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April 24, 2025

Via Email to OCR@ed.gov

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

Re: Complaint against Evanston/Skokie School District 65 in Illinois for Violation of Title VI

To Whom It May Concern:

Under the discrimination complaint resolution procedures of the U.S. Department of Education's (Department) Office for Civil Rights (OCR), Dr. Stacy Deemar, represented by Southeastern Legal Foundation (SLF), brings this federal civil rights complaint against Evanston/Skokie School District 65 for discriminating on the basis of race in violation of Title VI of the Civil Rights Act of 1964 and its implementing regulations.¹

Dr. Stacy Deemar is a drama teacher in Evanston/Skokie School District 65 (District) in Illinois. She has been in a long legal struggle challenging the District's racially charged environment and practice of segregating students and staff. The District has escaped liability for nearly a decade.

Spanning multiple presidential administrations, the District has engaged in unconscionable race-based discrimination in stark violation of the constitutional requirement of colorblindness and in violation of Title VI. The District has instituted racial segregation for its staff. It has funded and encouraged racially-segregated student groups, and it continues to do so today. It relentlessly reinforces harmful and hateful racial stereotypes that ascribe characteristics to entire racial groups. This is unlawful under equal protection, Title VI, and its accompanying regulations.

Dr. Deemar initially reported the District to OCR on June 27, 2019.² OCR found that the District was engaged in racially discriminatory practices, including actual instances of racial segregation, beginning in the 2017-2018 school year.³ Yet just days after President Biden was inaugurated in January 2021, OCR hastily suspended that finding without any explanation.⁴ It stayed that way until September 27, 2024, when OCR formally dismissed Dr. Deemar's complaint.⁵ Although Dr.

¹ 42 U.S.C. §§ 2000d-2000d-7 (Title VI); 34 C.F.R. Part 100.

² See OCR Letter of Finding, OCR #05-19-1395 (Jan. 2021), <https://perma.cc/K4WB-HMN6> (OCR Letter of Finding).

³ *Id.*

⁴ Carl Campanile, *US Dept. of Education curbs decision on race-based "affinity groups,"* New York Post (Mar. 7, 2021); <https://perma.cc/M8HX-3F9J>.

⁵ OCR Closing Letter, OCR #05-19-1395 (Sept. 27, 2024).

Deemar administratively appealed on November 26, 2024, the District’s discriminatory practices continued, and will continue, until OCR or the courts demonstrate that federal civil rights laws cannot be ignored by recipients of federal funding who believe they can ignore them in service of the higher calling of so-called “equity.”⁶

Equity is not a principle that squares with the constitutional command of equality. As Judge Ho of the United States Court of Appeals for the Fifth Circuit explained, the difference between equity and equality is “the difference between securing equality of opportunity regardless of race and guaranteeing equality of outcome based on race. It’s the difference between color blindness and critical race theory.”⁷ Equity is a repackaged term for disparate impact theory. In 2009, Justice Scalia warned that we would one day realize that “the war between disparate impact and equal protection will be waged sooner rather than later . . .”⁸ That day arrived long ago for the staff, parents, and students of District 65.

Dr. Deemar hereby respectfully submits a second request that OCR investigate the policies and actions described below, consider potential sanctions against the District as authorized under Title VI, and place the District on clear notice that failure to comply with federal law in its policies, facilities, hiring, programs, and activities will result in the withdrawal of federal funding.

FACTS

Background

The District was created under the laws of the State of Illinois.⁹ It is governed by seven locally-elected school board members.¹⁰ It manages eighteen public schools serving approximately 6,500 Pre-K through eighth grade students, and it is responsible for creating educational policies and goals for those schools.¹¹ The District receives federal funding and thus is subject to Title VI of the Civil Rights Act of 1964.¹²

In 2015, District 65 released a five-year Strategic Plan developed by its Research, Accountability, and Data Department.¹³ As part of its Plan, District 65 publicly expressed its desire that by the year 2020, “our schools and classrooms [will] be spaces marked by . . . equity.”¹⁴ By 2017, the District was openly making race the most important aspect of its equity agenda. In 2017 and 2018, District

⁶ Deemar Appeal, OCR #05-19-1395 (Nov. 26, 2024).

⁷ *Rollerson v. Brazos River Harbor Navigation Dist.*, 6 F.4th 633, 648 (5th Cir. 2021) (Ho, J., concurring in part and concurring in the judgment).

⁸ *Ricci v. DeStefano*, 557 U.S. 557, 595–96 (2009) (Scalia, J., concurring).

⁹ Evanston/Skokie School District 65, *About Evanston/Skokie School District 65*, <https://perma.cc/RUE8-UFAK>.

¹⁰ Evanston/Skokie School District 65, *Board of Education*, <https://perma.cc/MM97-6ABF>.

¹¹ Evanston/Skokie School District 65, *About Evanston/Skokie School District 65*, <https://perma.cc/RUE8-UFAK>.

¹² Evanston/Skokie School District 65, *Budget & Finance*, <https://perma.cc/B3MJ-4NWN>.

¹³ Evanston/Skokie School District 65, *Strategic Plan 2015-2020*, <https://perma.cc/6GMV-SAK3>.

¹⁴ *Id.* at 5.

65 began its Achievement Reports with a “Racial and Educational Equity Statement” that proclaimed its “commitment to equity” and vowed to identify and address so-called “institutional racism,” which it claims, “create[s] advantages for whites and oppression and disadvantage for people from groups classified as people of color.”¹⁵

Also in 2017, the District adopted a Racial and Educational Equity Policy, which is still featured prominently on its website and in the Student Handbook, that demonstrated exactly what the District meant by “equity.”¹⁶ In it, the District stated that it “is committed to focusing on *race* as one of the first visible indicators of identity[.]”¹⁷ That same year the District released a Racial and Educational Equity Report where it again demonstrated that it considered equity to be superior to equality: “Equity is about fairness, justice and individuals getting what they need and deserve in order to reach their full potential as opposed to equality, which is about sameness and treating everyone in exactly an identical manner regardless of their differences or unique situations.”¹⁸ The District went on to explain that its priority was creating “racial *equity*,” not racial equality.¹⁹

The Equity Report contained several recommendations that the District immediately adopted. As a means of increasing “the level of Racial Literacy,” the Report recommended requiring “[e]quity training for all employees, starting with Beyond Diversity and Seeking Educational Equity & Diversity (SEED).”²⁰ Beyond Diversity is a two-day training seminar that uses materials from “Courageous Conversations” to train employees. The Report also recommended creating “district-wide employee Affinity Groups” and monthly SEED sessions to “promote institutional change by examining . . . race.”²¹

As will be shown below, District 65 did precisely that through the creation of a highly racially charged environment, the use of segregated “affinity groups” for both students and staff, and an unremitting focus on race that relied on stereotypes.

¹⁵ Evanston/Skokie School District 65, *2017 Achievement and Accountability Report*, 3, <https://perma.cc/3RRQ-HVZN>; Evanston/Skokie School District 65, *2018 Achievement and Accountability Report*, 3, <https://perma.cc/PN52-KTG9>; Evanston/Skokie School District 65, *Racial Equity Tools Glossary*, <https://perma.cc/UUN2-EX88> (defining “institutional racism”).

¹⁶ Evanston/Skokie School District 65, *D65 Equity Policy*, <https://perma.cc/D2G7-4PRW> (Equity Policy); Evanston/Skokie School District 65, *Student Handbook 2017-2018*, <https://perma.cc/KET6-MG73> (Student Handbook).

¹⁷ See Student Handbook at 7 (emphasis added).

¹⁸ Evanston/Skokie School District 65, *Equity Report Evanston/Skokie School District 65*, 3, <https://perma.cc/NCZ3-U8LE> (Equity Report).

¹⁹ *Id.* (emphasis added).

²⁰ *Id.* at 6.

²¹ *Id.* at 6. “[S]ocial identity affinity groups,” like those District 65 used, are segregated based on race. See *id.* at 17.

The District created a racially charged environment for staff.

The District relentlessly reinforced racial stereotypes both for students and staff, and it continues to do so. Educators, including Dr. Deemar, were required to undergo a “Beyond Diversity” two-day seminar to train teachers on how to avoid what it refers to as “predictable pitfalls” in their understanding of race.²²

The Courageous Conversations training program used during the Beyond Diversity seminar focuses almost entirely on race. It demands that educators “develop [their] understanding of *whiteness* and challenge [their] beliefs about [their] own association with and relationship to racial privilege and power.”²³

There are four agreements and six conditions in the Courageous Conversations program.²⁴ Educators in the District are expected to comply with all of them. According to the program, the four agreements “serve as the bridge to discuss race” because “educators quickly become silent, defiant, angry, or judgmental” on the topic.²⁵ The six conditions are the topics educators must discuss, including “Let’s Talk About Whiteness” and “Keeping the Spotlight on Race.”²⁶

Through Courageous Conversations, the District asserts, “White people tend to dominate conversation by setting the tone for how everyone must talk and which words should be used.”²⁷ It uses the terms “white talk” and “color commentary” to describe how individuals of different races interact. It describes “white talk” as “loud, authoritative . . . [and] controlling,” and “color commentary” as “silent respect . . . [and] disconnect.”²⁸ The Courageous Conversations training also asserts that “White educators” forced non-white students and colleagues to “conform to the normalized conditions of White culture.”²⁹ It further claims that, “White educators who actively disengage from conversations about improving the achievement of students of color and indigenous students are racist, because anti-racism requires active challenges to institutionalized White racial power, presence, and privilege.”³⁰

Through Courageous Conversations, the District urged educators to “acknowledge white skin privilege” in the name of “fully examin[ing] the cultural implications of Whiteness in schools.”³¹

²² OCR Letter of Finding at 5; Evanston/Skokie School District 65, *Beyond Diversity*, available [here](#).

²³ Glenn E Singleton, *Courageous Conversations About Race: A Field Guide for Achieving Equity in Schools* 27 (2nd ed. 2015) (*Courageous Conversations*).

²⁴ *Id.* at 84.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 197.

²⁸ *Id.*

²⁹ *Id.* at 107.

³⁰ *Id.* at 57.

³¹ *Id.* at 189.

The District required all staff to complete Beyond Diversity training using Courageous Conversations methods by 2019.³²

Educators must acknowledge White skin privilege and work to develop a deeper understanding of this reality in order to fully examine the cultural implications of Whiteness in schools.

The District continued its racially discriminatory practices in staff meetings and trainings, including segregating staff by race.

At the same time, the District began employing segregated “affinity groups” in staff meetings and trainings, some of which were mandatory.³³

Beginning in the 2017-2018 school year, then-Principal Adrian Harries notified Nichols Middle School staff, where Dr. Deemar worked, that staff meetings throughout the year would “explore the concept of equity” through affinity groups “based around racial identification,” with one group for “individuals of color” and the other group for those who identify as “White.”³⁴ In an email, Harries directed Nichols staff who “identifie[d] as individuals of color” to one room and white staff to another room.³⁵

Using the same Courageous Conversations exercises first introduced in Beyond Diversity training, staff were introduced to the concept of “racial awakening”; they were asked to share stories about “how racism has affected your life”; and they were asked what it means to “belong to a certain racial group.”³⁶

Staff were also given surveys about the racial affinity groups that reinforced racial stereotyping.³⁷ In one survey, staff were asked, “What is your understanding of the impact of white fragility as a result of the affinity meeting?”³⁸

Another way the District segregated staff was through “privilege walks.” During mandatory Beyond Diversity trainings in 2018-2019 and 2019-2020, the District required educators to

³² See OCR Letter of Finding at 5; *Beyond Diversity*, *supra* n.22.

