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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4387

03/11/2020 Authored by Kunes-Podein, Becker-Finn, Considine, Bierman, Hassan and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; prohibiting the use of American Indian mascots and logos;
1.3 amending Minnesota Statutes 2018, section 124E.03, subdivision 2; proposing
1.4 coding for new law in Minnesota Statutes, chapters 123B; 135A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [123B.493] AMERICAN INDIAN MASCOTS PROHIBITED.

1.7 (a) A school district may not have or adopt a name, symbol, or image that depicts or
1.8 refers to an American Indian tribe, individual, custom, or tradition to be used as a mascot,
1.9 nickname, logo, letterhead, or team name of the district or school within the district.

1.10 (b) A school district may seek an exemption to paragraph (a) by submitting a request in
1.11 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which
1.12 jointly shall have discretion to grant such an exemption.

1.13 Sec. 2. Minnesota Statutes 2018, section 124E.03, subdivision 2, is amended to read:

1.14 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
1.15 meet all federal, state, and local health and safety requirements applicable to school districts.

1.16 (b) A school must comply with statewide accountability requirements governing standards
1.17 and assessments in chapter 120B.

1.18 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
1.19 123B.34 to 123B.39.

1.20 (d) A charter school is a district for the purposes of tort liability under chapter 466.

2.1 (e) A charter school must comply with the Pledge of Allegiance requirement under
2.2 section 121A.11, subdivision 3.

2.3 (f) A charter school and charter school board of directors must comply with chapter 181
2.4 governing requirements for employment.

2.5 (g) A charter school must comply with continuing truant notification under section
2.6 260A.03.

2.7 (h) A charter school must develop and implement a teacher evaluation and peer review
2.8 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
2.9 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
2.10 The teacher evaluation process in this paragraph does not create any additional employment
2.11 rights for teachers.

2.12 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
2.13 section 120B.11, to review curriculum, instruction, and student achievement and strive for
2.14 the world's best workforce.

2.15 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
2.16 sections 121A.40 to 121A.56.

2.17 (k) A charter school must comply with the prohibition on American Indian mascots
2.18 under section 123B.493. A charter school may seek an exemption under section 123B.493,
2.19 paragraph (b).

2.20 Sec. 3. **[135A.154] AMERICAN INDIAN MASCOTS PROHIBITED.**

2.21 (a) A public postsecondary institution may not have or adopt a name, symbol, or image
2.22 that depicts or refers to an American Indian tribe, individual, custom, or tradition to be used
2.23 as a mascot, nickname, logo, letterhead, or team name of the institution.

2.24 (b) A public postsecondary institution may seek an exemption to paragraph (a) by
2.25 submitting a request in writing to the Tribal Nations Education Committee and the Indian
2.26 Affairs Council, which jointly shall have discretion to grant such an exemption.