



**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 35**

February 23, 2010 – Offered by Representatives STASKUNAS, HRAYCHUCK, VRUWINK,
HILGENBERG, GARTHWAITE and CLARK.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 5: after “superintendent.” insert “If the complainant objects to
the use of a nickname or team name by the school board, the state superintendent
shall immediately review the complaint and determine whether the use of the
nickname or team name by the school board, alone or in connection with a logo or
mascot, is ambiguous as to whether it is race-based.”.
- 3 **2.** Page 2, line 6: delete “notify” and substitute “do all of the following:”.
- 4 **3.** Page 2, line 6: before “the school board” insert:
5 “(a) Notify”.
- 6 **4.** Page 2, line 6: after “complaint and” insert “of the state superintendent’s
determination, if any, regarding whether the use of the nickname or team name is
ambiguous as to whether it is race-based.”.

1 **5.** Page 2, line 7: delete “schedule”.

2 **6.** Page 2, line 7: before “a contested” insert:

3 “(b) Schedule”.

4 **7.** Page 2, line 8: delete “At” and substitute “(a) Except as provided in par. (b),
at”.

5 **8.** Page 2, line 11: after that line insert:

6 “(b) 1. Except as provided in subd. 2., if the state superintendent determined
7 under sub. (1) that the use of a nickname or team name by a school board is
8 ambiguous as to whether it is race-based, the use of the nickname or team name by
9 the school board shall be presumed to be not race-based and at the hearing the school
10 district resident who filed the complaint under sub. (1) has the burden of proving by
11 clear and convincing evidence that the use of the nickname or team name by the
12 school board promotes discrimination, pupil harassment, or stereotyping, as defined
13 by the state superintendent by rule.

14 2. If the state superintendent determined under sub. (1) that the use of a
15 nickname or team name by a school board is ambiguous as to whether it is race-based
16 but that the use of the nickname or team name in connection with a logo or mascot
17 is race-based, at the hearing the school board has the burden of proving by clear and
18 convincing evidence that the use of the nickname or team name in connection with
19 the logo or mascot does not promote discrimination, pupil harassment, or
20 stereotyping, as defined by the state superintendent by rule.”.

21

(END)