

**State of Public School  
Sex Segregation  
in the United States  
2007-2010**

**Part I: Patterns of K-12 Single-sex  
Public Education in the U.S.**

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**[www.feminist.org/education/SexSegregation.asp](http://www.feminist.org/education/SexSegregation.asp)**

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# Contents: State of Public School Sex Segregation in the United States:

## Part I: Patterns of K-12 Single-sex Public Education in the U.S. (2007-10)

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<b>Overview &amp; Summary</b> -----	<b>1</b>
Concern about deliberate sex segregation in public education	
Components of this study	
Data sources for Part I to identify patterns of sex segregation in the states	
Findings and analysis for Part I	
<b>Background on Title IX and Sex Segregation in U.S. Public Education</b> -----	<b>6</b>
Why is there concern about an increase in public school sex segregation in the last decade?	
Confusion about allowable sex segregation	
Policy recommendations of this study	
<b>Methodology</b> -----	<b>8</b>
Scope and definitions	
Initial action research for 2007-9 FMF study	
Information from the 2006 and 2010 CRDC surveys	
Developing State Profiles to describe schools with sex segregation	
Identification and verification procedures used by FMF researchers	
Additional limitations of the research	
<b>Results: Patterns of Sex-Segregation in U.S. Public Schools</b> -----	<b>14</b>
Total numbers of sex-segregated public schools	
Types of schools by grade levels	
Regional patterns of sex segregation in public schools in the U.S.	
All female and all male single-sex public schools	
Single-sex classes in co-educational schools	
Demographics of students in public single-sex classes and schools	
Prevalence of sex-segregated public education in charter or other public schools	
<b>Analysis: Insights on Sex Discrimination in Sex-Segregated Public Schools</b> -----	<b>25</b>
1. FMF learned that the 1000 plus public schools that practice sex-segregation are more likely to increase, rather than decrease, sex discrimination.	
2. FMF doesn't know the full extent of sex-segregated education, but estimates it is used deliberately in over 1000 schools.	
Part I conclusion on the state of sex-segregated public education in the U.S.	

**Tables----- 39**

Table 1: US Public Schools with Single-Sex Classes identified in 2007-9 Study with 2006 CRDC state data

Table 2: Numbers of Public Schools in States with Single-Sex Classes from 3 Sources: 2006 CRDC, FMF 2007-2009 Study, and 2010 CRDC

Table 3: 2010 CRDC Single-sex Academic Classes by State

**Appendices----- 42**

Appendix A: Rescind the Bush Administration 2006 Regulation Weakening Title IX Prohibitions Against Sex Discrimination in Education

Appendix B: Questions on Single-Sex Academic Classes in the 2006 and 2010 Civil Rights Data Collections

Appendix C: Sample State Profile: Working Draft of the State of Single-Sex Education in Alabama

Appendix D: Sample State Profile: Working Draft of the State of Single-Sex Education in Maryland

Appendix E: All Girls and All Boy Public Schools and Dual Academies Identified During 2007-9.

Appendix F: Questions to State Title IX Coordinators Used to Develop the State Profiles

Appendix G: Sample Letter to Obtain and Verify Information on Title IX Implementation

Appendix H: Letter to Title IX Coordinators in Texas Education Service Centers

Appendix I: Statement from Massachusetts about Single-sex Education

Appendix J: Acknowledgments

**Combined References ----- 65**

# State of Public School Sex Segregation in the United States:

## Part I - Patterns of K-12 Single-sex Public Education in the U.S. 2007-10

Sue Klein, Ed. D., Feminist Majority Foundation (FMF)

### Overview and Summary

#### Concern about deliberate sex segregation in public education

In 2006 the U.S. Department of Education (ED) in the Bush administration lifted the almost total ban on sex segregation in the 1975 Title IX regulation. Title IX is the federal law prohibiting discrimination on the basis of sex in education programs and activities receiving federal financial assistance.<sup>1</sup> Although the amended 2006 ED Title IX regulation includes guidance limiting much sex segregation within coed schools and requiring specific safeguards against discrimination, its net effect has been substantially increased sex segregation in K-12 non-vocational public schools. Previously only very limited federally-funded sex segregation was allowed, primarily for affirmative purposes to decrease sex discriminatory outcomes such as gender gaps favoring males in areas like engineering.

This *State of Public School Sex Segregation in the United States (FMF State of the States)* study shows that not only has deliberate public school sex segregation increased, but it has done so with little governmental oversight or accountability to ensure that it is lawful, educationally sound, and a wise use of limited public funds. Although this study will not provide a definitive understanding of the breadth and nature of this deliberate sex-segregated education, it provides indications that much U.S. public school sex segregation is unlawful and that it increases sex discrimination and sex stereotyping both in and through education. There is no evidence that separating students by sex is more likely than comparable coeducation to result in any desired achievement benefits but there is some evidence that this deliberate sex segregation costs more than gender equitable coeducation.

Civil rights enforcement relating to race, ethnicity, and disability has focused on integration as the key strategy to advance equality. Increasing evidence (Orfield, 2009; Anderson, 2011; Halpern, et. al., 2011) shows that education integration is an effective strategy for providing equal educational opportunities and decreasing harmful stereotypes and stigmatization which limit expectations and reinforce inequitable educational outcomes. The importance of standards and procedures to advance racial integration is illustrated by the December 2011 guidance from the civil rights offices in the U.S. Departments of Justice and Education. This guidance to help school districts voluntarily advance their compelling interests in achieving diversity or avoiding racial isolation is based on legal standards under the Equal Protection Clause of the Fourteenth Amendment and Titles IV and VI of the Civil Rights Act of 1964. If there are no workable/effective race neutral policies, the standards allow limited voluntary differentiation by race for affirmative purposes to achieve diversity and decrease racial isolation.

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<sup>1</sup> See Title IX Defined, [www.feminist.org/education/TitleIX.asp](http://www.feminist.org/education/TitleIX.asp)

Single-sex education is sometimes advocated as a strategy to help the most vulnerable or disadvantaged minority students. However, vulnerable students are most likely to benefit from school integration accompanied by deliberate attention to equal educational opportunities and high expectations. The public schools need to provide equal opportunities for vulnerable students who often face discrimination on the basis of sex as well as race, poverty, ethnicity, disability, LGBT or other marginalized characteristics. There is scanty and often discredited evidence that especially vulnerable students benefit from sex segregation per se.

For example, in cases where that have shown success, as in the high college attendance of students in the Chicago Urban Prep Charter Academy for boys, it is likely that this alleged success is due to the increased resources of this school and the numerous transfers out of the school by underperforming students (Halpern, et. al., 2011). Similarly, in 2002 when National Organization for Women (NOW) President Kim Gandy examined online New York City (NYC) public schools data from the highly acclaimed Young Women’s Leadership School in East Harlem she found that *“they’re able to be selective about their student body. They have special teachers. They have very small classrooms. In fact, the interviews with the girls at that school say the thing they like the best about the school is not that it’s all girl, but because they have very small classrooms and it’s a small school where they can get to know their teachers, and get to know the other students. We can do that for all of our kids.”* (CNN Crossfire May 10, 2002). Gandy also found that the Young Women’s Leadership School had a much smaller proportion of students with disabilities and limited English skills than average NYC coeducational schools.

### **Components of this study**

This Part I of this *FMF State of the States* study describes patterns of single-sex public K-12 education for the 646 U.S. public schools FMF identified as having single-sex classes during the school years 2007-8 and 2008-9 (2007-9). In doing so, it provides a background on Title IX and sex segregation, the methodology used to obtain the results, and the FMF findings related to these 646 schools (Data Source 1) as well as results from two additional data sources, the responses to the 2006 and 2010 Civil Rights Data Collection (CRDC) survey questions on single-sex academic classes.

Part II of this FMF study describes the role of the states and their State Title IX coordinators in implementing Title IX safeguards against unlawful sex segregation. Part III summarizes recommendations for action to end unlawful sex segregation and discrimination in publicly supported K-12 education in the U.S.

### **Data sources for Part I to identify patterns of sex segregation in the states**

To obtain information on patterns of sex segregation in U.S. public schools, FMF used three key sources.

- (1) The FMF study which used multiple public sources and State Title IX coordinators to identify 646 schools that had deliberate sex segregation during 2007-9,
- (2) The FMF exploratory study which followed up with schools in twenty states that had indicated in the 2006 CRDC that they had single-sex academic classes to learn if they also had these single-sex classes during 2007 or in later years, and
- (3) The responses to the 2010 CRDC (ED Civil Rights and Data Collection Survey) questions on public coeducational schools with single-sex academic classes.

## Findings and analysis for Part I

In analyzing the Part I results, FMF acknowledges that even these three data sources do not provide a complete validated assessment of U.S. public K-12 schools that have instituted deliberate separation of their classes on the basis of sex. However, the results indicate that the frequently cited by the media number of some 500 schools with single-sex education is an underestimate. The FMF 2007-9 exploratory study identified 646 and estimated that there were over 1,000 public schools with deliberate sex segregation (Klein & Sesma, 2011). This estimate is in line with the over 1,000 public schools with single-sex academic classes in the 2010 CRDC after incorrect data from Florida and questionable school totals from New York City were subtracted.

While FMF would have liked more information about the nature of the sex-segregated public education it learned that of the 646 public schools in the FMF 2007-9 study:

- 304 are middle schools, 236 are elementary schools, and 106 are high schools
- The Southern states had the most sex-segregated public schools with 455. Midwestern states came in second with 101, followed by Western states with 50, and Northeast states with 40.
- While most of these schools were coed with some single-sex classes, there were 82 schools with only male or only female students. Forty-seven of these public schools were for girls and 35 were for boys; 33 were high schools, 28 were middle schools, and 22 were elementary schools.
- FMF researchers were not able to obtain systematic information on the nature of single-sex classes in the 646 schools, but they found that schools often had pairs of single-sex classes: one for girls, and one for boys. At the elementary and middle school level this sex segregation was by grade level, such as one 3<sup>rd</sup> grade class for girls and one for boys, rather than for specific subjects as requested by the CRDC surveys. It is unclear why the 2006 CRDC reported more single-sex academic classes for girls and the 2010 CRDC reported more for boys in all five subject categories. FMF has no systematic information on whether there were comparable coed classes for students who didn't want to be in sex-segregated classes and notes that this was not asked in either of the CRDC surveys.

School interviews, news stories, and litigation helped FMF to obtain information on sex segregation practices of some schools. Few of these schools with sex-segregated academic classes complied with the following four critically important equal opportunity and social justice principles that are intended to protect against sex discrimination in education.

- **Principle 1: Justifications and specific plans for single-sex education based on scientific evidence that sex separation is needed to achieve desired educational outcomes for girls and boys should be approved before implementation.** More explicitly, there should be governmentally approved rigorous evidence-based individual justifications for using sex segregation to decrease sex discrimination (including sex stereotyping) in outcomes and to achieve other benefits before any single-sex education is implemented. This justification should also be specific for each subject as discussed in the ED and DOJ Amicus brief in the Vermilion Parish appeal.

*Although this principle was included in the ED 2006 Title IX regulation, FMF did not find any adequate scientific justifications from the 646 schools. Instead vague justifications were often based on overgeneralizations, stereotypes, anecdotes, and misinformation about what works. Additionally, it was rare for any justification to claim that the proposed sex separation would decrease sex discriminatory*

*outcomes, as allowed in the 1975 Title IX regulation. This finding of inadequate justifications based heavily on discriminatory sex stereotypes has been confirmed by the evidence in recently issued ACLU letters demanding that states and school districts stop their unlawful sex segregation (Bohm, 2012).*

- **Principle 2: Separate but equal is seldom if ever achievable in education.** It is difficult to justify sex or race separation—especially deliberate “de jure” segregation. Educators should be required to show not only that girls and boys are treated equally in the segregated classes, but that they do not receive better treatment or resources than the students in the coed classes.

*Although this principle was included in the ED 2006 Title IX regulation, FMF found almost no evaluations that documented use of input or process variables to determine if girls and boys classes received substantially equal resources and treatment or if the single-sex and coed classes do. FMF rarely found this information even on easy-to-measure indicators, such as student-teacher ratios.*

- **Principle 3: Demonstrate that participation is voluntary.** It is important in risky educational practices that participation is completely voluntary and that participants can opt-in. Students and faculty should not be forced or encouraged to “select” or use sex-segregated options, nor should they be included or excluded from sex-segregated activities because of race, sexual identity and/or orientation, etc.

*Despite inclusion of this principle in the ED 2006 Title IX regulation, FMF was unable to find any schools that provided parents and students with information on their options so they could make an informed choice. Thus, with the possible exception of all-female or all-male schools, it is unlikely that the selection of sex-segregated public education is a well informed voluntary choice. In most cases the dual academies which separate girls and boys for almost all classes and activities in the same building would violate this principle since there are no comparably convenient coed options.<sup>2</sup> The ACLU demand letters which were based on evidence from public information requests related to compliance questions had similar evidence of non-compliance such as a lack of forms for parents and students to use to indicate their preference for single-sex classes (Bohm, 2012).*

- **Principle 4: Governmental accountability is critical and it requires rigorous scientific evaluation evidence.** Proposed or actual sex-segregated education should be justified with rigorous high quality evidence showing that it does not increase sex discrimination in any aspect of the education process or outcomes when comparable female, male, and coed groups are compared (as described in Principle 2).

*FMF found no evidence that the 646 schools identified in its 2007-9 study were in compliance with the evaluation requirement in the 2006 Title IX regulation or the logical extension of this requirement to show evidence of meeting the standards even for affirmative purposes to decrease sex discrimination as allowed in the 1975 Title IX regulation. Similarly, as reported in the ACLU demand letters, the requests for information yielded no periodic evaluations as required by the 2006 ED Title IX regulation to justify continuation of the single-sex education (Bohm, 2012).*

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<sup>2</sup> Sometimes these dual academies try to become two separate sex-segregated schools with a separate principal and staff for each, but we have not seen evidence that students can choose nearby equally desirable coed schools.

To summarize, FMF's Part I analysis did not find any schools that demonstrated that sex separation is what improves any student outcomes either to justify starting sex segregation or to continue it. The one pilot evaluation that appeared to justify single-sex classes (to the Parish School Board) was based on data that did not correspond to actual student performance (Halpern, 2009 a & b). In reports of some indicators of success, there was no evidence which showed that improvements were related to the sex separation rather than other factors such as smaller class size, better instruction, more motivated students, better teachers, novelty of the single-sex context, and increased resources. Instead, FMF and colleagues in the National Coalition for Women and Girls in Education found many examples where the single-sex classes reinforced unlawful sex stereotypes and where the girls and students in coed classes received inequitable resources (NCWGE, 2012). There are also many examples of unintentional sex discrimination. In fact, the required ED Methods of Administration Coordinators who are responsible for assuring compliance with Title IX and other civil rights laws in career and technical education often work with schools to end unintentional single-sex classes in subjects such as electronics or cosmetology.

Although FMF looked for evidence to justify and describe the single-sex education on school websites and requested it when feasible, FMF did not personally request it from each of the 646 schools in the 2007-9 study and it did not pursue official public information requests for these schools as ACLU did to gather information for its demand letters (Bohm, 2012). When justifications were found, they generally were based on sex stereotyped pseudoscience assumptions about sex differences (Bohm, 2012; Halpern, 2011). FMF found no evidence that schools reported on how they assured equality in the girls and boys classes and between the sex-segregated and coed classes or activities. Additionally, the ACLU demand letters supported FMF findings that many coed schools had no evidence of any required coed classes for the same grade level or subjects (Bohm, 2012). The CRDC survey questions on single-sex academic classes for 2006 and 2010 did not ask about any comparable coed classes.

FMF learned about these inequities and about deliberate reinforcement of sex stereotyping in the single-sex classes from media reports, websites, reported litigation, Title IX coordinators, and interviews. Often more resources were provided for the frequently smaller single-sex classes than the coed classes. In athletics where some sex separation is allowed under Title IX for contact sports, it is still common for the boys to receive more benefits than the girls.

Out of the 98,000 public non-vocational schools in the U.S., this FMF study (using three data sources) estimates that there were over 1,000 schools with single-sex classes in 2007-10. This is double the 500 plus schools often reported by the press based on data from the National Association of Single Sex public Education (NASSPE), the key advocacy group for this sex segregation.

This analysis also indicates that few, if any of these schools with sex segregation can justify their deliberate practices to separate girls and boys based on evidence that it helps improve any student outcomes. FMF found no evidence that sex segregation helped with any important educational outcomes (especially reduced sex discrimination, the sole purpose of Title IX) better than comparable gender equitable coeducation.

Schools implementing sex segregation will also have trouble showing that it is equally fair to the girls and boys in the sex-segregated and coed classes or activities and that it decreases, rather than increases sex stereotyping.

For example, often more resources are provided for the frequently smaller single-sex classes and as in athletics where some sex separation is allowed under Title IX for contact sports, it is common for the boys to receive more benefits than the girls.

While the norm of coeducation in the U.S. remains, those concerned with advancing social justice and equal educational opportunities need to stop risky policies that allow their schools to limit equal educational opportunities by allowing unjustified sex segregation and sex discrimination. It is especially important that extra scrutiny be used with any plans to use sex segregation to “help” the most vulnerable students (often in the urban areas) as these students most need to receive the full benefits of integration and decreased stereotyping.

Parts II and III of this report show that governments at all levels (federal, state and local) and informed educators, policy makers and parents can do much to reverse these increases in public school sex segregation. Key ways that governments can help include: improving the collection and sharing of accountability information on the existing nature of single-sex public education (as they have started to do with the CRDC questions) and insuring that public resources are not being used to support any sex segregation that increases, rather than decreases, sex discrimination.

## **Background on Title IX and Sex Segregation in U.S. Public Education**

In the U.S. Title IX has been the key federal law for ending many types of sex discrimination in public education. After Title IX was passed in 1972 and Department of Health, Education and Welfare regulations were reviewed by Congress and issued in 1975, many educators and policy makers stopped their practices of deliberate sex segregation in public schools and classes within these schools. Before Title IX, separate classes for girls and boys had been the norm in home economics, shop, and physical education and girls were often discouraged from enrolling in STEM (science, technology, engineering and mathematics) classes.

As Title IX was used to restructure education to end sex discrimination, there have been important indicators of success such as dramatic increases in the percent of women in college, including more women now earning doctoral degrees than men, and more women and men participating in sports (The Triumphs of Title IX, 2007). However, FMF and others have found much subtle and overt sex discrimination in the treatment of females and males in most of the 98,000 U.S. public K-12 schools in 14,000 school districts. For example, there is substantial continued sex discrimination in career and technical education, athletics, and employment. Sexual and gender-based harassment and sex stereotyping remain problems for all (Klein, 2007).

### **Why is there concern about an increase in public school sex segregation in the last decade?**

Since 2002 there has been a resurgence of overt sex discrimination that is attributed to deliberate public policy changes allowing greater sex segregation in K-12 public education. After signaling its intent in 2002 and 2004, the Bush Administration amended the 1975 Title IX regulation in 2006 to allow increased sex segregation under Title IX. This was done despite overwhelming public opposition to the proposed new regulations and despite legal analysis that this 2006 regulation undermined the purposes of Title IX and even violated the US Constitution guarantee of equal protection under the law (Stone, 2007, Berman, 2012). As Rivers and Barnett document in *The Truth about Girls and Boys: Challenging Toxic Stereotypes about our Children* (2011) there has also been substantial misinformation about sex differences that advocates of sex segregation have used to

justify their strategies and guide how they teach teachers to treat girls and boys differently according to sex stereotypes. The *Title IX at 40* report from the National Coalition for Women and Girls in Education (NCWGE, 2012) describes how sex segregation exaggerates sex stereotypes and increases unlawful sex discrimination.

### **There is confusion about the limited allowable sex-segregation**

As noted earlier, Title IX generally prohibits separate sex schools, courses, and activities such as home economics solely for girls and shop solely for boys. However, the 1975 Title IX regulations<sup>3</sup> and the ED 2006 changes to these regulations include some exceptions to the general prohibition of sex-segregation. The key exceptions allow sex-segregation for human sexuality courses, choral groups where vocal range and quality are a requirement of the type of music or part being performed, and for contact sports. They also allow single-sex schools, classes, or activities for remedial or affirmative purposes to decrease sex discrimination in desired education outcomes if the single-sex education is more effective than comparable quality coeducation efforts to decrease sex discrimination.

The additional exceptions in the ED 2006 Title IX regulation allow sex segregation for K-12 non-vocational single-sex schools, classes, and extracurricular activities in elementary and secondary schools for two purposes: (1) to improve educational achievement of its students, through an established policy to provide diverse educational opportunities; or (2) to meet the particular, identified educational needs of its students. Whatever the single-sex nature of the class or extracurricular activity, it must be “substantially related to achieving that objective.” However, few schools even attempt to justify sex separation of students let alone demonstrate that it improves educational achievement. The result has been an increase in sex discrimination and sex stereotyping (Halpern, et. al. 2011; NCWGE, 2012).

Since all states receive federal financial assistance for education, they are required to comply with federal civil rights laws such as Title IX in addition to the broader equal protection clause of the Fourteenth Amendment. Twenty-two states have explicit protections against sex discrimination in their state constitutions. Many states also have statutes and administrative provisions that extend beyond Title IX in prohibiting sex discrimination in education (Nash, Klein, Bitters, et. al., 2007). However, some states have weakened their protections against sex segregation to be more congruent with the weakened ED 2006 Title IX regulation.

### **Policy recommendations that have guided the focus of this “State of Public School Sex Segregation in the States” study**

Many supporters of Title IX agree that the federal and state governments should do much more to identify potentially sex discriminatory sex segregation in public education. If this sex separation is not in compliance with the Title IX Regulations and other federal and state equal rights laws, it should be discontinued. A potentially effective way to end much of this recent sex-segregated public education is for ED to rescind their weakened and complex 2006 Title IX regulation which has led many schools to believe incorrectly that they

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<sup>3</sup> The first Title IX regulation was issued in 1975 by the Department of Health, Education and Welfare before the Department of Education (ED) was created in 1980 and it was used as a model for Title IX regulations by other federal agencies so that even today while some of these agencies have made modifications, the prohibitions against sex segregation have not changed.

have a “green light” to deliberately sex segregate their classes and activities without any adequate justifications or accountability to insure that the sex separation is not discriminatory and that it is more effective than comparable coeducation. To accompany this rescission, the ED and the U.S. Department of Justice (DOJ) should provide clear rigorous standards that must be met. It would also be helpful if states ensured that their own laws and accountability procedures were at least as strict as these federal protections.

