

SENATE No. 247

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>Tami L. Gouveia</i>	<i>14th Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/23/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/25/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/31/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/3/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/7/2019</i>
<i>Ruth B. Balseer</i>	<i>12th Middlesex</i>	<i>2/13/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>6/25/2019</i>

SENATE No. 247

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 247) of Joanne M. Comerford, Tami L. Gouveia, Jack Patrick Lewis, Denise Provost and other members of the General Court for legislation to prohibit the use of Native American mascots by public schools in the Commonwealth. Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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 SECTION 1. Chapter 71 of the General Laws is hereby amended by adding after section
2 97 the following new 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. 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 this section, a public school may continue to use uniforms or other
9 materials bearing their prohibited athletic team name, logo, or mascot that were purchased before
10 a date prescribed by the board if all of the following requirements are met:

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

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

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

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

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