

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

Part III: Summary and Recommendations

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June 2012

www.feminist.org/education/SexSegregation.asp

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Contents: State of Public School Sex Segregation in the United States: Part III: Summary and Recommendations

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Discussion of the extent and need to curtail public school sex segregation -----1

Insights into the extent of sex segregation in public education.

Insights into the need to curtail sex segregation.

Recommendations to curtail public school sex segregation in the U.S. -----2

1. Improve equity laws and policies at federal and state levels and evaluation standards prior to approval of allowable sex-segregated public education.
2. Explicit equality standards must be met if any sex-segregation is allowed for affirmative purposes to decrease sex discrimination and to ensure equality of treatment during the education process.
3. To prevent unlawful (sex discriminatory) and educationally misguided sex segregation, standards in recommendation 2 must be publicized and implemented strategically and effectively.
4. Improved governmental accountability, enforcement, and research to meet the high standards in recommendation 2 and to actively implement gender equitable coeducation.

Conclusion-----12

Tables -----15

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

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

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

Appendices -----18

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

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

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

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

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

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

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

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

Appendix I: Statement from Massachusetts about Single-sex Education

Appendix J: Acknowledgments

Combined References -----43

State of Public School Sex Segregation in the United States:

Part III: Summary and Recommendations

Sue Klein, Ed. D., Feminist Majority Foundation (FMF)¹

Discussion of the extent and importance of public school sex segregation

Insights about the extent of sex segregation in public education

This study's analysis of the patterns of K-12 single-sex public education provides a more comprehensive understanding of increases in deliberate sex segregation especially in coeducational schools than has been reported by either advocates or opponents of sex-segregated education. Out of the 98,000 public non-vocational schools in the U.S., this FMF study estimates that there were over 1,000 schools with single-sex classes in 2007-10. This is double the 500 plus schools often reported by the press based on data from Leonard Sax and his National Association of Single Sex Public Education (NASSPE), the key advocacy group for single-sex public education. In January, 2012, FMF noticed that these often self-reported schools were no longer listed on this public www.nasspe.org webpage. Sax explained that the American Civil Liberties Union (ACLU) was using this list to send "harassing" letters to schools that they should be complying with the law. Although some try to justify single-sex education as an important type of public school choice, it is likely that many schools do not report their deliberate sex segregation either on their own websites or to others because they do not want to risk legal investigations for non compliance with Title IX or other laws. Thus, it is possible that there are many more than 1000 public schools with single-sex classes.

The large sample CRDC surveys provided the most information on numbers of public schools with single-sex academic classes, but although these surveys are mandatory they have not provided comprehensive accurate results. Schools may have under-reported or over-reported, especially in the 2006 CRDC. Fully single-sex schools were excluded in the 2010 CRDC, some of the questions were confusing, and there may have been other data verification problems as FMF discovered in Florida and New York City. On July 7, 2011, when the U.S. Department of Education sent FMF information on the 2010 CRDC survey results, the cover note said there were about 5,585 coeducational public schools offering single-sex academic classes (7.7% of the 72,222 schools in the CRDC sample). However, subsequent FMF analysis found that the CRDC 2010 data reporting 3700 schools in Florida and 882 schools in New York City was incorrect. Assuming the data from other states was correct, the total schools minus the incorrect data indicates 1003 schools reporting single-sex academic classes for this 2010 CRDC study.

There were four states (Hawaii, New Hampshire, North Dakota, and Wyoming) where FMF did not find any public schools with sex segregation based on FMF 2007-9 data on 646 schools and the 2010 CRDC results. However, it is possible FMF missed some public schools in these states with sex segregation since the CRDC information was only from a large sample of the public schools and the results were not fully verified although

¹ Appendix D contains acknowledgments for help with all parts of this report.

the state Title IX coordinators agreed they appeared accurate. Thus, FMF concludes that public school sex segregation is a national challenge, but that it is more extensive in some states than others.

Insights about the importance of curtailing sex segregation even though it is a small proportion of our nation's public schools

Although over 1000 public U.S. schools in 46 states and Washington, D.C. with sex-segregated classes is a miniscule .01 percent of the 98,000 K-12 public schools in the U.S. today, many supporters of educational equity believe that inadequately justified, purposeful sex segregation should not be allowed to deprive public school students of their civil rights.

