

This response was prepared for Rep. Kathryn Webb, Vermont Legislature

Your Question:

You asked about state laws or legislation related to school mascot name changes, in particular the use of Indigenous tribal names.

Our Response:

In recent years, the issue of offensive mascot names—especially those using Native American/Indigenous imagery—has received national attention. In the professional sports landscape, Major League Baseball [announced](#) that the Cleveland Indians would stop using their logo in 2018 and the National Football League’s Washington Football Team [announced](#) that it would be retiring its former name in 2020. Postsecondary governing bodies and institutions have approached the issue as well; for instance, the National Collegiate Athletic Association [adopted a policy](#) in 2005 prohibiting schools with offensive mascots from hosting any championship competitions.

Education Commission of the States has tracked an increased effort at the state-level to prohibit the use of Native American/Indigenous imagery as a school mascot, logo, team name or other identifier, with several states introducing or re-introducing legislation each year. The language and intent in much of the legislation is similar to that of Vermont [S. 139](#).

State Examples

Recent state efforts have sought to prohibit the use of mascots with inappropriate or racially sensitive imagery or language, often specifying the use of Native American/Indigenous naming. State-level policy efforts provide responsibilities and requirements for boards, districts and schools in changing nicknames or mascots. State efforts commonly provide exemptions for schools that are operated by a tribe or that exist within a tribe’s reservation. Some efforts provide funding to support schools with the costs associated with the name change process.

We identified at least eight states that have enacted state-level policies related to the use of Native American/Indigenous mascots at schools. Additionally, this memo provides examples of introduced legislation, resolutions and committee recommendations in recent years.

Enacted State Policies

California

The California Racial Mascots Act ([A.B. 30](#) 2015; enacted) prohibits schools from using the term “Redskins” as a school or athletic team name, mascot, or nickname, and prohibits the state board of education from waiving this prohibition. More context is available in [this article](#) (EdSource) and [this article](#) (The Daily Californian).

Additional information

- ✓ At the time of this [October 2020 analysis](#) by FiveThirtyEight, there were **over 1,200 high schools** with Native American team names (decreasing from a [2014 analysis](#))
- ✓ In 2015, the company **Adidas announced an initiative** to provide **free assistance to schools seeking to change their Native American mascots**. It isn’t clear how many schools the company has helped.

Colorado

The Colorado legislature enacted [S.B. 116](#) in 2021, which “prohibits the use of American-Indian mascots by public schools, including charter and institute charter schools, and public institutions of higher education.” The law requires schools with such mascots to change their name by June 1, 2022 and imposes a fine of \$25,000 per month for each month that an institution continues to use such a name. The law provides some exemptions for the prohibition. The Colorado Commission of Indian Affairs is responsible for identifying schools that will need to change mascots and created an [implementation process guide](#).

Connecticut

The state’s 2021 budget bill ([S.B. 1202](#); Enacted) prohibits schools that use Native American mascots from receiving any money from the [Mashantucket Pequot and Mohegan Fund](#), a grant program that annually distributes funding to each of the state’s 169 municipalities. The legislature has recently considered efforts (including [H.B. 5787](#), 2021) that would more explicitly prohibit the use of names or imagery depicting Native American tribes, individuals, customs, or traditions as a mascot, nickname, logo, letterhead or team name for any school, though those efforts have failed to become enacted.

Maine

The state’s comprehensive law addressing mascot naming at public schools and colleges ([H.P. 699](#); Enacted, 2019) prohibits public schools from having or adopting “a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letterhead or team name of the school.”

Nevada

In 2021, the [legislature enacted A.B. 88](#) which requires the governing body of school and charter school districts to adopt a policy prohibiting the use of “any name, logo, mascot, song or other identifier that is racially discriminatory or contains racially discriminatory language or imagery,” including identifiers associated with the Confederate States of America or a federally recognized Indian tribe. Schools using such an identifier are required to change their name. Exemptions are provided for districts using an identifier associated with a federally recognized Indian tribe if the governing body obtains approval from the Indian tribe.

Oregon

In 2012, the board of education [passed a resolution](#) and [adopted a rule](#) prohibiting schools from using Native American names, symbols, or images as school mascots. In 2014 the state legislature enacted [S.B. 1509](#), which allows schools to enter into a written agreement with a federally recognized Native American tribe in Oregon to allow the school to use a mascot that represents or is significant to the tribe. Despite [2015 action](#) by the state board requiring schools to give up Native American mascots, the state board of education [adopted a rule](#) in 2016 aligning state board rules to the legislation and allowing some schools to keep their mascots in specified circumstances.

