigh the issues.

- o. History is a record of images, issues, and events although it may include the good, the bad, and the ugly it does go further to answer a federally protected category's need for a positive self-concept so that has to be expressed.
- p. Depth and breadth under all the federally protected categories.
- q. Historical contributions of all groups.
- r. How are the standards integrating systems of power, are they just assumptions and presumptions we take for granted around these dominate narratives of nationhood and especially in Oregon of this frontier spirit and make sure that's a part of it.
- s. How the standards can't just add "minorities" but to integrate and elevate these various communities as equals and peers in conversation with each other in this?

Learning Outcomes for Ethnic Studies

Oregon Social Sciences Academic Content Standards

K-5 Learning Outcomes

- 1) Engage in meaningful conversations related to racial identity, self, family, community and other cultures.
- 2) Make connections between students' families, other families and the school community (understand where the student fits into the community).
- 3) Explore and identify similarities and differences among students and within the classroom community.
- 4) Learn the history of the nine federally recognized tribes in the state of Oregon.
- 5) Explore the history, contributions and current events of the nine federally recognized tribes in the state of Oregon.

6-8 Learning Outcomes

1. Explore bias in information by understanding perspective/lens of author and power structures through history.
2. Examine the process of identity formation as an individual, community, state and nation.
3. Explore the complexity of intersecting identity.
4. Learn to understand history and data through multiple worldviews.
5. Apply the ability to research and analyze historical events and power dynamics within different groups of people.

9-12 Learning Outcomes

1. Examine the process of identity formation as individuals, communities, states, and as a nation.
2. Explore the meaning of race as it pertains to individuals and communities.
3. Explore and analyze the histories, struggles, contributions, and triumphs of the following communities in the United States: American Indian/Alaska Native or Americans of African, Asian, Pacific Islander, Chicano/Chicana, Latino/Latina, or Middle Eastern descent, women, people with disabilities, immigrants, refugees and individuals who are lesbian, gay, bisexual, or transgender.
4. Understand the impact and legacy of slavery, colonialism, and other forms of oppression of African Americans.
5. Understand the role of ongoing resistance and self-determination in the trajectory of the African Americans.

6. Analyze the implications of the concept of Manifest Destiny, the Treaty of Guadalupe Hidalgo, the bracero program, immigration policies, and the role of violence, oppression, and persecution of Latinx/Latino/a Americans.
7. Examine the role of identity politics and the Mexican American/Chicano civil rights movement and the development of political power within the Latino American community and its relationship to changing power structures in the United States.
8. Analyze Evaluate scholarly sources [KH1] to consider the impact of U.S. policy on the indigenous American Indian peoples, population, and whether or not these policies had the intent of including genocide, removal, land rights, tribal recognition and sovereignty. on American Indian peoples, Native American and sovereignty, as defined by the 1948 United Nations Convention on Genocide.
9. Analyze U.S. policy on American Indian boarding schools and their impact on indigenous American Indian people cultures, values, and spiritual traditions.
10. Explore the efforts to re-humanize through the restoration and preservation of culture and language, spirituality, and ways of being by indigenous groups
11. Examine the impact of discrimination against Asians and Asian Americans manifested in federal and state policies and legislation, (i.e., 1882 Chinese Exclusion Act, 1907 Gentleman's Agreement, internment during WWII, etc.) and acts of violence by groups and individuals.
12. Examine the role of identity politics and the development of political power within the Asian American community and its relationship to changing power structures in the United States.

RECOMMENDATIONS FOR THE ETHNIC STUDIES STANDARDS

The following recommendations are presented by grade level. The advisory group recommends that ODE develop essential questions for teachers to use for developing and delivering ethnic studies lessons. An example of the high school group’s essential questions are included in this report. ODE’s Office of Teaching and Learning was involved with the formatting of the recommendations.

*The K-12 standards repeatedly make reference to “groups”, that include but is not limited to American Indian/Alaska Native/Native Hawaiian or Americans of African, Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent; individuals from all religious backgrounds; and individuals from traditionally marginalized groups (women, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, or transgender).

Kindergarten	<p>K1 Develop understanding of identity formation related to self, family, community, gender, and disability.</p> <p>K2 Understand culture, define culture, compare and contrast other cultures to own.</p> <p>K3 Examine culturally significant traditions, days, and places.</p> <p>K4 Define and understand diversity as it relates to visible and invisible characteristics that make each individual different.</p> <p>K5 Identify examples of unfairness or injustice towards individuals or groups and the “change-makers,” who worked to make the world better.</p> <p>K6 Make connections and describe the similarities and differences between self and others related to race, ethnicity, culture, disability, and gender identity.</p>
1st Grade	<p>1.1 Examine social construction as it relates to * race, ethnicity, gender, disabilities, sexual orientation.</p> <p>1.2 Identify a variety of diverse individuals, groups, and circumstances that had a contribution on the local community including *</p> <p>1.3 Examine and understand your own self-identity and how it fits with the identity of the local community.</p> <p>1.4 Identify and explain issues and problems of importance to students and ways people are addressing them.</p> <p>1.5 Define, compare and contrast equity, equality and systems of power.</p> <p>1.6 Identify and examine the owner or entity of power as it relates to the creation of rules and laws.</p> <p>1.7 Affirm, respect, celebrate the diversity of your community.</p> <p>1.8 Identify and explain the perspectives of social groups* in our community on local issues.</p>

