

AMENDED IN ASSEMBLY MAY 1, 2002

AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2115**

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

February 19, 2002

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An act to add ~~Section 221.2~~ *Sections 221.2 and 66270.1* 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. The bill, in addition, would require the State Board of Education and the California Postsecondary Education Committee to jointly ~~update the~~ *create, maintain, and annually augment a list to include* of other terms that ~~can~~

~~be~~ *are* derogatory or discriminatory against any race, ethnicity, nationality, or tribal group, *based upon certain guidelines, as specified.* The bill would authorize the State Board of Education or the California Postsecondary Education commission, as applicable, to grant a ~~nonrenewable, one-year extension~~ *an exception* to a school or campus *if the school or campus made a sufficient showing that the term is not used in a manner that is derogatory or discriminatory. The exception provisions would not be applicable to the terms specifically prohibited by the bill, including any American Indian tribal name, except that an exception shall be granted to a Native American tribal school that uses one of the specifically prohibited terms. The bill would declare that it would not be applied to a school or campus* if certain conditions regarding prior expenditures on uniform and other materials 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 also provide that this prohibition may not be waived by the ~~state board~~ *State Board of Education.*

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~~ *and* nicknames that have been and remain in use by



1 other teams, including school teams, in other parts of the nation are  
2 nonetheless discriminatory in singling out the Native  
3 American/American Indian community for the derision to which  
4 mascots or nicknames are often subjected.

5 The Legislature further finds that numerous individuals and  
6 organizations interested and experienced in the area of human  
7 relations, including the United States Commission on Civil Rights,  
8 have concluded that the continued use of Native American images  
9 and nicknames in school sports is a barrier to equality and  
10 understanding, and that all residents of the United States would  
11 benefit from the discontinuance of their use.

12 The Legislature further finds that no individual or school has a  
13 cognizable interest in retaining a particular school or athletic team  
14 name, mascot or nickname.

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

16 ~~221.2. (a) All public schools, community colleges, the  
17 California State University, and the University of California are~~

18 *221.2. (a) All public schools are prohibited from using any of  
19 the following school or athletic team names, mascots, or  
20 nicknames:*

21 (1) Redskins.

22 (2) Indians.

23 (3) Braves.

24 (4) Chiefs.

25 (5) Apaches.

26 (6) Comanches.

27 (7) Any other American Indian tribal name.

28 (b) *(1) The State Board of Education and the California  
29 Postsecondary Education Commission shall jointly create,  
30 ~~maintain, and annually augment the list of school or athletic team  
31 names, mascots, or nicknames that may be derogatory or maintain,~~  
32 and annually augment a list of school or athletic team names,  
33 mascots, and nicknames, in addition to those specified by  
34 subdivision (a), that the State Board of Education and the  
35 California Postsecondary Education Commission determine to be  
36 derogatory or discriminatory against any race, ethnicity,  
37 nationality, or tribal group. This list shall be created, maintained,  
38 and updated through a process of consultation with representatives  
39 of interest groups, the public, and the Legislature. The list shall  
40 include all of the following:*



1 (A) Names, nicknames, and mascots that the State Board of  
2 Education and the California Postsecondary Education  
3 Commission conclude are always derogatory or discriminatory.

4 (B) Names and nicknames that the State Board of Education  
5 and the California Postsecondary Education Commission  
6 conclude are derogatory or discriminatory when used in  
7 conjunction with a derogatory or discriminatory mascot.

8 (2) Upon the request of any interested party, the State Board of  
9 Education and the California Postsecondary Education  
10 Commission shall review any particular mascot for the purpose  
11 described by paragraph (1).

12 ~~(e) All public schools, community colleges, the California~~  
13 ~~State University, and the University of California are prohibited~~  
14 ~~from using any team names, mascot, or nickname added by the~~  
15 ~~State Board of Education and the California Postsecondary~~  
16 ~~Education Commission to the disapproved list.~~

17 (c) All public schools are prohibited from using any team name,  
18 mascot, or nickname designated as derogatory or discriminatory  
19 pursuant to subdivision (b).

