

# STATE OF NEW YORK

5443--B

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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to native names, logos, or mascots

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. Native mascots, names or logos. 1. As used in this section,  
4 "native name, logo, or mascot" shall mean any person, animal or object  
5 used to represent a school district which names, refers to, represents,  
6 or is associated with Native Americans, including aspects of Native  
7 American cultures and specific Native American tribes.

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

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

18 (a) The school selects a new school or athletic team name, logo, or  
19 mascot;

20 (b) The school refrains from purchasing or acquiring, for the purpose  
21 of distribution or sale to pupils or school employees, any uniform that  
22 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 native name, logo, or  
14 mascot pursuant to this section shall be eligible for funding pursuant  
15 to section thirty-six hundred eleven of this chapter to educate the  
16 community where such school is located about the native name, logo, or  
17 mascot and the need for it to be retired and replaced.

18 5. This section shall not prohibit a federally recognized Native Amer-  
19 ican tribe from choosing to use a native name, logo, or mascot for a  
20 sports team comprised of its tribal members, including a tribal school  
21 or intramural league, or from that tribal nation giving explicit consent  
22 for a school to use their particular tribal name.

23 § 2. This act shall take effect immediately.