

**TOOLS OF THE TRADE**  
*Using the Law to Address Sex Segregation in High School Career and Technical Education*

# ARIZONA TOOLKIT

## ARIZONA FACTS

• **89%**

of students enrolled in CTE courses that are traditional for women are girls.

• **15%**

of students enrolled in CTE courses that are nontraditional for women are girls.

• **5,078**

girls are enrolled in early childhood professional courses, compared to only 558 boys.

• **708**

girls are enrolled in automotive technology courses, compared to 5,834 boys.

• **51%**

of CTE courses offered are nontraditional for girls.

• **12%**

of girls in CTE are enrolled in nontraditional courses.

Source: Enrollment data are for the 2003-2004 school year and were obtained from the Arizona Department of Education.

The National Women's Law Center released a Report in October 2005 entitled "*Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education*." The Report analyzes enrollment data for career and technical education (CTE) programs in twelve geographically dispersed states—including Arizona—as well as laws that can be used to open doors for girls and women to nontraditional training and careers.

The data show a stark pattern of under-representation of girls in nontraditional CTE courses in every region of the country. These numbers, along with evidence of barriers faced by female students, show the continued gender inequities that limit girls' enrollment in nontraditional courses. These limitations, in turn, affect girls' opportunities to attain economic self-sufficiency in the workforce.

The "Tools" in the Report are provisions of federal and state laws that can be used to address gender inequities in CTE, drawing on examples of laws from the twelve states in our sample. To enable advocates in these twelve states to immediately utilize the legal tools available in their states, we have created twelve state-specific toolkits that contain CTE enrollment data, legal analysis of applicable state laws, and targeted suggestions for how advocates in the state can work to improve gender equity in CTE programs. We have also developed a general toolkit that can be used as a model for advocates in other states.

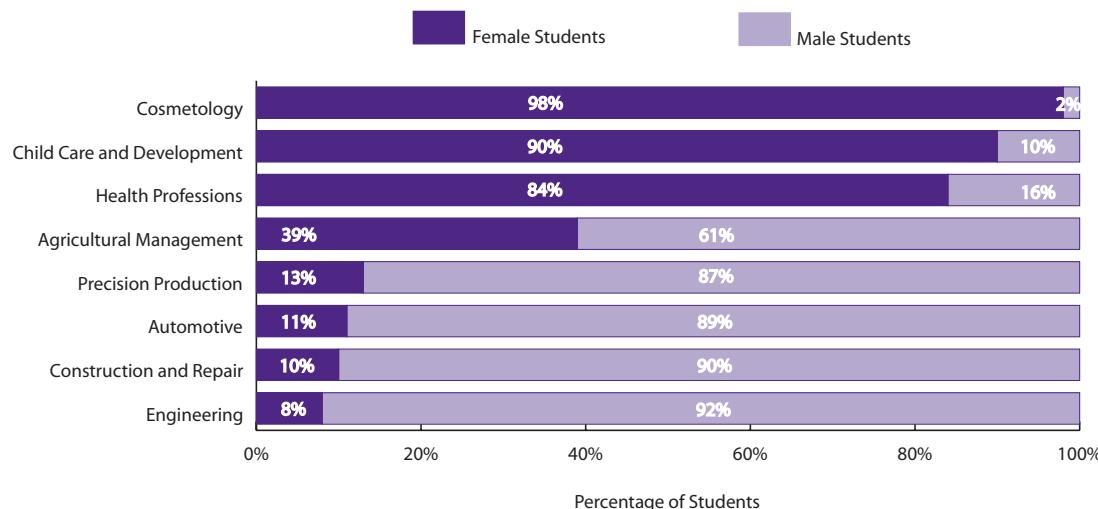
This fact sheet addresses Arizona data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

## ARIZONA CTE ENROLLMENT DATA

### GIRLS ARE THE VAST MAJORITY OF STUDENTS IN TRADITIONALLY FEMALE CAREER AND TECHNICAL EDUCATION COURSES AND THE MINORITY IN NONTRADITIONAL COURSES IN ARIZONA

The National Women's Law Center's analysis of Arizona statewide CTE course enrollment data from 2003-2004 shows that girls make up 89 percent of students in traditionally female courses and just 15 percent of students in nontraditional courses. The chart below shows the gender imbalances in enrollment in specific course categories.

