

THE DEPARTMENT OF EDUCATION'S SINGLE-SEX REGULATIONS WILL RESULT IN UNEQUAL EDUCATIONAL OPPORTUNITIES

On October 24, 2006, the Department of Education announced new Title IX regulations that dangerously expand authorization for schools to offer single-sex programs for their students. While single-sex programs can be beneficial and lawful in appropriate circumstances, the new regulations abandon long-standing legal safeguards that are designed to ensure that these programs will not result in sex stereotyping or discrimination. As a result, the new regulations authorize single-sex programs that will ill serve both male and female students and that could result in legal liability for the schools that offer them.

The National Coalition for Women and Girls in Education opposes the Department's new regulations for the following reasons:

- **Without adequate safeguards, single-sex programs can 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. It is to avoid these damaging results that Title IX and the U.S. Constitution insist that single-sex programs be carefully structured.
- **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 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,” the Department has acknowledged that the evidence that single-sex programs produce educational benefits is “equivocal,” at best. To the contrary, there is research that documents the potentially harmful effects of single-sex education.
- **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.