CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1356

67th Legislature 2021 Regular Session

Passed by the House April 12, 2021 CERTIFICATE Yeas 90 Nays 8 I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is Speaker of the House of SUBSTITUTE HOUSE BILL 1356 as Representatives passed by the House of Representatives and the Senate on the dates hereon set forth. Passed by the Senate April 6, 2021 Yeas 40 Nays 9 Chief Clerk President of the Senate Approved FILED Secretary of State State of Washington Governor of the State of Washington

SUBSTITUTE HOUSE BILL 1356

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

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

READ FIRST TIME 02/15/21.

11

1213

14

15

16

17

18

19

20

21

- 1 AN ACT Relating to prohibiting the inappropriate use of Native
- 2 American names, symbols, or images as public school mascots, logos,
- 3 or team names; adding new sections to chapter 28A.320 RCW; creating
- 4 new sections; and providing an expiration date.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- NEW SECTION. Sec. 1. (1) The legislature finds that the use of racially derogatory or discriminatory school mascots, logos, or team names in public schools is antithetical to their mission of providing an equal education to all, and contrary to the goal of making schools safe and respectful learning environments.
 - (2) The legislature finds also that certain mascots, logos, or team names that are or have been used by schools and other entities are uniquely discriminatory in singling out the Native American community for derision and cultural appropriation.
 - (3) Although the inappropriate use of Native American names, symbols, or images may be premised on the promotion of unity or school spirit, their use fails to respect the cultural heritage of Native Americans and promote productive relationships between sovereign governments. Furthermore, numerous individuals and organizations, including the United States commission on civil rights, have concluded that the use of Native American images and

p. 1 SHB 1356.PL

names in school sports is a barrier to equality and understanding, and that all residents of the United States would benefit from the discontinuance of their use.

4

5

6 7

8

11

1213

1415

16

1718

19

24

25

2627

28

29

32

33

3435

36

3738

- (4) The legislature therefore, recognizing that no school has a cognizable interest in retaining a racially derogatory or discriminatory school mascot, logo, or team name, intends to prohibit the inappropriate use of Native American names, symbols, or images for those purposes.
- 9 <u>NEW SECTION.</u> **Sec. 2.** A new section is added to chapter 28A.320 10 RCW to read as follows:
 - (1) Except as provided otherwise by this section, beginning January 1, 2022, public schools may not use Native American names, symbols, or images as school mascots, logos, or team names.
 - (2) Subsection (1) of this section does not apply to public schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, 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:
- 20 (a) Been consulted by the appropriate school, district, or both. 21 Consultations under this subsection (2)(a) must include summaries of 22 completed and ongoing district and school actions required by RCW 23 28A.320.170; and
 - (b) Authorized the use of the name, symbol, or image as a mascot, logo, or team name through an appropriate enactment or resolution.
 - (3) 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:
- 30 (a) The school selects a new mascot, logo, or team name by 31 December 31, 2021, to take effect in the 2021-22 school year;
 - (b) Except as provided otherwise by this subsection (3)(b), 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 number of uniforms equal to up to twenty percent of the total number of uniforms used by a team, band, or cheer squad at that school

p. 2 SHB 1356.PL

- during the 2021-22 school year solely to replace damaged or lost uniforms;
 - (c) 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
 - (d) 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.
- 9 (4) A public school that does not meet the geographic 10 requirements in subsection (2) of this section is exempt from 11 subsection (1) of this section if:
 - (a) The school is located in a county that is adjacent to a county that contains all or part of a tribal reservation or tribal trust lands; and
- 15 (b) The tribe that is consulted with and determines to authorize 16 the use of the name, symbol, or image as a school mascot, logo, or 17 team name as provided in subsection (2) of this section is the 18 nearest federally recognized Indian tribe.
- NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:
 - (1) The office of the superintendent of public instruction shall create a grant program to provide transitional support grants to school districts to support schools that incur costs as a result of compliance with section 2 of this act.
 - (2) Costs eligible for use by grants provided under this section are costs resulting from the replacement or redesign of items and materials that display Native American names, symbols, or images, including, but not limited to:
- 29 (a) Uniforms and equipment used by a team, band, cheer squad, or 30 other extracurricular activity;
 - (b) School signage, including reader boards and score boards;
 - (c) Floor designs in gymnasiums or other flooring or surfaces;
 - (d) School letterhead and other office supplies;
- 34 (e) School spirit store supplies and items; and
- 35 (f) School web pages.

3

4

5

7

8

12

1314

21

22

2324

25

2627

28

31

32

33

36 (3) In administering grants under this section, the office of the 37 superintendent of public instruction is encouraged to incentivize 38 schools that use Native American names, symbols, or images as school

p. 3 SHB 1356.PL

- 1 mascots, logos, or team names to select a new mascot, logo, or team
- 2 name by September 1, 2021.

4

5

6

7

3 (4) This section expires August 31, 2023.

NEW SECTION. Sec. 4. If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2021, in the omnibus appropriations act, section 3 of this act is null and void.

--- END ---

p. 4 SHB 1356.PL