

CALIFORNIA TOOLKIT

CALIFORNIA FACTS

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83%

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

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14%

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

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16,983

girls are enrolled in child care and development courses, compared to only 3,500 boys.

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3,604

girls are enrolled in automotive courses, compared to over 28,000 boys.

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47%

of CTE courses offered in California are nontraditional for girls.

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23%

of girls in CTE are enrolled in nontraditional courses.

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Source: Enrollment data are for the 2003-2004 school year and were obtained from the California 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 California—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.

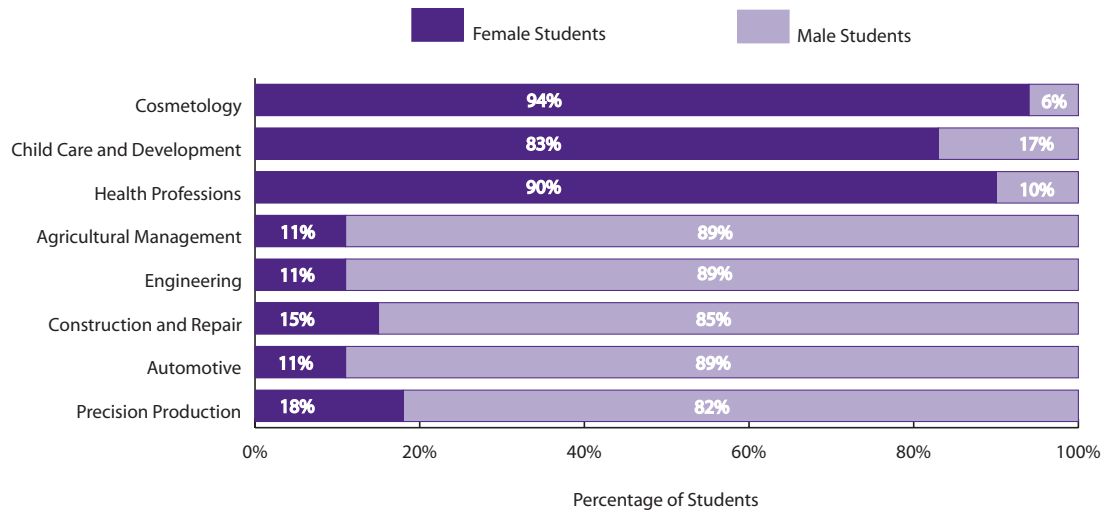
This fact sheet addresses California data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

CALIFORNIA 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 CALIFORNIA

The National Women's Law Center's analysis of California statewide CTE course enrollment data from 2003-2004 shows that girls make up 83 percent of students in traditionally female courses and just 14 percent of students in non-traditional courses. The chart below shows the gender imbalances in enrollment in specific course categories.

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

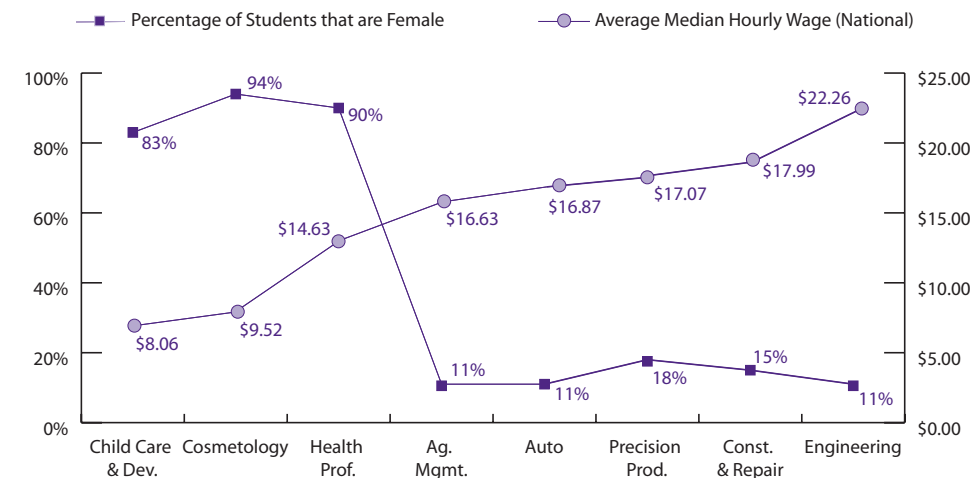


Source: California Department of Education

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 California



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

CALIFORNIA TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION

The following sections explain provisions of California 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.¹ For a description of tools based on federal law, see the *Tools of the Trade* Report at <http://www.nwlc.org>.