Public coeducation is well established. Researchers at the American Council for Coeducational Schooling (ACCES) are showing how it decreases sex stereotypes. FMF believes that purposeful sex segregation is unlikely to grow significantly if the federal and state governments do not actively support it as they are doing in South Carolina and if there is greater public understanding about how it increases sex stereotyping and discrimination. However, there is no current national research on whether purposeful sex-segregated public education is decreasing, or even about the reasons schools decide not to allow sex separation or to end their current sex segregation strategies. But FMF's early understandings suggest that schools that practiced sex segregation decided to stop doing so because:

- They did not see desired positive outcomes.
- They saw it was difficult to administer especially if few parents selected it and thus unbalanced the sizes of the boys, girls, or coed classes.
- They could not justify it as: complying with civil rights laws, meeting research based evidence of good educational practices, or because it was more cost effective than coeducation.
- The key teacher, administrator/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 from their Title IX coordinators, reported litigation, school lawyers, or other gender equity supporters.

The next section will use insights from this study to discuss a wide variety of recommendations to actively end sex discriminatory sex segregation in K-12 US public schools.

Recommendations to curtail public school sex segregation in the U.S.

In conducting this FMF *State of the States* study FMF learned about both the inadequate practices and neglect that have increased sex discriminatory sex segregation in public education along with some good practices to advance gender equality. These insights have led to recommendations that will help decrease unjustifiable sex separation and also lead to improved attention to creating gender equitable education for all. The four principles discussed in Part I of this study are reflected in these recommendations to end **sex discriminatory** sex-segregated public education. Using the affirmative provisions and exceptions in the 1975 Title IX regulation, it may be possible to justify very limited non sex discriminatory sex segregation, but social scientists have found no

evidence of the superiority of single-sex versus coeducation (Halpern, 2011 and the American Council for Coeducational Schooling).

The recommended strategies need to be used in combination to leverage deliberately other activities that may contribute to stopping this sex discriminatory segregation.

- 1. Improve equity laws and policies at federal and state levels and their implementation by focusing on broad coverage as well as strong and explicit rigorous equality and effectiveness standards that must be applied prior to approval of legally allowable sex-segregated public education.**

FMF recommends that the ED rescind the 2006 ED Title IX regulation because it seems to encourage schools to sex segregate in a manner that violates Title IX itself, the U.S. Constitution, and potentially the 1974 Equal Educational Opportunities Act. At least six states (Arizona, Delaware, Florida, Louisiana, Michigan, and Wisconsin) have also weakened their Title IX type laws that prohibit sex discrimination in education in similar ways. If the federal government properly clarifies legal obligations to end any unjustified sex-segregation, the states will be obligated to insure that their own laws are in line with these standards for all recipients of federal financial assistance in their states. The increase in sex-segregated public schools is especially troublesome in Michigan, which was the first state to eliminate its long standing civil rights law prohibiting sex-segregated public education. The 2010 CRDC reported 91 public coed Michigan schools with sex segregated academic classes.

States with broader equity laws such as strong state equal rights provisions in their constitutions and four states (Iowa, Massachusetts, New Jersey, and Washington) with specific prohibitions against sex segregation in most public education had few public schools with sex segregation in this FMF study. Recently, the Washington State Title IX coordinator (along with other gender equity advocates) reminded a school district about the state law prohibiting sex segregation in education and the district abandoned its sex-segregated classes.

Many believe sex segregation for remedial or affirmative purposes to decrease sex discriminatory outcomes (such as increasing the participation of women in STEM careers where they were under represented) is allowed in limited circumstances as it was in the 1975 Title IX regulation. But the standards for this exception need to be comprehensive and explicit. Equality safeguards such as those outlined in the 1996 Supreme Court Equal Protection Decision striking down the all-male admissions policy of the Virginia Military Institute provide helpful guidance. Many of these standards were detailed in parts of the ED 2006 Title IX regulation and its preamble.

The Obama Administration, working with the Department of Justice (DOJ) and the Department of Education (ED), now knows enough from this and related studies and legal cases to rescind the ED 2006 Title IX regulation. Instead of the widely misread ED 2006 Title IX regulation, ED and DOJ should provide explicit guidance on requirements needed to allow sex segregation only for affirmative purposes to decrease sex discrimination in desired educational outcomes, as allowed in the 1975 Title IX regulation.

