May 13, 2014

Office for Civil Rights
U.S. Department of Education
61 Forsyth Street S.W., Suite 19T10
Atlanta, GA 30303-8927

Via UPS Overnight Shipping and Email: OCR.Atlanta@ed.gov

Re: Administrative Complaint Against Hillsborough, FL, School District

To Whom It May Concern:

Enclosed is a complaint brought by the ACLU and the ACLU of Florida against Hillsborough County Public Schools (“the District”) asserting violations of Title IX of the Education Amendments of 1972 (“Title IX”) and the regulations and policies promulgated thereunder by the U.S. Department of Education (“ED”). The complaint presents evidence, gleaned largely from the District’s 2012 and 2013 responses to ACLU requests under Florida Public Records Law, that the District has violated Title IX by instituting single-sex classrooms in both the District’s coed public schools and its single-sex schools based on the discredited notion that boys and girls learn and develop so differently that they should be separated and taught differently, and by employing teaching methods, environments, and curricula that differed drastically for boys and girls. This type of intentional disparate treatment of boys and girls violates the core principle of equality embodied in Title IX, and is harmful to boys and girls alike.

The enclosed complaint details the nature of the District’s single-sex programming in the District and outlines the numerous ways in which the District has failed to comply with applicable law. The evidence presented demonstrates that the justification for single-sex programs at both the District and individual school levels was explicitly based on this theory of “hard-wired” sex differences, and was thus legally deficient, that the schools broadly trained and encouraged teachers to use teaching methods premised on these sex stereotypes, and that those stereotypes were incorporated into almost every aspect of the classroom environment, from classwork and homework assignments to physical arrangement to the use of different teaching methods, all of which differed in the boys’ and girls’ classrooms. These sex-differentiated teaching techniques have been, and continue to be, so heavily promoted and widely adopted that they constitute a hidden curriculum in effect in schools across the District.
The Complaint further alleges that parents were provided false, one-sided and misleading information regarding the supposed benefits of single-sex education, that the District failed to conduct required evaluations to ensure the programs were meeting their goals and not fostering sex stereotypes, and that the District misled both the state and federal entities primarily responsible for overseeing the District’s Title IX compliance about the nature of its single-sex programming and the reason for implementing those classes and schools.

For your reference, we have provided, along with the complaint and accompanying exhibits, a CD-ROM containing all of the documents referenced in the complaint, identified by Bates-stamp number.

We urge you to promptly investigate to determine the District’s compliance with Title IX, and to act swiftly to remedy any unlawful conduct. A more detailed summary of our key allegations is provided below.

Summary of Allegations

- **The Justification for Separating Students by Sex Was Based on Sex Stereotypes.** For example:
  - The District-wide justification for promoting single-sex education was “biological differences in boys and girls that affect learning” including “sequence of brain development,” “biological differences in vision and hearing,” and “learning style differences.” According to District documents, “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.”
  - The Forest Hills Elementary “rationale” for separating fifth grade students in core academic subjects expounds on the District-wide justification: “By creating these classrooms, we will meet the learning styles and needs specific to boys and girls. For the boy’s [sic] class, the set up will implement a lot of movement and hands-on activities. We will incorporate sports and competition in learning and classroom management. There will be a tolerance for behaviors such as humming, tapping, standing, etc. For the girl’s [sic] class, the set up will implement a calmer environment that appeals to girls.”
  - Educators at Woodbridge Elementary, citing Boys and Girls Learn Differently by Michael Gurian, explained to parents that: “When female estrogen is high, a girl scores higher on both standardized and in-class tests then when it is low. When male testosterone is high, a boy performs better in special exams like math tests, but worse on verbal tests.”

- **The District Sponsored Extensive Training in Teaching Methods based on Sex Stereotypes.** For example:
  - The District runs a targeted multi-day professional development program for teachers of single-sex classes called variously “Hillsborough Single Gender Education Symposium” or “Hillsborough Single Gender Summer Institute.” All District teachers new to single-sex classes were required to attend these programs.
One such session for kindergarten teachers entitled “Busy Boys, Little Ladies” discussed the topic of “Common Core Concepts with gender differentiation.”

- 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 differences mean that boys and girls should be taught in separate classrooms using radically different teaching methods. It appears that most, if not all, of these payments to outside speakers have been made using funds provided directly to the District by the U.S. Department of Education.

- **Impermissible Sex Stereotypes Were Incorporated into the Educational Environment.** For example:

  (a) A 2008 document the District relied on in structuring its single-sex program urged:

  - Teachers in boys’ classrooms should be louder and able to tolerate loudness; enjoy movement and chaos; speak directly and have high expectations.
  - Teachers in girls’ classrooms should be calmer, patient and good listeners; more supportive and less critical; have high expectations; create community of learners.

2. In its 2009 evaluation of the District’s single-gender program, numerous differences between boys’ and girls’ classrooms were observed, including:

  - Different approach to lessons.
  - Boys had freedom to sit wherever they liked when reading. Girls were allowed to talk a while in the morning.
  - Classes with all boys are allowed to “move and play” more.
  - More written expression with girls; more independent reading for boys.
  - Boys had an electronics day, where they could bring in all their electronics and play them if they behaved.
  - Teachers encouraged group work for girls.
  - Teachers encouraged and comforted girls when they made a mistake.
  - Teachers spoke in a firmer and more authoritative and loud voice with the boys.
  - Boys were instructed to do jumping jacks before math.
  - In one classroom, the teacher gave each girl a dab of perfume on her wrist for doing a task correctly.

