



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT

May 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 the North Carolina School of Science and Mathematics in Durham, North Carolina 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 school children throughout the country. PDE and its members oppose discrimination on the basis of race and political indoctrination in America's schools. The North Carolina School of Science and Mathematics is offering race-based affinity programming for students that is not open to all. Attached to this complaint is supporting evidence in the form of The North Carolina School of Science and Mathematics' information webpage titled "Step Up to STEM" (Exhibit A) and a Frequently Asked Question webpage detailing additional information about the application process (Exhibit B).

Exhibit A details "the program is open by application to eighth grade African American, Hispanic American, and Native American students who live in North Carolina" (Ex. A at 1). A primary purpose of the program is to "use real-world subjects to challenge rising 9<sup>th</sup> and 10<sup>th</sup> graders across North Carolina and build their skills in science, math, technology, and communications" (Ex. A at 2).

These exhibits reveal the race-based programming is only open to "underrepresented (African American, Hispanic American, and Native American) students" (Ex. B at 2).

There are several benefits including but not limited to real world experiences involving STEM subject matter, tutoring, mentoring, and "a free one-week summer program for African American, Hispanic American, and Native American Students" valued at \$1,495 (Ex. A at 1; Ex. B at 1).

Furthermore, the exhibits shows that only some students may attend this school program. It excludes others — and that this exclusion would be based solely on an individual's race (Ex. B at 2). As for future "Step Up to STEM" programming, that too would confer a benefit on the basis of race that is not offered to all students.



As the Department of Education is no doubt aware, discrimination on the basis of races raises concerns that the North Carolina School of Science and Mathematics 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,

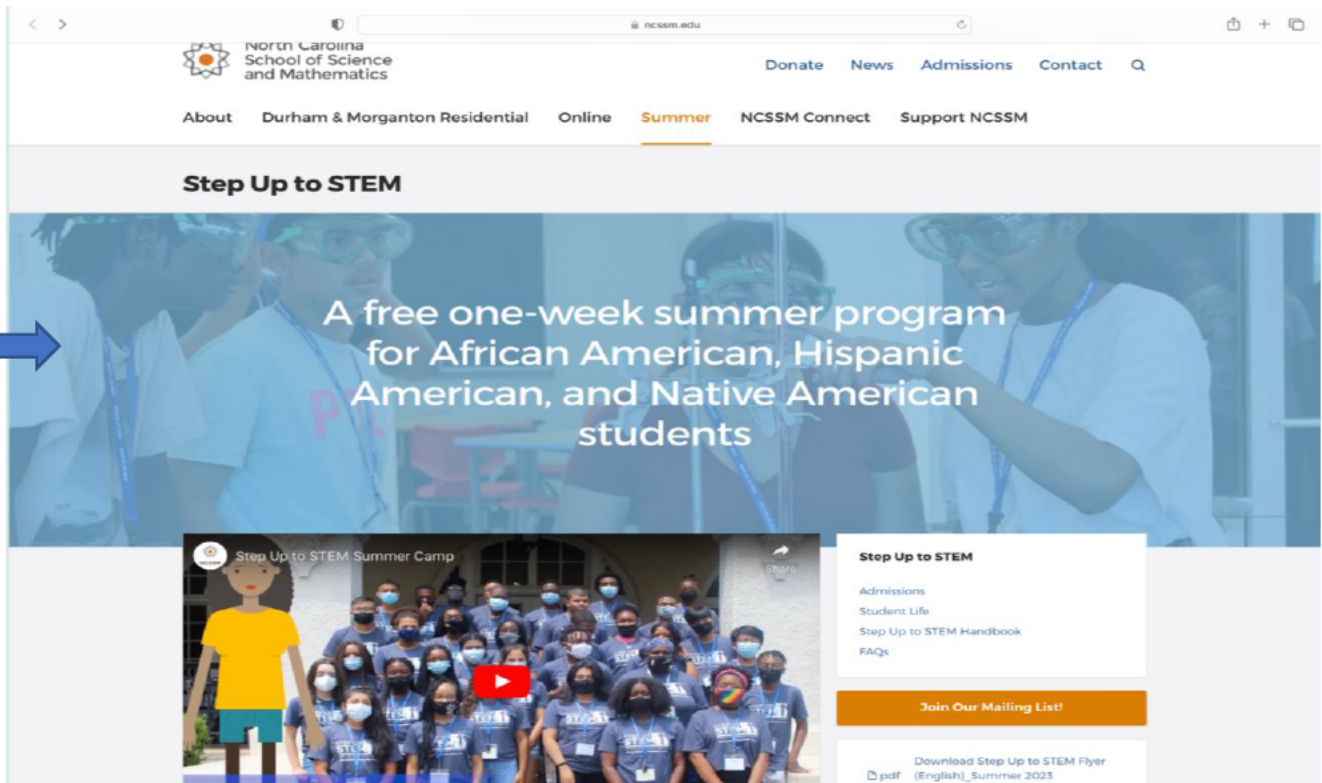
A handwritten signature in black ink that reads "Caroline Moore".

