

SENATE No. 294

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>2/8/2021</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | <i>2/8/2021</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | <i>2/9/2021</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/9/2021</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/9/2021</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>2/10/2021</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>2/16/2021</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>2/22/2021</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>2/23/2021</i> |
| <i>Christina A. Minicucci</i> | <i>14th Essex</i> | <i>2/24/2021</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>2/26/2021</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>2/26/2021</i> |
| <i>Erika Uyterhoeven</i> | <i>27th Middlesex</i> | <i>2/26/2021</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>2/26/2021</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>3/1/2021</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>3/1/2021</i> |

| | | |
|--------------------------------|-----------------------------|------------------|
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>3/2/2021</i> |
| <i>Daniel R. Carey</i> | <i>2nd Hampshire</i> | <i>3/5/2021</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>3/5/2021</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>3/15/2021</i> |
| <i>Carmin Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>3/15/2021</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>3/21/2021</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>3/29/2021</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> | <i>3/30/2021</i> |

SENATE No. 294

By Ms. Comerford, a petition (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. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 247 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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 adding after section 97 the
2 following section:-

3 Section 98. (a) The board of elementary and secondary education shall promulgate
4 regulations prohibiting public schools from using 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. The board shall establish a date by
7 which any school in violation of said regulations shall choose a new team name, logo, or mascot.

8 (b) Notwithstanding subsection (a), the regulations shall permit a public school to
9 continue to use uniforms or other materials bearing their prohibited athletic team name, logo, or

10 mascot that were purchased before a date prescribed by the board if all of the following
11 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 logos or
19 titles;

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.