

The logo for StandWithUs, featuring the text "StandWithUs" in white on a blue rectangular background.

Supporting Israel & Fighting Antisemitism



April 3, 2025

Via Email: OCR@ed.gov

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

I. INTRODUCTION

This letter of complaint is submitted by StandWithUs, an international, nonprofit education organization with the mission of combating antisemitism and educating about Israel, and Bay Area Jewish Coalition, Education and Advocacy (“BAJCEA”), a grassroots organization, through its legal representative, David M. Rosenberg-Wohl of Hershenson Rosenberg-Wohl, APC, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (“Title VI”). This complaint alleges that students in the Santa Clara Unified School District (“SCUSD”) have been subjected to severe, pervasive, and persistent harassment and discrimination based on their national origin (shared Jewish ancestry), resulting in a hostile environment that SCUSD repeatedly failed to remedy despite being on actual and constructive notice, in violation of its obligations under Title VI.

As set forth in further detail below, *see infra* Part II, students in SCUSD elementary, middle and high schools have been subjected to repeated harassment, intimidation, marginalization, and discrimination based on their Jewish ancestry since at least 2023. Reported incidents include antisemitic slurs directed against Jewish students, demonization of Jewish and Israeli students by their peers, as well as the approved use of antisemitic content and programming by teachers and guest speakers. SCUSD has also repeatedly failed to apply its own policies and procedures in a consistent and equal manner, thereby subjecting its Jewish and Israeli students to disparate treatment. Not only has SCUSD blatantly applied its policies disparately, it has also used its procedures to isolate, silence, and shame its Jewish students.

SCUSD has been on both actual and constructive notice of each discriminatory incident and each instance of disparate impact detailed herein. Antisemitic incidents occurred in plain sight in SCUSD classrooms and hallways. Hate speech was found in school bathrooms. Jewish content was ripped off of campus walls. Furthermore, after each incident of bullying, harassment, bias and disruption based on shared ancestry, Jewish and Israeli families at SCUSD contacted school and/or district leadership to voice their concerns and request respectful and collaborative solutions. Jewish

and Israeli families also made public comments at SCUSD Board Meetings, requesting that their students be protected from discrimination and disparate treatment. Further, families submitted formal complaints and appeals on multiple occasions pursuant to SCUSD policies.

Despite being on notice of - and being offered constructive opportunities to address - its hostile environment, SCUSD failed to take the steps reasonably necessary to protect its Jewish and Israeli students from ongoing harassment. SCUSD failed to appropriately enforce its own policies, failed to conduct proper or timely investigations, and failed to provide basic training and education to staff or students prevent further incidents of antisemitism. **The evidence demonstrates that, far from eliminating the pervasively hostile environment for Jewish and Israeli students pursuant to its Title VI obligations, SCUSD has effectively sanctioned antisemitic harassment in its schools.**

As a direct result of SCUSD’s deliberate indifference, students in SCUSD schools continue to face discrimination and harassment based on their shared ancestry. We urge your office to investigate the hostile environment within SCUSD based on shared Jewish ancestry. If your investigation concludes that SCUSD has indeed violated Title VI, we urge your administration to demand swift and concrete remedies, some of which are suggested below.

II. STATEMENT OF FACTS

Jewish and Israeli students at SCUSD elementary, middle and high schools face an ongoing and increasingly hostile environment specifically because of their ethnicity and shared ancestry. As detailed below, the hostility has presented in numerous ways, including biased and inconsistent application of SCUSD policies, antisemitic harassment by teachers, attempts to erase Jewish identity, peer-on-peer bullying, demonization of Jewish students, and antisemitic classroom lessons. As if these incidents were not awful enough, SCUSD further failed to protect its Jewish and Israeli students by misapplying its own enforcement and investigation policies, actively avoiding its obligations to address the hostile environment and its effects.

A. SCUSD Subjects its Jewish and Israeli Students to Disparate Treatment

SCUSD applies its policies and procedures regarding freedom of expression, controversial matters and civility in blatantly different ways depending on the impacted student group. As described below, SCUSD repeatedly disregards the concerns of Jewish students and suppresses their procedural and substantive rights, all while bolstering the voices of other members of the SCUSD community. This disparate treatment created a hostile environment where SCUSD’s Jewish and Israeli students are continuously being denied equal access to their educational program.

The most alarming area of disparate treatment at SCUSD is in the implementation of policies regarding student clubs and guest speakers. Guest speakers and volunteers who are invited into SCUSD schools are required to comply with, among other things, [Board Policy 6144](#) regarding “controversial matters.” According to the policy,

Prospective speakers and/or community volunteers, invited onto our campuses by school-sponsored organizations, or student groups, shall agree to present material of educational relevance that is appropriate to the social and emotional development of the audience, with

no statements, photographs, images, or graphics that are obscene, libelous, or slanderous, or that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school. Student groups are encouraged to utilize materials and provide information that will enhance student learning and maintain a positive school climate. The school and/or District may require student groups with varying viewpoints to coordinate events in order to ensure multiple perspectives are presented to students.

Furthermore, according to additional district guidance, student groups that want to host guest speakers must comply with a specific process, including obtaining prior approval for the event and promotional materials and ensuring that the guest speaker complies with Board Policy 6144.

According to [Board Policy 5145.2](#) and [California Education Code 48907](#) and 48950, students have a right to “express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.” However, students’ freedom of expression is not absolute, and students are “prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school’s orderly operation.” Finally, Board Policy 5145.2 distinguishes between the permissibility of “fighting words” that serve as “a communication of ideas” and the prohibition of fighting words that are “abusive and insulting” and that are “used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.”