### Enrollment Data Show Gender Disparities in Arizona Career and Technical Education Courses that are Traditional or Nontraditional for Females

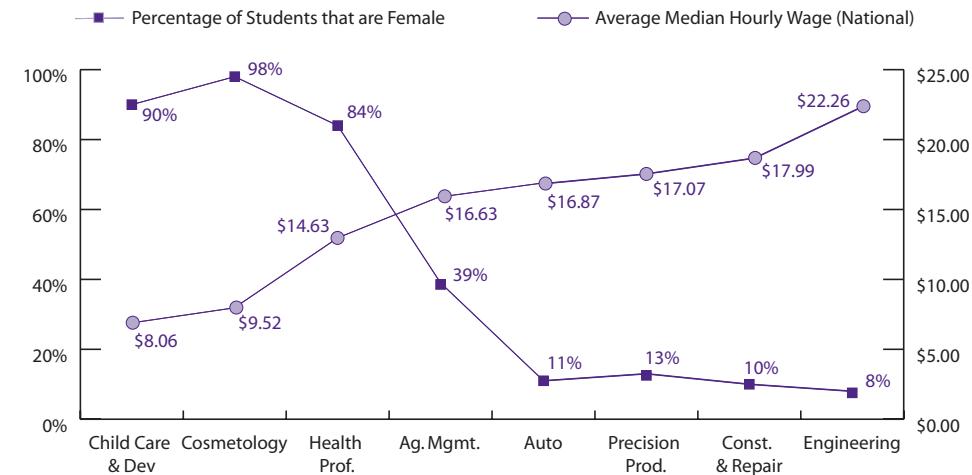


Source: Arizona Department of Education

### SEX SEGREGATION IN CAREER AND TECHNICAL EDUCATION LIMITS GIRLS' EARNING POTENTIAL AND DISADVANTAGES THEM IN THE LABOR FORCE

Sex segregation in CTE courses has critical implications for girls' economic security as adults. This is because the traditionally female fields into which large numbers of girls are being funneled pay substantially lower wages than nontraditional fields. As the chart below shows, in general, the level of girls' representation in training programs in a field decreases as wages rise.

### Fields with a Higher Median Wage Have Fewer Female Career and Technical Education Students in Arizona



Sources: Arizona Department of Education; U.S. Bureau of Labor Statistics

## ARIZONA TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION

---

The following sections explain provisions of Arizona law that can be used to address girls' under-representation in nontraditional CTE courses in the state, and offer suggestions for action steps that you can take based on those state laws.<sup>1</sup> For a description of tools based on federal law, see the *Tools of the Trade* Report at <http://www.nwlc.org>.

### **UNDERSTANDING ARIZONA LAW**

- *Schools may not discriminate on the basis of sex, including in admissions.*

The Arizona Constitution guarantees that the “privileges and immunities” of laws “equally belong to all citizens or corporations.” This clause of the constitution has been interpreted to provide equal protection of the law to Arizona citizens and corporations. The Arizona Constitution further requires that state educational institutions openly admit students of both sexes.

- *Teachers and administrators may not discriminate against or harass any students on the basis of sex and must attempt to protect students from conditions harmful to learning, health, or safety.*

Arizona regulations prohibit teachers, professionals, and administrators holding certificates issued by the Arizona Board of Education, the policymaking arm of the Department of Education, from discriminating against or harassing students or school employees on the basis of race, national origin, religion, sex, sexual orientation, disability, color, or age. Additionally, individuals certified by the Board are instructed to make reasonable efforts to protect students from conditions harmful to learning, health, or safety.

Students and employees experiencing discrimination may file a “statement of allegation” against the offending teacher, administrator, or professional with the Board of Education, which must investigate the allegation and, when appropriate, discipline the individual. After completing its investigation, the Board may file a complaint against the individual who has violated the policy. In addition, the Department may investigate and file a complaint against a certificated individual upon “receiving any information, from any source, indicating immoral or unprofessional conduct.” The Professional Practices Advisory Committee will hold a hearing on a complaint by the Board and issue a decision. A final decision by the Board is appealable to state superior court.

- *Charter schools may not discriminate on the basis of gender, including in admissions.*

Charter schools may not discriminate in admissions based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, or athletic ability. Additionally, charter schools must comply with all federal, state and local rules, regulations, and statutes relating to civil rights.

- *Academic contests funded by the Arizona Department of Education must be open to all students regardless of gender.*

Academic contests must be open to all students regardless of race, creed, gender, or national origin in order for school districts to receive funds for those contests.