Caroline Moore  
Vice President  
Parents Defending Education

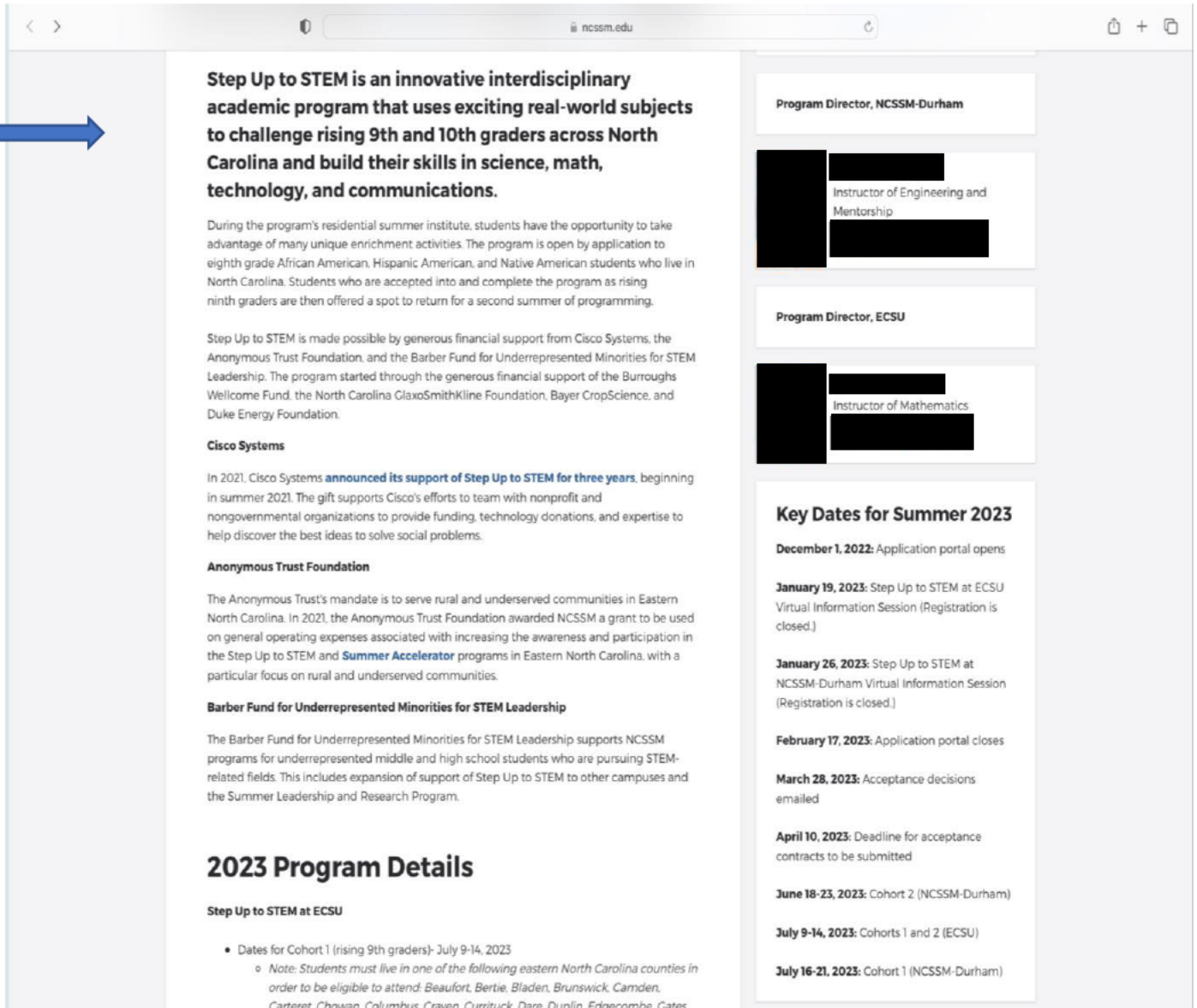
Enc. Exhibit A-B



## EXHIBIT A



The screenshot shows the website for the Step Up to STEM program. At the top, the logo for the North Carolina School of Science and Mathematics is visible, along with navigation links for 'Donate', 'News', 'Admissions', and 'Contact'. Below this, a secondary navigation bar includes 'About', 'Durham & Morganton Residential', 'Online', 'Summer' (which is highlighted), 'NCSSM Connect', and 'Support NCSSM'. The main content area features a large blue-tinted image of students in a lab setting. A blue arrow points to the left side of this image. Overlaid on the image is the text: 'Step Up to STEM' and 'A free one-week summer program for African American, Hispanic American, and Native American students'. Below the main image, there is a video thumbnail titled 'Step Up to STEM Summer Camp' showing a group of students in blue shirts. To the right of the video is a sidebar with the heading 'Step Up to STEM' and a list of links: 'Admissions', 'Student Life', 'Step Up to STEM Handbook', and 'FAQs'. At the bottom of the sidebar is an orange button that says 'Join Our Mailing List!'. Below the sidebar, there is a link to 'Download Step Up to STEM Flyer (English)\_Summer 2023.pdf'.



**Step Up to STEM is an innovative interdisciplinary academic program that uses exciting real-world subjects to challenge rising 9th and 10th graders across North Carolina and build their skills in science, math, technology, and communications.