UNDERSTANDING CALIFORNIA LAW

State Prohibitions and Requirements

- *Each person in California public schools must receive equal rights and opportunities regardless of sex, ethnic origin, race, national origin, religion, or mental or physical disability.*

The California Constitution guarantees all people due process of law and equal protection under the laws. It further states that no individual may be disqualified from pursuing or entering a vocation or employment because of sex.

In addition, it is the policy of the state of California that all individuals, regardless of sex, be free from discrimination of all kinds in the educational institutions in the state. The California Education Code requires California public schools to give all students equal rights and opportunities regardless of sex, ethnic origin, race, nationality, religion, or mental or physical disability. Moreover, California public schools must affirmatively combat racism, sexism, and other forms of bias. Schools should teach students about their right to equal opportunity to increase awareness and sensitivity and to promote tolerance as a way of responding to potential harassment and violence.

- *Elementary and secondary school classes, including non-academic classes, must be conducted without regard to sex, and school districts may not prohibit a pupil from enrolling in such classes on the basis of sex.*

Enrollment and courses in elementary and secondary schools in the state must be conducted without regard to the sex of the enrolled students. Elementary and secondary schools may not require students of one sex to take a course if they do not require the same of the opposite sex. Exceptions under this section are made for activities such as the Girl and Boy Scouts and other voluntary youth organizations that have been traditionally designated for one gender.

- *California alternative schools and charter schools may not discriminate on the basis of sex, race, or ethnicity.*

Sex, race, and ethnicity discrimination are prohibited in California alternative and charter schools. These schools may not discriminate against students based on gender and may not permit sexual harassment, which is a form of gender discrimination.

- *School counselors, teachers, and administrators may not offer career or school program guidance to an individual of one sex that is different from the advice given to a student of the other sex.*

The California Education Code bars teachers, counselors, and administrators from giving advice on the basis of gender when counseling students about class and career opportunities. Advice given to female students should be no different than that given to male students.

¹ 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 CALIFORNIA LAW

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

- California educational equity law prohibiting sex discrimination in education:

Cal. Educ. Code § 200 et seq.
Cal. Code. Reg. Tit. 5, §§ 4620

- California statutes can be found online at
<http://www.leginfo.ca.gov/calaw.html>

- California regulations can be found online at <http://www.calregs.com/>

- California Department of Education
1430 N Street
Suite 4503
Sacramento, CA 95814
<http://www.cde.ca.gov/>
916.319.0800

Moreover, the Education Code requires that school personnel who offer advice to students about careers or courses leading to careers encourage students to consider courses that are nontraditional for their gender.

- *Sexual harassment is expressly prohibited. All educational institutions in the state must have a written policy forbidding sexual harassment.*

Sexual harassment is a form of sex discrimination and is impermissible in the state of California. Thus, all students have the right to full participation in all educational programs free from discrimination and harassment, including gender discrimination and sexual harassment. In addition, educational institutions must have written anti-harassment policies that are prominently displayed and that describe available remedies for victims of sexual harassment. The policies must be distributed to new students during orientation activities, and must be given to all faculty and staff at the beginning of each school year or when a new individual is hired.

- *The Superintendent of Public Instruction must give highest priority in funding programs serving pregnant students to those programs that meet state goals of ensuring continuity of education.*

California law states that it is in the best interest of pregnant and parenting teens that school districts develop and implement strategic plans to improve services to pregnant and parenting teens and to help ensure continuity of education. The Superintendent of Public Instruction awards funding to school districts to support programs for pregnant and parenting teens and should give highest priority to programs that address the following goals: preventing school dropouts, encouraging school reentry, preventing second pregnancies, providing pregnant and parenting teens with employment skills, providing transportation between home and school, and offering adequate childcare. The Superintendent should provide information about model plans to all school districts and help school districts to design their plans.

