



**U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

May 13, 2014

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The American Civil Liberties Union is a nationwide, ~~profit~~ non-profit, non-partisan organization of more than 500,000 members that is dedicated to preserving the Bill of Rights.

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The ACLU of Florida is the state affiliate of the American Civil Liberties Union, with approximately 20,000 members in Florida, and is also dedicated to preserving the Bill of Rights.

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PRELIMINARY

(i)

JURISDICTION

8. OCR is responsible for ensuring compliance with Title IX and receiving information

- (e) Just Elementary School conducts ~~segregated~~ classes in all ~~5~~ grades except second grade.¹¹
- (f) Lanier Elementary School conducts ~~segregated~~ classes in second and third grade.¹²
- (g) Philip Shore Elementary School, a magnet school for Visual, Performing and Communication Arts, created ~~segregated~~ classrooms for fourth ~~and~~ fifth graders in all core subjects, including math, reading, writing, science, and social studies.¹³
- (h) Robles Elementary School conducts ~~segregated~~ classes in second through fifth grades in all curriculum areas.¹⁴
- (i) Woodbridge Elementary School established ~~segregated~~ classrooms for all subjects in ~~K5~~ except fourth grade. In prior years there were ~~segregated~~ fourth grade classes.¹⁵
- (j) B.T. Washington Elementary intended to conduct ~~segregated~~ classes in grades K 2 for this year.¹⁶
- (k) Dunbar Elementary School intended to conduct ~~segregated~~ classes in all grades, K-5, for this year.¹⁷

22. According to the Tampa Bay Times, the District intends to operate ~~segregated~~ classes in at least two additional elementary schools, Sessums Elementary and Sheehy Elementary, next year.¹⁹ It appears that ~~segregated~~ classes have previously been

⁹ *Programs Approved 2012-2013, supra note 6* [Prod. 2 § 14; ACLU FL #6434]; HCPS, *Single Gender Program Proposal 2011-2012: James Elementary Sch. 2* [Prod. 1 § 3, ACLU FL #296].

¹⁰ *Letter to Parents, Eye of the Jaguar!* (James Elementary Sch., Tampa, Fla.), Oct. 24, 2011 [Pro § 8-10; ACLU FL #2081]. The District reported a slightly lower number of ~~single~~ classes at James (22) to the FLDOE (HCPS, *2010-12 Annual Equity Update Shell 3* [Prod. 2 § 4; ACLU FL #6460]).

¹¹ *Programs Approved 2012-2013, supra note 6* [Prod. 2 § 14; ACLU FL #6434].

¹² *Id.*; HCPS, *Single Gender Program Proposal 2011-2012, Lanier Elementary Sch. 1* [Prod. 1 § 3-10; ACLU FL #307].

¹³ *Programs Approved 2012-2013, supra note 6* [Prod. 2 § 14; ACLU FL #6434]; HCPS, *Single Gender Program Proposal 2011-2012: Philip Shore Elementary Sch. 2* [Prod. 1 § 314; ACLU FL #319].

¹⁴ *Programs Approved 2012-2013, supra note 6* [Prod. 2 § 14; ACLU FL #6434]; HCPS, *Single Gender Program Proposal 2011-2012: Robles Elementary Sch. 2* [Prod. 1 § 312; ACLU FL #312] [hereinafter "*Robles Proposal 201112*"].

¹⁵ *Programs Approved 2012-2013, supra note 6* [Prod. 2 § 14; ACLU FL #6434].

¹⁶ HCPS, *Single Gender Program Proposal 2011-2012: Woodbridge Elementary Sch. 1* [Prod. 1 § 3-15; ACLU FL #329].

¹⁷ *Programs Approved 2012-2013, supra note 6* [Prod. 2 § 14; ACLU FL #6434].

