



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT**

February 24, 2024

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 Middleton-Cross Plains Area School District ("Middleton" or "the District") in Middleton, Wisconsin for discrimination on the basis of race and 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 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. Middleton is offering affinity group programming that is only open to students of certain races. Attached to this complaint is supporting evidence in the form of an email from the Director of Student, Family, and Staff Engagement for Middleton-Cross Plains Area School District (Exhibit A).

As Exhibit A makes clear, participation in the "Witnessing Whiteness" affinity group is restricted based on race. Specifically, Middleton's Director of Student, Family, and Staff Engagement, Mr. Tony R. Dugas, emphasizes that the "affinity space" is "meticulously crafted for white individuals" and is only available "for white attendees" (Ex. A).

The email from Mr. Dugas further states that the purpose of the "Witnessing Whiteness" affinity space is "to build a community with a shared grasp of privilege, whiteness, and racism" and to "enhance[e] [participants'] ability to initiate, support, and deepen racial justice efforts" (Ex. A). The invitation claims that the affinity space "cultivate[s] leadership capacities in the realms of diversity, inclusion, and race" (Ex. A), but by dividing students and parents based on skin color and ethnicity, it is in fact doing the exact opposite.

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that Middleton-Cross Plains Area 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,

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

Caroline Moore  
Vice President  
Parents Defending Education

Enc. Exhibit A



## EXHIBIT A

Dear Community,

You are invited to embark on a transformative journey called Witnessing Whiteness — it is a 10-week series meticulously crafted for white individuals committed to anti-racism work. Using the powerful Witnessing Whiteness book and curriculum, you'll engage in weekly chapters, followed by dynamic online gatherings with a small group of no more than 20 participants. In this affinity space, for white attendees, we foster an environment of profound exploration through experiential activities, group discussions, breakout rooms, and interactive learning.

The series aims to build a community with a shared grasp of privilege, whiteness, and racism, enhancing your ability to initiate, support, and deepen racial justice efforts. Moreover, it is designed to cultivate leadership capacities in the realms of diversity, inclusion, and race. Seize this incredible opportunity to contribute to meaningful change.

If you are interested please follow this link and sign up. There is limited space. Join the class and be part of the journey toward a more equitable future.

Best regards,  
Tony Rivera Dugas, Jr. & Sherri Cyra  
Tony R. Dugas Jr.  
Director of Student, Family, and Staff Engagement  
Middleton-Cross Plains Area School District  
[Tdugas@mcpasd@K12.wi.us](mailto:Tdugas@mcpasd@K12.wi.us)

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**Dan Lenington** @DanLenington

Anti-White Racism @ Middleton, Wis. School District starts "transformative journey" with whites-only groups to explore your "privilege, whiteness, & racism."  
Segregating based on race & claiming someone is racist *because of their race* is illegal & unconstitutional  
[@VickiMcKenna](#)

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