



UNITED STATES DEPARTMENT OF EDUCATION

**OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT**

February 20, 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 Denver Public Schools in Denver, Colorado 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. Denver Public Schools is requiring teachers and District staff to participate in a pledge of "Black Excellence" that will have a direct impact on course curriculum. This pledge is discriminatory in nature and directly impacts educational programming in District schools. Attached to this complaint is supporting evidence in the form of a social media post sent by the organization "End Wokeness" (Exhibit A) and an internal memo sent to Denver Public Schools staff "DPS Belief in and Commitment to Black Excellence," which was obtained by the organization and also shared on their social media (Exhibit B).

Exhibit A highlights concepts and affirmations from "Black Excellence Pledge" shared with Denver Public Schools employees. The pledge states that "all educators need to understand the prevalence & deep harm whiteness brings to students," promises "equity-based revisions to curriculum," and encourages teachers to "Work to dismantle the system that allows certain students to excel, and others to perish."

According to the internal memo, this "Black Excellence Pledge" is championed by the District Superintendent, Senior Leadership Team, and the School Board (Ex. B). A purpose of this pledge may be to intentionally bring racially discriminatory concepts of "equity" into the District's curriculum. The introduction to the memo states that "equity starts from the top" and that the memo "outline[s] below an acknowledgement of harm that has been done, what we believe is foundational to change



and what we commit to do now, and for years to come, because we know one message, one statement, one training will not undo years of harm, trauma, and racism” (Ex. B).

This pledge will affect classroom instruction in Denver Public Schools in the following ways:

- “Engagement in ongoing learning and development of anti-racist mindsets and practices throughout the year”;
- “Require conversations about racism and white supremacy culture and train school leaders and ILTs to lead these conversations”;
- “All DPS employees must be actively engaged and learn to confront racism and understand how we all contribute to and can break down the barriers of institutionalized racism”;
- “Listen to the voices of our Black Students”; and
- “Engage in equity-based revisions to our core curricula.”

This pledge will not only directly impact students in the District, but educators and staff as well. The latter category will be required to endure onerous trainings that focus solely on outcomes for Black students, prioritizing the social, political and educational needs of some children over others solely based on the color of their skin. Besides being unconstitutional, this District-imposed discrimination will have an overwhelmingly negative impact on all students.

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that Denver Public Schools 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,

Caroline Moore
Vice President
Parents Defending Education

Enc. Exhibits A-B



EXHIBIT A



End Wokeness
@EndWokeness

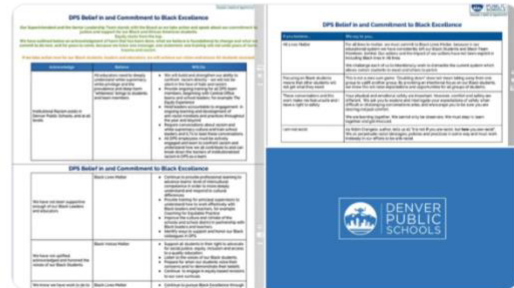
EXCLUSIVE:

This was an internal memo sent to staff and teachers at Denver Public Schools: "Black Excellence Pledge"

Included in this pledge:

- "Understand the prevalence & deep harm whiteness brings to students"
- "Equity-based revisions to curriculum"
- "Work to dismantle the system that allows certain students to excel, others to perish"


It also states that all whites are racist and perpetuate racist ideologies, policies, & practices.



3:05 PM · Jan 11, 2024 · 729.5K Views



EXHIBIT B


Division of a Board of Education

DPS Belief in and Commitment to Black Excellence

Our Superintendent and the Senior Leadership Team stands with the Board as we take action and speak about our commitment to justice and support for our Black and African American students.

Equity starts from the top.

We have outlined below an acknowledgment of harm that has been done, what we believe is foundational to change and what we commit to do now, and for years to come, because we know one message, one statement, one training will not undo years of harm, trauma and racism.


If we take action now for our Black students, leaders and educators, we will achieve our vision and ensure ALL students succeed.

Acknowledge	Beliefs	Will Do
Institutional Racism exists in Denver Public Schools, and at all levels.	All educators need to deeply understand white supremacy, white privilege and the prevalence and deep harm "whiteness" brings to students and team members	<ul style="list-style-type: none"> We will build and strengthen our ability to confront racism directly - we will not be silent in the face of hate and racism Provide ongoing training for all DPS team members, beginning with Central Office teams and school leaders, for example: The Equity Experience Hold leaders accountable to engagement in ongoing learning and development of anti-racist mindsets and practices throughout the year and beyond Require conversations about racism and white supremacy culture and train school leaders and LTs to lead these conversations All DPS employees must be actively engaged and learn to confront racism and understand how we all contribute to and can break down the barriers of institutionalized racism in DPS as a team

DPS Belief in and Commitment to Black Excellence

We have not been supportive enough of our Black Leaders and educators	Black Lives Matter	<ul style="list-style-type: none"> Continue to provide professional learning to advance teams' level of intercultural competence in order to more deeply understand and respond to cultural differences Provide training for principal supervisors to understand how to work effectively with Black leaders and teachers, for example: Coaching for Equitable Practice Improve the culture and climate of the schools and school district in partnership with Black leaders and teachers Identify ways to support and honor our Black colleagues in DPS
We have not uplifted, acknowledged and honored the voices of our Black Students	Black Voices Matter	<ul style="list-style-type: none"> Support all students in their right to advocate for social justice, equity, inclusion and access to a quality education Listen to the voices of our Black students Prepare for when our students voice their concerns and/or demonstrate their beliefs Continue to engage in equity based revisions to our core curricula
We know we have work to do to ensure we reach our aspirations for our African American and Black students	Black Lives Matter	<ul style="list-style-type: none"> Continue to pursue Black Excellence through the work outlined in the African American Equity Task Force, Black Excellence Resolution, other efforts across the District

*What is clear is that we cannot return to normalcy. We cannot rush through trends and buzzwords that make it seem like we are creating immediate change to get to some kind of "finish line". There has to be a complete shift that recognizes that to teach well is to emancipate, heal, mend, and live.


Division of a Board of Education

DPS Belief in and Commitment to Black Excellence

If you believe...	We say to you...
All Lives Matter	For all lives to matter, we must commit to Black Lives Matter, because in our educational system we have consistently left our Black Students and Black Team Members behind. Our actions and the impact of our actions have not been explicit in including Black lives in All lives. We challenge each of us to intentionally work to dismantle the current system which allows certain students to excel and others to perish.
Focusing on Black students means that other students will not get what they need	This is not a zero-sum game. "Doubling down" does not mean taking away from one group to uplift another group. By providing an intentional focus on our Black students, we know this will raise expectations and opportunities for all groups of students.
These conversations and this work makes me feel unsafe and have a right to safety	Your physical and emotional safety are important. However, comfort and safety are different. We ask you to explore and interrogate your expectations of safety when difficult or challenging conversations arise, and encourage you to be sure you are pursuing not just comfort. We are learning together. We cannot only be observers. We must step in, learn together and get involved.
I am not racist	As Robin DiAngelo, author, tells us all "It is not if you are racist, but how you are racist". We all perpetuate racist ideologies, policies and practices in some way and must work tirelessly in our efforts to be anti-racist.

*The work with schools, the question often arises around where to begin. My answer remains the same. First, back to the basics, understand and deal with racism, sexism, and other systems of oppression work, identify how they impact school systems and your schools, and then respond from this place.

Janet Mock, EdGe