More Than Mascots

A Resource Guide for Ensuring Native Youth Experience Safe and Welcoming School Environments

U.S. Department of Education
White House Initiative on American Indian and
Alaska Native Education

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September 2016

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Voices From Native Youth

"Growing up I moved around plenty of times and had a hard time finding my place in the world. I had lived in a white man's world and wasn't accepted due to my ethnicity. I lived on my own land and wasn't accepted because I was too "whitewashed." It's not always easy being young and Native. In the sixth grade I lived in a suburban area in Denver, Colorado. Being the new kid on the block wasn't easy, especially when you're the only Native American and it's the first time students are interacting with a Native. I witnessed harassment and bullying due to my background. One moment I will never forget is when I went to my locker to grab a book, and I heard chanting behind me. There were five boys hollering and chanting Native calls, jumping up and down, while I walked to my next class. This moment left me devastated, confused, and for once in my life not making me feel proud of my skin color or race.

Recently I saw that mascot changes were happening in Denver, Colorado. This brightened up my day because I know change is coming. If a school has a Native-themed mascot I feel it shows a certain image to those who are not educated about Native culture and who are oblivious to Native Americans living in a modern society. What others don't understand is that indigenous citizens across the world are more than feathers, powwows, traditional style, tipis, moccasins, songs, and piercings. Natives are doctors, scientists, politicians, parents, and neighbors just like everyone else."

—Taylor Cook
college student

"We are unique, wonderful, and alive. All 567 federally recognized tribes across the nation, and countless urban Native Americans are very much alive. Eliminating these race-based mascots is not about being offended, it is about protecting students and offering an equal education to all. Many of us (including me) have experienced anxiety and fear of attending school events where we know we'll be exposed to negative images of our race. These mascots create a false sense of who we are and what our traditions consist of. They allow others to mock our culture and misappropriate our regalia, customs, and religion."

—Dahkota Kicking Bear Brown,
college student

"Trying to fit in caused me to hide the strong voice I've acquired through my involvement in conferences such as NCAI [National Congress of American Indians] and UNITY [United National Indian Tribal Youth]. My high school mascot is a "brave," a stereotypical caricatured Indian. Though the name itself is not derogatory as "redskins," the portrayal and impact are the same. ...By having an Indian mascot at my school, it has forced me to see my culture misrepresented and mocked daily. I began to feel embarrassed to be Lakota because of the images my peers had due to stereotypes. I began to feel like just another number and belittled when they'd bring up many common statistics to insult me. ...I led a student effort to replace the mascot with something more appropriate. Mascots should not be race-based, simple as that. I've recently come to a point where I have a higher self-esteem and am confident enough to use my voice to create change when needed."

— Cielo Garcia,
high school student

Introduction

In October 2015, the White House Initiative on American Indian and Alaska Native Education (WHIAIANE) released a first-of-its-kind report on school climate issues facing Native American students (http://sites.ed.gov/whiaiane/files/2015/12/81326-SchoolEnvir.-394-260.pdf). This report is the product of listening sessions held in nine cities around the country in 2014 with more than 1,000 participants.[1] Many people testified during those sessions about how Native-themed school mascots, imagery, team names, and customs (Native-themed MITC) harm all students, especially Native[2] students, by perpetuating negative stereotypes, encouraging bullying and teasing, interfering with self-identity, and creating unhealthy learning environments.[3] Among its recommendations, the report called on the U.S. Department of Education (Department) to consider providing information about the potential such mascots and team names have to create a divisive environment for Native students.

Consistently, Native youths and community leaders have shared stories of how historical trauma is perpetuated by the use of Native-themed MITCs in our country's school systems. Native rituals and customs, or more typically the stereotypes associated with them, continue in the actions of the fans who intend to cheer on friends and community members. The stereotypes are present in quads, playgrounds, hallways, and homecomings where students tease and bully students, including Native youths, with stereotypical jokes, comments, and actions. The concern is more than mascots; it's the unhealthy and divisive environment that is often created by Native-themed MITC. Native students should be supported through positive representations of their cultural identity that exemplify appropriate, contemporary, and accurate displays to the public. This serves as both a support to Native students and as recognition of their achievements.

In response to what we heard in our listening sessions, consultations, and constant interactions with tribal leaders, youths, and Native-serving support organizations, the WHIAIANE and the Department are releasing this resource guide. It presents information and best practices from the field to illuminate and address issues raised by Native-themed MITC. The guide also provides advice to school leaders on how to promote the creation of positive learning environments for all of their students and colleagues with the involvement and support of tribal leaders, community members, support staff, parents, and educators.

"They [Native Americans] are more than mascots. More than stereotypes. More than Hollywood Indians. They are brilliant and beautiful. They are survivors."

—Professor Adrienne Keene
*Brown University
Cherokee Nation
May 19, 2016*

More Than Mascots: Part One

Understanding the Effects of Native-themed Mascots, Imagery, Team Names, and Customs on Student Learning Environments

History and Context of Native-themed Mascots, Imagery, Team Names, and Customs

In the late 19th and early 20th centuries, non-Native athletic teams began to use Native-themed MITC based on longstanding stereotypes of Native Americans to highlight the fierceness of their players.[4] These were times when Native people themselves were not empowered to decide their own representation and harkened back to a time of great struggle and heartache for Native communities. Despite significant diversity among Native populations, many schools adopted names associated with images of a nomadic, red-faced, Northern Plains warrior in a headdress, even in areas where Native communities were primarily agrarian or coastal in lifestyle and did not wear such regalia.[5] Some Native-themed mascots and team names, like Redskins, Savages, and Squaws, are often viewed and experienced as racial slurs. These terms are rooted in a history of mistreatment and xenophobic public policies that have had a profound and negative impact on tribal nations.[6] Tribes and Native American organizations overwhelmingly oppose these practices as harmful and demeaning.[7]

Thanks to advocacy and action by many Native and non-Native organizations, athletic associations, state and local government entities, and educational institutions, the number of schools[8] with Native-themed mascots and team names has dropped significantly in recent years.[9] More than 40 colleges have retired their Native-themed team names and mascots; many did so after the National Collegiate Athletic Association (NCAA) adopted a policy in 2005 prohibiting its members from postseason play if they used hostile or abusive race-based mascots, nicknames, or imagery.[10] Similarly, seven states or their boards of education have prohibited Native-themed mascots and team names, as have several of the country's largest school districts.[11] By one estimate, U.S. schools have retired more than 2,000 Native mascots since the 1970s.[12] In addition, more than 100 organizations have adopted policies or resolutions calling for an end to Native-themed MITC, including civil rights groups, educational institutions, and religious organizations.[13]

> *The use of Native American imagery not only harms [Native] students, but contributes to the enhanced … self-image of non-Native students. This … results in the widening of the opportunity gap. It is only those who have the power — those in the majority — [who] have the ability to caricaturize, symbolize, or create a mascot of another group of people. Hence, the equality gap. … It is not about what is offensive or who finds something offensive, but how the presence of that 'something' impacts the learning environment, alters the climate, and negatively influences how a student can participate in it and benefit from it."*
>
> ***-Native American Liaison, Michigan Department of Civil Rights, Lansing Listening Session***

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The Impact of Schools' Native-themed Mascots, Imagery, Team Names, and Customs on All Students

According to various sources, approximately 2,400 schools in the United States use Native-themed MITC for their school or their sports teams, making Native Americans the most common reference for mascots in U.S. sports, and *the only race referenced among the 100 most common team names*.[14] Native-themed mascots are found across the country in both majority Native and majority non-Native areas.

