



## 2013 ASSEMBLY BILL 297

August 23, 2013 – Introduced by Representatives NASS, CRAIG, KAUFERT, JACQUE, TITTL, KRAMER, KNODL, BALLWEG, SANFELIPPO, PETERSEN, LOUDENBECK, AUGUST, PRIDEMORE, WEATHERSTON, KUGLITSCH, RIPP, SCHRAA, STROEBEL, MURPHY and LEMAHIEU, cosponsored by Senators LAZICH, KEDZIE, FARROW, ELLIS, OLSEN and GROTHMAN. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to repeal** 118.134 (1), (1m), (2), (3) (a), (b) and (c), (3m), (4) and (5); **to**  
2           **renumber and amend** 118.134 (3) (d); and **to amend** 118.134 (title) and  
3           118.51 (13) of the statutes; **relating to:** the use of race-based nicknames, logos,  
4           mascots, and team names by school boards.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a school district resident may object to a school board's use of a race-based nickname, logo, mascot, or team name by filing a complaint with the state superintendent of public instruction. If a complaint is received, the state superintendent must schedule a hearing to determine whether the use of the race-based nickname, logo, mascot, or team name promotes discrimination, pupil harassment, or stereotyping. If the state superintendent finds that the use of the race-based nickname, logo, mascot, or team name promotes discrimination, pupil harassment, or stereotyping, the state superintendent must order the school board to terminate its use of the nickname, logo, mascot, or team name within 12 months after issuance of the order. However, the state superintendent may extend the amount of time a school board has to comply with an order to terminate the use of a nickname, logo, mascot, or team name under certain circumstances. A school board that uses a race-based nickname, logo, mascot, or team name in violation of an order is subject to a forfeiture of not less than \$100 nor more than \$1,000 for each day that it violates the order.

This bill eliminates the procedure for objecting to and ordering the termination of a school board's use of a race-based nickname, logo, mascot, or team name.

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Additionally, under the bill, a school district does not have to comply with an existing order to terminate the use of a race-based nickname, logo, mascot, or team name.

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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 (title) of the statutes is amended to read:

2           **118.134** (title) **Race-based Orders to terminate the use of race-based**  
3 **nicknames, logos, mascots, and team names.**

4           **SECTION 2.** 118.134 (1), (1m), (2), (3) (a), (b) and (c), (3m), (4) and (5) of the  
5 statutes are repealed.

6           **SECTION 3.** 118.134 (3) (d) of the statutes is renumbered 118.134 and amended  
7 to read:

8           **118.134** No school district required by a decision and order issued under ~~this~~  
9 ~~subsection on or s. 118.134, 2011 stats., before July 1, 2011~~ the effective date of this  
10 section .... [LRB inserts date], to terminate the use of a race-based nickname, logo,  
11 mascot, or team name shall may be required to comply with the terms of that decision  
12 and order ~~until January 15, 2013.~~

13           **SECTION 4.** 118.51 (13) of the statutes is amended to read:

14           118.51 (13) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. ~~Except as provided~~  
15 ~~in s. 118.134 (3m), a~~ A pupil attending a public school in a nonresident school district  
16 under this section has all of the rights and privileges of pupils residing in that school  
17 district and is subject to the same rules and regulations as pupils residing in that  
18 school district.

19           **SECTION 5. Nonstatutory provisions.**

20           (1) A complaint that is filed with the state superintendent of public instruction  
21 under section 118.134, 2011 stats., before the effective date of this subsection and for

