

2005 ASSEMBLY BILL 564

July 18, 2005 – Introduced by Representatives SCHNEIDER, WASSERMAN, BOYLE and GRIGSBY, cosponsored by Senator COGGS. Referred to Committee on State Affairs.

1 **AN ACT** *to create* 23.25 (2r) and 118.134 of the statutes; **relating to:** the use of
2 ethnic names, nicknames, logos, and mascots by school boards, prohibiting the
3 Department of Natural Resources from using the word squaw in the name of
4 a lake or stream, granting rule-making 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 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.

This bill also prohibits the Department of Natural Resources from using the word "squaw" in the name of any lake or stream. If the word "squaw" is currently being used in that manner, the name must be changed.

ASSEMBLY BILL 564

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:

1 **SECTION 1.** 23.25 (2r) of the statutes is created to read:

2 **23.25 (2r)** The department may not use the word “squaw” in the name of any
3 lake or stream. If the word “squaw” is used in a name for any lake or stream on the
4 effective date of this subsection ... [revisor inserts date], the department shall
5 change the name to eliminate the use of the word “squaw.”

6 **SECTION 2.** 118.134 of the statutes is created to read:

7 **118.134 Ethnic names, nicknames, logos, and mascots. (1)**

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

13 **(2)** At the hearing, the school board has the burden of proving by clear and
14 convincing evidence that the use of the ethnic name, nickname, logo, or mascot does
15 not promote discrimination, pupil harassment, or stereotyping, as defined by the
16 state superintendent by rule.

17 **(3)** The state superintendent shall issue a decision and order within 45 days
18 after the hearing. If the state superintendent finds that the use of the ethnic name,
19 nickname, logo, or mascot does not promote discrimination, pupil harassment, or
20 stereotyping, the state superintendent shall dismiss the complaint. If the state
21 superintendent finds that the use of the ethnic name, nickname, logo, or mascot

ASSEMBLY BILL 564

1 promotes discrimination, pupil harassment, or stereotyping, the state
2 superintendent shall order the school board to terminate its use of the ethnic name,
3 nickname, logo, or mascot within 12 months after issuance of the order. Decisions
4 of the state superintendent under this subsection are subject to judicial review under
5 ch. 227.

6 **(4)** The state superintendent shall promulgate rules necessary to implement
7 and administer this section.

8 **(5)** Any school board that uses an ethnic name, nickname, logo, or mascot in
9 violation of this section shall forfeit not less than \$100 nor more than \$1,000. Each
10 day of use of the ethnic name, nickname, logo, or mascot in violation of this section
11 constitutes a separate violation.

12 **(END)**