³³ OCR Letter of Finding at 3–4.

³⁴ Larry Gavin, *Nichols’ Use of Racial Affinity Groups Questioned, and Defended*, Evanston Round Table (Apr. 16, 2018), <https://perma.cc/H54L-XJQX>.

³⁵ Samantha Handler, *OPAL, District 65 express support for Nichols principal after claims of discriminatory practices*, The Daily Northwestern (Apr. 16, 2018), <https://perma.cc/398G-MKCE>.

³⁶ Staff meeting agendas for November 16, 2017, and January 25, 2018, available [here](#).

³⁷ Survey sent via e-mail to staff on November 17, 2017, available [here](#).

³⁸ *Id.* at 3.

participate in an exercise entitled, “White Privilege: The Color Line Exercise.”³⁹ The stated purpose of the exercise was to develop a clearer understanding of the ways in which “Whiteness” impacts their daily experiences.⁴⁰

In the Color Line exercise, participants are provided with a list of scenarios. They are forced to answer each scenario, giving themselves a score of 5 if the statement is mostly true, a score of 3 if the statement is sometimes true, and a score of 0 if the statement is never true.⁴¹ The scenarios begin with the statement: “Because of my race or color . . .”⁴² Scenarios include: “Because of my race or color, I can speak in public to a powerful male group without putting my race on trial”; “Because of my race or color, if I should need to move, I can be pretty sure of renting or purchasing housing in an area which I can afford and in which I would want to live”; and “Because of my race or color, I can be sure that my children will be given curricular materials that testify to the existence of their race.”⁴³

Participants are then told to form a line, with the highest scores on the left and the lowest scores on the right.⁴⁴ The Courageous Conversations facilitator then reads a series of prompts.⁴⁵ For each prompt, individuals to whom it applies are instructed to take a step forward.⁴⁶ Near the end of the exercise, the facilitator asks all white people standing in line to step forward.⁴⁷ The facilitator concludes, “What you see is White privilege and the color line.”⁴⁸

The conditions in the District were so notorious that they attracted attention. On March 23, 2018, Commissioner Peter Kirsanow of the United States Commission on Civil Rights wrote a letter to then-Principal Harries.⁴⁹ Reports that the District was segregating faculty meetings through affinity groups alarmed him. He warned Harries that segregated affinity groups were unlawful and asked him to respond.⁵⁰

The District not only acknowledged that they employed segregation as a tool but also defended the practice. Then-Superintendent Paul Goren acknowledged that the racially exclusive affinity groups existed when he said that “separating by racial identity feels uncomfortable[.]”⁵¹ However, Goren explained that District 65 had “renewed [its] focus on racial and educational equity,” and

³⁹ OCR Letter of Finding at 5.

⁴⁰ *Courageous Conversations* 189.

⁴¹ *Id.* at 190.

⁴² *See* OCR Letter of Finding at 5; *Courageous Conversations* 192.

⁴³ *Courageous Conversations* 192.

⁴⁴ *Id.* at 190.

⁴⁵ *Id.* at 194.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Letter from Peter Kirsanow, Commissioner of the United States Commission on Civil Rights, to Principal Adrian Harries (Mar. 23, 2018), <https://perma.cc/D5TV-KD2T>.

⁵⁰ *Id.*

⁵¹ Evanston/Skokie School District 65, *Championing Equity in District 65*, <https://perma.cc/2FXA-P9ZR?type=image>.

that “this work is critical” for the success of non-white students “and to prepare our White students for success in a multiracial world that is far from race neutral.”⁵² He added that staff and family had used “self-identified affinity groups” for years.⁵³

The letter from Commissioner Kirsanow changed nothing. During the 2018-2019 school year, the District hosted at least seven affinity group sessions in its main office, each time segregated with one meeting for white administrators and a separate meeting for non-white administrators while reading the book *White Fragility* by Robin DiAngelo.⁵⁴ During the 2019-2020 school year, the District offered sessions called “Racial Affinity Groups: Asian and LatinX Courageous Self Care” and “Racial Affinity Groups: Indigenous and Black.”⁵⁵

Notably, even when it responded to OCR, the District defended affinity groups as a necessary part of its equity efforts because they allow participants to be “truthful and honest.”⁵⁶ Further elaborating, the District maintained that “same race peers” needed a “safe space” to challenge “white persons” to “increase” their “racial literacy.”⁵⁷

The District also segregated students through affinity groups and privilege walks.

OCR also previously confirmed that the District began employing racially exclusive affinity groups for students as young as kindergarten starting in February 2019.⁵⁸ The District advertised an affinity group for students in kindergarten through eighth grade to “provide an intentional space for students of the same race.”⁵⁹ The affinity group was only offered to students who “identify as

⁵² *Id.*

⁵³ *Id.*

⁵⁴ OCR Letter of Finding at 3. Robin DiAngelo warns in *White Fragility* that “[t]o be less white is to be less racially oppressive.” Robin DiAngelo, *White Fragility: Why It's So Hard for White People to Talk About Racism* 150 (2018). After administrators read *White Fragility* in segregated groups, they notified District staff that they would all “hear Robin DiAngelo speak.” Emails to Staff About *White Fragility*, 1, available [here](#). The District distributed *White Fragility*, encouraged staff to participate in a book study, and circulated discussion questions about the book, including “How will you ensure that when common white patterns surface (distancing, intellectualizing, rationalizing), you will work to identify and challenge them rather than ignore or avoid them?” and “[s]hare a time that you experienced your own white fragility or witnessed another white person’s.” *Id.* at 4 (distributing book and encouraging participation), 9 (first discussion question), 10 (second discussion question).

⁵⁵ Email to Staff on April 14, 2020, available [here](#). Unsurprisingly, the District’s practices created a hostile environment. For example, in January 2019, the Black Affinity Group of King Arts read an open letter to their “Non-Black colleagues” at a staff meeting. The group said, “We’ve noticed that we are often ‘directed’ by some of our white colleagues to handle the ‘difficult’ students, which are often students of color. And when we handle our class like champions, we watch some of our white colleagues get help handling a situation that we could have handled in 10 minutes...alone!” The letter was then circulated by email to all King Arts staff. Email to Staff on January 24, 2019, available [here](#).

⁵⁶ OCR Letter of Finding at 4.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Evanston/Skokie School District 65, *D65 K-8 Black Student Affinity Group*, <https://perma.cc/HUH6-UFA9>.

black.”⁶⁰ During the 2019-2020 school year, at least one elementary school in the District offered racial affinity group meetings twice a month for students who were “Black” or “White.”⁶¹ In the white student affinity group, the District drilled into white students the doctrines of “white privilege, internalized dominance, [and] microaggressions,” and it taught the white student affinity group “how to act as [allies] for students of color.”⁶²

In the 2020-2021 school year, the PTA page on one website advertised two groups “based on self-identified racial groups” and another that would be “open to all.”⁶³ And that same year at Nichols Middle School, where Dr. Deemar worked, the school offered affinity groups for “black and brown students that identify as she/her/hers.”⁶⁴

OCR also found that the District required students in seventh and eighth grade to perform a “Colorism Privilege Walk “at an “Equity Summit” at King Arts on March 16, 2021.”⁶⁵ Students who were white were directed to take two steps forward.⁶⁶ Non-white students were directed to take two steps back.⁶⁷

The District created a racially charged environment for students.

The District’s patterns, practices, and policies trickled down to students, most notably through its curriculum. For example, as described more fully below, the District held a Black Lives Matter at School Week of Action (BLM Week) that occurred at least during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years before the lessons were incorporated directly into the curriculum.⁶⁸ Among the many goals of the District’s BLM week was to ensure that students as young as four years old “understand that our country has a racist history that is grounded in white privilege” and that they need to “be an activist and be actively anti-racist.”⁶⁹

⁶⁰ *Id.*

⁶¹ *See* OCR Letter of Finding at 4.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Email to Staff on December 2, 2020, available [here](#).

⁶⁵ OCR Letter of Finding at 6.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Evanston/Skokie School District 65, *BLM Week 2020*, <https://perma.cc/8C5H-GBY3>; Evanston/Skokie School District 65, *District 65 Equity Weeks*, <https://perma.cc/YB4J-3UWA>; Email to Staff on January 28, 2022, available [here](#) (“This is the fourth year the District will participate in lessons and activities related to Black Lives Matter At School.”); *see also* OCR Letter of Finding at 6 (describing BLM Week in District 65 in 2019 and 2020).

⁶⁹ Evanston/Skokie School District 65, *BLM 2022 Pre-Lesson Day 1*, <https://perma.cc/5VMK-WVJ5>.

In one particularly illuminating example, in a lesson taught to students as young as Pre-K, the District actively compared “whiteness” to signing a deal with the devil:



This image is taken from *Not My Idea: A Book about Whiteness (Ordinary Terrible Things)*, by Anastasia Higginbotham,⁷⁰ a book that all teachers from Pre-K through fifth grade were explicitly instructed to read aloud from in 2020, 2021, and 2022.⁷¹ It depicts a white man with a devil’s tail holding a “Contract Binding YOU to WHITENESS.” Per the terms of the contract, WHITENESS gives “stolen land, stolen riches, special favors,” and in return, WHITENESS gets “to mess endlessly with the lives of your friends, neighbors, loved ones, and all fellow humans of COLOR for the purpose of profit.” WHITENESS also gets “your soul.”

In the introduction to the book, Higginbotham states that she was motivated to write the story after author Toni Morrison said, “White people have a very, very serious problem, and they should start thinking about what they can do about it.” Students were also instructed with a Google slide deck for the book as well.⁷² Before fifth grade teachers read the book aloud, District 65 instructed them to tell students, “It is important to recognize that White people play a big role in the problems of racism today and throughout world history. If this is one of the first times that you are talking about Whiteness, it might feel uncomfortable and that is okay. I want you to notice how you feel while

⁷⁰ Anastasia Higginbotham, *Not My Idea: A Book about Whiteness (Ordinary Terrible Things)* (2018), viewable at <https://perma.cc/7RUR-CW4J>.

⁷¹ In 2020 and 2021, *Not My Idea: A Book about Whiteness (Ordinary Terrible Things)* was included in the Pre-K through fifth grade BLM Week curriculum. In 2022, it was included in the first through fifth grade BLM curriculum.

⁷² See Evanston/Skokie School District 65, *BLM 2021 Pre-Lesson Day 1* (“BLM Pre-Lesson Day 1”), <https://perma.cc/MTQ5-AXL5>.

we read this book today. If you feel awkward or uncomfortable, sit in that discomfort so you can build the muscles that you need to talk about racism honestly.”⁷³

Not My Idea teaches that:

- “Racism is a white person’s problem and we are all caught up in it.”
- “Even people you love may behave in ways that show they think they are the good ones.”
- “In the United States of America, white people have committed outrageous crimes against Black people for four hundred years.”
- “White supremacy has been lying to kids for centuries.”
- “Innocence is overrated.”
- “Whiteness is a bad deal. It always was.”

