

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1356

Chapter 128, Laws of 2021

67th Legislature
2021 Regular Session

NATIVE AMERICAN NAMES, SYMBOLS, OR IMAGES—PUBLIC SCHOOLS

EFFECTIVE DATE: July 25, 2021

Passed by the House April 12, 2021
Yeas 90 Nays 8

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2021
Yeas 40 Nays 9

DENNY HECK

President of the Senate

Approved April 26, 2021 2:15 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1356** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 26, 2021

**Secretary of State
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.

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:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the use of
7 racially derogatory or discriminatory school mascots, logos, or team
8 names in public schools is antithetical to their mission of providing
9 an equal education to all, and contrary to the goal of making schools
10 safe and respectful learning environments.

11 (2) The legislature finds also that certain mascots, logos, or
12 team names that are or have been used by schools and other entities
13 are uniquely discriminatory in singling out the Native American
14 community for derision and cultural appropriation.

15 (3) Although the inappropriate use of Native American names,
16 symbols, or images may be premised on the promotion of unity or
17 school spirit, their use fails to respect the cultural heritage of
18 Native Americans and promote productive relationships between
19 sovereign governments. Furthermore, numerous individuals and
20 organizations, including the United States commission on civil
21 rights, have concluded that the use of Native American images and

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

4 (4) The legislature therefore, recognizing that no school has a
5 cognizable interest in retaining a racially derogatory or
6 discriminatory school mascot, logo, or team name, intends to prohibit
7 the inappropriate use of Native American names, symbols, or images
8 for those purposes.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
10 RCW to read as follows:

11 (1) Except as provided otherwise by this section, beginning
12 January 1, 2022, public schools may not use Native American names,
13 symbols, or images as school mascots, logos, or team names.

14 (2) Subsection (1) of this section does not apply to public
15 schools located within, or with enrollment boundaries that include a
16 portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or
17 public schools in a county that contains all or part of a tribal
18 reservation or tribal trust lands, if the tribe or tribes having
19 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

24 (b) Authorized the use of the name, symbol, or image as a mascot,
25 logo, or team name through an appropriate enactment or resolution.

26 (3) A public school may use uniforms or other materials after
27 January 1, 2022, bearing Native American names, symbols, or images as
28 mascots, logos, or team names if the uniforms or materials were
29 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;

32 (b) Except as provided otherwise by this subsection (3)(b), the
33 school does not purchase or acquire any uniforms or materials that
34 include the discontinued Native American name, symbol, or image.
35 However, a school using the discontinued Native American name,
36 symbol, or image may, until January 1, 2023, purchase or acquire a
37 number of uniforms equal to up to twenty percent of the total number
38 of uniforms used by a team, band, or cheer squad at that school

1 during the 2021-22 school year solely to replace damaged or lost
2 uniforms;

3 (c) The school does not purchase, create, or acquire any
4 yearbook, newspaper, program, or other similar material that includes
5 or bears the discontinued Native American name, symbol, or image; and

6 (d) The school does not purchase, construct, or acquire a
7 marquee, sign, or other new or replacement fixture that includes or
8 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:

12 (a) The school is located in a county that is adjacent to a
13 county that contains all or part of a tribal reservation or tribal
14 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.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
20 RCW to read as follows:

21 (1) The office of the superintendent of public instruction shall
22 create a grant program to provide transitional support grants to
23 school districts to support schools that incur costs as a result of
24 compliance with section 2 of this act.

25 (2) Costs eligible for use by grants provided under this section
26 are costs resulting from the replacement or redesign of items and
27 materials that display Native American names, symbols, or images,
28 including, but not limited to:

29 (a) Uniforms and equipment used by a team, band, cheer squad, or
30 other extracurricular activity;

31 (b) School signage, including reader boards and score boards;

32 (c) Floor designs in gymnasiums or other flooring or surfaces;

33 (d) School letterhead and other office supplies;

34 (e) School spirit store supplies and items; and

35 (f) School web pages.

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

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

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

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

Passed by the House April 12, 2021.

Passed by the Senate April 6, 2021.

Approved by the Governor April 26, 2021.

Filed in Office of Secretary of State April 26, 2021.

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