



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

April 26, 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 Summit School District in Frisco, 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. Summit School District has parent affinity groups that are not open to all parents. The District invites some parents to participate in these groups, and invitations are granted solely on the basis of an individual's race. Attached to this complaint is an article, "Summit School District superintendent apologizes for comments made about feeling 'drained' by parent committees and 'privileged white people'" (Exhibit A)¹ and an email sent from Summit School District's Community Engagement & Event Coordinator to Hispanic parents in the District regarding meeting attendance for the newly developed "Consejo de Familias Hispanas" parent affinity group (Exhibit B).

Summit School District has created an atmosphere where some parent groups are tolerated and others are not. Exhibit A emphasizes the District superintendent's continued frustration with parent concerns raised at "District Accountability Committee" meetings, a parent

¹ Tann, Robert, "Summit School District superintendent apologizes for comments made about feeling 'drained' by parent committees and 'privileged white people,'" Summit Daily, 9 Apr. Accessed 4/10/24, <https://www.summitdaily.com/news/summit-school-district-superintendent-apologizes-for-comments-made-about-feeling-drained-by-parent-commenttees-and-privileged-whit-people/>



involvement committee that is required by state law. Superintendent Byrd openly voices his disgust for involvement of parents involved in this committee, most of whom are white parents. Superintendent Byrd said in reference to a previous committee meeting, “it just absolutely drains me, and I’m trying to figure out how many manage that. But it sucks the soul out of me, and those are the people that find me because they [white people] got access” (Ex. A at 2). He also states, “I get drained 100% from the DAC [District Accountability Committee]. I get drained from the SAC [School Accountability Committee]. I get drained. I just get drained from privileged white people” (Ex. A at 2). These districtwide committees are open to all parents to “provide feedback and recommendation on policy” (Ex. A at 2). Superintendent Byrd said, “although these committees are mandated for all public schools in the state,” it is clear the Superintendent has grown frustrated with the level of participation of some parents, but not all parents—and this frustration is directed to parents based on their immutable characteristics.

In an effort to curb involvement of white parents, the District created an affinity group for Hispanic parents because Hispanic individuals represent a minority community of 40% of the District’s population. The superintendent deemed this affinity group as “a new space for people of color to enter” (Ex. A at 4). Invitations and Participation for the “Consejo de Familias Hispanas” affinity group is based on an individual’s race.

Exhibit B highlights the inaccessibility of the invitation. The email authored by the District’s Community Engagement & Event Coordinator is written in Spanish. This email communication regarding an upcoming affinity group meeting was only sent to Hispanic parents in the district. In addition, all communications about the “Consejo de Familias Hispanas” affinity group including on the website and social media are in Spanish. This creates a barrier to entry for parents who are not fluent in Spanish. Furthermore, indicating participation in this affinity group is designated to specific attendees, solely on the basis of race.

As for additional resources allocated to the “Consejo de Familias Hispanas” affinity group such as \$50 gift certificates for attendance, additional meetings, accessibility to high-level District staff, and meals, those too would confer a benefit on the basis of race and national origin that is not offered to all students.

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that Summit 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. Exhibits A-B



EXHIBIT A



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Summit School District superintendent apologizes for comments made about feeling 'drained' by parent committees and 'privileged white people'

Tony Byrd said while he stands by need to discuss issues of privilege and diversity in education, he regrets generalizing groups of parent volunteers

