

#### UNITED STATES DEPARTMENT OF EDUCATION

# OFFICE FOR CIVIL RIGHTS ADMINISTRATIVE COMPLAINT

February 14, 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 Milton School District in Milton, 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. Milton School District is using taxpayer funding to offer programming during school hours for students of specific races that are not open to all. Attached to this complaint is supporting evidence in the form of email correspondence between a parent and the Assistant Superintendent for Curriculum and Human Resources at Milton School District (Exhibit A), which claims the program is only for "African American/Black and LatinX" students and information taken from "The Calculus Project" website, which highlights the math program Milton School District adopted for "students of color" in grade 8 through grade 12 and can be found at https://thecalculusproject.org (Exhibit B).

The email correspondence written by the Assistant Superintendent for Curriculum and Human Resources admits, "The mission of The Calculus Project at the Milton Public Schools is to increase the number of African American/Black and LatinX students who enroll and succeed in high-level mathematics courses at Milton High School" (Ex. A at 3). When the parent mentioned all students should be able to participate in the program, the Assistant Superintendent notes, there are "many supports and programs for all students to achieve at high levels" (Ex. A at 3).

In Exhibit A, the parent questions whether The Calculus Project discriminates against Milton School District's code of ethics (Ex. A at 4). The Assistant Superintendent does not address this specific inquiry in his response. I've copied Milton School District's non-discrimination policies for your reference (Ex. A at 4).

"The Milton Public School system does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, gender identity, transgender status, gender transitioning, age, national origin (ancestry), disability, pregnancy/parenting status, marital status, sexual orientation, homelessness, or military status, in any of its programs, activities or operations. These



include, but are not limited to, admissions, equal access to programs and activities, hiring and firing of staff, provision of and access to programs and services, as well as selection of volunteers, vendors and employers recruiting at the Milton Public Schools. We are committed to providing an inclusive and welcoming environment for all members of our staff, students, volunteers, subcontractors, and vendors. The following person has been designated to handle inquiries regarding the non-discrimination policies."

The Calculus Project "us[es] research-supported strategies to increase the representation and success of Black, Hispanic, Indigenous, People of Color and low-income students in advanced mathematics" (Ex. B at 1).

Exhibit B cites, "cultural sensitivity and its commitment to sustainability" as The Calculus Project's underlying mission (Ex. B at 3). The founder of the project further explains his commitment to "economic access and full citizenship" by working to implement this program in schools beyond its existence in Florida and Massachusetts, "The Calculus Project is not just a program-it is part of a movement" (Ex. B at 8).

In addition, The Calculus Project website further underscores that not all students would be welcome — and that this exclusion would be based solely on an individual's race. The Calculus Project is only available to students who identify as "students of color and low-income" (Ex. B at 3).

The alumni testimony on the website highlights former participants of the program and the benefits received, such as socialization with other "black and brown" students and peer and leadership "opportunities" only accessible to those in the program (Ex. B at 6). These testimonies frame a scenario where students excel because they are separate based on the color of their skin and how their indoctrination of "an equitable classroom" is something they will adopt in their classrooms as teachers (Ex. B at 5).

Although the landmark *Brown v. Board of Education of Topeka* decision ended racial segregation in classrooms, The Calculus Project defends their academic racial segregation practices: "The Calculus Project schools intentionally group students of color and low-income students in the same class. Research shows this creates a more comfortable and productive academic environment for these students" (Ex. B at 3).

The website also notes pupils who participate in this program receive additional benefits on the basis of race that do not appear to be offered to all students in Milton School District. Additional support is outlined on the website as including "preparatory courses in the summer, and re-teaching/tutoring during the school year for grade 8 through grade 12," "after-school study groups with teacher support," the ability to "become peer teachers during the 11<sup>th</sup> and 12<sup>th</sup> grade," well-prepared students who achieve in honors and AP-level math courses," "better performance on math grades and state assessments," and "partnerships with eternal stakeholders" (Ex. B at 3).