<p style="text-align: center;">2nd Grade</p>	<p>2.1 Compare personal point of view with others’* perspectives when participating in rule setting and addressing issues of fairness. (Civics)</p> <p>2.2 Explain and evaluate how individuals, groups, and communities identify and manage conflict and promote justice and equity (vs. equality). (Civics)</p> <p>2.3 Identify and describe community celebrations, landmarks, symbols from a variety of traditions and explain why they are significant to the cultural heritage of members of the community. (History)</p> <p>2.4 Explain how wealth and scarcity affect individual and group power and the ability to make decisions about personal savings and spending. (Financial Literacy)</p> <p>2.5. Identify the cultural characteristics of my group identity, (including race, culture, disability, religion, and gender) and that of the local community. (Geography)</p> <p>2.6. Identify a diversity of individuals, groups, and circumstances that impact the local community (History)</p>
<p style="text-align: center;">3rd Grade</p>	<p>3.5 Describe the use of stereotypes and expectations in marketing products for consumption. (Economics)</p> <p>3.2: Examine and analyze the effects of dehumanization through the capture, trade, and enslavement of Africans, and the capture and genocide of Native Americans with the Americas.</p> <p>3.3: Understand the impact and legacy of colonialism on marginalized communities and describe the decisions made to shape the human characteristics of regions in Oregon (tribal, cultural, agricultural, industrial, etc.) with consideration to how bias has manifested into the various social groups and systems. (Gentrification/Geography)</p> <p>3.4: Understand and analyze the impact of systems of power, including white supremacy, institutional racism, racial hierarchy, and oppression. (Historical thinking)</p> <p>3.5: Describe how individuals, groups* (including socioeconomic differences, ethnic groups, and social groups) events and developments have shaped the local community and region.</p> <p>3.6 Describe how the identity of the local community shaped its history and compare to other communities in the region. (History)</p>

<p style="text-align: center;">4th Grade</p>	<p>4.1 Analyze the consequences of power and privilege on issues associated with poverty, income, and the accumulation of wealth. (Economics)</p> <p>4.2 Identify political, economic, cultural and physical conflicts, including genocide, involving the use of land, natural resources, economic interests, competition for scarce resources, different political views, boundary disputes, and cultural differences within Oregon and between different geographical areas. (Geography)</p> <p>4.3 Identify and explain how discrimination based on race, gender, economic, and social group identity created and continues to affect the history, growth, and current experience of residents of Oregon. (History)</p> <p>4.16 Create and evaluate timelines exploring the relationships among the people, events, and movements of resistance, perseverance, and self-determination, and justice in Oregon. (History)</p>
<p style="text-align: center;">5th Grade</p>	<p>5.1. Explain why individuals and groups*, including ethnic and religious groups, and traditionally marginalized groups during the same historical period differed in their perspectives of events, cycles, or movements in the United States.</p> <p>5.2 Examine the connections between current and historical events especially as they relate to movements of equality, freedom, and justice for traditionally marginalized groups*.</p> <p>5.3 Examine and critique how colonial and new states' governments established, limited or denied rights and responsibilities of specific groups and individuals (such as citizens, enslaved peoples, foreigners, nobles, religious groups, women, class systems, tribes). (Civics)</p> <p>5.4 Analyze the implications of the concept of Manifest Destiny.</p> <p>5.5 Compare and contrast tribal forms of government, the British monarchy, and early American colonial governments and analyze their interactions. (Civics)</p> <p>5.6 Compare and contrast multiple accounts or perspectives of the same event, issue, problem or topic and describe important similarities and differences.</p> <p>5.7 Explain and analyze the significance of the slave trade in mercantilist and free-trade systems in trade relations among and between the colonies, Europe, Asia, and Africa. (Economics)</p> <p>5.8 Identify and compare the movement of people, goods, ideas, and cultural patterns to what became the United States, considering past, present and future trends. (Geography)</p>

