

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Pre Topic:**

No specific pre topic given

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached


**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 09/16/98	jgeller 09/17/98		_____			
/P1			lpaasch 09/17/98	_____	lrb_docadmin 09/17/98		
/P2	mlief 11/4/98	gilfokm 11/6/98	lpaasch 11/9/98	_____	lrb_docadmin 11/9/98		
/P3	mlief 11/10/98		jfrantze 11/10/98	_____	lrb_docadmin 11/10/98		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mlief 12/9/98	ygeller 12/10/98	ismith 12/10/98	_____	lrb_docadmin 12/10/98		Local
/2	mlief 12/10/98	ygeller 12/10/98	lpaasch 12/10/98	_____	lrb_docadmin 12/11/98		Local
/3	mlief 12/11/98	ygeller 12/12/98	hhagen 12/14/98	_____	lrb_docadmin 12/14/98	lrb_docadmin 04/12/99	

FE Sent For:

<END>

08-19-99  


**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached

**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 09/16/98	jgeller 09/17/98		_____			
/P1			lpaasch 09/17/98	_____	lrb_docadmin 09/17/98		
/P2	mlief 11/4/98	gilfokm 11/6/98	lpaasch 11/9/98	_____	lrb_docadmin 11/9/98		
/P3	mlief 11/10/98		jfrantze 11/10/98	_____	lrb_docadmin 11/10/98		Local
/1	mlief 12/9/98	jgeller 12/10/98	ismith 12/10/98	_____	lrb_docadmin 12/10/98		Local
/2	mlief	jgeller	lpaasch	_____	lrb_docadmin		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/10/98	12/10/98	12/10/98	_____	12/11/98		
/3	mlief 12/11/98	ygeller 12/12/98	hhagen 12/14/98	_____ _____	lrb_docadmin 12/14/98		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached

**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 09/16/98	jgeller 09/17/98		_____			
/P1			lpaasch 09/17/98	_____	lrb_docadmin 09/17/98		
/P2	mlief 11/4/98	gilfokm 11/6/98	lpaasch 11/9/98	_____	lrb_docadmin 11/9/98		
/P3	mlief 11/10/98		jfrantze 11/10/98	_____	lrb_docadmin 11/10/98		Local
/1	mlief 12/9/98	jgeller 12/10/98	ismith 12/10/98	_____	lrb_docadmin 12/10/98		Local
/2	mlief	jgeller	lpaasch	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/10/98	12/10/98	12/10/98	_____	12/11/98		

FE Sent For:

13 12/13 JLG W 12/14 #JF 12/14

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached

**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 09/16/98	jgeller 09/17/98		_____			
/P1			lpaasch 09/17/98	_____	lrb_docadmin 09/17/98		
/P2	mlief 11/4/98	gilfokm 11/6/98	lpaasch 11/9/98	_____	lrb_docadmin 11/9/98		
/P3	mlief 11/10/98		jfrantze 11/10/98	_____	lrb_docadmin 11/10/98		Local
/1	mlief 12/9/98	jgeller 12/10/98	ismith 12/10/98	_____	lrb_docadmin 12/10/98		

*12/10/98 jlg*      *12/10/98 L.P.*      *12-10-98*

FE Sent For:

<END>



**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached

**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 09/16/98	jgeller 09/17/98		_____			
/P1			lpaasch 09/17/98	_____	lrb_docadmin 09/17/98		
/P2	mlief 11/4/98	gilfokm 11/6/98	lpaasch 11/9/98	_____	lrb_docadmin 11/9/98		
/P3	mlief 11/10/98	<i>1/13/99 jlg</i>	jfrantze 11/10/98	_____	lrb_docadmin 11/10/98		

FE Sent For:

*IS  
12/10*

*IS/HH  
12/10*

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached

**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 09/16/98	jgeller 09/17/98		_____			
/P1			lpaasch 09/17/98	_____	lrb_docadmin 09/17/98		
/P2	mlief 11/4/98	gilfokm 11/6/98	lpaasch 11/9/98	_____	lrb_pa		

FE Sent For:

*1P3-Kmg 11/9* *to 11/10* *of pd*  
11/12  
**<END>**

1999 DRAFTING REQUEST

Bill

Received: 09/16/98

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Frank Boyle (608) 266-0640

By/Representing:

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Alt. Drafters:

Subject: Education - miscellaneous

Extra Copies: PG

Topic:

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

Instructions:

See Attached

*Please submit P2*

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 09/16/98	jgeller 09/17/98					
/P1		<i>pa-11-6 kmj</i>	lpaasch 09/17/98		lrb_docadmin 09/17/98		
FE Sent For:			<i>11/9/98</i>	<i>11/9/98</i> <i>Km</i>			<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/16/98**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Frank Boyle (608) 266-0640**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

**Topic:**

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

**Instructions:**

See Attached

*Please submit / P1*

**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>
1?	mlief	P1-9-17-98 XG	9-17LP	9-17LP <del>JS</del>			
			11-9LP	11-9LP			

FE Sent For:

<END>



~~1997 ASSEMBLY BILL 384~~

Due by Oct 1

May 22, 1997 - Introduced by Representatives BOYLE, TURNER, MORRIS-TATUM, BALDWIN and L. YOUNG. Referred to Committee on Education.

Regen

1 AN ACT to create 118.13 (1m) of the statutes; relating to: prohibiting school  
2 boards from using <sup>ethnic</sup> ~~certain American Indian~~ names, nicknames, logos and  
3 mascots. <sup>I will provide an analysis for the first introducible draft.</sup>

**Analysis by the Legislative Reference Bureau**

Current law prohibits discrimination against pupils based upon race. This bill prohibits school boards from using specific names as school nicknames, logos or mascots and from using an American Indian name, nickname, logo or mascot if the state superintendent of public instruction deems its use a violation of the pupil anti-discrimination law and the rules promulgated under that law.

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

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

4 SECTION 1. 118.13 (1m) <sup>X</sup> of the statutes is created to read:

5 118.13 (1m) ~~(a) No school board may use any of the following as a school~~  
6 ~~nickname, logo or mascot: Apaches, Blackhawks, Braves, Chiefs, Chieftains, Indians,~~  
7 ~~Indians, Raiders, Red Raiders, Redmen, Warhawks and Warriors.~~

NO  
ID

ASSEMBLY BILL 384

1

NP

No school board may use an <sup>ethnic</sup> ~~American Indian~~ name, nickname, logo or mascot if the state superintendent ~~considers its use a violation of sub (2) or of the rules promulgated under this section.~~ <sup>determines that a reasonable person of the same ethnicity would consider that the use of the</sup>

2

3

4

SECTION 2. Effective date.

5

(1) This act takes effect on July 1, <sup>2000</sup> ~~1998~~

6

✓(END)

*determines that a reasonable person of the same ethnicity would consider that the use of the promotes discrimination, pupil harassment or stereotyping, as defined by the state superintendent by rule.*

*ethnic name, nickname, logo or mascot*



State of Wisconsin  
1999 - 2000 LEGISLATURE

P2  
LRB-0195/01  
MJL:jlg:lp  
↑  
5/15

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Due by 11/11 To editing 11/4

This draft was in the "soon" basket in editing.

Regenerate

and providing a penalty

1 AN ACT to create 118.13 (1m) of the statutes, relating to: prohibiting school  
2 boards from using ethnic names, nicknames, logos and mascots.

Analysis by the Legislative Reference Bureau

I will provide an analysis for the first introducible draft.

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

3 SECTION 1. 118.13 (1m) of the statutes is created to read:  
4 118.13 (1m) No school board may use an ethnic name, nickname, logo or mascot  
5 if the state superintendent determines that a reasonable person of the same  
6 ethnicity would consider that the use of the ethnic name, nickname, logo or mascot  
7 promotes discrimination, pupil harassment or stereotyping, as defined by the state  
superintendent by rule.

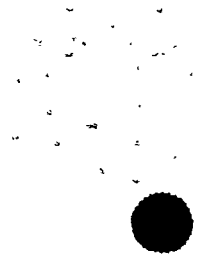
Insert A

SECTION 2. Effective date.

(1) This act takes effect on July 1, 2000.

