



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT

February 21, 2025

United States Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Via Email: [OCR@ed.gov](mailto:OCR@ed.gov)

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures. Parents Defending Education (PDE) brings this complaint against Chicago Public Schools in Illinois for discrimination on the basis of race in programs or activities that receive federal financial assistance in violation of both Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution.

PDE makes this complaint as an interested third-party organization with members who are parents of school children throughout the country. PDE and its members oppose discrimination on the basis of race and political indoctrination in America's schools.

Over the course of half a year, Chicago Public Schools (CPS) developed a "Black Student Success Plan," convening working group meetings between December 13, 2023, and April 16, 2024,<sup>1</sup> releasing those results on February 20, 2025.<sup>2</sup> Slides from the kickoff meeting indicate attendance by senior CPS leadership including Pedro Martinez, Chief Executive Officer; Bogdana Chkoumbova, Chief Education Officer; and Dr. Fatima Cooke, Chief Equity, Engagement, Strategy Officer. Attached to this complaint is evidence in the form of CPS's "Black Student Success Plan Working Group Kickoff" slide deck, which specifically outlines the Black Student Success Plan's framework and goals. (Exhibit A). Slide 4 from this presentation asserts that "Chicago Public Schools has identified a critical priority to **improve outcomes for Black students in the district**. While there have been efforts to expand access, there remains persistent gaps in opportunities for Black students. This working group is charged with engaging in a **deep equity-**

---

<sup>1</sup> *Black Student Success*, Chicago Public Schools (archived February 19, 2025), [perma.cc/E8WK-KXGQ](https://perma.cc/E8WK-KXGQ).

<sup>2</sup> *2025-2029 Black Student Success Plan*, Chicago Public Schools (archived February 20, 2025), <https://perma.cc/8AWB-NXDK>



**focused planning process that will result in a comprehensive set of targeted recommendations aimed at determining the appropriate inputs that support closing outcome gaps for Black students in the district.”** (Exhibit A at 4) (emphasis in original). The slideshow goes on to note that the goal of this plan is to “draft a targeted set of recommendations and inputs, for further community engagement, that close opportunity gaps for Black students and advance Black student success in CPS.” (Exhibit A at 5).

Although the slideshow suggests improvements only for black students, it acknowledges that Chicago students of *all* races struggle academically. A graphic on page 42, for example, highlights black non-Hispanic students’ struggle with reading proficiency: only 6 percent are mid or above grade level, 10 percent are early on grade level, 62 percent are one grade level below, and 21 percent are two grade levels below. But the *same* graphic shows that Hispanic students face even greater difficulties: 5 percent are mid or above grade level, 9 percent are early on grade level, 62 percent are one grade level below, and 24 percent are two grade levels below. In other words, CPS is failing students of all races and ethnicities, which makes this racially segregated program all the more egregious. (Exhibit A at 42).

This program boasts at least two dedicated staff members (Exhibit A at 37) and has hosted 8 working group meetings as well as 8 community roundtables<sup>3</sup> — choosing to devote a non-trivial amount of CPS resources to this endeavor at a time when the district faces a \$9.9 billion deficit.<sup>4</sup>

The Los Angeles Unified School District (LAUSD) maintained a similar program – its “Black Student Achievement Plan” – against which PDE filed a separate OCR complaint on July 11, 2023.<sup>5</sup> After PDE filed the complaint, LAUSD “dropped race as an official factor” in “decid[ing] which students get extra educational services.”<sup>6</sup> The District’s page for the program now states that it “is open to all interested students and operates in accordance with the District’s Non-Discrimination and Anti-Harassment Policy, based on applicable federal and state laws,”<sup>7</sup> much to the chagrin of several California-based education professors.<sup>8</sup>

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that Chicago Public Schools has received federal funds in violation of Title VI of the Civil Rights Act of 1964, which declares that “no person in the United States shall, on the ground

---

<sup>3</sup> *Ibid.*

<sup>4</sup> Alex Ortiz, *Chicago Public Schools faces major fiscal challenges, analysis finds*, Fox32 Chicago (Jan. 11, 2025), [perma.cc/4WMU-4WFA](https://perma.cc/4WMU-4WFA).

