



Dr. Jon Holmen– Superintendent
L.E. Scarr Resource Center
16250 N.E. 74th Street
Redmond WA. 98073
Office: 425-936-1200 • Fax: 425-936-1213

June 8, 2022

Level Two Response
to
March 31, 2022, Complaint and May 10, 2022, Appeal

Dear Washington Asians for Equality Administration,

The Lake Washington School District (District) is in receipt of your appeal to the Superintendent based upon the decision handed down by the District’s Civil Rights Compliance Coordinator, Dr. Richard Patterson, and his finding of no discrimination to your initial allegation dated March 31, 2022. This Level Two Response outlines the District’s decision to your appeal dated May 12, 2022.

The District has carefully examined the concerns you and others have raised regarding the Blackwell Elementary School teacher wearing a Chinese gown in her class for Chinese New Year. The issues people have raised fall at the junction between what constitutes “cultural appreciation” and “cultural appropriation.” Our challenge in the current situation is that there are well-meaning people of Chinese heritage who are offended with the teacher’s wearing of the Chinese gown and well-meaning people of Chinese heritage who are not offended but take issue with the school thinking at the time that cultural appropriation had occurred and requiring corrective actions. This situation is reflective of larger racialized and cultural challenges that we are all navigating. The District and the Board of Education have adopted Board Policy (BP) OE-14 “Anti-Racism, Equity, and Inclusion in Education” and BP 5010 which addresses “Nondiscrimination and Affirmative Action” as guiding principles to uphold the ideal state of all our communities.

Your complaint specifically raises the nondiscrimination issues which is why we have approached it through the anti-discrimination policy, BP 5010. Please understand that in addressing the discrimination claim, we have not lost sight of the equity and education issues. This will likely not be the only time we wrestle with interpreting OE-14 and competing opinions concerning cultural appropriation vs. cultural appreciation. We want to refine the process so that it is in keeping with OE-14.9’s aim to “Provide culturally responsive and safe methods to address concerns, grievances, or violations of this policy, particularly related to racist or other discriminatory actions.”

The Current Discrimination Complaint

Rules applied

We believe the alleged discrimination issue raised in your complaint should be addressed under BP 5010 and RCW 49.60.400. Though BP 5010 applies mostly to employment situations, it also applies to students in that, “The Lake Washington School District shall provide equal educational opportunity and treatment for all students in all aspects of the District's academic, activities, or employment programs without discrimination.” (BP 5010, p. 3.) RCW 49.60.400 comes closest in the law we are aware of to defining unlawful discrimination alleged in the complaint, stating:

(1) The state¹ shall **not discriminate** against, or **grant preferential treatment** to, any individual or group on the basis of race, sex, color, **ethnicity**, or **national origin** in the operation of public employment, **public education**, or public contracting. (RCW 49.60.400(1))

Facts

The facts relating to these issues are clear from your complaints and appeals. Communications from the Washington Asians 4 Equality group, relating to the BP 4020 complaint, from Principal Eaton, and from Sue Ann Sullivan who had inquired into the facts of the situation back in February and March with several parents.

We find that on February 1, 2022, a teacher, who does not identify racially as Chinese, wore a Chinese gown as part of a lesson concerning culture in relation to the Chinese New Year. A person of Chinese heritage complained that the teacher had engaged in cultural appropriation. School administration had the teacher apologize to students concerning what was believed at the time by administration to have been cultural appropriation. Other parents and students of Chinese heritage complained that school administration had been incorrect and that the teacher’s wearing the gown was a welcomed celebration of Chinese culture. A petition with 62 electronic signatures of parents, community members, and students was presented to the District supporting the view that the situation was one of cultural appreciation and not cultural appropriation.

A complaint was made to the District under BP 4220 on “Complaints Concerning Staff or Programs.” That complaint was responded to on March 23, 2022, by Director of Elementary Education Sue Ann Sullivan, finding no violation of OE-14 and stating, “the District is planning to work over the next several months to develop clear guidelines for our practices and expectations regarding situations of ‘cultural appreciation’ verses ‘cultural appropriation.’” Your complaint was presented to the District on March 31, 2022.