¹⁸ *Id.*

¹⁹ Ernest Hooper, *Sessums Elementary Becomes First South Shore School to Offer Single Gender Classes*, Tampa Bay Times, Apr. 2, 2014, www.tampabay.com/news/education/k12/sessums

- (h) “For boys, embedding the algebra question in a linguistic context makes the problem more difficult. The boy has to use the cerebral cortex to decode the story; then translate the question into a format suitable for processing by the hippocampus; and then retranslate the solution back into the format required by the question.”
- (i) “The most basic difference in teaching style for girls vs. boys is that you want to encourage the girls, build them up, while you give the boys a reality check: make them realize they’re not as brilliant as they think they are, and challenge them to do better.”²⁷

29. The District’s “Single Gender Programs – Educational Rationale” [Exhibit 1] states:

[T]here are biological differences in boys and girls that affect learning. According to researchers in brain-based sex differences, there are several profound educational reasons why boys and girls should be separated in classrooms:

- Sequence of brain development

- Biological differences in vision and hearing

- Learning style differences

- Single sex classes and schools demonstrate benefit for the students in many areas -academics, attendance, discipline and attitude

- Self-efficacy and self-esteem

- Effects on educational aspirations, locus of control and self-concept

...

Girls have better hearing, which enables girls to pay attention more easily to a softer voice ... boys are less sensitive to color and more sensitive to movement.

As far as learning styles, girls learn in context, while boys respond to rote instruction. This is especially important when teaching math. Boys engage with non-fiction and stories with action or “blood and guts.” Girls more readily respond to simulations, discussions, and analyzing characters and relationships.

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31. Documents sent to parents explaining the reasons the schools are providing single classes echo these pseudoscientific theories that purported differences in the male and female brains or learning styles justify separating students by sex. For example:

(a) In October, 2012, The Principal's column in the **Forest Hills Elementary School** newsletter³⁶ informed parents that:

Brain-based research has shown that [the Single Gender] model has the potential to close the achievement gap between boys and girls. ... single gender opens up new avenues for information for both parents and teachers, making them aware of the uniqueness of boys and girls, as it refers to their achievement differences and learning style. During this school year, we will continue to explore and implement learning strategies that are unique to boys and girls...

(b) The November 4, 2011 newsletter for **Lanier Elementary** recommended that parents "find research on the internet regarding gender based instruction by searching Dr. Leonard Sax."³⁷

(c) In a letter to parents from Principal Mercer **Philip Shore Elementary School of the Arts**, Principal Mercer explains that, "male brains and female brains are organized differently; with functions more compartmentalized in male brains and more globally distributed in female brains."³⁸ In an informational meeting about single-sex instruction, educators at Philip Shore Elementary explained to parents that "in the 1960's and 1970's it was 'fashionable' to assume that gender differences in personality were 'socially constructed' by societal practices," but "cross-cultural studies over the past thirty years... support the idea that many gender traits are innate."³⁹

(d) A recent brochure for **James Elementary's** Single Gender Classrooms [Exhibit F] states:

The single gender class concept is based on scientific research where teaching strategies are geared towards meeting the unique needs of boys and girls.

Research shows the most profound difference bet

motor coordination, and in getting along with other people, develops in a 'different order, time, and rate' in girls compared with boys.⁴⁰

- (e) Educators at **Woodbridge Elementary**, citing *Boys and Girls Learn Differently* by Michael Gurian, explained to parents that:

Girls take on more sensory data than boys. On average, they hear better, smell better and take in more information through fingertips and skin. Females tend often to be better than males at controlling impulsive behavior. Males tend to have more development in certain areas of the right hemisphere, which provides them with better special abilities, such as measuring, mechanical design and geography and map reading. When female estrogen is high, a girl scores higher on both standardized and class tests than when it is low. When male testosterone is high, a boy performs better in spatial exams like math tests, but worse on verbal tests.⁴¹

- (f)

- (g) Relying on the work of Leonard Sax, the principal of **Philip Shore Magnet School for the Arts** wrote to parents⁴⁸.

Research on the male brain and the female brain started in 1964 and continued on for two more decades. What they found is that male brains and female brains are organized differently; with functions more compartmentalized in male brains and more globally distributed in female brains. This difference in anatomy matters because it also means that there are significant differences in function as well. Thus, research indicates that there are differences in the way that girls and boys hear and see, and there are differences in how they learn.

