



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

ACTION WEEK TOOLKIT

**Be prepared for
Black Lives Matter @ School
Action Week**

FEB. 5-9, 2024

Black Lives Matter at School Action Week: Resources for Parents and Educators

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What does Black Lives Matter “Action Week” have to do with Title VI of the Civil Rights Act?

When schools engage in racial discrimination in violation of Title VI of the Civil Rights Act, they risk losing their Federal funding. Some forms of discrimination are very obvious, while others are less so. If a school were to ban students from entering its doors on the basis of a student’s skin color, for example, the illegality of that action would be clear. And it would logically follow that the school would lose its federal funding. But what about schools that use instructional materials that are discriminatory in one way or another?

Recent [guidance](#) from the United States Department of Education’s (“DOE”) Office of Civil Rights (“OCR”) states that “schools also may violate Title VI when they create, encourage, accept, tolerate, or fail to correct a racially hostile educational environment.” The guidance further provides:

OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome race-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity (i.e., creates a hostile environment).

When you examine certain sets of curricular material, you will find content that falls within the realm of what the OCR guidance contemplates. One such set of materials is published on the Black Lives Matter at School “Week of Action” [website](#).

From February 5-9, 2024 many school districts will observe Black Lives Matter at School’s “Week of Action” by teaching lessons and materials from the [catalog of curricular items](#) available on the Black Lives Matter at School website. The “About” page states in part: “National Black Lives Matter at School is an organization struggling for liberation and racial justice in education for Black youth, educators, and all youth of color.” The [2024 Action Week guidebook](#) includes the following frequently asked question and answer explaining the purpose of Action Week:

FREQUENTLY ASKED QUESTIONS

Purpose

The Black Lives Matter message is embedded in the way I teach already--everyone is valued. So why set aside time for one group of people and not others?



That’s so important! But this is not about respect and kindness. This is about unpacking your backpack of privilege with your students, which will help them understand their own identities and how that shapes our society. Relying on colorblind rhetoric around kindness and tolerance only perpetuates the issues at hand and does nothing to challenge structural racism and white supremacy.

While some districts only teach the Action Week curriculum during the month of February, some use the organization's resources throughout the entire school year.

The Action Week Curriculum includes several elements that are based on ideological viewpoints with which reasonable minds can and do disagree, and many of which are objectively discriminatory. For example, many of the instructional materials include lessons that ascribe traits and characteristics to individuals solely on the basis of their skin color.

The goal of one lesson meant for pre-kindergarten-age children is that: "students will: understand that our country has a racist history that is grounded in white privilege; be an activist and be actively anti-racist." Another popular lesson plan on being "Unapologetically Black" asks 5th grade students to consider:

When you hear the word unapologetically, what does that make you think of? Why might some Black people either feel that they have to apologize or declare that they won't apologize for being Black? Because of the overt and subliminal messages about Black people being bad, ugly, and inferior to White people, Black people feel pressure to assimilate, or throw away their culture in order to become more like White people in the hopes to be more accepted by society.

Yet another lesson for elementary-age students on "Intergenerational, Black families and Black Villages" teaches: "Another way whiteness/ white supremacy shows up in the United States is in the idea of the nuclear family."

(For additional samples of discriminatory elements taken from Action Week Curriculum, click [here](#)). While it is possible that the intention behind teaching such lessons is benign, that intention does not make them any less discriminatory, and therefore, no less illegal. Indeed, many of the Action Week lesson plans contain language that conforms to the most basic definitions of racism and/or discrimination.

Discriminatory teaching materials may cause some students to feel that they are seen as embodying negative traits (e.g., "bad, ugly, and inferior") and others to feel accused of perpetrating these hateful and demeaning stereotypes. This may make students feel unwanted in their classrooms. In some cases, the discriminatory content may be so offensive that students become limited in their participation in school activities because they instinctively withdraw from participating or choose to skip class altogether.

This is the definition of a racially-hostile environment in violation of Title VI of the Civil Rights Act.

Title VI of the Civil Rights Act provides that "[n]o 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.” 42 U.S.C. § 2000d. The OCR’s recent [guidance](#) clarifies:

Discrimination based on race, color, or national origin includes discrimination based on a person’s actual or perceived race, color, or national origin. Such discrimination may be based on the country or world region from which a person or their ancestors come; a person’s limited English proficiency or status as an English learner; or a person’s actual or perceived shared ancestry or ethnic characteristics, including those associated with membership in a specific religion (such as Hinduism, Judaism, Islam, or Sikhism).

The guidance further clarifies:

OCR could find a Title VI violation in its enforcement work if: (1) a hostile environment based on race existed; (2) the school had actual or constructive notice of the hostile environment; and (3) the school failed to take prompt and effective steps reasonably calculated to (i) end the harassment¹, (ii) eliminate any hostile environment and its effects, and (iii) prevent the harassment from recurring.

