

Accomplishments by VEJC AND what's still to do on the Admission Campaign

Context: For 20 years vocational schools used an Admissions Policy that ranked students by Grades, Attendance, Discipline, Guidance Counselor Recommendations, and the option to also add an Interview. This resulted in significantly less Students of Color, English Language Learners, Students with Disabilities, and Economically Disadvantaged gaining admission in these 4 groupings at almost every vocational school.

Below are what we saw as accomplishments of this campaign and what still needs to be done....DESE Commissioner Riley said they would seriously enforce this, BUT the regulations still leave openings for vocational schools to propose new policies that don't change enough what students gain admission. We will be following up to review the admissions policies submitted by vocational schools and pressing DESE to take action when they try to avoid meaningful changes.

I. Accomplishments

1. VEJC made this a major issue involving much time spent by the Commissioner, DESE Staff, Board of Education members, and the media.

This regulation change would not have happened without our campaign.

2. The new regulations do incorporate the federal civil rights standards into the DESE regulations as we had proposed (see this section but note the limitations described in Section II on what needs to be strengthened).

a. Admissions policies now have to be consistent with federal law, state law, and guidelines of the Dept. of Education..."Vocational technical schools and vocational programs at comprehensive high schools shall develop and implement an admission policy that is consistent with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education."

b. Vocational schools and programs that use selective criteria shall not use criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, gender identity, sexual orientation, religion, or disability unless they demonstrate that (1) such criteria have been validated as essential to participation in vocational programs; and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable. Selective criteria shall be approved annually by the school's board of trustees or school committee. ***The superintendent of the vocational school or program shall submit an annual attestation to the Department that the admissions policy of the school or program complies with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education.***

3. Vocational schools and programs shall ensure that all admissions materials are in both English and the primary language of the home, if such primary language is other than English.

4. Power for DESE to intervene including ordering a Lottery. _

The Department ***will take actions it deems necessary to address*** cases where the admissions policies and practices of vocational technical schools and programs do not comply with applicable state and federal laws and regulations, and order compliance actions, including revisions to, or replacement of, existing admission policies. Such intervention may include a requirement that such vocational technical schools and programs institute an admissions lottery.

5. Regulations forbid use of minor disciplinary infractions or excused absences as factors in an admissions policy.
6. Regulations expand opportunities for middle-school students to have access to information about and to visit vocational schools. Some sending schools refused access because they felt they were taking their students with the best academic records. Some school districts did not want their students to enroll because they'd lose the Ch. 70 state per pupil aid to their budgets. "Sending districts shall offer vocational schools and programs opportunities to provide middle school students with information about vocational programs and careers on-site at their middle schools, as well as through mail and email. Sending districts may not count middle school student tours of vocational schools or programs during the school day as unexcused absences if the vocational school or program confirms the student's participation, *and may not unreasonably withhold student access to tours of vocational schools and programs during the school day.*"

II. What was not done and needs to be done on the Admissions Policy

1. The new regulations remain quite indefinite about what factors schools can consider in an admissions policy, and about how the civil rights standard is to be applied to proposed admissions policies. As a result, it remains unclear whether schools could still rank students by grades, attendance, some aspects of discipline, guidance counselor recommendations, and interviews, and claim that this is not discriminatory.
2. DESE does not have to review each vocational school's filed admissions policy, and engage the schools in making changes; the department can but does not have to, and it can delay doing so while waiting for results of use of the policy, instead of requiring in advance that the policy be shown to be non-discriminatory.
3. The regulations place emphasis on schools having plans to achieve "comparability" of the academic and demographic profiles of the enrolled vocational students with the profiles of the sending schools: "A plan that includes deliberate, specific strategies to promote equal educational opportunities and attract, enroll, and retain a student population that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile." This leaves an ambiguity in the regulations about whether achieving "comparability" would justify continued use of discriminatory ranking criteria so long as the percentages of Students of Color, English Language Learners, Students with Disabilities, and Economically Disadvantaged students enrolled are comparable to the sending schools.
4. The regulation does not expressly forbid use of some disciplinary infractions as an admissions criterion. The regulation forbids use of "minor" disciplinary offenses, but leaves open the possibility that other disciplinary offenses could be considered, including "*conduct for which suspension or expulsion was imposed pursuant to M.G.L. c.71 §37H or §37H1/2, or for which suspension or expulsion for more than 10 days was imposed pursuant to M.G.L. c.71 §37H3/4.*" While it is well known that disciplinary records often reflect racial, ethnic, and economic biases and will discriminatorily exclude students from protected classes, the regulation's limited

restriction on use of such records leaves uncertainty about whether or not such factors can still be used.

5. Similarly, the regulation leaves it unclear whether attendance can still be used to rank students. It specifically forbids the use of excused absences, but that leaves open the question of whether use of unexcused absences would be acceptable. Family circumstances can result in absences, whether for illness, emergencies, or family funerals, where notes aren't sent in, resulting in unexcused absences, and using such unexcused absences as an admissions factor is likely to disproportionately affect students from protected classes. But the language of the regulation leaves it unclear whether use of such a factor would be permissible.

Vocational Education Justice Coalition

A. Community Groups—La Colaborativa, Collaborative Parent Leadership Network (CPLAN), Greater Boston Latino Network, United Interfaith Action of SE MA, Worcester Interfaith, Progressive Democrats Massachusetts, Black Educators Alliance of Massachusetts, Citizens for Public Schools, Massachusetts Advocates for Children, Black Economic Council of Massachusetts, Massachusetts Education Justice Alliance, Pioneer Valley Project, Brockton Interfaith Community, Massachusetts Communities Action Network (MCAN),

B. Civil Rights groups—Center for Law & Education, NAACP-New England Area Conference

C. Unions- American Federation of Teachers MA, Massachusetts Teachers Association (MTA), North Atlantic States Regional Council of Carpenters, Greater Boston Building Trades Council

FOR MORE INFO, contact Lew Finfer, LewFinfer@gmail.com, (617) 470-2912