

SENATE No. 2493

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, July 19, 2021.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 294) of Joanne M. Comerford, Jack Patrick Lewis, Sonia Chang-Diaz, Adam G. Hinds and other members of the General Court for legislation to prohibit the use of Native American mascots by public schools in the Commonwealth; and (accompanied by bill, House, No. 581) of Nika C. Elugardo, Tami L. Gouveia and others relative to prohibiting the use of Native American mascots by public schools in the Commonwealth, reports the accompanying bill (Senate, No. 2493).

For the committee,
Jason M. Lewis

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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 97 the
2 following section:-

3 Section 98. (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 this section, 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.