



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

July 21, 2006

Dear Colleague:

I am writing to inform you of a new requirement to provide assurances of compliance with the *Boy Scouts of America Equal Access Act of 2001 (Boy Scouts Act)*, 20 U.S.C. 7905, 34 CFR Part 108. The *Boy Scouts Act* applies to any public elementary school, public secondary school, local education agency (LEA), or state education agency (SEA) that has a designated open forum or limited public forum and that receives funds made available through the United States Department of Education (described in this letter as "recipients subject to the *Boy Scouts Act*"). To comply with the *Boy Scouts Act* regulatory provision at 34 CFR §108.8, you must submit to the United States Department of Education (Department), Office for Civil Rights (OCR), a signed assurance of compliance. The reason for this requirement follows.

On Jan. 8, 2002, President George W. Bush signed into law the *No Child Left Behind Act of 2001*, Public Law 107-110, amending the *Elementary and Secondary Education Act of 1965 (ESEA)*. The *Boy Scouts Act* is section 9525 of the *ESEA*. The *Boy Scouts Act* prohibits any recipient subject to the act from denying equal access or a fair opportunity to meet to, or from discriminating against, any group officially affiliated with the Boy Scouts of America (Boy Scouts) or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within the recipient's designated open forum or limited public forum.

If OCR determines, based on the investigation of a complaint, that a recipient subject to the *Boy Scouts Act* has not complied with the act or with its lawfully adopted regulations, guidelines and standards, OCR will attempt to secure the recipient's voluntary compliance. If OCR is unable to negotiate a voluntary agreement with the recipient, OCR will initiate enforcement action, which could include termination of all funds made available through the Department.

The final regulations for the *Boy Scouts Act* were published in the Federal Register on March 24, 2006. A copy of the Federal Register notice can be found on the Department's Web site at <http://www.ed.gov/legislation/FedRegister/finrule/2006-1/032406a.html>. More information on the *Boy Scouts Act* can be found on OCR's Web site at <http://www.ed.gov/policy/rights/guid/ocr/boyscouts.html>.

One of the *Boy Scouts Act*'s regulatory provisions, at 34 CFR §108.8, concerns assurances of compliance with the act. An applicant for funds made available through the Department to which the *Boy Scouts Act* applies must submit an assurance that the applicant will comply with the act and its regulations.

In order to collect these assurances of compliance with the *Boy Scouts Act*, we have amended the form OCR uses to collect assurances of compliance with other laws enforced by OCR. That form (now called "Assurance of Compliance—Civil Rights Certificate") includes language by which the applicant assures that it will comply with Title VI of the *Civil Rights Act of 1964*, which prohibits discrimination based on race, color or national origin, Title IX of the *Education Amendments of 1972*, which prohibits sex discrimination in education programs or activities, Section 504 of the *Rehabilitation Act of 1973*, which prohibits discrimination on the basis of disability, the *Age Discrimination Act of 1975*, which prohibits age discrimination, and the *Boy Scouts Act*, as well as all regulations, guidelines, and standards lawfully adopted under these statutes.

I have enclosed a copy of the Assurance of Compliance—Civil Rights Certificate (OMB Approval No. 1870-0503). OCR requires that this assurance of compliance be signed only one time. We will keep the signed assurance of compliance on file. The signed form will apply to all federal financial assistance from the Department or funds made available through the Department, including any assistance or funds sought in the future.

Please have the form signed by an authorized official. OCR is not able to accept electronic signatures. Please return the signed form to OCR, at the address printed near the end of the form, by September 8, 2006.

If you have any questions about the Assurance of Compliance—Civil Rights Certificate or about the enforcement of the *Boy Scouts Act*, please contact OCR's Customer Service Team at 1-800-421-3481, TDD: 877-521-2172, or by e-mail at OCR@ed.gov. You can also contact the OCR Enforcement Office for your state. Relevant information on the OCR Enforcement Offices can be found at <http://wdcrobc01.ed.gov/CFAPPS/OCR/contactus.cfm>.

I look forward to continuing our work together to ensure equal access to education and to promote educational excellence throughout the nation, and I thank you for all of your efforts on behalf of America's students.

Sincerely,



Stephanie Monroe
Assistant Secretary for Civil Rights

Enclosure

United States Department of Education, Office for Civil Rights

ASSURANCE OF COMPLIANCE – CIVIL RIGHTS CERTIFICATE

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, SECTION 504 OF THE REHABILITATION ACT OF 1973, THE AGE DISCRIMINATION ACT OF 1975, AND THE BOY SCOUTS OF AMERICA EQUAL ACCESS ACT OF 2001

The applicant or recipient (hereinafter applicant) provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans and contracts (except contracts of insurance or guaranty), property, discounts, other Federal financial assistance from the United States Department of Education (Department), or funds made available through the Department. This assurance applies to all Federal financial assistance from or funds made available through the Department, including any that an applicant may seek in the future.

The applicant assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance.
2. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.
3. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.
4. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
5. If applicable, the Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. 7905, which requires equal access for the Boy Scouts of America and other designated youth groups to meet at public schools. This law applies to any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department.
6. All regulations, guidelines, and standards lawfully adopted under the above statutes by the Department.

The applicant agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal financial assistance from or funds made available through the Department, and that it is binding upon the applicant, its successors, transferees, and assignees for the period during which this assistance or these funds are provided. The applicant further assures that all contractors, subcontractors, subgrantees, or others with whom it arranges to provide services or benefits are not discriminating in violation of the above statutes, regulations, guidelines, and standards. In the event of failure to comply, the applicant understands that this assistance or these funds can be terminated and the applicant denied the right to receive further assistance or funds. The applicant also understands that the Department may, at its discretion, seek a court order requiring compliance with the terms of the Assurance or seek other appropriate judicial relief.

The person or persons whose signature(s) appear(s) below is/are authorized to commit the applicant to the above provisions.

Date	Authorized Official(s)
PLEASE RETURN TO:	Title of Authorized Official(s)
U.S. Department of Education Office for Civil Rights 400 Maryland Avenue, SW Washington, DC 20202-1100	Name of Institution or Agency
	Street
	City, State, Zip Code

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1870-0503. The time required to complete this information collection is estimated to average 20 minutes per response, including the time to review instructions and complete the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** U.S. Department of Education, Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100.