



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

May 16, 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 Office for Civil Rights' discrimination complaint resolution procedures.

Parents Defending Education (PDE) brings this complaint against Berea City School District in Berea, Ohio for discrimination on the basis of race and sex 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 Title IX of the Education Amendments of 1972 (Title IX).

PDE makes this complaint as an interested third-party organization that opposes discrimination and political indoctrination in America's schools. Attached to this complaint is supporting evidence in the form of an equity audit conducted by Education Service Center of Northeast Ohio (ESCNO), which was presented to the school board on October 4, 2021 (Exhibit A).

According to ESCNEO State Support Team Consultant Tom Hanicak, the audit was conducted by analyzing academic programs, teaching quality, and achievement data. The audit's findings reveal problems in the district that merit investigation.

Berea's audit found that while 75% of the district's population is white, 83.3% of the district's gifted population are white students; 7.5% of the district's population is Hispanic/Latino, while only 4.9% of the gifted population are Hispanic/Latino students; 5.9% of the district's population is African American, while only 1.3% of the gifted population is African American; and 6.4% of the district's population is multiracial, while only 4.5% of the gifted population is multiracial. The only demographic that appears to be represented without a disparity is the Asian population, which comprises 5.8% of both the district's population and of the gifted program. (Exhibit A, page 28)

Furthermore, while 73.8% of the district's population is white, 80.69% of the students enrolled in AP classes are white students; 8.21% of the district's population is Hispanic/Latino, while only 3.77% of the students enrolled in AP classes are Hispanic/Latino students; 5.93% of the district's population is African American, while only 1.71% of the students enrolled in AP classes are African American; 6.6% of the district's population is multiracial, while only 4.23% of the students enrolled in AP classes are multiracial; and 4.95% of the district's population is Asian, while 9.03% of the students enrolled in AP classes are Asian. (Exhibit A, page 35)



It is worth noting that the racial breakdown of the student population on page 35 differs from the numbers on page 28.

With regards to school discipline, while 75% of the district's population is white, 68.1% of the students suspended out of school are white students; 7.58% of the district's population is Hispanic/Latino, while 8.9% of the students suspended out of school are Hispanic/Latino students; 5.7% of the district's population is African American, while 11.3% of the students suspended out of school are African American; 6.4% of the district's population is multiracial, while 11.1% of the students suspended out of school are multiracial; and 4.7% of the district's population is Asian, while 2.2% of the students suspended out of school are Asian. (Exhibit A, page 38)

For in-school suspensions, while 75% of the district's population is white, 68.1% of the students suspended in school are white students; 7.58% of the district's population is Hispanic/Latino, while 11.4% of the students suspended in school are Hispanic/Latino students; 5.7% of the district's population is African American, while 17.3% of the students suspended in school are African American; 6.4% of the district's population is multiracial, while 12% of the students suspended in school are multiracial; and 4.7% of the district's population is Asian, while 0.6% of the students suspended in school are Asian. (Exhibit A, page 39)

As the Department of Education also knows, Title IX declares that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Berea's audit found sex-based disparities in Advanced Placement enrollment; male students comprise 51% of the district's population yet only 42.6% of students enrolled in AP classes, while female students comprise 49% of the population yet make up 57.37% of students enrolled in AP classes. (Exhibit A, page 34)

With regards to school discipline, the student body is 48% female and 52% male; however, 71.2% of out-of-school suspensions were given to male students, while only 28.7% were given to female students. For in-school-suspensions, 70% were given to male students, while 29.9% were given to female students. (Exhibit A, page 37)

In light of the data uncovered by the district's commissioned equity audit, we ask that the Department promptly investigate the allegations in this complaint, act swiftly to remedy any unlawful policies and practices, and order appropriate relief. These disparities could have race- and sex-neutral explanations, but Berea has provided none. And its decision to conduct an "equity audit" suggests that, in Berea's view, these disparities stem from racism and sexism inside the school district.

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:
Education Service Center of Northeast Ohio
Equity Audit