(END)





1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB -0195/  
MJL:..... P2m  
ms

Insert A

1 SECTION 1. 118.135 of the statutes is created to read:

2 **118.135 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 motto by filing a complaint with the  
5 state superintendent. The state superintendent shall notify the school board of the  
6 receipt of the complaint and schedule a contested case hearing under ch. 227 within  
7 45 days after the 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. If the state superintendent finds that the use of the  
12 ethnic name, nickname, logo or mascot does not promote discrimination, pupil  
13 harassment or stereotyping, the state superintendent shall dismiss the complaint.  
14 If the state superintendent finds that the use of the ethnic name, nickname, logo or  
15 mascot promotes discrimination, pupil harassment or stereotyping, the state  
16 superintendent shall order the school board to terminate its use of the ethnic name,  
17 nickname, logo or mascot within 12 months after the state superintendent issues his  
18 or her order.

19 (3) Any school board that uses an ethnic name, nickname, logo or mascot later  
20 than 12 months after the state superintendent orders the school board to terminate  
21 that use shall forfeit not more than \$1,000. Each day of use of the ethnic name,  
22 nickname, logo or mascot in violation of this subsection constitutes a separate  
23 violation.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

To editing 4:30, 11/9  
Due 11/11  
In MJL's In box

1 **AN ACT to create** 118.135 of the statutes; **relating to:** prohibiting school boards  
2 from using ethnic names, nicknames, logos and mascots and providing a  
3 penalty.

---

***Analysis by the Legislative Reference Bureau***

I will provide an analysis for the first introducible draft.

---

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

4 **SECTION 1.** 118.135 of the statutes is created to read:  
5 **118.135 Ethnic names, nicknames, logos and mascots. (1)**  
6 Notwithstanding s. 118.13, a resident of the school district may object to a school  
7 board's use of an ethnic name, nickname, logo or <sup>mascot</sup>~~motto~~ by filing a complaint with the  
8 state superintendent. The state superintendent shall notify the school board of the  
9 receipt of the complaint and schedule a contested case hearing under ch. 227 within  
10 45 days after the complaint is filed.





↑  
stays

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

D-N

Insert Analysis

Reger

1 AN ACT to create 118.135 of the statutes; relating to: <sup>the use of</sup> ~~prohibiting school boards~~  
2 ~~from using~~ ethnic names, nicknames, logos and mascots, and providing a  
3 penalty. ✓

(by school boards)  
granting rule-making  
authority

**Analysis by the Legislative Reference Bureau**

~~I will provide an analysis for the first introducible draft.~~

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

4 SECTION 1. 118.135 of the statutes is created to read:

5 118.135 Ethnic names, nicknames, logos and mascots. (1)

6 Notwithstanding s. 118.13, a resident of the school district may object to a school  
7 board's use of an ethnic name, nickname, logo or mascot by filing a complaint with  
8 the state superintendent. The state superintendent shall notify the school board of  
9 the receipt of the complaint, and schedule a ~~contested~~ case hearing ~~under ch. 227~~  
10 within 45 days after the complaint is filed.

SECTION 2

*9 (3) The state Superintendent shall issue a decision and order within 45 days after the hearing.*

1 (2) At the hearing, the school board has the burden of proving by clear and  
2 convincing evidence that the use of the ethnic name, nickname, logo or mascot does  
3 not promote discrimination, pupil harassment or stereotyping, as defined by the  
4 state superintendent by rule. If the state superintendent finds that the use of the  
5 ethnic name, nickname, logo or mascot does not promote discrimination, pupil  
6 harassment or stereotyping, the state superintendent shall dismiss the complaint.  
7 If the state superintendent finds that the use of the ethnic name, nickname, logo or  
8 mascot promotes discrimination, pupil harassment or stereotyping, the state  
9 superintendent shall order the school board to terminate its use of the ethnic name,  
10 nickname, logo or mascot within 12 months after issuance of the ~~the state superintendent~~ issues his

11 ~~order~~ order. Decisions of the state superintendent under this  
12 subsection are subject to judicial review under ch. 227.

