



## MICHIGAN NOW

# Why We Oppose Sex-Segregated Education

NOW has steadfastly defended the principle of gender partnership at home, at school and in the workplace, as well as an understanding that “separate cannot be equal.” We oppose all efforts to establish public sex-segregated schools, classes or programs in Michigan because sex segregation inevitably leads to sex discrimination.

**What parents want is an educational system that helps each child meet their individual potential, not reinvented stereotypes that pigeonhole our sons and daughters into two learning styles, male and female.**

**A pattern of underachievement may be addressed in many other proven ways to improve the learning of both girls and boys in a co-educational setting, rather than in a separate school or a separate classroom.**

### Illegal and Unjustified

The legislation that flew through the Michigan legislature in mid-2006 with little debate and was signed by Governor Jennifer Granholm took away protections afforded to the right of Michigan women and girls to equal integrated education that had been in place since the Northwest Ordinance. These laws are P.A. 348 of 2006 amending the Elliott-Larsen Civil Rights Act (now MCL 37.2404a) and P.A. 303 and 347 of 2006 amending the Michigan School Code (now MCL 380.1146 and MCL 380.475). These changes were educationally unnecessary and legally unwarranted. They cast aside a very significant principle that “separate is not equal” by allowing single-sex education programs. In our view, the new laws are akin to *Plessy v Ferguson* in that they endorse and permit segregation in the schools albeit on the basis of sex, not race.

The 2006 legislation took away some hard-fought precedents. In 1991, in a suit by the NOW LDEF and Michigan ACLU against the Detroit Public Schools challenging its establishment of all-boy academies, federal District Court Judge George E. Woods found that such gender-based classifications as all-male academies compromise the protection afforded by the Equal Protection clause of the Fourteenth Amendment “[n]o State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.” as well as the corresponding provision of the Michigan

Constitution, which is Article 1, Section 2.

Judge Woods found “. . . The Academies were developed in response to the crisis facing African-American males. . . . While these statistics underline a worthy and important objective, they fall short of demonstrating that excluding girls is substantially related to the achievement of these objectives. The Board has not proffered evidence that the presence of girls in the classrooms bears a substantial relationship to the difficulties facing urban males.” Eastern District Judge George E. Woods, in *Garrett v. Board of Education* 775 F Supp 1004 (ED Mich 1991)

### Constitutional Amendment Prohibits Sex Segregation

In November 2006, Michigan voters amended the Michigan Constitution to prohibit sex discrimination or preferences in public education (new Article I, Section 26). Accordingly, the 2006 state statute amendments permitting single-sex classes, programs, and schools in Michigan could be overturned in a well-argued legal challenge.

The fact that these new statutes permit class, program or school sex segregation only if it is voluntary and there are substantially equal programs for the other gender and co-ed programs does not excuse the act of using sex as a factor to divide students into segregated education programs. Sex, like race, is now a suspect classification in Michigan and we should not have *de jure* sex segregation in the academic programs of our schools.

### New Threats

**Proposed amendments to the single-sex education statutes show the underlying intent of some policy makers to dismantle equal education for girls and women:**

HB 5063 eliminates the requirement to have a substantially equal program for the other gender. This would allow schools to have a co-ed program and one for one gender but not the other.

HB 5087 reduces the formula used to measure substantially equal by allowing sex-segregated schools, classes, or programs for different grade levels or ages if “current research supports it.” A school could have a girl’s math class in 5th grade and a boy’s business math class for 9th grade after a

researcher finds that girls are at a critical point in their learning math at that age and boys need practical hands-on math when they are more interested in learning it at a later age. This kind of "research" is usually just a reflection of socialization and stereotypes and is not scientifically conducted research, but it will be used in the never-ending desire to differentiate on the basis of physical characteristics like sex and race. SB 673 is identical to 5087.

