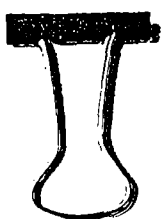


new's
nes -
Title IX



See - 10/1/17
Is there anything in all this?
What are we doing with ID # 207839

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

is? Please check in with Rob.
Weiner. Thanks.
Elena

☐ O - OUTGOING

☐ H - INTERNAL

☒ I - INCOMING

Date Correspondence
Received (YY/MM/DD) 97109116

Name of Correspondent: ISABELLE KATZ PINZLER 97 SEP 17 10:20

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: DEPARTMENT OF JUSTICE RESPONSE TO PRESIDENT
CLINTON'S JUNE 17 MEMO ON TITLE IX ENFORCEMENT

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
TIM SAUNDERS EXEC CLERK	ORIGINATOR	97109116		C 97109116
Referral Note:				
Tony STERN - STAFF SECRETARY	A	97109116		C 97109125
Referral Note:				
MARIA ECHAVESTE	A	97109125		I I
Referral Note:				
JENNIFER KLEIN	A	97109125		I I
Referral Note:				
✓ ELENIA KAGAN	B	97109125		I I
Referral Note:				

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered C - Completed
B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: NOT FOR THE PRESIDENT'S TRANSMITTAL TO THE
CONGRESS

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UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

December 8, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Richard W. Riley

SUBJECT: Strengthening Title IX Enforcement

This memorandum is in response to your June 17, 1997, Memorandum for the Heads of Executive Departments and Agencies titled "Strengthening Title IX Enforcement and Addressing Discrimination on the Basis of Sex, Race, Color and National Origin in Federally Conducted Education Programs and Activities." You requested a description of department or agency priorities for Title IX enforcement and methods to make recipients of Federal financial assistance aware of their obligation not to discriminate on the basis of sex and to provide grievance procedures to handle Title IX complaints.

An earlier memorandum (copy attached) was sent by my Acting General Counsel in response to the information you requested about the agency's education programs and discrimination-related issues that might arise in these programs.

Background

The Department of Education, through its Office for Civil Rights (OCR), is the agency with primary enforcement authority for Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education programs. OCR's role is to ensure that no person is subjected to discrimination on the basis of sex in education programs or activities that receive Federal financial assistance. In addition to OCR's enforcement responsibilities for Title IX, OCR enforces four other Federal statutes that prohibit discrimination: Title VI of the Civil Rights Act of 1964 (prohibiting race and national origin discrimination in federally assisted programs), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability based discrimination in federally assisted programs), Title II of the Americans With Disabilities Act of 1990, and the Age Discrimination Act of 1975. OCR is also charged with carrying out civil rights provisions in Title V, Part A of the Elementary and Secondary Education Act of 1965, relating to the Magnet Schools Assistance Program.

To carry out its responsibilities, OCR has enforcement authority to investigate complaints and conduct compliance reviews. Fundamental to OCR's effective investigative and enforcement program are strong efforts to achieve voluntary resolutions. OCR carefully monitors such resolution agreements to ensure that recipient institutions fully implement their plan commitments.

OCR offers technical assistance through seminars, speeches, widely disseminated policy guidance documents, and on-line access to encourage voluntary compliance. OCR also works proactively with recipients to develop, adopt and implement policies and grievance procedures that assist recipients to identify, prevent, and effectively respond to sex discrimination.

OCR has enforcement jurisdiction over recipients of Federal financial assistance in all 50 states, the District of Columbia, and the U.S. territories and possessions, including 56 state education agencies, 15,000 local educational agencies, 3,600 colleges and universities, and 5,600 proprietary schools. Other recipients include libraries, museums, and 83 state rehabilitation agencies.

In FY 1996, OCR received 4,828 new complaints and closed 4,886 complaints. Sex discrimination complaints numbered 324 or nearly seven percent of the incoming complaints. The agency also initiated 146 compliance reviews, several of which were Title IX reviews, and closed 173 reviews.

Title IX Enforcement Priorities

Complaints to OCR involve complex issues of different treatment and disparate impact on the basis of sex. In order to focus and prioritize limited enforcement resources, OCR's Strategic Plan and Enforcement Program highlights the areas of greatest need for our Title IX beneficiaries. Within these priority areas, in order to ensure that recipients are aware of their Title IX responsibilities, and so that recipients can work as partners with the Federal government in enforcing Title IX, OCR has issued several important policies within the last two years. These priority areas and related policy documents include:

- **Sexual harassment.** On March 13, 1997, OCR issued final policy guidance in the Federal Register on the subject of sexual harassment. The guidance explains that sexual harassment is a persistent and serious problem in our elementary, secondary, and postsecondary schools and states that it can interfere with a student's ability to benefit from his or her education. The guidance makes clear that school personnel who understand their Title IX obligations are in the best position to prevent and respond to sexual harassment, using good judgment and taking into account the age and maturity of the students involved. It also delineates the responsibility of school administrators to remedy the problem of sexual harassment once a school has notice of it, and describes how schools can implement effective grievance procedures. During the next year, OCR will reproduce and distribute copies of the sexual harassment policy guidance to recipients. Also, OCR has developed and will distribute a pamphlet setting out in clear, nonlegal terms how Title IX prohibits sexual harassment and legal requirements for effective grievance procedures responsive to complaints of sexual harassment. We have already made these documents available to the public at no cost on OCR's website (<http://www.ed.gov/offices/OCR/>). OCR recently sent a letter to all the Chief State School Officers reminding them of the requirements for designating Title IX coordinators and for developing effective grievance procedures to handle sex discrimination complaints.

- **Fairness in testing and assessment practices.** In the near future, OCR will issue final guidance for its regional enforcement offices to assist in the investigation of cases alleging the discriminatory use of tests in making high-stakes educational decisions. The guidance will set forth well-established legal standards relating to the use and misuse of tests, and will clearly articulate the existing principles of law that should guide any decision regarding the use of tests under Title IX or Title VI. OCR will also issue a pamphlet setting out in nonlegal terms the standards relating to the use and misuse of high-stakes tests. The Department plans to make the guidance and the pamphlet widely available to school systems and the public. In addition, during the next year, the Department's Office of Educational Research and Improvement and the Office of Elementary and Secondary Education, along with OCR, will work to identify and disseminate promising practices with regard to the validation and use of tests.
- **Gender equity in athletics.** On January 16, 1996, OCR issued to college and university presidents and other stakeholders a document relating to issues of gender equity in athletics. Accompanied by a Dear Colleague letter, OCR's "Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test" explained in clear terms and with helpful examples the different ways schools can provide students with nondiscriminatory athletic participation opportunities.

Making sure that female athletes are awarded athletic scholarships consistent with Title IX requirements is another important enforcement activity. The opportunity to go to college may elude some students from less advantaged socioeconomic backgrounds, and athletic scholarships are one way to create that opportunity. OCR is presently investigating 25 complaints alleging violations of Title IX in awarding athletic scholarships.

In the area of **vocational educational opportunities for females**, OCR has provided state vocational education agencies assistance in their civil rights enforcement responsibilities. This includes providing training in areas of gender equity, including sexual harassment and Title IX grievance procedure requirements. OCR on September 30, 1996, revised the procedures that assist state vocational education agencies in conducting their civil rights compliance reviews of local educational agencies. These procedures permit State agencies to focus on specific issues such as under-representation by sex in non-traditional courses.

Relatively few complaints are filed under Title IX, as compared to other civil rights laws. OCR will, however, examine on a regular basis whether pervasive Title IX issues are left unaddressed by either current policy or our system of responding to complaints. If enforcement gaps exist, OCR will pursue a range of intervention strategies to enforce Title IX, including technical assistance and compliance reviews.

Page 4 - The President

The Department anticipates furthering the goals of the Strengthening Title IX Initiative by continuing to aggressively implement enforcement programs like those described here to ensure that federally assisted education programs meet the requirements of Title IX. We also plan to work with the Department of Justice, which is relying upon the Department of Education's Title IX regulation as a model to assist other executive departments and agencies in their development of new sex discrimination regulations.

Attachment



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

Merrily Friedlander
Chief, Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
1425 New York Avenue, N.W., Room 4013
Washington, D.C. 20035-5968

AUG 20 1997

Re: Federally Conducted Education Programs

Dear Ms. Friedlander:

Attached please find the Department of Education's report identifying and describing its federally conducted education programs. The report has been prepared in the format requested by your office, and includes, as requested, a separate document identifying possible impediments to including these programs in an executive order prohibiting discrimination based on race and gender. A copy of both the report and notes on possible impediments will be transmitted to Jennifer Levine via e-mail so that you will have electronic versions of the documents.

There are several programs that we did not include in the report, notwithstanding that some aspects of the program arguably could be considered federally conducted, because we believe that the program as a whole is a federally assisted program already covered by Title IX and Title VI.