According to [Board Policy 1313](#), speech and expression should “comport with norms of civil behavior on district grounds, in district facilities, during district activities or events, and in the use of district electronic/digital systems and platforms.” The policy defines “civil behavior” as “polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.”

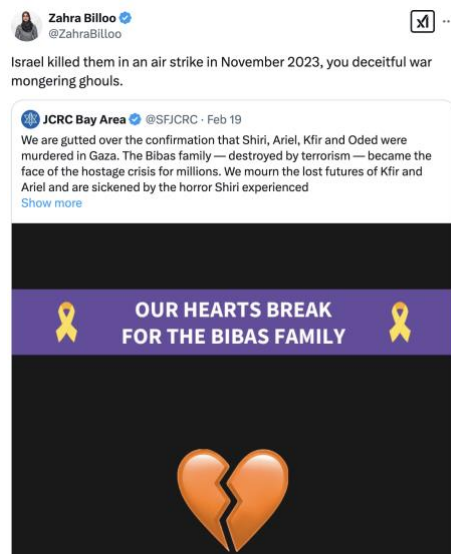
Each of these SCUSD policies has been applied disparately depending on the impacted group, as described below.

Most recently, on February 24, 2025, SCUSD’s Muslim Student Association (“MSA”) gave two-days’ notice to the school community of an event entitled “Know Your Rights” to be presented by an unnamed speaker from the outside group, Council on American-Islamic Relations (“CAIR”). A grassroots group of Jewish and Israeli families, BAJC, contacted SCUSD’s Superintendent and Board of Education to express concern about the specific organization being hosted, noting the likelihood of inflammatory content and disruption, and requesting “the postponement of the planned event until the District conducts a thorough review of the event and speaker, consistent with its own policies and practices.” Ex. A. The families explained CAIR’s previous association with events in this school, CAIR’s social media posts targeting Jews and Israelis, and its ties to Hamas, a [US-recognized terror organization](#). Given the late notice of the event, the heightened

emotions in the community, the total lack of information about the guest speaker, the potential for disruption of the school day, and the questionable credentials of the guest organization, BAJC requested that SCUSD postpone – not cancel - the event, noting:

To be clear, we fully support the religious rights and freedom of speech of all Wilcox High School students. Our concerns are directed at the District’s decision to allow a controversial organization with a proven track record of hostility towards our community on campus. The District’s current decision regarding the February 26th planned event appears to conflict with the District’s previous actions in response to guest speakers and/or controversial topics.

In follow up communication to SCUSD, the families explained the particularly sensitive timing of the event: the CAIR event was scheduled for the same day as the funeral for the Israeli baby and toddler who were kidnapped from their home by Hamas terrorists on October 7, 2023, tortured and murdered in captivity, and whose bodies were held by Hamas in Gaza for over 500 days.¹ The sensitivity of the day was compounded by the fact that certain leaders of CAIR had previously shared hateful and completely debunked statements blaming Israel for the children’s deaths. For example, CAIR San Francisco branch’s Executive Director made the following horrific post, and reposted other inflammatory posts, specifically related to the Israeli victims of October 7th:



In the late evening of February 25, 2025, the night before the scheduled event, the SCUSD Superintendent responded to the parents that they had conducted a “thorough review” of the event and attached an apparently new “FAQ” document.” Ex. B. According to this document which had not yet been shared with the school community, SCUSD student groups must obtain “prior approval from school administration” for their proposed guest speakers. The request must be submitted at least four weeks in advance and must include specific information, including the speaker’s name. Furthermore, before sharing any promotional materials, the student group must

¹ <https://apnews.com/article/israel-gaza-ceasefire-hostages-bodies-bibas-1d8718176c8d2564cf23c3e77f09ad72>; <https://www.bbc.com/news/articles/ckg178g4nrwo>; <https://www.timesofisrael.com/shiri-ariel-and-kfir-bibas-buried-in-a-single-casket-they-will-remain-together/>.

submit – and receive approval for – all materials such as flyers, announcements, social media posts, and handouts. Finally, according to the FAQ document, if a presentation “disrupts the educational program or creates a clear danger of unlawful activity,” the administration has the right to stop the event or ask the speaker to cease speaking. If a “credible threat” is identified, SCUSD may cancel the event for the safety of its students and staff.

There is no evidence that the MSA students were aware of, or complied with, these brand new procedural requirements for their event. There is also no evidence of SCUSD’s alleged “thorough review” pursuant to these new requirements. Nevertheless, on February 26, 2025, the MSA event moved forward, with Hibah Hammoudeh of CAIR teaching students about Islamophobia, anti-Palestinian bullying, and religious rights in public schools, as well as introducing them to CAIR as an organization. SCUSD did not follow up with the concerned Jewish and Israeli families after this event or make any determination as to the appropriateness of hosting a contentious organization.

This most recent event is demonstrative of a broader misapplication of SCUSD policies that disparately – and detrimentally – impacts its Jewish students. There is a sharp - and ultimately unlawful - contrast between SCUSD’s response to this and other events hosted by MSA, and SCUSD’s response to proposed events by the Wilcox Jewish Culture Club. There is yet another sharp contrast: SCUSD’s dismissive responses to Jewish families’ concerns over controversial and potentially disruptive events, and its empathetic responses to concerns from non-Jewish families about controversial and potentially disruptive events.²

For example, the MSA advertised another event in November 2023 at Wilcox High School with a speaker to share his “personal journey” as a “Palestinian refugee.” The event was scheduled within weeks of the October 7th terror attack by Hamas against Israel, and the subsequent celebration of some in the international community of the attack as “Palestinian resistance.”³ As a result, a number of Jewish and Israeli families at SCUSD expressed concern to school administrators. *see, e.g.*, Ex. C (“Some of the parents are currently considering keeping their kids home from school tomorrow as they are truly scared of what might happen.”). Multiple families requested that Wilcox leadership ensure that the event would not be overly political and that the speaker would only present factual and balanced information to students. Families specifically raised the particularly vulnerable moment for Jews and Israelis in the wake of the October 7th massacre and ongoing hostage crisis. SCUSD responded by delaying the event for a few weeks and issuing a letter to families describing its “duty to support students in their efforts to seek knowledge and information as long as it is in alignment with SCUSD Board Policy.” Ex. D. The letter stated that SCUSD took “measures to create a safe environment for this event” including:

- meeting with the MSA students and advisor about the event,

² We understand that, on October 31, 2024, your office received a separate Title VI Complaint regarding SCUSD (the “CAIR Complaint”) that referenced many of the events and individuals described in the current Complaint. Members of Co-Complainant organization, BAJCEA, are available to serve as witnesses and to provide additional information and documentation in support of the current Complaint, as well to serve as witnesses and to provide clarification regarding allegations in the CAIR Complaint.

³ *See, e.g.*, <https://www.al-monitor.com/originals/2024/10/praising-hamas-west-bank-rally-celebrates-resistance-october-7>; <https://amherststudent.com/article/on-oct-7-sjp-marks-one-year-of-zionist-escalation-and-palestinian-resistance/>

- meeting with the guest speaker to review Board Policies and discuss content of speech and district expectations,
- inviting students from the Jewish Culture Club to attend, and
- assigning additional staff members to attend the event.

Of note, no student from the Jewish Culture Club received an invitation to the event despite SCUSD’s assertion. It is unclear whether it took the other steps described in its letter.

Unfortunately, MSA’s guest speaker, Samir Laymoun, did not abide by the alleged agreement with SCUSD. Mr. Laymoun deviated from his personal journey immediately and instead used the forum to share provocative statements about Zionism and display factually inaccurate maps.⁴ MSA students hosting the event also handed out stickers that said “F*ck Zionism.”



Not only did SCUSD staff at the event fail to respond to the biased and prejudicial language and the distribution of hate speech toward an integral component of mainstream Jewish identity, but at least one staff member (Teacher A) actually gave extra credit to students who attended the event. SCUSD did not take any steps to address the policy violations thereafter.

Jewish students at Wilcox felt an obligation to respond to the one-sided and hateful discussion at the MSA event, and to assert their right to balanced and respectful dialogue about controversial topics at school (upon which, under the circumstances, and pursuant to its own policies, the school administration should have insisted). In February 2024, members of the Wilcox Jewish Culture Club requested permission to host their own event to ensure that their peers could hear about “all sides of the [Israel/Hamas] issue.” The Jewish Culture Club submitted its event for SCUSD approval. It was entitled “An Attorney’s Perspective” and featured guest speaker Ran Bar Yoshafat, an Israeli attorney and public diplomacy expert. Mr. Bar Yoshafat’s proposed topics were Israel’s image in the world and a legal analysis of Israel’s actions in the context of international law. After the event was approved, the Jewish Culture Club posted flyers and advertised the event. Within days, however, the event flyers were ripped from school bulletin boards. The students reported this to SCUSD administrators, but no actions were taken as required by Board Policies [5145.9](#) (Hate-Motivated Behavior), 3515 ([Campus Security](#)), or the [Student](#)

⁴ Laymoun shared a widely debunked map, discussed in detail at <https://www.google.com/url?q=https://aijac.org.au/fresh-air/disappearing-palestine-the-maps-that-lie/&sa=D&source=docs&ust=1740761527152085&usg=AOvVawI6tGYVQsCBSadTEgnSBxLc>.

[Handbook](#) to identify or discipline the perpetrators, or provide programming to promote the stated values of the school and district, including respect and civility.

SCUSD leadership heard about additional concerns⁵ with the upcoming event, at least some of which were from outside organizations. At this point, in response to the concerns and hateful vandalism, SCUSD could – and should – have taken the exact same “measures to create a safe environment” that it had taken weeks earlier to protect the MSA event. To ensure equal treatment, SCUSD should have postponed the Jewish Culture Club event for further review, met with the students and advisor about the event given the concerns, met with the guest speaker to review Board Policies and discuss content of speech and district expectations, encouraged the Jewish Culture Club to invite students from the MSA, and assigned additional staff members to attend the event. SCUSD took no such steps to preserve the event. Instead, SCUSD simply cancelled the Jewish students’ event altogether. Ex. E.

Even worse, SCUSD leaders alleged that there were significant threats from outside organizations, but did not follow protocol as a result: SCUSD did not report the alleged threats to law enforcement and did not offer to provide additional security at the event should outside agitators enter. When Jewish families requested tangible evidence of the threats that were so severe to require the event’s cancellation, SCUSD leadership simply refused. SCUSD told the student president of the Jewish Culture Club that it was cancelling the event, permitting a heckler’s beto, and then sent out a misleading district-wide letter, implying that the event was cancelled because of the content of the Jewish students’ event. Ex. E. According to the Jewish Culture Club’s student president, SCUSD’s cancellation of the event sent a strong message to his peers and emboldened the protesting groups: “if you are violent, you will achieve your goals.”⁶

SCUSD’s decision to cancel the Jewish Culture Club event resulted in both an infringement on Jewish students’ rights to free speech, and a violation of all students’ rights to an impartial discussion of controversial topics. **This was celebrated by other SCUSD student groups in social media posts that dangerously mischaracterized Mr. Bar Yoshafat’s words yet again.** Exs. F - G. More troubling, the cancellation of the Jewish students’ event was announced and applauded in a [press release](#) by CAIR, the same contentious outside advocacy organization discussed above:

We commend the administrators at Wilcox High School for their proactive decision to cancel [the] speaking engagement, demonstrating a commitment to the safety and well-being of its students, including those of Muslim, Arab, and Palestinian heritage. This

⁵ Of note, the outside protests about Mr. Bar Yoshafat’s event at Wilcox High School were part of larger scale efforts against him in other settings. His opponents seem to repeat the same mischaracterizations and employ the same language. *See, e.g.*, violent protest at U.C. Berkeley on February 26, 2024 (<https://news.berkeley.edu/2024/03/04/responding-to-the-events-of-feb-26/>; <https://jweekly.com/2024/03/20/israeli-speaker-whose-talk-was-shut-down-returns-to-uc-berkeley/>); protest at Holocaust Museum in March 2024 (<https://www.timesofisrael.com/protesters-dog-israeli-speaker-at-la-holocaust-museum-after-uc-berkeley-event-canceled/>).

⁶ *See* Wilcox High School JSU’s President’s description of the MSA and JSU events at 48:45 of <https://www.youtube.com/watch?v=Xnv3nVj9yrc>.

decision reflects an understanding of the impact that hate speech and rhetoric inciting violence can have on a school community.

Before the Jewish Culture Club event was cancelled, at least one Jewish student was specifically targeted because of it. On February 15, 2024, a teacher at Wilcox High School (“Teacher B”) singled out a Jewish student in a homeroom-type classroom about the planned event. The teacher, assuming that the student was involved in the event based on his Jewish identity, urged him to cancel it. Teacher B explained forcefully, in front of the whole class, that she disagreed with the guest speaker’s social media post. The student was so embarrassed and uncomfortable from the public exchange that the student hasn’t returned to Teacher B’s classroom since then. On March 25, 2024, the student submitted a complaint pursuant to [AR 1312.3](#), the District’s Uniform Complaint Procedure (“UCP”), stating, in part:

I felt targeted and uncomfortable when the teacher that I've respected spoke to me like that. It sounded very subjective and biased. I disagreed with her, but could not say anything, so I left the class feeling pressured. I felt embarrassed in front of other students. From that day I feel unsafe coming to this class and participating in my favorite activity. Ex. H.

SCUSD policy requires that UCP complaints “be appropriately investigated in a timely manner.” Specifically, the UCP Coordinator must begin an investigation within ten business days of receiving the complaint. Within one day of initiation of the investigation, the complainant must be given an opportunity to present evidence in support of the allegations in the complaint. Finally, the UCP Coordinator is required to issue its “Investigation Report” within sixty calendar days of receipt of the complaint, **unless “the timeline is extended by written agreement with the complainant.”** Despite these clear guidelines, SCUSD failed to respond to the complaint appropriately: Between May 16 and August 9, 2024, SCUSD sent the student complainant **five** “Notice of Extension” letters,⁷ stating it would need more time to investigate the complaint. Not one of these notices complied with the rules related to extensions.

After all of these improper Notices of Extension, SCUSD issued the following (completely contradictory) findings:

1. Teacher B’s interaction with the student “reflects her poor judgment and constitutes a boundary blurring behavior that undermined trust between the adult-student relationship” and that, therefore, the teacher’s behavior “constituted unprofessional conduct” in violation of Board Policy 4119.24; and
2. Teacher B’s “conduct was objectively offensive considering the power imbalance between” a teacher and student, and the “comment made in part on perceived Jewish ancestry, and the controversial nature of the conversation.” However, the “conduct did not rise to the level of discrimination as it was not pervasive and did not prevent [the student] from participating in a school activity or event.”

⁷ Ex. I.

3. Teacher B's conduct was not based on any protected category, "but rather, concerned her opinion on governmental practices and policies."

On September 13, 2024, the student appealed the UCP resolution to the California Department of Education ("CDE").⁸ On January 24, 2024, CDE determined that SCUSD "failed to comply with its UCP procedures in handling the Complaint" and that "corrective action" was required." Ex. I. The CDE further ordered SCUSD to take further corrective action specifically with respect to training and education about discrimination and harassment based on protected characteristics. Ex. I, at 5-7. There is no evidence that SCUSD complied with this instruction as of the date of this Complaint.

Despite SCUSD's avoidance of its own obligations under Board Policy 6144, Jewish students continued to focus on providing a balanced perspective on the Israel/Hamas War with their classmates. Around March 2024, the Jewish Culture Club submitted materials to Wilcox leadership for approval of a new event. On April 4, 2024, the event "Israel - an Arab Muslim's Perspective"⁹ was finally allowed to move forward, featuring Sophia Khalifah, who shared her personal story as a Muslim Bedouin Arab Israeli. Ms. Khalifah received very specific guidance from SCUSD about the relevant guidelines. Unlike Mr. Laymoun, Ms. Khalifah adhered to the District rules, including not sharing any maps. Ms. Khalifah spoke about her connection to Zionism as an Arab and a Muslim and emphasized tolerance, human rights, feminism and co-existence. Ms. Khalifah explained the difference between Muslims and Jihadists, specifically discussing the plight of Palestinian civilians and distinguishing them from Hamas terrorists in their neighborhoods. Despite the strict adherence to SCUSD policy, and despite the emphasis on coexistence and balanced discussion, inexplicably, Ms. Khalifah's event was later described by students and outside organizations as perpetuating negative stereotypes of Muslims.