20 (d) The State Board of Education and the California  
21 Postsecondary Education Commission may jointly grant an  
22 exception to the prohibitions specified in subdivision (b) or  
23 subdivision (e) if a school or campus can provide sufficient  
24 exception to the prohibitions specified in subdivision (c) if a school  
25 can provide sufficient evidence that the team name, mascot, or  
26 nickname is not used in a manner that is derogatory or  
27 discriminatory. However, no exception may be granted for any  
28 name specifically delineated in this section, including any  
29 ~~American Indian tribal name.~~ subdivision (a), or for an American  
30 indian tribal name, except that the State Board of Education and  
31 the California Postsecondary Education Commission shall grant  
32 an exception to a Native American tribal school that uses a name  
33 specifically delineated in subdivision (a).

34 ~~(e) The State Board of Education or the California~~  
35 ~~Postsecondary Education Commission may grant a nonrenewable,~~  
36 ~~one-year extension to an individual school or campus if the State~~  
37 ~~Board of Education or the California Postsecondary Education~~  
38 ~~Commission, as applicable, finds all of the following:~~

39 ~~(1) The school, community college, or campus of the~~  
40 ~~California State University or the University of California used a~~



1 ~~school or athletic team name, mascot, or nickname prohibited by~~  
2 ~~this section on or before January 1, 2003.~~

3 ~~(2) The school, community college, or campus of the~~  
4 ~~California State University or the University of California has~~  
5 ~~selected a new school or athletic team name, mascot, or nickname~~  
6 ~~to replace the prohibited one.~~

7 ~~(3) The school, community college, or campus of the~~  
8 ~~California State University or the University of California has not~~  
9 ~~replaced or purchased team uniforms or other equipment~~  
10 ~~containing the prohibited school or athletic team name, mascot, or~~  
11 ~~nickname after January 1, 2003.~~

12 ~~(4) The school, community college, or campus of the~~  
13 ~~California State University or the University of California lacked~~  
14 ~~available funds to replace team uniforms or other equipment~~  
15 ~~containing the prohibited school or athletic team name, mascot, or~~  
16 ~~nickname before July 1, 2004.~~

17 ~~(f) No provision of this section shall apply to the University of~~  
18 ~~California except to the extent that the Regents of the University~~  
19 ~~of California, by appropriate resolution, make that provision~~  
20 ~~applicable.~~

21 ~~(g) The section is not subject to waiver pursuant to Section~~  
22 ~~33050.~~

23 ~~(h) This section shall become operative on July 1, 2004.~~

24 ~~SEC. 3. Notwithstanding Section 17610 of the Government~~  
25 ~~Code, if the Commission on State Mandates determines that this~~  
26 ~~act contains costs mandated by the state, reimbursement to local~~  
27 ~~agencies and school districts for those costs shall be made pursuant~~  
28 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
29 ~~2 of the Government Code. If the statewide cost of the claim for~~  
30 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
31 ~~reimbursement shall be made from the State Mandates Claims~~  
32 ~~Fund.~~

33 ~~(e) This section shall not apply to a school that continues to use~~  
34 ~~uniforms or other materials bearing any of the athletic team~~  
35 ~~names, mascots, or nicknames specified by subdivision (a) that~~  
36 ~~were purchased before January 1, 2003, or uniforms or other~~  
37 ~~materials bearing any athletic team name, mascot, or nickname~~  
38 ~~designated derogatory or discriminatory pursuant to subdivision~~  
39 ~~(b), that were purchased before January 1 of the year following the~~  
40 ~~initial designation, if the school does all of the following:~~



