

February 22, 2023

U.S. Department of Education  
Office for Civil Rights  
61 Forsyth Street S.W., Suite 19T10  
Atlanta, GA 30303-8927

Filed Via Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)  
Cc: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

Re: Complaint against Florida Gov. Ron DeSantis and the Florida State Department of Education by and through Save Your Six Title VI advocacy coalition co-founders.

Dear Director of the Office for Civil Rights:

1. Please accept this civil rights complaint against Florida Governor Ron DeSantis and the Florida Department of Education ("FDOE") by the co-founders of Title VI advocacy group Save Your Six. This complaint charges Gov. DeSantis and the FDOE for their failure to uphold Title VI civil rights protection mandates through what appears to be discriminatory attacks on and suppression of educational courses, history and content on African American Studies, through the so-called "Stop Woke Act" legislation of April 2022.
2. Gov. DeSantis and the FDOE have violated Title VI of the Civil Rights Act of 1964 by specifically preventing the College Board from approving an AP course in African American Studies, while allowing other AP history subject courses to be approved.
3. Targeted and specific suppression of the College Board's approval of the Advanced Placement ("AP") African American Studies History pilot program course and content, appears to be racial bullying and harassment, directed towards African American students, and creates a hostile learning environment which deprives African American students of educational benefits.
4. Save Your Six charges that the "Stop Woke Act" is, in and of itself, a gross violation of Title VI, as it restricts lessons on African American history. From July 2021 through June 2022, Florida banned between 500 and 750 books encompassing African American (and LGBTQ+) history and content, the second-highest of any state. This is discriminatory and arbitrary harassment of specific groups, creates a hostile learning environment and denies students of protected classes, and all students, critical educational opportunities.
5. Save Your Six requests a thorough investigation of all the relevant facts and circumstances, including the reasons for the elimination of African American studies from the curriculum and its impact on students of different races, colors, or national origins.

6. In order to address the hostile learning environment created by racial bullying and discrimination, and Gov. DeSantis' and the FDOE's failure to take actions to address it, Save Your Six requests that the Office for Civil Rights (“OCR”) investigate Gov. DeSantis and the FDOE to determine whether it is violating Title VI and to remedy any unlawful conduct.

### **JURISDICTION**

7. OCR is responsible for ensuring compliance with Title VI and receiving information about, investigating, and remediating violations of Title VI and its implementing regulations and guidelines. 34 C.F.R. §§ 100.6-7.
8. Complainants allege that the failure to investigate the discriminatory acts forming the basis of this complaint occurred within 180 days of the filing of this complaint.
9. As African American students will be prevented from taking the AP African Studies course at all Florida educational institutions, they are unable to switch districts to ensure a safe educational environment. The continued hostility of the learning environment for students of color in Florida schools renders this complaint timely, and the Office of Civil Rights has personal and subject matter jurisdiction over this matter.
10. Title VI not only prohibits intentional discrimination, but also has provisions for addressing policies or practices that have a discriminatory effect, even if not intentionally so.
11. The purpose of addressing policies or practices with a discriminatory effect is to prevent the perpetuation of discrimination and ensure that all individuals are protected from the impact of policies and practices that may have a discriminatory impact, even if those implementing claim such impact is unintentional.
12. The discontinuation of AP African American History is a regressive step in the education system's efforts to promote diversity and inclusivity. Consequently, the Florida Department of Education should be held accountable for discriminatory practices and negative impact on the educational opportunities and experiences of Black students.
13. Save Your VI has not filed this complaint with any other agency or institution.

### **FACTUAL ALLEGATIONS**

14. The FDOE's reported racial demographics for the year 2022-2023 confirm that African American students number 167,375.
15. Gov. DeSantis rejected the College Board’s request to approve its Advanced Placement African American Studies course, arguing that it “significantly lacks educational value.” This statement and reasoning is rooted in racial discrimination and bigotry, and has no significant legal or educational framework that supports the wholesale rejection of AP African American Studies in Florida educational institutions.

16. The removal of the AP African American History course will result in a less diverse curriculum, which could negatively affect the overall educational experience for students. By depriving Black students of an opportunity to learn about their history and culture, the education system may be fostering feelings of isolation and exclusion from their learning environment.
17. The decision made by the Florida Department of Education to eliminate the Advanced Placement (AP) African American History course from the high school curriculum may potentially discriminate against Black students. The lack of access to a full understanding of the history, culture, and contributions of the African American community is likely to result in a significant impediment to their educational growth and progression.
18. If the elimination of African American studies from the curriculum has a disproportionate impact on students of a particular race, color, or national origin, it may raise concerns about discrimination under Title VI.
19. Three Florida high schools students have indicated they will seek legal remedy to protect and uphold their federally mandated civil rights protections if Gov. DeSantis and the FDE do not reverse their decision and allow the course to be offered.
20. The President of the National Education Association, the nation's largest labor union, the President of the American Federation of Teachers, the NAACP, the Governor of Illinois, multiple members of Congress, and over 30,000 educators, students, parents, guardians and advocates have signed a petition demanding that Gov. DeSantis and FDE reverse their decision.
21. The "Stop Woke Act", which allows parents to sue teachers, and school districts over violating limitations the state sets for how race is taught in classrooms; is discriminatory towards students of protected classes, allows a hostile learning environment to persist and appears to be a clear violation of Title VI.

### **LEGAL ALLEGATIONS**

22. Title VI provides in relevant part that:  
No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
23. Title VI regulations require the following with respect to schools that receive federal funds:  
No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies. 34 C.F.R. § 100.3(a).

24. The State of Florida, the Florida Department of Education and its educational institutions are recipients of federal financial assistance pursuant to 34 C.F.R. 100.13(f).
25. As outlined in the Factual Allegations above, Gov. DeSantis and the FDE are deliberately indifferent to the hostile learning environment created by the racially based bullying and harassment of its African American students and the subsequent denial of educational opportunities.

### **RELIEF REQUESTED**

26. Save Your VI requests that OCR:
  - a. Investigate the specific allegations made regarding Ron DeSantis and the FDOE's treatment of African American students. 34 C.F.R. §§ 100.6-7.
  - b. Investigate Ron DeSantis and the FDOE to determine whether they are making required efforts to ensure a safe educational environment for students of color. 34 C.F.R. §§ 100.6-7.
  - c. Take all steps necessary to remedy any unlawful conduct identified in its investigation or otherwise by Ron DeSantis and the FDOE, as required by Title VI and its implementing regulations. 34 C.F.R § 100.3(a).
  - d. Secure assurances of compliance with Title VI from Ron DeSantis and the FDOE, as well as full remedies for any violations found.
  - e. Monitor any resulting agreements with Ron DeSantis and the FDOE to ensure that compliance with Title VI is achieved.

Very truly yours,

*Save Your Six Co-Founders and Advocates for the Title VI civil rights protections of African American students in Florida:*

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