After reading the book aloud, the District instructed Pre-K through second grade teachers to ask their students, “What does it mean to be white but not be a part of ‘whiteness?’”⁷⁴ After third grade teachers read the book aloud, the District instructed them to ask their students, “What is your understanding of whiteness?”⁷⁵ The District instructed fifth grade teachers to repeat out loud to students, “Pretending not to see color is called color blindness. *Color blindness helps racism. . . .* Many White people use color blindness to ignore the problem of racism.”⁷⁶ The District also instructed fifth grade teachers to ask students what colorblind messages they have heard.⁷⁷ After fourth grade teachers read the book aloud, District 65 instructed teachers to show their students a cartoon and ask, “[H]ow does whiteness show up in this political cartoon?”⁷⁸ According to the District, the messages “treat everybody equally” and “love conquers all” are colorblind and therefore racist.⁷⁹

These are just a few of the many instances of discrimination and stigmatization in the District’s BLM Week curriculum. The District points to BLM Week as a “concrete example of how our

⁷³ See Evanston/Skokie School District 65, *Gr 5 BLM Pre Lesson: Not My Idea* (“Friday 1/29 Lesson Plan”), <https://perma.cc/WK36-LEP4>; see also Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 5*, available [here](#).

⁷⁴ See Evanston/Skokie School District 65, *BLM 2021 Pre-Lesson Day 1* (“BLM Pre-Lesson Day 1”), <https://perma.cc/MTQ5-AXL5>; see also Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. PreK/K*, available [here](#); Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 1*, available [here](#); Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 2*, available [here](#).

⁷⁵ See Evanston/Skokie School District 65, *3rd Grade BLM 2021 Day 2* (“BLM Day 2”), <https://perma.cc/6TB7-LGT6>; see also Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 3*, available [here](#).

⁷⁶ See Friday 1/29 Lesson Plan, *supra* n.73 (emphasis added).

⁷⁷ *Id.*

⁷⁸ See Evanston/Skokie School District 65, *BLM Pre Lesson Grade 4* (“Friday 1/31 Lesson Plan”), <https://perma.cc/KH3B-J7YT>; see also Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 4*, available [here](#).

⁷⁹ See Friday 1/29 Lesson Plan, *supra* n.73.

equity work and trainings are being translated into change in the classroom.”⁸⁰ The District stated, “All educators are expected to participate by leading or supporting instruction throughout the week. The School Board and Administration do not support allowing students to opt out of this or any units of study that seeks to include a more complete account of the role of historically marginalized people in our society.”⁸¹

On its BLM Week 2020 webpage, District 65 states:⁸²

- “Your 5 year old is already racially biased.”

**Your 5 year old is already
racially biased.**

**Your 5-year-old is already racially biased.
Here’s what you can do about it.**

By Andrew Grant-Thomas, May 1, 2017

- “White kids remain strongly biased in favor of whiteness.”
- “In the United States, a lot of us believe that children, especially White children, are racial innocents — completely naive, curiously fragile with respect to the realities of race, or both[,]” *but* that “[s]uch sentiments are . . . deeply misguided.”
- “If you are neutral in situations of injustice, you have chosen the side of the oppressor[.]”

Departments at various schools were responsible for presenting Black Lives Matter lessons to students. For example, the mathematics department was instructed to present a lesson on “Diversity and Globalism,” the physical education department was instructed to present a lesson on “Intergenerational, Black Families and Black Villages,” and the science department was instructed to present a lesson on “Black Women and Unapologetically Black.”⁸³

During the 2019-2020 school year, Dr. Deemar was instructed to teach a lesson about intersectionality. According to the lesson plan, she was to teach students about the identities that make up an individual, including race, gender, class, sexual orientation, ability, and nationality.⁸⁴

⁸⁰ Evanston/Skokie School District 65, *Black Lives Matter at School Week of Action*, available [here](#).

⁸¹ Email to Staff on January 30, 2020, available [here](#).

⁸² See Evanston/Skokie School District 65, *Black Lives Matter Week*, <https://perma.cc/8C5H-GBY3>.

⁸³ Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 6-8*, <https://perma.cc/9ZBE-5R8Y>.

⁸⁴ Evanston/Skokie School District 65, *BLM: Black Women/Intersectionality*, <https://perma.cc/G7KJ-4DKC>.

Dr. Deemar also had to teach students that each identity can contribute to or be hurt by systems of oppression.⁸⁵

In 2020, as part of its BLM Week Black Villages curriculum, the District included in a lesson plan for third through fifth grade students, “It [is] important to disrupt the Western nuclear family dynamics as the best/proper way to have a family[.]”⁸⁶

The *Black Families* and *Black Village* guiding principles encourage safe spaces for all types of families. It is important to disrupt the Western nuclear family dynamics as the best/ proper way to have a family and a return to the “collective village” that takes care of each other.

In 2021, as part of its Black Villages curriculum, the District included in a lesson plan for third grade students, “During our lesson on whiteness, we discussed how white culture shows up in the way that we think about family structures. There is a belief that a ‘normal’ family consists of a mom, dad, son, daughter, and pet. We’ve learned that this isn’t true.”⁸⁷

In 2021, as part of its Black Villages curriculum, the District set forth a guiding principle in a lesson plan for fourth grade students that included, “Another way whiteness/white supremacy shows up in the United States is in the idea of the nuclear family. In the United States and other countries colonized by European countries, families that consist of a mom and dad and 2-3 children (maybe even a dog) are considered the proper or right way to have a family.”⁸⁸ It also instructed fifth grade teachers to conduct a survey among students to determine whether each student is an “individualist” or “collectivist.”⁸⁹

The District instructed teachers to “Tell students: In many cultures and families, people work together as a collective village that takes care of [each other] . . . In cultures that strongly value the collective village, the success of one person depends on the success of everybody; people are all connected to each other. This idea is called collectivism.”⁹⁰ It also included as a teaching point, “The opposite of collectivism is individualism. Individualism celebrates independence and individual achievement.”⁹¹

⁸⁵ See Evanston/Skokie School District 65, *BLM: Black Women/Intersectionality* (“BLM Day 5B”), <https://perma.cc/58RJ-95H2>.

⁸⁶ See Evanston/Skokie School District 65, *BLM Day 4*, <https://perma.cc/929D-DDT6>; Evanston/Skokie School District 65, *Black Lives Matter Week Scope and Sequence Gr. 3-5*, available [here](#).

