



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

December 2, 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 New York City Public Schools in New York City, New York, 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 a New York Post article from November 18, 2021.

The article states that the Lower Manhattan Community School (LMCS) planned to hold racially-segregated "affinity groups" during the week of November 22. In an email sent to the community by Principal Shanna Douglas, this program will allegedly "undo the legacy of racism and oppression in this country that impacts our school community."

The article notes:

Kids in grades seven and eight will opt into one of five categories, Principal Shanna Douglas wrote in the message.

Whites, Asians, and multi-racial students have their own categories, while African-American and Hispanic students are combined into one group, according to her email.



“On November 23rd and 24th, 7th and 8th graders will explore the question ‘How do our racial identities influence our experiences?’ in affinity groups,” Douglas announced. “An affinity group is a group formed around a shared interest.”

Furthermore, LMCS has created an additional “opt-out” group which “appears to be for those uncomfortable with the format”; in so doing, this program has the effect of singling out those who object to sorting students by race, potentially stigmatizing them.

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that the New York City Public School system 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



EXHIBIT A

11/29/21, 2:07 PM

Manhattan school to sort kids by race during social justice discussions

NEW YORK POST

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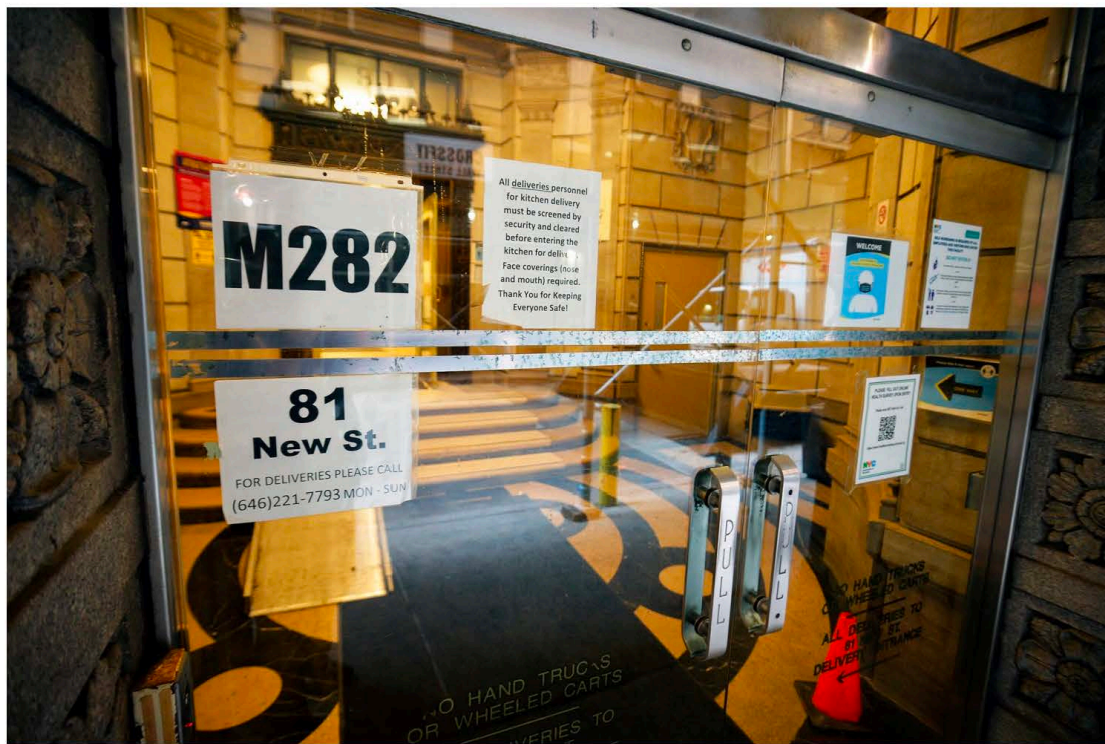
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Manhattan school to sort kids by race during social justice discussions

By **Elizabeth Rosner** and **Selim Algar**

November 18, 2021 8:49pm Updated



<https://nypost.com/2021/11/18/manhattan-school-to-sort-kids-by-race-during-social-justice-discussions/>

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A Manhattan junior high school plans to **racially separate students** while discussing identity and social justice topics next week, The Post has learned.

The Lower Manhattan Community School will **conduct the controversial exercises** as part of its mission to "undo the legacy of racism and oppression in this country that impacts our school community," according to an email sent to parents.

Kids in grades seven and eight will opt into one of five categories, Principal Shanna Douglas wrote in the message.

Whites, Asians, and multi-racial students have their own categories, while African-American and Hispanic students are combined into one group, according to her email.

"On November 23rd and 24th, 7th and 8th graders will explore the question 'How do our racial identities influence our experiences?' **in affinity groups**," Douglas announced. "An affinity group is a group formed around a shared interest."

The school has also offered an additional group, which appears to be for those uncomfortable with the format.

That cluster will enter with discussion asking "Why are we even talking about racial identity?" according to the message.

"This optional program was developed in close coordination with both the School Leadership Team, PTA and families," said DOE spokesperson Nathaniel Styer, who said it is "abundantly

<https://nypost.com/2021/11/18/manhattan-school-to-sort-kids-by-race-during-social-justice-discussions/>

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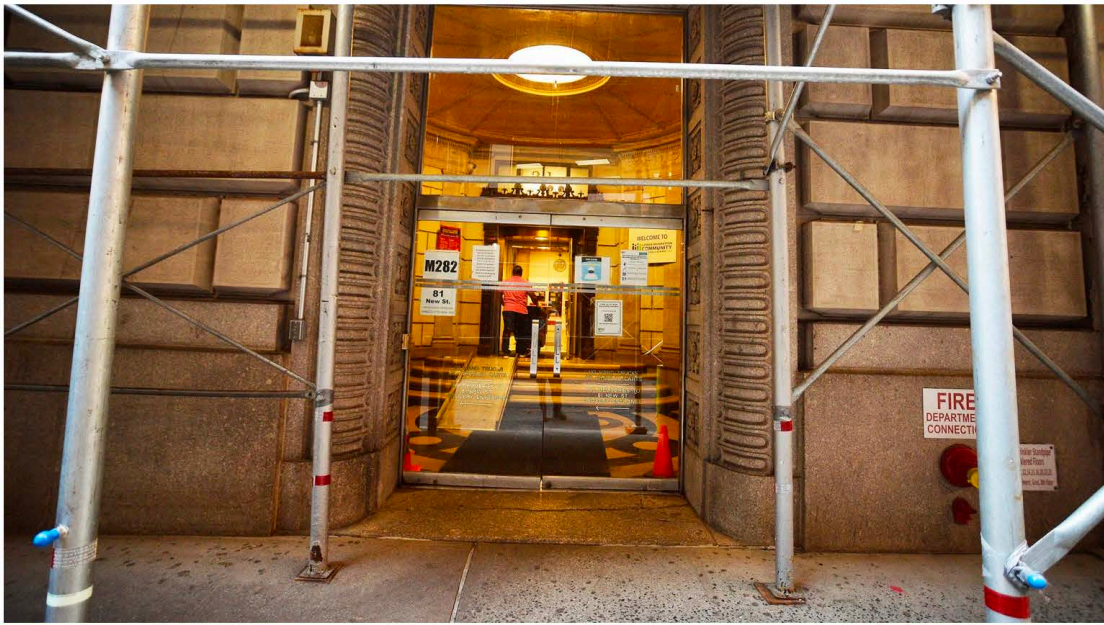
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The school emailed parents to explain that the point of the exercise is to "undo the legacy of racism and oppression in this country that impacts our school community."

Matthew McDermott

Douglas said she is further emphasizing race this year because "students are talking about it since race has become a popular topic on social media, or parents are talking even more about it at home due to the recent incidents across the nation," she wrote.

She added that the school — which is 44 percent Asian, 29 percent white, 15 percent Hispanic, and 8 percent black — had failed to adequately address race issues in the past.

An LMC parent conceded that affinity groups can be fraught, but said staffers can shepherd them appropriately.

"I think our teachers know how to handle it," the mom said.

Another parent echoed that position outside the school Thursday and said she didn't object to the classes.

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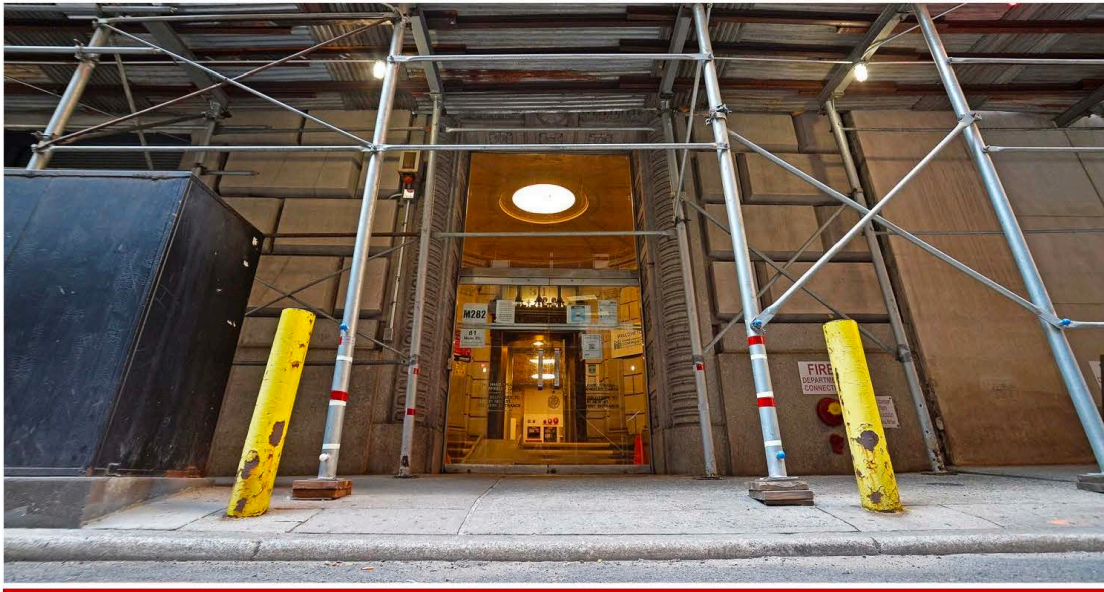
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DOE spokesperson Nathaniel Styer claimed that "anyone can opt-out of this two day celebration if they desire."

Matthew McDermott

But the racial sorting troubled other parents who said the approach is inherently divisive.

"I think a lot of us feel like this is too much," said another mother. "But most parents are too afraid to say anything at this point. Why are we separating our kids like this?"

An LMC dad said some families want the school to prioritize traditional academics rather than politically-tinged material.

"Teach the history," he said. "Tell that story. I'm all for an honest accounting. But this is something different. It's insidious."

— ADVERTISEMENT —

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Douglas closed the announcement by asking concerned parents to contact her.
“I know that RACE is a complex issue for us all to address,” she wrote in the email.

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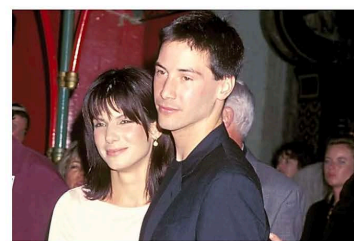
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