If your student or a student you know has experienced a racially hostile environment at school, a complaint can be filed with the United States DOE’s Office of Civil Rights. The content on the next page can be used as the framework of a complaint, and it can be submitted via email to the appropriate OCR location. Find your OCR email address here: <https://ocrcas.ed.gov/contact-ocr>.

Alternatively, if you have not witnessed adverse effects arising from a specific curriculum, but you would like to send a letter to your school administrator in order to share the legal risks associated with discriminatory teaching materials, you may use the template letter found on page 6 of this document.

¹ Harassment is defined by the OCR as: [U]nwelcome race-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.

Sample Office of Civil Rights Complaint re: Black Lives Matter @ School Week

I am filing this complaint on behalf of a child who has experienced a racially-hostile learning environment at school due to the school's use of racially discriminatory lessons and instructional materials. The school district has adopted the Black Lives Matter @ School Action Week curriculum and teaches it across various grade levels each February in accordance with the Action Week calendar promoted by the national Black Lives Matter @ School calendar.

The child named below was subjected to the racially hostile learning environment created by the Action Week curriculum in his/her school during the 2022-2023 school year and now fears attending school during the week of February 5-9, 2024 because his/her school will be teaching the same curriculum again during that week.

Name of person filing this complaint (Last, First):

City:

State:

Zip Code:

Phone Number:

Email Address:

I am filing this complaint on behalf of a minor child who has been discriminated against due to the existence of a racially hostile environment at the child's public school.

The name of the public school is:

The school is a part of the following public school district:

The school is located in:

City:

State:

County:

Here are examples of discriminatory teaching materials and practices that have taken place at the school during Black Lives Matter at School Action Week (insert screenshots, links to lessons that are published online, and/or narrative examples from the student's experience):

These discriminatory acts took place on the following date(s) or date range:

Upon experiencing the discriminatory materials and practices outlined above, the student felt that he/she was not welcome in the classroom/could not participate in the class discussion/refused to go back to school/is refusing to go back to school/suffered the following harm:

Dear _____:

It is my understanding that [School name] will observe Black Lives Matter at School's Action Week beginning next Monday, February 5th. I am writing today to express my concerns with this decision and to highlight the associated risks.

As you know, when schools engage in racial discrimination in violation of Title VI of the Civil Rights Act, they risk losing their Federal funding. Some forms of discrimination are very obvious, while others are less so. If a school were to ban students from entering its doors on the basis of a student's skin color, for example, the illegality of that action would be clear. And it would logically follow that the school would lose its federal funding. But what about schools that use instructional materials that are discriminatory in one way or another?

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When you examine the curricular material published on the Black Lives Matter at School "Week of Action" [website](#), you will find content that falls within the realm of what the OCR guidance contemplates.

While it is possible that the intention behind teaching such material is benign, that intention does not make them any less discriminatory, and therefore, no less illegal. Indeed, many of the Action Week lesson plans contain language that conforms to the most basic definitions of racism and/or discrimination.

Discriminatory teaching materials may offend students by making them feel unwanted in their classrooms, especially when the instructional materials promote hateful or demeaning stereotypes. In some cases, the discriminatory content may be so offensive that students become limited in their participation in school activities because they instinctively withdraw from participating or choose to skip class altogether.

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It is my fear that if discriminatory content is taught at this school, students may experience a racially hostile learning environment, which would put our school’s Federal funding at risk. Additionally, the school may also face other legal liabilities.

I urge you to communicate this risk to all teachers so that our school is in the best position to avoid costly legal actions or other civil rights complaints.

Thank you for your consideration,

Suggested Talking Points and Resources

Based on the [BLM at School resource page](#), it's clear that your child may encounter discriminatory ideas and activities during Black Lives Matter Action Week in school. Get ahead of divisive ideology by teaching your child about a unifying approach to fighting racism and your family's beliefs about human identity. Here are a few suggestions for talking points.

“You can learn from anyone. Your teacher does not have to look like you.”

Share stories from your own life, describing what you've learned from teachers who do not look like you. If your child is a teen, explore principles of cognitive learning theory that illustrate the remarkable ways that all humans learn. This illustrated guide to principles of learning theory was designed for teachers, parents, and students: [Understanding How We Learn: A Visual Guide](#) by Yana Weinstein, Megan Sumeracki, and Oliver Caviglioli.

“Separate is not equal. We fought hard to end segregation in this country, and your school should not separate kids by skin color.”

