

ILLINOIS TOOLKIT

ILLINOIS FACTS

•
92%

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

•
18%

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

•
7,731

girls are enrolled in child care
and development courses, com-
pared to 652 boys.

•
629

girls are enrolled in automotive
courses, compared to 8,432 boys.

•
43%

of CTE courses offered in
Illinois are nontraditional for
girls.

•
10%

of girls in CTE are enrolled in
nontraditional courses.

•

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

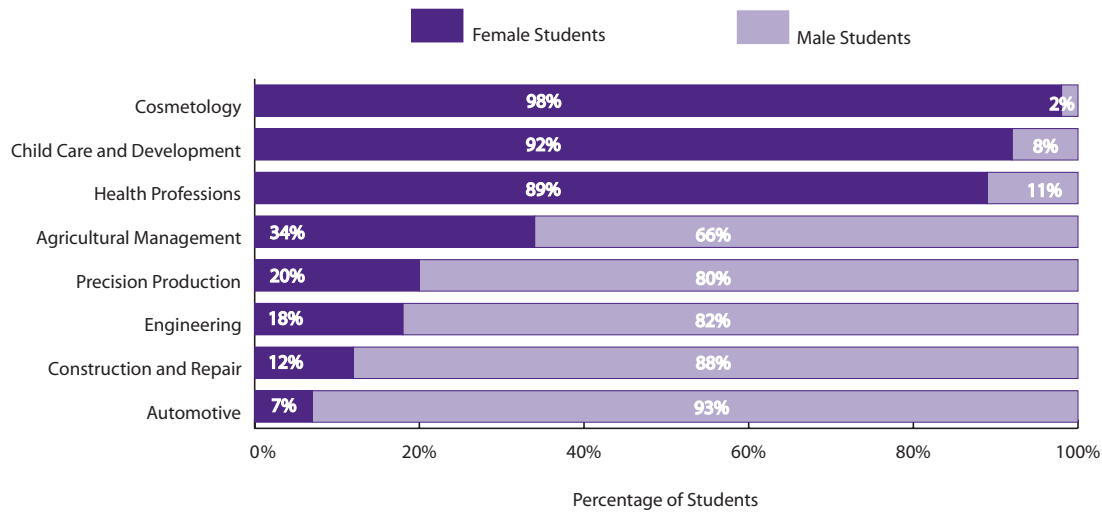
This fact sheet addresses Illinois data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

ILLINOIS 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 ILLINOIS

The National Women's Law Center's analysis of Illinois statewide CTE course enrollment data from 2002-2003 shows that girls make up 92 percent of students in traditionally female courses and just 18 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 Illinois Career and Technical Education Courses that are Traditional or Nontraditional for Females

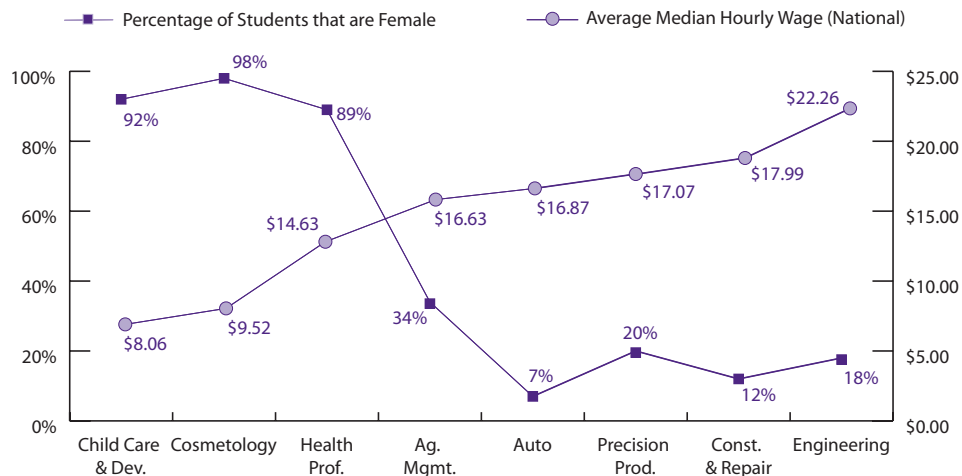


Source: Illinois State Board of Education

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 Illinois



Sources: Illinois State Board of Education; U.S. Bureau of Labor Statistics

ILLINOIS TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION



The following sections explain provisions of Illinois laws 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 ILLINOIS LAW

- *Education is a fundamental goal of the state.*

The Illinois Constitution provides that the “educational development of all persons to the limits of their capacities” is a fundamental goal of the state.

- *Schools may not discriminate against students on the basis of sex.*

The Illinois Constitution contains an “equal protection” clause and an “equal rights amendment” that prohibit sex discrimination by the state, including public schools.

The Illinois Human Rights Act explicitly bars sex discrimination in higher education. In addition, the School Code prohibits schools from denying admission or excluding students from courses on the basis of sex.