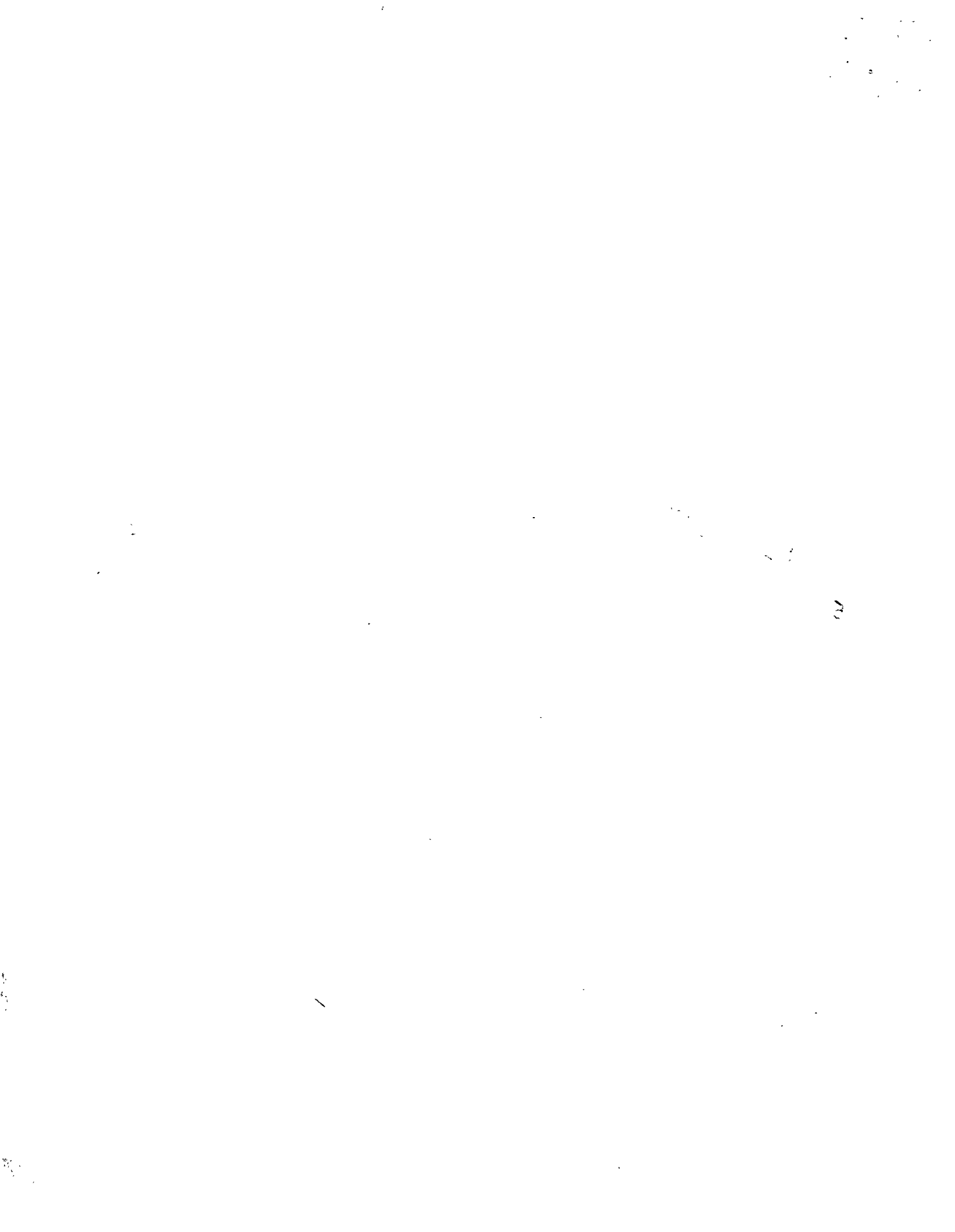
13 *(B)* Any school board that uses an ethnic name, nickname, logo or mascot ~~later~~  
14 ~~than 12 months after the state superintendent orders the school board to terminate~~  
15 ~~that use~~ shall forfeit not less than \$100 nor more than \$1,000. Each day of use of the ethnic name,  
16 nickname, logo or mascot in violation of this subsection constitutes a separate  
17 violation.