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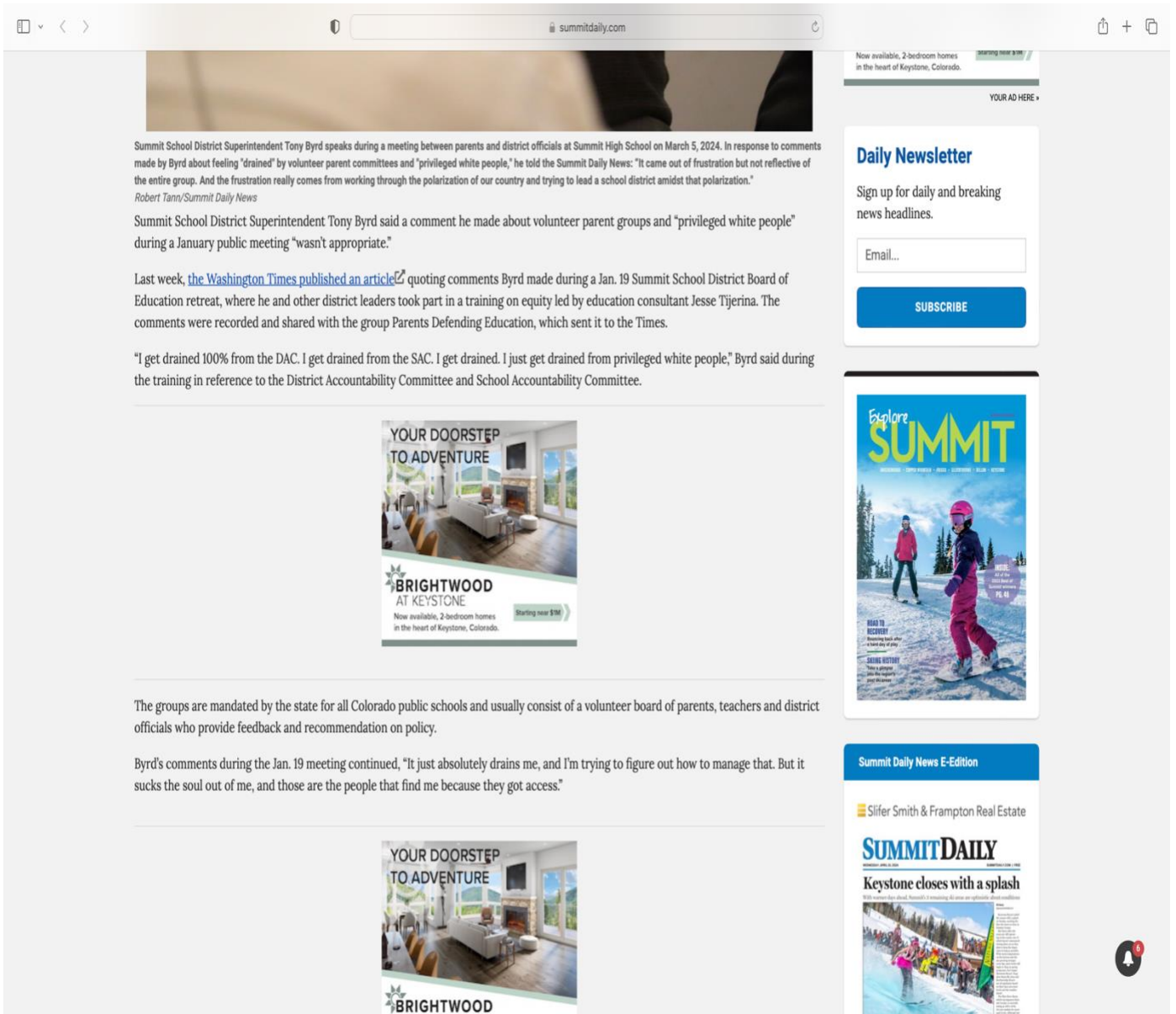
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Summit School District Superintendent Tony Byrd speaks during a meeting between parents and district officials at Summit High School on March 5, 2024. In response to comments made by Byrd about feeling "drained" by volunteer parent committees and "privileged white people," he told the Summit Daily News: "It came out of frustration but not reflective of the entire group. And the frustration really comes from working through the polarization of our country and trying to lead a school district amidst that polarization."
Robert Tann/Summit Daily News

Summit School District Superintendent Tony Byrd said a comment he made about volunteer parent groups and "privileged white people" during a January public meeting "wasn't appropriate."

Last week, [the Washington Times published an article](#) quoting comments Byrd made during a Jan. 19 Summit School District Board of Education retreat, where he and other district leaders took part in a training on equity led by education consultant Jesse Tijerina. The comments were recorded and shared with the group Parents Defending Education, which sent it to the Times.

