



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

NOV 4 1988

Mr. Wayne E. Kraiss  
President  
Southern California College  
55 Fair Drive  
Costa Mesa, California 92626

Dear President Kraiss:

The Office for Civil Rights (OCR) of the Department of Education has reviewed your request for religious exemption from certain sections of the regulation implementing Title IX of the Education Amendments of 1972 (Title IX). You submitted a letter dated August 3, 1988, outlining this request.

In your letter, you described certain policies practiced at Southern California College (College) as being consistent with the tenets of the religious organization that controls the institution. These policies would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption. You have supplied information in your request letter that establishes that the College is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting the College an exemption to those sections of the Title IX regulation specified in your request letter. In doing so I noted an error: you requested exemption from 34 C.F.R. § 106.20(c), but as there is no such section, I concluded from the facts outlined in your request that you required exemption from 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission). In addition, the requirements of 34 C.F.R. § 106.39, which pertain to student health insurance plans, conflict with the religious tenets you have identified that are followed by the College. Accordingly, I am granting the College an exemption to that section as well. Southern California College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.21(c), 106.39, 106.40 and 106.57. This exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the College. The basis for our decision to grant this exemption is discussed in further detail below.

Your letter indicates that the College is owned and controlled by the Southern California District Council of the Assemblies of God (Council). Article III of the College's bylaws provides: "Southern California College is and shall be at all times controlled by the Southern California District Council of the Assemblies of God. . . ." This relationship between the College and the Council adequately establishes that the College is controlled by a religious organization as is required for consideration for exemption under § 106.12 of the Title IX regulation.

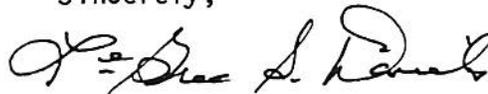
Article IV of the College's bylaws adopts the "Statement of Fundamental Truths", a list of fundamental doctrinal precepts. Among the precepts are that the Scriptures, both the Old and New Testaments, are verbally inspired of God and are the infallible, authoritative rule of faith and conduct. Your request letter states that religious tenets require the College to dismiss unmarried female students who become pregnant and married female students who become pregnant because of an adulterous relationship, and to deny admission to a female applicant who is pregnant or who has biological children but has never been married. Your letter also states that these same tenets apply to employees of the College. Based on this principle, Southern California College is granted by this letter exemption from: 34 C.F.R. § 106.21(c) (marital and parental status of applicants for admission); § 106.39 (health and insurance benefits and services); § 106.40 (marital and parental status of students); and § 106.57 (marital and parental status of employees), to the extent that application of these sections conflict with the religious tenets practiced by the college.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling organization to verify those tenets.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the San Francisco OCR. The address is:

Mr. John E. Palomino  
Regional Civil Rights Director  
Office for Civil Rights, Region IX  
Department of Education  
221 Main Street, 10th Floor - 09-8010  
San Francisco, CA 94105-1925

Sincerely,



LeGree S. Daniels  
Assistant Secretary  
for Civil Rights

Enclosure

cc: John E. Palomino, Regional Civil Rights Director, Region IX