

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 313	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Choice & Innovation Subcommittee; Diaz, M. and others	110 Y's	4 N's
COMPANION BILLS:	CS/SB 514	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/HB 313 passed the House on March 27, 2014, and subsequently passed the Senate on April 25, 2014. The bill provides additional guidelines for establishing single-gender elementary, middle, or high schools by requiring district school boards establishing such schools to:

- Separate students into grade-level single-gender classes for instruction in core courses;
- Open enrollment to all students within the school district;
- Require administrators and teachers to participate in professional development that includes scheduling and instructional strategies; and
- Provide the Department of Education a comparison of the academic performance of students in gender-specific schools with that of students in other public schools in the school district.

The bill does not have a fiscal impact on state or local governments.

The bill was approved by the Governor on May 12, 2014, ch. 2014-30, L.O.F., and will become effective on July 1, 2014.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

Federal Law: The No Child Left Behind Act of 2001 (NCLB) states that federal funds may be provided to local educational agencies (LEA) for the purpose of implementing innovative assistance programs, which may include single-gender schools and classrooms.¹ At the time of NCLB's passage, these provisions were in conflict with regulations implementing Title IX of the Education Amendments of 1972 (Title IX).² Title IX prohibits gender-based discrimination by educational institutions that receive federal funding.³ Thus, in May of 2002, the U.S. Department of Education (USDOE) announced its intent to adopt revised Title IX regulations to provide flexibility to LEAs seeking to establish single-gender schools and classrooms.⁴ These regulations became effective in November of 2006.⁵

The 2006 regulations establish separate standards for single-gender classes, including extracurricular activities,⁶ and schools. In general, both single-gender classes and schools must be nonvocational⁷ in nature and may only serve elementary or secondary students.⁸ Additionally for single-gender classes, the regulations require that:

- The LEA's purpose in establishing a single-gender classroom be substantially related to achieving one of two important governmental objectives: (a) to improve student achievement as part of a policy of providing diverse learning opportunities; or (b) to meet the specific learning needs of students.
- The LEA implements single-gender classrooms in an evenhanded manner.
- Enrollment be voluntary.
- Single-gender classrooms be evaluated every two years. The LEA must demonstrate that it is adhering to the important governmental objectives for which its single-gender classrooms were established to serve. It must also demonstrate that its program continues to operate free from overly-broad gender stereotypes.⁹

A LEA choosing to offer a single-gender class: (a) must provide all other students, including members of the other gender, a coeducational option that is of substantially equal quality;¹⁰ and (b) may also be required to offer a substantially equal single-gender option to members of the other gender.¹¹ A LEA choosing to offer a single-gender school must provide students of the other gender a substantially equal single-gender school or coeducational school.¹²

¹ 20 U.S.C.A. s. 7215(a)(23).

² See 34 C.F.R. s. 106.34(b)-(f) and 34 C.F.R. s. 106.35(both amended in 2006).

³ 20 U.S.C.A. s. 1681. (Title IX also prohibits gender-based discrimination pertaining to participation in extracurricular activities).

⁴ Federal Register, Vol. 67, No. 89 (May 8, 2002), available at <http://www.ed.gov/legislation/FedRegister/proprule/2002-2/050802a.html>.

⁵ Federal Register, Vol. 71, No. 206 (October 24, 2006), available at <http://www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.pdf>.

⁶ The regulation does not define the terms "class" or "extracurricular activity," but it does specify that the terms do not include interscholastic, club, or intramural athletics. 34 C.F.R. s. 106.34(5).

⁷ The regulation does not define the term "nonvocational," but definitions for the regulation provide that an, "institution of vocational education" means, "a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study." 34 CFR s. 106.2(o).

⁸ 34 C.F.R. s. 106.34.

⁹ 34 C.F.R. s. 106.34(b).

¹⁰ 34 C.F.R. s. 106.34(b)(1)(iv).

¹¹ 34 C.F.R. s. 106.34(b)(2).

¹² 34 C.F.R. s. 106.34(c)(1).

The U.S. Department of Education commissioned a review of literature on single-sex education published in 2005. The subsequent report identified a need for professional development for teachers to be equipped to meet the gender specific needs of boys and girls. Teachers were also found to have recognized the need for such training.¹³

State Law: Single-gender classrooms and schools are permitted under Florida law. Participation in single-gender schools, classes, and extracurricular activities must be voluntary. At least every two years, the school district must evaluate each single-gender school, class, and extracurricular activity to ensure compliance with federal regulations.¹⁴

There are 54 single-gender schools in 33 school districts in Florida. A variety of school models employ single-gender classes, e.g., alternative schools, charter schools, virtual schools, and traditional public schools.¹⁵

Effect of Proposed Changes

The bill provides additional guidelines for establishing single-gender elementary, middle, or high schools by requiring district school boards establishing such schools to:

- Separate students into grade-level single-gender classes for instruction in core courses;
- Open enrollment to all students within the school district;
- Require administrators and teachers to participate in professional development that includes scheduling and instructional strategies; and
- Provide the Department of Education a comparison of the academic performance of students in gender-specific schools with that of students in other public schools in the school district.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹³ RMC Research Corporation, *Early Implementation of Public Single-Sex Schools: Perceptions and Characteristics* (2008), available at <http://www2.ed.gov/rschstat/eval/other/single-sex/characteristics/characteristics.pdf>.

¹⁴ Section 1002.311, F.S.

¹⁵ Email, Florida Department of Education, Legislative Affairs Director, (Jan. 17, 2014).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The law requires each school district to develop a professional development system for school administrators and instructional personnel.¹⁶ Funding for professional development is annually appropriated by the Legislature through the Florida Education Finance Program (FEFP). Each school district has full discretion to determine the professional development needs of the district and how much of its FEFP allocation to spend on professional development.¹⁷

¹⁶ Section 1012.98(4)(b), F.S.

¹⁷ Section 1011.62, F.S.; Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F.