Some schools name their teams after American Indian tribes, such as the Blackhawks or Mohawks, while many more use Native-themed names, like braves, chiefs, Indians,[15] or terms that are often defined and viewed as racial slurs including redskins, savages, or squaws.[16] For example, the term "redskin" is defined in many dictionaries as an offensive slur.[17] It is "a very demeaning term for Indians that hails back to the days when Indian people were hunted" and the "bloody skins of Native[s] were exchanged for bounty and traded like animal hides."[18] Likewise, the term "squaw" is an offensive and disparaging reference to an American Indian woman and "a vulgarism for [an Indian] woman ['s genitalia] in certain Iroquoian and Algonquian languages."[19]

Schools with various types of Native-themed mascots use traditional Native imagery, such as headdresses, tomahawks, feathers, and arrowheads, and depict American Indians in caricatured ways that do not accurately reflect or honor the culture or diversity of Native communities.[20] Many schools have also institutionalized rituals that reinforce stereotypes of Native people and cultures. Students have often dressed up as Native Americans or as Indian chiefs, for example, with headdresses, war bonnets, war paint, and buckskin pants.[21] At some schools, students have also performed fake or caricaturized Indian war dances, chants, and tomahawk chops, held powwows, smoked "peace pipes," ridden on horseback wearing face paint, thrust spears into the turf, and collected fake scalps to represent other teams' mascots.[22]

Research suggests that schools' Native-themed MITC can have negative effects on Native and non-Native students in the following ways: (1) creating unwelcoming and divisive learning environments that perpetuate stereotypes and racism against Native Americans; (2) lowering the self-esteem, mental health, academic achievement, and sense of community of Native youths; (3) misappropriating and demeaning Native imagery, rituals, objects, and identity; and (4) damaging the

"In high school, my mascot was the 'Redskins' and I had to watch my classmates make posters saying we are going to 'skin' our sports opponents. The other teams would make posters that said they are going to send us home on a 'trail of tears.' I'm now in college, and . . . had a classmate say that Natives don't exist anymore, so no one should be upset by the mascot issue. I asked, 'Well, am I real?' He said, 'You don't live in a teepee, so no.' It's still a slap in the face every time. I thought I had moved on, but it still hurts every time."

—College Student, Oklahoma City Listening Session

ability of Native Americans to portray their culture and diversity positively and accurately.[23]

Native-themed MITC can create an unnecessary educational barrier for Native youths.[24] These mascots and team names are often accompanied by imagery that bears the school's stamp of approval and permeates school facilities — displayed on the walls of school buildings, classrooms, lockers, calendars, and athletic facilities, and worn by teachers, staff, and students on uniforms, jerseys, and other school paraphernalia.[25] In these situations, Native American students perceive their school as endorsing racial stereotypes, which marginalizes those students and can undermine a school's credibility and capacity to appropriately address racial harassment,[26] making students feel like they have no recourse.[27] Additionally, research shows that when students are reminded of negative stereotypes about their demographic, it can result in a wide range of negative educational effects. These include lower academic achievement, more limited academic interests, and decreased academic engagement.[28]

Nationwide, in a majority of school districts, Native students are fewer than 10 percent of the student body, and in many schools Native Americans are only 1 percent of the student population.[29] As a result, Native students harmed by Native-themed MITC often feel isolated from other Native youths and American Indian and Alaska Native support networks, making it harder for them to raise their concerns with peers, teachers, or others in their school. In addition, educators have also reported that Native-themed MITC undermine efforts to recruit Native students and staff to teach about and research Native communities or to engage with nearby tribes.[30]

Many tribes consider the use of certain feathers, regalia, and ceremonial dances to be sacred. As a result, tribes have found it deeply inappropriate for non-Native people to possess or mimic such items and engage in these practices apart from Native American ceremonies. The use of feathers, regalia, and dances outside of their appropriate use, especially when they are mocked or desecrated, reinforces stereotypes and misrepresents Native American culture.[31]

Native-themed MITC can also adversely impact non-Native students,[32] regardless of the racial makeup of the school.[33] Indeed, the continual presence of stereotypes in schools psychologically damages the students who are exposed to them, as well as the students who feel targeted by those stereotypes.[34] This was also a

School mascots represent bullying at its worst because it is done openly … and our youth, who face some difficult challenges and often struggle to find a reason not to exit this world by their own hand, see that an entire school, an entire community, an entire nation, allows it. How is a … Native child supposed to feel safe in a world where a term once used to offer monetary rewards for the bloody scalps of children is so acceptable?"

– Parent, Oklahoma Listening Session

I'm a sixth-grader at [a local] middle school. We were playing 'lightning,' and, basically, people call me 'Big Brown.' When I'm playing football, basketball, or baseball, I usually beat them, and then they are mean to me. They call me a 'Redskin,' 'Brown Head,' 'Black Head,' and I really don't like it. On the playground, while playing kickball, the other team is all white, and they wanted our team to be the Redskins. . . . When the white team would get us out, they would say, 'Cowboys attacked the Redskins!' I don't like how they came up with names like Redskins. I don't like that. It's mean."

-Student, Wisconsin Listening Session

common concern echoed by students, teachers, and parents during WHIAIANE listening sessions.[35] Use of stereotypes denies non-Native youths a holistic and multidimensional understanding of all people, which can lower their levels of empathy, increase implicit biases, and hinder cross-cultural communication skills.[36]

According to the U.S. Commission on Civil Rights, Native-themed mascots and team names can also negatively impact schools, increasing their vulnerability to charges of racism, challenges to their institutional standing, litigation risks, and diversion of resources from their core goals.[37] Retiring Native-themed MITC removes an educational barrier for Native youths, and it benefits the school community as a whole.

Examples of Schools That Have Changed Their Native–themed Mascots, Imagery, Team Names, and Customs

Many schools, tribes, and urban Indian communities already institute practices to improve educational experiences for American Indian and Alaska Native (AI/AN) students. For schools and communities looking to make similar changes, the practices described below serve as examples to learn from and scale.

***Lancaster Central School District** — Lancaster High School; Lancaster, New York* [38]

Lancaster High School made the decision to retire its Redskins mascot and team name in 2015 after the New York State Education Department called for an end to the use of Native-themed mascots. The school's staff and administration felt it was time to reevaluate. The school brought Native American scholars in to the district to educate the school community on Native imagery and mascots. After the Lancaster Board of Education decided to retire the Redskins mascot, student leaders organized a vote to decide on a new one. Three months later, the board of education approved the new mascot, The Legends.

***North Wasco County School District 21** — The Dalles High School; Dalles, Oregon*[39]

The Dalles High School transitioned from its Indians mascot in 2014 after the Oregon Department of Education required that all Native mascots be changed by 2017, unless schools received approval from local tribes. The school's administration created a committee that included staff, students, school board members, and parents. The committee held meetings, conducted surveys, and created a poll to vote on submitted ideas and artwork for a new mascot. The students and athletes were actively engaged in the process as they held rallies and fundraisers to change

uniforms and logos around the school. The school community has embraced its new Riverhawks mascot.