- 2. Explicit equality standards must be met if any sex segregation is allowed for affirmative purposes to decrease sex discrimination in desired outcomes and to insure equality of the treatment of students during the education process.**

To prevent sex discriminatory sex segregation in public education, it is important to help everyone understand that it is NOT generally allowed for many important reasons. However, some sex segregation may be allowed if

it can meet explicit outcome and process standards relating to non discrimination and if the state allows sex segregation because it provides adequate evidence of positive impact on increasing gender equitable outcomes.²

These proposed equality standards are designed to counteract problems FMF observed with the non-compliance with the four principles in Part I. They are organized using outcome and process variables and concepts that are common in educational evaluation. The explicit approved evaluation plan and the evaluation results should address all outcome and process standards. The following questions should be addressed to learn if the school meets standards to justify sex segregation for affirmative purposes to decrease sex discrimination in the desired outcomes. This should happen both before it is approved and each year thereafter. The initial focus is on recommended standards to assess a decrease in sex discriminatory outcomes compared to comparable coeducation. This is followed by standards to assess equality when sex separated (female and male) groups are compared with each other and with comparable coeducational peer groups or classes.

While it is rarely required by governmental laws, decision-makers also should use a cost benefit analysis prior to approving single-sex education.

2.1 Equality outcome standards: Is there adequate evidence that the proposed sex separation is needed to decrease sex discriminatory outcomes?

Is there adequate evidence that the specific sex segregation in each school and class is needed and likely to decrease sex discrimination or inequalities (or gender gaps) in the desired outcomes significantly better than comparable gender equitable coeducation? Has there been a pattern of gender disparity in outcomes in that particular subject/focus area in that school?³ Is there an excellent research-based justification that each specific single-sex class or activity will have a positive impact on attaining the desired gender equitable outcomes?

- Is there high quality evidence that the sex segregation is better (and not detrimental) than comparable gender equitable coeducation for:
 - Girls/women
 - Boys/men
 - Other vulnerable sub-populations such as Black males or females with disabilities.
- Does all this evidence meet the standards of effectiveness applied to all other education programs by the Department of Education's What Works Clearinghouse?

2.2 Equality process standards: Is there evidence of sex discrimination in processes measures?

As detailed in Principle 2, *separate but equal is seldom, if ever, achievable in education*. However, it is mandatory to achieve this standard in purposefully sex-segregated public education for legal as well as educational

² Some states already prohibit sex segregation in K-12 public education except for limited exceptions such as for sexuality education or contact sports allowed under the Title IX 1975 regulation and restated in the ED 2006 Title IX regulation.

³ See the ED/DOJ Amicus brief for the Vermilion Parish Appeal.

purposes. Additionally it is important to avoid related harmful activities such as sex stereotyping and stigmatization of specific groups that are often reinforced by single-sex environments. (See NCWGE, 2012).

The following questions suggest how the process standards must be met to assure compliance with equal protection and non-discrimination safeguards.

- Are the sex segregation and coeducation options described in adequate detail so that students and parents understand what they are selecting and why it might be appropriate for them? Do they have evaluation evidence on how sex segregation achieved the desired gender equitable outcomes based on the outcome questions above?
- If sex segregation is used, are both the sex-segregated education and the gender-equitable coeducation equally accessible to all who want either option? Are provisions made for transsexual students or students who have special needs related to sexual orientation or gender identity?
- If sex segregation is used, are both the sex-segregated education and the gender-equitable coeducation voluntary so that the students (or their families) make a deliberate informed choice of opting in for affirmative purposes to obtain more gender equitable outcomes? (See principle 3 on voluntary participation.)
- If sex segregation is used, are both the **sex-segregated gender-equitable education and the gender-equitable coeducation** equally well resourced (same teacher student ratio, same ability students, similarly qualified teachers, similarly desirable facilities and schedules, etc.)?
- Do the **female and male sex-segregated classes/education** receive comparable resources? Is gender equity attended to equally in both female and male classes so that they are decreasing, and certainly not increasing, sex stereotyping and stigmatization related to curriculum as well as classroom interactions? Do teachers receive any special training in avoiding sex discrimination in teaching sex-segregated classes?

2.3 Cost-benefit standards: Is the single-sex education going to be more costly than coeducation in actual or potential monetary or resource investments?

Many of the same comparisons appropriate for the outcome and process standards should be used in a cost-benefit analysis, but additional costs related to evaluation and reporting requirements and potential legal liabilities for non-compliance with civil rights laws should also be considered.

- 3. To prevent unlawful (sex discriminatory) and educationally misguided sex segregation, standards in recommendation 2 must be publicized and implemented strategically and effectively in many interlinked ways.**

Parts I and II of this study provided insights on how the standards in recommendation 2 (or similar standards to avoid sex discrimination in any allowable sex segregation) should be implemented by the federal, state, and

local governments, and supporters of gender equality in education. Many of these strategies focus on educating people about the importance of creating gender equitable coeducation instead of sex discriminatory sex-segregated public education.

3.1 The federal government should increase its role in ending, not mending, sex discriminatory segregation in public schools.

