



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

230 SOUTH DEARBORN ST., 37<sup>TH</sup> FLOOR  
CHICAGO, IL 60604

REGION V  
ILLINOIS  
INDIANA  
IOWA  
MINNESOTA  
NORTH DAKOTA  
WISCONSIN

November 22, 2022

Mr. Robert S. Eitel  
President  
Defense of Freedom Institute for Policy Studies

*Via electronic mail to:* [robert.eitel@dfipolicy.org](mailto:robert.eitel@dfipolicy.org)

Re: OCR Docket # 05-22-1469

Dear Mr. Eitel:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has carefully evaluated the above-referenced complaint you filed with OCR, which OCR received on June 1, 2022, against Oak Park-River Forest School District 200 (District).

Your complaint alleges that the District discriminates on the basis of race:

1. Through its implementation at Oak Park-River Forest High School (High School) of a strategy to “consistently integrate equitable assessment and grading practices” into all academic and elective courses.
2. In its consideration of the High School’s capital expenditure proposals.
3. By offering a six-year professional development plan at the High School to eliminate racial bias in the classroom.
4. By providing “Race Equity Coaching” to High School teachers.
5. Through its implementation of a policy requiring the High School to provide alternatives to punitive discipline.
6. By implementing hiring goals to increase the number of minority teachers and employees in the District.
7. Through its elimination for the 2022-23 school year of certain college-prep and honors level classes and replacement of them with a single curriculum for all freshmen students at the High School.
8. By not permitting white students at the High School to participate in the school’s Motivational Mentorship program.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d – 2000d-7, and its implementing regulation, 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the District is subject to this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

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

In evaluating your complaint, OCR reviewed your OCR complaint; the supplemental information you provide to OCR on and June 30, 2022, and September 15, 2022; information provided by the District; and publicly available information. For the reasons set forth below, OCR has dismissed Allegations 1-8.

### Allegation 1

You allege the District has implemented a strategy to “consistently integrate equitable assessment and grading practices into all academic and elective courses” after its determination that traditional grading practices “perpetuate inequities and intensify the opportunity gap.” While the strategy at issue in Allegation 1 does not reference race, you assert the strategy is tied to the District’s use of its “racial equity analysis tool,”<sup>1</sup> which you assert “will thus be based unavoidably on decision-making relying on how benefits or burdens will distributed among ‘students of color’ versus students of other races who are not ‘students of color.’”

The changes in assessment and grading practices that you identified as being implemented in furtherance of the District strategy (i.e., elimination of zero grades, implementing competency-based grading, and encouraging and rewarding academic growth) are race-neutral changes that apply to students of all races, and you provided no information from which OCR can infer discrimination behind the changes you identified. You also did not provide OCR any information from which OCR can infer any individual is negatively impacted by the changes you referenced.

Pursuant to Section 108(d) of OCR’s *Case Processing Manual* (CPM), OCR will dismiss a complaint allegation that lacks sufficient detail for OCR to infer that discrimination may have occurred or is occurring. In this instance, OCR finds that the information provided in support of Allegation 1 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 1.

### Allegation 2

You allege the District discriminates on the basis of race in its consideration of capital expenditure proposals at the High School. In support of Allegation 2, you state the District has stated that “the principles of equity shall guide funding decisions in [the District]” and that the District utilizes its racial equity analysis tool as part of its consideration of capital expenditure proposal. You also provided OCR information about a February 25, 2021, District Board meeting where you state the District discussed whether a proposed capital expenditure aligned with the District’s strategic plan goal on racial equity; its effort to recruit minority, women, and disadvantaged businesses for its capital improvements; and the racial composition of High School sports teams as they related to a specific proposed capital expenditure project.<sup>2</sup> You did

---

<sup>1</sup> A description of this tool is available on the District’s website at [District 200 Racial Equity Analysis Tool WS.pdf \(campussuite-storage.s3.amazonaws.com\)](#) (last visited November 22, 2022).

<sup>2</sup> With respect to the High School’s sports teams, the information you provided indicated that, in considering improvement to the facilities used by the tennis, field hockey, lacrosse, and soccer teams, it was noted at the meeting that those teams historically had high levels of participation by white students. With respect to the consideration of the capital expenditures for the teams, the District’s recommended next step was to “strategize” on how to increase participation on the teams by students of color and to review racially disaggregated data concerning the High School’s athletics and student activities “to determine how capital improvement can be equitably allocated.”

not provide OCR any information concerning any final decision made concerning any proposed capital expenditure and you did not identify any specific capital expenditure which was approved and/or denied on account of race.

In this instance, OCR has determined that the information provided in support of Allegation 2 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 2.