**

During the program's residential summer institute, students have the opportunity to take advantage of many unique enrichment activities. The program is open by application to eighth grade African American, Hispanic American, and Native American students who live in North Carolina. Students who are accepted into and complete the program as rising ninth graders are then offered a spot to return for a second summer of programming.

Step Up to STEM is made possible by generous financial support from Cisco Systems, the Anonymous Trust Foundation, and the Barber Fund for Underrepresented Minorities for STEM Leadership. The program started through the generous financial support of the Burroughs Wellcome Fund, the North Carolina GlaxoSmithKline Foundation, Bayer CropScience, and Duke Energy Foundation.

**Cisco Systems**

In 2021, Cisco Systems **announced its support of Step Up to STEM for three years**, beginning in summer 2021. The gift supports Cisco's efforts to team with nonprofit and nongovernmental organizations to provide funding, technology donations, and expertise to help discover the best ideas to solve social problems.

**Anonymous Trust Foundation**

The Anonymous Trust's mandate is to serve rural and underserved communities in Eastern North Carolina. In 2021, the Anonymous Trust Foundation awarded NCSSM a grant to be used on general operating expenses associated with increasing the awareness and participation in the Step Up to STEM and **Summer Accelerator** programs in Eastern North Carolina, with a particular focus on rural and underserved communities.