...

Girls need more real world applications for the learning of math. Teachers need to start with something that girls can see and touch before they can learn the concept. For girls, the use of manipulatives and small groups is ideal. They must see the relevance of the activity to the real world in order to understand it. For boys, small group activities with manipulatives are less effective. Boys need to work with "numbers." They enjoy computational skills and learning numerical principles. Word problems are often difficult for boys because in math they are using the less developed hippocampus part of the brain while girls use the cerebral cortex part 4(m)-6(at)-6(h)-4(c)4(a)4p4(ap>BDC i28)-6(

that “[a] student’s particular, identified educational need is evidenced by limited or

Physiological differences between boys and girls, particularly in terms of vision and hearing, warrant different teaching strategies and classroom environment. Generally, because women hear better, they do not like loud noises. Men spot movement better than women and girls, because they have more rods in their retinas.⁵⁶

“The engagement of boys tends to be more influenced by the sympathetic nervous system (known as the fight or flight system)” but “the engagement of girls tends to be more influenced by the parasympathetic nervous system (known as the rest and digest system).”⁵⁷

41. At a recent session of the District’s Single Gender Summer Symposium presented by Carla Sparks, Supervisor of the District’s Choice and Magnet Programs and a “Gurian Institute Certified Trainer,” materials describe boys as “smart” and “arrogant” and girls as “careful,” “focused on what the teacher wants,” and “insecure.”⁵⁸ In a presentation, entitled “Brain Research and Classroom Strategies for Single Gender Education” states “Research studies using MRIs on male and female brains have shown (f)-1(em)0-6(al)-16(e bLBo

Girls should discuss issues ~~one~~ one and face-to-face.⁷⁵

Teachers should not move around a lot. They should monitor their volume.⁷⁶

Girls should be encouraged to express themselves and share their experiences relating to a concept, while the teacher should use stories that relate a concept to the girls' lives...⁷⁷

44. Last summer, teachers of boys, but not girls, ~~wrote~~ were invited to a program entitled "Engaging Students with Debate and Discussion," described as:⁷⁸

How can we engage students in higher level discourse? ...See firsthand how to implement Socratic Seminars, Philosophical Chairs, and other student centered activities.

Teachers of girls, by contrast, were invited to a program called "Creating Connections with Girls," described as:⁷⁹

Girls will learn better if they believe a teacher cares about them and the subject being taught. This workshop will give teachers ~~specific~~ strategies that will help foster a classroom environment that develops personal connections with girls.

45. Recent presentations at the District's ~~single~~ gender trainings, conducted by three District teachers who are "Gurian Certified," recommend ~~different~~ physical arrangements for All-Boy and All-Girl classrooms, including suggesting that:⁸⁰

In an All-Boys Classroom desks should be arranged in rows or side by side, but in an All-Girls Classroom, "Community and relationships are key to a successful girls' classroom" and "Collaboration, Collaboration, Collaboration – whether in pairs or groups of four."

Boys' classrooms should provide "Comfortable seating; bean bags, pillows, camping chairs, stools"

Girls' classrooms may have dimmer lighting or natural light rather than overhead light.

Photographs show boys sitting at individual desks facing the front of the classroom, while girls' classrooms are arranged so that girls face each other.

"Classroom design uses all the senses" because girls (but, by implication, not boys) "use all senses to process information – scent, visuals, music/auditory cues, etc."

⁷⁵ Chadwell, *A Gendered Classroom*, *supra* note 56, at Slide 124 [Prod. 1 § 40; ACLU FL #3052].

⁷⁶ *Id.* at Slide 144 [ACLU FL #3072].

⁷⁷ *Id.* at Slide 146 [ACLU FL #3074].

⁷⁸ *Summer Symposium Program 2013*, *supra* note 60 at 12 [Prod. 2 § 8; ACLU FL #6696].

