



May 21, 2012

Dr. Ben Burnett
Superintendent
Lamar County School District
P.O. Box 609
Purvis, MS 39475

Re: Single-Sex Programming

Dear Mr. Burnett:

Thank you for your prior response to our Freedom of Information Act request seeking records relating to single-sex education programs and activities.¹ You represented in your correspondence that the Baxterville Attendance Center previously operated two single-sex classes in the sixth and eighth grades, but that the program is no longer in operation as of January 2012.

We are writing to alert you that our analysis of the records produced strongly suggests that the single-sex programs operated at Baxterville may have violated numerous provisions of federal law, including the requirements that single-sex programs be adequately justified, that they be voluntary, and that students be offered an equal coeducational alternative.

Your response establishes that there was not a single written policy regarding single-sex educational programs at Baxterville, no record of an educational need or justification for such programs, and no record of coeducational alternatives to the single-sex educational programs (including the option for parents to opt into or out of participating in such programs).

On the contrary, it appears that the decision to institute these programs was taken without any articulated mission, goal, or justification, and with little or no meaningful deliberation, public participation, or oversight by the School District. Moreover, to the extent that any records were produced reflecting the justification for the implementation of the program, those records suggest that the program was likely based in large part on harmful stereotypes about boys' and girls' purportedly different learning styles and development, and that such stereotypes were

¹ As used throughout this letter, "single-sex education program or activity" does not include: (1) separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, or other sports, the purpose or major activity of which involves bodily contact; (2) portions of classes in elementary and secondary schools that deal primarily with human sexuality; (3) requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex; or (4) interscholastic or intramural athletics.

incorporated into the classroom through the use of different teaching methods for the boys' and girls' classes. Such stereotypes limit educational opportunities for both boys and girls, and are legally impermissible in public schools.

Your response raises grave and pervasive legal concerns regarding the operation of these programs in the past. We therefore supplement our request of December 7, 2011 with a request for documents and records reflecting the reasons for the program's discontinuation, so that we might continue to evaluate the program and the chances that the program, or another like it, will be reinstated within the District in the future and assess our legal options going forward.

However, as an alternative to pursuing our right to obtain these records and to pursue any appropriate further legal action, we seek your commitment that you will refrain from engaging in [further] unlawful sex segregation in the future. We therefore ask that you enter into an agreement with the ACLU of Mississippi, a draft of which is enclosed, to cease/refrain from engaging in any and all single-sex (and gender-specific) programs or activities District-wide for the next five years,² effective at the start of the next school year. Pursuant to the terms of this proposed agreement, the ACLU of Mississippi will agree to waive its rights to pursue any further records or to take any further legal action relating to the program at Baxterville for a period of five years.

I look forward to your reply no later than June 4, 2012. Do not hesitate to contact me