

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. LEGISLATIVE INTENT

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

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

15 § 568. SCHOOL BRANDING

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

17 (1) “School” means a public school or an independent school approved
18 under section 166 of this title.

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

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

4 (b) Model policy.

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

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

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

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

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

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

11 Sec. 3. IMPLEMENTATION

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

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

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

19 (d) A school may use materials that feature school branding that does not
20 comply with the policy after January 1, 2023, if the materials were purchased
21 before January 1, 2023, and if:

1 (1) The school selects new school branding by May 1, 2023, to take
2 effect in the 2023-24 school year;

3 (2) Except as provided otherwise by this subdivision (d)(2), the school
4 does not purchase or acquire any uniforms or materials that include the
5 noncompliant school branding. However, a school using the noncompliant
6 school branding may, until January 1, 2024, purchase or acquire a number of
7 uniforms equal to up to twenty percent of the total number of uniforms used by
8 a group at that school during the 2023-24 school year solely to replace
9 damaged or lost uniforms;

10 (3) The school does not purchase, create, or acquire any yearbook,
11 newspaper, program, or other similar material that includes or bears the
12 noncompliant school branding; and

13 (4) The school does not purchase, construct, or acquire a marquee, sign,
14 or other new or replacement fixture that includes or bears the noncompliant
15 school branding.

16 Sec. 4. EFFECTIVE DATE

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

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2 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE