



Legislative Briefs

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GENDER-BASED EDUCATION

2005 Wisconsin Act 346, passed by the legislature and signed by Governor Jim Doyle on April 14, 2006, allows charter schools and public school boards to establish separate classes and schools for boys and for girls. Under this law, comparable classes or schools must be available to students of the opposite sex.

BACKGROUND

Several studies have shown gender-based and single-sex education to benefit both boys and girls by allowing teachers to provide gender-specific instruction based on learning style. According to studies cited by the National Association for Single Sex Public Education (NASSPE), customized teaching increases grades and test scores while also expanding educational opportunities for girls and boys. Other advantages claimed include improved behavior in classrooms, higher graduation rates for both sexes, and improved social behavior. However, other groups, including the National Education Association, believe single-sex education reinforces negative stereotypes and denies equal opportunity. According to the Citizen's Commission on Civil Rights, gender-based education may open the door to other forms of segregation.

There are 209 public schools in the United States currently offering single-sex classes, according to NASSPE. Forty-four of those schools are completely single-sex institutions. Albany (New York), Boston, Philadelphia, Chicago, and Baltimore, are among the U.S. cities that offer single-sex education programs.

In Wisconsin, the Spectrum High School for Girls in Milwaukee has operated since 1975, and enrolls about 90 at-risk students. It did not become part of the Milwaukee Public School System until 1992. Lady Pitts is a public high school in Milwaukee for pregnant teens. Arrowhead Union High School in Waukesha County offers voluntary all-girl and all-boy classes. The Young Women's Institute for Global Studies Charter School is scheduled to open its doors in Milwaukee in the fall of 2007. To date, there are no public or charter schools for boys in Wisconsin.

MAJOR PROVISIONS OF ACT 346

2005 Assembly Bill 114 was introduced by Representatives Jensen, Vukmir, Vos, and 11 other representatives, cosponsored by Senators Darling, Reynolds, and Grothman, and enacted as 2005 Wisconsin Act 346. Under this law, public school boards and charter schools may establish single-sex classes and schools, provided that comparable opportunities are made available to the opposite sex.

Current law [Sections 118.13 (1), and 118.40 (4) (b) 2, Wisconsin Statutes] provides that no person can be denied admission to public school or participation in any curricular, extracurricular, recreational, or other program or activity based on sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability. Wisconsin law (Section 119.22, Wisconsin Statutes) also currently provides that physical education or physical training classes

cannot discriminate based on sex. Act 346 creates Sections 118.40 (4) (c) and 120.13 (38), and amends current law.

FEDERAL LAW

Title IX of the Education Amendments of 1972 (20 U.S.C. sections 1681-1688) prohibits discrimination based on sex in education and other programs and activities that receive federal financial assistance. Certain programs, including boys or girls state or national conferences, and father-son or mother-daughter activities, are exempt from Title IX; however, comparable opportunities must be provided for the opposite sex [Section 1681(a)]. Single-sex classes in coeducational schools are generally prohibited; however, physical education classes which involve physical contact, and portions of classes in elementary and secondary schools that deal with human sexuality are exempt [Section 34 CFR 106.34 (c) and (e)].

The No Child Left Behind Act of 2001 reauthorized the Elementary and Secondary Act of 1965, which allows local educational agencies to support single-sex schools and classes using Innovative Program funds consistent with applicable law [Section 5131 (a) (23)]. Under this act, the U.S. Department of

Education issued guidelines regarding current Title IX requirements relating to single-sex education.

Under current Title IX requirements, single-sex elementary and secondary non-vocational schools are permitted [34 CFR 106.15 (d)]; however, equal services, policies, admission criteria, facilities, courses, and curriculum must be provided to students of the opposite sex [34 CFR 106.35 (b)]. Single-sex schools are allowed if necessary for affirmative or remedial action.

FOR MORE INFORMATION

The text of 2005 Wisconsin Act 346 is available at: www.legis.state.wi.us/2005/data/acts/05Act346.pdf.

For more information regarding Title IX and single-sex education guidelines, visit: www.ed.gov/print/about/offices/list/ocr/t9-guidelines-ss.html or contact Jeanette J. Lim, Office for Civil Rights, U.S. Department of Education, (202) 205-8635, or 800-421-3481.

More information regarding single-sex education is available from the National Association for Single Sex Public Education at www.singlesexschools.org.