

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 7 - 2 - 0
Yeas: Fagan, Gomberg, Huffman, Parrish, Sprenger, Whisnant, Gelser
Nays: Gorsek, Reardon
Exc.: 0
Prepared By: Richard Donovan, Administrator
Meeting Dates: 2/24

WHAT THE MEASURE DOES: Allows district school board to enter into approved written agreement with federally recognized Native American tribe in Oregon for use of mascot that represents, is associated with or is significant to tribe. Requires agreement to describe acceptable uses of mascot, comply with State Board of Education rules and be approved by board. Requires board to approve agreement that meets requirements. Requires board to adopt rules by 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
- Collaborative nature of work leading to current measure text
- 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; none of those studies found any benefit to schools or students, while some found significant harm to Native American students
- Example of “Namesake exception,” National Collegiate Athletic Association agreement with Seminole Tribe of Florida in relation to the Florida State University athletic program mascot

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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.

Senate Bill 215 (2013) would have permitted a school district to enter into a written agreement with the governing body of the nearest federally recognized Native American tribe in Oregon, in order to identify an acceptable mascot name, symbol or image that represents or is associated with Native Americans and generate a written agreement of acceptable use. That measure was vetoed by Governor Kitzhaber, in accordance with Art. V, sec. 15b, Oregon Constitution.