

FLORIDA TOOLKIT

FLORIDA FACTS

•
93%

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

•
9%

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

•
2,636

girls are enrolled in cosmetology
courses, compared to 80 boys.

•
792

girls are enrolled in automotive
courses, compared to over 9,871
boys.

•
93%

of early childhood education
students are girls.

•
1%

of plumbing students are girls.

Source: Enrollment data are for the
2002-2003 school year and were
obtained from the Florida 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 Florida—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 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.

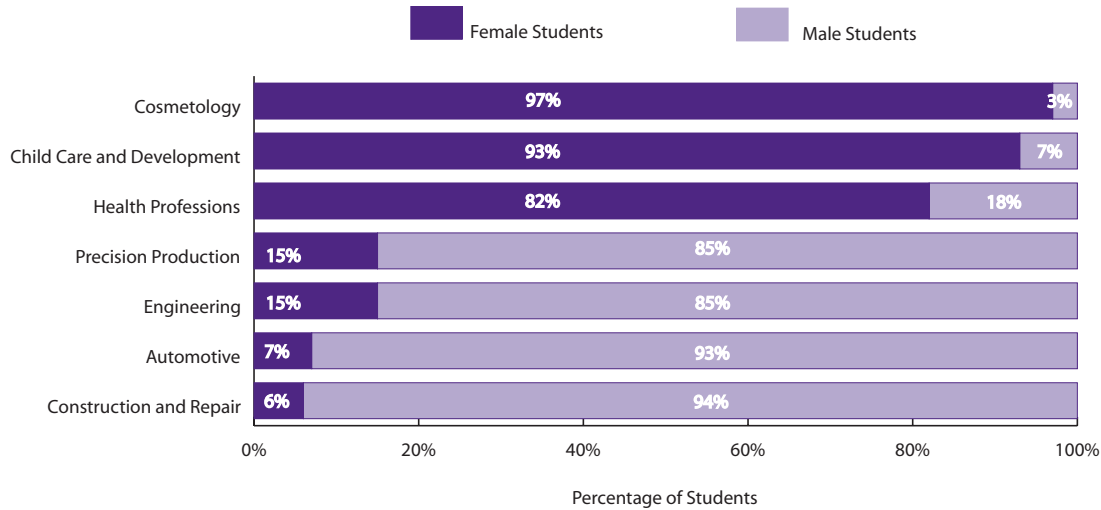
This fact sheet addresses Florida data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

FLORIDA 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 FLORIDA

The National Women's Law Center's analysis of Florida statewide CTE course enrollment data from 2002-2003 shows that girls make up 93 percent of students in traditionally female courses and just 9 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 Florida Career and Technical Education Courses that are Traditional or Nontraditional for Females

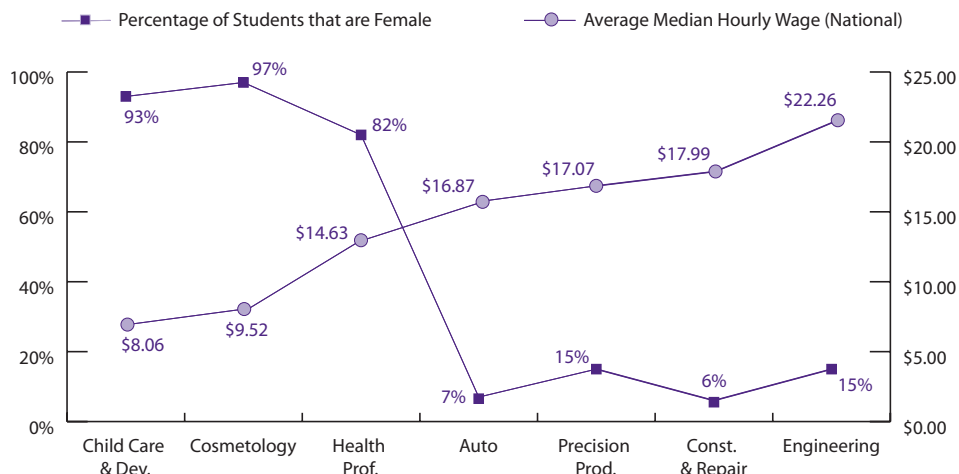


Source: Florida Department of Education

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 Florida



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

FLORIDA TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION



The following sections explain provisions of Florida 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 FLORIDA LAW

- *Florida schools may not discriminate on the basis of gender.*

The Florida Constitution provides that all citizens—"male and female alike"—have the same basic rights. In addition, the Florida Educational Equity Act prohibits discrimination in Florida public schools and universities on the basis of gender, race, ethnicity, national origin, disability, and marital status. The law states specifically that all public K-20 educational courses, programs, and opportunities, including CTE programs and career guidance and counseling, must be made available without discrimination. The Educational Equity regulations further specify that guidance and counseling for academic and CTE programs must be offered without regard to gender and that promotional materials may not state or imply through text or pictures that students are treated differently on the basis of sex.

