



Guidance for Commissioners to Consider on [SB21-116](#) Compliance

SB21-116 Definition of the American Indian Mascot: "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. ([SB21-116 22-1-113](#))

Exceptions (summarized from SB21-116) include:

- A “public school that is named after an American Indian tribe or American Indian individual may use the tribe’s or individual’s name, but not an image or symbol, on the public school’s letterhead.” § 22-1-133(2)(a).
- If there is an agreement between one of the identified federally recognized 48 Tribes with historic ties to Colorado and a school or school district as of June 30, 2021;
- The school is operated by a federally recognized Tribe or with the approval of a federally recognized Tribe and existing within the boundaries of such Tribe’s reservation; or,
- If an agreement is made between a federally recognized Tribe and a public school, the agreement may allow for a mascot that is culturally affiliated with that Tribe.

When determining whether a school has come into compliance with SB21-116 by changing its prohibited American Indian mascot, consider whether:

- The changed name/symbol/image/word is/was associated with the American Indian/Alaska Native community or with Tribal Nations, either in the generalized historical context of the name/symbol/image/word and/or currently as of the date of the signing of the bill and subsequent identification by the Colorado Commission of Indian Affairs?
- The changed mascot is/was associated with the American Indian/Alaska Native community or with Tribal Nations, either in the generalized historical context of the mascot and/or currently as of the date of the signing of the bill and subsequent identification by the Colorado Commission of Indian Affairs?
- Does the general public associate the changed name/symbol/image/word with the American Indian/Alaska Native community or Tribal Nations?
- Does the general public associate the changed mascot with the American Indian/Alaska Native community or Tribal Nations?