

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 1, 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 printed bill, page 4, line 12, after "**mascots**" insert "**-**
2 **exemptions**".

3 Page 5, strike line 1 and substitute:

4 "(2) (a) EXCEPT AS PROVIDED FOR IN SUBSECTION (2)(b) OF THIS
5 SECTION, ON OR AFTER JUNE 1, 2022, A PUBLIC SCHOOL IN THE STATE IS".

6 Page 5, after line 5, insert:

7 "(b) THE PROHIBITION SET FORTH IN SUBSECTION (2)(a) OF THIS
8 SECTION DOES NOT APPLY TO:

9 (I) ANY AGREEMENT THAT EXISTS PRIOR TO JUNE 30, 2021,
10 BETWEEN A FEDERALLY RECOGNIZED INDIAN TRIBE AND A PUBLIC SCHOOL.
11 A PUBLIC SCHOOL THAT IS A PARTY TO SUCH AN AGREEMENT IS HELD TO
12 A HIGH STANDARD AND EXPECTED TO HONOR THE AGREEMENT. THE
13 FEDERALLY RECOGNIZED INDIAN TRIBE HAS THE RIGHT AND ABILITY TO
14 REVOKE ANY SUCH AGREEMENT AT ANY TIME AT ITS DISCRETION.

15 (II) ANY PUBLIC SCHOOL THAT IS OPERATED BY A FEDERALLY
16 RECOGNIZED INDIAN TRIBE OR WITH THE APPROVAL OF A FEDERALLY
17 RECOGNIZED INDIAN TRIBE AND EXISTING WITHIN THE BOUNDARIES OF
18 SUCH TRIBE'S RESERVATION.

19 (III) (A) THE ABILITY OF ANY FEDERALLY RECOGNIZED INDIAN
20 TRIBE TO CREATE AND MAINTAIN A RELATIONSHIP OR AGREEMENT WITH A
21 PUBLIC SCHOOL THAT FOSTERS GOODWILL, EMPHASIZES EDUCATION AND
22 SUPPORTS A CURRICULUM THAT TEACHES AMERICAN INDIAN HISTORY,

1 AND ENCOURAGES A POSITIVE CULTURAL EXCHANGE. SUCH
2 RELATIONSHIPS AND AGREEMENTS MAY INCLUDE IMPORTANT HISTORICAL
3 FIGURES, NAMES, IMAGERY, TRIBAL NAMES, AND MORE.

4 (B) ANY SUCH AGREEMENT ENTERED INTO BETWEEN A PUBLIC
5 SCHOOL AND A FEDERALLY RECOGNIZED INDIAN TRIBE AFTER JUNE 30,
6 2021, MUST BE MADE IN CONSULTATION WITH THE FEDERALLY
7 RECOGNIZED INDIAN TRIBE AND ONLY IF SUCH TRIBE WISHES TO ENTER
8 INTO THE AGREEMENT. THE AGREEMENT MAY ALLOW THE PUBLIC SCHOOL
9 TO USE AN AMERICAN INDIAN MASCOT, BUT ONLY IF THE AMERICAN
10 INDIAN MASCOT IS SPECIFICALLY NAMED AFTER THE FEDERALLY
11 RECOGNIZED INDIAN TRIBE THAT IS A PARTY TO THE AGREEMENT. IN ANY
12 SUCH AGREEMENT, THE TRIBAL NAME USED IS SELECTED AT THE
13 DISCRETION OF THE FEDERALLY RECOGNIZED INDIAN TRIBE THAT IS A
14 PARTY TO THE AGREEMENT. ANY FEDERALLY RECOGNIZED INDIAN TRIBE
15 THAT HAS ENTERED INTO SUCH AN AGREEMENT HAS THE RIGHT AND
16 ABILITY TO REVOKE ANY SUCH AGREEMENT AT ANY TIME AT ITS
17 DISCRETION.

18 (C) FOR THE PURPOSES OF THIS SECTION, A "FEDERALLY
19 RECOGNIZED INDIAN TRIBE" IS ONE OF THE FORTY-EIGHT CONTEMPORARY
20 TRIBES WITH TIES TO COLORADO, DEVELOPED BY HISTORY COLORADO IN
21 PARTNERSHIP WITH THE COLORADO COMMISSION OF INDIAN AFFAIRS. THIS
22 LIST MAY CHANGE OVER TIME BUT IS THE OFFICIAL LIST TO BE USED FOR
23 THE PURPOSES OF THIS SECTION."

24 Page 5, line 15, after "**mascots**" insert "**- exemptions**".

25 Page 5, strike line 26 and substitute:

26 "(2) (a) EXCEPT AS PROVIDED FOR IN SUBSECTION (2)(b) OF THIS
27 SECTION, ON OR AFTER JUNE 1, 2022, A PUBLIC INSTITUTION OF HIGHER".

28 Page 6, after line 3, insert:

29 "(b) THE PROHIBITION SET FORTH IN SUBSECTION (2)(a) OF THIS
30 SECTION DOES NOT APPLY TO:

31 (I) ANY AGREEMENT THAT EXISTS PRIOR TO JUNE 30, 2021,
32 BETWEEN A FEDERALLY RECOGNIZED INDIAN TRIBE AND A PUBLIC
33 INSTITUTION OF HIGHER EDUCATION. A PUBLIC INSTITUTION OF HIGHER
34 EDUCATION THAT IS A PARTY TO SUCH AN AGREEMENT IS HELD TO A HIGH
35 STANDARD AND EXPECTED TO HONOR THE AGREEMENT. THE FEDERALLY
36 RECOGNIZED INDIAN TRIBE HAS THE RIGHT AND ABILITY TO REVOKE ANY
37 SUCH AGREEMENT AT ANY TIME AT ITS DISCRETION.

38 (II) ANY PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS



1 OPERATED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR WITH THE
2 APPROVAL OF A FEDERALLY RECOGNIZED INDIAN TRIBE AND EXISTING
3 WITHIN THE BOUNDARIES OF SUCH TRIBE'S RESERVATION."

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