



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 25TH FLOOR
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

September 7, 2023

Sent via email only to [REDACTED]

Caroline Moore
Vice President
Parents Defending Education

Re: Case No. 02-23-1241
Ithaca City School District

Dear Ms. Moore:

On March 14, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the complaint you filed against the Ithaca City School District. You alleged that the District discriminated on the bases of race, color, and national origin by including “caucus (affinity) groups” as part of its Black Lives Matter programming at Ithaca Senior High School (the School) on February 8, 2023.

Based on the information you provided in your complaint and in supplemental documentation you submitted, and information the District provided, OCR is dismissing your complaint as explained below.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin in activities and programs that receive federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the District is subject to Title VI and its implementing regulations.

In your complaint, you alleged that the District offered “race-based affinity programming for students and staff that is not accessible to all,” and specifically, that the affinity groups held at the School on February 8, 2023, excluded participants “based solely on an individual’s race.” In support of your allegation, you provided a copy of an online announcement that you stated was posted on the District’s website as of March 3, 2023. According to the announcement, the School planned to convene “caucus affinity groups for self-identified BIPOC students and staff to facilitate conversation and develop actional steps towards equity,” as part of its Black Lives Matter programming on February 8, 2023.

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

Under Section 110(d) of OCR's *Case Processing Manual (CPM)*,¹ OCR may dismiss a complaint when OCR obtains credible information indicating that the allegation raised by the complainant is currently resolved.

The District informed OCR that the affinity groups listed on the announcement and scheduled for February 8, 2023, did not take place. The District further informed OCR that all of the District's programming is open to all participants regardless of race and there are no affinity groups or other programs that are exclusionary based on race. OCR confirmed that the announcement listing the affinity groups no longer exists on the District's website.

Because OCR has obtained credible information indicating that the allegation is currently resolved, OCR is dismissing the complaint under Section 110(d) of OCR's *CPM* as of the date of this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the District with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Gary Kiang, Senior Attorney, at (646) 428-3761 or gary.kiang@ed.gov; or me, at (646) 428-3901 or alexander.artz@ed.gov.

Sincerely,



Alexander H. Artz
Compliance Team Leader

¹ See *Case Processing Manual* (July 18, 2022) at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.