

MICHIGAN TOOLKIT

MICHIGAN FACTS

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89%

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

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9%

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

•
7,555

girls are enrolled in health sciences courses, compared to 1,340 boys.

•
568

girls are enrolled in automotive technician courses, compared to 7,390 boys.

•
69%

of CTE courses offered in Michigan are nontraditional for girls.

•
11%

of girls in CTE are enrolled in nontraditional courses.

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Source: Enrollment data are for the 2003-2004 school year and were obtained from the Michigan Department of Labor and Economic Growth, Office of Career and Technical Preparation

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 Michigan—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.

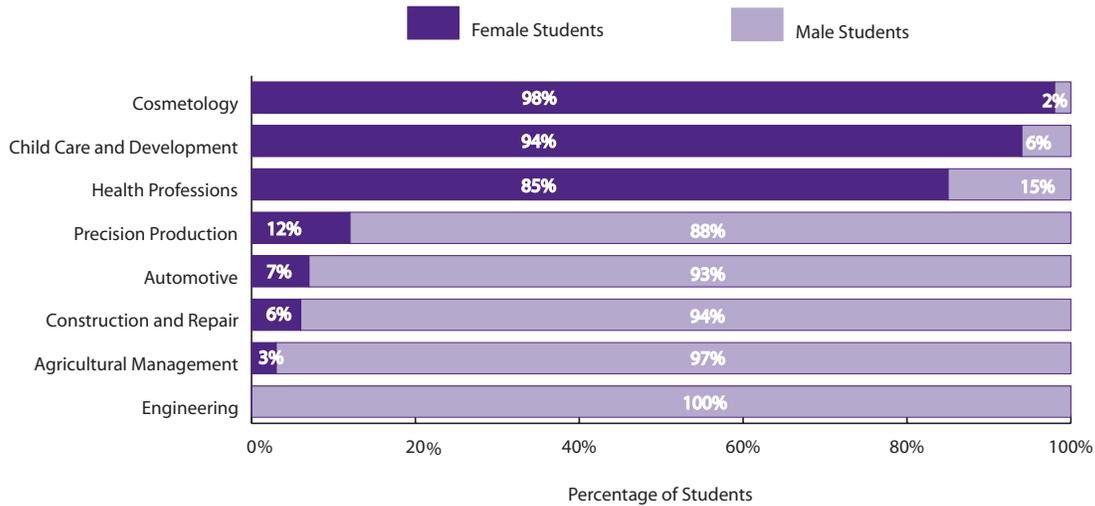
This fact sheet addresses Michigan data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

MICHIGAN 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 MICHIGAN

The National Women's Law Center's analysis of Michigan statewide CTE course enrollment data from 2003-2004 shows that girls make up 89 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 Michigan Career and Technical Education Courses that are Traditional or Nontraditional for Females

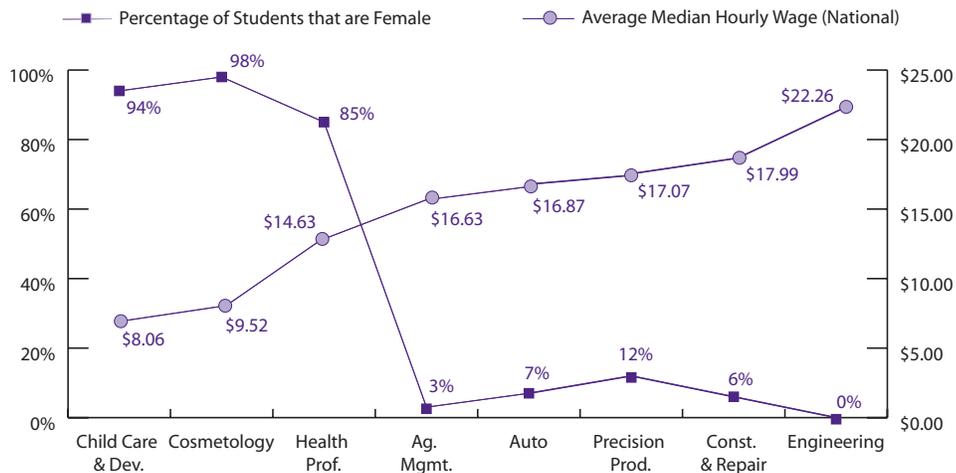


Source: Michigan Department of Labor and Economic Growth, Office of Career and Technical Preparation

