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**SUBSTITUTE HOUSE BILL 1356**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Education (originally sponsored by Representatives Lekanoff, Dolan, Davis, Ramos, Fitzgibbon, Callan, Simmons, Lovick, Berg, Ormsby, Bateman, Bergquist, Goodman, Macri, Ramel, Harris-Talley, and Pollet)

READ FIRST TIME 02/15/21.

1       AN ACT Relating to prohibiting the inappropriate use of Native  
2 American names, symbols, or images as public school mascots, logos,  
3 or team names; adding a new section to chapter 28A.320 RCW; and  
4 creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION.   **Sec. 1.**   (1) The legislature finds that the use of  
7 racially derogatory or discriminatory school mascots, logos, or team  
8 names in public schools is antithetical to their mission of providing  
9 an equal education to all, and contrary to the goal of making schools  
10 safe and respectful learning environments.

11       (2) The legislature finds also that certain mascots, logos, or  
12 team names that are or have been used by schools and other entities  
13 are uniquely discriminatory in singling out the Native American  
14 community for derision and cultural appropriation.

15       (3) Although the inappropriate use of Native American names,  
16 symbols, or images may be premised on the promotion of unity or  
17 school spirit, their use fails to respect the cultural heritage of  
18 Native Americans and promote productive relationships between  
19 sovereign governments. Furthermore, numerous individuals and  
20 organizations, including the United States commission on civil  
21 rights, have concluded that the use of Native American images and

1 names in school sports is a barrier to equality and understanding,  
2 and that all residents of the United States would benefit from the  
3 discontinuance of their use.

4 (4) The legislature therefore, recognizing that no school has a  
5 cognizable interest in retaining a racially derogatory or  
6 discriminatory school mascot, logo, or team name, intends to prohibit  
7 the inappropriate use of Native American names, symbols, or images  
8 for those purposes.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320  
10 RCW to read as follows:

11 (1) Except as provided otherwise by this section, beginning  
12 January 1, 2022, public schools may not use Native American names,  
13 symbols, or images as school mascots, logos, or team names.

14 (2) Subsection (1) of this section does not apply to public  
15 schools located within, or with enrollment boundaries that include a  
16 portion of, "Indian country," as defined in 18 U.S.C. Sec. 1151, or  
17 public schools in a county that contains all or part of a tribal  
18 reservation or tribal trust lands, if the tribe or tribes having  
19 regulatory jurisdiction over the territory within that boundary have:

20 (a) Been consulted by the appropriate school, district, or both.  
21 Consultations under this subsection (2)(a) must include summaries of  
22 completed and ongoing district and school actions required by RCW  
23 28A.320.170; and

24 (b) Authorized the use of the name, symbol, or image as a mascot,  
25 logo, or team name through an appropriate enactment or resolution.

26 (3) A public school may use uniforms or other materials after  
27 January 1, 2022, bearing Native American names, symbols, or images as  
28 mascots, logos, or team names if the uniforms or materials were  
29 purchased before January 1, 2022, and if:

30 (a) The school selects a new mascot, logo, or team name by  
31 December 31, 2021, to take effect in the 2021-22 school year;

32 (b) Except as provided otherwise by this subsection (3)(b), the  
33 school does not purchase or acquire any uniforms or materials that  
34 include the discontinued Native American name, symbol, or image.  
35 However, a school using the discontinued Native American name,  
36 symbol, or image may, until January 1, 2023, purchase or acquire a  
37 number of uniforms equal to up to twenty percent of the total number  
38 of uniforms used by a team, band, or cheer squad at that school

1 during the 2021-22 school year solely to replace damaged or lost  
2 uniforms;

3 (c) The school does not purchase, create, or acquire any  
4 yearbook, newspaper, program, or other similar material that includes  
5 or bears the discontinued Native American name, symbol, or image; and

6 (d) The school does not purchase, construct, or acquire a  
7 marquee, sign, or other new or replacement fixture that includes or  
8 bears the discontinued Native American name, symbol, or image.

9 (4) A public school that does not meet the geographic  
10 requirements in subsection (2) of this section is exempt from  
11 subsection (1) of this section if:

12 (a) The school is located in a county that is adjacent to a  
13 county that contains all or part of a tribal reservation or tribal  
14 trust lands; and

15 (b) The tribe that is consulted with and determines to authorize  
16 the use of the name, symbol, or image as a school mascot, logo, or  
17 team name as provided in subsection (2) of this section is the  
18 nearest federally recognized Indian tribe.

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