The Educational Equity Act, moreover, explicitly prohibits policies that have the effect of discriminating on the basis of sex. This sort of discrimination may occur, for example, if a particular practice results in the disproportionate enrollment of male and female students in a CTE course and cannot be adequately justified under the law.

You may bring a lawsuit to enforce your rights under both the Florida Constitution and the Educational Equity Act.

- *The Office of Equity and Access and the Education Commissioner must take steps to ensure compliance with the state's education equity laws.*

The Office of Equity and Access of the Florida Department of Education must conduct periodic investigations of schools' compliance with equity laws and request data to evaluate compliance. If a school is found to be in violation of the Educational Equity Act, the State Board of Education can order a district to comply with the law, withhold general state funding, or declare that the district is ineligible for competitive state grants.

Moreover, under a separate Florida law, the Education Commissioner has the authority to investigate alleged violations of the state's education laws, including the Educational Equity Act, and determine whether there is probable cause to believe that a violation has occurred. The Commissioner must report determinations of probable cause to the State Board of Education, which must then require the local school district to document compliance with the law. If the school district cannot document compliance, the State Board of Education may order that the school district comply within a particular timeframe. If the Board determines that a district is unwilling to comply with the law, it has the authority to take several actions, including reporting the violation to the state legislature and recommending that the legislature take action; reducing discretionary funding; declaring the district ineligible for competitive grants; or requiring monthly reporting until the noncompliance is remedied.

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 FLORIDA LAW

To learn more about Florida law, you may wish to read some of the statutes and regulations described in this fact sheet or to contact the Florida Department of Education. Florida educational equity laws prohibiting sex discrimination

Florida Educational Equity Act,
Fla. Stat. Ch. 1000.05 *et seq.*

Educational Equity Regulations,
Fla. Admin. Code Ann. r. 6A-19.
et seq.

Florida statutes can be found
online at
<http://www.leg.state.fl.us/Statutes/index.cfm>

Florida regulations or administrative code can be found online at
<http://www.floridalawonline.net/exec.html>

Florida Department of
Education Office of Equity and
Access provides helpful
resources about state and federal
law. Visit its homepage at
<http://www.firn.edu/doe/ceop/eahome.htm>

Florida Department of
Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, Florida 32399
<http://www.fldoe.org>
840.245.0505

- *Florida schools must create an educational environment free from harassment.*

The Educational Equity regulations prohibit harassment on the basis of sex as well as race, national origin, and disability. If the harassment is committed by a school official, the institution is responsible whether it knew or should have known of the conduct. If the harassment occurs between fellow students, the institution is responsible if it knew or should have known of the harassment and failed to take corrective actions.

The Educational Equity regulations also require each school to adopt a sexual harassment policy and grievance procedures to address sexual harassment. The complaint procedure must be confidential, provide point of contact other than the harasser, and protect against retaliation.

- *Florida school districts may not exclude students from courses, services, programs or activities because of pregnancy or parental, family, or marital status.*

School districts may not treat students differently based on pregnancy or their parental, family or marital status. Each district school board is required to maintain an optional educational program designed to provide a specialized curriculum to meet the needs of pregnant and parenting students. Any separate program of instruction for pregnant or parenting students must be comparable to regular programs, and participation must be voluntary on the part of the student.

- *Gender diversity must be considered in pre-apprenticeship programs.*

Pre-apprenticeship programs are career programs, open to public school students 16 years of age or older, that include instruction about a trade or occupation and general education courses required to obtain a high school diploma. The state Department of Education must ensure that gender and minority diversity are considered in administering these programs. Further, under state regulations, employers that participate in apprenticeship training programs are barred from discriminating on the basis of sex and must submit an equal employment opportunity pledge and affirmative action plan to the state Department of Labor.

