



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 E. Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455) | Fax 414-727-6385 | www.will-law.org
Dan@will-law.org | Cell: 608-572-5358

August 9, 2023

Via e-mail

Appleton Area School District
Superintendent Greg Hartjes
Members of the Board of Education

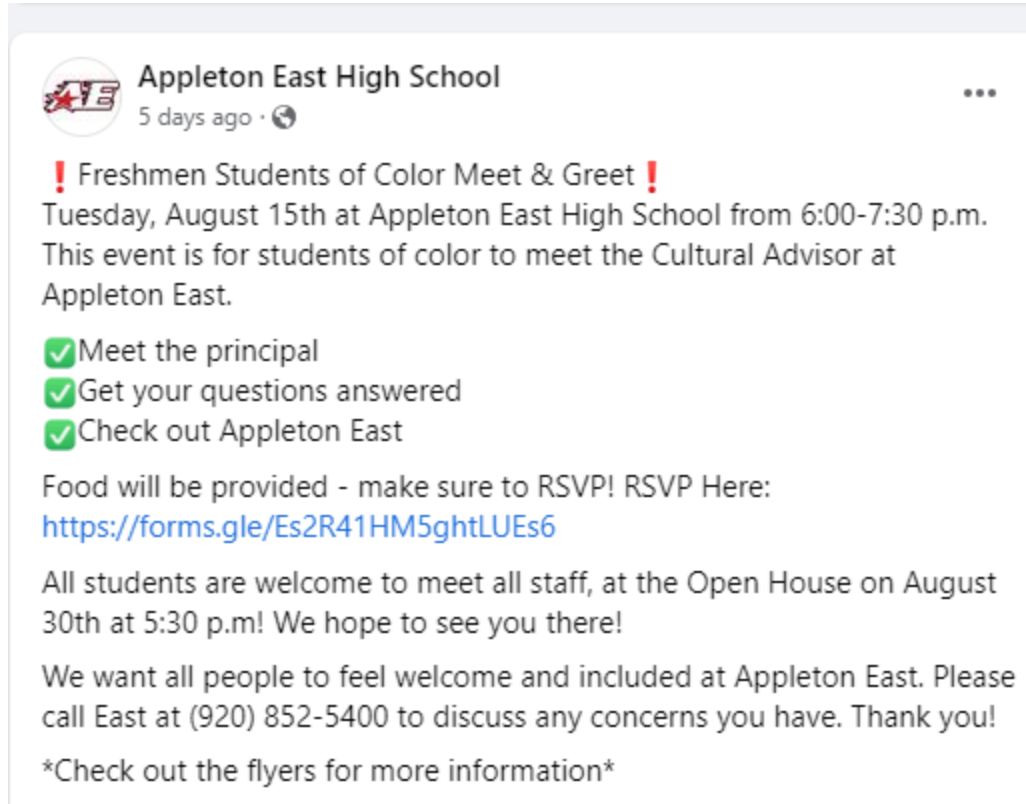
Re: “Freshmen Students of Color Meet & Greet”


Dear Superintendent Hartjes and Members of the Board of Education:

We are writing to alert you to an alarming act of race discrimination planned for Appleton East High School on August 15, 2023. On its official Facebook account, Appleton East posted the following graphic:

The graphic is a blue and red poster for an event. On the left, the text reads: 'Appleton East FRESHMEN STUDENTS OF COLOR MEET AND GREET'. Below this is a paragraph: 'All incoming Freshmen Students of Color are invited to come meet staff at East. We will give you an introduction to the school and take you on a tour. Also, there will be food so make sure to bring the whole family!'. A list of three items follows: 'Meet Principals and staff', 'Get your questions answered', and 'Check out the school'. At the bottom left, contact information is provided: 'For More Information vanfossenkelsi@aad.k12.wi.us spightethan@aad.k12.wi.us'. On the right side, there is a red circular graphic containing the text: 'TUESDAY AUGUST 15 6:00-7:30'. Above this circle is the 'AE' logo with a red star, and below it is the 'APPLETON EAST PATRIOTS' logo.

The Facebook page also includes the following narrative description:



 **Appleton East High School** 5 days ago · 🌐

! Freshmen Students of Color Meet & Greet !
Tuesday, August 15th at Appleton East High School from 6:00-7:30 p.m.
This event is for students of color to meet the Cultural Advisor at Appleton East.

- ✓ Meet the principal
- ✓ Get your questions answered
- ✓ Check out Appleton East

Food will be provided - make sure to RSVP! RSVP Here:
<https://forms.gle/Es2R41HM5ghtLUEs6>

All students are welcome to meet all staff, at the Open House on August 30th at 5:30 p.m! We hope to see you there!

We want all people to feel welcome and included at Appleton East. Please call East at (920) 852-5400 to discuss any concerns you have. Thank you!

Check out the flyers for more information

Appleton East’s planned event is a blatant act of race discrimination. The August 15th event is only open to “Freshmen Students of Color.” Not until two weeks later, August 30th, are “*all* students” welcome. Students who attend the “Students of Color” event will meet the school’s Cultural Advisor, Principal, attend a tour of the facilities, and be provided with food and drinks.

Race discrimination is immoral, unconstitutional, and illegal under federal and state law. The United States Constitution contains a “pledge of racial equality” that demands the “equality of treatment before the law for all persons without regard to race or color.” *Students for Fair Admissions v. Harvard*, Nos. 20-1199, Slip Op. at 13 (June 29, 2023) (citation omitted) (cited as “Op. at __”). Race neutrality is especially important in the field of public education, which “must be made available to all on equal terms.” Op. at 12. Just as segregation was unconstitutional in 1954 in *Brown v. Board of Education*, your racial segregation today is likewise unconstitutional. Additionally, Title VI of the Civil Rights Act bans racial discrimination and so does state law. *See* Wis. Stat. § 118.13. The Appleton Area School District even has a school board policy that states the district does not discriminate against students based on race. Finally, students excluded based on race may sue the school district and its officials for damages and attorney fees, and

taxpayers have a right to sue if their tax dollars are being used for unconstitutional acts, such as a segregated event.

Appleton East has not provided a justification, at least publicly, why it planned this segregated event. The post simply says that “we want all people to feel welcome and included.” Yet excluding some students based on race is no way to make “all people feel welcome.” And to the extent that you believe this segregated event somehow supports “diversity” (which, again, could never be supported by a *segregated* event), the U.S. Supreme Court ruled that race discrimination is not allowed simply to pursue the “educational benefits of diversity.” Op. at 24. The belief that some students—because of their race—will “bring something” beneficial to school that other students cannot is a “pernicious stereotype.” Op. at 29.

We are therefore asking you to direct Appleton East to take down this post immediately. To the extent you still would like a freshman open house on August 15, you must make clear that all students—regardless of race—are welcome. If, however, you do not remove the post or adjust the program by Monday, August 14, we will file a formal complaint with the Office of Civil Rights at the United States Department of Education. In our complaint, we will seek a formal investigation of this event.

Sincerely,



Daniel P. Lenington
Deputy Counsel



Cory Brewer
Associate Counsel