On April 29, 2024 - with only two days' notice - the MSA announced yet another event on the topic of Israel and Palestine. Members of the SCUSD Jewish and Israeli community sent a letter to the Board of Trustees expressing concern about the proposed event, a film screening. Ex. L. The letter explained that the planned film was biased, derogatory, and inflammatory, and that screening it at SCUSD would create a substantial disruption to the learning environment. For example, in violation of [Board Policy 6144](#), the proposed film screening would not address all sides of the issue respectfully. On the contrary, the proposed film "presents a biased and one-sided view of the Arab-Israeli conflict. It does not mention the peace proposals and paints Israelis as colonizers and oppressors and Palestinians as pure victims." The letter explained how the film used "antisemitic tropes," promoted violence against Israelis and Jews, and demonized Jewish organizations. According to the concerned parents:

Over the last six months, the American Jewish and Israeli students at SCUSD have been faced with relentless events and publications spreading bias, partial and even false information aiming to delegitimize their heritage and ethnicity, creating an unsafe school environment where they feel humiliated, marginalized, and ostracized. Our community has continuously engaged with SCUSD with no remedial actions - At what point will

⁸ The student was represented by the undersigned David Rosenberg-Wohl.

⁹ Ex. K.

enough be enough? Must we wait for a student to be physically harmed for you to acknowledge the risk to our children?

In response, the Board sent a formulaic letter reciting principles of freedom of speech and other legalese, failed to even address the deep concerns and fears of the Jewish and Israeli families about the planned event, and directed the families to file a discrimination complaint if they wanted their concerns addressed. Ex. M. **This response can be sharply contrasted with the District’s deep empathy for the families who expressed concerns about the Jewish Culture Club’s event:** one group of families’ fears were heard, explored and ultimately given priority, while the other group of families’ fears were disregarded within hours and subjugated to generalized legal principles. As a result, certain events were allowed to move forward despite presenting one-sided and prejudicial views that created a harmful environment for other students. And SCUSD allowed this to occur again and again by relying on faulty procedural strategies, thereby actively evading the ultimate concerns about a hostile environment.

B. SCUSD’s Jewish Students Face Ongoing Antisemitic Harassment and Discrimination

On February 12, 2025, a substitute teacher (“Teacher C”) at Wilcox High School aggressively argued with a Jewish individual in a room for school staff members about the ethnic derivation of the individual's Jewish name. The Jewish individual was wearing a Star of David necklace, identifies as Jewish, and told the teacher that their name was a Hebrew name with ancient religious roots. The teacher then went on the attack, claiming that the name was Arabic or Islamic, but not Jewish. The offended individual, shaken, immediately reported Teacher C’s alarming behavior to a school staff member. We are not aware of any further action taken to address Teacher C’s attempt to erase a Jewish person’s own ethnic story.

This is not an isolated incident. It is simply the most recent attack - without consequences - on Jewish and Israeli individuals at SCUSD schools based specifically on their protected ethnic/ancestral identity. In fact, SCUSD students and teachers have harassed their Jewish and Israeli peers since at least 2023. If there was any District response at all to reports of harassment, it was piecemeal and wholly disconnected from the broader antisemitic culture in existence. This approach ensured that an antisemitic environment could survive, and even thrive, at SCUSD schools.

For example, at Peterson Middle School, in November 2023, students hurled antisemitic slurs at Jewish peers on a school bus. In March 2024, other Peterson students shouted antisemitic slurs in school hallways, graffiti-ed antisemitic phrases on school property, and shared social media posts with antisemitic comments. After receiving reports from parents, the District conducted an investigation and responded by (1) having the campus supervisor more “visible” between two class periods (2) requesting video surveillance of the bathrooms and (3) sending a generalized communication to families about bullying, harassment and hate speech. The message did not specifically mention the antisemitic nature of these incidents, nor did Peterson leadership take any other programmatic steps to address a clear need for education about modern-day antisemitism.

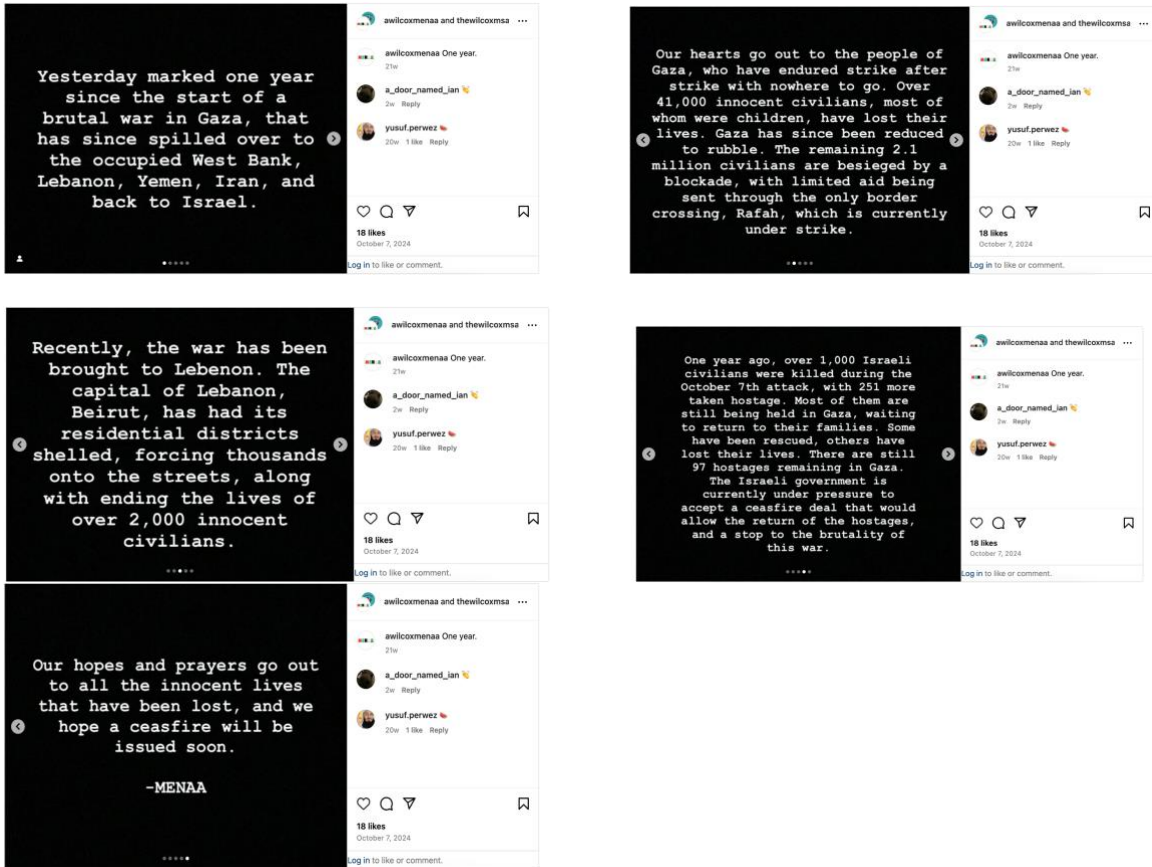
The antisemitic harassment continued: in September 2024, another Peterson Middle School student harassed a Jewish classmate, screaming, “F--k you, Jew, go kill yourself” and made “jokes” about the October 7th Hamas massacre in Israel. A formal District investigation

