



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

January 3, 2023

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 Ashland School District in Ashland, Oregon 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 lists of affinity groups at Ashland High School (Exhibit A), Ashland Middle School (Exhibit B), and a job posting for an "Elementary Student Affinity Group Advisor" (Exhibit C), which is [posted online at ZipRecruiter](#) and denotes a placement at Bellview Elementary School (Exhibit D).

This exhibit reveals that Ashland School District's affinity group programming at all three levels – elementary school, middle school, and high school – are only open to students of specific ethnicities, and the program descriptions do not make participation in these affinity groups open to all.

At Ashland High School, the "Black Student Union" states that its purpose is to "[b]ring together black and melanated students, educate the community, and the empowerment of Black Students," while the purpose of the "Latinx Student Union" is to "create a safe space for students of Latin/Hispanic descent. They will share and educate about difficulties that the Latinx community faces." (Ex. A at 1.)

At Ashland Middle School, the "Native Student Union" asserts that it "is welcoming all First Nations students," while the Black Student Union states "[i]f you identify as Black or African American we would love to have you join us in this safe space where you can share your thoughts, feelings, ideas, and experiences." Furthermore, "[t]he AMS Asian Student Union is a place where students with Asian backgrounds can explore both their own and other Asian cultures and share our mutual experiences," while the Latino Student Union's description says "Is your family from a Spanish speaking country? Are you a part of the Latinx/Hispanic culture? Then we would love for you to join the Latino Student Union." (Ex. B at 1-2.)



The job description for the Elementary Student Affinity Group Advisor – a role which would presumably oversee the creation and administration of affinity groups for students in grades K-5 – begins the job summary: “An Affinity Group is made up of people who share a common identifier, ie: race, gender, gender identity, sexual orientation, etc. Affinity members can speak from the “I” perspective about being a participant in that group which allows for an exploration of one’s own identity, a celebration of shared identity, and a safe place to discuss, and address some of the common challenges faced by members of the group.” (Ex. C at 1 and Ex. D at 1.)

Troublingly, one of this position’s roles is to explicitly identify, list, and target students to invite to affinity groups on the basis of immutable characteristics (Ex. C at 1; Ex. D at 2.)

- “Coordinate participant invitations
 - Attain Power School list of potential student participants from site Administrator
 - Work with group facilitator to draft and send email and hard copy invites to potential student participants
 - always using BCC and envelopes to ensure confidentiality
 - Invite new members via the networks of current group members
 - Working with Facilitators and with site Administrator oversight, be mindful of group membership and redefine who the group is for, if necessary
 - Keep confidential records of meeting attendance for each meeting including collecting attendance sheets from facilitators of other affinity groups at the school”

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that the Ashland School District 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-D



EXHIBIT A

District Home



Ashland High School
Inspiring learning for life...

EXPLORE

EXPLORE ▼

LANGUAGE

ABOUT US

ACADEMICS




FAMILIES

STUDENTS

PROGRAMS &

ASHLAND HIGH SCHOOL // PROGRAMS & ACTIVITIES // AHS STUDENT AFFINITY GROUPS

Student Affinity Groups

Club Name	Co-Presidents	Advisor	When/Where	Purpose	Club Activities
Asian Student Union		Shu Wen Chang	Red Thursdays at Lunch, H-33	The purpose of ASU is to create a safe environment to a minority group, as well as making a space to bond and have fun.	Organize events for AAPL month, celebrate Lunar New Year
Black Student Union		Becca Laroi	Fridays at Lunch, 203	Bring together black and melanated students, educate the community, and the empowerment of Black Students.	Volunteering, educational/co mmunity building activities, trips, leadership opportunities, bonding gatherings
Latinx Student Union		Rhiannon Batey/Kathy Martin	Thursdays at Lunch, 1A-2	To create a safe space for students of Latin/Hispanic descent. They will share and educate about difficulties that	Educational/co mmunity building activities, attending/ho sting Latinx events and cultural awareness



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AHS Student Affinity Groups | Ashland High School

				the Latinx community faces.	activism, holiday observances (such as día de los muertos, etc.)
Native American Student Union		Bryanna Bates	Mondays at Lunch, H-15	Provide a space for indigenous students to engage in cultural activities	Canoe installation, educate on historical indigenous movements, engage in cultural activities (beading, etc.)
Queer Straight Alliance (QSA)		John Joranco and Cambria Floren	Mondays at Lunch, 204	Create a safe space for LGBTQ and ally students to gather and to spread awareness on campus. This is one of the school's affinity groups already established on campus.	Movie nights, fundraisers, t-shirts, etc.
Spanish Honor Society		Francisco Lopez-Atanes	Every other Monday at Lunch, H-34	To recognize academic achievement in Spanish and to promote Hispanic studies	Community outreach/service
Women's Affinity Group		Kimberley Healey	Tuesdays at Lunch, H-39	Women's Affinity Group (WAG) raises awareness and challenges social norms and school culture to combat sexism, empower women, and valorize femininity.	Sexual assault awareness, menstruation and free period products education, update health class curriculum, increase female representation around campus, discuss

<https://www.ashland.k12.or.us/o/ahs/page/ahs-student-affinity-groups>

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AHS Student Affinity Groups | Ashland High School

struggles of
living in a
patriarchy.