- The federal government should provide more proactive education and technical assistance about the need for ending sex discriminatory segregation that does not meet the high standards in recommendation 2 for allowable public school sex segregation that advances gender equality. The federal government has unique responsibility for implementing civil rights laws, but in the past decade it has mainly used reactive strategies such as waiting for Title IX complaints. As of 2011 the ED Office for Civil Rights said it has had only two Title IX complaints related to single-sex education. FMF believes this low number is most likely due to a lack of knowledge among parents and educators about their rights and responsibilities and the decision of aggrieved parents to complain to advocacy organizations rather than to ED.

Based on FMF's analysis, most of the estimated 1000 plus schools can not adequately justify their purposeful sex separation strategies. Similarly, although the twelve OCR regional offices and ten ED sponsored regional Equity Assistance Centers, provide free civil rights training and technical assistance when asked, FMF has not learned that they proactively provided detailed training to prevent discriminatory sex segregation.

After ED and DOJ provide clarification on acceptable equality outcome and process standards as described in recommendation 2, the federal government will be better able to use proactive strategies such as technical assistance from these offices as well as its "bully pulpit" to explain why most sex-segregated public education is not justifiable on legal, educational, and economic grounds. The federal government should also involve Title IX coordinators and many others in preventing, identifying, and eliminating sex discriminatory single-sex education in publicly supported schools.

- Other routine federal activities should also pay special attention to eliminating purposeful sex discriminatory sex segregation. For example, even if it is planned, single-sex education is not routinely explicated in applications for federal funding including state waivers.⁴ Thus, requests for proposals should require full descriptions of any single-sex education as well as information on how it complies with standards in recommendation 2. No final awards should be given to any schools with single-sex education unless there is full compliance with these standards. Additionally, all awards with provisions for single-sex education should be included in a publicly assessable data-base and monitored for compliance by ED staff.

⁴ For example, ED was not able to provide information on if or how single-sex education was supported from the Local Innovative funds which was the explicit part of the No Child Left Behind (NCLB) legislation that mentioned allowing single-sex education congruent with applicable law. Similarly, it was hard to learn if coed schools planned to have single-sex classes -- even in charter or magnet school proposals or reports.

- This FMF study confirmed many aspects of the weakened gender equity infrastructure and its impact on the growth of sex discriminatory single-sex education. Thus, the federal government should establish a comprehensive and effective infrastructure to advance gender equality in and through education. This infrastructure should build on existing legislation and offices mentioned above but it should also establish a viable Title IX Action Network using the Special Assistant for Gender Equity to coordinate ED gender equity responsibilities of Title IX coordinators, Career and Technical Education civil rights coordinators, and other gender equity experts in and outside of government. Provisions in the 2010 proposal for the reauthorization of the 1974 Women’s Educational Equity Act can be used to rebuild this gender equity infrastructure.⁵

As described in Part II of this study, the rebuilding of the nation’s gender equity infrastructure is essential. The federal government is responsible for implementing Title IX regulation requirements to insure that Title IX coordinators fully implement Title IX in all organizations that receive federal financial assistance for education purposes. In previous years the ED provided support for some state Title IX coordinators, state vocational education sex equity coordinators⁶, and even some school district Title IX coordinators, and ED’s OCR has sent reminder letters to school districts to appoint Title IX coordinators. But there has been no recent publicly announced administration plan to support of these important Title IX coordinators or even to appoint a Special Assistant for Gender Equity as required under ED legislation.

3.2 The state education agencies and local districts should develop proactive Title IX action networks of Title IX coordinators and gender equity supporters as well as related accountability and dissemination strategies to stop existing sex discriminatory segregation in public education and to discourage all future sex segregation which does not meet the standards in recommendation 2.

- There should be widespread replication of strategies used by effective State Title IX coordinators such as: educating Title IX coordinators and other educators in their states about Title IX, posting guidance on their state education agency websites, and responding to questions with information which would help school districts avoid potentially unlawful sex segregation.
- When feasible, states or districts should use an effective equity review strategy like the Iowa equity review for school accreditation (described in Part II of the study) which not only asked about single-sex education, but withheld approval if the school did not meet their criteria. The few schools that received a waiver to continue with sex segregation were monitored.
- In addition to providing education about Title IX and responding to questions, some state Title IX coordinators (and their state agencies) have more influence than others over their school districts. But even if they don’t have investigatory authority, State Title IX coordinators should try to learn about potential Title IX violations in their state. At the start of this FMF study many state Title IX coordinators

⁵ This is an especially challenging recommendation since ED omitted WEEA from its 2011 budget request.

