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U.S. Department of Education

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Dear Colleague Letter

OFFICE OF THE ASSISTANT SECRETARY

January 13, 2009

Dear Colleague:

Second Request -- Obligation to Submit Assurance of Compliance Civil Rights Certificate to the U.S. Department of Education

On July 21, 2006, I wrote to you to inform you of the new requirement to submit to the United States Department of Education (Department), Office for Civil Rights (OCR) an assurance that you will comply with the requirements of the *Boy Scouts of America Equal Access Act* (Boy Scouts Act), 20 U.S.C. 7905, 34 C.F.R. Part 108, and with other federal civil rights statutes enforced by OCR.¹ I asked that you provide your assurance to OCR by September 8, 2006. As of this date, however, we have no record of receiving your signed assurance.

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.² and receives funds made available through the Department. (In this letter, these entities are described as “recipients subject to the Boy Scouts Act.”) The Boy Scouts Act prohibits recipients subject to the Boy Scouts 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 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. The Boy Scouts Act regulation at 34 C.F.R. § 108.8 requires a recipient subject to the Boy Scouts Act to submit to OCR a signed assurance that it will comply with the Act if applicable. While you may not currently have a designated open forum or limited public forum, we are requesting that you submit the assurance, which states that you will comply with the Act if applicable. By submitting your assurance now, you ensure that you are in compliance with the regulatory requirement to submit an assurance should you create an open forum or limited

public forum at any time in the future. Additional information about the Boy Scouts Act is available on OCR's Web site at <http://www.ed.gov/policy/rights/guid/ocr/boyscouts.html> (<http://www.ed.gov/policy/rights/guid/ocr/boyscouts.html>).

The assurance we are asking you to sign regards not only the Boy Scouts Act but also other laws OCR enforces: 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* and the *Age Discrimination Act of 1975*. Enclosed with this letter is a copy of the Assurance of Compliance—Civil Rights Certificate form (OMB Approval No. 1870-0503) that OCR uses to collect assurances of compliance with these laws. Please complete the Assurance of Compliance—Civil Rights Certificate and mail it to OCR. Your submission assures that your entity will comply with the referenced civil rights laws, as well as all regulations, guidelines, and standards lawfully adopted under these statutes. This assurance is being mailed to SEAs and LEAs; it does not need to be provided to individual public elementary or secondary schools.

The Assurance of Compliance—Civil Rights Certificate you submit must be signed by an official who has the authority to enter into legally binding agreements on your entity's behalf. You must provide OCR with your signed assurance of compliance only once, as the signed form applies to all federal financial assistance from the Department or funds made available through the Department, including any assistance or funds sought in the future. In addition to the copy enclosed with this letter, the Assurance of Compliance—Civil Rights Certificate is available on OCR's Web site at <http://www.ed.gov/about/offices/list/ocr/letters/boy-scouts-assurance-form.pdf> (<http://www.ed.gov/about/offices/list/ocr/letters/boy-scouts-assurance-form.pdf>).

Please mail the signed Assurance of Compliance—Civil Rights Certificate to OCR, no later than February 27, 2009 at:

U.S. Department of Education
Office for Civil Rights
400 Maryland Ave. S.W.
Washington, DC 20202-1100

If you have previously submitted a signed assurance, we have not received it and thus we are sending you this letter and ask that you resubmit a signed assurance with an original signature. OCR does not accept electronic or faxed signatures.

If you have questions regarding the Assurance of Compliance—Civil Rights Certificate, please contact us by e-mail at OCR@ed.gov (<mailto:OCR@ed.gov>). You may also contact the OCR Enforcement Office for your state. Contact information for OCR Enforcement Offices can be found at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> (<http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>).

Thank you for your cooperation.

Sincerely,

Stephanie J. Monroe
Assistant Secretary for Civil
Rights

¹ The July 21, 2006, letter is available on OCR's Web site at
<http://www.ed.gov/about/offices/list/ocr/letters/boy-scouts-20060721.html>
(<http://www.ed.gov/about/offices/list/ocr/letters/boy-scouts-20060721.html>).

² The Boy Scouts Act implementing regulation states: "*Designated open forum* means that an elementary school or secondary school designates a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program." 34 C.F.R. § 108.3(e). "*Limited public forum* means that an elementary school or secondary school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory." 34 C.F.R. § 108.3(i).

Enclosure (</about/offices/list/ocr/letters/boy-scouts-assurance-form.pdf>)

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