

SENATE BILL REPORT

SHB 1356

As of March 11, 2021

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

Committee Activity: Early Learning & K-12 Education: 3/12/21.

Brief Summary of Bill

- Prohibits public schools from using Native American names, symbols, or images as school mascots, logos, or team names.
- Establishes exceptions if certain requirements are met, including tribal consultation and authorization.
- Allows for phasing out uniforms or other materials if specified requirements are met.
- Creates a grant program, administered by the Office of the Superintendent of Public Instruction, to provide grants to school districts to support schools that incur costs as a result of compliance with this act.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Benjamin Omdal (786-7442)

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.

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 1993 resolution asked all school districts to review building names, mascots, logos, activities, events, portrayal of caricatures, and behaviors to ensure 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. A 2012 resolution directed districts to discontinue the use of Native American mascots.

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.

In 2015, legislation was enacted to require school districts to incorporate the curricula about the history, culture, and government of the nearest federally recognized tribe or tribes when reviewing or adopting social studies curriculum. In addition, districts must collaborate with local tribes to incorporate curriculum materials and to create programs of classroom and community cultural exchanges.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Striking Amendment): Prohibition on Public Schools' Use of Native American Names, Symbols, or Images as Mascots, Logos, or Team Names. Beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names unless they have met specific requirements.

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, including summaries of completed and ongoing actions related to incorporating tribal curricula; and
- authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.

A public school that does not meet the geographic requirements for a potential exemption to the prohibition is exempt from the prohibition if:

- the school is located in a county adjacent to a county that contains all or part of a tribal reservation or trust lands; and
- the tribe that is consulted with and authorizes the use of the name, symbol, or image is the nearest federally recognized Indian tribe.

Uniforms and Other Materials. A public school may use uniforms or other materials bearing Native American names, symbols, or images after January 1, 2022, 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 additional uniforms or materials;
- the school does not purchase, create, or acquire any yearbook, newspaper, program, or other similar material that includes or bears the discontinued 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 name, symbol, or image.

A school using the discontinued Native American name, symbol, or image may purchase or acquire up to 20 percent of the total number of uniforms used by a team, band, or cheer squad during the 2021-22 school year solely to replace damaged or lost uniforms.

The Office of the Superintendent of Public Instruction Grant Program. The Office of the Superintendent of Public Instruction (OSPI) must create a grant program to provide transitional support grants to school districts to support schools that incur costs as a result of compliance with this act.

Costs eligible for use by grants are those resulting from the replacement or redesign of items and materials that display Native American names, symbols, or images. OSPI is encouraged to incentivize applicable schools to select a new mascot, logo, or team name by September 1, 2021.

If specific funding for the grant program is not provided in the omnibus appropriations act, the section of the bill creating the act is null and void.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.