

2001 DRAFTING REQUEST

Bill

Received: **11/09/2000**

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:

Alt. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

Pre Topic:

No specific pre topic given

Topic:

Use of ethnic names, nicknames, logos, and mascots by school boards

Instructions:

Redraft 1999 AB 433

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 11/09/2000	jdye 11/16/2000		_____			Local
/1			martykr 11/16/2000	_____	lrb_docadmin 11/16/2000	lrb_docadmin 11/17/2000	

FE Sent For:

<END>

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1?	mlief	11/16 jld	Km 11/16	11/16 Km 11/16			

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<END>

MJC: jld:

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

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

SECTION #.

1999 ASSEMBLY BILL 433

August 19, 1999 - Introduced by Representatives BOYLE, TURNER, POCAN, YOUNG, LA FAVE and CARPENTER, cosponsored by Senators GEORGE and RISSER. Referred to Committee on Education Reform.

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

X 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.

ASSEMBLY BILL 433

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.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 16, 2000

MEMORANDUM

To: Representative Boyle

From: Madelon J. Lief, Legislative Attorney

Re: LRB-0967 Use of ethnic names, nicknames, logos, and mascots by school boards

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7380 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.