

## Fiscal Estimate - 2005 Session

Original
     
  Updated
     
  Corrected
     
  Supplemental

**LRB Number**    **05-0712/1**
**Introduction Number**    **AB-395**

**Subject**

Use of ethnic names, logos and mascots by school boards

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate  
      Increase Existing Appropriations       Increase Existing Revenues  
      Decrease Existing Appropriations       Decrease Existing Revenues  
      Create New Appropriations

Increase Costs - May be possible to absorb within agency's budget  
      Yes       No  
 Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1.  Increase Costs      3.  Increase Revenue  
      Permissive  Mandatory       Permissive  Mandatory  
 2.  Decrease Costs      4.  Decrease Revenue  
      Permissive  Mandatory       Permissive  Mandatory

5. Types of Local Government Units Affected

Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR     FED     PRO     PRS     SEG     SEGS

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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## Fiscal Estimate Narratives

DPI 5/4/2005

LRB Number	<b>05-0712/1</b>	Introduction Number	<b>AB-395</b>	Estimate Type	<b>Original</b>
<b>Subject</b>					
Use of ethnic names, logos and mascots by school boards					

### Assumptions Used in Arriving at Fiscal Estimate

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 public 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.

#### Local Fiscal Effect:

There are approximately 40 schools in the state that currently use American Indian names, nicknames, logos or mascots. If required to terminate the use of the ethnic name, nickname, logo or mascot, costs to a school district would be related to the replacement of existing supplies, team uniforms and associated inventory that currently bear the name, nickname, logo or mascot, and would vary from district to district. Because it is unknown how many, if any, residents of these districts will file complaints, and how many hearings in which the state superintendent will find for the complainant, local costs are indeterminate.

It is also unknown how many, if any, school districts will not terminate the use of an ethnic name, nickname, logo or mascot if ordered to do so. These districts would be subject to a \$100 to \$1,000 forfeiture for each day that they did not comply with the order to terminate. Because it is unknown how many days the forfeiture would be imposed, and because the forfeiture may be anywhere between \$100 and \$1,000, local costs related to this provision of the bill are indeterminate.

#### State Fiscal Effect:

Costs to the department are related to the number of appeals brought before the state superintendent. Because it is unknown how many, if any, appeals would be made, these costs are indeterminate.

### Long-Range Fiscal Implications