

# MARYLAND TOOLKIT

## MARYLAND FACTS

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**85%**

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

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**18%**

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

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**1,738**

girls are enrolled in cosmetology courses, compared to 28 boys.

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**189**

girls are enrolled in automotive courses, compared to 2,425 boys.

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**38%**

of CTE courses offered in Maryland are nontraditional for girls.

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**6%**

of girls in CTE are enrolled in nontraditional courses.

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

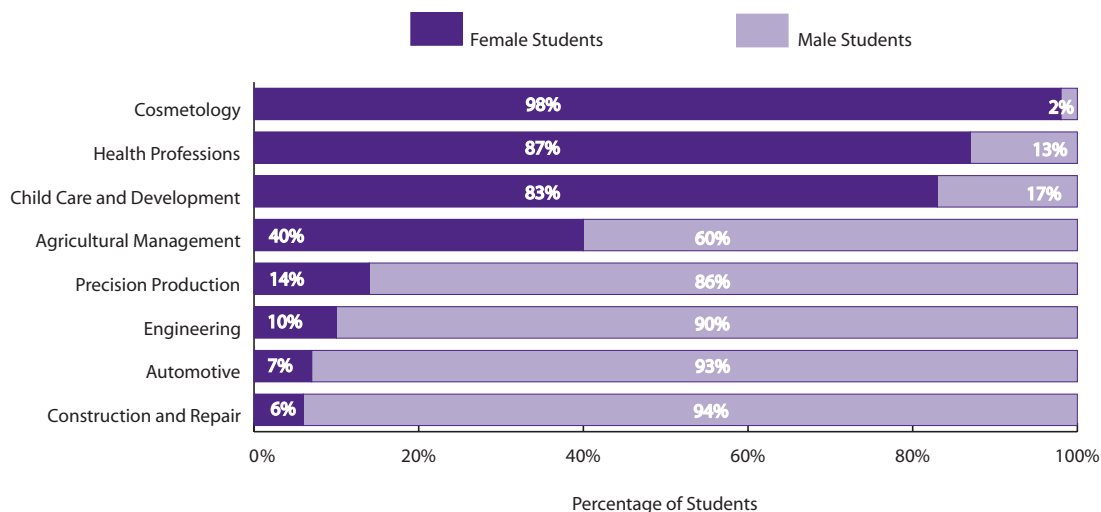
This fact sheet addresses Maryland data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

## MARYLAND 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 MARYLAND**

The National Women's Law Center's analysis of Maryland statewide CTE course enrollment data from 2002-2003 shows that girls make up 85 percent of students in traditionally female courses and just 18 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 Maryland Career and Technical Education Courses that are Traditional or Nontraditional for Females

