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:

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-six if all of the following requirements are met:

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

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

(c) The school refrains from purchasing, acquiring, or using resources for the purpose of distribution or sale to pupils or school employees, any yearbook, newspaper, program, or other tangible material that includes or bears the prohibited school or athletic team name, logo, or 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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(d) The school refrains from purchasing or constructing a marquee, sign, or other new or replacement fixture that includes or bears the prohibited school or athletic team name, logo, or mascot. This paragraph applies to facilities that bear the prohibited school or athletic team name, logo, or mascot, in which case the school shall remove the prohibited name, logo or mascot no later than the next time the associated part of the facility is replaced in the normal course of maintenance.

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

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

§ 2. This act shall take effect immediately.