The FMF action call to “Rescind the Bush Administration 2006 Regulation Weakening Title IX Prohibitions Against Sex Discrimination in Education,” (Appendix A) and a chapter on “The Risks of Sex-segregated Public Education for Girls, Boys and Everyone” by Sue Klein (2011), and the ED and DOJ brief in *Doe v. Vermillion Parish School Board* (2010) provide more details on the recommended standards and on why sex segregation in public education is risky and harmful for girls, boys and everyone.

In brief, sex segregation often increases sex discrimination and sex and race stereotyping. It also perpetuates myths that it is an effective strategy to help the most disadvantaged or vulnerable populations. Advocates of sex segregation try to convince potential users of its value based on false assumptions and misinterpretations of research evidence about sex differences such as beliefs that male and female brains are so different that boys and girls learn and even hear differently, and thus they should be educated differently and in sex-segregated settings where teachers can teach to perceived sex stereotypes. However, internationally respected researchers such as Barnett & Rivers (2004, 2007), Eliot (2009), Fine (2010), Halpern (2011), Hyde & Lindberg (2007), Rivers & Barnett (2011) provide extensive evidence that these are inaccurate conclusions. Additionally, some sex segregation advocates believe that all male public schools and classes are a useful option for minority males in urban areas, but there is no evidence that these male students do any better than similar students in comparably well-resourced coed public schools. However, there is evidence that sex-segregated education often emphasizes sex stereotypes and encourages overt sexism and stigmatization. For example, in a 2010 CNN video of a Virginia middle school all male mathematics class, the boys are seen throwing an object at a sexy female image on the black board (Klein, 2009).

Part I of the report focuses on the numbers and types of public schools with purposefully sex-segregated education during 2007-9 that were identified by FMF researchers. While most of the information is not as comprehensive or as detailed as desired, the researchers found no evidence that any of the schools where the sex segregation was reported complied with all of the equality principles or standards including the ED 2006 Title IX regulation safeguards against sex discrimination.

## **Methodology**

Starting in the summer of 2008, the FMF used interactive “action” research strategies to learn about patterns of sex segregation in public K-12 schools for all the states and the District of Columbia. The focus was on identifying the patterns of K-12 U.S. public schools with single-sex education that occurred during the 2007-8 and 2008-9 school years. In 2010 and 2011 FMF gained additional insights on the scope of single-sex academic classes in public schools when it examined the 2006 and 2010 CRDC results.

### **Scope and definitions**

FMF considered a K-12 public school to be single-sex (sex-segregated) if it either had some single-sex classrooms (often in a primarily coed school), or if the school was for only girls or only boys—and thus had all single-sex

classes. Unlike the 2006 and 2010 CRDC survey questions, the FMF 2007-9 study was not initially limited to public schools with single-sex academic classes as it included other classes and activities including “home room” periods. Similarly, unlike the 2010 CRDC, FMF did not limit its focus to coed schools. FMF also included all-boy and all-girl schools, but as shown in Appendix E, FMF only counted a school as just for girls or just for boys if it had separate administrators and classes. Thus, in the results a “Dual Academy” often sharing the same building or campus was counted as one sex-segregated coed school rather than two fully single-sex schools.

### **Initial action research for 2007-9 FMF study**

Since FMF works collaboratively with its allies to advocate for gender equality in education and other areas, FMF conducted this *State of the States* action research as an interactive information exchange with the State Title IX coordinators who were key state contacts. The information that FMF collected was used to develop “Draft State Profiles” which were updated as FMF obtained new information on each state. FMF’s Title IX Action Network maintains a list of State Title IX coordinators, sends them news and resources, and posts their contact information on [www.feminist.org/education/TitleIXcoordinatorsNetwork.asp](http://www.feminist.org/education/TitleIXcoordinatorsNetwork.asp). More details on the collaborative aspects of this research are discussed in Part II of the *FMF State of the States* report.

### **Using new information from the 2006 and 2010 CRDC surveys**

Just as the *State of the States* data collection was concluding in late 2009, FMF learned that the Office for Civil Rights (OCR) in the ED had released its 2006 CRDC survey results on question #12 about single-sex academic classes in public schools. This was the first federal release of national survey information on public schools with single-sex education and it was not widely publicized or accompanied by any OCR analysis. The “Soft Data” responses to the first part of the 2006 CRDC question #12 on the total number of single-sex academic classes (with only male or only female students) indicated that 6,518 schools reported having single-sex academic classes during the 2006-7 school year. This total number of schools greatly exceeded previous estimates by others including FMF’s summer 2009 preliminary findings of over 500 K-12 public schools with sex-segregated education during 2007-9.

The second part of question #12 requested information on numbers of different types of academic classes in the school. FMF called this “hard data” because these responses provided more evidence of single sex education than the simple “yes” response or “soft data” in the first part of #12. Assuming these CRDC “Hard Data”<sup>4</sup> results of 2,885 schools with single-sex academic classes in their large mandatory 2006 stratified national sample of 62,484 public schools (out of 98,000) were valid, it is logical to believe that most of these schools probably continued their single-sex classes in the subsequent 2007 and 2008 school years since the ED officially weakened the Title IX regulation in November 2006 to allow more single-sex education. If this 2006 sample total of 2,885 single sex schools was accurate, the much lower number of schools with single-sex classes that FMF identified in 2007-9 would have been a large under estimate. Thus, instead of releasing the report in 2009, FMF spent much of 2010 conducting an exploratory study of the 2006 CRDC survey results to identify schools and states where previous FMF searches had not identified any public schools with single-sex classes. This involved contacting some of the schools in twenty states to learn if they could:

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<sup>4</sup> In this study FMF coded responses which indicated schools with specific numbers of academic classes as “Hard data” schools. There were 6518 “Soft data” schools which only checked the first part of 2006 CRDC question #12 indicating that they had single-sex academic classes in their school.

- verify their school's 2006 CRDC survey responses about their single-sex academic classes and
- provide information on whether their school continued deliberate sex segregation in 2007-9.

FMF's detailed exploratory study on "What are we learning from the 2006-7 Office for Civil Rights Survey Question About Public Schools with Single-sex Academic Classes? An Exploratory Study" by Klein and Sesma (2011) was sent to OCR in Dec. 2010 and a revised version was sent in June 2011. Information on Question #12 from this 2006 CRDC is included in Appendix B: Questions on Single-Sex Academic Classes in 2006 and 2010 Civil Rights Data Collections.

Since the 2010 CRDC became available in July 2011 FMF has added information from it to this *State of the States* report as well. However, as with the 2006 CRDC, some of the data was incorrect or highly questionable. Unlike the 2006 CRDC, this 2010 CRDC excluded single-sex schools for only girls or boys. Information on questions #19 and #20 from the 2010 CRDC is also included in Appendix B. FMF's omission of flawed data from two states is discussed at the end of this section under "Additional limitations of the research".

### **Developing draft State Profiles to describe schools with sex segregation**

FMF used the state profiles as a systematic way to record descriptive information about single-sex education in each state. The first sections of each state profile contain contact information on the state Title IX coordinator and information on sex-segregated public schools which is described in this Part I of the "*FMF State of the States Report*." The other sections of the state profiles describe state laws and policies related to prohibiting sex discrimination and the role of the State Title IX coordinators in fighting illegal sex segregation in their state's public education. The information from these later sections of the state profiles will be discussed in Part II of this study.

These state profiles were continually updated and thus were called "Working Draft of the State of Single-Sex Education in (Name of the State)." As seen by a sample of these profiles in Appendix C for Alabama and Appendix D for Maryland, each state profile started with contact information on the state Title IX coordinators or others who supplied state information.<sup>5</sup> FMF summarized the extent of single-sex public education in that state and provided names and other information on the schools with single-sex classes as well as any public schools that were for only girls or only boys. The schools were grouped by elementary, middle, and high school levels. When possible, FMF noted the nature of the sex segregation and justifications for it. For twenty states FMF added verification information on schools that indicated they had single-sex academic classes in response to the 2006 OCR survey. FMF did not add the new 2010 results to the state profiles.

Numerous FMF researchers and other equity experts contributed to this report by obtaining information for the state profiles and analyzing the results. (See Appendix J: Acknowledgments) The project director, Dr. Sue Klein, Feminist Majority Foundation (FMF) Education Equity Director, and some long time state Title IX coordinators have provided continuity and assistance in this multi-year study.

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<sup>5</sup> In a few states no one from the State Education Agency provided any helpful information. In others various agency staff supplied this information.

### **Identification and verification procedures used by FMF researchers**

The FMF researchers<sup>6</sup> used Google to find information such as news articles and school listings of single-sex or sex-segregated schools in each state such as the lists of schools on the pre 2012 website of the National Association of Single Sex Public Education ([www.nasspe.org](http://www.nasspe.org)), the Young Women’s Leadership Foundation, and more recently on the website of the National Coalition of Single-Sex Public Schools (NCSSPS).<sup>7</sup> After compiling an initial list of schools that were referenced as using single-sex groupings, FMF emailed draft versions of the profiles to state Title IX coordinators and other gender experts such as the former Michigan NOW Education Task Force Director and asked them to verify and augment the information.

These researchers looked for schools which deliberately established single-sex education classes. They did not seek information on coed schools that had unintentional single-sex education such as a physics class with only boys or a cosmetology class with only girls. Similarly, they did not try to obtain information on schools with unintentionally sex-segregated classes from the Career Technical Education Methods of Administration Administrators<sup>8</sup> who periodically site visit some schools to identify civil rights violations including sex-segregated vocational classes. They also didn’t look for schools that had sex-segregated sexuality education classes or contact sports that would have been specifically allowed under the 1975 Title IX regulation. Similarly, for the 2007-9 total of 646 schools, FMF researchers did not seek or include information in the summary tallies on schools that were part of the justice system for adjudicated students who had legal offenses. However, some of these sex-segregated schools were mentioned in the state summary profiles when FMF learned about them from the Title IX coordinators, in checking on the OCR 2006 survey results, or in other ways. If these schools were coed, they were also included in the state totals for the 2010 CRDC results.

In addition to the Google searches for single-sex schools in each state, FMF specifically searched the state’s education agency and state board of education websites for information on schools with single-sex education. The FMF report *2008 Gender Equity Information on State Education Agency (SEA) Websites*<sup>9</sup> indicated that few states had specific information on single-sex education on their websites. This was confirmed by the 2009 follow-up research.

#### **❖ The Unique Single-Gender Program in South Carolina**

The South Carolina (SC) Department of Education website<sup>10</sup> was the only state education agency website to list its public schools implementing single-sex education and it posted an annual map showing the distribution of these schools throughout the state. South Carolina was the only state with a deliberate focus on implementing what it called single-gender classes. For four years it had an Office of Single-Gender Initiatives under the direction of David Chadwell, a Board Member of the advocacy group, the National Association for Single Sex

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<sup>6</sup> The list of FMF staff involved in developing the state profiles is included in Appendix D.

<sup>7</sup> [www.nasspe.org](http://www.nasspe.org), [www.ywlfoundation.org](http://www.ywlfoundation.org) and [www.ncssps.org](http://www.ncssps.org)

<sup>8</sup> The responsibilities of the federally required Methods of Administration staff in the State Education Agencies are described in Chapter 20 “Gender Equity in Career and Technical Education” in the Klein (2007) *Handbook for Achieving Gender Equity through Education*, page 426.

<sup>9</sup> <http://www.feminist.org/education/Title%20IX%20on%20State%20Education%20Websites%20Report%20603.pdf>

<sup>10</sup> <http://ed.sc.gov/agency/se/school-transformation/singlegender/> visited 6-9-09, 7-26-11.

Public Education (NASSPE) led by Leonard Sax. This SC office, like NASSPE, advocated single-sex public education and provided resources and training for educators on how to teach classes for boys and classes for girls according to what they may prefer. Much of their information was based on the misguided belief (see Halpern, 2011) that girls and boys learn differently and thus should be separated for instruction. This SC office and website also issued a newsletter and shared information on activities and accomplishments of the numerous South Carolina single-sex public schools.<sup>11</sup> David Chadwell left the SC Department of Education<sup>12</sup> but as of June 2012 Katie Golfus was the single gender coordinator in the SC Office of School Transformation. She plans to provide an updated list of schools with single-sex programming in August 2012 and training and assistance at the SC School Transformation Conference in July 2012.<sup>13</sup>

The SC reported numbers of schools with single-sex classes seems to be generally in line with the somewhat smaller totals from the 2006 and 2010 CRDC surveys. The 120 total in the 2010 CRDC in Table 2 is appropriately smaller than the actual SC 2010 count of 124 because it was based on a large sample (rather than all) of the public schools in the state.

#### ❖ *Extended FMF searches*

When FMF found that only a few state Title IX coordinators were able to provide additional information or verify the information in their draft state profiles, FMF staff used additional strategies to verify the initial listings of public schools with single-sex education. FMF researchers looked for information on the schools previously identified as having single-sex classes by searching the school website or for other web information about the specific school. Various commercial or school rating websites often described the school demographics such as the race and federally subsidized meal status of the students. Some of these school review sites even provided information on the percent of boys and girls. In preparing the state profiles, FMF used a combination of these web sites to describe the location and type of school, the demographic characteristics of the students, and to obtain school telephone numbers and names of their principals.

During the 2009-2010 school year, FMF focused on identifying all girl or all boy schools. When feasible, FMF also learned more about them such as the key populations they served and if they were charter schools. FMF received Google Alerts on single-sex education which often led to news articles with information on recently sex-segregated schools.

When FMF researchers were unsure about the existence of single-sex education in specific schools, they emailed questions and made telephone calls to learn if the schools really had single-sex instructional arrangements as reported by NASSPE and other sources. In some cases FMF learned that the school had no record of ever having

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<sup>11</sup> Both the SC and the NASSPE websites have modified their language and examples over the past couple of years to be less sex stereotyped and acknowledge that single-sex education is not good for everyone and that sex differences are not absolute.

<sup>12</sup> On [www.ChadwellConsulting.com](http://www.ChadwellConsulting.com), Chadwell said he was a middle school social studies teacher and was also providing assistance on single-gender education after serving as the director of the SC Office of Single-Gender Initiatives for four years. Viewed 12-11.

<sup>13</sup> Telephone call by Sue Klein, FMF to Katie Golfus, SC Department of Education on June 11, 2012.

single-sex classes or that they had abandoned this practice several years earlier than the 2007-9 study years. The response rate from the emailed questions about the nature of the single-sex classes was low. Most of these inquiries were in June and July 2009 when school staff were not available. The few schools that did respond appeared to be those with strong commitments to single-sex education. (Schools that were enthusiastic about their single-sex education were most likely to contact FMF, NASSPE, and the public media. Other schools that may be purposefully using sex segregation strategies may have been aware of the potential legal challenges and probably chose to avoid public notice of their single-sex education.)

Since the OCR 2006 survey data provided names of schools along with their responses to question #12, FMF used a verification procedure much like what it used to check on schools previously identified from sources such as the Leonard Sax NASSPE.org website. As FMF was able to contact these additional OCR identified schools in the 20 target states to ask if they had single-sex academic classes in the 2006-7 school years and beyond, it added the responses to the state profiles. Details are described in FMF's exploratory study by Klein & Sesma, 2011.

### **Additional limitations of the research**

FMF is aware of some of the limitations related to the data sources. For example, the FMF exploratory study (Klein & Sesma, 2011) which checked on public schools in twenty states that reported single-sex academic classes in the 2006 CRDC, indicated that only forty percent of the school reports about their single-sex classes could be verified in the 2010 follow-up telephone calls in twenty states. This exploratory study also pointed out other problems with the school self-reports in the 2006 CRDC data on single-sex academic classes as well as potential problems with the similar questions on single-sex academic classes in the 2010 CRDC.

The 2007-9 FMF study (which included the verified schools from the exploratory study) identified 646 public schools with purposeful single-sex classes. However, FMF didn't obtain as much information about the nature or potential lawfulness of the deliberate sex segregation practices in these schools as hoped. In examining the responses to the questions 19 & 20 on the 2010 CRDC about coed schools with single-sex academic classes, FMF found many of the same problems as in the 2006 CRDC question #12. For example, as shown in Table 2, for both CRDC survey years 2006 and 2010, Florida reported over one half of the nation's total public schools with single-sex academic classes. (For 2006 Florida reported 3,634 schools that said they had single-sex classes and in 2010 they reported 3,700.)

In September 2011 FMF was finally able to figure out the mysterious high numbers of Florida coed schools reporting single-sex academic classes. Report author Sue Klein talked with Lavan Dukes<sup>[1]</sup> whose unit in the Florida Department of Education submitted all the responses to the 2006 and 2010 CRDC. In explaining this anomaly, he said that the large school totals from Florida were based on:

- an analysis of individual student records,
- a unique definition of a class which included 15 minute course periods reported as 24 classes for a typical 6 hour school day,

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<sup>[1]</sup> Tel. call 9-21-11 between Lavan Dukes, Chief, Bureau of Education Information and Accountability, Florida Department of Education and Sue Klein, Education Equity Director, Feminist Majority Foundation.

- small numbers of students in some classes (such as two to five students in a speech class, thus increasing the likelihood that the students would be the same sex ), and
- no information on whether only females and only males were permitted to take the class as specified in the 2010 CRDC instructions. (This school level information was not available in the individual student records.)

Dukes said that Florida was the only state that used this student records data for the CRDC and other Education Data Exchange Network responses. Hopefully, the data from the other states provided more accurate and consistent responses.

However, the 2010 CRDC data from New York City was also an anomaly. NYC listed 882 coed schools with single-sex academic classes while the rest of New York State reported only three schools (two middle schools and one high school) for a total of 12 single-sex academic classes. After communicating with a representative from the NYC Department of Education, FMF concluded that their high count of 882 schools with single-sex classes was not appropriately responsive to the CRDC questions, but they didn't have other information on the numbers of public coed schools with single-sex academic classes.

In September 2011 after learning that the Florida 2006 and 2010 CRDC results were not responsive to the questions about deliberate single-sex education and not consistent with class counts used by other states, FMF decided to subtract the Florida count from the revised CRDC 2006 and 2010 totals in Table 2. Similarly, for the New York CRDC 2010 totals, FMF only counted the three coed schools with single-sex academic classes that were outside of New York City. The 48 schools identified in Florida and the 22 schools in New York for the FMF 2007-9 study are closer to the actual numbers of single-sex schools than the 2010 CRDC results that are crossed out in Table 2.

## **Results: Patterns of Sex-Segregation in U.S. Public Schools**

### **Total numbers of sex-segregated public schools**

On July 7, 2011 FMF's Sue Klein received an email from the U.S. ED that a total of 5,885 coed schools (or about 7.7% of the 72,222 schools in the 2010 CRDC sample) indicated having single-sex academic classes.<sup>14</sup> However, FMF estimates that a more accurate total is 1000 plus public K-12 schools with single-sex academic classes. The following discussion describes how FMF arrived at the smaller total. But as discussed in the analysis section, it is likely that there has been a substantial under-reporting of single-sex classes in U.S. public schools so the 5,000 plus number may be accurate. However, FMF can't verify it from results to date.

By July 2009 using the draft state profiles, FMF had counted over 500 schools by name that had sex-segregated education during the school years 2007-09. The state by state tallies of schools with sex segregation were maintained in an Excel spread sheet. With the help of Title IX coordinators and media reports FMF continually updated the state profiles and spread sheet during 2007-09.

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<sup>14</sup> CRDC Single-Sex Class Data. E-mail to Sue Klein, FMF from Daren Briscoe, Deputy Press Secretary, U.S. Department of Education, 7-7-11

In January 2010, FMF tabulated the results from the first CRDC question to ask public schools if they had single-sex academic classes. However this data was from 2006 and the FMF study started with 2007-8 school year data. As noted previously, to identify schools with single-sex classes during 2007-9, FMF conducted the exploratory study of the ED's 2006 CRDC to learn if the schools that said they had single-sex academic classes in 2006 also had them in study years 2007-9 (Klein & Sesma, 2011). FMF added schools identified from its twenty-state exploratory study of schools reporting single-sex academic classes in the 2006 OCR survey to the Excel spread sheet as well as new information on additional schools with sex segregation during study years 2007-09. This helped in creating Table 1 "U.S. Public Schools with Single-Sex Classes identified in 2007-9 Study with 2006 CRDC state data." FMF also provided supplemental information on all-female and all-male public schools in the last columns of this table.<sup>15</sup>

In Table 1, as can be seen in the purple column "Total 2007-09 SS Schools," out of the 98,000 public K-12 schools, FMF identified 646 schools in the study of all the states and DC that offered some form of single-sex education during school years 2007-8 and 2008-9. Table 1 also includes the totals from question #12 in the mandatory 2006 CRDC survey of 62,484 public schools.

Unlike the 2006 CRDC, the mandatory 2010 CRDC national sample survey of 72,222 schools only asked questions about single-sex academic classes in coeducational public schools. It excluded all-male and all-female schools. Both of these CRDC surveys indicate somewhat different patterns than the more in-depth FMF examination of the 646 coed and single schools that were verified as having single-sex classes during 2007-9. For example, data differed for some states and the 2010 CRDC results showed more classes for males than the 2006 CRDC (even with the removal of the 2010 CRDC results from Florida and all but three schools from New York).

Table 2 reports on "Numbers of Public Schools in States with Single-Sex Classes from 3 Sources: 2006 CRDC, FMF 2007-9 Study, and 2010 CRDC minus FL and NYC data."

To provide the broad context, Table 2 includes the 2006 CRDC survey responses to question #12 on the numbers of schools in each state saying they had single-sex classes (the "Soft" data) and the smaller subset of schools that reported specific single-sex classes in designated subject areas (the "Hard" data) from the exploratory study by Klein & Sesma. The yellow shaded rows indicate states where Klein & Sesma tried to contact most of the "Hard" data 2006 schools to learn if they had sex-segregated classes in FMF study years 2007-9. The states in the blue shaded rows made up the rest of the 20 states in the Klein & Sesma study.