On April 1, 2022, Blackwell Elementary School Principal Jim Eaton wrote an apology to some of the parents who had complained. Mr. Eaton stated, “I apologize for the impact that his incident has had on you.” He stated further that “our initial response was taken in haste and did

¹ Which includes “school districts.” (RCW 49.60.400(8).)

not allow for the time to fully engage with community members.” He recognized the intersection of cultural appreciation and cultural appropriation that he found himself in and shared that “It is clear this is an area of growth for us and we need to have a broader cross-section of perspectives.” He also stated, “I appreciate the level of support that you have shown the teacher” and that “I remain committed to engaging with you to recognize and celebrate our Asian American and Pacific Islander students and families and their rich cultural heritage.”

Your March 31 complaint was responded to on April 25, 2022, by the District’s Civil Rights Compliance Coordinator Dr. Richard Patterson, finding no discrimination. You appealed that decision on May 10, 2022, to Superintendent Jon Holman. As an Assistant Superintendent, I am acting as his designee in responding to your appeal. Your appeal was made on the following grounds:

- 1) Dr. Patterson’s investigation was flawed.
- 2) Dr. Patterson was withholding information.
- 3) Dr. Patterson claimed that PRA requests were necessary to obtain information.
- 4) Dr. Patterson denied your complaint that Chinese culture had been singled out.
- 5) Dr. Patterson claimed that public apologies were not proper BP 5010 remedies.

Response

Preliminary issue of discrimination: Before addressing the five issues raised in your complaint, a preliminary, foundational issue must first be addressed. Was the school’s action discrimination under BP 5010? There is no allegation or evidence of wrongdoing with the intent to harm individuals of Chinese heritage or Chinese culture in general. No one that we have talked with on either side of the issue has alleged that people at the school were intentionally, deliberately engaging in conduct they knew at the time was discrimination against individuals of Chinese heritage or against Chinese culture. Nor is anyone alleging that preferential treatment was intentionally given in a way that individuals taking action at the time were aware was not appropriate or fair to individuals of Chinese heritage or Chinese culture in general.

Mr. Eaton’s apology was made in good faith after receiving input from community members with views similar to yours. He wrote his April 1 apology with the benefit of such input and hindsight. His apology is evidence of regret of any offense which was taken based on a mistake about culture which was made in a genuine attempt to protect that culture.

Regarding the five issues raised in your appeal:

- 1) Dr. Patterson was relying on what he learned from your earlier communications, the earlier communications from citizens relating to the BP 4020 complaint, as well as from Principal Eaton and Sue Ann Sullivan who had inquired into the facts of the situation back in February and March. He could have interviewed more people, and it would

have been appropriate to talk directly with you. However, presently we are not aware of factual disputes which need to be resolved through additional investigation.

- 2) In reviewing the communications, you and other parents have received, I can see why you would feel that information was being withheld because the factual basis of his conclusions were not shared with you. We protect privacy of students and others in many situations. In matters of public concern and public record though, those privacy concerns are outweighed to some degree by the right of the public to know. I have talked with our Public Records person, Mason Effertz, who is seeing to it that all public records requests concerning this matter will be forwarded to you immediately.
- 3) You make a good point that there are examples of other situations where things relating to other cultures have been worn by staff at the school. You also raise a good question as to why one situation is okay and another not. A clearer definition would help considerably in dealing with the intersection of cultural appreciation and possible cultural appropriation.
- 4) Regarding apologies, Mr. Eaton extended apologies on April 1, 2022. The District acknowledges that apology in this letter. In moving forward, I believe there is great value in engaging in continued learning and partnership around diverse and vibrant cultures, and how to honor and embrace the rich tapestry that makes up Lake Washington School District.

Your Appeal Rights

BP 5010's procedure sets forth the following appeal procedures remaining for you:

Level Three - Complaint to the Superintendent of Public Instruction

If a complainant remains aggrieved as a result of the decision in resolving a complaint, the complainant may appeal to the Office of the Superintendent of Public Instruction by filling a written notice of appeal by twenty (20) calendar days following the date upon which the complainant received written notice of the Superintendent's decision. Such appeal shall be in writing, include a concise statement of the Superintendent's decision that is being appealed, and the relief requested.

Mediation

At any time during the complaint procedure, the district may offer mediation consistent with the procedures set forth in WAC 392-190-0751. The complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.

Moving Forward

The District's Equity Department is committed to providing continuous learning opportunities to deepen the understanding and ensure educational spaces are welcoming for all.

Respectfully,

A handwritten signature in blue ink that reads "Joy A. Ross". The signature is written in a cursive style with a horizontal line above the first name.

Dr. Joy Ross
Assistant Superintendent Human Resources

Cc: Dr. Jon Holman

Encl.: BP 5010 and 5010P

OE-14