

MISSOURI TOOLKIT

MISSOURI FACTS

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86%

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

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6%

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

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4,782

4,782 girls are enrolled in health aide courses, compared to 432 boys.

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352

girls are enrolled in automotive courses, compared to over 6,000 boys.

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98%

of cosmetology students are girls.

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5%

of carpentry students are girls.

Source: Enrollment data are for the 2003-2004 school year and were obtained from the Missouri Department of Elementary and Secondary 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 Missouri—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.

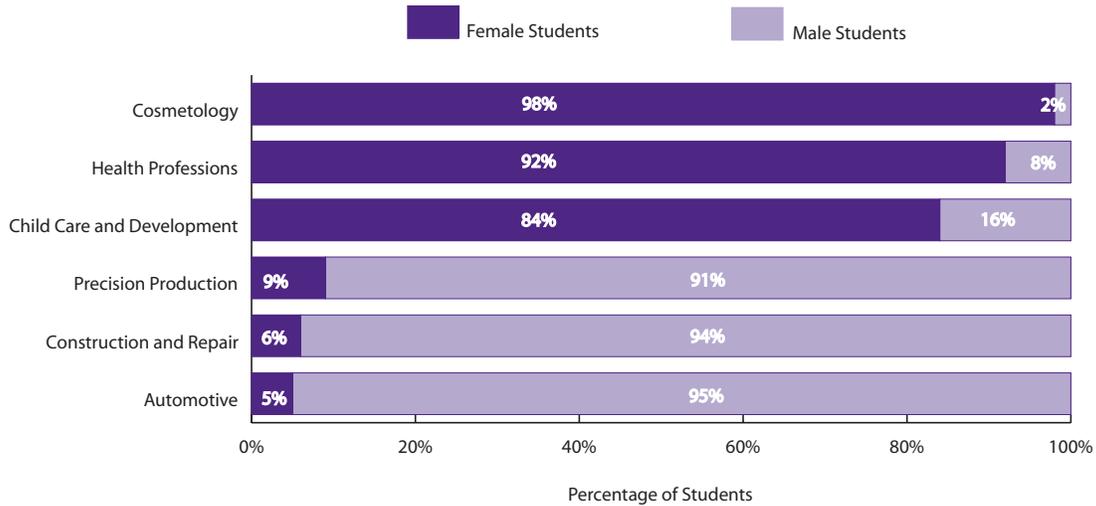
This fact sheet addresses Missouri data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

MISSOURI 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 MISSOURI

The National Women's Law Center's analysis of Missouri statewide CTE course enrollment data from 2003-2004 shows that girls make up 86 percent of students in traditionally female courses and just 6 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 Missouri Career and Technical Education Courses that are Traditional or Nontraditional for Females

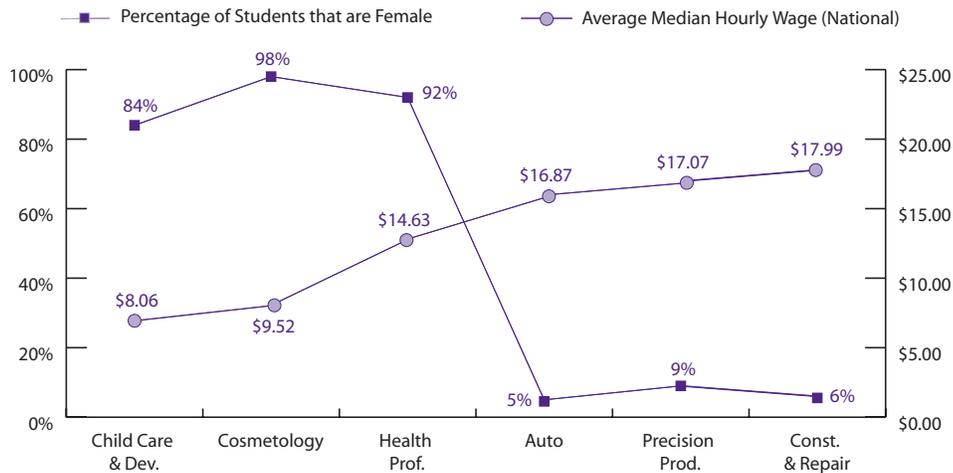


Source: Missouri Department of Elementary and Secondary Education

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 Missouri



Sources: Missouri Department of Elementary and Secondary Education; U.S. Bureau of Labor Statistics

MISSOURI TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION



The following sections explain provisions of Missouri 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 MISSOURI LAW

- *Every child between the ages of 5 and 21 has a right to a free education.*

The Missouri Constitution states that “a general diffusion of knowledge and intelligence [is] essential to the preservation of the rights and liberties of the people,” and mandates that the legislature “establish and maintain” free public schools for all persons in the state. Missouri statutes further mandate free education for everyone between the ages of 5 and 21.

