

# SENATE BILL REPORT

## SB 6058

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As of February 1, 2012

**Title:** An act relating to single-sex classes.

**Brief Description:** Specifically authorizing single-sex classes.

**Sponsors:** Senators Regala and Prentice.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/01/12.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Lidia Mori (786-7755)

**Background:** Washington State law, RCW 28A.640.020(d) applies specifically to course offerings and requires that classes be provided to all students without regard to sex, except in some limited circumstances. Separation by sex is permitted during sessions on sex education or gym classes.

In 2006 the United States Department of Education issued regulations authorizing public schools to offer single-sex education options under certain conditions. Generally speaking, they are permitted when each single-sex class is based on the school's objective of improving the educational achievement of its students and the single-sex nature of the class is substantially related to achieving that objective or to meet the particular, identified educational needs of the school's students and the single-sex nature of the class is substantially related to achieving that objective. In addition, the single-sex education must be implemented in an evenhanded manner, student enrollment in the classes must be completely voluntary, and the school must provide to all other students a substantially equal coeducational class in the same subject.

As of September 2011, there were approximately 500 public schools nationwide that offer single-sex classes, according to the National Association for Single Sex Public Education. There have been articles published that are strongly in favor of same sex classrooms and strongly against same sex classrooms.

**Summary of Bill:** Washington public schools are permitted to provide single-sex classes if the school gives notice to the Office of Superintendent of Public Instruction (OSPI) before

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offering the single-sex class and the single-sex class is substantially related to (1) achieving the school's objective of improving the educational achievement of its students through a policy of providing diverse educational opportunities; or (2) the single-sex nature of the class is substantially related to meeting the particular, identified educational needs of the school's students. The school must implement its objective in an even-handed manner and enrollment in the single-sex class is completely voluntary. In addition, the school must provide to all other students, a substantially equal coeducational class in the same subject and a substantially equal single-sex class for students of the excluded sex.

The factors to be weighed in determining whether classes are substantially equal include, but are not limited to:

- the policies and criteria of admission;
- the educational benefits provided, including the quality, range, and content of curriculum and other services;
- the quality and availability of books, instructional materials, and technology;
- the qualifications of faculty and staff;
- geographic accessibility;
- the quality, accessibility, and availability of facilities and resources provided to the class; and
- intangible features, such as reputation of faculty.

The school must conduct periodic evaluations at least every two years to make sure that the single-sex classes are based on genuine justifications and do not rely on overly broad generalizations about the different talents, capacities, or preferences of either sex. The periodic evaluations are also to ensure that any single-sex classes are substantially related to the achievement of the important objective for the classes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Each child is different. Whatever turns on the switch for their learning is important. Jason Lee Middle School looked at what federal law allowed and decided to offer same-sex classes. They heard from the parents and kids that participated in the classes and the feedback was that it was a very positive experience. This bill would not create any mandates, no one would be excluded, this bill only gives schools an innovative option. The bill would require no funding to implement. The passage of the federal law that allows same-sex classes was a coming together of both sides of the aisle, Senator Kay Bailey Hutchison, a republican, and then Senator Hillary Rodham Clinton, a democrat. There is a gender gap between boys and girls in achievement, especially in schools of poverty. The single-gender classes at Jason Lee Middle School were only offered for sixth grade academic core classes and co-ed classes were also offered. The curriculum and the teachers were exactly the same for boys and girls. There was a gender gap between the boys and the girls, the boys were 12 - 13 points behind the girls coming into the fall.

When an interim math assessment was performed, the boys had closed that gap. A principal in Seattle in 2000 instituted single-gender classes at an elementary school because of a high discipline problem, about 80 percent concerning boys. The number of children being sent to the principal's office went from about 30 a day to one or two after switching to same sex classes. The boys were able to focus on academics and so were the girls. Their performance on the Washington Assessment of Student Learning went from the 10-30 percentile listing to 73 percentile and outperformed the entire state in writing, going from the low 20 percentile to 53 percentile. We believe offering single-gender classes will eliminate discrimination between the genders. From parents at Jason Lee, there was not one complaint about single-gender classes.

CON: We believe offering single-sex classes is illegal. Many of these single-sex class programs do not comply with the federal regulations. We believe the regulations are illegal too. Washington's Equal Rights Amendment is very specific and the genders cannot be treated differently. There is evidence that a lot of these programs are based on faulty research. Dr. Leonard Sax advances stereotypes in his books on the subject. This is not a practice Washington should adopt because it has potential for serious harm, without solid evidence-based practices to support it. The research does not appear to justify segregating girls and boys. Not every grade schooler will get to make his or her choice, it will be the parents that make the choice.

OTHER: Superintendent Dorn is supportive of this option to offer single-sex classes because he believes the lower achieving schools need to be bold and innovative. We understand that because of a school's size and funding, it may not be able to implement single sex classes. Also, there is a risk of unintentional discrimination so the option should be allowed but be closely monitored.

**Persons Testifying:** PRO: Senator Regala, prime sponsor; Jonathan R. Kellett, Tacoma Public Schools, Jason Lee Middle School.

CON: Shankar Narayan, ACLU; Lonnie Johns Brown, National Organization for Women, WA State Organization for Women.

OTHER: Shawn Lewis, OSPI