

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 139
3 entitled “An act relating to public schools’ team mascots” respectfully reports
4 that it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 Sec. 1. 16 V.S.A. § 164 is amended to read:

8 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

9 The State Board shall engage local school board members and the broader
10 education community and, consistent with the provisions of this title, its own
11 rules, and rules adopted by the Secretary, establish and regularly update a long-
12 term strategic vision for the delivery of educational services in Vermont;
13 advise the General Assembly, the Governor, and the Secretary of Education on
14 high-priority educational policies and issues as they arise; and act in
15 accordance with legislative mandates, including the adoption of rules and
16 executing special assignments. In addition to other specified duties, the Board
17 shall:

18 * * *

19 (22) Approve public school branding, as defined in section 141 of this
20 title.

1 Sec. 2. 16 V.S.A. chapter 1, subchapter 10 is added to read:

2 Subchapter 10. Public School Branding

3 § 141. PUBLIC SCHOOL BRANDING APPROVAL AND GUIDELINES

4 (a) Definition. As used in this section, “school branding” means any name,
5 symbol, or image used by a school as a mascot, nickname, logo, letterhead,
6 team name, slogan, motto, or other identifier.

7 (b) School branding approval guidelines. Public school branding shall be
8 approved by the State Board of Education. When granting approval, the State
9 Board shall find that the proposed branding does not directly or indirectly
10 reference or stereotype the likeness, features, symbols, traditions, or other
11 characteristics that are specific to either:

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

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

16 (c) Approval process. School boards shall submit proposals for school
17 branding changes to the State Board of Education for approval. Proposals shall
18 include second- and third-choice branding options. The State Board shall
19 provide residents of the school district an opportunity to be heard and may, in
20 its discretion, take testimony from other individuals. In its review of the
21 proposal, the State Board shall consider the historical context of the proposed

1 branding and issue written findings approving or denying the proposal,
2 consistent with subsection (b) of this section.

3 (d) Recognized Native American tribes. This section shall not prohibit a
4 Native American tribe, recognized by the State of Vermont pursuant to
5 1 V.S.A. § 853, from choosing to use Native-related school branding for a
6 tribal school or from giving explicit consent for a public school to use school
7 branding related to their tribe. Such consent shall be included in any proposal
8 to the State Board.

9 Sec. 3. EXISTING SCHOOL BRANDING

10 (a) Existing school branding objections.

11 (1) Any individual or organization may file a written objection to the
12 State Board of Education requesting review of any public school branding in
13 use on July 1, 2022. Objections shall be filed not later than August 31, 2022
14 and shall indicate how the school branding at issue violates 16 V.S.A.
15 § 141(b).

16 (2) If no written objection regarding a school is filed on or before
17 August 31, 2022, the school branding shall be deemed approved by default.

18 (3) The State Board shall notify the school board of a school subject to
19 an objection within 15 days after receiving the objection. The school board
20 shall conduct a self-review of the school branding that includes historical
21 research and education and make a recommendation to either continue use of

1 the school branding or propose new branding. On or before December 31,
2 2022, the school board shall submit a proposal to the State Board with its
3 recommendations, including second- and third-choice branding options.

4 (4) The State Board shall provide residents of the school district an
5 opportunity to be heard and may, in its discretion, take testimony from other
6 individuals. In its review of the proposal, the State Board shall consider the
7 historical context and prior use of the proposed branding. Based on the nature
8 of the objection and school branding at issue, the State Board shall also make
9 an effort to consult with any cultural group or organization that may aid the
10 State Board in its review. The State Board shall issue written findings
11 approving or denying the proposal, consistent with 16 V.S.A. § 141(b) and (d).
12 State Board decisions shall be issued on or before April 30, 2023. If new
13 branding is approved, it shall take effect on or before August 31, 2023.

14 (b) Transition funding.

15 (1) Schools that voluntarily acknowledge branding that violates
16 16 V.S.A. § 141(b) (school branding approval guidelines) and propose
17 alternative branding that is approved by the State Board may be eligible for
18 transition funding to defray the cost of any structural changes needed to adopt
19 the new school branding. The school district's proposal to the State Board
20 shall include an analysis of the amount of transition funding needed. The State
21 Board's decision shall include the final approved amount of transition funding.

1 (2) The Agency of Education shall administer the transition funding and
2 shall consult the State Board as needed.

3 Sec. 4. APPROPRIATION

4 The sum of \$1.00 is appropriated from the Education Fund to the Agency of
5 Education in fiscal year 2023 for the purpose of defraying costs associated
6 with school branding changes.

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on July 1, 2022.

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16 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE