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**Research Proposal**

**Introduction**

**It is important to distinguish that teaching students does not only encompass content, but also helping to shape the minds of adolescents who are experiencing feelings of confusion, unhappiness, a need to fit in and the infamous high levels of hormones. Students come to us with problems at home, with friends and countless others. The ability to make a connection with a student and help them grow and mature is a very rewarding piece of the job description of a teacher. Over my five year tenure at Memorial Junior High School, it seems as the years pass, each unique group of students have the same problems. Obviously in middle school, hormones are on the rise as well as students engaging in preparing themselves both academically and socially for high school. Being a eighth grade teacher has provided me with a view of each and every class, they are most concerned with the fact that they are the oldest grade or big fish in the school. This gives students a sense of entitlement in terms of being respected by their peers. This dualism between academics and social status cause several types of conflicts such as a girl spreading rumors that are not true about another, boys fighting in the hallways over girls and vice versa, and escalating disagreements over who disrespected whom.**

**At Memorial Junior High School, there has been an implementation of gender specific lunch and health classes for the 2010-2011 school year. The rationale given by the school principal was that research proves that less behavioral issues occur when it is single gender in such large groups. In addition, there is less “showing out” for the other sex. As a teacher, we have the ability to observe these single gender initiatives. As the school year progressed, there has been a decrease in student behavior issues therefore less referrals and fights due to female and male “drama”, just to name a few.**

Teaching students encompasses the majority of a teacher’s time, therefore, it the responsibility of the educators to develop innovative ways of increasing the success of all students. Research into gender specific classrooms is one direction that may be explored to increase the success of students, both academically and socially. Gender specific classrooms are becoming increasingly popular for several reasons, including differences in male and female brain make up and gender differences in learning styles.

**Problem Statement**

A strong, free public educational system is the foundation of a democratic society; however the issue of equity in our public education systems has been an issue of debate for many years, and in this country, separate has never been equal. The issue of segregation in schools dates back to the landmark case of *Plessy v. Ferguson( Garret v. School Board of Detriot, 1991)*. The Supreme Court of the United States concluded that a Louisiana law requiring blacks and whites to ride separate railroad cars did not violate the Equal Protection Clause of the Fourteenth Amendment *( Garret v. School Board of Detriot, 1991)*. However, beginning in the 1930s, the National Association for the Advancement of Colored People (NAACP) began an assault on the “separate but equal” doctrine announced in *Plessy.* The concentration of the assault focused on segregation in public education because Charles Hamilton Huston, the leading attorney for the NAACP, believed the adverse effects of the enforced racial separation could be most easily demonstrated. Further in 1954, the Supreme Court decided the landmark case of *Brown v. Board of Education of Topeka* concluding, “Racially segregated schools are “inherently unequal” *( Garret v. School Board of Detriot, 1991)*. Such separation creates opportunities for discrimination and perpetuates stereotypes, whether intended or not. Presently, the argument has evolved from a question of racial equity to one of gender equity. In other words, is the implementation of gender specific classrooms a violation of the Equal Protection clause found in the 14th amendment? Further, are gender specific classroom even beneficial is raising student achievement?

In recent years, the popularity of single gender classrooms and schools has dramatically increased. Various research studies suggest both positives and negatives for implementing single gender educational environments. However, when deliberating gender specific education, one cannot help but to equate this concept of gender segregation to racial segregation. Opponents of new regulations concerning single gender classrooms are able to point to *Brown* and claim you cannot have “separate but equal” classrooms, regardless of the educational merits of separation *( Garret v. School Board of Detriot, 1991)*. Therefore, logically speaking, segregation, whether racial or gender specific, should violate the Fourteenth Amendment’s Equal Protection Clause. In other words, does the segregation of children in public schools solely on the basis of gender deprive either gender of children, equal protection of the laws guaranteed by the Fourteenth Amendment? Some feel steps should be taken to improve student performance and educational outcomes, but the rights of students should not be trampled in the process.