---

<sup>1</sup> While this legal fact sheet is, to the best of the authors' knowledge, current as of October 2005, there may well be subsequent developments, including legislative initiatives or court cases, which could alter the information provided here. This fact sheet does not constitute legal advice; individuals and organizations considering legal action should consult with their own counsel before deciding on a course of action.

## RESOURCES FOR LEARNING MORE ABOUT ARIZONA LAW

To learn more about Arizona law, you may wish to read some of the statutes and regulations described in this fact sheet or to contact the Arizona Department of Education.

- Arizona statutes and regulations can be found online at <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp> and [http://www.azsos.gov/Rules\\_and\\_Regulations.htm](http://www.azsos.gov/Rules_and_Regulations.htm).

- Arizona Department of Education  
1535 West Jefferson St.  
Phoenix, AZ 85007  
<http://www.ade.state.az.us>  
602.542.5393

- Local school districts must adopt policies and procedures concerning students with pregnancy complications.

The Arizona School Boards Association recommended policy for pregnant students provides that pregnant students should have the same educational opportunities as their peers and that they shall not be involuntarily excluded from any part of the school program. Some, but not all, school districts have adopted this policy. Pregnant students experiencing discrimination should consult their district's policy.

In addition, Arizona law classifies pregnant students with "complications" as "pupils with chronic health problems." School districts must adopt policies and procedures that provide continuing learning for those students while they are absent from school. Specifically, schools are instructed to provide homework to those students to ensure that they have the opportunity to keep up with assignments and be flexible regarding any physical education requirements. Pregnant students experiencing problems that prevent them from engaging in traditional school programs should inform their school and provide confirming information from their physician.

- Arizona schools may utilize special programs to encourage students to consider and enroll in nontraditional career and technical education programs in local high schools, community colleges, and universities.

The Arizona Department of Education funds the PHASE/ADE Nontraditional Career and Technical Education Partnership to enhance enrollment and retention of minority students in nontraditional CTE programs. The program works with educators and students to encourage students to consider nontraditional career and technical education courses, programs, and future careers. The program also offers workshops that educate teachers about effective recruitment, placement, and retention strategies. Finally, the program provides video and print resources on nontraditional careers, sexual harassment prevention, and gender equity.

Participation in the PHASE/ADE program by individual schools is not mandatory; generally, schools must request the program or a CTE administrator may recommend that a school participate if nontraditional enrollment or retention at the school is not satisfactory. Advocates may contact their school administrators or the Department of Education's CTE Nontraditional Coordinator to request these programs for their schools.

- Most local school districts have uniform anti-discrimination and anti-harassment policies and procedures.

Arizona school districts operate under independently elected governing boards and each district is free to institute its own policies. There is some uniformity with regard to gender equity policies because all but a handful of districts have adopted the policies recommended by the Arizona School Boards Association, a private corporation that provides local governing boards and their members with a catalogue of resources and training activities on relevant legal and practical matters. These policies include:

- (1) A "non-discrimination/equal opportunity" clause, which prohibits discrimination based on race, color, religion, sex, age, national origin, and disability;

- (2) An “equal education opportunities” clause, which establishes each student’s right to participate in classroom instruction and extracurricular activities unimpaired by race, color, religion, sex, age, national origin, and disability;
- (3) A “sexual harassment” clause, which instructs all individuals associated with the district to conduct themselves in a manner that provides an atmosphere free from sexual harassment.

Each gender-equity policy contains a complaint procedure, which identifies the compliance officer (generally the superintendent) and provides a complaint form.

- *The Arizona Department of Education provides a policy and procedure for addressing complaints of sex discrimination.*

To assure compliance with Title IX, the Arizona Department of Education has a three-fold policy that prohibits sex discrimination, including sexual harassment in schools, and outlines a procedure to address complaints. The policy and procedure applies to all schools operated by all Arizona state agencies.

As a first step in addressing sex discrimination in a vocational education program, advocates should exhaust the school grievance procedure. Students experiencing sex discrimination may then file a complaint with the state Department of Education Title IX coordinator. Additionally, if a school lacks a grievance procedure, complaints may be made directly to the Title IX Coordinator.

### **USING ARIZONA LAW TO PROMOTE GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION**

To address under-representation of, or sex discrimination against, girls in nontraditional CTE, you can use both Arizona and federal laws. For a description of these important federal tools, please see the *Tools of the Trade* Report, available at <http://www.nwlc.org>. The following scenarios describe examples of potentially illegal sex discrimination and discuss some of the options for remedying the problems using Arizona law.

