

NORTH CAROLINA TOOLKIT

NORTH CAROLINA FACTS

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89%

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.

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22,937

girls are enrolled in child care and development courses.

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1,434

girls are enrolled in construction and repair courses.

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0%

of plumbing students in the state are girls.

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88%

of allied health sciences students are girls.

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Source: Enrollment data are for the 2003-2004 school year and were obtained from the North Carolina Department of Public Instruction's online Education Statistics Access System (ESAS).

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 North Carolina—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.

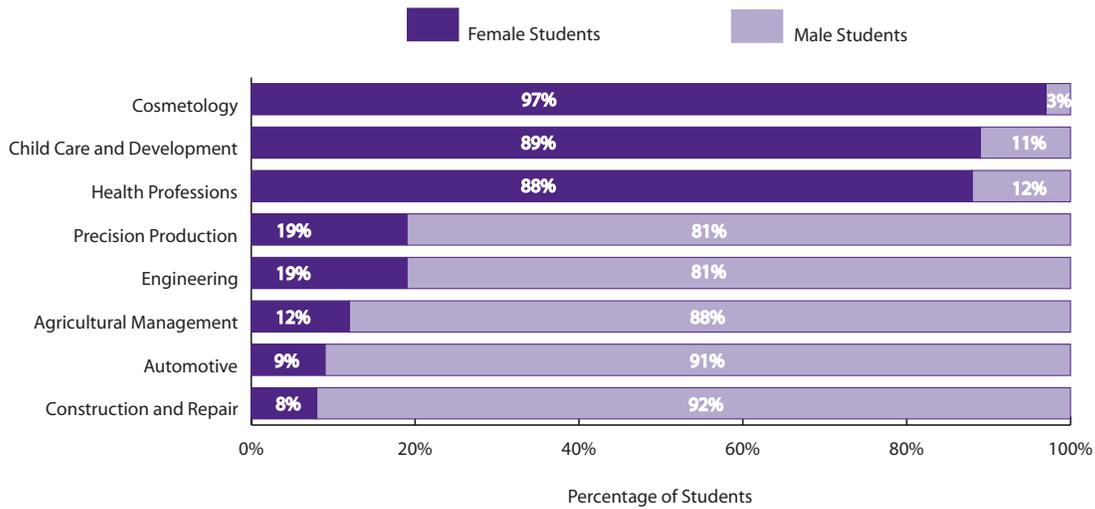
This fact sheet addresses North Carolina data and laws. Toolkits for the other states in our sample, the general toolkit, and the full Report are available online at <http://www.nwlc.org>.

NORTH CAROLINA 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 NORTH CAROLINA

The National Women's Law Center's analysis of North Carolina statewide CTE course enrollment data from 2003-2004 shows that girls make up 89 percent of students in traditionally female courses and just 12 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 North Carolina Career and Technical Education Courses that are Traditional or Nontraditional for Females

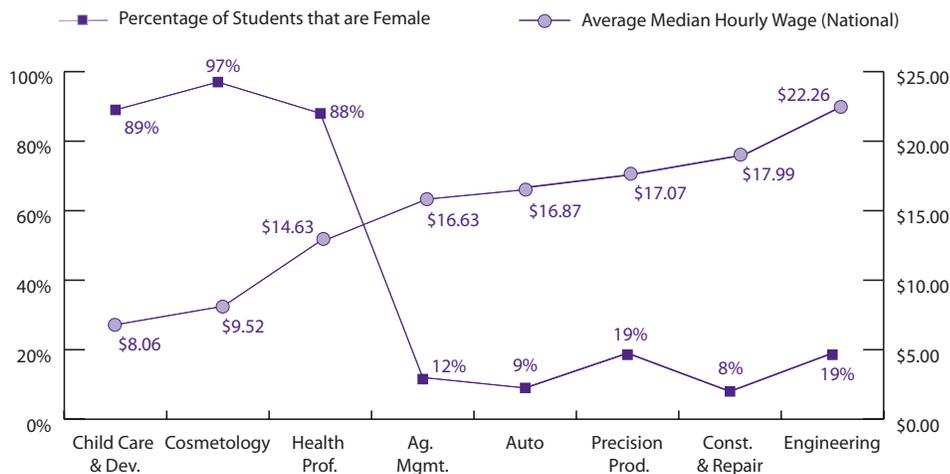


Source: North Carolina Department of Public Instruction Education Statistics Access System

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 North Carolina



Source: North Carolina Department of Public Instruction Education Statistics Access System; U.S. Bureau of Labor Statistics

NORTH CAROLINA TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION



The following sections explain provisions of North Carolina laws that can be used to address girls' under-representation in non-traditional 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 NORTH CAROLINA LAW

- *Every student must have equal access to a basic education, and is entitled to equal protection of the laws.*

The North Carolina Constitution provides all students the right to an education and to equal educational opportunities. In addition, a state statute requires that every student have equal access to a basic education. These provisions have typically been used to argue for school funding reform, but advocates can argue that the provisions create a broad prohibition on gender discrimination in public education. Finally, the North Carolina Constitution also contains an “equal protection” provision that prohibits discrimination by the state.

Lawsuits may be brought under both the equal protection and right to education provisions of the state constitution if no other adequate state remedy is available.

- *Vocational and technical education must be available to all students who desire it in public middle and high schools.*

The North Carolina Board of Education and local school boards must provide vocational and technical instruction for all middle and high school students who want it. Because this instruction must be provided in accordance with federal and state laws, and because sex discrimination in vocational education violates Title IX, sex discrimination in vocational and technical instruction also violates state law. Advocates can also argue that sex discrimination interferes with the state's basic legal obligation to provide vocational education to all who want it.

North Carolina law does not specify procedures for enforcing the right to vocational education, and there are no reported lawsuits that attempt to enforce the right. One possible step to address sex discrimination in vocational education is to report incidents to the state Board of Education or to local school boards using the boards' grievance procedures.

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

Community colleges may not discriminate against students on the bases of gender, race, national origin, religion, age, or disability. State law does not specify how victims of discrimination can enforce their rights. But students experiencing discrimination (or their representatives) might consider, as an initial step, utilizing any grievance procedures within their community colleges or filing complaints with the North Carolina Board of Community Colleges.

- *Local school districts must have anti-discrimination and anti-harassment policies.*

According to North Carolina Board of Education Guidance, each local K-12 school district must: (1) designate individuals to participate in anti-harassment and anti-discrimination training; (2) develop and maintain policies to prevent, investigate, and

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 NORTH CAROLINA LAW

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

- Article IX, Section 2, Clause 1 of the North Carolina Constitution and N.C. Gen. Stat. § 115C-1 and § 115C-81(a1).

- N.C. Gen Stat. § 115C-151

- N.C. Gen. Stat. § 115D-77

- North Carolina statutes and regulations can be found online at <http://www.ncga.state.nc.us/gascripts/Statutes/Statutes.asp>.

- North Carolina Department of Public Instruction
301 N. Wilmington St.
6358 Mail Service Center
Raleigh, NC 27699-6358
<http://www.dpi.state.nc.us>
919.807.3300

- North Carolina State Board of Education
6302 Mail Service Center
Raleigh, NC 27699-6302
http://www.ncpublicschools.org/state_board
919.807.3304

report acts of harassment and discrimination; (3) establish policies prohibiting retaliation for reporting violations of these policies; (4) notify all students, parents, and employees in writing of the policies and procedures; and (5) report all verified cases of harassment and discrimination to the state Board of Education. In addition, the state Board of Education must make a list of materials regarding school harassment available to all schools.

State regulations do not explain how to enforce the requirement that school districts implement anti-discrimination and anti-harassment policies, but advocates could at a minimum notify the North Carolina Board of Education if local school districts fail to implement or comply with these policies.

- *Charter schools may not discriminate on the basis of gender in admissions.*

Charter schools may not discriminate on the bases of gender, race, ethnicity, national origin, disability, intellectual ability, measures of achievement or aptitude, athletic ability, creed, religion, or ancestry in admissions unless the mission of the charter school specifies differently.

- *Pregnant students have a right to equal educational opportunities.*

Under the state special education law, pregnant students are considered students with special needs and must receive equal educational opportunities and services. A school may need to make special arrangements for pregnant students to ensure that they are treated equally and must offer educational programs for pregnant students. Also under the special education law, pregnant students are entitled to an individualized education plan. Parents of pregnant students have a right to review changes to their child's education plan and, following procedures outlined in the law, may challenge the plan based on specified grounds. Finally, pregnant students may not be forced to leave their high schools to attend specialized high schools because of pregnancy.