- *No teacher in California public schools may conduct an activity that reflects adversely on people because of their race, sex, color, creed, handicap, national origin, or ancestry.*

Teachers in California public schools may not teach curricula or promote activities that reflect negatively on people because of their race, sex, color, creed, handicap, national origin or ancestry.

- *All instructional materials used in California schools must accurately portray the cultural and racial diversity of society, including the contributions of both men and women in all types of roles.*

The Education Code requires that materials used in classrooms in California must accurately reflect the diversity of the state. School governing boards must ensure that classroom materials portray the contributions of both men and women. In addition, no instructional materials may reflect adversely upon individuals based on their sex.

- *No community college may prohibit a student from enrolling in a course on the basis of sex. Community colleges must conduct classes without regard to the sex of the enrolled students.*

Community colleges may not bar students from enrolling in a course based on their sex. In each course, students must be treated equally, regardless of their sex, and may not be singled out or separated within a class on the basis of gender.

- *The state bars discrimination against, or preferential treatment for, any person on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting.*

Proposition 209, now codified in the California Constitution, prohibits discrimination or preferential treatment based on race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting.

- *The State of California provides funding for programs to teach educators about gender equity.*

The Superintendent of Public Schools makes grants to the governing boards of school districts that apply for a “train the trainers” program, which teaches educators about gender equity. Districts will be chosen to receive the grant money if they have: 1) developed criteria for training staff about gender, 2) considered other avenues of funding, and 3) included an evaluation plan for how gender training programs will be evaluated.

In addition, California’s Department of Education and the Community College Chancellor’s Office sponsor the Joint Special Populations Advisory Committee, which maintains a website, sponsors professional development workshops and conferences, and engages in research to encourage students to participate in nontraditional employment and training.

Enforcement and Other Mechanisms to Address Gender Equity

- *Educational programs must certify compliance with state anti-discrimination laws to receive state funds or state student financial assistance.*

Each educational program must adhere to state anti-discrimination laws in order to receive state funds and state student financial aid. Educational institutions may show compliance by submitting a written assurance of compliance for all the programs within the institution.

- *The Superintendent of Public Instruction must ensure compliance with Title IX.*

The Superintendent of Public Instruction must ensure that local educational agencies meet the requirements of Title IX of the Educational Amendments and its related regulations.

- *The heads of the California State University system and the University of California have the primary responsibility of ensuring that campus programs and activities are*

USE FEDERAL TOOLS TOO !

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.

free from discrimination based on ethnicity, religion, age, sex, color, or physical or mental disability.

Within the California State University and the University of California systems, the chancellors and presidents of each campus are responsible for ensuring that programs and activities are free from discrimination, including gender discrimination.

- *Violations of the California Education Code and regulations may be reported to the governing board of each school district and appealed to the State Board of Education.*

The governing board of each school district is responsible for making sure that every school program and activity is free of gender discrimination. It must adopt policies and procedures that ensure that anyone who alleges discrimination is protected from retaliation and that the identity of the complainant remains confidential as appropriate. They also must notify students, employees, and parents of the available complaint procedures annually. The notice must further identify the person(s) responsible for processing and investigating complaints and advise of any available civil law remedies and that any investigation undertaken must be confidential.

If a person reports an instance of gender discrimination to the governing board and is not satisfied with the board's resolution of the complaint, s/he may appeal the decision to the State Department of Education. The Department must provide all parties the opportunity to mediate; if the parties forgo mediation, the Department must investigate the complaint.

The Department must notify the governing board of any action it must take to comply with the Education Code and the applicable regulations. The Department may take other measures it deems necessary, including reducing or withdrawing state financing, to ensure compliance.

Sixty days after filing an appeal with the State Department of Education, a person also may seek a civil remedy for the discrimination in state court.

- *School districts must submit compliance reports, as required, to the State Department of Education.*

The Superintendent of Public Instruction should facilitate compliance with the sex discrimination provisions of the Education Code by including a discussion of the provisions in the Coordinated Compliance Review Manual given to each school district. Furthermore, the Superintendent must annually review 20 different school districts for compliance with sex discrimination laws. The review should include information about the individual school districts' records of sexual harassment complaints. In choosing districts for review, the Superintendent should consider districts with the largest enrollments, districts with the greatest number of complaints filed in the past, and random selection criteria. Moreover, school districts must submit "timely, complete, and accurate" compliance reports, when required, to the State Department of Education. The reports also must be made available to the public at the educational institution.