School Administrative District # 27 — *Fort Kent Community High School; Fort Kent, Maine*[40]

Fort Kent Community High School kept its former "Warriors" as a mascot but replaced all of the Native-themed imagery with Spartan imagery. To accomplish this goal, school administrators designed a contest for students to submit ideas for keeping the "Warriors" theme without using any Native-themed imagery. The students voted and decided on a new Spartan logo, which the district board approved in 2015. The student design was then sent to a graphic artist and applied to stationary, magnets, and other memorabilia at the school. Since Fort Kent had been using the Warriors mascot for nearly a decade, this gave the school an opportunity to brand itself with a non-offensive mascot. Using a student-driven design initiative helped both the school and community to enthusiastically embrace the change.

Port Townsend High School — *Port Townsend High School; Port Townsend, Washington*[41]

Port Townsend High School recently revisited the issue of its Native mascot when a father wrote a letter to the school board expressing how offended and embarrassed he was by the Redskins mascot. As a result, the school board conducted a year-long, eight-member study group, which found the name was offensive to Native Americans. Following the group's recommendation, the Port Townsend School Board unanimously voted in 2013 to retire the mascot. After the decision, the school allowed students to submit designs, and a student-led committee was charged with narrowing down the choices. After 16 weekly meetings, students voted to select Redhawks as Port Townsend's new mascot.

More Than Mascots: Part Two

Engaging Tribal Leaders, Parents, Educators, and Community Members to Improve Learning Environments for Native Students

Introduction

The WHIAIANE has heard through extensive listening sessions, consultations, and meetings that many educational leaders are interested in ensuring American Indian and Alaska Native (AI/AN) students receive an education that is supportive and positive. This section provides best practices, strategies, and resources[42] that can help communities replace Native-themed MITC and establish safe and welcoming school environments. Community partners and tribal leaders and elders can serve as important resources as educational leaders work to reduce bullying, foster better school climates, and encourage strong educational outcomes for Native American youths and their non-Native peers.

Engaging Community and Local Partners

Community partners can play a critical role in supporting schools to replace Native-themed MITC with more inclusive choices. Some schools have found it helpful to hold listening sessions with a broad array of constituencies (including students, parents, staff, alumni, and local Indian tribes and Native American groups) both to discuss the potential harm of Native-themed MITC, and to include these key groups in selecting new choices.[43]

However, the issues that Native students face go beyond Native-themed MITC — having a welcoming environment for learning and development is also a concern. Community involvement, especially in areas with high populations of Native students, can benefit students, the school, and the community. Many states, districts, and schools struggle with how to execute partnerships and cultivate and sustain positive relationships with underserved and underrepresented families and communities.[44] School district-level administrators, school leaders, educators, and parents should take care to reach out to tribal communities when addressing issues of Native-themed MITC, as well as when improving the learning environment, to foster Native students' expression of their cultural identity.

Schools that wish to create partnerships should focus on developing the capacity of the school staffs and its stakeholders to build effective local and community partners that will support students. This can be accomplished through engagement activities with educators, parents, and community members provided within varying settings, including (1) pre- and in-service professional development for educators; (2) family academies, workshops, and seminars; and/or (3) parent-teacher organizational meetings. When effectively implemented, such opportunities build and enhance the skills, knowledge, and dispositions of stakeholders to engage in effective partnerships that support student achievement and well-being.

I work at an elementary school with five Native students. One of the things I feel is a big issue with school discipline is we don't have Native identity in the schools. They don't see successful Natives where they are. … When we talk about Native history, I always dress … in my traditional dress, and for my Native students, that's always their highlight because they are represented."

-Teacher, Oklahoma City Listening Session

Resources[46]

◆ **U.S. Department of Education's School Climate Surveys**
(https://safesupportivelearning.ed.gov/edscls): Measuring school climate is critical for its improvement. High-quality school climate data allows educators to (1) better understand the perceptions of the students, staff, and parents in the school and district; (2) monitor progress; (3) make data-driven decisions; (4) involve stakeholders; and (5) adapt to shifting needs related to school climate. The voluntary ED School Climate Surveys' web-based administration platform, including a suite of school climate surveys for middle and high school students, instructional staff, non-instructional staff, and parents and guardians, can now be downloaded free of charge (https://safesupportivelearning.ed.gov/edscls/administration).

◆ **U.S. Department of Education's Parent and Community Engagement Website**
(http://www.ed.gov/family-and-community-engagement): The Department provides resources for building greater support and capacity in schools, homes, and communities, so all students have the chance to succeed. This site includes ideas for how to bring your passion, talents, and energy to help students and to make your neighborhood schools stronger.

◆ **U.S. Department of Education's Parent Checklist** (http://www2.ed.gov/documents/family-community/parent-checklist.pdf): Because a child's education begins at home, the Department developed this tool to provide parents with a set of questions to ask, and important issues to consider, when approaching teachers, principals, and counselors about their child's development. As a parent or caregiver, it can be hard to know how to support your child's learning, but asking educators the right questions is a good place to start.

◆ **The Dual Capacity Building Framework for Family-School Partnerships**
(http://www2.ed.gov/documents/family-community/partnership-frameworks.pdf): Developed through a contract with the Southwest Educational Development Laboratory (SEDL) and subsequently released by the Department in 2014, this framework spurred states, districts, and schools to design initiatives that focus on building the capacity of educators and families to work collaboratively. States, local districts, and schools can leverage these efforts to work with families as essential partners in supporting positive outcomes for all students.

◆ **Equity Assistance Centers** (http://www2.ed.gov/programs/equitycenters/index.html): Regional equity assistance centers provide technical assistance and training, upon request, in the areas of race, sex, national origin, and religion to public school districts and other responsible governmental agencies to promote equitable education opportunities. The centers work in the areas of civil rights, equity, and school reform.

◆ **University of North Carolina's American Indian Center Community Engagement Brief** (http://americanindiancenter.unc.edu/wp-content/uploads/2013/08/AIC-Community-Engagement-Brief-fnl.pdf)**:** Developing an engaged partnership with Native nations requires patience, nuance, and humility. This document contains examples of helpful practices for engaging with Native nations. These best practices are consistent with the values of the American Indian Center and are commonly found across many tribal communities.

◆ **The Handbook on Family and Community Engagement** (http://www.schoolcommunitynetwork.org/downloads/FACEHandbook.pdf): The handbook, issued by the School Community Network, is intended to provide educators, community leaders, and parents with a succinct survey of the best research and practice on family and community engagement accumulated over the years. More important, the handbook offers a pathway for all students' academic, personal, social, and emotional development.

Engaging Tribal Governments' Leaders and Elders

It is crucial to engage tribes when working to address the issues Native youths face in our schools systems, especially when those issues are related to culture, heritage, or language.[47] These issues could include addressing historical trauma, reviewing Native student data, providing bullying prevention strategies, and incorporating accurate depictions of Native culture into classrooms. In 2011, only 56 percent of AI/AN students in grade four reported knowing some or a lot about their tribe or group's history or traditions. Additionally, only 43 percent of students in grade eight reported having some or a lot of knowledge of current issues important to AI/AN people.[48] These numbers illustrate that there is much room for improvement in encouraging cultural pride and knowledge among students.