As the Department of Education is no doubt aware, segregation on the basis of race raises concerns that Milton 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: "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,

Caroline Moore Vice President

**Parents Defending Education** 

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Enc. Exhibit A-B



## **EXHIBIT A**



### **Fwd: The Calculus Project**

Parents Defending Education |

2 messages

Begin forwarded message:		
Date: December 8, 2022 at 11:27:09 AM EST To: Subject: Re: The Calculus Project		
Dear		
Thank you for your email about the Calculus Project. I agree that it is a wonderful program. We are doing some information gathering with those involved with the project to be sure we have the correct information to share with you.		
I'll be back in touch.		
Sincerely,		
On Thu, Dec 8, 2022 at 10:56 AM wrote: Chairperson ,		
May i have a reply to this email that was sent yesterday. The Calculus project is wonderful BUT to leave some students out of the program because of their race is discriminatory. This is not the Milton that i know and i have been a life time resident		
Respectfully,		
Sent from my iPhone		
On Dec 7, 2022, at 12:57 PM, wrote:		
Hello,		
I need clarification on The Calculus Project as this is a wonderful course and as stated kudos to those students that attend the class and excel.  Ex. A at		



My question really is WHY is this course not available to all? It seems discriminatory if someone who is non African American/Black or Latin X wishes to attend the class but get's turned away due to race this is wrong.

I read the Calculus Project and i understand the goal which is great BUT i feel this may open MPS to a suit if a child in MPS wants to take this class and is turned away due to their race.... This isn't the Milton i know....

Please advise
Respectfully,
Sent from my iPhone
Begin forwarded message:
From: Date: December 7, 2022 at 12:37:32 PM EST
To: Cc: Cc: Cc: Cc: Cc: Cc: Cc: Cc: Cc: Cc
Subject: Re: The Calculus Project
Asst. Superintendent ,
I understand the class and i think it is wonderful BUT it is discriminatory against other students.
ANY class that is being offered in the Milton Public schools should be available to ALL students This class isn't available to all and needs to be reviewed by the school committee.
I would appreciate if you can run this program by "legal department " to see if this exclusionary practice opens MPS to potential suit.
Respectfully,



Sent from my iPhone

On Dec 7, 2022, at 11:25 AM, wrote:

- Thank you for your email.

The mission of The Calculus Project at the Milton Public Schools is to increase the number of African American/Black and LatinX students who enroll and succeed in high-level mathematics courses at Milton High School, culminating with the study of calculus in their senior year.

There are many supports and programs for all students to achieve at high levels. I've copied the MHS Principal and K-12 Director of Mathematics should you need further information.

Assistant Superintendent for Curriculum and Human Resources Milton Public Schools

The Milton Public School system does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, gender identity, transgender status, gender transitioning, age, national origin (ancestry), disability, pregnancy/parenting status, marital status, sexual orientation, homelessness, or military status, in any of its programs, activities or operations. These include, but are not limited to, admissions, equal access to programs and activities, hiring and firing of staff, provision of and access to programs and services, as well as selection of volunteers, vendors and employers recruiting at the Milton Public Schools. We are committed to providing an inclusive and welcoming environment for all members of our staff, students, volunteers, subcontractors, and vendors. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Superintendent for Curriculum & Human Resources

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On Wed, Dec 7, 2022 at 11:09 AM wrote: Good Morning assistant Superintendent ,

THANK YOU for your hard work and trying to get the MPS to be the best possible system.

I have a question and i was hoping you can enlighten me.

The Calculus Project is a wonderful idea to promote high level Mathematics and kudos to those students that take advantage of this program. My question is WHY is this not a program for all at MPS. It seems to me this program in itself is discriminatory against children that aren't "African American / Black and Latin X"

Ex. A at 3

Parents Defending Education	
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Would you please assist as the statement below would lead us to believe this discriminatory practice doesn't happen in Milton....

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Asst.

Superintendent for Curriculum & Human Resources

Please review and advise

Thanks

### Sent from my iPhone

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Superintendent for Curriculum & Human Resources

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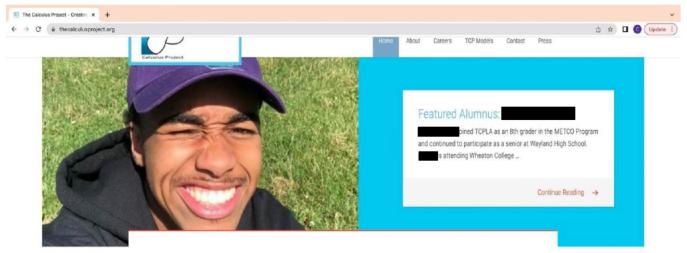
Superintendent for Curriculum & Human Resources

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## **EXHIBIT B**





WELCOME TO THE CALCULUS PROJECT

The mission of The Calculus Project is to use research-supported strategies to increase the representation and success of Black, Hispanic, Indigenous, People of Color and low-income students in advanced mathematics.

Experiential Learning Leadership Peer Education Leadership Academy



