



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

June 26, 2023

IN RESPONSE, PLEASE REFER TO: 03231211

Caroline Moore
Vice President
Parents Defending Education
By Email Only: caroline@defendinged.org

Dear Ms. Moore:

This is to advise you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint you filed against the Lower Merion School District (the District). You alleged that the District discriminated against students on the basis of sex because it offered *Girls + STEM Night*, which was open only to girls and gender diverse students.

OCR enforces Title IX of the Education Amendments of 1972 and its implementing regulation, 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX and its implementing regulations.

In reaching a determination, OCR reviewed information provided by both by you and the District. After careful consideration of all information obtained during the course of our investigation, OCR has determined that there is insufficient evidence that the District discriminated against students on the basis of sex, as alleged. An explanation of OCR's findings follows.

LEGAL STANDARD

Title IX and its implementing regulations, at 34 C.F.R. § 106.31(a)-(b), prohibit a recipient from excluding, denying benefits to, or otherwise treating any person differently on the basis of sex in its education programs or activities, unless expressly authorized to do so under Title IX or the regulations. The regulation, at 34 C.F.R. § 106.34, further prohibits any recipient, including an elementary, secondary, or postsecondary institution, from carrying out its education programs or activities separately on the basis of sex, unless an exception applies.

FACTUAL SUMMARY AND LEGAL ANALYSIS

Information provided by the District shows that *Girls+ STEM Night* was designed to expose younger girls and gender diverse students to various STEM-related careers and fields, with the

goal of stimulating interest in science, technology, engineering and math inside and outside of the classroom. The District noted that while the event was designed to inspire young girls to get involved in STEM, there were no restrictions on participation based on sex or gender, nor was any language used in the promotional materials advertising the event to indicate sex or gender based preferences. OCR reviewed a screen capture of the website for the event that the Complainant provided, which supports the District's assertion. OCR has confirmed that the District did not limit or give preference to event participants on the basis of sex and that there was no sex-limiting language in the event's promotional materials. In addition, there is no evidence of a specific individual who was harmed by the District through this event. Based on this information, OCR finds insufficient evidence that the District discriminated against students on the basis of sex, as alleged.

CONCLUSION

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Michael Branigan at (215) 656-8516 or by email at michael.branigan@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Craig D. Ginsburg". The signature is fluid and cursive, with the first name "Craig" being more prominent.

Craig D. Ginsburg
Supervisory Attorney