

TOOLS OF THE TRADE



**Using The Law To Address Sex Segregation
In High School Career And Technical Education**

EXECUTIVE SUMMARY

GIRLS' OPPORTUNITIES ARE LIMITED BY PERSISTENT BARRIERS IN HIGH SCHOOL CAREER AND TECHNICAL EDUCATION



More than 30 years after Congress outlawed sex discrimination in education, the gender divide in career and technical education (CTE) has narrowed barely at all. Just as in the 1970s, high school girls are the vast majority of those who enroll in traditionally female courses, such as cosmetology and child care. And high school boys make up all but a tiny percentage of the students in traditionally male fields such as auto mechanics and construction and repair.

In the entire state of Maryland, for example, only a single girl is studying electrical engineering in a high school technical program. And girls represent only two percent of students studying to be automotive technicians in New Jersey. Nationally, the picture is little better: girls make up 87 percent of students in traditionally female fields and only 15 percent of those in traditionally male fields.

The dollars-and-cents difference in payoff is startling: girls who take up traditionally female occupations can expect to earn half—or less—what they could make if they went into such traditionally male fields as auto repair, welding, or engineering. Although child care providers play a crucial role in society, for example, they are woefully under-compensated—in 2004, the average hourly wage of a child care worker was \$8.06, while the average engineer earned \$22.06 per hour. In fact, the *highest* median wage for a traditionally female category (\$14.63 for health professions) was lower than the *lowest* median wage in a traditionally male field (\$16.63 for agricultural management).

Girls are discouraged from pursuing these lucrative traditionally male fields in a variety of subtle—and not-so-subtle—ways. A high school student in Michigan, for example, reported that a counselor “tried to talk me out of” enrolling in auto body courses. A high school student in Pennsylvania was told by her classmates that girls were not supposed to take masonry classes. And a young woman in an air conditioning repair program in Illinois described how she was sexually harassed by her fellow students—while her male teachers did nothing to stop her peers, and sometimes joined in themselves.

FEDERAL AND STATE LAWS CAN BE POWERFUL TOOLS TO OPEN DOORS FOR GIRLS TO NONTRADITIONAL TRAINING, BUT THEY MUST BE ENFORCED



These patterns of under-representation—and the barriers from which they result—are neither inevitable nor immutable. Laws that are already on the books can be used as forceful tools to improve gender equity in nontraditional programs—if they are sufficiently publicized and adequately enforced.

Title IX of the Education Amendments of 1972—the federal law that bars sex discrimination in all aspects of education—prohibits all forms of discriminatory conduct, including steering students into classes based on their gender, gender stereotyping, and sexual harassment. And Title IX provides enforcement mechanisms for those whose rights have been violated—girls and their advocates can file administrative complaints with the Office for Civil Rights of the U.S. Department of Education, or can file lawsuits to challenge the discrimination in court.

But few know that Title IX can offer protection, and the government has not been committed to addressing this serious concern.

State laws and programs also can provide powerful tools to address the lingering barriers that push girls into low-paying, traditionally female career paths and away from training that can enhance their prospects for economic self-sufficiency. State laws can supplement—and in some cases, go further than—federal remedies. State laws can—and often do—broadly prohibit sex discrimination in education; mandate that schools or state enforcement agencies investigate under-representation in nontraditional fields; direct educational personnel to take steps to encourage students to pursue nontraditional training; and/or authorize individuals to seek remedies when they have been subject to discrimination. Some states, schools and advocates have also voluntarily developed promising proactive programs to reduce girls’ under-representation in nontraditional CTE fields.

But even in states where they exist, these tools are often neither well-publicized nor adequately applied or enforced. The laws can be fully effective only if they are sufficiently comprehensive, broadly understood and used by the public, and vigorously implemented by the responsible government agencies.

TOOLS OF THE TRADE OFFERS A BLUEPRINT FOR STATES, GIRLS, AND THEIR ADVOCATES TO IMPROVE THE SCOPE AND ENFORCEMENT OF STATE LAWS

While legal tools can provide important mechanisms to improve gender equity and address discrimination in career and technical education, more must be done to achieve their full promise. To meet this goal, the National Women’s Law Center conducted an intensive study of CTE enrollment patterns and applicable laws in 12 geographically dispersed states: Arizona, California, Florida, Illinois, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, and Washington.

For each of these states, the Center has created a customized toolkit to enable girls, their parents and advocates, educational professionals, and state personnel to understand the legal tools available to them and apply them to address girls’ under-representation in nontraditional CTE. Through its nation-wide *Tools of the Trade* Report and a general toolkit on how to research and apply state laws, moreover, the Center has created a template through which those in other states can evaluate, use and improve their own laws.

This Report calls on states to take the steps necessary to ensure that their laws effectively address specific incidents of discrimination; encourage or require schools or enforcement agencies to investigate girls’ under-representation in nontraditional programs; and trigger steps targeted at improving girls’ enrollment and retention in nontraditional fields. In some cases, this call to action may require states to adopt new laws or augment those already on the books; in other cases, states must do a better job of enforcing legal protections that already exist.

This Report represents a renewed wake-up call that the decades-old promise of gender equity in education remains unfulfilled. It is more than past time to dismantle the artificial barriers that prevent girls from realizing their full potential. It is time to ensure that the doors to a good education and high-paying jobs are open equally to our daughters and our sons—and to use all of the “tools of the trade” to reach that goal.

This Executive Summary was 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*, available 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.

