

Background and Frequently Asked Questions  
Regarding Part 123 of the Regulations of the  
Commissioner of Education Relating to Prohibiting  
the Use of Indigenous Names, Mascots, and Logos by  
Public Schools

May 2023



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# Commissioner’s Regulation Part 123 Prohibiting the Use of Indigenous Names, Mascots, and Logos by Public Schools

## Introduction

The New York State Board of Regents (BOR) voted unanimously to adopt a new Part 123 of the Regulations of the Commissioner of Education (“the regulation”) relating to prohibiting the use of Indigenous team names, mascots, and logos by public schools on April 18, 2023.<sup>1</sup> This regulation was effective on May 3, 2023. The requirements of the regulation reflect a longstanding Department policy (dating back over twenty-two years) and are clear in their purpose. This guidance, in the form of a frequently asked questions document, reinforces such requirements

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Heeding Commissioner Rosa's 2022 statement on civility,<sup>2</sup> the New York State Education Department (NYSED) expects that districts across New York will collaborate with their



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a school district may commence an appeal to the Commissioner under Education Law § 310 or a petition for removal of school officers under Education Law § 306. More information about that process is on [NYSED's Appeals to the Commissioner website](#). c352.44 Tm(6)TjET0 0 190 667

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separately and incorporated by reference (e.g., "In accordance with the district's mascot replacement plan, attached as Exhibit A and incorporated by reference...").

**Q:** My district is in the process of changing our team's name, mascot, and logo. Do we need to change plaques on historical trophies in our school trophy case or remove championship banners from decades ago that might contain team names or logos prohibited by this regulation?

**A:** Legacy or memorial items, such as plaques on trophies, are historical artifacts that do not need to be removed or 4 (s)-Tj0.002Tc 0 Tw [(d)iC 0 g/TT1 3g(s)-Tj. Hhios ltD(r s)(..."t)-1u(ove)4/TT1 g( )

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- x Undermining the educational experiences of members of all communities especially those who have had little or no contact with indigenous peoples. *The symbols, images, and mascots teach non-Indian children that it is acceptable to participate in culturally abusive behavior and perpetuate inaccurate misconceptions about American Indian culture.*
- x Establishing an unwelcome and often hostile learning environment for American Indian students that affirms negative images/stereotypes that are promoted in mainstream society.

*According to Stephanie Fryberg, Ph.D., University of Michigan, this appears to have a negative impact on the self-esteem of American Indian children, "American Indian mascots are harmful not only because they are often negative, but because they remind American Indians of the limited ways in which others see them. This, in turn, restricts the number of ways American Indians can see themselves."*

- x Undermines the ability of American Indian Nations to portray accurate and respectful images of their culture, spirituality, and traditions *Many American Indians report that they find tod*



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A: We encourage individuals to contact the NYSED Office of Indigenous Education at [mascotadvisory@nysed.gov](mailto:mascotadvisory@nysed.gov). If the matter cannot be resolved at the local level, an individual aggrieved by the action or inaction of a school district may commence an appeal to the Commissioner under Education Law § 310 or a petition for removal of school officers under Education Law § 306. More information on that process can be found on [NYSED's Appeals to the Commissioner website](#).

Q: If my board or district refuses to comply with this regulation, will my district have funding withheld or board members removed?

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- x An explanation as to why the extension is needed;
- x A timeline of actions the district has taken to date to eliminate all use of prohibited names, logos, or mascots pursuant to this regulation, including specific dates of such actions; and
- x A commitment by the president of the board of education as to the date by which the use of prohibited names, logos, or mascots pursuant to this regulation will be eliminated.