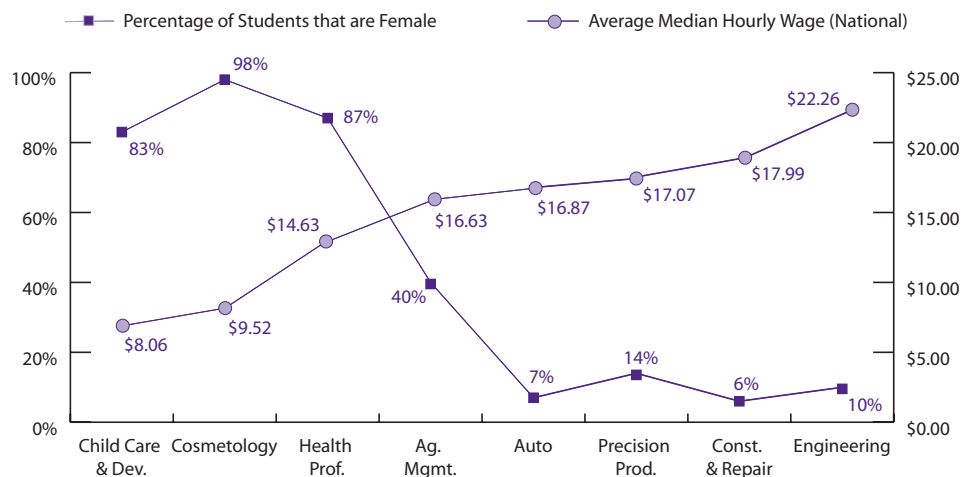


Source: Maryland Department of Education

### 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 Maryland



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

## MARYLAND TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION



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

### UNDERSTANDING MARYLAND LAW

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

The Maryland Constitution's guarantee of due process has been interpreted to provide equal protection of law. In addition, the Maryland equal rights amendment provides that "[e]quality of rights under the law shall not be abridged or denied because of sex." Advocates may use these provisions to challenge policies and practices that intentionally discriminate against women and girls and also those that have the effect of discriminating on the basis of sex.

In addition, Maryland regulations prohibit discrimination in CTE programs on the basis of "sex, race, national origin, physical or mental disability, socioeconomic status, academic disadvantages, economic disadvantages, or limited English-speaking ability."

- *Maryland students are entitled to a safe educational environment that is free of gender-based harassment.*

Under Maryland public school standards regulations, public school students are entitled to a safe educational environment that is free from harassment and appropriate for academic achievement. Thus, Maryland regulations specifically prohibit harassment or intimidation motivated by race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability.

Further, each county board of education must report incidents of harassment and intimidation using a standard report form. These reports are circulated among other public schools in the school system and summaries are submitted to the State Board of Education, which in turn reports on incidents of harassment and intimidation to the State House and Senate every year. Among other things, this annual report, compiled by the Division of Student Services at the Maryland State Department of Education, must provide information about the investigation of the complaint and the corrective action taken. Students, parents, guardians, or close adult relatives may also report harassment to their county boards.

- *Schools may not exclude pregnant students from regular school programs.*

Schools may not exclude students over the age of 16 from regular school programs because of pregnancy. Schools may, however, modify the program in joint consultation with the student and educational and medical personnel. Moreover, local school systems must provide appropriate supplemental school programs for pregnant students, including "provisions for counseling, pupil personnel work, social work, and psychological services as needed."

Students under 16, who are required to attend school under compulsory education rules and thus must not be excluded from regular school programs, may withdraw from regular school programs only if they are enrolled in an appropriate alternative

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<sup>1</sup> 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 MARYLAND LAW

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

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Md. Code Ann., Educ. § 7-424

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Md. Code Regs. 13A *et seq.*

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Maryland statutes can be found online at  
<http://mlis.state.md.us/#stat>

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Maryland regulations can be found online at  
<http://www.dsd.state.md.us/comar/>

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Maryland Department of Education  
200 West Baltimore St.  
Baltimore, MD 21201

educational program. Appropriate alternative programs include a modified program; enrollment in a special school or class for pregnant girls; enrollment in a residential school; TV or home teaching; programmed instruction; and admittance to a private maternity home. A decision to enroll in such a program shall be reached jointly in consultation with the student, the student's parents, husband or guardian, and appropriate educational and medical personnel.

- *Maryland schools must provide a multicultural education.*

Maryland schools must implement the "Education That Is Multicultural" framework, which "is a continuous, integrated, multiethnic, multidisciplinary process for educating all students about diversity and commonality," including gender diversity. The framework "prepares students to live, learn, interact, and work creatively in an interdependent global society by fostering mutual appreciation and respect."

Moreover, technology programs offered to students in grades 9-12 must recognize the multicultural and gender diversity in the evolution of technology, including the historical contributions of men and women of different cultures. Every five years, the local superintendent must certify compliance with the technology education requirements to the State Superintendent of Schools.

- *Each county must establish a career and technical education advisory council that must contain members of both sexes.*

The Maryland Education Code creates an advisory council on career and technology education in each county to advise school boards and their member schools on the distribution of CTE funds, CTE program accountability reports, county job needs, and the adequacy of the offered CTE programs. The statute directs that members of each sex be appointed to the council.

