



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT

March 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 Ithaca City School District in Ithaca, New York for discrimination on the basis of race 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 with members who are parents of schoolchildren throughout the country. PDE and its members oppose discrimination on the basis of race and political indoctrination in America's schools. The Ithaca City School District is offering race-based affinity programming for students and staff that is not accessible to all. Attached to this complaint is supporting evidence in the form of an online announcement titled "Ithaca City School District: Black Lives Matter At School," which highlights activities at Ithaca City Schools during "A Week of Action."<sup>1</sup>

This exhibit reveals the affinity group is only open to "self-identified BIPOC students and teachers" to join this "Caucus (affinity) group" at Ithaca Senior High School (Ex. A at 2). As described by the announcement, a purpose of this race-based affinity group is "to facilitate conversation and develop actional steps towards equity" (Ex. A at 2).

Furthermore, this exhibit shows that only some students may participate in this affinity group. It excludes others — and that this exclusion would be based solely on an individual's race (Ex. A at 2). As for future "Caucus (affinity) group" programming, that too would confer a benefit on the basis of race that do not appear to be offered to all students and staff at Ithaca Senior High School.

As the Department of Education is no doubt aware, discrimination on the basis of races raises concerns that Ithaca City 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

---

<sup>1</sup> "Black Lives Matter at School," Ithaca City School District, [https://www.ithacacityschools.org/tfiles/folder3362/BLM%20@%20SCHOOL%202023%20District%20Offerings%20\(DRAFT%205\).pdf](https://www.ithacacityschools.org/tfiles/folder3362/BLM%20@%20SCHOOL%202023%20District%20Offerings%20(DRAFT%205).pdf) (last accessed March 3, 2023)



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

Enc. Exhibit A



## EXHIBIT A



**BLACK LIVES MATTER AT SCHOOL**  
A WEEK OF ACTION. A YEAR OF PURPOSE. A LIFETIME OF PRACTICE.

**FEBRUARY 6-10, 2023**

**HIGHLIGHTS FROM OUR ELEMENTARY SCHOOLS**

---

**BELLE SHERMAN ELEMENTARY SCHOOL**

Friday, February 10 @ 1:10 p.m. All-school assembly to celebrate Black culture and center students and families of color

Daily announcements affirming Black joy, trivia about Black leaders, and reflections on the [BLM @ School 13 guiding principles](#)

Staff reflection on Culturally and Linguistically Responsive framework (CLR) for teaching and learning

**BEVERLY J. MARTIN ELEMENTARY SCHOOL**

Posters created featuring "Matters is the Minimum" and a selection of the diversity of Black experiences and qualities

Classes share units of study including changemaker curriculum and social justice activism. Features posted of artwork and speeches that weave Human Rights and anti-racist work with celebrations of Black achievements

**CAROLINE ELEMENTARY SCHOOL**

Books selected at each grade level for a guided reading with overarching questions: *Who is the author affirming? Who does the author give voice to?*

Each grade level (K-5) investigates a different facet of BLM @ School including lessons on identity, culture, Black Joy, racism, and what it means to be an activist

**CAYUGA HEIGHTS ELEMENTARY SCHOOL**

Wednesday, Feb. 8 at 8:10 a.m. School-wide assembly for BLM @ School. Open to the public!

4th grade ELA students will learn about influential Black Americans, while math, science and social studies teachers will highlight famous Black mathematicians, scientists, and influential thinkers of the past and present

**ENFIELD ELEMENTARY SCHOOL**

Building-wide essential question: *How does the Enfield community tie into the Greater Ithaca Community?*

Classes will conduct research, interviews, and engage with community members to learn about the diversity and history of the Black community. Each class will read "[I Am Every Good Thing](#)", by Derrick Barnes and reflect together

**FALL CREEK ELEMENTARY SCHOOL**

Each grade level reflects on the question: *What does it mean to matter?* Students collaborate to add alternative endings to the phrase "Black lives are..." throughout the year

4th graders will create [Paper Plate Portraits](#) meant to help students begin to unpack prejudice and identity

**NORTHEAST ELEMENTARY SCHOOL**

Schoolwide BLM @ School display in February and March of each classroom's learning around the 13 principles of BLM @ School in the form of art, music, writing, performance, video and more in multiple languages

Schoolwide reflection on the 13 principles through viewing, discussing (oracy), responding (mood meters) and noting growth (zone of comfort)

**SOUTH HILL ELEMENTARY SCHOOL**

Each month of the year, classes will align with one of the 13 principles of BLM @ School and utilize resources to celebrate often-marginalized holidays and celebrations of heritage

3rd graders discuss "[Young Gifted and Black: 52 Black Heroes from Past and Present](#)" by Jamia Wilson and will contemplate the question: *What makes up a family?*

Ex. A at 1



**BLACK LIVES MATTER**  
AT SCHOOL

A WEEK OF ACTION. A YEAR OF PURPOSE. A LIFETIME OF PRACTICE.

FEBRUARY 6-10, 2023

HIGHLIGHTS FROM OUR SECONDARY SCHOOLS

**BOYNTON MIDDLE SCHOOL**

Monday, Feb. 6: Kalynn Bayron, author of *"The Vanquishers"* will conduct grade-level book talks  
 Tuesday, Feb. 7: Grade-level assemblies focused on Black Joy including a performance by *Sing Trece*, local musician  
 Friday, Feb. 10: *Dr. Nia Nunn*, Asst. Professor at Ithaca College presents at an all-school assembly on BLM @ School  
 BLM @ School homebase lessons every week prepared by the Boynton Equity Team  
 Each Boynton teacher will present their own lesson related to Black joy, civil rights, Black history, and more.

**DEWITT MIDDLE SCHOOL**

Monday, Feb. 6 - Thursday, Feb. 9: T-Shirt Screen Printing in the cafe with three different BLM @ School options  
 Wednesday, Feb. 15: "DeWednesday" will include social justice theatre, a poetry slam, a panel on student success, and representation from The Village @ Ithaca, Southside Pride and GIAC  
 BLM @ School Door Decorating Contest: Students will create posters or door decor to encompass a BLM theme

**LEHMAN ALTERNATIVE COMMUNITY SCHOOL**

Tuesday, February 7: Screening of "On the Come Up"  
 Thursday, February 9: Screening of "The Rebellious Life of Mrs. Rosa Parks"  
 Featured Speakers: Mac Knight, Terrance Van, Dr. Sean Eversley Bradwell, Dr. Russell Rickford  
 All academic classes will highlight the 13 guiding principles of BLM @ School. This will continue all month and be showcased at the end of February  
 The Blue Ox Zine is devoted to BLM at School and 13 Guiding Principles and will be used as a guide for discussion  
 Trips to the Harriet Tubman House and Field House

**ITHACA SENIOR HIGH SCHOOL**

Wednesday, February 8: Virtual, schoolwide town hall to discuss the importance of inclusivity, of BIPOC voices, contributions, Black joy and excellence intentionally woven into the IHS student experience  
 Caucus (affinity) groups for self-identified BIPOC students and staff to facilitate conversation and develop actionable steps towards equity  
 Meeting to brainstorm a plan for bi-annual Students of Color United Summit 2023  
 "An expression of Black Joy" - Photos and videos on display in Kulp Auditorium with an interactive chalk wall  
 13 Principles of BLM @ School visual display in Kulp Lounge  
 Open Music Jam with DJ Ramsey during UL every Thursday in the Dance Studio  
 National BLM @ School Creative Challenge: "How can a school community support you in being unapologetically Black?" Draw, write, sing, perform, and speak about it

For more information, please visit [ithacacityschools.org](http://ithacacityschools.org)