

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

**Part II: Role of States in
Addressing Single-sex
Public Education**

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State of Public School Sex Segregation in the United States:

Part II: Role of States in Addressing Single-sex Public Education (2007-10)

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

Overview and Summary

Findings and analysis for Part II: The role of the states in addressing sex-segregated public education.

The FMF “action research” showed that increased attention and support for state Title IX coordinators and the use of state equity accountability procedures such as school certification or accreditation reviews can help curtail unlawful sex discrimination. FMF however, learned that accountability responsibilities to end sex discrimination or to even learn about potential sex discrimination such as purposeful sex segregation were neglected in most states. Many state Title IX coordinators had little knowledge of public school activities to deliberately separate their classes by sex. Some Title IX coordinators used effective proactive and responsive strategies, but with the exception of their related roles in reviewing equity compliance of regular public or public charter schools or in vocational education, the Title IX coordinators rarely used investigative or compliance strategies. Most of the Title IX coordinators had little awareness of the problems of sex discrimination related to sex segregation unless they had experience with career and technical education civil rights compliance efforts to end single-sex enrollment in non-traditional career preparation courses such as auto mechanics. However, they were willing to learn about unlawful sex separation and wanted clearer guidance from OCR and others that they could include in their proactive as well as their responsive activities to prevent unlawful sex discrimination. Finally, FMF learned that active guidance on the risks of unlawful sex segregation was needed much more by the Title IX coordinators and education decision-makers in states with urban areas than in mostly rural states where sex segregation was rarely proposed as a viable or cost effective option.

The following insights on the joint role of the states and other levels of government in decreasing unlawful and ineffective sex-segregated public education indicate that:

- The laws prohibiting sex discrimination and lack of evidence of any value of sex-segregated education converge to indicate that if any sex segregation is allowed (using the affirmative action exceptions in the 1975 Title IX regulations to accomplish gender equity goals), this sex segregation should be closely monitored to ensure that it is more equitable and effective than coeducational alternatives. If not, it should be ended.
- Wise use of U.S. federal, state, and local governmental infrastructure policies and procedures such as education and compliance activities of Title IX coordinators, use of equality standards in accreditation systems, and transparency of justification and evaluation information on websites, can provide leverage to decrease unlawful and potentially harmful sex segregation.
- More governmental accountability, research, and evaluation are needed to support gender equitable coeducation which is critical in maximizing the full potential of girls and boys, women and men, and indeed, our society.

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 the 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 still finds 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).

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 in 2006 weakened the U.S. Department of Education's (ED) 1975 Title IX regulation to allow increased sex segregation under Title IX in limited circumstances. This was done despite overwhelming public opposition and evidence that ED was turning back the clock because this 2006 regulation violated the Constitution and undermined the purposes of Title IX (Stone, 2007). 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.

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 regulations¹ 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

¹ 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.

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).

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.

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 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. Vermilion 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 has shown how deliberate sex-segregated public education is more prevalent in some states than others. This Part II will provide insights on how some states have helped decrease unlawful sex-segregated

education as well as why the numbers of reported schools with sex-segregated academic classes in South Carolina have been much higher than other states.

Methodology

FMF started this research on the state of public school sex segregation in the states during the summer of 2008. As described in Part I, the focus was on identifying public schools in each state that had sex-segregated education. Part II describes relevant state laws and policies as well as the roles of state Title IX coordinators in knowing about the sex segregation and providing guidance on ensuring that it was lawful.

Data sources for Part II to learn about the role of the states in sex-segregated public education

FMF obtained information on state laws and policies related to sex discrimination and single-sex education. This was used as background information to help FMF use interactive “action research”² to learn from the state Title IX coordinators about their roles in implementing Title IX and related state laws – especially their activities in curtailing unlawful public school sex segregation. As FMF learned from the Title IX coordinators, it facilitated the exchange of information about what other Title IX coordinators were doing. For the 20 states in the FMF exploratory study Klein and Sesma (2011) contacted schools that indicated they had single-sex academic classes in the 2006 CRDC survey. Information from all sources was included in draft state profiles which were updated as needed. The Part II findings were based on an analysis of these state profiles along with additional insights from Part I on Patterns of K-12 Single-sex Public Education in the U.S. 2007-9.

Developing draft State Profiles

FMF developed state profiles as a systematic way to record descriptive information about single-sex education in each state. The first sections of each state profile containing information on the sex-segregated public K-12 schools are discussed in Part I of the “*FMF State of the States Report.*” Part II focuses on the other two sections of the state profiles which describe:

- state laws and policies related to prohibiting sex discrimination and
- the role of the state Title IX coordinators in curtailing unlawful sex segregation in their state’s public education.

These state profiles were continually updated and thus called “Working Draft of the State of Single-Sex Education in (name of the state).” As seen by samples of these profiles in Appendices B (Maryland) and C (Alabama), each started with contact information on the state Title IX coordinator or others who supplied state information.³ Then FMF summarized the extent of single-sex public education in that state and provided names

² “Action research” as used in this study is a participatory empowerment strategy intended to provide information on single-sex public education to the research participants (primarily the Title IX coordinators) while learning from them and generating national knowledge. The Title IX coordinators were encouraged to use the information they and FMF collected about their state and other states to help them do their jobs to fully implement the Title IX regulations to end sex discriminatory sex segregation.

³ In a few states no one from the State Education Agency provided any helpful information. In others various agency staff supplied this information.

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.

The next section of the profile contained information on the state's laws relating to sex segregation in education. Most of this information was provided by the ACLU Women's Rights Project during the summer of 2008. The final section of each profile contained responses to FMF questions about the role of the SEA Title IX coordinators in implementing Title IX and other state gender equity laws. Much of the focus was on their knowledge of, and actions related to, single-sex education in their state. The core questions they addressed are in Appendix F. Reference notes were provided on news articles, websites, and other responses from school personnel.

Numerous FMF researchers and other equity experts helped obtain information for the state profiles and reviewed various drafts of this report. (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 stability and assistance.

Action research for 2007-9 FMF study

FMF used action research to obtain information for the first and last sections of the state profiles. Since FMF works collaboratively with its allies to advocate for gender equality in education, FMF conducted this *State of the States* research as an interactive information exchange with the state Title IX coordinators who were the key state contacts. This iterative action research helped FMF learn about patterns of sex segregation in public K-12 schools for all the states and the District of Columbia as well as about the roles of the State and its Title IX coordinator(s). In addition to asking state Title IX coordinators about the status of sex-segregated public education in their states and their roles in implementing Title IX and other laws prohibiting sex discrimination, FMF provided some assistance and supported their networking with Title IX coordinators from other states.⁴ The goal was to obtain information while simultaneously helping the state Title IX coordinators with their activities to end sex discrimination and sex segregation.

The "Draft State Profiles" were updated as FMF obtained new information on each state. As needed, the state Title IX coordinators were asked to review and verify their state profiles.

Obtaining information on state laws and policies related to Title IX and sex discrimination

The ACLU Women's Rights Project provided a compilation of state laws related to non-discrimination on the basis of sex and human rights (Kachina, 2008). Information on these laws was included in each state profile and reviewed by the Title IX coordinators. When FMF staff heard about changes in state laws or policies related to sex segregation in education they updated this information in the State Profiles and asked for additional information from the Title IX coordinators and other gender equity advocates in the state.

Obtaining information on state Title IX coordinator activities related to single-sex education

⁴ 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.

The State Profiles described what the state Title IX coordinators did to discourage unlawful sex segregation in the public schools in their state. This information is described in the context of their other Title IX responsibilities and related state policies and summarized in the results section of this report Part II. FMF searches of State Education Agency (SEA) websites from summer 2008 to summer 2009 followed up on a FMF report on “*Gender Equity Information on State Education Agency (SEA) Websites*” (Plotkin, 2008). These searches provided initial information about how the SEA played a role in Title IX implementation or enforcement in general and helped FMF researchers start to fill in the responses to the Title IX implementation questions at the end of the State Profiles. This information was also used as a starting point for discussions with the state Title IX coordinators about their roles in monitoring and implementing Title IX especially as it related to single-sex education.

FMF obtained additional responses from state Title IX coordinators and other contacts to the questions in Appendix F by telephone or e-mail. To make it easier for the Title IX coordinators, FMF researchers prepared a draft summary of their telephone responses to the State Profile questions which the coordinators reviewed and improved for their state profiles. A sample follow-up e-mail cover letter requesting verification help from the state Title IX contacts is in Appendix G.

As FMF learned more about how some states successfully discouraged sex discriminatory single-sex public education, FMF fine-tuned and added questions to obtain additional information from the rest of the state Title IX coordinators. For example, after learning that Iowa was using equity criteria in school accreditation or accountability procedures to disqualify plans for sex segregation, FMF asked if other states also had this procedure. FMF also asked about charter school review standards and if the Title IX coordinator worked with the Career/Technical Education Methods of Administration (MOA) coordinator in their state.

Results: State Accountability Related to Lawful Sex Segregation in their Public Schools

State laws related to sex discrimination and sex segregation in public education

There are a variety of state laws that add to federal statutory and constitutional protections against sex discrimination in public schools. For example, 22 states have Equal Rights Amendment (ERA) type clauses within their state constitutions that provide some explicit protection against sex discrimination. In some cases these protections may be greater than under federal laws such as Title IX (Nash, Klein & Bitters, 2007).⁵ Additionally, some states have their own Title IX type laws as well as explicit prohibitions against sex segregation in public education and some have related laws that prohibit discrimination based on sexual orientation. In the 1983 *Newburg v. Board of Public Education* case “a Pennsylvania court held that Philadelphia’s Central High School’s all male admission policy violated both the federal constitution and the Pennsylvania ERA.” (Nash, Klein & Bitters, 2007, p.84).

