

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number LRB-0967/1	Amendment Number if Applicable
Bill Number Assembly Bill 92	Administrative Rule Number

Subject

The use of ethnic names, nicknames, logos and mascots by school boards.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs

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

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

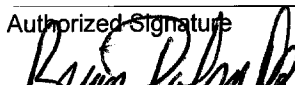
This bill provides that a school district resident may object to a school board's use of an ethnic name, nickname, logo or mascot by filing a complaint with the state superintendent of public instruction. The state superintendent must schedule a hearing on the complaint, at which time the school board 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.

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, mascot or logo, 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 indeterminable.

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 indeterminable.

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 indeterminable.

Long-Range Fiscal Implications

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