



By First Class Mail & E-mail: rdoll@usd497.org

January 29, 2015

Dr. Richard Doll, Superintendent
USD 497, Lawrence Public Schools
110 McDonald Drive
Lawrence, KS 66044

**Re: LEAP Ambassadors Program
Our File No.:15-0006948**

Dear Dr. Doll:

It has come to the attention of the ACLU Foundation of Kansas ("ACLU") that the Lawrence Public Schools, USD 497 ("the District"), has recently implemented a mentoring initiative known as the "LEAP Ambassador Program" at Lawrence Free State High School. Apparently, the first official event in this program was a luncheon held today in conjunction with Kansas Day. According to media reports, the Ambassador Program is "looking to increase the graduation rate of male students through Business and Community Mentors."¹ Although the District apparently believes the students selected to participate in the Ambassador Program are "diverse in race and age,"² the ACLU has obtained information indicating that all of the student mentees are male³ and all of the mentors are "business *men*."

As the ACLU pointed out just a couple of weeks ago in the letter of concern I sent you regarding single-sex English classes at Free State High School, public school districts violate Title IX when they establish sex-segregated classes and extra-curricular activities. Under Title IX, "[n]o person in the United States shall, on the basis of sex, be excluded from participation in . . . any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). Separation of students by sex within coeducational institutions generally violates this prohibition on discrimination. The United States Department of Education's regulations, 34 C.F.R. § 106.34(b)(1 & 4), impose strict limits on any sex-segregated programs, and on December 1, 2014, the Department's Office of Civil Rights ("OCR") issued written guidance⁴

¹ <http://6newslawrence.com/news/education/13606-business-and-community-leaders-leap-in-to-mentor-free-state-high-school-students>

² www2.ljworld.com/news/2015/jan/28/free-state-high-kicks-pilot-program-mentoring-you/

³ See Note 2, above, reader comment published on-line by *The Lawrence Journal-World*.

⁴ <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>

regarding single-sex classrooms within a coeducational school. Among other things, OCR has clarified that:

The general rule under Title IX is that a recipient may not exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex in its education programs or activities — including classes and extracurricular activities — unless expressly authorized to do so under Title IX or the Department's implementing regulations. The Department's Title IX regulations identify the following categories for which a recipient may intentionally separate students by sex:

- Contact sports in physical education classes;
- Classes or portions of classes in elementary and secondary schools that deal primarily with human sexuality; and
- Nonvocational classes and extracurricular activities within a coeducational, nonvocational elementary or secondary school if certain criteria are met.

OCR Guidance at 3. The Ambassador Program meets none of these requirements. For your convenience, I am enclosing a copy of the recent OCR guidance with the e-mail version of this letter.

In excluding female students from the mentoring initiative, the Ambassador Program does significant harm to the female students at Free State High School. As the commenter in the *Journal-World* article pointed out, “[a]t a time where women have a high disadvantage when entering the business field, a program like this could mean a lot” to female students in the District generally and at Free State High School in particular. Female students are at least as much in need of a leg up from community leaders as are male students, and by enacting Title IX Congress intended to help tear down some of the institutional and structural barriers that women face in our society. The Ambassador Program rebuilds and reinforces those walls.

Because excluding female students and female mentors from the Ambassador Program violates Title IX, the ACLU asks that the District immediately suspend the LEAP Program in its current form.

Sincerely,



Doug Bonney
Chief Counsel & Legal Director
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Enclosure