When engaging with tribes, it is particularly important that their sovereignty and their officials be treated respectfully. For instance, a meeting with a tribal official is akin to a meeting or engagement with an elected official, such as a federal or state senior official or a foreign dignitary.[49] In such instances, consideration for preplanning and follow through will be essential in order to ensure that the meeting is designed and executed with mutual respect.[50]

When I was in first grade, we were doing a Thanksgiving project, and we had to decorate war bonnets, and I was told mine was wrong when I did it based on my Native culture."

-Planner and Grant Writer, Los Angeles Listening Session

Considerations of etiquette are especially important for engagement with tribes, given the diversity among the 567 federally recognized tribes[51] whose members speak more than 300 distinct languages.[52] Today, many tribes' customs and protocols are undocumented, which warrants further engagement with tribes and their executive staffs to gain better understanding of the appropriate customs and etiquette. Many tribes have offices or centers of culture and heritage that can assist in identifying and understanding protocol and etiquette.[53] Additionally, most tribes have executive support staffs that can also help school districts identify, understand, and navigate proper protocol, etiquette, and processes. Good faith intent, practice, etiquette, and an efficient protocol can make meaningful engagement and dialogue between tribal and school leadership easy.

Other considerations for educators and school system leaders when working with tribes include the following:[54]

◆ Learn about past and current involvement with the tribe in question to add a historic understanding of its goals and to avoid duplication or misunderstanding of the context in which the relationship will take place. The history of the relationship between a school system and the tribal nation or leadership is important.

◆ Work to understand the history and the impact that schools have had on tribes and their children. Earn trust by educating school leaders and staffs about how tribal governments operate. This requires (1) demonstrating respect for tribal values, (2) having a proactive interest in tribal goals for education, and (3) following through on commitments. Be transparent, informative, consistent, and credible.

◆ Know and communicate expectations and be transparent about gaps in knowledge or understanding — exercise humility. Agenda and expectations may be different than the tribes', and it will take time to identify and address these differences in a way that builds trust and mutual understanding.

◆ Tribes value consultation and meetings that are transparent and deliberative, and decisions that grow out of consensus. Elected tribal leaders, like other elected officials, have many constituencies to whom they are accountable including but not limited to elders, spiritual leaders, and traditional tribal leaders. School officials must respect these layers of formal and informal leadership.

◆ Simply recording views of tribal leaders or any other tribal stakeholders is not considered meaningful engagement. Be sure to share with tribal leaders and

stakeholders how you have incorporated feedback or insight gained from meetings.

◆ Recognize that tribal governments must deal with the entire welfare of the community, and these governments may have varying capacities for dealing with education issues. Different tribes will be in different places when it comes to awareness of school funding, law, and pedagogy.

◆ Like most governments, tribes experience a multitude of competing priorities with changing political tribal administrations. Work to understand change cycles and build relationships within multiple layers of leadership within tribes to ensure continuity of shared values, understandings, and work.

◆ Do not promise things you cannot deliver. If a proposed action requires acceptance or approval from someone else other than the representatives present, explain in detail the process and time line you will take to secure approval.

◆ Consider collaboration with other partners, members of the community, or businesses as a way to use additional resources and relationships that can help to advance actions you could not accomplish alone.

Resources[55]

◆ **REL Central's Profiles of Partnerships between Tribal Education Departments and Local Education Agencies** (http://ies.ed.gov/ncee/edlabs/regions/central/pdf/REL_2012137_sum.pdf): This study from the Regional Educational Laboratory Central examines nine voluntary working relationships or partnerships between tribal education departments and local education agencies supporting American Indian students. Individual profiles describe how each partnership works, focusing primarily on collaborative activities intended to improve education outcomes for American Indian students.

◆ **Working Effectively with Tribal Governments** (https://tribal.golearnportal.org/): This online training course, provided by GoLearn.gov, is available at no charge. It is based on the principle that a well-informed workforce is better equipped to achieve positive results with Indian tribes, and more likely to avoid missteps or costly litigation. Therefore the staffs and volunteers working with Indian tribes must know the key concepts, concerns, historical background, and the legal and cultural frameworks that shape the unique relationship the federal government has with Indian tribes. This course provides that critical

[Early elementary school years] are very formative years in our education system. They lay the foundation for all the knowledge that is gained later in life. [As a future teacher,] I am already contemplating how I'm going to handle in-class discussion about topics such as Thanksgiving. While it wouldn't be appropriate for me to discuss how the first Thanksgiving was really a celebration of the massacre of 700 Pequot men, women, and children by a colonial war party with a group of kindergarteners, I also don't want to 'reenact' a 'first Thanksgiving' by having half the class dress as pilgrims and the other half dress as Indians wearing war bonnets. The tribes in that area didn't even wear war bonnets."

-College Student, Oklahoma City Listening Session

information in an engaging and accessible format, and contains valuable tips for cross-cultural communication. It also explains fundamental principles and laws relevant to working with tribal nations on a government-to-government basis. States, districts, or schools could integrate this training program into all training programs for staff and volunteers working with Indian tribes, tribal organizations, and nonprofits serving Native American communities.

◆ **A Guide to Build Cultural Awareness** (http://store.samhsa.gov/shin/content/SMA08-4354/SMA08-4354.pdf): This guide, developed by an ad hoc group of U.S. Public Health Service commissioned officers, AI/AN professionals, and family advocates working together from 2006-2007, is intended to serve as a general briefing to enhance cultural competence while providing services to AI/AN communities. (Cultural competence is defined as the ability to function effectively in the context of cultural differences.) A more specific orientation or training should be provided by a member of the particular AI/AN community.

◆ **NCAI's Tribal Nations & the United States: An Introduction** (http://www.ncai.org/about-tribes): This guide, developed by the NCAI, seeks to provide a basic overview of the history and underlying principles of tribal governance and gives introductory information about tribal governments and AI/AN people today. The purpose of the guide is to ensure that policy decision makers at the local, state, and federal level understand their relationship to tribal governments as part of the American family of governments. Additionally, this guide provides the information necessary for members of the public at large to understand and engage effectively with contemporary Indian nations.

◆ **National Museum of the American Indian (NMAI) Education Offices** (http://nmai.si.edu/explore/foreducatorsstudents/): The NMAI has developed instructional materials and programs in collaboration with indigenous communities in order to advance the knowledge and understanding of indigenous cultures. Visit their website for a selection of free classroom resource materials, including teaching posters, guides, and online resources.

◆ **Nation to Nation: Treaties Between the United States and American Indian Nations** (http://nmai.si.edu/explore/exhibitions/item/?id=934): The NMAI provides comprehensive resources for teachers through this exhibit in order for them to develop a better understanding of the relationship between the United States and Indian nations. From symposia and seminars to online treaty accessibility and videos, educators are equipped with a complete guide to understanding U.S.-American Indian treaties.

◆ **Governor's Commission to Study American Indian Representation in Public Schools** (https://www.colorado.gov/governor/news/gov-hickenlooper-commission-release-report-study-american-indian-representions-public-schools)**:** Gov. John Hickenlooper of Colorado released a final report on the use of mascots and imagery in his state's public schools. After five months of community meetings and discussion, the commission established four guiding principles that can be taken on by local communities, educational institutions, state agencies, and organizations.

Student Access to Culturally Appropriate Instruction

Approximately a quarter of AI/AN students in grades four and eight received instruction from teachers who had acquired knowledge "to a large extent" from living and working in an AI/AN community.[56] Further, only 30 percent of school administrators serving AI/AN fourth-graders reported having AI/AN community members visit the school to share tribal nation history and traditions more than three or more times a year in 2011.[57] As demonstrated by numerous listening session testimonies dealing with culturally insensitive teachers, formal training on working with AI/AN students could help improve teachers' cultural knowledge and sensitivity.