Iowa (IA), Massachusetts (MA), New Jersey (NJ), and Washington (WA) state have explicit state laws prohibiting sex segregation in almost all types of public education. These laws may provide more extensive protections against sex and other types of discrimination than the 1975 Title IX guidelines which allow some sex segregation for affirmative or remedial purposes to decrease sex discrimination in the outcomes or the gender gaps in

⁵ Page 84. (These states are: AK; CA; CO; CT; FL; HI; IL; IA; LA; MD; MA; MT; NH; NJ; NV; PA; RI; TX; VA; UT; WA; WY.)

performance. Table 2 results described in Part I of this report indicate few public schools with deliberate single-sex classes in these states. The Washington state law (based on the state's Equal Rights Amendment) was used in 2011 by gender equity advocates and by the State Title IX Coordinator to successfully influence the school board to end sex segregation in a Tacoma, WA middle school.

At least six states: Arizona (AZ⁶), Delaware (DE), Florida (FL), Louisiana (LA), Michigan (MI), and Wisconsin, (WI) have weakened their state legal protections against sex segregation. With the exception of Michigan, this was done after the U.S. Department of Education issued the 2006 Title IX Regulation (which many supporters of gender equality want rescinded). The 1976 Elliott-Larsen Civil Rights Act in Michigan which had prohibited sex segregation in public schools based on principles in place since the 1787 Northwest Ordinance was weakened in 2006 before the October 2006 ED OCR Title IX Regulation was issued. This 2006 Michigan law allows sex segregation as long as the participation in these programs is voluntary and substantially equal coeducational programs and programs for the opposite sex are provided. This change and the related changes in the other states generally allow these states to meet the weak standards in the 2006 Title IX Regulation. It is also possible that this Michigan law may be invalidated by the later November 2006 amendment to the Michigan Constitution prohibiting sex discrimination or preferences in public education (Homer & Pollock, 2007). Table 2 indicates multiple schools with sex-segregated classes in most of these states.

However, having strong state laws prohibiting sex discrimination in education was not enough to stop questionable sex segregation. States such as California and Massachusetts interpret their state Constitutions strictly related to prohibitions against most sex segregation in public education. But other states, even with fairly strong ERAs in their constitutions, have specifically approved some recommendations that allow single-sex education. For example, despite a major ruling against a sex-segregated public high school in Philadelphia using the state ERA, Pennsylvania has provided no recent oversight at the state level to limit potentially illegal sex segregation in its public schools. Similarly, although Maryland has a state ERA, its African American Male Task Force included the establishment of single-sex options for African American males as one of its 19 recommendations in a report approved at the state level. Some states also allow their school districts or intermediate education agencies more autonomy in implementing federal and state civil rights laws than other states.

Roles of state Title IX coordinators and state gender equity policies

In the summer of 2008, in addition to the review of state laws and regulations related to prohibitions against sex discrimination and sex segregation, FMF contacted the State Title IX coordinators and their colleagues to learn what they were doing related to sex segregation in public education in their states. Many initially knew little about this issue or the existence of single-sex education in public schools in their state. But they were interested in learning and helped with this research while they paid more attention to sex segregation in implementing their Title IX responsibilities. Thus, FMF interactions with the State Title IX coordinators using questions to them about the nature of sex-segregated public education in their state and their roles in providing leadership on Title IX were mutually beneficial. Except for repercussions from legal actions in a few states against school districts,

⁶ Buduson, S. (July 30, 2009) AZ Now Allows Single Gender Schools, Reporter, KPHO.com. Visited <http://www.kpho.com/news/20220802/detail.html>. Related video. Law Allows Single-Gender Schools to Get State Funds.

there had been little attention to what the state education agency was doing to end unlawful sex segregation in public K-12 education.

Background on state Title IX coordinators

State Education Departments or Agencies (SEAs) are major recipients of federal financial assistance and help distribute this funding throughout their state. All organizational recipients of federal financial assistance in education are required to comply with Title IX and appoint at least one Title IX coordinator. FMF's Educational Equity program has been developing and maintaining a list of state Title IX coordinators since 2004. Additionally, FMF has been learning about their varying roles in implementing Title IX and related state civil rights laws (Baulch, 2004). FMF also assists them with information via the FMF website www.feminist.org/education and via e-mails and helps them learn effective strategies from each other. FMF studied the state education agency websites' provision of information related to Title IX and gender equity (Plotkin, 2008). As in the initial 2004 study by Baulch, it does not appear that there are any state Title IX coordinators whose sole responsibility is Title IX. FMF contacted the U.S. Department of Education's OCR headquarters and regional offices in 2008 but found that they rarely had telephone or e-mail information on state or other Title IX coordinators. FMF's list of "State Title IX Gender Equity Coordinators" is posted on the FMF website www.feminist.org/education/TitleIXcoordinatorsNetwork.asp. Since 2008, the FMF lists have identified at least one Title IX coordinator in each state education agency. Some state Title IX coordinators publish lists of school district or other Title IX coordinators on their state websites along with Title IX training and guidance documents.

In addition to providing leadership on gender equity and where possible developing networks with other Title IX coordinators and gender equity advocates, key roles of Title IX coordinators include: disseminating information on Title IX policies and resources, monitoring the overall implementation of Title IX and coordinating the recipient organization's full compliance with all aspects of the regulations, managing grievance procedures to provide prompt and equitable resolution of complaints and monitoring and evaluating compliance efforts and recommending needed changes. (See Chapter 5 on "The role of government in advancing gender equity in education" in the Handbook for Achieving Gender Equity through Education (Nash, Klein & Bitters, 2007) and http://www.feminist.org/education/NetworkCoordinators_Resources.asp

Although each state had a designated person with some Title IX responsibility, states varied in their support of their Title IX coordinators. Initially, in telephoning the state Title IX coordinators to request their help with this study of single-sex public education, FMF found that some coordinators had retired and their prompt replacement was encouraged. Sometimes, FMF reminded officials in state education agencies that at least one Title IX coordinator was a mandated responsibility under the Title IX regulation and that their state would be out of compliance with Title IX without a coordinator. FMF also reminded some Title IX coordinators about their need for broad coverage of Title IX. For example, in Georgia the Title IX coordinator initially only had responsibility for a state mandated athletic equity report. But after discussing Title IX coordinator responsibilities with FMF researchers, he connected with others in his agency responsible for broader Title IX issues and by September 2009, the state's federal liaison became the Title IX coordinator.

Over the years, many states had had very active Title IX coordinators who often coordinated statewide accountability activities, networks, and training with the Methods of Administration coordinators. However, the reductions in state budgets have been given as reasons for curtailing these activities in some states. For

example, in California, the state budgets cuts were cited as a reason for decreasing staff in the coordinator's office and for decreasing school reporting requirements of compliance with Title IX.

When the state education agencies (SEAs) decreased staff due to 2009-10 budget problems, some Title IX coordinators were given so many additional responsibilities that they didn't have time to talk with FMF researchers or to establish or maintain activities to identify and decrease sex discrimination in public education. For example, the Pennsylvania Title IX coordinator said she hadn't been paid in the past month and that the state agency had to downsize just to address mandated functions and that our questions about Title IX implementation fell outside of those functions.⁷ The Title IX coordinator from Nebraska said that the state used to have a full-time Title IX Coordinator and an active MOA coordinator, a gender equity newsletter, information on their SEA website and active training opportunities and networking with district Title IX coordinators, but because she has been given other responsibilities, her only Title IX related work now is to respond to specific inquiries. This decrease in Title IX coordinator work is common in many states, but unlike Nebraska, many of these states don't have coordinators with previous experience.

In some states such as Alaska, Idaho, Illinois, and Maine, Title IX coordinators at the time did not respond to FMF requests for help even in explaining their Title IX responsibilities. However, most state Title IX coordinators responded and appreciated suggestions on how they might do more to help their state fully implement Title IX and discourage unlawful sex segregation in their public schools.

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The next sections discuss what FMF learned about the 2008-9 state Title IX coordinators in general as well as their specific efforts to learn about and end unlawful sex segregation.

Responses to questions in the State Profiles about the 2008-2009 state Title IX coordinators

❖ *What are the varied responsibilities of Title IX gender equity coordinators in different states?*

Title IX coordinators are based in various parts of the state education agency such as the personnel office, the equity office, the instructional office, the career and technical education office, and the legal office. A few states saw their Title IX coordinators as being solely responsible for internal Departmental Title IX compliance issues dealing with state education agency employees or discrimination in a function that is handled by the state such as granting teaching licenses or operating a special school for individuals with hearing impairments (Montana; South Carolina, Texas, Indiana). However, most states also saw the Title IX coordinator responsibility as a broader leadership role in implementing both federal and state laws prohibiting sex discrimination and advancing gender equity. Many of these states worked with, and developed networks of school district level Title IX coordinators and often provided or facilitated training on Title IX.

Some states have multiple staff members assigned to Title IX roles. Some may have the internal SEA role (often in the Human Resources/ Personnel office) and others, the program or field oriented Title IX Coordinator roles

⁷ E-mail from Linda Rhen, PA Title IX coordinator to Sue Klein, Feminist Majority Foundation, July 31, 2009.