**Barber Fund for Underrepresented Minorities for STEM Leadership**

The Barber Fund for Underrepresented Minorities for STEM Leadership supports NCSSM programs for underrepresented middle and high school students who are pursuing STEM-related fields. This includes expansion of support of Step Up to STEM to other campuses and the Summer Leadership and Research Program.

**2023 Program Details**

**Step Up to STEM at ECSU**

- Dates for Cohort 1 (rising 9th graders)- July 9-14, 2023
  - Note: Students must live in one of the following eastern North Carolina counties in order to be eligible to attend: Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Duplin, Edaecombe, Gates

**Program Director, NCSSM-Durham**

Instructor of Engineering and Mentorship

**Program Director, ECSU**

Instructor of Mathematics

**Key Dates for Summer 2023**

**December 1, 2022:** Application portal opens

**January 19, 2023:** Step Up to STEM at ECSU Virtual Information Session (Registration is closed.)

**January 26, 2023:** Step Up to STEM at NCSSM-Durham Virtual Information Session (Registration is closed.)

**February 17, 2023:** Application portal closes

**March 28, 2023:** Acceptance decisions emailed

**April 10, 2023:** Deadline for acceptance contracts to be submitted

**June 18-23, 2023:** Cohort 2 (NCSSM-Durham)

**July 9-14, 2023:** Cohorts 1 and 2 (ECSU)

**July 16-21, 2023:** Cohort 1 (NCSSM-Durham)

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*Tyrell, Washington, and Wayne.*

- Dates for Cohort 2 (rising 10th graders)- July 9-14, 2023
  - *Note: Only students who were accepted into and completed cohort 1 of Step Up to STEM at ECSU in Summer 2022 are eligible to attend.*
- To view the Summer 2022 program schedule, [click here to view the Step Up to STEM at ECSU website](#). Check back in Spring 2023 to view the Summer 2023 program schedule.

**Step Up to STEM at NCSSM- Durham**

- Dates for Cohort 1 (rising 9th graders)- July 16-21, 2023
  - *Note: Students must live in one of the following North Carolina counties in order to be eligible to attend: Alexander, Alamance, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Guilford, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Orange, Person, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wilkes, Wilson, Yadkin, and Yancey.*
- Dates for Cohort 2 (rising 10th graders)- June 18-23, 2023
  - *Note: Only students who were accepted into and completed cohort 1 of Step Up to STEM in Summer 2022 are eligible to attend.*
- To view the Summer 2022 program schedule, [click here to view the Step Up to STEM at NCSSM-Durham website](#). Check back in Spring 2023 to view the Summer 2023 program schedule.

**For questions, please feel free to reach out to us in the following ways:**

- Email: [stepup@ncssm.edu](mailto:stepup@ncssm.edu)
- Phone: [REDACTED]

**For communication in Spanish, please contact Ms. Sierra Luz in one of the following ways:**

- Email: [REDACTED]
- Phone: [REDACTED]

**Step Up to STEM Coordinator**

[REDACTED]

[REDACTED]

Associate Director of STEM Outreach, Equity, and Engagement

[REDACTED]

[REDACTED]

learn, go to class, and have fun. That experience is the reason that I am more seriously considering a career that is focused on science and math. The classes provided allowed me to realize my love for math and helped me see how much fun science could be. That is why I want to continue to explore subjects that are related to science."

— Step Up to STEM participant

"It's a great program where students of color can be immersed in a rigorous program within their community. The students get an extension of science/math and exposure to campus life with responsibility. The friendships that come from this program is definitely a plus."

— Step Up to STEM Parent



## EXHIBIT B



## Step Up to STEM FAQs

### How much does the program cost?

The program's costs are covered by funding from Cisco Systems, the Anonymous Trust Foundation, and the Barber Fund for Underrepresented Minorities for STEM Leadership. Though the value is \$1,495, students who are accepted do not pay anything to attend the program.

