ASSEMBLY AMENDMENT 2,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2009 ASSEMBLY BILL 35

February 23, 2010 – Offered by Representative VRUWINK.

1   At the locations indicated, amend the substitute amendment as follows:

2   **1.** Page 2, line 6: delete "and" and substitute ", direct the school board to submit, if applicable, any of the information under sub. (1m) (a) and, except as provided in sub. (1m),".

3   **2.** Page 2, line 7: after that line insert:

4   "**(1m)** (a) The state superintendent may determine that no contested case

5   hearing is necessary or that a hearing date may be postponed for the purpose of

6   obtaining additional information from the school board if, no later than 10 days after

7   being notified of the receipt of the complaint, the school board submits evidence to

8   the state superintendent that demonstrates all of the following:

1. The nickname, logo, mascot, or team name that is used by the school board and that is the basis of the complaint is a reference to or depiction or portrayal of or the name of a specific, federally recognized, American Indian tribe.

2. The federally recognized American Indian tribe under subd. 1. has granted approval to the school board to refer to or depict or portray the tribe in a nickname, logo, or mascot or to use the name of the tribe as a team name in the specific manner used by the school board and has not rescinded that approval.

3. The use of the nickname, logo, mascot, or team name that has been approved by the tribe as provided in subd. 2. is the use to which the school district resident objects in the compliant filed under sub. (1).

(b)   If the state superintendent does any of the following, the state superintendent shall notify the school district resident who filed the complaint under sub. (1) and the school board of his or her decision in writing:

1. Determines that a contested case hearing is not necessary. A decision under this subdivision is subject to judicial review under ch. 227.

2. Postpones a hearing date as provided in par. (a).".

(END)