"I get drained 100% from the DAC. I get drained from the SAC. I get drained. I just get drained from privileged white people," Byrd said during the training in reference to the District Accountability Committee and School Accountability Committee.

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Ex. A at 2

In an interview with the Summit Daily News, Byrd said his comments were “a moment of frustration and tire and fatigue on my part, particularly coming out of what I saw as a very polarized board election in the fall.”

Byrd said organizations like the District Accountability Committee are not always the best equipped to represent the needs of a student body that is roughly 40% Hispanic. He added that in the lead-up to a [contentious board election in November](#), the group's meetings were occupied by nonmembers who came to voice issues about the district that were outside the scope of the committee's work.

“The part I regret is clumping a whole bunch of people together,” Byrd said. “I really do truly appreciate (school and district accountability members) for the kind of volunteer work and support they give to our school district, and I think my comments may not have left that impression for people. For that I'm sorry.”

Byrd's comments at the retreat came less than a month before a District Accountability Committee co-chair [resigned over issues with district leadership](#).

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Sara Stallings, a parent of two, announced during a Feb. 15 board of education meeting that she was leaving the committee after two years of service over what she called “a series of challenges that have upended our committee's ability to function effectively.”

Stallings mentioned difficulty obtaining student assessment data from the district this past fall, less inclusion in the decision making of district policy, inability to communicate directly with board members without the superintendent's oversight and a negative view of committee members from district officials.

Speaking with the Summit Daily, Stallings said she was not aware of Byrd's comments until reading last week's article.

“Unfortunately, it does appear that from Mr. Byrd's comments that he views the parents of this district as adversaries rather than collaborative partners,” Stallings said.

“I think that someone in a leadership position like a superintendent is expected to represent the entire school community, which is made up of many different backgrounds,” Stallings said. “I think that such comments leave segments of our community feeling alienated, and it undermines trust in district leadership.”

Stallings said the committee has been an important mechanism for advancing student interests, from making [detailed recommendations on the district's Unified Improvement Plan](#) to identifying a [state grant now being used for high-impact tutoring](#) in three elementary schools.

But the committee has also been critiqued for its lack of racial diversity, particularly when it comes to Hispanic parents. Before her resignation, Stallings said the group had been making efforts to bring in parents from underrepresented groups and working with a translator to ensure committee materials were in Spanish.

Milena Quiros, a current co-chair now in her second year with the committee, said the group still struggles to be accessible because of its structure. As a Spanish-speaking parent herself, Quiros said she knows what it's like to not always feel part of a community.

“It's hard navigating the system because the system was built for a group of people,” said Quiros, who also works in the district's equity office. “It's hard for parents who come to join the District Accountability Committee without a huge background of knowledge in public education in the United States. It takes a while for a person of color to be able to say something in front of a room full of white people.”

It's why the district [has launched groups like Consejo de Familias Hispanas](#), a more informal gathering for Spanish-speaking parents, which



It's why the district [has launched groups like Consejo de Familias Hispanas](#), a more informal gathering for Spanish-speaking parents, which Byrd called "a new space for people of color to enter."

Byrd said conversations around diversity, equity and privilege remain important in the field of public education, adding, "I do think white privilege is a real thing."


"I think if you have privilege, it doesn't mean you're a bad person. I just think it's important to reflect on the privilege that comes with that and what responsibilities we might have," he said. "What I really want to do moving forward is find the kinds of spaces where we can come together across lines of difference and have really norm-based, reflective conversations."

When it comes to using terms like white privilege, Stallings said, "I think that we shouldn't be scared of the word, but like with anything, you have to approach discussions with care because not everyone has similar understandings."

Ultimately, Stallings wants to see the district and its parent organizations foster a more constructive relationship.


"What happens when parents and school districts can't work together is that the students lose out," she said. "We have to find a way to work together."

Education




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EXHIBIT B

Consejo de Familias Hispanas

Saludos,

La reunión se llevará a cabo a las 5p.m. ya que tenemos un entrenamiento. Las personas que participen se estarán llevando una tarjeta de \$50



Community engagement & Event
Coordinator

Summit School District

150 School Rd, PO Box 7, Frisco, CO
80443

Phone: 970-368-1015

summitk12.org