

**PRELIMINARY STAFF MEASURE SUMMARY****Senate Committee On Education****Fiscal:** May have fiscal impact, but no statement yet issued**Revenue:** May have revenue impact, but no statement yet issued**Action Date:****Action:****Meeting Dates:****Prepared By:** Richard Donovan, Committee Administrator**WHAT THE MEASURE DOES:**

Allows district school board to enter into written agreement with governing body of federally recognized Native American tribe to identify acceptable use of 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. Declares emergency, effective on passage.

**ISSUES DISCUSSED:****EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

On May 17, 2012, the Oregon Board of Education (Board) adopted OAR 581-021-0047, which prohibited public schools from using Native American mascots. Under that OAR, 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-A (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, on August 16, 2013.

House Bill 4136 and Senate Bill 1509 were introduced during the 2014 regular session, and both dealt with the topic of school mascots and Native American tribes. The Legislative Assembly moved Senate Bill 1509, which allowed district school boards to enter into approved written agreements with federally recognized Native American tribes in Oregon for the use of mascots that represent, or are associated with, those tribes. The measure was signed into law, and became effective on March 6, 2014.

House Bill 3536 (2015) would have prohibited the State Board of Education from adopting any rules related to the use of mascots by the public kindergartens and public elementary and secondary schools, or otherwise withhold moneys or impose sanctions based on the use of a mascot by a public school unless otherwise required by federal law. That measure remained in committee on *sine die*.

On January 21, 2016, in direct response to Senate Bill 1509, the Board adopted rules to allow an exception to the previous ban on the use of Native American mascots for public schools that enter into written agreements with the Native American Tribe that the mascot represents, is associated with or is significant to, and also specifies who must approve valid agreement and the minimum contents of agreements.