The pink columns contain the CRDC state by state totals of schools with single-sex classes as well as total single-sex academic classes. The first 2010 CRDC column on "Total Schools with Single-sex (SS) Classes" shows the tabulations from question #19. The next column, "2010 CRDC Total SS Academic Classes" shows the tabulations from question #20. The final column shows calculations of the numbers of single-sex classes per school based on dividing the total number of reported 2010 classes in the state by the total number of schools reporting single-sex academic classes. As discussed in the methodology limitations section, the Florida and New York City 2010 CRDC data were not included.

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<sup>15</sup> If FMF learned about schools with sex segregation that started in 2009-10 or 2010-11, they were included in the updated draft state profiles, but they were not included in the summary chart totals.

Table 3 “2010 CRDC Single-sex Academic Classes by State (minus FL and NYC)” provides tabulations of the 2010 CRDC responses to question #20 about numbers of specific types of single-sex academic classes in coeducational schools. However, it is possible that some of these numbers are inflated, since in the 2006 CRDC some schools reported on numbers of students rather than numbers of classes as specified in the survey instructions. This response error may have continued in the 2010 CRDC. As in Table 2, FMF did not use the Florida and the New York City data.

### **Types of schools by grade levels**

Table 1 shows the results of the FMF 2007-9 study resulting in the identification of 646 public schools with a single-sex instructional model; 236 are elementary schools, 304 are middle schools and 106 are high schools. The purple “Total 2007-09 SS Schools” column shows the numbers of schools with sex segregation identified in each state during the study years 2007-09. The next three columns show the numbers of elementary, middle, and high schools with sex segregation in each state. There are far fewer public secondary/high schools in general and thus it is logical that there are fewer high schools with deliberately sex-segregated classes.<sup>16</sup>

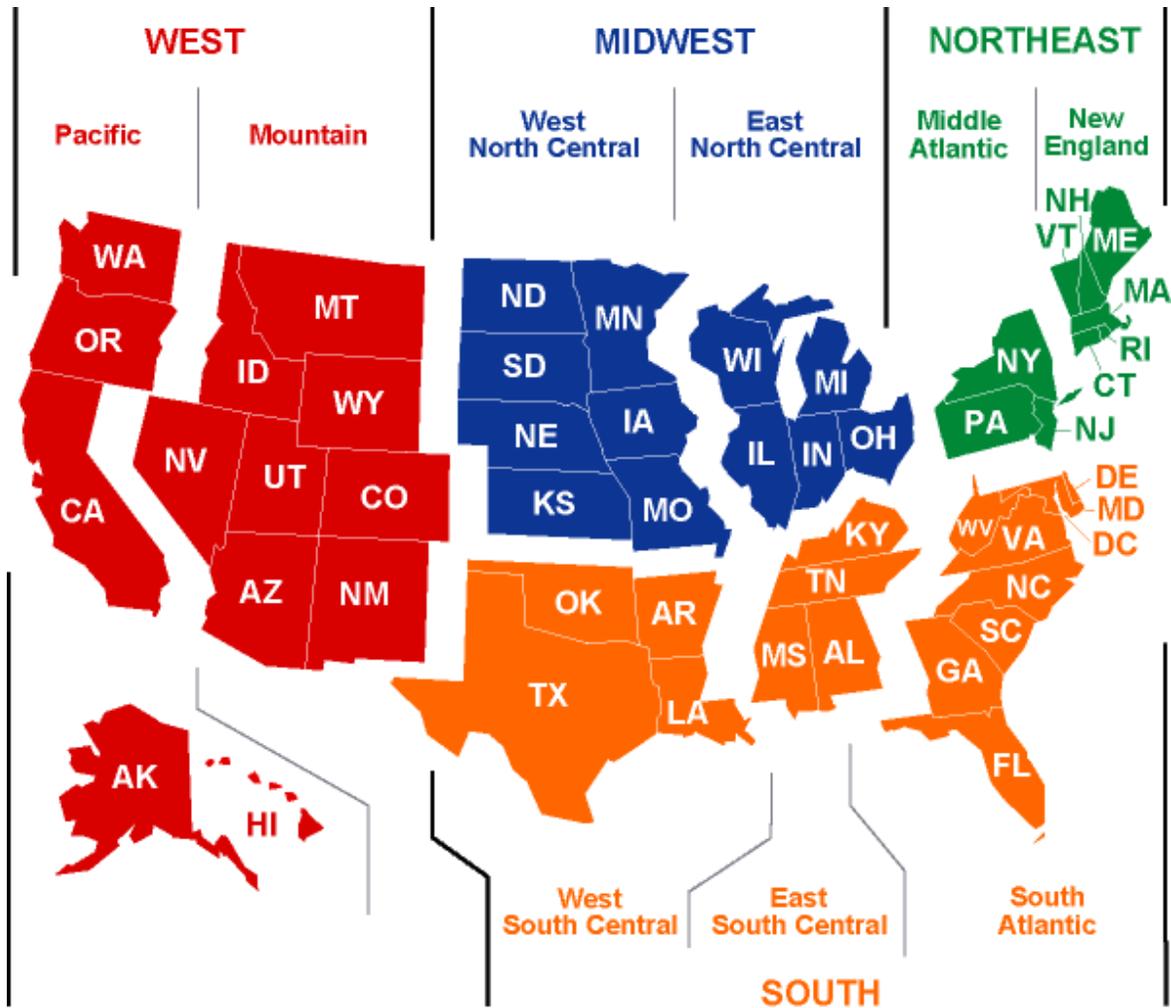
In addition to guidance from the school name (“X” Middle School), FMF used common definitions to categorize schools by elementary, (pre-K to 6) middle (grades 4-8), and high school (grades 8-12). Some schools do not fit neatly into one of these categories, but FMF placed each school in the most appropriate category using the grade levels designated as single-sex. In some cases the school planned to have single-sex classes in a range of grade levels such as 6-12, but it started with 6<sup>th</sup> grade and added another grade each year. Thus, FMF classified it as a middle school rather than a high school since the single-sex classes were still limited to the lower grade levels by the 2008-2009 school year.

In some states, like Alabama, there are consolidated school district schools that cover all grade levels. However, if the single-sex education was in grades 5-8 for example, FMF counted it in the middle school reporting totals. Similarly, if an all girls school was listed as serving grades 6-12 (unless there was other specific information on the scope of the single-sex education) FMF counted it as one middle school rather than a high-school because typically new single-sex schools start at a lower grade and add a grade each year as the students remain in the school. FMF counted each school only one time even if it combined all 12 grades.

### **Regional patterns of sex segregation in public schools in the U.S.**

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<sup>16</sup> Since there is student choice in the selection of many high school classes it is likely that some classes become single-sex without a specific policy that they exclude either boys or girls. This may happen frequently in physical education (water ballet) and career technical education classes (cosmetology, mechanics) that are provided in sex stereotyped topics even though this may be a type of sex discrimination under Title IX.



The U.S. map above shows how FMF divided states into four regions (Northeast, Midwest, West and South). Table 1 shows the region assigned to each state. FMF identified geographical differences in sex-segregation across the United States. Unless otherwise noted, the following regional information is based on the 646 schools in the FMF 2007-9 study. States with the most sex-segregated public schools that FMF identified in 2007-9 are in the **South** led by South Carolina at 216, Florida at 48, North Carolina at 41, and Alabama at 25, and Kentucky at 18.

❖ ***The South had the most sex-segregated public schools in the 2007-9 study***

The South had the most deliberate single-sex public education with a total of 455 schools out of the total of 646 schools identified in the 2007-9 study. As discussed in the methodology section, single-sex classes and programs were considered an important focus of South Carolina’s Department of Education Single-Gender Program. For the 2007-9 study FMF used SC’s highest total of 216 single-gender schools for September 2008. This included 87 elementary schools; 109 middle schools, and 20 high schools.<sup>17</sup>

<sup>17</sup> February 2009 *Gender Matters* newsletter. <http://ed.sc.gov/agency/se/school-transformation/singlegender/documents/February09Newsletter.pdf> Last viewed 7-28-11.

In North Carolina (NC), FMF received additional help from the former state Title IX coordinator who found more schools than she had previously identified by using leads from NC schools listed in the 2006 CRDC survey. With her follow-up help the number of public sex-segregated schools identified in NC increased from an original of six to 41. This total may have actually been larger since the 2010 CRDC reported 65 schools with single-sex academic classes for the academic year 2009-10.

Similarly, the state K-12 Title IX coordinator in Florida helped identify 48 schools there for 2007-9.

FMF found 25 schools with sex segregation in Alabama during 2007-9 thanks to information from freedom of information requests to some of the key school districts. Due to settlements by ACLU, and the promise of nine Alabama school districts to discontinue sex segregation in all their public schools, the number of sex-segregated schools in Alabama should decrease. The 2010 CRDC sample survey results for the 2009-10 school year did show a drop to 11 schools reporting single-sex academic classes, but since the CRDC was not a survey of all public schools, there may have been more than 11 Alabama public schools with sex segregation in 2010.

While FMF identified 15 schools with sex segregation in Texas, the 2006 and 2010 CRDC surveys respectively reported 142 and 116 schools with single-sex academic classes and FMF suspects there may be more.

Most of the public sex-segregated schools in the South are coeducational schools with single-sex classes. In many cases they also offer a coed class at the same grade and subject level. Of the total 455 sex-segregated public schools in Southern states, only 17 were all-girls and 14 all-boys public schools. The remaining 424 southern coed schools had sex-segregated classes in many academic subject areas and often had coed classes in art, music, and physical education. At the elementary level the same teacher usually taught the same grade class of girls or boys all day for the entire year.

❖ ***The Northeast had the fewest sex-segregated schools in the 2007-9 study***

The 2007-9 FMF study that identified 646 sex segregated public schools found that the Northeast had 40 or the fewest sex-segregated public schools. According to the previous map, the Northeast is comprised of ten states, and of these states in 2007-09 FMF identified two (New Hampshire and Rhode Island) without single-sex public education, two states with only one single-sex public school (New Jersey and Vermont), and three states (Connecticut, Massachusetts, Maine) that each have two single-sex schools.

In 2007-9 FMF identified 22 schools with single-sex classes in New York and 9 in Pennsylvania. The Northeast also had 13 all-girls schools and 10 all-boys public schools with 11 in NY. See lists of these schools in Appendix E. However, in general, the pattern of many Northeast states with few schools with single-sex academic classes was maintained in the 2010 CRDC results where none except New York City reported more than six such schools.

❖ ***The Midwest had the second-highest number of sex-segregated schools in the 2007-9 study***

The Midwest had the second-highest number of sex-segregated public schools with 101 in the FMF 2007-9 study. As seen in the report map, the Midwest is comprised of 12 states, and of these states, three (Nebraska, North Dakota, and South Dakota) did not appear to have sex-segregated public schools in the 2007-9 study. Ohio

had the fourth highest total of any state with 30 single-sex schools but only 21 were reported in the 2010 CRDC. Illinois and Indiana have 16 and 15 respectively. There are 13 all-girl and 11 all-boy public schools in this Midwest region (See Appendix E).

The 2010 CRDC indicates a similar pattern but shows that FMF probably missed many schools with sex segregation in Michigan and Illinois in the 2007-9 study because the 2010 CRDC indicated 91 schools with single-sex academic classes in Michigan and 63 in Illinois.

❖ ***The Western States had the second-lowest number of sex-segregated schools in the 2007-9 study***

For the 2007-9 study FMF found that the West had the second-lowest number of sex-segregated public schools with 50. According to the report map, the West is comprised of 13 states, and of these states three (Hawaii, Montana, Wyoming) did not appear to have non correctional single-sex public schools.<sup>18</sup> Nevada and California had the most single-sex schools with 14 and 11 respectively. FMF only identified four all girl public schools and no all boy public schools in the whole region.

For California, the 2006 and 2010 CRDC results of 153 and 55 respectively suggest that as with Michigan and Illinois, FMF missed many schools with single-sex academic classes in the 2007-9 study which only identified 11 public schools with sex segregation. The increase in Michigan may also have been influenced by the amendment to the Elliott-Larson Civil Rights Act to allow sex-segregated public schools.<sup>19</sup>

❖ ***Comparison of 2010 CRDC and FMF 2007-9 state totals***

In summary, while FMF doesn't have full confidence in the 2010 CRDC data (without additional verification), the 2010 CRDC results suggest that seven states may have had fewer schools with single-sex academic classes than FMF found in 2007-9. It also suggests that 15 states had about the same low numbers of schools with single-sex classes as identified in the FMF 2007-9 study.<sup>20</sup> For example, FMF found no reports of public schools with single-sex classes in Hawaii, North Dakota, New Hampshire, and Wyoming in the 2007-9 study or in either the verified 2006 CRDC or unverified 2010 CRDC survey results. (See Table 2).

### **All-female and all-male single-sex public schools**

Of the 646 total schools with sex-segregated instruction in the 2007-9 study, FMF found 82 public all-male or all-female schools during 2007-9 (See the pink and blue columns in Table 1). Forty-seven of these were schools for

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<sup>18</sup> The 2006 CRDC responses provided information on all girl and all boy public schools and FMF learned that some states used this sex segregation in their correctional schools. However, FMF did not include these schools in our state totals.

<sup>19</sup> Part II of this report describes changes in state laws relating to sex-segregated public schools.

<sup>20</sup> In this sentence, "about the same" means that there was either 0 to 1 difference in the totals for schools with single-sex classes for that state in the 2007-9 and the 2010 data

girls and 35 were schools for boys. The 82 single-sex all female and single-sex all male schools were also included in the totals for elementary, middle and high schools. The far right pink (All-Female Schools) and blue (All-Male Schools) columns in Table 1 provide additional information on the numbers and types of all-girl and all-boy schools that FMF identified. The letters in parentheses in these columns indicate the numbers of E=elementary, M=middle, or H=high schools.

FMF found 22 one-sex elementary schools with 12 for girls only and 10 for boys only. There were 28 one-sex middle schools with 18 for girls only and 10 for boys only. However, the all-girls and all-boys schools are most popular for high school with 33 total (18 for girls and 15 for boys). FMF included schools that generally served all boys or girls even if technically they allowed both. For example, Baltimore's Western High School for Girls and Philadelphia's Girls High may technically allow boys, but they rarely apply.

New York state (with 18) had the most all-boy and all-girl schools; Ohio has 11 and Texas, seven. Many of the New York City single-sex schools share buildings with other schools, but the other schools are usually coed schools.

Usually it was easier to identify all-girl or all-boy schools or academies than coed schools with single-sex classes. Sometimes these all-girl or all-boy school websites even provided a brief justification for their sex segregation as they described their school histories and missions. However, in some cases FMF follow-up calls were needed to find out if the single-sex school was a public school and if there was any type of separate administration of dual academy type school especially if they share the facility.

Appendix E provides a list of "All-Girl and All-Boy Public Schools and Dual Academies Identified During 2007-9." This Appendix includes information on some single-sex schools that were not included in the summary chart totals. For example, it notes eleven dual academies which FMF classified as coed schools with sex-segregated classes. FMF only classified a dual academy type organization as two schools if each academy had a separate name, school administration, and appeared to have separate facilities and teachers. For example, the Philadelphia dual academies or the Jefferson Academies in Long Beach, CA are classified in the study as coed schools with single-sex classes and not included in the totals of separate girls and boys schools. Similarly, some schools say they have a single-sex academy as a "school within a school". FMF counted these single-sex "schools within a school" as coed schools with single-sex classes.

However, others may count these single-sex structures differently. They may count 11 dual academies as 22 all-girl and all-boy schools and thus have higher totals of these schools than reported in this study. For example, NASSPE reported 91 all boy or all girl public schools as of September 2009 using the definition that all the student activities including lunch and electives are in a single-sex setting.<sup>21</sup> The National Coalition of Single-Sex Public Schools reported 95, but provided no supporting evidence and FMF found at least one DC school on their list that was not a public school<sup>22</sup>.

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<sup>21</sup> National Association for Single Sex Public Education [www.nasspe.org](http://www.nasspe.org) visited 9-28-09.

<sup>22</sup> National Coalition of Single-Sex Public Schools [www.ncssps.org](http://www.ncssps.org) visited 9-28-09.

In the summary statistics on all-girl or all-boy schools, FMF did not include sex-segregated schools for youth in drug treatment facilities such as 17 Pace Centers for Girls in Florida or schools that only served adjudicated youth or schools that started operation as single-sex schools after the 2008-9 school year. For example, the FMF 2007-9 Table 1 totals did not include three new girls' schools (MD, TN and TX) for the 2009-10 school year reported by the National Coalition of Girls Schools<sup>23</sup> or the Phoenix Florence Crittenton School which was allowed to admit only girls in the 2009-10 school year after their director succeeded in changing the Arizona state law.

Many of the all-girl and all-boy schools report receiving resources from public as well as private sources. Some of these public schools are also charter schools or Magnet schools, but it is sometimes difficult to learn if it is a charter or even a public single-sex school from the school websites. FMF also found that it was difficult to learn if the single-sex school was a public school when a group of these schools were run by separate non-governmental organization as was common in New York. Sometimes it was necessary to search the school website to see if it had information on tuition costs or indications of connections with a school district.

Many of these all-female and all-male public schools serve predominantly African American and Hispanic students who are on reduced price or free lunch. Where FMF has been able to compare the information, it was common to find that the student to teacher ratio is lower in all-girl or all-boy public schools than in coeducational public schools in the same district. These all-girl or all-boy public schools often receive additional external funding from foundations or support from universities or other businesses and many have a college preparation focus. Some of the single-sex schools for troubled youths have been closed or transformed into college prep schools. This was often noted for all-boy schools which had a previous remedial focus.

FMF was able to identify some additional all-male or all-female schools from the 2006 CRDC results by noting that the designated single-sex academic classes for a given school were only for males or females. However, the 2010 CRDC respondents were only asked to list single-sex classes in **co-educational schools** (See Appendix B). But since the survey respondents received no instructions on whether to count dual academies or single-sex schools within co-educational schools as single-sex or co-educational schools, FMF does not know if the numerous single-sex classes in these "borderline" co-educational schools were included in the 2010 CRDC results.

## **Single-sex classes in co-educational schools**

### **❖ Difficulty in obtaining information on the types of single-sex classes**

It was difficult to obtain information on the numbers and types of single-sex classes in the 564 coeducational public schools in the FMF 2007-9 study. Since one of the supposed attributes of single-sex public education was that it would increase parental choices, FMF expected that the web information on the coed schools with single-sex classes, especially the school's own website, would provide information on the nature of their single-sex and coeducational classes (such as what courses were sex-segregated and why students should select them). This expectation was not met. Very few of these school websites had any information regarding single-sex classes or

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<sup>23</sup> U.S. Girls' Public Schools who are members of the National Coalition of Girls' Schools.  
[www.ncgs.org/profiles/usgirlspublicschools/](http://www.ncgs.org/profiles/usgirlspublicschools/) visited August 21, 2009.

activities – although occasionally, the listing of teachers would say that they taught a particular grade level class of girls or boys.

Most information on the nature of the single-sex and co-educational classes in these schools was derived from news stories and the FMF exploratory study telephone interviews with school staff members in selected schools. When talking with school staff, FMF learned that the schools' structural arrangements for single-sex classes were likely to change from year to year depending on how the administrators schedule these classes. FMF collected information on the numbers and types of single-sex classes in the coeducational schools when possible, but this did not yield enough systematic information to tabulate the results for the 646 schools.

#### ❖ **Pairs of single-sex classes for males and females**

In the 2007-9 study, it was rare to learn of a coed school at any subject or grade level providing a single-sex class only for one sex. Schools generally had pairs of classes for each sex. This pairing was also reflected in the similar totals of single-sex academic classes for girls and boys in the 2006 CRDC survey. For example, although the FMF exploratory study identified problems with the 2006 CRDC data, the responses to question #12 (including the incorrect Florida results) indicated 40,580 male only academic classes and 44,330 female only academic classes (Klein and Sesma, 2011, page 17). As noted earlier and detailed in Appendix E, the slightly larger number of classes for girls was similar to findings in the FMF 2007-9 study of slightly more female only than male only schools.

Although there were no counts, it appears that most of the 646 schools in this 2007-9 study have one or two pairs of single-sex classes in some but not all of the school's grades (such as separate boys, girls, and coed academic classes in only the sixth and seventh grades.) However, some of the schools planned to expand to include single-sex classes in all their grade levels.

In the 2007-9 study FMF found a variety of unique arrangements for single-sex classes within coed schools such as special cadres of students who participate in male or female academies within their school or single-sex home room advisory groups as report author, Sue Klein remembers having in her junior high school before Title IX.

The typical elementary school pattern was to have one class for girls, one for boys, and sometimes one or more coed classes at the designated grade levels. In most schools the girl, boy, and coed classes are allowed to mix during recess, in the halls, and at lunch. FMF found almost no information on how parents and students were asked to select coed or single-sex classes. It appeared that students were often assigned to single-sex classes and then may have had an opportunity to opt out if their parents complained. But there was no information on equal numbers of students or other resources in the single-sex and parallel coed class for students who didn't want to attend a single-sex class whether it was a self-contained elementary grade class or a high school academic class. In some cases such as Rene Rost Middle School in Vermillion Parish, LA, there was evidence that a student in this ACLU law suit who opted out of the all girls class was inappropriately assigned to the coed class with special education students. However, David Chadwell advised the South Carolina schools with "single-gender" classes of the key components of the ED 2006 Title IX regulation including the provision to have coed classes available for voluntary selection.

FMF also learned that in addition to fully sex-segregated classes in some schools, some teachers sex-segregated students within coed classrooms by separating the girls and the boys by an aisle or by putting boys or girls in the front or back of the classroom. However, FMF didn't obtain systematic information on the prevalence of this

type of within-classroom segregation or on school practices such as lining-up students by sex which was especially prevalent before Title IX.

❖ **Subjects taught in single-sex classes**

Almost all the single-sex classes that described in the FMF working draft state profiles for the schools identified in the 2007-9 study were in core academic subject areas such as language arts, mathematics, science, and social studies. In elementary schools the common sex segregation pattern was self-contained grade level classrooms with one teacher teaching the academic (and most other) classes to the same group of girls or boys for the entire school year. The physical education, art, and music classes were sometimes taught by other teachers mostly with the same single-sex classmates taught by the regular grade level teacher. In some schools the teachers of the self-contained classes are looped with the students. This means that the teacher of the girls in first grade continues to teach the same girls in second grade.

