

# *SHB 1356 (Native American Names)*

## **Statutory and/or Budget Language**

\$2,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under chapter 301, Laws of 2021. In awarding grants under this subsection, the office must prioritize maximizing the number of schools that receive grant awards and address the most immediate school needs in order to comply with chapter 301, Laws of 2021, and must prioritize applications that are narrowly tailored to address specific compliance issues. School districts receiving funding to comply with the requirements of chapter 301, Laws of 2021 must use the methods that are the least costly and that leave intact existing facilities, including interiors and flooring, to the greatest extent possible. Grants awarded under this section may not be used for general maintenance or improvements of school facilities.

## **Purpose**

This proviso supported districts changing their school mascots as a result of the passage of 2021 HB 1356: Prohibiting the inappropriate use of Native American names, symbols, or images as public-school mascots, logos, or team names. The legislature directed OSPI to administer a grant program to help districts cover costs associated with these mascot changes. This report covers the third and final year of the grant program.

## **Description of Services Provided**

The grant was again made available to all districts changing their school mascot(s) because of the new legislation. As in Fiscal Year (FY) 2022 and FY 2023, funds were paid out to districts through their apportionment payments to ensure that they were able to spend these dollars on the types of materials and activities allowed by the bill. OSPI surveyed those districts who applied for and were awarded funds in FY 2024 to gather information on what kinds of services and materials were purchased with these dollars.

## **Criteria for Receiving Services and/or Grants**

OSPI administered the second round of the 1356 grant program using the same criteria and process used in rounds I and II, with a small addition to the application assurances to include new proviso language directing OSPI and districts to use the least costly methods to complete needed work under RCW 28A.230.296, and to keep existing facilities intact to the greatest extent possible.

To be eligible, districts had to:

- be changing or updating their mascot as a result of the passage of HB1356;



- assure that this funding will only be used for costs related to changing their mascot;
- assure that this funding is compliant with the new requirement to use the least costly methods and to keep existing facilities intact to the greatest extent possible;
- agree to report to OSPI on how funds are spent; and
- submit a budget indicating how much they plan to spend in which of the approved categories as laid out in HB1256, which include
  - a. uniforms and equipment used by a team, band, cheer squad, or other extracurricular activity
  - b. school signage, including reader boards and score boards
  - c. floor designs in gymnasiums or other flooring or surfaces
  - d. school letterhead and other office supplies
  - e. school spirit store supplies and items
  - f. school web pages
  - g. other allowable expenses, including staff time, new mascot designs, etc.

### Beneficiaries in the 2023-24 School Year

<b>Number of School Districts</b>	14
<b>Number of Schools</b>	Unsure
<b>Number of Students</b>	N/A
<b>Number of Educators</b>	N/A
<b>Other</b>	N/A

### Are Federal or Other Funds Contingent on State Funding?

No.

### State Funding History

Fiscal Year	Amount Funded	Actual Expenditures
2024	\$2,000,000	\$1,165,443
2023	\$5,300,000	\$5,299,752
2022	\$800,000	\$798,589

### Number of Beneficiaries Per Fiscal Year (e.g. School Districts, Schools, Students, Educators, Other)

Fiscal Year	Number of Beneficiaries
2024	14
2023	27
2022	22

## Programmatic Changes Since Inception (If Any)

At \$2,000,000, fiscal year (FY) 2024 funding for this third round of grants was greater than the round I amount of \$800,000 in the 2022 fiscal year, and less than the round II amount of \$5,300,000. Unlike rounds I and II, funding appropriated for round III of this grant program was more than sufficient to meet applicants' need, and awards paid matched amounts requested for all eligible applicants.

Proviso language was updated in the 2024 state supplemental operating budget to include the following language: In awarding grants under this subsection, the office must prioritize maximizing the number of schools that receive grant awards and address the most immediate school needs in order to comply with chapter 301, Laws of 2021, and must prioritize applications that are narrowly tailored to address specific compliance issues. School districts receiving funding to comply with the requirements of chapter 301, Laws of 2021 must use the methods that are the least costly and that leave intact existing facilities, including interiors and flooring, to the greatest extent possible. Grants awarded under this section may not be used for general maintenance or improvements of school facilities.

To comply with new requirements under the amended language, OSPI required grant applicants to assure that their requests were compliant with the new language. OSPI also required districts to assure this fact once more during the follow-up reporting in Fall, 2024, and to explain how districts met this assurance.

## Program Evaluation or Evaluation of Major Findings

District need for round III funding was less than the total funding allocated for round III grants, so eligible applicants were granted the full requested amount. All applicants were deemed eligible.

Of the 14 districts that applied for and received funding under this grant program in fiscal year (FY) 2024, two only applied for this third and final round of funding, 11 had also applied for and received funding in FY 2023, and 10 had applied for and received funding in FY 2022. A total of 29 districts applied for funding across the three rounds, with 10 applying for funding in all three rounds.

