

**2005 DRAFTING REQUEST**

**Bill**

Received: 11/09/2004

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Frank Boyle (608) 266-0640

By/Representing: mary lou

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: PG

Submit via email: YES

Requester's email: Rep.Boyle@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Use of ethnic names, logos and mascots by school boards

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**Instructions:**

Redraft 2003 AB 357

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 11/09/2004	lkunkel 11/17/2004		_____			Local
		lkunkel 11/18/2004		_____			
/1			pgreensl 11/18/2004	_____	sbasford 11/18/2004	lnorthro 03/08/2005	

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**LRB-0712**

11/18/2004 12:07:55 PM

Page 2

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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/?	mlief	/1 lmk 11/7	11/18 PS	11/18 PS/15			

FE Sent For:

<END>

**Lief, Madelon**

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**From:** Keleher, Marylou  
**Sent:** Tuesday, November 09, 2004 9:33 AM  
**To:** Lief, Madelon  
**Subject:** Draft request

Please redraft 2003 Assembly Bill 357 (LRB 0948/1), relating to the use of ethnic names, nicknames, logos and mascots, for introduction in the upcoming legislative session.

Thank you!

Mary Lou Keleher  
Aide to Rep. Frank Boyle  
6-0640

6712/  
lnk  
pmb

**2003 ASSEMBLY BILL 357**

May 28, 2003 - Introduced by Representatives BOYLE, MUSSER, TURNER, J. LEHMAN, SINICKI, MORRIS, POCAN, YOUNG, BERCEAU, COGGS and BLACK, cosponsored by Senators RISSER, MOORE and CARPENTER. Referred to Committee on Education Reform.

Releen

1 AN ACT to create 118.134 of the statutes; relating to: the use of ethnic names,  
2 nicknames, logos, and mascots by school boards, granting rule-making  
3 authority, and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Current law prohibits discrimination against pupils on a number of grounds, including race and ancestry. This bill provides that a school district resident may object to a school board's use of an ethnic name, nickname, logo, or mascot by filing a complaint with the state superintendent of pupil instruction (state superintendent). The state superintendent must schedule a hearing on the complaint, at which the school board has the burden of proving by clear and convincing evidence that the use of the ethnic name, nickname, logo, or mascot does not promote discrimination, pupil harassment, or stereotyping. If the state superintendent finds in favor of the complainant, the state superintendent must order the school board to terminate its use of the ethnic name, nickname, logo, or mascot within 12 months after issuance of the order. A school board is subject to a forfeiture of not less than \$100 nor more than \$1,000 for each day that it uses the ethnic name, nickname, logo, or mascot in violation of the order. The decision of the state superintendent is subject to circuit court review.

**ASSEMBLY BILL 357**

✓ For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 118.134<sup>X</sup> of the statutes is created to read:

2           **118.134 Ethnic names, nicknames, logos, and mascots. (1)**

3           Notwithstanding s. 118.13, a resident of the school district may object to a school  
4           board's use of an ethnic name, nickname, logo, or mascot by filing a complaint with  
5           the state superintendent. The state superintendent shall notify the school board of  
6           the receipt of the complaint and schedule a case hearing within 45 days after the  
7           complaint is filed.

8           (2) At the hearing, the school board has the burden of proving by clear and  
9           convincing evidence that the use of the ethnic name, nickname, logo, or mascot does  
10          not promote discrimination, pupil harassment, or stereotyping, as defined by the  
11          state superintendent by rule.

12          (3) The state superintendent shall issue a decision and order within 45 days  
13          after the hearing. If the state superintendent finds that the use of the ethnic name,  
14          nickname, logo, or mascot does not promote discrimination, pupil harassment, or  
15          stereotyping, the state superintendent shall dismiss the complaint. If the state  
16          superintendent finds that the use of the ethnic name, nickname, logo, or mascot  
17          promotes discrimination, pupil harassment, or stereotyping, the state  
18          superintendent shall order the school board to terminate its use of the ethnic name,  
19          nickname, logo, or mascot within 12 months after issuance of the order. Decisions  
20          of the state superintendent under this subsection are subject to judicial review under  
21          ch. 227.



**Northrop, Lori**

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**From:** Keleher, Marylou  
**Sent:** Tuesday, March 08, 2005 10:46 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-0712/1 Topic: Use of ethnic names, logos and mascots by school boards

It has been requested by <Keleher, Marylou> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0712/1 Topic: Use of ethnic names, logos and mascots by school boards