6th Grade	<p>6.1 Locate, interpret, document, and use information from multiple sources and diverse media, distinguishing facts from opinions while recognizing bias, points of view or cultural frameworks through inquiry and research. (Social Science Analysis)</p> <p>6.2 Analyze cause and effect relationships within the living histories of ethnic groups, religious groups, individuals with disabilities, and other traditionally marginalized groups in the Western Hemisphere. (History)</p> <p>6.3 Determine and explain the historical context of key people, cultures, products, events, and ideas over time including the examination of different perspectives from indigenous people, ethnic and religious groups and other traditionally marginalized groups throughout the Western Hemisphere. (History)</p> <p>6.4 Construct arguments using claims and evidence from multiple sources, (i.e. primary, secondary, and counter-claims, dominant narratives, competing narratives) while acknowledging the strengths and limitations of these arguments and the construction of historical knowledge absent written records. (Social Science Analysis)</p> <p>6.5 Recognize historical and contemporary means of changing societies and identify individuals and/or groups promoting the common good.</p> <p>6.6 Identify the motivations, tools, and implications of power, authority, and governance as it relates to systems of oppression and its impact on ethnic and religious groups and other historically marginalized groups. (History)</p> <p>6.7 Identify and examine the roles and impact of diverse groups of people (e.g. gender roles, social roles, political and economic structures and family and community systems across ancient civilizations (History)</p> <p>6.8 Compare and contrast early forms of governance including the treatment of historically marginalized groups and individuals via the study of early major western and non-western civilizations (Civics)</p> <p>6.9 Evaluate alternative approaches or solutions to economic issues in terms of benefits and costs for different groups in early major western and non-western civilizations. (Economics)</p>
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7th Grade	<p>7.1 Compare and contrast early forms of governance and the global economy, including the treatment of historically marginalized groups and individuals (i.e. indigenous peoples, ethnic and religious) via the study of early civilizations of the Eastern Hemisphere. (Civics)</p> <p>7.2 Analyze the origins, and influence of historical documents (including but not limited to, Ten Commandments, Magna Carta, Hammurabi’s Code, Confucianism, Vedic Law Code) on the development of modern governments and the concept of individual rights and responsibilities. (Civics)</p> <p>7.3 Analyze cause and effect relationships within the living histories of ethnic groups, religious groups and other traditionally marginalized groups in the Eastern Hemisphere. (History)</p> <p>7.4 Identify issues related to historical events to recognize the power, authority, and governance as it relates to systemic oppression and its impact on indigenous peoples, racial, ethnic, and religious groups, as well as other historically persecuted individuals in the Eastern Hemisphere (bias, injustice, discrimination, and stereotypes). (History)</p> <p>7.5 Identify issues related to historical events to recognize power, authority, religion, and governance as it relates to systemic oppression and its impact on indigenous peoples and ethnic and religious groups, and other traditionally marginalized groups in the modern era (bias, injustice, anti-Semitism, discrimination, stereotypes). (History)</p> <p>7.6 Compare historical and contemporary means of changing societies and identify individuals and/or groups promoting the common good including the historic importance of advocacy and activism related to socio-economic resistance (i.e. oppression of the elites, royalty, and religious majority). (Civics)</p> <p>7.7 Identify and describe how the relationship to land including stewardship, displacement, and land ownership impacts identities, cultures, and communities in the Eastern Hemisphere. (Geography)</p>
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8th Grade	<p>8.1 Critique and analyze historical events to recognize power, authority, religion, and governance as it relates to systemic oppression and its impact on Indigenous peoples and ethnic and religious groups, and other historically marginalized groups in the colonial and modern era.</p> <p>8.2 Examine the causes of westward expansion and the resulting cultural and physical genocide of the American Indian/Alaska Native/Native Hawaiian. (History)</p> <p>8.3 Evaluate the influence of the intersections of identity, including but not limited to, gender, age, race, ethnicity, religion, physical and mental disability, and class on the living histories and experiences of peoples, groups, and events.</p> <p>8.4 Analyze the expanding eligibility of citizenship and the continuing struggle for the expansion of rights and responsibilities for ethnic and other historically marginalized groups. (Civics)</p> <p>8.6 Examine and evaluate landmark Supreme Court decisions up to 1900 and the impact of the decisions on government practices, personal liberties, and property rights. (such as Marbury v. Madison, Cherokee Nation v. Georgia, Plessy v. Ferguson, Dred Scott v. Sandford, Yick Wo v. Hopkins) and it’s impact on historically marginalized groups. (Civics)</p> <p>8.7 Compare historical and contemporary means of changing societies and identify individuals and/or groups* promoting the common good including the historic importance of advocacy and activism related to socio-economic resistance (i.e. civil rights, LGBTQ rights, worker’s rights).</p> <p>8.8 Examine and explain the nature of slavery in the US, efforts of self-emancipation, the central role of slavery in US political and military conflict, and the lasting-legacy of enslavement, Jim Crow laws, and Anti-Blackness. (History)</p> <p>8.9 Determine and explain the importance and contributions (products, events, actions, and ideas) of key people, cultures, and ethnic groups*, religious groups, and other traditionally marginalized groups in Oregon, the United States, and the world. (History)</p>
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HS.1 Analyze the impact of the Constitution, the amendments, and attempts at constitutional reform in the establishment and extension of political, social, economic, and educational rights for historically marginalized groups (e.g. 3/5th Compromise, Establishment Clause, the electoral college, Bill of Rights, 13th, 14th, 15th, 19th, 24th, & 26th Amendments, Equal Rights Amendment). (Civics)

HS.2 Identify and analyze the challenges and opportunities of a diverse and pluralistic society (i.e. ethnic, race, and social groups, urban/rural, cultural, poverty, religion, gender, sexual orientation, people with disabilities, and age) recognizing issues of discrimination and inequity, and evaluating methods and actions for promoting pursuit of justice and equality. (Civics)

HS.3 Examine and evaluate documents related to the Constitution and Supreme Court decisions (such as Declaration of Independence, Federalist Papers, Anti-Federalist Papers, Constitution, Bill of Rights, Constitutional amendments,). (Civics)

Note HS. 4 Will include a sidebar for guidance on specific cases as examples to include 1-2 paragraph summary of case and its connection to Ethnic Studies

HS.4 Examine the power of governance and evaluate the reasoning and impact of Supreme Court decisions and federal/state legislation on the rights of individuals and groups (e.g. Marbury v. Madison, Dred Scott v. Sandford, Reconstruction Civil Rights Acts, Plessy v. Ferguson, D.C. v. Heller, Loving v. Virginia, Obergefell v. Hodges, Mendez v. Westminster, Hernandez v. Texas, Brown v. Board, Civil Rights Act of 1964, Voting Rights Act 1965, Gong Lum v. Rice, US v. Ju Toy, Yick Wo v. Hopkins, Chinese Exclusion Act, US v. Wong Kim Ark, US v. Bhagat Singh Thind, Takao Ozawa v. US, Immigration Act of 1965, Sisters v. Pierce, Cherokee Nation v. Georgia, Roe v. Wade, Reed v. Reed, Plyer v. Doe, Oregon Employment Division vs. Smith, Exec. Order 9066, Korematsu v. US, Dartmouth v. Woodward, West Virginia State Board of Education v. Barnette, Rehabilitation Act, ADA, etc.). (Civics) *

*HS.5 Analyze the impact of the exploitative labor systems (e.g., slavery, indenture, peonage, convict leasing, sharecropping, bracero program, migrant labor, Chinese immigrants and the building of the transcontinental railroad) on competition, trade, and standards of living in local, state, and global markets (minimum vs. living wage, collective bargaining, right to work vs agency shop). (Economics)

HS.6 Identify and explain how the business cycle has a disparate impact on allocation of resources on producers and consumers in multiple communities and groups (historically marginalized, urban and rural, socioeconomic, regional, and global economies). (Economics)

