

2005 Assembly Bill 114

Date of enactment: **April 14, 2006**
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2005 WISCONSIN ACT 346

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

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

SECTION 1. 118.13 (1) of the statutes is amended to read:

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

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

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

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

118.40 (4) (c) *Single-sex schools and courses.* A school board may enter into a contract for, and an entity under sub. (2r) may establish or enter into a contract for, the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only

one sex if the school board or entity under sub. (2r) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

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

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

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

119.22 Sex discrimination in physical education or physical training prohibited. ~~Courses~~ Except as provided in s. 120.13 (38), courses in physical education or physical training may not discriminate on the basis of sex in the provision of necessary facilities, equipment, instruction or financial support, or the opportunity to participate in any physical education or training activity as provided in 20 USC 1681 et seq.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

120.13 (38) SINGLE-SEX SCHOOLS AND COURSES.
Operate one or more schools that enroll only one sex or provide one or more courses that enroll only one sex if the

school board makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.