### I have never participated in research or science labs before. Can I still be accepted into the program?

Yes, you can still be accepted into the program. Most 8th graders have not had the opportunity to do research. The best candidates for *Step Up to STEM* are students who are excited by the opportunity to participate in research and labs.

### How do I apply to the program?

The Step Up to STEM application portal is open from early December to mid February of each year. In order to access the application portal, click on the blue "APPLY" button that can be found on the right side of each page of the Step Up to STEM website. Please note that outside of the application season, the "APPLY" button will not appear on any of the pages of the Step Up to STEM website. For step-by-step instructions on how to apply, [click here](#).

### I have more than one child applying to Step Up to STEM. Can each child apply using the same log-in credentials?

Yes, each child can apply using the same log-in credentials. [Click here](#) for step-by-step instructions on how to submit multiple applications.

### I have forgotten my password for logging into the application system. How do I reset my password?

- Step 1: Go to the homepage of the site you're trying to access.
- Step 2: Click "Log In".
- Step 3: Underneath the Email/Password fields, click "Forgot your password?".
- Step 4: Enter the email address that you use to login to the site.
- Step 5: Click "Send Instructions".

### Step Up to STEM

- Admissions
- Student Life
- Step Up to STEM Handbook
- FAQs**

Download Step Up to STEM Flyer  
[pdf](#) (English)\_Summer 2023

Download Step Up to STEM Flyer  
[pdf](#) (Spanish)\_Summer 2023

### Key Dates for Summer 2023

**December 1, 2022:** Application portal opens

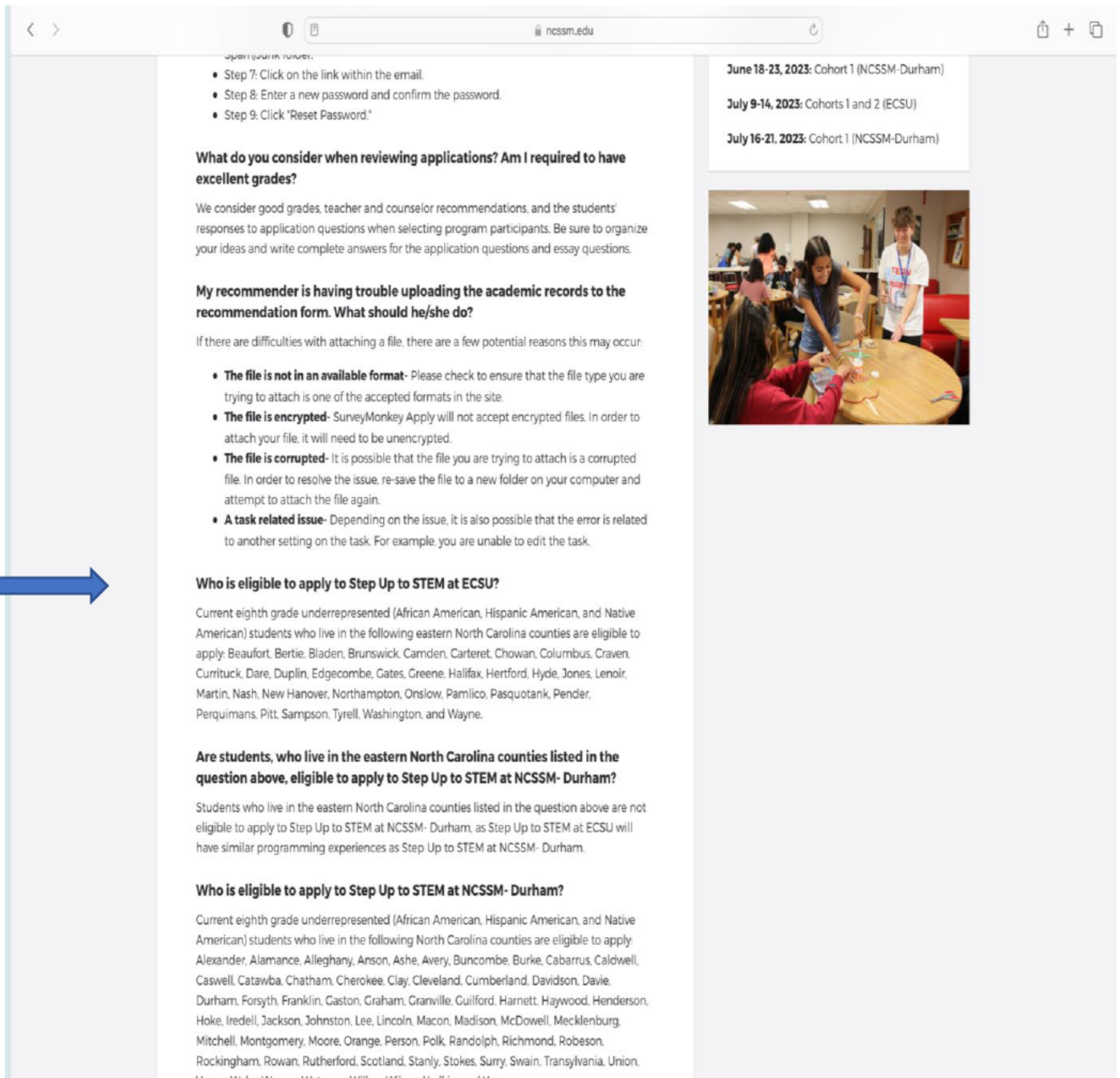
**January 19, 2023:** Step Up to STEM at ECSU Virtual Information Session (Registration is closed.)