determined that the matter was so egregious that SCUSD needed to issue a Stay Away Agreement between the harasser and the victim. Nevertheless, despite the clear connection between this and the other antisemitic incidents at Peterson over the previous 10 months, SCUSD failed to take any action to address more broadly the hostility and ignorance or to otherwise protect its Jewish students from discriminatory harassment.

In October 2024, a Jewish student at Santa Clara High School was bullied by a peer who said that “all Jews should have burned in Auschwitz.” When the Jewish student reported the abuse to school administrators, the other student was suspended. However, the disciplined student immediately contacted the Jewish student to “warn” him: when he returned from his suspension, he and his friends would “jump” the Jewish student. This threat, combined with the previous bullying, and the recent suicide of another peer due to bullying, caused such fear that the Jewish student stayed home from school. The hostility was so severe that SCUSD eventually agreed to provide a staff escort for the Jewish student between classes. SCUSD then signed off on the Jewish student’s transfer request, in which the parents explicitly described the horrific reasons for the student’s need to transfer. There is no evidence that SCUSD took any steps to address the hostile environment, or that SCUSD investigated the extent to which other students were subjected to the same hostile environment. As a result of SCUSD’s inaction in the face of anti-Jewish hostility, at least one other student transferred out of the District entirely, specifically to avoid being the next Jewish “target” of the same bullying students.

In March 2024, a Wilcox High School teacher (Teacher D) made inappropriate comments in the classroom about Israel and Palestine, including comparing Hamas’ kidnapping and holding hostage of innocent Israeli civilians in Gaza on one hand with Israel’s arrests of Hamas terrorists on the other. An Israeli student in the class told Teacher D that she felt singled out and ostracized because of her identity. Nevertheless, Teacher D’s biased attitude in the classroom continued, creating an environment where other students became comfortable bullying the Israeli student based on her identity. The other students eventually refused to socialize with her at all, making loud statements like, “I don’t want to sit next to this Zionist.” The student reported this harassment and discrimination, and resulting social isolation, to SCUSD. There is no evidence that SCUSD responded in any meaningful or effective way to these reports.

Antisemitic harassment and discrimination at SCUSD increased and morphed— consistent with a nationwide trend – after the Hamas terrorist attack on Israel in October 2023. For example, in January 2024, a Laurelwood elementary school student accused a Jewish classmate – an *elementary school student in America* – of killing Palestinians. Similarly, in March 2024, another Laurelwood student asked an Israeli peer – again, an elementary school student who lives in America – “Why are you killing babies?” The same student then urged peers to repeat these types of comments and socially isolate the Israeli student. School leadership’s only response was for the teacher to speak to the students about kindness. More recently, on October 7, 2024 – the one-year anniversary of the unprecedented terror attack against Israel – multiple student organizations at Wilcox High School used their student organization social media pages to blame Israel for the suffering of Palestinians. These posts demonstrated a dangerously biased understanding of world events that should have been addressed by SCUSD throughout the prior year.



In January 2024, the Israeli flag was stolen from a Santa Clara High School display of national flags. While other nations’ flags were also displayed, no other flags were touched. Even though the school had security camera footage of the vandalism and theft, school leadership failed to take any disciplinary action in spite of its obligations under Board Policies [5145.9](#) (Hate-Motivated Behavior), 3515 ([Campus Security](#)), and/or the [Student Handbook](#). Only after Jewish and Israeli parents begged for weeks did the school hang up a new Israeli flag. Again, SCUSD did nothing else to address the incident, yet again failing to respond with any training or educational programming to address the underlying issues of the misbehavior, including the anti-Israel hostility.

