

HOUSE BILL REPORT

SHB 1356

As Amended by the Senate

Title: An act relating to prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.

Brief Description: Prohibiting the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.

Sponsors: House Committee on Education (originally sponsored by Representatives Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley and Pollet).

Brief History:

Committee Activity:

Education: 2/5/21, 2/12/21 [DPS].

Floor Activity:

Passed House: 2/23/21, 92-5.

Senate Amended.

Passed Senate: 4/6/21, 40-9.

Brief Summary of Substitute Bill

- Prohibits public schools from using Native American names, symbols, or images as school mascots, logos, or team names.
- Establishes exceptions to the prohibition if certain requirements are met, including consultation with and authorization by, the applicable tribe or tribes.
- Allows for the phasing out of uniforms or other materials bearing Native American names, symbols, or images as mascots, logos, or team names if specified requirements are met.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, Ortiz-Self, Rude, Steele and Stonier.

Minority Report: Without recommendation. Signed by 2 members: Representatives McCaslin and McEntire.

Staff: Ethan Moreno (786-7386).

Background:

Policies and decisions about public school mascots, logos, and team names are determined at the local school district or building level.

The State Board of Education has twice adopted resolutions related to Native American mascots. A 2012 resolution directed districts to discontinue the use of Native American mascots. A 1993 resolution asked all school districts to review building names, mascots, logos, activities, events, portrayal of caricatures, and behaviors to ensure that such references and activities were free from bias and derogatory connotations or effects associated with race, creed, color, national origin, gender, sexual orientation, and disability.

There are 29 federally recognized tribes in Washington. Tribes are recognized by federal law as sovereign governments with inherent powers of self-governance, including the power to regulate within tribal territory and certain immunities from state authority.

Summary of Substitute Bill:

Unless specified requirements are met, beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names.

The prohibition does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as the term is defined in federal law, or public schools in a county that contains all or part of a tribal reservation or tribal trust lands, if the tribe or tribes having regulatory jurisdiction over the territory within that boundary have:

- been consulted by the appropriate school, district, or both, in accordance with specified requirements; and
- authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

Additionally, a public school that does not meet the geographic requirements for a potential exemption to the prohibition may be exempted from the prohibition if:

- the school is located in a county that is adjacent to a county that contains all or part of

- a tribal reservation or trust lands; and
- the tribe that is consulted with and determines to authorize the use of the name, symbol, or image is the nearest federally recognized Indian tribe.

A public school may use uniforms or other materials after January 1, 2022, bearing Native American names, symbols, or images as mascots, logos, or team names if the uniforms or materials were purchased before January 1, 2022, and if:

- the school selects a new mascot, logo, or team name by December 31, 2021, to take effect in the 2021-22 school year;
- the school does not purchase or acquire any uniforms or materials that include the discontinued Native American name, symbol, or image. However, a school using the discontinued Native American name, symbol, or image may, until January 1, 2023, purchase or acquire a limited number of uniforms solely to replace damaged or lost uniforms;
- the school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued Native American name, symbol, or image; and
- the school does not purchase, construct, or acquire a marquee, sign, or other new or replacement fixture that includes or bears the discontinued Native American name, symbol, or image.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment: (1) directs the Office of the Superintendent of Public Instruction to create a temporary grant program to provide grants to school district that incur costs as a result of complying with provisions that generally prohibit public schools from using Native American names, symbols, or images as school mascots, logos or team names; (2) provides examples of costs that grants may be used for; and (3) makes the grant program null and void if not funded in the omnibus appropriations act by June 30, 2021.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Native American regalia are intertwined with their culture and laws. The regalia has deep meaning, is passed through the generations, and is the very essence of who Native Americans are. When Native Americans see others using their regalia, sometimes in mockery, it is disrespectful of the people and culture. Native Americans are not animals, they are people and deserving of respect. The state has an opportunity to make history with

this legislation. There are 31 schools using real or imagined Native American names. School funding restrictions should be used as an incentive to promote changes. The use of Native American mascots is both hurtful and ongoing. Passing this bill is the correct thing to do for present and future generations and will honor Native Americans.

The bill will strengthen collaborations between schools and tribes.

The State Board of Education has adopted resolutions on the issues of this bill and the State Board of Education's support for those resolutions is ongoing. The consultation component of the bill is especially important. The bill needs to be passed so that mascots can be in the past.

Schools continue to use images of Native Americans in schools, including images that are comparable to extinct and caged animals. This bill will help mend broken relationships between Native Americans and schools. No student or group of students should be asked to carry the burden of inaccurate and hurtful images. The mascot images that are used in schools are a conglomeration of inaccurate images.

This bill will correct an issue that should have been fixed years ago. Inaccurate and harmful images create real pain and harm for students. This bill will empower Native American cultures.

Professional sports teams have had names that appear to be disrespectful to people. If the professional teams can change their names, so can schools in Washington.

The dehumanization of Native Americans is far from uncommon. Native Americans are not costumes or warriors. Native Americans are survivors of 500 years of colonial racism and genocide. When youth see images portraying Native Americans as killing machines, their self-esteem is lowered. Suicide rates are high among Native Americans.

The use of Native American names on places that are not Native American owned or operated is disrespectful. The disrespect that Native American mascots convey is not being taught to students. Culture is not a costume. Honor is not given through taking.

The use of Native American mascots is dehumanizing. Doing the right thing is important, even if it is not easy.

(Opposed) The bill may impact blossoming relationships between schools and tribes. Some districts may be inadvertently excluded from the bill. The bill should be modified to allow a school to work with a tribe, regardless of county boundaries. Schools would like to have an opportunity for authentic engagement with tribes.

Persons Testifying: (In support) Representative Lekanoff, prime sponsor; Cindy Kelly, Washington State School Directors' Association; Ivy Pete, Legislative Youth Advisory

Council; Bill Kallappa, State Board of Education and Nisqually Tribe; Henry Bankowski and Lucy Naiman, Bellingham School District; Jon Claymore, Office of the Superintendent of Public Instruction; Bea Kelzenberg, Cashmere Middle School; and Willie Frank Jr. and Chay Squally, Nisqually Tribe.

(Opposed) Eric Sobotta, Reardan-Edwall School District.

Persons Signed In To Testify But Not Testifying: Maria Horja, Bellingham School District; Craig Bill, Governor's Office of Indian Affairs; Peggen Frank, Hoh Tribe; and Rodney Cawston, Confederated Tribes of the Colville Reservation.