

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 20, 2021

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB21-116 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 4, after line 18 insert:
- 2 "(b) "COMMISSION" MEANS THE COLORADO COMMISSION OF
- 3 INDIAN AFFAIRS, ESTABLISHED PURSUANT TO SECTION 24-44-102."
- 4 Reletter succeeding paragraphs accordingly.
- 5 Page 5, line 3, after "MASCOT." insert "NOTWITHSTANDING THE
- 6 DEFINITION OF THE TERM "AMERICAN INDIAN MASCOT" IN SUBSECTION (1)
- 7 OF THIS SECTION, A PUBLIC SCHOOL THAT IS NAMED AFTER AN AMERICAN
- 8 INDIAN TRIBE OR AMERICAN INDIAN INDIVIDUAL MAY USE THE TRIBE'S OR
- 9 INDIVIDUAL'S NAME, BUT NOT AN IMAGE OR SYMBOL, ON THE PUBLIC
- 10 SCHOOL'S LETTERHEAD."
- 11 Page 5, line 14, after the period add "If AN AGREEMENT ENTERED INTO
- 12 PURSUANT TO THIS SUBSECTION (2)(b)(I) BETWEEN A FEDERALLY
- 13 RECOGNIZED INDIAN TRIBE AND A PUBLIC SCHOOL IS TERMINATED BY
- 14 EITHER PARTY, THE PUBLIC SCHOOL HAS ONE YEAR FROM THE DATE OF
- 15 TERMINATION TO DISCONTINUE ITS USE OF ITS AMERICAN INDIAN MASCOT
- 16 BEFORE THE PENALTIES SET FORTH IN SUBSECTION (3) OF THIS SECTION
- 17 APPLY."
- 18 Page 6, line 4, after the period add "If AN AGREEMENT ENTERED INTO
- 19 PURSUANT TO THIS SUBSECTION (2)(b)(III) BETWEEN A FEDERALLY
- 20 RECOGNIZED INDIAN TRIBE AND A PUBLIC SCHOOL IS TERMINATED BY

1 EITHER PARTY, THE PUBLIC SCHOOL HAS ONE YEAR FROM THE DATE OF
2 TERMINATION TO DISCONTINUE ITS USE OF ITS AMERICAN INDIAN MASCOT
3 BEFORE THE PENALTIES SET FORTH IN SUBSECTION (3) OF THIS SECTION
4 APPLY."

5 Page 6, after line 17 insert:

6 "(4) (a) NO LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF
7 THIS SECTION, THE COMMISSION SHALL IDENTIFY EACH PUBLIC SCHOOL IN
8 THE STATE THAT IS USING AN AMERICAN INDIAN MASCOT AND THAT DOES
9 NOT MEET THE CRITERIA FOR AN EXEMPTION AS OUTLINED IN SUBSECTION
10 (2)(b) OF THIS SECTION. THE COMMISSION SHALL POST SUCH INFORMATION
11 ON ITS WEBSITE.

12 (b) IN ADDITION TO POSTING ON ITS WEBSITE THE INFORMATION
13 CONCERNING PUBLIC SCHOOLS THAT ARE USING AN AMERICAN INDIAN
14 MASCOT, THE COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF
15 EDUCATION, SHALL NOTIFY THE SCHOOL DISTRICT OF A PUBLIC SCHOOL
16 IDENTIFIED BY THE COMMISSION PURSUANT TO SUBSECTION (4)(a) OF THIS
17 SECTION OF THE REQUIREMENTS RELATED TO THE USE OF AMERICAN
18 INDIAN MASCOTS, AS SET FORTH IN SUBSECTION (2) OF THIS SECTION, AS
19 WELL AS THE PENALTY FOR CONTINUED USED OF SUCH MASCOTS AS
20 OUTLINED IN SUBSECTION (3) OF THIS SECTION. THE COMMISSION, IN
21 COORDINATION WITH THE DEPARTMENT OF EDUCATION, SHALL ALSO
22 PROVIDE THE SAME NOTIFICATION TO THE CHARTER SCHOOL INSTITUTE IF
23 ANY INSTITUTE SCHOOLS ARE IDENTIFIED PURSUANT TO SUBSECTION (4)(a)
24 OF THIS SECTION.

25 (c) WHEN A PUBLIC SCHOOL IDENTIFIED PURSUANT TO SUBSECTION
26 (4)(a) OF THIS SECTION DISCONTINUES ITS USE OF ITS AMERICAN INDIAN
27 MASCOT PRIOR TO JUNE 1, 2022, THE PUBLIC SCHOOL SHALL NOTIFY ITS
28 SCHOOL DISTRICT, OR, IN THE CASE OF AN INSTITUTE CHARTER SCHOOL, ITS
29 AUTHORIZER, THE COMMISSION, AND THE DEPARTMENT OF EDUCATION OF
30 SUCH DISCONTINUATION.

31 (5) A PUBLIC SCHOOL THAT IS IDENTIFIED TO BE IN VIOLATION OF
32 SUBSECTION (2) OF THIS SECTION FOR USING AN AMERICAN INDIAN
33 MASCOT MAY APPLY TO THE DEPARTMENT OF EDUCATION FOR A GRANT
34 THROUGH THE "BUILDING EXCELLENT SCHOOLS TODAY ACT", ARTICLE
35 43.7 OF TITLE 22, TO ACCOMPLISH ANY STRUCTURAL CHANGES THAT
36 MIGHT BE NECESSARY TO COME INTO COMPLIANCE WITH THIS SECTION.
37 THE TIME REQUIRED FOR MAKING AN APPLICATION OR FOR THE AWARDED
38 OF SUCH GRANT DOES NOT IMPACT THE TIME REQUIREMENT SET FORTH IN
39 SUBSECTION (2)(a) OF THIS SECTION.

40 **SECTION 3.** In Colorado Revised Statutes, 22-43.7-109, **add**



1 (5)(c.3) as follows:
2 **22-43.7-109. Financial assistance for public school capital**
3 **construction - application requirements - evaluation criteria - local**
4 **match requirements - technology grants - career and technical**
5 **education capital construction grants - rules - definition.** (5) The
6 board, taking into consideration the financial assistance priority
7 assessment conducted pursuant to section 22-43.7-108, shall prioritize
8 applications that describe public school facility capital construction
9 projects deemed eligible for financial assistance based on the following
10 criteria, in descending order of importance:

11 (c.3) PROJECTS THAT ASSIST PUBLIC SCHOOLS TO REPLACE
12 PROHIBITED AMERICAN INDIAN MASCOTS AS REQUIRED BY SECTION
13 22-1-131 (2).".

14 Renumber succeeding sections accordingly.

15 Page 8, strike lines 2 through 10 and substitute:

16 "SECTION 5. **Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.".

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