

**US DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS**

**TITLE VI ADMINISTRATIVE COMPLAINT**

April 18 2025

From: David Spring M. Ed. Director, Washington Parents Network

To: US Department of Education Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW Washington, DC 20202-1100

**RE: Washington State Superintendent of Public Instruction violations of Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Protection Clause of the 14th Amendment to the US Constitution**

Submitted Via Email: OCR@ed.gov

To Whom It May Concern:

This is a Title VI Civil Rights Discrimination complaint filed under the U.S. Department of Education's Office for Civil Rights' (OCR) Complaint Resolution Process. The Washington Parents Network brings this complaint against Washington State Superintendent of Public Instruction in his official capacity in charge of the Office of the Superintendent of Public Instruction (OSPI) for requiring all 295 school districts in Washington state to **discriminate against over one million students on the basis of race, color or national origin** 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 US Constitution.

The Washington Parents Network makes this complaint on behalf of over 2,700 of our members who have students in school districts in Washington state and/or are teachers and/or are school board members in these school districts.

All of the school districts in Washington state receive federal funding and therefore must comply with Title VI and the Equal Protection Clause. However, as we review in detail below, recent Washington state laws as well as OSPI policies and Teacher Training procedures encourage and/or require school districts to violate Title VI of the Civil Rights Act and the Equal Protection Clause of the 14<sup>th</sup> Amendment to the US Constitution.

Our complaint includes this 4 page cover letter and a 64 page summary of Title VI violations, divided into 10 sections, outlining how the Title VI rights of our members and their children and students were violated by policies advanced directly or indirectly by Chris Reykdal, who we contend has been violating the plain meaning of Title VI ever since he took office 8 years ago.

In this complaint, we provide **30 examples of violations of Title VI** that have been inflicted on our children, parents, teachers and school board members during the past 8 years. These examples are evidence that all of our members and all of their children – and all of the children in Washington state - have been harmed by Reykdal's failure to comply with Title VI.

### **Legal Basis for our Title VI Complaint**

On July 9, 1868, the Fourteen Amendment to the US Constitution was ratified clarifying that no state can make any law that deprives citizens of their civil rights based on their race, skin color or country of national origin.

On July 2, 1964 Congress passed the Civil Rights Act clarifying that no program that receives federal funding can discriminate against any person based on their race, skin color or country of national origin – and that federal funding is contingent on programs agreeing to comply with these civil rights.

On June 23, 2003, in the case of Grutter v Bollinger, the US Supreme Court ruled that Michigan could include race as a factor in admissions. However, Justice O'Connor stated that such racial preferences policies would eventually need to end. Here is her quote" *"The Court expects that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today."*

On June 29, 2023, the US Supreme Court published a 237 page landmark decision in the case of Students for Fair Admission v Harvard which clarified that **Title VI and the Equal Protection Clause of the 14<sup>th</sup> Amendment requires "color blindness" in all federal, state and local programs.** The Supreme Court concluded that Title VI prohibits any programs or activities that included "racial preferencing" or dividing people up based on skin color.

Racial preference educational programs have many names including but not limited to Critical Race Theory, Ethnic Studies – and most recently – **Diversity, Equity and Inclusion or DEI.**

What matters is not the name of the program but whether the program divides people up based on the color of their skin. **Any educational program that divides people up based on the color of their skin is a violation of Title VI of the Civil Rights Act of 1964.**

On January 20, 2025, based on the 2023 Supreme Court ruling in Students for Fair Admission v Harvard, President Trump issued a [Presidential Order](#) **“Ending Radical and Wasteful Government DEI Programs and Preferences.”**

On January 21, 2025, again citing Students for Fair Admission v Harvard, President Trump issued a Presidential Order **“Ending Illegal Discrimination and Restoring Merit Based Opportunities.”**

On February 14, 2025, based on these Presidential Orders, which were based on Students for Fair Admission v Harvard, the US Department of Education Office of Civil Rights (OCR) issued a [Dear Colleague Letter](#) requiring all state and local education agencies to comply with Title VI and the Equal Protection Clause.

**On March 1, 2025, the Office for Civil Rights (OCR) released a [Frequently Asked Questions](#)** 10 page document providing further guidance on OCR’s February 14, 2025, “Dear Colleague” letter. Here are quotes from the March 1, 2025 OCR FAQ:

*“In Students v. Harvard, the Supreme Court reiterated that “discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”*

*“Many schools have advanced racially discriminatory policies and practices under the banner of “DEI” initiatives... Schools may not operate policies or programs under any name that intentionally treat students differently based on race, engage in racial stereotyping, or create hostile environments for students of particular races.”*

*“The First Amendment rights of students, faculty, and staff, and **the curricular prerogatives of states and local school agencies do not relieve schools of their Title VI obligations to refrain from creating hostile environments through race-based policies and stereotypes.**”*

On April 3, 2025, the OCR sent letters to State Commissioners overseeing K-12 State Education Agencies requiring them to certify their compliance with their antidiscrimination obligations under Students v Harvard in order to continue receiving federal financial assistance.

On April 8, 2025, Washington superintendent, Chris Reykdal, issued a [press release](#) refusing to comply with the OCR Certification letter. Reykdal falsely claimed that Students v Harvard only applied to “college admissions policies.” Reykdal further falsely claimed that Washington educational programs already “met the requirements under Title VI.”

In our complaint, we explain why Students v Harvard applies to **all programs that receive federal funding**. We also provide 30 examples of why Reykdal’s DEI programs willfully and pervasively violate the Title VI rights of students, parents and school board members.

We ask OCR to conduct a Directed Investigation of Washington state illegal DEI programs and to withhold federal funds until Reykdal agrees to permanently end these DEI programs.

We further ask that the OCR seek retroactive reimbursement of federal funds based on Reykdal’s willful and pervasive violations of Title VI by his past 4 years of false claims of being in compliance with Title VI. We further ask for Triple Damages based on Washington State’s Breach of Contract with the US Department of Education. Given that Washington state has received more than \$10 billion in federal education funds during the past 4 years, we believe that the **total damages could exceed \$30 billion dollars**. However, the purpose of such a huge penalty is not to punish Washington tax payers. Instead, it is to force Washington state leaders to stop violating the Title VI Civil Rights of students, parents and teachers.

Finally, we ask for 4 years of remedial Civil Rights Teacher Training programs to correct for the the past 4 years of racially charged and illegal Teacher Training programs.

Sincerely,

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# Washington Parents Network Title VI Complaint

April 18, 2025

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## I Why Washington DEI programs violate Title VI

Despite the fact that the Fourteenth Amendment and Title VI of the 1964 Civil Rights Act have **always prohibited states and educational programs from any form of discrimination based on race or skin color**, for over 50 years, courts have “looked the other way” and allowed race-based discrimination and race-based preference programs like Affirmative Action. These racial preference programs were justified as ‘making up for past discrimination.’

However, in 2003, in the case of [\*Grutter v. Bollinger \(2003\)\*](#), the US Supreme Court warned that these racial preference programs **must eventually end**.

In 2007, in the case of [\*Community Schools v Seattle School District\*](#), the US Supreme Court ruled that using race as a factor in assigning students to schools to achieve “racial diversity” violated the 14<sup>th</sup> Amendment.

In 2023, in the case of [\*Students for Fair Admissions v Harvard\*](#), the US Supreme Court ruled that it was **finally time for all racial preference programs to end**. The Supreme Court declared that all racial stereotypes and racial preferences are contrary to Title VI of the Civil Rights Act and contrary to the Equal Protection Clause of the 14<sup>th</sup> Amendment.

Prior to the 2023 Supreme Court ruling, the Biden administration filed a [27 page brief](#) in support of Harvard's racial preferencing admissions process.

After the decision, Biden repeatedly stated that he disagreed with the Supreme Court which effectively meant that the Supreme Court decision was not enforced until Biden left office on January 19, 2025.

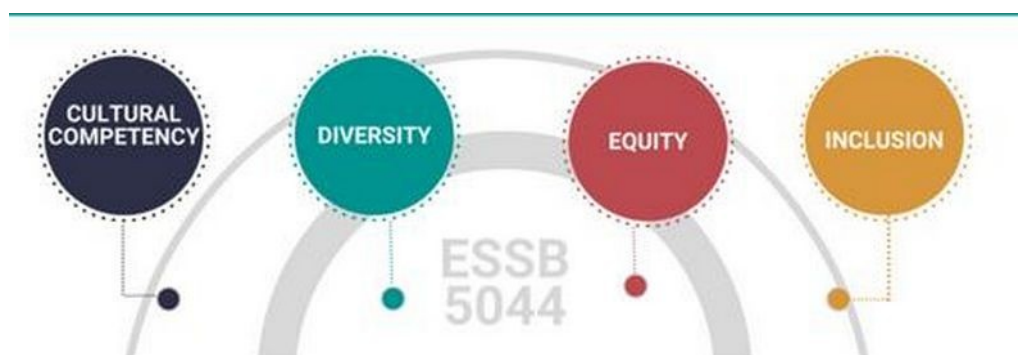
During his Presidential campaign in 2024, Donald Trump repeatedly stated that he agreed with the 2023 US Supreme Court decision and that, if elected, he would enforce it. In keeping with his campaign pledge, on January 20, 2025, as one of his first acts in office Trump issued two anti-DEI Presidential Orders directing all federal agencies to enforce [Students v Harvard](#).

## The Rise of Unconstitutional DEI Programs in Washington State

Unfortunately, during the same time that the US Supreme Court was declaring racial preference programs to be unconstitutional, during the past 5 years, in Washington state, after the election of Chris Reykdal as State Superintendent, a radically different set of racial policies was created and placed into Washington state laws.

Reykdal not only began enforcing radical Transgender policies in violation of Title IX, he also began pushing Critical Race Theory and Social Justice Policies both in Teacher Training and in school curriculum. At first, these policies were optional. But Reykdal began pushing bills through the Washington State legislature to make these racially-charged policies mandatory.

In April and May 2021, the state legislature passed **SB 5044**, SB 5227, SB 5228, and SB 5194, to require public education employees to receive training in “**diversity, equity, inclusion and anti-racism**” as a condition of employment. These bills impose requirements of “equity,” “cultural competency,” “institutional racism” and other elements of Critical Race Theory (CRT) ideology.



After the passage of these racial preference bills, Reykdal set a deadline of September 1, 2021 for all schools to adopt CRT under the label of a “**Ethnic Studies Framework**.” Technically, Washington is a “local control” state where actual policies are set by a locally elected school board. See [RCW 28A.150.230](#).

However, in 2021 and 2022, Reykdal sent threatening letters to school board members informing them that any violations of state law could result in loss of state funding. Thus very few school boards were willing to stand up to Reykdal.



As a result of Reykdal blackmailing school board directors, children as young as age 5 have been forced to endure Ethnic Studies lessons claiming that all white people, including white children, are racist “oppressors” while non-white people, including non-white children, are “oppressed.” The cure for this oppression is for white people to publicly admit their racism and for society to make financial reparations to non-white people for past and current racism.

### **The Real Meaning of Diversity, Equity and Inclusion (DEI)**

Racial preference programs in schools are often mislabeled as promoting “Diversity, Equity and Inclusion” or DEI when in fact, what they actually do is discriminate against students with certain skin colors as being oppressors while students with other skin colors are declared to be victims – using a curriculum based on “Critical Race Theory” or CRT. Diversity is a good thing when it means respecting a variety of points of view. But in Critical Race Theory, there is only one point of view allowed – that everything is somehow tied to racism.

**In CRT, Diversity really means Division:** Because CRT insists on dividing people up based on their skin color, it serves to alienate people from each other rather than bringing them together.

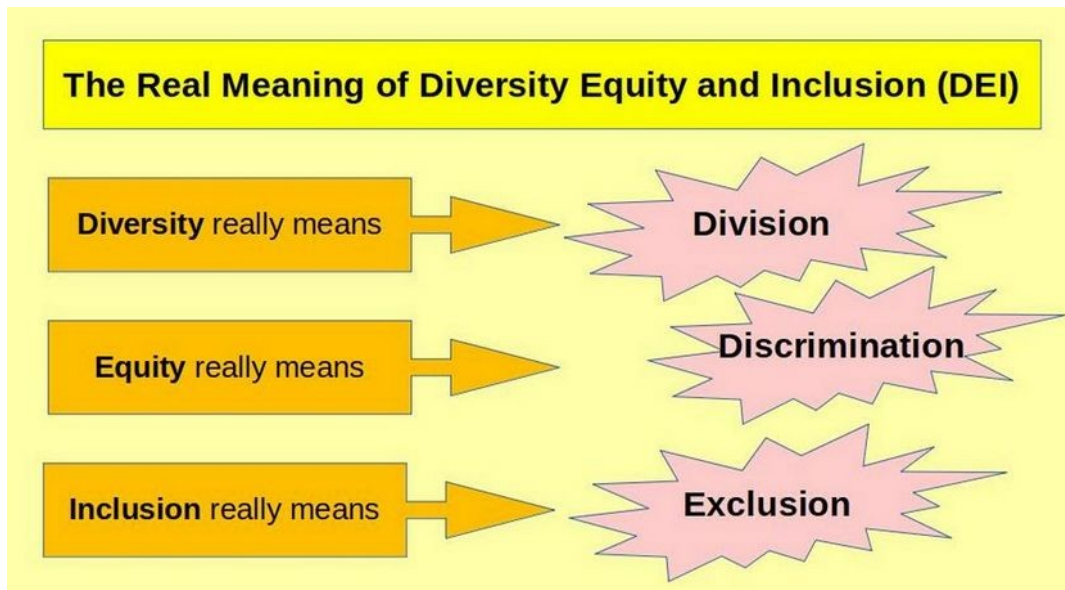
**In CRT, Equity really means Race-based Discrimination:** “Equity” sounds like “equality”, but under critical race theory, it is actually the opposite of equality. “Equality” means equal treatment of all Americans. **CRT’s “equity” demands race-based discrimination.** Schools must treat students unequally according to skin color to correct for past discrimination.

**In CRT, Inclusion really means Exclusion:** Many CRT activities involve special events and special “clubs” where only non-white students are allowed to attend.

In his 2019 book, How to be an Anti-Racist, (a book commonly recommended for teachers to read and follow), Ibram X. Kendi, one of CRT’s leading advocates, openly declares:

*“The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”*





It is only when one understands the hidden meaning of **Diversity, Equity and Inclusion** as meaning **Division, Discrimination and Exclusion** that it becomes obvious that **DEI programs violate the Equal Protection Clause of the 14<sup>th</sup> Amendment and Title VI of the 1964 Civil Rights Act.**

## II A Brief Introduction to Critical Race Theory

Because all humans suffer from normalcy bias, or the belief that all people tend to think the same way that we do, and all people attribute the same meaning to words that we do, it is important to understand that Critical Race ideology, like Transgender ideology, often turns the meanings of words upside down to meaning things that are completely different from their normal meaning.

It is therefore important to at least try to understand what some of the Critical Race Theory concepts are – if only to understand the harm that they can inflict when included in school curriculums:

Two of CRT's foremost scholars are Richard Delgado and Jean Stefancic. In their book Critical Race Theory: An Introduction, Delgado and Stefancic write: *"The critical race theory (CRT) movement is a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power... Unlike traditional civil rights, which embraces incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including **equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law.**"*

In other words, Critical Race Theory teaches students to not respect the Constitution of the United States – which is seen as a racist document.



Delgado and Stefancic lay out several tenets to define CRT:

**#1 Racism is rampant:** Racism permeates society, the law, and all institutions. To maintain this assertion, critical race theory **redefines “racism.”** Racism has long been understood as prejudice and discrimination based on race. But under critical race theory, racism means any disparity observed along racial lines. This redefinition shifts the emphasis from equal treatment to equal outcomes.

**#2 Race is a social construct:** Delgado and Stefancic write that in critical race theory, “Race and races are products of social thought and relations. Not objective, inherent, or fixed, they correspond to no biological or genetic reality; rather, **races are categories that society invents.**”

**#3 Only non-white people can define racism:** Critical race theory holds that members of racial minorities enjoy a unique perspective with “a presumed competence to speak about race and racism” in ways that white people can not. Thus, the views of white people can be ignored simply because of their skin color. This selective advocacy has led to the “**Cancel Culture**” where anyone who disagrees with CRT is automatically censored.