⁶ They are now called career and technical education or Methods of Administration (MOA) civil rights coordinators.

knew little about single-sex public education in their state, but they were interested in learning about this and stopping any sex discriminatory single-sex education. Some used their state networks of Title IX coordinators to gather information on schools with single-sex education. FMF staff shared insights from research and called some inequities to the attention of Title IX coordinators. However, these coordinators need to use more systematic approaches to identify, monitor, and investigate schools with sex segregation. They should also influence state policies and procedures to create comprehensive equity reviews as in Iowa or school site visits for civil rights compliance as used by their state agency colleagues working in career and technical education.

3.3 Gender equity advocates should do whatever they can to pressure governmental decision-makers to stop sex discriminatory segregated public education and only allow single-sex public education if it is more effective than comparable coeducation in increasing gender equitable outcomes according to the standards in recommendation 2.

Successful strategies used by gender equity advocates include:

- Learning about proposed and ongoing public school sex segregation in their state that is sex discriminatory and putting pressure on the school boards and state and federal agencies to stop the sex segregation through threat of litigation or OCR complaints.
- Contacting experts (such as the American Civil Liberties Union) to use legal strategies ranging from Title IX complaints to lawsuits to encourage and compel compliance with federal and state protections against sex discrimination in sex segregated public education.
- Insisting on transparent and easily accessible high quality information on any proposed or actual public school single-sex education. Although some school districts try to explain their single-sex activities as a strategy to provide school choice, district or school websites rarely provide information on the justifications for (or the nature of) the sex separated education. In addition to providing this information on their websites, schools which practice sex segregation should provide high quality evaluation plans and results as well as the review criteria and procedures. Additionally, Title IX Action Networks should be involved in these reviews and potential approvals using the comparative standards in recommendation 2. (More explicit recommendations on this accountability strategy are detailed in recommendation 4.)
- Developing state and local Title IX Action Networks to work with Title IX coordinators and other gender equity advocates to let the schools, students and parents know that there are other, better ways than proposed sex segregation to accomplish their gender equity and other goals.
- Using the media including electronic communication to publicize information including research, legal victories against sex discriminatory sex segregation, effective state and district laws and practices, and examples of sex stereotyping and inequities in specific schools using sex segregation strategies. This should focus on helping the public and other education equity allies understand why the sex segregation can rarely be justified and encourage them to join in convincing decision-makers to end it. Investigative media stories can also help document costs that have gone into planning, implementing, and properly

evaluating single-sex public education. Additionally, as media and many others help celebrate the 40th Anniversary of Title IX, they should warn about the inequalities associated with sex segregation and the improvements to education and society associated with creating deliberate gender equitable coeducation.

- Making sure that candidates for school board, and all other elected offices will ensure that public schools advance gender equality and that they will insure full implementation of Title IX using the standards in recommendation 2 in making decisions about any allowable public school sex segregation.
- Creating alliances among many non-governmental organizations to curtail unlawful and imprudent single-sex education including:
 - Organizations concerned with increasing gender equality for both girls and boys, women and men. For example coalition groups such as the National Council of Women's Organizations (NCWO) and the National Coalition for Women and Girls in Education (NCWGE) have been supporting these efforts to end sex discriminatory sex separation.
 - Race integration supporters. Note that the lack of discrimination and diversity are essential goals of our society and there are many parallels with the negative aspects of sex and race segregation. Many of the sex segregated classes and schools have focused on serving minority students from low income families even though research indicates that they benefit more from integration.
 - Educators (Associations/ Unions). Many educators are unaware of the threats to equality related to sex segregation and that schools may incur major evaluation and legal expenses if they implement segregation. School Boards and their lawyers may be in an especially important position to stop unlawful, imprudent, and expensive sex segregation.
 - Parents/ Students themselves.

4. Improved governmental accountability, enforcement, and research to meet the high standards in recommendation 2 and to actively implement gender equitable coeducation.

Governmental accountability, enforcement, and research are essential in identifying and ending sex discriminatory public education and in creating a gender equitable society. To maximize their effectiveness, there should be coordinated efforts. For example, if data is collected appropriately, it can help identify schools that are not complying with approved equality standards. This information can be used for monitoring and follow-up investigations and enforcement by Title IX Action Networks and others. If information on single-sex activities is high quality and publicly available, researchers can also analyze it from a variety of perspectives to learn effective ways to prevent or end public school sex segregation if there is insufficient evidence that it is meeting equity outcome, process and cost effectiveness standards as described in recommendation 2.

