



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 Manhattan Beach Unified School District (MBUSD) in Manhattan Beach, California, 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.*

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 an equity audit conducted by the Center for Leadership Equity and Research (CLEAR) and subcontracted to Nancy Akhavan Educational Consulting, which was delivered to the district on August 20, 2021 (Exhibit A). The cost of the audit—\$24,000—was approved at a board meeting on February 3, 2021 (Exhibits B-C). The report was discussed at a school board workshop on October 20, 2021 (Exhibit D).

The CLEAR/Akhavan audit was conducted through “analyzing documents related to student achievement, graduation rate, access to AP courses, high school schedules to understand access, student clubs and electives, elementary core subject curriculum, middle and high school core subject curriculum, library materials to understand diversity in book collections available to students, hiring practices, teacher retention practices, staff promotion practices, attendance rates by demographic groups, special education identification by demographic groups, discipline data, and complaint incidents”; in addition, the consultant “conduct[ed] a survey, invit[ed] every staff member to take a cultural competence survey, and interview[ed] leaders, teachers, staff, students, and families regarding their lived experiences in relation to equity, diversity, and inclusion.” 232 employees completed the survey. “Every staff member, Board member, and parent/guardian with a child in grades 5, 8, or 12 was invited to participate in an interview. A random selection process was used to ensure the validity of the data collected via interviews. Any person not selected for an interview but wishing to provide their thoughts was provided with a written interview to provide information in writing. Student affinity groups were invited to interview after parents/guardians were notified that students would be invited to interview. Parent approval was required for students to participate in the interview process. The interviews resulted in 732 pages of transcripts.” (Exhibit A, pages 5-6)



The audit's findings reveal problems in the district that merit investigation.

MBUSD's audit states that "equity gaps persist in 4 out of the six areas: Attendance Rates for Socioeconomically Disadvantaged (SED), Hispanic, and EL students; Suspension Rates for SED and Students w/Disabilities (Sw/D); College/Career Readiness Indicators for Hispanic students and Sw/D; and Math = African American/Black and SED students. (Exhibit A, page 23)

The audit notes that district has a culture "in which marginalized or minority groups have been implicitly excluded from opportunities to engage in the institutional practices" (Exhibit A, page 35).

Additionally, the audit states: "The way in which a teacher interacts with students is often based on bias (implicit or explicit): preconceived notions, assumptions, past experiences with students or persons like them (or perceived to be like them), personal life experiences and traditional social norms" (Exhibit A, page 36). In other words, the audit implies that teachers' biases have so thoroughly colored their behavior that they are actively discriminating against students on an ongoing basis.

In light of the findings uncovered by the district's commissioned equity audit, 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,

A handwritten signature in black ink, appearing to read "Nicole Neily".

Nicole Neily
President
Parents Defending Education

Enc. Exhibit A-D



EXHIBIT A:
Manhattan Beach Unified School District
Equity Audit Report
August 20, 2021



EXHIBIT B:
Manhattan Beach Unified School District
February 3, 2021 Board Agenda



**EXHIBIT C:
Manhattan Beach Unified School District
Contract with The Center for Leadership,
Equity and Research (CLEAR)**



EXHIBIT D:
Manhattan Beach Unified School District
Board Workshop on Equity, Diversity, Social
Justice, and Inclusion
October 20, 2021