

Date of Hearing: March 15, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 23 (Ridley-Thomas) – As Amended January 31, 2017

SUBJECT: Educational programs: single gender academies and instructional programs

SUMMARY: Authorizes local education agencies (LEAs) to implement single gender academies and instructional programs, subject to specified conditions. Specifically, **this bill:**

- 1) Makes findings and declarations regarding the need to increase the diversity of California's public educational offerings through single gender academies and instructional programs.
- 2) Expresses the intent of the Legislature that single gender academies and instructional programs shall be tailored to the differing needs and learning styles of boys as a group and girls as a group.
- 3) Authorizes a LEA to implement single gender academies and instructional programs if all of the following requirements are met:
 - a) The single gender aspect of the academy or instructional program serves an important LEA objective;
 - b) The LEA implements its objective in an evenhanded manner;
 - c) Pupil enrollment in a single gender academy or instructional program is voluntary; and
 - d) The LEA provides to pupils of both genders a substantially equal coeducational class, extracurricular activity, or program in the same subject.
- 4) Requires a LEA that implements a single gender academy or instructional program to conduct an evaluation at least once every two years to ensure that the single gender aspect of the academy or program is based upon genuine justifications and does not rely on overly broad generalizations about the different talents, capacities, or preferences of either gender and that the single gender nature of the academy or program is substantially related to the achievement of the important objective for the academy or program.

EXISTING LAW:

Federal law:

- 1) Prohibits discrimination on the basis of sex in any federally funded educational program or activity (Title IX of the Education Amendments of 1972).
- 2) Makes an exception to the general prohibition against sex discrimination for non-vocational classes or extracurricular activities in an elementary or secondary school if:
 - a) Each single-sex class or extracurricular activity is based on the recipient's important objective to:

- i) Improve educational achievement of its students, through a recipient's overall established policy to provide diverse educational opportunities, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective; or
 - ii) Meet the particular, identified educational needs of its students, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective.
- b) The school implements its objective in an evenhanded manner;
 - c) Student enrollment in a single-sex class or extracurricular activity is completely voluntary; and
 - d) The recipient provides to all other students, including students of the excluded sex, a substantially equal coeducational class or extracurricular activity in the same subject or activity (34 CFR 106.34).
 - e) Provides an exception to d) for a non-vocational public charter school that is a single school local educational agency under state law.

State law:

- 1) Prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, or sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid (EC §220).

FISCAL EFFECT: This bill is non-fiscal

COMMENTS:

Purpose of the bill. This bill is sponsored by the Los Angeles Unified School District (LAUSD), which has established an all-girl school called the Girls Academic Leadership Academy (GALA). GALA focuses on a curriculum centered on Science, Technology, Engineering, and Math (STEM) and is designed to correct the historic under enrollment of girls in STEM courses. GALA opened in August 2016.

The LAUSD governing board approved the establishment of GALA on the condition that the district receives a waiver from the State Board of Education (SBE) to operate a single gender school. The waiver request was denied in a letter dated May 19, 2016 on the basis that (1) the LAUSD failed to make the case that it needed to offer single-gender classes for *all* core academics in order to achieve its STEM objective and (2) single-gender schools violate Education Code §220, even if they may be permitted by Title IX.

The purpose of **this bill** is to establish a new section in the Education Code that specifically permits the establishment of single-gender schools and instructional programs, provided the school or instructional program complies with the criteria contained in Title IX for the establishment of such schools.

The research on single-gender schools is mixed. Some studies indicate that students in single-gender schools perform better academically than students in coeducational schools, some support the superiority of coeducational schools, and some find no difference. The National Association for Single Sex Public Education (NASSPE) summarizes several studies that support the advantages of single-gender schools in terms of academic achievement as well as other outcomes, such as improved socialization.¹ On the other hand, another review of research concludes that single-gender schools are based on an "overinflated claim of gender differences" that is not supported by the research and that can reinforce gender stereotypes and biases.² A meta-analysis of 184 studies reported in the *Psychological Bulletin* concluded that "Results from the highest quality studies, then, do not support the view that [single-gender] schooling provides benefits compared with [coeducational] schooling."³

The sponsor of this bill provided committee staff with a review of the research prepared by the U. S. Department of Education.⁴ That review found that a "preponderance of studies...yields results lending support to [single-gender] schooling," while a "limited number...provide evidence favoring [coeducational] schooling." Other studies found no difference. However, the review found that the studies suffered from a "dearth of quality...across all outcomes." Specifically, many studies had "conceptual or interpretive flaws," "lacked well-developed hypotheses," and had hypotheses that "were often not linked directly to the outcomes being studied."

Prior pilot program. In his 1996 State of the State address, Governor Pete Wilson called for the creation of single gender academies. Later that year, the education budget trailer bill appropriated \$5 million to establish the California Single-Gender Academies Pilot Program. The program provided start-up funding for 10 pairs of single-gender schools (each pair consisted of one school for boys and one for girls) at the rate of \$500,000 per pair. Grant recipients were authorized to expend the funds over a two-and-a-half period. Although the budget provided funding for 10 pairs of schools, the CDE received and funded only six proposals for six pairs, or a total of 12 schools.