## Current Meager Protection

The Michigan Elliott-Larsen Civil Rights Act once provided that "full and equal utilization of and benefit from educational institutions and facilities and public accommodations shall not be denied on the basis of an individual's sex." Only meager safeguards remain after the 2006 single sex education legislation that only required sex-segregated programs to be "substantially equal" and that a third, co-educational option be available. And, as discussed above, all three of these statutes may be in conflict with Article 1, Section 26, the new amendment to Michigan's Constitution.

Obviously, if a sex-segregated school, class, or program were created for just one sex, as the newest legislation proposals would allow (HB 5087, 5124 and SB 673), the remaining students could wind up involuntarily in a predominantly single-sex school, class, or program.

There is nothing in the single-sex education statutes to provide justification, accountability or evaluation of sex-segregated schools, classrooms or programs. Schools do not have to show that their objectives can only be achieved through sex segregation and cannot be achieved in a coeducational setting. There is no sunset on the legislation should it turn out the programs are not educationally sound. Governor Granholm stated that there must be safeguards, but where are they? And who is monitoring the implementation of this drastic change in Michigan education?

## Treat Students as Individuals Not by Gender Stereotypes

Socio-economic factors are far more relevant than are gender differences in accounting for differences in achievement.

Positive educational objectives for males, no matter how compelling, cannot override the rights of females to equal opportunities. And there is really no educational objective that is addressed in a single-sex classroom that cannot be addressed in a coeducational classroom.

There is plenty of solid educational research illuminating what needs to be done. Michigan's recently-instituted graduation requirements are certainly one important component. Besides a focus

on core academics, small class size, qualified teachers, sufficient funding and parental involvement are key components.

While research does show differences in male and female brains, the meaning and implications for this research are highly debatable and far from conclusive with regard to its application to education settings. When the right brain/left brain/whole brain theory came out some years ago, nobody suggested we separate kids on that basis. Nobody could guarantee that one individual would stick to only one way of learning. Instead, educators began to advocate for using a variety of teaching techniques in the classroom. We believe that continues to be an effective approach to the use of this field of research.

Current research fails to support single gender education proponents' contention that separating boys and girls produces significant educational benefits.

**Older research that suggested a correlation between single-sex programs and educational outcomes failed to control for other factors**—such as socio-economic status of the students, selectivity of admissions, resources invested in the program, and class size—that are more likely to affect performance. As recent studies demonstrate, once those confounding variables are taken into account, *differences between same-sex and coeducational schools disappear.*

The U.S. Department of Education points out that much of the single-sex research does not meet proper research standards. Money and effort might better be spent helping teachers to recognize individual differences and to employ a variety of teaching techniques to meet those needs.

Detroit Public Schools rationalized their request for sex segregation by saying it is an option in privately funded schools and they just want to give their parents the same option. Michigan NOW does not support such efforts with public funds at the expense of the rights of girls and women to equal education. We believe we must bring quality education to all students free of sex bias, sex stereotyping and sex discrimination.

Separation of girls and boys in public schools is a hallmark of repressive societies that want to dictate sex roles, with males usually the greatest beneficiaries. In countries such as the United Kingdom, sex segregation in schools is on the decline because research finds it is not effective, but some in this country want to go in the other direction.

## Boy Crises = Socio-economic Crises

The National Coalition for Women and Girls in Education found "There is stark underachievement plaguing boys from low income and racial minority backgrounds."

However, the reality is that boys continue to increase their overall performance in all areas of

achievement and attainment. Many who look at the educational performance of boys find a complex picture of continued achievement, albeit at a slower rate of improvement than girls' post-Title IX gains. *The Truth About Boys and Girls*, a report released in June 2006 analyzing the National Assessment of Educational Progress (NAEP) data, states:

***“[T]he truth is far different from what these accounts [of the boys’ crisis] suggest. The real story is not bad news about boys doing worse; it’s good news about girls doing better. In fact, with a few exceptions, American boys are scoring higher and achieving more than they ever have before. But girls have just improved their performance on some measures even faster. As a result, girls have narrowed or even closed some academic gaps that previously favored boys, while other long-standing gaps that favored girls have widened, leading to the belief that boys are falling behind.”***

Further complicating this picture is the reality that many of the challenges affecting boys are also affecting girls. For example, diagnoses of disabilities are also growing rapidly for girls, and research suggests that complex school and family factors play a role in this increase for both boys and girls. Girls’ dropout rates are similar to those of boys and remain much too high. However the economic impact of not having a high school diploma is much greater for girls.

