

# WASHINGTON TOOLKIT

## WASHINGTON FACTS

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**83%**

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

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**14%**

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

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**4,397**

girls are enrolled in child care and development courses, compared to 1,011 boys.

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**713**

girls are enrolled in automotive courses, compared to 4,698 boys.

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**97%**

of cosmetology students are girls.

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**13%**

of automotive students are girls.

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Source: Enrollment data are for the 2001-2002 school year and were obtained from the Washington Office of the Superintendent of Public Instruction.

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 Washington—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 Washington 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>.

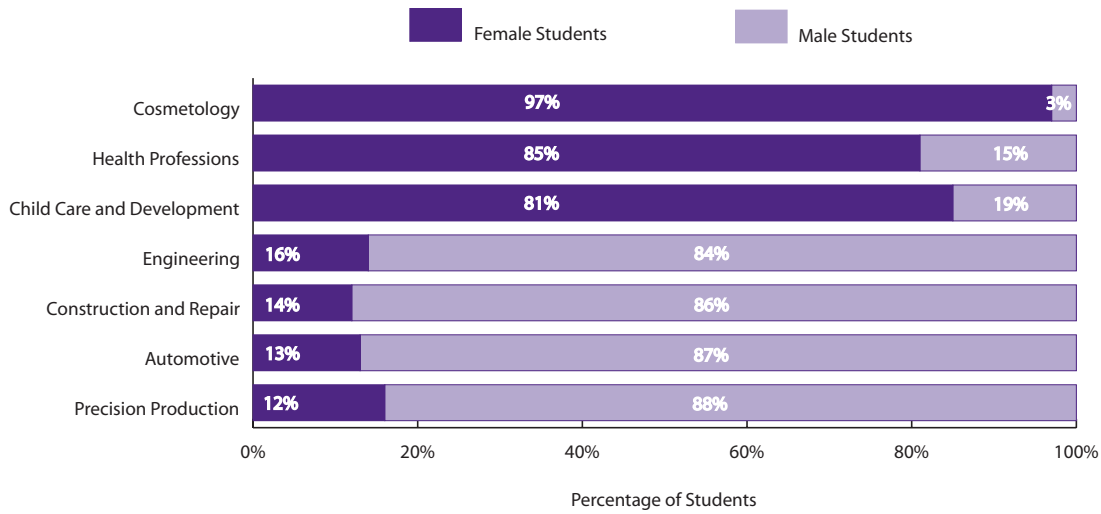
## WASHINGTON CTE ENROLLMENT DATA

### **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 Washington statewide CTE course enrollment data from 2001-2002 shows that girls make up 83 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 Washington Career and Technical Education

### Courses that are Traditional or Nontraditional for Females

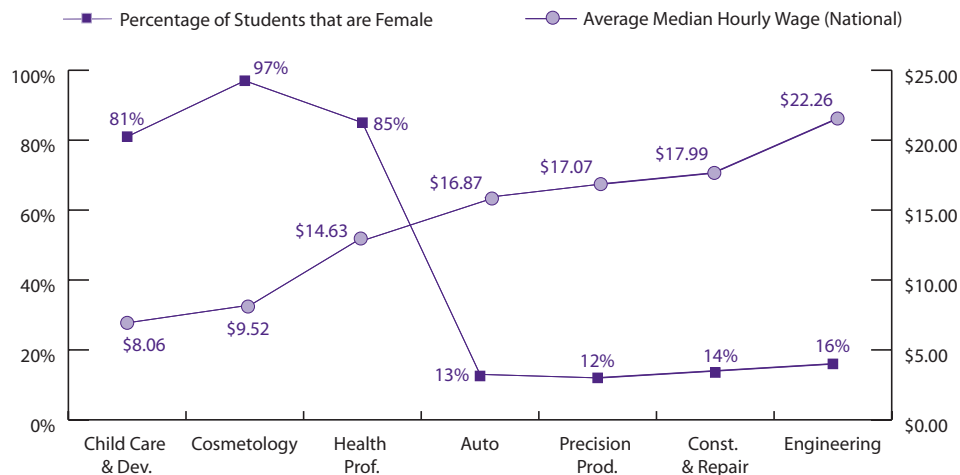


Source: Washington Office of the Superintendent of Public Instruction

## 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 Washington



Sources: Washington Office of the Superintendent of Public Instruction; U.S. Bureau of Labor Statistics

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



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

### UNDERSTANDING WASHINGTON LAW

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

The Washington Constitution contains an Equal Rights Amendment that prohibits sex discrimination by the government, including public schools. The state Constitution also contains a privileges and immunities clause that prohibits the state from discriminating on the basis of race, sex, and national origin. In addition, the preamble to the state Constitution guarantees education without preference on the basis of sex.