The Illinois Sex Equity regulations, adopted by the State Board of Education, also prohibit sex discrimination in any school programs or in activities supported by school system funds. Schools may not deny students access, privileges, or opportunities because of their sex. The Sex Equity regulations further bar schools from discriminating because of sex in providing employment opportunities for students.

Schools also must ensure that their students are not subject to harassment or sexual intimidation by employees or other students. Schools also must ensure that their policies or programs do not subject students to harassment.

Schools also are prohibited from using gender-based preferences in admissions unless they are designed to further affirmative action goals.

- *Schools must provide equal opportunity in and equal access to career and technical education.*

The Illinois School Code requires school systems to offer CTE to assist student development and to prepare students for later employment, if students in secondary school take at least one elective course. Moreover, the Vocational Education regulations require that all students have equal opportunity in and access to CTE programs, without discrimination on the basis of sex. And CTE student organizations may not deny membership or access to organization activities on the basis of sex, race, national origin, ethnic background, religious affiliation, or physical or mental handicap.

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 ILLINOIS LAW

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

Illinois educational equity laws prohibiting sex discrimination:

Ill. Const. art. I §§ 2, 10, 18.
Illinois School Code, 105 Ill. Comp. St. Ann. 5.
Vocational Education Act, 105 Ill. Comp. St. Ann. 435.
Illinois Sex Equity Regulations, 23 Ill. Adm. Code 200.
Vocational Education Regulations, 23 Ill. Adm. Code 254.
Illinois Human Rights Act, 775 Ill. Comp. St. Ann. 5.

Illinois statutes can be found online at <http://www.ilga.gov/legislation/ilcs/ilcs.asp>

Illinois regulations can be found online at <http://www.ilga.gov/commission/jcar/admincode/titles.html>

The Illinois State Board of Education provides helpful resources about state and federal law. Visit its homepage at <http://www.isbe.net/Default.htm>.

The Illinois Department of Human Rights and the Illinois Human Rights Commissioner have helpful resources as well: <http://www.state.il.us/dhr> and <http://www.state.il.us/ihrc>.

- *Teachers and school administrators may not engage in practices that perpetuate bias or sex stereotyping.*

The Sex Equity regulations require schools to counsel and advise students to take courses that meet their interests and abilities without consideration of sex stereotypes. Course titles, descriptions, content, and objectives should not discourage either sex from enrolling.

- *Schools must use classroom practices, educational methods, and instructional materials that do not discriminate on the basis of sex.*

The Sex Equity regulations prohibit teachers from limiting student participation based on sex; teachers must instead use teaching methods designed to counteract sex bias. Further, teachers should present the history and contributions of both sexes in the curriculum where appropriate.

- *Pregnant students may not be excluded from any educational program or activity.*

The Sex Equity regulations provide that schools may not exclude or dismiss pregnant students from any program or activity, including CTE classes and programs. Nor may any student suffer discrimination because of parental or marital status.

- *The State Board of Education must evaluate and report on all career and technical education programs, including sex equity, stereotyping, and bias in career and technical education.*

Illinois regulations require the State Board of Education to evaluate all CTE programs using the following seven factors: placement, employer satisfaction, student satisfaction, student performance, enrollment, cost containment, and labor market justification. Each individual program must complete a self-assessment of the above criteria once every four years, and the Board must also conduct on-site reviews during this assessment.

In addition, the Sex Equity regulations require each educational system to evaluate its policies and practices with regard to sex discrimination and develop (and update every four years) a written sex equity plan to modify any discriminatory policy or practice. As part of this evaluation, schools must consider course enrollment data and, where there is disproportionate enrollment on the basis of sex, redress any discrimination through the sex equity plan. Moreover, to implement the sex equity plan, schools must conduct inservice training for school system administrators and other school personnel. Schools also must maintain records that document compliance and, upon request by the State Board of Education, provide reports of “sex equity evaluations and plans, remediation efforts and inservice activities, data collection and analyses, grievances and their disposition.”

Finally, the Vocational Education Act directs the State Board of Education to conduct investigations, prepare and publish studies relating to vocational education, and submit an annual written report to the Governor that contains recommendations for addressing sex bias and stereotypes in CTE.

- *The Board must maintain a gender equity advisory committee.*

The Board also must maintain a Gender Equity Advisory Committee of at least nine members to advise it on all aspects of gender equity to ensure that all CTE students have equal access to high-wage and high-skill occupations.

- *The state provides resources and guidance on sex equity in career and technical education programs.*

The Illinois Office of Educational Services, which provides resources and guidance on the administration of CTE programs, maintains a Gender Equity and Nontraditional Careers Resource Center that offers a number of materials and reports for students, staff, and teachers. In addition, the Illinois Center for Specialized Professional Support provides technical assistance, professional development, and publications designed to improve gender equity in CTE in Illinois.