USING NORTH CAROLINA 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 North Carolina 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 North Carolina 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 develop and maintain policies to prevent and investigate acts of harassment and discrimination. Ask to see a copy of the school district'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 to investigate the reasons for the under-representation. Note to the Board that the under-representation may signal a violation of the requirement of North Carolina law that it provide vocational and technical education to all students who desire it. Ask the Board to evaluate whether school districts are complying with the requirement that they maintain anti-discrimination policies. Also tell the Board that the U.S. Department of Education requires all states to conduct periodic compliance reviews of selected schools to determine whether they are engaging in unlawful discrimination under Title IX. (See the *Tools of the Trade* Report, available at <http://www.nwlc.org>, for more information on this federal law requirement.)
- ▶ Ask your school, school district, the North Carolina Department of Public Instruction or the North Carolina Board of Education to take proactive steps to reduce under-representation. Make sure that your school district has in place the anti-discrimination and anti-harassment policies required by the Board of Education, and confirm that the district is adequately training school personnel in how to recognize and prevent discrimination. You can also 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 learn in different fields; or sponsoring programs for parents to acquaint them with nontraditional CTE options for their children. For additional proactive steps that can help to reduce under-representation, see pp. 25-26 of the *Tools of the Trade* report, available at <http://www.nwlc.org>.
- ▶ Make sure that discriminatory practices or other violations of applicable laws are addressed, through additional legal action if necessary. See 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.

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.

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

- Using the North Carolina public records law to request information from the Board of Education about (a) the number of incidents of discrimination and harassment that have been reported to it over the last several years and (b) the Board's response to those reports and its plan to enforce the law. If the records reveal inadequate enforcement, consider contacting your state Attorney General's office or taking other legal action.

- Publicizing the problems of under-representation through letters to the editor or guest columns in local media.

All school districts 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 district using its own policy.² Although North Carolina law does not specify procedures by which the state Board of Education should handle discrimination complaints, you could ask the Board to ensure that your school or school district corrects the discrimination and complies with the law.

Affected students and their parents also have the option of filing a lawsuit alleging that the sex discrimination violates the equal protection provision of the North Carolina Constitution, the constitutional right to equal access to a basic education, and/or the state's statutory obligation to provide vocational education to all students. Such state law claims can be combined with claims under Title IX, 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 discrimination against special education students. You can consider filing a complaint using the procedures set forth in your school district's sex discrimination policy. You can also, as described in the above example, report the sex discrimination to the North Carolina Board of Education and/or consider the option of filing a lawsuit under North Carolina and/or federal law. To take advantage of North Carolina's special education laws, which explicitly prohibit pregnancy discrimination, parents should request mediation with the school district and follow procedures specified in the law for making such a request.

IMPROVING NORTH CAROLINA 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. North Carolina could:

- ▶ **Enhance the explicit prohibitions of state law:** The North Carolina 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-discrimination policies.

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.

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:** North Carolina could:
 - Require school districts to develop materials, programs, and counseling techniques that encourage students to explore and participate in courses that are non-traditional 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 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 systems throughout the state.
 - Consider requiring other proactive steps, such as those outlined at pp. 25-26 of the *Tools of the Trade* Report, available at <http://www.nwlc.org>.

- ▶ **Enhance enforcement and other mechanisms to address gender equity in career and technical education:** To improve enforcement of current or new gender equity and anti-discrimination laws, North Carolina could:
 - Require state enforcement agencies to investigate complaints of sex discrimination or other violations of state laws and to establish procedures and timeframes for the conduct of investigations; empower the agencies to remedy and address any discrimination that they find; and mandate regular reviews of schools and/or school districts to assess their compliance with anti-discrimination requirements.
 - Require the North Carolina Board of Community Colleges to investigate community colleges' compliance with the state prohibition on sex discrimination.
 - Make clear that victims of sex discrimination may recover damages and attorneys' fees in suits to enforce their rights under state equity laws.
 - 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>.

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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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.