4.1 Recommendations for improved federal accountability and enforcement responsibilities to curtail sex discriminatory sex-segregated public education include:

- Build on and improve data collected from the CRDC's and other federal data collection efforts⁷ to obtain more valid, reliable, and useful information on single-sex education in public schools. In addition to collecting and making this information available publicly, ED should provide analyses of information from multiple sources. These analyses should include information on the validity and quality of the data, the patterns of results across the nation, and the identification of specific schools that do not provide adequate evidence that their sex segregation is effective in decreasing, rather than increasing, sex discrimination. ED should then have a systematic process to use Title IX Action Networks and OCR staff to investigate compliance with federal and state laws prohibiting sex discrimination in education in each of the schools with unjustified sex segregation.
- Continue but improve CRDC data collection and verification on single-sex education in public schools. Part I and the FMF exploratory study (Klein & Sesma, 2011) described many problems with the important 2006 and 2010 CRDC data that need to be remedied. Additional questions should also help provide information on the availability of adequate justifications and evaluation plans as well as details on the substantially equal coeducational classes.
- The recommended ED/OCR and DOJ guidelines on allowable non discriminatory single-sex education should require full reporting by schools on the justification, nature, approval reviews, evaluation plans and evaluation reports. This detailed information should be publicly accessible on each school's website and posted on the school district website. The school district Title IX coordinator should monitor it for adequacy and compliance and share it with the State Title IX Coordinator, who will post it and an analysis of its adequacy on the state education agency website. The state's Title IX Action Networks should be involved in the analysis of the compliance with Title IX of all approved single-sex education and they should share this analysis with the public and with their regional OCR office. While it is expected that most of the reported single-sex education will be specific female or male classes (along with their comparable coed classes), even occasional single-sex activities such as taking only boys or only girls on field trips or having them meet with distinguished visitors should be covered by these approval and reporting requirements as they are covered by Title IX and the Constitution. This required reporting should include reasons for decisions to allow or end the requested single-sex education as well as a follow-up on actions taken if the standards in recommendation 2 are not met by specific schools. Part of the requirement should be a press release with links to information on the websites with copies to Title IX Action Networks, the state Title IX coordinator, the regional OCR office, and the Title IX team leader in the ED OCR.

The DOJ/ED guidelines should require that the school and the school district Title IX coordinator be official annual reviewers and, if merited, approvers of the single-sex education along with the school and school district leader and school board. All of these officials should also be encouraged to obtain advice from Title IX action networks and experts in gender equitable education from outside the school district.

⁷ Other relevant information is collected by state gender equity staff working in Career and Technical Education and by ED's National Center for Education Statistics and sometimes by national organizations focusing on charter or other types of public schools.

- ED should also employ procedures to identify any inadequately reported single-sex education in public K-12 schools such as comparing the web-posted information with responses in the CRDC surveys and other reports of public school sex segregation. Schools out of compliance with any of these reporting requirements including a sign-off by the school and school district Title IX coordinators should receive instructions and a short timeline to comply or lose their federal support.
- In addition to noncompliance with procedural requirements for using Title IX coordinators and adequate required reporting, OCR should actively investigate schools where there are “red flags” indicating sex discriminatory sex segregation that does not meet the standards in recommendation 2 or questionable information in the public reports that needs verification.

4.2 Recommendations for improved state and local level accountability and enforcement responsibilities to curtail discriminatory sex-segregated public education include:

- State and local level Title IX coordinators should closely monitor public schools with single-sex education and institute reporting requirements and standards like those recommended for ED and DOJ in recommendations 2 and 4 – even before they may be adopted by these federal agencies. In some cases Title IX coordinators can also report on the schools’ organizational structures, practices, and results related to single-sex education in other data collection and review procedures such as school or school district report cards. Non-sex discriminatory teaching can also be included in criteria to evaluate educators including those assigned to coed classes.
- If the local and state Title IX coordinators are not able to persuade the school or school district authorities to refrain from starting or continuing sex discriminatory sex segregation, they should share information with state and federal authorities such as the State Human Rights Commission or the Office of Civil Rights of the US Department of Education.

4.3 Recommendations for more and better research to measure progress in ending sex discriminatory sex segregation and to learn how to increase gender equity in and through education.

