



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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January 13, 2023

**Via email only:** [dan.skinner@boiseschools.org](mailto:dan.skinner@boiseschools.org)

Dan Skinner  
General Counsel  
Boise School District

Re: Boise School District  
OCR Reference No. 10221322

Dear Mr. Skinner:

This letter is to inform you of the disposition of the above-referenced complaint filed against Boise School District with the U.S. Department of Education (Department), Office for Civil Rights (OCR). OCR investigated whether the District is discriminating on the basis of sex by offering “Girls Powered STEM Summer Camps” that are restricted to female students only.

OCR investigated this complaint under OCR’s authority to enforce Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. The District is a recipient of federal financial assistance from this Department and is required to comply with this law.

Prior to completion of OCR’s investigation, the District expressed an interest in voluntarily resolving these allegations and signed the enclosed Voluntary Resolution Agreement (agreement).

The regulation implementing Title IX, at 34 C.F.R. § 106.34(a) states that, except as provided for in this section or otherwise in this part, a recipient shall not provide or otherwise carry out any of its education programs or activities separately on the basis of sex or require or refuse participation therein by any of its students on the basis of sex. The regulation implementing Title IX, at 34 C.F.R. § 106.34(b)(1) provides that a recipient that operates a nonvocational coeducational elementary or secondary school may provide nonvocational single-sex classes or extracurricular activities, if each single-

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sex class or extracurricular activity is based on the recipient's important objective, which is defined as (a) improving educational achievement of its students, through a recipient's overall established policy to provide diverse educational opportunities, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective; or (b) to meet the particular, identified educational needs of its students, provided that the single-sex nature of the class or extracurricular activity is substantially related to achieving that objective. The regulation implementing Title IX at 34 C.F.R. §106.34(b)(1) also requires that the recipient implements its objective in an evenhanded manner; that student enrollment in a single-sex class or extracurricular activity is completely voluntary; and that the recipient provides to all other students, including students of the excluded sex, a substantially equal coeducational class or extracurricular activity in the same subject or activity.

The regulation implementing Title IX at 34 C.F.R. §106.34(b)(2) states that a recipient that provides a single-sex class or extracurricular activity, may be required to provide a substantially equal single-sex class or extracurricular activity for students of the excluded sex. Regarding what constitutes “substantially equal,” the regulation implementing Title IX at 34 C.F.R. §106.34(b)(3) provides that the factors the Department will consider, either individually or in the aggregate as appropriate, in determining whether classes or extracurricular activities are substantially equal include, but are not limited to, the following: the policies and criteria of admission, the 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, the qualifications of faculty and staff, geographic accessibility, the quality, accessibility, and availability of facilities and resources provided to the class, and intangible features, such as reputation of faculty.

OCR’s investigation to date indicated that the application, promotional, and recruitment materials for the camps were limited to girls entering grades 3-6. Records provided to OCR show that the application and promotional and recruitment materials used the term “girls” in the title of the camps and when referring to participants or registrants.

In accordance with Section 302 of the OCR *Case Processing Manual*, an allegation may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation.

In this case, the District requested to resolve the allegation prior to the conclusion of OCR’s investigation. In light of the District’s willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that

entering into an agreement was appropriate. When fully implemented, the agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the agreement until the recipient is in compliance with the terms of the agreement as well as Title IX and its implementing regulations, which were at issue in the case. Subsequent discussions with the District resulted in the enclosed agreement.

This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in court regardless of OCR's determination.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. Under the agreement, the District's first report to OCR is due by **April 12, 2023**.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Tania Lopez, Senior Attorney, by e-mail at [tania.lopez@ed.gov](mailto:tania.lopez@ed.gov).

Sincerely,

Sarah Dunne  
Chief Attorney

Enclosure: Voluntary Resolution Agreement