For instance, many Department programs authorize activities to be conducted either by grant, cooperative agreement (which is a grant) or contract. We do not believe that the fact that a contract instrument is used for some program activities is determinative of whether the program is federally conducted. Instead, we looked at the actual activities conducted under the contract. If these activities are similar to activities conducted by grants, i.e., decision making and control is primarily delegated to the entity conducting the activities, and the activities are conducted primarily to support or stimulate statutory goals and purposes, rather than acquire services for the direct benefit of the Department, we consider the program as a whole to be a federally assisted program. We regard all awards under these programs to be federal financial assistance that invokes coverage under Title VI and Title IX. The following are some examples of these types of programs:

- Women's Educational Equity Act (WEEA), 20 U.S.C. § 7231 -- This \$ 2 million program promotes educational equity for girls and women. It primarily awards grant to schools, non-profit organizations, or individuals to implement or develop gender-equity policies and practices. Through a contract, the program also funds the WEEA Publishing Center. The Publishing Center builds on the work of the grantees by distributing products

developed by grantees and providing technical assistance to grantees. It also distributes other gender equity materials, promotes awareness of gender-equity issues, and maintains a web cite and 1-800 number in order to respond to questions and to give technical assistance to the public as requested on gender equity.

- **Regional Educational Laboratories for Research, Dissemination, and Technical Assistance, 20 U.S.C. § 6041(h)** -- This \$ 51 million program funds regional laboratories that are directed to promoting "systemic school improvement strategies." While the statute only authorizes regional labs to be funded by contract, and the Assistant Secretary of OERI can ask the labs to conduct research of national importance, the laboratories primarily operate as federally assisted activities. For instance, the laboratories determine the educational needs for the region in which they operate and develop and disseminate research products for schools, teachers, and libraries in the region. In fact, an appropriations rider prohibits the laboratories from providing services requested by the Department unless the Laboratory agrees that the request is consistent with regional needs and priorities, as determined by the Laboratory. The laboratories also provide technical assistance to, and facilitate communication among, the regions' school officials, school experts, teachers, parents, and libraries regarding school reform and restructuring.
- **Safe and Drug Free Schools -- National Programs, 20 U.S.C. § 7131** -- This program authorizes the Secretary in consultation with the Secretary of HHS, the Director of the Office of National Drug Control Policy, and the Attorney General to develop programs to prevent the illegal use of drugs and promote safety for students. Authorized activities include funding the development of innovative strategies, model training programs, development of curricula, and the implementation of prevention activities in schools and communities. The activities are primarily conducted through grants. However, the program has a contract to establish a higher education technical assistance center to assist schools in developing campus-based violence prevention programs. As with the WEEA Publishing Center (discussed above), the contract includes specific tasks but, like federal assistance, gives the contractor discretion in how to carry out the tasks and to respond to needs of the field.

We also did not include the Department's other dissemination programs such as the Educational Resource Information Center (ERIC), 20 U.S.C. § 6041(f), and other clearinghouses. The clearinghouses merely engage in the routine, administrative task of distributing resources and materials to anyone requesting such material. Accordingly, we do not believe these activities were intended to be covered by the executive order. For the same reason, we did not include programs that have merely collected and distributed (without the Department's endorsement) information about education programs or practices that appear to be promising. However, the report includes the Department's "National Library of Education." It is included because, in addition to dissemination activities, the Library can provide individualized reference services to other federal employees and the general public. Some dissemination programs also provide technical assistance and financial assistance to developers of educational programs, provide

Merrily Friedlander -- Page3

technical assistance in implementing educational programs, or connect schools and teacher seeking information to appropriate resource centers. See e.g., 20 U.S.C. § 6041(b). We consider these to be federally assisted activities.

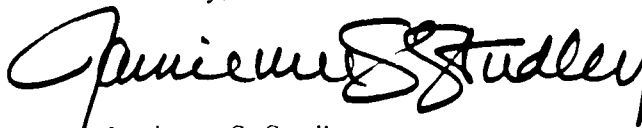
We also did not include individual Department generated reports -- sometimes statutorily mandated -- on specific topics. We do not consider such reports to be education research as they merely report on existing data. Responsive to your request to be over inclusive, we included the Department's National Center for Education Statistics. However, to the extent that the NCES merely collects and reports on educational data, it is unclear whether it should come within the scope of the executive order.