### Allegation 3

You allege the District discriminates on the basis of race by offering a six-year professional development plan at the High School to eliminate racial bias in the classroom. Allegation 3 asserts that, per the requirement of the District Racial Equity Plan, the District has created a professional development plan to “strengthen employees’ knowledge and skills of strategies for eliminating bias and disparities in student achievement and district hiring practices” and “limit and/or mitigate the harm of such disparities; implicit bias in hiring practices; cultural responsiveness; the historical roots of institutional racism; and equitable, inclusive, and anti-oppressive methods.”

Per the District webpage devoted to the professional development program, the goal of the program “is to understand the aspects of teaching that perpetuate race-based barriers to effective instruction and meaningful learning that exist throughout the educational system but are within their control to change.”<sup>3</sup> You characterize the professional development program at issue in Allegation 3 as a “radicalized curricula and teaching practices program” that requires teachers to develop curricula and teaching practices through a “racial lens” in an effort to benefit students of color.

The information you provided to OCR did not cite any specific content provided in the program, and you did not provide OCR any information indicating the program’s content deviates from its stated goals. You did not provide any information from which OCR could infer the development program encourages, suggests or directs teachers to exclude a student from participation in, deny a student the benefits of, or subject a student to discrimination under any District program or activity on account of race. You also did not provide any information from which OCR can infer any individual(s) have been negatively impacted by the District action at issue in Allegation 3.<sup>4</sup>

In this instance, OCR has determined that the information provided in support of Allegation 3 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 3.

---

<sup>3</sup> [www.oprfhs.org/racial-equity-program/racial-equity-professional-development-program](http://www.oprfhs.org/racial-equity-program/racial-equity-professional-development-program) (last visited November 22, 2022).

<sup>4</sup> Pursuant to longstanding OCR policy, OCR refrains from assessing the appropriateness of the pedagogical decisions of school districts and educators. OCR gives significant deference to the professional judgment of educational institutions with respect to academic or pedagogical decisions and does not substitute its judgment for that of the educational institution with respect to those decisions.

#### Allegation 4

You allege the District discriminates on the basis of race in its provision of “Race Equity Coaching” to High School teachers. In describing the Racial Equity Coaching offered by the District, its webpage states that the coaching involves one-on-one coaching with teachers “to help develop healthy racial consciousness, apply racial-equity concepts in their classroom relationships and teaching practices, and promote a culture of high expectations for all students.”<sup>5</sup> In your complaint and supplemental materials, you argue that the District’s coaching program is a District strategy “aimed at benefiting ‘students of color’ and not benefiting students of other races who are not ‘students of color.’” You assert the program, among other things, coaches teachers “in a race-based manner” in an attempt to alter the “burdens and benefits” in their lesson planning, culturally responsive behaviors, and self-efficacy.

Your OCR complaint and accompanying supplements do not identify any statements made by any race equity coach, any specific coaching materials, or any actions taken by teachers after receiving coaching from which OCR can infer the District’s coaching program encourages, suggests or directs teachers to exclude a student from participation in, deny a student the benefits of, or subject a student to discrimination under any District program or activity on account of race. You also did not provide any information from which OCR can infer any individual(s) have been negatively impacted by the District action at issue in Allegation 4.

In this instance, OCR has determined that the information provided in support of Allegation 4 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 4.

#### Allegation 5

You allege the District discriminates on the basis of race through its implementation of a policy which requires the High School to provide alternatives to punitive discipline. In support of your complaint allegation, you state that for the 2019-20 and 2020-21 school years, the District had a stated goal to reduce “the disparities between overall school demographics” in the number of students receiving one disciplinary referral and students receiving more than five “tardies” by 10%. You characterize the District’s disciplinary goal for these two years as a “racial quota” but also provided information indicating the District did not meet its stated goal for the 2019-20 school year.<sup>6</sup> Additionally, the information you provided OCR did not identify any student allegedly subjected to discriminatory discipline related to the requirement at issue in Allegation 5 and you did not identify any related changes in the imposition of discipline at the high school from which OCR can infer race discrimination. You also did not provide any information from which OCR can infer any individual(s) have been negatively impacted by the District action at issue in Allegation 5.

In this instance, OCR has determined that the information provided in support of Allegation 5 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 5.

---

<sup>5</sup> [www.oprfhs.org/racial-equity-program/ongoing-work](http://www.oprfhs.org/racial-equity-program/ongoing-work) (last visited November 22, 2022).

<sup>6</sup> You did not provide information regarding whether the District met its stated goal for the 2020-21 school year.

