



**UNITED STATES DEPARTMENT OF EDUCATION**

**OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT**

September 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 (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures.

Parents Defending Education (PDE) brings this complaint against Jeffco Public Schools in Jefferson County, Colorado 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 14<sup>th</sup> 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 flyer advertising "Employees of Color Gatherings" for the 2022-23 school year (Exhibit A), as well as the Jeffco Public Schools Master Negotiated Agreement with the Jefferson County Education Association (JCEA), effective August 1, 2021 through July 31, 2024 (Exhibit B).

These exhibits reveal that JeffCo Public Schools plans a series of events for "people of color" on September 22, 2022; October 20, 2022; November 17, 2022; December 15, 2022; January 19, 2023; February 23, 2023; March 30, 2023; and April 20, 2023. These events are to be held both in-person as well as virtually.

On page 76 of the JCEA-Jeffco Master Negotiated Agreement (Exhibit B), Section 22-2-1-C notes that "The District and Association will collaborate to... [c]reate a safe space for educators of color to meet and support each other and find support around the challenges and opportunities of being an educator of color in Jefferson County.

On page 77 of the JCEA-Jeffco Master Negotiated Agreement (Exhibit B), Section 22-2-1-D notes that "The District and Association will collaborate to... [c]reate a 1:1 mentorship program for educators of color in the District to be mentored by more experienced educators of color."



Also on page 77 of the JCEA-Jeffco Master Negotiated Agreement (Exhibit B), Section 22-2-1-E notes that “The District and Association will collaborate to... [i]mplement programs to support current educators of color in obtaining leadership licenses and gain employment in administration and leadership roles within the district.”

Finally, on page 77 of the JCEA-Jeffco Master Negotiated Agreement (Exhibit B), Section 22-3 on the “Equity Ombuds Program” asserts that “the District will actively recruit individuals of color and other underrepresented groups for the Equity Ombuds position. The District strongly encourages individuals from historically underrepresented groups to apply for the position.”

At no point in the entire 104-page Master Negotiated Agreement does the document assert that these opportunities are open to all employees.

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that JeffCo 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 14<sup>th</sup> 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,



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

Nicole Neily  
President  
Parents Defending Education

Enc. Exhibit A-B



## **EXHIBIT A**



# Employees of Color Gatherings

A way to connect with other people of color while finding ways to learn, advocate and support equity and diversity in JeffCo

**THIRD THURSDAYS SEPTEMBER-APRIL 4:30-6 PM**

SEPTEMBER 22: DANIELS PARK, LAKEWOOD  
OCTOBER 20 (VIRTUAL)  
NOVEMBER 17: EDGEWATER PUBLIC MARKET  
DEC 15 (VIRTUAL)  
JANUARY 19: LOCATION TBA  
FEBRUARY 23 (VIRTUAL)  
MARCH 30 (4TH TUESDAY)  
APRIL 20: LOCATION TBA

**RSVP AT [WWW.TINYURL.COM/JEFFCOEOCA](http://WWW.TINYURL.COM/JEFFCOEOCA)**

**LIGHT SNACKS PROVIDED FOR ALL IN PERSON EVENTS  
KIDS AND PETS WELCOME TO DANIELS PARK**