⁸⁷ See Evanston/Skokie School District 65, *3rd Grade BLM 2021 Day 5* (“BLM Day 5”), <https://perma.cc/6DJY-N9Y9>.

⁸⁸ See Evanston/Skokie School District 65, *BLM Intergenerational, Black Families, & Black Villages* (“Thursday Lesson Plan”), <https://perma.cc/E8AZ-4XQ5>; see also *Black Lives Matter Week Scope and Sequence Gr. 4*, *supra* n.78.

⁸⁹ See Evanston/Skokie School District 65, *BLM 2021 Day 5* (“Thursday Lesson Plan”), <https://perma.cc/C38H-YV4Y>; see also *Black Lives Matter Week Scope and Sequence Gr. 5*, *supra* n.73.

⁹⁰ *Id.*

⁹¹ *Id.*

The District also instructed students that the phrases, “Good things come to those who work hard,” “Pull yourself up by your bootstraps,” and “Worry about yourself,” are “American” sayings, distinct from “African” sayings.⁹² The District further instructed teachers to explain that the idea of Black Villages and the lesson’s guiding principles “have to do with the idea of collectivism because they focus on how important it is for communities (villages, families, generations) to work together for the benefit of everybody, like the messages in these [African] proverbs.”⁹³

The District also instructed teachers to say, “The dominant . . . culture in the United States tends to be more individualistic overall because the country was founded on individualistic ideas. We can see this in some of the [American] sayings.”⁹⁴ It elaborated, “The principles of Intergenerational, Black Villages, and Black Families is important to the Black Lives Matter movement because racism is a problem that will take a collective village to resolve.”⁹⁵

The District also teaches through its BLM Week lesson plans that “[b]ecause 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.”⁹⁶ It also teaches, “In the same way that the systems and the government are controlled by White people and racism being a result of it, so is it with men controlling systems and government and messages about women being dumb, weak, and inferior being a result.”⁹⁷

OCR issued a letter of finding concluding that the District violated Title VI, but it withdrew the finding after President Biden took office.

Dr. Deemar brought a Title VI administrative complaint before then-Secretary of Education Betsy DeVos and OCR on June 27, 2019.⁹⁸ In January 2021, OCR issued a letter of finding notifying the District that OCR had initially determined that it was violating Title VI and its implementing regulations.⁹⁹ Specifically, OCR found that the District was violating 34 C.F.R. §§ 100.3(a), 100.3(b)(1)(ii), and 100.3(b)(1)(iii) by:

- Separating administrators based on their race in affinity group sessions in 2019;
- Offering various racially exclusive affinity groups for parents, parents, and community members;
- Implementing a discipline policy that considers race when evaluating a disciplinary action;

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ See Evanston/Skokie School District 65, *BLM 2021 Day 6* (“Friday 2/5 Lesson Plan”), <https://perma.cc/R88H-ZVEG>; see also *Black Lives Matter Week Scope and Sequence Gr. 5*, *supra* n.73.

⁹⁷ *Id.*

⁹⁸ OCR Letter of Finding at 1–2.

⁹⁹ OCR Letter of Finding at 2.

- Treating students differently based on their race and color in a privilege walk at King Arts in March of 2019.¹⁰⁰

OCR then took the unprecedented step of suspending its letter of finding upon President Biden’s inauguration.¹⁰¹ OCR representatives told Dr. Deemar on January 22, 2021—two days after President Biden took office—that her case was suspended. Representatives of the District confirmed to media outlets that President Biden’s executive orders “put the discrimination case *on ice*.”¹⁰²

OCR then took no further action before it formally denied her complaint in September of 2024 in the Biden administration’s twilight hours.¹⁰³ The OCR complaint is on an administrative appeal.¹⁰⁴

The District’s practices continue.

One need only look at the District’s website, which includes an entire portion of the home page devoted to the District’s “commitment to equity,” to see that nothing has changed.¹⁰⁵ It perfectly illustrates how the District’s perverse understanding of “equity” violates the prohibition on state-sanctioned racial discrimination in Title VI and the Constitution.

The District continues to create a racially charged environment. The District continues to engage in relentless racial stereotyping by assigning all negative characteristics associated with power to white individuals and categorizing all non-white people as systematically oppressed. It continues to pledge its commitment to “racial and educational equity.”¹⁰⁶ That means “break[ing]down barriers”¹⁰⁷ like “institutional racism,” which it defined to mean “creat[ing] advantages for whites and oppression and disadvantage for people from groups classified as people of color.”¹⁰⁸ Its glossary defines both “Power” and “Privilege” as uniquely available to white people—the “dominant social group.”¹⁰⁹ Notably, the District’s definition of power identifies “whiteness” as a “key” mechanism “through which power operates” and lists several definitions for the term “white privilege.”¹¹⁰ Even “racism” is a concept that only white people can be guilty of because the definition combines “racial prejudice *and* power.” By the District’s standard, not all racial groups have power, so even if non-white individuals are prejudiced, they cannot be “racist” under the

¹⁰⁰ OCR Letter of Finding at 2.

¹⁰¹ Carl Campanile, *US Dept. of Education curbs decision on race-based “affinity groups,”* New York Post (Mar. 7, 2021), <https://perma.cc/M8HX-3F9J>.

¹⁰² *Id.* (emphasis added).

¹⁰³ OCR Closing Letter, OCR #05-19-1395 (Sept. 27, 2024).

¹⁰⁴ Deemar Appeal, OCR #05-19-1395 (Nov. 26, 2024).

¹⁰⁵ Evanston/Skokie School District 65, *Commitment to Equity*, <https://perma.cc/XL24-ANF3>.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Evanston/Skokie School District 65, *Racial Equity Tools Glossary*, <https://perma.cc/UUN2-EX88>.

