

**EXHIBIT 1**

(Declaration of Harold Jefferson)

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLORADO**

(42

JOHN DOE, a minor; Jane DOE,  
a minor; DEMETRIUS MAREZ;  
CHASE AUBREY  
ROUBIDEAUX; DONALD  
WAYNE SMITH, JR.; and the  
NATIVE AMERICAN  
GUARDIAN'S ASSOICATION,

Plaintiffs,

v.

JARED POLIS, Colorado  
Governor; DAVE YOUNG,  
Colorado State Treasurer; KATY  
ANTES, Commissioner of  
Education for the Colorado  
Department of Education; and  
PHIL WEISER, Colorado  
Attorney General; KATHRYN  
REDHORSE, Executive Director  
of the Colorado Commission of  
Indian Affairs; and GEORGINA  
OWEN, Title VII State  
Coordinator for the Colorado  
Department of Education, in their  
official capacities,

Defendants.

Case No. 1:21-cv-02941-NYW

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***DECLARATION OF HAROLD JEFFERSON***

I, Harold Jefferson, hereby declare, under penalty of perjury, as follows:

**MY BACKGROUND**

1. I am over the age of the 21 and have personal knowledge about the matters set forth below. I submit this Declaration in support of the above-captioned Complaint for Declaratory and Injunctive Relief (the “**Complaint**”).

2. I am the Arickaree School District R-2 Board President.
3. Arickaree School District is located in Anton, Colorado in Washington County.
4. For over 60 years, Arickaree High School has used the name Indian with a Native American logo for its team name, logos, and imagery.

#### **HOW SB 21-116 IMPACTS THE ARICKAREE SCHOOL DISTRICT**

5. As of the date of this Declaration, it is my understanding that there are currently 25 public schools in Colorado which have team names, logos, and imagery that are directly impacted by SB 21-116.<sup>1</sup> It is also my understanding that none of these impacted schools have a Native American “mascot” related to their respective public schools.

6. The Arickaree School District has received an estimate by our sports apparel supplier of approximately \$20,500 to replace the Indian name, logos, and imagery on the Arickaree High School uniforms.

7. In addition, by my estimate, it will cost approximately \$30,000 for the Arickaree School District to come into compliance with SB 21-116 by June 1, 2022. Those compliance costs include the costs associated with removing and replacing the Indian name, logos, and imagery on the Arickaree High School gymnasium, front entrance, school buses and throughout the school.

#### **COLORADO PUBLIC ARE RECIPIENTS OF FEDERAL FUNDS**

8. Colorado public schools are recipients of federal funds.
9. It is my understanding, as recipients of federal funds, Colorado is subject to Title IV of the Higher Education Act of 1965.

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<sup>1</sup> See Sue McMillin, “25 Colorado schools still had Native American mascots. This week one finally decided to make a change,” The Colorado Sun (March 17, 2021), <https://coloradosun.com/2021/03/17/cheyenne-mountain-mascot-native-american-controversy/> (last visited October 26, 2021).

**THERE ARE NO “MASCOTS” IN THE ARICKAREE SCHOOL DISTRICT**

10. No school within the Arickaree School District has a Native American “mascot.” Rather, the Arickaree High School is currently using a Native American name and related logo, and imagery, but not a “mascot.”

**LETTER FROM COLORADO COMMISSION OF INDIAN AFFAIRS**

11. Recently Arickaree School District R-2 received a letter from the Colorado Commission of Indian Affairs (the “**CCIA Letter**”). Notwithstanding the deadlines for compliance set forth in SB 21-116, the CCIA Letter demanded that “All districts and charter schools must notify BEST of their intent to apply by *November 30, 2021*.” (Emphasis added). A true and correct copy of the CCIA Letter is attached hereto as Exhibit A.