- *Young women represent only a small percentage of the students enrolled in traditionally male career and technical education courses.*

The under-representation of young women in traditionally male CTE courses is evidence that discrimination may be at work, even absent any intent to harm young women or limit their opportunities. Even if you don’t know the specific causes of the under-representation, you can take steps to address it:

- ▶ Ask your school or school district to investigate the reasons for the under-representation. Remind your school district that it must develop and maintain policies to prevent and investigate acts of harassment and discrimination. Ask to see a copy of the school district’s current policy.



*Regardless of the types of protection and remedies afforded by your state’s laws, federal protections and remedies are available for use in any public school and in any other educational program in the state that receives federal funds.*

- 

*For example:* Federal law requires each school and school district in your state to have a grievance procedure for responding to sex discrimination and harassment. You can use these procedures to protest discrimination.

- 

Federal law also requires your state to collect relevant data and evaluate schools’ compliance with civil rights laws. You can ask your state to make sure it is fulfilling these responsibilities and get the information that the state has compiled.

- 

In addition, you may file a complaint of sex discrimination with the Office for Civil Rights of the U.S. Department of Education or file a lawsuit under Title IX, the federal law that prohibits sex discrimination in education, and/or the U.S. Constitution’s Equal Protection Clause.

## IMPROVING ENFORCEMENT OF CURRENT LAW

*Ensuring enforcement of current law is an important method of improving girls' treatment in CTE. To improve enforcement of current Arizona law, you can take some of the steps set forth in the "Using the Law" section above. You can also consider:*

•

Using the Arizona public records law to request information from the Department of Education about (a) the number of incidents of discrimination and harassment that have been reported to it over the last several years and (b) the Department's response to those reports and its plan to enforce the law. If the records reveal inadequate enforcement, consider contacting your state Attorney General's office or taking other legal action.

•

Publicizing the problems of under-representation through letters to the editor or guest columns in local media.

Explain to your school that it should include the information listed at p. 24 of the *Tools of the Trade* report, available at <http://www.nwlc.org>, in its investigation.

- ▶ Ask the Arizona Department of Education to investigate the reasons for the under-representation. Tell the Department that the U.S. Department of Education requires all states to conduct periodic compliance reviews of selected schools to determine whether they are engaging in unlawful discrimination under Title IX. (See the *Tools of the Trade* Report, available at <http://www.nwlc.org>, for more information on this federal law requirement.)
  - ▶ Ask your school, school district, or the Arizona Department of Education to take proactive steps to reduce under-representation. Make sure that your school district has in place required anti-discrimination and anti-harassment policies and ask whether the district takes advantage of the training and technical assistance from the PHASE/ADE Nontraditional Career and Technical Education Partnership. You also can ask your school, school district, or state enforcement agency to take specific steps you think would help—for example, engaging in targeted outreach and recruitment activities to encourage girls to enroll in non-traditional programs; requiring that counselors and other school personnel provide full information to CTE students about nontraditional options and the wages they can expect to earn in different fields; or sponsoring programs for parents to acquaint them with nontraditional CTE options for their children. For additional proactive steps that can help to reduce under-representation, see pp. 25-26 of the *Tools of the Trade* report, available at <http://www.nwlc.org>.
  - ▶ Make sure that discriminatory practices or other violations of applicable laws are addressed, through additional legal action if necessary. See some examples below.
- *A female student told her guidance counselor she wanted to take computer networking courses, but the guidance counselor urged her to enroll in cosmetology instead.*
  - *The teacher and students in an auto-body course sexually harass female students in the class and make disparaging comments about women based on gender stereotypes.*

Steering students to classes because of their gender, sexual harassment, and gender stereotyping are sex discrimination.

Ask to see your school district's anti-discrimination and anti-harassment policy and make sure that it prohibits sex discrimination and is being enforced. If your school does not voluntarily correct the discrimination, you can consider filing a complaint with your school district using its own grievance procedure.<sup>2</sup> You may also bring a statement of allegation to the state Department of Education, or a complaint under Title IX to the Department's Title IX Coordinator, to ensure that your

<sup>2</sup> Contacting your school about sexual harassment is important in order to preserve all federal remedies for the harassment. Under federal courts' interpretation of Title IX, a school may not be held liable for monetary damages if the school did not have notice of the harassment.

school or school district corrects the discrimination and complies with the law.