Find Us

Ashland High School
201 South Mountain Ave.

Ashland, OR 97520

P: [REDACTED]

F: (541) 482-2172

Office Manager:

Principal:

Schools

Ashland School District

Ashland High School

Ashland Middle School

Bellview Elementary School

Helman Elementary School

TRAILS Outdoor School

Walker Elementary School

Willow Wind Community Learning Center

Ashland High School Athletics

Ashland Connect

Ashland School Board


Grizzly Online Academy

Anonymous Reporting



EXHIBIT B

District Home



Ashland Middle School
Inspiring learning for life...

EXPLORE
EXPLORE

LANGUAGE

ABOUT USACADEMICSFAMILIESSTUDENTSPROGRAMS & ACTIVITIES

ASHLAND MIDDLE SCHOOL // PROGRAMS & ACTIVITIES // STUDENT AFFINITY GROUPS

Student Affinity Groups



Queer Straight Alliance

Advisor: Rosalee Russell

When: Tuesdays, First (1st)

Where: Lunch Room 62

The AMS Queer Straight Alliance provides a safe place for students to meet, support each other, and talk about issues related to gender identity, as well as romantic preference. Straight and cis-gender students are invited to come and support their classmates and learn about Queer and Trans issues. We build a fun community and work to end homophobia and transphobia. Check your canvas account for details



Native Student Union

Leader: Andrea Royse

When: Wednesdays, 2-3pm

Where: Room 207

In the event of distance learning, Check your canvas account for details

The Native Student Union is welcoming all First Nations students. Together we will explore our common indigenous roots, celebrate the strength and beauty of our respective cultures, and work together to make our voices heard. There will be food, games, art and community. Your participation matters. Your journey is important. We will discuss what is happening in our world and all things that matters to you! If this sounds like a place for you, please join us!

Black Student Union

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Student Affinity Groups | Ashland Middle School



Leader: Sessceal Reynolds
When: Wednesdays, 2-3pm
Where: Cubs Corner or Abdi's Office
Check your canvas account for details

Welcome to AMS Black Student Union Canvas page. If you identify as Black or African American we would love to have you join us in this safe space where you can share your thoughts, feelings, ideas, and experiences. We will discuss what is happening in our world and all things that matters to you! **Dates and locations are subject to change*



Asian Student Union

Leader: John Stroud
When: Fridays, First (1st) Lunch
Where: Room 67
Check your canvas account for details

The AMS Asian Student Union is a place where students with Asian backgrounds can explore both their own and other Asian cultures and share our mutual experiences! I am half Asian Indian and come from a family that includes people of Chinese, Singaporean and Indian cultures! I've also been able to visit countries like Cambodia, Thailand and South Korea and love the diversity of culture and what it means to be Asian! If you are like me and want a place where we can celebrate our Asian heritage together, join me on Wednesdays during lunch from 11:30-12:00!

- Nisha Atkinson, Siskiyou Team EA



Latino Student Union

Leader: [Alyssa Myers](#)
When: Coming Soon (TBA - Wednesday Afternoons)
Time: Wednesdays, 2-3pm
Where: Room 61

Why: To Talk with each other outside of class and to have fun watching music videos, playing games, and sharing culture!

Is your family from a Spanish speaking country? Are you a part of the Latinx/Hispanic culture? Then we would love for you to join the Latino Student Union, or LSU, here at AMS! LSU is all about embracing Hispanic/Latinx heritage and sharing our ideas through music, culture, food, and more!

Líder: [Sra. Myers](#)

Cuándo: miércoles al mediodía

Por qué: ¡Para hablar entre ellos fuera de la clase y divertirse viendo videos musicales, jugando juegos y compartiendo cultura!

¿Tu familia es de un país de habla hispana? ¿Eres parte de la cultura latinx / hispana? ¡Entonces nos encantaría que se uniera a la Unión de Estudiantes Latinos, o LSU, aquí en AMS! ¡LSU se trata de abrazar la herencia hispana / latinx y compartir nuestras ideas a través de la música, la cultura, la comida y más!

Non Active Groups

+



EXHIBIT C



Ashland School District

inspiring learning for life...