Since FMF did not conduct a systematic search of schools with sex-segregated physical education classes, it decided not to count schools that only had this type of sex segregation in the 2007-9 summary tabulations of the 646 schools. But FMF found that some schools provided sex-segregated physical education especially for 9<sup>th</sup> graders. In other cases physical education classes were single-sex such as when only males selected wrestling and weightlifting classes. Most school contacts in the FMF exploratory study thought that deliberately sex-segregated physical education classes were unlawful under Title IX unless they specifically involved contact sports activities. (This is in line with the 1975 Title IX Regulation.) A few administrators justified their school's all female physical education class as being more effective than coed physical education in encouraging girls to learn healthy physical activities, but FMF didn't see evidence to support this claim.

FMF found very little acknowledgement of schools using the specific Title IX exceptions to allow single-sex education aside from contact sports. Even when probed in the exploratory study of follow-up interviews with schools in 20 states in the 2006 CRDC survey, few schools said they used single-sex classes or extra-curricular activities for the specifically allowed sexuality education or for vocal music. This became especially noticeable in the exploratory study on the 2006 CRDC schools. When asked "Even if you don't remember any single-sex academic classes during 2006-7 did your school have single-sex sexuality education?" Only a few would respond "yes" and then explained that the school nurse might talk separately with the girls and boys about sexuality once a year. Some schools marked as having single sex academic classes in the 2006 CRDC said that they didn't even have this type of sex segregation in 2006 or during the subsequent study years 2007-9 (Klein & Sesma, 2011).

To the extent that it is accurate and consistent<sup>24</sup>, the new unverified information from "Table 3: 2010 CRDC Single-sex Academic Classes by State (Minus Florida & NYC)" provides potential insights about a switch to more single-sex classes for boys than girls. However, the CRDC results also lead to many questions about the validity and interpretation of the responses from the coed schools reporting these single-sex academic classes.

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<sup>24</sup> In examining the school by school results, it appears as in the 2006 CRDC, that some of the 2010 CRDC schools reported on number of students in classes rather than number of classes as requested in the instructions. There was also no guidance on how elementary and middle schools were supposed to count academic classes when they typically sex segregated by the entire grade level rather than per subject.

- Unlike the 2006 CRDC which indicated more public school classes for females-only than males-only and the 2007-9 FMF study finding slightly more all girl than all boy schools, the 2010 CRDC results (excluding the data from Florida and New York City) indicate that there were more male-only classes for all five subject categories in coed schools. The total of male-only classes was 11,659 compared with 8,569 for females.

The largest differences favoring male single-sex classes were in the English/reading/language arts category, and the other academic subjects category. Although the “other academic subjects” category was the largest with 4,197 classes for males and 2,844 for females, little is known about the content of these classes. The numbers of single-sex English/reading/language arts classes were next largest with 3,038 for males and 2,262 for females. There were 1,795 science classes for males and 1,495 for females.

- It is possible that schools formed smaller separate classes for boys with low scores in reading and writing, but unclear why girls with similar needs might have been excluded from these classes. The results in Tables 2 and 3 as well as FMF observations and information from OCR on the 2006 and 2010 CRDCs suggest that some of the responses to the CRDC questions on types of single-sex classes are ambiguous. There is no evidence that OCR provided guidance on how elementary and middle schools should count the numbers of single-sex classes when they formed single-sex classes by grade level, not by subject. For example, did they counted “English, reading and language arts as one first grade class or three classes? How did they count “other academic subjects” such as social studies? Did schools count history and geography separately? Were occasional sex-segregated health, test preparation or study skills classes counted as “Other academic subjects” at any grade level. (See Appendix B for CRDC instructions on single-sex academic class responses.)

### **Demographics of students in public single-sex classes and schools**

While FMF didn’t obtain systematic information on students who participated in sex-segregated classes in the 646 coed or all-boy or girl schools, it appears that many of the schools had high proportions of minority students and high proportions of students who received free or reduce priced meals.<sup>25</sup> Many of the schools for girls or boys-only were in urban areas and many had a college prep focus.

As noted by the relative paucity of schools with sex segregation in more rural western states, deliberate sex segregation was not common except for schools for adjudicated youth. However, some of these rural schools said they had de facto sex-segregated elective classes such as introductory agriculture because only boys enrolled in some years. Others had special education classes with only boys. Some of the special schools for girls were for pregnant and parenting teens. In some cases these schools were even located in a coed school. The CEO of the Phoenix Florence Crittenton of Arizona charter school which serves troubled girls, influenced the state legislature to change the AZ law to allow schools which receive state funds to be single-sex. The ED report (2008) on 19 single-sex schools in 2003 found that there were fewer special needs students in the single-sex

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<sup>25</sup>In efforts to verify the 646 schools with sex segregation, FMF found commercial websites that often had information on the racial and ethnic characteristics of the school and sometimes parent reviews of the school. These websites did not mention single-sex activities in the coed schools.

schools than in the 150 comparison schools, but FMF did not collect that information in the 2007-9 study. A similar finding has been reported for charter schools in general.

### **Prevalence of sex-segregated public education in charter or other public schools**

Some of the schools listed in the draft state profiles for the 646 2007-9 schools were identified as charter schools by their names or in other information. However, FMF did not attempt to systematically differentiate between public charter schools, magnet schools, or other special schools with sex segregation since in many cases this would have entailed extensive searching. The National Alliance for Public Charter Schools reports various statistics about these schools and the policies regulating them. But according to its former director, it does not have information on sex segregation in charter schools although the association planned to report on all-girl and all-boy charter schools.<sup>26</sup> Fifteen of the 82 schools for only boys or girls listed in Appendix E were clearly charter schools and it is quite possible that many more were also. In 2010 the National Alliance for Public Charter Schools website reported 4,900 public charter schools in 40 states and provided some information on racial composition of the students, but as of 2011 it provided no information on student demographics by sex even when describing individual charter schools. Their model Public Charter School law says that charter schools should comply with civil rights policies, but it is very vague and even contradictory about what the policy is related to sex segregation. (National Alliance for Public Charter Schools, 2010).

While the Magnet School Association Executive Director, (William Magnotta, 2009) said that magnet schools (federally funded to foster racial integration) don't sex segregate, FMF identified some sex-segregated classes in magnet schools and received notice that two current magnet middle schools in Hillsborough County (Tampa, FL) "will become the district's first single-gender schools: The Boys Preparatory Academy at Franklin and the Girls Preparatory Academy at Ferrell" (Ackerman, 2010). The Magnet School Association's website ([www.magnetschool.edu](http://www.magnetschool.edu)) contains articles about segregation, but they are only focused on race, with no mention of sex segregation. Sex segregation in schools that receive federal magnet school funds is especially questionable due to civil rights requirements in the magnet school legislation as well as other broader civil rights protections.

### **Analysis: Insights on sex discrimination in sex-segregated public schools**

In discussing indicators of sex discrimination associated with sex-segregated public schools FMF addressed the following two questions:

- 1. What did FMF learn about what the public schools with sex-segregated education were doing to ensure that their single-sex education would not increase sex discrimination?**

Answering this question involved describing four principles or equality standards that should be used to guide schools to avoid sex discriminatory sex segregation and findings related to each.

- 2. How sure was FMF about the extent and nature of sex segregation in U.S. public schools from 2007-2010?**

Answering this question involved reassessing the FMF estimate of the total number of public K-12 schools with deliberate sex segregation based on data from the FMF 2007-9 study, responses from 20 states examined in the

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<sup>26</sup> Nelson Smith's response to a question from Sue Klein at a Jan. 14, 2009 press conference in Washington, DC sponsored by the National Alliance for Public Charter Schools to present their Jan. 2010 report *How State Charter Laws Rank Against the New Model Public Charter School Law*.

FMF exploratory study of the 2006 CRDC results, and new information from the potentially valid responses to the 2010 CRDC questions about coed public schools with single-sex academic classes.

**Response to Question 1. FMF learned that the 1000 plus public schools that practice sex segregation are more likely to increase rather than decrease sex discrimination.**

As described in the background section of this report and the Klein 2011 chapter on “The Risks of Sex-segregated Public Education for Girls, Boys and Everyone,” single-sex public education often contributes to sex discrimination and increased sex stereotyping. But fortunately, there are important legal protections against most types of sex segregation in education programs and activities receiving federal financial assistance. These protections are provided in the original 1975 Title IX regulations, the 2006 ED Title IX regulation, the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, and the 1974 Equal Educational Opportunities Act, and in some cases, in additional state laws.

While the 2006 ED Title IX regulation contained some principles that provided safeguards against some sex discriminatory sex segregation, it also allowed sex segregation for purposes such as providing “diverse educational opportunities”, or accomplishing governmental objectives that may not be related to ending sex discrimination. The Appendix A call to action to “Rescind the Bush Administration 2006 Regulation Weakening Title IX Prohibitions Against Sex Discrimination in Education” outlines why it is important for ED to rescind its 2006 Title IX regulation, and to inform educators and the public why sex segregation is generally an unlawful, risky, ineffective and costly way to try to end sex discrimination or improve other aspects of education.

If the 2006 ED Title IX regulation is rescinded, it is assumed that recipients of federal financial assistance from ED would instead revert to using the 1975 Title IX regulation – which is already used by all other federal agencies. The exceptions in the 1975 Title IX regulation allowing sex segregation for affirmative purposes to decrease sex discrimination have not been used extensively because they were rarely the best option to end sex discrimination – the sole purpose of Title IX. Also, as noted earlier in the FMF 2007-9 study of 646 schools, with the exception of contact sports, there is little evidence of the use of the other specific exceptions such as allowing sex-segregated sexuality education or choruses.

Litigation has documented violations of multiple Title IX and Constitutional protections against sex discriminatory sex segregation involving specific students in public K-12 schools. To complement these specific legal challenges, the FMF 2007-9 study identified general patterns of violations of these safeguards against sex discrimination in 646 sex-segregated public schools.

This part of the report describes these patterns of violation in relation to four key principles designed to mitigate sex discrimination when sex-segregated public education is considered or used. These principles were selected because they are congruent with the equality safeguards in Title IX, the Fourteenth Amendment Equal Protection Clause, and the Equal Educational Opportunities Act as well as effective educational practices. Some of these principles are addressed in the ED 2006 Title IX regulation.

The summary and recommendations section of Part III of this FMF State of the States report provides more details on how these requirements need to be strengthened to help schools understand what they would need to do to demonstrate legal compliance with any allowable sex-segregated education.

For each equality principle (standard or requirement) FMF provides relevant language in the Title IX regulations, initial suggestions on how it should be strengthened and implemented, and examples.

- ❖ **Principle 1: Justifications and specific plans for single-sex education should be approved before implementation based on scientific evidence that sex separation is needed to achieve desired educational outcomes for girls and boys.**

***There should be governmentally approved rigorous evidence-based individual justifications for each class using sex segregation to decrease sex discrimination (including sex stereotyping) in outcomes and to achieve other benefits before any single-sex education is implemented.***

The 2006 ED Title IX regulation provided some indirect guidance on how the remedial or affirmative justifications in the 1975 Title IX Regulations required for any single-sex education may be met.<sup>27</sup> The 2006 Title IX regulation requires that:

A link between an education goal and the single-sex program must be shown *and that the “single-sex nature of the class or extracurricular activity are based upon genuine justifications and do not rely on overly broad generalizations about the different talents, capacities, or preferences of either sex and that any single-sex classes or extracurricular activities are substantially related to the achievement of the important objective for the classes or extracurricular activities.”* (Office for Civil Rights (2006) Section 106.34 (b) (4)).

This requirement contains two important concepts that set standards for acceptable justifications for sex segregation. First, a justification for sex segregation must not rely on overly broad generalizations about either sex. This is a clear warning against using sex stereotypes and misinformation about sex differences and similarities.<sup>28</sup> Second, there must be a clear and appropriate link between the need for a specific single-sex program and the important objective for the program. ED and the Department of Justice (DOJ) have provided more specific guidance on this. For example, the ED/DOJ brief in the Vermilion Parish appeal said that a specific class by class justification was needed to justify the single-sex program.<sup>29</sup> Additional guidance is also needed on these links such as a clearer specification that the key purpose for establishing a sex-segregated program under the auspices of Title IX is to decrease sex discrimination, the sole purpose of Title IX.

***FMF findings: Schools rarely complied with either of these important ways to justify sex segregation before they used it.*** In fact, it was hard to find any pre or post-implementation justifications for the sex segregation noted in the 646 schools identified in the 2007-9 study. If there was any formal review or approval process for implementing a single-sex strategy or even an all-female or male charter school, this documentation may be buried in the school board minutes or perhaps internal memos to a superintendent. Finding these proposals and decision documents if they exist is difficult. It is even hard for a person not specifically involved in the decision

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<sup>27</sup> One of the confusing aspects of the 2006 ED Title IX Regulation is that it did not refer to the remedial or affirmative exceptions allowing sex segregation in the 1975 Title IX Regulations.

<sup>28</sup> Most current sex-based justifications are based on over generalized sex stereotypes and pseudo-science related to brain differences and learning styles.

<sup>29</sup> This potential justification was defined in more detail in the 2010 ED and Department of Justice (DOJ) Amicus Brief in the Vermilion Parish School Board case where a dissertation by the school’s principal used inaccurate information about the benefits of his “experiment” to justify sex-segregated classes to the school board. (DOJ&ED Amicus, VMI Supreme Ct. Decision)

process to find any justification information on some public school or school district websites.<sup>30</sup> Although FMF researchers sometimes asked a school contact to send us their approved proposal or evaluations, none were received.

The few schools that had any justification for their sex segregation on their websites often repeated generalized misconceptions about the purported advantages of single-sex education to address sex stereotyping. This misinformation, such as that girls and boys learn differently and thus need to be taught differently in sex-segregated classes, was also common on the few websites which provided any justification and in teacher training programs by advocates of single-sex public education such as Leonard Sax, Michael Gurian, and David Chadwell. Frequently, schools said their staff read books and attended training programs by these advocates. News articles about the schools often repeated the views of these advocates of “single gender” education. These advocates recommend that teachers receive training in how to teach boys and girls differently and there is evidence that they get paid, sometimes from federal funds, for providing this training (Dempsey, 2011.)

FMF and others found that although schools may indicate that they are using the sex-segregated classes to reduce sex stereotypes, their actions show the reverse. The details on actual over-generalized sex stereotyping are described in legal cases against sex discrimination and in news stories including descriptions and videos of the boys and girls classrooms and in the 2011 Klein chapter and the 2012 National Coalition for Women and Girls in Education (NCWGE) Title IX at 40 report. Some video examples include the previously referenced CNN story about Virginia’s Woodbridge Middle School’s single-sex classes which shows the boys’ math class students throwing things at a board with a sexy lady image while the girls class had dim lights to provide a restful atmosphere (Klein blog, 2009) and a December 27, 2010 TV news story on plans to create a sex-segregated dual academy in a currently coed Syracuse middle school (Syracuse WSYR-TV). Most of the justifications for single-sex classes or entire schools for only girls or boys are based on misinformation about teaching and learning. (See the NASSPE website; Houppert, 2010; Kaufmann, 2007a; and Kaufmann, 2007b<sup>31</sup>.)

FMF did not find any justifications about why sex segregation would improve student outcomes in any specific subject areas. In fact, as reported earlier, when single-sex classes were offered, they were generally available in pairs, one for girls, and one for boys. In the elementary grades the same teacher usually taught multiple academic subjects to their girl or boy classes. An example of specific pilot research to supposedly justify the sex segregation proposal in a specific school was based on a highly flawed dissertation in the Vermillion Parish, Louisiana case at Rene A. Rost Middle School. Although it tried to justify sex separation in general it did not make the case that there was a discrepancy in girls and boys math achievement that needed to be ameliorated by sex-segregated math classes. There are also cases where some coed schools offer different sex stereotyped courses for girls or boys. Rivers and Barnett (2011) report on a coed school that only offers drama to girls and

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<sup>30</sup> When Sue Klein was involved in reviewing a proposed all girls charter school, some of the information, but not the huge 2 volume proposal, was available on the School Board web site. This proposal also had very questionable justifications for sex segregation and a proposed curriculum that would have benefitted boys as well as girls. It was not approved, despite state funding of the planning of this proposed school. There was also evidence that a motivating factor in the people pushing for this school was for public funds to go to establishing this school to rent an unoccupied Catholic school building.

<sup>31</sup> Leonard Sax created the National Association for Single Sex Public Education. In recent years he has acknowledged that sex differences are not universal and that single-sex education may not be best for all girls and boys.

computer applications to boys. Teaching different courses to girls and boys is common in all girl or all boy schools.

The 2010 CRDC results in Table 3 which show many more sex-segregated academic classes for boys than girls in all documented subjects except for algebra and geometry, raise many questions especially since previous information (from the 2007-9 FMF study and the 2006 CRDC) had shown that more single-sex classes and schools were for girls. While there was no convincing evidence that either boys or girls learn more because they are sex segregated, there is growing evidence that exposure to sex stereotypes (often reinforced in sex-segregated classes) is detrimental and that stigmatization and stereotyped threat often lowers test scores (Halpern, 2011).

❖ **Principle 2: Separate but equal is seldom if ever achievable in education**

***Separate is rarely equal in education—especially deliberate “de jure” segregation.***

Both educational practice and court opinions have found separate but equal is difficult to justify for race and sex segregation. To help avoid sex discrimination, the ED 2006 Title IX regulation requires a, “*substantially equal coeducational class or extracurricular activity in the same subject or activity.*” (Office for Civil Rights (2006) Section 106.34 (b) (iv).<sup>32</sup> Practitioners should note that this cannot be achieved casually or inexpensively. Constitutional Equal Protection criteria must be used to assess the treatment of all groups<sup>33</sup>. This should apply to comparisons between males and females and between the sex-segregated groups and the coed groups. Information on the comparability of male and female and single-sex and coed classes, schools, and programs should be easily available on public web sites. This comparative information of *substantially equal factors*<sup>34</sup> should include a wide range of process variables.

***FMF findings: Substantial equality comparisons are routinely violated in all single-sex schools and classes even on easy to measure indicators such as student-teacher ratios.*** FMF did not find any comparison charts or descriptions to guide students and their parents in selecting or not selecting single-sex education and FMF did not find any plans to compare the female and male only education and/or the coeducation to insure that separate was equal during the instruction. Instead, FMF found examples of single-sex classes and schools with fewer students than the somewhat parallel coeducational classes and schools. Similarly, male and female classes and schools were unequal on many dimensions ranging from what is taught to how students are expected to behave. Some of the ACLU cases where the structures of sex-segregated classes were examined in detail found other inequities. For example, the coed option available to one of the students in the Vermilion Parish, Louisiana case was a class for special education students and the plaintiff did not need those services. In the Breckinridge County, Kentucky case, the girls’ math class was more advanced than the coed class, so the plaintiff would miss the more challenging work that was best for her if she switched to a coed class (Klein, 2011). There was also evidence that when this discrepancy was discovered, the girls class was slowed down so the boys class could try

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<sup>32</sup> This statement in the 2006 ED Title IX regulation does not specifically cover the all-female or all-male single-sex schools but they should be covered using the broader Fourteenth Amendment protections.

<sup>33</sup> When referring to groups of students or a single-sex program FMF usually means a class.

<sup>34</sup> This is the term used in the ED 2006 Title IX Regulation (Office for Civil Rights (2006) Section 106.34 (b)(3)). Many believe that is standard is too low.

to catch up. FMF also read about benefits to a special Maryland boys high school class where the boys not only received special privileges such as Congressional visits, but that they were taken shopping to obtain free clothes for these occasions.

In summary, there are numerous indicators of inequities in comparisons of girls and boys classes or comparisons of either with coed classes. These inequities ranged from differential teacher quality to differences in facilities and what and how the subject is taught. For example, the “best” teachers are often assigned to teach the more challenging boys classes (Sadker, Sadker & Zittleman, 2009). Some process differences may be subtle, but important. In a study of girls and boys middle school science classes taught by the same teacher, Glasser (2011) found that even though they had the same published curriculum and the same teacher, the boys class used more argumentation, an important way to learn science, than did the class of girls. As mentioned previously, researchers have identified other negative consequences from purposeful sex stereotyping such as encouraging girls to sit quietly and boys to move and exercise even though exercise has been found to increase health and learning for all (Rivers & Barnett, 2011). Some researchers also note that increased sex stereotypes counteract taking advantage of brain plasticity in learning (Eliot, 2009; American Council for Co-Educational Schooling website).

Overt and subtle inequities abound with the boys usually receiving more benefits than the girls. FMF counted the Brighter Choice Charter Schools for Girls and Boys in Albany, NY as two separate schools because they had different administrations. When the numbers of students increased they went from one to two school buildings. The boys moved to the new nearby facility which is probably superior in many ways to the old building used by the girls (Klein & Homer, 2007). Similarly in athletics where some sex segregation is allowed under Title IX, almost all the Title IX complaints show disparities favoring boys. For example, many photos show much better facilities for boys’ baseball compared to what the school provides for girls’ softball. It also appears that the unequal class sizes that would have resulted from fewer students choosing the single-sex option at Rene Rost Middle School in Vermilion Parish finally influenced the school’s principal and the school board to suspend their sex-segregated classes for the 2010-1011 school year and then to settle the case and agree to end sex-segregation in the district for the next five years.

Schools with the dual academy type structure where all the girls and all the boys in the school are separated for almost every class and activity have another key challenge in complying with this equality requirement. They do not provide a mandatory coed option. In some places, such as Philadelphia, some of the dual academies are neighborhood schools. This means that parents or students who don’t want to participate in a sex-segregated program are likely to face substantial difficulties in attending another equally convenient school. As described earlier, the FMF study classified most of these dual academies as one coed school rather than two separate schools because they were under the same administration and often shared the same facility. It is quite likely that all of these dual academy type coed schools are not complying with the above requirement that there be a substantially equal coed class or activity. Similarly, there are a substantial number of other “coed” schools that have one or more pairs of girls and boys classes in the same grade level and/or subject and no coeducational alternative class. However, the 2007-9 FMF study and the 2006 or 2010 CRDC surveys collected no systematic information on patterns of coed classes that may be comparable to the only male or female classes in any academic subjects.

