

# DRAFT

## SUMMARY

Allows district school board to enter into written agreement with governing body of federally recognized Native American tribe to identify acceptable use of name, symbol or image of mascot that represents or is associated with Native American tribe, to identify behavior expectations at athletic events and to identify required training on cultural diversity.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to school mascots; amending ORS 332.075; repealing section 2, chapter 43, Oregon Laws 2014; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 332.075 is amended to read:

332.075. (1) Any district school board may:

(a) Fix the days of the year and the hours of the day when schools shall be in session.

(b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141 and courses of study for the use of such schools as provided in ORS 336.035.

(c) Authorize the use of the schools for purposes of training students of an approved educator preparation provider, as defined in ORS 342.120, and for such purposes may enter into contracts with the approved educator preparation provider on such terms as may be agreed upon. Such contracts as they relate to student teachers shall have the same effect and be subject to the same regulations as a contract between a licensed teacher and a district school board.

(d) Develop and operate with other school districts or community college districts secondary career and technical education programs for pupils of more than one district and fix by agreement the duration of the district's obligation to continue such activity, subject to the availability of funds therefor.

(e) Authorize the school district to be a member of and pay fees, if any, to any voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

(f) Accept money or property donated for the use or benefit of the school district and, consistent with the laws of this state, use such money or property for the purpose for which it was donated.

*[(g) Enter into an approved written agreement with the governing body of a federally recognized Native American tribe in Oregon to allow the use of a mascot that represents, is associated with or is significant to the Native American tribe entering into the agreement. An agreement entered into under this paragraph must:]*

*[(A) Describe the acceptable uses of the mascot;]*

*[(B) Comply with rules adopted by the State Board of Education that:]*

*[(i) Are adopted after consultation with the federally recognized tribes in Oregon pursuant to ORS 182.164 (3); and]*

*[(ii) Prescribe the requirements for approval; and]*

*[(C) Be approved by the State Board of Education, which the board must provide if the agreement meets the requirements of this paragraph and the rules adopted under this paragraph.]*

**(g) Enter into a written agreement with the governing body of a federally recognized Native American tribe in Oregon that is located closest to the school district to identify:**

**(A) The acceptable use of a name, symbol or image of a mascot that represents, or is associated with, a Native American tribe;**

**(B) The behavior expectations of students and other spectators at athletic events that shall be enforced by the school district in relation**

1 **to the mascot; and**

2 **(C) The training on cultural diversity that athletic directors or**  
3 **other persons identified by the district school board shall be required**  
4 **to complete.**

5 (2) All contracts of the school district must be approved by the district  
6 school board before an order can be drawn for payment. If a contract is made  
7 without the authority of the district school board, the individual making  
8 such contract shall be personally liable.

9 (3) Notwithstanding subsection (2) of this section, a district school board  
10 may, by resolution or policy, authorize its superintendent or the  
11 superintendent's designee to enter into and approve payment on contracts for  
12 products, materials, supplies, capital outlay, equipment and services that are  
13 within appropriations made by the district school board pursuant to ORS  
14 294.456. A district school board may not authorize its superintendent or the  
15 superintendent's designee under this subsection to enter into and approve  
16 payment on contracts that are collective bargaining agreements or service  
17 contracts that include the provision of labor performed by employees of the  
18 school district.

19 **SECTION 2. Section 2, chapter 43, Oregon Laws 2014, is repealed.**

20 **SECTION 3. This 2016 Act being necessary for the immediate pres-**  
21 **ervation of the public peace, health and safety, an emergency is de-**  
22 **clared to exist, and this 2016 Act takes effect on its passage.**