**January 26, 2023:** Step Up to STEM at NCSSM-Durham Virtual Information Session (Registration is closed.)

**February 17, 2023:** Application portal closes

**March 28, 2023:** Acceptance decisions emailed





Step 7: Click on the link within the email.  
 Step 8: Enter a new password and confirm the password.  
 Step 9: Click "Reset Password."

**What do you consider when reviewing applications? Am I required to have excellent grades?**

We consider good grades, teacher and counselor recommendations, and the students' responses to application questions when selecting program participants. Be sure to organize your ideas and write complete answers for the application questions and essay questions.

**My recommender is having trouble uploading the academic records to the recommendation form. What should he/she do?**

If there are difficulties with attaching a file, there are a few potential reasons this may occur:

- **The file is not in an available format**- Please check to ensure that the file type you are trying to attach is one of the accepted formats in the site.
- **The file is encrypted**- SurveyMonkey Apply will not accept encrypted files. In order to attach your file, it will need to be unencrypted.
- **The file is corrupted**- It is possible that the file you are trying to attach is a corrupted file. In order to resolve the issue, re-save the file to a new folder on your computer and attempt to attach the file again.
- **A task related issue**- Depending on the issue, it is also possible that the error is related to another setting on the task. For example, you are unable to edit the task.

**Who is eligible to apply to Step Up to STEM at ECSU?**

Current eighth grade underrepresented (African American, Hispanic American, and Native American) students who live in the following eastern North Carolina counties are eligible to apply: Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Hertford, Hyde, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Sampson, Tyrell, Washington, and Wayne.


**Are students, who live in the eastern North Carolina counties listed in the question above, eligible to apply to Step Up to STEM at NCSSM- Durham?**

Students who live in the eastern North Carolina counties listed in the question above are not eligible to apply to Step Up to STEM at NCSSM- Durham, as Step Up to STEM at ECSU will have similar programming experiences as Step Up to STEM at NCSSM- Durham.

**Who is eligible to apply to Step Up to STEM at NCSSM- Durham?**

Current eighth grade underrepresented (African American, Hispanic American, and Native American) students who live in the following North Carolina counties are eligible to apply: Alexander, Alamance, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Graham, Granville, Guilford, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Orange, Person, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wilkes, Wilson, Yadkin, and Yancey.

