



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

July 11, 2024

Caroline Moore
Vice President
Parents Defending Education

By email only to: [REDACTED]

Re: Los Angeles Unified School District - OCR Case Number 09-23-1642

Dear Caroline Moore:

On July 11, 2023, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received your complaint against the Los Angeles Unified School District (the District). The complaint alleged that the District is discriminating on the basis of race by offering race-based programming for Black students that is not open to students of other races through its “Black Student Achievement Plan” (BSAP). The complaint attached the BSAP page on the District’s website and a BSAP booklet. The complaint alleged that the BSAP allocates resources to different schools based on a race-based tiered system and that certain benefits of the BSAP are open to some students but not others based solely on race.

For the reasons explained below, OCR is dismissing your complaint.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin under any program or activity receiving federal financial assistance. As a recipient of federal financial assistance from the Department, the District must comply with Title VI and its implementing regulations.

At the time the complaint was filed, the criteria for a school to be eligible for BSAP resources was based on the number of Black students enrolled at the school in combination with other factors. The other factors the District considered when allocating BSAP resources were below-District-average student proficiency scores in English and Math, and three “high needs flags,” including higher discipline referral and suspension rates for the school than its student enrollment percentages, higher chronic absenteeism than the District average, and lower scores by Black students on the School Experience Survey. The District identified schools receiving BSAP resources as Group 1, Group 2, and Group 3 schools, with Group 1 schools receiving the

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

largest number of BSAP resources, Group 2 schools receiving fewer BSAP resources, and Group 3 schools receiving the fewest BSAP resources. Group 1 schools included: (a) schools with 200 or more Black students, one or more high needs flags, and below-District average English and Math proficiency scores; (b) schools with 100 to 200 Black students, two or more high needs flags, and below the District-average English and Math proficiency scores; and (c) Humanizing Education for Equitable Transformation schools. Group 2 schools enrolled 100 or more Black students and had one or no high needs flag, and Group 3 schools enrolled 50 to 100 Black students.

Since the complaint was filed, the District has revised the BSAP criteria for allocating resources to its schools. Under the revised BSAP criteria, there are two groups of schools – Group 1 and Group 2 schools. The selection criteria to be a Group 1 school are the following: one or more student groups with the highest percentage of students not meeting the standards in English Language Arts or Math, schools with less than 50% of students responding favorably to overall connectedness, safety, and bullying on the School Experience Survey, and schools with student groups with 30% or higher chronic absenteeism. All the remaining schools in the District are considered Group 2 schools. All schools in the District are able to receive the following resources identified in BSAP: culturally responsive school professional development, culturally responsive curriculum grant, community partnerships, flexible school grant, teacher professional development and resources, college/university tours, and parent workshops and a community fair. Group 1 schools receive additional resources such as a community representative, a counselor for secondary Group 1 schools, a psychiatric social worker, a pupil service and attendance counselor for elementary Group 1 schools, a restorative justice teacher, school climate advocates, and a partnership with the Safe Passages program. In addition to the foregoing steps, the District revised the BSAP to state that its resources are available to all students regardless of race, color, and national origin, and there is no evidence of a current violation.

Under subsection 110(d) of OCR's Case Processing Manual (CPM) (July 18, 2022), OCR will close a complaint if OCR obtains credible information indicating that the allegations have been resolved, the facts underlying the allegations are no longer present, and OCR has no evidence the law is violated. Accordingly, OCR is dismissing the complaint under subsection 110(d) of its CPM.

This concludes OCR's consideration of your complaint.

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.

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 must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any 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 with OCR.

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

If you have any questions about this letter, please call our office at 415-486-5555 or contact blake.thompson@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anamaria Loya', with a stylized flourish at the end.

Anamaria Loya
Chief Attorney