

AMENDED IN ASSEMBLY MAY 23, 2002

AMENDED IN ASSEMBLY MAY 1, 2002

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,
***Firebaugh, Koretz, Longville, and Negrete McLeod*)**
(Coauthor: Senators Kuehl and Romero)

February 19, 2002

An act to add 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 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 create, maintain, and annually augment~~

~~a list of other terms that 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 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. *The bill would declare that it would not apply to a Native American tribal school.* 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 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.



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

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

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

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

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 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 representatives~~
37 ~~of interest groups, the public, and the Legislature. The list shall~~
38 ~~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 public schools are prohibited from using any team~~
13 ~~name, mascot, or nickname designated as derogatory or~~
14 ~~discriminatory pursuant to subdivision (b).~~

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

26 ~~(e) This section shall not apply to a school that continues to use~~

27 ~~(b) This section shall not apply to a Native American tribal~~
28 ~~school.~~

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

38 ~~(1) Selects a new athletic team name, mascot, or nickname.~~



1 (2) Refrains from purchasing, for the purpose of distribution or
2 sale to pupils *or school employees*, any uniform that includes or
3 bears the prohibited athletic team name, mascot, or nickname.

4 (3) Refrains from purchasing, for the purpose of distribution or
5 sale to pupils or school employees, any yearbook, newspaper,
6 program, or other similar material that includes or bears the
7 prohibited athletic team name, mascot, or nickname in its logo or
8 cover title.

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

12 (f)

13 (d) 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 representatives~~
37 ~~of interest groups, the public, and the Legislature. The list shall~~
38 ~~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 ~~(b) This section shall not apply to a campus that continues to~~
26 ~~use uniforms or other materials bearing any of the athletic team~~
27 ~~names, mascots, or nicknames specified by subdivision (a) that~~
28 ~~were purchased before January 1, 2003, or uniforms or other~~
29 ~~materials bearing any athletic team name, mascot, or nickname~~
30 ~~designated derogatory or discriminatory pursuant to subdivision~~
31 ~~(b), that were purchased before January 1 of the year following~~
32 ~~the initial designation, if the campus does all of the following: were~~
33 ~~purchased before January 1, 2003, if the campus does all of the~~
34 ~~following:~~

35 (1) Selects a new *athletic* team name, mascot, or nickname.

36 (2) Refrains from purchasing, for the purpose of distribution or
37 sale to students *or campus employees*, any uniform that includes
38 or bears the prohibited athletic team name, mascot, or nickname.

39 (3) Refrains from purchasing, for the purpose of distribution or
40 sale to students or campus employees, any yearbook, newspaper,



1 program, or other similar material that includes or bears the
2 prohibited athletic team name, mascot, or nickname in its logo or
3 cover title.

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

7 ~~(f)~~

8 (c) No provision of this section shall apply to the University of
9 California except to the extent that the Regents of the University
10 of California, by appropriate resolution, make that provision
11 applicable.

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

