

February 25, 2025



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

Sent via email

To Whom It May Concern:

This is a federal civil rights complaint filed under the U.S. Department of Education’s Office for Civil Rights (“OCR”) Complaint Resolution Process against: 1) Evanston/Skokie District 65 (“District 65”), located at 1500 McDaniel Avenue, Evanston, IL 60201; and 2) Evanston Township High School (“ETHS”), located at 1600 Dodge Avenue, Evanston, IL 60201.¹

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties, and promoting a common culture grounded in fairness, understanding, and humanity. We have members across the country, including throughout Illinois. As an interested third party, FAIR files this complaint alleging discrimination in violation of Title VI of the Civil Rights Act (“Title VI”).

District 65 and ETHS are both committed to achieving equity among their students. True equity—the sense of being fair or impartial—is a laudable goal that FAIR deeply supports. However, we are concerned that the strategies used by District 65 and ETHS attempt to achieve equity by treating students and other community members differently from one another based on immutable, protected traits. Indeed, both districts have strategic goals and engage in various initiatives that explicitly or inherently call for differential and/or preferential treatment of students based on race, skin color, or ethnicity. We urge the OCR to investigate the information set forth below to determine if District 65 and/or ETHS are in violation of Federal law.

¹ This complaint is filed against District 65 and ETHS jointly because they often share resources, communicate decisions in tandem, co-own various policy decisions, and co-host various events.

Facts

At first glance, the Districts' initiatives may seem benign or even virtuous. But upon close inspection, it is clear that their conceptualization of "racial equity" and how to achieve it is, in fact, discriminatory:

- ETHS and District 65 co-hosted the 28th annual [African-American Youth Achievement Awards](#) on February 6, 2025. This is an annual event sponsored by the school districts to honor only African-American students; students from other ethnic and racial groups are not eligible to be honored.
- Various student summits are hosted as part of the [Social Consciousness Series](#) hosted by ETHS, including [Middle Eastern, North African, and Asian Student Summit](#), [Black Student Summit](#), [Latinx Student Summit](#), and the [Antiracist Workshop](#); These "events will be hosted throughout the school year to address the ongoing and pervasive microaggressions that impact our students and staff such as racism, sexism, ableism, transphobia, homophobia, Islamophobia and more. An affinity group model will be used to engage participants in a deeper conversation to help facilitate positive identity exploration and provide people with similar lived experiences." Information about the Social Consciousness Series goes on to suggest that programming reserved for white members of the ETHS community assume that they are "racist" and/or "fragile"-- "Becoming Antiracist: Interrogating and Decentering Whiteness," and a presentation called "White Fragility: Why It's So Hard for White People to Talk About Racism."
- [Black Caucus Student Recognition Ceremony](#) appears to be an annual, segregated ceremony to honor only black students who have made the honor roll. The ceremony will take place on February 26, 2025. In [2022, at a Black Caucus Student Recognition Ceremony](#), an ETHS official began the presentation by saying "it's a great day to be a black wildcat." His further remarks and the programming throughout the ceremony make clear that this was a school-sponsored event that recognizes only black ETHS students. It appears that a similar "Latino Student Recognition Ceremony" has historically been offered, though it is unclear how recently this has taken place.
- [Evanston Black Advocacy Network \(EBAN\)](#)- is explicitly for parents, guardians, grandparents, and teachers of former, current, or incoming black ETHS students. This is advertised as an opportunity "to learn how you can advocate for and empower yourself and the community" and a way to share ideas "about how to improve the ETHS experience for Black students."
- [Latino Advisory Committee](#)- "supports and advocates for the Latino community" in ETHS "in matters relative to the learning environment and the educational needs of students. It is a space for parents/guardians to learn how to navigate through the school

system and to acquire new skills to empower Latino members and the Latino Community.”