We did not include grant-related programs and activities. For instance, some federally assisted programs allow the Secretary to set-aside a certain percent of program funds to evaluate the impact of the program (see e.g. Charter Schools 20 U.S.C. 8065; Title I program, 20 U.S.C. § 6491; Safe and Drug Free Schools, 20 U.S.C. § 7117), and to develop, replicate, and disseminate successful programs supported by Department grants, (see e.g., *Id* (Charter Schools); Life Skills for Prisoners Program, 20 U.S.C. 1211-2(h), or authorize the Secretary to provide technical assistance to grantees (see e.g., *Id* (Life Skills program); see also Innovative Education Program Strategies, 20 U.S.C. § 7373(a)). We believe that these grant-related activities are beyond the scope of the executive order.

Finally, we did not include the Direct Student Loan Program because, like all of our student financial aid programs, we consider it to be federal financial assistance that invokes coverage under Title VI and Title IX.

Please feel free to call Susan Craig (401-6001) or Lisa Battalia (401-8322) if you have any questions regarding the report.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamiene S. Studley". The signature is fluid and cursive, with the first name being the most prominent.

Jamiene S. Studley
Acting General Counsel

Attachments

FEDERALLY CONDUCTED EDUCATION PROGRAMS

Name of Agency: DEPARTMENT OF EDUCATION

Name of Program	FY 1997 Funding Level	Number and Type of Participants	General description of program	Authority, Policies, and Possible Impediments
National Educational Research Institutes -- non-grant activities	\$54 mil (only \$8.4 is applicable to non- grant activities)	Not applicable (NA)	Funds support the activities of five research institutes within the Department's Office for Educational Research and Improvement (OERI) and organized around topics of national concern in education. The institutes conduct a program of research primarily through grants to fund research centers and studies. The Ass't Sec. of OERI can also conduct research directly or through contract. Other department programs can make arrangements with OERI for research on particular issues.	20 U.S.C § 6031(c); possible impediment (<u>see</u> note 1)

National Educational Research Institutes -- Graduate Study Fellowships	Unknown; program has not yet been implemented	Number unknown; participants must be qualified African-American, Hispanic, American Indian, Alaska Native, or other individuals from groups which have been underrepresented in the field of educational research	Fellowships support graduate study in educational research.	20 U.S.C. § 6031(c)(1)(D)
OERI -- Expert Panels	Unknown; only in pilot stage	Unknown at this time	The Ass't Sec. can establish panels of qualified experts (2/3rds of whom cannot be U.S. government employees) to evaluate submitted educational programs and recommend to the Secretary programs that should be designated as exemplary or promising	20 U.S.C. § 6041(d)
National Library of Education	\$1 mil.	Other federal employees and the public	Provides comprehensive reference services on matters related to education	20 U.S.C. § 6051

Bypass authority under Title I and Title VI of the Elementary and Secondary Education Act	\$7.15 million (Title I); \$1 million (Title VI)	Title I - Only implemented in Missouri and Virginia; 4133 private school students served. Title VI - 155,037 private school students served	Federal contractors provide educational services to eligible private school children in "bypassed" school districts under Title I (which provides services to disadvantaged children) and Title VI (which encourages innovative education strategies). Bypassed districts are unable or unwilling to provide equitable services to private school children	20 U.S.C. 6321(d); 20 U.S.C. § 7372(e). Contracts require compliance with the ADA; possible impediment (<u>see</u> note 2)
National Institute for Literacy (NIFL) -- Fellowships	\$149,747	4 fellowships awarded to 5 individuals	NIFL awards fellowships to individuals engaged in activities that advance the field of adult education and literacy	20 U.S.C. § 1213c(e); 34 CFR Part 1100

Title I and IDEA Allotment for BIA-Operated Schools	Title I - \$45 mil.; IDEA - \$ 38 mil.	Title I - []; IDEA - the last numbers we have are from 1993 showing 6,731 students served	The Secretary provides money to the Secretary of the Interior to meet the needs of disadvantaged children and children with disabilities in schools operated by the Bureau of Indian Affairs. Note: the IDEA allotment can be distributed through cooperative agreements (e.g., federal assistance)	20 U.S.C. § 6331(c); Sec. 611(I) of the Amendments to the Individuals with Disabilities Act of 1997; potential impediment (<u>see</u> notes 2 and 3)
Fellowships for Indian Students	Zero-funded in 1996 and 1997 (\$1.1 mil. In continuation awards only are still being funded with 1995 carryover funds)	75 fellows	Awards fellowships to Indian students to enable them to study in graduate and professional programs	20 U.S.C. § 7083; 34 CFR Part 263; (<u>see</u> note 4)

