

**Testimony on SB 1509 Rescind the Ban on Use of Native American Mascots
On Behalf of The State Board of Education's The Mascot Ban
February 11, 2014
Senate Education and Workforce Development Committee**

Good Afternoon Chair Haas, Vice Chair Knopp, and Members of the Committee.

For the record, my name is Samuel D. Henry, Ed.D. I currently serve as Chair of the Oregon State Board of Education, and I am testifying on behalf of the State Board of Education, which in May 2012, passed a ban on Native American mascot use in public schools. My testimony, today, would have you reject the currently proposed **Legislation: SB 1509**, on three grounds: 1) the State Board of Education during winter and spring of 2012, did its due diligence including public hearings and gathering testimony from about 150 persons, 2) we found that the use of Native American mascots had not produced any positive educational effects for Native American students or other students of color, and 3) we came to believe that without such a ban the State might face costly legal challenges pursuant to the Civil Rights Act of 1964 and other federal legislation.

I. Due Diligence

Following public testimony from students who had been verbally and physically harassed from reports originating in 2006, in 2012, the State Education Board heard testimony from several experts, including Charles Brown, Phd. from Lewis and Clark

College, and Stephanie Freyberg, Phd. from Arizona State University, about the negative effects of use of Native American mascots. Dr. Brown, a nationally known psychologist who had been a member of the NCAA investigating committee that testified to abolish Native American mascot use by colleges and universities, cited dozens of studies and explained the conclusions of the 2005 NCAA report in great detail, with little reasons to question the NCAA conclusion of banning use of Native American mascot use.

Dr. Freyberg, a distinguished Native American scholar and sociologist, detailed multiple high quality social science studies on the effects of stereotype threat and other education and self-esteem defeating phenomena that results from use of Native American stereotypes and their use as mascots, caricatures, and societal put-downs. We, further, heard testimony from both Native American community members, and from several busloads of Caucasian students brought to the Capitol from school districts who currently use Native American mascots. We then, took testimony from a variety of civic, civil rights and community groups. The preponderance of evidence led to our Board conclusion and mascot ban vote. One memorable piece of evidence came from a public hearing: when questioned, neither students, not teachers, nor a State Legislator, could name the local tribe whose mascot likeness they wished to use.

II. Lack of Positive Educational Effects

The schools and universities in the State of Oregon, in spite of the good works of many including this committee, are just beginning to detail, and education institutions are striving to emerge from two decades long decline. I need not detail lost ground here, but their significance, is such that we find **no positive educational impact** for schools that have used Native American mascots in areas of high school matriculation, scores on OAKES and other assessments, high school graduation rates, transition to post secondary education, completion of associate, workforce training or receipt of bachelor's degrees, when mascot using schools are compared to similarly situated non-mascot schools. This is especially true, when one looks at these aforementioned assessment indicators for Native American youngsters. From our review of data, we conclude that use of mascots has only resulted in negligible or null educational benefits for Native American children and youth--some our most at-risk students in the State. Some academics and policy-makers might pose that a positive gain for the local communities using a Native American mascot should build social and educational capital—we have not seen such evidence.

III. Risk Assessment: Challenges from State-Endorsed Use of Mascots

The coffers of the state education fund are precious. Every dollar needs to address curriculum improvement, pre-school funding, professional development for teachers

and educational personnel, out-dated physical plants and technology, neglected teacher education, and a dozen other deserving areas. If this legislation passes, as currently written, risk due to lawsuits may increase, and court responses to bias inherently lower local autonomy. Community and federal and State court challenges will likely result, with in-house attorney's fees and legal challenge prep work paid for by scarce State dollars that could be spent elsewhere. As a veteran of school desegregation and proven bias work during the 1970s, I can assure you that defense of such challenges, backed by state law, will be expensive, and—potential instances where a defense results from official governmental action--may lead to a reduction in district autonomy. So one question for Legislators is: do you want to buy more kindergarten teachers, or do you want pay for attorney's fees and staff time defending a mascot use policy?

We on the State Board were clear on the bias inherent in the use of Native American mascots in public schools; hence, our policy advice is that prior to Legislation approval , these three issues should be addressed.

If there are questions, I will try to respond at this time.

SUPPLEMENTAL INFORMATION

Timeline and Overview of the Mascot Ban

In 2006, Native American high school students testified before the Oregon State Board of Education on the negative effects of the use of mascots. They cited bullying, intimidation, public humiliation, and an accompanying failure of the schools involved to provide an environment of physical and emotional safety for them and their families.

The OSB examined the Allegations finding that use of Native American mascots was discriminatory, subjected them to intense hostility and bullying, and should be banned. But, The Board did not take any official action at that time.

In 2012, the original petitioner, returned and requested State Board action, Supported by scholarly research, & with community mobilization by Native American and other equity groups, the Board drafted a state ban

During March, April and May of 2012, OSB held a series of public hearings and eventually passed the State Ban. 4-1.

Research Informs Policy: The American Psychological Association

In 2005, the American Psychological Association (APA)²¹ called for “the immediate retirement of all American Indian mascots, symbols, images, and personalities by schools, colleges, universities, athletic teams and organizations. APA's position is based on a growing body of social science literature that shows the harmful effects of racial stereotyping and inaccurate racial portrayals, including the particularly harmful effects of American Indian sports mascots on the social identity development and self-esteem of American Indian young people.

According to the APA, research has shown that the continued use of American Indian mascots, symbols, images, and personalities has a negative effect on not only American Indian students but all students by:

- **Undermining the educational experiences of members of all communities- especially those who have had little or no contact with Indigenous peoples.**
- **The symbols, images and mascots teach non-Indian children that it's acceptable to participate in culturally abusive behavior and perpetuate inaccurate misconceptions about American Indian culture.**

-APA Research Informs Policy

Mascot use establishes an unwelcome and often times hostile learning environment for American Indian students that affirms negative images/stereotypes that are promoted in mainstream society.

Mascot use undermines the ability of American Indian Nations to portray accurate and respectful images of their culture, spirituality, and traditions.

Presenting stereotypical images of American Indians.

Creating a contemporary example of prejudice by the dominant culture against racial and ethnic minority groups.

Creating a form of discrimination against American Indian Nations

Citizens' Right to Petition Government: Arguments Against the Ban

These arguments were presented to the OSB against the Ban:

- 1) The Board did not have the authority to issue such a ban,
- 2) Local control should be allowed to establish representational mascots,
- 3) Mascots were a portion of local heritage and community pride,
- 4) Changing mascots would be resource-consuming, and
- 5) Local Native Americans supported the use of the mascots

Citizens' Right to Petition Government: For the Ban

These arguments were presented to support the Ban:

- 1) Extensive research behind the NCAA ban on the use of Native American mascots for post secondary institutions in the 1990s,
- 2) Significant research from social scientists about the effects of stereotype and stereotype threats,
- 3) Citizen testimony and letters from more than 50 Native Americans, Native American community groups, tribal leaders, students and community officials.

OSB Policy Recommendations: Banning Native American Mascots in Public Schools

1. Adopt a resolution that describes the issues relating to Native American mascots.
2. Adopt an administrative rule that prohibits public schools from using names, symbols or images that depict or refer to an American Indian Tribe, custom, or tradition as a mascot, nickname, logo, or team name.
3. Allow public schools five years to complete the mascot adoption process.
4. Give school districts freedom to use their own processes to select and adopt new mascots.
5. Specifically seek input on the rule and resolution from those school districts who have been identified in this report as having Native American mascots and from other groups such as the Oregon School Boards Association.
6. Adopt rule and resolution after considering a process that allows for public and open discussions.