- *Schools must evaluate the reasons for disproportionate enrollments and take proactive steps to increase student participation in nontraditional courses.*

If particular programs have disproportionate enrollments of male or female students, the institution must examine its policies, procedures, and practices, including counseling tests and instruments, to determine whether the disproportion is the result of discriminatory counseling activities.

In addition, local education agencies must implement programs to increase the participation of female students in traditionally male courses such as math, science, technology, electronics, engineering, and nontraditional CTE. The Office of Equity and Access must conduct studies evaluating the success of these methods to increase student participation in traditionally male or female CTE programs.

- *Schools must keep records involving career counseling of students and publish the salaries of students who complete career certificates or degrees.*

All public schools are required to document how students are informed about career and curricular choices that prepare them to enter the workforce. The information must be available to parents and students on an annual basis. In addition, the state Department of Education is required to publish annually the placement rates and average quarterly earnings for students who complete each type of career certificate and career degree program.

- *Each educational agency must have an Equity Coordinator who monitors the institution's compliance with state equity laws and regulations, and each agency must submit a three-year equity plan to the Office of Equity and Access.*

The Educational Equity regulations require schools to have an Equity Coordinator to oversee compliance with state equity laws and regulations. Regulations also require each agency to develop a three-year plan for implementing the Educational Equity Act and regulations. The plans must be updated each year and must give priority to analysis of equity in math, science, computer technology, electronics, communications technology, engineering, athletics, and CTE. The Office of Equity and Access shall plan, coordinate and conduct periodic reviews of education institutions to determine compliance.

- *The Office of Equity and Access must provide technical assistance to K-20 educational agencies regarding discrimination.*

The state must help educational agencies identify unlawful discrimination and instruct them in remedies for correction and prevention. Training can be arranged by contacting the Office of Equity and Access.

USING FLORIDA 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 Florida 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 Florida 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 Florida law requires educational institutions to evaluate whether disproportionate enroll-

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.

ments are the result of discriminatory counseling practices or other barriers and to document how students are informed about career and curricular choices that prepare them to enter the workforce. Ask your school to 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 Office of Equity and Access of the Florida Department of Education to investigate the reasons for the under-representation. Alert the Office to its obligation under Florida law to conduct periodic investigations of schools' compliance with equity laws and to request data to evaluate compliance. Also tell the Board 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 Office of Equity and Access to take proactive steps to reduce under-representation. Remind them that schools must implement programs to increase the participation of female students in traditionally male courses such as math, science, technology, electronics, engineering, and career and technical education and must develop a three-year equity plan. You can also 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 nontraditional programs 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. Florida law bars sex discrimination in all education programs and opportunities, including guidance and counseling and CTE courses. Schools also are required to document career guidance and counseling advice provided to students. And schools are liable for harassment committed by a person in a position of authority, regardless of whether school officials knew or should have known of the acts.

Ask to see your school district's anti-discrimination and harassment policy and make sure it is being adequately enforced. If your school does not voluntarily correct the discrimination, you can consider filing a complaint with the district using the procedures set out in the policy.² You can also notify the Education Commissioner or file a lawsuit for damages under the Educational Equity Act and/or the Florida Constitution. Such state law 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 and also violates the Educational Equity Act and Florida regulations that expressly prohibit discrimination against pregnant students. See the example above for options available to address the discrimination under Florida 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 FLORIDA 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. Florida could:

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:**
 - 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.
 - Require annual training of school personnel about practices that prevent gender discrimination and increase enrollment of the under-represented gender in CTE courses.
 - Require that schools annually publicize updated equity plans that address strategies to overcome under-representation of women and girls in math, science, technology, electronics, engineering and nontraditional CTE.
 - 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:**
 - Confirm that individuals subject to discrimination may receive individualized relief through the state administrative complaint process.
 - 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.

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>.

IMPROVING ENFORCEMENT OF CURRENT LAW

Ensuring enforcement of current law is an important method of improving girls' treatment in CTE. To improve enforcement of existing Florida law, take the steps set forth in the "Using the Law" section and consider:

•

Using the Florida public records law to request information from the Office of Equity and Access or the Education Commissioner about (a) the number of incidents of discrimination and harassment that have been reported to it over the last several years; (b) the Office's or Commissioner's response to those reports. Also ask the Office about the number of compliance reviews it has undertaken 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.

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

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.