- *The Superintendent of Public Instruction should review and revise the policies and practices of programs administered by the State Department of Education to improve gender equity.*

Consistent with available resources, the Superintendent of Public Instruction must review and revise all educational programs under the control of the Department of Education to promote improved gender equity. The Superintendent should collect and make available data compiled by gender and ethnicity on grade assessment scores, the number of students enrolled in math and science courses and other fields in which minorities and women have been traditionally under-represented, the number of high school graduates, the number of students eligible for admission to the University of California, the number of drop-outs, and the number of students in athletics.

USING CALIFORNIA 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 California 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 California 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 that it must comply with state anti-discrimination laws; ask to see your school's written assurance of compliance and any compliance reports your district has filed with the state Department of Education. 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 State Superintendent of Public Instruction to investigate the reasons for the under-representation. The Superintendent must annually review at least 20 different school districts for compliance with anti-discrimination laws; ask to see records from reviews the Superintendent has conducted over the last several years. Also remind the Superintendent 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.) Make sure the Superintendent includes information listed at p. 24 of the *Tools of the Trade* report in the investigation.
- ▶ Ask your school, school district or the State Superintendent to take proactive steps to reduce under-representation. California law requires that school personnel encourage students to consider courses that are nontraditional for their gender; ask your school what it has done to satisfy this requirement. Also ask your district if it has applied for the "train the trainers" program, which teaches educators about gender equity, and how it is complying with the mandate of state law that it take affirmative steps to combat racism, sexism and other forms of bias. You can also ask your school, school district or Superintendent to take specific steps you think would help—for example, engaging in out-

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 California law, you can take some of the steps set forth in the "Using the Law" section above. You can also consider:

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Using the California public records law to request information from the Superintendent of Public Instruction or the governing body of your school district about (a) the number of incidents of discrimination and harassment that have been reported over the last several years; (b) compliance reviews that have been conducted in your district; and (c) the responses to the reports and findings of the compliance reviews and the entity's plan to enforce the law. If the records reveal inadequate enforcement, consider contacting your state Attorney General's office or taking other legal action.

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

reach and recruitment activities to encourage girls to enroll in nontraditional programs; requiring counselors and other school personnel to provide full information to CTE students about 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 into classes because of their gender, sexual harassment, and gender stereotyping are all types of sex discrimination prohibited by California laws.

Report the discrimination to your school. Each school must maintain a written anti-discrimination and anti-harassment policy. Consult the policy and, if your school does not voluntarily correct the discrimination, consider filing a grievance or complaint using the procedures the policy specifies.² California law requires the policies to be widely circulated, so that parents and students know their rights. Check to see whether your school district also is conducting anti-discrimination training for teachers and staff.

Moreover, the governing board for each school district is responsible for making sure that all school programs are free of gender discrimination. You can file a complaint with the board and, if necessary, appeal the board's decision to the California Department of Education. If you are still dissatisfied with the result, you may file a suit in state court 60 days after the appeal to the Department of Education. Such a lawsuit can combine state law claims under California's constitution and educational equity laws 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 course rather than the high-technology course she prefers.*

Discrimination based on pregnancy is sex discrimination. See the example above for options available to address the discrimination under California law.

² 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.

IMPROVING CALIFORNIA 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. California could:

- ▶ **Enhance legal obligations for schools and states to take proactive steps.**
 - Publicize analyses of data collected by the Superintendent of Public Instruction in regular reports that document any change in enrollment of students in fields that are nontraditional for their race and gender.
 - Require school districts to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are nontraditional for their gender.
 - Require school districts to develop, and regularly update, comprehensive equity plans that identify and address discriminatory practices and artificial barriers. These plans could be submitted as a part of the written assurance of compliance with anti-discrimination laws and be made available to the public.
 - 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:**
 - Establish a task force to study the causes of and recommend means to address the under-representation of girls in nontraditional CTE and implement appropriate recommendations.

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.

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202-588-5180
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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.

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.