**#4 Rejection of Color Blindness:** CRT advocates the notion that colorblindness serves only to keep white people in a position of power. This is one of many reasons that CRT is contrary to the 2023 US Supreme Court Students v Harvard decision.

Proponents of Critical Race Theory **view almost everything through a racial lens** and therefore claim that virtually everything historically taught in our schools from reading to math has hidden racist components that need to be weeded out in the name of racial justice. This is obviously contrary to the 2023 US Supreme Court ruling which concluded that we should be “color blind” and therefore not view anything through a racial lens.

### **Opposition to Critical Race Theory**

Far from promoting diversity, equity or inclusion, **CRT divides students into groups and discriminates against students based purely on their skin color.** This claim of fixing discrimination with more discrimination, instead of promoting racial justice, has led to an increase in racial division. Many parents object to CRT claiming that it is indoctrination that harms children’s self esteem. They call CRT “**Critical Racist Theory.**”



Who does critical race theory harm? Everyone—not just the white kids who are categorized as oppressors, but children of color, who, like every child, deserve a civil, harmonious society where our immutable characteristics complement, not divide, one another.

### **The Consequences of Identity Politics**

Indoctrinating and brain washing children in our public schools with these divisive ideas of labeling students in the name of “social justice” has also led to an increase in Identity Politics where all that matters is what group or herd a person is in rather than focusing on solving problems we all face.





Thousands of teachers were driven out of our schools because they refused to go along with the new Race-based curriculum. Thousands of police officers were fired or retired by social activist politicians who falsely labeled all police officers as “racists.” As a result, Washington state now has the lowest number of police officers of any state in the nation.

Due to the loss of these police officers, for the past several years, Washington state has experienced an explosion in crimes ranging from car thefts to drug overdoses.

As we describe later in this report, promoting racial discrimination in our schools has resulted in our students suffering from the worst mental health problems of any students in the nation. Our schools are now also suffering from among the highest student absentee rates in the nation and a record plunge in student test scores.

More than 100,000 parents have now pulled their kids out of our public schools to protect them from the harm of Reykdal’s radical policies. It will likely take years to recover from Reykdal’s race-baiting programs. But the first step is to force him to stop violating the Civil Rights of our students in our public schools.

### III US Supreme Court 2023 ruling clarifying Title VI

Before we go into explaining how Reykdal's actions have violated the Title VI rights of more than one million students in our state, we will first review the 2023 US Supreme Court ruling in *Students V Harvard* to better understand why Reykdal's actions are in violation of this landmark Supreme Court ruling.

The Equal Protection Clause of the 14<sup>th</sup> Amendment states:

*"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."*

Title VI of the Civil Rights Act of 1964 states: *"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, denied the benefit of, or be subjected to discrimination in any program or activity receiving Federal financial assistance."*

On June 29, 2023, the US Supreme Court published a 237 page decision in the case of *Students for Fair Admission v Harvard* which clarified that **Title VI and the Equal Protection Clause of the 14<sup>th</sup> Amendment requires "color blindness" in all federal, state and local programs.**

Here is a link to this important ruling:

[https://www.supremecourt.gov/opinions/22pdf/20-1199\\_hgdj.pdf](https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf)

The Supreme Court specifically prohibited programs or activities that included "racial preferencing" or dividing people up based on skin color. The Supreme Court declared that such racial stereotypes and racial preferences are contrary to Title VI of the Civil Rights Act and contrary to the Equal Protection Clause of the 14<sup>th</sup> Amendment.

Here are a few quotes from Justice Roberts very long majority opinion so you can see for yourself that Justice Roberts is really calling for "color-blindness" to be the law of the land:

ROBERTS , C. J., delivered the opinion of the Court, in which THOMAS, ALITO, GORSUCH, KAVANAUGH, and BARRETT, joined.

(In *Brown versus Board of Education*, the US Supreme Court stated:)

*“The mere act of separating children . . . because of their race generates a feeling of inferiority... The conclusion reached by the Brown Court was thus unmistakably clear: the right to a public education “must be made available to all on equal terms.” As the plaintiffs had argued, “no State has any authority under the equal-protection clause of the Fourteenth Amendment to use race as a factor in affording educational opportunities among its citizens.”*

*“Eliminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies “without regard to any differences of race, of color, or of nationality.”*

*“For the guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color... If both are not accorded the same protection, then it is not equal.”*

*“The race-based admissions systems that respondents employ fail to comply with the twin commands of the Equal Protection Clause that race may never be used as a “negative” and that it may not operate as a stereotype.”*

***“One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.”***

### **Quotes from Concurring Opinions**

Beginning on Page 49, JUSTICE THOMAS, concurred added the following comments: *“In the wake of the Civil War, the country focused its attention on restoring the Union and establishing the legal status of newly freed slaves. The Constitution was amended to abolish slavery and proclaim that all persons born in the United States are citizens, entitled to the privileges or immunities of citizenship and the equal protection of the laws. Because of that second founding, “our Constitution is color-blind.”*

***“The Constitution continues to embody a simple truth: Two discriminatory wrongs cannot make a right.”***

*“The Fourteenth Amendment—ensures racial equality with no textual reference to race whatsoever. The history of these measures’ enactment*



*renders their motivating principle as clear as their text: **All citizens of the United States, regardless of skin color, are equal before the law.***

*“Any statute which is not equal to all, and which deprives any citizen of civil rights which are secured to other citizens,” is “an unjust encroachment upon his liberty” and a “badge of servitude” prohibited by the Constitution. “*

*“The Fourteenth Amendment was understood to make the law “what justice is represented to be, blind” to the “color of one’s skin.”*

The Amendment employed a wholly race-neutral text, extending privileges or immunities to all “citizens”... Put succinctly, **“our Constitution is color-blind.”**

*“The duty of the law-maker is to know no race, no color, no religion, no nationality, except to prevent distinctions on any of these grounds, so far as the law is concerned.”*

*“The Court thus made clear that the Fourteenth Amendment’s equality guarantee applied to members of all races, including Asian Americans, ensuring all citizens equal treatment under law.”*

*“Despite the extensive evidence favoring the colorblind view, as detailed above, it appears increasingly in vogue to embrace an “antisubordination” view of the Fourteenth Amendment: that the Amendment forbids only laws that hurt, but not help, blacks. Such a theory lacks any basis in the original meaning of the Fourteenth Amendment. “*

*“The plain text of Title VI reinforces the colorblind view of the Fourteenth Amendment... all racial stereotypes harm and demean individuals. “*

*“In an effort to salvage their patently unconstitutional programs, the universities and their amici pivot to argue that the Fourteenth Amendment permits the use of race to benefit only certain racial groups—rather than applicants writ large. Yet, **this is just the latest disguise for discrimination.** The sudden narrative shift is not surprising, as it has long been apparent that “ ‘**diversity was merely the current rationale of convenience**’ ” to support racially discriminatory admissions programs. “*

*“Purchased at the price of immeasurable human suffering,” the Fourteenth Amendment recognizes that classifications based on race lead to ruinous consequences for individuals and the Nation.”*

**“Both experience and logic have vindicated the Constitution’s colorblind rule.”**

*“Respondents and the dissents argue that the universities’ race-conscious admissions programs ought to be permitted because they accomplish positive social goals. I would have thought that history had by now taught a “greater humility” when attempting to “distinguish good from harmful uses of racial criteria... In fact, slave-holders once “argued that slavery was a ‘positive good’ that civilized blacks and elevated them in every dimension of life,” and “segregationists similarly asserted that segregation was not only benign, but good for black students.”*

*“Even taking the desire to help on its face, what initially seems like aid may in reality be a burden, including for the very people it seeks to assist... Those students who receive a large admissions preference are more likely to drop out of STEM fields than similarly situated students who did not receive such a preference.”*

*“To start, these programs are overinclusive, providing the same admissions bump to a wealthy black applicant given every advantage in life as to a black applicant from a poor family with seemingly insurmountable barriers to overcome. In doing so, the programs may wind up helping the most well-off members of minority races without meaningfully assisting those who struggle with real hardship.”*

*“Finally, it is not even theoretically possible to “help” a certain racial group without causing harm to members of other racial groups. “It should be obvious that every racial classification helps, in a narrow sense, some races and hurts others.”*

*“Whatever their skin color, today’s youth simply are not responsible for instituting the segregation of the 20th century, and they do not shoulder the moral debts of their ancestors. Our Nation should not punish today’s youth for the sins of the past.”*

*“It has become clear that sorting by race does not stop at the admissions office. In his Grutter opinion, Justice Scalia criticized universities for “talking of multiculturalism and racial diversity,” but supporting “tribalism and racial segregation on their campuses,” including through “minority only student organizations, separate minority housing opportunities, separate minority student centers, even separate minority-only graduation ceremonies.”*

*“Meanwhile, these discriminatory policies risk creating new prejudices and allowing old ones to fester. I previously observed that “there can be no doubt” that discriminatory affirmative action policies “injure white and Asian applicants who are denied admission because of their race.”*

*“What, then, would be the endpoint of these affirmative action policies? Not racial harmony, integration, or equality under the law. Rather, these policies appear to be leading to a world in which everyone is defined by their skin color, demanding ever-increasing entitlements and preferences. Not only is that exactly the kind of factionalism that the Constitution was meant to safeguard against, but it is a factionalism based on ever-shifting sands.”*

*“In fact, all racial categories are little more than stereotypes, suggesting that immutable characteristics somehow conclusively determine a person’s ideology, beliefs, and abilities. Of course, that is false.”*

*“Rather than forming a more pluralistic society, these policies thus strip us of our individuality and undermine the very diversity of thought that universities purport to seek.”*

*“The solution to our Nation’s racial problems thus cannot come from policies grounded in affirmative action or some other conception of equity. Racism simply cannot be undone by different or more racism. Instead, the solution announced in the second founding is incorporated in our Constitution: that we are all equal, and should be treated equally before the law without regard to our race. Only that promise can allow us to look past our differing skin colors and identities and see each other for what we truly are: individuals with unique thoughts, perspectives, and goals, but with equal dignity and equal rights under the law.”*

*“If an applicant has less financial means (because of generational inheritance or otherwise), then surely a university may take that into account. If an applicant has medical struggles or a family member with medical concerns, a university may consider that too. What it cannot do is use the applicant’s skin color as a heuristic, assuming that because the applicant checks the box for “black” he therefore conforms to the university’s monolithic and reductionist view of an abstract, average black person.”*

*“This vision of meeting social racism with government-imposed racism is thus self-defeating, resulting in a never-ending cycle of victimization. There is no reason to continue down that path. In the wake of the Civil War, the Framers of the Fourteenth Amendment charted a way out: a colorblind Constitution that requires the government to, at long last, put aside its citizens’ skin color and focus on their individual achievements.”*

**Page 107 Justice Gorsuch opinion concurring and added the following comments:** *“For some time, both universities have decided which applicants to admit or reject based in part on race. Today, the Court holds that the Equal Protection Clause of the Fourteenth Amendment does not tolerate this practice. I write to emphasize that Title VI of the Civil Rights Act of 1964 does not either.”*

*“We can safely say that Title VI forbids a recipient of federal funds from intentionally treating one person worse than another similarly situated person on the ground of race, color, or national origin.”*

*“While Harvard professes interest in socioeconomic diversity, for example, SFFA points to trial testimony that there are “23 times as many rich kids on campus as poor kids. Harvard could nearly replicate the current racial composition of its student body without resorting to race-based practices if it: (1) provided socioeconomically disadvantaged applicants just half of the tip it gives recruited athletes; and (2) eliminated tips for the children of donors, alumni, and faculty.”*

*“By any measure, the Civil Rights Act of 1964 stands as a landmark on this journey and one of the Nation’s great triumphs. We have no right to make a blank sheet of any of its provisions. And when we look to the clear and powerful command Congress set forth in that law, these cases all but resolve themselves. Under Title VI, it is never permissible “ ‘to say “yes” to one person . . . but to say “no” to another person’ ” even in part “ ‘because of the color of his skin.’ ”*

## IV Trump 2025 DEI Executive Orders and OCR Letters

Based on the 2023 Supreme Court ruling, on January 20, 2025, President Trump issued a [Presidential Order](#) **“Ending Radical and Wasteful Government DEI Programs and Preferences.”**

On January 21, 2025 President Trump issued a Presidential Order **“Ending Illegal Discrimination and Restoring Merit Based Opportunities.”**

Here is a quotes from this order:

*“The Federal Government is charged with enforcing our civil-rights laws. The purpose of this order is to ensure that it does so by ending illegal preferences and discrimination... Within 120 days of this order, the Attorney General and the Secretary of Education shall jointly issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants... regarding the measures and practices required to comply with Students for Fair Admissions v. Harvard, 600 U.S. 181 (2023).”*

While proponents of DEI and CRT have repeatedly claimed that the above Presidential Orders do not clearly define DEI, a straight forward reading of the Orders shows that the Executive Orders are simply enforcing Title VI of the Civil Rights Act and the Equal Protection Clause of the 14<sup>th</sup> Amendment as fully defined and clarified by the US Supreme Court in their Students for Fair Admissions v. Harvard ruling.

On February 14, 2025, based on these Presidential Orders, the US Department of Education Office of Civil Rights (OCR) issued a [Dear Colleague Letter](#) requiring all state and local education agencies to comply with Title VI and the Equal Protection Clause.

Here are quotes from this February 14, 2025 OCR letter:

*“In recent years, American educational institutions have discriminated against students on the basis of race, including white and Asian students, many of whom come from disadvantaged backgrounds and low-income families. These institutions’ embrace of pervasive and repugnant race-based preferences and other forms of racial discrimination have emanated throughout every facet of academia.”*

*“Educational institutions have toxically indoctrinated students with the false premise that the United States is built upon “systemic and structural racism” and advanced discriminatory practices. Proponents of these discriminatory practices have attempted to further justify them—particularly during the last four years—under the banner of “diversity, equity, and inclusion” (“DEI”), **smuggling racial stereotypes and explicit race-consciousness into everyday training, programming, and discipline.***

*But under any banner, discrimination on the basis of race, color, or national origin is, has been, and will continue to be illegal...As the Court explained in SFFA, “an individual’s race may never be used against him” and “may not operate as a stereotype” in governmental decision-making... **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.”***

*“Other programs discriminate in less direct, but equally insidious, ways. DEI programs, for example, frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not. Such programs stigmatize students who belong to particular racial groups based on crude racial stereotypes. Consequently, they deny students the ability to participate fully in the life of a school.”*

*“The Department will no longer tolerate the overt and covert racial discrimination that has become widespread in this Nation’s educational institutions. The law is clear: treating students differently on the basis of race to achieve nebulous goals such as diversity, racial balancing, social justice, or equity is illegal under controlling Supreme Court precedent.”*

*“All students are entitled to a school environment free from discrimination. The Department is committed to ensuring those principles are a reality. The Department will vigorously enforce the law as to all preschool, elementary, secondary, and postsecondary educational institutions, as well as state educational agencies, that receive financial assistance.”*

*“The Department intends to take appropriate measures to assess compliance with the applicable statutes and regulations based on the understanding embodied in this letter beginning no later than 14 days from today’s date, including antidiscrimination requirements that are a condition of receiving federal funding.”*

*“All educational institutions are advised to: (1) ensure that their policies and actions comply with existing civil rights law; (2) cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends; and (3) cease all reliance on third-party contractors, clearinghouses, or aggregators that are being used by institutions in an effort to circumvent prohibited uses of race.”*

***“Institutions that fail to comply with federal civil rights law may, consistent with applicable law, face potential loss of federal funding.”***

*“Anyone who believes that a covered entity has unlawfully discriminated may file a complaint with OCR. Information about filing a complaint with OCR, including a link to the online complaint form, is available here.”*

<https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/discrimination-form-us-department-of-education>

U.S. Department of Education Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW Washington, DC 20202-1100  
Telephone: 800-421-3481 Email: [OCR@ed.gov](mailto:OCR@ed.gov)

The February 14, 2024 letter while not carrying the force of law does accurately describe the 2023 US Supreme Court ruling in Students v Harvard – which does carry the force of law.

