



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

January 13, 2025

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 Community Unit School District 308 in Oswego, Illinois 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. Community Unit School District 308 has affinity group programming that is not open to all students. The District allows only some students to participate in affinity group programming and participation is based on their race. Attached to this complaint is evidence in the form of a social media post of the "Black Student Alliance Buddies" flyer, which describes a student affinity group for those who identify as "Black, Biracial, or African American" (Exhibit A)¹.

Exhibit A explains a purpose of this affinity group may be to "become a part of a supportive community built on shared experiences" (Ex. A at 2). The affinity group aims to "affirm" students and "celebrate their black culture" (Ex. A at 2). This monthly Black Student Alliance Buddies programming is facilitated by a subset of the District's Equity and Engagement Department, known as the "Teachers on Special Assignment Division" (Ex. A at 2).

An intent of the Black Student Alliance Buddies is to "give students a sense of belonging and create a positive impact on a student's identity development and academic success" (Ex. A at 2).

¹ "Look at what," x.com, Accessed 11/20/2024, <https://x.com/PatriotMoutlet/status/1859222021101547660>



While many affinity groups are open to all students, the BSA Buddies permission slip clearly states only some students are invited to attend, and their participation is based on race. Furthermore, the criteria by which students are able to attend is reiterated on each page of the form under “Who Can Attend” (Ex. A).

The form states students must meet the below criteria to be participate in BSA Buddies:

- “Elementary students”
- “4th or 5th grade”
- “Identify as Black, Biracial, or African American”

The group offers benefits, such as “mentorship” with high school students, “identity development,” and “academic success,” which confer a benefit on the basis of race.

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that Community Unit School District 308 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. Exhibit A



Exhibit A



Freedom Ryder
@PatriotMoutlet

Follow

Look at what district 308 in IL is doing

Grande Park is starting a new club! The Black Student Alliance Buddies is a club geared towards giving students a sense of belonging and creating a positive impact on a student's identity development and academic success.

Engaging in clubs and organizations with peers who have common experiences can be highly beneficial. The BSA Buddies club provides students with the opportunity to become part of a supportive community built on shared experiences. In addition, BSA Buddies is partnering with students at Oswego High and Oswego East, who are part of their own respective Black Student Alliance (BSA), to create a mentor experience.

Who Can Attend: Elementary students, in 4th and 5th grade who identify as Black, Biracial, or African American will come together to connect with their peers.

Facilitated By: The Teachers on Special Assignment (TOSAs) from the district's Equity and Engagement department: Ms. Finkley, Mrs. Osuch, and Mrs. Simmons as well as BSA mentors from Oswego East.

What: A space for students to connect, share experiences, and feel affirmed & proud in their skin. To learn about and celebrate their black culture.

When: Every other Wednesday during the school day. During a part or all of lunch/recess from 11:15am-12:00pm.

Where: Grande Park conference room

Dates: December 4th, December 18th, January 8th, January 22nd, February 5th, February 19th, March 5th, March 19th, April 2nd, April 16th, April 30th, and May 14th.

Please complete the permission slip attached and return by Monday, November 18th.

Thank you!

Mrs. Finkley, Mrs. Osuch, and Mrs. Simmons



BSA Buddies:

Who Can Attend: Elementary students, in 4th and 5th grade who identify as Black, Biracial, or African American will come together to connect with their peers.

What: A space for students to connect, share experiences, and feel affirmed & proud in their skin. To learn about and celebrate their black culture.

We are thrilled to invite your child to be part of GP BSA Buddies. Because this group plans to meet during the school day, we are seeking parent permission. By signing below, you acknowledge and agree that your child will be missing lunch/recess in the lunchroom. **Please return by Monday, November 11th, 25th**

Child Name: _____ Homeroom Teacher: _____

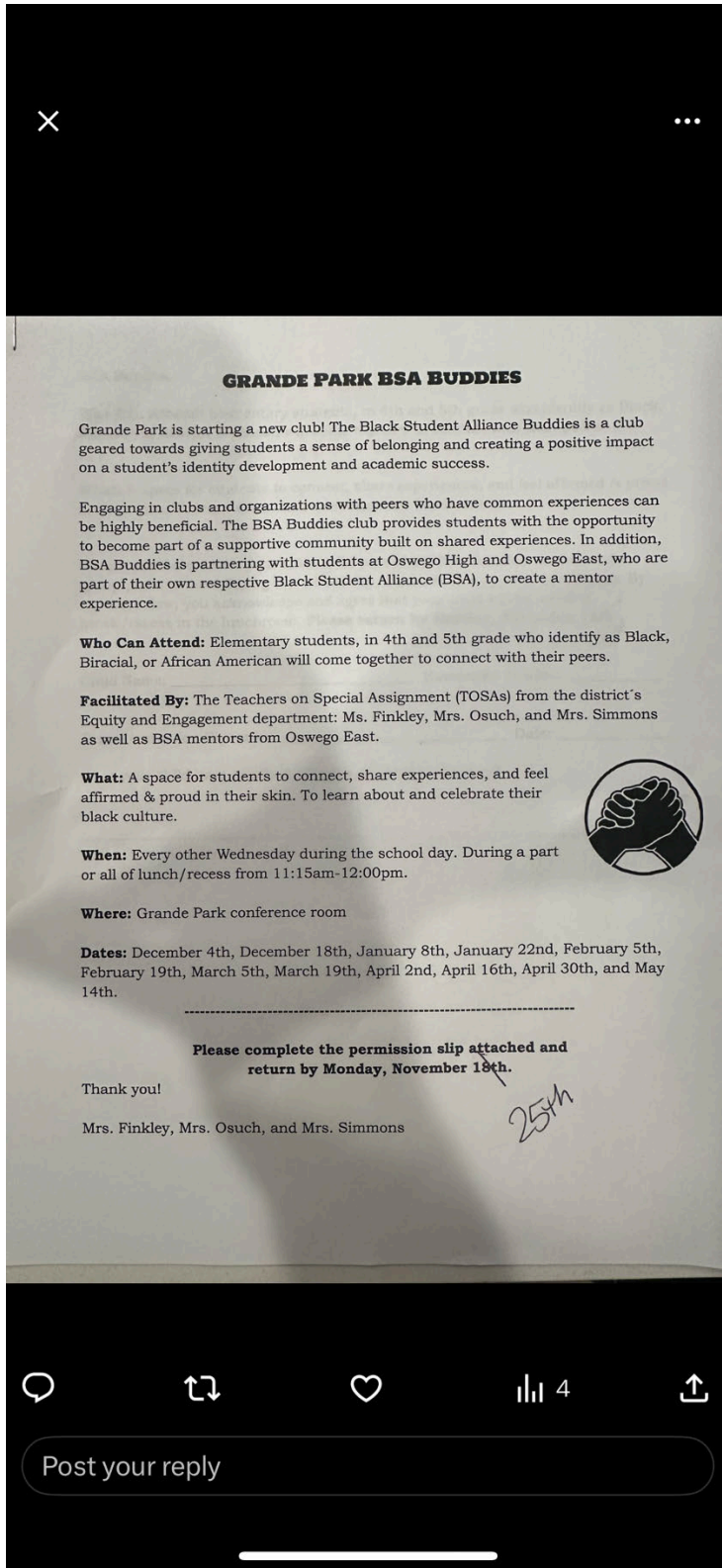
Parent/caretaker Signature: _____ Date: _____

