



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

SEP 27 1985

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Rabbi Yehoshua Balkany
Dean
Bais Yaakov of Brooklyn
1362-49th Street
Brooklyn, New York 11219

Dear Rabbi Balkany:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Bais Yaakov of Brooklyn's request for a religious exemption from Title IX of the Education Amendments of 1972. Based on information provided by the institution, OCR has determined that Bais Yaakov of Brooklyn need not have applied for a religious exemption. The reasons for our determination are discussed below.

Subpart C (in effect, 34 C.F.R. §§ 106.21, 106.22 and 106.23) of the Title IX regulation (copy enclosed) prohibits discrimination in the admission and recruitment of students. Section 106.15 of the Title IX regulation specifically exempts private elementary, secondary and undergraduate institutions from compliance with Subpart C.

In your letter of September 18, 1985, you indicated that religious tenets "require us to admit only female students." Based on this practice, you requested exemption to 34 C.F.R. § 106.21 (admission), § 106.22 (preference in admission) and § 106.23 (recruitment of students). OCR has determined, through contacts with the institution, that Bais Yaakov of Brooklyn offers only elementary level programs. Under § 106.15, Bais Yaakov of Brooklyn, a private institution offering elementary level programs only, is already exempt from the admission and recruitment provisions of the Title IX regulation.

The statutory exemption from the admission and recruitment provisions of Subpart C does not relieve the institution of its obligation to comply with the regulation as it relates to graduate or other programs. Should there be conflicts in this regard, it would be necessary to request exemption from specific provisions of the regulation which are deemed to be inconsistent with certain tenets of your religion.

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If you determine that your institution does not need a religious exemption for graduate or other programs, please note your desire to withdraw the request so that OCR may close your request file. Otherwise, if we do not hear from you within 60 days, OCR will assume that your institution has no need for a religious exemption and will close the request file. If you have any questions, please do not hesitate to contact the New York Regional Office for Civil Rights. The address is:

Stanley Seidenfeld
Acting Regional Civil Rights Director
Office for Civil Rights, Region II
Department of Education
26 Federal Plaza, Room 33-130
New York, New York 10278

Sincerely,

Alicia Caro for

Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Stanley Seidenfeld, Acting Regional Civil Rights Director, Region II