**On March 1, 2025, the Office for Civil Rights (OCR) released a [Frequently Asked Questions](#)** 10 page document providing further guidance on OCR’s February 14, 2025, “Dear Colleague” letter.

Here are quotes from the March 1, 2025 OCR FAQ:

*“In Students v. Harvard, the Supreme Court reiterated that “discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”*

*“Many schools have advanced racially discriminatory policies and practices under the banner of “DEI” initiatives. Other schools have sought to veil racially discriminatory policies with terms like “social-emotional learning” or “culturally responsive” teaching. But whether an initiative constitutes unlawful discrimination does not turn solely on whether it is labeled “DEI” or uses terminology such as “diversity,” “equity,” or “inclusion.”*



*“OCR’s assessment of school policies and programs depends on the facts and circumstances of each case.”*

*“Schools may not operate policies or programs under any name that intentionally treat students differently based on race, engage in racial stereotyping, or create hostile environments for students of particular races.”*

*“The February 14, 2025, Dear Colleague Letter states that many DEI programs “deny students the ability to participate fully in the life of a school” when they “stigmatize students that belong to particular racial groups” based on “crude racial stereotypes,” and teach that students of those racial groups “bear unique moral burdens that others do not.”*

*“The Department of Education Organization Act, 20 U.S.C. § 3403(b), and the Elementary and Secondary Education Act, 20 U.S.C. § 7907(a), prohibit the Department from exercising control over the content of school curricula. However, **the First Amendment rights of students, faculty, and staff, and the curricular prerogatives of states and local school agencies do not relieve schools of their Title VI obligations to refrain from creating hostile environments through race-based policies and stereotypes.**”*

*“For example, an elementary school that sponsors programming that acts to shame students of a particular race or ethnicity, accuse them of being oppressors in a racial hierarchy, ascribe to them less value as contributors to class discussions because of their race, or deliberately assign them intrinsic guilt based on the actions of their presumed ancestors or relatives in other areas of the world could create a racially hostile environment, by interfering with or limiting the students’ ability to participate in or benefit from the school’s program or activity. “*

*“(For older students) Mandating courses, orientation programs, or trainings that are designed to emphasize and focus on racial stereotypes, and assigning them coursework that requires them to identify by race and then complete tasks differentiated by race—are all potential forms of school-on-student harassment that could create a hostile environment under Title VI. Specifically, such conduct could be deemed to create a hostile environment if, viewed by a reasonable person, of the same race and age, under similar circumstances, it is sufficiently severe, pervasive, or persistent so as to*

*interfere with or limit the ability of an individual to participate in or benefit from the school's program or activity."*

*"If OCR determines that a school failed to comply with the civil rights laws that it enforces, OCR will contact the school and will attempt to secure its willingness to negotiate a voluntary resolution agreement. If the school agrees to resolve the complaint, OCR and the school will negotiate a written resolution agreement that describes the specific remedial actions it will take to address the area(s) of noncompliance identified by OCR. OCR will monitor implementation of the resolution agreement's terms. If a school is unwilling to negotiate a resolution agreement, OCR will inform the school of the consequences, which may result in OCR initiating enforcement through administrative proceedings or referring the case to the Department of Justice for judicial proceedings. You can learn more about OCR's process by reviewing its updated 2025 Case Processing Manual:*

*<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>"*

On February 27, 2025, the US Department of Education launched a public portal for parents, students, teachers, and the broader community to submit reports of illegal discriminatory practices, which ED could "utilize to identify potential areas for investigation" to determine whether those schools were engaging in discriminatory behavior. See <https://enddei.ed.gov/>

**The March 1, 2025 OCR Frequently Asked Questions Letter also accurately summarizes the 2023 US Supreme Court ruling in Students v Harvard.** Thus, there should be no question about what constitutes a violation of the two Presidential Orders. It is any activity or program that violates Title VI of the Civil Rights Act or the Equal Protection Clause of the US Constitution – activities and programs that are **clearly defined in the US Supreme Court ruling.**

#### **April 3, 2025 OCR Compliance Certification and Verification Letter**

On April 3, 2025, the US Department of Education OCR sent letters to State Commissioners overseeing K-12 State Education Agencies (SEAs) requiring them to certify their compliance with their antidiscrimination obligations in order to continue receiving federal financial assistance. Specifically, the Department requested certification of compliance with Title VI of the Civil Rights Act and the responsibilities outlined in Students for Fair Admissions v. Harvard. Here is a link to the Press release on this letter: <https://www.ed.gov/about/news/press-release/ed-requires-k-12->

[school-districts-certify-compliance-title-vi-and-students-v-harvard-condition-of-receiving-federal-financial-assistance](#)

Here are quotes from the OCR Certification Letter Press Release:

*“Federal financial assistance is a privilege, not a right. When state education commissioners accept federal funds, they agree to abide by federal antidiscrimination requirements. “*

*“Unfortunately, we have seen too many schools flout or outright violate these obligations, including by using DEI programs to discriminate against one group of Americans to favor another based on identity characteristics in clear violation of Title VI,” **said Acting Assistant Secretary for Civil Rights Craig Trainor.** “Today, the Department is taking an important step toward ensuring that states understand—and comply with—their existing obligations under civil rights laws and Students v. Harvard.*

*SEAs will be responsible for reporting on their state overall and for collecting certification responses from their Local Education Agencies (LEAs). SEAs will have 10 days to sign and return [the certification](#).*

Here are quotes from the Certification Letter:

*“On behalf of \_\_\_\_\_ [SEA/LEA], I acknowledge that I have received and reviewed this Reminder of Legal Obligations Undertaken in Exchange for Receiving Federal Financial Assistance and Request for Certification under Title VI and SFFA v. Harvard. I further acknowledge that compliance with the below and the assurances referred to, as well as this certification, constitute a material condition for the continued receipt of federal financial assistance, and therefore certify our compliance with the below legal obligations.”*

*“Every application for Federal financial assistance must, “as a condition to its approval and the extension of any Federal financial assistance,” contain assurances that the program will comply with Title VI and with all requirements imposed pursuant to the executive regulations issued under Title VI. In fact, **applicants for federal assistance literally sign contracts in which they agree to comply with Title VI and to “immediately take any measures necessary” to do so.** “*

*“Moreover, each State Education Agency is required to file a single set of assurances with the Secretary as part of its consolidated State plan or application under the Elementary and Secondary Education Act of 1965.*

*These assurances include the SEA's commitment to comply with all Federal statutes regarding nondiscrimination, including, but not limited to, Title VI of the Civil Rights Act of 1964."*

(The letter then has two paragraphs quoting *Students v Harvard*)

*"Given the text of Title VI and the assurances you have already given, any violation of Title VI—including the use of **Diversity, Equity, & Inclusion ("DEI") programs to advantage one's race over another**—is impermissible. The use of certain DEI practices can violate federal law. The continued use of illegal DEI practices may subject the individual or entity using such practices to serious consequences, including:"*

*"#1: The use of the provisions of 42 U.S.C. § 2000d-1 to seek the "termination of or refusal to grant or to continue assistance under such program," eliminating federal funding for any SEA, LEA, or educational institution that engages in such conduct."*

*"#2: For entities and institutions that use DEI practices in violation of federal law, those entities may incur substantial liabilities, including the potential initiation of litigation for breach of contract by the Department of Justice in connection with civil rights guarantees contained in federal contracts and grant awards **seeking to recover previously received funds paid to them under these contracts and grants.**"*

*#3 Moreover, the submissions of claims for money from the federal government when an entity is not in compliance with Title VI and/or its assurances due to certain DEI practices subjects the entity to liability under "the False Claims Act (FCA) which imposes liability on anyone who 'knowingly' submits a 'false' claim to the Government." *United States ex rel. Schutte v. SuperValu Inc.*, 598 U.S. 739, 742 (2023) (citing 31 U.S.C. § 3729(a)). **Under the FCA, violators face penalties including treble damages and civil penalties of thousands of dollars per violation.**"*

**In short, if Washington state continues its blatant violations of Title VI, Washington state could be fined billions of dollars.**

## V Current Legal status of DEI Orders and OCR Letters

On February 21, 2025, the Trump DEI Executive Orders were preliminarily enjoined by a District Court Judge. See [Nat'l Ass'n of Diversity Officers v. Trump](#). The decision was appealed on February 24, 2025 and **on March 14, 2025, the 4<sup>th</sup> Circuit Stayed the injunction by a 3 to 0 decision.**

Here are quotes from this 4<sup>th</sup> Circuit decision: *“The Executive Orders charge that DEI (and the related DEIA, which also denotes Accessibility) policies include “dangerous, demeaning, and immoral race- and sex-based preferences” that “deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system.”*

*“The so-called “Certification” and “Enforcement Threat” provisions apply only to conduct that violates existing federal anti-discrimination law... the government is likely to succeed in demonstrating that the challenged provisions of the Executive Orders—all of which are directives from the President to his officers—do not violate the First or Fifth Amendments.”*

**On February 25, 2025, the American Federation of Teachers (AFT) filed a complaint against the US Department of Education** claiming that the 4 page February 14, 2025 Dear Colleague letter was “vague.” One wonders if the AFT leaders bothered to read the **US Supreme Court ruling** that the February 14<sup>th</sup> Letter was based upon. If they had, there would be no doubt at all about what is required – namely **to end all DEI practices that favor or preference one skin color over another skin color.** Here is a link to all court filings in [AFT v US Department of Education](#):

On April 14, 2025, the US Department of Education filed a 38 page response to the complaint which can be read at [this link](#).

Here are quotes from this response:

*“Plaintiffs (AFT) seek not an injunction but a time machine – rewinding the clock to before SFFA was decided... In handing down its ruling, the Court announced that “the time for making distinctions based on race had passed” and that “eliminating racial discrimination means eliminating all of it.” The Court noted that “discrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”*

*“The DCL and FAQ articulate ED’s concerns with diversity, equity, and inclusion (“DEI”) programs—not concepts—and their susceptibility to treating individuals differently on the basis of race. But a finding of discrimination will not turn on whether a school program uses “specific terminology such as ‘diversity,’ ‘equity,’ or ‘inclusion.’” Rather, all school programs—DEI or otherwise—“must consider whether they discourage members of all races from attending, either by excluding or discouraging students of a particular race, or by creating hostile environments based on race for students who do participate.”*

*“While Plaintiffs’ arguments focus heavily on academic freedom, they overlook the important fact that racial discrimination is not part of academic freedom, and “free speech does not grant teachers a license to say or write in class whatever they may feel like.”*

The federal judge will hold a hearing on Friday, April 18, 2025 and then make a ruling on the merits of the AFT complaint.

**On March 5, 2025, the National Education Association filed a complaint for injunctive and declaratory relief, challenging a United States Department of Education’s “Dear Colleague” letter that addressed enforcement of Title VI. Document Number (“DN”) See [NEA v US Department of Education](#).**

On April 11, 2025, the Department of Education filed a 48 page Objection to the NEA Motion for Preliminary Injunction. Here is a link to this document: <https://storage.courtlistener.com/recap/gov.uscourts.nhd.65138/gov.uscourts.nhd.65138.52.1.pdf>

Here are quotes from the DOE Objection:

***“The Department of Education has long made clear that, pursuant to its statutory authority, it does not “exercise control over the content of school curricula,” but that the agency retains authority to ensure that school curricula are not discriminatory. “***

***“ED has statutory authority under Title VI to withhold funding from schools that unlawfully discriminate, and ED’s explanation of how it intends to exercise this enforcement discretion does not conflict with any other governing statutes or attempt to prescribe school curricula.”***

*“SFFA v Harvard forbids discriminatory practices in which “an educational institution treats a person of one race differently than it treats another person because of that person’s race...The DCL merely informs schools that they must not discriminate among students when implementing their curricula and must avoid stereotyping and stigmatizing based on race.”*

*“There is a critical distinction between ED prescribing curricula or exercising control over school administration versus telling schools they must act in a nondiscriminatory manner in implementing their curricula and executing administrative decisions so that they avoid stereotyping and stigmatizing based on race. Plaintiffs’ conflation of the two would leave little room for ED to enforce the civil rights laws. “*

*“Under the standard articulated in SFFA, many Diversity, Equity, and Inclusion programs may violate the Equal Protection Clause— and thus also Title VI—by introducing “explicit race-consciousness into everyday training, programming, and discipline.” As a result, DEI programs “frequently preference certain racial groups” in ways that make them more susceptible to discriminating based on race. “*

***“To the extent there is any actual conflict between state requirements and SFFA, those standards would be violative of the Fourteenth Amendment’s guarantee of Equal Protection.”***

*“First Amendment claims are also unlikely to succeed because to the extent the documents at issue address speech or expressive activity, they simply reiterate the well-established principle that speech that amounts to racial harassment and creates a hostile environment is unlawful under Title VI; harassment—including race-based harassment—is conduct that the First Amendment does not protect.”*

*“The First Amendment does not “relieve schools of their duty to respond to racial harassment that creates a hostile environment.. While Plaintiffs focus heavily on academic freedom, they overlook that racial discrimination is not part of academic freedom, and “free speech does not grant teachers a license to say or write in class whatever they may feel like.”*

*“The government is allowed to condition school funding on nondiscrimination; indeed, this is the method by which Congress intended to stop discrimination under Title VI.”*



Originally, the letter directed SEAs to respond by Friday, April 11, 2025, but that deadline was extended to April 24, 2025. **A hearing on the NEA complaint is scheduled for April 17, 2025.**

### **New York and Wisconsin refuse to comply with certification letters**

On April 4, 2025, the state of New York sent a letter to the US Department of Education refusing to comply with the Certification letter. Here is a link to the New York letter:

[https://www.nyssba.org/clientuploads/nyssba\\_pdf/titlevi-040525.pdf](https://www.nyssba.org/clientuploads/nyssba_pdf/titlevi-040525.pdf)

The NY letter falsely stated that the US Department of Education was forcing NY to agree with the **DOE interpretation** of Title VI of the Civil Rights Act. The DOE repeatedly stated that they were enforcing the **US Supreme Court 2023 clarification of Title VI.**

On April 9, 2025, the Wisconsin Department of Education sent a letter to the US Department of Education stating that they would not sign the certification letter. Here is the link to this letter:

[https://dpi.wi.gov/sites/default/files/imce/news/4.9.25\\_-\\_DPI\\_Letter\\_to\\_USDE.pdf](https://dpi.wi.gov/sites/default/files/imce/news/4.9.25_-_DPI_Letter_to_USDE.pdf)

Wisconsin also thinks that the certification letter was vague and that there was no change in federal law. This seems to be another case of failing to actually read the 2023 US Supreme Court opinion.

On April 9, 2025, the Illinois State Board of Education also sent a [letter](#) to the US Department of Education refusing to sign the certification letter.

Here is a quote from the Illinois letter: *“Although the letter references “certain DEI practices” or “illegal DEI,” it does not define it, and there are no federal or State laws prohibiting diversity, equity, or inclusion.”*

So Illinois appears to be another case of failing to read the US Supreme Court 2023 ruling. The Illinois letter then quotes from a 2020 letter from Betsy DeVos. But that letter was written years before the 2023 US Supreme Court ruling. The good news is that Illinois ended their letter by agreeing that they will comply with all US Supreme Court rulings.

## VI Ongoing Washington State Title VI Violations

Now that there is hopefully less doubt and more clarity about the meaning of the 2023 US Supreme Court ruling, we will review recent and past violations of the Title VI Civil Rights of a million students here in Washington state.

On April 8, 2025, Washington superintendent, Chris Reykdal, issued a press release stating he will not comply with the US Department of Education Office of Civil Rights (OCR) Certification letter enforcing the **Civil Rights Act of 1964 – which requires equal treatment of all Americans regardless of skin color**. The OCR letter is also enforcing a US Supreme Court ruling clarifying the **14<sup>th</sup> Amendment of the US Constitution**. So what Reykdal is really saying is that he will not comply with the US Constitution!