HS.7 Describe the potential benefits and consequences, both intended and unintended, of government policies to improve market outcomes and well-being of individuals and groups. (Economics)

HS.8 Explain how current globalization trends and policies affect economic growth, labor markets, rights of citizens, the environment, and resource and income distribution in different nations. (Economics)

HS.9 Use geographic data to analyze the interconnectedness of physical and human regional systems with the global community (e.g., river valley and culture, water rights/use in regions, choice/impact of settlement locations). (Geography)

HS.10 Analyze the relationships among major events, government policies, private action, and spatial diffusion of ideas, technologies, and cultural practices influencing migration patterns, distribution of human populations, segregation of communities, and marginalization and empowerment of individuals and groups. (Geography)

HS.11 Analyze and explain the multiple perspectives of ethnic and traditionally marginalized group to investigate causes and effects of significant events in the development of world, U.S., and Oregon history. (History)

HS.12 Explain the origins and development of major world religions, faiths, belief systems, and philosophies and their impact on historical events, including the experience of traditionally marginalized individuals, and groups. (History)

HS.13 Analyze and explain the history of the American Indian/Alaska Natives/Native Hawaiians in Oregon and the United States regarding their culture, tribal sovereignty, and issues of concern, past and present. (History)

Note HS.14 Additional guidance on e.g. will be offered for teachers in a sidebar that will provide quick summary of connection to Ethnic Studies

HS.14 Analyze and explain the history and persistence of social and political conflicts and compromises regarding power, inequality, and justice with attention to the actions of traditionally marginalized individuals and groups and their connection to current events and movements in the U.S. (e.g. Abolition, Suffrage, Prohibition, Women’s Movement, Civil Rights, Chicano, American Indian Movement, Poor Peoples’ Campaign, Stonewall, anti-war, student, ethnic studies, Disability Rights Movement). (History)

HS.15 Analyze and explain the multiple perspectives of ethnic and traditionally marginalized groups to investigate past and present events when national and/or global interests have been in conflict. (History)

HS.16 Identify and analyze the histories of ethnic and traditionally marginalized groups* and their contributions to Oregon the United States, and the world. (History)

HS.17 Examine the development of the concepts of race and ethnicity. (History)

*HS.18 Identify and explain the legacy of violence, discrimination, and segregation based on race, ethnicity, religion, and gender. (History)

HS.19 Identify and analyze the nature of structural and systemic oppression on LGBTQ, people experiencing disability, ethnic and religious groups, as well as other traditionally marginalized groups, and their role in the pursuit of justice and equality in Oregon, the United States, and the world. (History)

HS.20 Examine and analyze the multiple perspectives and contributions of traditionally marginalized groups* within a dominant society and how different values and views shape Oregon, the United States, and the world. (History)

*HS.21 Identify and critique how implicit bias, institutional racism, racial supremacy, an identity influences perspectives in the understanding of history and contemporary ever (Social Science Analysis)

EXAMPLE – High School Essential Questions – EXAMPLE

HS 1:

1. How does the Constitution extend rights for all citizens?
2. How has the definition of citizenship expanded since the Original Constitution?
3. What protections exist for minorities in a constitutional democracy?
4. What steps are necessary for successfully amending the constitution?

HS 2:

1. What are the civic challenges of a pluralist society?
2. How does a democratic society address discrimination and injustice?
3. To what extent does diversity strengthen a democratic society?
4. How does a Nation-State define its values?

HS 3:

1. What are the key documents in US History?
2. Why do historical documents remain relevant for a modern society?

HS 4:

1. What role does the Supreme Court play in limiting or extending individual rights?
2. Why is the Supreme Court needed in a democratic system?
3. How can contemporary political debate shape the decisions of the Supreme Court?

HS 5:

1. What is the economic legacy of slave labor?
2. How have government and business cooperated to exploit labor?
3. Does a free-market include free labor? When have the rights of workers been suppressed?
4. Can the government regulate business to achieve just outcomes?

HS 6:

1. Do all communities benefit with an expansion of GDP?
2. Do all communities suffer with contraction of the economy?
3. How does government spending impact the business cycle?
4. How do changes in interest rates affect specific communities?

HS 7:

1. What is the importance of monetary and fiscal policy in the pursuit of a just society?

HS 8:

1. What are the economic consequences of global trade?
2. How are specific communities affected by global trade?
3. Is a free-market the best way to improve economic conditions for communities?
4. How does the international community govern global trade, consumption, and use of resources?

HS 9:

1. How does place shape the development of society?
2. Why are societies located near water different from landlocked societies?
3. What is the relationship of communities to natural resources?

HS 10:

1. How do government policies shape settlement patterns?
2. How are ethnic or racial neighborhoods created?
3. What are the factors that lead to demographic change in neighborhoods?
4. How does technology change settlement patterns?
5. What are the push pull factors in the development of urban centers?
6. Why do people move away from the country of their birth?
7. Is “Red-lining” the consequence of government or private action?
8. How has Federal and State government interacted with Indigenous Tribes.

HS 11:

1. What perspectives are included and missing in the history of...?
2. How did various indigenous cultures respond to colonization?
3. How have traditionally marginalized groups challenged attempts at discrimination?

HS 12:

1. Why are there so many world religions?
2. What is the relationship between religion and government?
3. How did various indigenous cultures respond to colonization?
4. How have traditionally marginalized groups challenged attempts at discrimination by the state or individuals?

HS 13:

1. How have indigenous peoples effectively maintained stewardship of the land?
2. Why are there 9 federally recognized tribes in Oregon?
3. How were Native Americans able to define and secure their rights?