Public schools and districts must comply with the Equal Protection Clause of the federal constitution. In 1972, Congress enacted nondiscrimination legislation to protect students from discrimination in education on the basis of gender (U.S. Department of Education, OCR, 2007). Title IX of the Education Amendments of 1972 prohibits school districts from discriminating against students on the basis of gender and sets legal limits to single gender public education (U.S. Department of Education, OCR, 2007). Title IX protects people from gender based discrimination in education programs and activities which receive federal financial assistance (U.S. Department of Education, OCR, 2007). The programs or activities may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, grading, classroom assignment, vocational education, recreation, physical education, athletics, housing and employment (U.S. Department of Education, OCR, 2007).

The United States Department of Education maintains an Office for Civil Rights (OCR) to enforce Title IX. If the Assistant Secretary for Civil Rights finds discrimination on the basis of gender, he/she may require a recipient to take remedial action to overcome the effects of discrimination (Grooms, 2008). In order to implement single gender classrooms, three conditions must be met. They include: (1) beneficiaries of the single sex classes must have had limited opportunities to participate in a school’s programs or activities due to their sex; (2) less restrictive or segregative alternatives that may have accomplished the goal of the single sex classes must have been considered and rejected; and (3) there must be evidence that comparable sex neutral means could not have been reasonably expected to produce the results sought through single sex classrooms (Grooms, 2008).

In 2001, The No Child Left Behind Act (NCLB), enacted the reauthorization of the Elementary and Secondary Education Act, that allows for limited use of “innovative programs” education funding to provide same gender schools and classrooms consistent with applicable law, which includes Title IX of the Education Amendments of 1972 ([www.aauw.org](http://www.aauw.org)). The law made no mandate to change Title IX regulations, but rather, NCLB only required the U.S. Department of Education to issue guidelines on laws applicable to schools seeking funding for innovative programs. While the U.S. Department of Education’s Office for Civil Rights fulfilled this requirement, in May 2002 guidance was cursory and did not adequately address how schools can implement single gender education consistent with applicable law—not only Title IX, but also all relevant Supreme Court decisions and constitutional protections ([www.aauw.org](http://www.aauw.org)). The implementation of single gender education without proper attention to civil rights protections can reinforce problematic gender stereotypes, increase discrimination and restrict the educational opportunities open to both girls and boys. Therefore, we must examine the following: If separate but equal is not permissible with regard to race, why should gender be any different? In other words, it must be decided whether single gender schools and classrooms violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

**Annotated Bibliography**

Ahranjani, M. (2001). Mary daly v. boston college: the impermissibility of single sex classrooms within a private university. *Journal of gender, social policy and the law. 12,* 175-205.

In Wisconsin, on April 14, 2006, the Governor approved Act 346, which allows schools boards to establish single gender schools and courses. The statute allowed schools boards to provide one or more courses that enroll only one gender if the school board makes it available to the opposite gender a comparable course, under the same policies and criteria of admission. This statute however did not define comparable but when examining Title IX of the Educational Amendments of 1972, prohibiting sex discrimination in education programs that receive federal funds . Effective November 24, 2006 the Federal Register published amended regulatory requirements pertaining to the provision of single gender classes in elementary and secondary schools . In the amended regulations, single gender classes are allowed when, among other requirements, students of the opposite gender have educational opportunities that are “substantially equal”. The factors considered in determining whether courses are “substantially equal” include:

* Policies and criteria of admission; and
* Educational benefits provided, including the quality, range, and content of curriculum and other services and the quality and availability of books, instructional materials, and technology; and
* Quality and range of extracurricular offerings (schools only); and
* Qualifications of faculty and staff; and
* Geographic accessibility; and
* Quality, accessibility, and availability of facilities and resources provided to the class; and
* Intangible features, such as reputation of faculty

Given that women have historically received few educational advantages, the predictable effect of these decisions could be effective evidence to boost female only schools and only a small boost to male only schools in a limited number of fields. It may thus be that the predominant, constitutionally permissible use of single gender education is to compensate women for past discrimination in educational or other opportunities.

AAUW Educational Foundation. (1992). *The AAUW Report: How Schools Shortchange Girls,* 30, 46-48, 56.

This publication studied the implementation or lack thereof equitable schooling for girls. It revealed that public schools were not educating all students in an effective manner. After outlining the ways in which school fail to meet the educational needs of all students, it leaves the reader with the question what to do about it?

AAUW Educational Foundation. (1998). *Separation by sex* *: a critical look at single-sex education for girls,* 82, 1-85.

On November 12, 1997, the AAUW Educational Foundation convened a historic roundtable of educational scholars to examine the collected research on single-sex education in grades K-12 generated over more than two decades. The purpose of the one-day forum was to identify key

findings for use by the broader education and research community, while correcting misperceptions and pinpointing areas needing further study. The 16 prominent researchers who took part in the roundtable shared a desire to help clarify the subject’s complexities for educators, who are grappling increasingly with the question of what role, if any, single-sex education should play in national educational reform.

AAUW Educational Foundation. (2001). Beyond the “gender wars”: a conversation about girls, boys and education. Retrieved http://www.aauw.org/learn/research/upload/BeyondGenderWar.pdf.

This report summarizes theey insights that emerged from the conversation among researchers and the public forum. In the sections that follow, participants share their visions of what would constitute a truly equitable and effective education for girls and boys, their understanding of how gender interacts with other aspects of students’ identities, their responses to and revisions of the

gender wars debate, and their recommended priorities for achieving better education for boys and girls.

Bagley, Sharon, "How Men and Women's Brains Differ," Newsweek, Volume 125, Issue 3, Page 48.

Bagely and other researcher explore the physical differences in men and woman. The areas explored include:

* Brain size and hemisphere usage,
* Limbic system usage
* Language section of brain usage
* Context learning
* Preference between fiction or non fiction

*Garrett v. Board of Education of Detroit.* 775 F. Supp. 1004(1991). U.S. Dist.

In this case,the Court noted that the “educational system is failing its females as much as its males”. Experts in the case testified that gender segregation in the public schools is counterproductive for African American boys, for whom it can create an expectation of privilege based on gender”. In this specific type of single gender setting, African American girls are left out of the equation, and separating the two “repeats in racialized form the familiar idea that girls are the cause of boys’ lack of educational success and that boys must be kept free of distraction”.

*Mississippi University for Women v. Hogan.* [458 U.S. 718 (1982)](http://www.justia.us/us/458/718/case.html). U.S. Dist.

In the first single gender education decision, *Mississippi University for Women v. Hogan,* Joe Hogan, a registered nurse and qualified applicant, was denied admission to the Mississippi University for Women School of Nursing’s baccalaureate program on the basis of gender. Created by a state statute in 1884, MUW was the oldest state-supported all female college in the United States. Hogan claimed that the state statue which prevented men from enrolling in MUW violated the Equal Protection Clause of the Fourteenth Amendment. The Court held that the state did not provide an “exceedingly persuasive justification” or a compelling argument for the gender based distinction. The state’s primary argument, that the policy constituted educational affirmative action for women, was “unpersuasive” to the Court since women traditionally have not lack opportunities to enter nursing. Therefore, the statue perpetuated the stereotyped view of nursing as an exclusively woman’s job. The same argument can be made about single gender classrooms.

*United States v. Virginia,* et al., 518 U.S. 515 (1991).

When women began to enter the legal profession and started to apply to traditionally male universities for law school, they were forced to ask school to change the admissions policy. They claimed that the admissions policy made a judgment that most women would not be comfortable in that environment, and the faculty would have difficulty in relating to the women, and therefore should not allow women entrance. However, to combat this argument, new women’s law schools began to blossom creating a much warmer and more embracing environment in addition to the absence of a lot of pressure and tough exams, making these concessions to balance the inferiority women. The implementation of this plan is not by any means equal treatment of women with regard to their educational access. Therefore, providing two distinctly different educational opportunities to men and women in single gender classrooms would inherently create unequal treatment of one gender over the other, violating the Equal Protection Clause of the Fourteenth Amendment.