❖ **Principle 3: Demonstrate that participation is voluntary**

***Completely voluntary “opt in” participation in a risky educational practice is important. Students and faculty should not be forced or encouraged to “select” or use risky and often inequitable sex-segregated options, nor should they be excluded from activities or classes on the basis of sex.*** The ED 2006 Title IX Regulation states, “*Student enrollment in a single-sex class or extracurricular activity is completely voluntary*”. (Office for Civil Rights (2006) Section 106.34 (b) (iii)).

The rationale for this is tied to the Equal Educational Opportunities Act and FMF also believes that it is based on the understanding that sex segregation is likely to increase sex discrimination.

Procedures to assure completely voluntary and optional participation in sex-segregated groupings in a public school setting need to be structured to be fair and timely and to provide an equitable procedure to “opt in” as well as to “opt out” of sex-segregated education. Completely voluntary selection of single-sex or coed grouping by parents and students is critically important, but it may make it hard for the school to meet this equal protection standard if there is a differential demand for segregated or coed classes and schools. An imbalance in demand for single-sex or coed classes, or a desire to be with their friends, or to try the new school promoted “single-sex innovation,” or to take advantage of special resources often only available to the sex-segregated students can pressure students and their parents to select the sex-segregated class.

Assuring completely voluntary participation where no students are assigned to single-sex classes (even randomly with an opt-out option) may also be a substantial added expense in school resources and greatly complicates the schools responsibility to have balanced numbers and types of students in each equally well-resourced class.

***FMF findings: With the possible exception of the selection of all-female or all-male schools, it is unlikely that the selection of sex-segregated public education is ever completely voluntary.*** Schools were rarely able to provide information or forms that they used to obtain voluntary selection of sex-segregated classes in coed schools and FMF didn’t find them on school websites. Sometimes administrators said that they had forms for parents and students to indicate if they wanted to opt in to a single-sex class, but these forms were hard to find and review. Although FMF asked some schools for them, they were not received. FMF heard about some schools where students may be assigned to either single-sex or coed classes and if they want to exercise their supposedly voluntary choice, they must seek special permission to change. Also, FMF (and probably most students and parents) have not seen descriptions of how the specific single-sex or coed classes are similar or different. Thus, it is quite possible that student and parent choices are made on criteria not related to their single-sex or coed status, but on the basis of who the teacher is and what other student friends are in the class. High school students may also choose a single-sex rather than a coed class, because it best fits with their class schedule, not because they have any evidence that it would be better for them.

Sometimes the school selects students for a single-sex program, because the school believes they need special help. Students in these programs may technically choose the program because it will provide special benefits that they would not otherwise receive and that other students in their school do not receive. For example, in addition to getting free clothes and trips to Congress, the 17-20 Hispanic and African American boys selected for an all-male Albert Einstein High School Honors English class had more of a chance to meet with high level women who visited their school to celebrate women’s history month than did girls in the school (Albert Einstein High School, 2009; Beasley, 2009).

As this Maryland Albert Einstein High School example illustrates, students' voluntary selection of a single-sex class or school may not be granted for a variety of reasons such as that it is already full, or that it is only for certain types of students such as gifted students, or that this option is not available to disabled or students with limited English proficiency. Relatedly, FMF has not seen a policy that says transgendered or gender-non-conforming students can select the male or female class or school of their choice even if it differs from their biological birth sex.

Sometimes the voluntary selection and other requirements such as a coed option are ignored. This appears to be happening in Arlington Community High School in Indianapolis. In 2011 this failing school changed from coed to single-sex, – even for lunch. The girls were assigned to what many consider less desirable options. In this case they were assigned to the second floor of the school, while boys' classes were on the first floor. Additionally, the girls were assigned to an earlier school schedule which provides a longer school day if they stay for the few after school activities which remained coed (Elliott, 2011).

It is also unclear what rights adjudicated students (under the jurisdiction of the justice system) have related to voluntary sex-segregated or coeducational education. The 2006 CRDC survey of public schools with single-sex academic classes made FMF aware of the mandated sex segregation in many of these juvenile justice facilities. In fact, the only sex-segregated public education identified in Wyoming was for students in the juvenile justice system.

Finally, although teachers don't always have a voluntary choice of their classes, they should not be assigned to or hired for classes because of their sex. FMF learned of some instances, where male teachers were assigned to teach classes of boys – a potential violation under both Title VII of the Civil Rights Act of 1964, and Title IX. Public school teachers should also be allowed to decline to teach in ways that are more likely to be detrimental than helpful to their students. This should include declining to teach in a deliberately sex-segregated environment where they are encouraged to teach to and reinforce sex stereotypes as recommended by many advocates of single-gender education.

❖ **Principle 4: Governmental accountability is critical and it requires rigorous scientific evaluation evidence**

***Publicly available rigorous high quality evaluation evidence should indicate that the proposed or actual sex segregation was significantly more effective than comparable coeducation in decreasing sex discrimination especially in the desired outcomes and that the proposed or actual sex-segregated education does not increase sex discrimination in any aspect of the education process or outcomes when comparable female, male and coed groups are compared, as suggested in Principle 2.***

The 2006 ED Title IX regulation requires schools to “conduct periodic evaluations to ensure that single-sex classes or extracurricular activities are based on genuine justifications and do not rely on overly broad generalizations about the different talents, capacities, or preferences of either sex,” (34 C.F.R. § 106.34(b)(4)(i)). As part of this requirement they are to conduct periodic evaluations of the established single-sex classes or extracurricular activities at least every two years, to ensure that there is a substantial relationship between the single-sex nature of the class or activity and achievement of the selected important objectives.

FMF believes this outcome evaluation guidance on “genuine justifications” needs on to be strengthened in many ways such as by:

- *Making it clear that sex segregation is only allowed for affirmative or remedial purposes to end sex discrimination (as included in the 1975 Title IX regulation) and that the vague requirement to assess important objectives in the ED 2006 Title IX regulation is one of the key reasons it should be rescinded so that the 1975 Title IX regulation would prevail.* As it is interpreted by some, the ED 2006 Title IX regulation allows evaluations to determine if the sex segregation helps with any selected important objective or outcome. This may increase sex discriminatory outcomes. For instance, a school might find evidence that sex segregation showed that the boys’ class helped boys advance in physics more than the girls. However, attaining this “important objective” of male advances in physics, would increase the gender gap and sex-based inequities in the outcomes.
- *Requiring rigorous evidence-based justifications that demonstrate that the proposed and actual sex segregation is better at decreasing sex discrimination than comparably well resourced co-education, that it is better for both female and male student groups, and that it does not increase gender gaps or other sex discriminatory outcomes.* For example, in using the 1975 Title IX regulation if any sex segregation is allowed for affirmative purposes to end sex discrimination (the sole purpose of Title IX), its appropriateness should be measured using high quality research and evaluation standards of comparative effectiveness such as those used by the ED What Works Clearinghouse.
- *Clarifying that a wide variety of evaluation indicators should be used to ascertain that there is no sex discrimination in the process of implementing single-sex education such as inequities and sex stereotyping in female, male, or coed classes.* For example, these process evaluations should compare male and female classes or schools to examine equality of resources and absence of sex stereotyping (as discussed in principle 2). Some of this guidance was in the ED 2006 Title IX regulation especially when it referred to considerations used in the 1996 Supreme Court decision based on the equal protection clause of the Fourteenth Amendment that Virginia Military Institute should not be allowed to exclude females.
- *Public sharing and systematic decision making based on evaluations addressing all the process and outcome measures related to decreasing sex discrimination should be reported at least annually and made available at the minimum on the school’s public website.* The biannual requirement in the ED 2006 Title IX regulation is insufficient. The easily accessible web pages should include the initial justifications for the sex segregation and how it is to be accomplished while adhering to all legal standards, a detailed evaluation plan (with validated measures) to ensure that the sex segregation is non discriminatory in both process and outcome indicators, and annual evaluation results.

Thus, to implement the prohibitions against sex discriminatory sex segregation in Title IX, ED and other agencies should provide guidance on how evaluations should measure the effectiveness of the proposed or actual sex segregation in decreasing sex discrimination. If there is inadequate evidence of decreased sex discrimination in either the process or outcomes, the deliberate sex segregation should be discontinued.

**FMF findings: FMF found no evidence that the 646 schools with sex segregated academic classes it identified were in compliance with the evaluation requirement in the 2006 Title IX regulation. Similarly, FMF and others have not found any evidence of effectiveness that can be directly attributed to single sex public education and not to other factors such as better resources or more motivated students.** Whenever feasible, FMF requested evaluation plans and evaluation results. But they were not received or available on school websites or in refereed journals and many respondents said the only evaluations (if they existed at all) were based on attitudinal surveys or anecdotes. Thus, it appears that almost all schools are out of compliance with this requirement to produce and use evaluation evidence to justify their single-sex education.

Even the “Report on the Annual Survey of Single-Gender Programs in South Carolina Public Schools” by the South Carolina Department of Education, 2010 had inadequate methodology. The few evaluations of sex segregation are found in a studies and dissertations of varying quality. But even the better quality studies did not report on the comparisons that are required by this legal equality and high research quality standard to provide genuine justifications for the sex segregation that provide any evidence that it is significantly more effective in impacting desired gender equity outcomes than comparably well-resourced coeducation.

Most of the research was on teachers’, parents’ or students’ attitudes about single-sex education and even these limited studies had methodological flaws. For example, the dissertation experiment used to convince the Vermilion Parish School Board to approve sex-segregated classes was even called flawed by the Federal District Court judge. ACLU arranged for Diane Halpern (2009a+b), a former President of the American Psychological Association to review the dissertation and she documented many errors not only in the methodology but in the inaccurate reporting of the results.

In a few cases FMF learned that some evaluation results influenced schools to continue or to end the sex segregation. As reported by Arms (2007) and the U.S. ED (2008) most of the more rigorous studies focusing on single-sex education were of single-sex private schools or schools outside the U.S. It was rare to find evaluations of sex segregation in U.S. public schools and FMF didn’t ever find any high quality rigorous evaluations that compared comparable male, female and coed classes.

Since the implementation of sex-segregated public education is likely to increase rather than decrease sex segregation and sex discrimination, all female and all male schools should be held to the same standards as classes and extracurricular activities.

As noted in more detail in Part III, 2012 letters to school districts from ACLU demanding compliance with protections against sex discrimination in coed public schools with single-sex classes provide additional verification of the FMF 2007-9 identified patterns of non-compliance with many of the equity principles (Bohm, 2012.)

**FMF findings: FMF didn’t find any compelling evidence that sex segregation is likely to be any more effective for any purposes in K-12 education than in vocational and postsecondary education where it is not allowed.** Despite progress since the passage of Title IX FMF found “unintentional” sex-segregated education not related to school policies, but to traditional sex stereotyped student choice of electives such as auto mechanics, wrestling or the assignment of more boys than girls to special education classes. In many cases, this type of

“unintentional” sex segregation is also discriminatory and unlawful. FMF also found relatively few instances of any extensive purposeful and legal sex segregation such as sexuality education or vocal music classes that were explicitly allowed under the 1975 and the 2006 ED Title IX regulations.<sup>35</sup> And FMF noticed increased awareness of the need for schools to allow all types of special accommodations including accommodations in athletics for transsexual students to participate in the male or female team most appropriate for them (Griffin & Carroll, 2010).

Thus, new standards to limit sex discriminatory sex-segregated public education should limit both purposeful and unintentional sex segregation and they should ensure that any purposeful sex segregation or targeting of one sex or the other for special assistance should not be totally or even partially exclusionary.

**Response to Analysis Question 2. The full extent of sex-segregated public education in the U.S. is unknown, but FMF estimates it is used deliberately in over 1000 schools.**

- ❖ **The FMF estimate of over 1000 public schools is higher than the commonly cited 500 plus total from advocates of single sex public education.**

While FMF identified 646 public schools across the nation that had sex-segregated education during school years 2007-8 and 2008-9, it is not claiming that this was the total number of public schools with sex segregation. However, the FMF list of 646 schools and estimate of 1000 is more accurate and somewhat larger than the widely referenced National Association of Single Sex Public Education (NASSPE) web listing of single-sex schools. FMF verification activities found that some schools listed on the NASSPE web page for the study years 2007-2009 did not have sex-segregated classes as NASSPE claimed. FMF also identified more schools than NASSPE. As of late 2011, NASSPE reported 506 public schools with single-sex classes, but by 2012 they removed the individual listing of these schools from their website because they said the ACLU used this information to harass these schools by threatening legal action if they were out of compliance with Title IX and other non-discrimination laws.

The FMF exploratory study of the 2006 CRDC survey results (Klein & Sesma, 2011) and some of the state Title IX coordinators were especially helpful in identifying the 646 schools with single-sex classes. For example, even though the NASSPE school list usually increased each year, as of December 2010, NASSPE reported 520 schools compared to the 646 for 2007-9. Both NASSPE and FMF used similar criteria for counting single-sex schools. Both excluded schools for adjudicated youth. However, it is not clear if NASSPE counted dual academies under the same administration as one school or as two schools. If they did not have a separate administration, FMF counted them as one coed school (Appendix E).

Insights from the FMF exploratory study of the 2006 CRDC survey of schools with single-sex academic classes and other efforts (Klein & Sesma, 2011; Brown & Pickard, 2010) to identify schools with single-sex classes have led FMF to believe that even the fairly high total of 646 sex-segregated public schools is an undercount. Instead, FMF reaffirms its estimated that there were over 1,000 public schools across the nation with some purposeful sex segregation during the study years of 2007-2009 (Klein & Sesma, 2010).

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<sup>35</sup> FMF did not systematically examine other patterns of common sex segregation such as in physical education or contact sports or sex-segregated education facilities for youth under the juvenile justice system.

❖ **The initial FMF estimate of over 1000 public schools with single-sex academic classes was confirmed by its analysis of the 2010 CRDC results.**

As noted in the results section, the 1,003 schools with single-sex academic classes reported in the 2010 CRDC large sample survey in Table 2 further confirms FMF's previous estimate of over 1,000 public schools with purposeful sex-segregated classes during 2007-9<sup>36</sup>.

Although the CRDC numbers come from a sample of about 70% of U.S. public schools<sup>37</sup>, it is hard to verify the growth or the decrease in sex-segregated classes in coed schools or the number of coed schools with single-sex classes. It is difficult to compare results from the 2006 and 2010 CRDCs due to the questionable CRDC results from Florida for both years and for New York City in 2010. Additionally, the CRDC 2010 questions about single-sex academic classes were more restrictive than in 2006 because they excluded single-sex schools. However, it appears that more states have public schools with sex segregation in 2010 than they did during the study years 2007-9. Table 2 shows that the 2007-9 study identified eight states (HI, MT, ND, NH, NE, RI, SD, WY) with no regular K-12 public schools with deliberate sex segregation. However, the new unverified 2010 CRDC indicated only four states (HI, ND, NH & WY) which did not report any schools with single-sex academic classes. Thus, sex-segregated public education is a nationwide problem.

While FMF didn't seek systematic verification information on individual schools after the 2008-9 school year and the 2010 CRDC questions on schools with single-sex academic classes specifically excluded all-girl or all-boy schools, there are indications of increases in these totally single-sex schools from 2009 to 2011. Based on the 2007-9 count of 82 all-girl and all-boy schools, FMF does not expect that the 2010 totals of fully single-sex schools would exceed 200. Some of these new public sex-segregated schools are highlighted in Appendix E and mentioned in the draft state profiles. News stories often feature plans for new all male or all female public schools or dual academies. Some of the funding for these schools comes directly from federal support of charter and magnet schools.

❖ **It is likely that there are many more than 1000 public schools with single-sex classes but little is known about decisions to start or stop this sex segregation.**

As previously mentioned, while FMF discounted the U.S. Department of Education's CRDC reports of over 5000 public schools with single-sex academic classes because of the problems with the over 3000 schools listed from Florida, FMF suspects that there is extensive under reporting of deliberate sex segregation because schools have learned that it is controversial and potentially unlawful, thus they may not have reported their classes accurately on the CRDC surveys. Similarly, they may not have volunteered their information to NASSPE, the media, or even to their Title IX coordinators. FMF also learned that schools and school districts rarely included information on single-sex schools or policies on their websites.

The key exception was the South Carolina (SC) state department of education website which listed public schools throughout the state with single-sex or their term, "single gender" education. In Oct. 2009, this SC

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<sup>36</sup> FMF omitted the non-responsive CRDC 2006 and 2010 totals from Florida in Table 2 as well as the 882 highly questionable 2010 CRDC total for New York City.

<sup>37</sup> The sample of schools for the 2006 CRDC was 62,484 which is similar to the 72,222 sample in the 2010 CRDC reported by Briscoe (7-7-11)

website started to comment on a decrease in the number of schools with single-gender classes and attributed this decrease to general education budget constraints and that “Schools simply cannot maintain a legal single-gender format.”<sup>38</sup> South Carolina reported 216 coeducational schools with “single gender” classes in September 2008. By September 2009, there was a decrease to 170 for the 2009-10 school year. The 2010 SC total was 124. In January 2012, the SC website showed a map with 107 “single-gender” public schools as of September 2011.<sup>39</sup>

Reports from SC and other places found that some coed schools stopped their sex-segregated classes because they weren’t helping and in some cases because it was difficult to meet the legal equality requirements such as comparable coed classes. When feasible, FMF asked school contacts about their reasons for starting or stopping sex-segregated classes. It appeared that much of the advocacy of single-sex classes could be attributed to interests of the individual administrators and a few teachers. If these advocates left the school, it was likely that the sex segregation ended. The ending of sex-segregated classes may also be attributed to increased awareness of their relative ineffectiveness and risks of increased stereotyping, stigmatization, and increased costs.

Also, the public information requests and related litigation and settlements of complaints related to sex segregation and sex discrimination in Alabama and other states have led to school districts agreeing to stop their sex segregation. When the Mississippi Title IX coordinator checked with school districts, she found that 6 of the 13 public schools that had been listed by others as having single-sex classes, ended this segregation by the 2009-10 school year. In August 2009 FMF learned that the six schools in Washington State that were listed as having single-sex education stopped this sex segregation by the 2008-9 school year.<sup>40</sup> In fall 2009, Washington State’s Title IX Coordinator reported that when the state asked about schools with single-sex classes the responses indicated that there were no public schools with single-sex education.<sup>41</sup> However, FMF later learned that this was not accurate as the Tacoma Jason Lee Middle School had single-sex classes for several years and in March 2011 even used some of its federal Title IX funds to pay for NASSPE director, Leonard Sax, to provide training to school staff and members of the community (Dempsey, 2011).

While some schools have learned to be cautious about sharing information on their single sex education, others are likely to try sex-segregated activities because they are not aware of the legal and educational liabilities. The U.S. Department of Education has done little to discourage K-12 public schools from deliberate sex segregation practices even if the schools with these practices did not follow the relevant procedures and safeguards against sex discrimination in the ED 2006 Title IX regulation as discussed earlier in this analysis section.

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<sup>38</sup> *Gender Matters*, Single-Gender Initiatives, Office of Public School Choice, South Carolina Department of Education, p. 1. September 2009 newsletter.

<sup>39</sup> February 2009 *Gender Matters* newsletter. <http://ed.sc.gov/agency/se/school-transformation/singlegender/documents/February09Newsletter.pdf> Last viewed 7-28-11.

<sup>40</sup> However, since these schools were single-sex during the 2007-2008 school year FMF included them in our summary totals for 2007-2009.

<sup>41</sup> Our state profiles for AL and WA have documented the sources of this information.

## **Part I Conclusion on the state of sex-segregated public education in the U.S.**

This *State of the States* study documents deliberate sex segregation in public education that FMF found in 42 states and the District of Columbia during study years 2007-9 and in 46 states based on the 2010 CRDC results. Parts II and III of this report describe what the federal government and states are, and could be, doing about this as they implement Title IX and state laws prohibiting sex discrimination in education. If the federal and state governments pay more attention to their civil rights responsibilities related to Title IX and the Constitution and their own state civil rights laws they can help decrease the numbers of public schools who use unjustified and unlawful purposeful sex segregation in education.

**Table 1: US Public Schools with Single-Sex Classes identified in 2007-9 Study  
with 2006 CRDC state data**

State	Region	CRDC 06 "Soft"	CRDC 06 "Hard"	Total 2007-09 SS Schools	Elem Schools	Mid Schools	High Schools	All Female Schools	All Male Schools
AK	West	3	2	1	0	1	0	0	0
AL	South	108	76	25	10	14	1	0	0
AR	South	62	7	2	0	2	0	1(M)	1(M)
AZ	West	74	58	7	1	4	2	0	0
CA	West	195	153	11	3	5	3	1(H)	0
CO	West	85	23	2	0	1	1	0	0
CT	Northeast	26	6	2	1	1	0	0	0
DC	South	9	7	11	8	2	1	2(E,H)	1(E)
DE	Northeast	1	0	1	0	1	0	0	1(M)
FL	South	3634	1520	48	21	18	9	3(H,H,H)	3(E,H,H)
GA	South	228	176	17	5	10	2	2(M,M)	1(M)
HI	West	0	0	0	0	0	0	0	0
IA	Midwest	29	6	1	1	0	0	0	0
ID	West	19	5	2	1	0	1	1(H)	0
IL	Midwest	104	26	16	4	7	5	1(H)	1(H)
IN	Midwest	52	13	15	7	8	0	2 (E,E)	3 (E, E, M)
KS	Midwest	33	9	2	2	0	0	0	0
KY	South	50	32	18	5	9	4	1(M)	1(M)
LA	South	59	21	4	0	1	3	1(H)	2(H,H)
MA	Northeast	44	5	2	0	2	0	0	0
MD	South	10	7	14	5	4	5	2 (M,H)	1(M)
ME	Northeast	10	3	2	1	0	1	0	0
MI	Midwest	247	177	15	3	9	3	2 (H,H)	1(H)
MN	Midwest	112	28	7	1	5	1	0	0
MO	Midwest	65	21	4	3	1	0	0	0
MT	West	10	4	0	0	0	0	0	0
MS	South	35	20	13	4	7	2	0	0
NC	South	151	21	41	17	15	9	1(H)	1(H)
ND	Midwest	20	3	0	0	0	0	0	0
NH	Northeast	12	0	0	0	0	0	0	0
NE	Midwest	33	4	0	0	0	0	0	0
NJ	Northeast	56	6	1	0	1	0	0	0
NM	West	23	8	k1	0	1	0	0	0
NV	Mountain	29	28	14	8	5	1	0	0
NY	Northeast	35	8	22	7	9	6	11 (4 E,6 M,H)	7 (2E, 5H,)
OH	Midwest	80	14	30	14	12	4	5 (4 E,M)	6 (4E,M, H)
OK	South	59	30	2	0	2	0	0	0
OR	West	65	59	4	0	2	2	1(M)	0
PA	Northeast	29	10	9	4	1	4	2 (H, H)	2 (H, H)
RI	Northeast	23	1	0	0	0	0	0	0
SC	South	76	52	216	87	109	20	0	0
SD	Midwest	20	5	0	0	0	0	0	0
TN	South	42	17	10	3	5	2	0	0
TX	South	236	142	15	1	11	3	4 (M, M, M, M)	3 (M, M, M)
UT	West	16	9	2	0	1	1	1(H)	0
VA	South	46	14	14	5	8	1	0	0
VT	Northeast	8	1	1	0	1	0	0	0
WA	West	38	9	6	3	1	2	0	0
WI	Midwest	50	21	11	0	4	7	3 (H, H, H)	0
WV	South	53	7	5	1	4	0	0	0
WY	West	14	11	0	0	0	0	0	0
<b>Total</b>		6518	2885	646	236	304	106	47	35

The purple summary column shows public elementary, middle & high schools with single-sex education included in FMF state profiles. The **Elementary, Middle, & High Schools** in the pink and blue columns were included in the previous columns along with the coed schools. The yellow rows indicate the 20 states where the FMF Exploratory Study followed up on some OCR 2006 survey schools. Additional single-sex schools were added to the previously verified schools based on these results. In the 2006 CRDC the "soft" numbers refer to all schools that indicated single sex classes. The "hard" numbers refer to the fewer schools that provided specific numbers of single sex classes in the subject categories.

