



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

May 12, 2021

United States Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Via Email: OCR@ed.gov

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures.

Parents Defending Education (PDE) brings this complaint against Wellesley Public Schools (WPS or District) in Wellesley, Massachusetts, for discrimination on the basis of race, color or national origin in programs or activities that receive Federal financial assistance in violation of both Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.* and the Equal Protection Clause of the 14th Amendment of the U.S. Constitution.

PDE makes this complaint as an interested third-party organization that opposes racial discrimination and political indoctrination in America's schools. Attached to this complaint is supporting evidence in the form of screenshots sent to students in March 2021.

The invitation notes that it is a "Healing Space for Asian and Asian American Students and others in the BIPOC (Black, Indigenous, People of Color) community who wish to process recent events."

The message explicitly states: "*Note: This is a safe space for our Asian/Asian-American and Students of Color, *not* for students who identify only as White."

Following this event, a message was sent by Wellesley Public Schools Superintendent Dr. David Lussierand several other administrators on the topic of segregating students by race with the subject line "WPS Message on Affinity Spaces," stating that "we have come to unequivocally



affirm the importance of ‘affinity space,’ where members of historically-marginalized groups can come together in a spirit of mutual support and understanding of shared experiences.”

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that Wellesley Public Schools has received federal funds in violation of Title VI of the Civil Rights Act of 1964, which declares that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

In addition, Section 1 of the 14th Amendment to the U.S. Constitution asserts that “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” On these grounds, the Supreme Court held in 1954 that racial segregation of students is unconstitutional. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)

Accordingly, we ask that the Department promptly investigate the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief.

Thank you for your prompt assistance with this request for investigation and resolution. Please contact me for further information.

Sincerely,

Nicole Neily
President
Parents Defending Education

Enc. Exhibit A-B



EXHIBIT A

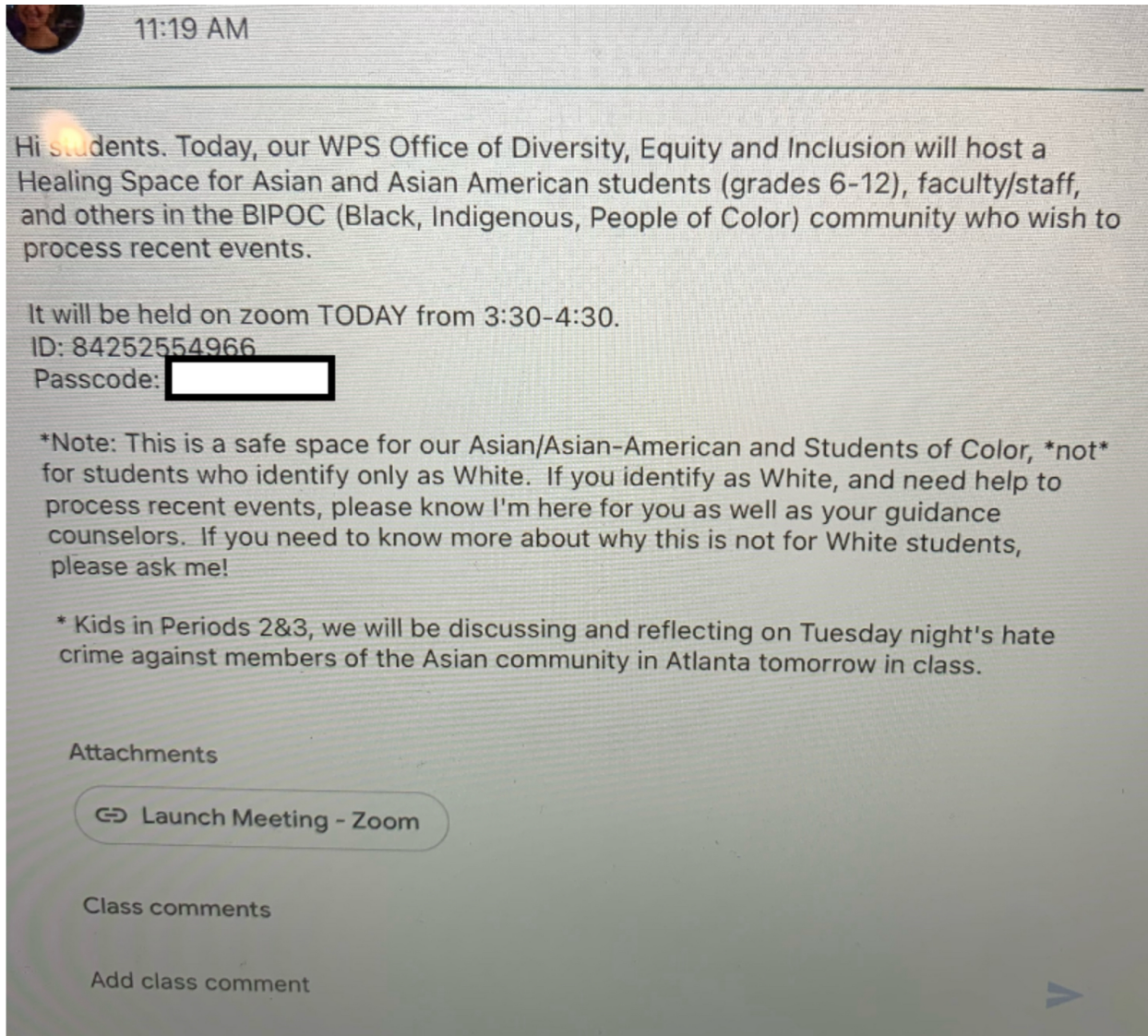




EXHIBIT B



WPS Message on Affinity Spaces 3/19/2021

March 19, 2021

Dear Members of the Wellesley Public Schools Community:

As our district has continued to deepen its work around diversity, equity, and inclusion (DE&I), we have learned the importance of providing different types of spaces in which these challenging conversations can occur. Many of these opportunities are broad-based, occurring at faculty meetings, through community forums, and as part of whole-class conversations. At the same time, we have come to unequivocally affirm the importance of "affinity spaces," where members of historically-marginalized groups can come together in a spirit of mutual support and understanding of shared experiences. The district has benefited from the feedback provided through these conversations, which members of these groups might not otherwise feel comfortable sharing in broader dialogue sessions.

This week, in which recent trends toward violence against Asian and Asian Americans has been highlighted, the district offered an affinity space for Asian and Asian American students in grades 6-12 and faculty, understanding that they might be acutely feeling the impact of the week's events. The goal was to provide a safe space in which students and staff could reflect, share, and be supported as members of our school district.

At the same time, we can also understand the discomfort that some members of our community have shared when learning of a practice that they perceive to be discriminatory in nature. It's important to note that affinity spaces are not discriminatory. Hosting affinity spaces is part of a long-term, evidence-based district strategy that amplifies student and faculty voices on various issues, and enhances their sense of belonging. Our hope is that broader DE&I dialogue throughout the district will be strengthened by parallel conversations occurring within specific communities of interest. Spaces for both types of conversations are vital.

We look forward to continued engagement with the district community in the days ahead around these important topics.

In solidarity,

Dr. David Lussier
Charmie Curry

Dr.

Superintendent of Schools
Director of Diversity, Equity, and Inclusion

Dr. Mark Ito
Chisum

Dr. Jamie

Principal, Wellesley Middle Schools
Principal, Wellesley High School