



## Fiscal Estimate Narratives

DPI 6/27/2017

LRB Number	17-3782/1	Introduction Number	SB-328	Estimate Type	Original
<b>Description</b> discrimination in employment, housing, public accommodations, education, insurance coverage, jury duty, and the receipt of mental health or vocational rehabilitation services on the basis of a person's gender identity, gender expression, or sexual orientation					

### Assumptions Used in Arriving at Fiscal Estimate

For the purpose of this analysis, the Department of Public Instruction will focus on the provisions that directly impact the Department and public and charter schools with respect to discrimination on the basis of gender identity, gender expression, and sexual orientation.

This bill prohibits discrimination on the basis of a person's gender identity or gender expression, which is defined in the bill as a person's gender-related identity, gender-related appearance, gender-related expression, or gender-related behavior, regardless of the person's assigned sex at birth or gender identifiers on official documents issued by a federal, state, or local government agency. The bill also adds sexual orientation and gender identity or gender expression as bases of discrimination in certain other laws prohibiting discrimination.

Current law prohibits discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement on the basis of a person's sex or sexual orientation. Current law also prohibits the University of Wisconsin System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student on the basis of the student's sex or sexual orientation. In addition, current law prohibits exclusion of a person from jury duty on the basis of the person's sex or sexual orientation.

This bill adds gender identity or gender expression as a prohibited basis for discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement; prohibits the UW System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student on the basis of the student's gender identity or gender expression; and prohibits exclusion of a person from jury duty on the basis of the person's gender identity or gender expression.

Current law prohibits motor carriers, automobile insurers, and real estate brokers and salespersons from discriminating against a person on the basis of sex; prohibits discrimination on the basis of sex in the provision of vocational rehabilitation or mental health services; and prohibits the UW System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination based on sex.

This bill prohibits motor carriers, automobile insurers, and real estate brokers and salespersons from discriminating against a person on the basis of sexual orientation, gender identity, or gender expression; prohibits discrimination on the basis of sexual orientation, gender identity, or gender expression in the provision of vocational rehabilitation or mental health services; and prohibits the UW System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination based on sexual orientation, gender identity, or gender expression.

The bill also generally prohibits an insurer from discriminating against a person on the basis of age, sex, residence, race, color, creed, religion, national origin, ancestry, marital status, occupation, sexual orientation, gender identity, or gender expression.

Local:

Under current law, school boards are required to develop policies and procedures to implement the current nondiscrimination statutes, which includes a complaint procedure. Further, current rules specify several areas in which the school board must have policies and procedures to achieve nondiscrimination, which include admission procedures, discipline, instruction, facilities, athletics, etc. The board must also: 1) notify the public of its policies and of the complaint procedure and an employee must be designated to receive

discrimination complaints; and 2) submit an annual report to the State Superintendent and evaluate the status of nondiscrimination and educational opportunity at least once every five years.

School districts and charter schools may be expected to adjust their policies and practices to include nondiscrimination of pupils and staff on the basis of gender expression and gender identity, in addition to the class of pupils protected under current law, as a result of this bill. No additional funds are appropriated to school districts for this purpose, so the work required to establish such practices under this bill would be absorbed by existing school district budgets. However, because it is unclear what resources would be directed in extending such practices to protect gender identity and expression, the local fiscal impact as a result of this bill is indeterminate.

State:

Current rules specify that the State Superintendent may review each school district for compliance of pupil nondiscrimination on a five-year cycle. The State Superintendent may be required to review appeals by individuals with regard to pupil nondiscrimination and require school boards to submit a corrective action plan in the event that the school board is found to be in violation of pupil nondiscrimination statutes. It is possible that the State Superintendent will receive a greater volume of pupil discrimination complaints if the bill extends such expressions on the basis of gender expression and identity, but that cannot be anticipated at this time. As such, the fiscal impact to the state as a result of this bill is indeterminate.

### **Long-Range Fiscal Implications**