Job Title: Elementary Student Affinity Group Advisor
Reports To: Site Administrator

JOB SUMMARY

An Affinity Group is made up of people who share a common identifier, ie: race, gender, gender identity, sexual orientation, etc. Affinity members can speak from the "I" perspective about being a participant in that group which allows for an exploration of one's own identity, a celebration of shared identity, and a safe place to discuss, and address some of the common challenges faced by members of the group. Each elementary school has one Affinity Group Advisor who fulfills two roles: 1) coordinate and facilitate one elementary student affinity group, including a minimum of one 45 minute meeting per month; and 2) support the facilitation of up to 3 other site student affinity groups; including meeting logistics, snacks and planning.

ESSENTIAL DUTIES AND RESPONSIBILITIES

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily with or without a reasonable accommodation.

Professional Development

- In District:
 - Attend affinity group advisor orientation and professional development, including mentorship sessions
 - Quarterly collaboration meetings with other affinity group advisors
- Regional:
 - Attend monthly affinity group advisors PLC hosted by the SOESD

Coordination

- Coordinate and facilitate monthly meetings for one elementary student affinity group
- Support the facilitation of other site affinity groups
 - Assist Administrator in identifying interested facilitators (other site staff or community members)
 - Conduct monthly debrief with facilitators and assist with any issues that arise
- Schedule meeting times and locations for all site student affinity groups in conjunction with family calendar and approval from site administrator.
 - Coordinate with site administrator to ensure an on-site emergency contact is available If meetings occur outside of school hours
 - If virtual location, set up calendar invites with Zoom link
- Coordinate participant invitations
 - Attain Power School list of potential student participants from site Administrator
 - Work with group facilitator to draft and send email and hard copy invites to potential student participants always using BCC and envelopes to ensure confidentiality
 - Invite new members via the networks of current group members
 - Working with Facilitators and with site Administrator oversight, be mindful of group membership and redefine who the group is for, if necessary
 - Keep confidential records of meeting attendance for each meeting including collecting attendance sheets from facilitators of other affinity groups at the school
- Manage materials
 - Each affinity group with a district-approved advisor or facilitator will receive funds to pay for snacks, materials, and activities. The advisor and facilitator(s) will plan for the year and stay within the allotted budget
 - Arrange purchases and orders for up to four affinity groups, complete reimbursement paperwork, and submit it to the site office manager
 - With Administrator oversight, review and vet any reading materials, video clips, etc before they are shared with groups



EXHIBIT D

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22-157; Elementary Student Affinity Group Advisor; Bellview Elementary; Temporary Job in Ashland, OR at Ashland School District 5

[← Back to Jobs](#)

22-157; Elementary Student Affinity Group Advisor; Bellview Elementary; Temporary

Ashland School District 5

Ashland, OR

Posted: November 09, 2022 Temporary

Position Type:

Student Support Services

Date Posted:

11/9/2022

Location:

Bellview Elementary School

Date Available:

11/28/2022

Closing Date:

Open until filled **Job Title: Elementary Student Affinity Group Advisor**

Reports To: Site Administrator

JOB SUMMARY

An Affinity Group is made up of people who share a common identifier, ie: race, gender, gender identity, sexual orientation, etc. Affinity members can speak from the "I" perspective about being a participant in that group which allows for an exploration of one's own identity, a celebration of shared identity, and a safe place to discuss, and address some of the common challenges faced by members of the group.

Each elementary school has one Affinity Group Advisor who fulfills two roles: 1) coordinate and facilitate one elementary student affinity group, including a minimum of one 45 minute meeting per month; and 2) support the facilitation of up to 3 other site student affinity groups; including meeting logistics, snacks and planning. **ESSENTIAL DUTIES AND RESPONSIBILITIES**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily with or without a reasonable accommodation.

Professional Development

- In District:
 - Attend affinity group advisor orientation and professional development, including mentorship sessions



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22-157; Elementary Student Affinity Group Advisor; Bellview Elementary; Temporary Job in Ashland, OR at Ashland School District 5

- Quarterly collaboration meetings with other affinity group advisors
- Regional:
 - Attend monthly affinity group advisors PLC hosted by the SOESD

Coordination

- Coordinate and facilitate monthly meetings for one elementary student affinity group
- Support the facilitation of other site affinity groups
 - Assist Administrator in identifying interested facilitators (other site staff or community members)
 - Conduct monthly debrief with facilitators and assist with any issues that arise
- Schedule meeting times and locations for all site student affinity groups in conjunction with family calendar and approval from site administrator.
 - Coordinate with site administrator to ensure an on-site emergency contact is available if meetings occur outside of school hours
 - If virtual location, set up calendar invites with Zoom link
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 - Keep confidential records of meeting attendance for each meeting including collecting attendance sheets from facilitators of other affinity groups at the school
- Manage materials
 - Each affinity group with a district-approved advisor or facilitator will receive funds to pay for snacks, materials, and activities. The advisor and facilitator(s) will plan for the year and stay within the allotted budget
 - Arrange purchases and orders for up to four affinity groups, complete reimbursement paperwork, and submit it to the site office manager
 - With Administrator oversight, review and vet any reading materials, video clips, etc before they are shared with groups