Teach your child about the history of segregation in the United States and in other countries. Teach about the victory of *Brown v. Board of Education*, and about heroes who fought to end segregation, including Martin Luther King, Rosa Parks, Ruby Bridges, Ida B. Wells, John Lewis, Jackie Robinson, Nelson Mandela, Dr. B.R. Ambedkar, and more. Share quotes from these leaders such as: *“I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities.”* – Nelson Mandela

If your child is a teen, discuss contact theory, the exciting body of research that demonstrates that to reduce intergroup prejudice and discrimination, people need to spend *more* time together, not less—but they need to do so under certain conditions, including sharing goals, equal status, a neutral setting, and the support of authority figures. If you enjoy research articles, here are two that will provide more details on contact theory:

[Al Ramiah, A. & Hewstone, M. \(2013\). “Intergroup contact as a tool for reducing, resolving, and preventing intergroup conflict.” *American Psychologist* 68: 527](#)

[Pettigrew, T., & Tropp, L. “A Meta-analytic Test of Intergroup Contact Theory,” *Journal of Personality and Social Psychology* 90 \(2006\): 751](#) *meta-analysis of 500 studies comprising over 250,000 subjects from 38 countries

“Some schools are teaching kids the dangerous idea that to fight racism, we should divide and stereotype people by skin color. We believe in Martin Luther King’s vision of how to fight racism and discrimination—equal rights for all, not judging people based on skin color, and forgiveness rather than revenge. Let’s read some of his words.”

“I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.”

“Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that.”

“I have the audacity to believe that people everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits.”

“Love is the only force capable of transforming an enemy into a friend.”

“The time is always right to do what is right.”

“Life’s most persistent and urgent question is, ‘What are you doing for others?’”

“I have decided to stick with love. Hate is too great a burden to bear.”

“We may have all come on different ships, but we’re in the same boat now.”

“We must develop and maintain the capacity to forgive. He who is devoid of the power to forgive is devoid of the power to love. There is some good in the worst of us and some evil in the best of us. When we discover this, we are less prone to hate our enemies.”

If your child is in K-5, use [FAIR Literature Guide: Martin’s Big Words](#) to read, discuss, and do a project about Martin Luther King’s life.

For students of any age, share these one-minute podcasts on Martin Luther King’s six principles of non-violent resistance from the Civic Center of Education’s [60 Second Civics](#):

[Nonviolence Requires Courage](#)

[Nonviolence Seeks Reconciliation](#)

[Nonviolence Seeks to Defeat Injustice, Not People](#)

[Nonviolence Educates and Reforms](#)

[Love, Not Hate](#)

[The Universe is on the Side of Justice](#)

“It can be very dangerous to focus on labeling and categorizing people, especially when one category is considered ‘good’ and another category ‘bad’. Let’s look at history.”

Share examples from middle grade, YA, or adult nonfiction about 20th century regimes such as Nazi Germany, China during the Cultural Revolution, and 1980s-90s Rwanda, when dividing

and labeling people (e.g., Jewish/Aryan, Landlord/peasant, Hutu/Tutsi) led to terrible atrocities. For teens, consider reading and discussing essays from [Teaching About Genocide: Insights and Advice from Secondary Teachers and Professors](#).

Why is it dangerous to divide, label, and categorize people?

Discuss [Gregory Stanton's 8 Stages of Genocide](#). Here is the first stage:

1. CLASSIFICATION: All cultures have categories to distinguish people into “us and them” by ethnicity, race, religion, or nationality: German and Jew, Hutu and Tutsi. Bipolar societies that lack mixed categories, such as Rwanda and Burundi, are the most likely to have genocide. **The main preventive measure at this early stage is to develop universalistic institutions that transcend ethnic or racial divisions, that actively promote tolerance and understanding, and that promote classifications that transcend the divisions.** The Catholic church could have played this role in Rwanda, had it not been riven by the same ethnic cleavages as Rwandan society. Promotion of a common language in countries like Tanzania, the U.S., and Thailand has also promoted transcendent national identity. **This search for common ground is vital to early prevention of genocide.**

For younger children, using FAIR Literature Guides that teach about these times:

[FAIR Literature Guide: *Mao and Me*](#)

[FAIR Literature Guide: *The Brave Cyclist*](#)

[FAIR Literature Guide: *The Book Rescuer*](#)

“Every person is a unique individual, and identity is more than a list of traits.”

Teach your child what your family believes about identity. This is a very personal topic, with diverse answers from different religious faiths, intellectual traditions, and sub-disciplines within the field of psychology. Talk together about *what* and *who* a human person really is, and how that connects to your family’s beliefs about how to treat others.

If you want to keep it lighter, you might use literature to talk about identity. Ask your child what good writers do to create interesting characters. What matters more, skin color or personality? What makes you want to read about a character? Can we know if a person is kind, funny, smart, creative, generous, selfless, or anything else based on their surface traits?