

CLIENT NEWS BRIEF

OCR Issues Guidance to Ensure Gender Equality in Career and Technical Education Programs

The U.S. Department of Education's Office for Civil Rights (OCR) and Office of Career, Technical and Adult Education (OCTAE) issued [a joint "Dear Colleague" letter](#) on June 15, 2016 providing "significant guidance" on how to ensure gender equality in Career and Technical Education (CTE) programs.

The guidance was prompted by data indicating persistent underrepresentation of men and women in fields considered "non-traditional" for their gender (i.e., underrepresentation of women in plumbing and electrician courses and underrepresentation of men in nursing and education) and recognition of the need for gender advancement in underrepresented fields.

The Department of Education says that the purpose of the letter, which does not create any new law or requirements, is to provide information and specific examples of how CTE programs will promote and be evaluated on gender equality. Generally, CTE programs have an obligation to prevent and remedy gender discrimination by doing the following:

- **Recruitment activities:** CTE programs should not engage in recruitment activities that may create or perpetuate gender-based stereotypes.
- **Admissions:** The programs should not develop, impose, maintain, approve or implement admission criteria that may unlawfully discriminate on the basis of sex and should not give preference to applicants or exclude any person from a CTE program or class on the basis of sex. For example, CTE programs may not offer single-sex classes.
- **Counseling and appraisal materials:** Materials should not urge, direct, encourage or predict a student's occupational prospects based on sex. CTE programs should develop procedures to ensure materials are not discriminatory and should not use different materials for students of different genders.

Additionally, Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in all federally funded education programs, including CTE programs. CTE is required to follow Title IX requirements, which include publishing a notice of nondiscrimination, designating a Title IX coordinator to monitor compliance and adopting and publishing grievance procedures to address sex discrimination complaints. Care must also be taken to ensure that no other discrimination as defined by Title IX occurs, including discrimination based on marital or parental status discrimination and sex-based harassment.

Recommendations for ensuring gender equity include:

- Portray people of different sexes in recruitment materials for a broad range of occupational opportunities, including "non-traditional" fields.
- If the gender mix of students in a course is substantially

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disproportionate, review counseling and appraisal materials. For example, interview counseling staff to determine how students are counseled to take classes, observe counseling sessions, review materials, and offer training regarding bias and sex-stereotyping.

- Take immediate steps to investigate allegations of sex-based discrimination.

The “Dear Colleague” letter also provides seven hypothetical situations involving sex-based discrimination issues and illustrates how OCR would investigate each, in an effort to take the guesswork out of addressing particular situations that may arise in CTE programs.

Additional resources will also be released by OCTAE in the coming months; updates will be published online at cte.ed.gov.

If you have any questions regarding this OCR guidance or about how federal and state laws impact CTE programs, please contact the authors of this Client News Brief or an attorney at one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).