

NEW JERSEY TOOLKIT

NEW JERSEY FACTS

•
89%

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

•
14%

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

•
2,270

girls are enrolled in cosmetology courses, compared to 86 boys.

•
159

girls are enrolled in automotive courses, compared to 3,183 boys.

•
90%

of child care and development students are girls.

•
4%

of electrician students are girls.

Source: Enrollment data are for the 2003-2004 school year and were obtained from the New Jersey 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 New Jersey—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.

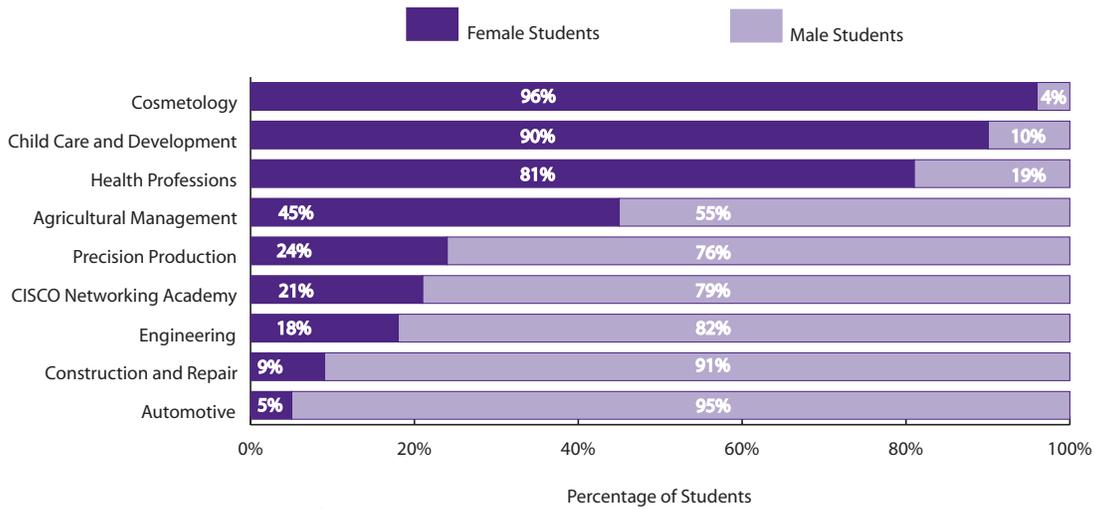
This fact sheet addresses New Jersey data and laws. Toolkits for the other states in our sample, the general toolkit and the full Report are available online at <http://www.nwlc.org>.

NEW JERSEY 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 NEW JERSEY

The National Women's Law Center's analysis of New Jersey statewide CTE course enrollment data from 2003-2004 shows that girls make up 89 percent of students in traditionally female courses and just 14 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 New Jersey Career and Technical Education Courses that are Traditional or Nontraditional for Females

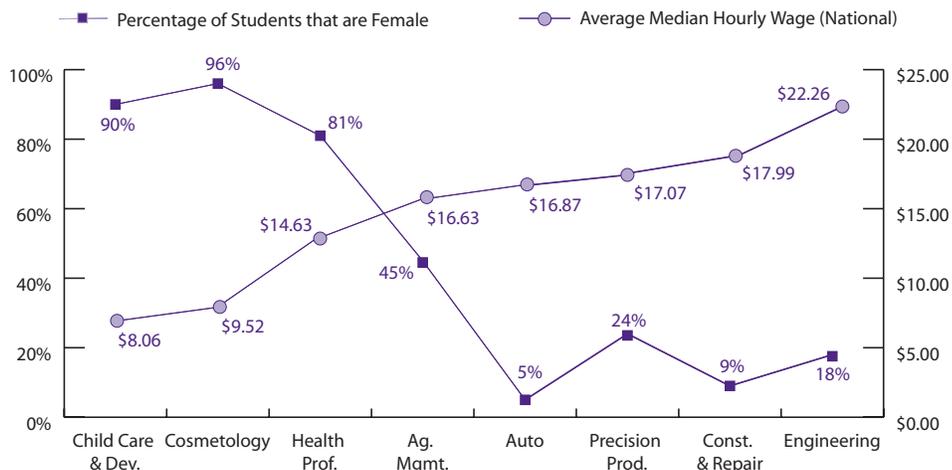


Source: New Jersey Department of Education

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 New Jersey



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

NEW JERSEY TOOLS FOR GENDER EQUITY IN CAREER AND TECHNICAL EDUCATION

The following sections explain provisions of New Jersey 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 NEW JERSEY LAW

- *Public schools and charter schools may not discriminate against students on the basis of sex.*

The New Jersey Constitution's "equal protection" clause bars sex discrimination in education. In addition, the New Jersey Law Against Discrimination prohibits discrimination on the basis of, among other categories, sex, affectional or sexual orientation, familial status, and marital status in public K-12 schools, charter schools, colleges and universities. A separate law in the state education code also prohibits public K-12 and charter schools from discriminating against students on the basis of sex and race, color, creed, or national origin. State regulations also require equal opportunity for students regardless of gender, sexual orientation, or marital status, as well as race, national origin and additional specified factors.

