

ASSEMBLY BILL

No. 2115

Introduced by Assembly Member Goldberg

February 19, 2002

An act to add Section 221.2 to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2115, as introduced, Goldberg. Schools: athletic team names and mascots.

Under existing law, numerous provisions of the Education Code relate to the prohibition of discrimination in the provision of educational services by elementary, secondary, and postsecondary institutions.

This bill would, on July 1, 2004, prohibit public schools, community colleges, the California State University, and the University of California, as specified, from using any school or athletic team name, mascot, or nickname that is derogatory or discriminatory against any race, ethnicity, nationality, or tribal group. To the extent that this prohibition would impose new duties on schools, the bill would create a state-mandated local program. The bill would authorize the State Board of Education to grant an extension for compliance, as specified. The bill would also provide that this prohibition may not be waived by the state board.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

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. The Legislature finds that the use of racially
2 derogatory or discriminatory school or athletic team names,
3 mascots, or nicknames in California public schools, colleges or
4 universities is antithetical to those schools' mission of providing
5 an equal education to all.

6 The Legislature further finds that certain athletic team names,
7 mascots, or nicknames that have been and remain in use by other
8 teams, including school teams, in other parts of the nation are
9 nonetheless discriminatory in singling out the Native
10 American/American Indian community for the derision to which
11 mascots or nicknames are often subjected.

12 The Legislature further finds that numerous individuals and
13 organizations interested and experienced in the area of human
14 relations, including the United States Commission on Civil Rights,
15 have concluded that the continued use of Native American images
16 and nicknames in school sports is a barrier to equality and
17 understanding, and that all residents of the United States would
18 benefit from the discontinuance of their use.

19 The Legislature further finds that no individual or school has a
20 cognizable interest in retaining a particular school or athletic team
21 name, mascot or nickname.

22 SEC. 2. Section 221.2 is added to the Education Code, to read:

23 221.2. (a) All public schools, community colleges, the
24 California State University, and the University of California are
25 prohibited from using any school or athletic team name, mascot,
26 or nickname that is derogatory or discriminatory against any race,
27 ethnicity, nationality, or tribal group, including Redskins, Indians,
28 Braves, Chiefs, Apaches, Comanches or any other American
29 Indian tribal name.



1 (c) This section shall become operative on July 1, 2004. The
2 State Board of Education may grant a one year extension upon
3 application, if the State Board of Education finds that the school,
4 community college, or campus of the California State University
5 or the University of California has not anticipated the replacement
6 of team uniforms and other equipment of this type in the 2004–05
7 fiscal year.

8 (d) This section shall not impose any requirement upon the
9 University of California unless the Regents of the University of
10 California, by resolution, makes this section applicable.

11 (e) This section is not subject to waiver pursuant to Section
12 33050.

13 SEC. 3. Notwithstanding Section 17610 of the Government
14 Code, if the Commission on State Mandates determines that this
15 act contains costs mandated by the state, reimbursement to local
16 agencies and school districts for those costs shall be made pursuant
17 to Part 7 (commencing with Section 17500) of Division 4 of Title
18 2 of the Government Code. If the statewide cost of the claim for
19 reimbursement does not exceed one million dollars (\$1,000,000),
20 reimbursement shall be made from the State Mandates Claims
21 Fund.

