

MASSACHUSETTS TOOLKIT

MASSACHUSETTS FACTS

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96%

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

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12%

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

•
1,605

girls are enrolled in cosmetology courses, compared to 36 boys.

•
120

girls are enrolled in electrician courses, compared to 1,717 boys.

•
41%

of CTE courses offered in Massachusetts are nontraditional for girls.

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22%

of girls in CTE are enrolled in nontraditional courses.

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Source: Enrollment data are as of October 1, 2003 and were obtained from the Massachusetts 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 Massachusetts—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.

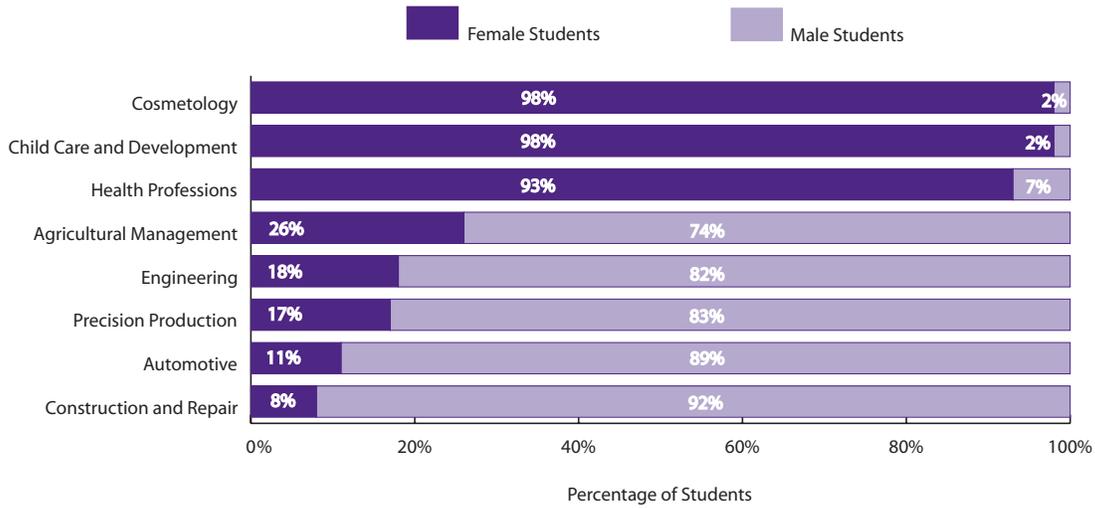
This fact sheet addresses Massachusetts data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

MASSACHUSETTS 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 MASSACHUSETTS

The National Women's Law Center's analysis of Massachusetts statewide CTE course enrollment data from October 1, 2003 shows that girls make up 96 percent of students in traditionally female courses and just 4 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 Massachusetts Career and Technical Education Courses that are Traditional or Nontraditional for Females

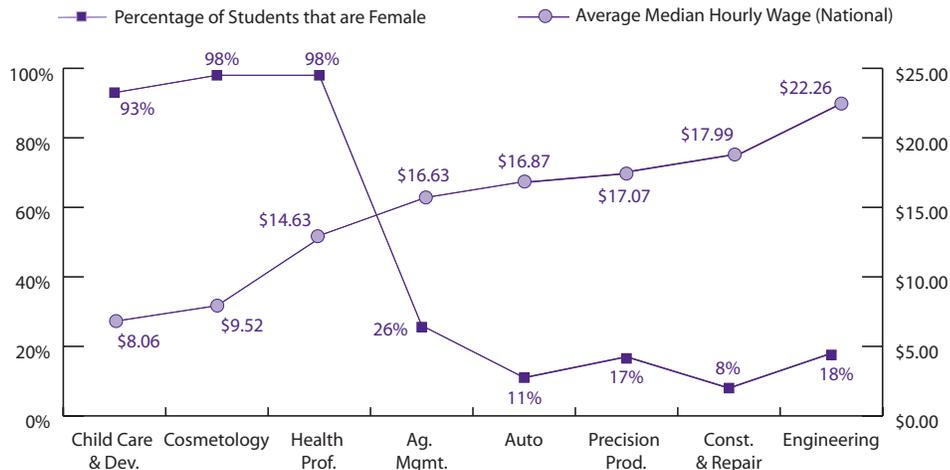


Source: Massachusetts Department of Education

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 Massachusetts



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

MASSACHUSETTS TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION

The following sections explain provisions of Massachusetts 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 MASSACHUSETTS LAW

