

**Oppose Federally Funded Gender Discrimination  
in the Omnibus Appropriations Bill**

January 7, 2004

Dear Senator:

On behalf of its member organizations, the National Coalition for Women and Girls in Education (NCWGE) urges you to oppose the FY04 Senate omnibus appropriations bill based on the inclusion in that bill of a provision that would establish a federally funded voucher program for District of Columbia schools, allowing private and religious schools to discriminate on the basis of gender. We believe that the District of Columbia should not be a laboratory for exempting taxpayer-supported schools from federal civil rights laws.

Under current law, private schools that do not otherwise receive federal aid must comply with federal civil rights laws when their students pay their tuition with federal grants. *See Grove City College v. Bell*, 465 U.S. 555 (1984). This protects students, and others, from discrimination on the basis of sex, race, color national origin and disability in education programs that receive federal funds either directly or indirectly. District of Columbia students attending taxpayer-supported schools should not have less protection from discrimination than students in other parts of the country.

Of particular concern to NCWGE is the potential for violations of Title IX of the Education Amendments of 1972 (Title IX). Title IX is the federal law that bars sex discrimination in education and has been critical in setting a standard of equal educational opportunity. The voucher provision contains language that is inconsistent with Title IX. Specifically, while Title IX contains a religious exemption that was carefully crafted so that religious schools could practice free expression while protecting students from sex discrimination, the vouchers provision uses ambiguous language that could be incorrectly interpreted to be broader than Title IX's exemption, thus making it easier to discriminate on the basis of sex. Another section of the provision also states that vouchers do not constitute funding to schools, an approach that directly conflicts with the proper interpretation of Title IX and could create a loophole for religious and private schools to continue to discriminate while receiving federal dollars.

Further, the vouchers provision contains allowances for single-sex schools and classrooms that are not authorized by Title IX. Title IX permits single-sex education in numerous circumstances, but erects safeguards to ensure that such education does not reinforce stereotypes or perpetuate discrimination. The bill expressly permits taxpayer dollars to support sex discrimination by funding single-sex programs, regardless of the justification for them, and regardless of whether equal programs are available to the excluded sex. In addition to authorizing violations of Title IX, these single-sex provisions are not consistent with language in the No Child Left Behind Act (P.L. 107-110).

Again, NCWGE strongly urges you to vote against the FY04 omnibus spending bill and oppose this voucher program because it creates new, discriminatory provisions. If you have any questions, please contact Lynsey Morris, Government Relations Manager at the American Association of University Women, at 202/785-7730.

Sincerely,



Lisa Maatz  
Chair, NCWGE  
American Association of University Women



Jocelyn Samuels  
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National Women's Law Center