⁷⁹ *Id.* at 10 [ACLU FL #6694].

⁸⁰ Sparks, *Brain Research*, *supra* note 58, at Slides 36-37 [Prod. 2 § 9; ACLU FL #6742].

- Boys generally do not like to sit for extended periods
- Boys need to increase oxygen to the brain
- Brain breaks increase attention level
- Brain breaks increase energy in the class

District Teachers Received Extensive Training in Gender-Differentiated Teaching Methods Over Many Years

48. The District has invested substantial time and money in “single gender” trainings and conferences offered by groups promoting the concept that boys’ and girls’ brains are inherently different in ways that warrant teaching them separately. For example

Seven teachers, two principals and one supervisor attended the Summer Training at the Gurian Institute (July 10, 2011)

Over fifty educators attended the National Association for Single Sex Public Education (NASSPE) conference in 2011.⁸⁵

49. The District itself has run several ~~today~~ Single Gender Symposia/Hillsborough Single-Gender Summer Institutes at which all District teachers new to ~~single~~ classes have been required to attend sessions such as “Gender Differentiation: Boys and Girls Learn Differently,” which is taught by two Gurian Institute certified teachers.⁸⁶ The presentation provides “an overview of current research on brain development and the implications on learning. It also offers practical strategies for implementation that provide differentiated instruction by gender.⁸⁷ Another available session is “Busy Boys, Little Ladies,” taught by teachers of ~~single~~ Kindergarten classes in the District’s Woodbridge Elementary School, which discusses “Common Core Concepts with gender differentiation” and “how to increase student engagement by gearing toward gender.”⁸⁸ Hundreds of District staff attended these trainings. For example:

112 educators attended the Hillsborough’s Single Gender Summer Institute (July 18–21, 2011).⁸⁹

Sixty-five educators attended “Differentiated Instruction by Gender for Peer Evaluators,” presented by Gurian certified teachers (Sept. 22, 2011 and Oct. 5, 2011).⁹⁰

⁸⁴ Sparks, *Brain Research*, *supra* note 58, at Slide 47 [Prod. 2 § 9; ACLU FL #6752]; See also Sheets, *What’s So Different*, *supra* note 55 at 22 [Prod. 1 § 16; ACLU FL #3352] *see supra* text accompanying note §2

⁸⁵ HCPS, *Training Opportunities for Single Gender Educators 2011-12*, at 1-2 [Prod. 1 § 92; ACLU FL #2188–89] [hereinafter *Training Opportunities 2011-12*].

⁸⁶ *Summer Symposium Program 2012*, *supra* note 60 at 4, 10, 13 [Prod. 2 § 7; ACLU FL #6668, #6674, #6677].

⁸⁷ *Id.* at 13 [ACLU FL #6677].

⁸⁸ *Id.* at 10 [ACLU FL #6674].

⁸⁹ *Training Opportunities 2011-12*, *supra* note 85, at 1 [Prod. 1 § 2; ACLU FL #2188]. Artifa

160 Hillsborough teachers attended the ~~day~~ 2012 Single Gender Summer Symposium⁹¹

63 attended monthly ~~sex~~ seminars during the 2012-school year⁹²

69 attended a presentation by David Chadwell on "Managing a ~~Single~~ Classroom" in April, 2013.⁹³

Approximately 120 attended the 2013 Summer Symposium.⁹⁴

50. Training extended to teachers and others who work in coed environments. For example, two "Gurian-Certified Trainers" employed by the District gave a presentation entitled "Single Gender Research and Strategies for Classroom Implementation" to approximately 100 ~~instructors~~ in the Hillsborough Out of School Time ("HOST") program even though that program is apparently not ~~single~~⁹⁵
51. A six-hour program for peer evaluators entitled "Differentiated Instruction by Gender for Peer Evaluators" was attended by 42 "Peer ~~Evaluators~~" for "training on gender strategies and the impact on the EET [Empowering Effective Teachers] evaluation rubric."⁹⁶ The logical inference is that teachers of ~~single~~ classes were to be evaluated using standards different from those used to judge teachers of coed classes.
52. The District has paid almost \$100,000 to outside consultants who promote the concept that boys' and girls' brains are inherently different and that those differen6(id)2() >>BDC