- [District 65 Equity Policy](#)- The District’s Equity Policy states that it “recognizes that excellence requires a commitment to equity and to identifying practices, policies and institutional barriers, including institutional racism and privilege, which perpetuate opportunity and achievement gaps.” It goes on to state that “[t]here are persistent and unacceptable opportunity and achievement gaps for students of color in District 65.” Additionally, “[t]he district recognizes that in order to provide educational opportunities that result in equitable outcomes particularly for Black/Brown students, that it must proactively acknowledge and intentionally address racial and cultural biases, in an effort to eliminate institutional structures and practices that affect student learning and achievement.” Finally, “District 65 is committed to focusing on race as one of the first visible indicators of identity” and to “mak[ing] decisions with a racial equity lens: by ensuring that a racial equity lens has been used prior to making significant decisions that impact the school district.”
- District 65’s [Racial Equity Glossary](#), which purportedly guides its operations generally and certainly its Equity Policy, includes various terms and definitions that are facially discriminatory. In relevant part, the Glossary provides the following definitions:
 - **Cultural Appropriation-** Theft of cultural elements for one’s own use, commodification, or profit. . . Results from the assumption of a dominant (i.e. white) culture’s right to take other cultural elements.
 - **Institutional Racism-** Institutional racism refers specifically to the ways in which institutional policies and practices create different outcomes for different racial groups...their effect is to create advantages for whites and oppression and disadvantage for people from groups classified as people of color.
 - **Power-** Power is unequally distributed globally and in U.S. society; some individuals or groups wield greater power than others, thereby allowing them greater access and control over resources. Wealth, whiteness, citizenship, patriarchy, heterosexism, and education are a few key social mechanisms through which power operates.
 - **Privilege-** Unearned social power accorded by the formal and informal institutions of society to ALL members of a dominant group (e.g. white privilege, male privilege, etc.). Privilege is usually invisible to those who have it because we’re taught not to see it, but nevertheless it puts them at an advantage over those who do not have it.
 - **Race-** A political construction created to concentrate power with white people and legitimize dominance over non-white people.
 - **Racism-** For purposes of this site, we want users to know we are using the term “racism” specifically to refer to individual, cultural, institutional and systemic ways by which differential consequences are created for groups historically or currently defined as white being advantaged, and groups historically or currently

defined as non-white (African, Asian, Latinx, Native American, etc.) as disadvantaged.

- **Structural Racism-** The normalization and legitimization of an array of dynamics...that routinely advantage Whites while producing cumulative and chronic adverse outcomes for people of color. Structural racism encompasses the entire system of White domination.
- **White Supremacy-** a historically based, institutionally perpetuated system of exploitation and oppression of continents, nations and peoples of color by white peoples and nations of the European continent; for the purpose of maintaining and defending a system of wealth, power and privilege.

Analysis

The practices outlined above range from blatantly discriminatory (those that require the physical separation or exclusion of students based on skin color or ethnicity), to more subtly discriminatory (those that impose stereotypes or ascribe traits and characteristics to individuals based on immutable traits). No matter the level of egregiousness, they all likely constitute violations of Title VI of the Civil Rights Act.

Title VI 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. When schools segregate students from one another or exclude certain students from participating in activities based on their membership in a race or ethnicity-based group, a Title VI violation is obvious. Other, perhaps more subtle, forms of discriminatory practices and policies violate the law because they create and/or sustain a racially hostile learning environment. Indeed, historical guidance from the US Department of Education (“DOE”) stated that “schools also may violate Title VI when they create, encourage, accept, tolerate, or fail to correct a racially hostile educational environment.” The guidance also provided:

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).

Additionally, a recent Executive Order titled: [Ending Radical Indoctrination in K-12 Schools](#), aims to excise what it calls “discriminatory equity ideology.” That term is defined to include ideologies, among other things, that “treat individuals as members of preferred or disfavored groups, rather than as individuals,” and that assign traits and characteristics to individuals by virtue of their skin color. Portions of District 65’s Equity Policy and accompanying Glossary certainly meet the criteria of “discriminatory equity ideology.” When a school district operationalizes such a policy, some students

will likely feel unwanted in their classrooms and activities, especially when the district's rhetoric and overall environment promote hateful or demeaning stereotypes. Other students may feel pressured to conform to the stereotypes associated with the group they are assumed to belong to. In some cases, the discriminatory environment 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.

Conclusion

The District 65 and ETHS policies and practices outlined above are not only likely illegal and unconstitutional, but they are also harmful to the students the districts aim to serve. We ask that the OCR thoroughly investigate the allegations in this complaint and provide instructions to promptly remedy the unlawful practices undertaken by the districts.

Sincerely,

Leigh Ann O'Neill

Leigh Ann O'Neill
Director of Legal Advocacy
Foundation Against Intolerance & Racism