

2005 DRAFTING REQUEST

Bill

Received: 10/13/2004

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Steve Knutson

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - charter schools  
Education - school boards

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep.Jensen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize single sex schools

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 10/13/2004	chanaman 10/21/2004		_____			
/1	pgrant 01/03/2005	csicilia 01/25/2005	pgreensl 10/21/2004	_____	lemery 10/21/2004		
/2			pgreensl 01/27/2005	_____	sbasford 01/27/2005	mbarman 01/31/2005	

FE Sent For:

<END>

↳ Not  
Needed

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CJS

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/?	pgrant		10/21 PS	10/21 PS/M			
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FE Sent For:

<END>

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/?	pgrant		10/21 ps	10/21 ps/ps			
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FE Sent For:

<END>

PLEASE COPY  
CONTENTS OF  
'03 LRB-4202 &  
INSERT IN THIS FILE.  
THANKS -  
KINNEY PG  
& LANGE

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: PG) (Date: 10 / 22 / 2004)



Please transfer the drafting file for

2003 LRB -4202 to the drafting file

for 2005 LRB -0524

The final version of the 2003 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

**--- OR ---**

Please copy the drafting file for

2005 LRB \_\_\_\_\_ / \_\_\_\_\_ (include the version) and place it in the

drafting file for 2005 LRB \_\_\_\_\_

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



LRB-0524/1  
cjs  
PG: cmh

**2003 BILL**

*proof with Folio*

*senate*

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 single-sex  
3 public and charter schools.

*currently, to*

***Analysis by the Legislative Reference Bureau***

~~Current law provides that no person may be denied admission to any public school or charter school, on the basis of sex or may be denied the benefits of any service or curricular or extracurricular activity, on the basis of sex. This bill permits the operation of public schools and charter schools that enroll only one sex if there is made available to pupils of the opposite sex courses, services, and facilities that are comparable to each course, service, and facility offered in or through the single-sex school; if the federal Department of Education finds that a school board or chartering entity has discriminated on the basis of sex and deems a single-sex school necessary to overcome the effects of such discrimination; or if a school board or chartering entity operates a single-sex school on its own initiative to overcome the effects of conditions that resulted in limited participation in a school by persons of a particular sex.~~

***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:

**BILL**

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

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

8           118.40 (4) (b) 2. ~~Discriminate~~ Except as provided in par. (c), discriminate in  
9 admission or deny participation in any program or activity on the basis of a person's  
10 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,  
11 sexual orientation or physical, mental, emotional or learning disability.

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

13           118.40 (4) (c) *Single-sex schools.* A school board may enter into a contract for,  
14 and an entity under sub. (2r) may establish or enter into a contract for, the  
15 establishment of a charter school that enrolls only one sex pursuant to 34 CFR 106.3  
16 (a) or (b) or in compliance with 34 CFR 106.35 (b).

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

18           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
19 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
20 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
21 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
22 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,  
23 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13  
24 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) ~~and~~, (37), and (38), 120.14, and  
25 120.25 are applicable to a 1st class city school district and board.

**BILL**

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

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

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

9           **120.13 (38) SINGLE-SEX SCHOOLS.** Operate a school that enrolls only one sex  
10 pursuant to 34 CFR 106.3 (a) or (b) or in compliance with 34 CFR 106.35 (b).

11

**(END)**

1/3/05

Stere Knutson

Jensen

4-6920

RS

-0524/1

TC w/ Steve 1/3/05

1. allow ~~at~~ single-see course w/ <sup>wed</sup> 1/19 a school

2. delete 2nd & 3rd conditions (from 34 CFR  
106.3 (a) & (b))

## Grant, Peter

---

**From:** Grant, Peter  
**Sent:** Monday, January 03, 2005 4:43 PM  
**To:** Knudson, Steve  
**Subject:** Single-sex schools and classes

Steve, I've run into a problem redrafting Rep. Jensen's bill relating to single-sex schools and classes.

The bill as drafted allows single-sex schools in three sets of circumstances: if the action is remedial (in response to a DOE finding of discrimination); if the action constitutes affirmative action to overcome the effects of conditions that resulted in limited participation in a school by persons of a particular sex; or if there is made available to pupils of the opposite sex courses, facilities, and services that are comparable to each course, facility, and service offered in the single-sex school. These are allowed under federal regulations.