In the next year, the Governor proposed to re-appropriate \$2 million for second-year funding for the established schools and another \$3 million to expand the program. A staff analysis of the budget request by the Senate Budget Subcommittee #1 on Education questioned the need to appropriate funds for the ongoing costs of the established schools when the pilot program was intended to provide only start-up funding. Moreover, allocating funds on a per-school basis, rather than a per-student basis, resulted in large differences in the amount of funding per student, which ranged from \$8,000 per student for one district to \$2,700 per student in another. The staff analysis also noted that the grant funds tended to be used for on-going, rather than start-up costs and were typically used for purposes that are not unique to a single gender environment. For these reasons, the Governor's request was denied and no further funding was provided for the pilot program.

¹ <http://www.singlesexschools.org/research-grain.htm>

² Janet Shibley Hyde, "The Gender Similarities Hypothesis." *American Psychologist*, Vol. 60, No. 6 (2005).

³ Erin Phlke, et al., "The Effects of Single-Sex Compared with Coeducational Schooling on Students' Performance and Attitudes: A Meta-Analysis." *Psychological Bulletin*, Vol. 140, No. 4 (2014).

⁴ "Single-Sex Versus Coeducational Schooling: A Systemic Review." U. S. Department of Education, Office of Planning, Evaluation and Policy Development, Doc # 2005-01 (2005).

The only evaluation of the pilot program was conducted with support from the Ford and Spencer Foundations and was reported in 2001.⁵ According to the report, four pairs of schools closed after two years and one more closed the next year. It is not known when the last pair of schools closed. The report states that the program was hampered by implementation challenges: "[Recipients] had very little time to think about the plan for the single gender academies, engage the support of constituencies, recruit qualified teachers, and advertise the new schooling option for students." The report also concluded that "single gender academies were not sustainable under California's policy framework." Specifically, "Most district administrators, concerned about improved literacy, high stakes accountability, and Title IX threats, were quick to terminate their support for single-sex schools."

Gender equity and gender stereotyping. The Ford Foundation report also considered the impact of single-gender schools on gender equity and gender stereotyping. They found that the teachers and schools in the pilot program attempted to achieve gender equity by offering the same curriculum to boys and girls. But they also found that instructional practices were different, based on perceived differences in learning styles and modalities between boys and girls and questioned whether single gender instruction accommodates gender differences or reinforces gender stereotypes.

Arguments in support. The LAUSD, the sponsor of this bill, argues that it is needed to enable it to offer single-gender schools to address the problem of girls being under-enrolled in STEM courses. The district argues that "Young girls in particular, especially in the fields of [STEM] don't feel they belong whether it be social norms that tell them they don't or the lack of role models they identify with." Supporters also argue that the bill "provides districts with the ability to implement an alternate education program that has a potential to keep students engaged in school."

Arguments in opposition. Opponents express concerns on legal, educational, and social grounds. Legally, they argue that a single-gender school can be in compliance with Title IX but still be in violation of the California and U. S. constitutions. They state that, in *United States v. Virginia*, the U. S. Supreme Court rejected single-gender education that is based on differences between "typical" male or female students or learning differences.

Educationally, opponents argue that single-gender education is based on a "pseudoscience of single-sex schooling," and is not supported by "quality" studies academic achievement or brain research.

Socially, opponents argue that research shows that single-gender education reinforces and increases gender stereotyping. In addition, single-gender education can be harmful to LGBTQ students, who may not fit into perceived male-female learning differences and modalities.

Recommended amendments. Should the committee vote to pass this bill, **staff recommends** the following amendments:

- Replace "academies" with "schools" to be consistent with Education Code terminology.

⁵ Amanda Datnow, Lea Hubbard, Elisabeth Woody, "Is Single Gender Schooling Viable in the Public Sector? Lessons from California's Pilot Program. Final Report." Ford Foundation (2001).

- Add "notwithstanding" language to avoid a potential conflict with Education Code §220 as it relates to gender discrimination.
- Authorize an LEA to "establish" rather than "implement" a single gender school.
- Require the LEA governing board or body to establish a policy that addresses how the single gender school will comply with specified Title IX regulations.
- Add language from Title IX regulations that specifies how a single gender school should serve important LEA objectives.
- Add language, consistent with Title IX, that exempts non-vocational charter schools from the requirement to offer substantially equal programs to the excluded sex, provided the charter school is not a part of a network of charter schools that operates more than one school.

Staff recommends also that the bill be amended to strike intent language stating that "single gender academies and instructional programs shall be tailored to the differing needs and learning styles of boys as a group and girls as a group," because it can be construed as reinforcing gender stereotypes.

REGISTERED SUPPORT / OPPOSITION:

Support

California School Boards Association
Los Angeles Unified School District

Opposition

American Civil Liberties Union of California
Diane Halpern, Professor Emerita, Claremont McKenna College
Genders & Sexualities Alliance Network
National Center for Lesbian Rights
National Women's Political Caucus of California
Pen + Pixels

Analysis Prepared by: Rick Pratt / ED. / (916) 319-2087