~~SECTION 2. Effective date.~~

18 (1) This act takes effect on July 1, 2001.

(END) ✓

✓ Insert 2-12 -  
*(B) (4) The state Superintendent shall promulgate rules necessary to implement and administer this section.*



Insert  
Analysis

¶ Current law prohibits discrimination against pupils<sup>s</sup>, 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, ~~name~~ nickname, ~~name~~ logo or mascot.

A school board that violates this order is subject to a forfeiture of not less than \$100 nor more than →



\$1,000

each

for ~~equally~~ ~~in~~ ~~days~~ that it uses the ~~name~~

~~FE-LOCAL~~

ethnic ~~name~~, nickname,

logo or mascot in violation

of the order. ~~As~~

NO  
P

The decision of the state superintendent is  
subject to circuit court review.

FE - LOCAL

D-N

¶ Upon further reflection, I decided to eliminate the delayed effective date because a school board would have at a minimum 15 months following publication before it would be required to comply with an order. ~~Activity~~  
~~drafts~~ ¶ If you have any questions about this redraft, please let ~~me~~ me know.

MJL

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0195/1dn  
MJL:jlg:ijs

December 10, 1998

Upon further reflection, I decided to eliminate the delayed effective date because a school board would have at a minimum 15 months following publication before it would be required to comply with an order.

If you have any questions about this redraft, please let me know.

Madelon J. Lief  
Legislative Attorney  
267-7380



1999 BILL

D-N

Regen

1 AN ACT to create 118.135 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. A school board ~~that violates this order~~ 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.

within twelve months after issuance of the order

**BILL**

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

---

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

1           **SECTION 1.** 118.135 of the statutes is created to read:

2           **118.135 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 of  
20          the state superintendent under this subsection are subject to judicial review under  
21          ch. 227.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