The state Law Against Discrimination also bars sex discrimination in both public and private education. Finally, two additional laws that were passed pursuant to the state Equal Rights Amendment prohibit sex discrimination in public K-12 and post-secondary education.

- *Women and girls in all public schools and universities must receive equal guidance and counseling. Public K-12 school districts must ensure that any disproportionate enrollment of students of one sex is not the result of discriminatory counseling or placement.*

Washington educational equity laws specifically prohibit sex discrimination in guidance and counseling, at both K-12 and post-secondary levels. Under state regulations, K-12 school districts may not use different testing materials to counsel female and male students unless the materials are demonstrably essential to eliminate sex bias. If a disproportionate number of students of one sex are in a particular course of study or class, moreover, the school district must take immediate steps to ensure that the disproportion is not the result of discrimination in tests, appraisal instruments, career guidance materials, work/ study programs or educational placement by counselors.

- *Textbooks and instructional materials may not reflect sex bias or discriminate on the basis of sex.*

School districts must eliminate sex bias in instructional materials and must incorporate this mandate into their instructional materials policy. The instructional materials committee of each school district must maintain screening criteria to eliminate sex bias in materials. Certain materials, such as classic literary works, may be used for instruction if educationally necessary.

- *K-12 school districts may not offer single-sex classes.*

Single-sex classes are impermissible except for human sexuality classes and choirs. State regulations also permit single-sex physical education classes in grades 7 through 12 under certain circumstances.<sup>2</sup>

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<sup>1</sup> While this legal fact sheet is, to the best of the authors' knowledge, current as of October 2005, there may well be subsequent developments, including legislative initiatives or court cases, which could alter the information provided here. This fact sheet does not constitute legal advice; individuals and organizations considering legal action should consult with their own counsel before deciding on a course of action.

<sup>2</sup> This regulation may conflict with federal law in certain circumstances, and thus should be applied, if at all, with caution.

## RESOURCES FOR LEARNING MORE ABOUT WASHINGTON LAW

*To learn more about Washington law, you may wish to read some of the statutes and regulations described in this fact sheet or to contact the Washington Office of the Superintendent of Public Instruction.*

Washington educational equity laws prohibiting sex discrimination in K-12 schools:

Washington Revised Code §§ 28A.640 et seq.; in higher education: Washington Revised Code §§ 28B.110 et seq.

Law Against Discrimination: Washington Revised Code §§ 49.60. et seq.

Washington statutes can be found online at <http://www.leg.wa.gov/rcw/index.cfm>

Washington regulations or administrative code can be found online at <http://www.leg.wa.gov/wac/>

The Office of the Superintendent for Public Instruction Equity Education Program provides helpful resources about state and federal law. Visit its homepage at <http://www.k12.wa.us/Equity/default.aspx>

Office of the Superintendent of Public Instruction  
Old Capitol Building  
PO Box 47200  
Olympia, WA 98504-7200  
<http://www.k12.wa.us>  
360.725.6000

- *Schools may not discriminate against pregnant students.*

The Washington Administrative Code provides that no student shall be unlawfully denied equal educational opportunity or be unlawfully discriminated against because of pregnancy.

- *Public K-12 school districts and post-secondary institutions must implement sexual harassment policies and procedures.*

Each K-12 school district must implement and post a sexual harassment policy and distribute the policy to all students, employees, and volunteers. Institutions of higher education also must develop sexual harassment policies and distribute them to students, faculty, and staff. In addition, post-secondary institutions must distribute to their students summaries of state laws prohibiting sex discrimination in higher education, including the procedures for filing a complaint.

- *Teachers and counselors must encourage students to explore career and technical education and employment opportunities, including nontraditional opportunities, without regard to sex.*

Under state regulations, K-12 school districts must develop materials, programs, and counseling techniques that encourage participation in courses of study and employment based on factors other than sex and that encourage participation in subjects nontraditional for students' gender. All teachers and counselors must encourage students to explore and develop their interests in CTE and employment without regard to sex and must make efforts to encourage exploration of nontraditional occupations. The school district superintendent must designate a staff member to coordinate these duties.