- Last summer, teachers of boys, but not girls, were invited to a program entitled “Engaging Students with Debate and Discussion,” described as follows:

  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 follows:

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.

**The District Failed to Show Any Relationship Between Separating Students Based on Sex or Teaching Boys and Girls Differently and the Achievement of Its Goals.** For example:

- The District claimed its goals were to improve academic achievement and reduce disciplinary incidents, but it produced no valid evidence supporting any relationship between instruction based on sex stereotypes and academic or behavioral improvements.

- The Blake H.S. “rationale” for establishing single-sex classes refers to decreased performance by the students in the bottom quartile at the school, but does not link that decrease to coeducation; indeed, the higher performing classes were coeducational as well. Even more illogically, Blake instituted single-sex “Honors” classes.

**The District Failed to Evaluate Single-Sex Classes To Ensure the Absence of Stereotypes.** For example:

- The District’s Evaluation of single-sex classes failed to consider the significant differences in the manner of providing instruction in boys’ and girls’ classroom, and made no attempt to determine if boys’ and girls’ classrooms were provided with the same reading materials, homework, and class assignments.

- Comments submitted in response to a survey of parents with students in single-sex raise obvious questions about sex stereotyping, including:
  - “They can do a little more girly things and decorate the classroom for girls only.”
  - “The girls can see how young girls supposed to act.”
  - “They will learn more about their gender. They will learn the difference between what boys and girls do in life.”
  - “You learn at your own gender’s rate.”

- In required evaluations and documents submitted to the Federal Department of Education and the Florida Department of Education in connection with funding requests, the District 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 promoting the use of different teaching methods based on sex.

**The District’s Single Sex Magnet Middle Schools Also Promoted Sex Stereotypes, and the District Failed to Offer a Substantially Equal Coeducational Alternative.**
Videos on the website of the Franklin and Ferrell Preparatory Academies’ websites feature students articulating numerous supposed biological differences between boys and girls, and touting the different teaching methods employed at the two schools.

- A female student in the Girls’ Preparatory Academy video states:
  Science shows us that there are basic biological and neurological differences in males and females. … We tend to process more sensory data. We have strong senses of smell and hearing, tend to adapt to more kinds of light and take in information tactiley. Our classrooms are designed to help support learning using all of our senses. Color, music, scents are incorporated to help facilitate our learning. We’re usually able to read facial expressions and body language well. … We work and play well in face-to-face situations. Our frontal cortex matures early which means we are less likely to be impulsive. We tend to take a very personal approach to learning.

- A male student in the Boys’ Preparatory Academy video states:
  Teaching is tailored to the ways we learn. Boys generally have strong development in certain areas of the right hemisphere of the brain providing them with heightened spatial skills such as map reading, mechanical skills and measuring. Boys rely more heavily on nonverbal communication rather than on verbalizing feelings and responses. Music is a whole brain activity, engaging both hemispheres at once. It can help wake up the brain. Research shows that boys tend to respond to louder voices or sounds. Boys also tend to hear better with their right ear. The composition of the male eye makes it attuned to motion and directions. Boys interpret the world as objects moving through space. Boys tend to create pictures of moving objects like space ships, cars and trucks. The male eye is drawn to cooler colors like silver, blue, black, grey and brown. A boy’s autonomic nervous system causes him to be more alert when standing or moving.

- Ferrell Girls Preparatory Academy and Franklin Boys Preparatory Academy both embrace a college prep theme and have resources, including technology such as iPads, that most of the co-ed schools in the District do not have.

**Actions Requested:**

Based upon this Complaint and the accompanying materials, we request your office investigate all schools in Hillsborough County Public Schools that have instituted sex-segregated classrooms, order Hillsborough County Public School District to remedy any unlawful conduct, and monitor and secure assurances of compliance with Title IX from all schools within the District. The only sufficient remedy for the alleged violations would be for all schools within the District to cease the sex separation altogether and revert to a fully coeducational structure. In addition, to correct its widespread training program, the District should be required to conduct remedial training for all administrative and teaching staff on gender equality by professional development provider approved by OCR. It should be further required to correct any misleading or discriminatory information previously provided to
parents and to provide accurate information regarding the non-discrimination mandate of Title IX.

We look forward to your prompt action, and welcome the opportunity to provide you any further assistance in this process. Please don’t hesitate to reach out to Galen Sherwin, at 212-519-7819 or gsherwin@aclu.org, if you have any questions or would like further information.

Sincerely,

Maria Kayanan
Associate Legal Director
ACLU Foundation of Florida, Inc.

Amy L. Katz
Cooperating Attorney
ACLU Women’s Rights Project

Galen Sherwin
Senior Staff Attorney
ACLU Women’s Rights Project

Lenora Lapidus
Director
ACLU Women’s Rights Project

Enclosures

CC: Catherine Lhamon, Deputy Secretary for Civil Rights
    Seth Galanter, Principal Deputy Assistant Secretary
    Sandra Battle, Deputy Assistant Secretary for Enforcement
    John DiPaolo, Deputy Assistant Secretary for Policy
    Amanda Dallo, Title IX Attorney