Research shows that unhealthy school environments are known to damage Native and non-Native students' self-esteem.[58] For Native youths in particular, an unhealthy environment makes them feel unsafe in the classroom, decreasing their likelihood of success.[59] During the listening sessions, WHIAIANE heard that many students experience what they perceive as hostile or discriminatory behavior from teachers, school administrators, or classmates.

While some students reported positive views when discussing their teachers and what they learn in school, many Native parents and youths reflected on struggles with teachers, fellow students, or both. Many students experienced low expectations or unfair disciplinary actions from educators. Native students also shared numerous instances of being bullied or isolated by their classmates on the basis of their heritage.[60]

Attitudes and actions of teachers and school administrators sometimes contribute to students' discomfort or frustration about their learning environments. Some students in listening sessions reported that teachers or other school staff made unfair assumptions about Native Americans, resulting in low expectations or creating an environment of subtle racism that students may endure and internalize.[61]

Whether unintentional or deliberate, such assumptions are multifaceted and their consequences create uncomfortable or unhealthy situations for Native students.

It is crucial to understand the cultural implications and context of negative messages that teachers and education leaders may send. Structural social injustice — for example, massacres, forced relocations, prohibition of spiritual/cultural policies, and especially the removal of children through boarding school policies — has had enduring consequences. Maria Yellow Horse Brave Heart defines historical trauma as the "cumulative emotional and psychological wounding across generations, including the lifespan, which emanates from massive group trauma." The pervasive nature of historical trauma entwines individual trauma with multigenerational impact through the disruption of community and cultural infrastructures.[62]

Enhancing cultural competence is critical in the process of protecting and uplifting Native youths and their families.[63] In order to be effective, cultural awareness, sensitivity, empathy, and understanding need to be integrated into the school climate. Ultimately, incorporating culturally responsive engagement in schools will help create safe, stable, and nurturing environments; by doing so Native youths will have the support necessary to achieve their fullest potential.

The following list of recommended actions has been adapted from the National Child Traumatic Stress Network:[64]

1. Improve access to trauma-informed care and guidance counseling — for example, by increasing the number of services for traumatized youths in schools and providing higher quality training to faculty;

2. Assist students who may be struggling with guilt, shame, or discrimination to overcome their hesitancies to seek help;

3. Develop and evaluate culturally responsive school services with effective community and tribal engagement;

4. Address the factor of social adversity — poverty, violence, discrimination, racism — to strengthen and build upon existing supports to families; and

5. Encourage and embrace positive ethnic identity.

Resources[65]

◆ **NIEA's Culture-Based Education Repository** (http://www.niea-resourcerepository.org/index.php)**:** This project of the NIEA is designed to house culture-based education curriculum. The repository serves as a

clearinghouse for curriculum respectful of cultural and traditional knowledge and uses innovative instructional strategies to ensure Native students succeed.

◆ **NIEA's Native Education 101** (http://www.niea.org/our-story/history/native-101/)**:** To better understand how the current Native education system was established, NIEA has created *Native Nations and American Schools: The History of Natives in the American Education System* to share information about the historical context and current status of Native education. NIEA hopes this document can serve as a guide for educators to use responsive education strategies and understand their Native students.

◆ **National Board of Professional Teaching Standards' HEART Initiative** (http://www.nbpts.org/contact-us)**:** The HEART initiative brings together programs and partners with research-proven results to empower teachers with the knowledge, skills, and resources they need to make lasting changes for Native youths. Designed as a multi-year project, the HEART initiative offers a series of professional and holistic growth experiences, which are unparalleled in their ability to give teachers the skills and resources they need to help Native students thrive. Contact the National Board for more information.

◆ **Center for Native American Youth's (CNAY) Publications on Native Youth** (http://www.cnay.org/CNAY_Publications.html)**:** This resource offers publications produced by CNAY. These documents share information about important issues for Native youths throughout the country.

◆ **National Education Association Diversity Toolkit** (http://www.nea.org/tools/diversity-toolkit.html): This online tool kit provides an introduction to the multiple facets of diversity. It offers basic information, a short list of strategies and tools, and suggestions for how to find out more. Neither the short list of topics in this tool kit nor the content within each topic is meant to be exhaustive. For more in-depth information, visit the web links listed under each topic.

◆ **American Federation of Teachers' Racial Equity Report** (http://www.aft.org/sites/default/files/racial_equity_taskforce_10-8-15.pdf): *Reclaiming the Promise of Racial Equity in Education, Economics and Our Criminal Justice System* provides a framework for the development of policy in national and state legislation, at the school board level and inside the federation itself.

◆ **The Oceti Sakowin Project** (http://indianeducation.sd.gov/ocetisakowin.aspx): *The 2007 South Dakota Indian Education Act* mandated the development of course content for curriculum and coursework in South Dakota American Indian history

and culture. As a result of this mandate, the South Dakota Office of Indian Education pursued funding in order to begin the development of materials. In 2008, the Indian Land Tenure Foundation awarded a grant to the South Dakota Office of Indian Education to begin the Oceti Sakowin Project. The project was completed in July 2011, and approved by the South Dakota Board of Education.

◆ **Evaluating American Indian Materials and Resources for the Classroom** (http://opi.mt.gov/pdf/IndianEd/Resources/EvalAmIndianMaterials.pdf): This resource, prepared by the Indian Education Division of the Montana Office of Public Instruction, is intended to help educators determine whether resources such as books, videos, and images are appropriate for the classroom. It outlines the ways in which classroom resources can contain bias, and provides evaluative criteria that educators may use to avoid using biased resources.

◆ **Native American Rights Fund** (http://www.narf.org/contact-us/): Graduation season is an especially busy time for the Native American Rights Fund (NARF). Every year, NARF is contacted by Native American students from across the country who are prohibited from wearing eagle feathers at graduation ceremonies due to narrow graduation dress codes. By and large, once those schools come to understand the religious and cultural significance of eagle feathers, they make accommodations and exceptions for Native American students. NARF advocates for these graduates so they can celebrate their great successes without sacrificing their tribal identity.

Proactively Addressing Bullying

Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims. It also creates conditions that negatively affect learning, undermining the ability of students to achieve their full potential.[66] Some bullying may qualify as harassment under federal antidiscrimination laws enforced by the U.S. Department of Education's Office for Civil Rights (OCR) (see Part Three of this report).

