SPECIAL SERVICES
School Counseling Services
Sex-Restricted Scholarships

This regulation supersedes Regulation 2515.2.

I. PURPOSE

To clarify the applications of Title IX regulations to scholarships.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

The office name has changed from Guidance Services to School Counseling Services.

III. TITLE IX REGULATIONS THAT PERTAIN TO SCHOLARSHIPS

A. In general, schools are not allowed to provide assistance in the administration of sex-restricted scholarships, with these exceptions:

1. Athletic scholarships offered through a college.

2. Athletic scholarships comparable in number and amount for both sexes administered both locally and at the state level.

3. Awards set up as part of a will or trust.

4. Scholarships to single-sex institutions permitted under Title IX regulations.

5. Scholarships offered by organizations for affirmative action purposes*.

The term “assistance” shall mean administrative services such as special publicity in school counseling newsletters, processing applications, or screening applicants. This definition shall not prohibit counselors, teachers, or administrators as individuals from writing recommendations or providing official data needed by a student to apply for scholarships not being given administrative assistance by the school.

*According to written interpretation received by Fairfax County Public Schools from the director of the Office of Civil Rights, Section 86.3 (b) [of the Title IX regulations] permits affirmative action (to overcome the effects of conditions that resulted in limited participation) in an education program or activity by persons of a particular sex. Under these circumstances, it is permissible for a school division to assist an organization in providing sex-restricted financial assistance to students if the organization demonstrates that there is an underrepresentation of students of the sex to which the assistance is limited in the education program or activity.
B. If a school counseling department receives information about a sex-restricted scholarship, which is not included in the exceptions noted above, the original notice should be posted in a public place so that students have access to the information to pursue on their own, even though the school will not assist in the overall administration of such a scholarship.

C. School counseling departments are encouraged to explain to community or professional groups that offer sex-restricted scholarships that the Department of Education has no authority over groups outside federally financed educational programs and whatever criteria they may establish for their scholarships. The Department of Education does, however, have the authority to prohibit the public schools from giving assistance in the administration of scholarships not available to boys and girls alike, with the above exceptions.