



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 12, 2021

Sang Meyng Lee, President
Presbyterian Theological Seminary in America
15605 Carmenita Road
Santa Fe Springs, CA 90670

Dear President Lee:

I write in response to your October 16, 2021, letter to the U.S. Department of Education's Office for Civil Rights (OCR), in which you requested assurance of a religious exemption from Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, for Presbyterian Theological Seminary in America of Santa Fe Springs, California.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX and its implementing regulations at 34 C.F.R. § 106.12 provide that Title IX does not apply to an educational institution controlled by a religious organization to the extent that the application of Title IX would be inconsistent with the controlling organization's religious tenets. Section 106.12(b) of the Department's Title IX regulations describe the process by which an educational institution may request assurance of a religious exemption. The request must identify the religious organization that controls the educational institution and specify the tenets of that organization and the provisions of the law or regulation that conflict with those tenets. Section 106.12(c) of the Department's Title IX regulations describes the evidence that is sufficient to establish that an educational institution is controlled by a religious organization.

Your letter states that the Seminary was founded in 1979 as a minister training seminary based on the Korean Presbyterian Church Abroad denomination. As explained in your letter and in the Seminary's catalog, "PTSA exists to equip men and women for missional living by training them to grow in the knowledge and character of Christ, to live a Christ-centered life, and to lead others to do the same, in any setting God places them, whether it is multigenerational, multiracial, or multiethnic." Your letter also noted that, during its 42-year history, 777 students have graduated from PTSA, and most of them are serving as pastors, missionaries, evangelists, and lay leaders in the world.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Seminary's letter explained that, consistent with its historic understanding of the Holy Scriptures, the Seminary "does not permit sexual activity outside marriage between one man and one woman and affirms every individual's biological sex as assigned by God at birth." Consistent with these standards, the Seminary has developed doctrinal statements, which include the following:

13. Marriage has been ordained by God and is the exclusive covenantal union between a man and a woman in which such union is a lifetime commitment. A civil government's sanction of a union will be recognized as a legitimate marriage by the Church only to the extent that it is consistent with the definition of "marriage" found in these Articles.

14. Legitimate sexual relations are exercised solely within marriage. Hence, sexual activities outside of marriage (referred to in the New Testament as "porneia"-- πορνεία) including but not limited to, adultery, premarital sex, homosexuality, and pedophilia are inconsistent with the teachings of the Bible and the Church. Further, lascivious conduct, transgender behavior, and the creation and/or distribution and/or viewing of pornography, are incompatible with the biblical witness.

For the above reasons, the Seminary requests assurance of its exemption from the following regulatory provisions to the extent that those provisions are interpreted to conflict with the Seminary's doctrinal statements on marriage, sexuality, gender identity, and sexual purity:

- 34 C.F.R. § 106.21 (admission)
- 34 C.F.R. § 106.22 (preference in admission)
- 34 C.F.R. § 106.23 (recruitment)
- 34 C.F.R. § 106.31 (education programs or activities)
- 34 C.F.R. § 106.32 (housing)
- 34 C.F.R. § 106.33 (comparable facilities)
- 34 C.F.R. § 106.34 (access to classes and schools)
- 34 C.F.R. § 106.36 (counseling)
- 34 C.F.R. § 106.37 (financial assistance)
- 34 C.F.R. § 106.38 (employment assistance to students)
- 34 C.F.R. § 106.39 (health and insurance benefits and services)
- 34 C.F.R. § 106.40 (marital or parental status)
- 34 C.F.R. § 106.41 (athletics)
- 34 C.F.R. § 106.43 (standards for measuring skill or progress in physical education classes)¹
- 34 C.F.R. §§ 106.51-61 (relating to employment)

The Seminary is exempt from these provisions to the extent that these provisions conflict with the Seminary's doctrinal statements on marriage, sexuality, gender identity, and sexual purity.

¹ OCR notes that the Seminary's letter requested assurance of its exemption from 34 C.F.R. § 106.42, which it described as governing "standards for measuring skill or progress in physical education classes." Section 106.42 pertains to textbooks and curricular material. Section 106.43 is titled, "Standards for measuring skill or progress in physical education classes." OCR interprets this as a request for assurance of exemption from 34 C.F.R. § 106.43.

Please note that this letter should not be construed to grant exemption from the requirements of Title IX and the regulations other than as stated above. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption here recognized. Also, in the unlikely event that a complaint alleges that the practices followed by an institution are not based on the religious tenets identified in your request, OCR may contact the controlling organization to contact to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, OCR will not recognize this exemption.

I hope this letter fully responds to your request. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights

cc: Sunny Kim, Director of Financial Aid, Presbyterian Theological Seminary in America