This comes on the heels of Reykdal's refusal to comply with the the OCR February 2025 letter enforcing another important federal civil rights law called **Title IX – which requires fair treatment of biological girls in academic and sports programs**.

In February, 2025, Reykdal falsely claimed that Washington state civil rights laws (which requires allowing males to participate in girls sports) override the federal Title IX law (which prohibits allowing males to participate in girls sports). Previously, I wrote an article explaining why Washington laws do not override Title IX (an article you can read at [this link](#)). Here we will explain why Washington laws do not override the Civil Rights Act of 1964 or the 14<sup>th</sup> Amendment of the US Constitution.

### **Why Reykdal's Legal Theory that Washington Law has priority over federal law is Crazy**

Here is a quote from Reykdal's April 8, 2025 press release:

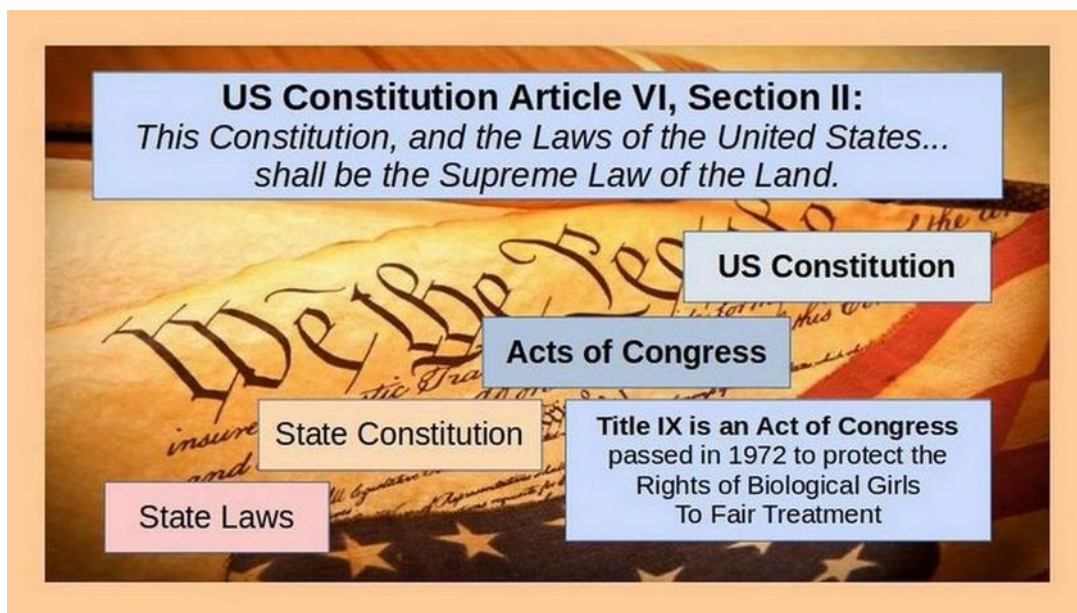
*"Last Thursday, the U.S. Department of Education's Office for Civil Rights asked states to certify their compliance with Title VI of the Civil Rights Act of 1964 as well as the Department's interpretation of the decision in **Students for Fair Admissions v. Harvard College ("SFFA v. Harvard")**. This is the latest attack against the rights of states to have **civil rights frameworks that exceed the federal minimum standards**."*

In plain English, Reykdal is falsely claiming that Washington State civil rights laws - which **require** special treatment of some people based on their skin color - have priority over federal civil rights laws (as well as the US Constitution) that **prohibit** special treatment based on skin color.

Reykdal bases his claim on his crazy legal theory that “**states can have civil rights laws that exceed federal minimum standards.**” There are at least three reasons why Reykdal’s legal theory is crazy.

First, Reykdal’s claim that Washington civil rights laws “**exceed federal minimum standards**” is false and misleading (and an abuse of the English language). Instead of exceeding federal minimum standards, what Washington civil rights laws really do is **directly contradict federal civil rights laws**. Imagine that the Washington legislature passed a state civil rights law **allowing slavery** and that there was a federal civil rights law, such as the 14<sup>th</sup> Amendment to the US Constitution, **prohibiting slavery**. According to Reykdal’s crazy legal theory, the state civil rights law would have priority over the federal civil rights law because the state civil rights law allowing slavery “exceeds the federal minimum standards”!

**Second, Reykdal’s crazy legal theory is contrary to Article VI, Section II of the US Constitution** which clearly states that federal laws have priority over state laws when the state laws directly contradict federal laws. States do have the right to pass their own laws. But state laws are not allowed to directly contradict federal laws.



When a state law conflicts with federal law, the U.S. Supreme Court can void the state law. The US Supreme Court has stated that state laws will be found to violate the Supremacy Clause if compliance with both federal and state laws is impossible or if the state law defeats the purpose of a federal law. Thus, state laws that are contrary to Title IX are null and void. Also state laws that are contrary to the Civil Rights Act of 1964 are null and void.

Third, the Washington state civil rights laws requiring schools to discriminate on the basis of skin color are not merely contrary to the US Department of Education “*interpretation*” of the US Supreme Court decision in *Students v. Harvard* (“SFFA v. Harvard”), they are blatant violations of the US Supreme Court decision in *Students v Harvard*.

Let’s review the background and problems of the Washington state civil rights laws that Reykdal falsely claims “exceeds the federal minimum standards.”

### **Comparing the April 8, 2025 Reykdal Letter to the February 14, 2025 OCR Letter**

As we reviewed earlier, the February 14, 2025 Office of Civil Rights Dear Colleague letter accurately summarizes the 2023 Supreme Court *Students v Harvard* decision. About all they could have added to make it clearer is the part about how **educational programs are supposed to be “color-blind”** and not even bring up the skin color stuff. But here is what **Reykdal said in his April 8, 2025 letter about the 2025 Dear Colleague Letter and the Supreme Court ruling it was based on:**

***“The Department does not have the legal authority to break protocol in this manner. Recognition of our diversity is a cornerstone of public education. It makes us stronger, more civil, and it empowers groups of students who have historically been marginalized or denied equal opportunities.”***

***“Washington will not suppress its core values or cede our right to determine our own education system to the federal government... In response to the Department’s request, I sent a letter affirming that Washington has already provided our assurances and met the requirements under Title VI. We will not sign additional certifications that lack authority, lack clarity, or are***

*an assault on the autonomy of states and local school districts by misapplying a higher education admissions case (Students v Harvard)."*

In fact, Washington can not possibly meet the "requirements under Title VI" because Washington requires schools to teach race and DEI curriculum where white students are oppressors and all black students are victims.

Instead, what Reykdal is really saying is that he intends to **misinterpret the US Supreme Court Students v Harvard ruling and ignore the Presidential Order based on that ruling and ignore the Office of Civil Rights Letter enforcing that Supreme Court ruling by** continuing with his DEI and Critical Race Theory indoctrination of students where even 5 year old white students are automatically the oppressors and black students are automatically the victims.

**But how does it empower white children to be told that they are racist oppressors? How does it empower black children to be told they are victims?**

## VII Thirty Examples of Washington Title VI Violations

Below are a series of examples of how the new laws passed between 2019 to 2021 were used to promote Critical Race Theory or DEI in violation of Title VI of the 1964 Civil Rights Act.

### Example #1 Racially Charged School Board Training

On June 23, 2021, the Moses Lake School Board was subjected to a CRT training session. A review of the CRT training materials confirmed:

#1: Clear racial bias and ethnic discrimination by a government entity.

#2: An “Identity Map (pages 93 – 97) that requires participants to assign a range of color identities to students and teachers on the basis of race, even for people who identify as more than one ethnicity, or report none at all.

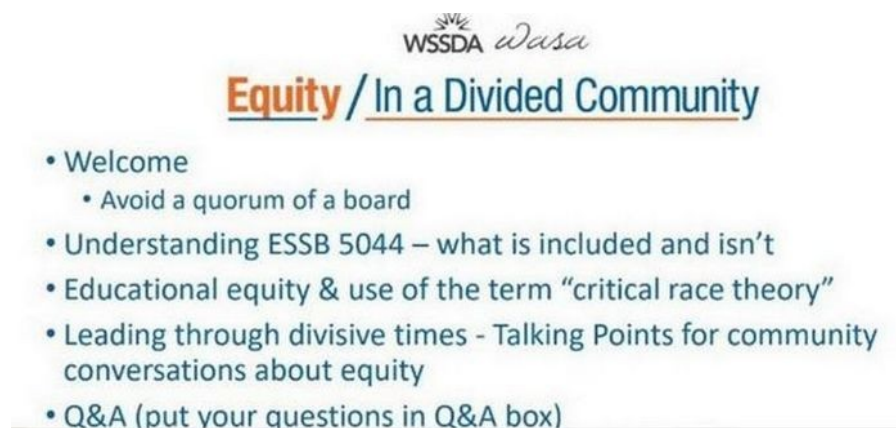
#3: A mandated “Privilege Walk” that arbitrarily places participants as “oppressors” or “oppressed” based entirely on their assigned race identity.

#4: Identity Cards that are assigned on the basis of race, sex and religion

#5: Race identity material on “What Does it Mean to be White?” is provided from the writings of known CRT advocates Robin DiAngelo, Gay, Nieto, Freire and Ladson-Billings (page 63)

#6: The promotion of racist tropes like, “as early as age 3, children pick up [from parents] terms of racial prejudice (page 131).

#7: Use of “equity” to determine outcomes based on race, and an effort to divide community along contrived race and ethnic lines (page 23), as shown in the graphic below:



<https://www.washingtonpolicy.org/publications/detail/critical-race-theory-crt-contributes-to-defeat-of-public-school-levy>



CRT trainers told Moses Lake school board members to use pre-set “Talking points”, to “avoid terms like critical race theory and equity” and to “anticipate pushback [from parents]...and stay on message” . The training recommends school officials post law enforcement at public meetings and to be prepared to “turn off the microphones” to silence critics.

### **Example #2 White Supremacy Pyramid used in every school district**

A racially charged White Supremacy Pyramid was used to stigmatize white students and parents and to create community division among Asian, black and brown students.



These same training materials were provided to all 1,447 school board directors in Washington state. In Moses Lake, parents were so angry about CRT being taught to their kids that they voted down the local school levy.

### **Example #3: School Districts forced to pass DEI Resolution they actually opposed and refused to honor**

On July 14, 2021, the Chehalis School Board approved a statement on equity as required by a new Washington state law. But at the same time, the school board stated: “



*We're not adopting it as a curriculum. Period.. We will not teach Chehalis students that people, due to their race or background, are inherently good or bad, guilty or innocent, (or) more or less capable than others."*

Unfortunately, many other schools in Washington state did begin teaching critical race theory in 2022 as is shown by messages that parents left on a website called WA Parents Rights in Education.

[https://drive.google.com/file/d/17kh2T8nR\\_Z7rtMdyg4dyx2k8K0wERCyu/view](https://drive.google.com/file/d/17kh2T8nR_Z7rtMdyg4dyx2k8K0wERCyu/view)

**Example #4** Post by parent against DEI practices in their school:

**I won't put my child back in public school. I no longer TRUST Chris Reykdal and his policies with my children.**

*"My 4<sup>th</sup> grade son has come home the last 3 days from school telling me about what he learned that day about racism. "Mommy today we were shown pictures of people and were supposed to say if they were black or white and that one was to tell if a person is black is because they have thicker lips". WTH?? SERIOUSLY????"*

**Examples #5, 6 and 7:** Posts by parents against DEI practices in their schools:

*"My son came home from grade school and told me he wanted to break his arm. I thought he was joking but sadly he wasn't. He told me he wanted to break his arm because he was privileged because he was male and he was white.*

*"CRT was taught in my grandsons 1st grade class in NC. He was the minority and the class was told, "white people are racist." Since classes were being done on zoom, it was heard at home."*

*"I am concerned about CRT especially and at least one history course in our school district. Our district is in the process of developing a more comprehensive equity policy and I have met with the superintendent to discuss that and express concerns."*

### **Example #8** Post by parent against DEI practices in their school:

"My school district has adopted the marxist Black Lives Matter curriculum and will start teaching it next month. I am pulling my kids out of school. This is a nationwide coalition, it's very likely starting in all schools everywhere. Please help spread the word. This is the last straw for me." - Edmunds SD

My 5th grade Granddaughter had to write a paper, subject was: Your a white person on an island and a black person comes to the island , what is the conversation? After the kids wrote the paper they then had to write another paper as : Now the white person is blind and the black person comes to the island, what is the conversation now? My Granddaughter was very confused and asked the teacher why they had to write the paper again and the teacher instructed the class to write a different conversation because it HAS to be different because the white person doesn't know the other is black. I instructed my granddaughter to write, word for word the same conversation she originally states she had.-Kent SD

### **Example #9** Post by parent against DEI practices in their school:

*My mixed race fair skinned daughter was told by a peer during a discussion in History class that she couldn't have an opinion on a racial topic because she was "white". The teacher heard the comment and visually reacted to it positively, (seen by me during a zoom lesson) then when confronted denied ever hearing it. - 10th Grade, Lynnwood Highschool*

### **Example #10** Post by parent against DEI practices in their school:

My daughter came home in 2nd grade during black history month, Feb 2021, and asked me if I owned slaves. I said "no". She followed with asking if I wanted to. Again "no". She then asked if my parents owned them. Again "no". She followed with asking if they wanted to. I had to again say "no".

I am from South Carolina. I have a cup with a rebel flag on it. My daughter told me that because I have that flag, it means I want slaves. That was her take away from school. When I expressed my concern to the teacher it was laughed off as a child's misunderstanding of the material taught. I was appalled.

Her grandparents still live in SC. She thought that because they were from the south that meant they had slaves.

This summer, I took her to SC and had her meet Miss Gloria and Mr. George. These two were most influential in my life, showed unconditional love and are African American. They never once pushed a pro-black sentiment nor did my family push a white supremacy agenda. We were family. We still are.- 2nd grade, Maya Angelou Elementary School Pasco, WA

## Example #11 Post by parent against DEI practices in their school:



## Example #12 Post by parent against DEI practices in their school:

### Ballard HS Ethnic Studies

Laura Lehni  
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 (206) 252-1054

**ACE: Antiracism and Civic Engagement**

Micoelle Christinia  
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 (206) 252-1054

**Course Description:** The ACE (Antiracism & Civic Engagement) course is a semester-long Social Studies elective that invites students to think critically about racism – at the individual, collective, and systemic level – in our schools, in our community, and in our country. Through reading, discussing, and writing about a wide variety of texts in multimedia formats and featuring BIPOC voices, students are taught to view their own purpose in their school, community, and country through an antiracist lens. This course is action oriented. Students are expected to turn their learning into civic engagement that is antiracist in nature and that will create meaningful long-term systemic change in our school and in our community.

|  |  |
|--|--|
| <b>Unit 1:</b> The Introduction Stage                        | <b>Whole Class Read:</b> <i>So You Want to Talk About Race</i> (Ijeoma Oluo).  |
| <b>Unit 2:</b> Book Groups and Diving Deeper with Your Peers | <b>Book Group Options:</b> <i>White Rage</i> (Carol Anderson), <i>Between the World and Me</i> (Ta-Nehisi Coates), <i>Citizen</i> (Claudia Rankin), <i>Pedagogy of the Oppressed</i> (Paolo Freire), <i>The Fire Next Time</i> (James Baldwin), <i>Four Hundred Souls</i> (Ibram X Kendi and Keisha N. Blain ed), <i>From a Whisper to a Rallying Cry</i> (Paula Yoo), <i>Caste</i> (Isabell Wilkerson), <i>White Fragility</i> (Robin DiAngelo), <i>Stamped</i> (Ibram X. Kendi and Jason Reynolds), <i>Prison Industrial Complex for Beginners</i> (James Braxton) |

and

Name: \_\_\_\_\_

#### White Student Group

Begin by reading this passage from "Nice Racism: How Progressive white people perpetuate racial harm" by Robin DiAngelo (white).

