

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: November 9, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee

FROM: Sharon M. Tso *Sharon Tso* Council File No.: 15-0002-S96  
Chief Legislative Analyst Assignment No.: 15-08-0707

SUBJECT: Resolution (O'Farrell – Wesson) to SUPPORT AB 30 (Alejo)

CLA RECOMMENDATION: Note and file the attached Resolution (O'Farrell – Wesson) to include in the City's 2015-16 State Legislative Program SUPPORT for AB 30 (Alejo) relative to the California Mascots Act, inasmuch as AB 30 was signed into law by the Governor.

## SUMMARY

The Resolution (O'Farrell – Wesson), introduced on August 19, 2015, states that existing law provides all persons equal rights and opportunities in the educational institutions of the State. The Resolution further states that the Legislature is considering a bill, AB 30 (Alejo), which would establish the California Racial Mascots Act to prohibit public schools from using the term "Redskins" as a school or athletic team name, mascot, or nickname beginning on January 1, 2017. The bill also states that the use of racially derogatory school athletic team names and mascots is inconsistent with the State's mission of providing equal education for all young people. Under AB 30, the prohibition on the use of the term "Redskins" for school or athletic team names and mascots is not subject to waiver by the State Board of Education.

The Resolution requests that the City support AB 30.

## BACKGROUND

Depictions of Native Americans have appeared in the logos and mascots of organized sports teams, educational institutions, official currency, and other locations beginning in the early 20<sup>th</sup> century. Examples of professional sports teams utilizing images of Native Americans for logos and mascots include the Cleveland Indians (1915) and the Washington Redskins (1933).

There have been ongoing efforts to prohibit the use of the word "Redskin" in logos and mascots as a result of the historical and contemporary use of this word as a racial slur. The term originates in the 1700's when early settlers offered a bounty for the killings of Native American people. In 1997, the Los Angeles Unified School District Board adopted a resolution to prohibit the use of Native American mascots throughout the school district. In 2005, the American Psychological Association (APA) recommended that schools, colleges, universities, and athletic teams discontinue the use of Native American mascots and other imagery. According to the APA, such images create a hostile learning environment for Native American youth and perpetuates stereotypes by misusing Native American cultural symbols and spiritual practices.

Some public school districts in the United States have recently taken action to remove the "Redskin" name from logos and mascots, including the Oklahoma City Public Schools Board in December 2014 and the Lancaster Central School District in western New York State in March 2015. The Oneida Indian Nation has expanded efforts to change the name and mascot of the Washington Redskins professional football team.

On December 1, 2014, AB 30 (Alejo) was introduced which would prohibit (beginning January 1, 2017) all public schools within the State from using the term "Redskins" as a school or athletic team name, mascot, and/or nickname. Schools would be authorized to continue to use uniforms or other materials bearing the term beyond the January 1, 2017 deadline if the school takes action to select a new school or athletic team name. The four public high schools in the State using the term as a mascot are as follows: Gustine High School in Merced County, Calaveras High School in Calaveras County, Chowchilla Union High School in Madera County, and Tulare Union High School in Tulare County. AB 30 is opposed by the City of Gustine which stated that local governments should decide whether or not to use the "Redskins" mascot.

AB 30 is the third time the State Legislature has considered a statewide prohibition on Native American mascots. In 2002, a similar bill failed passage in the Legislature. In 2004, the Legislature approved a similar bill which was subsequently vetoed by the Governor. On October 11, 2015, the Governor signed AB 30 into law.

It is recommended that the City Council note and file Resolution (O'Farrell – Wesson), inasmuch as the Governor has signed AB 30 into law and will become effective on January 1, 2016. AB 30 is consistent with existing City programs and policies which support the civil rights of all City residents.

Department Notified

None.

Bill Status

September 8	Read third time. Passed. Ordered to the Assembly.
September 8	In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 10 pursuant to Assembly Rule 77.
September 9	Assembly Rule 77 suspended. (Ayes 52, Noes 28)
September 10	Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 60, Noes 10).
September 18	Enrolled and presented to the Governor.
October 11	Approved by the Governor.



Brian Randol

Analyst

Attachments: 1. Resolution  
2. Text of AB 30.