(IA, NM, TX). As needed, the Title IX coordinators also work closely with the state's Legal Counsel's office and as in the Kansas and Georgia, the legal counsel may also serve as the Title IX coordinator.

Often the field oriented Title IX coordinators work closely with or perform the additional duties of the Methods of Administration (MOA) Coordinator who (under the Adams Court Order) is required to closely monitor Career and Technical education compliance with Title IX and other civil rights laws such as Civil Rights Act (CRA) Titles VI, VII and Section 504 of the Rehabilitation Act of 1973. In other cases (Louisiana and Mississippi) the Title IX coordinator didn't even know that their state agency should have an MOA coordinator, but they learned who this person was at FMF's suggestion. The MOA coordinator's review process and school site visits have been guided by the U.S. Department of Education (ED) Office for Civil Rights (OCR) which held at least two meetings annually for the state MOA coordinators and operated a listserv to help them share information and address compliance issues in a consistent way. Some of the most well informed Title IX coordinators serve, have served, or work closely with MOA coordinators. One of their interests is to encourage equitable participation in courses for non-traditional occupations. Thus, they give some attention to not only making sure that there is no deliberate sex segregation but to also ensure that the classes are as sex integrated as possible. This focus was especially noted in Connecticut, Washington, DC, Michigan, Missouri, New Mexico, New York, Nevada, Ohio, Wisconsin, and Virginia. When the ED weakened the Title IX regulations in 2006 to allow more single-sex education, , they specifically limited these changes to K-12 non vocational education.

❖ ***How do state Title IX coordinators work with Title IX coordinators in school districts?***

Many state Title IX coordinators maintain lists of school district and or intermediate education agency Title IX coordinators and communicate with them regularly. During 2008-9 states such as Connecticut, Nevada, Michigan, and Utah included these lists on their state education agency websites to facilitate contact with Title IX coordinators. Other state Title IX coordinators such as the long time coordinator in Maryland frequently use their own private e-mail list of district Title IX coordinators. Some states such as Arkansas, Connecticut, Louisiana, and Michigan required their school districts to provide annual reports that include contact information on the district Title IX coordinators. This helped the state Title IX coordinator provide guidance on legal issues, good practices, and organize Title IX training. Some states have many school districts, such as Michigan with 750, and some as few as 36 in Rhode Island. Sometimes states such as Texas emphasize working with intermediate agency Title IX coordinators who then are supposed to work with the school districts. In the more rural states it is common for the state Title IX coordinator to communicate directly with the district superintendent who may also have Title IX coordinator responsibilities.

State Title IX coordinators in Hawaii and the District of Columbia have unique roles. The Hawaii Department of Education Civil Rights Compliance Office staff train superintendents in Title IX and other civil rights laws but said they are the only Title IX coordinators in the state (with the exception of the Univ. of Hawaii) since the school district and the Department are the same entity and there are no additional school districts. Washington, DC has a Title IX coordinator at both the Office of the State Superintendent of Education and DC Public Schools. Both are interested in establishing Title IX coordinators in the local public schools and working with them. The DC Office of the State Superintendent is responsible for the many DC public charter schools and organized Title IX training for staff from both public and charter schools.

❖ ***What are the key roles of state Title IX coordinators?***

To fully implement Title IX the coordinators should have prevention, monitoring, and compliance responsibilities and they should also be able to influence state policies to make sure they attend to equity responsibilities. On the proactive prevention end of the continuum some state Title IX coordinators provide state wide training sometimes with the assistance of the U.S. Department of Education funded Equity Assistance Centers or the Office for Civil Rights (OCR) regional office for their state. Some use legal advisors from organizations such as the National Women’s Law Center or experts from the Association for Gender Equity Leadership (AGELE).

Some coordinators receive monitoring or accountability information that helps them identify potential non-compliance with Title IX. In some states such as Arkansas, Utah, the monitoring procedures used by the Method of Administration (MOA) coordinators was extended beyond its mandated area of career and technical education.

However, most State Title IX coordinators play more of a reactive than a proactive role in providing leadership on Title IX implementation. They respond to questions from district Title IX coordinators and others on gender equity issues and in doing so are often able to encourage compliance. Few however have the authority to investigate and identify non compliance. In some states the support for Title IX coordinators also changes as the State Superintendents or Commissioners of Education and school boards or other elected officials change.

FMF’s telephone interviews with Title IX coordinators from over 40 states including DC helped learn about the coordinators knowledge of single-sex public education in their states during the 2007-9 school years, and if and how they were paying attention to Title IX compliance to avoid unlawful sex segregation. As noted earlier, FMF shared information with them on the state’s public schools that had tentatively been identified as having single-sex education and on their state laws relating to equal protections on the basis of sex. FMF asked them to help verify the schools in the draft state profile that FMF had listed as using single-sex instruction and add any new schools that were missed.

FMF also asked the state Title IX coordinators to explain their role in implementing Title IX by discussing their responses to the questions in Appendix F. Their responses to these questions are summarized in the draft state profiles. Sample profiles and letters to the state Title IX coordinators are included in Appendices C,D,G & H . In conversations with state Title IX coordinators, FMF shared information on how the coordinators in other states were attending to single-sex public education and encouraged them to also help prevent sex discrimination in this area. As previously mentioned, FMF updated and corrected the state profiles after receiving feedback from the state Title IX coordinators or their designees.

Most of the state Title IX coordinators react to complaints but do not actively search for Title IX violations. In many cases, these Title IX coordinators received no inquiries about public school sex segregation because few in their state knew of the existence of the Title IX coordinator and their responsibilities. For example, relatively few of the Title IX coordinators were identified on the state education agency website.

❖ ***What did the state Title IX coordinators know about public schools with single-sex education in their state?***

In 2008 FMF found that only a few state Title IX coordinators were aware of the extent of public school sex segregation in their states. Thus, the receipt of the initial draft profile of their state's sex-segregated schools and sex-segregated classes in coed schools was the first opportunity for most Title IX coordinators to learn the extent of single-sex public education in their state. South Carolina (SC) was the only state that officially publicly identified and kept track of (and assisted) its public schools with single-sex education by creating an Office of Public School Choice/Single Gender Education in 2007.

As discussed in Part I of this study, South Carolina (SC) was the only state listing its single-sex schools on its website. Although the SC Department of Education website viewed "single gender" programs as a choice to further the educational purposes of the school, it provided little information on the specific sex segregation practices in the over 200 SC schools with single-sex classes or even in the schools it honored for this strategy in 2008-9. While SC provided Title IX compliance oversight to schools with career and technology programs via reviews conducted by its MOA coordinator, it did not provide this oversight to public schools in general, and only provided technical assistance, not oversight, to schools with single-sex programs. The single gender program requested demographic information on grade and subject levels for single-sex education, conducted site visits to schools with single gender education, and provided technical assistance and training on teaching single-sex classes. Its website continues to provide an annual report/map of SC's single gender schools. SCDE said compliance with the law is the responsibility of each school district, but after initial inquiries, the program's "Gender Matters" newsletter and the website provided summary information on the ED 2006 Title IX regulation prohibitions against sex discrimination. However, unlike its vocational education MOA responsibilities, SC did not monitor its single-sex programs to insure that they were adequately justified and that they did not increase sex stereotypes and sex discrimination in outcomes or to insure that the boys and girls or single-sex and coed classes were comparable. Similarly, SC did not provide guidance on school evaluations of their single-sex programs. It is also noteworthy that SC provided no response to FMF's question "Is the single-sex education intended to decrease sex discrimination in outcomes?"

In addition to South Carolina, the Title IX coordinators of states that were aware of the presence or absence of sex segregation in their public schools included: Iowa, Hawaii, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Rhode Island, South Dakota, Vermont, Utah, and Wyoming. Except for SC, FMF found little or no sex segregation in these states' public schools. State Title IX coordinators in Connecticut, Maryland, and Wisconsin were aware of most of the sex-segregated public schools in their states and were quick to help check other schools that came to FMF's attention. The Arkansas, Louisiana, Nevada, North Carolina, and Tennessee Title IX coordinators also said they would consider keeping track of public schools with sex segregation in the future.

After initial inquiries, Washington State developed a one-time Equity Assurance Form to be completed by all 245 school districts in the 2008-9 school year. Responses received from this initial request by August 2009 indicated no districts self-identifying as having any sex-segregated classes or programs (aside from those allowable by the Washington state sex equity law). As noted in the first section discussing the results, this Washington state law is stronger than Title IX in prohibiting sex-segregated education. Despite assurances and strong prohibitions against sex segregation, and annual follow up reviews, other sources identified some sex-segregated schools. The state education equity and civil rights office requested Seattle to submit an action plan to show that its sex segregation was in compliance with Washington law (since it remedied past gender discrimination and promoted gender equality). The able but frequently changing Washington State Title IX coordinators promised

to have their Equity and Civil Rights Office monitor this potentially allowable single-sex education. A Tacoma, WA middle school with more recent single-sex classes ended them by the fall of 2011. The principal of this school had used Title I funds to bring Leonard Sax, a leading single-sex advocate and the head of the National Association of Single-sex Public Education as a speaker/trainer to the school in March 2011. Media attention, citizen pressure, freedom of information inquiries to the school district, and a reminder by the state Title IX coordinator about the strict Washington law against most sex segregation, appeared to influence the district to stop this sex segregation by the 2011-12 school year.

