



2011 ASSEMBLY BILL 188

June 16, 2011 – Introduced by Representatives CRAIG, KAPENGA, NASS, ENDSLEY, JACQUE, KERKMAN, LEMAHIEU, MARKLEIN, PRIDEMORE, THIESFELDT and WYNN, cosponsored by Senators LAZICH, KEDZIE and GALLOWAY. Referred to Committee on Homeland Security and State Affairs.

1 **AN ACT** *to amend* 118.134 (3) (a); and *to create* 118.134 (3) (d) of the statutes;
2 **relating to:** delaying the date by which school districts must comply with
3 certain orders related to terminating the use of a race-based nickname, logo,
4 mascot, or team name.

Analysis by the Legislative Reference Bureau

Under current law, a school district resident may object to the use of a race-based nickname, logo, mascot, or team name (mascot) by the school board of the district and may obtain a hearing before the state superintendent on the school board's use of the mascot. At the hearing, the school board must prove by clear and convincing evidence that the use of the mascot does not promote discrimination, pupil harassment, or stereotyping, as defined by the state superintendent by rule. If the state superintendent finds that the school board's use of the mascot promotes discrimination, pupil harassment, or stereotyping, the state superintendent must order the school board to terminate its use and the school board must, with limited exceptions, do so within 12 months after the school board receives the order. Under certain circumstances, the state superintendent may grant an extension of not more than 24 months to the school board to comply with the order. Failure of a school board to comply with the decision and order subjects the school board to forfeitures.

This bill permits any school district that is subject to a decision and order issued before the effective date of the bill to delay compliance with that decision and order until November 1, 2012.

