



September 2, 2026

Via Electronic Mail

Anamaria Loya
Chief Attorney
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue S.W.
Washington, DC 20202
OCR@ed.gov

Re: Reinvestigation of OCR Case Number 09-23-1642

Dear Ms. Loya,

Defending Education is a national grassroots organization dedicated to securing a high-quality, value-neutral education for every American student. I write to inform you that Los Angeles Unified School District (LAUSD) continues to defy the Department's Office for Civil Rights by expanding the operation of LAUSD's Black Student Achievement Plan (BASP). The BASP program is currently under investigation by the Department's Office for Civil Rights for potentially violating Title VI and its implementing regulations.¹

I. Background

OCR opened its original investigation into LAUSD in response to a civil rights complaint that DE filed against the District on July 11, 2023.² 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)."³

On July 11, 2024, OCR dismissed DE's claim against LAUSD under subsection 110(d) of the OCR Case Processing Manual on July 11, 2024, because the District represented to OCR that it

¹ Request to reopen OCR complaint is granted: Los Angeles Unified School District is AGAIN under investigation by the US Dept of Ed, Defending Education (Mar. 25, 2026), <https://defendinged.org/complaints/ocr-complaint-los-angeles-unified-school-district/>.

² *Id.*

³ *Id.*

had “revised” the program to eliminate its racially discriminatory components.⁴ Thus, OCR concluded that “there [was] no evidence of a current violation.”⁵

On March 25, 2026, OCR reopened its investigation into LAUSD in response to a request from Defending Education.⁶ The request came after Defending Education discovered video evidence of an LAUSD Board of Education member and the LAUSD Superintendent stating that, in fact, “nothing has changed” in the District’s BSAP programming.⁷

II. Recent Developments

On June 16, 2026, the Los Angeles Unified school board approved \$75 million in funding for the Black Student Achievement Plan (BASP), with plans to increase BASP funding to \$100 million in 2027-2028.⁸ LAUSD has also posted job listings to replace the positions that the district previously laid off.⁹ Some job listings, like the Psychiatric Social Worker position, require applicants to undergo an additional interview to discuss “culturally responsive intervention and strategies.”¹⁰ Other listings require applicants to “leverage a strengths-based, identity affirming approach” to education.¹¹

Defending Education urges the Department to continue its investigation into LAUSD for this apparent defiance of the Department’s enforcement authority.

Sincerely,



Nicole K. Neily
President
Defending Education

⁴ Letter to Caroline Moore, U.S. Dep’t of Education (July 11, 2024), https://defendinged.org/wp-content/uploads/2024/07/Letter-from-Office-for-Civil-Rights-7-11-24_Redacted.pdf

⁵ Request to reopen OCR complaint is granted: Los Angeles Unified School District is AGAIN under investigation by the US Dept of Ed, Defending Education (Mar. 25, 2026), <https://defendinged.org/complaints/ocr-complaint-los-angeles-unified-school-district/>.

⁶ *Id.*

⁷ *Id.*

⁸ Howard Blume and Kori McNair, *LAUSD to cut thousands of jobs, but saves Black student achievement program in budget plan*, Los Angeles Times (June 17, 2026), <https://www.latimes.com/california/story/2026-06-16/lausd-to-cut-thousands-of-jobs-but-saves-black-student-achievement-program-in-budget-plan>.

⁹ See, e.g., *Pupil Services & Attendance Counselor (PSA) (12200543)*, LAUSD (Aug. 4, 2026), <https://bit.ly/464F3eO> (archived at <https://archive.ph/hxdST>); *Coordinator, K-12 Black Student Achievement Plan (BASP)*, LAUSD (July 23, 2026), <https://bit.ly/45VoeTD>; *Educational Transformation Officer*, LAUSD (July 22, 2026), <https://bit.ly/4xAtwJA>.

¹⁰ *Psychiatric Social Worker*, LAUSD (Aug. 7, 2026), <https://bit.ly/4iFoo8X>.

¹¹ *Pupil Services & Attendance Counselor (PSA) (12200543)*, LAUSD (Aug. 4, 2026), <https://bit.ly/464F3eO> (archived at <https://archive.ph/hxdST>).