- *Public schools may not use neutral practices that have the effect of discriminating against students on the basis of sex.*

The New Jersey Law Against Discrimination prohibits disparate impact sex discrimination. Disparate impact sex discrimination occurs when a policy that does not specifically target girls nonetheless disproportionately harms them and cannot be adequately justified.

- *K-12 schools may not discriminate on the basis of sex in the career counseling services they provide.*

Under state regulations, K-12 schools may not restrict information about career, professional, or vocational opportunities on the basis of gender, sexual orientation, or other specified factors. Schools are also barred from using tests or guidance or counseling materials that reflect bias or stereotypes based on gender or sexual orientation.

- *K-12 school districts must adopt policies prohibiting harassment, intimidation and bullying on the basis of, among other prohibited factors, gender, sexual orientation, and gender identity and expression. School districts must also adopt and implement policies that promote equal opportunity, prohibit discrimination and harassment, and value diversity.*

Required school district bullying and harassment policies must contain: 1) a prohibition on and definition of harassment; 2) a procedure for reporting the harassment that allows anonymous complaints; 3) a procedure for investigating complaints; 4) a list of ways the school will respond to harassment; 5) a prohibition on retaliation for reporting harassment; and 6) a statement of how the harassment policy is publicized. New Jersey regulations also call for the school districts to adopt and distribute to the community policies that: 1) promote equal educational opportunity; 2) foster a learning environment free from discrimination and harassment based on gender, marital status, sexual orientation and other identified factors; and 3) value diversity and promote the acceptance of all persons.

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 NEW JERSEY LAW

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

•

New Jersey educational equity law prohibiting sex discrimination in education: New Jersey Statutes Annotated §§ 18A:36-20

•

New Jersey Law Against Discrimination: New Jersey Statutes Annotated §§ 10:1-1 et seq., 10:5-1 et seq.

•

New Jersey statutes can be found online at <http://www.njleg.state.nj.us/>

•

New Jersey regulations can be found online at <http://www.state.nj.us/njded/code/current/> and http://www.state.nj.us/lps/dcr/downloads/rules_of_practice_and_procedure.pdf

•

New Jersey Department of Education
P.O. Box 500
Trenton, NJ 08625-0500
<http://www.state.nj.us/education/>
609.292.4469

Division on Civil Rights
P. O. Box 090
Trenton, NJ 08625

- *K-12 public schools may not offer single-sex courses.*

The New Jersey education regulations emphasize the importance of students interacting positively with other students regardless of differences. Thus, the regulations forbid pre-K-12 public schools from offering single-sex courses except for human sexuality courses. Private schools and institutions of higher education are not subject to these regulations.

- *Schools may not discriminate against pregnant students on the basis of pregnancy.*

The New Jersey Law Against Discrimination treats pregnancy discrimination as a type of prohibited sex discrimination.

- *K-12 schools must take steps to address the under-representation of female students in all classes and programs and must develop equity plans every three years to eliminate discrimination and inequities.*

State regulations require K-12 school districts to reduce or prevent the under-representation of female students in all classes and programs. The regulations do not specify what steps schools must take or how schools might tackle under-representation of female students. However, each school district must develop a comprehensive equity plan every three years that identifies any discriminatory and inequitable educational patterns, programs, policies, and practices and explains how this discrimination will be corrected.

To identify discriminatory practices and barriers, schools are required to collect and analyze student performance data such as test results, promotion and retention rates, and student demographic and behavioral data. School districts must submit an annual report to the New Jersey Department of Education on their progress in achieving the objectives of their comprehensive equity plan. Schools are encouraged to publicize these plans.

- *K-12 school districts must provide continuing training to teachers and staff to identify and resolve problems related to prejudice based on gender, marital status, or sexual orientation.*

Parents and community members must be invited to the anti-discrimination teacher training provided by K-12 school districts. Teacher training must include information on the school's policy against harassment and bullying. Teachers also are required to participate in 100 hours of professional development every five years. Under state regulations, professional development should include training on how to analyze student data that are disaggregated by gender and how to make decisions based on those data. The New Jersey Education Commissioner must assist school districts in the development of teacher training.