- It is important to obtain improved and updated national data on the extent and nature of sex segregation in public education. This FMF study just scratched the surface but it found many problems. For example, although there has been an increase in deliberate sex discriminatory sex segregation since 2007, even the large national CRDC survey on schools with single-sex classes is inadequate. Additionally, many schools don’t share information on their sex segregation practices on their public websites even though a key argument for single-sex education has been that it provides more choices. A better understanding of the extent and nature of public school sex segregation today would help identify and stop the sex segregation that is unlawful, and also unjustifiable based on educational and cost effectiveness. For example, improved national information would help:
 - Learn if the FMF estimate of over 1000 schools with single-sex education is accurate for 2012
 - Assess progress in decreasing unlawful and imprudent sex-segregated education
 - Learn if the patterns such as more schools with sex segregation in Southern states are true for future years

- Learn if the initial insights about lack of adherence to the five important equality principles remain accurate. For example are there any compelling justifications/evaluation evidence of positive impact of single-sex education compared to comparable coeducation?
- Institute a continuous transparent process to share information on specific schools with single-sex education in all the states as well as on effective state policies and strategies. FMF profiles of single-sex public schools in each state can provide much of this initial information. Additional resources are needed to update and share this accountability information on a public website. This and related information would also greatly contribute to research on sex-segregated public education.
- Future research could also help learn about decision-making related to starting or stopping deliberate sex-segregated education practices in public schools. Such information should help improve guidance recommendations on best ways to end sex discriminatory segregated education.
- More systematic high quality research on the positives and negatives of single-sex public education in advancing gender equitable outcomes is needed if the affirmative exceptions allowing limited single-sex education are retained in the 1975 Title IX regulation. For example, can single-sex education be implemented so that it counteracts, rather than increases sex discrimination? Is any specific replicable sex-segregated education program or activity more effective in decreasing sex discrimination in the desired outcomes than comparable coeducation? Are there any specific populations of students that benefit from these non sex discriminatory single-sex strategies more than others using similar interventions?
- It is important to share insights from research and evaluations related to single-sex education to increase gender equitable education. For example, a physics teacher who tried a single-sex class for girls found that if he changed to more supportive and collaborative teaching, more girls succeeded. However, he found that this also helped the boys. Thus, he stopped the experiment with the all-girls class and used these improved strategies with his coed classes. Research colleagues in the American Council for Coeducational Schooling (ACCES) www.coedschooling.org have helped the public learn that many justifications for sex segregation are based on pseudoscientific misunderstandings about sex differences and how this totally exclusionary sex separation may harm students. More research is needed to help educators and the public understand why gender equitable coeducation is essential to teach effectively and to reduce, rather than increase, sex discrimination and harmful sex stereotyping and stigmatization.

Conclusion

This multi-year FMF study found over 1000 U.S. public schools that used deliberate strategies to sex segregate their students from 2007-2010 in all but four states. FMF and its allies in the National Coalition for Women and Girls in Education (NCWGE, 2012) conclude that this sex segregation, if sex discriminatory, should be ended promptly. It undermines Title IX and may violate the US Constitution or on the credible scientific research that sex separation was more effective than the U.S. norm of public coeducation in improving education outcomes. Instead, there is extensive evidence that this single-sex education increases sex stereotyping (which is a form of sex discrimination) and that it also leads to inequitable (or sex discriminatory) treatment of the girls and boys. Similarly, it is easy to find inequities in the use of public resources when comparing public single-sex and the required coed options.

Part I of this study found more evidence of non-compliance than of compliance with equality principles or standards. Even if sex segregation is potentially lawful because it is being used to achieve “affirmative” purposes of increasing gender equality in desired educational outcomes (as noted in the original 1975 Title IX regulation) sex segregation should not be allowed if it violates non-discrimination principles or standards such as:

Principle 1: Justifications and specific plans for single-sex education based on scientific evidence that sex separation is needed to achieve desired educational outcomes for girls and boys should be approved before implementation. This approval also should ensure that the single-sex education is based on genuine justifications that do not rely on sex stereotypes such as teaching to the purported “interests” or preferences of girls or boys.

Principle 2: Separate but equal is seldom, if ever, achievable in education. In public education civil rights laws protect against discrimination on the basis of sex, race, ethnicity, etc. Is there any evidence that resources for the boys and girls classes are equal and is the same true when comparing the single-sex and the required coed classes?

Principle 3: Demonstrate that participation is voluntary. For example, are students fully informed of their options and can all student requests for coeducation or single sex education be fully and fairly accommodated?

Principle 4: Governmental accountability is critical and it requires rigorous scientific evaluation evidence of effectiveness to justify the initial approval and continuation of the sex-segregated education. The ED 2006 Title IX regulation specifies that there should be evidence that the education goals for each class and the single-sex program are linked to show the comparative benefits from the specific single-sex activities.

FMF found examples of non-compliance with each of these equality principles. In many schools it found sex discrimination based on non-compliance with many of the principles. Recently published letters from ACLU provide additional documentation of non-compliance with these principles in public coed schools with single-sex classes. Based on this information, ACLU requested that these schools stop their sex segregation (Bohm, 2012).

