

ASSEMBLY BILL

No. 30

Introduced by Assembly Member Alejo

December 1, 2014

An act to add Article 3.5 (commencing with Section 221.2) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 30, as introduced, Alejo. School or athletic team names: California Racial Mascots Act.

Existing law provides that it is the policy of this state to afford all persons in public schools equal rights and opportunities in the educational institutions of the state, as specified, and further prohibits, and provides remedies for, acts that are contrary to that policy.

This bill would establish the California Racial Mascots Act, which would prohibit public schools from using the term Redskins as a school or athletic team name, mascot, or nickname beginning January 1, 2017, subject to specified exceptions. The bill would also provide that this prohibition may not be waived by the State Board of Education. To the extent that this prohibition would impose additional duties on schools, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section 221.2) is
2 added to Chapter 2 of Part 1 of Division 1 of Title 1 of the
3 Education Code, to read:

4
5 Article 3.5. The California Racial Mascots Act
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7 221.2. The Legislature finds and declares all of the following:

8 (a) The use of racially derogatory or discriminatory school or
9 athletic team names, mascots, or nicknames in California public
10 schools is antithetical to the California school mission of providing
11 an equal education to all.

12 (b) Certain athletic team names, mascots, and nicknames that
13 have been used and remain in use by other teams, including school
14 teams, in other parts of the nation are discriminatory in singling
15 out the Native American community for the derision to which
16 mascots or nicknames are often subjected.

17 (c) Many individuals and organizations interested and
18 experienced in human relations, including the United States
19 Commission on Civil Rights, have concluded that the use of Native
20 American images and names in school sports is a barrier to equality
21 and understanding, and that all residents of the United States would
22 benefit from the discontinuance of their use.

23 (d) No individual or school has a cognizable interest in retaining
24 a racially derogatory or discriminatory school or athletic team
25 name, mascot, or nickname.

26 221.3. (a) Beginning January 1, 2017, all public schools are
27 prohibited from using the term Redskins for school or athletic team
28 names, mascots, or nicknames.

29 (b) This section does not apply to a school located within, or
30 with enrollment boundaries that include a portion of, Indian
31 country,” as defined in Section 1151 of Title 18 of the United
32 States Code, provided that the tribe having regulatory jurisdiction
33 over the territory within that boundary has authorized the use of
34 the school or athletic team name, mascot, or nickname through an
35 appropriate enactment or resolution.

1 (c) Notwithstanding this section, a public school may continue
2 to use uniforms or other materials bearing the term Redskins as a
3 school or athletic team name, mascot, or nickname that were
4 purchased before January 1, 2017, if all of the following
5 requirements are met:

6 (1) The school selects a new school or athletic team name,
7 mascot, or nickname.

8 (2) (A) Except as provided in subparagraph (B), the school
9 refrains from purchasing or acquiring, for the purpose of
10 distribution or sale to pupils or school employees, any uniform
11 that includes or bears the term Redskins.

12 (B) Notwithstanding subparagraph (A), prior to January 1, 2019,
13 a school using uniforms that bear the term Redskins may purchase
14 or acquire a number of uniforms equal to up to 20 percent of the
15 total number of uniforms used by a team or band at that school
16 during the 2016–17 school year for the purposes of replacing
17 damaged or lost uniforms.

18 (3) Refrains from purchasing or acquiring, for the purpose of
19 distribution or sale to pupils or school employees, any yearbook,
20 newspaper, program, or other similar material that includes or
21 bears the prohibited school or athletic team name, mascot, or
22 nickname in its logo or cover title.

23 (4) Refrains from purchasing or constructing a marquee, sign,
24 or other new or replacement fixture that includes or bears the
25 prohibited school or athletic team name, mascot, or nickname.

26 (d) This section is not subject to waiver by the state board
27 pursuant to Section 33050, except as specified in this section.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.