

Description of the Review Process in the Schultz Substitute Amendment

The Schultz Substitute Amendment

Review Process to Evaluate the Effect of Race-Based Nicknames, Logos, Mascots and Team Names

- Step 1: By June 30, 2014, DPI compiles a **list of school districts** that use a nickname, logo, mascot or team name that DPI determines may be race-based. School boards of these school districts then conduct a review process that consists of (1) gathering and (2) evaluating evidence to determine whether their use **does** or **does not** promote discrimination, pupil harassment or stereotyping.
- Step 2: After DPI notifies a school district that they are on the list, during an **“Initial Comment Period”**, all interested parties may submit to the school board or DPI evidence pertaining to whether the school board's use **does** or **does not** promote discrimination, pupil harassment or stereotyping.
- Step 3: At the conclusion of the Initial Comment Period, a **“Second Comment Period”** commences during which (1) all evidence received by the school board and DPI during the Initial Comment Period is made available to the public for review and (2) all interested parties may submit additional evidence or comments.
- Step 4: At the conclusion of the Second Comment Period, the school board (1) evaluates all evidence received during the Initial Comment Period and Second Comment Period, (2) determines by a preponderance of the evidence whether the use **does** or **does not** promote discrimination, pupil harassment or stereotyping, and (3) issues its decision.
- Step 5: (a) If the school board concludes based on its evaluation of the received evidence that the use **does** promote discrimination, pupil harassment or stereotyping, the school board must end usage within 12 months.
- (b) If the school board concludes the use **does not** promote discrimination, pupil harassment or stereotyping, the board's local decision can be appealed to the State level upon receipt of (1) a petition signed by school district electors with the number of signatures equaling at least ten percent of the school district's enrollment or (2) a request from the Great Lakes Inter-Tribal Council (or its designee). If appealed, the Division of Hearings and Appeals then (1) schedules a contested case hearing to hear the appeal of the school board's decision within 30 days and (2) issues a decision and order within 45 days after the hearing. If the Division of Hearings and Appeals determines by a preponderance of the evidence that the use **does** promote discrimination, pupil harassment or stereotyping, the school board is ordered to end usage within 12 months.

Exempted from this Review Process is any school district that has entered into an agreement with the Great Lakes Inter-Tribal Council (GLITC) or its designee under which the school board receives approval of their use of the identified nickname, logo, mascot, or team name. The inter-tribal nature of the Great Lakes Inter-tribal Council and the fact that it involves several tribes will help ensure that the interests of all tribes are considered, not just one tribe.

The Schultz Substitute Amendment provides that decisions by DPI and the Division of Hearings and Appeals are subject to judicial review under Ch. 227.

The Schultz Substitute Amendment voids all rulings, decisions, orders and penalties previously issued under Act 250.