SUBJECT: RESOLUTION OF SUPPORT FOR CITY OF TULARE

SOURCE: City Clerk

COMMENT: At the Council Meeting of April 19, 2005, Council Member Stadtherr stated that he would be submitting a resolution to Council in opposition to Assembly Member Jackie Goldberg’s Assembly Bill 12, California Racial Mascots Act: athletic team names and mascots. The Bill introduced by Assembly Member Goldberg will prohibit public schools from using the term Redskins as a school or athletic team name, mascot, or nickname commencing January 1, 2007. The Bill will directly affect the City of Tulare and the Tulare Union High School which has had the Tulare Union High School Redskins and Redskins Mascot for over eighty years.

The proposed resolution would declare Porterville’s support for the decision that the designation of a school’s mascot should be left up to the local communities and their locally elected representatives.

RECOMMENDATION: 1) That Council adopt the proposed resolution in support of the City Council of the City of Tulare, the City of Tulare, the Tulare Union High School, and the Tulare Union High School Redskin Mascot by declaring the Porterville City Council’s support for the decision that the designation of a school’s mascot should be left up to the local communities and their locally elected representatives; and 2) That the Porterville City Council formally request that the California State Legislature and the Governor of the State of California defeat any attempt to take this decision out of the hands of the local communities.

ATTACHMENT: AB 13 - Text  
Draft resolution

Item No. 18

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

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as introduced, Goldberg. California Racial Mascots Act: athletic team names and mascots.

(1) Existing provisions of the Education Code relate to the prohibition of discrimination in the provision of educational services by elementary and secondary schools. 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 commencing January 1, 2007. The bill would provide that the act does not apply to a school or campus if certain conditions regarding prior expenditures on uniforms and other materials are met, as specified. The bill would, in addition, provide that the act does not apply to certain schools located within, or with enrollment boundaries that include a portion of, "Indian country," as defined, provided certain conditions are met. 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 schools, the bill would impose a state-mandated local program.

(2) 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 (commencing with Section 221.2) is added to Chapter 2 of Part 1 of the Education Code, to read:

Article 3. 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 and remain in use by other teams, including school teams, in other parts of the nation are discriminatory in singling out
the Native American/American Indian 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) Commencing on January 1, 2007, all public schools are prohibited from using the term Redskins for school or athletic team names, mascots, or nicknames.

(b) This section does not apply to a school located within, or with enrollment boundaries that include a portion of, “Indian country,” as defined in Section 1151 of Title 18 of the United States Code, provided that the tribe having regulatory jurisdiction over the territory within that boundary has authorized the use of the school or athletic team name, mascot, or nickname through an appropriate enactment or resolution.

(c) Notwithstanding this section, a 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, 2007, 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, 2009, 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 2006-07 school year for the purposes of replacing damaged or lost uniforms.

(3) 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) 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.

(d) This section is not subject to waiver by the State Board of Education pursuant to Section 33050, except as specified in this section.

SECTION 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.
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SUPPORTING THE LOCAL DECISION THAT DESIGNATION OF SCHOOL MASCOTS SHOULD BE DECIDED BY LOCAL COMMUNITIES AND THEIR LOCALLY ELECTED REPRESENTATIVES

WHEREAS, Tulare Union High School has had the Redskin as its Mascot since 1924 and has the full support of its students, community members, and local Native American tribe members; and

WHEREAS, Tulare Union High School has taken innumerable and well-documented steps to ensure that the Redskin Mascot is always represented with dignity, respect and honor by students, staff, parents, alumni and the community; and

WHEREAS, the California Office of Equal Opportunity after conducting an extensive investigation in 2001 regarding how Tulare Union High School represented the Redskin Mascot concluded that its use at the school is not discriminatory and does not promote racism or create a racially hostile environment; and

WHEREAS, the use of the Redskin Mascot in the murals, statuary, mosaic and stained-glass window on the campus honors the original citizens of California in a way that could not possibly engender any emotion but pride in their subjects; and

WHEREAS, the honorable way that Tulare Union High School presents its Mascot helps keep alive the Native American history and culture of this area, encouraging succeeding generations to learn about our past; and

WHEREAS, members of the Tule River Indian Reservation, after a visit to the campus in 1998, concluded that Tulare Union High School treats its Indian symbols and Mascot with respect, dignity and honor; and
WHEREAS, members of the Tachi Yokut Indian Tribe, after a visit to the campus in 2001, concluded that there was nothing disrespectful or derogatory in the way that Tulare Union High School represented its Mascot; and

WHEREAS, this is a very important issue to thousands of Tulare Union High School students, staff, parents, alumni and community Members.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Council does hereby support the City Council of the City of Tulare, the City of Tulare, the Tulare Union High School, and the Tulare Union High School Redskin Mascot by declaring the Porterville City Council’s support for the decision that the designation of a school’s mascot should be left up to the local communities and their locally elected representatives.

BE IT FURTHER RESOLVED by the City Council of the City of Porterville that the Porterville City Council formally requests that the California State Legislature and the Governor of the State of California defeat any attempt to take this decision out of the hands of the local communities.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2005.

Pedro R. Martinez, Mayor of the City Council of the City of Porterville

ATTEST:

Georgia Hawley, Chief Deputy City Clerk of the Council of the City of Porterville