

House Bill 3560

Sponsored by Representative SPRENGER

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 **as introduced**.

Prohibits use of Native American mascot by public school unless certain conditions met.
Applies to uses of Native American mascots that occur on or after July 1, 2017.
Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

4 **SECTION 1. (1) As used in this section:**

5 (a)(A) "Native American mascot" means:

6 (i) A name, symbol or image that depicts or refers to an American Indian tribe, individ-
7 ual, custom or tradition and that is used by a public school as a mascot, nickname, logo,
8 letterhead or team name; or

9 (ii) The use of the team name "Redskins," "Savages," "Indians," "Indianettes,"
10 "Chiefs," "Chieftains" or "Braves."

11 (B) "Native American mascot" does not include:

12 (i) The use of the team name "Warrior" if the name is not combined with a symbol or
13 image that depicts or refers to an American Indian tribe, individual, custom or tradition; or

14 (ii) A mascot associated with the culture, custom or tradition of an American Indian
15 tribe if the mascot depicts an animal or other image that is not a person, including
16 "Thunderbirds," "White Buffalo" and "Eagles."

17 (b) "Oregon Indian tribe" means:

18 (A) The Burns Paiute Tribe.

19 (B) The Coquille Indian Tribe.

20 (C) The Cow Creek Band of Umpqua Tribe of Indians.

21 (D) The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians.

22 (E) The Confederated Tribes of the Grand Ronde Community of Oregon.

23 (F) The Confederated Tribes of Siletz Indians of Oregon.

24 (G) The Confederated Tribes of the Warm Springs Reservation of Oregon.

25 (H) The Confederated Tribes of the Umatilla Indian Reservation.

26 (I) The Klamath Tribes.

27 (c) "Public school" means a school or program operated by a school district, an education
28 service district or a public charter school.

29 (2)(a) Except as provided in paragraph (b) of this subsection, the use of any Native
30 American mascot by a public school is prohibited.

31 (b) A public school may use a Native American mascot if the public school enters into

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 an approved written agreement with an Oregon Indian tribe under subsection (3) of this
 2 section and if the Native American mascot:

3 (A) Represents, is associated with or is significant to the Oregon Indian tribe with which
 4 the public school has entered into an agreement; or

5 (B) Depicts an individual and includes the name of the Oregon Indian tribe with which
 6 the public school has entered into an agreement.

7 (3)(a) A written agreement entered into by a public school and an Oregon Indian tribe
 8 to use a Native American mascot must contain at a minimum:

9 (A) A description of the acceptable uses of the Native American mascot, including the
 10 name of the mascot and pictures depicting any image that is considered to be an acceptable
 11 use;

12 (B) A description of how the history and culture of American Indian tribes will be in-
 13 cluded in the curriculum of the public school;

14 (C) A plan for how the public school will address any achievement gap between students
 15 who are from an American Indian tribe and students who are not from an American Indian
 16 tribe;

17 (D) A description of how the agreement will be enforced:

18 (i) Between the public school and the Oregon Indian tribe; and

19 (ii) Within the public school;

20 (E) A description of how disputes and complaints relating to the agreement will be re-
 21 solved;

22 (F) The time period of the agreement, which may not exceed 10 years;

23 (G) The process for review of the agreement by the Oregon Indian tribe and the public
 24 school, which must occur at least once every five years;

25 (H) The process for renewal of the agreement, which must:

26 (i) Include approval by the public school, the Oregon Indian tribe and the State Board
 27 of Education; and

28 (ii) Be consistent with this section;

29 (I) A copy of school policies adopted in accordance with ORS 339.356 that address com-
 30 plaints based on an act of harassment, intimidation or bullying or an act of cyberbullying and
 31 a description of how the policies are distributed to parents and students who attend the
 32 public school; and

33 (J) A copy of school policies that address complaints based on race, color, religion, sex,
 34 sexual orientation, national origin, marital status, age or disability and a description of how
 35 the policies are distributed to parents and students who attend the public school.

36 (b)(A) At least 60 days prior to entering into an agreement under this subsection, a public
 37 school must provide notice to the State Board of Education. The notice must identify the
 38 Oregon Indian tribe with which the public school intends to enter into an agreement.

39 (B) If the public school does not enter into an agreement with the Oregon Indian tribe
 40 identified in the notice required under subparagraph (A) of this paragraph, the public school
 41 may not enter into an agreement with another Oregon Indian tribe for five years from the
 42 date of the notice.

43 (c) The State Board of Education shall approve an agreement if the agreement meets the
 44 requirements of ORS 332.075 and this section.

45 (d) An agreement entered into under this subsection shall be in effect only if the public

1 school continues to use a mascot consistent with the agreement and this section. Nothing
2 in this paragraph shall be construed to prevent a public school from changing to a mascot
3 that is not a Native American mascot.

4 (e) A public school and an Oregon Indian tribe may jointly revoke an agreement by sub-
5 mitting a petition for the revocation to the State Board of Education.

6 (4) Nothing in this section shall be construed to prohibit a public school from:

7 (a) Displaying art work, historical exhibits or other cultural or educational exhibits, or
8 conducting educational programs, related to American Indians as long as the display or
9 program:

10 (A) Is not associated with a Native American mascot; or

11 (B) Is allowed under an agreement entered into under subsection (3) of this section.

12 (b) Honoring the contributions of a person from an American Indian tribe by naming a
13 school, building or program after that person.

14 (5) The Superintendent of Public Instruction shall find any public school that violates this
15 section to be in noncompliance with the discrimination provisions of ORS 659.850 and subject
16 to appropriate sanctions as provided by ORS 659.855.

17 SECTION 2. (1) Section 1 of this 2015 Act becomes operative on July 1, 2017.

18 (2) Section 1 of this 2015 Act applies to uses of Native American mascots that occur on
19 or after the operative date specified in subsection (1) of this section.

20 (3) A public school, an Oregon Indian tribe or the State Board of Education may take any
21 action before the operative date specified in subsection (1) of this section that is necessary
22 to enable a public school to comply with the requirements prescribed by section 1 of this 2015
23 Act.

24 SECTION 3. This 2015 Act being necessary for the immediate preservation of the public
25 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
26 on its passage.

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