

Single-Sex Education Requirements for Title IX Coordinators

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance. In 2006, the United States Department of Education amended the regulations implementing Title IX that apply to single-sex classes, extracurricular activities, and schools.¹ These new regulations apply to all local educational agencies and other entities that receive federal financial assistance and provide elementary and/or secondary education. All educational agencies are required to officially appoint a Title IX coordinator, and it is the responsibility of the local Title IX coordinator to ensure that district policies, procedures, and activities do not violate Title IX, including any provision for single-sex education or extracurricular activities.

These new regulations provide requirements that will ensure compliance with Title IX when a local agency chooses to provide single-sex education. These regulations do not require a recipient to provide single-sex education, but those that do are required to carefully evaluate their policies and practices to ensure that their single-sex programs meet the requirements of the regulations.

The major changes in the new regulations allow an agency to offer a single-sex school to students of one sex if the agency also provides a **substantially equal** school to students excluded from the single-sex school based on sex, but now that school may be either single-sex or coeducational. The new regulations also allow public charter schools to operate a single-sex school without the requirement that they operate a substantially equal school for students of the excluded sex.

The 2006 regulations were designed to provide more flexibility to offer single-sex classes, extracurricular activities, and schools based on the recipients "important objective". The new regulations establish two important objectives upon which a recipient may base their decision to operate a single-sex class or extracurricular activity:

- **To improve educational achievement of its students through their overall established policy to provide diverse educational opportunities.**
- **To meet particular, identified educational needs of a agency's students.**

The single-sex nature of the class or extracurricular activity must be **substantially** related to achieving one of these important objectives.

An educational agency choosing to provide single-sex education **must**:

- Implement the important objective in an evenhanded manner with respect to female and male students.
- Allow only completely voluntary enrollment in a single-sex class or activity.

¹ "School" as used in this document also includes a "school within a school" which means an administrative separate school located within another school, public school academies, charter schools, and other schools benefitting from federal financial assistance.

- Provide to all students, including those excluded from the single-sex class or activity, a substantially equal coeducational class or extracurricular activity in the same subject or activity.
- Provide a substantially equal single-sex class or extracurricular activity in the same subject or activity to students of the excluded sex, if needed, to comply with the requirement to implement the important objective in an even-handed manner.
- Conduct periodic self-evaluations of the established single-sex classes or extracurricular activities at least every two years, to ensure that there is a substantial relationship between the single-sex nature of the class or activity and achievement of the selected important objective.
- Ensure that their single-sex classes or extra curricular activities are based on genuine justifications, and do not rely on broad generalizations about different talents, capacities, preferences, or stereotypes of either sex.

For additional information on the [regulations](#) and their applicability to single-sex classes, extracurricular activities or schools please see:

<http://www2.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.html>

Additional Guidance for Title IX Coordinators

When evaluating your agencies' compliance with Title IX with regard to any single-sex class, program, activity, or extracurricular activity, you may wish to examine/consider the following:

- Are the single-sex programs truly equal? The factors to evaluate include, but are not limited to:
 - Policies and criteria of admission/participation
 - Educational benefits provided
 - Quality, range and content of curriculum and other services
 - Availability of books, instructional materials, and technology
 - Qualifications of faculty and staff
 - Geographic accessibility
 - The quality, accessibility and availability of facilities and resources
 - Intangible features, such as reputation of the faculty
- Is participation truly voluntary?
- Are students taught the same content, with the same resources, to the same degree of effectiveness?
- Are the levels of expectations for achievement and mastery the same?
- Are the numbers of students per single-sex class, school, or activity equal to either the corresponding single-sex school or the coeducational experience offered?
- Are discipline methods employed equally effective?
- Do the self evaluations show that the single-sex school, class, or activity has lead to a different outcome for the important objective selected than the comparable coeducational school, class or activity and has had no negative impact?

Part 106-Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 20 U.S.C. 1681 et.seq., § 106.34, §106.35, §106.43.

USDOE, Dear Colleague letter dated January 31, 2007, Stephanie J. Monroe, Assistant Secretary for Civil Rights.