

Single-Sex Education

Austin Explores All-Boys Academy

Austin American-Statesman, April 9, 2007

Muskegon May Test Same-Sex Classrooms

Muskegon Chronicle, December 13, 2006

Nashville to Test Single-Sex Classes

Tennessean.com, April 4, 2007

More Public Schools Dividing Boys, Girls

Houston Chronicle (AP), January 25, 2007

A profound challenge to gender equity in education has been mounted in recent years that threatens to undermine Title IX and hamper future efforts to assure that girls and boys are provided equal learning opportunities in K-12 public schools. This challenge is embodied in regulations issued by the Department of Education in 2006 that vastly expand the circumstances in which schools will be permitted to offer sex-segregated educational programs. Although both Title IX and the U.S. Constitution allow single-sex programs in appropriate circumstances, both require careful safeguards to ensure that these programs, where offered, serve appropriate purposes and do not perpetuate sex discrimination. However, the new regulations lack these safeguards and could encourage schools to establish single-sex programs that turn the clock back to the time when girls were separate and unequal in education.¹⁸⁰

Single-Sex Education and the Law

While single-sex programs can be beneficial and lawful under certain circumstances, the law has always insisted that such programs be undertaken with caution. This is because without adequate safeguards, single-sex programs can actually increase discrimination. When schools offer programs only to students of one sex, they are by definition using the gender of students of the other sex as the sole basis for excluding those students from educational opportunities from which they could benefit. By excluding students of one sex, moreover, schools risk reaffirming stereotypes about the interests, abilities or learning styles of both genders.

Additionally, history has shown that girls' programs typically receive fewer resources than boys' programs, and that girls and women tend to be treated inequitably in other ways when programs are separate. Girls have been steered to programs designed to prepare them for lives as homemakers and boys have been encouraged to pursue higher education and career training. Indeed, the persistence of these inequities can be seen even today in sex-segregated programs. In athletics, for example, where single-sex teams are not only per-

mitted but the norm, girls are subject to inequities in every measurable aspect of the programs.¹⁸¹

Both the U.S. Constitution and Title IX have safeguards to ensure that single-sex programs will not be discriminatory. The Constitution requires that any gender-based classification have an "exceedingly persuasive justification," and be "substantially related" to an important governmental objective.¹⁸² Under the decisions of the Supreme Court, such justifications are limited: "Sex classifications may be used to compensate women 'for particular economic disabilities [they have] suffered,' . . . to 'promote equal employment opportunity,' . . . [or] to advance full development of the talent and capacities of our Nation's people."¹⁸³ The Court has also made clear that the "classification [must be] determined through reasoned analysis rather than through the mechanical application of traditional, often inaccurate, assumptions about the proper roles of men and women."¹⁸⁴

In accord with this standard, prior to 2006, the Title IX regulations allowed schools to offer single-sex classes for instruction in specific areas, such as contact sports or human sexuality, and to promote "remedial or affirmative action" related to ending sex discrimination in education. These exceptions to the general prohibition on gender-based classifications have been used in the past to enhance women's opportunities in fields from which they were traditionally excluded and in which they remain significantly under-represented. For example, the Department of Education's Gender Equity Expert Panel in 2000 recognized the Orientation to Nontraditional Occupations for Women program, which was primarily used for incarcerated women, as an exemplary program.¹⁸⁵

Safeguards against sex discrimination under the 1975 Title IX regulations were summarized in a 1996 U.S. Government Accountability Office report on "Issues Involving Single-Gender Schools and Programs." As set forth in that report, single-gender classes or programs are justified only if "(1) beneficiaries of the single-sex classes or programs . . . had limited opportunities to participate in a school's programs or

activities due to their sex, (2) less restrictive or segregated alternatives that may have accomplished the goals of the single-gender classes or programs [had] been considered and rejected, and (3) there [was] evidence that comparable sex neutral means could not be reasonably expected to produce the results sought through the single-gender classrooms or programs.”¹⁸⁶