**June 18-23, 2023:** Cohort 1 (NCSSM-Durham)  
**July 9-14, 2023:** Cohorts 1 and 2 (ECSU)  
**July 16-21, 2023:** Cohort 1 (NCSSM-Durham)



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**above, eligible to apply to Step Up to STEM at ECSU?**

Students who live in the North Carolina counties listed in the question above are not eligible to apply to Step Up to STEM at ECSU, as Step Up to STEM at NCSSM- Durham will have similar programming experiences as Step Up to STEM at ECSU.

**If I am not accepted this year, may I reapply next year?**

Only current 8th graders can apply to the program. Students who are accepted into and complete the program as rising 9th graders are the only ones who are offered a spot to return for a second year of programming as rising 10th graders.

**If I am not accepted, what other options do I have to attend a summer program affiliated with NCSSM?**

Students can also apply to Summer Accelerator, which offers programs at NCSSM- Durham, NCSSM- Morganton, and online. Although it does cost to attend Summer Accelerator, financial aid and scholarships are available. [Click here to learn more information about Summer Accelerator.](#)

**Will I receive a certificate of completion?**

Yes, all participants will receive a certificate of completion.

**How large are the classes?**

Each class will have approximately 16 students.

**Will I be able to use the summer academics program on my college applications and on an application to NCSSM?**

Yes, students will be able to use the summer academics program on college applications and on an application to NCSSM.

**What are your procedures regarding cell phones?**

Students may not use cell phones when they are in class or participating in organized programs and activities.

**Am I required to bring a laptop?**

If you have a laptop, please bring it. Otherwise, you can request a laptop in the parent comments form of the application and one will be provided.

**How do I get to the North Carolina School of Science and Mathematics?**

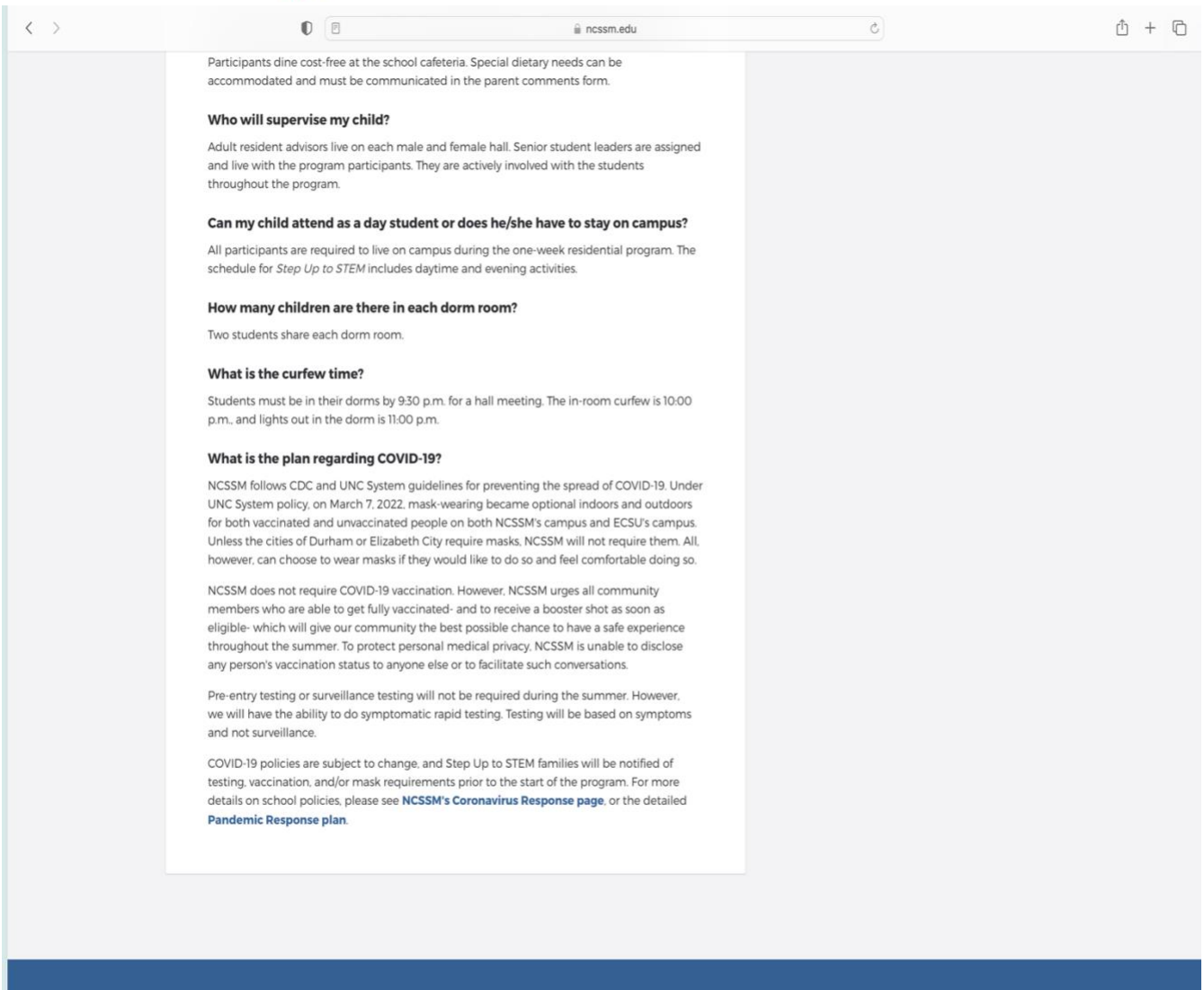
Visit the NCSSM Contact Information page - [Here!](#)

