



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

October 4, 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 Newton North High School in Newton, Massachusetts 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 to 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 an audition packet for the school-sponsored performance of "Lost and Found" (Exhibit A), as well as a form for students to apply to audition (Exhibit B).

These exhibits reveal that Newton North High School is sponsoring a performance of a show, "Lost and Found: Our Stories as People of Color," on January 19-21, 2023. The performance's tag line is "Time and time again, the stories of people of color are swept under the rug and lost. It's about time we found them." Ex. A at 1. The description of the performance notes that "*Lost and Found* is a no-cut cabaret-style show for students of color at North. This show was created 2 years [ago] ... to provide a safe community space for students of color to express themselves through the performing arts. ... *Lost and Found* will be a *reserved safe space for this exploration and for people of color to be vulnerable and support one another.*" Ex. A at 2 (emphasis added).

In addition, the application to register for an audition slot requests a headshot ("You can take a selfie with a phone if you choose"), which appears to reinforce the identity-based nature of this event; furthermore, it asks students how they "identify racially/ethnically." Ex. B at 1-2.

The performance description does not assert that participation in this performance is open to all.

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that Newton North High 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 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



Audition Packet

LOST AND FOUND: Our Stories as People of Color

"The best thing is to realize that you are who you are and you gotta work with what you got." - Zendaya

Time and time again, the stories of people of color are swept under the rug and lost. It's about time we found them.

January 19, 20 & 21

Directed by [REDACTED]

and [REDACTED]

WORKSHOP: September 28 at 4-5:00 in 158
AUDITIONS: October 3 and 4 from 4-7:00 PM in 158

[AUDITION FORM HERE](#)

[Sign Up for an Audition Slot HERE](#)

Any questions can be directed to [REDACTED]



Hello, Auditioner!

Thank you for auditioning for *Lost and Found*! We are looking forward to seeing your audition! Please read this packet carefully as it will outline the details of this production process and let us know more about you. Make sure to also fill out the audition form before auditioning. If you have any further questions, do not hesitate to reach out to the *Lost and Found* team at [REDACTED]

- *Catia, Hillary, Margot, and the L&F team*

What is Lost and Found?

Lost and Found is a no-cut, cabaret-style show for students of color at North. This show was created 2 years by Edie Pike, a Newton North alumni, to provide a safe community space for students of color to express themselves through the performing arts. From hardships to celebrations, people of color have countless stories to tell. *Lost and Found* will be a reserved safe space for this exploration and for people of color to be vulnerable and support one another. One of the aspects that make *Lost and Found* special is that it centers on community building by having full-cast rehearsals once a week where we have organized discussions about race and identity in our lives. *Lost and Found* invites you to share your story, using theatre and performing arts as an outlet.

We encourage you, even if you haven't participated in Theatre Ink in the past, to audition, as the show will be a collection of stories from all different backgrounds, cultures, and identities. You are welcome to write and perform an original piece, choose from a wide selection of material gathered by the *Lost and Found* team, or research and select on your own. We urge you to utilize whichever form of performing, or visual arts you feel most authentically represents *your* story. There are also different options for performing such as pre-recording if live performances aren't your thing!



What to Prepare for the Audition:

Acting: Please select a monologue (we recommend around a minute in length). It should be memorized. You can choose from our list [here](#) for female monologues or [here](#) for male monologues. You are also welcome to audition with an original monologue or one you have already selected.

(Please Note: Monologue packets were separated into Male/Female but please feel free to choose a monologue of either gender based on your preference.)

Singing: Please select a cut of music (we recommend the length of a verse and a chorus). You should sing a song you are comfortable singing and one you feel shows off your vocal abilities. You are welcome to audition with an original song or one you have already selected. Here's a link to our [Spotify playlist](#) for inspiration.

Dancing: Please perform a 30-60 second routine. If you are auditioning with a dance choreographed by someone other than yourself, please indicate when you slate yourself.