The Department of Education’s 2006 Single-Sex Regulations

On May 3, 2002, OCR issued a *Notice of Intent to Regulate* that proposed to change the 1975 Title IX regulations to make it easier for schools to offer single-sex programs.¹⁸⁷ Despite receiving numerous public comments opposing this regulatory change, OCR issued a *Notice of Proposed Rulemaking* on March 9, 2004, and requested public comments by April 23, 2004. Although the vast majority of submitted comments opposed any changes to the longstanding Title IX regulations (only about 100 of the close to 6,000 public comments supported the proposed changes),¹⁸⁸ OCR issued final regulations for implementation of the single-sex provisions on October 25, 2006 that were similar to the proposed regulations. The final regulations became effective 30 days later, on November 24, 2006.

The Department’s new regulations dangerously expand authorization for schools to offer single-sex programs for their K-12 students. Because they abandon the long-standing legal safeguards that are designed to ensure that single-sex programs will not result in sex stereotyping or discrimination, the new regulations authorize programs that will ill serve both male and female students and that could result in legal liability for the schools that offer them.

- **The Department’s new regulations throw out the most basic safeguards.** Under the new regulations, schools can exclude boys or girls from classrooms or schools based on vague goals such as “improving the educational achievement of students” by “providing diverse educational opportunities” or meeting the particular, identified educational needs of their students. There is nothing in the regulations that prevents schools from acting based on harmful sex stereotypes—for example, that girls cannot learn in fast paced or competitive environments or that separating boys and girls is the only way to remedy sexual harassment. The new regulations would even allow schools to create sex-segregated programs based on parent or student preferences—a practice that would never be allowed were the issue to be segregation on the basis of race.
- **The Department’s new regulations do not mandate equal treatment for students excluded from a single-sex program.** The regulations require only that the excluded gender receive “substantially” equal educational opportunities. But “close enough” is not an acceptable legal or policy standard.
- **The Department’s new regulations rely on faulty and unproven assumptions about the benefits of single-sex programs.** Despite the Department’s insistence that educational innovations be premised on “scientifically-based evidence,” a major review of the research sponsored by the Department has acknowledged that the evidence that single-sex programs produce more educational benefits than coeducational schooling is “equivocal,” at best.¹⁸⁹ Reviews of multiple research studies support this conclusion and fail to support single-sex education proponents’ position that separating boys and girls increases educational benefits. In fact, a research review that was issued at the same time the Department of Education was releasing its 2006 changes to the Title IX regulations, found that half a century of research in many western countries has not shown any dramatic or consistent advantages for single-sex education for boys or girls.¹⁹⁰

Recent studies of single-sex education have been poorly designed and inadequate, and few have even looked at gender equity outcomes. For example, the comprehensive research review sponsored by the Department of Education in 2005 reported mixed results on achievement outcomes and no results on

gender equity outcomes.¹⁹¹ Many studies of single-sex schools failed to control for factors that are likely to affect student performance, such as socioeconomic status of the students, selectivity of admissions, resources invested in the program, and class size.¹⁹²

Furthermore, researchers report negative sex stereotyping associated with single-sex education for both girls and boys. Some studies show that all-boys schools promote sexism and feelings of superiority toward women. Unless programs are carefully designed, girls, as the traditionally subordinated group, may experience a badge of inferiority as a result of being grouped on the basis of sex.¹⁹³ Advocates of single-sex education have argued that it will reduce boy-girl distractions and sexual harassment, yet one study on single-sex dual academies in California found that students still experienced teasing and harassment in both the single-sex and co-educational spaces of the dual academies and that students who attended single-sex academies were often labeled as “bad”, “preppy” or “gay”.¹⁹⁴

- **The Department’s new regulations make inadequate provision for accountability.** The regulations authorize schools to conduct their own evaluations of their programs, provide no guidance on how schools should make the required assessments, and establish no monitoring role for the Department. There is no required accountability or review of the justifications or results. Nor is there any requirement that schools separately report the results for the girls and boys, or produce evidence that sex-segregated education meets students’ needs or improves educational achievement outcomes any better than mixed-sex education.

