
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 30
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Urgency: No
Consultant: Olgalilia Ramirez
Hearing Date: June 17, 2015
Fiscal: Yes

Subject: School or athletic team names: California Racial Mascots Act

SUMMARY

This bill establishes the California Racial Mascots Act and prohibits public schools from using the term Redskins for school or athletic team names, mascots or nicknames beginning January 1, 2017.

BACKGROUND

Existing law:

- 1) Specifies that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, equal rights, and opportunities in the educational institutions of the state. No person shall be subjected to discrimination, as described, in any program or activity conducted by an educational institution that receives, or benefits from state financial assistance. (Education Code § 220)
- 2) Declares that California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal education opportunity. (EC § 201)
- 3) States that a local school district governing board has general control of and responsibility for all aspects of the interscholastic athletic policies, programs, and activities in its district. Existing law also provides that no voluntary interscholastic athletic association, of which any public school is a member, shall discriminate against, or deny the benefits of any program to, any person on any basis prohibited by the state's policy to afford all persons in public schools equal rights and opportunities in the educational institutions of the state. (EC § 35179)
- 4) Requires the State Board of Education to adopt policies directed toward creating a school environment in kindergarten through grade 12 that is free from discriminatory attitudes and practices and acts of hate violence. (EC § 233)

ANALYSIS

This bill:

- 1) Establishes the California Racial Mascots Act and beginning January 1, 2017, prohibits public schools from using the term “Redskins,” for school or athletic team names, mascots or nicknames.
- 2) Authorizes the continued use of uniforms or other materials bearing the term “Redskins,” as specified, purchased before January 1, 2017, if the school meets all of the following requirements:
 - a) Selects a new school or athletic team name, mascot, or nickname.
 - b) Refrains from purchasing or acquiring any uniform that includes or bears the term “Redskins,” for the purpose of distribution or sale to students or school employees except when replacing damaged or lost uniforms before January 1, 2019, a school may purchase or acquire up to 20% of the total number of uniforms used by a team or band during the 2016-17 school year, as specified.
 - c) Refrains from purchasing or acquiring any yearbook, newspaper, program, or other similar material that includes or bears the term “Redskins,” in its logo or cover title for the purpose of distribution or sale to students or school employees.
 - d) Refrains from purchasing or constructing a marquee, sign, or other new or replacement fixture that includes or bears the term “Redskins.”
 - e) Specifies that the provision of this bill may not be waived by the State Board of Education, except as specified in the bill.
 - f) Makes a variety of Legislative findings and declarations regarding the derogatory and discriminatory nature of Native American athletic team names, mascots, and nicknames and the barrier that these create to equality and understanding.

STAFF COMMENTS

- 1) ***Need for this bill.*** According to the author, the use of the derogatory term “Redskins” as a team name demeans Native Americans and is inconsistent with the requirement that public schools in California provide educational opportunity to all students regardless of race, ethnicity, or national origin.

This sentiment is shared by a number of national organizations including the American Psychological Association which passed a resolution calling for the immediate retirement of American Indian mascots, symbols by schools, colleges, universities, and athletic teams noting potential negative affects it may have on the mental health Native American youth. The United States Department of Education’s Office for Civil Rights has also weighed on the issue and concluded that, “the use for stereotypical images of Native Americans by education institutions has the potential to create a racially hostile education environment that may be intimidating to Indian students.”

This bill removes the term “Redskins,” from all public schools and declares the use of racially derogatory mascot names conflicting with the state’s mission of providing an equality education for all students.

- 2) **National trend.** Since the National Congress of American Indians commenced its campaign against the use of American Indian imagery as mascots in 1963, numerous universities and high schools dropped team names such as “savages,” “redmen,” and “chiefs” and replaced them with new mascots. In California, Stanford University in 1973 changed its mascot from Indians to Cardinal and two high schools, Mountain Empire in 1997 and Colusa in 2011 terminated the name “Redskins.”

Several local school and state education boards across the country have also enacted policies to prohibit the use “Indian,” mascots and images in schools. Notably, the Los Angeles Unified School District took action prohibiting its schools from using Native American mascots.

According to the National Congress of American Indians, California has the largest number of Native Americans in the country.

- 3) **Affected California high schools.** According to the Superintendent of Public Instruction, only four California high schools use “Redskins,” as their official school mascot. These schools located in the central valley include Gustine High School, Calaveras High School, Chowchilla Union High School, and Tulare High School. This bill would result in these four schools phasing out the “Redskins,” mascot name by 2017.
- 4) **Local control?** Current law affords local school district governing board's general control over all aspects of their interscholastic athletic policies, programs, and activities. Arguably, decisions regarding athletic team names, nicknames or mascots fall within the local board's authority and local governing boards (as in the case of the Los Angeles Unified School District) can and do take steps to prohibit the use of Native American mascots and names as appropriate to their local communities. The author’s office asserts, however, that the decision to change is challenging due to the emotional and sensitive nature of a debate that tends to divide the local community.

- 5) **Prior Legislation.**

ACR 164 (Goldberg, 2006) adopted by the Assembly and sent to the Senate, requested the California Interscholastic Federation to adopt policies that are consistent with the National Collegiate Athletic Association policies relative to the use of Native American mascots and any other hostile or abusive racial, ethnic, or national origin mascot.

AB 13 (Goldberg, 2005), nearly identical to this bill and AB 858, would have prohibited all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames and was vetoed Governor Schwarzenegger, whose veto message read:

"I vetoed a nearly identical bill last year because it added another non-academic state administrative requirement, thereby diverting focus from increasing student academic achievement. Administrative decisions regarding athletic team names, nicknames or mascots should be retained at the local level."

AB 858 (Goldberg, 2004), nearly identical to this bill, would have prohibited all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames. AB 858 was vetoed by Governor Schwarzenegger, whose veto message read:

"Existing statute already affords local school boards general control over all aspects of their interscholastic athletic policies, programs, and activities. Decisions regarding athletic team names, nicknames or mascots should be retained at the local level."

"At a time when we should all be working together to increase the academic achievement of all California's students, adding another non-academic state administrative requirement for schools to comply with takes more focus away from getting kids to learn at the highest levels."

AB 2115 (Goldberg, 2002) would have prohibited all public schools, community colleges, the California State University and the University of California, to the extent agreed upon by the Board of Regents, from using specified Native American names, including Redskins, Indians, Braves, Chiefs, Apaches, and Comanches, for school or athletic team names, mascots, or nicknames. AB 2115 failed passage on the Assembly Floor.

SUPPORT

American Civil Liberties Union (ACLU) of California
 American Indian Community Council
 Anti-Defamation League
 Buena Vista Rancheria Me-wuk Indians
 California Civil Rights Coalition
 California Communities United Institute
 California Faculty Association (CFA)
 California Teachers Association
 Capitol Area Indian Resources (CAIR)
 Committee of 500 Years of Dignity and Resistance
 Foothill Indian Education Alliance, Inc.
 Jackson Rancheria Band of Miwuk Indians
 Mexican American Legal Defense and Educational Fund
 Northern California Indian Development Council, Inc.
 Round Valley Indian Tribes
 Southern California Indian Center, Inc.
 Tom Torlakson, State Superintendent of Public Instruction
 Tribal Council of the Agua Caliente Band of Cahuilla Indians
 Yocha Dehe Wintun Nation
 Numerous Individuals

OPPOSITION

City of Tulare City Council
Individuals

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