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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sondra Aguilera, Chief Academic Officer
Matin Abdel-Qawi, High School Network Superintendent
Vanessa Sifuentes, High School Network Executive Director
Jeffrey Taylor, Principal, McClymonds High School

Board Meeting Date August 25, 2021

Subject Resolution No. 2021-0303 - New Mascot Imagery for McClymonds High School

Action Approval by the Board of Education of Resolution No. 2021-0303, to institute a new imagery to represent the McClymonds High School Warrior mascot.

Background In November 2020, students at McClymonds High School circulated a petition expressing concern over the Native American image historically associated with the school's Warrior mascot. After launching that petition, and in accordance with Board Policy 0410, a subcommittee of McClymonds students and alumni came together to identify alternative images that better represent McClymonds High School and do not rely on imagery that is culturally insensitive or discriminates against Native American/Indigenous communities.

From March through June of 2021, this volunteer subcommittee of four students and four members of the McClymonds Alumni Association convened to identify the characteristics they wished to see in a new visual representation of the McClymonds Warrior. Images were collected, reviewed, and ranked by the subcommittee according to the characteristics identified.

The subcommittee shared their top-ranked choices with McClymonds students at the start of the 2021-2022 school year. Students voted and the final imagery selection was announced to the school community and to the OUSD Board of Directors for final review in the fall of 2021. It is attached herewith.

Discussion

For several decades now, school districts across the country have recognized the need to change school mascots and other imagery that, while at one time was considered acceptable, has since been clearly identified as oppressive or discriminatory toward Native American/Indigenous students, families, and communities. The McClymonds Alumni Association and McClymonds students stand in solidarity with Native communities and wish to honor this sentiment by removing any imagery from the school that is harmful to Native/Indigenous communities.

Fiscal Impact

Removing the Native American image painted on the outside wall of the McClymonds gymnasium (located in the Plaza of Peace): \$6,400 (labor and materials)

Repainting a different approved image on the outside wall of the McClymonds gymnasium: cost TBD

Replacement of 7 banners located throughout the campus: cost TBD

Replacement of rear bulletin board located inside a trophy display case: \$1,500.00 (labor and materials)

Attachment

- Resolution 2021-0303 - New Mascot Imagery for McClymonds High School, including Exhibit A (New Mascot)
- OUSD Board Policy 0410
- Presentation

RESOLUTION OF THE BOARD OF EDUCATION OF THE OAKLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 2021-0303

New Mascot Imagery for McClymonds High School

WHEREAS, McClymonds students launched a petition in November of 2020 expressing concern over the image of a Native American person historically associated with the McClymonds Warrior Mascot.

WHEREAS, images of Native American and Indigenous people have been used in the past to mock Native culture and have created school environments that were unwelcoming and unsafe for Native American/Indigenous students and families.

WHEREAS, Oakland Unified School District's Board Policy 0410 stipulates that "District programs and activities shall [also] be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames."

WHEREAS, for several decades now, school districts across the country have recognized the need to change school mascots and other imagery that, while at one time was considered acceptable, has since been clearly named as oppressive or discriminatory toward Native American/Indigenous students, families, and communities.

WHEREAS, the McClymonds Alumni Association and McClymonds students stand in solidarity with Native communities and wish to honor this sentiment by removing any imagery from the school that is harmful to Native/Indigenous communities.

WHEREAS, McClymonds Administrative Leaders convened a representative group from the McClymonds student body and the McClymonds Alumni Association to identify images that would better suit McClymonds and not rely on imagery that is discriminatory and culturally insensitive.

WHEREAS, this representative group aims to distance McClymonds High School from any imagery that is harmful toward any student and wishes to contribute to a school environment that is inclusive and welcoming to students from all backgrounds and ethnicities.

WHEREAS, this representative group of McClymonds Students and McClymonds Alumni wishes to find different imagery to honor the resiliency and spirit demonstrated by McClymonds students and alumni.

WHEREAS, this representative group met throughout the Spring of 2021 to collect, review, and rank imagery that represented the characteristics they identified as reflective of the McClymonds Warrior spirit.

WHEREAS, potential imagery to represent the McClymonds Warrior were sourced from McClymonds students and community members.

WHEREAS, this representative group shared the top-ranked choices with current McClymonds students in the Fall of 2021 to ask for their votes according to preference.

WHEREAS, McClymonds students have selected their preferred imagery to represent the McClymonds Warrior.

WHEREAS, this imagery is attached herewith as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, the Warrior mascot at McClymonds High School will now be represented by imagery that reflects African Warriors that was selected by the McClymonds High School student body.

BE IT FURTHER RESOLVED, McClymonds High School will no longer be represented by imagery related to Native American/Indigenous mascots.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 25th day of August 25, 2021, by the following vote:

AYES: Aimee Eng, VanCedric Williams, Gary Yee, Mike Hutchinson, Clifford Thompson, Vice President Benjamin "Sam" Davis.
President Shanthi Gonzales

NOES: None

ABSTAINED: None

ABSENT: |None

RECUSED: None

PREFERENTIAL AYE: Samantha Pal, Natalie Gallegos Chavez

PREFERENTIAL NOES: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

CERTIFICATION

We hereby certify that the foregoing is a full, true, and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on August 25, 2021.

Legislative File	
File ID Number:	21-1766
Introduction Date:	08/25/2021
Enactment Number:	21-1334
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By:	er

OAKLAND UNIFIED SCHOOL DISTRICT



Shanthi Gonzales
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

EXHIBIT A



Anika Janell Photography

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Philosophy, Goals, Objectives and Comprehensive Plans

BP 0410

Nondiscrimination In District Programs And Activities

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 1240 - Volunteer Assistance)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6178 - Career Technical Education)
(cf. 6200 - Adult Education)

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district-supported social media.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)
(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, notetakers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 - Parent Involvement)
(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee

responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Safe Schools Coalition: <http://www.casafeschools.org>

Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

8/25/04; 8/9/17A