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Admissions policies and practices

# **OVERVIEW**

A CTE school/program’s decision to employ a selective admissions process is a significant responsibility for the school with lasting impacts on applicants. Massachusetts [regulations](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=all) require all public schools, including CTE schools, to admit students “without regard to race, color, sex, gender identity, religion, national origin, or sexual orientation,” and [prohibit](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=all) CTE schools from “discriminat[ing] in the enrollment of students with disabilities.” Also, [guidance](https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf) from the U.S. Department of Education has clarified that schools “must have procedures to ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including…career and technical education…if such programs are available at the State or local levels.” The CTE [admissions regulations](https://www.doe.mass.edu/lawsregs/603cmr4.html?section=03) include important guardrails to support CTE schools/programs in providing equitable opportunities for students to access CTE pathways.

# **REQUIREMENTS**

**All public schools** in Massachusetts, including CTE schools, “shall admit students without regard to race, color, sex, gender identity, religion, national origin, or sexual orientation.” [603 CMR 26.02.](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=all) **All CTE schools/programs that receive any federal funding** must also comply with [federal guidelines](https://www.govinfo.gov/content/pkg/CFR-2011-title34-vol1/pdf/CFR-2011-title34-vol1-part100-appB.pdf) that prohibit using admission criteria that “unlawfully discriminate on the basis of race, color, national origin, sex, or handicap.” 34 CFR App’x B to Pt. 100 at Section IV(A).

**All CTE schools/programs that receive state funding pursuant Chapter 74** must also:

* Admit resident students who meet the minimum requirements for admission prior to accepting non-resident students seeking the same program.
* Condition admission on a student having been promoted to the grade that they have been admitted to enter.
* Have the board of trustees or school committee **annually approve** any selective criteria to be used in admissions.
* Submit an **annual attestation** from the superintendent of the CTE school/program to the Department that their admissions policy complies with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education.
* Submit their admissions policy to the Department annually by October 1.
* CTE schools/programs must **maintain a record** of all students who apply for admission, enroll in the school, or are placed on a waitlist, and their score on admissions criteria, if used, and provide such information to the Department upon request.
* CTE schools/programs must **annually publish** their admissions policy in their program of studies, post a copy on the school website, and provide a copy to each student applicant and their parent/guardian.
* CTE schools/programs must ensure that all admissions materials are in **both English and the primary language of the home**, if such primary language is other than English.

All CTE schools/programs approved under State Approved CTE (C74) **must** include in their admissions policy:

* A description of the process for application and admission to the school, as well as admission to particular programs within the school, including any criteria, lotteries, or other processes to be used in selecting students;
* 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;
* A description of the exploratory program, if such program is required by [603 CMR 4.03(4)(e)](https://www.doe.mass.edu/lawsregs/603cmr4.html?section=03); and
* A process for prospective students and parents/guardians to appeal to the superintendent or their designee the decision to deny the prospective student admission to the school or program. The superintendent or their designee shall maintain documentation as to the specific admission requirements that were used to deny admission and shall provide such documentation to the Department or to the prospective student's parent/guardian upon request.

CTE schools/programs that use selective criteria for admissions **must 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:
  + Such criteria have been validated as essential to participation in career programs; and,
  + Alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable.
    - See the [federal Guidelines](https://www.govinfo.gov/content/pkg/CFR-2011-title34-vol1/pdf/CFR-2011-title34-vol1-part100-appB.pdf) (34 CFR App’x B to Pt. 100) at Section IV(K).
  + In cases where the school’s use of selective criteria has resulted in disproportionate exclusion of persons of a particular race, color, national origin, sex, or disability, schools should either adopt an admissions process that does not have such an effect or be prepared to provide the Department with documentation showing how the school determined that criteria are essential to participation in a given program and alternative equally valid criteria are unavailable, including:

A statistical analysis to support the conclusion that criteria are essential to participation, including, for example, a third-party research partner conducted a study that supports the district’s use of the specific eligibility criteria. Explanation of alternative, equally valid criteria that do not have a disproportionate effect considered by the district, and why they were rejected.

* + If a school’s use of selective criteria does not comply with applicable state and federal law and regulations, the Department will take actions it deems necessary, including revising or replacing existing admission policies, which may include through institution of an admissions lottery.
* Apply criteria when there are fewer applicants than available seats.
* Consider excused absences.
* Consider a student’s minor behavior or disciplinary infractions.

This means CTE schools/programs cannot consider any student conduct other than infractions that resulted in suspensions or expulsion pursuant to [M.G.L. c.71, § 37H](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H) or [M.G.L. c.71, § 37H-½](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H1~2), or resulted in suspension or expulsion for more than 10 days for a single infraction or cumulatively pursuant to [M.G.L. c.71, § 37H-¾.](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H3~4)

Sending districts **must**:

* Offer opportunities to CTE schools/programs to provide students with information on-site at their middle schools, as well as through mail and email.

Sending districts **must not**:

* Count middle school student tours of CTE schools/programs during the school day as unexcused absences. Provided that the CTE school/program confirms the student’s participation.
* Unreasonably withhold student access to CTE school/program tours during the school day.

# **CONSIDERATIONS**

**IF SEEKING TO IMPLEMENT A SELECTIVE PROCESS**

* Before adopting selective criteria, admissions directors are urged to provide guidance to those involved in the admissions process on implicit bias and best practices to avoid it.
* Admissions practices that promote sufficient inter-rater reliability (consistency of scoring) among those who score applicants will help CTE schools/programs avoid issues of subjectivity and potential for bias.
* Below is a series of questions that may help guide CTE schools/programs as they set or revise their admissions policies:
  + What factors, if any, does the CTE school/program find essential for students to participate in CTE?
  + What indicators best demonstrate that an applicant meets these essential factors?
  + Does the CTE school/program already have evidence that these indicators disproportionately exclude protected classes of students?
    - i.e., on the basis of race, color, national origin, sex, gender identity, sexual orientation, religion, or disability.
    - What alternative criteria has the CTE school/program considered?
  + How is the CTE school/program training admissions staff on issues like implicit bias?
  + If the CTE school/program assigns point values to applicants, how are tied scores resolved?
  + If the CTE school/program requires applicants to attend interviews or functions outside of regular school hours or away from the applicants’ schools, what arrangements has the CTE school/program made for transportation?
* Recommended practices for engaging a third-party researcher include that:
  + The researcher is affiliated with an academic institution or independent, nonpartisan research organization.
  + Individuals involved in performing validation studies should be, free from bias, and not have a personal stake in the outcome.