- 1     (1) *Selects a new team name, mascot, or nickname.*
- 2     (2) *Refrains from purchasing, for the purpose of distribution or*
- 3 *sale to pupils, any uniform that includes or bears the prohibited*
- 4 *athletic team name, mascot, or nickname.*
- 5     (3) *Refrains from purchasing, for the purpose of distribution or*
- 6 *sale to pupils or school employees, any yearbook, newspaper,*
- 7 *program, or other similar material that includes or bears the*
- 8 *prohibited athletic team name, mascot, or nickname in its logo or*
- 9 *cover title.*
- 10    (4) *Refrains from purchasing or constructing a marquee, sign,*
- 11 *or other new or replacement fixture that includes or bears the*
- 12 *prohibited athletic team name, mascot, or nickname.*
- 13    (f) *This section is not subject to waiver by the State Board of*
- 14 *Education pursuant to Section 33050.*
- 15    SEC. 3. *Section 66270.1 is added to the Education Code, to*
- 16 *read:*
- 17    66270.1. (a) *All community colleges, the California State*
- 18 *University, and the University of California are prohibited from*
- 19 *using any of the following school or athletic team names, mascots,*
- 20 *or nicknames:*
- 21     (1) *Redskins.*
- 22     (2) *Indians.*
- 23     (3) *Braves.*
- 24     (4) *Chiefs.*
- 25     (5) *Apaches.*
- 26     (6) *Comanches.*
- 27     (7) *Any other American Indian tribal name.*
- 28    (b) (1) *The State Board of Education and the California*
- 29 *Postsecondary Education Commission shall jointly create,*
- 30 *maintain, and annually augment a list of school or athletic team*
- 31 *names, mascots, and nicknames, in addition to those specified by*
- 32 *subdivision (a), that the State Board of Education and the*
- 33 *California Postsecondary Education Commission determine to be*
- 34 *derogatory or discriminatory against any race, ethnicity,*
- 35 *nationality, or tribal group. This list shall be created, maintained,*
- 36 *and updated through a process of consultation with*
- 37 *representatives of interest groups, the public, and the Legislature.*
- 38 *The list shall include all of the following:*



1 (A) Names, nicknames, and mascots that the State Board of  
2 Education and the California Postsecondary Education  
3 Commission conclude are always derogatory or discriminatory.

4 (B) Names and nicknames that the State Board of Education  
5 and the California Postsecondary Education Commission  
6 conclude are derogatory or discriminatory when used in  
7 conjunction with a derogatory or discriminatory mascot.

8 (2) Upon the request of any interested party, the State Board of  
9 Education and the California Postsecondary Education  
10 Commission shall review any particular mascot for the purpose  
11 described by paragraph (1).

12 (c) All community colleges, the California State University,  
13 and the University of California are prohibited from using any  
14 team name, mascot, or nickname designated as derogatory or  
15 discriminatory pursuant to subdivision (b).

16 (d) The State Board of Education and the California  
17 Postsecondary Education Commission may jointly grant an  
18 exception to the prohibitions specified in subdivision (c) if a  
19 campus can provide sufficient evidence that the team name,  
20 mascot, or nickname is not used in a manner that is derogatory or  
21 discriminatory. However, no exception may be granted for any  
22 name specifically delineated in subdivision (a), or for any  
23 American Indian tribal name.

24 (e) This section shall not apply to a campus that continues to  
25 use uniforms or other materials bearing any of the athletic team  
26 names, mascots, or nicknames specified by subdivision (a) that  
27 were purchased before January 1, 2003, or uniforms or other  
28 materials bearing any athletic team name, mascot, or nickname  
29 designated derogatory or discriminatory pursuant to subdivision  
30 (b), that were purchased before January 1 of the year following the  
31 initial designation, if the campus does all of the following:

32 (1) Selects a new team name, mascot, or nickname.

33 (2) Refrains from purchasing, for the purpose of distribution or  
34 sale to students, any uniform that includes or bears the prohibited  
35 athletic team name, mascot, or nickname.

36 (3) Refrains from purchasing, for the purpose of distribution or  
37 sale to students or campus employees, any yearbook, newspaper,  
38 program, or other similar material that includes or bears the  
39 prohibited athletic team name, mascot, or nickname in its logo or  
40 cover title.



1 (4) Refrains from purchasing or constructing a marquee, sign,  
2 or other new or replacement fixture that includes or bears the  
3 prohibited athletic team name, mascot, or nickname.

4 (f) No provision of this section shall apply to the University of  
5 California except to the extent that the Regents of the University  
6 of California, by appropriate resolution, make that provision  
7 applicable.

8 SEC. 4. 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  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code. If the statewide cost of the  
14 claim for reimbursement does not exceed one million dollars  
15 (\$1,000,000), reimbursement shall be made from the State  
16 Mandates Claims Fund.

