

# EducationWeek

## **Group Seeks Civil Rights Probes Into Schools That Pledge to Address Systemic Racism**

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May 17, 2021

A national advocacy group that opposes anti-racist efforts in schools is trying to use a federal civil rights law against districts that have declared that they have a systemic racism problem, which many educators consider the first step in addressing racism, or are taking steps to reduce racial tension.

The group Parents Defending Education has filed federal civil rights complaints against several districts around the country, arguing that when districts announce the presence of systemic racism in their schools they are admitting to a violation of federal law and should be subject to penalties that could include losing federal money.

Yet critics say the tactic is “malicious” and could discourage school districts from making that first important step toward dealing with structural racism by saying that it exists in their schools.

The group’s latest such complaint, filed with the U.S. Department of Education’s office for civil rights May 10, seeks a probe into the Columbus, Ohio, school district, which publicly declared last month “there is systemic racism within our education system.”

In March, Parents Defending Education filed similar complaints with the department against the Webster Groves School District in Webster, Mo.; the Orange County Schools, in Hillsborough, N.C.; and the Hopkins Public Schools, in Hopkins, Minn.

Such complaints are a bad-faith exercise designed to have a chilling affect on schools and districts that want to tackle inequities and help students of color, said Liz King, the director of education policy at the Leadership Conference on Civil Rights.

King said it’s telling that, in the Columbus case, Parents Defending Education did not cite information from the district about actual racial disparities, such as the fact that Black

students make up 54 percent of Columbus schools' enrollment, yet just 27 percent of enrollment in gifted and talented programs, and 72 percent of out-of-school suspensions.

“They want to shut down even the mere discussion of racial inequity, because they know the discussion is a precondition to real solutions,” said King. “The problem is not acknowledging those inequities. The problem is failing to remedy those inequities. They are asking the federal government to intervene and shut down a conversation.”

Nicole Neily, president of Parents Defending Education, rejected the assertion that the group was merely using the complaints to create a chilling effect on districts.

“If a school has asserted that they are racist, that deserves investigation—period,” she said in an emailed response. “Discrimination against students is a serious issue, and allegations about it are not something that should be thrown around performatively.”

As a practical matter, meanwhile, OCR investigations “take considerable human and fiscal resources” when it comes to how districts have to respond, said Sasha Pudelski, the advocacy director for AASA, the School Superintendents Association.

“OCR investigations are incredibly time-consuming and burdensome for districts, sometimes taking years to resolve based on the scope of the complaint and the data and policies that are required to be collected, reviewed and reported,” Pudelski wrote in an email.

In response to a request for comment, Jacqueline D. Bryant, a spokeswoman for the Columbus district, said in a May 11 email that, “The District is not aware of this administrative complaint. It would not be appropriate to comment until we’ve been contacted by the U.S. Department of Education, Office for Civil Rights, regarding this request to investigate.”

The other three districts did not respond to requests for comment by Education Week’s deadline.

### Group presses its agenda nationally

Parents Defending Education opposes what it calls “woke” curricula and efforts to divide students and others into “oppressor” and “oppressed” groups. The nonprofit organization highlights instances of parents and others opposing those and other initiatives in classrooms and schools.

The group's staffers work or previously worked at organizations such as the Cato Institute, a libertarian think tank; the Thomas B. Fordham Institute, a K-12 organization focused on accountability and school choice; and Coalition for TJ, a group that has opposed changes to admissions policies at Thomas Jefferson High School for Science and Technology in Virginia. The group also filed a brief in the high-profile case about student speech before the U.S. Supreme Court, *Mahanoy Area School District v. B.L.* One of the brief's authors, attorney William Consovoy, worked for former President Donald Trump on controversial ballot-access issues.

In addition to its recent civil rights complaints, Parents Defending Education has filed Freedom of Information Act requests against several districts seeking information about things like a district equity council in the Alamo Heights district in San Antonio, Texas, and a racial equity audit in the South Kingstown district in Wakefield, R.I.