Boys had an electronics day, where they could bring in all their electronics and play them if they behaved.¹⁰⁶

Teachers encouraged group work for girls, especially in science and math, where girls lacked confidence.¹⁰⁷

Teachers encouraged and comforted ~~girls~~ when they made a mistake.¹⁰⁸

Teachers spoke in a firmer and more authoritative and loud voice with the boys.¹⁰⁹

students to compete or who don't engage on a personal level by all classrooms while doing the opposite for girls' classrooms conveys the messages that boys should be active and girls should stay in their place and that boys should not articulate their feelings or their problems while girls are obligated to do so.

Lack of Voluntariness

60. ED regulations require that any single sex class within a coeducational school be completely voluntary. 34 C.F.R. § 106.34(b)(1)(iii).

61. Hillsborough administrators have asserted that the single sex classes are completely voluntary and optional as of 2012-13.¹¹⁷ However, according to the District's Equity Shell Update filed with the Florida Department of Education, single sex classes are provided. 3(s4bMC /LB

girls

74. The District Evaluation does not address the justification for or efficacy of any particular singlesex class in the District even though ED regulations require EACH singlesex class to be justified and evaluated. There is not even aggregated data evaluating the efficacy of the singlesex classes overall.
75. The opened comments submitted in response to a survey of parents with students in

85. Although GPA and BPA are theoretically offered only as ~~in~~ schools, it is not clear that students have the option of attending ~~a~~ institution that is substantially equivalent to the preparatory academies. GPA and BPA both embrace a college prep theme and have resources, including technology, that many of the co

implementing different teaching methods, curricula, and physical environments in single-sex classrooms and schools across the District.

89. In providing both ED and the Florida Department of Education with documents that failed to mention that different teaching methods would be used for boys and girls based on theories of sex-based brain development or that teacher trainings would be conducted advocating the use of different teaching methods based solely on a student's sex, the District materially misled both the state and federal entities primarily responsible for overseeing the District's Title IX compliance about the nature of its single-sex classes and schools and the reason for implementing those classes and schools.
90. The District's actual justification for its single-sex programs is inadequate as a matter of law because it relies on impermissible sex stereotypes and pseudoscience. Justifications for single-sex classes may not "rely on overly broad generalizations about the different talents, capacities, or preferences of either sex." 34 C.F.R. § 106.34(b)(4)(i); 71 Fed. Reg. 62,530, 62,535 (Oct. 25, 2006). The Supreme Court has similarly rejected the use of generalizations about the differences between males and females as a justification for single-sex education. *See United States v. Virginia*, 518 U.S. 515, 549 (1996) ["*VM*"].
91. In issuing a preliminary injunction against a similar program of sex separation in West Virginia, one Federal district court noted that the science behind single-sex education appears to be, at best, inconclusive, and certain gender-based teaching techniques based on stereotypes and lacking any scientific basis may very well be harmful to students. Even Professor Salomone, the expert witness called by the defense, agreed with the ACLU on the issue of brain research that it's based on the rationale of pseudoscience and suggested that many schools were 'astray' by the teachings of Dr. Leonard Sax." *Doe v. Wood County Bd. of Educ.*, 888 F. Supp. 2d 771, 779 (W.D.W.V. 2013). In Hillsborough, the work of Professor Salomone has been repeatedly cited in documents provided to ED, but the District failed to disclose that, in reality, the theories of Leonard Sax, Michael Gurian and others who expound a theory of brain-based sex differences has been used to instruct teachers and to guide the implementation of single-sex classes throughout the District.
92. The District is not in compliance with 34 C.F.R. §§ 106.34(b)(1) and 106.34(b)(4) because there was no evidence that the institution of single classes or the use of gender-based instruction was substantially related to the objectives of increasing academic achievement, closing the achievement gap in reading and math between boys and girls, or reducing discipline referrals in any particular class or subject "[T]he School Board is required to determine that each single class is based on one of the two objectives set forth in the regulations, and that the signature of each class is substantially related to achieving that objective." Brief for the United States as Amicus Curiae Supporting Appellants at 15, *Doe v. Vermilion Parish Sch. Bd.*, 421 F. App'x 366 (5th Cir. 2011) (No. 10-3378), available at http://www.justice.gov/crt/about/app/briefs/vermillion_brief.pdf. The District cited no valid evidence that the use of gender-differentiated instruction (or the use of sex