**How do I get to Elizabeth City State University?**

Visit Elizabeth City State University's page - [Here!](#)

**Where will I eat? Can you make accommodations for special dietary needs?**

Participants dine cost-free at the school cafeteria. Special dietary needs can be



Participants dine cost-free at the school cafeteria. Special dietary needs can be accommodated and must be communicated in the parent comments form.

**Who will supervise my child?**

Adult resident advisors live on each male and female hall. Senior student leaders are assigned and live with the program participants. They are actively involved with the students throughout the program.

**Can my child attend as a day student or does he/she have to stay on campus?**

All participants are required to live on campus during the one-week residential program. The schedule for *Step Up to STEM* includes daytime and evening activities.

**How many children are there in each dorm room?**

Two students share each dorm room.

**What is the curfew time?**

Students must be in their dorms by 9:30 p.m. for a hall meeting. The in-room curfew is 10:00 p.m., and lights out in the dorm is 11:00 p.m.

**What is the plan regarding COVID-19?**

NCSM follows CDC and UNC System guidelines for preventing the spread of COVID-19. Under UNC System policy, on March 7, 2022, mask-wearing became optional indoors and outdoors for both vaccinated and unvaccinated people on both NCSM's campus and ECSU's campus. Unless the cities of Durham or Elizabeth City require masks, NCSM will not require them. All, however, can choose to wear masks if they would like to do so and feel comfortable doing so.

NCSM does not require COVID-19 vaccination. However, NCSM urges all community members who are able to get fully vaccinated- and to receive a booster shot as soon as eligible- which will give our community the best possible chance to have a safe experience throughout the summer. To protect personal medical privacy, NCSM is unable to disclose any person's vaccination status to anyone else or to facilitate such conversations.

Pre-entry testing or surveillance testing will not be required during the summer. However, we will have the ability to do symptomatic rapid testing. Testing will be based on symptoms and not surveillance.

COVID-19 policies are subject to change, and Step Up to STEM families will be notified of testing, vaccination, and/or mask requirements prior to the start of the program. For more details on school policies, please see [NCSM's Coronavirus Response page](#), or the detailed [Pandemic Response plan](#).