

STATE OF NEW YORK

5443--C

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 -- 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 federally recognized Native American tribes, promulgate rules
12 and regulations to ensure that no public school uses a native name,
13 logo, or mascot.

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

19 (a) The school selects a new school or athletic team name, logo, or
20 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 or acquiring, for the purpose
2 of distribution or sale to pupils or school employees, any uniform that
3 includes or bears their prohibited team name, logo, or mascot;

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

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

16 4. Nothing in this section shall be construed to prohibit a federally
17 recognized Native American tribe from choosing to use a native name,
18 logo, or mascot for a sports team comprised of its tribal members,
19 including a tribal school or intramural league, or from that tribal
20 nation giving explicit consent for a school to use their particular
21 tribal name.

22 § 2. This act shall take effect immediately.