segregated education in general) would bring about any of these ~~academic~~ behavioral improvements, and no such evidence exists.

93. The District is not in compliance with 34 C.F.R. §§ 106.34(b)(1)(i)(A) because, although the District had an overall established policy of offering a diversity of educational options, the District produced no valid evidence that offering “gender based” (i.e. stereotyped) instruction (or the use of sex segregated education in general) as an educational option would improve educational achievement of its students, and no such evidence exists.
94. The District is not in compliance with 34 C.F.R. § 106.34(b)(1)(i)(B) because it has not established that the single sex classes meet the particular, identified educational needs of its students as evidenced by individual students’ limited or deficient ~~academic~~ achievement. ED and the Department of Justice have made clear ~~that~~ no demonstrated superiority of single sex over coeducational classes or schools and, even if there were, the District has not conducted any particularized, ~~grade, school, or~~ even districtwide assessment of student needs, or put forward a basis for the placement of a student in any particular class. Rather, the classes are generally instituted in a wholesale fashion across an entire grade for all academic subjects, or even across an entire school, and individual schools within the District offer (and terminate) ~~single~~ classes based on the preferences of ~~school~~ administrators rather than ~~4rmin-~~ Bhact

tsex

to discrimination – i.e. different treatment – on the basis of sex in federally funded programs and activities.

98. The District is out of compliance with 34 C.F.R. § 106.34(b)(1)(iii) because participation in the single-sex classes was not completely voluntary.
 - (a) The information provided to parents was biased and misleading, and included unsubstantiated claims purporting to be based on neuroscience but in fact based on overly broad generalizations about the supposedly different talents, capacities, or preferences of boys and girls.
 - (b) The cloaking of overly broad sex stereotypes in the terms of purported sex-based brain differences makes it far more likely that teachers and parents, who are not neuroscientists, will accept as valid any argument allegedly supported by these “brain differences”¹⁵⁰ The parents could not give informed consent based on these documents.
99. The District is out of compliance with 34 C.F.R. § 106.34(b)(4) because: it has failed to conduct a methodologically sound evaluation of whether the single-sex classes throughout the District are meeting its stated objectives; it has failed to conduct any assessment of whether each of the single-sex classes throughout the District was based on genuine justifications and did not rely on overly broad generalizations about the talents, capacities and preferences of either sex, and it has failed to ensure that any single-sex classes are substantially related to the achievement of its objectives. The evaluation conducted rested on the premise that boys and girls would be taught using different methods, and failed to investigate whether the schools’ or the District’s own

