

STATE OF NEW YORK

5443--D

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

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;

16 (b) The school refrains from purchasing, acquiring, or using resources
17 for the purpose of distribution or sale to pupils or school employees,

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

LBD02998-17-2

1 any uniform that includes or bears their prohibited team name, logo, or
2 mascot;

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

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

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

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

28 § 2. This act shall take effect immediately.