1. Take a moment to reflect for yourself when you have done what she is describing:

Some white progressives do want to talk about racism and voluntarily show up at optional workshops or presentations on racism, but they are more likely to be thinking about the other white people who really should be receiving the message, not their own need to hear it. Their first question is often some form of "How can I tell my family/friend about their racism?" I have begun to respond by asking, "Well, how would I tell you about *your* racism?" My point is that the question assumes it is not the person asking who needs help but always someone else. The asker has arrived and is now ready to go forth and enlighten others. White progressives who are more willing to acknowledge the existence of racism and white advantage will still typically locate it in any white person other than themselves. "Society," "The Administration," or certain political parties are also popular targets—vague categories that cannot easily be addressed and exempt those present in the room.



and

2. We are going to work through 12 specific examples of action/inaction from white students in this class:

| Action/Inaction that caused harm:                              | Reflections/ When did I do that? |
|--|----------------------------------|
| Interrupting a student of color while they are sharing.        |                                  |
| Quickly responding without listening/reflecting on response.   |                                  |
| Speaking as if students of color don't understand race/racism. |                                  |

**Example #13** Post by parent against DEI practices in their school:

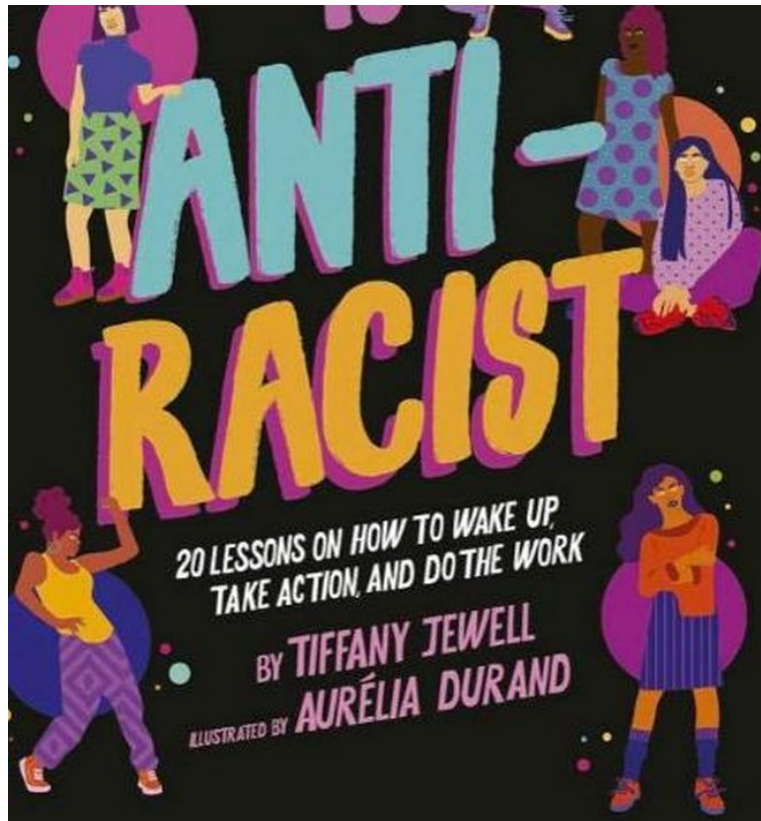
This is my daughter's high school "US History" class syllabus. In Tacoma. She comes home daily from this class frustrated and angry at the divisive and hateful ideology that she's forced to listen to. She's learning nothing in this "class". This woman is teaching propaganda. Not history.

-Tacoma School of the Arts, Tacoma Public Schools 5th grade, Tacoma SD

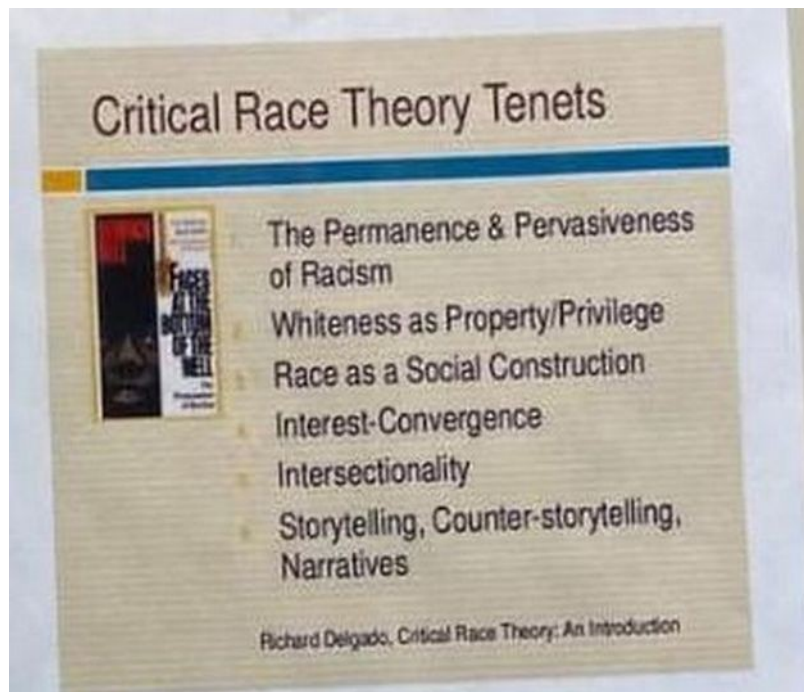


and

**Example #14** Post by parent against DEI practices in their school:



**Example #15** Post by parent against DEI practices in their school:



**Example #16** Post by parent against DEI practices in their school:

The Public School here Chehalis School District adapted the transgender bathroom agenda forced upon us from Olympia even though hundreds of local parents showed up at the school board meeting in Chehalis to oppose the new policy. The board did not listen to the community and passed the policy anyway without any consideration to the hundreds of parents who attended and those who spoke up against it. **Along with adopting CRT and the new Sexxxx Ed curricula we promptly withdrew our then 5<sup>th</sup> grader from Public school and enrolled her into a local private school.** We now have the burden of paying \$620 a month tuition but our child is safe and her academic performance has blossomed well beyond what she was performing at in the public indoctrination center our society calls school. I am passionate about the idea that every parent should have a choice where their child goes to school and the government dollars should follow the child wherever the parent sees fit to enroll them for education public or private.- Chehalis School District

**Example #17** Post by parent against DEI practices in their school:

**Issaquah SD no whites allowed.**

**Superintendent Search: The School Board Would Like to Hear From Parents, Guardians**

With the retirement of Superintendent Ron Thiele, the School Board would like input from parents and guardians in the search for a new superintendent. In addition to the recent ThoughtExchange, consultants with the search firm will hold three meetings at 9 a.m., 2 p.m. and 6 p.m. on Thursday, Feb. 17. A survey option will also be offered; the questions in the survey will be the same as in the Zoom meetings.

If parents and guardians do not have an opportunity to be heard in the Zoom meetings, or instead of attending the virtual meetings, please complete the survey, which will soon be available in English, Spanish and Chinese. To access the surveys, please visit the [announcements section of our website](#). The links to the surveys in all three languages will be published there at the same time as soon as possible.

We will also provide an additional meeting for parents and guardians of color and parents and guardians with students of color. This meeting will take place at 6 p.m. on Tuesday, Feb. 15 via Zoom, or you may complete the survey.

**Example #18** Post by parent against DEI practices in their school:

*"I am concerned about Tumwater School District's embrace of Critical Theory. The superintendent sent an email to all parents and staff that included the statement, "We remain committed to leading age-appropriate, non-biased classroom discussions as 'teachable moments' present themselves. We strive to facilitate teachable moments in a way that helps us grow stronger in our efforts to support equity and diversity affirmation in our schools."*

*I expressed my concern about his use of **the term equity, noting that in its common use it is contradictory to the notion of equality.** In my email, I stated "...**Equity, on the other hand, seeks to 'level the playing field,' by providing advantages (and disadvantages) to people based on someone's notion of** their differing needs. Rather than allaying my concerns he confirmed them by saying (among other things), "The use of the term equity in this message was intentional. We are aware of the difference between equality and equity... This summer, our board identified improving educational equity as the primary focus of our efforts for the coming year (and likely beyond)."*

He also attached Tumwater School Board Policy 3212, which further confirmed the extremist agenda of the Board/superintendent. The Policy is 4 pages of tripe, but some of the lowlights are:

- "We will significantly change our practices to achieve and maintain equity in education."
- "The concept of educational equity goes beyond formal equality where all students are treated the same."
- "This means differentiating resource allocation, within budgetary limitations, to meet the needs of students who need more supports and opportunities to succeed academically."
- "The Tumwater School District is committed to addressing and eliminating these gaps in kindergarten readiness, student achievement, discipline, attendance, graduation rates, and post-secondary success."

I am deeply concerned about my kids:

a) being indoctrinated,



b) having their needs neglected by a school where the "primary focus" is to improve equity (high-achieving students are an impediment to equity), and

c) being safe in their schools (if the Board considers reducing disparities in discipline part of its primary focus, it seems inevitable that rules and discipline will not be consistently applied.)

I am researching what our rights as parents are, and am considering all options, including conversations with all my kids' teachers, speaking out at PTO meetings, or if absolutely necessary moving out of the district (at great cost). We are new to the district, and with COVID, networking/organizing with like-minded parents is a challenge, but I am open to suggestions about the best way forward.- Tumwater SD

**Example #19** Post by parent against DEI practices in their school:

**Seattle School District Race based Math class:**

### Seattle SD Math Ethnic Studies Framework

#### SEATTLE PUBLIC SCHOOLS

##### K-12 Math Ethnic Studies Framework (20.08.2019)

| THEMES  |  |  |  |
|---|--|--|--|
| Origins, Identity, and Agency   | Power and Oppression   | History of Resistance and Liberation   | Reflection and Action  |
| <p>Definition of theme:</p> <p>Origins, Identity and Agency, as defined by ethnic studies, is the ways in which we <i>view ourselves as mathematicians</i> and members of broader mathematical communities. Mathematical theory and application is <i>rooted in the ancient histories of people and empires of color</i>. All human endeavors include mathematical thinking; from humanities to the arts to the sciences.</p>       | <p>Definition of theme:</p> <p>Power and oppression, as defined by ethnic studies, are the ways in which individuals and groups define mathematical knowledge so as to see "Western" mathematics as the only legitimate expression of mathematical identity and intelligence. This definition of <i>legitimacy is then used to disenfranchise</i> people and communities of color. This <i>erases the historical contributions</i> of people and communities of color.</p> | <p>Definition of theme:</p> <p>The history of resistance and liberation, as defined by ethnic studies, is the stories, places, and people who helped liberate people and communities of color using math, engineering, and technology. <i>Access to mathematical knowledge itself is an act of liberation.</i></p> | <p>Definition of theme:</p> <p>Student action, as defined by ethnic studies, is fostering a sense of advocacy, empowerment, and action in the students that creates internal motivation to engage in and contribute to their identities as mathematicians. Students will be confident in their ability to <i>construct &amp; decode mathematical knowledge, truth, and beauty</i> so they can <i>contribute</i> to their experiences and the experiences of people in their community.</p> |
| Learning Targets  | Learning Target  | Learning Targets   | Learning Targets   |
| <ul style="list-style-type: none"> <li>• SWBAT identify ancient mathematicians and their contributions to mathematics</li> <li>• SWBAT know the continents and countries that were and are at the core of the development of mathematics.</li> <li>• SWBAT create a timeline of math history</li> <li>• SWBAT create counter narratives about the origins of mathematical knowledge</li> <li>• SWBAT explore and express</li> </ul> | <ul style="list-style-type: none"> <li>• SWBAT analyze the ways in which ancient mathematical knowledge has been appropriated by Western culture.</li> <li>• SWBAT identify how the development of mathematics has been erased from learning in school.</li> <li>• SWBAT identify how math has been and continues to be used to oppress and marginalize people and communities of color.</li> </ul>  | <ul style="list-style-type: none"> <li>• SWBAT know and appreciate the contributions of their individual communities towards the development of institutions in the advancement of mathematics.</li> <li>• SWBAT identify individuals and organizations that have reclaimed mathematical</li> </ul>                | <ul style="list-style-type: none"> <li>• SWBAT see mathematics as a common language.</li> <li>• SWBAT value their mathematical identity.</li> <li>• SWBAT value the potential that math can have on their freedom.</li> <li>• SWBAT identify and teach others about mathematicians* of color in their various communities: schools, neighborhoods, places of worship.</li> </ul>   |

More race based math (not that Washington state math scores on national tests have plummeted since 2017 when Reykdal became State Superintendent. Perhaps this is why.

|  |   |   |  |
|--|---|---|--|
| <b>Who is a Mathematician?</b> <ul style="list-style-type: none"> <li>What is my mathematical identity?</li> <li>How does it feel to be a Mathematician?</li> <li>What other mathematicians are in my learning community?</li> <li>Who are resources for math learning?</li> <li>Is there an authority for math knowledge?</li> <li>How do students see mathematics as relevant to their individual lives and their communities?</li> <li>What stories are important to your cultural connection to mathematics?</li> </ul> <b>What does it mean to do math?</b> <ul style="list-style-type: none"> <li>How important is it to be Right? What is Right? Says Who?</li> <li>What is the difference between being right and being a learner?</li> <li>What does it mean to make a mistake? In the classroom? In my home? In my community?</li> <li>How do mistakes facilitate</li> </ul> | <b>Where does Power and Oppression show up in our math experiences?</b> <ul style="list-style-type: none"> <li>Who holds power in a mathematical classroom?</li> <li>Is there a place for power and authority in the math classroom?</li> <li>Who gets to say if an answer is right?</li> <li>What is the process for verifying the truth?</li> <li>Who is Smart? Who is not Smart?</li> <li>Can you recognize and name oppressive mathematical practices in your experience?</li> <li>Why/how does data-driven processes prevent liberation?</li> </ul> <b>How is math manipulated to allow inequality and oppression to persist?</b> <ul style="list-style-type: none"> <li>Who is doing the oppressing?</li> <li>Who does the oppression protect? Who does this oppression harm?</li> <li>Where is there an opportunity to examine systemic oppression?</li> <li>How can math help us understand the impact of economic conditions and systems that contribute to poverty and slave labor?</li> <li>How does math contribute to</li> </ul> | <b>How has math been used to resist and liberate people and communities of color from oppression?</b> <ul style="list-style-type: none"> <li>When has math been used historically to resist and liberate?</li> <li>How can we use data to resist and liberate?</li> <li>How can we use math to measure the impact of activism?</li> </ul> <b>What does it look like when we own mathematical thinking?</b> <ul style="list-style-type: none"> <li>When do I know/feel like I am a mathematician?</li> <li>When do I see people around me as mathematicians?</li> <li>Can you recognize when someone is being mathematical?</li> <li>How/why do mathematical processes demand collective thinking?</li> </ul> <b>Can you suggest resolutions to oppressive mathematical practices?</b> | <b>In what ways does mathematical literacy impact how we think?</b> <ul style="list-style-type: none"> <li>Why is mathematical literacy important?</li> <li>How can math be used to communicate information?</li> <li>What validates (y)our mathematical thinking?</li> </ul> <b>How does mathematics allow us to acquire intellectual freedom?</b> <ul style="list-style-type: none"> <li>As a mathematical thinker, what power do you have to change ___?</li> <li>Can you advocate against oppressive mathematical practices?</li> <li>How can our stories be valued as data points to impact change?</li> </ul> <b>How can math be used to analyze and interpret life?</b> <ul style="list-style-type: none"> <li>Can I use mathematics to comprehend my everyday life?</li> <li>What ways do I use mathematics?</li> <li>What do you wonder about ___?</li> <li>What patterns are you observing during/in ___?</li> </ul> |
|--|---|---|--|

### Example #20 Post by parent against DEI practices in their school:

My son started public school in Tukwila in 2018. This school has a student population with over 90% POC and only a few other students who identify as white like my son. It was never an issue for my son to have friends who were predominately black the first couple years. After the 2nd day of 3rd grade, my son climbed into our car in the pick-up line crying and upset. I asked him what was wrong. He described how 3 black students had been bullying him all that day and that they hurt him during class. As it turned out, these 3 students kicked him in the legs and hips several times during class, so he told the 2 teachers present and all they said was for them to stop. Then the boys waited for the teachers to move on with the lesson and they slapped him across the face leaving two bruises. My son tried to get the teachers' attention again and he was told to stop interrupting class. This was a kind-hearted 8 year old child who was being assaulted by 3 students, and his calls for help were completely ignored by his teachers.