b1) - (b) (7)(C), (b) (7)(D), (b) (7)(E), (b) (7)(F), (b) (7)(G), (b) (7)(H), (b) (7)(I), (b) (7)(J), (b) (7)(K), (b) (7)(L), (b) (7)(M), (b) (7)(N), (b) (7)(O), (b) (7)(P), (b) (7)(Q), (b) (7)(R), (b) (7)(S), (b) (7)(T), (b) (7)(U), (b) (7)(V), (b) (7)(W), (b) (7)(X), (b) (7)(Y), (b) (7)(Z), (b) (7)(aa), (b) (7)(ab), (b) (7)(ac), (b) (7)(ad), (b) (7)(ae), (b) (7)(af), (b) (7)(ag), (b) (7)(ah), (b) (7)(ai), (b) (7)(aj), (b) (7)(ak), (b) (7)(al), (b) (7)(am), (b) (7)(an), (b) (7)(ao), (b) (7)(ap), (b) (7)(aq), (b) (7)(ar), (b) (7)(as), (b) (7)(at), (b) (7)(au), (b) (7)(av), (b) (7)(aw), (b) (7)(ax), (b) (7)(ay), (b) (7)(az), (b) (7)(ba), (b) (7)(bb), (b) (7)(bc), (b) (7)(bd), (b) (7)(be), (b) (7)(bf), (b) (7)(bg), (b) (7)(bh), (b) (7)(bi), (b) (7)(bj), (b) (7)(bk), (b) (7)(bl), (b) (7)(bm), (b) (7)(bn), (b) (7)(bo), (b) (7)(bp), (b) (7)(bq), (b) (7)(br), (b) (7)(bs), (b) (7)(bt), (b) (7)(bu), (b) (7)(bv), (b) (7)(bw), (b) (7)(bx), (b) (7)(by), (b) (7)(bz), (b) (7)(ca), (b) (7)(cb), (b) (7)(cc), (b) (7)(cd), (b) (7)(ce), (b) (7)(cf), (b) (7)(cg), (b) (7)(ch), (b) (7)(ci), (b) (7)(cj), (b) (7)(ck), (b) (7)(cl), (b) (7)(cm), (b) (7)(cn), (b) (7)(co), (b) (7)(cp), (b) (7)(cq), (b) (7)(cr), (b) (7)(cs), (b) (7)(ct), (b) (7)(cu), (b) (7)(cv), (b) (7)(cw), (b) (7)(cx), (b) (7)(cy), (b) (7)(cz), (b) (7)(da), (b) (7)(db), (b) (7)(dc), (b) (7)(dd), (b) (7)(de), (b) (7)(df), (b) (7)(dg), (b) (7)(dh), (b) (7)(di), (b) (7)(dj), (b) (7)(dk), (b) (7)(dl), (b) (7)(dm), (b) (7)(dn), (b) (7)(do), (b) (7)(dp), (b) (7)(dq), (b) (7)(dr), (b) (7)(ds), (b) (7)(dt), (b) (7)(du), (b) (7)(dv), (b) (7)(dw), (b) (7)(dx), (b) (7)(dy), (b) (7)(dz), (b) (7)(ea), (b) (7)(eb), (b) (7)(ec), (b) (7)(ed), (b) (7)(ee), (b) (7)(ef), (b) (7)(eg), (b) (7)(eh), (b) (7)(ei), (b) (7)(ej), (b) (7)(ek), (b) (7)(el), (b) (7)(em), (b) (7)(en), (b) (7)(eo), (b) (7)(ep), (b) (7)(eq), (b) (7)(er), (b) (7)(es), (b) (7)(et), (b) (7)(eu), (b) (7)(ev), (b) (7)(ew), (b) (7)(ex), (b) (7)(ey), (b) (7)(ez), (b) (7)(fa), (b) 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(7)(wv), (b) (7)(ww), (b) (7)(wx), (b) (7)(wy), (b) (7)(wz), (b) (7)(xa), (b) (7)(xb), (b) (7)(xc), (b) (7)(xd), (b) (7)(xe), (b) (7)(xf), (b) (7)(xg), (b) (7)(xh), (b) (7)(xi), (b) (7)(xj), (b) (7)(xk), (b) (7)(xl), (b) (7)(xm), (b) (7)(xn), (b) (7)(xo), (b) (7)(xp), (b) (7)(xq), (b) (7)(xr), (b) (7)(xs), (b) (7)(xt), (b) (7)(xu), (b) (7)(xv), (b) (7)(xw), (b) (7)(xx), (b) (7)(xy), (b) (7)(xz), (b) (7)(ya), (b) (7)(yb), (b) (7)(yc), (b) (7)(yd), (b) (7)(ye), (b) (7)(yf), (b) (7)(yg), (b) (7)(yh), (b) (7)(yi), (b) (7)(yj), (b) (7)(yk), (b) (7)(yl), (b) (7)(ym), (b) (7)(yn), (b) (7)(yo), (b) (7)(yp), (b) (7)(yq), (b) (7)(yr), (b) (7)(ys), (b) (7)(yt), (b) (7)(yu), (b) (7)(yv), (b) (7)(yw), (b) (7)(yx), (b) (7)(yy), (b) (7)(yz), (b) (7)(za), (b) (7)(zb), (b) (7)(zc), (b) (7)(zd), (b) (7)(ze), (b) (7)(zf), (b) (7)(zg), (b) (7)(zh), (b) (7)(zi), (b) (7)(zj), (b) (7)(zk), (b) (7)(zl), (b) (7)(zm), (b) (7)(zn), (b) (7)(zo), (b) (7)(zp), (b) (7)(zq), (b) (7)(zr), (b) (7)(zs), (b) (7)(zt), (b) (7)(zu), (b) (7)(zv), (b) (7)(zw), (b) (7)(zx), (b) (7)(zy), (b) (7)(zz)