Writing: If you wish to submit a written monologue, script, or song, please send either a PDF file or a Google Doc of your piece to us at [REDACTED]

Other (Such as Artwork): If you wish to audition with another piece, please email us at [REDACTED]

Reminders:

- If you need help selecting a piece (song or monologue) please reach out to us!
- Please slate yourself at the beginning of your audition
 - Here is what to say: "My name is [first and last name], I'm in [grade level], and I will be performing [name of the piece you are performing] by [author of the piece you are performing]."



AN OVERVIEW OF THE PROCESS

Read this through thoroughly before auditioning

Please note that some of the information below may be subject to change!

SEPTEMBER 20 AT 3:30 PM: General Interest Meeting in the Little Theatre

OCTOBER 3 AND 4 FROM 4-7:00: Auditions in 171

[Please sign up for an audition slot HERE](#)

[Please fill out the LF Audition Info Form HERE](#)

Schedule Overview

OCTOBER, NOVEMBER, DECEMBER

October, November, and December will be spent creating and rehearsing your pieces! Depending on your piece(s), your rehearsal schedule will look different. There will be three types of rehearsals: standard rehearsals, writing workshops, and community building.

Standard rehearsals are exactly what they sound like, time for you to practice your piece with the director and get feedback.

Writing workshops are for those creating original pieces. The workshops will be time for you to look at your piece with the director and other members of the *Lost and Found* and Theatre Ink team.

Community building rehearsals will be time for cast members to come together and share their feelings, opinions, emotions, and stories with one another. These will be organized conversations led by Hillary, Catia, and Margot.



DECEMBER 26-JANUARY 2: Winter Break! Yay!

JANUARY

We will begin finalizing everything and putting the show together!

JANUARY 9-21

NO CONFLICTS!

JANUARY 19, 20, and 21: Performance Time!

WEEK OF JANUARY 23

As a cast and crew, we will debrief the performances, potentially strike, and come together one last time.



CONFLICTS & TIME COMMITMENT

None of the Theatre Ink productions this season will conflict with *Lost and Found*. You may also participate in *Lost and Found* if you are involved in a fall sport and plan on trying out for a winter sport. We do not want to limit anyone, although we will take other shows or sports you may be involved in into account for scheduling purposes.

There is space to enter your weekly conflicts in the form, but should any last-minute conflicts arise, you must inform the L&F stage managers [REDACTED] AND Mr. Brown [REDACTED] *immediately*.

In the form, you are invited to share how many hours a week you are comfortable committing to *Lost and Found*, BUT you must understand that by auditioning, you are agreeing to be an involved member of the cast and the Theatre Ink community throughout the process.



EXHIBIT B

Lost and Found Audition Information

We are so glad you are auditioning for Lost and Found: Stories of People of Color by People of Color. You MUST fill out and submit this ENTIRE form before your audition. The form DOES NOT save as you go, and you may need a parent/guardian with you as you fill out the contact and conflict information to make sure it is accurate. If you have any questions, please email Mr. Brown at [REDACTED] or [REDACTED] See you at auditions!

[REDACTED] [Switch account](#)



The name and photo associated with your Google account will be recorded when you upload files and submit this form. Only the email you enter is part of your response.

Any files that are uploaded will be shared outside of the organization they belong to.

* Required

Email *

Your email

Please attach a headshot of yourself. (You can take a selfie with a phone if you choose)

[Add file](#)

First Name *

Your answer



10/3/22, 6:23 PM

Lost and Found Audition Information

Last Name: *

Your answer

Grade: *

9

10

11

12

Pronouns: *

Your answer

How do you identify racially/ethnically? *

Your answer

Cell Phone #: *

Your answer



10/3/22, 6:23 PM

Lost and Found Audition Information

Parent/Guardian Name(1): *

Your answer

Parent/Guardian Email(1): *

Your answer

Parent/Guardian Cell Phone #(1): *

Your answer

Parent/Guardian Name(2):

Your answer

Parent/Guardian Email(2):

Your answer

Parent/Guardian Cell Phone #(2):

Your answer



10/3/22, 6:23 PM

Lost and Found Audition Information

Home Address (1)

Your answer

Home Address if Necessary (2):

Your answer

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Next

Clear form

Never submit passwords through Google Forms.

This form was created inside of Newton Public Schools. [Report Abuse](#)

Google Forms