

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 school branding for public schools and approved
20 independent schools that are eligible to receive public funds, pursuant to
21 section 141 of this title.

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

2 Subchapter 10. School Branding

3 § 141. SCHOOL BRANDING APPROVAL

4 (a) Definitions. As used in this section:

5 (1) “School branding” means any name, symbol, or image used by a
6 school as a mascot, nickname, logo, letterhead, team name, slogan, motto, or
7 other identifier.

8 (2) “Approved independent school” means an independent school that:

9 (A) is approved under section 166 of this title;

10 (B) is eligible to receive public funds; and

11 (C) competes in Vermont Principals’ Association-sanctioned events.

12 (b) School branding approval guidelines. The State Board of Education
13 shall approve school branding for public schools and approved independent
14 schools. When granting approval, the State Board shall find that the proposed
15 branding does not directly or indirectly reference or stereotype the likeness,
16 features, symbols, traditions, or other characteristics that are specific to either:

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

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

21 (c) Approval process.

1 (1) School boards and approved independent school governance bodies
2 shall submit proposals for school branding changes to the State Board of
3 Education for approval.

4 (2) The State Board shall provide residents of the school district or
5 members of the approved independent school community an opportunity to be
6 heard and may, in its discretion, take testimony from other individuals.

7 (3) In its review of the proposal, the State Board shall consider the
8 historical context and any prior use of the proposed branding. Based on the
9 nature of the school branding at issue, the State Board shall also make an effort
10 to consult with any cultural group or organization that may aid the State Board
11 in its review.

12 (4) The State Board shall issue written findings approving or denying
13 the proposal, consistent with subsections (b) and (e) of this section, and shall
14 provide further direction to the school board or approved independent school
15 governance body if it denies the proposal.

16 (d) School branding objections.

17 (1) Any individual or organization may file a written objection to the
18 State Board requesting review of the branding of any public school or
19 approved independent school. Objections shall indicate how the school
20 branding at issue violates subsection (b) of this section.

1 (2) The State Board shall notify the school board or approved
2 independent school governance body of a school subject to an objection within
3 15 days after receiving the objection. The school board or approved
4 independent school governance body shall conduct a self-review of the school
5 branding that includes historical research and education and submit a proposal
6 to the State Board with a recommendation to either continue use of the school
7 branding or propose new branding.

8 (3) The State Board shall provide individuals an opportunity to be heard,
9 conduct a review of the proposal, and issue written findings approving or
10 denying the proposal, as provided in subsection (c) of this section.

11 (e) Recognized Native American tribes. This section shall not prohibit a
12 Native American tribe, recognized by the State of Vermont pursuant to
13 1 V.S.A. § 853, from choosing to use Native-related school branding for a
14 tribal school or from giving explicit consent for a public school to use school
15 branding related to their tribe. Such consent shall be included in any proposal
16 to the State Board.

17 Sec. 3. TRANSITION FUNDING

18 (a) Transition funding.

19 (1) Public schools and approved independent schools that obtain State
20 Board approval for new school branding prior to December 31, 2023 may be
21 eligible for transition funding to defray the cost of any structural changes

1 needed to adopt the new school branding. To qualify for transition funding,
2 the change in school branding shall be made in an effort to come into
3 compliance with 16 V.S.A. § 141. The school district or approved independent
4 school governance body’s proposal to the State Board shall include an analysis
5 of the amount of transition funding needed. The State Board’s decision shall
6 include the final approved amount of transition funding.

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

9 (b) Appropriation. The sum of \$300,000.00 is appropriated from the
10 Education Fund to the Agency of Education in fiscal year 2023 for the purpose
11 of defraying costs associated with school branding changes.

12 Sec. 4. REPORT ON STATUS OF SCHOOL BRANDING AND
13 RECOMMENDATIONS

14 On or before July 1, 2025, the State Board of Education shall issue a written
15 report to the Senate and House Committees on Education with an overview of
16 the school branding it has reviewed since the effective date of this act. The
17 report shall include details on how each school branding reviewed came before
18 the State Board, a synopsis of the analysis that went into each review, an
19 accounting of transition funds provided, and details on the final outcomes of
20 each review. The report shall also include any recommendation for legislative
21 action related to school branding.

1 Sec. 5. EFFECTIVE DATE

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

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10 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE