



Adrian Harries
Nichols Middle School
800 Greenleaf Street
Evanston, IL 60202

March 23, 2018

Dear Principal Harries:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole, to express my concern regarding media reports that you have instituted staff meetings in which teachers are separated by race.¹ If these reports are incorrect, please advise.

I assume that these meetings were instituted in response to the equity audit's recommendation that District 65 create "social identity affinity groups."² I am astonished that District 65 spent taxpayer money on a report that includes the recommendation, "*separate teachers by race.*" Separating teachers by race fosters racial division and is prima facie unlawful. By its nature, it forces teachers to view themselves in terms of what divides them, rather than what they have in common. It also encourages a binary view of society that, depending on your perspective, is either, "whites against everyone else" or "everyone else against whites." It may even foster a sense among *both* groups that they are threatened by the other.

If one were reading a history of the civil rights movement and came across an account of an Illinois school that in 1965 had sent "white" and "colored" teachers to separate meetings, one would be appalled. It is now 2018; it is beyond appalling.

These teachers' meetings are not less appalling just because teachers are described by the trendier and more politically correct term "people of color" rather than "colored." However well-intentioned, this is segregation for the 21st century. Unless a legitimate, nondiscriminatory educational reason can be articulated, the segregation almost certainly would be found unlawful. Discussions of politically correct notions of "privilege," unsupported by methodological rigor, do not qualify as legitimate reasons, and they are by their own definition discriminatory.

The equity audit includes this passage:

¹ Eli Steele and Beth Huestis Feeley, Segregated Staff Meetings at a Public Middle School, National Review Online, March 7, 2018, <https://www.nationalreview.com/2018/03/illinois-public-school-segregated-staff-meetings-equity-education-agenda/>.

² Equity Report, Evanston/Skokie School District 65, May 22, 2017, at 16, <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=40668998>.



However, **the district’s commitment to equity requires that the hiring process be more intentional in order to clearly articulate criteria for hiring with an equity mindset.** Building upon the work done during the 2016-17 school year with principals and the District 65 Equity Leadership Team **regarding equity questions used in screening and interviews, protocols around building a hiring committee,** supporting current employees, and piloting an LGBTQ affinity group are good places to begin addressing this recommendation. [emphasis added]³

In the context of the racially-separate teachers’ meetings, the bolded language may be construed as evidence of discriminatory intent. The Equal Protection Clause and Title VII’s prohibition on racial discrimination in hiring apply to schools as much as other employers, and protect both whites and “people of color.”⁴

The racial achievement gap is concerning. I seriously doubt, however, that the problem is that the curriculum is insufficiently Afrocentric, or that there are too many white female teachers from that well-known bastion of white supremacy, Northwestern University.⁵ It is interesting that the equity report assiduously avoids any examination of the home lives of the children as a possible partial explanation for the achievement gap. Nationally, racial gaps in unmarried childbearing are as stark as the racial achievement gap, with 72 percent of black children and 53 percent of Hispanic children born out of wedlock compared to 36 percent of white children.⁶ It seems unlikely that District 65 does not also have racial disparities in the percentage of children in single-parent homes. It is well-established that children born to single mothers are at heightened risk of a wide range of negative outcomes, including academic struggles.⁷

The racially-conscious efforts you and District 65 have undertaken will foster racial division instead of racial understanding. Sending teachers to racially separate meetings is a stark picture of the future you are sowing. You are encouraging students and teachers to view each other as

³ *Id.*

⁴ See *Ricci v. DeStefano*, 557 U.S. 557 (2009); see also *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267 (1986); *Taxman v. Board of Education*, 91 F.3d 1547 (3rd Cir. 1996). Cert. granted, 521 U.S. 1117, cert. dismissed, 522 U.S. 1010 (1997).

⁵ Equity Report, *supra* note 2, at 17.

“Staff is the problem. Very few non-white teachers. Ironic that in our huge Headstart program, not 1 Black teacher. In special services very few across district - 5 only. (K-8 school) may have 4 Black teachers. We need more Latino teachers, positions become available and they keep hiring white women. Often hire out of Northwestern. Even TA positions. In IEP mtgs w/non-white parents I sense intimidation and lack of compassion.” (Early Childhood/JEH, Adults)

⁶ Robert J. Samuelson, *Don’t deny the link between poverty and single parenthood*, Washington Post, Mar. 18, 2018, https://www.washingtonpost.com/opinions/dont-deny-the-link-between-poverty-and-single-parenthood/2018/03/18/e6b0121a-2942-11e8-b79d-f3d931db7f68_story.html?utm_term=.e06a0aae679b.

⁷ Robert Rector, *Marriage: America’s Greatest Weapon Against Child Poverty*, Heritage Foundation, Sept. 5, 2012, https://www.heritage.org/poverty-and-inequality/report/marriage-americas-greatest-weapon-against-child-poverty#_ftnref19.



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members of groups, not as individuals. Racial bean-counting to make the numbers conform to what you think they should be may have seriously deleterious effects. I urge you to immediately end race-segregated meetings and abandon this entire ill-conceived enterprise.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kirsanow".

Peter Kirsanow
Commissioner

Cc: District 65 School Board