¹⁰⁹ *Id.* (defining “Power” as “unequally distributed” and explaining that some “groups wield greater power than others” and using “whiteness” as an example of a “key social mechanism through which power operates”); *id.* (defining “Privilege” as “[u]nearned social power accorded by the formal and institutions of power to ALL members of a dominant social group (e.g., white privilege, male privilege, etc.)”).

¹¹⁰ *See id.*

District's definition.¹¹¹ It is hard to imagine a framework more based on negative racial stereotyping or designed to encourage active discrimination.

The District continues to require its teachers to participate in equity training. For example, the District required Dr. Deemar to attend an "Equity in Action" seminar on January 8, 2024.¹¹² Sessions included programs on advancing racial equity in school, how to recognize and identify "inequities, microaggressions and biases," and "examin[ing] real life DEI challenges" from a petitioning campaign about non-binary and transgender performers in the 2023 Macy's Thanksgiving Parade.¹¹³ Another session explained that white students need anti-racist education to become "racially conscious and justice oriented."¹¹⁴

As another example, Nichols Middle School brought in a speaker in November of 2022 to lead its "professional development workshop on building strong relationships with students of color . . ."¹¹⁵ These are just two examples of the dozens of racially-focused trainings the District imposes on its faculty and staff each year.

In addition to the dozens of annual trainings, seminars, and race-focused staff meetings, the District has also continued the Beyond Diversity training, which is "grounded in the ideals of anti-oppression and compassion."¹¹⁶ Through at least 2022, the District required all new teachers to take the training because, as the District proclaimed, "District 65 is wholeheartedly committed to racial equity."¹¹⁷ The District also brought back SEED trainings in 2021.¹¹⁸

The District is still engaged in active segregation through sponsored affinity groups. During the current school year, the District hosted segregated academic student groups at its various schools that are exclusive to: (1) "Middle Eastern, East Asian, and South Asian" students, (3) "BIPOC students," (4) "Black male students," and (5) "Latino/a students."¹¹⁹ The District's numerous Parent Teacher Associations also continued to engage in racially exclusive affinity groups. For example, Washington Elementary PTA advertises the "African American, Black, Caribbean Affinity Group," the "Asociacion de Familias Hispanas," and the "White Anti-Racism Affinity Group" on its website.¹²⁰

¹¹¹ *Id.* (emphasis added) (defining "Racism" to mean the ways in which different consequences are created for "white being advantaged [sic] and groups historically or culturally defined as non-white (African, Asian, Latinx, Native American, etc.) as disadvantaged").

¹¹² Evanston/Skokie School District 65, *Equity in Action Seminar Exit Ticket – January 8, 2024*, available [here](#).

¹¹³ Evanston/Skokie School District 65, *Equity Seminar Catalog* at 20, available [here](#).

¹¹⁴ *Id.* at 28.

¹¹⁵ Email to Staff on October 31, 2022, available [here](#).

¹¹⁶ Email to Staff on July 14, 2022, available [here](#).

¹¹⁷ *Id.*

¹¹⁸ Email to Staff on November 4, 2021, available [here](#).

¹¹⁹ Foundation 65, *Foundation 65 Announces Funding for 2024-2025 School Year Grants*, <https://perma.cc/3TTN-Y8VB>.

¹²⁰ Washington Elementary, *Open PTA Positions*, <https://perma.cc/4YKZ-4Q79>.

The District is still engaging in the practice of racial segregation through privilege walks. For example, on September 23, 2024, the District sent an email listing privilege walks as a “DEI activity idea[]” at an upcoming school “Culture and Climate” meeting.¹²¹ The email contained instructions on how to perform the privilege walk.¹²² Like the prior privilege walks, it instructed participants to stand in a horizontal line and then take steps forward or back based on a series of prompts that included statements like “[i]f you were to walk into a business and ask[] to speak to the person ‘in charge’ you will see a person of your race, take one step forward,” or “[i]f you were ever discouraged from your personal goal or dream because of your race . . . take one step back.”¹²³

The District continues to create a racially charged environment for students. The District is still using the divisive and racially-charged Black Lives Matter week materials, and it now integrates this curriculum into every lesson, in every subject, in every grade. As noted above, the District continued to celebrate BLM Week and implement its BLM curriculum into every aspect of teaching for an entire week in 2021 and 2022. Beginning with the 2022-2023 school year, rather than teaching the BLM Week curriculum during one week, the District announced that “the learning associated with the Black Lives Matter At School unit of study will be interwoven into our curriculum including new units in the K-8 social studies curriculum framework and will no longer be taught as a dedicated equity week.”¹²⁴ The District explained that implementing its BLM curriculum into every facet of its curriculum “serves as an important opportunity for us to enact our racial equity work within our learning spaces”¹²⁵

Even before the District formally wove its BLM Week curriculum into its entire curriculum, it had *already* implemented racially-focused curriculum. This focus on race in its curriculum continues today. For example, the “guiding questions” for the second trimester of the Kindergarten social studies curriculum in the 2021-2022 school year included: “Who has privilege?” and “What role does diversity play in my life?”¹²⁶ And the lessons go on to focus on skin color, race, and racism.¹²⁷ By way of another example, one of the “Objectives” for a unit taught to second grade students was: “I know that my race is part of my identity.”¹²⁸ The students were then instructed to stand in a circle and identify skin colors, turn and talk to one another about skin colors, and then have their photos taken and identify their skin color in writing as part of an assignment.¹²⁹

¹²¹ Email to Staff on September 23, 2024, at 10, available [here](#).

¹²² *Id.* at 13.

¹²³ *Id.* at 13–14.

¹²⁴ Email to Staff on January 28, 2022, available [here](#).

¹²⁵ *Id.*

¹²⁶ Evanston/Skokie School District 65, *Grade Level Units: At-a-Glance, 2021-22 – DRAFT*, 9, available [here](#).