While most state Title IX coordinators were cooperative and interested in helping with this study, by 2010 some states such as Alaska, Idaho, Illinois, Indiana, Maine, Minnesota, and Ohio did not talk with FMF researchers or respond to questions about their Title IX work and especially their knowledge of single-sex public education in their state. In some cases these Title IX coordinators may not have received permission from their supervisors to cooperate, perhaps because of fears that this will uncover Title IX violations. FMF also had responses like “the Minnesota Department of Education does not track single-sex education classes in our state. As such, we cannot confirm nor comment on the information you have attached.”⁸ FMF also received a similar January 2010 response about the lack of systematic information from New York State.

Texas state Title IX coordinators said they wouldn’t be able to verify the single-sex schools listed in the Texas draft profile, but said that the Title IX coordinators in their Education Service Centers (ESC) would be able to do so and that these organizations would also provide Title IX training. With the help of the ED supported Equity Assistance Center in San Antonio, TX, FMF identified and wrote these ESC Title IX coordinators to ask for their help in verifying FMF state profile information on single-sex public education in their service center region. None of them provided any helpful information from this joint request which is included in Appendix F.

Perhaps some states did not keep records or monitor for compliance in this area so that if the state has open records laws, the records would not be available for public inspection. Similarly, despite the 2005 Supreme Court Jackson v. Birmingham Board of Education decision protecting coach Roderick Jackson from retaliation because he complained about sex discrimination against his girls’ team, there are examples of state and school district Title IX coordinators, being threatened with retaliation when they report on, and try to end, sex discrimination.⁹

In summary, some state Title IX coordinators helped verify the public schools with single-sex education that FMF had identified in draft state profiles including the schools from the 20 states in the FMF exploratory study of the 2006 Civil Rights Data Collection (CRDC) survey that reported having single-sex academic classes (Klein & Sesma, 2011 and Part I of this study). Other state Title IX coordinators were often not able to provide much verification. In many cases they did not have the time or their supervisor’s permission or the systems in place to easily check with their state’s school district Title IX coordinators or use other state data sources to learn if the schools on our list used single-sex instructional strategies.

⁸ E-mail from Sara Winter, MN Department of Education to Sue Klein 6-16-09

⁹ Personal communication to Sue Klein and others from Dr. William Howe, CT Title IX Coordinator, June 2009 and from Herb Dempsey who assists plaintiffs with numerous Title IX complaints.

FMF also learned that school self-reports of single-sex education were not always accurate. For example, although none of the Washington state schools reported having single-sex education in 2009, there was other evidence that six Washington public schools still had single-sex classes. Similarly in the FMF Exploratory study of the 2006 CRDC responses for 20 states, FMF could only verify single-sex classes in 40% of the schools that had reported having them.

❖ ***What proactive guidance did the state Title IX coordinators provide related to sex segregation in K-12 public schools?***

In 2008 few states provided information on prohibitions related to sex segregation in public schools because it hadn't been an issue, especially in many mostly rural Western or New England states with little or no single-sex public education. Or the state Title IX coordinator may not have realized that this guidance was needed or even been aware of the weakening of the 2006 ED Title IX regulation. For example, only four states (Connecticut, Maryland, South Carolina and Wisconsin) provided guidance on lawful sex segregation on their websites or in their Title IX training).

By the end of the FMF study in 2010 more state Title IX coordinators provided information on legal actions related to single-sex public education to the district and other Title IX coordinators and superintendents via e-mail or in Title IX training and some such as Tennessee had newsletters for Title IX coordinators. State Title IX Coordinators (from Colorado, Florida, Tennessee, Utah, and Virginia) said they would consider including this information in their next Title IX training cycle.

After asking South Carolina questions in the summer of 2008 about the role of the Title IX coordinator and the state in insuring compliance with Title IX, FMF noticed a variety of changes in their website and their *Gender Matters* newsletter such as providing information on prohibitions against sex discrimination in the ED 2006 Title IX regulation and even reporting on ACLU legal action against schools that used sex-segregated classes. Iowa had clear prohibitions against sex segregation and required a waiver to allow a public school to implement single-sex education. This waiver must be renewed annually based on an equity review for state school accreditation. Utah sent an e-mail to state Title IX coordinators and superintendents after the 2006 Title IX regulations were issued discouraging educators from starting sex-segregated public education.

In states such as Connecticut and Hawaii where there was active state level Title IX training, the state Title IX coordinators received inquiries about the legality and appropriateness of establishing single-sex classes in public schools. They reported that their response was that single-sex public education can be legal in some circumstances, but it would have to be appropriately justified, implemented in a non discriminatory way, and provide evidence that it is as effective as other coeducational options. The statement used by the Massachusetts Department of Elementary and Secondary Education in response to press inquiries in Appendix I is an example of state guidance which also references the importance of the state ERA.

❖ ***What are the state Title IX coordinators doing to monitor sex-segregated public education in their state to insure compliance with federal and state laws and policies?***

Although deliberate sex segregation in public education results from official school district and school policies that should be described in many school accreditation reviews or in proposals for charter schools, it is quite

difficult to find details of this single-sex education in the information provided on current or proposed schools. Similarly, equity principles or standards relating to sex segregation are rarely detailed in the review criteria.

Typically, State Title IX coordinators only learn about proposed single-sex public education in a particular school if they receive an inquiry or hear about it from informal networks or news stories. They may also learn about proposed single-sex education if it is part of a “School Improvement Plan” to address continued poor performance by the school (related to standards in the federal No Child Left Behind legislation) if the plan comes before the State Board of Education for approval. State Title IX coordinators also may learn about plans for sex segregation if they are involved in any school accreditation or equity compliance reviews such as MOA site visits.

FMF asked the state Title IX coordinators for their help in verifying information obtained by FMF researchers on schools with purposeful single-sex education. In Texas as shown in Appendix H, FMF also shared the list of schools with the Education Service Center Title IX coordinators. As reported earlier, some of the state Title IX coordinators were very helpful in verifying the existence of single-sex segregation in these schools. In some cases such as Florida, North Carolina, Mississippi, and Nevada, FMF worked closely with school district Title IX coordinators to identify additional schools with single-sex education to add to the state profile.

However, as reported in the Part I analysis, FMF estimated that the list of 646 schools missed many other public schools that used single-sex education during 2007-9. For example, the ACLU public information request and settlements in nine Alabama school districts identified nine additional schools that had single-sex classes that FMF had not included in the initial draft Alabama profile.

In talking with the state Title IX coordinators FMF learned about some state strategies that were useful in monitoring and identifying questionable public school single-sex education before it was brought to their attention by complaints or researchers. These accountability procedures included the equity review process often used in conjunction with school accreditation or charter school approval in Iowa, Arkansas, Tennessee, Nebraska, New Jersey, Oregon, Rhode Island, Utah, Wisconsin, and California.

Iowa used an especially effective school accreditation review procedure which included an explicit equity review to prevent inappropriate public school sex segregation which is unlawful under state laws as well as Title IX. Iowa school districts knew to go to their Title IX and civil rights expert to request a waiver if they intended to institute single-sex education. If the waiver was granted as part of the accreditation review, the results were closely monitored to determine if the affirmative purposes of the single-sex instruction were being met adequately to continue.

In Arkansas, where FMF had only identified two schools with single-sex education in the 2007-9 study, the state Title IX coordinator, provided guidance related to compliance with civil rights statutes in the school accreditation reviews and in school improvement plans. This Arkansas review was similar to the MOA coordinator review of career and technical education, but it covered all grade levels and subjects and did not usually involve site visits. Arkansas also looked at the data it received from schools for disparities such as gender gaps in enrollment or achievement. They also requested that school improvement plans address these disparities.

Tennessee’s Title IX coordinator requested and reviewed school district Title IX reports on how they increase awareness of Title IX and on Title IX complaints. She planned to ask for more information on single-sex schooling

in future district reports. The Louisiana Title IX coordinator, who was also the Deputy Undersecretary, thought it was a good idea to include equity criteria related to sex segregation in the state school accreditation review and in the individual Parish charter schools review and said that he may implement this change.

Utah had a school accreditation review every three years that addressed civil rights issues and also used an MOA type school monitoring review for all types of K-12 public education. Rhode Island's Title IX coordinator also used the MOA review more broadly than the required career and technical education coverage.

Nebraska also had a civil rights compliance section of its school accreditation but there was no specific mention of sex segregation and it wasn't an issue in the state. Similarly, in Oregon and Rhode Island there was no specific attention to single-sex education in the equal opportunity criteria in the school accreditation process.

Wisconsin required that school districts submit an annual compliance report and do a self-evaluation every five years. However, there is no explicit guidance for either to provide information on single-sex education. The prohibitions against single-sex education are more explicit in the MOA site reviews of career and technology programs for Wisconsin and other states.

Maryland hoped to keep track of schools with public single-sex education and to obtain their evaluations to make sure that they are in compliance with the laws. It also has made arrangements for state review of school improvement plans to be coordinated with some review by the equity office. Many other states like Michigan hope that the school districts will assume this equity review and monitoring responsibility.

California had a procedure where school districts were required to submit information on single-sex programs to document legal compliance in a larger annual consolidated application for state funds. However much of this was suspended with the severe state budget cutbacks. Washington state planned to incorporate an equity review into its program accountability process to make sure that no schools implement sex-segregated public education.

FMF also asked many state Title IX coordinators if equity criteria that might identify questionable sex-segregation practices were included in any state reviews of public charter schools. In many cases they said they would check on this if their state allows public charter schools. Most Title IX coordinators were not aware of criteria used in state school accreditation procedures but assumed that in addition to tracking academic achievement the criteria included reminders to comply with federal and state civil rights laws. These reminders are rarely explicit in mentioning looking out for inappropriate sex segregation.