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 Michigan



Sources: Michigan Department of Labor and Economic Growth, Office of Career and Technical Preparation; U.S. Bureau of Labor Statistics

MICHIGAN TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION



The following sections explain provisions of Michigan 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 MICHIGAN LAW

- *Educational institutions may not discriminate on the basis of sex.*

The Michigan Constitution requires that no person be denied equal protection under the law. The Constitution also prohibits discrimination on the basis of religion, race, color or national origin and instructs the legislature to implement the provision with “appropriate legislation.” It further requires the legislature to maintain “a system of free public elementary and secondary schools * * * [that] provide for the education of its pupils without discrimination as to religion, creed, color or national origin.”

The Elliott-Larsen Civil Rights Act prohibits discrimination by educational institutions based on religion, race, color, national origin, sex, disability, age, or marital status in their services, activities, or programs. It explicitly includes sexual harassment in its definition of sex discrimination.

Moreover, the Civil Rights Act explicitly prohibits discrimination in school admissions and expulsions. Schools may not request information about an applicant's religion, race, color, national origin, age, sex, or marital status for admissions purposes except as permitted by federal law or an affirmative action program. Nor may schools issue catalogs, notices, or advertisements for admissions to their educational programs that discriminate on the basis of religion, race, color, national origin, or sex, or that indicate a preference on the basis of one of the above mentioned factors.

- *The Revised School Code prohibits sex-segregated schools.*

The Revised School Code bars schools or departments that are separated by race, color, or sex. State Board of Education policies further state that sex segregated schools “seriously interfere with the achievement of equal opportunity” and that “segregated schools fail to provide maximum opportunity for the full development of human resources in a democratic society.”

- *School districts must have written sexual harassment policies.*

The Revised School Code requires each local school board to maintain a written policy that prohibits sexual harassment by students, employees, or board members directed toward students or employees. The school must specify penalties for violations of the policy.

- *Schools may not expel or exclude students because of pregnancy.*

The Revised School Code prohibits public schools from expelling or excluding students because of pregnancy. Pregnant stu-

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 MICHIGAN LAW

To learn more about Michigan law, you may wish to read some of the statutes and regulations described in this fact sheet or to contact the Michigan Department of Education or the Michigan Department of Labor and Economic Growth, Office of Career and Technical Preparation.

- Elliott-Larsen Civil Rights Act, Mich. Comp. Laws § 37.2101 *et seq.*

- Michigan Revised School Code, Mich. Comp. Laws § 380.1 *et seq.*

- Michigan statutes can be found online at <http://www.legislature.mi.gov>

- Michigan regulations can be found online at <http://www.michigan.gov/cis>

- The Office of Career and Technical Preparation provides additional assistance at http://www.michigan.gov/documents/OCR_Q_&_A_96484_7.doc

- Michigan Dept. of Education
PO Box 30712
Lansing, MI 48909

- Michigan Department of Labor and Economic Growth
611 W. Ottawa P.O. Box 30004
Lansing, MI 48909
(517) 373-1820

dents may withdraw from school, however, upon the written permission from a parent or legal guardian and a certified note from a physician stating that continued school attendance will adversely affect the health of the child. Following the birth of the child, the student must comply with all compulsory attendance laws.

Local or intermediate school boards may provide alternative education for pregnant students and school age parents and must accept pregnant students who apply. Pregnant students may not be forced to attend an alternative program.

- *School districts must maintain disaggregated gender equity data.*

To obtain accreditation for their schools, each district must disaggregate by gender all the information assembled to prepare the annual education report. The district then must address any gender equity issues in planning, evaluating, and implementing its school improvement plan, or explain to the community why it has failed to do so. School districts have the option of providing the explanation in the annual education report.

- *Teachers must be trained to understand the effects of discrimination.*

The Teacher Certification administrative rules require that schools that approve the preparation of teachers train their prospective teachers to understand the “effect of discrimination on the basis of race, religion, color, national origin or ancestry, age, sex, marital status, or handicap.” To obtain accreditation, prospective teachers must show that they are aware of the nondiscrimination guarantees of the Michigan Constitution and laws.

