

SENATE No. 245

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting the use of Native American mascots by public schools in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/24/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/27/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/2/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/9/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/2/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/6/2023</i>

SENATE No. 245

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 245) of Joanne M. Comerford, Jack Patrick Lewis, Patricia D. Jehlen, Michael J. Barrett and other members of the General Court for legislation to prohibit the use of Native American mascots by public schools in the Commonwealth. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 294 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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An Act prohibiting the use of Native American mascots by public schools in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 71 of the General Laws is hereby amended by inserting after section 98 the
2 following section:-

3 Section 99. (a) The board of elementary and secondary education shall promulgate
4 regulations to ensure that no public school uses an athletic team name, logo, or mascot which
5 names, refers to, represents, or is associated with Native Americans, including aspects of Native
6 American cultures and specific Native American tribes, or which denigrates any racial, ethnic,
7 gender, or religious group. The board shall establish a date by which any school in violation of
8 said regulations shall choose a new team name, logo, or mascot.

9 (b) Notwithstanding subsection (a), a public school may continue to use uniforms or other
10 materials bearing their prohibited athletic team name, logo, or mascot that were purchased before
11 a date prescribed by the board if all of the following requirements are met:

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

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

16 (3) The school refrains from purchasing or acquiring, for the purpose of distribution or
17 sale to pupils or school employees, any yearbook, newspaper, program, or other similar material
18 that includes or bears the prohibited school or athletic team name, logo, or mascot in its logo,
19 cover, or title;

20 (4) The school refrains from purchasing or constructing a marquee, sign, or other new or
21 replacement fixture that includes or bears the prohibited school or athletic team name, logo, or
22 mascot. This paragraph applies to facilities that bear the prohibited school or athletic team name,
23 logo, or mascot, in which case the school shall remove the prohibited name, logo or mascot no
24 later than the next time the associated part of the facility is replaced in the normal course of
25 maintenance.

26 (c) This section shall not prohibit a Native American tribe, as identified by the
27 commission on Indian affairs, located within the boundaries of the commonwealth, from
28 choosing to use a Native-related name or logo for a sports team comprised of its tribal members,
29 including a tribal school or intramural league, or from that tribal nation giving explicit consent
30 for a school to use their particular tribal name.