Research on the Status of Adult Education	\$4.9 million	NA	Federal contractors provide assistance to States in evaluating the status of adult education; Secretary submits report to the President and Congress every 4 years on the status of literacy and adult education	20 U.S.C. § 1213b (<u>see</u> note 1)
Vocational Education Research Program	The Voc. Ed. National program budget is \$13 mil -- most, but not all, is used for research	NA	Through OERI, the Department conducts applied research on specific aspects of vocational education as they relate to improved access for, among others, individuals who are disadvantaged or handicapped, women who are entering nontraditional careers, individuals who are single parents, displaced homemakers, or single pregnant women, and individuals with limited English proficiency.	20 U.S.C. § 2402 (<u>see</u> note 1)

National Center for Education Statistics (NCES)	Report/ Survey costs range from \$30,000 to \$30 million	NA	Primarily through contracts, the NCES collects and reports a wide range of educational data. Cross-sectional Special Purpose Surveys provide detailed information in special topic areas of education; longitudinal surveys collect information of the same students over time and provide information of academic growth and experiences. NCES also produces reports based on the survey data, such as a 1996 report "Women: Education and Outcomes," and a report titled "Educational Progress of Black Youth."	20 U.S.C. §§ 9003, 9004 (see note 1)
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Voluntary National Tests	\$13 mil.	At present, participants include students and parents participating in field tests. We are unable to estimate numbers at this time	The program is designed to test 4th grade students in reading English and 8th grade students in mathematics. The test is being developed by a Federal contractor and will first be administered in the Spring of 1999.	20 U.S.C. 8001. The contractor will develop inclusion guidelines to ensure that all students are included in the test. They will also conduct research on the valid and reliable uses of the test.
Jacob K. Javits Fellowship Program	\$5.9 mil.	247 graduate students	Funds provide fellowships for graduate (primarily doctoral) study in the Arts, Humanities, and Social Sciences to students of superior ability.	20 U.S.C. § 1134h; 34 CFR Part 650

Fulbright-Hays Act -- Faculty Research and Doctoral Dissertation Research Abroad	Faculty - \$744,615; Doctoral - \$1.6 mil.	19 teacher fellows and 75 doctoral student fellows	Funds provide scholarships to scholars to conduct research abroad in the area of modern foreign languages and area studies. Institutions of Higher Education participate in the program through grants by processing and screening applications; the Secretary evaluates and makes a preliminary selection of fellows; the final selection is made by the President's Board on Foreign Scholarships	22 U.S.C. §§ 2452(b)(6); 34 CFR Parts 662 and 663
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Blue Ribbon Schools	\$1 mil.	262 elementary schools (the 1998 cycle will select exemplary secondary schools)	This program was established by the Secretary in 1982. It identifies and recognizes outstanding public and private elementary and secondary schools, and encourages these schools to share "best practices" related to educational success. States, the Council for American Private Education, BIA and DOD nominate schools which are then selected by a national review panel.	NA; possible impediments (see note 5)
Satellite Town Meetings	\$215,000 (2/3rds of funds come from corporate donations)	General public	A Department-sponsored TV program series that is broadcast nationwide. Each program focuses on a particular education issue and highlights 4-6 education programs that have proven effective in that area.	NA; possible impediments (see note 6)

Partnership for Family Involvement in Education	\$1.1 mil (most of which is used for the cost of printing Read*Write*Now tutoring materials)	General public	This initiative (which includes Read*Write*Now and "America Goes Back to School") encourages families and communities voluntarily to get involved in schools and to help children read. As part of the initiative the Department occasionally convenes focus groups, co-sponsors conferences, and researches and produces publications on particular educational issues.	NA
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Presidential Scholars Program	\$250,000	141 high school seniors	This program was established by executive order to recognize outstanding high school students. A federal contractor conducts the initial selection process. Scholars are ultimately selected by a presidentially appointed commission. The commission picks one male and one female scholar from each State. Note that while the Department brings scholars to D.C. and provides them with me Jallions, a private foundation pays for the week of activities for the scholars.	E.O. 11155; possible impediments (see notes 6 and 7)
Teacher's Forum	\$100,000	120 teachers	Each year the Department invites exemplary teachers to the Department to learn about the Department and to learn ways to support education reform.	NA

NOTES ON POSSIBLE IMPEDIMENTS

Note 1 -- The executive order should not direct or control the selection of research topics or of data collection procedures.