In March 2024, after months of being subjected to an increasingly hostile environment with no protection, and after seeing neighboring school district events taken over by antisemitic rhetoric, Jewish and Israeli parents reached out to SCUSD leadership about the school’s upcoming Multicultural Festival. Ex. N. Specifically, the parents described the impact of certain types of anti-Israel materials on Jewish families. They shared their concerns about the horrific trend of demonization of Jewish people, including blaming any Jewish person for complex events happening across the world in Israel. They explained their concerns that this type of rhetoric would seep into the upcoming festival. In their email, the parents requested “preventative measures and clear guidelines for content to preserve the cultural, collaborative nature of the event” given the heightened tensions around the Middle East conflict. In a meeting on March 26, 2024, SCUSD administrators told the concerned parents that nothing could be done, and they hoped all participants would follow the guidelines for the event. Even the most basic requests by parents

sent in follow-up correspondence between April 4 and 18, 2024 – such as prohibiting maps from the festival booths or only using maps approved of by the CDE – were rebuffed by district leadership.

As predicted, unnecessarily biased and inflammatory materials *were* used at the Multicultural Festival, creating significant distress for Jewish and Israeli families. For example, the Palestine booth displayed a map that completely erased Israel (see below) and offered rewards to students who said that Israeli cities like Haifa and Jerusalem are in “Palestine” (despite them factually being in Israel).¹⁰ All students in the festival were encouraged to get stamps from each country’s booth on the map (below) and to redeem a fully stamped map at the end of the festival for a prize. As opposed to the other countries’ booths, the Palestine booth’s stamp was overtly political, invoking the highly contentious phrase “Free Palestine.”¹¹



Families at the festival were shocked by the clear misstatement of facts and antagonism towards Israel from the parent volunteers at the booth. At least one young Jewish student walked away in tears, ripping up the event map she was using to collect stamps for a prize. We understand that the booth was created by Teacher C, who is also a parent volunteer, who wanted to emphasize her own ties to the land.¹² Teacher C, in her volunteer capacity, chose to do so – at a multicultural celebration event - by literally erasing the Jewish people’s connection to their own ancestral homeland.

¹⁰ <https://www.britannica.com/place/Haifa>; <https://www.britannica.com/place/Jerusalem>.

¹¹ See, e.g., <https://www.mideastjournal.org/post/what-does-free-palestine-mean>; <https://www.meforum.org/the-savage-nihilism-of-free-palestine>; <https://www.socialeurope.eu/what-is-the-free-in-palestine-should-be-free>.

¹² Teacher C, the parent running the Palestine booth, identified herself as Wala Zaytoun. <https://sanjosespotlight.com/santa-clara-school-district-slapped-with-discrimination-complaint/>.

On May 6, 2024, the Deborah Project (“TDP”), a public interest law firm, contacted SCUSD, as the representative of “Jewish-American and Israeli-American parents at Laurelwood School,” about the Multicultural Festival, requesting that SCUSD address the harmful misinformation presented at the festival, and take immediate action to prevent further hostility in the future. Ex. O. In response, SCUSD notified TDP that it opened a UCP complaint and would be conducting an investigation. TDP reminded SCUSD and its investigator that the May 6th letter was sent on behalf of parents, who should be considered the complainants in the matter. (See, e.g., May 20 email).¹³ TDP provided the SCUSD investigator, as requested, with a list of thirteen parents who were at the festival and willing to share their experiences. Over the next three months, SCUSD failed to fulfill its clear obligations to conduct an investigation pursuant to Cal. Code Title 5 § 4631 in multiple ways:

1. Instead of “conduct[ing] and complet[ing] an investigation of the complaint” within 60 days unless “extended with the written agreement of the complainant,”¹⁴ SCUSD simply notified TDP, on July 31, 2024, that it was extending the timeline, without requesting consent;
2. Instead of providing an “opportunity for the complainant . . . to present evidence or information leading to evidence to support the allegations,”¹⁵ SCUSD only interviewed four of the thirteen relevant witnesses.

On August 7, 2024, SCUSD determined that, among other things: (1) the Palestine booth’s materials at the Multicultural Festival did not “constitute discriminatory content,” (2) the booth did not create a hostile environment, and (3) SCUSD “took appropriate steps to address concerns regarding antisemitism.” Circuitously, the letter concluded: “the District has determined that. . . the District appropriately responded to the concerns raised by families.” Further, SCUSD determined that because, technically, “students were not required to attend the Festival” and “were not required to attend every booth at the Festival,” the overtly political messaging at the Palestine booth was not problematic. Ex. Q. In other words, SCUSD found that if Jewish or Israeli students felt scared, uncomfortable, unwelcome or harassed at a schoolwide celebration of various cultures and identities, they should have just not participated. This bears repeating: SCUSD’s response to its students feeling excluded from a beloved schoolwide event, based on attacks against their protected identity, was to suggest they simply not join.

The SCUSD Jewish and Israeli families represented in the original TDP letter submitted a timely request for appeal to the CDE on September 6, 2024. Ex. R. On September 27, 2024 (and again on October 21, 2024), the CDE responded that it lacked jurisdiction over the appeal because only the original Complainant - TDP - could appeal. Ex. S (“In the May 6, 2024, complaint, Ms. Marcus of The Deborah Project did not specifically identify that either she or the organization was representing your named clients when the May 6, 2024, complaint was submitted to the LEA”). As discussed above, TDP was explicit at all stages of its complaint with SCUSD that it was merely

¹³ Ex. P (“This is now the second letter I’ve received asking that I make myself available for an investigation about “my” complaint. I am not sure why the district keeps trying to interview me as the letter I originally sent clearly indicated I was writing on behalf of my clients, and my first response to the notification that I should make myself available for an interview as part of the investigation made that point clear.)”

¹⁴ [Cal. Code Title 5 § 4631\(a\)](#).

¹⁵ [Cal. Code Title 5 § 4631\(b\)](#).

the representative, and that the “complainants” were the SCUSD Jewish and Israeli families. Nevertheless, in October 2024, the families had no choice but to re-submit their UCP complaint to SCUSD about the exact same concerns they raised in May 2024. Ex. T.

