

# STATE OF NEW YORK

4052

2023-2024 Regular Sessions

## IN SENATE

February 2, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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-six 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,  
18 any uniform that includes or bears their prohibited team name, logo, or  
19 mascot;

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

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

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

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

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

23    § 2. This act shall take effect immediately.