Under the regulations, however, single-sex classes are generally prohibited. The only exemptions are for classes or activities intended for the promotion of any Boys or Girls State or Boys or Girls Nation conferences; father-son or mother-daughter activities; physical education classes that involve contact sports; and portions of classes that deal exclusively with human sexuality. In addition, separation of pupils by sex is permitted if it constitutes remedial or affirmative action, as described above. But there is no "comparable courses, facilities, and services" exception for single-sex classes.

Let me know how you wish to proceed or if you have questions or need more information.

Peter Grant, Managing Attorney  
Wisconsin Legislative Reference Bureau  
608-267-3362  
peter.grant@legis.state.wi.us

1/12/05  
TC from Steve to look at  
web site he'll e-mail me.

**Grant, Peter**

---

**From:** Grant, Peter  
**Sent:** Wednesday, January 12, 2005 3:49 PM  
**To:** Knudson, Steve  
**Subject:** RE: Single Sex Classrooms

Steve -

I've looked at the NASSPE web site. Obviously, many schools have single-sex classes. As I mentioned in my previous e-mail, the federal regulations allow single-sex classes in certain circumstances. But I'm not sure that they allow them in the circumstances that you requested. You requested a bill that would allow single-sex schools or classes if there is made available to pupils of the opposite sex schools or classes that are comparable to each school or class offered in or through the single-sex school or class. The regulations allow single-sex schools under those conditions, but they do not appear to allow single-sex classes under those conditions.

The only single-sex classes allowed are physical education classes that involve contact sports and portions of classes that deal exclusively with human sexuality. In addition, separation of pupils by sex is permitted if it constitutes remedial or affirmative action. But there is no "comparable courses, facilities, and services" exception for single-sex classes.

The NASSPE web site provides the following:

On March 3, 2004, the United States Department of Education published new regulations governing single-sex education in public schools. The new regulations allow coeducational public schools (elementary and secondary schools) to offer single-sex classrooms, provided that the schools:

- 1) provide a rationale for offering a single-gender class in that subject. A variety of rationales are acceptable, e.g. if very few girls have taken computer science in the past, the school could offer a girls-only computer science class;
- 2) provide a coeducational class in the same subject at the same school;
- 3) conduct periodic review to determine whether single-sex classes are still necessary to remedy whatever inequity prompted the school to offer the single-sex class in the first place.

Actually, on March 3, 2004, the U.S. Department of Education published their *recommended changes* to Title IX regulations. The changes identified by NASSPE have not been adopted.

I would be happy to redraft the bill the way you initially requested, but I thought that the potential problems should be brought to your attention. Again, let me know how you would like me to proceed.

Peter

-----Original Message-----

**From:** Knudson, Steve  
**Sent:** Wednesday, January 12, 2005 11:48 AM  
**To:** Grant, Peter  
**Subject:** Single Sex Classrooms

<http://www.singlesexschools.org/schools-classrooms.htm>

**Grant, Peter**

---

**From:** Knudson, Steve  
**Sent:** Wednesday, January 12, 2005 3:57 PM  
**To:** Grant, Peter  
**Subject:** RE: Single Sex Classrooms

The reserach we have done indicates the majority of schools offer single sex classes in math and science. I guess our office will have to research that legal issue and develop the basis for offering such classes in Wisconsin.

-----Original Message-----

**From:** Grant, Peter  
**Sent:** Wednesday, January 12, 2005 3:49 PM  
**To:** Knudson, Steve  
**Subject:** RE: Single Sex Classrooms

Steve -

I've looked at the NASSPE web site. Obviously, many schools have single-sex classes. As I mentioned in my previous e-mail, the federal regulations allow single-sex classes in certain circumstances. But I'm not sure that they allow them in the circumstances that you requested. You requested a bill that would allow single-sex schools or classes if there is made available to pupils of the opposite sex schools or classes that are comparable to each school or class offered in or through the single-sex school or class. The regulations allow single-sex schools under those conditions, but they do not appear to allow single-sex classes under those conditions.

The only single-sex classes allowed are physical education classes that involve contact sports and portions of classes that deal exclusively with human sexuality. In addition, separation of pupils by sex is permitted if it constitutes remedial or affirmative action. But there is no "comparable courses, facilities, and services" exception for single-sex classes.

