

## STATE BOARD OF EDUCATION – TOPIC SUMMARY

**Topic:** SB 1509 (Native American mascot use agreements) work plan

**Date:** May 30, 2014

**Staff/Office:** Cindy Hunt, Deputy Supt. Office

**Action Requested:**  Informational Only  Adoption Later  Adoption  Adoption/Consent  
**Agenda**

**ISSUE BEFORE THE BOARD:** Update on work plan for implementation of SB 1509 (2014) which directed the board to adopt rules relating to agreements between districts and tribes regarding allowable uses of Native American mascots.

### **BACKGROUND:**

#### State Board Action

In Oregon, fifteen high schools have Native American mascots—these race-based nicknames are the “Warriors,” the “Braves,” the “Chieftains,” the “Indians,” or the “Indian Eagles.” In all cases, the schools and communities believe they are respectfully honoring Native Americans. To suggest that such images may be offensive risks community outrage: community members believe they are unfairly being charged with being disrespectful or racist. The very topic invites passion on both sides and is divisive.

While the communities of these high schools believe they are honoring Native Americans, there is a growing body of social science literature and empirical research that indicates there are harmful effects of such racial stereotyping and inaccurate racial portrayals. These stereotypes are particularly harmful to the social identity development and self-esteem of American Indian young people. Research indicates that using Native Americans as mascots promotes discrimination, pupil harassment, and stereotyping.

The Oregon State Board of Education has been given the responsibility by the Oregon Legislature in state statute to ensure that persons are not subjected to unlawful discrimination in our public schools on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. Native American students are also entitled to an educational environment that is not hostile and is conducive to the attainment of educational goals. The board has a responsibility to consider the research and weigh this against the community’s desire to maintain its traditions.

In 2012, after consideration of these issues and hearing extensive public testimony, the board adopted a resolution and a rule which prohibited public schools from using Native American mascots on or after July 1, 2017. For reference both of these documents are attached and more information regarding this topic can be found at:

<http://www.ode.state.or.us/search/page/?id=3575>

## Legislative Action

The 2013 Legislature adopted SB 215 which was later vetoed by the Governor. The Governor cited to the state board's process and findings in his veto message as one reason for his veto. The 2014 Legislature adopted SB 1509 which represents a negotiated compromise between the Governor and proponents of the legislation. Proponents of the legislation argued that Oregon tribes should have more of an active role in the decision of whether a public school should be allowed to use a Native American mascot. Although the bill did not specifically overturn the existing state board rule, the bill has the following components:

- Allows districts that enter into an agreement with an Oregon federally recognized Native American Tribe to use mascot that represents, is associated with or is significant to the tribe. Agreement must be approved by the state board.
- Directs the state board to adopt rules relating the agreement and the agreement approval process.
- Direct the state board to consult with the tribes as part of rule adoption process.
- Rule must be adopted by January 1, 2017.

### **POLICY QUESTIONS:**

Does the state board wish to designate a member to participate on the work group?

### **STAFF RECOMMENDATION:**

This item is informational only and intended to provide the state board with background information regarding this topic. Proposed rules will be brought to the state board for consideration and adoption in October and December.

**SB 1509**  
**Proposed Implementation Work Plan**  
**5/13/2014**

	<b>Activity</b>	<b>Who</b>	<b>When</b>
	<b>Research/Analyze Bill</b>		
√	Discuss w/Governor's Office	Hunt	April 2014
√	Discuss w/Justin Martin	Hunt or McComb	April 2014
√	Discuss w/Sprenger, Kruse	McComb or Hunt	April 2014
	<b>Contract w/Facilitator</b>	Campbell	May-June 2014
	<b>Present work plan to Board of Education</b>	Hunt	May 2014
	<b>Consult with 9 Oregon Tribes</b>		
	Send letter to tribal government	Saxton/Campbell/McComb	May 2014
	Follow up with appearance before tribal council	Saxton	May – Oct 2014
	Meet/discuss with tribal rep	Facilitator	May – Oct. 2014
	<b>Update Native American Mascot Web page</b>		May 2014
	<b>Create Work Group</b>		
	Contact Indian Commission	Facilitator/Campbell	May-June 2014
	Contact alphabet lobbying groups	Facilitator/McComb	May-June 2014
	Contact tribes	Facilitator/Campbell	May-June 2014
	Contact those who have asked to be on workgroup	Facilitator/McComb	May-June 2014
	Identify issues to discuss/framework	Hunt/Facilitator	May-June 2014
	Create distribution list	Facilitator/McComb	June
	<b>Hold Work Group Meeting</b>	Facilitator	July 2014
	<b>Write draft OAR</b>	Hunt/Facilitator	Oct 2014
	<b>Circulate draft OAR for comment</b>		
	Tribes, Governor, Work Group, Districts, Interested Parties, etc.	Facilitator	Oct 2014
	<b>Public Hearing on OAR</b>	Facilitator/Nazarov	Sept 2014
	<b>Board of Education – 1<sup>st</sup> reading</b>	Campbell/Hunt	Oct 2014
	<b>Revise OAR if needed</b>	Hunt	Nov 2014
	<b>Board of Education - adoption</b>	Campbell/Hunt	Dec 2014
	<b>Update Interested Parties</b>	Facilitator	As needed
	Tribes, Governor, Work Group, Districts, etc	Facilitator	On-going

**Prohibits Public Schools from using Native American Mascots**

(1) As used in this section:

(a) "Native American mascot" means a name, symbol or image that depicts or refers to an American Indian Tribe, individual, custom or tradition that is used by a public school as a mascot, nickname, logo, letterhead or team name.

