



NEW YORK
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Via email and first class mail

November 19, 2015

Odelia Levy, Executive Director
Office of Equal Opportunity and Diversity Management
New York City Department of Education
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Ms. Levy,

We write to follow up on previous requests by The New York City Bar Association's Committees on Education and on Sex and the Law for a meeting with your office regarding the NYC Department of Education's policies on and oversight of single-sex programming within NYC's coeducational public schools.

Those committees first reached out to your office in December, 2014, following the issuance of Guidance on this subject by the United States Department of Education's Office for Civil Rights,¹ and in response to reports that single-sex classes were being offered at certain New York City Public Schools.² This was of concern to our committees in light of reports of a recent

¹ See United States Department of Education Office for Civil Rights, *Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities*, <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>

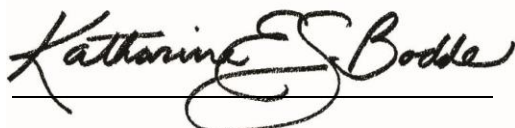
² See Sue Klein *et al.*, *Identifying US K-12 Public Schools with Deliberate Sex Segregation* 26 (2014), <http://feminist.org/education/pdfs/IdentifyingSexSegregation12-12-14.pdf>

nationwide trend of separating boys and girls into separate classrooms and offering them differentiated instruction based on their sex.³ Accordingly, the purpose of our meeting request was to discuss with you the Department's policies and oversight of single-sex programming in light of the new federal Guidance on the subject.

Despite an initial acknowledgment of our meeting request on December 22, 2014, we have not since heard back proposing a date and time, despite several attempts by our committee Chairs to contact your office. We therefore write to once again renew our request. In addition, we are including a copy of a Freedom of Information Law request that was sent to the Department's records officer today. We would, however, prefer to obtain the information we are seeking through an in-person meeting, and we are prepared to withdraw or modify this FOIL request should it become apparent following our meeting that it is no longer necessary.

Thank you for your consideration of this request. We look forward to hearing from you so that we can find a mutually convenient time to meet.

Very truly yours,



Katherine E. Bodde, Chair
Chair, Sex and Law Committee



Christine Raniga
Chair, Education and the Law Committee

CC: Susan Dombrow, Associate Director of the Office of Equal Opportunity and Diversity Management

Enclosure

³ See American Civil Liberties Union, *Preliminary Findings of ACLU "Teach Kids, Not Stereotypes" Campaign*, https://www.aclu.org/files/assets/doe_ocr_report2_0.pdf (2012).



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Records Access Officer
NYC Department of Education
52 Chambers Street, Room 308
New York, NY 10007
FOIL@schools.nyc.gov

Re: Open Records Request

Dear Records Access Officer:

Pursuant to the New York State Freedom of Information Law, Article 6 of the Public Officers Law, we hereby request copies of the following records related to single-sex education programs operating within New York City public schools. This request is submitted on behalf of the Sex and Law Committee and the Education and the Law Committee of the New York City Bar Association.

This request seeks the following categories of records related to coeducational schools operated by the New York City Department of Education that are currently operating single-sex classrooms:

1. Any policies adopted or proposed governing the use of single-sex classes within coeducational schools;
2. Any communications with school principals or superintendents related to policies governing the use of single-sex classes within coeducational schools;
3. Any records that reflect public debate or discussion leading up to the decision to create single-sex classes at any coeducational schools;
4. Any records that reflect inter- or intra-agency debate or discussion leading up to the decision to create single-sex classes at any coeducational schools, consisting of statistical or factual information, instructions to staff affecting the public, final agency policy or determinations, or external audits, and inasmuch as those records have been incorporated by reference, in whole or in part, in any final determination to authorize, create, continue, or terminate single-sex classes within coeducational schools;

5. Any records that have been or will be provided to students and/or parents notifying them of the existence of single-sex classes, their opportunity to opt out of or into single-sex classes, and their alternatives to choosing single-sex classes;
6. Any records reflecting training that teachers, administrators, or other school personnel have received or will receive related to single-sex classes;
7. Any data or analysis regarding the results, outcomes or impact of single sex classrooms;
8. Any records of curricula, teaching methods, behavioral expectations, or physical conditions used or proposed in single sex classes that differ from those used in coeducational classes, including but not limited to:
 - a. Descriptions of classroom arrangements, temperature, lighting, and/or décor; and
 - b. Documents reflecting behavioral or disciplinary rules and enforcement of same.

With the exceptions set out below, the term “single-sex class” as used herein shall mean any course or other educational program or activity that is carried out separately on the basis of sex, including, without limitation, all classes, extracurricular activities, recess, lunch and physical education. However, “single-sex class” shall exclude: (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.

The term “record(s)” as used herein shall mean any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes, as well as audio or visual recordings and data maintained electronically, made or received pursuant to law or ordinance or in connection with the transaction of official business. Records that are available electronically may be provided in that format.

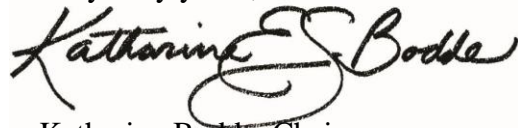
In accordance with the Freedom of Information Law, please furnish me with your response to this request within five business days after receiving this letter. If for any reason any portion of this request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

If the cost of these records will exceed \$100.00, please call me to provide a cost estimate. Records may be sent to the following Address:

New York City Bar Association
42 West 44th Street
New York, NY 10036
Attention: Margot Isaacs, Committee Associate

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink that reads "Katharine S. Bodde". The signature is written in a cursive style with a large, prominent "S" in the middle.

Katharine Bodde, Chair
Committee on Sex and Law