

AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2115

Introduced by Assembly Member Goldberg
(Principal coauthor: Assembly Member Alquist)
(Coauthors: Assembly Members Aroner, Cedillo, Chu, Longville,
and Negrete McLeod)
(Coauthor: Senator Romero)

February 19, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2115, as amended, 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 *one of certain specified terms as a school or athletic team name, mascot, or nickname that is*. *The bill, in addition, would require the State Board of Education and the California Postsecondary Education Committee to jointly update the list to include other terms that can be derogatory or discriminatory against any race, ethnicity, nationality, or tribal group. The bill would authorize the State Board of Education or the California Postsecondary*

Education commission, as applicable, to grant a nonrenewable, one-year extension to a school or campus if certain conditions are met, as specified. 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



1 understanding, and that all residents of the United States would
2 benefit from the discontinuance of their use.

3 The Legislature further finds that no individual or school has a
4 cognizable interest in retaining a particular school or athletic team
5 name, mascot or nickname.

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

7 221.2. (a) All public schools, community colleges, the
8 California State University, and the University of California are
9 ~~prohibited from using any school or athletic team name, mascot,
10 or nickname that is derogatory or discriminatory against any race,
11 ethnicity, nationality, or tribal group, including Redskins, Indians,
12 Braves, Chiefs, Apaches, Comanches or any other American
13 Indian tribal name.~~

14 ~~(c) This section shall become operative on July 1, 2004. The
15 State Board of Education may grant a one year extension upon
16 application, if the State Board of Education finds that the school,
17 community college, or campus of the California State University
18 or the University of California has not anticipated the replacement
19 of team uniforms and other equipment of this type in the 2004-05
20 fiscal year.~~

21 ~~(d) This section shall not impose any requirement upon the
22 University of California unless the Regents of the University of
23 California, by resolution, makes this section applicable.~~

24 ~~(e) This section is not subject to waiver pursuant to Section
25 33050. prohibited from using any of the following school or
26 athletic team names, mascots, or nicknames:~~

27 (1) *Redskins.*

28 (2) *Indians.*

29 (3) *Braves.*

30 (4) *Chiefs.*

31 (5) *Apaches.*

32 (6) *Comanches.*

33 (7) *Any other American Indian tribal name.*

34 (b) *The State Board of Education and the California
35 Postsecondary Education Commission shall jointly create,
36 maintain, and annually augment the list of school or athletic team
37 names, mascots, or nicknames that may be derogatory or
38 discriminatory against any race, ethnicity, nationality, or tribal
39 group. This list shall be created, maintained, and updated through*



1 *a process of consultation with representatives of interest groups,*
2 *the public, and the Legislature.*

3 *(c) All public schools, community colleges, the California State*
4 *University, and the University of California are prohibited from*
5 *using any team names, mascot, or nickname added by the State*
6 *Board of Education and the California Postsecondary Education*
7 *Commission to the disapproved list.*

8 *(d) The State Board of Education and the California*
9 *Postsecondary Education Commission may jointly grant an*
10 *exception to the prohibitions specified in subdivision (b) or*
11 *subdivision (c) if a school or campus can provide sufficient*
12 *evidence that the team name, mascot, or nickname is not used in*
13 *a manner that is derogatory or discriminatory. However, no*
14 *exception may be granted for any name specifically delineated in*
15 *this section, including any American Indian tribal name.*

16 *(e) The State Board of Education or the California*
17 *Postsecondary Education Commission may grant a*
18 *nonrenewable, one-year extension to an individual school or*
19 *campus if the State Board of Education or the California*
20 *Postsecondary Education Commission, as applicable, finds all of*
21 *the following:*

22 *(1) The school, community college, or campus of the California*
23 *State University or the University of California used a school or*
24 *athletic team name, mascot, or nickname prohibited by this section*
25 *on or before January 1, 2003.*

26 *(2) The school, community college, or campus of the California*
27 *State University or the University of California has selected a new*
28 *school or athletic team name, mascot, or nickname to replace the*
29 *prohibited one.*

30 *(3) The school, community college, or campus of the California*
31 *State University or the University of California has not replaced*
32 *or purchased team uniforms or other equipment containing the*
33 *prohibited school or athletic team name, mascot, or nickname*
34 *after January 1, 2003.*

35 *(4) The school, community college, or campus of the California*
36 *State University or the University of California lacked available*
37 *funds to replace team uniforms or other equipment containing the*
38 *prohibited school or athletic team name, mascot, or nickname*
39 *before July 1, 2004.*



1 (f) *No provision of this section shall apply to the University of*
2 *California except to the extent that the Regents of the University*
3 *of California, by appropriate resolution, make that provision*
4 *applicable.*

5 (g) *The section is not subject to waiver pursuant to Section*
6 *33050.*

7 (h) *This section shall become operative on July 1, 2004.*

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