- *Missouri public schools may not discriminate or segregate on the basis of sex.*

The Missouri Constitution contains an “equal protection” provision that guarantees all persons “equal rights and opportunity under the law.” This clause provides the same protection from sex discrimination as the federal equal protection clause. Victims of sex discrimination may bring a lawsuit in state court to enforce their rights under the Missouri Constitution.

The Missouri Human Rights Act (MHRA) further guarantees the full and equal use of places of public accommodation without “discrimination or segregation” on the grounds of sex, race, color, religion, national origin, ancestry, or disability. Despite this prohibition, the laws allow school districts to separate students by sex in human sexuality courses.

Among other provisions, the MHRA explicitly bars sexual harassment; retaliation against those who oppose violations of the law or who participate in investigations or proceedings conducted pursuant to the law; and discrimination against individuals based on their association with anyone protected by the MHRA. Additionally, St. Louis, Kansas City, and Columbia have adopted local ordinances that explicitly bar sexual orientation discrimination.

If you have experienced discrimination in violation of the MHRA, you may file a complaint with the Missouri Commission on Human Rights. Complaints must be filed within 180 days of the discriminatory act. If the Commission finds a violation of the MHRA, it will issue an order that prohibits the discriminatory practice and implements “equal and unsegregated public accommodations.” It may also require the payment of damages and civil penalties to vindicate the public interest.

A decision of the Commission may be appealed by either party by filing a petition to the state circuit court within 30 days of the Commission’s final decision. In addition, any person may file a suit in circuit court for enforcement of the Commission’s order.

Alternatively, if the Commission fails to complete its administrative process within 180 days, you may request a “right to sue” letter that gives you the right to bring a civil action in court. You may be entitled to damages, including reasonable attorney fees and costs, if you prevail in a suit filed in state court under the MHRA.

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 MISSOURI LAW

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

- Missouri Revised Statutes Chapter 160 Schools-General Provisions Section; Missouri Revised Statutes Chapter 213 Human Rights Section

- Missouri statutes can be found online at <http://www.moga.state.mo.us/statutesearch> and on the Missouri Department of Elementary and Secondary Education website <http://www.dese.state.mo.us/schoollaw/publawbook/index.html>.

- The Missouri Commission on Human Rights also has helpful resources. <http://www.dolir.state.mo.us/hr/>

- *Charter schools may not limit admission based on gender.*

Charter schools may not limit admission based on race, ethnicity, national origin, disability, gender, income level, English-language proficiency, or athletic ability. A charter school must enroll all pupils who are eligible to attend and who submit a timely application, except that if the school does not have the capacity to admit all the students who apply, it can use an admissions process that assures all applicants an equal chance of getting in. A charter school may give preferences to siblings of current students, children of school employees, and students who live in the geographical area around the school as long as this does not result in racially or socio-economically isolated schools.

- *School districts are encouraged to offer special programs for pregnant teens and teen mothers.*

The Missouri Commissioner of Education administers a “Children At-Risk in Education Program,” which provides money to local school boards that offer specialized programs for pupils at risk of dropping out. The school boards can choose how to use this additional state aid, but among other things, local school districts are “encouraged” to offer special programs and receive additional state aid for supplemental services and alternative education programs for pregnant and parenting teens.

- *Recipients of Missouri college scholarships can defer their scholarships due to pregnancy.*

Missouri citizens who want to attend Missouri colleges, universities, or CTE schools are eligible for scholarships from the Higher Education Academic Scholarship Program and the Missouri College Guarantee Program. Pregnant student who wish to delay the receipt of their scholarships may defer for up to 27 months.

