

STATE OF NEW YORK

5443--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to race-based mascots, names or logos

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 319 to
2 read as follows:

3 § 319. Race-based mascots, names or logos. 1. As used in this section,
4 "race-based mascot or logo" shall mean any person, animal or object used
5 to represent a school district which is derived from a specific race or
6 ethnicity or is based on certain characteristics of a specific race or
7 ethnicity. A "race-based name" shall be a name derived from a specific
8 race or ethnicity or is based on certain characteristics of a specific
9 race or ethnicity.

10 2. The commissioner shall, in consultation with the American Psycho-
11 logical Association, the American Sociological Association, the National
12 Collegiate Athletic Association, the National Congress of American Indi-
13 ans, and the Oneida Nation, promulgate rules and regulations to ensure
14 that no public school uses a race-based mascot, name, or logo.

15 3. Notwithstanding this section, a public school may continue to use
16 uniforms or other materials bearing their prohibited athletic team name,
17 logo, or mascot that were purchased before a date prescribed by the
18 commissioner until September first, two thousand twenty-four if all of
19 the following requirements are met:

20 (a) The school selects a new school or athletic team name, logo, or
21 mascot;

22 (b) The school refrains from purchasing or acquiring, for the purpose
23 of distribution or sale to pupils or school employees, any uniform that
24 includes or bears their prohibited team name, logo, or mascot;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (c) The school refrains from purchasing or acquiring, for the purpose
2 of distribution or sale to pupils or school employees, any yearbook,
3 newspaper, program, or other similar material that includes or bears the
4 prohibited school or athletic team name, logo, or mascot in its logos or
5 titles;

6 (d) The school refrains from purchasing or constructing a marquee,
7 sign, or other new or replacement fixture that includes or bears the
8 prohibited school or athletic team name, logo, or mascot. This paragraph
9 applies to facilities that bear the prohibited school or athletic team
10 name, logo, or mascot, in which case the school shall remove the prohib-
11 ited name, logo or mascot no later than the next time the associated
12 part of the facility is replaced in the normal course of maintenance.

13 4. Any school required to retire and replace a race-based mascot
14 pursuant to this section shall be eligible for funding pursuant to
15 section thirty-six hundred eleven of this chapter to educate the commu-
16 nity where such school is located about the race-based mascot and the
17 need for it to be retired and replaced.

18 5. This section shall not prohibit a Native American tribe from choos-
19 ing to use a Native-related name or logo for a sports team comprised of
20 its tribal members, including a tribal school or intramural league, or
21 from that tribal nation giving explicit consent for a school to use
22 their particular tribal name.

23 § 2. This act shall take effect immediately.