

Vocational Education Justice Coalition **Concerns with Commissioner Riley's Proposed Changes** **to the Vocational Schools Admissions Regulations**

The most important step forward in the Commissioner's recommendations is the adoption of the key civil rights standard that "*vocational schools and programs using selective criteria shall not use criteria that have the effect of disproportionately excluding persons in protected classes unless they can demonstrate that (1) the criteria have been validated as essential to participation and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable.*" This civil rights standard is high. However, the commissioner's recommendations provide too much latitude to districts to interpret this standard. **Following are our concerns:**

- 1) Admissions Criteria Will Result in Racial Disparities.** The current selection criteria – grades, discipline, attendance, recommendation, and the option for an interview - are reflective of the inequities we seek to remove from this process. Each criterion has been shown to have a disproportionate negative impact on students of color and other protected classes, and thus would exclude a disproportionate number of students from these groups from being considered for admission. Many students from protected classes don't even apply due to these exclusionary criteria. As such, these entrance criteria should be removed from consideration, unless a vocational school can provide compelling evidence that the criteria are *essential to participation* and that *alternative criteria that are equally valid are unavailable*. In a society stratified by race and class, the coalition believes that the one criterion that is likely to meet this high standard is promotion to the ninth grade, with a lottery held for all students that apply. Any other selective criterion proposed by a school must face rigorous scrutiny by the Department, with the burden on the school to show that the criterion meets the civil rights standard.
- 2) Wrong Focus on Comparable Enrollment Profiles.** The Commissioner's proposal includes a requirement for vocational schools to strive to attain an enrollment "*that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile.*" This requirement misses the point of the civil rights standard. The focus should be on ensuring that students from protected classes are not disproportionately denied access by exclusionary admissions criteria. Once those unnecessary, exclusionary barriers are removed, protected classes may sometimes seek enrollment at higher rates than other students. The language should be amended to require strategies that attract, enroll, and retain students from historically marginalized groups.
- 3) Vague Language on Use of Discipline and Attendance as Barriers to Admission.** The proposed language "*prohibits the consideration of excused absences and minor behavior or disciplinary infractions.*" Both attendance and discipline, as noted above, are racially biased criteria that negatively impact all protected classes. There is ample evidence that Black and Latinx students are suspended far more often than White students who commit the same offenses, and that unexcused absences for low-income students are often due to life circumstances. These criteria should not be used at all.
- 4) No Oversight of DESE Review Process.** The proposed regulations will only be as effective as the level of rigorous DESE review applied to new admissions policies submitted by vocational schools. For any proposed criterion that disproportionately excludes a protected class, valid evidence must be provided to prove it is "*essential for participation*" and "*alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable.*" Given that the Board of Elementary & Secondary Education (BESE) created the current discriminatory admissions policy, there needs to be collaboration with the civil rights community in DESE review of the admissions policies that individual vocational schools submit for approval. DESE should publicly post all proposed vocational school admissions policies and supporting evidence as soon as they are submitted to the department.
- 5) No Clarity on When DESE Will Review the New Admissions Policies Submitted by Each School by August 15.** DESE should review all submitted policies and specify changes that individual schools need to make in their policies in timely fashion so that the reviewed, revised, and approved policies are in place by October 2021 when students begin the application process for being admitted for the school year beginning September 2022. In future years, DESE should institute a more manageable timeline, with proposed changes to admissions policies being submitted to DESE by March 31st so that all vocational schools can have approved changes in place by the end of the school year.

Notice of Public Comment for the Proposed Amendments to 603 CMR 4.03(6)(a), Vocational Technical Education Regulations

Written comments on the proposed amendments may be submitted by mail to: Elizabeth Bennett, College, Career & Technical Education Office, Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148, by fax to: 781-338-3950, or by e-mail to: VTEregulations@doe.mass.edu.

The deadline for submission of public comment is May 28, 2021. The Board is expected to vote on the proposed amendments at its regular monthly meeting in June 2021.

Sample Comment Letter (but put in your own words):

Elizabeth Bennett
Career and Technical Education office
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Ms. Bennett,

We are submitting comments to the Commissioner-proposed changes in regulations for vocational schools admissions.

The most important step forward in the Commissioner's recommendations is the adoption of the key civil rights standard that *"vocational schools and programs using selective criteria shall not use criteria that have the effect of disproportionately excluding persons in protected classes unless they can demonstrate that (1) the criteria have been validated as essential to participation and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable."*

However, the commissioner's recommendations provide too much latitude to districts to interpret this standard. Following are our concerns: