

Date of Hearing: April 3, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 3074 (Schiavo & Ramos) – As Amended March 18, 2024

This bill was doubled referred to the Assembly Higher Education Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: School or athletic team names: California Racial Mascots Act

SUMMARY: Prohibits, commencing January 1, 2026, all public schools, except for a school operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames, as specified. Specifically, **this bill:**

- 1) Prohibits, commencing January 1, 2026, all public schools, except for a school operated by an Indian tribe or a tribal organization, from using any derogatory Native American term for school or athletic team names, mascots, or nicknames.
- 2) Authorizes a public school to continue to use uniforms or other materials bearing a derogatory Native American term as a school or athletic team name, mascot, or nickname that were purchased before January 1, 2026, if all of the following requirements are met:
 - a) The school selects a new school or athletic team name, mascot, or nickname.
 - 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 derogatory Native American term, except before January 1, 2028, a school using uniforms that bear the derogatory Native American term may purchase or acquire a number of uniforms equal to up to 20% of the total number of uniforms used by a team or band at that school during the 2025–26 school year for the purposes of replacing damaged or lost uniforms.
 - c) 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, nickname, or related title in its logo or cover title.
 - d) Commencing with registration for the 2026–27 school year, the school does not register or reregister the prohibited school or athletic team name, mascot, or nickname with the California Interscholastic Federation (CIF).
 - e) The school refrains from purchasing or constructing a marquee, sign, gymnasium floor, or other new or replacement fixture that includes or bears the prohibited school or athletic team name, mascot, or nickname. This requirement applies to facilities that bear the prohibited school or athletic team name, mascot, or nickname, in which case the school must remove the prohibited name, mascot, or nickname no later than the next time the associated part of the facility is replaced in the normal course of maintenance.

- 3) States that it is the intent of the Legislature that implementation of a new school or athletic team name, mascot, or nickname results in a requirement to purchase or replace materials or fixtures when they would have needed to be purchased or replaced without the enactment of this article.
- 4) States that it is the intent of the Legislature that the purchase or replacement of materials or fixtures due to implementation of a new school or athletic team name, mascot, or nickname pursuant to this section occur before the 2028–29 school year.
- 5) States that this prohibition shall not apply to a public school that receives written consent from a local federally recognized tribe to use a derogatory Native American term for the school or an athletic team name, mascot, or nickname.
- 6) States that this measure is not subject to waiver by the State Board of Education (SBE).
- 7) Defines “derogatory Native American term” to include, but not necessarily be limited to, Apaches, Big Reds, Braves, Chiefs, Chieftains, Chippewa, Comanches, Indians, Savages, Squaw, and Tribe.

EXISTING LAW:

- 1) Prohibits, beginning January 1, 2017, all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames. (Education Code (EC) 221.3)
- 2) States that 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:
 - a) The school selects a new school or athletic team name, mascot, or nickname.
 - 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. 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% 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.
 - c) 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.
 - d) 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 requirement applies to facilities that bear the prohibited school or athletic team name, mascot, or nickname, in which case the school must remove the prohibited name no later than the next time the associated part of the facility is replaced in the normal course of maintenance. (EC 221.3)

- 3) States that 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. (EC 221.3)
- 4) States that the prohibition on athletic team names is not subject to waiver by the SBE. (EC 221.3)
- 5) Specifies that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, equal rights and opportunities in the educational institutions of the state. (EC Section 200)
- 6) Requires the State Board of Education (SBE) to adopt policies directed toward creating a school environment in kindergarten through grade 12 that is free from discriminatory attitudes and practices and acts of hate violence. (EC Section 233)

FISCAL EFFECT: Unknown

COMMENTS:

What does this bill do? This bill prohibits, beginning January 1, 2026, all public schools from using a derogatory Native American term for school or athletic team names, mascots, or nicknames, except for a school operated by an Indian tribe or tribal organization, or a school that receives written consent from a local federally recognized tribe. The bill authorizes a school to continue using uniforms or other materials that were purchased before January 1, 2026, as long as the school selects a new school or athletic team name, mascot, or nickname, and refrains from purchasing new items (yearbook, newspaper, marquee, signs, etc.) that bear the name. The bill does allow an exception to replace damaged or lost uniforms, prior to January 1, 2028, but only in an amount equal to 20% of the total number of uniforms used by a team or a band at a school during the 2025-26 school year. This bill specifically prohibits the provisions of this bill from the SBE waiver process.

Need for the bill. According to the author, “School can be a scary place for most kids. It does not help when your school has a derogatory logo or name that your classmates use in a manner insensitive to your culture. There are studies that have proven that these mascots have detrimental effects on Indigenous people from the individual to societal level. It is unfair to make any child undergo trauma due to their culture, and AB 3074 seeks to make a school a safe place for all.”

How many schools would this bill affect? The National Congress of American Indians (NCAI) developed a comprehensive national tracking database of more than two dozen different Native “themed” school mascots at K-12 schools. Below is the most recent national data, according to the NCAI database:

SCHOOLS WITH NATIVE “THEMED” MASCOTS: THE CURRENT NUMBERS (Last updated: April 5, 2023)

Current overall numbers and numbers of five most common mascots featured below:

OVERALL	
Total Schools	1,901
Total School Districts	966

“R*DSK*NS”	
Total Schools	89
Total School Districts	40

“INDIANS”	
Total Schools	783
Total School Districts	331

“BRAVES”	
Total Schools	227
Total School Districts	130

“CHIEFS”	
Total Schools	181
Total School Districts	91

“WARRIORS”	
Total Schools	406
Total School Districts	236

The Los Angeles Unified School District (LAUSD) Board passed a resolution in 1997 finding that the "use of American Indian mascot names and images in schools evokes negative images that become deeply imbedded in the minds of students, depicting American Indians in inaccurate, stereotypic, and often violent manners." The resolution resolved that American Indian mascots and names such as Apaches, Mohicans, Warriors, and Braves would no longer be used. In 1998, a federal judge upheld the LAUSD resolution. According to the LAUSD, all American Indian names have been eliminated.

