



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 East Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

July 23, 2020

VIA EMAIL to kboran@madison.k12.wi.us

Karen Boran, Principal
West High School
30 Ash Street
Madison, WI 53726

Re: Open Letter Regarding West High School's Use of Racially Segregated Groups to Discuss Racism

Dear Ms. Boran,

The Wisconsin Institute for Law & Liberty is a non-profit public-interest law firm dedicated to the rule of law, individual liberty, constitutional government, and a robust civil society. As President of WILL, I write to call your attention to a recent, troubling example of racial segregation at Madison West High School.

As you are probably aware, West High School in the past few weeks has hosted “virtual discussion spaces” for students and staff to “process the pain our community is feeling at this present moment” and “work towards being an anti-racist school community.” According to the email sent to students and their families, a copy of which is attached, the goal of these discussions was “to 1) speak our truths to build empathy and community for each other, 2) make individual and collective connections on our journeys towards being anti-racist human beings in an anti-racist community, and 3) develop individual and group plans of action to make our physical and virtual spaces safe from not only racist words and thoughts, but the racist actions that harm our Regents in our community.”

While an honest conversation about racial issues can be a laudable goal, West High School seems to be going about it in an improper – and illegal – way. WILL was surprised to learn that the school administration apparently decided the best way to “do this work” would be to conduct these discussions in *racially-segregated* groups. The email sent to students and their families provided links for two separate Zoom calls: one for “white students” and one for “students of color.” The email encouraged students to “Please join the Zoom space where you most closely identify.” According to the email, the purpose of this racial segregation was to “maximize [students’] level of emotional safety and security.”

We are concerned that using racially-segregated discussion groups as a means to become an “anti-racist school community” is ill-conceived, for a variety of reasons. For example, by associating racial segregation with “emotional safety and security,” the school communicated to students and families that racial *integration* somehow detracts from “emotional safety and security.” That is the

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polar opposite of the message that should be communicated right now. As an additional example, West's broad classification of all students into "white students" and "students of color" undoubtedly alienated many students who do not fit neatly into these racial categories. As a final example, if the goal is for students of different races and ethnicities to "build empathy and community for each other" and to "make individual and collective connections," racial segregation is the worst possible model; only an integrated discussion would allow students to hear and learn from each other.

In addition to potentially being misguided, these racially-segregated discussion groups may constitute a Title VI violation. As I'm sure you know, Title VI generally prohibits "discrimination" "on the ground of race, color, or national origin" in federally funded programs, including schools. 42 U.S.C. §§ 2000d; 2000d-4a(2)(B). The Department of Education's implementing regulations further make clear that schools covered by Title VI may not "[s]ubject an individual to segregation or separate treatment in any matter related to his receipt of *any service ... or other benefit.*" 34 C.F.R. § 100.3(b)(1)(iii)(emphasis added). Whether a hosted discussion group is a "service" or "other benefit" may be open to reasonable debate, but there is no question that in these calls, West segregated students by race.

While the originally-scheduled Zoom calls have already occurred (the "white" call was July 10), the email indicates that these discussion groups "will continue throughout the summer based on interest and need." To the extent West High School continues to host these discussions, we urge the school administration to reconsider its program based on racial segregation and, instead, host racially-integrated discussions going forward.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY

Rick Esenberg
President & General Counsel

Luke N. Berg
Deputy Counsel



Hello,

As part of our collective work towards being an anti-racist school community -- one where our daily deeds match our aspirational words of promoting racial justice, equity, and safety for all of students (but especially our most marginalized and unheard), we are providing virtual discussion spaces where students and staff can come process the pain our community is feeling at this present moment and make concrete plans in moving forward together. These will be available beginning next week for all students and will continue throughout the summer based on interest and need.

The goals of these discussions is to 1) speak our truths to build empathy and community for each other, 2) make individual and collective connections on our journeys towards being anti-racist human beings in an anti-racist community, and 3) develop individual and group plans of action to make our physical and virtual spaces safe from not only racist words and thoughts, but the racist actions that harm our Regents in our community.

We will conduct this work in affinity groups to maximize the level of emotional safety and security to do this work properly. Please join the Zoom space where you most closely identify:

- White students: Friday, July 10, from 1-2 PM ([link to Zoom](#))
- Students of color: Every Friday (beginning 7/3), from 1-2 PM ([link to Zoom](#))

If you have any questions, please reach out to us. We hope as many people can join us to talk, learn, and grow together as Regents.

Madison Metropolitan School District would like to continue connecting with you via email. If you prefer to be removed from our list, please contact Madison Metropolitan School District directly. To stop receiving all email messages distributed through our SchoolMessenger service, follow this link and confirm: [Unsubscribe](#)

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