- *Primary and secondary schools must develop annual plans to achieve gender equity in education.*

Each school must annually develop a "school improvement plan" that addresses, among other factors, how the school will achieve educational equity with respect to gender.

- *Colleges and universities work with the Higher Education Coordinating Board to comply with antidiscrimination laws.*

The Higher Education Coordinating Board, which reports every four years to the Governor and the higher education committees of the state legislature, monitors colleges' and universities' compliance with anti-discrimination law. In its report, the Coordinating Board recommends measures to assist institutions with compliance. Every other year, each higher education institution must submit a plan to the Coordinating Board that will bring the institution into compliance with the law and that assesses previous steps taken to remove barriers to compliance. In addition, the president of the institution must designate a specific staff person to monitor and coordinate the institution's compliance with gender equity.

- *Local and state officials must monitor compliance with laws prohibiting sex discrimination in education. The state may require K-12 school districts to take affirmative action to remedy discrimination.*

The state Office of the Superintendent of Public Instruction is required to monitor local school districts' compliance with the law prohibiting sex discrimination in K-12 education. Moreover, each K-12 school district must designate an employee to monitor and coordinate the district's compliance. If a school district is found to violate the anti-discrimination law, the state may terminate all or part of state funding to the school district, terminate specific programs, institute a mandatory affirmative action program, and/or place the school district on probation with the state.

- *Affirmative action may not result in "preferential treatment" or "reverse discrimination."*

In 1998, Washington voters passed Initiative 200, which prohibits discrimination and "preferential treatment" based on sex, race, ethnicity, or national origin in education. The Supreme Court of Washington has found that Initiative 200 did not ban all affirmative action, but "prohibits reverse discrimination where race or gender is used by the government to select a less qualified applicant over a more qualified applicant."

- *The Washington Human Rights Commission may undertake technical studies or investigations of discrimination.*

The Washington Human Rights Commission is charged with eliminating and preventing many forms of discrimination, including sex discrimination in education. It investigates complaints of sex discrimination and has the authority to hold hearings and subpoena witnesses. (See below). It may create advisory agencies and councils to study sex discrimination and to make recommendations for policies and procedures to eliminate the discrimination. The Commission may also issue publications and hold seminars and conferences. The Executive Director of the Commission may issue opinions interpreting the law or regulations pertaining to the Commission.

- *To remedy sex discrimination, individuals may file a complaint using their school district's anti-discrimination policy or may file a complaint with the Washington Human Rights Commission. Students experiencing sex discrimination may also file a lawsuit to enforce their rights.*

Students and advocates have several options to enforce Washington laws against sex discrimination. Under state regulations, K-12 school districts are required to investigate all written complaints received. The district must make a written report of its investigation, and the superintendent of the district must make a written finding to the student making the complaint. If the individual is dissatisfied with the superintendent's decisions, s/he may appeal to the local school board and then to the state Superintendent of Public Instruction.

Students who are victims of discrimination also may file a written complaint with the Washington Human Rights Commission, which will investigate the complaint. If the Commission is unable to resolve the complaint, the complaint will be heard

## 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.*



by an administrative law judge, who may order the school to stop discriminating and may require the school to engage in an affirmative action program. Advocates who are not victims of discrimination also may ask that the Commission file a complaint itself, which will trigger an investigation.

Decisions by the Superintendent and the Commission may be appealed to state superior court. Alternatively, victims of sex discrimination in education may also file a lawsuit under the Washington educational equity laws or the Law Against Discrimination.

## **USING WASHINGTON 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 Washington and federal laws. For a description of these important federal tools, please see the *Tools of the Trade* Report available at <http://www.nwlc.org>. The following scenarios describe examples of potentially illegal sex discrimination and discuss some of the options for remedying the problems using Washington 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 Washington law requires it to develop an annual plan to achieve gender equity in education, and to take immediate steps to ensure that any disproportion in male and female enrollment in a course of study is not the result of discriminatory policies. 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 Superintendent of Public Instruction or the Human Rights Commission to investigate the reasons for the under-representation. Remind the Superintendent's office that it is required to monitor school districts' compliance with the Washington law prohibiting sex discrimination in K-12 education. Also note to these offices that the under-representation may signal a violation of the requirement of Washington law that it encourage students to explore CTE employment and education opportunities without regard to sex. Further, alert these agencies 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 Superintendent of Public Instruction or the Human Rights Commission to take proactive steps to reduce under-representation. Ask to see a copy of your school's annual improvement plan, which must address educational equity, and find out what your school district is doing to meet the requirement that it encourage students to participate in courses that are nontraditional for their gender. You also can ask your school, school district, or state enforcement agency to take specific steps you think would help—for example, engaging in outreach and recruitment activities to encourage student enrollment in programs that are nontraditional for their gender; 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; or sponsoring programs for parents to acquaint them with nontraditional CTE options for their children. For additional proactive steps that can help to reduce under-representation, see pp. 25-26 of the *Tools of the Trade* report, available at <http://www.nwlc.org>.

- ▶ Make sure that discriminatory practices or other violations of applicable laws are addressed, through additional legal action if necessary. See some examples below.

- *A female student told her guidance counselor she wanted to take computer networking courses, but the guidance counselor urged her to enroll in cosmetology instead.*
- *The teacher and students in an auto-body course sexually harass female students in the class and make disparaging comments about women based on gender stereotypes.*

Steering students to classes because of their gender, sexual harassment, and gender stereotyping are sex discrimination.

Ask to see your school district's anti-discrimination and anti-harassment policy and make sure that it prohibits sex discrimination and 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.<sup>3</sup> If you are not satisfied with your school district's response, you may appeal to your local school board and to the Superintendent of Public Instruction to ensure that your school or school district corrects the discrimination and complies with the law.

You also have the additional options of filing a complaint with the Washington Human Rights Commission or a lawsuit alleging that the sex discrimination violates the equal protection provision or the equal rights amendment of the Washington Constitution, as well as the Washington Law Against Discrimination and educational equity laws. Such state law claims can be combined with claims under federal law, as described in the *Tools of the Trade* Report, available at <http://www.nwlc.org>.

- *A pregnant student is forced to take a child care class rather than the information technology course she prefers.*

Preventing pregnant students from enrolling in nontraditional CTE courses is sex discrimination and also violates state regulations prohibiting discrimination against pregnant students. You can consider filing a complaint using the procedures set forth in your school district's anti-discrimination policy. You can, as described in the above example, appeal your district's decision to the Office of the Superintendent of Public Instruction, and/or consider the option of filing a complaint with the Human Rights Commission or a lawsuit under Washington and/or federal law.

<sup>3</sup> Contacting your school about sexual harassment is important in order to preserve all federal remedies for the harassment. Under federal courts' interpretation of Title IX, a school may not be held liable for monetary damages if the school did not have notice of the harassment.

## 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 Washington law, you can take some of the steps set forth in the "Using the Law" section above. You can also consider:*

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Using the Washington public records law to request information from the Office of the Superintendent of Public Instruction or the Human Rights Commission about (a) the number of incidents of discrimination and harassment at schools that have been reported to them over the last several years and (b) their response to those reports and plan to enforce the law. If the records reveal inadequate enforcement, consider contacting your state Attorney General's office or taking other legal action.

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

**IMPROVING WASHINGTON 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. Washington could:

- ▶ **Enhance legal obligations for schools and state agencies to take proactive steps:**
  - Require, and provide technical assistance to enable, school districts to conduct regular anti-harassment and anti-discrimination training for students and staff.
  - Provide guidance on how schools can conduct the required investigation to assess whether disproportionate enrollments are the result of discrimination
  - Provide materials to school districts to help them fulfill their self-assessment requirements and develop their equity plans, and require school districts to broadly publicize these plans.
  - 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.
  - 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:** To improve enforcement of gender equity and anti-discrimination laws, Washington could:
  - Require state enforcement agencies to undertake regular compliance reviews.
  - Establish a task force, separately or through the Washington Human Rights Commission, 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>.









## 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](http://www.nwlc.org).**

**The National Women's Law Center is a non-profit organization that has worked since 1972 to advance and protect women's legal rights. The Center focuses on major policy areas of importance to women and their families, including education, employment, health and reproductive rights, and family economic security—with special attention given to the needs of low-income women.**