**Table 2: Numbers of Public Schools in States with Single-Sex Classes from 3 Sources: 2006 CRDC, FMF 2007-2009 Study, and 2010 CRDC (Minus Florida & NYC)**

State	CRDC '06 "Soft"	CRDC '06 "Hard"	2007-2009 FMF Identified Schools with Single-Sex	2010 CRDC Total Schools with SS Classes	2010 CRDC Total SS Academic Classes	Classes per school
AK	3	2	1	0	0	
AL	108	76	25	11	575	52.27
AR	62	7	2	12	143	11.92
AZ	74	58	7	8	120	15.00
CA	195	153	11	55	739	13.44
CO	85	23	2	13	232	17.85
CT	26	6	2	6	115	19.17
DC	9	7	11	2	11	5.50
DE	1	0	1	3	18	6.00
FL	3634	1520	48	3700	262687	70.996
GA	228	176	17	46	1335	29.02
HI	0	0	0	0	0	
IA	29	6	1	2	12	6.00
ID	19	5	2	7	46	6.57
IL	104	26	16	63	519	8.24
IN	52	13	15	12	314	26.17
KS	33	9	2	3	18	6.00
KY	50	32	18	20	426	21.30
LA	59	21	4	15	539	35.93
MA	44	5	2	3	11	3.67
MD	10	7	14	21	135	6.43
ME	10	3	2	4	13	3.25
MI	247	177	15	91	920	10.11
MN	112	28	7	15	345	23.00
MO	65	21	4	24	382	15.92
MT	10	4	0	5	21	4.20
MS	35	20	13	15	297	19.80
NC	151	21	41	65	804	12.37
ND	20	3	0	0	0	
NH	12	0	0	0	0	
NE	33	4	0	2	42	21.00
NJ	56	6	1	1	18	18.00
NM	23	8	1	6	84	14.00
NV	29	28	14	17	296	17.41
NY	35	8	22	882-3	12625-12	-14.27 4
OH	80	14	30	21	603	28.71
OK	59	30	2	21	401	19.10
OR	65	59	4	6	68	11.33
PA	29	10	9	3	45	15.00
RI	23	1	0	1	64	64.00
SC	76	52	216	120	4347	36.23
SD	20	5	0	1	5	5.00
TN	42	17	10	83	2423	29.19
TX	236	142	15	116	2628	22.66
UT	16	9	2	2	74	37.00
VA	46	14	14	51	553	10.84
VT	8	1	1	0	0	
WA	38	9	6	7	64	9.14
WI	50	21	11	13	145	11.15
WV	53	7	5	8	219	27.38
WY	14	11	0	0	0	
<b>Total</b>	<b>2884</b>	<b>1365</b>	<b>646</b>	<b>1003</b>	<b>20181</b>	<b>20.12</b>

**Table 3: 2010 CRDC Single-sex Academic Classes by State (Minus Florida & NYC)**

State	M Algebra	F Algebra	M Other Math	F Other Math	M Science	F Science	M English	F English	M OTHER	F OTHER	Total
AL	28	27	53	42	80	70	81	71	80	70	602
AK	0	0	0	0	0	0	0	0	0	0	0
AZ	2	2	4	3	6	5	7	7	39	45	120
AR	2	2	13	12	14	14	25	22	19	20	143
CA	51	24	53	26	49	23	68	40	237	168	739
CO	10	2	30	10	23	13	45	16	62	21	232
CT	0	0	9	9	15	15	9	9	23	26	115
DE	0	0	3	3	2	2	2	2	2	2	18
DC	0	0	0	0	0	0	0	0	10	1	11
FL	1784	1345	16575	7787	12865	6415	40288	20174	95576	59878	262687
GA	28	20	175	153	154	131	198	164	182	150	1355
HI	0	0	0	0	0	0	0	0	0	0	0
ID	3	3	4	4	4	5	6	6	6	5	46
IL	29	12	23	19	27	15	79	37	144	134	519
IN	8	2	44	35	34	28	60	55	26	22	314
IA	0	0	3	2	0	0	3	2	1	1	12
KS	1	1	1	1	1	1	1	1	6	4	18
KY	32	15	29	14	36	15	55	34	113	83	426
LA	25	20	47	44	62	57	80	74	70	60	539
ME	0	1	1	1	1	1	1	1	1	5	13
MD	4	2	7	5	5	5	15	22	35	35	135
MA	0	0	3	4	0	0	2	2	0	0	11
MI	16	12	81	47	86	51	286	168	85	88	920
MN	11	12	15	18	24	29	30	34	79	93	345
MS	8	1	34	32	45	32	47	36	36	26	297
MO	4	4	18	17	22	22	20	20	128	127	382
MT	0	0	0	0	0	0	0	0	9	12	21
NE	0	0	0	1	1	0	0	0	22	18	42
NV	4	2	39	24	28	17	57	33	55	37	296
NH	0	0	0	0	0	0	0	0	0	0	0
NJ	1	1	2	2	3	3	3	3	0	0	18
NM	4	3	9	9	9	9	13	13	8	7	84
NY	80	1110	2 683	1 1984	1 1244	1 954	2 1023	1 496	2 2819	2 2232	12 12625
NC	9	4	77	60	71	52	100	80	182	169	804
ND	0	0	0	0	0	0	0	0	0	0	0
OH	18	18	23	31	46	40	64	58	157	148	603
OK	3	6	50	41	45	44	65	55	47	45	401
OR	0	8	7	18	3	13	4	9	3	3	68
PA	0	0	1	1	1	1	1	1	19	20	45
RI	3	0	10	2	13	2	17	2	13	2	64
SC	46	43	573	541	533	513	582	544	511	461	4347
SD	1	0	0	0	1	0	1	0	2	0	5
TN	112	42	80	56	55	42	217	123	1281	415	2423
TX	192	141	293	115	164	106	639	388	373	217	2628
UT	8	2	6	3	4	2	14	3	22	10	74
VT	0	0	0	0	0	0	0	0	0	0	0
VA	25	25	61	57	84	77	73	72	34	45	553
WA	3	0	6	1	6	1	8	2	29	8	64
WV	1	2	29	28	26	25	29	25	28	26	219
WI	4	5	15	12	11	13	29	27	16	13	145
WY	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	696	464	1933	1504	1795	1495	3038	2262	4197	2844	20228

## Appendix A:



FEMINIST MAJORITY  
FOUNDATION

EDUCATION EQUALITY PROGRAM

TITLE IX ACTION NETWORK  
WWW.FEMINIST.ORG/EDUCATION

### Rescind the Bush Administration 2006 Regulation Weakening Title IX Prohibitions Against Sex Discrimination in Education

The Bush Administration weakening of Title IX in 2006 allows an increase in single-sex public schools and classes. Instead of decreasing sex discrimination, the key purpose of Title IX, this Bush era regulation has led to an increase in sex-segregation to over 1000 K-12 public schools. Title IX has been one of the most successful federal civil rights acts (See *Ms.* magazine “Triumphs of Title IX” in 35th Anniversary issue - Fall 2007 <http://feminist.org/education/TriumphsOfTitleIX.pdf>). The 2006 weakening of the Department of Education (ED) Title IX regulation fortunately does not extend to higher education, or to any level of vocational education. However, encouraging sex segregation at any level increases confusion and establishes a dangerous precedent for all students and educators!

#### Key Objections to the Bush 2006 Changes to the Title IX Regulation

**The Bush Administration arbitrarily weakened the Title IX regulation even though there was overwhelming public opposition.** When the Bush ED issued a draft regulation in 2004 to allow increased single-sex education in K-12 non-vocational public schools, all but approximately 100 of the 6,000 public comments were against the changes. The Bush Administration nonetheless issued a similar version as the final regulation in 2006. The National Coalition for Women and Girls in Education, with members from 50 leading women’s rights and education groups such as the NEA and AFT, has objected to these changes in the 2006 Title IX regulation ever since they were first proposed. (See <http://www.ncwge.org/singlesex.html> )

**Over 1000 public schools have started single-sex education since the Bush Administration indicated its plans to change Title IX.** Organizations have formed to advocate public single-sex schools or coeducational schools with single-sex classes. South Carolina established an “Office of Public School Choice - Single-Gender Education” which provided assistance to over 100 South Carolina public coeducational schools with single-sex classes. In most states, there has been little oversight by Title IX coordinators and others to ensure that single-sex activities in public schools are adequately justified even under the minimal equity requirements in the 2006 changes. Although it is difficult to find the required evaluations, there is evidence from multiple lawsuits, press reports, and investigations that many of these schools are not providing equal opportunities for their female, male, or coeducational classes. Instead of counteracting sex stereotypes, many of these schools are encouraging teachers to teach and reinforce sex-stereotypes.

**There are legal challenges to the 2006 Title IX regulation.** The original 1975 Title IX regulation permits sex segregated education under limited circumstances such as for contact sports. However, the American Civil Liberties Union (ACLU) is winning settlements against unlawful and discriminatory public school sex segregation that was encouraged by the 2006 regulation. Emily Martin said that while some “might think that sex segregated classes will be a quick fix for failing schools, in reality they are inherently unequal and shortchange both boys and girls.” In its arguments leading to settlements to stop illegal sex segregation ACLU has pointed out that the sex segregated classes are fundamentally unequal and violate Title IX, the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, the 1974 Equal Educational Opportunities Act, and in some cases, they also violate state laws.

**Sex segregation in public schools is more expensive than coeducational classes and schools.** The separate and often duplicate operations and facilities for public single-sex education are more costly than comparable coeducation. It takes more time and money to assure that all facilities and resources are equitable for both girls and boys in segregated rather than coeducational facilities. Even the 2006 changes require some safeguards which will cost the schools substantial time and resources. For every single-sex class, the 2006 changes require a substantially equal coeducational class. In many cases, they also require equal single-sex classes for both girls and

boys. They also require voluntary selection and evaluations every two years which, if done adequately, can be quite expensive. Additional resources are needed for staff training to address how to counteract, rather than reinforce, sex stereotypes. Schools that sex segregate may also face expensive lawsuits for violations of Title IX and other federal and state non-discrimination laws.

**Separate is never equal especially in public education.** Whether we are talking about facilities, quality of instruction, levels of expectations, treatment of students, or preference for a particular teacher, it is very difficult to provide even "substantial" equality in sex-segregated schools, classes, or activities. As in race or ethnic discrimination, the less prestigious or valued group often receives less favorable resources. For example, when the Albany Brighter Choices dual academies split into two buildings, the boys got the new school and the girls remained in the old building.

**The rescission of the 2006 Title IX regulation is essential because this regulation encourages scientifically unsound educational practices that create misguided education policies.** Sex segregation, allowed under the 2006 regulation changes, is absolute -- meaning only girls are allowed in the girls classes or schools and vice-versa. Although the 2006 regulation requires that single-sex schools or classes be chosen by students or parents voluntarily, in practice because they are not comparable options, students have no real choice. The justifications for many of the post 2006 sex-segregated classes and schools are based on inaccurate claims and inadequate research on so-called innate student differences by sex and related myths that male and female students learn differently and should receive dissimilar instruction. (See *Handbook for Achieving Gender Equity through Education*, especially Chapters 2, 9 and 31 for results from high quality research <http://www.feminist.org/education/handbook.asp>). Many advocates of single-sex education agree that there is more variation within groups of girls and boys than between them. However, they ignore this important truth when excluding everyone of one sex from a school or class intended for all boys or all girls, even if those excluded would meet the criteria and want to enroll. We live in a world where partnership, cooperation, and the ending of patriarchal traditions of male dominance and control are needed for our society's wellbeing. Sex-based separatism institutionalizes sex-based privilege and disadvantage.

**Summary and Call to Action.** There is no reason for the federal government to support wasteful and harmful efforts to turn back the clock by sex-segregating some public schools. Most efforts to provide sex-segregated education are detrimental and waste resources often for some of the most vulnerable students who face multiple types of discrimination related to poverty, race, ethnicity, disabilities, and gender identity or sexual orientation.

Sex segregation in public education generally does more to increase sex discrimination and stereotyping than it does to decrease sex discrimination, the key purpose of Title IX. Educators and students involved in single-sex education often accentuate stereotypes about sex differences in student learning and interests as a way to justify their segregated classes. Thus, the likelihood of promoting instruction focused on an individual student's specific needs and abilities is decreased. This hurts girls and boys and leads to sex discrimination in hiring teachers and administrators.

Title IX has been a highly effective and popular law. It has withstood many challenges. The 2006 changes in the ED Title IX regulation undermine the intent of Title IX and will continually threaten the advancement of gender equity in U.S. public schools until it is rescinded or otherwise invalidated. There is no right to discriminate on the basis of sex in education while using federal financial assistance. The Obama-Biden Administration's consistent support of gender equality and Title IX would be enhanced by the rescission of this Bush 2006 Title IX regulation and the provision of explicit non-discrimination standards for any schools that want to try sex segregation for affirmative purposes to decrease sex discriminatory outcomes as allowed in the 1975 Title IX regulation. (For other key resources on problems with sex segregation visit the American Council for Coeducational Schooling [www.coedschooling.org](http://www.coedschooling.org) and FMF [www.feminist.org/education/SexSegregation.asp](http://www.feminist.org/education/SexSegregation.asp) )

## Appendix B:

### Questions on Single-Sex Academic Classes in the 2006 and 2009-10 Civil Rights Data Collections

(This information is pasted from pages on [www.ocrdata@ed.gov](http://www.ocrdata@ed.gov) visited 8-2011)

#### 2006 Civil rights Data Collection for #12 about Single-Sex Academic Classes in Public Schools

##### About Table 12—Same-Sex Classes

<b>Table 12. Single-sex classes for current school year, 2006 – 07</b> Provide data on the total number of single-sex classes (classes with only male or only female students) in algebra or geometry, other mathematics, science, and other academic subjects. The Other Academic Subjects category includes history, social studies, foreign languages, etc. Exclude prekindergarten students in table 12.	
<b>Row A</b>	Check the box if the school does not have any single-sex academic classes
<b>Row B</b>	Identify the number of classes in academic subjects that contain students of a single-sex. Enter counts of classes, not counts of students.

#### 2010 Civil Rights Data Collection for #19 &20

##### 19. Single-Sex Academic Classes

- Does this school have single-sex classes in a co-educational school? Yes/No
- Single-sex classes are academic classes where only male students or only female students are permitted to take the class.
- If both male and female students are permitted to take the class, it is not a single-sex class.
- This question refers to classes, not courses.
- If the only single-sex classes are physical education, enter No.
- If the entire school is single-sex (all-male or all-female students), enter No.
- Independent study is not considered a single-sex class.

##### 20. Single-Sex Academic Classes in the School (only for co-educational schools with single-sex classes)

- Enter the number of single-sex academic classes in each subject area. Count classes, not courses, or students.
- Single-sex academic classes are academic classes in which only male students or only female students are permitted to take the class.
- Do not include classes where both male and female students are permitted to take the class.

Data collected by this table:

- Algebra or geometry
- Other mathematics
- Science
- English/reading/language arts
- Other academic subjects

Report data by the following disaggregation categories:

- Classes (With Only Males, With Only Females, Total Single-Sex Classes)
- Total Single-sex Classes is Web-based system autofill

Other academic subjects Category	Classes				Total Single- Sex Classes
	With Only Males	With only Females			
Algebra or geometry				*	
Other mathematics				*	
Science				*	
English/reading/language arts				*	
Other academic subjects				*	

Definitions used in the 2010 CRDC relating to Single-Sex Academic Classes

For the purposes of reporting single-sex classes, **Other academic subjects** includes history, social studies, foreign languages, and computer science.

For the purposes of reporting single-sex classes, **Other mathematics** includes all mathematics courses except Algebra (I or II) and geometry. This includes both basic mathematics courses and college-preparatory courses.

**Single-sex classes are academic classes in a co-educational school where only male students or only female students are permitted to take the class.** If both male and female students are permitted to take the class, it is not a single-sex class. If the entire school is single-sex (all-male or all-female students) the classes are not considered to be single-sex classes. Independent study is not considered a single-sex class.

See Algebra, Geometry, Other mathematics, Science, Other academic subjects.

For the purposes of reporting single-sex classes, **science** includes general science courses as well as college-preparatory science courses such as biology, chemistry, and physics.

## Appendix C: Sample State Profile for Alabama 7-25-09

### Working Draft, State of Single-Sex Education in Alabama

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#### Summary:

Using information from the National Association for Single-Sex Public Education (NASSPE) website and various news articles, we initially identified sixteen elementary and middle schools with single-sex classes in Alabama during some of the years from 2006-09. Information from the American Civil Liberties Union (ACLU) identified nine additional schools with single-sex academic classes during 2006-2009. ACLU also learned that there are many more schools in AL that have single-sex physical education classes. However, only the 25 schools with academic single-sex classes are counted in our totals for this study. Due to the ACLU agreements, only the four intermediate or middle schools in Baldwin County plan to continue sex-segregation in the fall of 2009. Counting the 9 additional ACLU identified schools we find that AL had at least 10 elementary schools with single-sex classes, 14 intermediate or middle schools and one high school.

There have been several ACLU led legal challenges to single-sex education in Alabama. In November and December 2008 ACLU open records request letters were sent to 10 of the 67 school districts, including the Mobile County School District and the Lawrence County School District asking for information on and later objecting to illegal sex-segregated classes in Hankins Middle School and East Lawrence Middle School<sup>i</sup>. Subsequently, the Mobile County School District agreed to stop the practice in Hankins Middle School as well as all schools in the Mobile County School District. As ACLU's March 25, 2009 press release states, the district settled with the ACLU stating that, starting in Fall 2009, "All courses will be integrated in every school in the county and no school will institute any sex-segregated programs for the next three years. For the 2012-2013 academic year and two years thereafter, if Mobile County plans to institute new single-sex programs in any school, it must first notify the ACLU before implementing them."<sup>ii</sup> ACLU announced a similar settlement with East Lawrence Middle school and all the schools in Lawrence County School District on July 6, 2009, which specified that beginning in fall 2009 all courses will be integrated in every school in the county.<sup>iii</sup> FMFalso learned that even before the settlement, Hankins withdrew from competition for a government science education grant that otherwise would have benefitted its students. ACLU also reports that of the 10 districts that received their requests about sex-segregated public school classes, nine have abandoned sex-segregation.<sup>iv</sup>

As other AL schools are hearing about these settlements, they are not likely to start (or perhaps continue) single-sex education, since they don't want to face legal challenges. The AL Title IX coordinator was not given permission to contact district Title IX coordinators to obtain their help in verifying or contributing to the information on single-sex public education for this report.

The following information includes schools that probably had single-sex classes as late as 2006-2008 school years. In fall of 2008, Fayette County, Jefferson County, Huntsville City and Wilcox County said they were not operating single-sex classes. Five other school districts (St. Claire County, Chilton County, Dothan City and Mobil and Lawrence County) have promised to end sex segregation in all their schools when they resume classes in the fall of 2009.

#### Schools with sex-segregated classes are listed by County

*Baldwin County* did not agree to end sex segregation by 2009-10.

**Foley Intermediate School**, in Baldwin County, has received significant attention and praise from the state government for its single-sex programs. According to the school's website<sup>v</sup>, they have four single-sex 4th grade classrooms and four single-sex fifth grade classrooms. Their faculty was trained by Leonard Sax in 2004 and again in 2007.

**Daphne Intermediate School** in Baldwin County has single-sex classes according to information received by ACLU of AL.

**Bay Minette Intermediate School** began offering single-sex classes for fourth graders in August 2006 after teachers at the school received training from Dr. Leonard Sax of the National Association for Single-Sex Public Education. ACLU also reported single-sex classes in **Bay Minette Middle School**. Both are in Baldwin County.

#### *Chilton County*

The **Maplesville Middle School\*** in Maplesville in Chilton County began offering single-sex classrooms in grades 4, 5, and 6 in the 2004-2005 school year but ended this sex-segregation by the 2008-9 school year with the arrival of a new principal.

**Verbena High School** in Chilton County had segregated 7<sup>th</sup> and 8<sup>th</sup> grade academic classes in 2008-9 but will not operate any single-sex classes in 2009-10.

#### *Dothan County*

**Beverly Middle School** in Dothan County, is one of the schools asked by ACLU to provide documents about its sex segregation practice during 2007-8. They separated boys and girls for all academic classes in 2006. This practice will stop in fall 2009 when the school will become a magnet school because of logistical problems, according to the school's principal, Larry Norris. The Dothan City School Superintendent, Sam Nichols, said he "doubts any city school will try the single-sex concept again in the future. Nichols would not comment on whether the reluctance to implement such a program was based on the ACLU's actions."<sup>vi</sup>

#### *Fayette County*

**Fayette Middle School**, in Fayette County, began offering single-sex classes in math, science, English, and reading, in August 2004. It stopped sex-segregating after a study by Auburn Univ. and observations by classroom teachers and school administrators did not show appreciable differences or advantages for segregated classes.

