



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 Shelburne Community School in Shelburne, Vermont 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 school's weekly newsletter from December 19, 2022 (Exhibit A), which promotes the creation of a "BIPOC Affinity Group."

This exhibit reveals that Shelburne Community School is developing an "opt-in racial affinity group for students in grades 3-8 identifying as Black, Indigenous, or people of color." Ex. A at 5. The program description does not make participation in these affinity groups open to all.

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that Shelburne Community 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



EXHIBIT A

SCS Weekly Newsletter 12.19.22

Week of December 19, 2022

Principals' Message

Hello SCS Families and Caregivers,



We hope everyone is able to enjoy the snow today! While some of your families are undoubtedly enjoying a day on the slopes, sledding, or just romping around in the snow, many are also under the weather. This week was a particularly busy one in the health office. We sent many kids home who presented with headaches and turned out to have fevers. Similar to trends across the state and nation, flu and RSV have been far more prevalent in our building than COVID. Please remember to keep your child home if they have a fever of 100.4 F or greater. They can return to school if they are fever free for 24 hours without a fever reducing medication such as Tylenol or Ibuprofen. As always, students and staff members who feel more comfortable wearing a mask are encouraged to do so, and we thank everyone who is masking up as a preventative step for looking out for the community.

Another separate illness that was seen this week is congestion and a sore throat. As far as we know, strep throat is not going around. The sore throat stems from post nasal drip. This can only be treated with lots of fluid, cough drops, and some pain medicine if really needed. Not much coughing or stomach upset was seen. However, if your child presents with these symptoms we recommend to keep them home if their coughing is persistent. A minor cough that can be helped with some water is fine. Lastly, stomach upset, like vomiting and diarrhea, needs to be resolved prior to returning to school.

In a bit of a catch-22, we are also legally required to document and communicate student absences with families for every 5, 10, 15, and 20 absences. This has resulted in some families receiving calls and/or truancy letters, even when they've been doing the right thing and keeping their kids home due to sickness or other perfectly valid reasons. The guidance we've gotten from the state is that for attendance purposes, there is no difference between an "excused" and "unexcused" absence. You may receive a call from the school team when your child hits either the 15 or 20 day absence mark so that we can work together to build a plan that can help your child attend school as much as possible when they are healthy.

Hopefully the additional day this weekend will allow us all to get lots of rest. Take good care of yourselves and each other!

Take care,
SCS Health Office Team & Admin

[Submit a Staff Shout-Out!](#)

December Food Menu

Much More To Follow - Please Continue Reading!

2023 Scripps Spelling Bee Qualifiers

192 students participated in the Scripps Qualifying Written Test. Señora Kelley and Madame Thomas would like to thank everybody who participated, and we encourage you to keep learning about words and to try again next year! The following students have qualified for the 2023 SCS Scripps Spelling Bee Competition to be held on Tuesday February 21, 2023 in the SCS library. Qualifiers are listed below by grade, in no particular order.



Grade 3

[Redacted list of student names]

Grade 4

[Redacted list of student names]

Grade 5

[Redacted list of student names]

Grade 6

[Redacted list of student names]

Grade 7

[Redacted list of student names]

Grade 8

[Redacted list of student names]

Optional practice sessions for the SCS Spelling Bee will be held on the following Thursdays in the Spanish classroom from 3-4pm. Please leave your last class with the "walkers and pickups".

- January 5, 2023
- January 12, 2023
- January 19, 2023
- January 26, 2023
- February 2, 2023
- February 9, 2023
- February 16, 2023

The late bus will be available to all students. Please bring a snack for yourself! Congratulations to all of our qualifiers and participants for their hard work.

Morning Drop-Off Reminder

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When dropping kids off in the morning, please use either Davis Circle or our drop-off lane only. Please do not use our parking spaces for drop-off - we have very limited parking on campus and we need to ensure that our faculty and staff can get their cars parked in a space for the day before their day begins. Thank you!

Hunger-free Vermont Reminder - complete the Free & Reduced Lunch Form for additional benefits

With school breakfast and lunch free for all students this year you may be wondering why you should bother to apply to the Free and Reduced Meal Program. Here are some really important reasons why.

Submitting the school meal application might stretch your budget this holiday season!

