

SHB 1356 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/06/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the use of
4 racially derogatory or discriminatory school mascots, logos, or team
5 names in public schools is antithetical to their mission of providing
6 an equal education to all, and contrary to the goal of making schools
7 safe and respectful learning environments.

8 (2) The legislature finds also that certain mascots, logos, or
9 team names that are or have been used by schools and other entities
10 are uniquely discriminatory in singling out the Native American
11 community for derision and cultural appropriation.

12 (3) Although the inappropriate use of Native American names,
13 symbols, or images may be premised on the promotion of unity or
14 school spirit, their use fails to respect the cultural heritage of
15 Native Americans and promote productive relationships between
16 sovereign governments. Furthermore, numerous individuals and
17 organizations, including the United States commission on civil
18 rights, have concluded that the use of Native American images and
19 names in school sports is a barrier to equality and understanding,
20 and that all residents of the United States would benefit from the
21 discontinuance of their use.

22 (4) The legislature therefore, recognizing that no school has a
23 cognizable interest in retaining a racially derogatory or
24 discriminatory school mascot, logo, or team name, intends to prohibit
25 the inappropriate use of Native American names, symbols, or images
26 for those purposes.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
28 RCW to read as follows:

29 (1) Except as provided otherwise by this section, beginning
30 January 1, 2022, public schools may not use Native American names,
31 symbols, or images as school mascots, logos, or team names.

1 (2) Subsection (1) of this section does not apply to public
2 schools located within, or with enrollment boundaries that include a
3 portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or
4 public schools in a county that contains all or part of a tribal
5 reservation or tribal trust lands, if the tribe or tribes having
6 regulatory jurisdiction over the territory within that boundary have:

7 (a) Been consulted by the appropriate school, district, or both.
8 Consultations under this subsection (2)(a) must include summaries of
9 completed and ongoing district and school actions required by RCW
10 28A.320.170; and

11 (b) Authorized the use of the name, symbol, or image as a mascot,
12 logo, or team name through an appropriate enactment or resolution.

13 (3) A public school may use uniforms or other materials after
14 January 1, 2022, bearing Native American names, symbols, or images as
15 mascots, logos, or team names if the uniforms or materials were
16 purchased before January 1, 2022, and if:

17 (a) The school selects a new mascot, logo, or team name by
18 December 31, 2021, to take effect in the 2021-22 school year;

19 (b) Except as provided otherwise by this subsection (3)(b), the
20 school does not purchase or acquire any uniforms or materials that
21 include the discontinued Native American name, symbol, or image.
22 However, a school using the discontinued Native American name,
23 symbol, or image may, until January 1, 2023, purchase or acquire a
24 number of uniforms equal to up to twenty percent of the total number
25 of uniforms used by a team, band, or cheer squad at that school
26 during the 2021-22 school year solely to replace damaged or lost
27 uniforms;

28 (c) The school does not purchase, create, or acquire any
29 yearbook, newspaper, program, or other similar material that includes
30 or bears the discontinued Native American name, symbol, or image; and

31 (d) The school does not purchase, construct, or acquire a
32 marquee, sign, or other new or replacement fixture that includes or
33 bears the discontinued Native American name, symbol, or image.

34 (4) A public school that does not meet the geographic
35 requirements in subsection (2) of this section is exempt from
36 subsection (1) of this section if:

37 (a) The school is located in a county that is adjacent to a
38 county that contains all or part of a tribal reservation or tribal
39 trust lands; and

1 (b) The tribe that is consulted with and determines to authorize
2 the use of the name, symbol, or image as a school mascot, logo, or
3 team name as provided in subsection (2) of this section is the
4 nearest federally recognized Indian tribe.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320
6 RCW to read as follows:

7 (1) The office of the superintendent of public instruction shall
8 create a grant program to provide transitional support grants to
9 school districts to support schools that incur costs as a result of
10 compliance with section 2 of this act.

11 (2) Costs eligible for use by grants provided under this section
12 are costs resulting from the replacement or redesign of items and
13 materials that display Native American names, symbols, or images,
14 including, but not limited to:

15 (a) Uniforms and equipment used by a team, band, cheer squad, or
16 other extracurricular activity;

17 (b) School signage, including reader boards and score boards;

18 (c) Floor designs in gymnasiums or other flooring or surfaces;

19 (d) School letterhead and other office supplies;

20 (e) School spirit store supplies and items; and

21 (f) School web pages.

22 (3) In administering grants under this section, the office of the
23 superintendent of public instruction is encouraged to incentivize
24 schools that use Native American names, symbols, or images as school
25 mascots, logos, or team names to select a new mascot, logo, or team
26 name by September 1, 2021.

27 (4) This section expires August 31, 2023.

28 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
29 section 3 of this act, referencing section 3 of this act by bill or
30 chapter number and section number, is not provided by June 30, 2021,
31 in the omnibus appropriations act, section 3 of this act is null and
32 void."

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1 On page 1, line 3 of the title, after "names;" strike the
2 remainder of the title and insert "adding new sections to chapter
3 28A.320 RCW; creating new sections; and providing an expiration
4 date."

EFFECT: Creates a grant program, to be administered by OSPI, to provide grants to school districts to support schools that incur costs as a result of compliance with the act. Inserts null and void clause for the grant program.

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