Communication

- Collaborate with and support building affinity group facilitator(s)
- Without breaking confidentiality, work with the group facilitator, school administrator, and SOESD SOBASS/Indian Ed. Specialists, District Equity Director if needed, to communicate:



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22-157; Elementary Student Affinity Group Advisor; Bellview Elementary; Temporary Job in Ashland, OR at Ashland School District 5

- Building or district-level issues
- Updates about the group
- Need for support in facilitating group
- Need for support in the group's collective action plans
- Advocacy for the group in school and community settings
- Provide photos, updates, news of the existence, purpose, and accomplishments of the group to the Site Administrator for inclusion in school newsletters and website news.
- Share information with students about upcoming regional events hosted by the SOESD and SOU geared to each affinity group

Facilitation

- In the initial meeting, lay out the purpose of the group, and create community agreements with participant input
- Structure the meeting as appropriate for grade level, time allotted, and expressed needs of the group
- Facilitate community-building and social-emotional well-being of the group
- Facilitate sharing of lived experience, invite group celebration and support
- Assist students in processing difficult topics, issues, and discussions
- Plan for collective action, utilizing district policy and practices, such as:
 - Hold an event for student participation within the larger school community
 - Share salient themes with a school administrator (without breaking confidentiality)
 - Other leadership projects as determined by the group
- Solicit feedback from group members via the SOESD satisfaction survey, and adjust accordingly. Submit survey results to the district and SOESD as part of ongoing applications to funding sources
- Work with Site Administrator and families to coordinate speakers to share with students at an affinity group meeting. If the speakers are not school district employees, they will need to complete the regular volunteer approval process
- Coordinate student participation in regional events hosted by the SOESD and SOU
- All elementary affinity groups can meet as often as desired but must meet for a minimum of 45 minutes each month

OTHER DUTIES AND RESPONSIBILITIES

We believe that every individual makes a significant contribution to our success. That contribution should not be limited to assigned responsibilities. Therefore, this position description is designed to define primary duties, qualifications and job scope but should not limit the incumbent nor the organization to the work identified. It is our expectation that every employee will offer their services wherever and whenever necessary to ensure the success of the District's goals. **SUPERVISORY RESPONSIBILITIES** All school employees have some responsibility for supervising students and assisting in maintaining a safe environment. **QUALIFICATIONS**

<https://www.ziprecruiter.com/c/Ashland-School-District-5/Job/22-157;-Elementary-Student-Affinity-Group-Advisor;-Bellview-Elementary;-Temporary/-in-Ashland,...> 3/5



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22-157; Elementary Student Affinity Group Advisor; Bellview Elementary; Temporary Job in Ashland, OR at Ashland School District 5

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Current employees of the Ashland School District are strongly preferred. If no current employee is able to lead an affinity group, a community member can be hired as an employee to fill this role
- Personally identify with the same affinity as students in the affinity group, or demonstrate a strong allyship for the particular affinity group.

Don't think you have all the qualifications listed in the job description? We encourage you to apply even if you do not meet every qualification. Research shows that people from under-represented groups and women are significantly less likely to apply for some positions if they don't meet every qualification. **At Ashland School District, we value representation and life experience.** Our interest is in finding the best candidate for the job and hiring a diverse staff for our students. We also know that sometimes the best candidate may come from a less traditional background. We want to learn how your life experience, skills, and potential can help us meet the needs of our school community!

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate with others including understanding and being understood. While much of the work will be completed in an office environment, the employee will need to move between buildings, visiting sites throughout the district. This position requires use of a variety of digital systems, software, and hardware. This position may require some travel outside the district. **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually low to moderate, but occasionally high depending upon activities. The employee is occasionally exposed to wet or humid conditions and outdoor weather conditions. Employee may be exposed to blood-borne pathogens

VALUES

The District is focused on eliminating systemic racism and its impact on student learning. ASD is committed to equal opportunity and nondiscrimination in all its educational and employment activities.

The District prohibits discrimination based on race; national or ethnic origin; color; sex; religion; age;



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22-157; Elementary Student Affinity Group Advisor; Bellview Elementary; Temporary Job in Ashland, OR at Ashland School District 5

sexual orientation; gender expression or identity; pregnancy; marital status; familial status; economic status or source of income; mental or physical disability or perceived disability; or military service. Ashland Public Schools is an equal opportunity and affirmative action employer.

Ashland School District 5

Address

885 Siskiyou Boulevard

Ashland, OR

97520 USA

Industry

Education