

December 4, 2013

Catherine Lhamon
Assistant Secretary
U.S. Department of Education
Office for Civil Rights
400 Maryland Ave., SW
Washington, D.C. 20202-1100

Dear Assistant Secretary Lhamon,

As legal and advocacy organizations committed to ensuring that lesbian, gay, bisexual, and transgender (LGBT) students, as well as those who are perceived to be LGBT, have access to an education unhindered by discrimination, we write to request that your office, consistent with the requirement to enforce Title IX of the Education Amendments of 1972, take immediate steps to halt the proliferation of single-sex education programs in public schools that are based on and perpetuate harmful sex stereotypes.

At their core, many single-sex programs currently operating in public schools are based on faulty theories about supposed “hard-wired” differences between boys’ and girls’ brains and development. Proponents of these programs espouse the view that boys and girls learn and develop so differently that they should be educated separately using radically different teaching techniques.ⁱ Educators adopting these techniques convey the message – intentionally or not – that there are particular ways “normal” boys and girls ought to think or behave.ⁱⁱ The message that boys and girls are meant to behave in particular ways is especially harmful to any student who does not conform to those gender stereotypes, including students who are or are perceived to be LGBT. As Michael Kimmel, author of *Guyland: The Perilous World Where Boys Become Men* and *Manhood in America* and SUNY Stony Brook professor, puts it, single-sex classrooms can “flatten the differences among boys, which will crush those boys who do not conform to that stereotype: the artistic ones, the musical ones, the soft-spoken ones, the ones who aren't into sports.”ⁱⁱⁱ And the same is true for girls. Such generalizations about boys’ and girls’ interests and abilities are precisely the sort of discrimination that Title IX was intended to eliminate more than four decades ago, and should have no place in our public education system today.^{iv}

A secondary reason some schools cite for separating students by sex is the idea that boys and girls in coeducational settings “distract” each other. The suggestion that hormones will keep students from focusing and learning around members of the opposite sex should be deeply offensive to boys and girls alike, but is particularly problematic for LGBT youth, who are made invisible by this assumption.

There is no doubt that our public school system faces a myriad of challenges. Too many schools are failing our children, and it is clear that reform is crucial. But coeducation is not the problem and separating students by sex is not the solution. In fact, there is absolutely *no* reputable research demonstrating that teaching girls and boys differently leads to better educational outcomes.^v Ultimately, single-sex programs based on sex stereotypes distract from the very real problems that pervade our education system and use resources that could be spent on truly

innovative programs and strategies that have been proven to work – innovations such as positive behavioral supports rather than zero tolerance policies, cultivating effective teachers and strong school leadership, and fostering an academically-oriented school climate.^{vi}

We therefore request that you rescind the 2006 Title IX regulations that relaxed requirements for establishing single-sex programs,^{vii} and that you take immediate action to make clear to school administrators that single-sex education may not be based on the theory that boys and girls learn and develop differently and may not employ gender-differentiated teaching methods in the classroom. In addition, when single-sex programs are offered, transgender students must be allowed to attend the single-sex class or activity that is consistent with their gender identity, including the single-sex class or activity that may differ from the student's assigned sex at birth.

When Title IX was enacted 41 years ago, it embodied a promise that every child has the right to be educated based on his or her talents and capacities as an individual, rather than on discriminatory assumptions based on sex. It is incumbent upon the Office for Civil Rights to help keep that promise.

Sincerely,
American Civil Liberties Union
Gay, Lesbian & Straight Education Network (GLSEN)
Human Rights Campaign
National Center for Lesbian Rights
National Center for Transgender Equality
PFLAG National
Transgender Law Center

Cc: Seth Galanter, Principal Deputy Assistant Secretary

ⁱ See, e.g., Leonard Sax, *Why Gender Matters: What Parents and Teachers Need to Know About the Emerging Science of Sex Differences* (2005); Michael Gurian, *The Boys and Girls Learn Differently Action Guide for Teachers* (2003).

ⁱⁱ See Diane F. Halpern et al., "The Pseudoscience of Single-Sex Schooling," *Science*, 333 (6050), September 23, 2011, 1706-1707.

ⁱⁱⁱ Michael Kimmel and Christina Hoff-Summers. "Do Boys Face More Sexism than Girls?" *Huffington Post*. Feb. 20, 2013. Available at: http://www.huffingtonpost.com/michael-kimmel/lets-talk-boys_b_2645801.html.

^{iv} See *United States v. Virginia*, 518 U.S. 515 (1996).

^v See Diane F. Halpern et al., "The Pseudoscience of Single-Sex Schooling," *Science*, 333 (6050), September 23, 2011, 1706-1707.

^{vi} See Noguera, *supra* note 6; Beatriz Chu Clewell and Patricia B. Campbell, *Good Schools in Poor Neighborhoods: Defying Demographics, Achieving Success* (2007).

^{vii} 34 C.F.R. §106.34.