

2007 DRAFTING REQUEST

Bill

Received: 02/23/2007

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Spencer Coggs (608) 266-2500

By/Representing: David de Felicee

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: pg

Submit via email: YES

Requester's email: Sen.Coggs@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

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

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>
/P1	tkuczens 02/26/2007	wjackson 03/04/2007		_____			
/1			jfrantze 03/05/2007	_____	cduerst 03/05/2007	cduerst 04/02/2007	Local

FE Sent For:

*at intus
4/6*

<END>

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FE Sent For:

<END>

Kuczenski, Tracy

From: Grant, Peter
Sent: Friday, February 23, 2007 1:20 PM
To: Kuczenski, Tracy
Subject: FW: Draft Request - Ethnic Logos Bill

Another one, just like the other one.

From: Hanaman, Cathlene
Sent: Friday, February 23, 2007 11:59 AM
To: Grant, Peter
Subject: FW: Draft Request - Ethnic Logos Bill

From: de Felice, David Patrick
Sent: Friday, February 23, 2007 11:46 AM
To: Hanaman, Cathlene
Subject: Draft Request - Ethnic Logos Bill

Cathlene,

Sen. Coggs would like 2005 SB 172 re-drafted for this session, please.

Thank you.

Dave de Felice
Office of Sen. Coggs
608-266-2500 phone
608-282-3546 fax

3/8
cm

2006 - 2007

2005-2006 LEGISLATURE

in 2/26/07

2007

2071/1

LRB-24091

MJD&PG:mjk

TKK: wj:

ZMKR

2005 SENATE BILL 172

April 15, 2005 - Introduced by Senators COGGS, RISSER, ROBSON, CARPENTER, HANSEN, JAUCH and MILLER, cosponsored by Representatives BOYLE, MUSSER, SHERMAN, AINSWORTH, BENEDICT, BERCEAU, BIES, BLACK, COLON, FIELDS, GRIGSBY, HEBL, KESSLER, WASSERMAN, KRAWCZYK, LEHMAN, MCCORMICK, MOLEPSKE, MURSAU, NELSON, PARISI, POCAN, POPE-ROBERTS, RICHARDS, SCHNEIDER, SEIDEL, SHERIDAN, SHILLING, SINICKI, TOLES, TURNER, VAN ROY and YOUNG. Referred to Committee on Education.

Regen

- 1 AN ACT ~~to create~~ 118.134 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. 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.

public

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:

SENATE BILL 172**SECTION 1**

1 **SECTION 1.** 118.134 of the statutes is created to read:

2 **118.134 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
20 of the state superintendent under this subsection are subject to judicial review under
21 ch. 227.

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

24 **(5)** Any school board that uses an ethnic name, nickname, logo, or mascot in
25 violation of this section shall forfeit not less than \$100 nor more than \$1,000. Each

sub(3)

SENATE BILL 172

1 day of use of the ethnic name, nickname, logo, or mascot in violation of this section

2 constitutes a separate violation.

SL(3)

3 (END)

Duerst, Christina

From: de Felice, David Patrick
Sent: Monday, April 02, 2007 2:51 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2071/1 Topic: Use of ethnic names, nicknames, logos and mascots by school boards.

Please Jacket LRB 07-2071/1 for the SENATE.