HS 14:

1. How can traditionally marginalized groups organize to impact social issues?
2. How did the success of one traditionally marginalized group influence the actions of another?

HS 15:

1. Why would groups denied full equality at home fight for the US during times of war?
2. How have traditionally marginalized groups responded to climate change and overdevelopment of resources?
3. Is it possible to correct past injustices?
4. When is equity more important than equality?

HS 16:

1. How did the Chinese respond to anti-immigrant laws in Oregon?
2. How did racial thinking affect US government policy?
3. What role did traditionally marginalized groups play in the development of Oregon?
4. How has the relationship between Oregon and the nine federally recognized tribes?

HS 17:

1. What is meant by the term race?
2. How has the definition of Whiteness changed over time?
3. What laws were created to maintain racial discrimination?
4. What is the difference between race and ethnicity?
5. Can individuals from traditionally marginalized groups be racist?

HS 18:

1. What was the legal, social, and political response to Reconstruction?
2. How does the legacy of slavery impact contemporary communities?
3. When did the US experience mass racial violence?

HS 19:

1. How have traditionally marginalized groups organized protest of injustice?
2. What legal protections are needed to ensure a just society?
3. What role has the international community played in the expansion of civil rights for traditionally marginalized communities?
4. What civil rights remain threatened for traditionally marginalized groups?

HS 20:

1. What perspectives are included and missing in the history of...?
2. How did various indigenous cultures respond to colonization?
3. How have traditionally marginalized groups challenged attempts at discrimination?
4. What is the Judeo-Christian ethic?
5. Why are there conflicts over religion?
6. How has religion affected people's response to events?
7. Does democracy make religious coexistence possible?

HS 21:

1. Can we make decision without conscious thought?
2. Are individuals responsible for implicit bias?
3. How has government actions perpetuated racial supremacy?
4. How does your identity shape your perspective?
5. Is it possible to experience empathy across "racial lines"?
6. How does the legacy of institutional racism continue to affect traditionally marginalized groups?

House Bill 2845 Presentations and Speaking Engagements

Advisory Group members took advantage of the following opportunities to share the work related to the development of the recommendations for Oregon’s ethnic studies standards:

- Monday, 16 July 2018 – facilitator Kendra Hughes presented overview of the Ethnic Studies standards (HB2845) and Tribal History/Shared History Curriculum (SB13) to more than 60 educators from across the state of Oregon, as part of the Oregon Department of Education Social Sciences Reviewer Training. Ms. Hughes collaborated with April Campbell on the content for the SB13 section presented.
- Monday, 23 July 2018 – group member Alejandra Barragan presented in two locations to large audiences: EMAC Pre-Conference and Quest for True Histories - Part 1: Oregon Black History
- Saturday, 6 October 2018 – facilitator Kendra Hughes presented overview of the bill to more than 90 educators from across the state of Oregon attending the 2018 Oregon Council for Social Studies Conference at Western Oregon University.
- Saturday, 23 February 2019 – group member Alejandra Barragan spoke at the OEA’s 9th Annual Education Symposium Conference on: “Transforming our Schools; Creating Pathways Toward Racial Justice for our Students”.
- Tuesday, 12 March 2019 – group member Helen Ying shared information about the bill at MESD’s Building Bridges to Equity professional development event.
- Friday, 10 May 2019 – group member Helen Ying presented an overview of bill at the 1882 Symposium in Washington, DC.

Considerations and Additional Resources for Educators Teaching Ethnic Studies

The following is a list of verbatim comments/feedback received from educators and Ethnic Studies Advisory Group members in response to the following question: “What will educators need to successfully teach the ethnic studies standards?”

1. Training on disabilities and what it means.
2. Time and financial resources.
3. History of ADA (ADA laws and what they mean)
4. The elder and the disabled and their impact on history.
5. Panels of elders to talk about our history such as WWII and the Civil Rights movement. Presenters should represent different ethnic backgrounds and talk about what it was like for them during those times.
6. Funding
7. Depth and breadth
8. Opportunities for peer learning, cross and interdisciplinary learning.
9. Professional learning, peer development
10. Access to colleagues, mentors, trainers with actual lived experience in these communities (social capital)
11. Imperative we have a common language of what is ethnic studies; what is the impact? What is the importance? What is its role in social studies? Why are we adding this to the standards?
12. Funding – it might be necessary to write a NEH Summer Institute teachers grant proposal were content can be taught to K-12 teacher by those with the expertise and this can be done over multiple years, perhaps summer or weekend workshops.
13. Funding – what large scale funding opportunities can we seek or apply?
14. Teachers need to know about culture of the particular category and if there’s any religion or spiritual aspect to it, the history, socioeconomic and political organization and they create a motif and either deal with our literature and music.
15. Teachers need an introduction in our understanding of equity and diversity and it has brought the broadest forms we celebrate all we have heard thus far.
16. Culturally responsive, pedagogy and practice really have to be foundation to this. Help educators wrap their heads around being “culturally responsive” and what this means.
17. What is the history or past, present, future?
18. Sample lessons, have some models. Time to collaborate and practice.
19. Principals will be critical to this work!
20. Give teachers strategies and skills they need to engage in meaningful conversations that may find difficult.
21. Give our students voice.
22. Teachers need to know that students should not be made to feel like they are the voice of their group (or other federally protected category).

23. Teachers should utilize student voice and not just the textbook. Student discussions around current events would be more meaningful than the textbook.
24. Teachers should prepare for the culture they will teach and not expect students of that culture to explain the culture.
25. Develop the capacity of teachers to teach this content.
26. General concern about the number of standards for educators to digest/access the materials, teacher friendly version?
27. How does the “ethnic studies” conversation impact early learners?
28. Is there an opportunity to connect this work with the Early Learning Division?
29. Global perspective is imperative.

