

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 765

By: Eason McIntyre

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5
6 AS INTRODUCED

7 An Act relating to schools; creating the Oklahoma
8 Anti-Discriminatory Mascots Act; providing short
9 title; stating legislative findings; prohibiting the
10 use of racially derogatory or discriminatory Native
11 American school or athletic team names, nicknames,
12 and mascots; specifying certain requirements;
13 providing penalty and enforcement; providing for
14 codification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 24-155 of Title 70, unless there
18 is created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Oklahoma
20 Anti-Discriminatory Mascots Act".

21 B. The Legislature finds and declares the following:

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

1 2. Racially-identified athletic team names, mascots, and
2 nicknames that have been and remain in use by athletic teams, and
3 school teams, in other parts of the nation are identified as
4 discriminatory in singling out the Native American/American Indian
5 community for the derision to which mascots or nicknames are often
6 subjected;

7 3. The Inter-Tribal Council of the Five Civilized Tribes of
8 Oklahoma, an organization that unites the tribal governments of the
9 Chickasaw, Choctaw, Cherokee, Muscogee (Creek), and Seminole
10 Nations, representing over 400,000 Indian people throughout the
11 United States, declared in The Five Civilized Tribes Intertribal
12 Council Mascot Resolution (2001-08), "WHEREAS, the Five Civilized
13 Tribes believe the use of derogatory American Indian images such as
14 mascots by public schools perpetuate a stereotypical image of
15 American Indians that is likely to have a negative impact on the
16 self-esteem of American Indian children; and joins the United States
17 Commission on Civil Rights call to eliminate the stereotypical use
18 of American Indian names and images as mascots in sports and other
19 events and to provide meaningful education about real American
20 Indian people, current American Indian issues, and the rich variety
21 of American Indian cultures in the U.S.";

22 4. Many individuals and organizations interested and
23 experienced in human relations, such as the United States Commission
24 on Civil Rights, the American Psychological Association, the

1 National Governing Board of the United Methodist Church, the
2 National Congress of American Indians, the National Indian Education
3 Association, and others, have concluded that the use of Native
4 American images and names in school sports is a barrier to equality
5 and understanding, and that all residents of the United States would
6 benefit from the discontinuance of their use; and

7 5. The rights of Native Americans have been violated and
8 limited by government suppression in schools and reservations. The
9 violation of religious rights manifested itself in denying the
10 holding of cultural ceremonies and showed gross disrespect for
11 Native religious beliefs. The unauthorized or unwelcome use of
12 feathers, images and language mocks ceremonial practices and
13 religious rites. It is the policy of the United States, a country
14 built on freedom of religion, through constitutional protections and
15 the call for the protection of the religious freedom of Native
16 Americans in the United States, as enacted in Senate Joint
17 Resolution No. 102, Act of Aug. 11, 1978, Pub. L. No. 95-341. The
18 use of Indian mascots violates Native American culture and languages
19 through the unauthorized use of Native American religious articles
20 to support team sports; therefore, no individual or school has a
21 cognizable interest in retaining a racially derogatory or
22 discriminatory school or athletic team name, mascot or nickname.

23 C. All public schools in Oklahoma, including institutions of
24 elementary, secondary and higher education, shall be prohibited from

1 using any of the following school or athletic team names, mascots,
2 or nicknames:

- 3 1. Savages;
- 4 2. Redskins;
- 5 3. Any other Native American tribal name;
- 6 4. Any other racially derogatory or discriminatory school or
7 athletic team name, mascot or nickname; and
- 8 5. All other racially and culturally-related mascots that are
9 deemed harmful as defined by the Oklahoma Human Rights Commission,
10 the National Indian Education Association, and the American
11 Psychological Association.

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

- 17 1. Selects a new school or athletic team name, mascot, or
18 nickname, by June 30, 2010;
- 19 2. Refrains from purchasing or acquiring, after the effective
20 date of this act, for the purpose of distribution or sale to
21 students or school employees, any uniform that includes or bears the
22 prohibited school or athletic team name, mascot, or nickname;
- 23 3. Refrains from purchasing or acquiring, for the purpose of
24 distribution or sale to pupils or school employees, any yearbook,

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

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

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

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

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

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

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SECTION 2. This act shall become effective November 1, 2009.

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