Affected students and their parents also have the option of filing a lawsuit alleging that the sex discrimination violates the equal protection clause of the Arizona Constitution or appealing the Department of Education's decision under regulations prohibiting teachers, professionals and administrators from discriminating on the basis of sex. Such claims can be combined with claims under federal law, as described in the *Tools of the Trade* Report, available at <http://www.nwlc.org>.

- *A pregnant student is forced to take a child care class rather than the information technology course she prefers.*

Preventing pregnant students from enrolling in nontraditional CTE courses is sex discrimination. It may also conflict with your school district policy regarding pregnant students with complications. You can consider filing a complaint using the procedures set forth in your school district's sex discrimination policy. You can also, as described in the above example, bring a statement of allegation or a complaint to the Arizona Department of Education or the Title IX Coordinator and/or consider the option of filing a lawsuit under the equal protection provisions of the state constitution or federal law.

### **IMPROVING ARIZONA LAW TO PROMOTE GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION**

The following is a non-exhaustive list of tools for enhancing gender equity in CTE programs. Arizona could:

- ▶ **Enhance the explicit prohibitions of state law:** The Arizona legislature could explicitly prohibit all forms of sex discrimination in K-12 and post-secondary education, including but not limited to sexual harassment, sex and gender stereotyping, pregnancy discrimination, sexual orientation discrimination, and practices that result in inequitable treatment of female students regardless of discriminatory intent, and direct state enforcement agencies to provide additional guidance and technical assistance to schools to implement anti-discrimination policies.
- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:** Arizona could:
  - Require all schools to participate in the PHASE/ADE Nontraditional Career and Technical Education Partnership.
  - Require, and provide technical assistance to enable, school districts to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are non-traditional for their gender.
  - Require school districts to provide regular anti-harassment and anti-discrimination training.
  - Require school districts to develop, and regularly update, comprehensive equity plans to identify and address discriminatory practices and artificial barriers.
  - Implement requirements for collection, and broad dissemination, of comprehensive data on enrollment and retention in, and graduation from, CTE programs, broken down by race, gender, national origin and other criteria.
  - Encourage school districts to serve as statewide models for enhancing gender equity by documenting their investigations and proactive steps so that their efforts can be replicated in school districts throughout the state.
  - Consider requiring other proactive steps, such as those outlined at pp. 25-26 of the *Tools of the Trade* Report, available at <http://www.nwlc.org>.
- ▶ **Enhance enforcement and other mechanisms to address gender equity in career and technical education:** To improve enforcement of current or new gender equity and anti-discrimination laws, Arizona could:
  - Make clear that individuals may recover damages and attorneys' fees in suits to enforce their rights under state equity laws.
  - Establish a task force to study the causes of and recommend means to address the under-representation of girls in nontraditional CTE, and implement identified steps.
  - Mandate periodic compliance reviews to determine whether selected schools are engaged in unlawful discrimination.

For suggestions for improving states' gender equity in education laws generally, please see the *Tools of the Trade* Report available at <http://www.nwlc.org>.

## CONTACT THE NATIONAL WOMEN'S LAW CENTER

*The National Women's Law Center may be able to provide advice or assistance regarding your state's laws.  
Please contact us if:*

- you believe you have been subjected to sex discrimination that has prevented you from participating in or fully benefiting from CTE classes;
- you want to take action to address the under-representation of female students in CTE in your school or state;
- you feel your state laws prohibiting sex discrimination in education are not being properly enforced; or
- you would like help improving your state's laws to protect students from sex discrimination in education and to raise enrollment of female students in non-traditional CTE courses.

National Women's Law Center  
11 Dupont Circle, NW, Suite 800  
Washington, DC 20036  
202-588-5180  
[info@nwlc.org](mailto:info@nwlc.org)

This toolkit is one of twelve state toolkits created by the National Women's Law Center in conjunction with its report, *Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education*. Toolkits are available for Arizona, California, Florida, Illinois, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, and Washington. A general toolkit for other states is also available. All toolkits and the *Tools of the Trade* report can be accessed at [www.nwlc.org](http://www.nwlc.org).

The National Women's Law Center is a non-profit organization that has worked since 1972 to advance and protect women's legal rights. The Center focuses on major policy areas of importance to women and their families, including education, employment, health and reproductive rights, and family economic security—with special attention given to the needs of low-income women.

