

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Beyer, Knopp, Kruse, Roblan, Hass

Nays: 0

Exc.: 0

Prepared By: Richard Donovan, Administrator

Meeting Dates: 2/11, 2/13

WHAT THE MEASURE DOES: Permits district school board to enter into written agreement with federally recognized Native American tribe in Oregon to identify acceptable name, symbol or image of mascot that represents or is associated with Native American tribe, to identify behavior expectations at athletic events and to identify required training on cultural diversity. Requires an agreement be reached between nine federally recognized Native American tribes to describe acceptable use for a mascot or images that is closely associated with a tribe entering into an agreement with a district school board. Requires State Board to approve agreement with nine federally recognized Native American tribes no later than January 1, 2017. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Measure as identical to Senate Bill 215 (2013), with amendments for purpose of avoiding veto by Governor
- July 1, 2017 sunset date selected to coincide with existing OAR date
- Racial categorization of ethnicities generally, Native Americans specifically
- Racial history of Native American mascots generally; specific historic examples in Oregon schools
- Desire of many of Oregon's nine federally recognized tribes to have local control of their image, including mascot representation; focus on formal "consultation" process
- Potential for local tribal control to cause dialogue, relationship-building between tribes and local communities
- Thoroughness of State Board of Education process, spanning more than five years
- Vast amount of research nationally, more than 40 studies; none found any benefit to schools or students; some found significant harm to Native American students
- General national condemnation by Native American organizations, groups, and tribes of all Native American mascots
- Potential of "Namesake exception," similar to National Collegiate Athletic Association agreement with Seminole Tribe of Florida in relation to the Florida State University athletic program mascot.

EFFECT OF COMMITTEE AMENDMENT: Requires an agreement be reached between nine federally recognized Native American tribes to describe acceptable use for a mascot or images that is closely associated with a tribe entering into an agreement with a district school board. Requires State Board to approve agreement with nine federally recognized Native American tribes no later than January 1, 2017.

BACKGROUND: The Oregon State Board of Education adopted OAR 581-021-0047 on May 17, 2012, prohibiting public schools from using Native American mascots. Public schools have until July 1, 2017 to comply before the Superintendent of Public Instruction may withhold all or part of state funding for the school district. The prohibition against Native American mascots includes the use of the following team names: Redskins, Savages, Indians, Indianettes, Chiefs, Chieftains, and Braves, along with any associated visual image or symbol. Public schools are allowed to continue using "Warrior" if the corresponding image or symbol does not depict an American Indian.

In 2013 the Legislature considered this topic via Senate Bill 215. That measure permitted a school district to enter into a written agreement with the governing body of the nearest federally recognized Native American tribe in Oregon, to identify an acceptable mascot name, symbol or image that represents or is associated with Native Americans. That measure was vetoed by Governor Kitzhaber, in accordance with Art. V, sec. 15b, Oregon Constitution.

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This summary has not been adopted or officially endorsed by action of the committee.