When we got home, I tried to call the teachers and they were unavailable to speak to me. I promptly emailed the principal and she had not been notified at all by the teachers that my son had been assaulted. I pulled him from the class that day and started researching how to homeschool. I think these teachers chose not to intervene because of my son's race. We can't teach children that an entire race is the oppressors and everyone else is thought of as inferior. This is not reality and it breeds hate.- 3rd grade, Tukwila

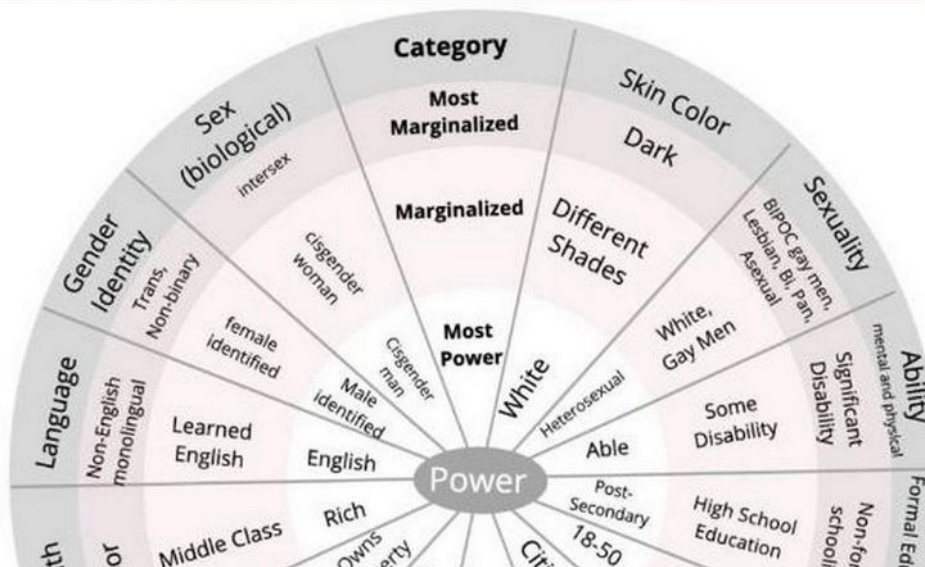
**Example #21** Post by parent against DEI practices in their school:

**ELEMENTARY SCHOOL IN THE FRANKLIN PIERCE SD**

| <b>BLACK LIVES MATTER GUIDING PRINCIPLES</b>                           |   |
|--|---|
| <b>"KID-FRIENDLY" VERSIONS OF THE 13 PRINCIPLES – by Laleña García</b> |   |
| PRINCIPLE  | DESCRIPTION   |
| RESTORATIVE JUSTICE  | We know that if you hurt somebody, you have to help them feel better; you can't just say, "Sorry," and walk away. We also know that it's important for kids to be able to make a better choice another time, and it's grownups' job to help them make better choices and to give them chances to do that. |
| EMPATHY  | It's so important to think about how other people feel, because different people have different feelings. Sometimes it helps to think about how you would feel if the same thing that happened to your friend happened to you.  |
| LOVING ENGAGEMENT  | It's so important to make sure that we are always trying to be fair and peaceful, and to engage with other people (treat other people) with love. We have to keep practicing this so that we can get better and better at it.   |
| DIVERSITY  | Different people do different things and have different feelings. It's so important that we have lots of different kinds of people in our community and that everyone feels safe.   |
| GLOBALISM  | Globalism means that we are thinking about all the different people all over the world, and thinking about the ways to keep things fair everywhere.   |

**Example #22** Post by parent against DEI practices in their school:

**Washougal High School, Washougal School District.**



**Example #23** Post by parent against DEI practices in their school:

My first experience with CRT in school was 2019/2020 when my oldest was in 1<sup>st</sup> grade. They had been learning about MLK and segregation in school, a completely bewildering concept to my six year old whose immediate family consists of Black, White, Cambodian, Native American and a variety

of combinations of these. While talking with his friends on the playground, as children do, he told his black friend that if thing were the same, she wouldn't be allowed to go to school with them. That evening I received a message from the teacher explaining how upset the little girl and her parents were over my son reciting exactly what he had been told in class. The incident rattled him and he became insecure about who he could talk to and about what. The confusion depended when, during a race discussion in music class (yes, music class) a little girl pointed at all of the white (and white presenting) students and screamed "You did this to me!". For the first time in his six year, he began to see the differences in his own family members, people he had grown up with and loved, and question his own role and responsibility to those who ended up with darker features than his.

Things only escalated from there. During a Zoom meeting in second grade, I overheard a 7 year old white boy express guilt for being white after a lesson on the trail of tears. Their ELA lessons consisted almost entirely of stories about American's of color, like Caesar Chavez, who triumphed over white oppression and racism. By third grade he was learning about the discovery of America and although he cannot name the 3 ships Columbus sailed in nor tell you the year of that fateful discovery, he can tell you that he was an evil, brutal, racist tyrant who incited fear and violence. That's all he knows about every explorer. His Thanksgiving lesson was all about not focusing on the triumph of that one day, but on the breakdown that happened 50 years later. My youngest had entered kindergarten by then and was learning to read with stories about Harriet Tubman being chased by dogs. Their school hallways and classrooms are decorated with BLM fists and Rainbows declaring that every child is equal, but some children are more equal.

Along with the majority of students in Washington State, my son is below grade average, but how could he not be? He hasn't had a spelling test since 1st grade.


Indeed, core building blocks like handwriting and spelling seem to have been completely abandoned. In his math, he gets lost halfway through the problem because his handwriting is so bad he can't read what he wrote. For the first time this year, he has a teacher concerned with using proper punctuation in a sentence.



None of what my children have been exposed to under the guise of “Diversity, Equity, and Inclusiveness” have been age appropriate or worked to create a better environment. It has instead bred division, confusion, and guilt. This is not basic education and this is not the right direction for Washington State Schools.- Chambers Bay Primary

**Example #24** Post by parent against DEI practices in their school:

**Pathfinder Middle School**



## Lunchtime Community Building Groups for BIPOC & Multiracial Scholars, K-8

Please sign up your scholar to participate in the lunchtime community building groups for Black, Indigenous, People of Color (BIPOC) & Multiracial scholars, held on the 3rd Wednesday of each month during lunchtime.

**WHO:** All BIPOC & Multiracial Scholars, K-8, are invited to join.

**WHAT:** Community Building Groups, organized by grade band (K/1, 2/3, 4/5, and MS).

**WHERE:** Groups will be held outside during lunchtime in the covered space across from Pathfinder's Garden.

**WHEN:** Monthly, every 3rd Wednesday of the month during lunchtime.

**HOW:** On the 3rd Wednesday of each month, scholars will meet Jamelia in the HUB at the beginning of their lunchtime. From there, they will walk out through the Sky Hall door to the sheltered garden space to eat lunches and have recess together.

**Example #25** Post by parent against DEI practices in their school: **Music is also racist!**

| Washington Ethnic Studies Now Music Ethnic Studies Framework  |   |   |  |
|---|---|---|--|
| Identity and Agency   | Action and Reflection   | Power and Oppression  | Resistance and Liberation  |
| Definition of Theme   |   |   |  |
| Focusing on Identity and Agency values students' musical backgrounds and recognizes the cultural knowledge they contribute. This knowledge is informed and influenced by family heritage, communal practices, and global cultural flows mediated through technoscapes and local exchanges. Various expressions of musical identity reflect complex, intersectional identities that are constantly shifting due to internal and external forces. Viewing all forms of music as | Action and Reflection, as defined by ethnic studies, puts musical knowledge into practice as a means to engage in social action in a variety of settings. The production of musical counter-narratives facilitates individual and community reflection on intentional action and the development of strategies to challenge and disrupt dominant discourse. Musical artifacts we develop through creative and collaborative processes can be used to raise our social consciousness through | Power and Oppression, as defined by ethnic studies, focuses on problematizing the hegemonic structures within the music classroom including (but not limited to) repertoire choices, ensemble construction and culture, hierarchical relationships between teachers and learners (e.g., conductors, student leaders, etc.), definition of excellence, and how these aspects of music education relate to notions of white supremacy and values that are congruent with settler colonialism. | Resistance and Liberation, as defined by ethnic studies, are the ways in which musical cultures have used music to center community growth, inspire and grow socio-political movements, maintain identity, and facilitate connections to oneself, community, and ancestral knowledge. Honoring aspects of identities that have been subtracted, erased, and/or diminished both historically and in current practice, resistance and liberation invites musicians to cultivate, reclaim and |

**Example #26** Post by parent against DEI practices in their school:

**Eisenhower Middle School, Everett SD**



**Example #27** Post by parent against DEI practices in their school:

My daughter was 20 and an employee with Evergreen School District #114. In a "Courageous Conversation" aka CRT class she was told, "Stop calling yourself 'mixed'. You call yourself white because you are light skinned, you follow your mother's race (I'm white)." And here's the kicker, "you don't have a relationship with your father." We were both appalled at the last statement, to us it was a clear cut racist statement made in an "anti-racist" class.-Teacher, Evergreen SD

**Example #28** Post by parent against DEI practices in their school:

I removed my child from public school because they were teaching her she was a privileged bully for being white skinned.-8th grd. Monroe SD

**Example #29** Post by parent against DEI practices in their school:

I was called a bigot and racist at school board meetings. I withdrew my kids from public school in Washington during the summer of 2020 in formal protest to the mask mandates and CSE choices/curriculum, only to have the state pay the schools extra anyway, making me voiceless when that was the one way I could try to make myself heard. The CSE is so abhorrent that "opting out" wasn't enough if this is what my kids' peers were all going to be subjected to, plus I don't trust that CSE and CRT wouldn't be everywhere at the school anyway.



We ended up being so disgusted by the endless mask mandates, non-responsive board members, CSE, CRT/Equity, and promotion of untested Covid vaccines and Covid fear that we moved to a better state where our kids instantly went back to school like normal. We left our life and extended family behind to give our kids the education and non-indoctrinated peer group that would most benefit them.- Hockinson, WA (Hockinson Heights Elementary, they were going into 1st and 3rd grade in 2020)

**Example #30 October 26, 2024 CRT Teacher Training event**

Mandatory trainings that focus on particular target groups can foster discomfort and perceptions of unfairness. DEI initiatives can provoke backlash, increasing rather than reducing racial resentment. And diversity initiatives aimed at managing bias can fail, sometimes resulting in decreased representation and triggering negativity. The October 26, 2024 Northwest Teaching for Social Justice Conference was sponsored by the WEA teachers union. Here is a link to their flier.

<https://nwtsj.org/wp/wp-content/uploads/2024/09/NWTSJ-Flyer-2024.pdf>

Topics included:

- Promotion of trans ideology among boys and girls in public schools
- Lobbying for passage of more ethnic studies and CRT bills in 2025
- Incorporating lessons about Palestine and anti-semitism in K-12 classrooms
- Critical analysis against capitalism for young learners
- Critique of the United States as Indigenous Enslavement and Decolonization
- Promoting Critical Race Theory books (see image below)

During this teacher training, there was no recognition of the remarkable progress Americans have made since the dawn of the civil rights movement, or of the greater unity and social cohesion that has been achieved among students and the community in general.

In fact, classroom lessons in CRT and DEI were designed to divide students along color lines and take us backwards.



The hurt feelings engendered by these concepts hinder student learning in core subjects like English, science and math and contributed to falling test scores statewide. There was a mountain of divisive Critical Race Theory books offered to teachers.



Teachers attend on paid time and received Continuing Learning Credits as required by their state-issued certificates. Yet harmful CRT concepts is likely a significant contributor to the decline in student attendance in the public schools. Increasingly Washington families are leaving the system and seeking alternatives to accessing high-quality academics for children.

## VIII Evidence of DEI Curriculum Harm to Students

In our previous [Washington State Title IX complaint](#), which we submitted on February 28, 2025, we provide evidence of numerous harms suffered by students here in Washington state since Reykdal took office in 2017. It is impossible to tell whether these harms were the result of Reykdal's Title IX violations or his Title VI violations we described in this complaint – or the result of Reykdal's FERPA violations which we will describe in our next OCR complaint. What is certain is that the combination of all of these Civil Rights violations have severely harmed the emotional and academic well being of more than one million school children here in Washington state for the past 8 years making the combination of these violations one of the worst federal crimes ever committed against children.

But before we consider possible remedies for this crime, we will take a brief look at the consequences to the children of Washington state of Reykdal's 8 year assault on our children and their civil rights.

### **Consequence #1: Record Parental Removal of their kids from Washington Public Schools**

Reykdal's failure to protect girls and boys from his radical Trans agenda, has resulted in record parental removal of more than 150,000 students leaving public schools since Reykdal took office in 2017. Reykdal and OSPI have claimed that "47,885 students have left public schools since the 2019-2020 school year, putting the state's total number of students at 1,098,997 during the 2023-2024 school year."

In fact, **the real number is about 155,000 students who left the public schools - more than three times higher than the number admitted by Reykdal.** According to data from the Washington Office of Financial Management, the population of children aged 5-19 have risen by an average of 12,000 per year over the past 12 years. This includes births and people moving to Washington state.

This number includes 12,000 in 2022 and 11,000 in 2023. When including this growth of 12,000 students per year, **more than 91,000 students have left our public school system since 2018.**

| Year | Actual October Headcount Enrollment per OFM | Change in Enrollment from previous year | Parents pulling their kids out of school - annual | Parents pulling their kids out of school - cumulative |
|------|---|---|---|---|
| 2015 | 1079434                                     | 12000                                   | 0   | 0   |
| 2016 | 1092384                                     | 13000                                   | 0   | 0   |
| 2017 | 1103393                                     | 11000                                   | 0   | 0   |
| 2018 | 1107127                                     | 3724                                    | 8000  | 8000  |
| 2019 | 1115732                                     | 8605                                    | 3000  | 11000   |
| 2020 | 1077739                                     | <38,000>                                | 50000   | 61000   |
| 2021 | 1074262                                     | <3000>                                  | 15000   | 66000   |
| 2022 | 1077339                                     | 3000                                    | 9000  | 75000   |
| 2023 | 1073794                                     | <4000>                                  | 16000   | 91000   |

In addition, another 6 percent of students who were enrolled in October 2022 dropped out of school by the end of the year. This is **another 64,000 students lost for a total of 155,000 students. Since Reykdal took office, there has been a 10% increase in private school enrollment and a 37% increase in home school enrollment.**

## **Consequence #2: Dramatic Increase in Student Absenteeism**

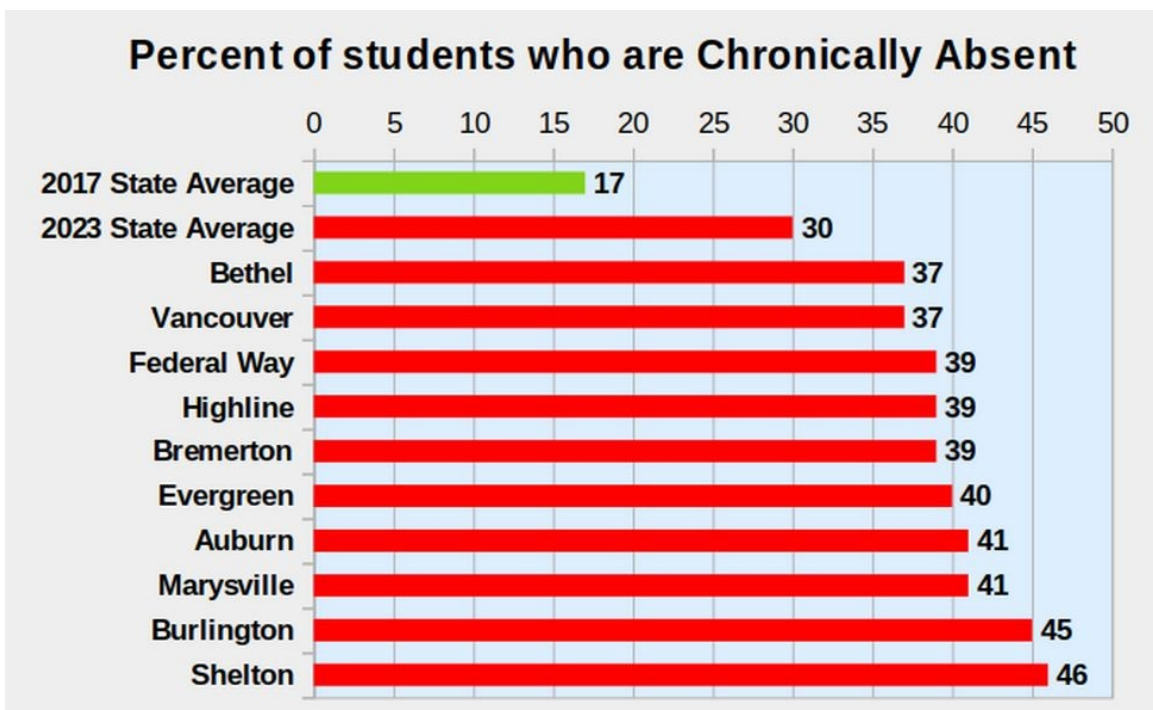
### **Chronic Student Absenteeism has doubled since Reykdal took office**

The number of students still enrolled in the schools but chronically absent from schools has doubled since Reykdal took office. Chronic absenteeism is defined as the percentage of students missing at least 10 percent of a school year. In Washington, this means being enrolled in the schools but missing at least 18 days of instruction. Chronic absenteeism is strongly related to failing courses and later dropping out of school. It is also strongly related to mental health problems including anxiety, depression, suicidal thoughts, drug abuse and crime rates including the probability of being arrested later in life and related to family unemployment later in life.

A very large number of these chronically absent students are almost never at school. In 2017, Washington was already near the worst in the nation with 17% chronic absenteeism - likely due to the fact that Washington state has among the highest class sizes in the nation. From 2017 to 2022, the national average doubled from 14 percent to 28 percent. The average in Washington state rose from 17% in 2017 to 33% in 2022 and 30% in 2023. See: "Chronic Absenteeism: 2017–2023," American Enterprise Institute, January 2024. <https://www.returntolearntracker.net/>



Here are the latest Chronic Absentee rates in selected school districts in Washington state:



Even 17% student absenteeism is not acceptable. In fact, it represents a serious threat to the current and future well being of our children.

### **Consequence #3: Dramatic Decrease in Student Test Scores**

Since Chris Reykdal took office in January 2017, Washington students have suffered record learning losses. These learning losses began even before the 2020 school closures.

#### **How to view NAEP test scores for yourself**

Here is a link to the NAEP test results page for Washington:

[https://www.nationsreportcard.gov/profiles/stateprofile/overview/WA?chort=1&sub=MAT&st=MN&year=2022R3&sfj=NP&cti=PgTab\\_OT&sj=WA](https://www.nationsreportcard.gov/profiles/stateprofile/overview/WA?chort=1&sub=MAT&st=MN&year=2022R3&sfj=NP&cti=PgTab_OT&sj=WA)

Here is a chart on the 4<sup>th</sup> Grade Math test. Historically, Washington 4<sup>th</sup> graders averaged 5 points above the national average – which was near the top in the nation. In 2019, Washington 4<sup>th</sup> graders fell to the national average or 25<sup>th</sup> in the nation. When Reykdal took office, about half of our Fourth graders were proficient in math. Currently on 35% are proficient:

| ASSESSMENT                         |       |      | AVERAGE SCORE |                                      | ACHIEVEMENT LEVELS |                        |             |
|------------------------------------|-------|------|---------------|--------------------------------------|--------------------|------------------------|-------------|
| Subject                            | Grade | Year | Score         | Difference from National public (NP) | At or above Basic  | At or above Proficient | At Advanced |
| Mathematics<br>(scale range 0–500) | 4     | 2022 | 235           | # ♦                                  | 74                 | 35                     | 8           |
|                                    |       | 2019 | 240           | # ♦                                  | 79                 | 39                     | 9           |
|                                    |       | 2017 | 242           | +3 ♦                                 | 80                 | 42                     | 11          |
|                                    |       | 2015 | 245           | +5 ↑                                 | 83                 | 47                     | 12          |
|                                    |       | 2013 | 246           | +5 ↑                                 | 86                 | 48                     | 10          |

The Eighth Grade Math score is also bad. When Reykdal took office, Washington Eighth Graders were among the highest in the nation at 7 points above the national average - with 41% proficient. Currently, our Eighth graders are only 3 points above the national average and only 28% are proficient. Clearly our students are going in the wrong direction.

| ASSESSMENT                         |       |      | AVERAGE SCORE |                                      | ACHIEVEMENT LEVELS |                        |             |
|------------------------------------|-------|------|---------------|--------------------------------------|--------------------|------------------------|-------------|
| Subject                            | Grade | Year | Score         | Difference from National public (NP) | At or above Basic  | At or above Proficient | At Advanced |
| Mathematics<br>(scale range 0–500) | 8     | 2022 | 276           | +3 ↑                                 | 64                 | 28                     | 8           |
|                                    |       | 2019 | 286           | +5 ↑                                 | 72                 | 40                     | 13          |
|                                    |       | 2017 | 289           | +7 ↑                                 | 75                 | 41                     | 13          |
|                                    |       | 2015 | 287           | +5 ↑                                 | 74                 | 39                     | 11          |

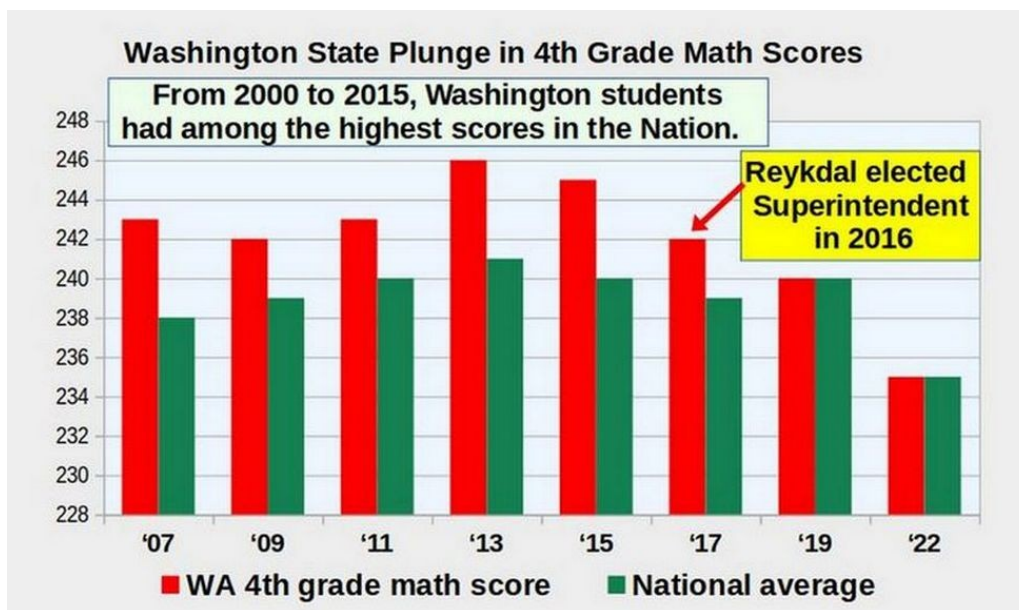
The reason Washington state students have historically performed near the highest in the nation is that Washington is one of the eight wealthiest states in the nation. It is therefore shocking that our student test performance has fallen to the national average. Nevertheless, let's look at State Comparisons to see how that has changed since Reykdal became our state superintendent. To get to the state comparison page for Washington, go to the above link and click on the State Comparisons tab.

**On Fourth Grade Math, Washington is now 27<sup>th</sup> in the nation. In 2015, Washington was 8<sup>th</sup> in the nation.** On Eighth Grade Math, Washington is now 18<sup>th</sup> in the nation. In 2015, Washington was 8<sup>th</sup> in the nation. Washington is ranked 8<sup>th</sup> in the nation in per capita income. Washington therefore should be about 8<sup>th</sup> in the nation in NEAP test scores.



## The Biggest Red Flag is NAEP Math Scores

Far more concerning than the record drop in 8<sup>th</sup> Grade Reading scores, Washington students suffered a record decline on the 4th and 8th Grade Math tests. The reason this should set off alarm bells is that Washington is one of the ten most affluent states in the nation – and all standardized tests are known to be related to family income – with students from more affluent families performing much better than students from poorer families (also known as the Achievement Gap). Because of this factor, **Washington students have always performed in the Top Ten states on the NAEP Math tests.** On several occasions, our students have performed in the Top Five states as is shown by this graph:



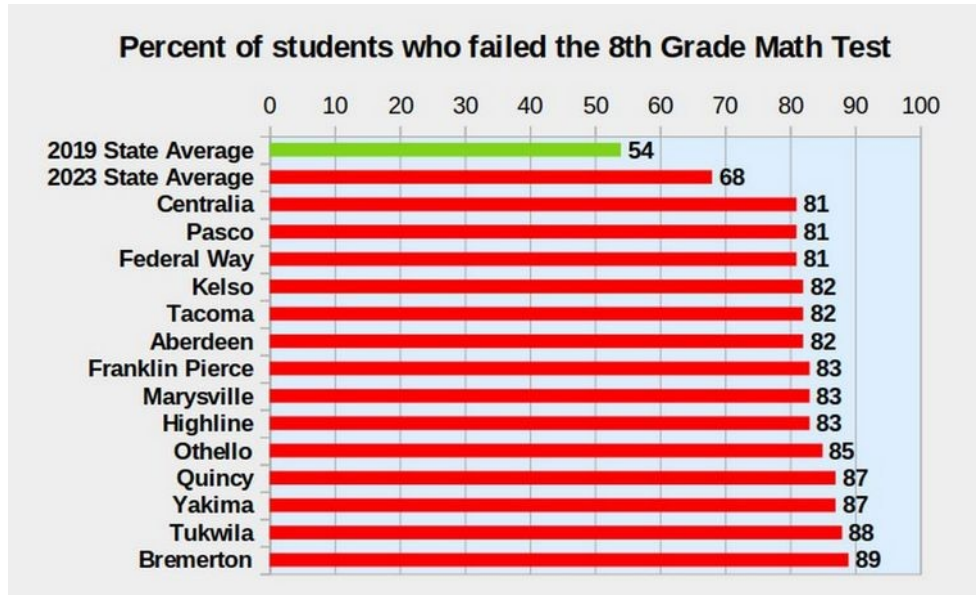
You can see from the above graph that even before 2020, Reykdal's policies had been a disaster. In fact, since Reykdal was elected, Washington student test scores on the NAEP Fourth Grade Math test have declined more than in any other state in the nation! **Since Reykdal took office, Washington students have lost more than a year of math learning!** Reykdal is literally the worst Superintendent in the United States and the worst Superintendent in the history of Washington state as is confirmed by the record decline in 4th Grade Math scores.

## Record Decline in Students passing the 8<sup>th</sup> Grade Math Test

The Washington 8<sup>th</sup> Grade Math test is important for several reasons. First, it can be correlated to the National 8<sup>th</sup> Grade Math test – making it harder to rig. Second, it is a good predictor of students passing the 10<sup>th</sup> grade math

test. So it is a look into our future. Third, it includes students who have been subjected to Reykdal's policies during his entire 8 years in office. These students have never known anything other than Reykdal's policies.

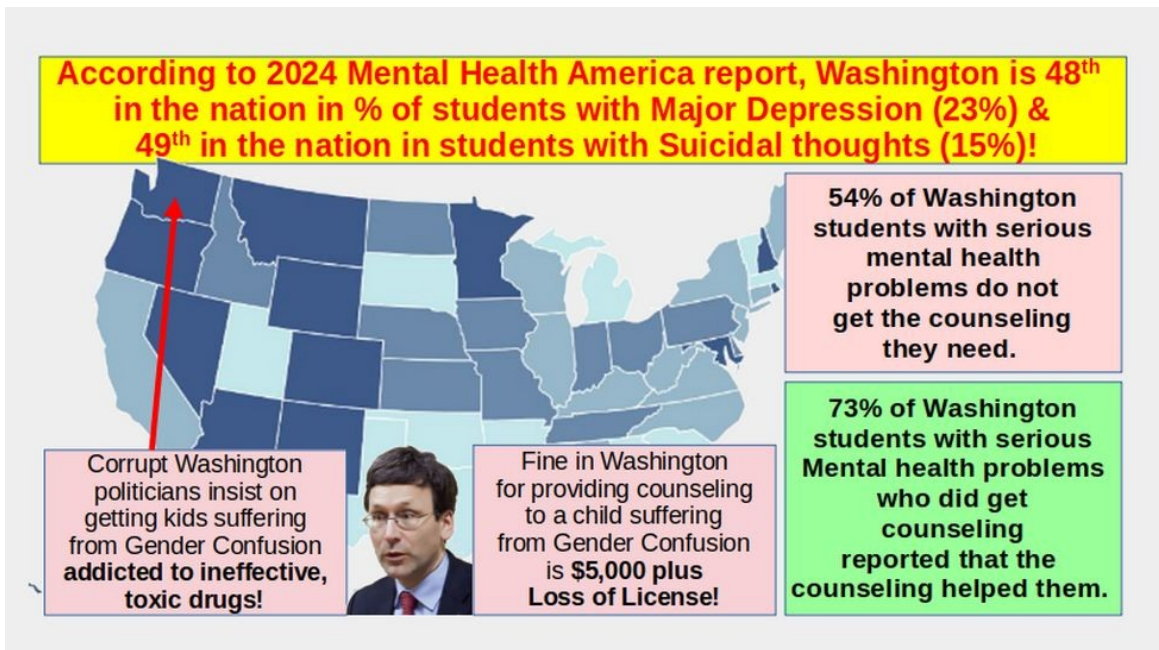
When Reykdal took office, only 46% of students passed the Washington state 8<sup>th</sup> Grade Math test. In May 2023, only 32% of students passed the 8<sup>th</sup> Grade Math test. For the first time in State History, 68% failed the test. **In many school districts, 80 to 90% of the students failed this test:**



Since Reykdal took office, we now have only a few school districts left that are performing well. Sadly, we now have a huge number of school districts that are doing very poorly. It is stunning how many school districts in Washington state now have fewer than 20% of the students who are able to pass the 8<sup>th</sup> grade math test.

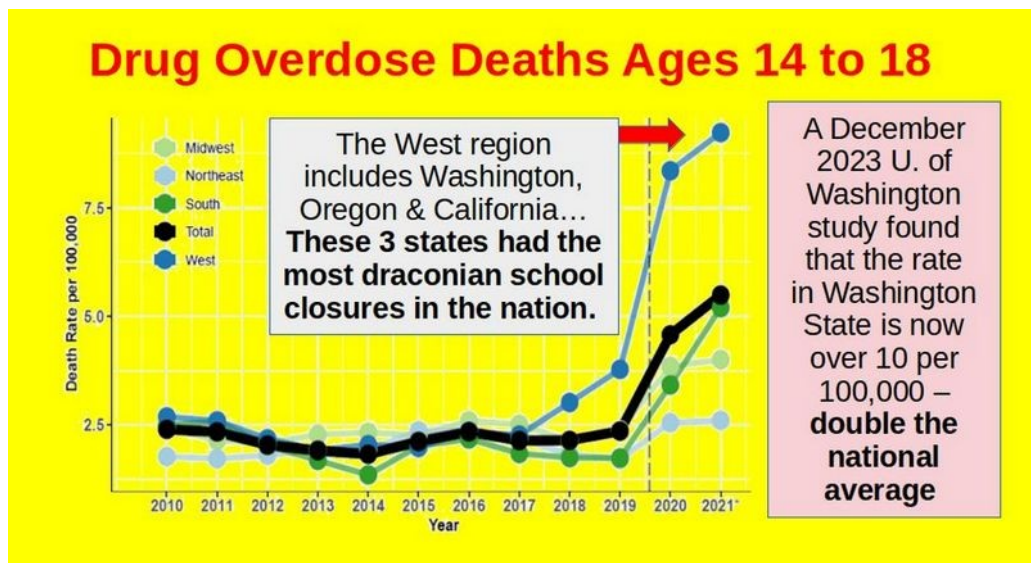
#### **Consequence #4: Dramatic Decrease in Student Mental Health**

8 years of violating the Title IX and Title VI rights of a million children has caused Washington state to fall to **48<sup>th</sup> in the nation in childhood mental health.**



### Consequence #5: Dramatic Increase in Student Drug Overdoses

Studies published in December, 2021 & December 2023 found that **Drug Overdoses among Washington state 14 to 18 year olds are the highest in the nation – and more than twice the national average!**



In addition, 20% of high school students now think about committing suicide and hundreds of thousands of students now suffer from Depression and Anxiety.