¹²⁷ *See, e.g., id.* at 10.

¹²⁸ Evanston/Skokie School District 65, *Grade 2 SEEL/Mindfulness/Restorative Practices Lesson Implementation Guide*, 7, available [here](#).

¹²⁹ *Id.* at 8.

The District’s Discipline Policy continues to direct its staff to expressly consider race. The District describes its Discipline Policy as one that “explicitly teach[es] social-emotional skills and utiliz[es] Restorative Practices . . .”¹³⁰ The District’s Discipline Policy incorporates the “District 65 Student Behavior Response Continuum” which details the District’s restorative justice philosophy and is grounded in the District’s belief that “differences in age, maturity, and background require different types of disciplinary action.”¹³¹

The District’s Discipline Policy continues to direct staff to consider a student’s race when evaluating a behavioral or disciplinary situation, in direct violation of Title VI and President Trump’s Executive Order, *Reinstating Common Sense School Discipline Policies*.¹³² Specifically, it states that “[e]ffective discipline balances consistency with regard for the unique circumstances of the individual, including but not limited to; race, cultural background, disability, and traumatic life experiences.”¹³³ It also makes the “[c]ommitment to applying its discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color . . .”¹³⁴

The District has made clear it will continue to defy Title VI. Leadership for the District has recently expressed defiance in the face of efforts to dismantle its programs. Just after President Trump signed Executive Order 14173 prohibiting discriminatory programs in schools, District 65 and Evanston Township High School District (District 202) held a joint board meeting.¹³⁵ At that meeting District 202 Superintendent Marcus Campbell said that his school still had “a lot more work to do” and “complying with the orders would require us to be a school that we have really tried not to be.”¹³⁶ Campbell further asked, “If we were to comply, how do you comply with an order like that, when your data and your district tells you that you have to do something?”¹³⁷ Another District 202 school board member then set out to explain to the public that “Executive Orders . . . do not carry the weight of law” and asserted unilaterally that the District is “in

¹³⁰ Evanston/Skokie School District 65, *Policy Manual*, Section 7:190 “Student Behavior,” <https://perma.cc/G78L-JPLK> (Discipline Policy). It is worth noting that study after study strongly suggest that restorative justice practices that put skin color front and center do more harm than good. *See, e.g.*, Max Eden, *Two Steps to Restoring School Safety*, American Enterprise Institute (June 2020), <https://perma.cc/U78Y-53AV>; Max Eden, *Studies and Teachers Nationwide Say School Discipline Reform Is Harming Students’ Academic Achievement and Safety*, The 74 Million (June 10, 2019), <https://perma.cc/S2PG-3MCMV>.

¹³¹ Evanston/Skokie School District 65, *District 65 Student Behavior Response Continuum*, 5, available [here](#).

¹³² The White House, *Reinstating Common Sense School Discipline Policies* (April 23, 2025), <https://perma.cc/79DM-E98Z>.

¹³³ Discipline Policy, *supra* n.134, at II.3.

¹³⁴ *Id.* at I.3.

¹³⁵ Joint District 65 and District 202 School Board Meeting of February 24, 2025, <https://perma.cc/P69Q-2GYV>.

¹³⁶ Margo Milanowski, *Facing federal orders, Districts 65 and 202 reiterate commitment to inclusion*, Evanston Round Table (Feb. 25, 2025), <https://perma.cc/5993-Q4EX>.

¹³⁷ *Id.*

compliance with existing law and that will remain so until a court tells us otherwise.”¹³⁸ District 65 Superintendent Angel Turner noted agreement with all statements made by Superintendent Campbell and others, and added that District 65’s efforts “will remain unwavering.”¹³⁹

The District’s Strategic Plan for this school year confirms that its efforts have continued. As recently as February 10, 2025, District 65’s school board received a report on its “Equity Progress Indicators” and the success of its strategic plan that focuses on discriminatory programs and practices.¹⁴⁰ The District has a number of race-based goals it is progressing towards, including meting out discipline based on race¹⁴¹ and targeting initiatives towards black students based on the results of Panorama surveys.¹⁴² The District continues to discriminate based on race in the name of equity, despite Title VI and the promise of swift executive action.

CONCLUSION

It would be hard to imagine a better example of a school district acting in deliberate disregard of Title VI and its accompanying regulations, to say nothing of the constitutional requirements of equal protection which they effectuate. After all, “[o]ur Constitution is color-blind” and “Title VI of the Civil Rights Act of 1964 does not [tolerate racial preferences] either.”¹⁴³ The District may think it can answer to a higher calling, but no one is morally superior to the law. When the District “furthers ‘stereotypes that treat individuals as the product of their race,’” it is not remediating anything.¹⁴⁴ Instead, it inflicts “continued hurt and injury” that are contrary to the “core purpose” of the Equal Protection Clause.¹⁴⁵ Were it not for political interference, the District would have long ago suffered the consequences of its unlawful behavior. As it stands, Dr. Deemar, parents, students, teachers, and staff in District 65 have every reason to wonder if civil rights laws still exist in the District. OCR should act with dispatch to restore the protections of Title VI in the wayward District, setting an example for other school districts who may similarly labor under the misimpression that they can sacrifice equality and civil rights upon the altar of “equity.”

Yours in Freedom,

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¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Evanston/Skokie School District 65, *Re: Equity Progress Indicator and Strategic Plan Update* (Feb. 10, 2025) (“Equity Progress Report”), <https://perma.cc/DXG3-SC95>.

¹⁴¹ *See id.* at ii, iii, 4.

¹⁴² *See id.* at iii.

¹⁴³ *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 230 (2023) (quoting *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting)); *id.* at 287 (Gorsuch, J., concurring).

¹⁴⁴ *Id.* (quoting *Miller v. Johnson*, 515 U.S. 900, 212 (1995)).

¹⁴⁵ *Id.* (quotations omitted).