

STATE OF NEW YORK

5443--E

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. BICHOTTE HERMELYN, CARROLL -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- 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. No public school shall use a native name, logo, or mascot.

9 3. Notwithstanding this section, a public school may continue to use
10 uniforms or other materials bearing a native name, logo, or mascot that
11 were purchased on or before the effective date of this section until
12 September first, two thousand twenty-four if all of the following
13 requirements are met:

14 (a) The school selects a new school or athletic team name, logo, or
15 mascot;

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

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1 (b) The school refrains from purchasing, acquiring, or using resources
2 for the purpose of distribution or sale to pupils or school employees,
3 any uniform that includes or bears their prohibited team name, logo, or
4 mascot;

5 (c) The school refrains from purchasing, acquiring, or using resources
6 for the purpose of distribution or sale to pupils or school employees,
7 any yearbook, newspaper, program, or other tangible material that
8 includes or bears the prohibited school or athletic team name, logo, or
9 mascot in its logos or titles;

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

17 4. Nothing in this section shall be construed to prohibit a federally
18 recognized tribal nation or state recognized tribal nation from choosing
19 to use a native name, logo, or mascot for a sports team comprised of its
20 tribal members, including a tribal school or intramural league.

21 5. This section shall not apply where an agreement exists between a
22 federally recognized tribal nation within the state of New York or a New
23 York state recognized tribal nation and a public school. Such agreement
24 must be provided in writing to the department within five days of the
25 effective date of this section. A public school shall not offer or
26 accept any money, consideration or thing of value pursuant to any such
27 agreement. The tribal nation shall have the right and ability to revoke
28 any such agreement at any time at its discretion. If an agreement is
29 entered into pursuant to this subdivision by either party, the public
30 school shall have one year from the date of termination to discontinue
31 its use of its native name, logo, or mascot.

32 § 2. This act shall take effect immediately.