### Allegation 6

You allege the District discriminates on the basis of race by implementing hiring goals to increase the number of minority teachers and employees in the District. You characterize the hiring goals as “racial quotas.” In support of this contention, you reference the District’s stated goal to increase representation of minority teachers to 35% of overall faculty and increase minority employees to 50% of all employees by 2024.<sup>7</sup> While you contend the District hiring goal is a quota in reality, you have not provided any information indicating that District hiring targets are mandated outcomes, as opposed to aspirational goals.<sup>8</sup> Additionally, when asked, you did not identify any white applicant denied employment by the District on account of the above-referenced hiring goals.

In this instance, OCR has determined that the information provided in support of Allegation 6 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 6.

### Allegation 7

You allege the District discriminates on the basis of race through its elimination for the 2022-23 school year of separate college-prep and honors level classes for freshman English, science, history, and world languages, with these courses being replaced with a single curriculum for all freshmen students at the High School. In advance of the 2022-23 school year, the District announced that “to increase the access to rigorous coursework for all students,” the District’s high school would eliminate college-prep and honors classes for freshman English, science, history, and world language classes and replace them with “a single, rigorous, high-level honors curriculum for all.”<sup>9</sup>

You allege the District action at issue in Allegation 7 constitutes discrimination on the basis of race, describing it as “an arbitrary plan to reduce disparities in high-level course enrollment in an effort to alter the burdens and benefits of these aspects of its program on different racial groupings” to benefit students of color and not benefit white students. You do not dispute that freshmen students of all races have equal access to the newly-announced curriculum offered by the District and do not allege the District conditioned or restricted participation in these classes based on race.

In this instance, OCR has determined that the information provided in support of Allegation 7 lacks sufficient detail for OCR to infer that discrimination on the basis of race may have occurred or is occurring. Accordingly, OCR has dismissed Allegation 7.

---

<sup>7</sup> <https://www.oprfhs.org/board-of-education/strategic-plan> (last visited November 17, 2022)

<sup>8</sup> Neither the District’s webpage nor the information you provided OCR indicate the District is required to meet this goal or that any sanctions or other negative consequences are imposed in response to the District’s failure to meet its hiring goal.

<sup>9</sup> [www.oprfhs.org/academics/access-for-all](http://www.oprfhs.org/academics/access-for-all) (last visited November 17, 2022)

### Allegation 8

You allege the District discriminates on the basis of race by prohibiting white students from participating in the High School's Motivational Mentorship program (Mentorship Program).

Pursuant to Section 110(d), OCR may dismiss a complaint allegation when it obtains credible information indicating that the allegation has been resolved. In response to Allegation 8, the District told OCR the Mentorship Program is open to all students without regard to race and cited its program's description in the 2022-23 student handbook, which does not contain any language indicating a student's race considered in determining eligibility for in the program.<sup>10</sup>

Additionally, on November 22, 2022, the District emailed a notice to District staff and students which stated, "The Motivational Mentorship Program is open to ALL students regardless of race, ethnicity, religion, gender, gender identity, sexual orientation, etc.," and that, "[a]lthough there is a referral process where staff members and parents can refer students for mentoring, disclosing a student's race is not an option or requirement and therefore has no influence on mentoring services."

After considering all relevant information, OCR has determined Allegation 8 has been resolved and has dismissed the allegation.

You have a right to appeal OCR's dismissal determination for Allegations 1-7 within 60 calendar days of the date indicated on this letter. An appeal can be filed electronically, by mail, or fax. You must either submit a completed form online at <https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>, or mail a written statement of no more than ten (10) pages (double-spaced, if typed): if submitted by mail, please send to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. If submitted via e-mail, send to [OCR@ed.gov](mailto:OCR@ed.gov); if submitted via fax, please send to 202-453-6012. The filing date on an appeal is the date the appeal is postmarked, submitted electronically or submitted via fax. In the appeal, you must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect or the appropriate legal standard was not applied, and how correction of any error(s) would result in the case being opened for investigation; failure to do so may result in dismissal of the appeal.

OCR would also like to make you aware that individuals who file complaints with OCR may have a right to file a private suit in Federal court whether or not OCR finds a violation.

It is important for you to understand that the laws OCR enforces also prohibit the District from harassing, coercing, intimidating, or discriminating against you because you filed a complaint or participated in the complaint resolution process. If this happens, you may file a complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if

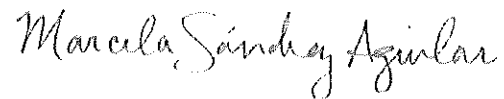
---

<sup>10</sup> <https://www.oprfhs.org/student-handbook> (last visited November 22, 2022).

released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions about this letter, please contact Jason Frazer, Senior Attorney, 312-730-1653 at [jason.frazer@ed.gov](mailto:jason.frazer@ed.gov).

Sincerely,

A handwritten signature in cursive script that reads "Marcela Sanchez Aguilar".

Marcela Sanchez Aguilar  
Supervisory Attorney