<sup>5</sup> *Office for Civil Rights Administrative Complaint*, Parents Defending Education (July 11, 2023), [perma.cc/B7TK-43XT](https://perma.cc/B7TK-43XT).

<sup>6</sup> Ben Chapman, *LAUSD Overhauls \$120 Million Black Students Program After Activists File Complaint*, The 74 (Nov. 14, 2024), [perma.cc/V8RU-KASZ](https://perma.cc/V8RU-KASZ).

<sup>7</sup> *Black Student Achievement Plan*, LA Unified School District (archived Feb. 19, 2025), [perma.cc/279J-LH3X](https://perma.cc/279J-LH3X).

<sup>8</sup> Tyrone C. Howard and Pedro Noguera, *Opinion: Conservatives targeted LAUSD’s Black student achievement program. The district shouldn’t give in*, Los Angeles Times (Dec. 11, 2024), [perma.cc/TJA9-CTVS](https://perma.cc/TJA9-CTVS).



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.”

In addition, Section 1 of the 14th Amendment to the U.S. Constitution asserts: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” On these grounds, the Supreme Court held in 1954 that racial segregation of students is unconstitutional. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954). Courts have likewise acknowledged that intentionally allocating educational resources to favor students of one race violates equal protection principles. *See, e.g., United States v. Yonkers Bd. of Educ.*, 624 F. Supp. 1276, 1531 (S.D.N.Y. 1985). Indeed, just two years ago, the Supreme Court confirmed that “race” cannot be used “as a factor in affording educational opportunities.” *Students for Fair Admissions v. Harvard*, 600 U.S. 181, 204 (2023).

CPS’s racially exclusive plan also runs afoul of this Department’s own guidance. On February 14, 2025, the Department released a “Dear Colleague” letter outlining schools’ nondiscrimination obligations under the Equal Protection Clause, Title VI, and *Students for Fair Admissions*.<sup>9</sup> As the letter notes, “[a]lthough *SFFA* addressed admissions decisions, the Supreme Court’s holding applies more broadly. At its core, the test is simple: If an educational institution treats a person of one race differently than it treats another person because of that person’s race, the educational institution violates the law. Federal law thus prohibits covered entities from using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race.”

A September 29, 2015 decision from the Department of Education Office for Civil Rights during the Obama Administration is directly on point: in 2015, following “the police actions involving African American victims in Ferguson and New York and subsequent events,” Oak Park & River Forest High School District 200 held a “Black Lives Matter” assembly during Black History Month. The assembly was convened “for African American students only” because the district wanted “to provide a comfortable forum for black students to express their frustrations.” Certain students “who self-identified as white were directed by District officials not to participate in the event as this assembly was designed for students who self-identify as black.” In the letter sent on September 29, 2015 (OCR Docket #05-15-1180), OCR found that the district violated the Equal Protection Clause and Title VI because the district’s actions could not withstand strict scrutiny. Specifically, the district failed to “assess fully whether there were workable race-neutral

---

<sup>9</sup> *Dear Colleague Letter – SFFA v. Harvard*, United States Department of Education Office for Civil Rights (Feb. 14, 2025), [perma.cc/4CCU-B675](https://perma.cc/4CCU-B675).



alternatives” and “did not conduct a flexible and individualized review of potential participants.” In a Resolution Agreement with OCR, the district agreed that its programs and activities would be “open to all students . . . regardless of their race” and to adopt policies and training to ensure the district’s compliance. OCR imposed these requirements even though the district had promised “not to hold such events in the future.”

In addition, a slide presentation from the “Black Student Success Plan Working Group Session 4,” held on February 6, 2024, asserts that the working group’s “recommendations should include **guidance on how CPS might appropriately acknowledge and address the historical and present-day harm** experienced by Black students and families in Chicago.” (Exhibit B at 4) (emphasis in original). In light of the district’s acknowledgement that students face “present-day harm,” we ask that the Department not only investigate the allegations in this complaint, but that it conduct a full and complete Title VI audit of CPS, identify whether additional unlawful policies and practices exist, and order appropriate relief.

Thank you for your prompt assistance with this request for investigation and resolution.

Sincerely,

Nicole Neily  
President  
Parents Defending Education

Enc. Exhibits A-B



## Exhibit A



## Exhibit B