A 2013 research article by Professors Evelyn M. Campbell and Susan E. Smalling reported that 54 percent of American Indian students participating in the 2010 Minnesota Student Survey experienced some form of bullying. Of those students, 29.3 percent experienced threats, 47.5 percent experienced physical violence, and 23.5 percent experienced both.[67] In this study, American Indian students experienced a higher rate of being threatened than any other group of students, except those in the mixed race category. Other students in other regions may be

struggling with bullying as well. In several states with particular regions of high Native student populations, including New York, Vermont, North Dakota, South Dakota, Oklahoma, and Maryland, AI/AN students were the most likely or second most likely to be bullied of any racial or ethnic group.[68] Campbell and Smalling's study demonstrated that "these high levels of victimization and potential bullying experienced may lead to several issues for students, including not feeling safe in school, problems with academics, and potentially dropping out."[69]

Among AI/ANs aged 10 to 34 years, suicide is the second leading cause of death.[70] A 2011 study linked bullying as a contributing factor to the rising suicide rate among AI/AN youths, reiterating the sense of urgency around bullying that the listening sessions highlighted. The study advises that "culturally responsive educators teach skills related to empathy and compassion, and establish social norms and rules that respect all students." The study continues, "AI/AN students attending culturally responsive and inclusive schools will feel connected, empowered, and better prepared to address discriminatory bullying and harassment."[71]

During the listening sessions, many speakers shared stories of bullying that ranged from name-calling to physical attacks.[72] Parents and students also conveyed that many of these instances and behaviors stem from stereotypes related to Native Americans. WHIAIANE heard from students that they experience distress due to being isolated from others at school, and that they receive inadequate counseling and behavioral health support to address their needs. Specifically, WHIAIANE heard that teachers and school staff commonly ignored the bullying of AI/AN students, and that those who respond to racial affronts are often punished as the instigators of misconduct.[73]

States and local school districts should promote training for all school staff so they can fairly and effectively recognize and respond to incidents of bullying. In addition, schools should (1) provide counseling and support to victims of bullying, (2) publicly affirm that incidents of misconduct are unacceptable, (3) implement policies that promptly and effectively address bullying (and include a mechanism for Native students, teachers, and staff to provide feedback on a school's efforts), (4) offer age-appropriate programs that promote acceptance, (5) educate students and families about how to report bullying, and (6) institute school climate assessments that address these issues and that are more inclusive of AI/AN students.[74]

I have been working with Native American services in Oklahoma City, and I was able to get advice from a lot of the people here to talk about the land run reenactments… It's worth talking about again because it's something we can change. They changed it in Norman, so they can change it here. We can't just bring complaints; we have to bring solutions."

-Parent, Oklahoma City Listening Session

Resources[75]

◆ **StopBullying.gov** (http://www.stopbullying.gov/): This website, managed by the U.S. Department of Health and Human Services, serves as a clearinghouse for all federal anti-bullying resources and information about state laws and model policies to stop bullying and protect children.

◆ **Understanding Bullying** (http://www.cdc.gov/violenceprevention/pdf/bullying_ factsheet.pdf): This resource from the Centers for Disease Control (CDC)provides a working definition of bullying, reviews its status as a public health issue, and addresses the effect bullying has on mental health. It also provides prevention tips, CDC's approach to bullying prevention, and related resources.

◆ **Analysis of State Bullying Laws and Policies** (http://www2.ed.gov/rschstat/eval/ bullying/state-bullying-laws/state-bullying-laws.pdf): This resource reviews states' bullying laws and model bullying policies, and school districts' bullying policies, using the Department's guidance document, "Anti-Bullying Policies: Examples of Provisions in State Laws," as an organizing framework for the review.

◆ **Tribal Health Reaching Out InVolves Everyone (THRIVE) Media Campaign** (http:// youth.gov/federal-links/thrive-media-campaign-prevent-suicide-and-bullying-among- american-indianalaska-native): The U.S. Department of Health and Human Services' Indian Health Service, in partnership with the Northwest Portland Area Indian Health Board, have created THRIVE, which is a suicide prevention and anti-bullying prevention campaign for American Indian/Alaska Native youths.

◆ **Community Action Toolkit** (http://www.stopbullying.gov/prevention/in-the- community/community-action-planning/community-action-toolkit.pdf): This resource is posted on stopbullying.gov. It includes materials to create a community event using the research, ideas, and bullying prevention and response strategies provided in a training module. Information includes a bullying assessment, event agendas, community engagement tool kits, and action planning matrix and tips for working with the media.

◆ **Cyberbullying: Understanding and Addressing Online Cruelty** (http://www.adl.org/ education-outreach/lesson-plans/c/cyberbullying-understanding-and-addressing. html?referrer=http://www.stopbullying.gov/resources/results?utf8=%E2%9C%93&qry =training&commit=Search&sort=&direction=%20-%20.V5fOc_krJhE#.V9hEPk3r3q4): This resource from the Anti-Defamation League offers comprehensive curriculum lessons for elementary, middle, and high school students to educate youths about cyberbullying.

- **Measuring Bullying Victimization, Perpetration and Bystander Experiences** (http://www.cdc.gov/ViolencePrevention/pdf/BullyCompendium-a.pdf): This compendium from the Centers for Disease Control provides researchers, prevention specialists, and health educators with tools to measure and assess a range of bullying experiences. These include perpetration, victimization, bully-victim experiences, and bystander experiences. This compendium represents a starting point from which researchers and schools can consider a set of sound measures for assessing self-reported incidence and prevalence of bullying experiences.

Funding Resources for Change

Because changing a school's Native-themed MITC can involve expenses such as repainting logos on school walls, purchasing new team uniforms, or training school personnel, some schools have engaged booster clubs or other local organizations to raise funds for this purpose. Some school districts like the Houston Independent School District[76] have funded efforts to change their schools' mascots, and Adidas Corp[77] has offered funding and design resources to schools to change harmful or offensive mascots. Some tribal governments, like the Oneida Indian Nation,[78] have also offered funds to change Native-themed MITC. Lastly, some federal grant funds under the *Elementary and Secondary Education Act of 1965* (*ESEA*), as amended by the *Every Student Succeeds Act* (*ESSA*), may be used to replace a Native-themed mascot or team name consistent with program requirements

A school district that receives Impact Aid funds, for example, may generally use those funds in whatever manner the recipient school district chooses, in accordance with state and local requirements (except that Impact Aid funds for children with disabilities and construction must be spent for those specific purposes).[79] In addition, a district that receives Indian Education formula grants may use the funds to improve educational outcomes for Indian students, for example for professional development on culturally-appropriate teaching, if described in the district's annual application.[80] Similarly, a district may use ESEA *Title II-A* funds and, consistent with their school-wide program plans, *Title I-A* funds in schools operating a school-wide program, to carry out in-service training for school personnel on issues related to conditions that impede student learning, which may include creating an inclusive, non-discriminatory learning environment.[81] Finally, *Title I-A* funds may be used by a *Title I* school operating a school-wide program for minor repairs that are related to improving the culture of the school, such as repainting over a Native-themed logo.[82] At the state level, a state education agency (SEA) may use *Title II-A* funds for supporting professional development on cultural sensitivity or creating an inclusive, non-discriminatory learning environment to improve the quality and effectiveness of teachers, principals, and other school leaders.[83]

"Eighty-seven percent of the representations of Native Americans in the curriculum today in the United States are pre-1900. That's ridiculous in 2014."

-Anthropologist, Seattle Listening Session

More Than Mascots: Part Three

A Non-Discriminatory School Environment: Considering Federal Civil Rights Laws

Ensuring a Non-Discriminatory School Environment for Native Students

The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal civil rights laws that prohibit schools, colleges, and universities receiving federal funds from discriminating against students in any of their programs or activities based on ***race, color, national origin, sex, disability, or age***. These laws protect all students, including Native American students, from unlawful discrimination. For example, elementary and secondary schools are required to provide Native American students with the following:

◆ *Equal access to educational opportunities without regard to race, color, or national origin.* This includes high-quality courses, academic programs, and extracurricular activities; strong teachers, school leaders, and support staff; safe school facilities conducive to learning; and appropriate technology and instructional materials.

