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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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September 10, 2021

() Action Required

(X) Informational

BULLETIN NO. 072-21 Office of System and School Improvement

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Tribal Consultation and Implementation of House Bill 1356 (School Mascots)

CONTACT: Carrie Hert, Executive Assistant, Office of System and School Improvement
360-339-3338, carrie.hert@k12.wa.us

PURPOSE/BACKGROUND

In April 2021, Governor Inslee signed into law [House Bill \(HB\) 1356 \(2021\)](#) which prohibits the use of Native American names, symbols, and images as public-school mascots, logos, and team names in the state of Washington. The law went into effect on July 25, 2021.

WHAT THE LAW MEANS FOR DISTRICTS

House Bill 1356 prohibits inappropriate use of Native American names, symbols, and images as mascots, logos, and team names in **all** public schools after January 1, 2022. Public schools using Native American names, symbols, or images may engage in consultation with area tribes and explore retaining their mascots if:

- Their enrollment boundaries overlap or border reservation lands or trusts lands (Sec. 2 (2)); or
- They are located in counties that include, or in counties adjacent to those counties that include, any reservation lands or trust lands (Sec. 2 (4)).

If neither of these geographical conditions applies, the school is required by law to change their mascot.

Districts engaging in consultation will need to consult with all federally recognized tribes nearest the district. To continue use of any Native American name, symbol, or image after December 31, 2021, districts must receive formal authorization from tribal councils or tribally-determined enactment or resolution (Sec. 2 (2)).

A school may phase out materials over the 2021–22 school year provided they have selected a new mascot by January 1, 2022 (Sec. 2 (3)). The Legislature appropriated \$1.6 million to be distributed by the Office of Superintendent of Public Instruction (OSPI) in the form of grants to schools seeking funding to cover costs associated with a mascot change under HB 1356 (Sec. 3).

When Action is Required in a District

If a school or district is unsure whether a mascot may need to change, or tribal consultation needs to be initiated, below are suggested first steps:

- 1) Review the mascot(s) in question – do they include any Native American names, symbols, or images? Do they include elements that could be viewed as offensive to tribal communities? If the answer to either question is yes, or unsure, OSPI strongly recommends that the district engage in tribal consultation.
- 2) To determine whether a school or district may fall within either of the geographical boundaries included in HB 1356, thereby requiring tribal consultation around keeping or amending a school mascot, please refer to [the map published on the OSPI website](#).

TRIBAL CONSULTATION

Tribal consultation lies at the heart of building ties of trust and collaboration between sovereign tribal nations and local, state, and federal governments. Effective timely, meaningful, and ongoing consultation allows us to set goals and work on common issues. Each instance of consultation, while building on previous or concurrent conversations, exists within its own unique context tied to its subject matter, moment in time, and the voices present and included in that conversation. The model of consultation is unique to each tribe.

Engaging in Tribal Consultation Around HB 1356

A district that wishes to initiate consultation with a tribe should reach out directly to the tribal council to open a dialogue. If a district is unsure about whom they should contact, OSPI's Office of Native Education will connect the school or district with the appropriate tribal representatives.

A district may also receive a communication directly from a tribe, which should be considered an opening of the consultation process.

Responsibility for initiating or coordinating tribal consultation does not lie with Title VI Native Education program staff; however, inclusion of Title VI leaders for guidance is a recommended best practice for districts engaging in tribal consultation.

OSPI is developing a tribal consultation toolkit which will be published on our website later this year. For an example of what successful tribal consultation can look like in Washington State, check out the [Spokane Indians baseball team](#), who partnered with the Spokane tribe to re-brand their mascot in 2006.

FUNDING A MASCOT CHANGE

OSPI has been directed by the Legislature to administer a grant program to reimburse schools incurring costs related to changing their mascots under HB 1356. Districts will be able to apply for funding beginning in February of 2022, with the grant application remaining open until the \$1.6 million in funding has run out. Additional information regarding this grant program will be available in the coming months.

Another option for schools is to engage the surrounding community in fundraising efforts. This approach has proven successful across the country and can encourage a strong sense of community ownership of the new or amended mascot.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Carrie Hert, at 360-339-3338 or email carrie.hert@k12.wa.us. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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