The NASSPE web site provides the following:

On March 3, 2004, the United States Department of Education published new regulations governing single-sex education in public schools. The new regulations allow coeducational public schools (elementary and secondary schools) to offer single-sex classrooms, provided that the schools:

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**To:** Grant, Peter

**Subject:** Single Sex Classrooms

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**Grant, Peter**

---

**From:** Knudson, Steve  
**Sent:** Friday, January 21, 2005 9:35 AM  
**To:** Grant, Peter  
**Subject:** Single Sex Classrooms

Good morning Peter,

In your January 12 email regarding drafting the bill to allow single sex classrooms in addition to single sex schools, you said you would be happy to redraft the bill as our office initially requested. After further research, we would indeed like to you redraft the bill as Representative Jensen initially requested.

If you have any questions, please feel free to contact me.

Steve Knudson  
Office of State Representative Scott Jensen



Soon

stays

# 2005 BILL

SAU

Regen  
Cat

school boards  
and charter  
schools to  
establish

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 single-sex  
 3 public and charter schools.

in a school or course

and courses  
such school

schools or

### 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 if there is made available to pupils of the opposite sex courses, services, and facilities that are comparable to each ~~course, service, and facility~~ offered in or through the single-sex school, if the federal Department of Education finds that a school board or chartering entity has discriminated on the basis of sex and deems a single-sex school necessary to overcome the effects of such discrimination; or if a school board or chartering entity operates a single-sex school on its own initiative to overcome the effects of conditions that resulted in limited participation in a school by persons of a particular sex.

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:

## BILL

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

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

8 118.40 (4) (b) 2. ~~Discriminate~~ <sup>✓</sup> Except as provided in par. (c), ~~discriminate~~ in  
 9 admission or deny participation in any program or activity on the basis of a person's  
 10 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,  
 11 sexual orientation or physical, mental, emotional or learning disability.

12 SECTION 3. 118.40 (4) (c) <sup>✓</sup> of the statutes is created to read:

13 118.40 (4) (c) *Single-sex schools* <sup>and courses</sup> <sup>Ⓡ</sup>. A school board may enter into a contract for,  
 14 and an entity under sub. (2r) may establish or enter into a contract for, the  
 15 establishment of a charter school that enrolls only one sex ~~pursuant to 34 CFR 106.3~~  
 16 ~~(a) or (b) or in compliance with 34 CFR 106.35 (b).~~ <sup>ins. A</sup>

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

18 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
 19 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
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5 provision of necessary facilities, equipment, instruction or financial support, or the  
6 opportunity to participate in any physical education or training activity as provided  
7 in 20 USC 1681 et seq.

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

9           120.13 (38) SINGLE-SEX SCHOOLS. Operate a school that enrolls only one sex  
10 pursuant to 34 CFR 106.3 (a) or (b) or in compliance with 34 CFR 106.35 (b).

11

(END)

*ES*  
*AND COURSES*

*one or more*

*INS. B*

(A)

<sup>one or more</sup>  
<sup>one or more</sup>  
 one sex provides courses that enroll only  
 one sex if the school board or entity under sub. (2r)  
 to the opposite sex makes  
 available under the same policies and  
 criteria of admission <sup>schools or</sup> courses ~~services~~ and  
 that are comparable to each <sup>such</sup> school or  
~~facilities comparable to each~~ course ~~service~~  
~~and facility~~ offered in or through the  
~~single-sex school or course~~

(B)

<sup>or more</sup>  
 or provide one courses that enroll only one  
 sex if the school board makes available  
 to the opposite sex under the same policies and criteria  
 of admission of schools or courses that are  
<sup>such</sup> comparable to  
 each school or course offered in or through  
 the ~~single-sex~~ school or course

**Barman, Mike**

---

**From:** Grant, Peter  
**Sent:** Monday, January 31, 2005 12:59 PM  
**To:** Barman, Mike  
**Subject:** FW: Please Jacket LRB-0524/2

-----Original Message-----

**From:** Knudson, Steve  
**Sent:** Monday, January 31, 2005 12:20 PM  
**To:** Grant, Peter  
**Subject:** Please Jacket LRB-0524/2

Hello Peter,

Please jacket LRB-0524/2, re: allowing school boards and charter schools to establish single-sex schools and courses.

Thank you,  
Steve Knudson  
Office of State Representative Scott Jensen