- *The Office of Career and Technical Preparation conducts civil rights compliance reviews.*

The Office of Career and Technical Preparation of the Department of Labor and Economic Growth conducts a civil rights compliance program to enforce state and federal civil rights laws that guarantee equal education opportunities in CTE programs. Among other things, the compliance program conducts onsite inspections, provides technical assistance, and monitors program development to identify and remedy discrimination by local educational facilities, including CTE institutions.

- *You may file a complaint with the Michigan Department of Civil Rights or a private law suit to enforce your rights under the Elliott-Larsen Civil Rights Act and/or the Michigan Constitution. You may also bring a private law suit to enforce the provisions of the Revised School Code.*

The Michigan Department of Civil Rights was established to promote compliance with civil rights laws and investigate and resolve complaints of discrimination. If you experience discrimination in your CTE program in violation of the Elliott-Larsen Act, you may file a complaint with the Department of Civil Rights in your region. If you are not satisfied with the Department’s conclusions, you may appeal to state circuit court. The Department also offers a mediation program that allows for voluntary resolution of disputes. If the parties agree to mediate, the investigation is postponed to allow a reasonable period of time for the mediation to take place. If the complaint is not resolved at mediation, the Department of Civil Rights will proceed with its investigation.

You can, alternatively, file a lawsuit directly in state court, and seek damages or injunctive relief (such as an enforceable court order prohibiting discrimination by your school). Such a suit can also raise claims under the Equal Protection Clause of the Michigan Constitution.

If you are aware of violations of the Revised School Code, such as single-sex schools or single-sex departments within schools, discrimination against pregnant students, or the failure to maintain gender equity data and address gender equity issues, you may bring a private action in state court to enforce the Revised School Code.

USING MICHIGAN LAW TO PROMOTE GENDER EQUITY IN CTE

To address under-representation of, or sex discrimination against, girls in nontraditional CTE, you can use both Michigan 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 Michigan 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 school districts must maintain policies to prevent and investigate discrimination and harassment, and ask to see a copy of the school district's current policy. Also remind the district that it is required to compile disaggregated data and address gender equity issues in its school improvement plan. Explain to your school and district that they 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 Michigan Departments of Civil Rights, or the Office of Career and Technical Preparation to investigate the reasons for the under-representation. Remind them 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.)

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.*

- ▶ Ask your school, school district, or the civil rights enforcement agencies to take proactive steps to reduce under-representation. Make sure that your school district has in place the required anti-discrimination and anti-harassment policy and ask to see it. Confirm that your school is conducting the required teacher training on the effects of discrimination. You can also request specific steps you think would help—for example, targeted outreach and recruitment activities to encourage girls to enroll in nontraditional programs; requirements 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 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.

Ask to see your school district's anti-discrimination and anti-harassment policy and make sure that it is being enforced. If your school does not voluntarily correct the discrimination, you can consider filing a complaint with your school district using its own policy.² You also have the option of filing a complaint with the Department of Civil Rights and/or filing a lawsuit alleging that the sex discrimination violates the Michigan Constitution and/or the Elliott-Larsen Civil 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 provisions of the Revised School Code that prohibit discrimination against pregnant students. Consider filing a complaint using the procedures set forth in your school district's anti-discrimination policy. You can also, as described in the above example, report the discrimination to the Department of Civil Rights and/or consider the option of filing a lawsuit in circuit court alleging violations of the Michigan Constitution, the Elliott-Larsen Civil Rights Act and the Revised School Code and/or federal 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 MICHIGAN 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. Michigan could:

- ▶ **Enhance the prohibitions of state law:** State enforcement agencies could adopt regulations and policies that provide additional guidance for schools on the legal requirements that apply to them under the Elliott-Larsen Civil Rights Act and/or the Revised School Code.
- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:** Michigan could:
 - Require, and provide technical assistance to enable, school districts to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are nontraditional for their gender.
 - Ensure that school improvement plans and/or annual education reports include comprehensive data on enrollment and retention in, and graduation from, CTE programs, broken down by race, gender, national origin, and other criteria.
 - 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:** To improve enforcement of gender equity and anti-discrimination laws, Michigan could:
 - 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 Michigan law, take the steps set forth in the "Using the Law" section and consider:

- Using the Michigan public records law to request information from the Department of Education, the Department of Civil Rights, or the Department of Labor about (a) the number of incidents of discrimination and harassment that have been reported to it over the last several years and (b) 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.

- 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.

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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.