- *The Women and Information Technology Task Force was formed by statute to study the issues relating to the decline of women and girls in the information technology field.*

The Women and Information Technology Task Force was statutorily created to study, and create public awareness of, the decline of women and girls in the field of information technology and the impact of this decline on the Maryland workforce. The Task Force examines regulations, laws and best practices and develops a statewide comprehensive Woman and Information Technology plan. The Task Force must present an annual report of its findings and recommendations to the Governor on or before October 1 of each year.

- *The Equity Assurance and Compliance Branch must ensure that the Department of Education is in compliance with state and federal equity laws.*

The Equity Assurance and Compliance Branch, housed within the Office of the State Superintendent, assures that the Maryland Department of Education (and the schools it controls) are in compliance with pertinent federal and state civil rights laws and regulations. The Branch provides technical assistance to employees of the Department and to local school systems and facilitates a network of Title IX Coordinators from every local school system.

- *Violations of the Maryland Education Code and regulations may be reported to local school systems and appealed to the State Board of Education.*

Local school systems must maintain procedures under which discrimination complaints are investigated and addressed. Decisions of a local school board may be appealed to the State Board of Education. Unfavorable decisions of the Board of Education may be appealed to the Maryland circuit court.

## USING MARYLAND 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 Maryland 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 Maryland 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 system to investigate the reasons for the under-representation. Note to your school that the under-representation may signal a violation of the state's prohibition on discrimination on the basis of sex. Explain that its investigation should include the information listed at p. 24 of the *Tools of the Trade* Report, available at <http://www.nwlc.org>.
- ▶ Your school system must have a policy against sex discrimination. Ask to see it.
- ▶ Ask the State Department of Education to investigate the reasons for the under-representation. The Equity Assurance and Compliance Branch of the Office of the state Superintendent must assure that the state school system complies with both federal and state civil rights laws and regulations. Remind state officials 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 system, your county career and technical education advisory council and/or the Department of Education to take

## 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.



proactive steps to reduce under-representation. You can ask them 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; training school personnel on how to recognize and prevent discrimination; 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.

All school systems must have policies prohibiting discrimination and harassment. Ask to see this policy and make sure that it prohibits sex discrimination and is being enforced. If your school does not voluntarily correct the discrimination, consider filing a complaint with your school system using its own policy.<sup>2</sup> You may appeal a final decision from your school to the Board of Education. Final decisions of the Board may be appealed to Maryland state court.

Affected students and their parents also have the option of filing a lawsuit alleging that the sex discrimination violates equal protection principles and the equal rights amendment of the Maryland 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 state laws prohibiting schools from excluding pregnant students from regular school programs. See the example above for options available to address the discrimination under Maryland law.

## IMPROVING MARYLAND 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. Maryland could:

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:** The Maryland legislature could explicitly prohibit all forms of sex discrimination in K-12 and post-secondary 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, and direct state enforcement agencies to provide additional guidance and technical assistance to schools to implement anti-discriminatory policies.

<sup>2</sup> 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.

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:**
  - Require schools to train staff and students in how to recognize and prevent sexual harassment and sex discrimination.
  - Require school systems to develop, and regularly update, comprehensive equity plans to identify and address discriminatory practices and artificial barriers, either separately or as a part of the Bridge to Excellence Master Plan.
  - 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 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 antidiscrimination laws, Maryland could:
  - Adopt comprehensive enforcement procedures, including the explicit authorization for victims of sex discrimination to sue under state law to enforce their rights, with the right to recover damages and attorneys' fees if successful.
  - Mandate that the state agencies undertake regular reviews of schools and/or school systems to assess their compliance with anti-discrimination requirements.
  - Similar to the mandate provided the Women and Information Technology Task Force, establish a task force to study the causes of and offer solutions to address the under-representation of women in nontraditional CTE and implement the remedial steps identified.

## 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 Maryland 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 Maryland public records law to request information from the Department of Education about (a) its annual report on harassment and intimidation; (b) the number of incidents of discrimination and harassment that have been reported to it over the last several years and (c) the 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  
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](http://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.

