

State of Misconsin 2011 - 2012 LEGISLATURE



2011 SENATE BILL 124

June 7, 2011 – Introduced by Senators Lazich, Kedzie and Galloway, cosponsored by Representatives Craig, Kapenga, Kerkman, Nass, Jacque, LeMahieu, Endsley, Thiesfeldt, Marklein, Pridemore and Wynn. Referred to Committee on Education.

AN ACT *to amend* 118.134 (3) (a); and *to create* 118.134 (3) (d) of the statutes;

relating to: delaying the date by which school districts must comply with

certain orders related to terminating the use of a race-based nickname, logo,

mascot, or team name.

Analysis by the Legislative Reference Bureau

Under current law, a school district resident may object to the use of a race—based nickname, logo, mascot, or team name (mascot) by the school board of the district and may obtain a hearing before the state superintendent on the school board's use of the mascot. At the hearing, the school board must prove by clear and convincing evidence that the use of the mascot does not promote discrimination, pupil harassment, or stereotyping, as defined by the state superintendent by rule. If the state superintendent finds that the school board's use of the mascot promotes discrimination, pupil harassment, or stereotyping, the state superintendent must order the school board to terminate its use and the school board must, with limited exceptions, do so within 12 months after the school board receives the order. Under certain circumstances, the state superintendent may grant an extension of not more than 24 months to the school board to comply with the order. Failure of a school board to comply with the decision and order subjects the school board to forfeitures.

This bill permits any school district that is subject to a decision and order issued before the effective date of the bill to delay compliance with that decision and order until November 1, 2012.

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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:

SECTION 1. 118.134 (3) (a) of the statutes is amended to read:

118.134 (3) (a) The state superintendent shall issue a decision and order within 45 days after the hearing. If the state superintendent finds that the use of the race—based nickname, logo, mascot, or team name does not promote discrimination, pupil harassment, or stereotyping, the state superintendent shall dismiss the complaint. Except as provided in par. pars. (b) and (d), if the state superintendent finds that the use of the race—based nickname, logo, mascot, or team name promotes discrimination, pupil harassment, or stereotyping, the state superintendent shall order the school board to terminate its use of the race—based nickname, logo, mascot, or team name within 12 months after issuance of the order.

Section 2. 118.134 (3) (d) of the statutes is created to read:

118.134 **(3)** (d) No school district required by a decision and order issued under this subsection on or before the effective date of this paragraph [LRB inserts date], to terminate the use of a race–based nickname, logo, mascot, or team name shall be required to comply with the terms of that decision and order until November 1, 2012.

16 (END)