These facts, among others, make clear both that girls continue to face significant challenges in school and that Title IX and increased opportunities for girls are not responsible for the barriers that boys encounter.

## **Stop Pushing Back Women’s Right to Equal Educational Opportunity**

NOW has taken a consistent position against sex discrimination in public schools and colleges. Women are entitled to equality in education and that only can happen in integrated settings where all children are given equal opportunity to benefit. We are determined to fight for our right to equal treatment and equal opportunity in education free of sex bias, sex role stereotyping and discrimination. Single-sex schools do not promote equality of opportunity but instead curtail it.

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### **Title IX**

Title IX states: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*-- 20 U.S.C. §1681.

A violation of Title IX is contestable under the 14<sup>th</sup> Amendment guaranteeing equal protection of the laws.

## **Who Supports Title IX?**

Just about everyone supports Title IX. According to a recent National Women’s Law Center poll:

- 82 % of voters support Title IX, while only 15 % oppose it.
- This overwhelming support occurs across party lines; 86% of Democrats, 78% of independents and 78% of Republicans favor the law.

The National Coalition for Women and Girls in Education also shows there is wide support across the country for gender equity in education.

The Coalition’s membership includes National Partnership for Women and Families, National Women's History Project, National Women's Law Center, National Women's Political Caucus, Partners of the Americas, U. S. Student Association, Wider Opportunities for Women, Women Work!, Women's Edge, Women's Research and Education Institute, Women's Sports Foundation Academy for Educational Development, American Association for the Advancement of Science, American Association of School Administrators, American Association of University American Council on Education, American Federation of Teachers, American Psychological Association, Association for Gender Equity Leadership in Education, Association for Women in Science, Association of American Colleges and Universities, Association of Junior Leagues International, Inc., Association of Teacher Educators, Business & Professional Women USA, Center for Advancement of Public Policy, Center for Women's Policy Studies, Council of Chief State School Officers Resource Center on Educational Equity, Dads and Daughters, Equal Rights Advocates, Federation of Organizations for Professional Women, Feminist Majority Foundation, Gallaudet University, Girl Scouts of the USA, Girls Incorporated, Girlstart, Leadership Conference on Civil Rights, Legal Momentum, NOW Legal Defense and Education Fund, Parent and Teacher Association, Ms. Foundation for Women, Myra Sadker Advocates for Gender Equity, National Alliance for Partnerships in Equity, National Association for Girls & Women in Sport, National Association of Collegiate Women Athletic Administrators, National Association for Girls & Women in Sport, National Association of Collegiate Women Athletic Administrators, National Center for Lesbian Rights, National Council of Administrative Women in Education, National Council of Negro Women, National Education Association, National Organization for Women, Young Women's Christian Association Women, American Civil Liberties Union: Women's Rights Project, American Civil Liberties Union

## Title IX at 35 Report Findings

These data are a sample from a study produced by the National Coalition for Women and Girls in Education which will be released in fall 2007. It can then be found at [www.ncwge.org](http://www.ncwge.org). Closing the gender education gap in sex-segregated programs has been very difficult – in athletics, career/technology education, and administration. However, learning gaps in many fields have been overcome - and without resorting to sex segregation.