- *Local school systems must maintain written policies against sex discrimination and inform students and parents of their rights and the corresponding grievance procedure.*

Each educational system must maintain, and inform students and parents of, a written sex-equity policy that prohibits sex discrimination and guarantees equal access to all programs, activities, services, and benefits

Local systems must also maintain a written grievance policy and procedure for complaints alleging sex discrimination that outlines the grievance process and a specific timeline for providing a written decision. This policy must include the right to appeal the system's decision to the Superintendent of the Educational Service Region and ultimately the Superintendent of Education. Written notification of the Superintendent's decision must be given to all parties involved. And if the school system later fails to comply with the decision, the Superintendent may take action to remedy discrimination that still exists by requesting the Attorney General to apply to the appropriate circuit court for injunctive or other relief necessary to rectify the discriminatory practice.

In addition to individual grievances, if a petition with at least 50 signatures or 10 percent of the educational system's residents alleges that a system has discriminated against an individual or group of students on the basis of sex, the complaint must be heard independent of any other complaints by the State Board of Education.

- *Individuals subject to sex discrimination may enforce their rights in state court.*

Individuals subject to sex discrimination may enforce their rights under the Illinois Constitution, the School Code and the Sex Equity regulations by filing a lawsuit for "mandamus," that is, an action seeking to compel school officials to comply with the law. In addition, students who experience sexual harassment in a higher education program may initiate a private action for damages or file a complaint with the Illinois Department of Human Rights under the Illinois Human Rights Act.

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.

USING ILLINOIS STATE 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 Illinois and federal laws. For a fuller description of 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 Illinois 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 educational system to investigate the reasons for the under-representation. Note to them that the under-representation may signal a violation of the requirement that students have equal opportunity and access to CTE programs, without discrimination on the basis of sex. Remind them that, under Illinois law, each CTE program must complete periodic self-assessments and remedy discrimination that is found, including barriers that have led to disproportionate enrollment on the basis of sex. 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.
 - ▶ Illinois law also requires school systems to develop and maintain policies prohibiting sex discrimination that include procedures for raising complaints. Ask to see a copy of the school system's current policy.
 - ▶ Ask the Illinois Board of Education to investigate the reasons for the under-representation. Remind the Board of Education that it is required to evaluate CTE programs based on a variety of factors, including student satisfaction, placement, and enrollment and that it must submit an annual report to the governor on how to address sex bias and stereotypes in CTE. 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, educational system, or state enforcement agencies to take proactive steps to reduce the under-representation. Alert your school to its obligation to provide equal opportunity and equal access to CTE programs and to use classroom practices, educational methods, and instructional materials that do not discriminate on the basis of sex. Confirm that your school system is adequately training school personnel in how to recognize and prevent discrimination. You can also ask your school, school system, 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; 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 into classes because of their gender, sexual harassment, and gender stereotyping are sex discrimination.

Ask to see your school system's anti-discrimination policy and make sure it is being adequately enforced. If your school does not voluntarily correct the discrimination, you can consider filing a complaint using the procedures set out in the policy.² You have the right to appeal a school system decision to the Superintendent of the Educational Service Region and ultimately the Superintendent of Education. If necessary, you can also file a petition with the school board, with at least 50 signatures, alleging that the system discriminates against individuals or groups of students on the basis of sex.

Affected students and their parents also have the option of filing a lawsuit to compel school officials to enforce the Equal Protection Clause, the Equal Rights Amendment, the School Code and applicable regulations. In addition, students in higher education programs may file a lawsuit for damages under the Illinois Human Rights Act. 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 state regulations prohibiting discrimination against students because of their potential parental or marital status. You can consider filing a grievance using the procedures set forth in your school system's sex discrimination policy, and appealing any adverse decision as described above. You can also, as described in the above example, consider the option of filing a lawsuit under Illinois and/or federal law.

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

•

Using the Illinois public records law to request information from the State Board 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 Board'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.

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 ILLINOIS 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. Illinois could:

► **Enhance the explicit prohibitions of state law:**

- The Illinois Human Rights Act prohibits sex discrimination in post-secondary institutions. Illinois could formally extend the Act to elementary and secondary education.
- Illinois could adopt laws that expressly recognize the rights of pregnant or parenting students, and the rights of victims of domestic or sexual violence, to attend school.

► **Enhance legal obligations for schools and state agencies to take proactive steps:**

- Require, and provide technical assistance to enable, school systems to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are non-traditional for their gender.
- Provide materials to school systems to help them fulfill their self-assessment requirements and develop their sex equity plans, and require school systems to broadly publicize these plans.
- Implement comprehensive requirements for collection, and broad dissemination, of data on enrollment and retention in, and graduation from, CTE programs, broken down by race, gender, national origin and other criteria.
- Encourage school systems 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 systems 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, Illinois could:

- Mandate that state agencies publish the sex equity plans for each school system and, where the course enrollment data shows disproportionate enrollment on the basis of sex, require the school system to explain to the community and its employees its plan to redress the disproportionality.
- Make clear that individuals may recover damages and attorneys' fees in suits to enforce their rights under the School Code, the Vocational Education Code, the Illinois Constitution and the Sex Equity regulations.
- Provide funding for the Gender Equity Advisory Council to enable it to study the causes of, and recommend means to address, the under-representation of girls in nontraditional CTE, and to implement identified steps.
- Appoint a CTE gender equity coordinator charged with ensuring that all CTE programs comply with relevant state laws.

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

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.

