

1 S.139

2 Introduced by Senator McCormack

3 Referred to Committee on Education

4 Date: April 21, 2021

5 Subject: Education; public schools; team mascots

6 Statement of purpose of bill as introduced: This bill proposes to prohibit a
7 public school from having or adopting a name, symbol, or image that depicts
8 or refers to a racial or ethnic group, individual, custom, or tradition and that is
9 used as a mascot, nickname, logo, letterhead, or team name of the school.

10 ~~An act relating to public schools' team mascots~~

11 *An act relating to nondiscriminatory school branding*

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 16 V.S.A. § 914 is added to read:~~

14 § 914. TEAM MASCOTS

15 A public school shall not have or adopt a name, symbol, or image that
16 depicts or refers to a racial or ethnic group, individual, custom, or tradition and
17 that is used as a mascot, nickname, logo, letterhead, or team name of the
18 school. A public school shall not retain a name, symbol, or image that
19 previously depicted or referred to a racial or ethnic group, individual, custom,
20 or tradition and that is used as a mascot, nickname, logo, letterhead, or team
21 name of the school. Any public school not in compliance three years after

1 ~~passage of this act shall be ineligible to compete in Vermont Principals?~~

2 Association-sanctioned events.

3 Sec. 2. EFFECTIVE DATE

4 ~~This act shall take effect on passage.~~

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly to ensure that all Vermont schools provide positive and inclusive learning environments for all students by eliminating the use of discriminatory school branding, which undermines the educational experiences of members of all communities and perpetuates negative stereotypes. All Vermont students should feel safe and welcome while enrolled in a Vermont school.

Sec. 2. 16 V.S.A. § 568 is added to read:

§ 568. SCHOOL BRANDING

(a) Definitions. As used in this section:

(1) "School" means a public school or an independent school approved under section 166 of this title.

(2) "School board" means the board of directors or other governing body of an educational institution when referring to an independent school.

(3) "School branding" means any name, symbol, or image used by a school as a mascot, nickname, logo, letterhead, team name, slogan, motto, or other identifier.

(b) Model policy.

(1) The Secretary of Education, in consultation with stakeholder groups including the Vermont School Boards Association, shall develop and, from time to time, update a model nondiscriminatory school branding policy. The policy shall prohibit school branding that directly or indirectly references or stereotypes the likeness, features, symbols, traditions, or other characteristics that are specific to either:

(A) the race, creed, color, national origin, sexual orientation, or gender identity of any person or group of persons; or

(B) any person, group of persons, or organization associated with the repression of others.

(2) The policy shall provide a process for an individual to file a complaint that an element of school branding is in violation of the policy. Complaints shall be determined first by the school board of the district and, if the individual is unsatisfied with the decision of the board, may be appealed to the Secretary of Education.

(3) The policy shall also require school boards to review the district's school branding to ensure compliance with the policy after any school branding changes or updates to the policy.

(c) School branding policy adoption. Each school board shall develop, adopt, and ensure implementation of, and make available in the manner described under subdivision 563(1) of this title, a nondiscriminatory school branding policy that shall be at least as comprehensive as the model policy developed by the Secretary. Any school board that fails to adopt such a policy shall be presumed to have adopted the most current model policy published by the Secretary.

Sec. 3. IMPLEMENTATION

(a) The Agency of Education shall adopt the model policy required in Sec. 2 of this act not later than August 1, 2022.

(b) School boards, as defined in Sec. 2 of this act, shall adopt and implement school branding policies as required by section 2 of this act not later than January 1, 2023.

(c) School boards shall review the district's school branding in place at the time the policy is adopted to ensure compliance with the policy.

(d) A school may use materials that feature school branding that does not comply with the policy after January 1, 2023, if the materials were purchased before January 1, 2023, and if the school selects new school branding by May 1, 2023, to take effect in the 2023-24 school year.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2022.