Key ways to promptly end this sex segregation are to rescind the ED 2006 Title IX Regulation and to let all know the very stringent justifications and requirements that must be met to allow any lawful (non-discriminatory) sex segregation based on the equality principles in the U.S. Constitution, Title IX, and other federal and state laws. The U.S. Departments of Justice and Education should provide this guidance for Title IX coordinators and others, but until this occurs, advocates of gender equality should provide guidance on what to do or not to do if a school is planning or has implemented sex-segregated programs or activities.

Part II of this FMF study describes why the Title IX gender equity infrastructure needs to be strengthened. by increasing support for Title IX coordinators and their gender equity allies to apply this guidance. Title IX coordinators (key employees with responsibility for implementing Title IX) in all organizations that receive federal assistance for education programs and activities have long been neglected and under-resourced. Part II of this study documented how the role of the State Title IX Coordinators needs to be strengthened so they can be more effective in helping to end discriminatory sex segregation.

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 **E**lementary, **M**iddle, & **H**igh 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 Schoolⁱ. 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 -----

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- i. ACLU Alabama Letter to Mobile School District, November 12, 2008.
 - ii. "Alabama School District Agrees to End Illegal Sex Segregation: Policy Change Comes After Notice From ACLU." 25 March 2009. Accessed 2 April 2009. <http://www.commondreams.org/newswire/2009/03/25-5>.
 - iii. "Alabama School District Agrees to End Illegal Sex Segregation: Policy Change Comes After Notice From ACLU". July 6, 2009. Additional details came from Allison Neal ACLU of AL staff attorney via e-mail note to Sue Klein 7-23-09.
 - iv. Ibid.
 - v. Foley Intermediate School Website. <http://www.foleyintermediate.org/?PageName=%27AboutTheSchool%27>. Accessed 4-2-09.
 - vi. Cook, Jim. "ACLU Looking Into Beverlye Middle School's Single-Sex Education Program." Dothan Eagle. 19 December 2008. Accessed 2 April 2009.
http://www.dothaneagle.com/dea/news/education/article/aclu_looking_into_beverlye_middle_schools_single-sex_education_program/51745/
 - 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, Derln Crawford who called back on March 10, 2010. He said that in 2006-7 the school had single-sex math and single-sex English Language Arts classes in 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

State of Public School Sex Segregation in the States Part III

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

	<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>

State of Public School Sex Segregation in the States Part III

SC – 0	Langston Charter Middle School Greenville	Langston Charter Middle School Greenville
	Morningside Middle School for Girls , Grades 6-8, Charleston	Morningside Middle School for Boys Grades 6-8, Charleston
TN -1	All Girls Leadership Academy Scheduled to start in 2009 in Chattanooga	
TX -7	Ann Richards School for Young Women Leaders 2007, Grades 6-12, Austin	Pro-Vision All Male Charter Middle School 2000 Grades 6-8, Houston
	Irma Rangel Leadership Academy 2004, Grades 6-12, Dallas	William A Lawson Institute for Peace and Prosperity Preparatory Academy for Boys , 2002 Charter School Grades 6-8, Houston
	San Antonio Young Women’s Leadership Academy Grades 6-12	
	Lubbock School for Young Women Leaders , Grades 6-12	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)
	KIPP Voyager Academy for Girls open 2010 with 5th grade, Houston	KIPP Polaris Academy for Boys 5-8 th grade, 2007, Houston
UT – 1	Young Parents School. According to OCR data all high school students were female, Spanish Fork, UT	
WI -3	Spectrum High School for Girls in Milwaukee	
	Lady Pitts High School for pregnant teens	
	Young Women’s Institute for Global Studies , Milwaukee	
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**.

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,
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Appendix I: Statement from Massachusetts about Single-sex Education

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

Sue,

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

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

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

Thanks,

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

Appendix J: Acknowledgements

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

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Eleanor Smeal , President Feminist Majority Foundation, Feminist Majority, and Publisher of Ms. magazine

Kim Gandy, FMF Vice-President and General Counsel Feminist Majority Foundation and Feminist Majority

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Spring 2009 Cathy Bonanno

Summer 2009 Emily Miller, Lauren Geiser, Leah Gable

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Summer 2010 Kashay Sanders, Nakita Dziegielewski

Fall 2010 Allyson Gasdaska, Renata Maniaci,

Spring 2011 Liberty Slater

Summer 2011 Alison Grady, Linda Rasmussen

Fall 2011-Summer 2012 Hannah Gordon

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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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