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Dear Colleague Letter**OFFICE OF THE ASSISTANT SECRETARY**

January 31, 2007

Dear Colleague:

I am writing to inform you that the U.S. Department of Education (Department) has amended the regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.* (Title IX), applicable to nonvocational single-sex classes, extracurricular activities, and schools at the elementary and secondary education levels. These new regulations were published in the [Federal Register](#) on October 25, 2006, and took effect on November 24, 2006.

The new regulations apply to local educational agencies (LEAs) and other recipients of financial assistance from the Department that provide nonvocational elementary and secondary education. They provide recipients more flexibility to offer nonvocational elementary and secondary classes, extracurricular activities, and schools on a single-sex basis, consistent with the nondiscrimination requirements of Title IX. Title IX prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

The purpose of these new regulations is to provide requirements that, if implemented by recipients, will ensure compliance with Title IX in those situations in which recipients choose to provide nonvocational single-sex education. Like the former regulations, the new regulations do not require that recipients provide single-sex education. Single-sex education is merely an option. Recipients of financial assistance from the Department that choose to provide single-sex education should carefully evaluate their policies and practices and ensure their programs meet the requirements of the regulations.

Summary of Title IX requirements for single-sex classes and extracurricular activities

The new regulations provide for a new exception to the general prohibition against single-sex classes and extracurricular activities. Under the former regulations, single-sex classes were generally prohibited in a coeducational school with specific limited exceptions, such as for sex education classes and contact sports in physical education classes. The new regulations retain the specific exceptions from the former regulations and add a new exception, which permits a recipient to provide single-sex nonvocational classes and extracurricular activities based on the recipient's "important objective." Each single-sex class or extracurricular activity must be based on the recipient's important objective.

The new regulations establish two important objectives upon which a recipient may base a single-sex class or extracurricular activity. The first important objective is to improve educational achievement of its students through a recipient's overall established policy to provide diverse educational opportunities. The second important objective is to meet the particular, identified educational needs of a recipient's students. Regardless of the recipient's important objective, the regulations require that the single-sex nature of the class or extracurricular activity be substantially related to achieving the recipient's important objective.

A recipient that chooses to provide single-sex classes or extracurricular activities is required to implement its important objective in an evenhanded manner with respect to male and female students. The regulations require that student enrollment in any single-sex class or extracurricular activity must be completely voluntary. The regulations also require that the recipient provide to all students, including the students excluded from the single-sex class or extracurricular activity based on sex, a substantially equal coeducational class or extracurricular activity in the same subject or activity. In addition to the required substantially equal coeducational class or extracurricular activity, a recipient, if necessary to comply with the requirement to implement its objective in an evenhanded manner,

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may also be required to provide a substantially equal single-sex class or extracurricular activity in the same subject or activity to students of the excluded sex.

After a recipient has established single-sex classes or extracurricular activities under this new regulatory exception, the regulations require recipients to conduct periodic self-evaluations of their single-sex classes or extracurricular activities at least every two years. Recipients are required to ensure through their self-evaluation that there is a substantial relationship between the single-sex nature of the class or activity and achievement of the important objective. Recipients also are required to ensure that their single-sex classes or extracurricular activities are based on genuine justifications and do not rely on overly broad generalizations about the different talents, capacities, or preferences of either sex.

Summary of Title IX requirements for single-sex schools

With respect to requirements for offering single-sex public schools, the new regulations also provide more flexibility. The former regulations permitted an LEA to offer a nonvocational single-sex school if it offered a corresponding school for students of the other sex. Under the Department's interpretation of the former requirements, the corresponding school must also have been a single-sex school. Under the new regulations, an LEA is permitted to offer a single-sex school to students of one sex if it provides a substantially equal school to students excluded from the single-sex school based on sex, but that school may be either single-sex or coeducational. The new regulations also allow a nonvocational public charter school that is a single-school LEA under State law an exemption from the requirement to provide a substantially equal school for students of the excluded sex.

Enclosed for your convenience is a copy of the new regulatory provisions. When the final regulations were published in the [Federal Register](#), the regulatory provisions were accompanied by additional explanatory information. An electronic link to the [Federal Register](#) and this supplementary information is available on the Department's Web site at <http://www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.pdf>.

The Office for Civil Rights (OCR) in the Department enforces the Title IX regulations, among other civil rights requirements, and provides technical assistance to school districts and other recipients that request such assistance in voluntarily complying with the civil rights laws enforced by OCR. To submit questions and requests for technical assistance in connection with these new requirements, you may address them to T9singlesexTA@ed.gov, a dedicated e-mail address, which will be in operation until December 31, 2007.

I look forward to continuing our work together to ensure equal access to education and to promote educational excellence throughout the nation. Thank you for your efforts on behalf of America's students.

Sincerely,

Stephanie Monroe
Assistant Secretary
for Civil Rights

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