

# Senate Bill 350

Sponsored by Senator FREDERICK (Pre-session filed.)

## 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 public schools from using Native American mascots.  
Declares emergency, effective July 1, 2017.

## A BILL FOR AN ACT

1  
2 Relating to school mascots; creating new provisions; amending ORS 332.075; and declaring an  
3 emergency.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 659.**

6 **SECTION 2. (1) As used in this section:**

7 **(a)(A) "Native American mascot" means:**

8 **(i) The use of the team name "Braves," "Chiefs," "Chieftains," "Indianettes," "Indians,"**  
9 **"Redskins" or "Savages" as a mascot, nickname, logo, letterhead or team name; or**

10 **(ii) Any other name, symbol or image that depicts or refers to an American Indian tribe,**  
11 **individual, culture, custom or tradition that is used as a mascot, nickname, logo, letterhead**  
12 **or team name.**

13 **(B) "Native American mascot" does not include:**

14 **(i) The use of "Warriors" as a mascot, nickname, logo, letterhead or team name if the**  
15 **use is not combined with a symbol or image that depicts or refers to an American Indian**  
16 **tribe, individual, culture, custom or tradition; or**

17 **(ii) Any mascot, nickname, logo, letterhead or team name associated with an American**  
18 **Indian culture, custom or tradition if the mascot depicts an animal or other image that is**  
19 **not an American Indian tribe or individual, including the use of "Eagles," "Thunderbirds"**  
20 **or "White Buffalo."**

21 **(b) "Public school" means a school or program operated by a school district, an education**  
22 **service district or a public charter school.**

23 **(2) The use of a Native American mascot by a public school is prohibited.**

24 **(3) Nothing in this section shall be construed to prohibit a public school from:**

25 **(a) Displaying art works, historical exhibits or other cultural or educational exhibits re-**  
26 **lated to Native Americans, or from conducting cultural or educational programs related to**  
27 **Native Americans, as long as the display or program is not associated with a Native Ameri-**  
28 **can mascot; or**

29 **(b) Honoring the contributions of Native Americans by naming a school, building or pro-**  
30 **gram after a Native American individual.**

31 **(4)(a) The Superintendent of Public Instruction shall find a school district, education**

**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 service district or public charter school that violates this section to be in noncompliance  
2 with the discrimination prohibitions under ORS 659.850.

3 (b) Pursuant to ORS 659.855, the superintendent may immediately withhold all or part  
4 of state funding from the school district, education service district or public charter school.

5 **SECTION 3.** Section 2 of this 2017 Act applies to Native American mascots used on or  
6 after July 1, 2017.

7 **SECTION 4.** ORS 332.075 is amended to read:

8 332.075. (1) Any district school board may:

9 (a) Fix the days of the year and the hours of the day when schools shall be in session.

10 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141  
11 and courses of study for the use of such schools as provided in ORS 336.035.

12 (c) Authorize the use of the schools for purposes of training students of an approved educator  
13 preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts  
14 with the approved educator preparation provider on such terms as may be agreed upon. Such con-  
15 tracts as they relate to student teachers shall have the same effect and be subject to the same  
16 regulations as a contract between a licensed teacher and a district school board.

17 (d) Develop and operate with other school districts or community college districts secondary  
18 career and technical education programs for pupils of more than one district and fix by agreement  
19 the duration of the district's obligation to continue such activity, subject to the availability of funds  
20 therefor.

21 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-  
22 ganization that administers interscholastic activities or that facilitates the scheduling and pro-  
23 gramming of interscholastic activities.

24 (f) Accept money or property donated for the use or benefit of the school district and, consistent  
25 with the laws of this state, use such money or property for the purpose for which it was donated.

26 *[(g) Enter into an approved written agreement with the governing body of a federally recognized  
27 Native American tribe in Oregon to allow the use of a mascot that represents, is associated with or is  
28 significant to the Native American tribe entering into the agreement. An agreement entered into under  
29 this paragraph must:]*

30 *[(A) Describe the acceptable uses of the mascot;]*

31 *[(B) Comply with rules adopted by the State Board of Education that:]*

32 *[(i) Are adopted after consultation with the federally recognized tribes in Oregon pursuant to ORS  
33 182.164 (3); and]*

34 *[(ii) Prescribe the requirements for approval; and]*

35 *[(C) Be approved by the State Board of Education, which the board must provide if the agreement  
36 meets the requirements of this paragraph and the rules adopted under this paragraph.]*

37 (2) All contracts of the school district must be approved by the district school board before an  
38 order can be drawn for payment. If a contract is made without the authority of the district school  
39 board, the individual making such contract shall be personally liable.

40 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or  
41 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-  
42 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are  
43 within appropriations made by the district school board pursuant to ORS 294.456. A district school  
44 board may not authorize its superintendent or the superintendent's designee under this subsection  
45 to enter into and approve payment on contracts that are collective bargaining agreements or service

1 contracts that include the provision of labor performed by employees of the school district.

2 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**  
3 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
4 **July 1, 2017.**

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