California Interscholastic Federation (CIF). This bill prohibits schools from registering with the CIF if they have a team name or mascot that uses a derogatory Native American term. The CIF does not have a policy on the use of Native American terms for team names or mascots. CIF does not require annual registration by schools, and does not require team names to be reported. **Staff recommends the bill be amended** to remove CIF registration from the bill and instead include this prohibition in the uniform complaint procedures (UCP) after July 1, 2026.

History of this issue in California. Former Assemblymember Jackie Goldberg (D-Los Angeles) introduced several bills between 2002 and 2005 attempting to prohibit the use of Native American terms as team names and mascots. Her first bill, AB 2115 (2002), prohibited a number of Native American terms, including Redskins, Indians, Braves, Chiefs, Apaches, and Comanches. Her final two bills were narrowed to prohibit only the term "Redskins," which were both vetoed by Governor Schwarzenegger. AB 30 (Alejo), Statutes of 2015 established the prohibition on the use of the term “Redskins” by all public schools beginning January 1, 2017.

Research on derogatory Native American terms. In 2005, the American Psychological Association urged all schools, colleges, universities, athletic teams, and organizations to retire all American Indian mascots, symbols, and images because such practices undermine the educational experiences of all people and can create a "hostile learning environment for American Indian students that affirm negative images/stereotypes that are promoted in mainstream society." In a statement, Dr. Lisa Thomas stated, "We know from the literature that oppression, covert and overt racism, and perceived racism can have serious negative consequences for the mental health of American Indian and Alaska Native (AIAN) people. The discontinued use of American Indian mascots is a gesture to show that this kind of racism toward and the disrespect of, all people in our country and in the larger global context, will not be tolerated."

In 2001, the U.S. Commission on Civil Rights issued a statement calling for an end to the use of Native American images and team names by non-Native schools. It stated, "The Commission deeply respects the rights of all Americans to freedom of expression under the First Amendment...However, the Commission believes that the use of Native American images and

nicknames in school is insensitive and should be avoided. Schools that continue to use Indian imagery and references claim that their use stimulates interest in Native American culture and honors Native Americans. These institutions have simply failed to listen to the Native groups, religious leaders, and civil rights organizations that oppose these symbols.”

Partially in response to the 2001 U.S. Commission on Civil Rights recommendation, in 2005, the National Collegiate Athletic Association (NCAA) adopted a policy prohibiting colleges and universities playing in championship games from displaying hostile mascots, nicknames or images in terms of race, ethnicity or national origin. The NCAA does not prohibit colleges and universities from adopting Native American mascots or prohibit their display during regular season games, however.

Recommended Committee Amendments. Staff recommends the bill be amended to:

- 1) Change the operative date to July 1, 2026, so this prohibition will align with the start of a school year.
- 2) Authorize up to 20% of uniforms to be replaced that were used during the 2026-27 school year to align to the new operative date.
- 3) Remove the CIF registration from the bill and instead include this bill in the UCP after July 1, 2026.

Related legislation. AB 30 (Alejo), Chapter 767, Statutes of 2015, establishes the California Racial Mascots Act and prohibits, beginning January 1, 2017, all public schools from using the term "Redskins" for school or athletic team names, mascots, or nicknames.

ACR 164 (Goldberg) of the 2005-06 Session, requested the CIF to adopt policies that are consistent with the NCAA policies relative to the use of Native American mascots and any other hostile or abusive racial, ethnic, or national origin mascot.

AB 13 (Goldberg) of the 2005-06 Session would have established the California Racial Mascots Act and prohibited all public schools from using the term "Redskins" for school or athletic team names, mascots, or nicknames. This bill was vetoed by the Governor with the following message:

Existing statute already affords local school boards general control over all aspects of their interscholastic athletic policies, programs, and activities. Decisions regarding athletic team names, nicknames or mascots should be retained at the local level.

At a time when we should all be working together to increase the academic achievement of all California's students, adding another non-academic state administrative requirement for schools to comply with takes more focus away from getting kids to learn at the highest levels.

AB 858 (Goldberg) of the 2003-04 Session would have established the California Racial Mascots Act and prohibited all public schools from using the term "Redskins" for school or athletic team names, mascots, or nicknames. This bill was vetoed by the Governor with the following message:

Existing statute already affords local school boards general control over all aspects of their interscholastic athletic policies, programs, and activities. Decisions regarding athletic team names, nicknames or mascots should be retained at the local level.

At a time when we should all be working together to increase the academic achievement of all California's students, adding another non-academic state administrative requirement for schools to comply with takes more focus away from getting kids to learn at the highest levels.

AB 2115 (Goldberg) of the 2001-02 Session would have prohibited all public schools, community colleges, the California State University and the University of California, to the extent agreed upon by the Board of Regents, from using specified Native American names, including Redskins, Indians, Braves, Chiefs, Apaches, and Comanches, for school or athletic team names, mascots, or nicknames. The bill was held on the Assembly Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
Cahuilla Band of Indians
California Federation of Teachers Afl-cio
Fernandeno Tataviam Band of Mission Indians
Santa Ynez Band of Chumash Indians
Tule River Tribe

Opposition

None on file

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