In many cases, the reason a district applied in FY 2023 and/or FY 2024 but was unable to apply in FY 2022 was the tribal consultation process, which took longer than the time between the bill going into effect and the end of FY 2022. While the final decision to accept a new or existing mascot lay with the tribes, both districts and tribes engaged numerous and important voices from school boards and tribal councils to students and community members to land on a decision that worked authentically for their district.

In FY 2024, as a result of HB 1356, districts reporting to-date spent a total of:

- \$335K on signs

- \$18.4K on designs
- \$31.7K on spirit supplies
- \$20K on office supplies
- \$282.4K on “other” expenses, including uniforms, sports equipment, logo designs, and mural replacement.

## Major Challenges Faced by the Program

This program faced no major challenges in the 2024 fiscal year. One challenge noted across all three years of this program is that district staff turnover led to some confusion from incoming staff tasked with overseeing this program within their district. Interruptions to planned work and lack of familiarity with the program and the ongoing work means that this turnover could have impacted districts’ ability to apply for and spend down grant funds. For example, one district who had received a round I grant award in the 2022 fiscal year, but had not applied for an award in rounds II or III reached out hoping there were still dollars available or spending flexibility in summer 2024, after the close of the 2024 fiscal year. While the Office communicated to this district that unfortunately not only were round I funds no longer available for use, but the final round of funding had closed and the funding expired before the district reached out, OSPI would like to note that it is difficult for districts to use a grant program tied to individual fiscal years for work and projects that can span more than one year to plan and complete, such as refinishing gymnasium floors. When there is staff turnover in positions overseeing this multi-year work, confusion can be compounded and dollars that could have been used can go unspent.

This challenge points to the biggest challenge faced across the three years of this grant program. Large projects planned to comply with RCW 28A.230.296 were difficult for districts to schedule and have completed within a single fiscal year because much of that work had to be planned during the school year but completed over the summer when students were largely absent from the affected facilities.

One final small challenge that surfaced during this last year of the grant program during which OSPI continued to provide technical support to all districts considering or completing work related to compliance with RCW 28A.230.296 is a lack of clarity around elements of tribal consultation. For example, the bill requires districts to consult with “the nearest federally recognized Indian tribe” when determining the required action on RCW 28A.230.296. In at least one instance, conflict arose around whether “nearest” referred to distance over land or included distance over water. To date this language has been interpreted to refer to distance over land. Because many of Washington’s western tribes have traditional territories that span bodies of water and commonly traveled by water, it is unclear if continuing to define “nearest” as distance by land is the most appropriate definition. This is not a matter for OSPI to settle, but rather a government-to-government matter at the highest level. To avoid future issues, conflict, and

confusion, OSPI, school districts, tribes, and the state would benefit from a clear definition of “nearest federally recognized tribe”.

## Future Opportunities

OSPI has learned many things over the three years administering this grant program, and plans to apply this learning to future work. These lessons, referred to through this and the previous two proviso reports, span everything from what is an appropriate and realistic timeline for school district-tribe consultation to the particular challenges faced by a grant program that funds activities related to school facilities and athletic supplies when appropriated through the state operating budget which places constraints on this type of spending that made creating and administering the program within normal guidelines difficult.

The two lessons that most stand out at the conclusion of this program are:

- Understanding of and familiarity with government-to-government consultation with federally-recognized tribes varies greatly from district to district, particularly when it comes to the fact that each consultation can lead to a unique result, even when considering the same matter when individual consultations take place between different districts and different tribes led by the views of leadership in place in each body at that point in time. This meant that districts engaging in consultation per RCW 28A.230.296 experienced varied outcomes of that consultation, and even a different consultation process depending on which federally recognized tribe(s) were deemed geographically closest. This led to some districts being confused by the differing outcomes and others perceiving the differences as “unfair”. This points to a need for Washington school districts to continue to learn about tribal sovereignty as it exists in the state through professional development and real-time experience, and an ongoing need for the state and OSPI to provide consistent support and leadership around issues of tribal sovereignty as they impact K-12 education.
- As noted above, there exists a lack of clarity when it comes to determining which tribes districts must consult with under state law.

## Other Relevant Information

Tribal consultation is a new and deepening practice for many Washington school districts. Laws like RCW 28A.320.296 give districts and tribes opportunities to engage in consultation and build stronger and more enduring relationships with one another, leading to stronger community bonds. OSPI anticipates similar challenges with future work that requires consultation between districts and tribes to those that have arisen as a result of RCW 28A.320.296, but the Agency believes the benefit to the state and to Washingtonians of overcoming these challenges far outweigh any negatives. OSPI looks forward to continuing to support this and other policies that support district-tribe consultation and the many benefits it brings to all students, particularly American Indian and Alaska Native students.

## Schools/Districts Receiving Assistance

[Click here to see a list of all OSPI grant recipients in the 2024 Fiscal Year.](#)

### Program Contact Information

**Name** Anna Hernandez-French  
**Title** Policy and Implementation Manager  
**Phone** 360-764-0706  
**Email** [anna.hernandez-french@k12.wa.us](mailto:anna.hernandez-french@k12.wa.us)