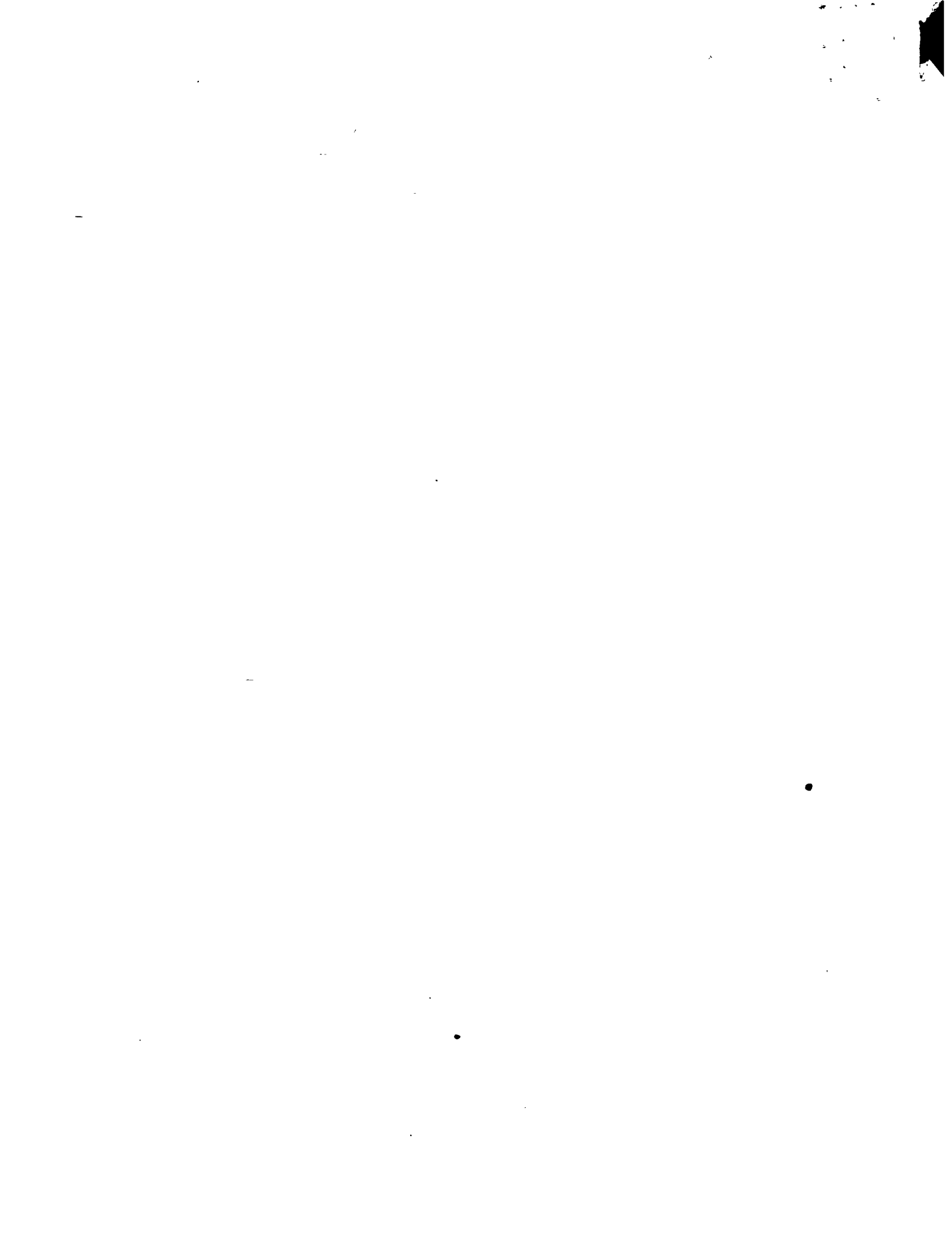
LRB-0195/<sup>2</sup>dn  
MJL:jlg:ijs

December 10, 1998

Upon further reflection, I decided to eliminate the delayed effective date because a school board would have at a minimum 15 months following publication before it would be required to comply with an order.

If you have any questions about this redraft, please let me know. (The LRB  
number is a "12" because I needed to redraft the  
first introducible draft to make a technical change.)

Madelon J. Lief  
Legislative Attorney  
267-7380





**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0195/2dn  
MJL:jlg:lp

December 10, 1998

Upon further reflection, I decided to eliminate the delayed effective date because a school board would have at a minimum 15 months following publication before it would be required to comply with an order.

If you have any questions about this redraft, please let me know. (The LRB number is a "/2" because I needed to redraft the first introducible draft to make a technical change.)

Madelon J. Lief  
Legislative Attorney  
267-7380



SOON

**1999 BILL**

D-N

Adopted - Sec P. 3, line 5

Regen

1 **AN ACT to create** 118.135 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 twelve 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.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0195/<sup>3</sup>dn  
MJL:jlj:lp

December 10, 1998 <sup>3</sup> new date

Upon further reflection, I decided to eliminate the delayed effective date because a school board would have at a minimum 15 months following publication before it would be required to comply with an order.

If you have any questions about this redraft, please let me know. (The LRB number is a "12" because I needed to redraft the first introducible draft to make a technical change.) <sup>3</sup>

(S)

Madelon J. Lief  
Legislative Attorney  
267-7380

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0195/3dn  
MJL:jlg:hmh

Monday, December 14, 1998

Upon further reflection, I decided to eliminate the delayed effective date because a school board would have at a minimum 15 months following publication before it would be required to comply with an order.

If you have any questions about this redraft, please let me know. (The LRB number is a "/3" because I needed to redraft the first introducible draft to make technical changes.)

Madelon J. Lief  
Legislative Attorney  
267-7380

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/14/98

To: Representative Boyle

Relating to LRB drafting number: LRB-0195

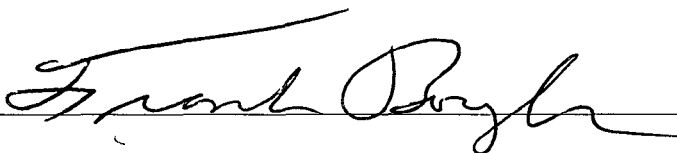
Topic

Prohibiting school boards from using ethnic names, nicknames, school logos and mascots

Subject(s)

Education - miscellaneous

1. JACKET the draft for introduction



in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. REDRAFT. See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Madelon J. Lief, Legislative Attorney  
Telephone: (608) 267-7380