#### *Huntsville City Schools*

**Davis Hills Middle School**, in northwest Huntsville in Huntsville City schools, began offering single-sex academic classes for 6<sup>th</sup> and 7<sup>th</sup> graders in January 2005 but probably ended this practice by 2007.

#### *Jefferson County*

No single-sex schools identified. Said it has not operated sex-segregated classes in the past 2 years and has no plans to do so in the future.

#### *Lawrence County Public Schools*

**East Lawrence Middle School**, in northwest Alabama Lawrence County Public Schools, began offering single-sex classes in January 2006. Principal Cindy Praytor said, in 2007, "The students just accepted it, and I've not gotten any complaints -- from students or parents." The school will be providing integrated classes as of fall 2009 due to the ACLU settlement.

#### *Mobile County*

In Mobile County Public Schools, single-sex classes were also reported in **Hutchens, Ella Grant, and Westlawn** elementary schools and **Clark magnet school**.<sup>vii</sup> ACLU also identified the county's **Hollingers Island Elementary School, Hamilton Elementary School, Whitley Elementary School, George Hall Elementary School** as having single-sex classes. Teachers at George Hall and Westlawn Elementary Schools received training based on Gurian's book and workshop about girls and boys learning differently. This district has promised to end all this sex segregation by fall of 2009.

The single-sex classes at **Hankins Middle School** in Mobile County Public Schools and the resulting settlement to end all sex-segregation at the end of the 2008-09 school year was described in the initial summary. This should also hold true for **Mobile County Training Middle School**.

#### *St. Clair County*

**Odenville Middle School**, in Odenville in St. Clair County, began offering single-sex classes to 7<sup>th</sup>- and 8<sup>th</sup>-graders in math, science, social studies, literature and English, in January 2004. However on May 8, 2009, the County Superintendent informed the principal of this Middle School and all other schools in the county that they would not be allowed to offer single-sex education for 2009-2010. **Ashville Middle School** in the same county had sex-segregated

classes since 2004 as well, but ended them in 2008. The St. Clair County School system Board of Education invited ACLU to speak at its meeting to explain its open records act request for information about sex-segregated programs that might be discriminatory.

*Wilcox County*

**Ervin Elementary**, in Pine Hill in Wilcox County School District, began offering single-sex classes for grades 5 and 6 in the 2005-2006 school year but said they ended this practice before the 2009 school year based on an evaluation that showed some lower test scores after implementing single-sex classes. ACLU also identified **J.E. Hobbs Elementary School** in Wilcox County as having single-sex classes and receiving some training on the Gurian philosophy.

**The Wilcox County middle school**, formerly known as the Camden School of Arts and Technology, began offering single-sex classes for grades 7 and 8 in the 2005-2006 school year, but it probably ended the single-sex instruction by 2009.

**Alabama Laws against Sex Discrimination in Education:**

The Alabama legal statutes dealing with sex discrimination in education are as follows:

**Ala.Const. Art. I, § 1, Equality and rights of men.**

That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

**Ala.Code 1975 § 16-1-16. Special courses, tutoring, counseling, etc., for special groups of pupils.**

A local board of education may in its discretion prescribe special courses in citizenship, health, morals or any other subject it may consider necessary to meet the needs of special groups of pupils and may prescribe individual tutoring, counseling or group instruction and may assign special teachers and special classrooms or other places for such purposes and may schedule such courses either during or after regular school hours or at any time administratively feasible.<sup>viii</sup>

**Questions about the implementation of Title IX and related laws especially as they apply to single-sex education**

1. Who do you work with in the SEA, in the School Districts and in gender equity advocacy groups to help implement Title IX? **As the AL Department of Education Title IX Coordinator, James Nuckles works with Title IX coordinators in the 67 districts in the state.**
2. **What else do you know about current or proposed or existing single-sex education in your state?**
  - a. Do the schools provide comparable coed options? Give examples.
  - b. Is the single-sex education intended to decrease sex discrimination in the outcomes?
  - c. How else is the single-sex education being justified?
  - d. What assurances are provided to insure that single-sex or coeducational options are completely voluntary?
  - e. Are single-sex educational options being reviewed, monitored, and evaluated to insure that they are legal? (By what entities?)

As ACLU obtained information on these schools they found that they were operating illegal and sex discriminatory sex-segregated programs.

3. **What does the SEA do to insure there is no illegal sex segregation in public K-12 education?** (As you respond to these questions please comment on the frequency, consequences, and public availability of information on the following review, monitoring, and evaluation activities.)
  - a. How does your state or do local districts keep track of single-sex education? **There were no organized procedures to do this as of 4/09.**
  - b. Are there pre-implementation reviews of proposed single-sex education? What entities review and approve and what standards do they use? **School districts should be doing this for any proposals in their jurisdiction. School districts with ACLU settlements also have to notify ACLU of sex segregation plans.**
  - c. How does your state monitor to insure that single-sex education is not increasing sex stereotypes or sex discrimination in outcomes?

- d. For example is data provided on girls compared to boys and on any other populations such as low income minority boys compared to low income minority girls?
- e. Do you or other Title IX coordinators monitor to learn if there is equity between and among the single-sex groupings and the coeducational alternatives on equity measures?

**4. How does the state provide basic information about whether sex segregation is allowed or prohibited?**

- a. Who is delivering this information/guidance? Are there individuals involved beyond the Title IX coordinator?  
**James Nuckles will make sure this is part of the State Superintendents summer 2009 training program.**
  - i. Is there assistance from external groups for training or consultation?
- b. What does this guidance include?
  - i. Does it go beyond guidance in the 2006 Title IX Regulation changes on what is required to avoid sex discrimination? How?
  - ii. Do other federal legal considerations apply?
  - iii. What state laws or regulations are used to protect against discriminatory sex segregation?

**5. Describe the general grievance procedures used by the state for someone to complain about sex discrimination related to sex segregation.**

- a. Please send us the list of grievances or complaints related to sex segregation since 2002.
- b. Please share information on how these complaints were resolved. The strategy is to try to respond to questions and concerns. If not, they are referred to OCR. See previous discussion of Hankins Middle School and East Lawrence Middle School ACLU notices and settlements.
- c. How are Title IX coordinators or other SEA officials or gender equity advocates involved in the evaluations and guidance on the implementation of single-sex education in k-12 public education?  
Dr. Nuckles hoped that they would be asked to verify information reported in the first section of this draft and to provide updated information on schools that have stopped or plan to stop or start sex segregation for the 2009-2010 school year. However, his supervisors would not allow this follow-up.

**6. Are there state grants or other incentives for increasing single-sex education? NO**

**7. Are there state grants or other incentives for increasing gender equity in co-education? NO**

**8. Are there any state public school accreditation procedures or related that provide for a review related to compliance with civil rights laws such as Title IX?**

**9. If there are charter schools in AL, are there provisions to insure compliance with Title IX and related civil rights laws?**

----- End Notes-----

- i. ACLU Alabama Letter to Mobile School District, November 12, 2008.
- ii. "Alabama School District Agrees to End Illegal Sex Segregation: Policy Change Comes After Notice From ACLU." 25 March 2009. Accessed 2 April 2009. <http://www.commondreams.org/newswire/2009/03/25-5>.
- iii. "Alabama School District Agrees to End Illegal Sex Segregation: Policy Change Comes After Notice From ACLU". July 6, 2009. Additional details came from Allison Neal ACLU of AL staff attorney via e-mail note to Sue Klein 7-23-09.
- iv. Ibid.
- v. Foley Intermediate School Website. <http://www.foleyintermediate.org/?PageName=%27AboutTheSchool%27>. Accessed 4-2-09.
- vi. Cook, Jim. "ACLU Looking Into Beverlye Middle School's Single-Sex Education Program." Dothan Eagle. 19 December 2008. Accessed 2 April 2009. [http://www.dothaneagle.com/dea/news/education/article/aclu\\_looking\\_into\\_beverlye\\_middle\\_schools\\_single-sex\\_education\\_program/51745/](http://www.dothaneagle.com/dea/news/education/article/aclu_looking_into_beverlye_middle_schools_single-sex_education_program/51745/)
- vii. Philips, Rena Havner "Single-sex classes to be dropped" Al.com, March 20, 2009.
- viii. ACLU Summer Intern, Summer 2008

## Appendix D: Sample State Profile:

### Working Draft State of Single-sex Education in Maryland (1-12-11)

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#### **Summary: Extent of Single-sex Education in the State**

Final counts of MD public schools with single sex education during the 2007-8 and 2008-9 school years include 5 elementary schools, 4 middle schools, and 5 high schools. In this total we counted 2 all-girl schools and 1 all-boy school.

According to the National Association of Single-sex Public Education (NASSPE) website and various news articles and other sources, 13 public schools were identified with single-sex education in Maryland during school years 2007-8 and 2008-9. However, at least two were discontinued as of April 2009.<sup>1</sup>

Additionally, 10 schools indicated they had single sex academic classes in 2006-7 in a large OCR sample survey “soft” data and 7 with “hard” data. We contacted 8 OCR listed schools and found that 6 of these schools had single-sex academic classes in 2006-2009. Three did not verify having single sex classes during 2006-7. Stephen Decatur Middle School had short term single-sex test prep course in 2006 but didn’t continue that practice in subsequent years so we are counting it as a single-sex academic class for 2006-7 only. Thus, the OCR data led us to find three more schools with single-sex academic or career tech classes in 2007-8 and 2008-9 that we had missed in our earlier research.

The schools listed in the OCR survey that we contacted are highlighted in yellow. The 14 schools that we counted in our summary total for the 2007-9 school years are bolded.

#### **Elementary Schools:**

**Pangborn Elementary School** in Boonsboro\*, **Glenmount Elementary #235\*** in Baltimore, **Furley Elementary #206\*** in Baltimore, and Twin Ridge Elementary in Frederick County 240-236-2300 were identified as elementary schools with single-sex classes by NASSPE in 2008.<sup>1</sup> (Twin Ridge Elementary was also identified in the 2006-7 OCR survey, but the Assistant Principal said that it ended its single-sex classes in 2005-6. Some teachers were interested in this and Leonard Sax visited the school. A new principal came in 2005-6 and maintained single-sex classes that year, but they were ended in 2006-7 because staff who advocated them left. While there was soft evidence that some of the boys liked the single-sex classes, there was no hard evidence that it was helpful.<sup>1</sup> **McCormick School\*** had one all-male class (in 4<sup>th</sup> or 5<sup>th</sup> grade) for 3 years, but the other classes in the school remained co-ed. In 2008-2009, because of staffing concerns, there will be no single-sex classes at McCormick. The **Baltimore Freedom Academy\***, a charter school, had single-sex classes, but planned to discontinue them in 2008-2009 school year as well. We found little available information on the application of single-sex education in these schools—there are no details about how these schools are monitored or if parallel coeducational classes are offered. NASSPE also reports that as of 2009 **Appeal Elementary School\*** in Calvert Co. started single-sex classes.

#### **Middle Schools:**

The **Bluford Drew Jemison Science Technology Engineering Mathematics Academy\*** in East Baltimore is a charter school for boys only. In 2009 NASSPE indicated it became two all male academies. **Harford Heights Intermediate\*** in Baltimore City has single-sex classes.

Single-sex classes started at **Drew-Freeman Middle School\*** in Suitland, Maryland in the fall of 2008. Male and female students are to be separated for all core subjects: math, language arts, social studies, and science.<sup>1</sup> Students will come together for music and physical education. Academic and disciplinary problems are cited as reasons for the changes. Since 2003, the school has not met Maryland's Adequate Yearly Progress; on the 2007 Maryland School Assessments, only 47 percent of Drew-Freeman's seventh-grade students were proficient or advanced in reading, and only 35.7 percent were proficient or advanced in math. The principal was required to submit a plan to improve test scores and academic achievement—the new plan views single-sex education as a way to “change the culture of the school” to allow better test scores. This new “culture” also refers to the disciplinary problems in the school; the school reported 133 student suspensions in the 2006-2007 school year, according to Maryland State Department of Education data. This single-sex education had the goal of increasing test scores and decreasing disciplinary problems. The school says that “students will get the same textbooks, resources and curriculum”<sup>1</sup> but does not say how or who will enforce those requirements.<sup>1</sup> Drew Freeman's staff and the school system's School Improvement Office are preparing a written statement outlining their educational goals and objectives by identifying the rationale for using single-sex classes to assist in meeting those goals. Coeducational options will be available for students. The District Title IX coordinator worked with the planners to try to comply with the 2006 changes to the Title Regulations which allow sex segregation if various conditions are met.

**Clear Spring Middle School**— Washington County 301-766-8094 indicated it had 2 male only classes in 2006-7 OCR survey( 1 in math and 1 in other academic subjects).

Sue Klein talked with Principal, Derln Crawford who called back on March 10, 2010. He said that in 2006-7 the school had single-sex math and single-sex English Language Arts classes in 8<sup>th</sup> grade. They discontinued the single-sex math classes but even in 2010 are continuing one all boy and one all girl 8<sup>th</sup> grade English Language Arts Class although they have three other sections of 8<sup>th</sup> grade coed English Language Arts Classes which include a merit class. The school selects students for the single-sex class based on criteria that the students have potential to do better academically than they are doing. The students and parents do not voluntarily select the single-sex or coed classes. However, the school will listen to parents who want to change to any other class section. The curriculum for girls and boys classes are the same, but the selection of books may be adjusted to interest the boys or girls.

**\*Stephen Decatur Middle**— Worcester County – 410-641-2846 said it had single-sex academic classes in 2006-7 but did not indicate any numbers or “hard” data. We learned that in 2006-7 the school had a 3-4 week experiment where it separated the girls and boys to prepare for the Maryland State Assessment (MSA prep) but this experiment was not continued in subsequent years. On 4-14-10 Sue Klein talked with school secretary Bertha Ortiz who had been there since 1999. She also checked with the Assist. Principal to learn about the MSA prep. She also said they had short Family Life single-sex classes where nurse teaches sexuality separately to girls and boys.

The Baltimore Leadership School for Young Women, a public charter school, is scheduled to start in the 2009-10 school year at 6<sup>th</sup> grade with 120 girls and add a grade each year until 12<sup>th</sup>.<sup>1</sup>

### **High Schools:**

**Western High School\***, 410-467-3767 an all-girls liberal arts college prep school in Baltimore, was established in 1844 and thus allowed to continue under the 1975 Title IX regulations.<sup>1</sup> Western remains an all girls college preparatory **magnet** school and is the only fully single-sex public school in Maryland. Officially, Western High is open to males, but this is not well known nor has any male student ever applied. As for the school's student population, NASSPE cites that more than one-third of students at Western High School qualify for subsidized school lunches; Western's website offers no breakdown of socio-economic status, only stating that they are racially, ethnically, and socio-economically diverse.<sup>1</sup> In the OCR survey in 2006-7 it indicated 175 all female classes. The admissions instructions on the school website do not mention sex.

**Laurence Paquin middle/high school** in Baltimore. 410-396-9399 or 443-642-2126. In the OCR survey this school indicated 33 all female classes. This population of pregnant and parenting girls is still being served but an accelerated coed middle school program has been added. This school became Baltimore Rising Star Academy at Laurence G. Paquin in July 2009. The middle school has coed classes for students who want to accelerate passing middle school grades. The high school is for pregnant and parenting girls grades 10-12. The Principal Miss Patricia Shaw is supposed to call back.

**Boonsboro High School\*** offers a single-sex program. This program, known as the Academy, offers single-sex math, English, and science classes to the academic top ten percent of students in 9th and 10th grades.<sup>1</sup> It is not clear if students who do not want single-sex classes can have access to those same higher level coeducational classes. The school website provided no information about their single-sex classes.<sup>1</sup>

In the 2006 OCR survey Kent County High School – Kent Co. – 410-778-4540 reported a total of 13 single-sex classes, 4 for girls and 9 for boys in academic subjects. The photos of students in the current website look sex-segregated. <http://kchs.kent.k12.md.us/> 410-778-4540, Please check to see if any single-sex classes were continued in 2007-8 and 2008-9. Message left on 4-14 and 3-10 for Assist Principal Tracy Williams [twilliams@kent.k12.md.us](mailto:twilliams@kent.k12.md.us) and requested call back. The school secretary said that the only single-sex classes she knew about now were for freshman PE which is required for 9<sup>th</sup> graders. Tracy Williams called back on 4-23-10 and said that many of their Career Tech. classes are still sex segregated. For example, the health occupations courses are almost all female as they have only had two boys in the last 5 years. Similarly there have been hardly any girls in automotive and the 4 construction classes over the past 5 years. However, there is no policy limiting the classes on the basis of sex and the school uses a non-discrimination reminder, but does nothing special to increase non traditional enrollment. However Tracy Williams said that there were no single-sex PE or even sexuality ed classes as part of the health classes. She also knew of no Title IX coordinator in the school but does remember the MOA visit as being helpful related to reminding the school to encourage non-traditional enrollment in career tech courses. For the OCR data purposes we counted this as no single-sex academic classes.

Huntingtown High School– Calvert Co. Tel. 410-414-7036 indicated one female only class in 2006-7 OCR survey. Ms. Tina Gall, guidance counselor talked with Sue Klein on 4-14-10 and confirmed that the school has **not had** any single-sex classes. There may have been some electives such as women’s history, or stretching and toning that were all girls, but boys were not excluded. Also they never had single-sex sexuality classes.

In January 2009, **Albert Einstein High School\*** in Montgomery County began offering a male-only Honors English class for 17-20 Hispanic and African-American sophomores. In addition to special field trips, this was one of the two classes invited to meet with well-known women in connection with a Michelle Obama’s White House celebration of the March 2009 Women’s history month. The teacher who instituted this all boys class, William Lee, hopes to gain Principal James Fernandez’s support to broaden the program, including the creation of an all-female class, in the coming school year.<sup>1, 1</sup>.

#### **Laws Relating to Single-Sex Education in Maryland:**

Maryland has an ERA type law which prohibits discrimination on the basis of sex under the State Constitution. This statute states: "equality of rights under the law shall not be abridged or denied because of sex."

#### **Questions about the implementation of Title IX and related laws especially as they apply to single-sex education:**

##### **1. Briefly describe the role of the SEA Title IX Coordinator and others in implementing Title IX and state gender equity laws. Who do you work with in the SEA, in the School Districts and in gender equity advocacy groups to help implement Title IX?**

The SEA Title IX Coordinator coordinates a state Title IX Network, which includes local Title IX coordinators in all 24 Maryland school districts, and representatives from the state American Association for University Women, the Maryland State Teachers Association, and the Mid-Atlantic Equity Center. Within the SEA, contacts are maintained with: the Division of Curriculum, the Division of Career Technology and Adult Learning, and the specialists in athletics and physical education, and the staff of the Equity Assurance and Compliance Branch. The State Superintendent, Deputy Superintendent (Fair Practices Officer) and the General Counsel from the state Attorney Generals Office, are also contacted as appropriate.

Outside organizations providing technical assistance and resources include the Association for Gender Equity Leadership in Education, the National Coalition for Women and Girls in Education, the National Women’s Law Center, and the Title IX National Network. The State Title IX Coordinator also communicates with other SEA Title IX Coordinators.

2. What else do you know about current or proposed single-sex education in your state?

The SEA does not “approve” single-sex programs. There is no requirement for local schools or school systems to identify single-sex programs or proposed programs to the SEA. These offerings are determined by individual schools, and generally are approved and reviewed by school districts. The local school system Title IX Coordinators were requested in early 2008 to provide names of current or proposed single-sex programs, but the districts have not responded to date. At the state level programs are often only identified by word of mouth, news articles or they may be listed on the National Association for Single-sex Public School Education website.

When single-sex classes are offered, the rationale given is to improve academic achievement - particularly on the Maryland State Assessments, and meeting AYP for the No Child Left Behind Act. The other reason given is the overrepresentation in special education and in suspension and expulsion data for NCLB identified groups --- particularly African American and Latino males.

The Maryland African American Male Task Force, which reported to the State Board of Education in 2007 and to the Governor in 2008, included the establishment of single-sex options for African American males as one of its 19 recommendations. These reports were approved at the state level.

- a. Do the schools provide comparable coed options? Give examples
- b. Is the single-sex education intended to decrease sex discrimination in the outcomes?
- c. How else is the single-sex education being justified?
- d. What assurances are provided to insure that single-sex or coeducational options are completely voluntary?
- e. Are single-sex educational options being reviewed, monitored, and evaluated to insure that they are legal? (By what entities?) See question 7 for additional details.

Local School Systems and individual schools are responsible implementing school-based programs. Sample guidelines for reviewing programs are being developed and will be shared with all local school system Title IX Coordinators for their use. The SEA becomes involved if it learns of particular issues, and also if the proposals are part of an individual School Improvement Plan that comes before the State Board of Education for approval because of continued poor performance by the school.

3. How does the state provide basic information about whether sex segregation is allowed or prohibited?

The 2006 single-sex changes in the Title IX Regulations and the explanatory letter from the U. S. Department of Education’s Office of Civil Rights are posted on the State Department of Education website and were sent electronically and by regular mail to all local Title IX Coordinators. Statewide equity briefings are held annually. The National Women’s Law Center provided information on the 2006 changes to the Title IX regulations at the Equity Briefing in 2007-2008. Other resources and links to appropriate websites are also shared with the Title IX Network. Two school district Title IX Coordinators attended the Single-Sex Pre-conference Institute in both 2007 and 2008 at the Association for Gender Equity Leadership in Education Conference.

4. Who is delivering this information/guidance?

The Guidance is coordinated by the SEA, but support is provided by the organizations mentioned in item #1

- a. Is there assistance from external groups for training or consultation?

The National Women’s Law Center has helped with the gender equity training.

5. What does this guidance include?

The SEA focuses on Title IX, although the Equal Protection Clause of the 14<sup>th</sup> Amendment and Maryland’s state Equal Rights Amendment, passed in 1972, are also mentioned.

6. Describe the general grievance procedures used by the state for someone to complain about sex discrimination related to sex segregation.

The state requires each local school system to have its own grievance procedure. When a concern is raised at the state level, the SEA provides information to individuals about discussing and resolving issues with the local

Title IX Coordinator. The right to file complaints with the Office for Civil Rights at the U.S. Department of Education or by private action is also noted. The SEA also works to coordinate communication about issues between individuals and appropriate staff in the local school systems.