The following summary of the significance of the cases related to federal and state legislation was created by the high school team.

H.S.5 Examine the power of governance and evaluate the reasoning and impact of Supreme Court decisions and federal/state legislation on the rights of individuals and groups:

Marbury v. Madison 1803-

Background: Thomas Jefferson defeated John Adams in the 1800 presidential election. Before Jefferson took office on March 4, 1801, Adams and Congress passed the Judiciary Act of 1801, which created new courts, added judges, and gave the president more control over appointment of judges. **The Act was essentially an attempt by Adams and his party to frustrate his successor, as he used the act to appoint 16 new circuit judges and 42 new justices of the peace. The appointees were approved by the Senate, but they would not be valid until their commissions were delivered by the Secretary of State.** William Marbury had been appointed Justice of the Peace in the District of Columbia, but his commission was not delivered. Marbury, joined by three other similarly situated appointees, demanded the appointment

Findings/Significance: The Court found that Madison's refusal to deliver the commission was illegal, but did not order Madison to hand over Marbury's commission via writ of mandamus. Instead, the Court held that the provision of the Judiciary Act of 1789 enabling Marbury to bring his claim to the Supreme Court was itself unconstitutional, since it purported to extend the Court's original jurisdiction beyond that which Article III, Section 2, established. **Marshall reasoned that the Judiciary Act of 1789 conflicted with the Constitution. Congress did not have power to modify the Constitution through regular legislation because Supremacy Clause places the Constitution before the laws.**

In so holding, Marshall established **the principle of judicial review**, i.e., the power to declare a law unconstitutional.

Dred Scott v. Sandford 1857-

Background: Dred Scott was a slave in Missouri. From 1833 to 1843, he resided in Illinois (a free state) and in the Louisiana Territory, where slavery was forbidden by the Missouri Compromise of 1820. After returning to Missouri, Scott filed suit in Missouri court for his freedom, claiming that his residence in free territory made him a free man. After losing, Scott brought a new suit in federal court. **Scott's master maintained that no "negro" or descendant of slaves could be a citizen in the sense of Article III of the Constitution.**

Findings/Significance: The majority held that "a negro, whose ancestors were imported into [the U.S.], and sold as slaves," whether enslaved or free, **could not be an American citizen and therefore did not have standing to sue in federal court.** Because the Court lacked jurisdiction, Taney dismissed the case on procedural grounds.

Taney further held that **the Missouri Compromise of 1820 was unconstitutional and foreclose Congress from freeing slaves within Federal territories.** The opinion showed deference to the Missouri courts, which held that moving to a free state did not render Scott

emancipated. Finally, Taney ruled that **slaves were property under the Fifth Amendment**, and that any law that would deprive a slave owner of that property was unconstitutional. In dissent, Benjamin Robbins Curtis criticized Taney for addressing the claim's substance after finding the Court lacked jurisdiction. He pointed out that invalidating the Missouri Compromise was not necessary to resolve the case, and cast doubt on Taney's position that the Founders categorically opposed anti-slavery laws.

John McLean echoed Curtis, finding the majority improperly reviewed the claim's substance when its holding should have been limited to procedure. He also argued that men of African descent could be citizens because they already had the right to vote in five states.

Draft Incomplete: Additional Cases Will Be Added

Reconstruction Civil Rights Acts 1866:

Background: The Civil Rights Act was passed by Congress in response to the Civil War and the lingering question of the legal and political status of freedmen. The act was passed over the veto of President Andrew Johnson.

Findings/Significance: The act declared that **all persons born in the United States were now citizens, without regard to race, color, or previous condition**. As citizens they could make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property. Persons who denied these rights to former slaves were guilty of a misdemeanor and upon conviction faced a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both. **The activities of organizations such as the Ku Klux Klan undermined the workings of this act and it failed to guarantee the civil rights of African Americans.**

Reconstruction Civil Rights Acts 1875:

Background: Radical Republican senator Charles Sumner of Massachusetts introduced the Civil Rights Act in 1870 as an amendment to a general amnesty bill for former Confederates. **The bill guaranteed all citizens, regardless of color, access to accommodations, theatres, public schools, churches, and cemeteries.** The bill further forbid the barring of any person from jury service on account of race, and provided that all lawsuits brought under the new law would be tried in federal, not state, courts.

Findings/Significance: The new law required that **all persons, without regard to race, color, or previous condition of servitude, be granted equal access** to public areas and commercial establishments such as inns, restaurants, and theaters. A second section provided that any person denied access to these facilities on account of race would be **entitled to monetary restitution** under a federal court of law.

Reconstruction Civil Rights Acts 1883

Background: The Civil Rights Act of 1875 affirmed the equality of all persons in the enjoyment of transportation facilities, in hotels and inns, and in theaters and places of public amusement. Though privately owned, these businesses were like public utilities, exercising

public functions for the benefit of the public and, thus, subject to public regulation. **In five separate cases, a black person was denied the same accommodations as a white person in violation of the 1875 Act.**

Finding/Significance: **Differentiating between state and private action, the majority ruled that the Fourteenth Amendment did not permit the federal government to prohibit discriminatory behavior by private parties.** Thus, Sections 1 and 2 of the Civil Rights Act of 1875 were unconstitutional because they exceeded Congress's authority under the Fourteenth Amendment by purporting to regulate the conduct of private individuals. The Court held the Act likewise exceeded Congress's authority under the Thirteenth Amendment, which bars involuntary servitude and is restricted to prohibiting ownership of slaves, not other forms of discriminatory conduct.