In its OCR complaint against Orange County Schools, the group says the district's move to create "affinity spaces" to build community and reduce racial harm amounts to "explicit racial segregation."

#### Zeroing in on school district rhetoric

The complaint against the Columbus district points to a statement from the school board last month that said district leaders were working to end the "systemic racism that has existed for 175 years within the Columbus City Schools education system" by "developing culturally responsive staff" and "equitable policy."

The statement, which references the conviction of former Minneapolis police officer Derek Chauvin for the murder of George Floyd, goes on to list ways in which systemic racism persists in the school district, but also in the city, the local police department, and the local criminal justice system. "Your Board of Education is calling it out and ready to take action to address systemic racism in Columbus," the board also says.

Parents Defending Education said in its complaint seeking a federal investigation that the Columbus school board's approach is clearly problematic.

"As the Department of Education is no doubt aware, such an admission of 'racism' from a district superintendent raises concerns that Columbus City Schools has received federal funds in violation of Title VI of the Civil Rights Act of 1964," the group's president wrote, referring to the landmark federal law that prohibits discrimination on the basis of race, color, and national origin in programs receiving federal assistance.

Federal enforcement machinery is complex

The Education Department declined to comment on the civil rights complaints against the four districts by Parents Defending Education.

The department's office for civil rights has an extensive case-processing manual for how it handles probes into various types of alleged discrimination. Complaints filed with the office often deal with issues like racial disparities in discipline and services for students with disabilities.

But the speed at which the office for civil rights resolves or disposes of complaints became a point of contention during the Trump administration.

Three of the Parents Defending Education civil rights complaints also cite as a precedent a Trump administration probe into Princeton University last year after similar statements about systemic racism by the university's president.

The correspondence about Princeton from the Education Department highlighted by Parents Defending Education, however, indicated that this investigation would be conducted by its office of postsecondary education and office of the general counsel, not its office for civil rights.

In response to emailed questions from Education Week, Neily acknowledged that the Princeton investigation was not undertaken by the office for civil rights, and that Parents Defending Education would revise this statement "in future complaints."

King, of the Leadership Conference on Civil Rights, stressed that the group's mischaracterization of the Princeton probe undermines its complaints. "The Department of Education knows how to enforce compliance with Title VI [of the Civil Rights Act] , and that is through the office for civil rights," King said.

A heated political debate is in the background

It's fair to question how seriously that office under the Biden administration would take such complaints, given its stance on systemic racism in an education context, as well as recent events.

Last month, the Education Department proposed new priorities for a small set of history and civics grants that reference the 1619 Project, a New York Times package of stories placing

slavery and racism at the center of American history and policy, as well as work on anti-racism by the scholar and activist Ibram X. Kendi.

The proposal did not dictate that the grants be used to teach 1619 Project or Kendi's work—the federal government is barred from creating or dictating curriculum in schools—but did say that under its proposal, the grants would prioritize instruction that accounts for discrimination and bias in American policy. It would also support instruction focused on diverse student perspectives.

The proposal sparked intense opposition from conservative policymakers and activists, although some left-of-center figures have also questioned key tenets of anti-racism. Sen. Mitch McConnell, R-Ky., the Republican leader in the Senate, called the proposed priorities for the American History and Civics Education grants “divisive nonsense.”

Outside of Washington, at least eight states so far this year have taken steps to restrict how educators address concepts such as racism and sexism in the classroom. These bills, for example, say it would be off-limits to teach that anyone should feel “discomfort, guilt, anguish, or any other form of psychological distress” because of their race or sex, or that the U.S. or specific states are fundamentally racist or sexist

Policymakers behind such bills say they're combating a “poisonous” ideology that pits students against each other based on their race and tries to load collective guilt onto students' shoulders. And a handful of states this year have also considered barring educators from using the 1619 Project in schools.

Critics of such moves allege that anti-racist education efforts can help students understand the impact of racism and sexism not just on individuals' interactions with each other, but on American society and culture and on the roots of inequality that persist to this day.