“I don't know. To all the moms out there I'd like to let them know that when their girls come home saying that boys want to be a nurse or a dancer, the moms would let them know that it is okay. Because I have actually considered being a dancer myself. Boys have pressure on them too to be all strong and macho and stuff and even though we try we are not always that strong or macho.”

3rd grade boy

“It is hard because there are some things you want to do that parents think that boys should not do like be a teacher or nurse.”

3rd grade boy

“There are too many gender based rules and expectations of boys. I don't like sports and I'm not obsessed with computers. I am a boy who likes looking good and wants to be a fashion designer, and I always get shoved into statistics with boys who aren't like me at all. I am expected to do tough manly things. Things that I don't do, and don't want to do. It's degrading to me. People need to treat me as a person, not just a boy.”

9th grade boy

Quotes from Supergirl Dilemma report¹⁹⁷

Increased Attention to Single-Sex Education

Despite the clear vulnerabilities of the Department's 2006 regulatory changes, the number of public schools offering single-sex programs has been growing rapidly in recent years while there have been decreases in many private single-sex schools. As of March 2007, the National Association for Single Sex Public Education reported that for the 2006-07 school year, "at least 262 public schools in the United States were offering gender-separate educational opportunities" and that 52 of those schools were completely single-sex. The others have single-sex classrooms and some coed activities such as electives or lunch.¹⁹⁵ However, the number of single-sex schools and classes is still small compared to the total number of schools and classes in the 16,000 school districts across the country.

There are varied reasons that schools have acted on the Department's authorization of additional single-sex activities. Many educators and parents are in districts that struggle with inadequate resources, large classrooms, insufficiently trained teachers, multiple socio-economic challenges and under-performing students. They may be attracted to sex segregation as a panacea to improve their student outcomes. Other districts find sex-segregated education appealing based on unfounded ideas about how boys and girls learn, assertions that separating the sexes will produce increased learning, and because they see sex-segregated education as promoting diversity of choice. For example, a Connecticut school is designing the girls' classroom with circular seating so they can "have more of a sense of community" and the boys' classroom with "optional sitting" because they believe "studies have shown that boys learn better when standing."¹⁹⁶

But, for the reasons set forth above, single-sex education is not the panacea that some may believe it to be. And while there are some differences in male and female physiology and common patterns of socialization, the meaning and implications for most areas of education are highly debatable and far from conclusive. Females and males have multiple ways of learning and there is more variation within the sexes than between them. Importantly, research does not show that gender is an accurate, consistent, or even useful determinant of educational needs.¹⁹⁸ If anything, studies show that gender gaps in academic achievement have been decreasing since the passage of Title IX and that both boys and girls are doing better in school.¹⁹⁹ Given that the commonalities between boys and girls far exceed the differences, the drastic step of separating boys and girls in public schools is not warranted.

Significantly, there are also practical reasons for schools to tread carefully in adopting single-sex programs. First, school districts may be vulnerable to expensive legal challenges if their programs violate their own district policies, state laws, Title IX or the U.S. Constitution. In addition, if implemented properly to decrease sex discrimination and improve desired education outcomes, single-sex education is likely to be more expensive than coeducation. In many cases schools will have additional administrative burdens, teacher training costs, and evaluation and legal costs. Re-directing funding to reducing classroom size, increasing other resources and providing additional training of teachers to meet their students' academic and social and emotional needs and to avoid sex discrimination and stereotyping could well produce better outcomes for districts with large numbers of under-achieving students.

