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#### SOCIAL WELFARE AND COMMUNITY ADVOCACY

#### **ADVOCATE · AWAKEN · ADVANCE**

# UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS ADMINISTRATIVE COMPLAINT

March 10, 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

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.

Awake Illinois brings this complaint against the Illinois State Board of Education (ISBE) 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.

Awake Illinois makes this complaint as an interested social welfare nonprofit organization with members who are parents of school children in Illinois and members who are educators in the state of Illinois. Awake Illinois and its members oppose discrimination on the basis of race in any state programming.

The Illinois State Board of Education consistently promotes and funds an initiative via Teach Plus that leads affinity group programming "for educators who identify as people of Color" and "facilitators will receive training and leadership coaching, plus a \$2,500 stipend" (Ex. A at 1). Exhibit A shows the program launched in 2022 and explains "ISBE announces \$2 million effort to support and retain teachers of color". (Ex. A at 2). The affinity groups "will inform local district leaders on ways to improve working conditions and experiences for teachers of color" (Ex. A at 2). The 2024 IL General Assembly budget granted \$1 million to ISBE for the Teach Plus Affinity Group program (Ex. A at 3).

The Google form linked at ISBE for interested parties clearly states Affinity Groups "are open to educators of color" and notes "some groups are only open to educators of color" and states "affinity groups are focused on racial identity plus other intersectionality markers". (Ex. A at 4). According to TeachPlus, one affinity group seeks to "create a safe and brave space for all district educators who identify as Black, Indigenous, or People of Color (BIPOC) to begin or continue their journey of healing from the invisible tax that so many experience while working in the field of education". (Ex. A at 5).



Attached to this complaint is evidence in the form of website snapshots and Google submission forms (Exhibit A).

As the Department of Education is no doubt aware, discrimination on the basis of race raises concerns that the IL State Board of Education 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 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." The equal protection guarantee of the Constitution's Fourteenth Amendment protects individuals from government discrimination due to arbitrary classifications like race.

Excluding teachers from state-funded "affinity groups" because of their race blatantly violates the Equal Protection Clause. If ISBE wants to fund educator initiatives, it can do so. What it can't do is use race to favor certain educators at the expense of equal opportunity for others. Given the \$2.25 billion of federal funding that has been requested from ISBE, fiscal stewardship would demand no funds be appropriated to unconstitutional programming. To do so puts those federal funds in jeopardy.

Accordingly, we ask that the Department promptly investigate the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief. Thank you for your prompt assistance with this request for investigation and resolution. Please contact me for further information.

Sincerely,

Shannon M. Adcock

Founder and President, Awake Illinois



## **EXHIBIT A**





https://teachplus.org/illinois-affinity-groups/





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For Immediate Release

Monday, February 28, 2022

#### ISBE ANNOUNCES \$2 MILLION EFFORT TO SUPPORT AND RETAIN TEACHERS OF COLOR

### AFFINITY GROUPS WILL BRING TEACHERS OF COLOR TOGETHER TO EXAMINE LOCAL ISSUES AND MAKE RECOMMENDATIONS TO DISTRICT LEADERS

SPRINGFIELD - The Illinois State Board of Education (ISBE) today announced a \$2 million effort to support and retain teachers of color. ISBE will establish a statewide system of affinity groups in partnership with Sangamon-Menard Regional Office of Education 51 (ROE 51) and Teach Plus. The groups will bring teachers of color together to examine issues facing them, including the causes of attrition, and to develop policy recommendations. The recommendations will inform local district leaders on ways to improve working conditions and experiences for teachers of color.

"Establishing affinity groups will bolster ISBE's efforts to create an equitable education system for both students and staff," said State Superintendent of Education Dr. Carmen I. Ayala. "All students benefit when they have teachers who are diverse, experienced, and supported while educators of color benefit by the additional supports of affinity groups. These factors are critical since Illinois' learning renewal and recovery strategies depend on an effective, sustained educator workforce."

ISBE began reporting the three-year teacher retention rate disaggregated by race/ethnicity for the first time in 2021. The data show that Illinois schools retain Black teachers at the lowest rate of all teacher groups – 80.6 percent. That compares to an 87.6 percent rate for White teachers.

Retaining a higher rate of current teachers of color will help Illinois meet its overall high demand for teachers. Research from the Learning Policy Institute also shows that teachers of color boost the academic performance of students of color, including better reading and math test scores, higher graduation rates, and increased aspirations to attend college. Studies show that students taught by teachers of the same race/ethnicity are less likely to be chronically absent and less likely to experience exclusionary discipline.

The program will run for two and half years and be funded with federal Elementary and Secondary School Emergency Relief II funds. ROE 51 will administer the program in partnership with Teach Plus, a national nonprofit organization that develops and empowers teacher leaders. Teach Plus has facilitated projects focused on retaining teachers of color in Illinois and has implemented an affinity group structure in other states.

"The Sangamon-Menard Regional Office of Education is proud to partner on this initiative that addresses the retention of teachers of color," said Regional Superintendent Shannon Fehrholz of ROE 51. "The program will bring together groups of teachers of color from districts across the state to identify and address local issues contributing to the lower retention rates of teachers of color by developing partnerships that will provide access to coaching, mentoring, and teacher leadership opportunities.";

"I'm thrilled to embark on this work in partnership with ISBE," said Teach Plus Illinois Executive Director Josh Kaufmann. "Teach Plus is focused on ways to retain talented teachers of color in the classroom. Affinity groups, where educators of color can gather safely to examine key issues, are a critical strategy in helping us create an equitable education system for teachers and students in our state. Teach Plus and Teach Plus teacher leaders look forward to helping build a system where educators of color will be able to work within the affinity groups to support each other and to identify barriers to retention and propose solutions to their school districts."

Justin Johnson, the 2021 Illinois Teacher of the Year, is a Teach Plus Policy Fellowship alumnus. He has focused his state-funded sabbatical this school year on speaking engagements, equity-focused professional development, and career guidance with a specific focus on increasing the recruitment and

"When we gather in places where there is a shared identity, it allows for authentic conversations about issues related to lived experiences," said Johnson, who is the band instructor in Niles Township High Schools District 219 in Skokie. "This creates space to discuss how improvement can be made to improve the climate and culture within the systems of education. If we want to truly improve the diversity within the teacher pipeline and the retention of those educators, it must begin with creating a safe space for those voices and valuing those voices when they speak."

The project will begin with a planning period in which ROE 51, in partnership with Teach Plus, will develop a comprehensive implementation plan and conduct outreach to educators of color in the state.

 $Educators\ interested\ in\ learning\ more\ about\ or\ participating\ in\ this\ initiative\ can\ contact\ Kaufmann\ at\ jkaufmann\@teachplus.org$ 

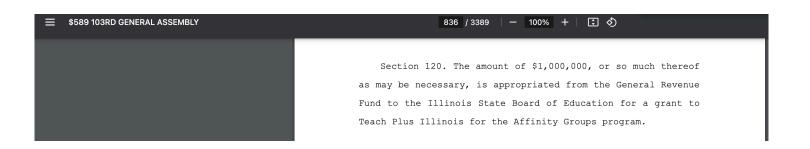
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https://www.isbe.net/Lists/News/NewsDisplay.aspx?ID=1394



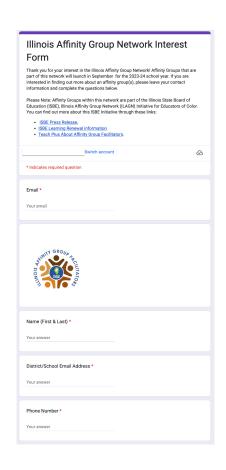


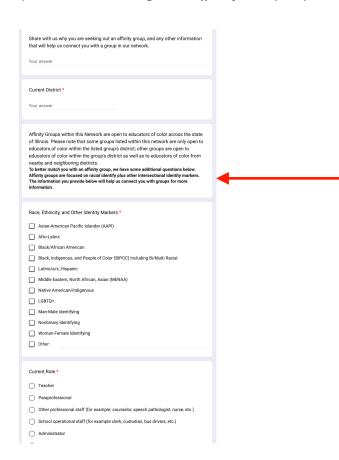
https://www.ilga.gov/legislation/publicacts/103/PDF/103-0589.pdf (Page 836)





#### https://www.isbe.net/Pages/LR-Affinity-Groups.aspx





https://docs.google.com/forms/d/e/1FAIpQLSe4yBe\_yY4A3WA53\_ktrzI\_OUIgC9gNESWmJra9uPcgEbJtkg/viewform



#### Rock Island

#### **East Moline School District 37**

- Open to district employees only
- Racial & Other Identify Markers Focus: Black, Indigenous, and People of Color (BIPOC)
- The East Moline School District 37 Affinity Group seeks to create a safe and brave space for all district educators who identify as Black, Indigenous, or People of Color (BIPOC). The space is designed to honor the individuals of the group by providing a place to gather, collaborate, connect and encourage one another. The group will embrace and work towards the vision of creating a sustainable inclusive atmosphere for all BIPOC throughout the EMSD37. In addition, the Affinity Group will serve as place for Educators of Color to begin or continue their journey of healing from the invisible tax that so many experience while working in the field of education.

https://teachplus.org/illinois-affinity-groups/