While almost all states said that the approval and operation of any sex segregation in the public school, was the responsibility of the school district, most states had some limited role making sure that the schools in their state operated appropriately under federal and state laws. However, Arizona, Maryland, Michigan, Minnesota, New York, Wisconsin, Colorado, and Texas indicated that they had no general authority to review or approve single-sex education.

❖ ***To what extent do states investigate potentially unlawful sex segregation in the public schools?***

This part of the FMF study asked about the state's role in actual investigations of sex discrimination related to public school sex segregation. Although most decisions about allowing public single-sex education are made by

local school districts, some states have the authority to investigate if a potential problem is called to their attention often through an appeal process. In most cases these investigations are reserved for official grievances and complaints which may go first to the school district Title IX coordinator and then to the state Title IX coordinator or to others in the state through an official grievance process. More often the state Title IX coordinators are asked questions informally about what is lawful by district Title IX coordinators or others such as superintendents. They usually respond by informally obtaining more information and sharing it with the school district officials for corrective action as needed.

In 2006 FMF found that only 13 states had responsibility for conducting investigations of violations of local education agency compliance with Title IX but “more may conduct investigations under their own state civil rights laws.”(Nash, Klein, & Bitters, 2007)¹⁰ However, it is unlikely that any of them do this regularly except under the specific MOA accountability requirements for annual site visits to the selected schools with career and technical (vocational) education programs. Since these MOA compliance reviews are only required for vocational education programs only a few states used some aspects of this strategy to investigate other K-12 programs that had single-sex classes.

Most Title IX guidance and complaints are handled at the school district level and complaints are also sent directly to the OCR regional offices. In some states such as Nebraska, the OCR regional office sent the state Title IX coordinator a copy of the complaints. The state Title IX coordinators are also generally available to consult and advise the district Title IX coordinators and superintendents and some coordinators participate in state level grievance appeal processes. Although one of the FMF questions asked about formal grievances and for copies of complaints related to sex segregation, FMF did not learn of any state Title IX coordinators receiving any complaints or grievances about sex discrimination related to sex segregation. However, in Alabama the Title IX coordinator was aware of the ACLU legal complaints and settlements.

❖ **To what extent do states provide incentives to increase single-sex education?**

None of the state Title IX coordinators knew of any state grants or other incentives for increasing single-sex education. While South Carolina agreed that training and consultation by David Chadwell on “single-gender programs” were frequent and sometimes free, they considered this “technical assistance” and said “There are no state funded grants or other incentives for increasing single-gender education.” None of the other states responded that they provided active technical assistance or training on implementing single-sex education. However, FMF found a news report that two schools in Manatee County, FL received a \$40,000 state grant that allowed them to experiment with separating some students by sex (Sanchez, 2008).

❖ **To what extent do states provide incentives for increasing gender equity in coeducation?**

None of the state Title IX coordinators knew of any state grants or other incentives for increasing gender equity in coeducation. A few admitted that they were not aware of all of the state grant programs and that there may be something funded along this line or that something associated with gender equity could be funded through a

¹⁰ Quote is from page 85 column 1.

federal career and technology program, but none knew of any specific state or even federal funding to advance gender equity in a coeducational setting.

Summary and Analysis: Insights on the Role of States in Decreasing Unlawful Sex Segregation

This analysis shows that state Title IX coordinators can play an important role in curtailing unlawful sex segregation in public K-12 education and that their ability to do so is enhanced if the state has strong anti discrimination laws and uses accountability procedures such as school accreditation reviews which focus on equity and mandatory collection of information on public schools with single-sex classes and activities. These and other best practices are intended to help states learn from each other. FMF also notes that not all states need to exert much effort into curtailing potentially unlawful sex segregation because this type of sex discrimination was impractical in their mainly rural schools and unlikely to be advocated as a way to improve educational opportunities.

State Title IX coordinators can help curtail unlawful sex-segregated education

As described in the earlier “Background on state Title IX coordinators” section, federal Title IX regulations require designated Title IX coordinators to help implement Title IX. Many state Title IX coordinators also have responsibility for compliance with related state and federal civil rights laws. Using action research, FMF has been studying and assisting state Title IX coordinators since 2004. This has involved observing their underused potential to support the unique federal role in advancing civil rights and equal educational opportunities. To remedy this weakness FMF and others developed proposals for a reauthorized Women’s Educational Equity Act (2010) and a system of Title IX Action Networks.

FMF action research showed ways that increased attention and support for state Title IX coordinators can provide important education/training and accountability in implementing Title IX in general as well as in decreasing discriminatory sex segregation in public education. But it also showed that many of these Title IX coordinators needed help in developing proactive efforts to create networks of Title IX coordinators and other gender equity supporters and in providing guidance related to eliminating sex discrimination associated with sex-segregated public schools and classes.

Many state Title IX coordinators appreciated learning more about their responsibilities related to curbing unlawful sex segregation. FMF also learned that the effectiveness of the Title IX coordinators was helped or constrained by multiple governance systems and requirements at the federal, state, and local levels.

The state Title IX coordinators used three general strategies to curtail unlawful sex segregation: 1. Prevention, mainly by training and providing information on what is lawful; 2. monitoring or awareness of public schools with sex segregation; and 3. compliance and investigation to learn if the sex segregation is lawful. In discussing these strategies FMF will focus on desirable state practices.

Some prevention strategies were used by many Title IX coordinators, but only a few had good comprehensive efforts that could serve as models for other states. Monitoring and compliance strategies were rarely used with the exception of the required Methods of Administration (MOA) checks on compliance with civil rights laws in career and technical education.

❖ **Strategy 1: Prevention of unlawful sex segregation**

State Title IX coordinators used both responsive and proactive ways to let their constituents know about key non discrimination protections that were required for deliberate public school activities to separate the sexes. Their proactive activities related to sex segregation were usually a part of their other efforts to provide information on Title IX including training, web information, newsletters, and other communications with their networks of district Title IX coordinators and superintendents. The Title IX coordinators also helped stop unlawful sex segregation as they responded to questions about the legality of sex segregation from educators, the media, and the public. They were able to do more with their proactive and responsive activities if they used systematic networks of district Title IX coordinators and other gender equity advocates and if they shared their expertise on necessary safeguards against sex discrimination under Title IX, the Equal Protection Clause of the U.S. Constitution, and relevant state laws and policies. A key indicator of proactive work related to sex segregation was detailed information on web pages and periodic distribution of information such as electronic newsletters or blogs by the Title IX coordinator.

It is noteworthy that David Chadwell, the South Carolina Department of Education “single gender” program director who advocated and supported single-gender education used a detailed website, electronic newsletter, trainings, and technical assistance to encourage the use of single-sex classes in over 100 South Carolina public schools. Toward the end of the study years, Chadwell also provided some guidance on legal compliance by using his “Gender Matters” newsletter and web pages to summarize some of the federal equity requirements such as the need to have comparable coeducational classes and voluntary participation. He also provided information on ACLU sex-segregation lawsuits. When he noticed decreases in numbers of schools with single-sex classes, he attributed the decrease to education budget cuts. There is growing evidence that sex-segregated education is more costly than comparable coeducation for multiple reasons. Some of the legal equity guidance that Chadwell provided to the schools may have helped alert them to their costly responsibilities and it also may have dissuaded SC educators from choosing sex segregation. Instead of using websites and related strategies to advocate single-gender public education, FMF would like to see these tools used to discourage the use of potentially unlawful and unjustified sex segregation in the public schools.

To counteract unlawful sex segregation, Connecticut’s Title IX Coordinator, Dr. William Howe, has established active networks and training and a blog for Title IX coordinators and also uses the media to respond to misunderstandings about sex segregation in public education. Wisconsin and New York used to have viable networks of Title IX coordinators and training programs but as these were diminished so were safeguards against potentially unlawful sex segregation.

❖ **Strategy 2: Monitoring or awareness of public schools with sex segregation.**

FMF was surprised that with the exception of South Carolina, relatively few state Title IX coordinators or their associates had the resources or the ability to actively identify or even verify public schools with purposeful

single-sex education. In some cases, the state Title IX coordinators relied on their district Title IX coordinators to bring these schools to their attention, but generally they received this help only in response to a specific inquiry. However, when current or proposed public schools with sex-segregation were brought to their attention, the state Title IX coordinators were often helpful with follow-up. Until asked, the state Title IX coordinators had received no formal requests for monitoring or even describing their state's sex-segregated public schools and they were not aware of questions about single-sex academic classes in the 2006 Civil Rights Data Collection. Similarly, the states had no other mechanisms to identify and provide public information on public schools with single-sex classes or even all-female or all-male public schools. FMF was not able to find state information on sex segregation in charter schools even when the states had responsibility for approving charter schools. Many school districts were probably happy with this lack of state level accountability as they wanted to keep a low profile on their purposeful sex segregation so they would be less vulnerable to complaints or lawsuits.

❖ **Strategy 3: Compliance responsibilities.**

The state Title IX coordinators with experience working on the required federal Methods of Administration (MOA) investigations in career and technical education seemed best prepared to investigate potential unlawful activities related to sex segregation because of their experience doing this with samples of career/technical education programs. However, many Title IX coordinators were not able to investigate activities in schools (including those publicized in the media) because of limited resources or lack of investigative and follow-up authority to stop the unlawful sex segregation. It was surprising that none of the state Title IX coordinators in this study said they received a formal grievance about sex segregation in the schools. This may have been because this legal responsibility was usually first given to the school district or regional OCR office rather than to the SEA. It may have also been because few in their states knew of their Title IX coordinator responsibilities. Additionally, some states only received complaints or grievances at the appeal stage after they had been investigated by the school district. The low frequency of Title IX grievances related to sex segregation may have also been due to the recent increase in this type of sex discrimination or to the lack of clarity and publicity about what constitutes legal sex segregation (hopefully for limited purposes such as the affirmative purposes to decrease sex discrimination in the desired outcomes).

In summary, the most effective Title IX coordinators used prevention strategies and helped FMF learn about the public schools in their state that used sex segregation. For example, the experienced proactive State Title IX Coordinator in Connecticut not only helped identify the schools with single-sex classes, but he provided training and information to other Title IX coordinators across the state so that they discouraged unlawful sex segregation. This Title IX coordinator and others also had experience as MOA coordinators in career and technical education and were familiar with enforcing civil rights laws in addition to Title IX. Other proactive Title IX coordinators helped curtail unlawful sex segregation in Utah, Arkansas, Iowa, and Washington state.

In some cases such as Nevada, New York, Washington, DC, and Wisconsin, even expert Title IX coordinators were not able to stop increases in public schools with sex segregation. In other cases, State Title IX coordinators helped stop sex segregation indirectly, such as by recommending experts in gender equity to be reviewers of single-sex charter school proposals or reminding their SEA colleagues working with state approvals for charter schools to check out this aspect of civil rights compliance.

State equity accountability procedures can help curtail unlawful sex-segregated public education

Just as state ERA's and other non sex discrimination laws can be helpful, some state Title IX coordinators who seemed especially effective in curtailing sex segregation were aided by related state equity accountability practices that were required to receive state approvals.

FMF discovered the usefulness of state accountability procedures when observing how sex segregation was curtailed in Iowa schools. One of the Iowa Title IX coordinators had responsibility for equity reviews required for certification of Iowa public schools. If a waiver was granted for some sex separation in a school, the school was closely monitored to learn if the Title IX affirmative purposes of decreasing sex discrimination in outcomes was met along with other equity criteria. This allowed the Title IX coordinator to prevent unlawful sex segregation, to know which schools used sex segregation, and to even influence the withholding of state certification.

Arkansas also had a helpful state accountability process. It used a review similar to the MOA review of schools with career and technical education programs for potential civil rights violations. However this review was broader than the MOA review because it covered all aspects of K-12 education. Utah had a similar review process that they used every three years. Some other states such as Nebraska, Oregon, and Rhode Island had school accreditation procedures, but didn't look specifically at sex discrimination that may be related to single-sex education practices.

Washington state also used an accountability procedure to identify public schools with sex segregation. When the Title IX coordinator found that she was not able to answer the questions about sex-segregated public schools in the state, she arranged for her Office of the State Superintendent of Public Instruction (OSPI) to issue a one-time Equity Assurance Form asking the 245 districts to report on their single-sex classes and programs. When sex segregation was identified, the school was to submit an action plan to show how the district was meeting the requirements of Title IX and Washington state's own more stringent law against sex segregation. Unlike Washington which improved its accountability procedures, California suspended its requirement to report this information for equity review in 2009 due to state-wide budget cuts.

States that have initial review or appeal procedures to allow charter schools may include an initial equity review similar to the school accreditation process used for all K-12 public schools in Iowa. However, the equity criteria may not be sufficient to identify unlawful sex segregation.

As described in Part I and in this Part II report, South Carolina was the only state department of education to collect and share (on its web pages) some descriptive information on its numerous schools with "single gender" education. However, it left compliance with federal laws to the individual school districts and did not report on any aspects of compliance or post any comparative evaluations of their single-gender programs.

Somewhat similarly, the 2006 and 2010 Civil Rights Data Collection (CRDC) surveys described in Part I of this study collected some information on the nature and extent of schools with single-sex education but these surveys didn't ask any questions that would address compliance with Title IX. However, since a list of individual schools with single-sex academic classes was available, it is possible to investigate schools for compliance with federal and state laws prohibiting sex discrimination.

There is a relationship between state equity laws and activities and the numbers of public schools with deliberate sex segregation

There are many factors that need to be considered in showing a clear association between the efforts of the Title IX coordinators and helpful state equity laws and policies and the numbers of schools in each state with sex segregation. As described in Part I of this study and Table 2 , the most reliable count of numbers of public schools with single-sex classes in each state come from the FMF identification of 646 schools from 2007-9 as detailed in the draft state profiles. FMF also assumes that the 2010 CRDC counts of schools with single-sex academic classes were generally valid for most of the states. Thus, FMF used these two sources for the following analysis of the relationship between state activities and the extent of deliberate sex segregation for all except Florida and New York City where the CRDC 2010 results were so large and questionable that they were eliminated them from Part I results. In talking with officials at the Florida Department of Education and the New York City Department of Education FMF learned their extremely high numbers of schools reporting single-sex academic classes were based on inaccurate responses to the CRDC questions such as not knowing if the single-sex academic classes were deliberate as specified in the 2010 CRDC.

The following analysis shows different features of the relationships between state equity related actions and resulting evidence of public schools with single-sex education using both the 2007-9 FMF study results and the 2010 CRDC results.

❖ **Three States had the most schools with sex-segregated classes.**

South Carolina's deliberate encouragement of sex-segregated public education as a school choice option resulted in documenting the most public schools with single-sex classes of any states. But FMF has no evidence that any of these schools were in full compliance with either the 1975 or the weaker 2006 Title IX regulations. FMF also noted their self-reported decrease from 216 schools in the 2007-9 study to 120 schools in the 2010 CRDC, to 107 schools in fall 2011. This decrease may be related to budget cuts as well as school districts' clearer understanding of what is expected for compliance with Title IX.

Texas and Michigan ranked next highest in numbers of schools with single-sex classes. Texas, which took little responsibility for implementing Title IX at either the state or intermediate education agency level, had 15 schools with sex-segregated classes in our 2007-9 analysis and reported 116 in the 2010 CRDC. The increase in Michigan from the 15 identified in 2007-9 to 91 in the 2010 CRDC may be attributed to the 2006 weakening of the state law prohibiting sex discrimination in education and the lack of support given to the current able, but overextended Title IX coordinator. In the past, the state Title IX coordinator was able to collect information and provide training to the Title IX coordinators in the 750 Michigan school districts but the Michigan school districts are very independent and the state has no accountability procedures for equity reviews that might alert the coordinator to unlawful sex segregation. According to the 2010 CRDC results, 29 of these 91 coed Michigan public schools reporting single-sex academic classes are in Detroit.

❖ **Four states where FMF found no schools with single-sex public education (from both sources) are Hawaii, North Dakota, New Hampshire, and Wyoming.**

Single-sex public education has been of minimal interest in Hawaii and it was not an issue in rural North Dakota, New Hampshire, and Wyoming. In Hawaii, there appears to be a relationship between the work of the Hawaii Title IX coordinator and the unique status of the state having only one school district. This makes it easier for the

Title IX coordinator to prevent and monitor sex segregation. The Title IX coordinator received few inquiries about single-sex education, but when he did, he answered firmly and requested that if the school wanted to pursue it they would need clear justifications and evidence.

The North Dakota Title IX coordinator was also the Assistant State Superintendent. North Dakota is a rural state with 187 public school districts (a few of which are one room schools). Single-sex education is not discussed and the only single-sex classes FMF discovered were based on self reports in the 2006 CRDC and they were unintentionally single-sex because the few students in them happened to be all girls or boys. Although North Dakota had a school accreditation process, it did not pay special attention to equity criteria.

Similarly, single-sex public education was not an issue in mostly rural New Hampshire which routinely asked all its districts to sign that they complied with federal civil rights laws. The 2006 CRDC identified eleven Wyoming schools that reported single-sex academic classes. When FMF checked, only one Wyoming non-correctional school said they had single-sex classes in 2006, but they ended this sex segregation in 2007 because the boys did so poorly.

❖ **Similar states with very few sex-segregated schools.**

The twelve states with no more than four schools with single-sex classes in either the 2007-9 study or the 2010 CRDC results included: Alaska, Delaware, Iowa, Kansas, Maine, Massachusetts, Nebraska, New Jersey, Rhode Island, South Dakota, Utah, and Vermont. Title IX coordinators did not have to be very active in preventing unlawful sex segregation in these states because they had mostly rural schools and little interest in separating the sexes or they had state laws that discouraged sex segregation. In the case of Iowa, they had an exemplary equity review process connected to school accreditation.

❖ **Other states where there are active Title IX coordinators and/or good state accountability procedures and relatively few schools with deliberate sex segregation.**

While the regional analysis in Part I indicated that the southern states generally had the most sex-segregated schools, FMF found that the diligence and systematic efforts of the Arkansas Title IX Coordinator and the established Arkansas procedures for equity reviews helped limit unlawful sex segregation. In Alabama FMF noted that increased attention to ending unlawful sex segregation came when some school districts stopped this segregation in response to ACLU complaints. The 2007-9 data showed 25 Alabama public schools with sex segregation, but this decreased to eleven in the large 2010 CRDC sample of public coeducational schools. In November 2011 ACLU was also able to convince another school district to stop its sex segregation.

As described earlier, active Title IX coordinators and other officials were able to limit deliberate sex segregation in: Connecticut, Nevada, New Mexico, Washington and low incidence states such as Hawaii, Iowa, Massachusetts, New Jersey, Rhode Island, Utah, and Vermont even though there were various efforts to sex segregate. In Nevada almost all their sex-segregated schools were in the Las Vegas (Clark County) district, not the rural areas.