◆ *Special education or related services to those with a disability.* This must include a free, appropriate, public education, with regular or special education and related aids, and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.

◆ *An educationally sound language assistance program to students who are not proficient in English because it is not their primary language.* This program must provide a qualified staff and sufficient resources, as well as equitable access to school programs and activities.

Unlawful discrimination can take many forms, which include (1) treating a Native student differently from similarly situated students of other races without a legitimate non-discriminatory reason; (2) selectively enforcing a school policy only against Native students; and (3) acting on racially discriminatory motives towards Native students. A school policy or practice, moreover, can also violate the law if it disproportionately affects Native students and is either not educationally necessary or there is a less discriminatory comparably effective alternative.[84]

In addition, as discussed briefly in Part Two, harassment of a student for being Native American is a form of discrimination that may violate the laws OCR enforces if *(1) it is sufficiently serious that it interferes with the student's ability to participate in school activities, and (2) the school fails to respond to it appropriately.* A school that knows or reasonably should know of possible racial harassment must immediately and appropriately investigate what happened in a prompt, thorough, and impartial manner. If a school's investigation reveals that racial harassment was sufficiently serious that it limited or denied a student's ability to participate in or benefit from school services, activities, or opportunities (i.e., created a hostile environment), the school must (1) take prompt and effective steps reasonably calculated to end the harassment, (2) eliminate the hostile environment, (3) prevent it from recurring, and, as appropriate, (4) remedy its effects. See the *OCR Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010) (http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf) for more information.

Some examples of situations that could raise civil rights concerns[85] include when students, teachers, or school staff

◆ depict Native people in threatening, dehumanizing, or demeaning ways in school facilities, on school paraphernalia, or at school events such as pep rallies or sporting events;

◆ require Native students to play the part of Indians in school activities, such as dressing up as a Native-themed mascot, playing "cowboys versus Indians," or reenacting Thanksgiving;

◆ subject Native students to caricaturized or stereotyped "Indian" war whoops, tomahawk chops, chants, dances, attire, or associated customs at school activities or events; or

◆ retaliate against Native students or parents for opposing a school's Native-themed mascot, team name, logo, or associated customs.

How to File a Civil Rights Complaint

◆ Anyone who has concerns about possible discrimination based on race, color, national origin, sex, disability, or age, at a school, college, or university may file a complaint of discrimination with OCR within 180 days of the alleged discrimination.

◆ The person or organization filing the complaint does not need to be a victim of the alleged discrimination, but may complain on behalf of another person or group (such as a parent or teacher filing a complaint on behalf of a student).

◆ A complaint may be filed with OCR by mail, fax, e-mail, or online. For more details, please visit www.ed.gov/ocr/complaintintro.html or contact OCR by phone (800) 421-3481 or by e-mail ocr@ed.gov for more information or questions.

◆ You are not required by law to use a school's grievance process before filing a complaint with OCR, but you may want to consider that process to have the complaint resolved.

Additional Resources

More information about OCR and the laws it enforces are available at the following web pages:

✳ OCR's website: www.ed.gov/ocr

✳ Race discrimination: www.ed.gov/ocr/frontpage/pro-students/race-origin-pr.html

✳ Sex discrimination: www.ed.gov/ocr/frontpage/pro-students/sex-pr.html

✳ Disability discrimination: www.ed.gov/policy/rights/guid/ocr/disability.html

✳ Harassment and bullying: www.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf

✳ Civil Rights Data Collection: http://ocrdata.ed.gov

Contact Information for Groups or Individuals Who Want More Information

WHIAIANE is always interested in hearing from students, parents, schools, educators, communities, and organizations working to create positive and successful learning environments. The initiative also endeavors to share and amplify the success of those who are already engaged in these efforts. Please contact the WHIAIANE staff if there are any resources, supports, stories, or guidance that you would like to provide.

U.S. Department of Education
White House Initiative on American Indian and Alaska Native Education
400 Maryland Ave., SW
Room 4W118
Washington, DC 20002
Phone: (202) 453-6600
Fax: (202) 453-5635
WHIAIANE@ed.gov
http://sites.ed.gov/whiaiane/contact-us/

Endnotes

[1]See White House Initiative on American Indian and Alaska Native Education, *School Environment Listening Sessions Final Report*, (Washington, DC: U.S. Department of Education, 2015), 1-5, http://sites.ed.gov/whiaiane/files/2015/12/81326-SchoolEnvir.-394-260.pdf.

[2]The terms "Native American" and "Native" are used in this document to refer to all the indigenous peoples of the United States, (who are American Indian, Alaska Native, or Native Hawaiian), regardless of their membership in a tribe.

[3]See White House Initiative on American Indian and Alaska Native Education, 39-44.

[4]See C. Richard King, ed., *Native American Mascot Controversy: A Handbook*, (Lanham, MD: The Scarecrow Press Inc., 2015), 19, 24, 41, 67, 147-48.

[5]For more on the origins of Native team names, mascots, and associated imagery selected by schools and sports teams see the following: (1) Philip J. Deloria, "Mascots and Other Public Appropriations of Indians and Indian Culture by Whites," *Encyclopedia of North American Indians*, (Frederick Hoxie ed., Boston: Houghton-Mifflin, 1996), 359-61, ("During the 1920s, many college and professional teams . . . adopted Indian names. The practice filtered down to thousands of high schools and junior high schools seeking institutional identities. ...Indian chiefs and braves represented the aggressiveness and fighting spirit that was supposed to characterize good athletic teams."); (2) J. Gordon Hylton, "Before the Redskins Were the Redskins: The Use of Native American Team Names in the Formative Era of American Sports, 1857-1933," 86 *North Dakota Law Review*, (2010), 879, 891, ("Reinforced by powerful images of exotic, warlike Plains Indians in Hollywood films and a new widely-adopted practice of associating team names with the ferociousness or guile of the players, Native American team names and logos ... became a source of crowd-pleasing pageantry."); (3) C. Richard King, 19, 24-25, 41, 50, 70, 86, 147-48, 217.

[6]See (1) U.S. Senate hearing before the Committee on Indian Affairs, 112th Congress, May 5, 2011, *"Stolen Identities: the Impact of Racist Stereotypes on Indigenous People,"* 15, 53, 64, http://www.gpo.gov/fdsys/pkg/CHRG-112shrg66994/pdf/CHRG-112shrg66994.pdf; and (2) *Pro-Football, Inc. v. Blackhorse*, 2015 WL 4096277, at *24 (E.D. Va. July 8, 2015), appeal filed, No. 15-1874 (4th Cir. Aug. 6, 2015) (citing eleven dictionaries from 1898 to 1989 defining Redskin as offensive as evidence that Redskins' trademarks may disparage a substantial composite of Native Americans).

[7]See (1) U.S. Senate hearing, May 5, 2011, statement of Indigenous Peoples Working People, 64, ("All the major Native American organizations have called for the end of the modern commodification of their peoples and symbols in sports and in popular culture generally[.])"; (2) C. Richard King, 3, 64, 121, 184.

[8]The term "schools" refers to elementary, middle, and high schools, as well as to colleges and universities.