- *Massachusetts public schools may not discriminate on the basis of sex.*

The Equal Rights Amendment to the Massachusetts Constitution provides that all people have the same basic rights, regardless of sex, race, color, creed, or national origin.

The School Attendance Act and Access to Equal Educational Opportunity regulations further prohibit discrimination in admission to primary and secondary public schools on the base of sex, race, color, religion, national origin, and sexual orientation. The regulations explicitly include CTE schools and cover admission to schools as well as to courses of study, access to equitable career counseling and extra-curricular activities, and prohibitions against harassment. The School Attendance Act provides the same level of protection as that provided by the Equal Rights Amendment.

In addition, all public schools are required to maintain handbooks and codes of conduct that explain the school's obligations under the School Attendance Act, including a statement of the school's anti-discrimination policy and procedures for challenging discrimination.

Moreover, Section 2A of the Fair Educational Practices Act further prohibits sex discrimination in CTE institutions, both in admissions and in the provision of benefits, privileges, and placement services associated with the institution or course of study.

- *The Massachusetts Board of Education must design non-discriminatory academic standards.*

A statute delineating the powers and duties of the Massachusetts Department of Education provides that the Board of Education shall design academic standards that avoid perpetuating gender, cultural, ethnic, or racial stereotypes.

- *Teachers have the obligation to promote equity.*

Teachers, administrators, and cooperative education coordinators must promote equity by assuring high expectations for all students and ensuring that educational programs address the needs of all students.

- *Sexual harassment of students is prohibited in all educational institutions.*

The Fair Educational Practices Act prohibits sexual harassment of students "in any program or course of study in any educational institution." Public schools also are required to maintain handbooks that state their policy against sexual harassment and outline a grievance procedure.

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
MASSACHUSETTS
LAW**

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

Massachusetts educational equity laws prohibiting sex discrimination:

Mass. Gen. Laws ch. 76, §§ 5, 16

Mass. Gen. Laws ch. 151C.

Mass. Regs. Code tit. 603, §§

26.01 *et seq.*

Massachusetts statutes can be found online at

<http://www.mass.gov/legis/laws/mgl/>

Massachusetts regulations can be found online at

<http://www.lawlib.state.ma.us/cmrl.html>

Massachusetts Department of Education

350 Main Street

Malden, MA 02148-5023

<http://www.doe.mass.edu/>

781.338.3000

Massachusetts Commission Against Discrimination

One Ashburton Place,

Sixth Floor, Room 601

Boston, MA 02108

Phone: 617-994-6000

- *Students may not be suspended, expelled, or disciplined based on pregnancy or parental or marital status.*

Schools may not suspend, expel, or otherwise discipline a student for being married, pregnant, or a parent. However, the school committee can require that a pregnant student be under the supervision of a physician.

- *Public institutions of higher education must establish affirmative action programs.*

The Board of Higher Education must establish an affirmative action policy for public institutions of higher education, including community colleges, to promote the advancement of women and minorities. The Board and each institution must develop an affirmative action program that includes recruitment, admissions, employment practices, and advancement of employees and students and that outlines the procedure for enforcement and for resolution of grievances.

- *Individuals injured by sex discrimination may seek recourse against their schools.*

If you have been subject to discrimination in school, you may request a formal hearing before the local school committee, which is primarily responsible for compliance with the School Attendance Act. The school committee must then issue a written statement explaining the basis of the school’s decisions. If no relief is afforded, you may file suit in state court for injunctive relief (meaning a court enforceable order prohibiting discrimination by your school) and/or damages.

