



November 1, 2021

Mrs. Stacy Theien-Collins
Principal
Richfield High School
7001 Harriet Avenue South
Richfield, MN 55423

Dear Ms. Theien-Collins:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole, regarding the Richfield High School (“RHS”) “vision of equity” that you articulated at a school board meeting last month.¹ These guidelines, developed over the last school year, state:

At RHS we believe in providing a rigorous and equitable education reflecting the strengths and experiences of our community. We believe students learn best when they feel safe and affirmed in who they are. Therefore, we commit to dismantling policies and processes that *benefit whiteness* and other systems of privilege.²

According to your remarks, this “vision” is featured at the start of all school meetings and informs “all programs, all decisions, [and] all policies.”³ Furthermore, the RHS website declares that “[w]e are committed to viewing and analyzing all of our work through a racial and cultural equity lens.”⁴ As part of this equity-focused agenda, it also appears that, since the 2016 school year, RHS staff have been trained in the Innocent Classroom Program.⁵

Describing whiteness as a form of privilege effaces the individuality of students, their families, and teachers. Classifying individuals as privileged or disadvantaged based on their skin pigmentation perpetuates malign racial stereotypes and undermines the ability of RHS teachers to support the unique learning needs of each student. Such an approach implicitly suggests that “white” children who succeed should feel guilty as they have ostensibly received an illegitimate benefit as part of a racially rigged system. Conversely, students of color are immersed in the

¹ Anthony Gockowski, “School staff begin meetings by committing to dismantling ‘whiteness,’” ALPHA NEWS, Oct. 8, 2021, <https://alphanews.org/school-staff-begin-meetings-by-committing-to-dismantling-whiteness/>.

² Stacy Theien-Collins, “From the Principle,” Jan. 11, 2021, <https://rhs.richfieldschools.org/about-our-school/news/article/~board/high-school-news/post/spartan-school-news-jan-11-2021>

³ Gockowski, *supra* note 1.

⁴ “Using a Racial and Cultural Equity Lens,” RICHFIELD PUBLIC SCHOOLS, <https://www.richfieldschools.org/about/equity>.

⁵ *Id.*



pernicious narrative that race is a significant or even primary limitation on their ability to succeed in school and, by extension, the wider society. Under this race-obsessed viewpoint, failure becomes a self-fulfilling prophesy.

Your commitment to “dismantling policies and processes that benefit whiteness” implicitly and erroneously assumes inequality of outcome as sufficient proof of an inequitable process. It begs the question: Should every system which produces unequal outcomes, as measured across some artificially defined racial categories, be dismantled? If so, I fear our entire sports entertainment complex, from the NBA to the NFL, is not long for this new world.

Combined with this “vision of equity,” RHS’ use of the Innocent Classrooms program, founded by Alexs Pate, is also potentially of concern. As you know, Innocent Classrooms trains teachers to build relationships that liberate students of color “from the power of racial stereotypes in their schools and classrooms.”⁶ While fostering healthy teacher-student relationships is undoubtedly a laudable goal, this educational strategy rests upon a faulty premise. In a publication laying out the groundwork for his methodology, Mr. Pate presents students of color as

being held in virtual bondage to the negative stereotypes that our culture has developed and perpetuated about them. These define our children as threatening, violent, criminal, poor, and academically disengaged and they are internalized by many children as guilt before they enter the school door... This script is the reason for the achievement gap and other disparities of the education system.⁷

Despite this positive attempt to suggest a relationship-centric cure for negative racial stereotypes, it would seem that this program has devised a new stereotype of its own. Regardless of its potentially positive facets, any program that instructs teachers to view students of a certain race as held in “virtual bondage” or ridden with “internalized... guilt” necessarily engenders a racially discriminatory environment. It encourages teachers to walk on eggshells, avoid difficult discussions, and treat certain students differently to compensate for perceived racial stereotypes.

Consequently, Richfield Public Schools’ “vision of equity” may very well run afoul of federal civil rights law. As it receives significant federal funding, RHS is obligated to comply with Title VI of the Civil Rights Act of 1964, which provides, “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 subject to discrimination* under any program or activity receiving Federal financial assistance.”⁸ Importantly, “entire entities receiving federal funds – whether governmental

⁶ “On a mission to dismantle racial bias,” INNOCENT CLASSROOM, <https://innocentclassroom.com>.

⁷ ALEXS PATE, THE INNOCENT CLASSROOM 14 (2020).

⁸ 42 U.S.C. § 2000d.



entities, school systems, or universities – must comply with Title VI, rather than just the particular program or activity that actually received the funds.”⁹

Dismantling an otherwise neutral system just because too many people of a particular race succeed under that system is discriminatory. Treating students differently because of supposed racial burdens is discriminatory. Labeling students as privileged or guilt-ridden because of their race is discriminatory.

As public employees, RHS teachers are also protected by Title VII, which states:

It shall be an unlawful employment practice for an employer . . . to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.¹⁰

The Supreme Court in *Harris v. Forklift Systems* noted that “When the workplace is permeated with ‘discriminatory intimidation, ridicule, and insult, that is ‘sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment,’ Title VII is violated.”¹¹ As the Ninth Circuit has recently explained,

“[s]imple teasing, offhand comments, and isolated incidents (unless extremely serious)” are not sufficient to create an actionable claim under Title VII, but the harassment need not be so severe as to cause diagnosed psychological injury. It is enough “if such hostile conduct pollutes the victim’s workplace, making it more difficult for her to do her job, to take pride in her work, and to desire to stay in her position.” We have held that such hostility need not be directly targeted at the plaintiff to be relevant to his or her hostile work environment claim.¹²

In other words, Title VII provides that an employer may not classify an individual by race in any way that would tend to adversely affect that person’s status as an employee.

By marking “systems that benefit whiteness” for dissolution, RHS has singled out a particular race for scrutiny and potential moral opprobrium. By training teachers to be Innocent Classrooms advocates, RHS promotes insulting assumptions about the supposed burden experienced by students of color due to their race. In short, under RHS’ “vision of equity,” white faculty and students must confront the guilt of an educational system that is supposedly rigged in their favor

⁹ D.J. Miller & Associates, Inc., v. Ohio Dep’t of Admin. Services, 115 F.Supp.2d 872 (S.D. Ohio 2000) (quoting *Grimes v. Superior Home Health Care*, 929 F.Supp 1088 (M.D. Tenn. 1996).

¹⁰ 42 U.S.C. § 2000e-2.

¹¹ *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21 (1993)(citations omitted).

¹² *Reynaga v. Roseburg Forest Products*, 847 F.3d 678, 687 (9th Cir. 2017) (citations omitted).



while students of color are to be treated as a second coming of Christian from *The Pilgrim's Progress*.¹³ Both of these assumptions are sides of the same coin: Judging an individual based on the color of their skin rather than the content of the character. Such a work environment, centered on racial judgmentalism and guilt, must necessarily violate Title VII.

I would encourage RHS to reimagine its vision. Instead of viewing policy, faculty, and students through a racial lens, RHS should embrace the individuality of each person, as expressed through their unique struggles, hopes, and dreams.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Kirsanow', enclosed in a thin black rectangular border.

Peter Kirsanow
Commissioner

¹³ JOHN BUNYAN, *THE PILGRIM'S PROGRESS* (1678).