❖ **Inattention and neglect of Title IX coordinators appears to be associated with substantial numbers of schools with sex segregation.**

New York State and New York City illustrate this relationship. The numbers of state staff working on Title IX and MOA implementation had decreased by the start of the study. The long time Title IX coordinator who had less of his time available for Title IX work provided a few helpful leads before he retired, but he and his successor were not able to help verify the list of NY schools with sex segregation. When FMF contacted the New York City (NYC) Office of Equal Opportunity and Diversity Management in September 2011 to learn why 882 schools from NYC were listed as having single-sex academic classes in the 2010 CRDC, FMF learned that the Title IX coordinators in that office had left about ten years ago and the office staff didn't know who had that responsibility now. They also agree that the 882 schools reporting single-sex academic classes didn't appear accurate, but they had no list of their public schools that did have deliberate single-sex academic classes except for a list of some all-male and all-female schools.

Texas, which ranked high in the number of schools with sex segregation, also appears to take little responsibility for Title IX implementation. As described earlier, the state education agency staff with some responsibility for legal compliance referred FMF to their regional Education Service Centers, but no help came from contacting these Title IX coordinators.

In California, the numbers of Title IX/ Equity staff in the SEA were reduced. And in 2009 Categorical Program Monitoring equity requirements that had been reviewed by the California Department of Education Office of Equal Opportunity were suspended. This decreased attention to Title IX compliance is probably related to an increase in sex-segregated schools from the 11 identified in 2007-9 to the 55 reported in the 2010 CRDC.

The pattern in Illinois where 16 sex-segregated schools were identified in 2007-9 and where the 2010 CRDC reported 63 schools is not unexpected since the Illinois state education officials were not very responsive and like NYC FMF could not identify a Title IX coordinator for Chicago Public Schools which has some single-sex schools which have received media attention.

Insights on the role of the states in decreasing unlawful and ineffective sex-segregated public education

- ❖ **The laws prohibiting sex discrimination and lack of evidence of any value of sex-segregated education converge to indicate that if any sex segregation is allowed, it should be closely monitored to ensure that it is more equitable and effective than coed alternatives.**

As described in the Part I Overview and Background Sections of this report, FMF and others (Halpern, et al 2011, Rivers & Barnett, 2011) have not found evidence that violating laws prohibiting sex discrimination in publicly supported education by allowing sex-segregated schools or classes has any positive impact on improving educational outcomes. In fact, by examining legal cases and examples of sex-segregated classes, there is evidence that teachers of sex-segregated classes generally reinforce sex stereotypes which limit opportunities and expectations for girls and boys (Bohm, 2012 and NCWGE, 2012).

FMF also learned that although sex-segregated public education is often a potentially harmful and unlawful practice, the federal government and the state education agencies do not have a clear picture of the extent or nature of this purposeful sex segregation. Although these governmental agencies have responsibility for enforcing federal and state laws prohibiting sex discrimination they have little

knowledge of the extent to which schools that have policies allowing single-sex education are complying with even the weakened federal and state laws allowing some sex-segregated public education in specific limited circumstances.

❖ **Wise use of U.S. federal, state, and local governmental infrastructures can provide effective leverage to decrease unlawful and potentially harmful sex segregation.**

This Part II of the report focusing on the “Role of States in Addressing Single-sex Public Education (2007-10)” shows ways that states can help implement federal and state laws prohibiting sex discrimination in education. It also shows that when states have a proactive Title IX coordinator and also good state laws and equity accountability procedures, they have been able to curtail the number of public schools with potentially unlawful sex segregation. However, except for demand letters and legal action by ACLU (Bohm, 2012) and others, and accountability procedures used by some states, FMF knows of no in-depth federal or state investigations of schools identified as having sex-segregated classes to learn if they are in compliance with federal or state laws and if they also have evidence that they are more effective than comparable coed classes.

The details in this Part II of our study show that along with strong and clear laws prohibiting sex discrimination, a national Title IX Network infrastructure featuring Title IX coordinators and other gender equity experts at the state, school district, and individual school levels should be established with federal support. States are required to implement the federal Title IX but many are facing budget problems that have limited their ability to do so or to use other accountability procedures as well as they have done in the past. This national Title IX Network should start with the appointment of the mandated Special Assistant for Gender Equity in the U.S. Department of Education to provide leadership. The Women’s Educational Equity Act which was enacted to help with the implementation of Title IX can be reauthorized to provide financial and other support for this Title IX Network and related public accountability and education strategies to support gender equitable education.

The U.S. Department of Education (ED) will be able to provide better guidance to this Title IX Network and to the public on avoiding inappropriate sex segregation if they rescind the weakened 2006 Title IX regulation (See Appendix A) which many schools have inappropriately used to start sex-segregated classes. While there are some useful requirements to provide equality in this ED 2006 Title IX regulation, there are also confusing allowances that permit sex segregation for purposes other than decreasing sex discrimination, the sole focus of Title IX.

❖ **Gender equitable coeducation is critical in maximizing the full potential of our society.**

Governmental entities at all levels need to understand that sex-segregated public education is yet another educational fad that does not achieve the promises of improved educational achievement and equal educational opportunities. Part I of this study concludes that there were over 1000 public US schools in 46 states and Washington, DC. with sex-segregated classes, but this is a miniscule percent of the 98,000 K-12 public schools in the U.S. today. FMF has also seen that schools that practiced sex segregation decided to stop doing so because:

- it did not have desired positive outcomes (but sometimes a related intervention did work)
- the key teacher, principal, or parent supporters left the school

- school boards and administrators learned about the legal or financial liabilities that may be associated with sex segregation.
- it was difficult to administer
- it was hard to justify on the basis of cost or effective educational practices

The small proportion of public schools (in all but four states) that report using sex segregation indicates that many education policy makers do not see single-sex education as a viable strategy for improving their public schools. If they receive pressure from single-sex education advocates to try this fad, FMF hopes that this report and related efforts from Title IX Coordinators and other supporters of gender equality and educational effectiveness will convince them that: public school sex segregation is an expensive, ineffective, and probably unlawful strategy. Instead it is accompanied by many negatives such as increasing sex discrimination and sex stereotyping. This directly counteracts Title IX which makes it unlawful to discriminate on the basis of sex in education programs and activities receiving federal financial assistance.

Today, there is more evidence that males and females can, and should contribute to society in non stereotypical ways that build on their abilities and address needs of their communities. Coeducational strategies that focus on diminishing – not enhancing, sex stereotypes are essential.¹¹ Additionally, with the 40th anniversary of Title IX in 2012 it is critical to remind all concerned with public education that conscientious attention to equal treatment of girls and boys, women and men, has led to greater opportunities for women and men. However, whenever sex segregation has been allowed as in sports, it is common for girls to receive fewer quality resources than the boys. We would not want to increase sex differentials and inferior treatment for girls in academic classes. With women about 50 percent of the US paid workforce, we must educate both girls and boys, women and men, equally. Public dollars should be used carefully to counteract, rather than to increase, sex differential treatment. There are powerful equal protection and anti-sex discrimination laws in U.S. education but it is important that they are fully implemented. Avoiding sex-segregated classes and activities in public education is an easy and wise way to do this.

¹¹ See the website of the American Council for Co-Educational Schooling: www.coedschools.org

**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
Total		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	
Total	2884	1365	646	1003	20181	20.12

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
Total	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 and FMF 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 visited 8-2011)

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

About Table 12—Same-Sex Classes

Table 12. Single-sex classes for current school year, 2006 – 07 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.	
Row A	Check the box if the school does not have any single-sex academic classes
Row 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						
	With Only Males	With only Females	Total Single- Sex Classes				
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'. 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."ⁱⁱ 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.ⁱⁱⁱ 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.^{iv}

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^v, 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 7th and 8th grade academic classes in 2008-9 but will not operate any single-sex classes in 2009-10.

Dothan County

Beverlye 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."^{vi}

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 6th and 7th 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**.^{vii} 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 7th- and 8th-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.^{viii}

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 Beverly Middle School's Single-Sex Education Program." Dothan Eagle. 19 December 2008. Accessed 2 April 2009. http://www.dothanagle.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 2009.¹

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 2008.¹ (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.¹ **McCormick School*** had one all-male class (in 4th or 5th 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.¹ 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”¹ but does not say how or who will enforce those requirements.¹ 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, DerIn 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 8th grade. They discontinued the single-sex math classes but even in 2010 are continuing one all boy and one all girl 8th grade English Language Arts Class although they have three other sections of 8th 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 6th grade with 120 girls and add a grade each year until 12th.¹

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.¹ 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.¹

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.¹ 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.¹

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 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 9th 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.^{1, 1}