- *Schools and other entities receiving state grants for English-language instruction may not discriminate on the basis of sex.*

The Missouri Department of Elementary and Secondary Education, which is the administrative arm of the State Board of Education, provides grants to public school districts, community organizations, and nonprofit agencies to provide instruction to community members who need assistance in learning English. Any entity accepting these grants is barred from discriminating in the provision of English-language services on the basis of race, color, religion, gender, age, or national origin.

- *State-run student loan and scholarship programs may not discriminate on the basis of sex.*

Two provisions of Missouri law allow the state to give student loans to various students, and require that these loans be provided without discrimination on the basis of sex. First, the Missouri Prospective Teacher Loan Program, which allows the Coordinating Board for Higher Education to provide loans to Missouri residents

who are enrolled in teacher education programs in Missouri schools, may not be awarded in a manner that discriminates on the basis of sex. Second, the Missouri Department of Higher Education Financial Assistance Program provides student loans based on financial need to Missouri residents. Eligibility for these loans similarly cannot be affected by considerations of student sex (or race, religion, creed, color, location of residence, or choice of eligible institution).

- *Postsecondary schools that discriminate on the basis of sex are not eligible for the Charles Gallagher Student Financial Assistance Program.*

The statutorily mandated Charles Gallagher Student Financial Assistance Program provides grants of up to \$1,500 a year to Missouri residents enrolled in Missouri postsecondary schools. Schools cannot participate in this grant program if they discriminate on the basis of sex. Single-sex schools do qualify for the grant, however.

- *The State Board of Education is required to report annually on the sex of students and teachers in public schools.*

The State Board of Education must make an annual report to the state General Assembly or the governor every January. This report includes, among other things, “a statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught,” and also a statement of “the number of teachers employed, their sex, their professional training, and their average salary.”

- *The Missouri Women’s Council provides referrals and resources on nontraditional programs and employment for women.*

The Missouri Women’s Council, established by a state law in 1985, has the goal of “providing Missouri women the information necessary to obtain economic, social and political parity.” The Council runs education and training programs, including the Distance Learning Program at Central Ozarks Private Industry Council, which provides career counseling and training for women who receive Temporary Assistance for Needy Families (TANF) and other economically disadvantaged women.

USING MISSOURI 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 Missouri 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 problem using Missouri 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

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.

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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.

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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.

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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.

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. Note to your school that the under-representation may signal a violation of the state's prohibition on discrimination and segregation 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 district must have a policy against sex discrimination. Ask to see it.
 - ▶ Ask the State Board of Education or the Commission on Human Rights 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.).
 - ▶ You can ask your school, school district, 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; 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 into classes because of their gender, sexual harassment and gender stereotyping are sex discrimination.

Ask to see your school system's sex 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 with the system using the procedures set out in the policy.² You can also file a complaint with the Missouri Commission on Human Rights. The complaint must be filed within 180 days after the discrimination occurs. After receiving a right to sue letter, you may also file a complaint in state court. You also can file a suit based on provisions of the Missouri 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. You should consider reporting the sex discrimination to the school district, using the process outlined in the school district discrimination policy. As described above, you may also file a complaint with the Commission on Human Rights or follow the procedure for filing a lawsuit under Missouri or federal laws.

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 MISSOURI 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. Missouri could:

- ▶ **Enhance the explicit prohibitions of state law:** State enforcement agencies could adopt regulations or policies that provide additional guidance for schools on the legal requirements that apply to them under the MHRA.
- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:** Missouri could:
 - Require, and provide technical assistance to enable, schools to train staff and students in how to recognize and prevent sexual harassment and sex discrimination.
 - Require school districts to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are nontraditional for their gender.
 - Require school districts to develop, and regularly update, comprehensive equity plans to identify and address discriminatory practices and artificial barriers.
 - 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:** Missouri could:
 - Mandate that state enforcement agencies undertake regular reviews of schools and/or school districts to assess their compliance with anti-discrimination requirements.
 - Direct the Board of Education or the Missouri Women's Council to study the causes of and offer solutions to address the under-representation of girls in nontraditional CTE progress 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 existing Missouri law, you can take the steps described in the "Using the Law" section above. You also can consider:

- Using the Missouri public records law to request information from the Commission on Human Rights about (a) the number of incidents of discrimination and harassment that have been reported to it over the last several years and (b) the Commission'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.

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.