With the rising cost of food, many of us are struggling to feed kids at home. By completing the School Meal Application, your family might become eligible for funds that will stretch your budget! You could get a [monthly discount on your internet bill](#), your learners can have their college application fees and [testing fees](#) waived for their [SAT](#) and [ACT](#) exams and reduced for their [AP](#) exams, and you can [receive fuel assistance](#) and pandemic emergency benefits. To access these additional benefits, you will need the approval letter you receive after submitting your school meal application. Even if you have not been eligible in the past, due to program expansions you may be eligible now! Contact us today to submit your application.

Mariana Sears
Outreach Manager, Hunger Free Vermont

Did you know you may qualify for reduced price or free school meals for your child(ren) if:

- You receive 3 Squares VT or Reach-Up or...
 - You make less than \$31,284 / year, for a household of 2 people or...
 - You make less than \$47,638 / year for a household of 4 people
- (Check the chart included in this packet, for household size.)

How do I receive this benefit?

- Complete the attached 2 page form (1 application for the whole family)
- Sign and return the packet to Shelburne Community School
- Call, e-mail, or stop by if you would like some help filling out this form

Why would I apply?

- The income guidelines increase with the family size. Check it out!
- This brings in money from the state of Vermont that supports all children at Shelburne Community School through our Food services and Title I Literacy services

You can help support children at SCS simply by applying! Free and Reduced Price School Meals application is about more than school lunch!

The amount of federal funds we receive to **support early literacy and math intervention services** is based on the percentage of students receiving Free and Reduced Meals. If you don't enroll, these programs will disappear.

The USDA is implementing a P-EBT (Pandemic Electronic Benefits Transfer) card program for families whose children are not in school due to school closure or quarantine. In order to be eligible, your student must be approved for Free or Reduced Meals.

Federal program to **provide broadband assistance to CVSD families**. This program will help with paying for internet access, provide a new internet hookup, or provide hotspots if necessary. Again, your student must be approved within the Free and Reduced Meal program to be eligible.



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The application is short and easy. An online or printable [application](#) is available on the CVSD website under "Food Service" or contact your school directly.



Computer Science Education Week at SCS

We recently celebrated Computer Science Education Week at Shelburne Community School! Students learned basic programming skills through a variety of plugged and unplugged activities. These activities strengthen creativity and problem-solving skills. We also talked about how computer science happens year-round, not just during this special week. If you are looking for activities to try with your student, we encourage you to visit code.org.



<https://www.smores.com/28wmc>



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Sustainability Club

We are now part of <https://nextrex.com/> - the Trex Challenge. We will register the data on a weekly basis.

Thanks to the Sustainability Club we kept 10lbs of floppy breakfast bag plastic out of the landfills in one week - and all the white buckets were not out yet!

Next week a representative from the Sustainability Club will contact you to give a quick chat to your team to encourage this challenge.

SOON you will see thermometers of progress up in the school - our first goal is 60 pounds. Details to follow on a school wide celebration.

We believe we can get over 300lbs out of the landfill by the end of the year and turn this into building materials thanks to Trex.

Any questions or suggestions please let me know and thank you! Mostly, thanks to the kids who are making this happen and the PTO for supporting the purchase of these bins! A HUGE thank you to 3rd grade teacher Joey Adams for initiating this project with the kids!



Resolution Song

Check out our chorus students singing the Resolution Song as part of a global movement to raise awareness about climate change.

You can watch the video [here](#). If you'd like to read more about the movement behind the Resolution Song, check out [this link](#).

Claim Your Items from our SCS Lost & Found!

Please take a look at the latest items collected in our SCS Lost & Found.

 We will be donating any remaining items over the December break - so please pick up your items before they get donated!

Pre-K Lottery is Now Open

The CVSD Early Education Program is now accepting applications for a random preschool lottery drawing for the 2023-24 school year. This lottery is for an opportunity to enroll in one of our school-based classrooms which run 10 hours per week. Our school-based preschool classrooms are 5 STARS, licensed early education programs that provide play-based, developmentally appropriate environments for all children in an inclusive setting. Please visit [this page](#) for more information. Applications are due by February 3.

Updates from Shelburne Kids Activities Together

We are thrilled to continue expanding our after-school offerings through SKAT. Thank you to all of our staff and community members who are pitching in to expand the free offerings available to SCS students! You can get more information about all SKAT offerings through the [SKAT website](#).

BIPOC AFFINITY GROUP

We are looking to develop an opt-in racial affinity group for students in grades 3-8 identifying as Black, Indigenous, or people of color. If you are interested in having your child join, please contact our DEI coach, Lashawn Sells at 

NEW MAKE AND TAKE W/ SHELburne FARMS

<https://www.smore.com/28wme>

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Join [Hannah, our neighbor from Shelburne Farms!](#) Each week you'll "make and take" home a different project such as crafts, food, felt, salves, and more using locally sourced materials. Get creative and connect with others while learning about sustainability and the great potential of what you can create using the resources around you.

