

2005 ASSEMBLY BILL 114

February 22, 2005 – Introduced by Representatives JENSEN, VUKMIR, VOS, LOTHIAN, BIES, OWENS, PRIDEMORE, HINES, TOWNS, VRAKAS, ALBERS, COLON, BALLWEG and NASS, cosponsored by Senators DARLING, REYNOLDS and GROTHMAN. Referred to Committee on Education Reform.

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

Currently, no person may be denied admission to any public or charter school, or denied the benefits of any service or curricular or extracurricular activity, on the basis of sex. This bill permits public schools and charter schools to enroll only one sex in a school or course if there is made available to pupils of the opposite sex schools or courses that are comparable to each such school or course.

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,

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1 national origin, ancestry, creed, pregnancy, marital or parental status, sexual
2 orientation or physical, mental, emotional or learning disability.

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

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

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

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

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

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
18 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
19 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
20 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
21 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13
22 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) ~~and~~, (37), and (38), 120.14, and
23 120.25 are applicable to a 1st class city school district and board.

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

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1 **119.22 Sex discrimination in physical education or physical training**
2 **prohibited.** Courses Except as provided in s. 120.13 (38), courses in physical
3 education or physical training may not discriminate on the basis of sex in the
4 provision of necessary facilities, equipment, instruction or financial support, or the
5 opportunity to participate in any physical education or training activity as provided
6 in 20 USC 1681 et seq.

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

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

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(END)