Note 2 -- The Department's Title IX regulations permit recipients to operate single-sex elementary and secondary schools as long as the recipient provides for members of the other sex, pursuant to the same admission criteria, comparable courses, services, and facilities. We recommend that the executive order similarly permit the federal government to operate or serve students in single sex schools where comparable services are provided to members of the other sex.

Note 3 -- Any impediments raised by the Bureau of Indian Affairs relating to programs carried out with BIA appropriations should also be considered as they relate to the Department's BIA allotments. In addition, the executive order should clarify that the Department's allotment does not create oversight or enforcement responsibilities for the Department under the executive order.

Note 4 -- The Department has not requested continued funding for the Fellowships for Indian Students program. Thus, it is not expected that the program will continue to operate after 1997.

Note 5 -- As Title IX exempts the admissions practices of elementary and secondary schools, we recommend that the executive order not preclude the Secretary from recognizing exemplary single-sex elementary and secondary schools, where appropriate.

Note 6 -- Where, as here, a federally conducted activity is conducted in partnership with corporate or other private sponsors, we recommend that the executive order clarify that it applies to those activities of the corporation or private entity that are conducted with the federal government.

Note 7 -- The executive order should not create an inconsistency with the previous executive order requiring one male and one female scholar from each state.

Teacher's Listserve	NA	Approximately 200 teachers subscribe (although any teacher can ask to subscribe)	The Department established this e-mail forum for teachers and it manages the subscription list. The Department provides information about itself and highlights promising practices. Listserve members also communicate and share information among themselves. Note: It is likely that there are and will be more Department Listserves.	NA



Office of the Attorney General
Washington, D. C. 20530

Jim -
Would you call Rob
Weiner about this and
per a status report?
Thanks. Elora

PS - By the way, if this

DRAFT
is sent, we should
remove obsolete-sounding
references to "summer
holidays," etc. Elora

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

On June 17, 1997, the 25th anniversary of Title IX of the Education Amendments of 1972, as amended ("Title IX"), you directed executive departments and agencies to reinvigorate the enforcement of Title IX, and stated your intention to issue an Executive order prohibiting discrimination on the basis of race, national origin, and sex in federally conducted education and training programs. Given the incomplete data then available on the types of education and training programs conducted by the Federal government, you also directed executive departments and agencies to submit to the Department of Justice ("Department") an inventory of their education and training programs in order that the Department could review such material and prepare an appropriate order. The purpose of this letter is to provide a summary of actions to date with respect to the initiative on federally conducted education and training programs.

In mid-July, Isabelle Katz Pinzler, Acting Assistant Attorney General, Civil Rights Division, issued a memorandum to 93 executive departments and agencies, ^(agency or agencies) that provided guidance and instructions on their preparation of an inventory of federally conducted education and training programs. In addition, the Civil Rights Division, which is coordinating this effort, has provided extensive advice by telephone to agency staff on a wide range of matters, including guidance or clarification as to whether certain programs should be reported.

At this time, we are pleased to report that we have received submissions from all but a few agencies, and that a few others are providing additional data to ~~complete their reports~~. Given the complexity of this task and the summer holidays, the majority of agencies were diligent in their efforts to collect data from the multiple offices or entities within the agency.

The President
Page 2

Notwithstanding these efforts, however, a substantial number of responses were not received by the stated deadline of August 18, 1997, and many responses were submitted throughout the month of September. In addition, supplemental data from some agencies were received this month.

Currently, we are reviewing the agencies' inventories of federally conducted education and training programs. Examples of programs include: training on how to comply with statutes and regulatory programs; skills development for State and local agencies, or other specific audiences; internships for students which include educational components and/or academic credit; and workshops to teachers on specific topics in order to expand their respective programs and improve teaching techniques. In addition, we are also identifying issues that warrant research and analysis prior to our drafting of an Executive order. Certain agencies have raised concerns about subjecting certain programs to an Executive order, and we will ensure that these concerns are addressed fully. Members of the Civil Rights Division and the Department's Office of Legal Counsel have discussed certain issues with the White House counsel's office, and both offices within the Department will continue to examine these and other matters.

Given the delay in receipt of agency responses, the extensive reports submitted, and the range of issues involved, our review and analysis is proceeding, but not yet completed. The Civil Rights Division, with the assistance of the Office of Legal Counsel, will continue its work, and we will submit a proposed Executive order when this task is completed.

Respectfully,

Janet Reno