

A-Engrossed
Senate Bill 215

Ordered by the Senate April 8
Including Senate Amendments dated April 8

Sponsored by Senator KRUSE; Senator CLOSE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Prohibits State Board of Education from adopting rules or imposing sanctions related to use of mascots by public schools.]

Removes from definition of term "discrimination," for education purposes, use of Native American mascot if agreement entered into by entity using mascot and governing body of Native American tribe meets specified requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to school mascots; amending ORS 659.850; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 659.850 is amended to read:

5 659.850. (1) As used in this section[,]:

6 (a) "Discrimination" means any act that unreasonably differentiates treatment, intended or un-
7 intended, or any act that is fair in form but discriminatory in operation, either of which is based
8 on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability.

9 (b) "Discrimination" does not include:

10 (A) Enforcement of an otherwise valid dress code or policy, as long as the code or policy pro-
11 vides, on a case-by-case basis, for reasonable accommodation of an individual based on the health
12 and safety needs of the individual.

13 (B) **The use of a mascot that represents, or is associated with, a Native American tribe**
14 **if:**

15 (i) **An agreement has been entered into by the entity using the mascot and the governing**
16 **body of the federally recognized Native American tribe in Oregon that is located closest to**
17 **the entity using the mascot; and**

18 (ii) **The agreement entered into as described in sub-subparagraph (i) of this subparagraph**
19 **describes the acceptable uses of the mascot.**

20 (2) A person may not be subjected to discrimination in any public elementary, secondary or
21 community college education program or service, school or interschool activity or in any higher
22 education program or service, school or interschool activity where the program, service, school or
23 activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

24 (3) The State Board of Education and the State Board of Higher Education shall establish rules
25 necessary to ensure compliance with subsection (2) of this section in the manner required by ORS
26 chapter 183.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
3 **on its passage.**

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