[9]See (1) National Congress of American Indians, *Ending the Legacy of Racism in Sports and the Era of Harmful "Indian" Sports Mascots*, (October, 2013), http://www.ncai.org/resources/ncai-publications/Ending_the_Legacy_of_Racism.pdf; (2) Erik Stegman and Victoria Phillips for the Center for American Progress, "Missing the Point: The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth," (July 2014), https://www.americanprogress.org/issues/race/report/2014/07/22/94214/missing-the-point/.

[10]See (1) C. Richard King, 127, 137-39, 259-63; (2) Center for American Progress, 15-16.

[11]To date, states or their boards of education have adopted such policies in California, Michigan, Minnesota, New Hampshire, New York, Oregon, and Washington, and a number of school districts have implemented similar restrictions, including Los Angeles and Houston. See (1) C. Richard King, 255-57, (lists associations, educational institutions, civil rights groups, religious organizations, and other entities that have adopted policies or resolutions calling for the rejection of Native mascots); (2) Center for American Progress, 16.

[12]U.S. Senate hearing , May 5, 2011, statement of Suzan Shown Harjo, 7, 12.

[13]See (1) National Congress of American Indians; (2) Center for American Progress, 1, 4, 9-16, 23-26; (3) C. Richard King, 255-57. The U.S. Commission on Civil Rights has called for Native American mascots to be replaced, the U.S. Patent and Trademark Office has cancelled several of the Washington Redskins' trademarks as disparaging to Native Americans, and media outlets across the country have stopped printing and using the team's name.

[14]See (1) White House Initiative on American Indian and Alaska Native Education, 39-44, ("approximately 2,400 public schools"); (2) C. Richard King, xiii, 71, 94, 147, (citing various sources that estimate "[m]ore than 2,100 teams, franchises, and schools," "more than 2500 schools," "2,000-2,500 schools," and "more than 2,500 elementary, secondary, and postsecondary schools" with Native-themed mascots or team names); (3) MascotDB, "100 Most Frequently Used Team Names," http://www.mascotdb.com/lists.php?id=5; (4) Center for American Progress, 15-16.

[15]MascotDB, "Native American Related Mascots," http://mascotdb.com/lists.php?id=23.

[16]U.S. Senate hearing, May 5, 2011, 11-16, 53, 64, (explaining the terms "redskins" and "squaws").

[17]See, for example, (1) Ibid., 15, 53, 64; (2) Pro-Football, Inc. v. Blackhorse, 2015 WL 4096277, at *24 (E.D. Va. July 8, 2015), appeal filed, No. 15-1874 (4th Cir. Aug. 6, 2015), (citing eleven dictionaries from 1898 to 1989 defining Redskin as an offensive slur as evidence that the Washington Redskins' trademarks may disparage a substantial composite of Native Americans).

[18]U.S. Senate hearing, May 5, 2011, 15, 53, 64.

[19]Ibid., 11.

[20]See (1) White House Initiative on American Indian and Alaska Native Education, 39-40; (2) C. Richard King, 7-25, 68-94, 146-50, 187-234.

[21]See (1) U.S. Senate hearing, May 5, 2011, 47; (2) Center for American Progress, 15-16; (3) Sarah Sunshine Manning, "Youth Continue Their Battle Against Sisseton 'Redmen'," (Sept. 2, 2015), http://indiancountrytodaymedianetwork. com/2015/09/02/manning-youth-continue-their-battle-against-sisseton-redmen-161605.

[22](1) U.S. Senate hearing, May 5, 2011, statements of Suzan Shown Harjo and Charlene Teters, 11, 19-20; (2) C. Richard King, 5-47, 187-234.

[23]See(1) White House Initiative on American Indian and Alaska Native Education, 39-40; (2) U.S. Senate hearing, May 5, 2011, statements of Hon. Tex G. Hall, Suzan Shown Harjo, Charlene Teters, Stephanie A. Fryberg, Hon. Ben Nighthorse Campbell, David M. Gipp, Jesse A. Steinfeldt, 3-6, 10-16, 19-20, 27-31, 53-54, 57-63, 68-69, 82-92; (3) American Psychological Association, "Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations" (Aug. 21, 2005); (4) John Chaney et al., "Do American Indian Mascots = American Indian People? Examining Implicit Bias Towards American Indian People and American Indian Mascots," American Indian and Alaska Native Mental Health Research, 2011, 42-62; (5) A.R. LaRocque et al., "Indian Sports Nicknames/Logos: Affective Differences Between American Indian and Non-Indian College Students," American Indian and Alaska Native Mental Health Research, 2011, 1-7; (6) S. Freng & C. Willis-Esqueda, "A Question of Honor: Chief Wahoo and American Indian Stereotype Activation Among a University Based Sample," The Journal of Social Psychology, (2011), 151, 577-91; (7) C. Kim-Prieto, "Effect of Exposure to an American Indian Mascot on the Tendency to Stereotype a Different Minority Group," Journal of Applied Social Psychology, 40, (2011), 534-53; (8) S.A. Fryberg et al., "Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots," Basic and Applied Social Psychology, 30, (2008), 208-18 ; (9) National Congress of American Indians, 5. Also, see generally C. Richard King for reprinted articles, research, and resolutions documenting the harms of Native mascots and team names.

[24]U.S. Commission on Civil Rights, "Statement on the Use of Native American Images and Nicknames as Sports Symbols," (2001), http://www.usccr.gov/press/archives/2001/041601st.htm.

[25]See Lawrence R. Baca, "Native Images in Schools and the Racially Hostile Environment," Journal of Sport & Social Issues, 28, (2004), 71-78.

[26]For further discussion of civil rights implications, please see Part Three of this resource guide.

[27]See the U.S. Commission on Civil rights statement, or more generally the American Psychological Association's resolution.

[28]See www.reducingstereotypethreat.org, created by two social psychologists as a resource for faculty, teachers, students, and the general public interested in the phenomenon of stereotype threat. For a definition, see "What is stereotype threat?" www.reducingstereotypethreat.org/definition.html. For more general information about

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[29]U.S. Department of Education, National Center for Education Statistics, "District Enrollments by Race/Ethnicity 2012–13," compiled from the Elementary/Secondary Information System, https://nces.ed.gov/ccd/elsi/tableGenerator.aspx.

[30]See C. Richard King, 49-53.

[31]Ibid., 5-14, 25, 33, 68, 121, 191, 195, 217, 234.

[32]See Michael A. Friedman, *The Harmful Psychological Effects of the Washington Football Mascot*, (2013), 11-13, http://www.changethemascot.org/wp-content/uploads/2013/10/DrFriedmanReport.pdf.

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[36]Friedman and the White House Initiative on American Indian and Alaska Native Education, 39-44.

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[81]*ESSA* §§ 2001-2104 *(Title II-A)*, §§ 1001-1127 *(Title I-A)*.

[82]*ESSA* §§ 1000-17 *(Title I-A)*.

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[84]See (1) 42 U.S.C. § 2000(d): 34 C.F.R. § 100.3(a)-(b); (2) "OCR 2010 Harassment Guidance," http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html; (3) "OCR 1994 Racial Harassment Guidance," http://www2.ed.gov/about/offices/list/ocr/docs/race394.html

[85]OCR makes case-specific determinations about whether the civil rights laws it enforces have been violated, such as whether a school subjected a Native student to unlawful different treatment or failed to remedy a racially hostile environment. The laws OCR enforces are not violated merely because a school uses a mascot, team name, or imagery that someone finds personally offensive.

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