



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT

March 14, 2023

United States Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Via Email: OCR@ed.gov

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures.

Parents Defending Education (PDE) brings this complaint against Lower Merion School District in Ardmore, Pennsylvania for discrimination on the basis of sex in programs or activities that receive federal financial assistance in violation of Title IX of the Education Amendments of 1972 (Title IX) and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution.

PDE makes this complaint as an interested third-party organization with members who are parents of schoolchildren throughout the country. PDE and its members oppose discrimination on the basis of sex in America's schools. But in the Lower Merion School District, the district is offering academic programming for "girls and gender diverse students" that is not accessible to all students in the district. Attached to this complaint is supporting evidence in the form of a social media event post announcing "the inaugural Girls + STEM Night" (Exhibit A).

The event is open only to "girls and gender diverse students" (Ex. A at 1). The program outlines an opportunity to "expose younger girls and gender diverse students to various STEM-related careers and fields in hopes that it will spark an interest to pursue science, technology, engineering and math inside and outside of the classroom!" (Ex. A at 1). The invitation indicates there will be future programming and networking opportunities (Ex. A at 1).

By its plain terms, Exhibit A shows that only some students may attend this school program. It excludes others — and this exclusion is based solely on an individual's sex. As for the future "girls and gender diverse" programming and networking opportunities, that too would confer a benefit on the basis of sex not offered to all students.

As the Department of Education is no doubt aware, discrimination on the basis of sex raises concerns that Lower Merion School District has received federal funds in violation of Title IX of the Education Amendments of 1972, which declares that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). There are only limited exceptions to that Title IX rule, and none appears to apply to the girls-only program at Lower Merion School District. 20 U.S.C.



§ 1681(a)(1)-(9). Likewise, federal regulations generally prohibit excluding students from classes or extracurricular activities on the basis of sex unless the school is providing a substantially equal coeducational class or extracurricular activity in the same subject or activity that would include all students. 34 C.F.R. § 106.34.

In addition, Section 1 of the 14th Amendment to the U.S. Constitution asserts: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” On these grounds, the Supreme Court held in 1996 that schools cannot deny opportunities on the basis of sex without an exceedingly persuasive justification. *United States v. Virginia*, 518 U.S. 515 (1996).

Accordingly, we ask that the Department promptly investigate the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief.

Thank you for your prompt assistance with this request for investigation and resolution.  
Please contact me for further information.

Sincerely,

Caroline Moore  
Vice President  
Parents Defending Education

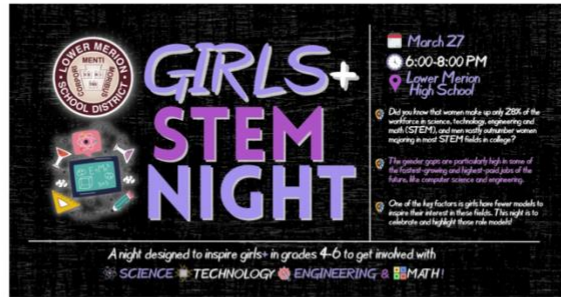
Enc. Exhibit A



## EXHIBIT A

- Celebrating Black History Month
- Elementary School
- Middle School
- High School
- Achievement Imperative Task Force
- Achievement Teams
- Approved ESSER Grants
- Assessments
- Blackboard
- CARE Committee
- English Language Development (ELD)
- Full-Day K Information
- Future Ready Index and ESSR Report Card
- Gifted Education
- Girls+ STEM Night
- Instructional Technology
- Integrated Mathematics
- KLD (Keystone Literature Diagnostic)
- Lower Merion Virtual Academy
- School Library Pages
- Special Education

## Girls+ STEM Night



Event Info | Registration

Lower Merion School District will be hosting the inaugural **LMSD Girls+ STEM Night!**

LMSD Girls+ STEM Night is designed to expose younger girls and gender diverse students to various STEM-related careers and fields in hopes that it will spark an interest to pursue science, technology, engineering and math inside and outside of the classroom! While this event is designed to inspire young girls, all are welcome!

**This event is for students in grades 4-6 and open to LMSD families only!** An adult is required to be present with student(s) and encouraged to participate in the events with their children.


- **Date:** Monday, March 27, 2023
- **Time:** 6:00 - 8:00 p.m.



Girls+ STEM Night - Lower Merion

lmsd.org/academics/girls-stem-night

- English Language Development (ELD)
- Full-Day K Information
- Future Ready Index and ESSR Report Card
- Gifted Education
- Girls+ STEM Night
- Instructional Technology
- Integrated Mathematics
- KLD (Keystone Literature Diagnostic)
- Lower Merion Virtual Academy
- School Library Pages
- Special Education
- Summer Programs
- Title I



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- **Date:** Monday, March 27, 2023
- **Time:** 6:00 to 8:00 p.m.
- **Location:** Lower Merion High School Cafeteria & Gymnasium (located at 315 E. Montgomery Avenue in Ardmore)

**Space is limited! Click the *Registration* tab above to register today!**

*Please keep the registration confirmation for your records to present upon arrival at the event, which will be emailed to you after completing the registration form in the next tab!*

**Lower Merion School District**  
301 East Montgomery Ave Ardmore, PA 19003 P: 610.645.1800

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