101. The District is out of compliance with 34 C.F.R. §106.35 because BPA and GPA are operated as singlesex schools despite the fact that they each offer vocational classes that lead to industry certification in sex segregated settings.
102. The District is out of compliance with 34 C.F.R. §106.34(a) and (b) because it operates a coed summer camp that separates students by sex for its activities, including, at a minimum, golf and the vocationally oriented CSI without justification and without express parental consent.

RELIEF REQUESTED

103. The ACLU requests that:

- (a) The OCR investigate all schools in Hillsborough County Public Schools that have instituted sexsegregated classrooms, to determine whether they are in compliance with Title IX and its implementing regulations.
- (b) The OCR order Hillsborough County Public School District to take all necessary steps to remedy any unlawful conduct identified in its investigation, as required by Title IX and its implementing regulations. 34 C.F.R §§106.3(a) and 34 C.F.R. Part 100, Appendix B.
- (c) If any violations are found, the OCR secure assurances of compliance with Title IX from all schools administered by Hillsborough County Public School District.
- (d) The OCR monitor any resulting agreements with Hillsborough County Public School District and/or individual schools to ensure that full compliance with Title IX is achieved.

104. If OCR's investigation substantiates that, as ~~alleged~~, sex separation in the District is indeed premised on unlawful sex stereotypes, and that different teaching methods and program structures were indeed employed in the boys' and girls' classrooms, then these defects cannot be cured. The District is not permitted to invent new objectives for the program *post hoc* in order to justify its continuation, or attempt to merely restructure the program to remove overt evidence of sex ~~discrimination~~. Nor can it undo the damage of having repeatedly trained hundreds of teachers and administrators, at significant cost, on pseudoscientific claims and overly broad generalizations about sex difference. The only sufficient remedy would be to ~~cease~~ the sex separation altogether and revert to a fully coeducational structure.

105. In addition, because the District has trained hundreds of administrators and teachers of both singlesex and coed classes for many years about inaccurate, overly broad and pseudoscientific theories of ~~brain~~ based sex differences and instructed these same teachers and administrators to teach boys and girls using different methods and strategies, the District has become infected with ~~overly~~ broad sex based generalizations about the talents, capacities and preferences of students based solely on their sex. The District should therefore be required to conduct remedial training for all administrative and teaching staff on gender equality in education that comports with the requirement of Title IX and the Constitution. That training should be provided by a professional development provider approved by OCR, and must only promote methods that: (1) are

supported by valid, scientifically based research,¹⁵¹ and (2) do not rely on or promote the concept of inherent differences between boys and girls' brain structure or development, or on generalizations about their purportedly different learning styles, preferences, abilities, or interests.

106. The District should also be required to publish and widely distribute a full retraction of any misleading or discriminatory information that was previously provided to parents regarding purported neurological or developmental differences between boys and girls and to provide information to parents regarding the nondiscrimination mandate of Title IX.

Respectfully submitted,

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¹⁵¹ The OCR shout