Plessy v. Ferguson 1896

Background: Louisiana enacted the Separate Car Act, which required separate railway cars for blacks and whites. In 1892, **Homer Plessy – who was seven-eighths Caucasian – agreed to participate in a test to challenge the Act.**

The railroad cooperated because it thought the Act imposed unnecessary costs via the purchase of additional railroad cars. When Plessy was told to vacate the whites-only car, he was refused and arrested.

Finding/Significance: The Court held that the state law was constitutional. The majority upheld state-imposed racial segregation, conceding that the 14th Amendment intended to establish absolute equality for the races before the law, **but held that separate treatment did not imply the inferiority of African Americans.** The Court noted that there was not a meaningful difference in quality between the white and black railway cars.

In short, segregation did not in itself constitute unlawful discrimination.

In dissent, John Marshall Harlan argued that the Constitution was color-blind and that the United States had no class system. Accordingly, all citizens should have equal access to civil rights. **This case established the principal of “Separate but Equal”.**

D.C. v. Heller 2008

Background: Provisions of the District of Columbia Code **made it illegal to carry an unregistered firearm and prohibited the registration of handguns**, though the chief of police could issue one-year licenses for handguns. The Code also contained provisions that required owners of lawfully registered firearms to keep them unloaded and disassembled or bound by a trigger lock or other similar device unless the firearms were located in a place of business or being used for legal recreational activities.

Heller was a D.C. special police officer who was authorized to carry a handgun while on duty. He applied for a one-year license for a handgun he wished to keep at home, but his application was denied. Heller sued the District of Columbia. He sought an injunction against the enforcement of the relevant parts of the Code and **argued that they violated his Second Amendment right** to keep a functional firearm in his home without a license.

Findings/Significance: **The ban on registering handguns and the requirement to keep guns in the home disassembled or nonfunctional with a trigger lock mechanism violate the Second Amendment.** Justice Antonin Scalia delivered the opinion for the 5-4 majority. The Court held that the first clause of the Second Amendment that references a “militia” is a prefatory clause that does not limit the operative clause of the Amendment. **The dissent wrote that the Second Amendment does not create an unlimited right to possess guns for self-defense purposes. Instead, the most natural reading of the Amendment is that it protects the right to keep and bear arms for certain military purposes but does not curtail the legislature’s power to regulate nonmilitary use and ownership of weapons.** The Court should adopt an interest-balancing test to determine when the government interests were sufficiently weighty to justify the proposed regulation. In this case, because the interest-balancing turns on the type of analysis that the legislature, not the court, is best positioned to make, the Court should defer to the legislature and uphold the restrictions.

Loving v. Virginia 1967

Background: In 1958, two residents of Virginia, Mildred Jeter, a black woman, and Richard Loving, a white man, were married in the District of Columbia. The Lovings returned to Virginia shortly thereafter. **The couple was then charged with violating the state's anti-miscegenation statute, which banned inter-racial marriages.** The Lovings were found guilty and sentenced to a year in jail (the trial judge agreed to suspend the sentence if the Lovings would leave Virginia and not return for 25 years). The Lovings claimed that Virginia’s miscegenation law violated the 14th Amendment’s Equal Protection Clause.

Findings/Significance: In a unanimous decision, the Court held that **distinctions drawn according to race were generally "odious to a free people"** and were subject to "the most rigid scrutiny" under the Equal Protection Clause. The Virginia law, the Court found, had no legitimate purpose "independent of invidious racial discrimination." The Court **rejected the state's argument that the statute was legitimate because it applied equally to both blacks and whites** and found that racial classifications were not subject to a "rational purpose" test under the Fourteenth Amendment. The Court also held that the Virginia law **violated the Due Process Clause of the Fourteenth Amendment.** "Under our Constitution," wrote Chief Justice Earl Warren, **"the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State."**

Obergefell v. Hodges 2015

Background: Groups of same-sex couples sued their relevant state agencies in Ohio, Michigan, Kentucky, and Tennessee to challenge the constitutionality of those states' bans on same-sex marriage or refusal to recognize legal same-sex marriages that occurred in jurisdictions that provided for such marriages. **The plaintiffs in each case argued that the states' statutes violated the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment, and one group of plaintiffs also brought claims under the Civil Rights Act.**

Findings/Significance: In a 5-4 decision **the Court held that the Due Process Clause of the Fourteenth Amendment guarantees the right to marry as one of the fundamental liberties it protects, and that analysis applies to same-sex couples in the same manner as it does to opposite-sex couples.** Judicial precedent has held that the right to marry is a fundamental liberty because it is inherent to the concept of individual autonomy, it protects the most intimate association between two people, it safeguards children and families by according legal recognition to building a home and raising children, and it has historically been recognized as the keystone of social order. Because there are no differences between a same-sex union and an opposite-sex union with respect to these principles, the exclusion of same-sex couples from the right to marry violates the Due Process Clause of the Fourteenth Amendment. **The Equal Protection Clause of the Fourteenth Amendment also guarantees the right of same-sex couples to marry as the denial of that right would deny same-sex couples equal protection under the law.**

Dissenting, Justice Thomas argued that the majority opinion impermissibly **infringed on religious freedom by legislating from the bench rather than allowing the state legislature to determine** how best to address the competing rights and interests at stake. Justice Scalia joined in the dissent. In his separate dissent, Justice Samuel A. Alito, Jr. wrote that **the Constitution does not address the right of same-sex couples to marry, and therefore the issue is reserved to the states to decide whether to depart from the traditional definition of marriage.** By allowing a majority of the Court to create a new right, **the majority opinion dangerously strayed from the democratic process and greatly expanded the power of the judiciary beyond what the Constitution allows.**

Mendez v. Westminster (9th Circuit Court of Appeals)

Background: School officials, however, told her aunt that her children, who were half-Mexican but

had light skin and a French surname, could register at the "white" elementary school, but the Mendez kids, who were dark skinned and had a Mexican last name, were not allowed; they had to enroll at the "Mexican" school 10 blocks away. The federal court ruled that the "segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists" and that the equal protection clause had been violated. The school districts appealed the decision, but on April 14, 1947, the 9th Circuit Court of Appeals in San Francisco upheld the federal court ruling.