**CONCLUSION**

12. Accordingly, I respectfully request that the Court grant Plaintiffs’ request for the issuance of a temporary restraining order.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 5, 2021  
Anton, Colorado

/s/ Harold Jefferson  
Harold Jefferson

**Exhibit A**

(Letter from Colorado Commission of Indian Affairs)



**COLORADO COMMISSION  
OF INDIAN AFFAIRS**



**COLORADO**  
Department of Education

Colorado Commission of Indian Affairs  
136 Capitol Drive  
Denver, CO 80203

Colorado Department of Education  
201 E Colfax Ave,  
Denver, CO 80203

Arickaree School District R-2  
12155 Co Rd NN  
Anton, CO 80801

Dear Lisa Weigel,

On June 28, 2021, Governor Jared Polis signed into law Senate Bill 21-116 (SB 21-116), "Concerning the Prohibition of American Indian Mascots in Colorado." Beginning on and after June 1, 2022, the bill prohibits the use of American Indian mascots by public schools, which includes an elementary, middle, junior high, high school, district charter school of a school district, and institute charter school that serves any of grades kindergarten through twelve. The prohibition does not apply to:

- Any public school that has an agreement with a federally recognized Indian Tribe that complies with SB21-116; or
- Any public school that is operated by or with the approval of a federally recognized Indian Tribe and existing within the boundaries of such Tribe's reservation.

If a public school continues to use a prohibited American Indian mascot on or after June 1, 2022, SB 21-116 imposes a \$25,000 monthly fine on the school district of the public school, or the State Charter School Institute in the case of an institute charter school, or public institution of higher education, of the public school. The fine is payable to the State Treasurer and will be credited to the state education fund.

According to our records, Arickaree School District RE-2 has 2 public schools that are out of compliance with SB 21-116, which are listed as follows:

*Arickaree Undivided High School*  
*Indians*  
*1255 County Road Nn*

Anton, CO 80801  
(970) 383-2205

Arickaree Elementary School  
Indians  
12155 County Road Nn  
(970) 383-2205

Schools looking to come into compliance with SB21-116 will need to submit supporting documentation to Colorado Commission of Indian Affairs (CCIA) staff indicating that the local school board will remove American Indian mascots, and share if a new mascot has been determined. Documentation should include, but is not limited to: a timeline from initiation to completion of changes, contractor receipts, school board meeting minutes, and any additional pertinent documentation. At a publicly noticed Quarterly Meeting, CCIA will vote on whether the changes made by the schools/school districts are sufficient to be removed from the list of non-compliant schools. CCIA's Fourth Quarterly Meeting in May 2022 will be the last opportunity for schools/school districts to demonstrate compliance with the bill's requirements before the June 1, 2022 deadline. Should compliance with SB 21-116 not be achieved by June 1, 2022, CCIA, in partnership with the Colorado Department of Education (CDE), will notify you of any remaining noncompliant public schools and the required monthly fine.


To assist your public schools in making this change, SB 21-116 includes the Building Excellent Schools Today (BEST) grant program as a potential source of funding to "accomplish any structural changes that might be necessary" to remove American Indian mascots. Applications for the Fiscal Year 2023 grant round are due in February 2022. All districts and charter schools must notify BEST of their intent to apply by November 30, 2021. Please visit the [BEST website](#) regularly for updated information or contact your [Regional Program Manager](#) for assistance with applying for a BEST grant.

Please reach out to Kathryn Redhorse, Colorado Commission of Indian Affairs, at [kathryn.redhorse@state.co.us](mailto:kathryn.redhorse@state.co.us) if you have any questions regarding a school's noncompliant status. Questions concerning the Department of Education can be directed to Georgina Owen, Colorado Department of Education, at [owen\\_g@cde.state.co.us](mailto:owen_g@cde.state.co.us).

Sincerely,



Kathryn Redhorse  
Executive Director, Colorado Commission of Indian Affairs  
200 E. Colfax Ave.  
Denver, CO 80203

A handwritten signature in black ink, appearing to read 'Georgina Owen'.

Georgina Owen  
ELD Specialist and Title VII State Coordinator Colorado Department of Education  
201 E Colfax Ave,  
Denver, CO 80203