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 14th 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	Florence Crittenton allowed to be all girl By new AZ law allowing single-sex charter schools in 2009-10	
CA-1	New Village Charter High School, an all girls college preparatory school in Los Angeles, began offering single-sex classes in 2008 ¹ . Jordan High School Female Academy (20 randomly selected females attend all classes together in co-ed High School) Jefferson Leadership Academy—Middle school with all sex-segregated classes may not even be dual academy, Long Beach	Jordan High School Male Academy ((20 randomly selected males attend all classes together in co-ed High School) Jefferson Leadership Academy—Middle school with all sex-segregated classes may not even be dual academy, Long Beach
CO -0	Dual James Irwin Charter Middle School Girls in same building with boys Betty Marler School all girls Charter (Correctional Schools with one School behavior code, but physically separate campuses and staff) Planned GALs in Denver for 2010	Dual James Irwin Charter Middle School Boys in same building as girls Ridge View Academy-all boys Charter correctional school
DE -1		Prestige Academy-Charter School
DC – 3	Excel Academy Public Charter School Imagine SE Public Charter School Pre K-3 MEI Residential Charter School Ended 2009	Septima Clark Public Charter School 2006 Imagine SE Charter School Campus
FL -6	Young Women’s Preparatory Academy, Miami 2006 Grades 6-12 JRE Lee Opportunity School for Girls, grades 6-12, Miami Young Women’s Academy for Academic and Civic Development at Jan Mann Opportunity School, Miami, grades 6-12 17 PACE Schools for girls with challenges K-3	Young Men’s Preparatory Academy, Miami 2008, Grades 6-12 Richard Allen Leadership Academy Charter, Grades K-5 Started 2008, Miami The Young Men’s Academy for Academic and Civic Development at MacArthur South, Grades 6-12
GA- 3	Coretta Scott King Young Women’s Leadership Academy, Grades 7-8 Atlanta Ivy Preparatory Academy Charter School for Girls 2007, Grades 6-12, Gwinett	BEST Academy at Benjamin Carson 100% African-American males 2007, Grades 6-8, Atlanta
ID-1	Marian Pritchett Memorial School for pregnant and parenting teens	
IL-2	Young Women’s Leadership Charter School of Chicago 2000, 350 students, Grades 7-12, 78% African American, 15% Hispanic, 80%, Free lunch	Urban Prep Charter School-Chicago 2006 African American, Free Lunch

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IN- 5	Duncan Elementary, renamed Frankie Woods McCallough Academy for Girls 2005 k-6, 385 100% African American, 89% Free lunch, Gary Coleman Academy for Girls Grades 4-6 Public Magnet School, 102 students, 1:6 teacher-student ratio, Indianapolis	Edgar Evans Elementary School , , All boys academy 2005-6, Indianapolis Charles Drew Elementary, renamed Dr. Bernard Watson Boys Academy 2005 K-6. 462 students 1:16, 99% African American, 82% Free lunch, Gary Coleman Academy for Boys Grades 4-6-7, Indianapolis
KY -2	Olmsted Academy South girls middle school campuses, Louisville	Olmsted Academy North boys middle school campus, Louisville
LA -3	Dual- Capital City Academy for Girls , High School same address for both-became coed when taken over by Edison schools in 2009, Baton Rouge	Capital City Academy for Boys , High School same address for both-became coed when taken over by Edison schools in 2009, Baton Rouge Miller-McCoy Academy for Mathematics and Business –all boys state approved charter school
MD-3	Baltimore Leadership School for young women to open 9-09 Western High School for Girls 1844 , Baltimore Laurence Paquin Middle High – historically for parenting girls, but became coed in fall 2009	Bluford Drew Jemison Science Technology Engineering Mathematics Academy - Charter Middle School (NASSPE said also for girls but not on web) East Baltimore
MI-5	Detroit International Academy for Young Women 2006 Holmes Female Academy in Flint Ferguson Academy for young Women -mostly teen mothers, Detroit	Fredrick Douglass Preparatory Academy for Young Men -College Prep 2006, Detroit Holmes Male Academy -share 1 school, same name, Flint
MN – 0	Dual Academy : Minneapolis Academy Grades 5-8 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]	Minneapolis Academy Grades 5-8 BEST Boys in Engineering Science & Technology Serves African American Boys 7 th grade -12, Minneapolis
MO -0	MO Imagine Academy of Academic Success Charter , Grades K-8, St. Louis	MO Imagine Academy of Academic Success Charter , Grades K-8, St. Louis
NY -18 (G-11, B-7)	Brighter Choice Charter Schools Albany -Elementary Girls-in old building 2002 Girls Preparatory Charter School-NYC Elementary 2005 Girls Prep Charter School in Bronx - Elementary Bronx Global Learning Institute for Girls charter school- Elementary Young Women’s Leadership School of East Harlem -Middle Grades 7-12	Brighter Choice Charter Schools Albany - Elementary Boys-in new building 2002 Excellence Charter School of Bedford Stuyvesant – Elementary 2004 Brooklyn Green Tech High Charter School in Albany Eagle Academy for Young Men, South Bronx 2004 High School Eagle Academy for Young Men II Brooklyn High School

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	<p>Young Women’s Leadership School of the Bronx 2004 Middle Grades 7-10</p> <p>Young Women’s Leadership School Queens 2005 Middle Grades 7-9</p> <p>Young Women’s Leadership School, Astoria 2006 Middle Grades 6-12</p> <p>Urban Assembly Institute of Math & Science for Young Women Middle Grades 6-9</p> <p>Urban Assembly for Criminal Justice, 6-12</p> <p>Urban Assembly School of Business for Young Women, Manhattan-High School</p>	<p>Urban Assembly Academy of Business & Community Development, 2005 High School-College prep, Brooklyn</p> <p>Urban Assembly Academy of History and Citizenship for Young Men 2004 High School, Bronx</p>
NC -2	Middle College of Bennett 2002 for High School Girls grades 9-12	Middle College at NC A&T 2003 for High School for college prep boys grades 9-12
OH -11 (G 5, B 6)	<p>Ella Stewart Academy for Girls 2003, grades K-7, 95% African American, 94% Free lunch, Toledo</p> <p>Douglas MacArthur Girls Leadership School 2007 Pre k-3 Cleveland</p> <p>Warner Girls Leadership School Pre K-2 Cleveland</p> <p>*Charity Adams Earley Academy for Girls –2005, Grades K-3, teach etiquette, African American & Free lunch, Dayton</p> <p>Athena School of Excellence for Girls 2005 for middle school girls to be closed in 2009 because of cost, Youngstown</p>	<p>Valley View Boys Leadership Academy 2007, Pre K-3 Cleveland</p> <p>Clement Boys Leadership Academy- K-8</p> <p>Dayton Boys Prep Academy 2006, K-3</p> <p>Alpha School of Excellence for Boys 2005 in Youngstown for middle school boys. To be closed in 2009 because of cost.</p> <p>Lincoln Academy for Boys 2003 Grades K-6 Public Magnet School, Toledo</p> <p>Ginn Academy of Cleveland for high school boys opened Aug. 2007</p>
OR -1	Harriet Tubman Leadership Academy for Young Women, Grades 6-11, 180 students, Portland	
PA - 4	<p>Dual Academy: Southwest Leadership Academy Charter School,</p> <p>Dual Academy: Anna B. Pratt Academy</p> <p>Dual Academy: Mary Mcleod Bethune Academy</p> <p>Dual Academy: George W. Pepper Middle School</p> <p>Philadelphia High School for Girls-Boys can be admitted, but don’t apply 1848</p> <p>E.W. Rhodes High School for Girls is a Young Women Leadership School and Victory School Partner</p>	<p>Southwest Leadership Academy Charter School-a Victory School</p> <p>Anna B. Pratt Academy-a victory school</p> <p>Dual Academy: Mary Mcleod Bethune Academy</p> <p>Dual Academy: George W. Pepper Middle School</p> <p>Boys’ Latin Philadelphia Charter School –College Prep High school founded in 2007</p> <p>Fitzsimons High School for Boys, a Young Man Leadership School in Philadelphia. It used to be a Victory school.</p>

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SC – 0	<p>Langston Charter Middle School Greenville</p> <p>Morningside Middle School for Girls , Grades 6-8, Charleston</p>	<p>Langston Charter Middle School Greenville</p> <p>Morningside Middle School for Boys Grades 6-8, Charleston</p>
TN -1	<p>All Girls Leadership Academy Scheduled to start in 2009 in Chattanooga</p>	
TX -7	<p>Ann Richards School for Young Women Leaders 2007, Grades 6-12, Austin</p> <p>Irma Rangel Leadership Academy 2004, Grades 6-12, Dallas</p> <p>San Antonio Young Women’s Leadership Academy Grades 6-12</p> <p>Lubbock School for Young Women Leaders, Grades 6-12</p> <p>KIPP Voyager Academy for Girls open 2010 with 5th grade, Houston</p>	<p>Pro-Vision All Male Charter Middle School 2000 Grades 6-8, Houston</p> <p>William A Lawson Institute for Peace and Prosperity Preparatory Academy for Boys, 2002 Charter School Grades 6-8, Houston</p> <p>Azleway Charter Boys School Tyler – building trades, culinary arts (Part of larger social service org, had been a ranch for troubled boys- Part of Justice system)</p> <p>KIPP Polaris Academy for Boys 5-8th grade, 2007, Houston</p>
UT – 1	<p>Young Parents School. According to OCR data all high school students were female, Spanish Fork, UT</p>	
WI -3	<p>Spectrum High School for Girls in Milwaukee</p> <p>Lady Pitts High School for pregnant teens</p> <p>Young Women’s Institute for Global Studies, 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>> and Lauren Geiser 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**.

State of Public School Sex Segregation in the States Part II

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 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,

Bradley Scott, Ph.D.

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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
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781-338-3112

Appendix J: Acknowledgements

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

Feminist Majority Foundation Staff

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Spring 2009 Cathy Bonanno

Summer 2009 Emily Miller, Lauren Geiser, Leah Gable

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Elizabeth A. Homer, Former Michigan NOW Education Task Force Director

Connie Cordovilla, Associate Director, Human Rights & Community Relations Department, American Federation of Teachers

Jan Erickson, Director of Programs, National Organization for Women Foundation

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