Washington

The legislature enacted [H.B. 1356](#) in 2021, prohibiting “the inappropriate use of Native American names, symbols, or images as public school mascots, logos, or team names.” The law required the discontinued use of any such mascots by January 1, 2022, and created a grant program to support districts and schools incurring costs to comply with the requirement. Following the legislation, the Office of Superintendent of Public Instruction [requested an additional \\$4.5 million](#) to fully fund the grant program to support 38 Washington schools in changing their names and logos, claiming that the initial funding was not sufficient.

Wisconsin

[Legislation enacted in 2009](#) allows residents of a school district to file a complaint with the state superintendent objecting to the use of race-based nicknames, logos, mascots or team names associated with a federally recognized

American Indian tribe. Those filing the complaint were required to provide evidence supporting the complaint. The bill was the first of its kind in the nation. In 2013, the governor signed [A.B. 297](#) which makes it more difficult for the state to require schools to change team names or mascots associated with American Indian tribes if someone files a complaint against the school. It requires complaints to include signatures from district residents equal to 10 percent of the student population of the school district. This measure shifts the burden of proof from the school district to those filing the complaint. More information available in [this article](#) from the Milwaukee Wisconsin Journal Sentinel.

Introduced Legislation and Other State Activity

The following examples highlight introduced legislation and recommendations to prohibit the use of Native American/Indigenous mascots or other mascots based on a race or ethnicity. While this list is not exhaustive it highlights the trend of state efforts in recent years.

Iowa [H.F. 2224](#) (Pending, 2022)

This bill would prohibit public and nonpublic schools from having or adopting a name, symbol, or image depicting or referring to a Native American tribe as a school mascot, nickname, logo, letterhead or team name, beginning January 1, 2024.

Kansas

A [July 2021 report](#) from the Governor’s Commission on Racial Equity & Justice recommends that the state “review and eliminate the use of Native American mascots, imagery and names by educational institutions and sports teams, unless used by a tribal school or educational institution,” and recommends legislative or local action to accomplish the recommendation (“School Mascots” section, pg. 22-23).

Massachusetts [S. 2943](#) (Pending, 2022)

This bill would prohibit the use of Native American mascots by public schools in the commonwealth. Similar legislation was introduced in Massachusetts in previous sessions but has failed.

Michigan [S.B. 46](#) (Failed; 2017)

This bill would have prohibited a school district from allowing mascots, logos, nicknames, team names, slogans, chants, songs, publications, uniforms or signs based on race or ethnicity. It also would have allowed districts to obtain waivers in some circumstances.

Minnesota [H.F. 4387](#) / [S.F. 4372](#) (Pending, 2022)

Prohibits school districts, schools and public postsecondary institutions from using or adopting “a name, symbol or image that depicts or refers to an American Indian tribe” as a mascot, nickname, logo, letterhead or team name. Allows schools or districts to apply for an exemption by submitting a written request to the Tribal Nations Education Committee and the Indian Affairs Council.

Nebraska [L.B. 1027](#) (Pending, 2022)

This bill would provide grants to schools that voluntarily “discontinue use of American Indian mascots.”

New Hampshire [H.B. 1261](#) (Failed, 2022)

This bill would have prohibited the use of Native American mascots in public schools, colleges and universities, beginning January 1, 2024.

Ohio [H.C.R. 25](#) (Pending, 2021)

Encourages schools and athletic teams with Native American mascots and team names to engage with Native American tribes and to collaborate with state and district boards to retire the use of Native American mascots.

New York [A. 5443](#) / [S. 1549](#) (Pending, 2022)

These bills would require the commissioner of education to promulgate rules and regulations to ensure that no public school uses a Native American name, logo or mascot. The bills would provide an exemption for Native American tribes and would allow schools to use their current materials and uniforms until September 1, 2024.

South Dakota [H.B. 1183](#) (Failed, 2022)

This bill would have prohibited “school districts from using certain mascots or team names that are derogatory toward Native American peoples or culture.” A similar bill from 2020 ([H.B. 1143](#)) aimed at racially derogatory or discriminatory mascots also failed.

Utah [H.J.R. 10](#) (Failed, 2020)

Expressed support for the “appropriate use of names, images and symbols of Native Americans and other indigenous people by schools or places” and discouraged the removal of such names.