

Methods of Administration, Washington State's Civil Rights Laws, Career and Technical Education, and Single Sex Classes

Title IX, Washington State's Civil Rights Laws, and Career and Technical Education (CTE)

The U.S. Department of Education, Office for Civil Rights (OCR), requires the Office of Superintendent of Public Instruction, as the state agency responsible for administration of Career and Technical Education (CTE), to conduct a Methods of Administration Civil Rights compliance program review of districts, tribal schools, and skill centers that receive federal funding. Monitoring reviews are based on U.S. Department of Education regulations implementing Title VI (34 CFR, Part 100), Title IX (34 CFR, Part 106), Section 504 (34 CFR, Part 104), and the Department of Justice regulations implementing Title II of the Americans with Disabilities Act (ADA) (28 CFR, Part 35), as well as the [Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Disability in Vocational Education Programs](#) (34 CFR, Part 100, Appendix B).

Pursuant to the *Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs* (34 C.F.R. Part 100, Appendix B), Washington's Methods of Administration Plan sets out a state's compliance program to prevent, identify, and remedy race, color, national origin, sex, and disability discrimination in its subrecipients' CTE programs.

Title IX

Title IX of the Education Amendments of 1972

[34 C.F.R. Part 106](#)

Prohibits discrimination on the basis of race, color, or national origin in all programs or activities that receive Federal financial assistance.



Figure 1 Title IX



Washington State’s Civil Rights Laws

[Chapter 28A.640 RCW](#)

Prohibits discrimination against students and employees of Washington public schools in grades K through 12 on the basis of sex.



Figure 2 State Seal of Washington

SEXUAL EQUALITY

| Section | Description |
|-----------------------------|---|
| 28A.640.010 | Purpose—Discrimination prohibited. |
| 28A.640.020 | Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies. (d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes. |
| 28A.640.030 | Administration. |
| 28A.640.040 | Civil relief for violations. |
| 28A.640.050 | Enforcement—Superintendent's orders, scope. |
| 28A.640.900 | Chapter supplementary. |

Access to Course Offerings—Separate Programs or Activities

[WAC 392-190-050](#)

Except as provided under this section, school districts and public charter schools must not provide any course or otherwise carry out any of its programs or activities separately on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal or require or refuse participation therein by any of its students on such basis. This section does not prohibit:

- (1) The grouping of students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex. Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school district or public charter school must promptly implement appropriate standards that do not have such effect;
- (2) The separation of students by sex within physical education classes or activities offered for students if:
 - (a) It can be shown under the factual circumstances involved in the particular case that maintaining a separate physical education class or activity for boys and girls

is the best method of providing both sexes with an equal opportunity to participate in the class or activity; and

- (b) The separated classes or activities are substantially equal;
- (3) The separation of students by sex for classes or portions of classes that deal primarily with human sexuality;
- (4) Classes and activities with requirements based on vocal range or quality, which may result in a chorus or choruses of one or predominantly one sex; and
- (5) Classes, courses, or placement of students based on the student's individual language skill development or based on the student's needs as identified in the student's individualized education program under the Individuals with Disabilities Education Act.

CTE and Single Sex Classes

Can single-sex classes be offered in CTE?

All CTE classes shall be required to be available to all students without regard to sex. CTE classes may never be offered on a single-sex basis. Single-sex classes are not permitted.

Title IX and our state's sex equity law not only apply to single-sex classes, but to any school programs and activities. Under WAC 392-190-050 and Title IX ([34 CFR § 106.34](#)), a school district must not "carry out any of its programs or activities separately on the basis of sex"—the only *exceptions* being physical education, choir, and sex education.

Title IX (34 C.F.R. § 106.35) Access to Schools Operated by LEAs

A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to:

- (a) Any institution of vocational education operated by such recipient; or
- (b) Any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Title IX (34 C.F.R. § 106.2(o)) Defining "institution of vocational education"

- (o) Institution of vocational education means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study.

U.S. Department of Education Office for Civil Rights

The U.S. Department of Education Office for Civil Rights issued [guidance](#) on the circumstances under which school districts can and cannot offer single-sex classes or extracurricular activities.



*Figure 3 Seal of the U.S.
Department of Education*

Contact Information

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Equity and Civil Rights Office

OSPI
PO Box 47200
600 Washington St. SE
Olympia, WA 98504-7200
Email: equity@k12.wa.us
Phone: 360-725-6162
TTY: 360-664-3631
www.k12.wa.us/Equity

Additional State Contact Information

Washington State Human Rights Commission

Phone: 1-800-233-3247
TTY: 1-800-300-7525
Web Address: hum.wa.gov

Federal Contact Information

U.S. Department of Education Office for Civil Rights

Seattle Office
Phone: 206-607-1600
TDD: 206-607-1647
E-mail: OCR.Seattle@ed.gov
Web Address: www2.ed.gov/about/offices/list/ocr/index.html

U.S. Department of Justice

Civil Rights Division
Phone: 202-514-4609
TTY: 202-514-0716
Web Address: justice.gov/crt/

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