The bill prohibits the use of American Indian mascots (mascots) by public schools, including charter and institute charter schools, and public institutions of higher education (school) as of June 1, 2022. The bill imposes a fine of $25,000 per month for each month that a school continues to use a mascot after such date, payable to the state education fund.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The presence and use of derogatory American Indian mascots across Colorado creates an unsafe learning environment for American Indian students by having serious negative impacts on those students' mental health and by promoting bullying of American Indian students;

(b) American Indian mascots teach non-American Indian children inaccurate information about American Indian culture and teach them that it is acceptable to participate in culturally abusive and prejudicial behaviors;

(c) In the early twentieth century, American Indian boarding schools across Colorado forced American Indian children to relinquish their tribal identities and give up inherited customs so that they would better assimilate into the majority white culture;

(d) Young American Indian children were coerced into leaving their families, giving up their culture and language, and changing their appearances to pass for a white person. At the same time, non-American Indian students in many communities in Colorado were dressing up in war bonnets at pep rallies that they called "pow-wows".

(e) In 1925, the same year that La Veta high school became the "R*ds*ns", a Loveland yearbook stated that the school decided to adopt the "Indian" moniker to depict "bravery, loyalty, patriotism, and dauntless pride". Several years later, Cheyenne Mountain high school would also claim that its "Indian" mascot's purpose was to "preserve the legacy of the
Cheyenne and Ute tribes, which were fading in the area”.

(f) Despite continued claims that such mascots honored American Indian peoples, the majority of such mascots in Colorado regularly employed racist stereotypes, from Eaton high school's large-nosed caricatures to Lamar high school's "Chief Ugh-Lee" mascot;

(g) By the time of the civil rights movement in the 1960s, the first wave of American Indian activists began calling for an end to American Indian mascots. By the end of the 1990s, only three Colorado schools had listened. Although organizations like the National Commission on Civil Rights, the NAACP, the National Congress of American Indians, and the American Psychological Association published statements condemning American Indian mascots, few Colorado schools would take heed, even into the early 2000s.

(h) In 2015, Colorado Governor John Hickenlooper signed an executive order to establish the commission to study American Indian representations in public schools;

(i) The commission, comprised of American Indian leaders from across the state, visited the Colorado schools that wanted to be a part of this conversation. There were only four: Strasburg, Loveland, Eaton, and Lamar. After visiting each of these communities, the commission's recommendation was to completely eliminate American Indian imagery and nomenclature in schools in Colorado.

(j) Since that time, a few Colorado schools have voluntarily abandoned their American Indian mascots, but change, for the most part, has not come easily; and

(k) Currently, public sentiment is moving in favor of abandoning these discriminatory mascots. Many national athletic teams have
abandoned them, and similar changes are happening at the college level and on down to the local level. In 2019, Maine successfully paved the way with legislation for an American Indian mascot ban at the state level.

(2) Therefore, the general assembly declares that passing legislation to retire all American Indian mascots in the state will provide another step toward justice and healing to the descendants of the survivors of the Sand Creek Massacre, most notably the Cheyenne and Arapaho tribes, as well as other American Indians in Colorado who have been harmed or offended by these discriminatory mascots.

SECTION 2. In Colorado Revised Statutes, add 22-1-131 as follows:

22-1-131. Prohibition on use of American Indian mascots - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "American Indian mascot" means a name, symbol, or image that depicts or refers to an American Indian tribe, individual, custom, or tradition that is used as a mascot, nickname, logo, letterhead, or team name for the school.

(b) "Institute charter school" means a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(c) "Public school" means:

(I) An elementary, middle, junior high, high school, or district charter school of a school district that serves any of grades kindergarten through twelve; and

(II) An institute charter school that serves any of grades kindergarten through twelve.
(2) On or after June 1, 2022, a public school in the state is prohibited from using an American Indian mascot. Any public school that is using such an American Indian mascot as of October 1, 2021, shall immediately cease use of such American Indian mascot.

(3) For each month during which a public school uses an American Indian mascot after June 1, 2022, the school district of the public school, or in the case of an institute charter school, the state charter school institute, shall pay a fine of twenty-five thousand dollars to the state treasurer, who shall credit the money received to the state education fund created in section 17 (4) of article IX of the state constitution.

SECTION 3. In Colorado Revised Statutes, add 23-1-137 as follows:

23-1-137. Prohibition on use of American Indian mascots - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "American Indian mascot" means a name, symbol, or image that depicts or refers to an American Indian tribe, individual, custom, or tradition that is used as a mascot, nickname, logo, letterhead, or team name for the school.

(b) "Public institution of higher education" means a public college, university, community college, area vocational school, educational center, or junior college that is supported in whole or in part by general fund money.

(2) On or after June 1, 2022, a public institution of higher education in the state is prohibited from using an American
INDIAN MASCOT. ANY PUBLIC INSTITUTION OF HIGHER EDUCATION THAT
IS USING SUCH AN AMERICAN INDIAN MASCOT AS OF JUNE 1, 2022, MUST
IMMEDIATELY CEASE USE OF SUCH AMERICAN INDIAN MASCOT.

(3) FOR EACH MONTH DURING WHICH A PUBLIC INSTITUTION OF
HIGHER EDUCATION USES AN AMERICAN INDIAN MASCOT AFTER JUNE 1,
2022, THE PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL PAY A FINE
OF TWENTY-FIVE THOUSAND DOLLARS TO THE STATE TREASURER, WHO
SHALL CREDIT THE MONEY RECEIVED TO THE STATE EDUCATION FUND
CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 4. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly; except
that, if a referendum petition is filed pursuant to section 1 (3) of article V
of the state constitution against this act or an item, section, or part of this
act within such period, then the act, item, section, or part will not take
effect unless approved by the people at the general election to be held in
November 2022 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.