



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
230 SOUTH DEARBORN ST., 37TH FLOOR
CHICAGO, IL 60604

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

February 28, 2022

Nicole Neily
President
Parents Defending Education
Sent via email only to [REDACTED]

Re: OCR Docket #05-22-1141

Dear Ms. Neily:

On December 17, 2021, the U.S. Department of Education (Department), Office for Civil Rights, received the complaint you filed against Community High School District 99 (District) alleging discrimination on the basis of race. Specifically, you allege that the District discriminated against students on the basis of race (White), when it displayed a flyer at its Downers Grove South High School (School) campus announcing a “Students of Color Field Trip Opportunity” (Field Trip) to occur in January 2022.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d – 2000d-7, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance, the District is subject to Title VI and its implementing regulations. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Under Section 108(s) of OCR’s *Case Processing Manual*, OCR dismisses an allegation when OCR determines that the complaint is moot.

During OCR’s evaluation of your complaint, you provided OCR documentation that you obtained from the District that indicates the District said in a December 17, 2021, email to a reporter that the Field Trip provides “the opportunity for all students, including students of color, to be partnered with a group of teachers.” The District indicated in the email that “the flier was immediately removed when [it] recognized that it could be misinterpreted that the field trip was not open to all students.” The District further confirmed in the email that “all students are eligible to participate in [its] opportunities.” The documentation you provided also indicated the District removed references suggesting the Field Trip was limited to “students of color” from its school announcements. Additionally, you told OCR you were not aware whether the Field Trip took place, or whether any student was denied the opportunity to participate in the Field Trip on the basis of race. For these reasons, OCR is dismissing your complaint as moot.

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

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

formal policy statements are approved by a duly authorized OCR official and made available to the public. OCR would like to make you aware that individuals who file complaints with OCR 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 may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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

If you have any questions, please contact Hasti Anderson, Attorney, by email at hasti.anderson@ed.gov or by telephone at (312) 730-1464.

Sincerely,

Melissa Howard for

Jeffrey Turnbull
Team Leader