SMT:MF:PS:BMR

**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing law sets the policy that affords all persons in public schools equal rights and opportunities in the educational institutions of the state, and further prohibits, as well as provides remedies for, acts that are contrary to the policy; and

WHEREAS, the bill AB 30 (Alejo) would establish, under the state Education Code, the California Racial Mascots Act, which would prohibit public schools from using the term Redskins as a school or athletic team name, mascot, or nickname beginning January 1, 2017; and

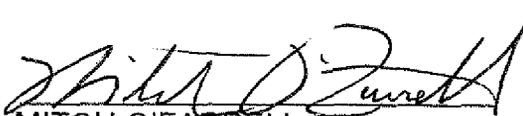
WHEREAS, the AB 30 (Alejo) declares that the use of racially derogatory school athletic team names and mascots goes against the State's mission of providing equal education; and singling out the Native American community for derision is discriminatory and psychologically harmful; and

WHEREAS, AB 30 (Alejo) declares that all public schools are prohibited from using the term Redskins for school or athletic team names, mascots, or nicknames beginning January 1, 2017, with the stated exceptions; and

WHEREAS, the prohibition of the use of the term "Redskins" for school or athletic team names, mascots and nicknames by AB 30 (Alejo) is not subject to waiver by the state Board of Education; and

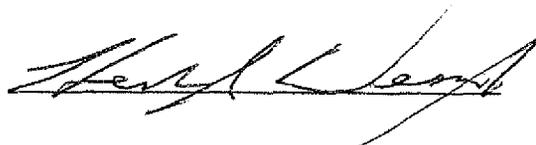
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this resolution, the City of Los Angeles hereby includes in its 2015-2016 State Legislative Program SUPPORT for AB 30 (Alejo) to establish the California Racial Mascots Act.

PRESENTED BY:



MITCH O'FARRELL  
Councilmember 13th District

SECONDED BY:



**Assembly Bill No. 30**

**CHAPTER 767**

An act to add Article 3.5 (commencing with Section 221.2) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to schools.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 30, Alejo. School or athletic team names: California Racial Mascots Act.

Existing law provides that it is the policy of this state to afford all persons in public schools equal rights and opportunities in the educational institutions of the state, as specified, and further prohibits, and provides remedies for, acts that are contrary to that policy.

This bill would establish the California Racial Mascots Act, which would prohibit public schools from using the term Redskins as a school or athletic team name, mascot, or nickname beginning January 1, 2017, subject to specified exceptions. The bill would also provide that this prohibition may not be waived by the State Board of Education. To the extent that this prohibition would impose additional duties on public schools, the bill would impose a state-mandated local program.

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.

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.

*The people of the State of California do enact as follows:*

SECTION 1. Article 3.5 (commencing with Section 221.2) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

**Article 3.5. The California Racial Mascots Act**

221.2. The Legislature finds and declares all of the following:

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

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

(c) Many individuals and organizations interested and experienced in human relations, including the United States Commission on Civil Rights, 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.

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

221.3. (a) Beginning January 1, 2017, all public schools are prohibited from using the term Redskins for school or athletic team names, mascots, or nicknames.

(b) Notwithstanding this section, a public school may continue to use uniforms or other materials bearing the term Redskins as a school or athletic team name, mascot, or nickname that were purchased before January 1, 2017, if all of the following requirements are met:

(1) The school selects a new school or athletic team name, mascot, or nickname.

(2) (A) Except as provided in subparagraph (B), the school refrains from purchasing or acquiring, for the purpose of distribution or sale to pupils or school employees, any uniform that includes or bears the term Redskins.

(B) Notwithstanding subparagraph (A), prior to January 1, 2019, a school using uniforms that bear the term Redskins may purchase or acquire a number of uniforms equal to up to 20 percent of the total number of uniforms used by a team or band at that school during the 2016–17 school year for the purposes of replacing damaged or lost uniforms.

(3) The school 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.

(4) The school 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. This paragraph applies to facilities that bear the prohibited school or athletic team name, mascot, or nickname, in which case the school shall remove the prohibited name no later than the next time the associated part of the facility is replaced in the normal course of maintenance.

(c) It is the intent of the Legislature that implementation of a new school or athletic team name, mascot, or nickname does not result in a requirement to immediately purchase or replace materials or fixtures until they would have needed to be purchased or replaced without the enactment of this article.

(d) This section is not subject to waiver by the state board pursuant to Section 33050, except as specified in this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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