

SENATE BILL REPORT

SHB 1356

As Reported by Senate Committee On:
Early Learning & K-12 Education, March 15, 2021
Ways & Means, March 25, 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, 3/15/21 [DPA-WM, w/oRec].

Ways & Means: 3/22/21, 3/25/21 [DPA (EDU), DNP, w/oRec].

Brief Summary of Amended 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.

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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt, McCune, Mullet and Pedersen.

Minority Report: That it be referred without recommendation.

Signed by Senator Dozier.

Staff: Benjamin Omdal (786-7442)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Early Learning & K-12 Education.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Braun, Carlyle, Conway, Darneille, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Liias, Mullet, Pedersen, Rivers, Van De Wege, Wagoner and Wellman.

Minority Report: Do not pass.

Signed by Senators Honeyford, Assistant Ranking Member, Capital; Schoesler, Assistant Ranking Member, Capital.

Minority Report: That it be referred without recommendation.

Signed by Senators Brown, Assistant Ranking Member, Operating; Muzzall and Warnick.

Staff: Jeffrey Naas (786-7708)

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 Amended Bill: 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: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

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.

Staff Summary of Public Testimony on Bill as Amended by Committee (Early Learning & K-12 Education): PRO: The bill demonstrates honor and respect. The bill creates a process to consult with local tribes and to gain consent in a way that honors the tribes. If we are going to honor people in public schools, let us do it in the right, collaborative way. This bill helps teach next generations that Native Americans exist. This bill is not meant to have people feel bad, but rather to have everyone feel good and represented. This bill is long overdue. Consulting with a local tribe builds upon ongoing work between districts and tribes. Mascots can create harmful representations for Native students and their experiences. Authentic representation should be more enticing than caricatures. The bill presents a learning opportunity for all students and staff that can build relationships between local school districts and tribes. The tradition of Native American mascots has led to dehumanizing stereotypes of Native peoples. This use of mascots does not make Native students feel proud or honored. Opening up the usage of Native mascots, logos, and team names leads to uses districts cannot control and may be harmful. The use of Native mascots hurts all students. Indigenous students should have an environment where they feel seen and safe. This bill offers a reasonable solution and path for tribes to feel honored by local schools.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Debra Lekanoff, Prime Sponsor; April Eslami, PLTI Alumni; Ivy Pete, Legislative Youth Advisory Council; Cindy Kelly, Washington State School Directors' Association; Bill Kallappa, State Board of Education, Nisqually Tribe; Meghan Jernigan, Shoreline School Board; Emma Brown, Washington World Fellows; Jond Claymore, Office of

Superintendent of Public Instruction; Chayannah Squally; Craig Bill, Governor's Office of Indian Affairs.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):

No one.

Staff Summary of Public Testimony on Bill as Amended by Early Learning & K-12 Education (Ways & Means): PRO: We support the bill and ask for funding for bill so that districts can afford to make the changes required in the bill. We cannot continue to objectify sacred Native American images, such as the thunderbird. We estimate it will cost upwards of \$100,000 to change one of the schools within our district. This bill will help eliminate the isolation experienced by Native American students by creating a more inclusive learning environment. The use of Native American symbols is mockery towards Native American people and we can do better than that.

CON: We support all aspects of the bill except the provisions in section 2, subsection 4(b) which provides an exemption to schools located in Indian lands that get permission to use the name from the nearest federally recognized Indian tribe. This could result in a situation where the nearest federally recognized tribe authorizes the use of the name and another nearby tribe objects to the use of the name. This part of the bill has the potential to harm tribal relationships.

Persons Testifying (Ways & Means): PRO: Sara Betnel, Shoreline School Board; Anastasia Kanakasabesan, Eastside Native American Education Program.

CON: Christopher Clifford.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.