



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

SEP 30 1985

SEP 30 1985

Rabbi Michael J. Meisels
Dean and President
Beth Jacob Sara Schenirer High School
and Teachers Seminary
4622-14th Avenue
Brooklyn, New York 11219

Dear Rabbi Meisels:

The Office for Civil Rights of the Department of Education (OCR/ED) recently requested additional information regarding Beth Jacob Sara Schenirer High School and Teachers Seminary's (High School and Seminary) 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 the High School and Seminary 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 23, 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 contact with the institution, that the High School and Seminary offer only secondary and undergraduate level programs. Under § 106.15, Beth Jacob Sara Schenirer High School and Teachers Seminary, private schools offering secondary and undergraduate level programs only, are 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 an 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.

If you determine that the High School and Seminary do 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 the High School and Seminary have 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,



Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

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