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December 16, 2010

School Board President Maya Cole
School Board Members Ed Hughes, James Howard, Lucy Mathiak,
Beth Moss, Marjorie Passman & Arlene Silveira, and Student Representative Wyeth Jackson
Madison Metropolitan School District
545 W Dayton St
Madison WI 53703-1967

Greetings MMSD Board of Education Members:

Today you received a letter from Mr. Chris Ahmuty, Executive Director of the American Civil Liberties Union (ACLU) of Wisconsin stating his organization's "opposition" to our proposal to establish *Madison Preparatory Academy for Young Men* as an all-male public charter school in the Madison Metropolitan School District. We received a copy of the same letter from Mr. Ahmuty.

We welcome the opinion of the ACLU and respect their long history of fighting for equal protection rights for all people. We also respect the ACLU's efforts to protect U.S. Citizen's First Amendment and privacy rights. However, except for their acknowledgement that "many students of color and low income students – boys as well as girls, are losing out" on the benefits of high quality public education in our nation's schools, we disagree with the opinions of the ACLU as expressed in their letter with regard to Madison Prep and single gendered schools.

First, our team shared with you on December 6, 2010, in our Initial Proposal to establish Madison Prep, credible research that articulates the positive impact single gendered education can have on the academic achievement of boys and girls. Second, there is nothing expressed in our proposal that "perpetuates gender stereotypes" about boys or girls, as the ACLU suggests in its letter. Third, the ACLU bases its legal argument on a legal case from 1996 that predates new regulations issued by the United States Department of Education in March 2004 that allow the establishment of single gendered schools. These new rules went into effect in November 2006.

Fourth, while the ACLU expresses its opinions about what it refers to as "theories" of the value of single gendered education, they share no evidence refuting the positive impact single-gendered education has on the educational outcomes of young people. They also share no evidence indicating that single-gendered education is harmful to children. Fifth, the Urban League of Greater Madison has publicly expressed its interest in establishing a similar 6th – 12th grade campus of Madison Prep for young women as well, a fact not mentioned in the ACLU's letter.

Lastly, through the support of the Wisconsin Charter Schools Association and State Senator Luther Olsen, we sought legal opinion, at your request, about the legality of establishing single gendered schools in Wisconsin from the Wisconsin Legislative Reference Bureau (LRB). Specifically, we asked the following question pertaining to **Wisconsin Statute 118.40**, which addresses the state's traditional public and charter schools:

The Statute: (c) Single-sex schools and courses. A school board may enter into a contract for, and an entity under sub. (2r) may establish or enter into a contract for, the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board or entity under sub. (2r) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

Our Question: Do both schools need to be in operation at the same time to comply with this section? Can the school board approve the all-boys school first and the all-girls school at a later date? Also, can one begin in 2011, for example, and the other starts in 2013 or a later date?

Yesterday, we received the following response from Ms. Anne Sappenfield, Senior Staff Attorney with the Legislative Council Staff of the Wisconsin Legislature via Senator Olsen's office:

Current federal regulations, and state law, do not require schools or courses that are comparable to the single-sex school or course to also be single sex. Therefore, a district is not obligated to establish one school for boys and one for girls in order to comply with federal or state law.

I've attached a link to DPI's page on single-sex schools. I hope this answers your question, but let me know if you need anything else. <http://dpi.wi.gov/sped/pnd-singlesex.html>

The Growth of Single Gendered Public Schools in the United States

As of June 2010, there were [540 public schools](#) in the U.S. offering a single-gendered option, with 92 schools having an all-male or all-female enrollment and the rest operating single gendered classes or programs. There were [12 public schools](#) in Wisconsin offering single gendered classes or classrooms (6 middle schools, 5 high schools, and one elementary school).

There are several single gendered public charter schools for young men that have garnered a lot of attention of late, including [Urban Prep Academies](#) in Chicago – which sent 100% of its first graduating class to college, [The Eagle Academy Foundation](#) in New York City, [Boys Latin](#) of Philadelphia, and [Brighter Choice Charter School for Boys](#) and [Green Tech High School](#) in Albany, NY, [Bluford Drew Jemison Academy](#) in Baltimore. Last week, the Houston Independent

School District in Texas enthusiastically approved the establishment of its own all-male 6th – 12th grade public school. Houston already has all-male charter schools as well as single-gendered schools run by contract through its public school district. HISD also plans to open a similar all-girls school the following year.

The Way Forward

As you deliberate about the legality and value of Madison Prep and our organization's expressed desire to establish a similar school for girls, please consider the facts, circumstances, current realities, and the tremendous consequences with regard to the present achievement and future success of young men (and women) of color in our schools if we fail to act.

As the elected governing body charged with leading and commissioning schools that meet the educational needs, interests, and aspirations of our young people, we ask that you continue to evaluate our proposal on its merits and support our effort to pursue a planning grant application with the Wisconsin Department of Public Instruction.

We have an extraordinary opportunity to act with courage, purpose, and all deliberate speed to plant seeds of opportunity for our young men. Let's not let this great opportunity pass us by.

With Deepest Regard,



Kaleem Caire
President & CEO

cc: ULGM Board of Directors
Dr. Daniel Nerad, MMSD Superintendent
Ms. Anne Sappenfield, Wisconsin Legislative Council
Senator Luther Olsen (R-14th District of Wisconsin)