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April 25, 2025

**VIA EMAIL:** [OCR@ed.gov](mailto:OCR@ed.gov), [crt@usdoj.gov](mailto:crt@usdoj.gov), and [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

United States Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, DC 20202-1100, and

United States Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Dear Secretary McMahan and Attorney General Bondi:

The Wisconsin Institute for Law & Liberty, Inc. (“WILL”) submits this Title VI complaint against the Tippecanoe Valley Middle School (the “School”) in Akron, Indiana, for race discrimination against sixth-grade students. WILL obtained the following information from parents whose child attended the School when this incident occurred. The School, which is part of the Tippecanoe Valley School Corporation, is a recipient of federal financial assistance.<sup>1</sup>

On January 16, 2025, a sixth-grade teacher removed from class all the Hispanic students and held a racially exclusive party. Non-Hispanic students were not invited to the party and forced to sit in a “study hall” instead.

On January 24, 2025, the School posted about the party on Facebook saying:

“Ms. Poe loves celebrating special moments with our 6<sup>th</sup>-grade students, and over the Holiday season, they explored the cherished tradition of Rosca de Reyes!... The students were thrilled to honor their culture in the classroom—it was tough to keep the excitement (and noise level) down! Watching them

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<sup>1</sup> *Indiana Department of Education*, Finance Dashboard, ESSA Funds for Tippecanoe Valley School Corporation, 2022 (available at: <https://eddata.doe.in.gov/PublicHome/GetObjectByUuidAndViewType?uuid=0578b160-8927-46cf-8066-b170a3639fbd&viewType=Report&currentPage=1>).

celebrate with pride, representing their families and traditions, was an absolute joy. We love embracing cultural traditions...”<sup>2</sup>

Upon information and belief, when the teacher received complaints from parents about the party, she said she pulled the children out of class to celebrate their heritage and that marginalized societies need special attention to feel included. Then, when parents took their concerns to the principal, the entire Facebook post was removed. No further action was taken, and no explanation was offered to the non-Hispanic students as to why they were excluded.

Title VI prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.<sup>3</sup> More specifically to the present situation, Title VI does not permit schools receiving federal funding to “restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” on the “grounds of race, color, or national origin.”<sup>4</sup>

Even when cloaked in benevolent intentions, racial discrimination and segregation remains unlawful. As the Supreme Court of the United States has made clear, “[e]liminating racial segregation means eliminating all of it.”<sup>5</sup> Efforts to prioritize students on the basis of race—such as the justification offered by the teacher for hosting this race-based party—“encourages segregation” and perpetuates “a shameful echo of a darker period this country’s history.”<sup>6</sup>

The harmful effects of this kind of separation were central to the Supreme Court’s landmark decision *Brown v. Board of Education*, where the Court explained that separating students “solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.”<sup>7</sup> Even if the harm caused by segregation cannot always be “objectively measured,” the Court held nearly 70 years ago that racially segregated educational opportunities are “inherently unequal.”<sup>8</sup> Separation based on race conveys a message of “inferiority” that “affects the motivation of a child to learn.”<sup>9</sup>

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<sup>2</sup> Attached as Exhibit A.

<sup>3</sup> 42 U.S.C. § 2000(d); 34 C.F.R. § 100.1.

<sup>4</sup> 34 C.F.R. § 100.3(b)(1)(iv).

<sup>5</sup> *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 206 & n.2 (2023) (reiterating that the standards of constitutional equal protection are also applied to Title VI actors) (citing cases; internal quotation marks omitted).

<sup>6</sup> Acting Assistant Secretary, *Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard*, United States Department of Education Office of Civil Rights, February 14, 2024 (available at: <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>).

<sup>7</sup> *Brown v. Bd. of Ed. of Topeka, Shawnee Cnty., Kan.*, 347 U.S. 483, 494 (1954) (citation omitted).

<sup>8</sup> *Id.* at 495.

<sup>9</sup> *Id.* at 494.

“Title VI prohibits a recipient of federal funds from intentionally treating one person worse than another similarly situated person because of his race, color, or national origin.”<sup>10</sup> The law does not excuse differential treatment simply because it is motivated by “goals such as diversity, racial balancing, social justice, or equity.”<sup>11</sup> Treating some students differently based on race, even to pursue seemingly well-meaning objectives, is illegal under controlling Supreme Court precedent.<sup>12</sup>

The School restricted non-Hispanic students from enjoying the privilege of participating in a party celebrating Día de Los Reyes Magos, or Three Kings Day, during school hours, despite the claim that the school loves to “embrace cultural traditions.”<sup>13</sup> The school separated the children by race and let those of the “right” race enter the room of celebration, while the others remained outside. This is a clear violation of Title VI.

The Office of Civil Rights and the Department of Justice should promptly investigate the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief. It is far past time for schools to ensure cultural celebrations are held with open doors, not behind them.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Daniel P. Lennington  
*Managing Vice President and  
Deputy Counsel*



Lauren Greuel  
*Associate Counsel*

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<sup>10</sup> *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (Gorsuch, J., Thomas, J., concurring).

<sup>11</sup> Acting Assistant Secretary, *Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard*, United States Department of Education Office of Civil Rights, February 14, 2024 (available at: <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>).

<sup>12</sup> *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 289 (Gorsuch, Thomas, concurring).

<sup>13</sup> Exhibit A.



## Tippecanoe Valley Middle School

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Ms. Poe loves celebrating special moments with our 6th-grade students, and over the Holiday season, they explored the cherished tradition of Rosca de Reyes!

✨ What is Rosca de Reyes?

This beloved tradition in Mexico is especially meaningful on Día de los Reyes (January 6), celebrating the Three Wise Men's visit to baby Jesus. The wreath-shaped bread is adorned with candied fruits to represent jewels on a crown and often hides a small figurine of baby Jesus. Tradition says that whoever finds the baby in their slice gets to cook tamales for everyone on Candelaria Day (February 2)!

The students were thrilled to honor their culture in the classroom—it was tough to keep the excitement (and noise level) down! 😂 Watching them celebrate with pride, representing their families and traditions, was an absolute joy. 💖

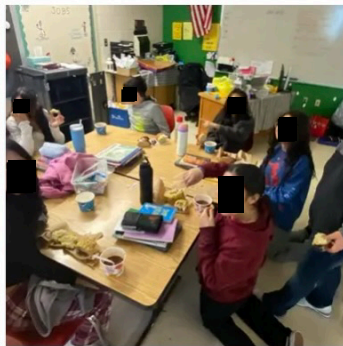
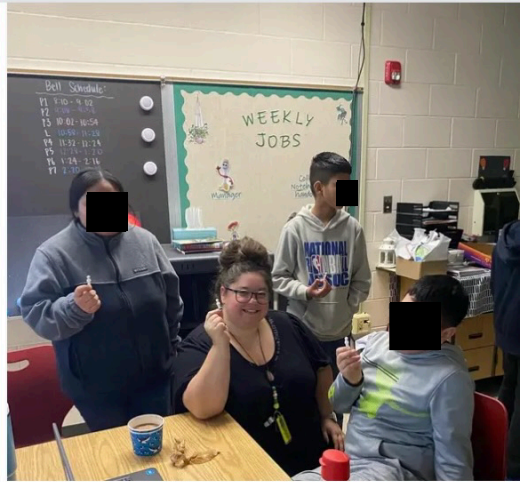
Exhibit

A

We love embracing cultural traditions that bring our



# Tippecanoe Valley Middle School's post








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That's great but there were other children who were left out of this celebration because they weren't Hispanic. they were pulled out of class for this special treat while the other kids had to stay in class. The celebration should have been for all the children and not selective based on ethnicity.

Just now

Like

Reply