

TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION

Your state's laws can offer powerful tools to address girls' under-representation in nontraditional career and technical education (CTE). This toolkit will help you to find out (a) what state laws exist and what they say; (b) how to apply those laws to eliminate barriers to girls' participation in nontraditional CTE; and (c) how to assess the need for, and implement, improvements to your state's laws if necessary. For a full discussion of the ways in which state laws can be used to open doors to girls in nontraditional cte programs, see the National Women's Law Center's report, *Tools of the Trade: Using the Law to Address Sex Segregation in High School Career and Technical Education*, available at <http://www.nwlc.org>.

STEP ONE: FIND YOUR STATE'S LAWS



FOCUS: Think about the issues involved in opening doors to girls in nontraditional CTE programs, and use the following key words and concepts to guide your research:

- Education, career and technical education, vocational education
- Sex, gender, pregnancy
- Discrimination, harassment, under-representation
- Equal protection, equal rights, civil rights, equal opportunit(ies)
- Single-sex programs
- Affirmative action



EXAMINE: Look on the website of your state's department of education or civil rights enforcement agency, on a legal search engine, or in law libraries to see whether your state has any of the following potentially relevant sources of laws and policies. Remember that states will often have more than one of these types of legal tools:

► **State constitutional provisions, such as:**

- Equal protection clause
- Equal rights amendment
- Right to education
- Clause guaranteeing "privileges and immunities"

► **State statutes or local ordinances related to:**

- Education
- Bullying or harassment
- Public accommodations
- Equity, civil rights or human rights

► **State agency regulations that implement relevant laws or that are issued by the state:**

- Department of Education or Public Instruction
- Department of Labor
- Attorney General
- Human Rights Commission

- State court opinions that explain the requirements of the laws.
- School and school district policies.



CONSIDER: Determine what kinds of legal tools are provided by the constitutional provisions, statutes, regulations and policies that you find.

- **Do your state’s laws or policies have an explicit guarantee of equal treatment without regard to sex, or an explicit prohibition on sex discrimination in education or CTE? If so:**
 - What actions do the state laws prohibit or require?
 - Do state laws require schools, school districts, or state enforcement agencies to take proactive steps to enhance gender equity in CTE? What steps?
 - How is the state prohibition on sex discrimination and/or requirement for proactive steps enforced?
 - For example:
 - Is a state agency responsible for ensuring that schools comply with the law? What procedures does it have in place to fulfill these responsibilities?
 - Can individuals file complaints with a state agency?
 - Can a state agency undertake an investigation on its own initiative, even without receiving an individual complaint?
 - Can individuals file a lawsuit in court under the state law?
- **If there is no explicit requirement of equal treatment or a prohibition on sex discrimination, can such a prohibition be implied based on more general state laws?**
 - Does your state have a law that entitles every student to a basic education or to access to vocational and technical instruction?
 - Have those laws been applied, by the state department of education or by the courts in the state, to bar sex discrimination in education?
- **Has a state agency issued regulations that bar sex discrimination in education? What do they prohibit or require? How can you claim your rights under these regulations?**
- **Are there local ordinances or school district policies that are relevant?**

STEP TWO: USE YOUR STATE’S LAWS



APPLY: If there are relevant state or local laws, use them! Legal tools must be used and enforced in order to have full effect. You might be able to use state law to, for example, help you to:

- Persuade your school or school district to investigate the reasons for under-representation of girls in nontraditional CTE courses and to correct any discriminatory practices it finds.
- Persuade your state department of education, state civil rights enforcement agency, or county or city board of education to investigate the reasons for girls’ under-representation in nontraditional CTE programs in a particular school or school district or throughout the state, county, or city.

- ▶ Persuade your school, school district, or state department of education to take voluntary, proactive steps to reduce girls' under-representation in nontraditional CTE programs, such as:
 - engaging in targeted outreach 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 non-traditional 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.
- ▶ File an official complaint with your state's administrative enforcement agency to challenge violations of the state equity laws or regulations.
- ▶ File a lawsuit in court to challenge violations of the state equity laws or regulations.

STEP THREE: IMPROVE YOUR STATE'S LAWS



ADVOCATE: If there are no relevant state laws, or if those that exist don't provide full protection, consider trying to change them. You can ask your state legislature to pass new or amended laws. You can also ask your state department of education, or another civil rights enforcement agency, to issue public regulations and guidance that explain, in detail, the rights and responsibilities of students and schools, as well as the means available to enforce the laws. Ask your state to change the laws as necessary to do the following:

- ▶ Establish comprehensive and explicit guarantees that all individuals are entitled to the equal protection of the laws, and comprehensive and explicit prohibitions on all forms of sex discrimination in 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.
- ▶ Require schools, school districts, and/or administrative agencies in the state to take proactive steps to secure gender equity and to improve students' access to nontraditional CTE.
- ▶ Provide effective procedures for administrative enforcement of prohibitions on sex discrimination, including authorization for state agencies to respond to complaints and to undertake investigations of potential discrimination on their own initiative.
- ▶ Authorize individuals to file lawsuits in state court to challenge violations of the equal opportunity and anti-discrimination laws, with the right to receive damages and attorneys' fees in successful suits.

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 was 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 also available for Arizona, California, Florida, Illinois, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, and Washington and 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.