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

(2) To ensure that all public schools are in compliance with ORS 659.850 which prohibits discrimination in public schools, on or after July 1, 2017, the use of any Native American mascot by a public school is prohibited.

(3)(a) The prohibition under this section includes a prohibition on the use of team names such as "Redskins," "Savages," "Indians," "Indianettes," "Chiefs," "Chieftains," and "Braves."

(b) A public school may continue to use the team name "Warriors" as long as it is not combined with a symbol or image that depicts or refers to an American Indian Tribe, individual, custom or tradition.

(c) A public school may continue to use a mascot that may be associated with Native American culture, custom or tradition if the mascot depicts an animal or other image that is not a person. Examples of such mascots include team names and images such as the "Thunderbirds", "White Buffalo" and "Eagles."

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

(a) Displaying art work, historical exhibits or other cultural educational exhibits or conducting educational programs related to Native Americans as long as the display or program is not associated with a Native American mascot;

(b) Honoring the contributions of Native Americans by naming a school, building or program after a Native American. (5) Each school district, education service district or sponsor of a public charter school shall notify:

(a) On or before January 1, 2013, the Department of Education if any school operated by the district or sponsor uses a Native American Mascot; and

(b) On or before July 1, 2017, the Department of Education when a new mascot is adopted for the public school.

(6) The Superintendent of Public Instruction shall find any school district, education service district or public charter school that violates this section to be in noncompliance with the discrimination prohibitions under ORS 659.855. Pursuant to ORS 659.855, the Superintendent

may immediately withhold all or part of state funding from the school district, education service district or public charter school.

Stat. Auth. ORS 326.051, 659.850 & 659.855

Stat. Implemented: ORS 326.051, 338.115, 659.850 & 659.855

Hist.: ODE 16-2012, f. 6-8-12, cert. ef. 6-11-12

## Oregon State Board of Education Resolution

**WHEREAS**, more than 100 organizations across the nation have endorsed the discontinuation of Native American mascots, including the National Indian Education Association, the Oregon Indian Education Association, the Society of Indian Psychologists, the Affiliated Tribes of Northwest Indians, and the US Commission of Civil Rights; and

**WHEREAS**, the American Psychological Association and American Sociological Association have found the use of Native American mascots and symbols and their stereotypical imaging of American Indians within our public schools to be offensive and harmful to all students; and

**WHEREAS**, symbolizing a complex and varied race with a single narrow representation of a male warrior distorts and misrepresents that race to both Native Americans and non-Native Americans and communicates an inaccurate portrayal of American Indian heritage; and

**WHEREAS**, research has shown that Native American children exposed to Native American mascot images lowered self-esteem, reduced students' belief that their community has the power and resources to resolve problems (community efficacy), and reduced the number of achievement-related future goals that Native American students see for themselves; and

**WHEREAS**, school mascots that represent a people use an ethnic subset of a race, and "Indians" represent the only race-based mascots; and

**WHEREAS**, although many Oregon public schools have changed their mascots, several public schools in Oregon continue to have Native American mascots and these mascots often do not present culturally accurate images of Native Americans; and

**WHEREAS**, the continued use of Native American mascots establishes an unwelcome and often times hostile learning environment for American Indian students in all schools and not just in those schools with Native American mascots, particularly during sports competitions; and

**WHEREAS**, all heritages, cultures, races and religions have the right to be treated with dignity and respect; and

**WHEREAS**, it is important to be culturally sensitive and to educate everyone working within the Oregon Public Education System, that no matter how well meaning their intentions, that their actions may be offensive and harmful to some and therefore, need to be eliminated; and

**WHEREAS**, all public schools are required to align instruction to the social sciences academic content standards which include historically accurate descriptions of Native Americans in Oregon; and

**WHEREAS**, the Oregon Legislature has given the Oregon State Board of Education the responsibility in state statute to ensure that persons are not subjected to unlawful discrimination in our public schools on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability; and

**WHEREAS**, the Oregon State Board of Education is committed to the creation of an Oregon Public Education System that is equitable for all students, where no student is subjected to unlawful discrimination and where no student experiences a hostile educational environment; and

**NOW, THEREFORE**, be it resolved that:

1. The Oregon State Board of Education endorses the elimination of the use of Native American mascots by all Oregon public schools.
2. The Superintendent of Public Instruction shall send a copy of this resolution with the administrative rule adopted by the State Board of Education to all school districts, education service districts and public charter schools in Oregon.

