



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

April 21, 2022

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 Pickens Middle School in Pickens, South Carolina 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 letter that was sent from the school on April 11, 2022 signed by principal James King (Exhibit A), as well as a screen shot from an email sent to families (Exhibit B).

These exhibits reveal that Pickens Middle School planned a series of events for students on Friday, April 15, 2022, where students were invited to lunch and learn sessions with a guest speaker, Mrs. Adrienne Young, based on the students' races. According to a screen shot from an that was sent to families (Exhibit B), the purpose of such race-based segregation was to "give Mrs. Young the chance to talk with students about how to cope with being a student in a predominantly white school." These segregated sessions were offered for African American students, Hispanic students, and "Two or More Background" students – with no sessions offered for white or Asian students, no notification that these sessions would be open to all, nor any indication whether participation in these sessions would be voluntary.

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that Pickens Middle School 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)

A September 29, 2015 decision from the Department of Education Office for Civil Rights during the Obama Administration is directly on point; in 2015, following “the police actions involving African American victims in Ferguson and New York and subsequent events,” Oak Park & River Forest High School District 200 – also in Illinois – held a “Black Lives Matter” assembly during Black History Month. The assembly was convened “for African American students only” because the district wanted “to provide a comfortable forum for black students to express their frustrations.” Certain students “who self-identified as white were directed by District officials not to participate in the event as this assembly was designed for students who self-identify as black.” In the letter sent on September 29, 2015 (OCR Docket #05-15-1180), OCR found that the district violated the Equal Protection Clause and Title VI because the district’s actions could not withstand strict scrutiny. Specifically, the district failed to “assess fully whether there were workable race-neutral alternatives” and “did not conduct a flexible and individualized review of potential participants.” In a Resolution Agreement with OCR, the district agreed that its programs and activities would be “open to all students . . . regardless of their race” and to adopt policies and training to ensure the district’s compliance. OCR imposed these requirements even though the district had promised “not to hold such events in the future.”

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

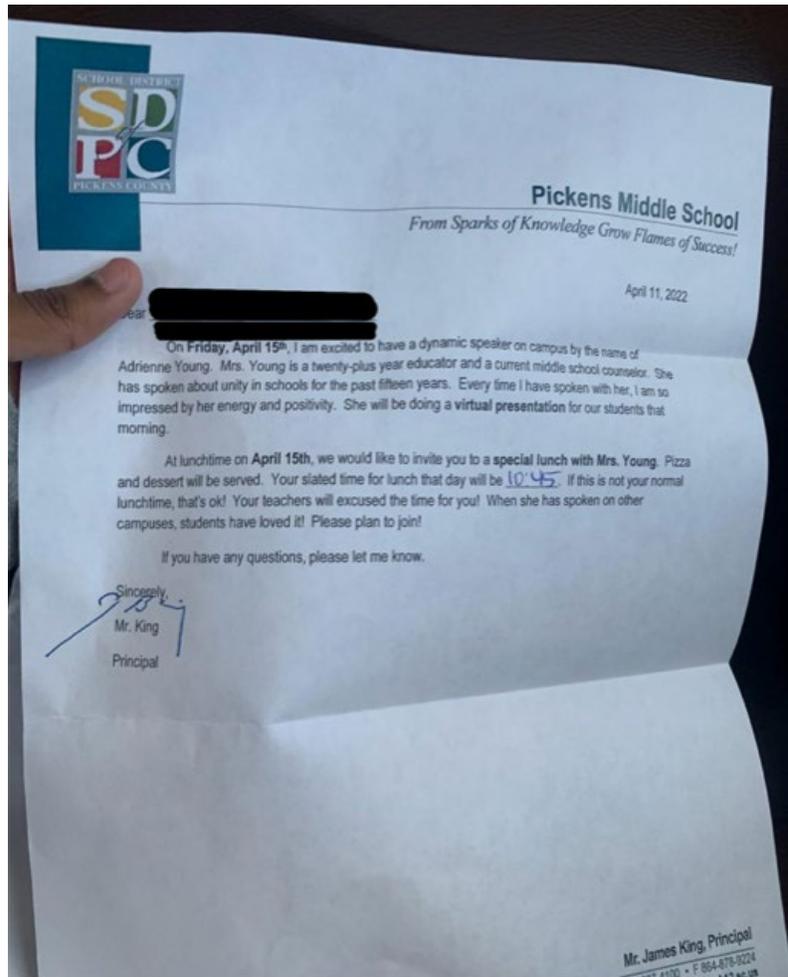




EXHIBIT B



We will also have a dynamic speaker on campus Friday. We want to do house time coupled with the speaker but she is already planning to attend lunch at our normal times. Therefore, we will need to use some of first period for this presentation. Additionally, at lunch Mrs. Adrienne Young will do three lunch and learn.:

6th Grade Lunch- African American Students

7th Grade Lunch- Hispanic Students

8th Grade Lunch- Two or More Background Students

The lunches will give Mrs. Young a chance to talk with students about how to cope with being a student in a predominately white school.

Let's finish this week STRONG!!!