

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 567

By: Eason McIntyre

AS INTRODUCED

An Act relating to schools; creating the Oklahoma Racial Mascots Act; providing short title; stating legislative findings; prohibiting the use of racially derogatory or discriminatory Native American school or athletic team names, nicknames, and mascots; specifying certain requirements; providing penalty and enforcement; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-154 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Racial Mascots Act".

B. The Legislature finds and declares the following:

1. The use of racially derogatory or discriminatory school or athletic team names, mascots, or nicknames in Oklahoma public schools is antithetical to the Oklahoma school mission of providing an equal education to all;

2. Certain athletic team names, mascots, and nicknames that have been and remain in use by athletic teams, including school teams, in other parts of the nation are discriminatory in singling out the Native American/American Indian community for the derision to which mascots or nicknames are often subjected;

3. Many individuals and organizations interested and experienced in human relations have concluded that the use of Native American images and names in school sports is a barrier to equality

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

4. No individual or school has a cognizable interest in retaining a racially derogatory or discriminatory school or athletic team name, mascot or nickname.

B. All public schools in Oklahoma, including institutions of elementary, secondary and higher education, are prohibited from using any of the following school or athletic team names, mascots, or nicknames:

1. Savages;
2. Redskins;
3. Indians;
4. Braves;
5. Chiefs;
6. Apaches;
7. Comanches;
8. Papooses;
9. Warriors;
10. Sentinels;
11. Any other Native American tribal name; and
12. Any other racially derogatory or discriminatory school or athletic team name, mascot or nickname.

C. Notwithstanding the provisions of this section, a school may continue to use uniforms or other materials bearing a school or athletic team name, mascot, or nickname specified in subsection B of this section that were purchased before the effective date of this act, if the school does all of the following:

1. Selects a new school or athletic team name, mascot, or nickname;
2. Refrains from purchasing or acquiring, after the effective date of this act, for the purpose of distribution or sale to pupils

or school employees, any uniform that includes or bears the prohibited school or athletic team name, mascot, or nickname;

3. Refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any yearbook, newspaper, program, or other similar material that includes or bears the prohibited school or athletic team name, mascot, or nickname in its logo or cover title; and

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

D. Except for a school that meets the requirements of subsection C of this section, any school that uses a racially derogatory or discriminatory Native American school or athletic team name, nickname, logo or mascot in violation of this section shall be subject to a penalty of not less than Five Hundred Dollars (\$500.00) to be enforced as follows:

1. The State Board of Education shall enforce the penalty prescribed in this subsection for offending elementary and secondary public schools by reducing the offending school district's State Aid during the next school year;

2. The Attorney General shall enforce the penalty prescribed in this subsection for offending public institutions of higher education; and

3. Each day of use of the racially derogatory or discriminatory Native American name, nickname, logo or mascot in violation of this section constitutes a separate violation.

SECTION 2. This act shall become effective November 1, 2005.