- a. Please send us the list of grievances or complaints related to sex segregation since 2002.
- b. Please share information on how these complaints were resolved  
None have been filed.

**7. What does the SEA do to insure there is no illegal sex segregation in public K-12 education? (As you respond to these questions please comment on the frequency, consequences, and public availability of information on the following review, monitoring, and evaluation activities.)**

- a. How does your state or do local districts keep track of single-sex education?  
Not at the state level.
- b. Are there pre-implementation reviews of proposed single-sex education? What entities review and approve and what standards do they use?  
Data is being requested from evaluations of new programs, but no monitoring has been done by the SEA to date. As the interest in single-sex programs has expanded, the SEA Title IX Coordinator will be meeting with the state's Attorneys General assigned to the SEA to discuss this issue.
- c. How does your state monitor to insure that single-sex education is not increasing sex stereotypes or sex discrimination in outcomes? For example is data provided on girls compared to boys and on any other populations such as low income minority boys compared to low income minority girls?
- d. Do you or other Title IX coordinators monitor to learn if there is equity between and among the single-sex groupings and the mixed sex alternatives on equity measures?  
The SEA currently does not have information on this issue, and does not monitor individual school programs.
- e. How are Title IX coordinators or other SEA officials or gender equity advocates involved in the evaluations and guidance on the implementation of single-sex education in K-12 public education?

The SEA Title IX Coordinator will be providing all school districts and relevant schools with Single-sex Evaluation Guidelines, being developed with input from several national and local gender equity advocates -- educators and lawyers.

8. Are there state grants or other incentives for increasing single-sex education?  
No.

9. Are there state grants or other incentives for increasing gender equity in co-education?  
No.

**Appendix E: All girl and All boy Public Schools & Dual Academies  
Identified during 2007-9**

	Girls	Boys
AR-2	Jacksonville Middle Girls School 2005	Jacksonville Middle Boys School 2005
AZ- 0	<b>Florence Crittenton</b> allowed to be all girl By new AZ law allowing single-sex charter schools in 2009-10	
CA-1	<b>New Village Charter High School</b> , an all girls college preparatory school in Los Angeles, began offering single-sex classes in 2008 <sup>1</sup> .  <b>Jordan High School Female Academy (20 randomly selected females attend all classes together in co-ed High School)</b>  <b>Jefferson Leadership Academy</b> —Middle school with all sex-segregated classes may not even be dual academy, Long Beach	<b>Jordan High School Male Academy ((20 randomly selected males attend all classes together in co-ed High School)</b>  <b>Jefferson Leadership Academy</b> —Middle school with all sex-segregated classes may not even be dual academy, Long Beach
CO -0	<b>Dual James Irwin Charter Middle School Girls in same building with boys</b>  <b>Betty Marler School all girls Charter (Correctional Schools with one School behavior code, but physically separate campuses and staff)</b>  <b>Planned GALs in Denver for 2010</b>	<b>Dual James Irwin Charter Middle School Boys in same building as girls</b>  <b>Ridge View Academy-all boys Charter correctional school</b>
DE -1		<b>Prestige Academy</b> -Charter School
DC – 3	<b>Excel Academy Public Charter School</b>  <b>Imagine SE Public Charter School Pre K-3</b>  <b>MEI Residential Charter School</b> Ended 2009	<b>Septima Clark Public Charter School 2006</b>  <b>Imagine SE Charter School Campus</b>
FL -6	<b>Young Women’s Preparatory Academy, Miami 2006</b> Grades 6-12  <b>JRE Lee Opportunity School for Girls, grades 6-12, Miami</b>  <b>Young Women’s Academy for Academic and Civic Development</b> at Jan Mann Opportunity School, Miami, grades 6-12  <b>17 PACE Schools</b> for girls with challenges K-3	<b>Young Men’s Preparatory Academy, Miami 2008, Grades 6-12</b>  <b>Richard Allen Leadership Academy Charter, Grades K-5</b> Started 2008, Miami  <b>The Young Men’s Academy for Academic and Civic Development at MacArthur South, Grades 6-12</b>
GA- 3	<b>Coretta Scott King Young Women’s Leadership Academy, Grades 7-8 Atlanta</b>  <b>Ivy Preparatory Academy Charter School for Girls 2007, Grades 6-12, Gwinett</b>	<b>BEST Academy at Benjamin Carson</b> 100% African-American males 2007, Grades 6-8, Atlanta
ID-1	<b>Marian Pritchett Memorial School</b> for pregnant and parenting teens	
IL-2	<b>Young Women’s Leadership Charter School of Chicago 2000</b> , 350 students, Grades 7-12, 78% African American, 15% Hispanic, 80%, Free lunch	<b>Urban Prep Charter School-Chicago 2006</b> African American, Free Lunch
IN- 5	Duncan Elementary, renamed <b>Frankie Woods McCallough Academy for Girls 2005</b> k-6, 385 100% African American, 89% Free lunch, Gary	<b>Edgar Evans Elementary School, , All boys academy 2005-6, Indianapolis</b>

	<p><b>Coleman Academy for Girls</b> Grades 4-6 Public Magnet School, 102 students, 1:6 teacher-student ratio, Indianapolis</p>	<p>Charles Drew Elementary, renamed <b>Dr. Bernard Watson Boys Academy</b> 2005 K-6. 462 students 1:16, 99% African American, 82% Free lunch, Gary</p> <p><b>Coleman Academy for Boys</b> Grades 4-6-7, Indianapolis</p>
KY -2	<p><b>Olmsted Academy South</b> girls middle school campuses, Louisville</p>	<p><b>Olmsted Academy North</b> boys middle school campus, Louisville</p>
LA -3	<p><b>Dual- Capital City Academy for Girls</b>, High School same address for both-became coed when taken over by Edison schools in 2009, Baton Rouge</p>	<p><b>Capital City Academy for Boys</b>, High School same address for both-became coed when taken over by Edison schools in 2009, Baton Rouge</p> <p><b>Miller-McCoy Academy for Mathematics and Business</b> –all boys state approved charter school</p>
MD-3	<p><b>Baltimore Leadership School for young women</b> to open 9-09</p> <p><b>Western High School for Girls 1844</b>, Baltimore</p> <p><b>Laurence Paquin Middle High</b> – historically for parenting girls, but became coed in fall 2009</p>	<p><b>Bluford Drew Jemison Science Technology Engineering Mathematics Academy</b>- Charter Middle School (NASSPE said also for girls but not on web) East Baltimore</p>
MI-5	<p><b>Detroit International Academy for Young Women</b> 2006</p> <p><b>Holmes Female Academy</b> in Flint</p> <p><b>Ferguson Academy for young Women</b>-mostly teen mothers, Detroit</p>	<p><b>Fredrick Douglass Preparatory Academy for Young Men</b>-College Prep 2006, Detroit</p> <p><b>Holmes Male Academy</b>-share 1 school, same name, Flint</p>
MN – 0	<p><b>Dual Academy : Minneapolis Academy</b> Grades 5-8</p> <p>S.I.S.T.E.R. Sisters in Science, Technology, Engineering and RX (Medicine) Charter School Opened in 2008 Part of and in same location as the BEST Charter School in Minneapolis]</p>	<p><b>Minneapolis Academy</b> Grades 5-8</p> <p>BEST Boys in Engineering Science &amp; Technology Serves African American Boys 7<sup>th</sup> grade -12, Minneapolis</p>
MO -0	<p><b>MO Imagine Academy of Academic Success Charter</b>, Grades K-8, St. Louis</p>	<p><b>MO Imagine Academy of Academic Success Charter</b>, Grades K-8, St. Louis</p>
NY -18 (G-11, B-7)	<p><b>Brighter Choice Charter Schools Albany</b>-Elementary Girls-in old building 2002</p> <p><b>Girls Preparatory Charter School</b>-NYC Elementary 2005</p> <p><b>Girls Prep Charter School in Bronx</b>- Elementary</p> <p><b>Bronx Global Learning Institute for Girls</b> charter school- Elementary</p> <p><b>Young Women’s Leadership School of East Harlem</b>-Middle Grades 7-12</p> <p><b>Young Women’s Leadership School of the Bronx</b> 2004 Middle Grades 7-10</p> <p><b>Young Women’s Leadership School Queens</b> 2005 Middle Grades 7-9</p>	<p><b>Brighter Choice Charter Schools Albany</b>- Elementary Boys-in new building 2002</p> <p><b>Excellence Charter School of Bedford Stuyvesant – Elementary</b> 2004 Brooklyn</p> <p><b>Green Tech High Charter School in Albany</b></p> <p><b>Eagle Academy for Young Men, South Bronx</b> 2004 High School</p> <p><b>Eagle Academy for Young Men II Brooklyn High School</b></p> <p><b>Urban Assembly Academy of Business &amp; Community Development</b>, 2005 High School-College prep, Brooklyn</p>

	<p><b>Young Women’s Leadership School, Astoria</b> 2006 Middle Grades 6-12</p> <p><b>Urban Assembly Institute of Math &amp; Science for Young Women</b> Middle Grades 6-9</p> <p><b>Urban Assembly for Criminal Justice, 6-12</b></p> <p><b>Urban Assembly School of Business for Young Women, Manhattan-High School</b></p>	<p><b>Urban Assembly Academy of History and Citizenship for Young Men</b> 2004 High School, Bronx</p>
NC -2	<p><b>Middle College of Bennett</b> 2002 for High School Girls grades 9-12</p>	<p><b>Middle College at NC A&amp;T</b> 2003 for High School for college prep boys grades 9-12</p>
OH -11 (G 5, B 6)	<p><b>Ella Stewart Academy for Girls</b> 2003, grades K-7, 95% African American, 94% Free lunch, Toledo</p> <p><b>Douglas MacArthur Girls Leadership School</b> 2007 Pre k-3 Cleveland</p> <p><b>Warner Girls Leadership School</b> Pre K-2 Cleveland</p> <p><b>*Charity Adams Earley Academy for Girls –2005,</b> Grades K-3, teach etiquette, African American &amp; Free lunch, Dayton</p> <p><b>Athena School of Excellence for Girls</b> 2005 for middle school girls to be closed in 2009 because of cost, Youngstown</p>	<p><b>Valley View Boys Leadership Academy</b> 2007, Pre K-3 Cleveland</p> <p><b>Clement Boys Leadership Academy-</b> K-8</p> <p><b>Dayton Boys Prep Academy</b> 2006, K-3</p> <p><b>Alpha School of Excellence for Boys</b> 2005 in Youngstown for middle school boys. To be closed in 2009 because of cost.</p> <p><b>Lincoln Academy for Boys</b> 2003 Grades K-6 Public Magnet School, Toledo</p> <p><b>Ginn Academy of Cleveland</b> for high school boys opened Aug. 2007</p>
OR -1	<p><b>Harriet Tubman Leadership Academy for Young Women, Grades 6-11, 180 students, Portland</b></p>	
PA - 4	<p><b>Dual Academy: Southwest Leadership Academy Charter School,</b></p> <p><b>Dual Academy: Anna B. Pratt Academy</b></p> <p><b>Dual Academy: Mary Mcleod Bethune Academy</b></p> <p><b>Dual Academy: George W. Pepper Middle School</b></p> <p><b>Philadelphia High School for Girls-Boys</b> can be admitted, but don’t apply 1848</p> <p><b>E.W. Rhodes High School for Girls</b> is a Young Women Leadership School and Victory School Partner</p>	<p><b>Southwest Leadership Academy Charter School-a Victory School</b></p> <p><b>Anna B. Pratt Academy-a victory school</b></p> <p><b>Dual Academy: Mary Mcleod Bethune Academy</b></p> <p><b>Dual Academy: George W. Pepper Middle School</b></p> <p><b>Boys’ Latin Philadelphia Charter School –College Prep</b> High school founded in 2007</p> <p><b>Fitzsimons High School for Boys,</b> a Young Man Leadership School in Philadelphia. It used to be a Victory school.</p>
SC – 0	<p><b>Langston Charter Middle School</b> Greenville</p> <p><b>Morningside Middle School for Girls ,</b> Grades 6-8, Charleston</p>	<p><b>Langston Charter Middle School</b> Greenville</p> <p><b>Morningside Middle School for Boys</b> Grades 6-8, Charleston</p>
TN -1	<p><b>All Girls Leadership Academy</b> Scheduled to start in 2009 in Chattanooga</p>	
TX -7	<p><b>Ann Richards School for Young Women Leaders</b> 2007, Grades 6-12, Austin</p>	<p><b>Pro-Vision All Male Charter Middle School</b> 2000 Grades 6-8, Houston</p>

	<p><b>Irma Rangel Leadership Academy</b> 2004, Grades 6-12, Dallas</p> <p><b>San Antonio Young Women’s Leadership Academy</b> Grades 6-12</p> <p><b>Lubbock School for Young Women Leaders, Grades 6-12</b></p> <p><b>KIPP Voyager Academy for Girls</b> open 2010 with 5th grade, Houston</p>	<p><b>William A Lawson Institute for Peace and Prosperity Preparatory Academy for Boys</b>, 2002 Charter School Grades 6-8, Houston</p> <p><b>Azleway Charter Boys School</b> Tyler – building trades, culinary arts (Part of larger social service org, had been a ranch for troubled boys- Part of Justice system)</p> <p><b>KIPP Polaris Academy for Boys</b> 5-8<sup>th</sup> grade, 2007, Houston</p>
UT – 1	<b>Young Parents School.</b> According to OCR data all high school students were female, Spanish Fork, UT	
WI -3	<p><b>Spectrum High School for Girls</b> in Milwaukee</p> <p><b>Lady Pitts High School</b> for pregnant teens</p> <p><b>Young Women’s Institute for Global Studies,</b> Milwaukee</p>	
82=Total of all girl and all boy schools included in summary totals for 2007-8 and 2008-9 ** excluding all shaded schools.	47	35

Yellow highlight means the school was not counted because it did not operate as a single-sex school during study years 2007-8 and 2008-9.

Green highlight means FMF counted the Dual academy structure as one coed school, not as two separate all boy or all girl schools because it appeared that there was only one administrative structure for the school.

Purple highlight on some schools that FMF learned were correctional schools and thus not included in the final state tabulation.

Some of the other schools on this list may also be sex-segregated schools for adjudicated youth.

Years given after the school name indicate the year the single sex education started.

## **Appendix F:**

### **Questions to State Title IX Coordinators Used to Develop the State Profiles**

Questions about the implementation of Title IX and related laws especially as they apply to single-sex education in your state.

1. Briefly describe the role of the SEA Title IX Coordinator and others in implementing Title IX and state gender equity laws. Who do you work with in the SEA, in the School Districts and in gender equity advocacy groups to help implement Title IX?
2. What else do you know about current or proposed single-sex education in your state?
  - f. Do the schools provide comparable coed options? Give examples.
  - g. Is the single-sex education intended to decrease sex discrimination in the outcomes?
  - h. How else is the single-sex education being justified?
  - i. What assurances are provided to insure that single-sex or coeducational options are completely voluntary?
  - j. Are single-sex educational options being reviewed, monitored, and evaluated to insure that they are legal? (By what entities?) See question 7 for additional details.
3. How does the state provide basic information about whether sex segregation is allowed or prohibited?
4. Who is delivering this information/guidance? Is there assistance from external groups for training or consultation?
5. What does this guidance include?
6. Describe the general grievance procedures used by the state for someone to complain about sex discrimination related to sex segregation.
  - a. Please send us the list of grievances or complaints related to sex segregation since 2002.
  - b. Please share information on how these complaints were resolved
7. What does the SEA do to insure there is no illegal sex segregation in public K-12 education? (As you respond to these questions please comment on the frequency, consequences, and public availability of information on the following review, monitoring, and evaluation activities.)
  - a. How does your state or do local districts keep track of single-sex education?
  - b. Are there pre-implementation reviews of proposed single-sex education? What entities review and approve and what standards do they use?
  - c. How does your state monitor to insure that single-sex education is not increasing sex stereotypes or sex discrimination in outcomes? For example is data provided on girls compared to boys and on any other populations such as low income minority boys compared to low income minority girls?
  - d. Do you or other Title IX coordinators monitor to learn if there is equity between and among the single-sex groupings and the mixed sex alternatives on equity measures?
  - e. How are Title IX coordinators or other SEA officials or gender equity advocates involved in the evaluations and guidance on the implementation of single-sex education in K-12 public education?
8. Are there state grants or other incentives for increasing single-sex education?
9. Are there state grants or other incentives for increasing gender equity in co-education?
10. Does your state allow charter schools? If so does it have any role in their approval and/ or continuation? If yes, please explain any guidance that relates to compliance with Title IX.
11. Does your state have a school accreditation procedure and how is compliance with equity policies addressed?

## Appendix G: Sample Letter to Obtain and Verify Information on Title IX Implementation

**From:** Sue Klein

**Sent:** Thursday, July 23, 2009 6:33 PM

**To:** Reiselt Bud (rreiselt@doe.k12.ga.us)

**Cc:** Miller Emily (emiller@feminist.org); Gable Leah (lgable@feminist.org); Geiser Lauren (lgeiser@feminist.org); Klein Sue (sklein@feminist.org)

**Importance:** High

Dear Bud,

We are developing descriptions of what State Education Agencies are doing to assure that educators are paying attention to federal and state laws to prohibit sex discriminatory single-sex public education. These state profiles will be a key feature of our 2009 report on "Sex Segregation in Public K-12 Education: The State of the States".

We have conducted initial research by searching the Internet for information from news articles, SEA web sites and even individual school web-sites, and the National Association of Single-Sex Public Education website. We have summarized what we could find to address the following questions:

1. How extensive is public K-12 single-sex education in the state?
2. What are you and your SEA doing to provide guidance on the proper and improper use of single-sex k-12 education?
3. What is your state doing to ensure that single-sex public education is used so that it increases gender equity in outcomes and that it is implemented and monitored to assure compliance with all federal and state laws to eliminate sex discrimination in public education?

To help us complete this project rapidly, we have drafted answers to as many of the following questions from what we were able to find, but we need your help in verifying and augmenting this information for our final report. We would also appreciate your sending us additional relevant documents that we haven't cited by providing web links or sending them by e-mail. Attached is an initial version of the Georgia profile.

Please insert your responses in the attached draft and send it to me, Sue Klein [sklein@feminist.org](mailto:sklein@feminist.org)<<mailto:sklein@feminist.org>> and Lauren Geiser [lgeiser@feminist.org](mailto:lgeiser@feminist.org). We would also be happy to discuss these questions with you or others you recommend. If you would like to change any of the responses, please feel free to do so. Thanks so much for your help.

**For Equality,**

**Sue Klein, Ed.D**

## Appendix H: Letter to Title IX Coordinators in Texas Education Service Centers

June 29, 2009

Dear ESC Title IX Coordinators:

The IDRA South Central Collaborative for Equity, the equity assistance center for federal Region VI, is working with the Feminist Majority Foundation to help them learn about single-sex public education in Texas. They have developed the attached draft profile with information that they could find so far on public single-sex schools in the state. They need your help in verifying and updating the information on the schools they listed in your ESC region, especially any schools with single-sex classes. They also need your help in adding any other public schools with single-sex education in your ESC region. Finally, they would like to know why the school stopped or started single-sex education and more about the nature of single-sex education in the schools that are continuing their single-sex education.

Here are their specific questions for public schools with single-sex classes or dual academy type structures for which the Foundation needs information:

1. If the school still offers single-sex instruction, we would like additional information on what is being done especially in the schools with single-sex classes and any related justifications and evaluations. (The yellow highlighted tel. nos. on the school web-sites may make it easier for you to verify the information.)
2. Are coed classes or other activities in the school also available?
3. Do the students socialize together in the same building? Do they eat lunch together?
4. What does the school do to assure free choice? How were students selected for the single-sex classes?
5. Was it voluntary for parents? For students?
6. What was done to assure parity for male and female single-sex and coed classes?
7. Do the same teachers instruct both boys and girls? Or do some teachers only teach boys and some only girls? If the latter is the case, how do you ensure that the quality of instruction is the same?
8. Are there certain classrooms designated for boys' instruction and certain classrooms designated for girls' instruction? If so, how do these rooms differ physically?
9. Are the single-sex classes totally exclusionary of the opposite sex?
10. Do teachers have any choice in teaching girls' or boys' classes?
11. Are the teachers instructed to teach the two sexes differently? If yes, how do the methods differ?
12. How did your school decide to provide the single-sex model?
13. What is the evidence that the single-sex classes have been effective?

Are there any additional schools that have single-sex education or plan to implement it in 2009? If so, please provide information on what is being done or planned?

To meet their schedule for preparing a national report on the state of single-sex education in the states, the Feminist Majority Foundation needs this verification and update information by **July 10, 2009**.

Please send your e-mail responses to both of us. The Foundation would like to add any additional information you might provide to the attached draft report. You can send your responses directly to Dr. Sue Klein at the contact points provided below or to me at [bradley.scott@idra.org](mailto:bradley.scott@idra.org) or reach me at any of my other contact points provided below.

I want to thank you personally and in advance for your spirit of cooperation.

Sincerely,

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Telephone (210) 444-1710  
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## **Appendix I: Statement from Massachusetts about Single-sex Education**

From July 3, 2009 e-mail to Sue Klein, FMF

Sue,

This is the language I've provided to reporters in the past when they've inquired about single-gender education:

Title IX, the applicable federal law, permits single-sex education programs under certain conditions. The issue, though, becomes one of state law and the state constitution, specifically the Equal Rights Amendment. In Massachusetts, an appellate court has yet to address the issue of single-sex schools or classes under the ERA. The court in hearing any legal challenges to single-sex education would also likely review the educational justification of this model.

There are ways to establish a single-sex model to make it more likely to be upheld by the courts. This would include creating companion programs for both sexes that are equal, and ensuring that participation in any single-sex program is voluntary and that no student who wishes to enroll in the program or class primarily serving the other sex is denied admission. In addition, any single-sex program should also be offered in the context of other, coeducational options that are equal in quality and function.

Thanks,

JC Considine  
External Relations Coordinator  
MA Department of Elementary  
and Secondary Education (ESE)  
781-338-3112

## **Appendix J: Acknowledgements**

### **Feminist Majority Foundation Staff and other colleagues who assisted Sue Klein in this research**

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