



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2nd AVENUE, ROOM 3310
SEATTLE, WA 98174-1009

REGION X

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NEVADA
NORTHERN MARIANA ISLANDS
OREGON
WASHINGTON

March 20, 2023

Via email only: nicole.neily@defendinged.org
Nicole Neily

Re: Ashland School District
OCR Reference No. 10231122

Dear Nicole Neily

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its evaluation of the complaint you filed against Ashland School District. In the complaint, you alleged that the District is discriminating against students on the basis of race by (1) offering student affinity groups at Ashland High School and Ashland Middle School that are restricted by race; and (2) offering student affinity groups at District elementary schools that are restricted by race.

OCR has the authority to enforce Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the bases of race, color and national origin in programs and activities that receive federal financial assistance. As a recipient of federal financial assistance from the Department, the District is required to comply with Title VI.

As described below, OCR will investigate Allegation No. 1 and is dismissing Allegation No. 2. In making this determination, OCR has considered the information provided in your complaint.

OCR is proceeding with an investigation of Allegation No. 1 because it raises a possible violation of Title VI. During OCR's investigation, the allegation may be resolved in a variety of ways, including a voluntary written agreement in which the District agrees to take remedial actions that OCR determines fully resolve the allegation consistent with applicable legal standards. If a resolution of a complaint is not reached before OCR completes its investigation, OCR will make findings and a determination as to whether the District is in compliance with the applicable legal standards and, in the event non-compliance is found, OCR will propose that the District enter into a voluntary resolution agreement in which the District commits to take specific steps to comply with applicable laws and regulations.

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

Opening Allegation No. 1 for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the District, and other sources, as appropriate. OCR will conduct its investigation in accordance with the provisions of Article III of the OCR’s *Case Processing Manual* (CPM).¹

Regarding Allegation No. 2, you state in your complaint that the District has “affinity group programming” at the elementary school. The only information you provided in support of this allegation consisted of a job posting for an elementary student affinity group advisor. A review of the District’s website did not reflect any student affinity groups at any District elementary school. OCR’s CPM states that OCR may dismiss an allegation which, on its face or as clarified, fails to state a violation of one of the laws or regulations that OCR enforces. Because the information in your complaint does not indicate that the District is offering a student affinity group at any District elementary school that is restricted by race, OCR has determined that the allegation fails to state a violation of Title VI. As such, OCR is dismissing Allegation No. 2.

This letter sets forth OCR’s determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. This letter serves as OCR’s final agency determination regarding Allegation No. 2 and there is no right of appeal. You may have the right to file a private suit in court regardless of OCR’s determination.

OCR is committed to resolving complaints as promptly as possible. OCR will be contacting the District to discuss Allegation No. 1 and the complaint resolution process. If you have any questions regarding this matter, please contact Tania Lopez, Senior Attorney, by telephone at (206) 607-1623 or by e-mail at tania.lopez@ed.gov.

Sincerely,

Sarah Dunne
Chief Attorney

¹ The CPM can be found at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.