In addition, the Fair Educational Practices Act is enforced by the Massachusetts Commission Against Discrimination in conjunction with the Massachusetts Attorney General. To seek remedies under this law, you must first file a petition with the Commission within six months of the occurrence of the discrimination. The Commission then investigates and attempts informally to resolve the issue. If these informal proceedings prove ineffective, the Commission can serve the institution with a complaint and mandate a hearing. In addition to accepting complaints, the Commission can initiate an investigation or bring a claim against an institution on its own initiative. The Commission can order remedies for the discrimination, and its orders can be enforced by court order or appealed in state court by either side.

If the Fair Educational Practices Act or School Attendance Acts do not apply to a particular claim, you may sue under the Massachusetts Equal Rights Act or Civil Rights Act. The Equal Rights Act provides for a private right of action to enforce the right to “full and equal benefit of all laws” guaranteed all persons in Massachusetts without regard to sex. The Massachusetts Civil Rights Act provides an additional private remedy for persons whose civil rights have been impaired via threats, intimidation, or coercion. If a claim can be brought under other anti-discrimination laws, however, no claim may be brought under the Massachusetts Equal Rights Act or Civil Rights Act.

USING MASSACHUSETTS 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 Massachusetts 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 Massachusetts 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 committee to investigate the reasons for the under-representation. Remind your school that school committees must develop and maintain anti-discrimination and anti-harassment policies. Ask to see a copy of the school committee's current policy. 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 Board of Education or the Commission Against Discrimination to investigate the reasons for the under-representation. Remind the Commission that Massachusetts law gives it the authority to undertake an investigation on its own initiative. Also ask the Board to provide you copies of the academic standards it has designed to avoid perpetuation of sex or race-based stereotypes. You can also remind these agencies 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 committee, or the Board of Education to take proactive steps to reduce under-representation. Make sure that your school has in place the required anti-harassment and anti-discrimination policies and that it is adequately training school personnel in how to recognize and prevent discrimination. You also can ask your school, school committee, 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>.

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.

- ▶ 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's antidiscrimination and anti-harassment policies and make sure that the policies prohibit sex discrimination and are being enforced. If your school does not voluntarily correct the discrimination, you can consider filing a complaint with your school committee using its own policy and the procedures under the School Attendance Act.² You may also file a petition with the Massachusetts Commission Against Discrimination within six months of the discrimination.

You also have the option of filing a lawsuit alleging that the sex discrimination violates the equal protection provision of the Equal Rights Amendment of the Massachusetts Constitution, the School Attendance Act, the Fair Educational Practices Act, the Massachusetts Equal Rights Act or the Massachusetts Civil Rights Act. Refer to the Understanding the Laws section for the specific requirements applicable under each of these laws. 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 may also violate state laws prohibiting students from being expelled, suspended or disciplined because of pregnancy or parental or marital status. You can consider filing a complaint using the procedures set forth in your school committee's sex discrimination policy. You can also, as described in the above example, report the sex discrimination to the Massachusetts Commission Against Discrimination and/or consider the option of filing a lawsuit under Massachusetts and/or federal law.

IMPROVING MASSACHUSETTS 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. Massachusetts could:

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:**
 - Provide guidance and technical assistance for school committees, to enable them to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are nontraditional for their gender.
 - Require, and provide technical assistance to enable, school committees to develop, and regularly update, comprehensive equity plans to identify and address discriminatory practices and artificial barriers.

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.

- 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 committees 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:**

- Ask the Commission Against Discrimination to use its authority to initiate investigations to determine compliance with the Fair Educational Practices Act, and if necessary, bring claims against schools.
- 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.
- 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>.

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 Massachusetts law, you can take some of the steps described in the “Using the Law” section. You also can consider:

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Using the Massachusetts public records law to request information from the Board of Education and the Commission Against Discrimination 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.

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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
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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.