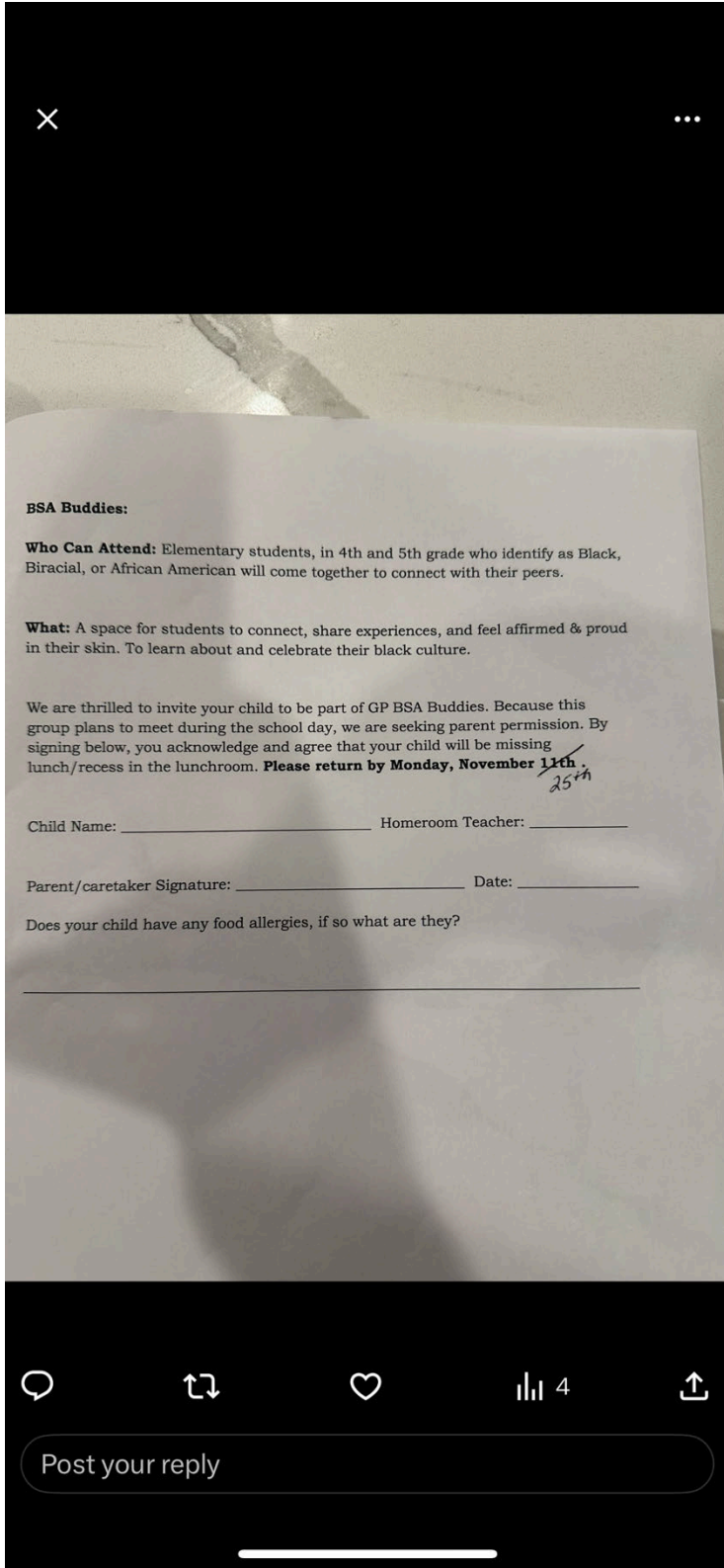
Does your child have any food allergies, if so what are they?

8:07 AM · 11/20/24 · 4 Views



Ex. A at 1





Ex. A at 3