

## STATE OF NEW YORK

1549--E

2021-2022 Regular Sessions

**IN SENATE**

January 13, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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:

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

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

2. No public school shall use a native name, logo, or mascot.

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

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

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

LBD02998-18-2

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.