



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

January 31, 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 Santa Cruz County Office of Education and Pajaro Valley School District in Santa Cruz, 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.*, 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 the district's Events page on their website (Exhibit A), which promotes the district's "Ethnic Studies Teacher of Color Circle,"¹ and registration form "Ethnic Studies Registration Options for 22-23" (Exhibit B).

This exhibit reveals that Santa Cruz County Office of Education's "Ethnic Studies Teacher of Color Circle" is only open to staff of specific ethnicities ("This ES-TOCC will be made up of teachers who identify as teachers of color, who are currently teaching Ethnic Studies or would like to teach Ethnic Studies in Santa Cruz County"). The program description does not make participation in this affinity group open to all.

Indeed, the site's link to the registration form further underscores that not all staff members would be welcome — and that this exclusion would be based solely on an individual's race.² (Ex. B at 2)

The registration form also notes that staff who participate in this program receive additional benefits on the basis of race that do not appear to be offered to all staff members ("Provide resources and a network of educators of color state-wide and across the nation" Ex. B at 2), ("Ethnic Studies Curriculum Development" Ex. B at 3), ("Teachers will receive stipends for their participation" Ex. A at 2) and ("Develop Ethnic Studies content" Ex. B at 3).

¹ "Ethnic Studies Teacher of Color Circle." *Santa Cruz County Events Page*. Accessed January 12, 2023.
<https://santacruzcoe.org/events/ethnic-studies-teacher-of-color-circle/>

² "Registration Form." *Google Doc*. Accessed January 12, 2023.
https://docs.google.com/forms/d/e/1FAIpQLSetiyjnwLEUzwd65ix4NTOYCaLIXxWci9jUhz_Tq3B7gCjfQ/viewform



As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that Santa Cruz County Office of Education and Pajaro Valley 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 "Caroline Moore".

Caroline Moore
Vice President
Parents Defending Education

Enc. Exhibit A-B



EXHIBIT A



SANTA CRUZ
COUNTY OFFICE OF
EDUCATION
DR. FARIS SABBAAH • SUPERINTENDENT OF SCHOOLS

ETHNIC STUDIES TEACHER OF COLOR CIRCLE

CRE will partner with the Santa Cruz County Office of Education to develop an Ethnic Studies Teachers of Color Circle (ES-TOCC). This ES-TOCC will be made up of teachers who identify as teachers of color, who are currently teaching Ethnic Studies or would like to teach Ethnic Studies in Santa Cruz County.

Ex. A at 1

Be part of the first
TEACHER OF COLOR CIRCLE
in Santa Cruz County

Sign up at:
tinyurl.com/sccoetocc



Santa Cruz County Office of Education (SCCOE) and Pajaro Valley Unified School District is partnering with Community Responsive Education (CRE) to support the growth, retention, and leadership of teachers of color in the county.

The **SCCOE Teacher of Color Circle** will meet monthly beginning September 13, 2022 (4:00-5:30PM). Teachers will receive stipends for their participation.

for questions contact

CRE COACHES



ALLYSON
Tintiangco-Cubales



AIMEE
Riechel



DARIUS
White



JOCYL
Sacramento



AILEEN
Pagtakhan



SANTA CRUZ
COUNTY OFFICE OF
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DELIVERING QUALITY EDUCATION TO ALL STUDENTS



**COMMUNITY
RESPONSIVE
EDUCATION**



EXHIBIT B



Ethnic Studies Registration Options for 22-23

Please use this form to register for one or both of the options for Ethnic Studies for 22-23. For each option, there is a description provided.

If you have any questions, please contact Debi Bodenheimer

[REDACTED]
[REDACTED]

***Required**

Email*

Your email address

What is your position?*

Administrator

Teacher

Counselor

Other:

Where do you work?*

Choose

I want to register for the **ETHNIC STUDIES TEACHER of COLOR CIRCLE-COMMUNITY OF PRACTICE** (8 monthly sessions: 90 min per session)

Ex. B at 1



Description:

CRE will partner with the Santa Cruz County Office of Education to develop an Ethnic Studies Teachers of Color Circle (ES-TOCC). This ES-TOCC will be made up of teachers who identify as teachers of color, who are currently teaching Ethnic Studies or would like to teach Ethnic Studies in Santa Cruz County. The goals of the ES-TOCC are:

- Support the retention and development of Teachers of Color in Santa Cruz County
- Support the development of an Ethnic Studies community in Santa Cruz County
- Provide a process to support Ethnic Studies teacher identity development
- Provide a space for teachers to develop Ethnic Studies curriculum that is responsive to the students and their families at their schools.
- Provide a space for teachers of color to center their wellness as a way to model how they can center wellness for their students.
- Provide a space for teachers of color to create community and become teacher leaders who can step into providing support and development in Santa Cruz County.
- Provide resources and a network of educators of color state-wide and across the nation.

*

Yes

No

Other:

I want to register for the **ETHNIC STUDIES COMMUNITY OF PRACTICE (5 bi-monthly sessions: 90-120 min per session)**

CRE will offer the following for Ethnic Studies Teachers or those interested in teaching Ethnic Studies. We are also offering support to specific districts that would like to develop Ethnic Studies courses and develop implementation plans.

Ethnic Studies Teacher and Community Development

Ex. B at 2



Community Responsive and Culturally Rooted Teaching Philosophy Development

Ethnic Studies Pedagogy workshops

Practice teaching

Ethnic Studies Curriculum Development

Develop Ethnic Studies content (these components may be included but not limited to the following)

- Lesson Plan and sample activities
- Enduring Understandings for each lesson
- Essential Questions for each lesson
- Unit Sequence
- Standards Alignment
- Project Descriptions

*

Yes

No

Other:

Any questions or feedback, needs for Ethnic Studies for 22-23?

Your answer

Ex. B at 3