- *The New Jersey Division on Civil Rights and the Commissioner of Education may bear and investigate complaints of sex discrimination in education. The Attorney General or Commissioner of Education may make their own complaints to trigger an investigation of sex discrimination.*

Individuals may file a complaint of sex discrimination in education with the Division on Civil Rights or the Commissioner of Education. The procedures for filing such complaints are outlined in the New Jersey Administrative Code. The Attorney General or Commissioner of Education also may file a complaint of unlawful discrimination to initiate an investigation.

The Commissioner may withhold state funding from schools that fail to comply with the law. In addition, the Commissioner may promulgate rules and regulations or issue declaratory rulings regarding educational rights or responsibilities. The Deputy Commissioner of Education is informally advised by a Gender Equity Advisory Committee, but the committee is not provided for by law. Decisions by the Commissioner on violations of the education laws may be appealed to the New Jersey Board of Education and parties may appeal a final decision by the Board of Education to New Jersey Superior Court.

Like the Commissioner, the Attorney General and the Division on Civil Rights may hear complaints of sex discrimination in education and may adopt rules and regulations to enforce the Law Against Discrimination. Final decisions by the Division on Civil Rights may be appealed to the New Jersey Superior Court. In addition to these responsibilities, the Division on Civil Rights must (1) provide an annual report to governor and legislature describing the activities of the agency; and (2) issue publications and release results of investigations and research that help to eliminate discrimination.

Instead of filing a complaint with a state agency, individuals who have been subject to discrimination, or organizations which represent or act to further the interests of these individuals, may file a lawsuit challenging the discrimination.

USING NEW JERSEY 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 New Jersey 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 New Jersey 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 district of its legal obligation to develop a comprehensive equity plan every three years that identifies

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.*

any discriminatory and inequitable educational practices and explains how the discrimination will be corrected. Ask to see a copy of the most recent three-year plan. 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 New Jersey Division on Civil Rights, the New Jersey Commissioner of Education or the New Jersey Attorney General to investigate the reasons for the under-representation. Each of these entities has the authority to investigate complaints; both the Commissioner of Education and the Attorney General can initiate their own complaints to trigger an investigation of sex discrimination. Also remind these entities 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 or any of the state entities listed above to take proactive steps to reduce under-representation. New Jersey regulations require K-12 school districts to reduce or prevent the under-representation of female students in all classes and programs; the law also requires teacher and staff training on how to identify and resolve problems related to prejudice. Ask your school district to explain what actions it has taken or plans to take to meet these requirements. 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 counselors and other school personnel to provide full information to CTE students about nontraditional options and the wages they can expect to earn in different fields; or sponsoring programs for parents to acquaint them with nontraditional CTE options for their children. For additional proactive steps that can help to reduce under-representation, see pp. 25-26 of the *Tools of the Trade* report, available at <http://www.nwlc.org>.
- ▶ 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 all types of sex discrimination prohibited by New Jersey laws.

All school districts must have policies prohibiting discrimination and harassment. Ask to see these policies and, if your school does not voluntarily correct the discrimination, consider filing a grievance or complaint using the procedures those policies specify.² Make sure that the policies are widely circulated so that parents and students know their rights, and check to see whether your school district is conducting required anti-discrimination training for teachers and staff.

You can also file a complaint with the Division on Civil Rights or the Commissioner of Education or file a lawsuit alleging violations of the Law Against Discrimination and the educational equity laws. Such a lawsuit could combine state law claims 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.*

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.

Discrimination against a pregnant student based on her pregnancy is sex discrimination. See the example above for options available to address the discrimination under New Jersey law.

IMPROVING NEW JERSEY 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. New Jersey could:

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:**
 - Explicitly identify the steps it expects schools to take to address girls' under-representation in nontraditional CTE programs.
 - Explicitly describe the investigations and findings required for the three-year equity plans that school districts must prepare.
 - Require school districts to collect, and publicize, comprehensive data on enrollment and retention in, and graduation from, CTE programs, broken down by race, gender, national origin and other criteria.
 - 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.
 - 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:**
 - Formally provide, by statute or regulation, for a permanent Gender Equity Advisory Committee. The Committee currently provides informal advice to the Department of Education on gender equity issues.
 - Establish a task force to study the causes of and recommend means to address the under-representation of girls in nontraditional CTE and implement appropriate recommendations.

For suggestions for improving states' gender equity in education laws generally, please see the *Tools of the Trade* Report available at <http://www.nwlc.org>.

IMPROVING ENFORCEMENT OF CURRENT LAW

Ensuring enforcement of current law is an important method of improving girls' treatment in CTE. To improve enforcement of current New Jersey law, you can take some of the steps described in the "Using the Law" section. You also can consider:

- Using the New Jersey public records law to request information about the number of sex discrimination complaints the Division on Civil Rights and the Commissioner of Education have received over the last several years and about the outcome of those complaints. Ask the agencies how many times they have investigated gender equity in CTE programs, and request findings from these reviews. 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.

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.

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.