Grades 7 - 8 will meet with Hannah, Meg and Wendy on **Tuesdays** Nov 29, Dec 6, 13, 20. [Register 7th & 8th graders here](#)

Grades 3 - 6 will meet with Hannah and Ms. Erika on **Thursdays** Dec 1, 8, 15, 22. [Register 3rd - 6th graders here](#)

NEW SUSTAINABILITY CLUB

Are you the kind of kid that likes to make a difference at SCS? Do you like to be a leader? Do you care about the environment? Then this SKAT club is for you! Join Joey Adams on Mondays from 3-4:15 for the SCS Sustainability Club during the month of December. At this club you will envision and plan for the future of our gardens, our recycling program and set some big future goals. You will also get to work with some fun friends and amazing people like Recycle Rhonda! Signup is live on the SKAT website.

Vermont Agency of Education Family Engagement Council

If you or anyone you know is interested in serving on a Family Engagement Council that the Vermont Agency of Education is forming to advise Secretary of Education Dan French on education policy and topics of interest to parents in Vermont, please see the following link for more information:

<https://education.vermont.gov/press-release/family-engagement-council>

Walk to School Day - February 1st, 2023

We are encouraging our school community to take part in the Winter Walk To School Day with us on Wednesday, February 1st, 2023 on the way TO school. All of our bus drivers will provide an opportunity for kids to choose to walk to school from the center of town to school that morning. Families can meet us on the green at 7:30am, and we can walk to school together! We'll have stickers and hot cocoa as well. Balloons, noisemakers, and signs spreading joy are welcome :)



Sign up for SMS/Text Messages

Please enroll to receive text messages from the district and our school. If you haven't done this yet or if you are new to CVSD, follow the easy steps on [this flyer](#).

We try not to overuse this method of communication, but it is helpful for reminders and quick announcements,



SCS Yearbook Orders

The 2022-23 SCS Yearbook is now on sale! The cost is \$32. All students at SCS are included in the yearbook. Orders can be submitted to your child's classroom teacher or on-line until April 7th. Order forms went home last week.

You are also welcome to order online anytime until



Winter Sports are Underway!

Basketball started last this week, with the first game for all teams taking place on Tuesday 12/13. Good luck to all of our student athletes in their first game! Thank you to our coaches, athletic director, and building use coordinator for getting everything up and running. We're looking forward to a great season ahead. You



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particularly when bus routes change. Don't miss out!

April 7th. The link to order on-line is: [Yearbook sales](#)

can always find the latest information on the [SCS Sports Website](#).



CVSD Budget Development

CVSD invites all community members to learn about and join in on the budget development process by attending upcoming School Board meetings. All members of the CVSD community are always welcome to attend Board meetings. See the topics and schedule in the image above and on the Budget page of the district's [website](#).

Links to join the virtual meetings will be available on that page and on the website calendar. We will also post the presentations on the Budget page afterward for those that cannot attend.



Let's Talk

Last March, the school district softly rolled out a new communication tool called [Let's Talk](#). Let's Talk makes it easy for parents, students, staff, and community members to ask questions, request information, and share feedback. Over the summer, we added topics for each of our schools. [See this blog post](#) to learn more and view a short video that explains how easy it is to use Let's Talk. [SCS Let's Talk link](#).



SCS PTO

Please consider joining the Shelburne Community School PTO Community. All are welcome! Visit their [website](#) for details and updates from recent meetings. The next meeting is Tuesday, December 13, at 6:00. Please join us at school in the Green Team common space if you're available. Pizza and childcare for school-age kids are provided.



Still Need More Information?

Find upcoming events, library resources, athletics information, the monthly lunch menu, teacher teams, curriculum information, CY Mentoring, School Counselors, transportation, and more on the SCS website.

cvsdvt.org/shelburne



Access Information on the CVSD Website

Find information about monthly School Board Meetings, community forums such as the DEI Town Hall, and more on the [district calendar](#). See the year at a glance on the [2022-2023 K-8 School Year Calendar](#). The CVSD Mission is to develop citizens who learn, think, live, contribute, and pursue excellence. See [The CVSD Story](#).

Shelburne Community School Administration

<https://www.smoe.com/28wme>

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