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## AOE Testimony: S.139; Proposal for School District Brand Policy

**Testimony To:** Senate Committee on Education

**Respectfully Submitted by:** Emily Simmons, General Counsel

**Date:** February 22, 2022

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On February 17, 2022, Secretary French testified regarding S.139 and advocated for an amendment to the bill which would require school districts to adopt a local policy that would prohibit mascots and other school branding that directly or indirectly references or stereotypes the likeness, features, symbols, traditions, or other characteristics that are specific to a protected class or the repression of others.

The following language is proposed by the Agency of Education:

1) In Section 1 of the bill, amend the existing statutory duties of school boards listed in 16 V.S.A. § 563 to add the following:

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“(33) Shall develop, adopt and ensure implementation of 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.”

2) In Section 2 of the bill, add session law to require AOE to publish a model policy required by 16 V.S.A. 563(33) on or before July 1, 2022. Direct AOE to work with stakeholder groups, including Vermont School Boards Association (VSBA), on the model policy. Require that the model policy shall include the following provisions:

(a) 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: (1) the race, creed, color, national origin, sexual orientation, or gender identity of any person or group of persons; or (2) any person, group of persons, or organization associated with the repression of others;

(b) The policy shall provide a process requiring the school board to review the district’s current branding to ensure compliance with the policy;

(c) 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.