

2005 ASSEMBLY BILL 114

1 **AN ACT** *to amend* 118.13 (1), 118.40 (4) (b) 2., 119.04 (1) and 119.22; and *to create*
2 118.40 (4) (c) and 120.13 (38) of the statutes; **relating to:** allowing school
3 boards and charter schools to establish single-sex schools and courses.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.13 (1) of the statutes is amended to read:
5 118.13 (1) ~~No~~ Except as provided in s. 120.13 (38), no person may be denied
6 admission to any public school or be denied participation in, be denied the benefits
7 of or be discriminated against in any curricular, extracurricular, pupil services,
8 recreational or other program or activity because of the person's sex, race, religion,
9 national origin, ancestry, creed, pregnancy, marital or parental status, sexual
10 orientation or physical, mental, emotional or learning disability.

ASSEMBLY BILL 114**SECTION 2**

1 **SECTION 2.** 118.40 (4) (b) 2. of the statutes is amended to read:

2 118.40 (4) (b) 2. ~~Discriminate~~ Except as provided in par. (c), discriminate in
3 admission or deny participation in any program or activity on the basis of a person's
4 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,
5 sexual orientation or physical, mental, emotional or learning disability.

6 **SECTION 3.** 118.40 (4) (c) of the statutes is created to read:

7 118.40 (4) (c) *Single-sex schools and courses.* A school board may enter into a
8 contract for, and an entity under sub. (2r) may establish or enter into a contract for,
9 the establishment of a charter school that enrolls only one sex or that provides one
10 or more courses that enroll only one sex if the school board or entity under sub. (2r)
11 makes available to the opposite sex, under the same policies and criteria of
12 admission, schools or courses that are comparable to each such school or course.

13 **SECTION 4.** 119.04 (1) of the statutes is amended to read:

14 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
15 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
16 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
17 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
18 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
19 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13
20 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) ~~and~~, (37), and (38), 120.14, and
21 120.25 are applicable to a 1st class city school district and board.

22 **SECTION 5.** 119.22 of the statutes is amended to read:

23 **119.22 Sex discrimination in physical education or physical training**
24 **prohibited.** Courses Except as provided in s. 120.13 (38), courses in physical
25 education or physical training may not discriminate on the basis of sex in the

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1 provision of necessary facilities, equipment, instruction or financial support, or the
2 opportunity to participate in any physical education or training activity as provided
3 in 20 USC 1681 et seq.

4 **SECTION 6.** 120.13 (38) of the statutes is created to read:

5 120.13 (38) SINGLE-SEX SCHOOLS AND COURSES. Operate one or more schools that
6 enroll only one sex or provide one or more courses that enroll only one sex if the school
7 board makes available to the opposite sex, under the same policies and criteria of
8 admission, schools or courses that are comparable to each such school or course.

9 (END)