Findings/Significance: Shortly thereafter California Gov. Earl Warren pushed the state legislature into repealing laws that segregated Asians and Native American school children Thurgood Marshall, who wrote the NAACP's friend of the court brief for Mendez v. Westminster, used the decision as precedent when he argued Brown v. Board of Education in front of the U.S. Supreme Court.

In 1954, Earl Warren, then Chief Justice of the U.S. Supreme Court, wrote the opinion in Brown v. Board of Education that declared school segregation unconstitutional.

Hernandez v. Texas 1954

Background: Hernandez, an agricultural worker, was indicted for the murder of Joe Espinoza by an all-Anglo (white) grand jury in Jackson County, Texas. Claiming that **Mexican-Americans were barred from the jury commission that selected juries, and from petit juries.** A Mexican-American had not served on a jury in Jackson County in over 25 years and thus, Hernandez claimed that Mexican ancestry citizens were discriminated against as a special class in Jackson County. Hernandez was found guilty of murder and sentenced by the all-Anglo jury to life in prison. In affirming, the Texas Court of Criminal Appeals found that **"Mexicans are...members of and within the classification of the white race as distinguished from members of the Negro Race"** and rejected the petitioners' argument that they were a "special class" under the meaning of the Fourteenth Amendment. Further, the court pointed out that "so far as we are advised, no member of the Mexican nationality" challenged this classification as white or Caucasian.

Findings/Significance: In a unanimous opinion delivered by Chief Justice Earl Warren, **the Court held that the Fourteenth Amendment protects those beyond the two classes of white or Negro,** and extends to other racial groups in communities depending upon whether it can be factually established that such a group exists within a community. In reversing, the Court concluded that the Fourteenth Amendment "is not directed solely against discrimination due to a 'two-class theory'" but in this case covers those of Mexican ancestry. This was established by the fact that the distinction between whites and Mexican ancestry individuals was made clear at the Jackson County Courthouse itself where "there were two men's toilets, one unmarked, and the other marked 'Colored Men and 'Hombres Aqui' ('Men Here')," and by the fact that no Mexican ancestry person had served on a jury in 25 years. Mexican Americans were a "special class" entitled to equal protection under the Fourteenth Amendment.

Brown v. Board 1954

Background: This case was the consolidation of cases arising in Kansas, South Carolina, Virginia, Delaware, and Washington D.C. relating to the segregation of public schools on the basis of race. In each of the cases, **African American students had been denied admittance to certain public schools based on laws allowing public education to be segregated by race.** They argued that such segregation **violated the Equal Protection Clause of the Fourteenth Amendment.** The plaintiffs were denied relief in the lower courts based on Plessy v. Ferguson, which held that racially segregated public facilities were legal so long as the facilities for blacks and whites were equal. (This was known as the **"separate but equal"** doctrine.)

Findings/Significance: Chief Justice Warren delivered the opinion of the unanimous court that **separate but equal educational facilities for racial minorities is inherently unequal, violating the Equal Protection Clause of the Fourteenth Amendment.** The Court reasoned that the segregation of public education based on race **instilled a sense of inferiority that had a hugely detrimental effect** on the education and personal growth of African American children. Warren based **much of his opinion on information from social science studies rather than court precedent.** The decision also used language that was relatively accessible

to non-lawyers because Warren felt it was necessary for all Americans to understand its logic.

Civil Rights Act of 1964,

The Civil Rights Act of 1964 **ended segregation in public places and banned employment discrimination on the basis of race, color, religion, sex or national origin.** It is considered one of the crowning legislative achievements of the civil rights movement. First proposed by President John F. Kennedy, it survived strong opposition from southern members of Congress and was then signed into law by Kennedy's successor, Lyndon B. Johnson. In subsequent years, Congress expanded the act and passed additional civil rights legislation such as the Voting Rights Act of 1965.

Voting Rights Act 1965

The Act, which closely followed the language of the 15th amendment, **applied a nationwide prohibition against the denial or abridgment of the right to vote on the literacy tests on a nationwide basis.** Among its other provisions, the Act contained special enforcement provisions targeted at those areas of the country where Congress believed the potential for discrimination to be the greatest. Under Section 5, jurisdictions covered by these special provisions could not implement any change affecting voting until the Attorney General or the United States District Court for the District of Columbia determined that the change did not have a discriminatory purpose and would not have a discriminatory effect.

Final thoughts/comments from the Ethnic Studies Advisory Group

The Advisory Groups final recommendation to ODE to support educators teaching the ethnic studies standards:

- Identify partners and resources for professional learning and support i.e. education service districts may be a viable option as they are located across the state.
- Develop a website (online portal) located on ODE’s webpage. This website (online portal) would house resources and materials teachers can use when creating ethnic studies lessons.
- Identify funding for curriculum development and purchasing of classroom materials.
- Conduct training sessions and keynote presentations at statewide conferences to promote implementation of the ethnic studies standards.
- Provide regular updates regarding the standards and progress of the work on ODE’s website.
- Regularly communicate with the group that championed the ethnic studies bill as well as the advisory group, informing them about the progress and success related to implementation of the standards.
- Commit to providing support and resources regarding use and implementation of the ethnic studies standards to avoid compartmentalizing the ethnic studies standards as educators cannot think teaching ethnic studies is “extra”.