*United States v. Virginia,* et al., 518 U.S. 515 (1996).

Fourteen years after *Hogan*, the Court struck down the all male admissions policy at the Virginia Military Institute (VMI). The Court held that the State had failed to make a showing that the exclusion of women was necessary to its educational mission. In addition, there was no affirmative action rationale to justify a military program accessible only to men, as with the all female nursing school, VMI and similar military style schools had always been restricted to the very gender that had always been encouraged to attend. Therefore, the single gender restriction denied, rather than aided, gender equality. In a seven to one decision the Court held that VMI’s male only admissions policy was unconstitutional since no adequate alternative for women existed. In addition the exclusion of women from VMI was “a violation of the Constitution’s guarantee of equal protection, therefore VMI began admitting women in 1997.

U.S. Department of Education. (May 2002). *Nondiscrimination on the basis of sex education programs or activities receiving federal financial assistance.* Retrieved April 2, 2010, from [www.ed.gov/policy/rights/reg/ocr/t9-noi.ss.htm](http://www.ed.gov/policy/rights/reg/ocr/t9-noi.ss.htm).

U.S. Department of Education. (2005). *Single sex versus coeducational scheduling: a systematic review.* Retrieved April 2, 2010, from <http://www.ed.gov>.

U.S. Department of Education, Office of Civil Rights. (2007). Retrieved April 12, 2010, from

http:www/ed/gov/about/offices.list/ocr/t9-guidelines-ss.html.

Public schools and districts must comply with the Equal Protection Clause of the federal constitution. In 1972, Congress enacted nondiscrimination legislation to protect students from discrimination in education on the basis of gender. Title IX of the Education Amendments of 1972 prohibits school districts from discriminating against students on the basis of gender and sets legal limits to single gender public education. Title IX protects people from gender based discrimination in education programs and activities which receive federal financial assistance. The programs or activities may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, grading, classroom assignment, vocational education, recreation, physical education, athletics, housing and employment.

Vail, K. [Same-Sex Schools May Still Get a Chance](javascript:%20void%200). The Education Digest v. 68 no. 4 (December 2002) p. 32-8.

Equity in education systems has been an issue of debate for many years, and in this country, separate has never been equal. Citing Supreme Court cases concerning racial segregation such as *Plessy* an*d Brown,* racially separated schools are “inherently unequal”. Such separation creates opportunities for discrimination and perpetuates stereotypes, whether intended or not. Presently, the argument has evolved from a question of racial equity to one of gender equality in the debate over single sex education. Does the segregation of children in public schools solely on the basis of gender deprive either gender of children, equal protection of laws guaranteed by the Fourteenth Amendment? Logically speaking, segregation, whether racial or gender specific, should violate the Fourteenth Amendment’s Equal Protection Clause.

*Vorchheimer v. School District Of Philadelphia* , 430 U.S. 703 (1977).

This case involved an all male public high school in Philadelphia denied admission to a female solely on the basis of gender. At the time of the lawsuit, the Philadelphia School District operated two single gender academic high schools, Central High School and Philadelphia School for Girls. The United States Court of Appeals for the Third Circuit found that Central and Girls schools were academically and functionally equivalent, and that the admission requirements based on gender classification did not violate the Equal Protection Clause of the Fourteenth Amendment. The court reasoned that gender should not be treated the same as race under the Equal Protection Clause because, unlike race, fundamental differences do exist between boys and girls. The court also noted that the primary aim of any school system should be to provide the highest quality education possible, which, in this case, meant single gender education. On appeal, the court proceeded to order the admission of girls to Central on the grounds that Girls did not provide equal facilities and opportunities to female students that Central provided to male students.