## 20% of Washington High School Students Have thought about committing suicide



Hundreds of  
thousands of  
Washington  
Students  
now suffer  
from  
Depression  
Or  
Anxiety

These are only a few of the many signs of students in distress. These harms to students could have been predicted by the following study which found that teaching critical race theory causes more harm than it does good.



A November 2024 study, **“Instructing Animosity: How DEI Pedagogy Produces the Hostile Attribution Bias,”** from Rutgers University shows these DEI policies foster distrust, unfairness and bad feeling among citizens, and not the promised gains in tolerance and understanding.

[https://networkcontagion.us/wp-content/uploads/Instructing-Animosity\\_11.13.24.pdf](https://networkcontagion.us/wp-content/uploads/Instructing-Animosity_11.13.24.pdf)

Do ideas and rhetoric foundational to many DEI trainings foster pluralistic inclusiveness, or do they exacerbate intergroup and interpersonal conflicts? Do they increase empathy and understanding or increase hostility towards members of groups labeled as oppressors?

Across all groupings, instead of reducing bias, they engendered a hostile attribution bias

DEI training was shown to increase racial animosity. Therefore, we need to do the opposite of DEI training to reduce racial animosity.

The evidence presented in these studies reveals that while purporting to combat bias, some anti-oppressive DEI narratives can engender a hostile attribution bias and heighten racial suspicion, prejudicial attitudes, authoritarian policing, and support for punitive behaviors in the absence of evidence for a transgression deserving punishment. Although not addressed in the studies reported herein, it is also possible that these factors are mutually reinforcing and spread through social contagion. Our findings raise this possibility which we offer here in the form of a post-hoc process model (to be investigated in future studies):

**Calls for More Interventions:** The heightened punitive atmosphere feeds back into demands for more anti-oppressive DEI training, creating a self-reinforcing cycle of suspicion and intolerance.

The first step in reducing Trans Drug propaganda and the Critical Race theory propaganda is to protect children's rights under Title IX and Title VI. Which leads us to our final topic of how to restore Title VI rights of one million students in Washington state.

## IX Title VI Enforcement Regulations

Title VI of the Civil Rights Act of 1964 prohibits federally funded programs, activities, and institutions from discriminating based on race, color, or national origin. In its current form, largely unchanged since its adoption, Title VI incorporates a number of unique features. Besides barring federally funded programs from discriminating based on race, Title VI also authorizes and directs all federal funding agencies to promulgate rules effectuating that nondiscrimination mandate. Those rules were also made subject to presidential approval, an authority since delegated to the Attorney General by executive order. **To enforce Title VI, agencies also have at their disposal a uniquely powerful tool: [the termination or refusal to provide federal financial support to an institution or program seeking it.](#)**

Although this power to withdraw federal funds was envisioned as the primary mechanism for enforcing Title VI, that authority was also hedged with a range of procedural requirements designed to spur agencies to resolve complaints against recipients through voluntary agreements.

To enforce Title VI an agency could resort to either of two measures:

(1) the termination or refusal to provide federal financial assistance to an institution or program seeking it; or (2) "any other means authorized by law," now understood to be a lawsuit brought by the Attorney General seeking a recipient's compliance with Title VI.

Title VI continues to play a central part in OCR's mission of protecting civil rights on campuses at all educational levels, and in institutions both public and private. OCR handles a large volume and variety of claims alleging race and national origin discrimination, which it administratively resolves through a series of investigative procedures laid out in its **Case Processing Manual. (See 2025 CPM).**

**That guidance document, described below, divides OCR's enforcement into five distinct phases:**

**Jurisdictional Evaluation.** At the first phase of its review, OCR evaluates an allegation for its basic sufficiency—conducting an essentially jurisdictional analysis. As a part of that evaluation, OCR first examines whether an allegation has enough information in it, of the right kind.



**Facilitated Resolution.** As a part of its opening letter, OCR will also inform the parties of its voluntary resolution process, called a "Facilitated Resolution Between the Parties."

**Investigation.** If the parties cannot voluntarily resolve the complaint through facilitated negotiation, OCR will proceed to investigate

In the event the recipient declines to negotiate a voluntary resolution, at the completion of its investigation OCR will issue findings on each allegation, resolving them by a preponderance of the evidence.

If the recipient and OCR fail to reach an agreement within that period, OCR will advise the recipient, by "Letter of Impending Enforcement Action," that it intends to proceed to enforcement should the parties fail to reach an agreement in short order.

**Monitoring.** Once the sides have reached an acceptable resolution agreement, OCR will monitor, on an ongoing basis, the recipient's compliance with its terms. To do so, recipients generally must agree to certain reporting requirements, ensuring OCR access to "data and other information in a timely manner" by which it can assure the recipient's compliance.

**Enforcement Action.** Where OCR cannot negotiate or secure compliance with an acceptable resolution agreement, it may resort to either of the two enforcement mechanisms allowed by Title VI: (1) an administrative proceeding resulting in the termination or refusal of federal funds; or (2) the referral of a complaint to DOJ for litigation

§2000d-7. Civil rights remedies equalization states:

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of ... Title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.],... Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are

available for such a violation in the suit against any public or private entity other than a State.

The Code of Federal Regulations (CFR) guidelines for enforcement of Title VI can be found at this link: <https://www.govinfo.gov/content/pkg/CFR-2011-title28-vol2/xml/CFR-2011-title28-vol2-sec50-3.xml>

Title 28 Section 50.3 states:

*“Where the heads of agencies having responsibilities under title VI of the Civil Rights Act of 1964 conclude there is noncompliance with regulations issued under that title, several alternative courses of action are open. In each case, the objective should be to secure prompt and full compliance so that needed Federal assistance may commence or continue... The decision to terminate or refuse assistance is to be made by the agency head or his designated representative.”*

“The ultimate sanctions under Title VI are the refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions may be invoked, the Act requires completion of the procedures called for by section 602. That section require the department or agency concerned (1) to determine that compliance cannot be secured by voluntary means, (2) to consider alternative courses of action consistent with achievement of the objectives of the statutes authorizing the particular financial assistance, (3) to afford the applicant an opportunity for a hearing, and (4) to complete the other procedural steps outlined in section 602, including notification to the appropriate committees of the Congress.

## **Available Alternatives**

### **1. Court Enforcement**

Compliance with the nondiscrimination mandate of Title VI may often be obtained more promptly by appropriate court action than by hearings and termination of assistance. Possibilities of judicial enforcement include

- (1) a suit to obtain specific enforcement of assurances, covenants running with federally provided property, statements or compliance or desegregation plans filed pursuant to agency regulations,
- (2) a suit to enforce compliance with other titles of the 1964 Act, other Civil Rights Acts, or constitutional or statutory provisions requiring nondiscrimination, and

(3) initiation of, or intervention or other participation in, a suit for other relief designed to secure compliance.

The possibility of court enforcement should not be rejected without consulting the Department of Justice. Once litigation has been begun, the affected agency should consult with the Department of Justice before taking any further action with respect to the noncomplying party.

## **2. Administrative Action**

A number of effective alternative courses not involving litigation may also be available in many cases. These possibilities include

- (1) consulting with or seeking assistance from other Federal agencies (such as the Contract Compliance Division of the Department of Labor) having authority to enforce nondiscrimination requirements;
- (2) consulting with or seeking assistance from State or local agencies having such authority;
- (3) bypassing a recalcitrant central agency applicant in order to obtain assurances from, or to grant assistance to complying local agencies; and
- (4) bypassing all recalcitrant non-Federal agencies and providing assistance directly to the complying ultimate beneficiaries. The possibility of utilizing such administrative alternatives should be considered at all stages of enforcement and used as appropriate or feasible.

Where an applicant fails to file an adequate assurance or apparently breaches its terms, notice should be promptly given of the nature of the noncompliance problem and of the possible consequences thereof, and an immediate effort made to secure voluntary compliance.

Where an otherwise adequate assurance, statement of compliance, or plan has been filed in connection with an application for assistance, but prior to completion of action on the application the head of the agency in question has reasonable grounds, based on a substantiated complaint, the agency's own investigation, or otherwise, to believe that the representations as to compliance are in some material respect untrue or are not being honored, the agency head may defer action on the application pending prompt initiation and completion of section 602 procedures. The applicant should be notified immediately and attempts made to secure voluntary compliance. If such efforts fail and court enforcement is determined to be ineffective or

inadequate, a hearing should be promptly initiated to determine whether, in fact, there is noncompliance.

If noncompliance is found, and if administrative alternatives are ineffective or inappropriate and court enforcement is still not feasible, section 602 procedures may be completed and assistance finally refused.

“Where the assurance, statement of compliance, or plan required by agency regulations has not been filed or where, in the judgment of the head of the agency in question, the filed assurance fails on its face to satisfy the regulations, or there is reasonable cause to believe it untrue or not being honored, the agency head should, if efforts to secure voluntary compliance are unsuccessful, promptly institute a hearing to determine whether an adequate assurance has in fact been filed, or whether, in fact, there is noncompliance, as the case may be. There should ordinarily be no deferral of action on the submission or withholding of funds in this class of cases, although the limitation of the payout of funds to short periods may appropriately be ordered. If noncompliance is found, and if administrative alternatives are ineffective or inappropriate and court enforcement is not feasible, section 602 procedures may be completed and assistance terminated.

The Department of Justice should be notified in advance of applications on which action is to be deferred, hearings to be scheduled, and refusals and terminations of assistance or other enforcement actions or procedures to be undertaken. The Department also should be kept advised of the progress and results of hearings and other enforcement actions.

34 C.F.R. § 106.3(a). Section 106.3(a) reads: *(a) Remedial action. If the Assistant Secretary [for Civil Rights] finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of such discrimination.*

## **X Proposed Title VI Remedies**

We have provided evidence that all one million children in Washington state are having their Title VI rights violated – and that the source of these violations comes down to Chris Reykdal lying to the legislature, lying to the media, lying to the federal courts, lying to teachers and lying to parents – by repeatedly claiming that his Ethnic Studies and DEI mandates comply with Title VI of the 1964 Civil Rights Act. Moreover, he has been telling these lies for the past 8 years.

This legal farce finally came to an end with the January 20, 2025 Trump Executive order banning DEI in all programs receiving federal funding.

We are now left with the question of how to restore Title VI given that Reykdal still insist that State laws violating Title VI somehow take priority over federal laws protecting Title VI?

**Specific Title VI remedies requested (in addition to the remedies we have requested in our February 28, 2025 Title IX complaint).**

Based on the above federal regulations, here are some of the remedial actions we propose are necessary to overcome the past 8 years of Washington state's failure to comply with Title VI:

The first remedy is for OCR investigators to research the Title VI claims we have made and then hold a hearing asking Reykdal to explain why he continue to refuse to comply with Title VI. At the end of the hearing, we ask OCR investigators to issue a written "Findings of Fact."

**We ask that the OCR find that Reykdal has for the past 8 years violated the plain meaning of Title VI.**

**We further ask you to review Washington State laws and policies based on those laws that violate Title Vi.**

At this point, the normal process is for the Office of Civil Rights to attempt to mediate the dispute (CMP Section 202). While we are open to mediation, we do not believe that mediation is appropriate to resolve this issue given the scale of the violations. The Title VI civil rights of every child in Washington state have been violated and must be restored.



Assuming that CMP 202 Mediation is not successful, we ask that issue a statement of Non-Compliance (CPM 303b and 303d) which states in part:

*“When OCR determines that the preponderance of the evidence supports a conclusion that the recipient failed to comply with applicable statutes(s) and regulation(s), OCR will negotiate a resolution agreement and issue a letter of finding(s). See CPM Sections 303(e) and 304. **The agreement must include actions steps that, when implemented, will remedy both the individual discrimination at issue and any similar instances where future violative conduct may recur.**”*

We further ask that OCR issue a Letter of Findings per CPM 303e.

We further ask that if the violators have not agreed to the remedies set below after a 30 day time period, that a **Letter of Negotiation Impasse** be issued per CPM 303g notifying the violators that if they fail to agree to the remedies below within 10 days that OCR enforcement action will be taken.

We further ask that if an agreement is still not reached, per CMP 305, OCR issue a **Letter of Impending Enforcement Action**.

We further ask that OCR proceed with a Section 601 hearing. Section 601 states in part: *“When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement, OCR will where appropriate, request that an administrative proceeding be initiated. OCR will establish a team to prosecute the case. **When deferral of funds has been imposed, the Notice of Opportunity for Hearing will be issued within 30 days of the notice of the deferral action.**”*

We further ask that if an agreement is still not reached that the issue be referred to the US Department of Education which then must inform Congress that federal funds are about to be withheld from Washington state in order to bring Washington State into compliance with Title IX.

**We then ask that the US Department of Education withhold whatever amount of federal funding is needed to convince Reykdal that he should finally start complying with federal law.** Personally, I think you will need to withhold at least a billion dollars in federal funding before he will consider taking steps to end Title VI DEI violations in Washington state.

**We further ask that you continue withholding these federal funds until such time that the following ten conditions are met:**

#1 Reykdal signs a public statement admitting that his past statements and actions have misinterpreted and violated Title VI and that he admit that our US Supreme Court ruling in *Students v Harvard* apply to all programs that receive federal funds and not merely college admissions programs.

#2 His statement must also include an apology to the legislators, judges, teachers and parents and an apology to the one million children whose Title VI rights they have harmed during the past 8 years – for misleading all of them into believing that Title VI allows treating children differently based on the color of their skin.

#3 The State legislature must repealed all state laws that violate Title VI.

#4 The legislature and Superintendent agree to a **Washington State Title VI Compliance Officer** tasked with creating and carrying out an 8 year program to train teachers, administrators and parents on the steps needed to comply with Title VI – and to correct the many false statements about Title VI that they were all exposed to during the past 8 years.

#5 The legislature agrees to the establishment of an annual review process to assure compliance with Title VI – including a written annual report on the steps taken during the previous year to restore Title VI and additional steps needed during the following year to continue restoration of Title VI per CPM 401 which states in part: *“In addition to the regulations implementing Title VI that require OCR to investigate complaints that are filed with the agency, the regulations require OCR to initiate **“periodic compliance reviews”** to assess the practices of recipients to determine whether they comply with the Title VI regulations... The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations.”*

#8 Establishment of a Title VI teacher review commission to consider complaints by parents against teachers who have violated the Title VI rights of their students. Any teacher or official found guilty of a Title VI violation can be required either to take additional training or in severe cases can be dismissed for violating Title VI rights of students.

#9 Establishment of a **Title VI Compensation Commission** to hear cases of students, parents and teachers harmed by the past violations of Title VI. The legislature shall establish a fund to compensate students, parents and teachers – including hiring teachers back who were fired for failing to go along with Title VI violations and providing them with full back pay for the income they lost for defending their First Amendment and Title VI rights.

#10 Other remedies the Office of Civil Rights deems appropriate. For example, per CPM 501: *“OCR must obtain sufficient information to determine whether the recipient had complied with the terms and obligations of the resolution agreement.”* Also per CPM 602, *“When post-Letter of Impending Enforcement Action negotiations do not result in a resolution agreement, OCR will issue a letter to the recipient stating that the case will be referred to DOJ in 10 days from the date of the letter.”*