



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

May 18, 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 Webster Groves School District in Webster Groves, Missouri for discrimination on the basis of race and sex. The affinity group violates Title VI of the Civil Rights Act of 1964 (Title VI) 42 U.S.C. § 2000d *et seq.*, Title IX of the Education Amendments of 1972 (Title IX), 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 and political indoctrination in America's schools. Webster Groves School District is offering affinity programming that is only open for individuals who both identify as females and are students of color, but not open to all. Attached to this complaint is supporting evidence in the form of a flyer for an affinity group at Webster Groves High School titled "Webster Groves Renaissance Girls Group."

The exhibit models the "Renaissance Girls Group" as a space for "individuals of color who identify as a girl" (Ex. A). Purposes of this group include "a rebirth of self-love for individuals of color" and to "redefine sisterhood" (Ex. A).

Possible benefits for the Renaissance Girls affinity group include but are not limited to "sisterhood" and "network[ing]" (Ex. A). As for future "Renaissance Girls Group" programming, that too would confer a benefit on the basis of race and sex that is not offered to all students.

The exhibit shows that only some students may attend meetings and associated activities of the student affinity group. The group thus excludes others — and this exclusion would be based on an individual's immutable characteristics. Doubly so here where the "Renaissance Girls Group" discriminates based on both race and sex (Ex. A).

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that Webster Groves School District has received federal funds in violation of Title VI, 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.”

And as the Department is also no doubt aware, discrimination on the basis of sex raises concerns that Webster Groves School District received federal funds in violation of Title IX, which declares that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a). There are only limited exceptions to that Title IX rule, and none appears to apply to the girls-only program in Webster Groves School District. Likewise, federal regulations generally prohibit excluding students from classes or extracurricular activities on the basis of sex unless the school is providing a substantially equal coeducational class or extracurricular activity in the same subject or activity that would include all students. 34 C.F.R. § 106.34.

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". The signature is written in a cursive style with a large initial "C" and "M".

Caroline Moore
Vice President
Parents Defending Education

Enc. Exhibit A



EXHIBIT A



WEBSTER GROVES HIGH SCHOOL
RENAISSANCE
GIRLS GROUP

The mission of Renaissance is a rebirth of self love for individuals of color who identify as a girl with greater emphasis to redefine sisterhood and create a supportive network at the high school.

STARTS WED 3:30PM **1st FEB**

FIRST MEETING: FEBRUARY 1, 2023
QUESTIONS: Contact [REDACTED]
[REDACTED]@BWGMAIL.ORG

We are redefining ourselves and sisterhood.