Garrett v. Board of Education

The complex problems that some minority males face are widely recognized. However, as stated in a case challenging all-male public schools in Detroit, "while the purpose for which the male academies came into being is an important one, the objectives, no matter how compelling, cannot override the rights of females to

equal opportunities."²⁰⁰ The court noted that no evidence had been proffered that the presence of girls in the classrooms bears a substantial relationship to the difficulties facing urban males. The judge also found that segregating boys led them to believe that girls were the cause of their educational problems.

PROFILE—*The dangers of single-sex education under new regulations*

The new Title IX regulations for single-sex education opened the door to practically any program, and dangerous practices have already been seen in the field. In September 2006, Livingston Parish, Louisiana, planned to change a coeducational school into a school where girls and boys were separated in all classes so that the school could teach girls “character education” and boys “heroic behavior.” In its plan the parish cited an ‘expert’ who contended that “boys need to

practice pursuing and killing prey, while girls need to practice taking care of babies. As a result, boys should be permitted to roughhouse during recess and play contact sports to learn the rules of aggression. Such play is more dangerous for girls, because girls are less biologically able to manage aggression.” The plan was withdrawn because of a lawsuit brought by the ACLU, and these stereotyped justifications did not prevail.²⁰¹

Conclusion

The new single-sex regulations were not official until November 24, 2006, so it is too soon to observe their full impact on increasing single-sex education. However, the 2006 changes gut key non-discrimination provisions of Title IX, and since they were announced there have been more news stories about schools considering and implementing single-sex classrooms and schools. States such as Michigan and Florida and some school districts are now allowing more single-sex education,

and educators have also observed more sex segregation for non-instructional purposes. The proportion of single-sex public education settings in the United States is still small, but without vigilance and increased understanding of the problems with sex segregation, it is possible that the 2006 changes to the Title IX regulations of single-sex education will reverse progress made since 1972.

NCWGE RECOMMENDATIONS

CONGRESS

- Congress should authorize and fund research and program development to continue to make coeducation more gender equitable and effective by using multiple teaching approaches designed to counteract sex stereotyping and sex discrimination and to meet individual needs of all. Eliminating root causes of educational failure resulting from stereotyping, discriminatory treatment and poverty is critical to meeting the needs of girls and boys without segregating them.
- Congress should direct the Department of Education to allow single-sex education only when permissible under the Title IX regulations issued in 1975 and under the U.S. Constitution.

ADMINISTRATIVE AGENCIES

- The Department of Education should rescind the 2006 changes to the 1975 Title IX regulations. Schools should implement single-sex programs only to the extent consistent with the 1975 Title IX regulations and the standards of the U.S. Constitution and their state and local laws.
- OCR should actively monitor single-sex educational activities using the 1975 Title IX Regulations and take remedial action against any recipients who maintain single-sex education programs that are found to be discriminatory. The Department of Education should work with state and other Title IX coordinators to collect annual information from their schools and districts on all proposed and approved plans, and should obtain implementation and outcome evaluation reports for all single-sex programs. Evidence of the effectiveness of the single-sex programs compared to coeducational programs should also be sent for review to the Department of Education's What Works Clearinghouse and should be made publicly available.
- OCR should make it clear to the public that any discriminatory sex segregation should be reported directly to their office for investigation.
- In addition, OCR should provide on its web site a comprehensive annual report analyzing the information it receives on sex segregated activities and evaluations of programs and activities receiving federal financial assistance. OCR should also work with the Department of Education Institute of Education Sciences to facilitate the accumulation of knowledge about what does or does not work related to using Title IX approved sex segregation in publicly supported K-12 education.

EDUCATION PROGRAMS AND ACTIVITIES

- School districts that allow any single-sex educational programs should have publicly stated policies about standards for implementing and evaluating such programs. They should also have procedures for how the district will make decisions to modify or discontinue the programs if they are found to be discriminatory or no more effective than mixed sex options.
- Where single-sex education is offered, a comprehensive monitoring system is needed to ensure that it does not result in sex discrimination. Title IX Coordinators should work with qualified external evaluators and other gender equity education experts to develop plans, conduct reviews and evaluate outcomes.