- Despite progress in math and science at the high school level, women remain under-represented in engineering and the physical sciences, earning only 20% of all bachelor's degrees granted in engineering and physics. And, while women earn 45.9% of bachelor's degrees in mathematics, their share has been decreasing since 1994.<sup>ii</sup> Within the physical sciences, women earned 51.1% of all bachelor's degrees in chemistry, but they received only 21.8% of all bachelor's degrees in physics. Women earned only 25.1% of all computer sciences degrees and 20.5% of all bachelor's degrees in engineering.<sup>iii</sup>
- A new report by the National Women's Law Center, *When Girls Don't Graduate, We All Fail: A Call to Improve High School Graduation Rates for Girls*, finds that about half of the estimated dropouts from the Class of 2007 were female students. Overall, an estimated one in four female students will not graduate with a regular high school diploma in the standard, four-year time period. The economic impact of not graduating is more severe for females because their wages are significantly lower than male dropouts.<sup>iv</sup>
- Schools should not train students to be poor. Today's career and technical education classrooms look strikingly and distressingly similar to those of 1972, when Title IX was enacted. They continue to be a training ground for low paying jobs for women. Female students make up 98% of the students enrolled in cosmetology, 87% of childcare students and 86% of those in health-related courses. Correspondingly, girls are largely absent from traditionally male courses, comprising only 4% of heating, A/C and refrigeration students, 5% of welding students, 6% of electrician and plumber/pipe fitter students and 9% of automotive students.<sup>v</sup>
- Girls are twice as likely to be inactive as boys,<sup>vi</sup> and girls have nearly 20% fewer opportunities to participate in both high school and college sports than boys.<sup>vii</sup> Before Title IX, only 294,015 girls participated in high school athletics; in 2006, that number was nearly 3 million, a 904% increase.<sup>viii</sup> At the college level, prior to Title IX, only 29,977 women participated in athletics compared with 166,728 in 2006, a 456% increase.<sup>ix</sup>

**RESOURCES:** *The Handbook for Achieving Gender Equity through Education*, eds. Susan Klein, et. al. Mahwah, New Jersey: Lawrence Erlbaum Associates, Publishers, Taylor and Francis Group, 2007  
Feminist Majority Foundation website. [www.feminist.org/education/sexsegregation.asp](http://www.feminist.org/education/sexsegregation.asp).

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<sup>i</sup> Sarah Mead, *The Truth About Girls and Boys*, (Washington, DC: Education Sector, 2006), [http://www.educationsector.org/analysis/analysis\\_show.htm?doc\\_id=378705](http://www.educationsector.org/analysis/analysis_show.htm?doc_id=378705).

<sup>ii</sup> National Science Foundation, Division of Science Resources Statistics, Women, Minorities, and Persons with Disabilities in Science and Engineering: 2004, NSF 04-317 (Arlington, VA: 2004).

<sup>iii</sup> National Science Foundation, Division of Science Resources Statistics, Women, Minorities, and Persons with Disabilities in Science and Engineering, Table C-5, (Arlington, VA: December 2006). <http://www.nsf.gov/statistics/wmpd/underdeg.htm>

<sup>iv</sup> National Women's Law Center, *When Girls Don't Graduate, We All Fail: A Call to Improve High School Graduation Rates for Girls*, (Washington, DC, 2007), <http://www.nwlc.org/dropout/> (Drops outs with GEDs are not counted as graduates.)

<sup>v</sup> Ibid, 4 -5.

<sup>vi</sup> Centers for Disease Control and Prevention, "Surveillance Summaries," Morbidity and Mortality Weekly Report, 51 (No.SS-4) (2002).

<sup>vii</sup> "Gender Equity in High School and College Athletics: Most Recent Participation & Budget Statistics," (Eisenhower Park, East Meadow, NY: Women's Sports Foundation, 2007),

<http://www.womenssportsfoundation.org/cgi-bin/iowa/issues/article.html?record=1017>.

<sup>viii</sup> 2004-05 High School Athletics Participation Survey, (Indianapolis, IN: Nat'l Federation of State H. S. Associations (NFHS), 2006).

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ix Roberto Vincente, 1981-82 – 2004-05 Sports Sponsorship and Participation Report, (Indianapolis, IN: National Collegiate Athletics Association, 2006).

11/07 Elizabeth Homer/Mary Pollock