

OAR 581-021-0047

Prohibits public schools from using Native American mascots

(1) As used in this section:

(a) "Native American mascot" means a name, symbol or image that depicts or refers to an American Indian Tribe, individual, custom or tradition that is used by a public school as a mascot, nickname, logo, letterhead or team name.

(b) "Public school" means a school or program operated by a school district, education service district or public charter school.

(2) To ensure that all public schools are in compliance with ORS 659.850 which prohibits discrimination in public schools, on or after July 1, 2017, the use of any Native American mascot by a public school is prohibited.

(3)(a) The prohibition under this section includes a prohibition on the use of team names such as "Redskins," "Savages," "Indians," "Indianettes," "Chiefs," "Chieftains," and "Braves."

(b) A public school may continue to use the team name "Warriors" as long as it is not combined with a symbol or image that depicts or refers to an American Indian Tribe, individual, custom or tradition.

(c) A public school may continue to use a mascot that may be associated with Native American culture, custom or tradition if the mascot depicts an animal or other image that is not a person. Examples of such mascots include team names and images such as the "Thunderbirds", "White Buffalo" and "Eagles."

(4) Nothing in this rule shall be construed to prohibit a public school from:

(a) Displaying art work, historical exhibits or other cultural educational exhibits or conducting educational programs related to Native Americans as long as the display or program is not associated with a Native American mascot;

(b) Honoring the contributions of Native Americans by naming a school, building or program after a Native American. (5) Each school district, education service district or sponsor of a public charter school shall notify:

(a) On or before January 1, 2013, the Department of Education if any school operated by the district or sponsor uses a Native American Mascot; and

(b) On or before July 1, 2017, the Department of Education when a new mascot is adopted for the public school.

(6) The Superintendent of Public Instruction shall find any school district, education service district or public charter school that violates this section to be in noncompliance with the discrimination prohibitions under ORS 659.855. Pursuant to ORS 659.855, the Superintendent may immediately withhold all or part of state funding from the school district, education service district or public charter school.

Stat. Auth. ORS 326.051, 659.850 and 659.855

Stat. Implemented: ORS 326.051, 338.115, 659.850 and 659.855