

State of Wisconsin



2023 Assembly Bill 377

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT to amend 118.13 (1); and to create 118.132 of the statutes; relating to: designating athletic sports and teams operated or sponsored by public schools or private schools participating in a parental choice program based on the sex of the participants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.13 (1) of the statutes is amended to read:

118.13 (1) Except as provided in ~~ss. 118.132 (2) (b) and~~ 120.13 (37m), no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

SECTION 2. 118.132 of the statutes is created to read:

118.132 Interscholastic or intramural sports; designation as single sex or coed. (1) In this section:

(a) "Educational institution" means a school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), and governing body of a private school participating in a program under s. 118.60 or 119.23.

(b) "Sex" means the sex determined at birth by a physician and reflected on the birth certificate.

(2) An educational institution that operates or spon-

sors an interscholastic, intramural, or club athletic team or sport shall do all of the following:

(a) Expressly designate the athletic team or sport as one of the following based on the sex of the participating pupils:

1. Males. This designation may be referred to as "males," "men," or "boys."

2. Females. This designation may be referred to as "females," "women," or "girls."

3. Males and Females. This designation may be referred to as "mixed-sex," "coed," or "inclusive."

(b) Prohibit pupils of the male sex from participating on an athletic team or in an athletic sport that is designated for females under par. (a).

(c) If the educational institution intends to change the designation of an athletic team or sport under par. (a), provide written notification of the change to pupils who are eligible under both the previous and current designation to participate in the athletic sport or on the athletic team and to the parents or guardians of those pupils.

(3) (a) A pupil of the female sex who is deprived of the opportunity to participate in an athletic sport or on an athletic team or who suffers any direct or indirect harm as the result of a violation of sub. (2) (b) may bring

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

a cause of action against an educational institution for injunctive relief, damages, and any other relief available under law.

(b) A pupil of the female sex who is subject to retaliation or other adverse action by an educational institution or athletic association or organization, as a result of reporting a violation of sub. (2) (b) to an employee or representative of the educational institution or athletic association or organization or to any state or federal agency with oversight over the educational institution, may bring a cause of action against the educational insti-

tution or athletic association or organization for injunctive relief, damages, and any other relief available under law.

(c) An educational institution that suffers any direct or indirect harm by a governmental entity, licensing or accrediting organization, or athletic association or organization as a result of compliance with sub. (2) (b) may bring a cause of action against the governmental entity, licensing or accrediting organization, or athletic association or organization for injunctive relief, damages, and any other relief available under law.
