

August 16, 2001

By Fax and Regular Mail

Chancellor Harold O. Levy
New York City Board of Education
110 Livingston Street
Brooklyn, NY 11201

Dear Chancellor Levy:

The National Women's Law Center is a non-profit organization working to protect the rights and opportunities of women and girls in education, the workplace and other aspects of their lives. We write to bring your attention to a problem in the New York City schools which violates the rights and educational opportunities of female students in New York City and to request that the problem be remedied without delay.

The New York City Board of Education ("the Board") currently operates what is virtually a dual system of vocational high schools for male and female students and provides inferior educational opportunities for female students interested in or attending vocational high schools. This dual system, and the inferior educational opportunities for female students that result, violate Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. § 1681, the Equal Protection Clause of the United States Constitution and New York state and city protections against discrimination, including Article I, Section 11 of the New York State Constitution, Section 3201-a of the New York Education Law, Section 291 of the New York Executive Law (the state Human Rights Law), Section 40-c of the New York Civil Rights Law, and Section 8 of the New York City Administrative Code (the city Human Rights Law).

Of the 18 vocational-technical high schools in New York City, 13 are highly sex-segregated, four have student bodies that are more than 70% female¹ and nine have student bodies that are more than 70% male,² including three schools that are more than 90% male.³ The vocational programs offered at these schools correspond with outmoded and impermissible stereotypes on the basis of sex. The four predominantly female schools offer vocational programs leading to traditionally female jobs, such as cosmetology, medical or nursing assistance, or clerical support. These traditionally female occupations, for the most part, offer lower wages than traditionally male or gender-neutral jobs. In contrast, the nine vocational schools with more than 70% male enrollment offer a much wider range of career opportunities for their students, including many high-tech programs that lead to high-wage work in the twenty-first century. For example, the only engineering or technology programs offered by the predominantly female schools are Vision

¹Fashion Industry, William Maxwell, Jane Addams, and Grace Dodge.

²Art and Design, George Westinghouse, William Grady, East New York Transit Tech, Automotive, Alfred Smith, Samuel Gompers, Aviation, and Thomas Edison.

³Aviation, Alfred Smith, and Automotive.

Care Technology, Business Technology and Desktop Publishing. In contrast, the predominantly male schools offer more than 20 distinct programs in engineering or technology, including Computer Repair, Mechanical Engineering, and Computer Electronics. Further, the Board has recently implemented Cisco Networking Academy Programs, leading to industry certification in computer networking, at five vocational high schools—three of which are more than 70% male.⁴ None of the predominantly female schools offer a similar opportunity. Accordingly, the Board's placement of engineering and technology programs and other technology opportunities results in inferior educational opportunities being offered to female students.

Moreover, the Board has not provided female vocational students with an equal opportunity to take Advanced Placement ("AP") courses. AP courses allow students to earn college credit, thus saving them thousands of dollars in higher education costs, improving their options for college admission, and increasing their self-esteem and knowledge in a subject. The vocational schools that are 70% or more male offer, on average, 3.89 AP courses per school, while the vocational schools that are 70% or more female average 1.75 courses per school. None of the four predominantly female vocational schools offer any AP courses in Calculus, Statistics, Biology, Chemistry, Physics, or Computer Science – including those schools that purport to prepare their students for careers in the health field or business world. However, six of the predominantly male schools offer AP Calculus, four offer AP Biology, two offer AP Chemistry, two offer AP Computer Science, one offers AP Physics, and one offers AP Statistics. As a result of the unequal distribution of math and science AP courses, female students in the vocational system are significantly less likely to attend a high school that offers them any math or science AP course. According to our calculations, approximately 67% of male vocational students, but only 35% of female vocational students, attend a school that offers at least one math or science AP.

This system of separate and unequal schools exists, as described above, after decades of explicit *de jure* discrimination against female students in the vocational system. In 1909, when the Board of Education authorized the establishment of vocational schools, it specified that "boys and girls shall not be permitted to attend school in the same building. In special cases, however, the Committee on Vocational Schools and Industrial Training, upon recommendation of the board of Superintendents, may authorize the organization of boys' classes and girls' classes in the same building."⁵ For most of the twentieth century, the Board, its agents, and school officials took steps to enforce this policy and to designate particular vocational schools as being exclusively for girls or for boys, including by naming schools "Vocational High School for Boys," by relocating so-called "girls' classes" to separate buildings, by denying admittance to interested female

⁴George Westinghouse, Thomas Edison, and William Grady. The other two vocational schools with Cisco Academy are Chelsea (65% male) and Harry Van Arsdale (57% male).

⁵Board of Education Minutes, Feb. 24, 1909, cited in Letter to Dr. Frank Macchiarola, Chancellor, New York City Board of Education, from Assistant Commissioner for Occupational and Continuing Education, State Education Department, dated Dec. 20, 1982, page 4.

students, or by using words like “man,” “son,” or “manhood” in their student handbooks.⁶

Discrimination against vocational students on the basis of sex continues to this day. The recruiting methods and activities used by the vocational schools, their sex-stereotyped program offerings, and even the names assigned to the vocational high schools send strong signals to students that they are appropriate only for one sex or the other. For example, Aviation High School – a school that is 95% male – failed to include any affirmation of equal opportunity in its recruiting materials and appeared to have only male students present at its recruiting table at the most recent high school fair, held on September 23, 2000. Samuel Gompers – a school that is 83% male – displayed a large banner over its recruiting table stating “Gompers Builds Mechanical Men,” implying that its mission was to educate male students in mechanical fields. Such messages can have an enormous impact upon students, who must select both a high school and specific program track by November of their eighth grade year, often operating on little more than the Board’s Directory of Public High Schools and the information gleaned from the annual high school fair and school recruitment materials.

Federal, state, and local laws require the Board to provide male and female students equal educational opportunity to eliminate the vestiges of prior *de jure* segregation and to assure that educational programs are operated in a non-discriminatory way. However, in violation of these laws, the Board has never taken the necessary steps to dismantle the effects of its formerly official system of sex segregation in vocational high schools and has failed to provide equal educational opportunities and to eliminate discrimination for its female vocational students. The unequal placement of educational opportunities, the continuing disparities in enrollment, the continued placement of traditionally female vocational fields at traditionally female schools, and the gender-specific names and recruiting methods of many of the schools all constitute impermissible discrimination and reflect the vestiges of the prior system of segregation.

The Board repeatedly has been made aware of the gender inequities in its vocational system. In 1982, the State Department of Education conducted an investigation into the New York City school system and found that the Board’s vocational high school system violated Title IX because vocational schools were discriminating against students on the basis of sex in counseling, recruiting, admissions, and treatment. The Board entered into compliance agreements to resolve the state’s Title IX complaints, and for a few years thereafter, the extremely low numbers of female students at traditionally male schools began to increase, demonstrating that with attention and effort, improvement could be made. Unfortunately, the Board’s progress toward compliance with Title IX leveled off. A 1987 report by the Full Access and Rights to Education (FARE) Coalition cited the lack of advanced math and science courses at female-dominated vocational high schools. A 1994 report by the Chancellor’s Task Force on Sex Equity found that the largest gender gap in science competency and Regents science scores was in the vocational-technical

⁶Letter to Dr. Frank Macchiarola, Chancellor, New York City Board of Education, from Assistant Commissioner for Occupational and Continuing Education, State Education Department, dated Dec. 20, 1982, pages 4-10.

system, where female students fared much worse than male students. Yet another report, issued by the Board of Education's Task Force on Sex Equity in May 2000, found insufficient support from school officials for female enrollment in traditionally male schools. Of the nine schools that still have more than 70% male enrollment, only one (Thomas Edison) has been able to increase its percentage of female students by more than 5% since 1993, and three schools have actually seen a decline in female enrollment (Transit Tech, Aviation, and Samuel Gompers).

For decades, the Board has failed to solve the problem of gender disparities in its vocational system, while the gulf between the vocational education provided to male and female students continues to widen. The persistence of these gender inequities in the vocational system, and the prior findings of discriminatory admissions and treatment of students in these schools, suggest the continuation of barriers such as discriminatory admissions practices and discriminatory classroom treatment of female students that continue to diminish female students' opportunities in predominantly male schools and discourage other female students from enrolling in them.

In order to remedy these inequalities and come into compliance with the applicable laws, the Board should take immediate steps to remedy existing inequalities and eliminate the vestiges of past segregation. These steps should include:

- Providing more AP courses in math and science at the predominantly female schools. Moreover, schools should offer specific AP courses that would help students succeed in the occupational fields offered by that school. For instance, AP Biology and Chemistry should be offered at the schools with health occupations programs.
- Providing high technology and engineering programs at the predominantly female schools. These programs should focus on giving students skills that will prepare them for high-wage occupations, beyond clerical or administrative fields that typically pay less.
- Ensuring that high schools and junior high schools encourage female enrollment in the predominantly male high schools, and revising recruitment materials and methods and counseling tools to ensure that they do not perpetuate gender stereotypes and that they emphasize female students' opportunities in these schools.
- Taking the steps outlined in the 1994 and 2000 reports of the Chancellor's Task Force on Sex Equity, including reinstating full-time sex equity coordinators at the vocational schools with a gender imbalance to focus on recruiting and retaining students of the under-represented sex.
- Undertaking a review and necessary corrective action to ensure that female students are not subject to sex discrimination in the admissions process, in the classroom (for instance, due to sexual harassment, pregnancy discrimination, or tracking), or in other aspects of their

Chancellor Harold O. Levy
August 16, 2001
Page 5

education.

The Board's current failure to provide its female students with equal educational opportunities in the vocational system is both unfair to New York City's female students, and a violation of federal, state, and city laws and constitutional provisions. Given the severity of these problems, we will contact you immediately to meet as soon as possible to discuss your plans to make the needed changes to ensure that female students in New York receive the equality of opportunity that they deserve.

Sincerely,

Marcia D. Greenberger
Co-President

Leslie T. Annexstein
Keller
Senior Counsel

Kathleen M.
Counsel

cc: Judith A. Rizzo, Deputy Chancellor for Instruction
Florence Jackson, Director, Occupational Education Advisory Council