Yet again, SCUSD failed to respond to the October 2024 UCP complaint within the prescribed 60-day period. On February 5, 2025, the families requested direct intervention from CDE pursuant to 5 CCR 4650(a)(4). Ex. U. Three weeks later - four months after the October complaint was filed and nine months after the original May complaint was filed - SCUSD finally notified the families that it would open an investigation into its complaint. The investigation is still pending as of the date of this complaint.

C. SCUSD Condones Biased and Inflammatory Teaching Materials

SCUSD is currently sharing and even endorsing biased and antisemitic educational materials, even after being on notice of - and under investigation related to - their inflammatory content.

According to Board Policy 6144, instruction on controversial matters shall be “presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.” Instruction on these issues “shall include credible and factual information, from reputable, cited sources, presented from multiple viewpoints, to help students objectively analyze and evaluate the issue and viewpoints, and draw their own conclusions.” Furthermore, instruction on controversial issues must not “discriminate against, or deliberately create a harmful environment” for individuals based on their protected identity, including race, ethnicity and national origin.¹⁶

In June 2024, SCUSD created a [resource portal](#), “Addressing Controversial Issues,” that was allegedly intended to provide balanced and respectful resources on difficult topics for the SCUSD community. The **only** topic covered by the resource portal, however, is the Israel-Gaza conflict; and the **only** information posted by SCUSD in June was either one-sided and biased against Israel, factually inaccurate, or both. Jewish parents immediately shared their concerns about the portal’s deficient content, but SCUSD distributed the portal link to families anyway. Jewish parents even offered a thorough expert evaluative report,¹⁷ coupled with numerous educational resources from national organizations, to ensure the portal would be an accurate and appropriate educational resource. SCUSD agreed to review the resources from parents, but one official mentioned in an off-hand remark that SCUSD considered certain resources to be “problematic.” Specifically, the resources from the Anti-Defamation League (“ADL”), one of the most celebrated national organizations fighting hate and extremism for all marginalized communities, would not be used. This alleged misconception of, and bias against, the ADL in particular is troubling considering the

¹⁶ Board Policy 6144.

¹⁷ According to a Report by the [CAMERA Education Institute](#), attached as Ex. FF, the resources on the portal contained “numerous historical errors, omissions, and distortions” and “also overlook the historic Jewish connection to the land; promote books that are biased against Israel; and sanitize the antisemitic Islamist terrorist organization Hamas.”

ongoing tensions between ADL and CAIR,¹⁸ and the district’s previous preferential treatment of CAIR.

Instead of recognizing the heated tensions around particular outside advocacy organizations and choosing to work with less controversial ones, SCUSD opened its doors to one provocative group (CAIR) while actively rejecting the other (ADL) in full.

SCUSD’s disregard of Jewish and Israeli families’ perspectives when creating - ironically - a “controversial issues” portal is unsurprising given the free rein it gives teachers to introduce and discuss complex topics in inflammatory ways. As described in detail below, SCUSD is currently condoning teaching materials that violate Board Policy 6144 by actively de-legitimizing the state of Israel and erasing the history of the Jewish people. SCUSD flagrantly violates and or misapplies its own policies, even with concerns consistently raised by Jewish families.

For example, a history teacher at Wilcox High School (“Teacher A”)¹⁹ presented extremely biased and one-sided materials with her 10th grade class with the stated goal of raising “awareness” about Israel as an “oppressive apartheid state” that is pursuing a “genocide” in Gaza. Ex. V. Teacher A’s presentation included her own prejudiced “solutions” as well. On December 19, 2023, Teacher A assigned a class project based on the [deeply contentious assumptions and misrepresentations](#) that Israel is an apartheid state and is committing a genocide against Palestinians.²⁰ See “Topics to Choose From” in the “Raising Awareness Project” at Ex. V.

In March 2024, Teacher A showed her class a propaganda video²¹ - created by a Turkish government-funded media outlet - that horrifically equates the Holocaust to the events in Gaza in 2024. The video misrepresents both historical fact and current day events, using inflammatory imagery and blood libel-type messaging. The video dangerously conflates the horrors of the Holocaust with the current war in Gaza, juxtaposing Holocaust images with pictures allegedly from Gaza. For example, the video displays a picture of a young Jewish child who was branded with a number by the Nazis during World War II and then suddenly shows an untraceable image of children with Arabic writing on their arms (below).

¹⁸ See, e.g., <https://www.algemeiner.com/2024/04/17/cair-accuses-adl-spreading-hate-despite-controversial-oct-7-comments/>.

¹⁹ Teacher A also serves as the faculty advisor to the MSA at Wilcox High School.

²⁰ See also <https://www.standwithus.com/factsheets-human-rights-groups>; <https://www.ajc.org/news/5-reasons-why-the-events-in-gaza-are-not-genocide>; <https://www.adl.org/resources/backgrounder/allegation-israel-commits-genocide>; <https://www.bbc.com/news/articles/c3g9g63jl17o>.

²¹ <https://www.youtube.com/watch?v=-IN45zIiRBw&t=1s>.



Similarly, the video displays images of unclothed and starving citizens held in Nazi death or concentration camps during the Holocaust with an image of Hamas terrorists being arrested by Israeli soldiers:



Around March 2024, a Wilcox student complained about Teacher A’s prejudicial lesson and assignments. Yet again, the District unilaterally opened a UCP complaint, using its own language in the complaint instead of asking the students about their experiences and concerns as required by UCP policies. Ex. W. And yet again, SCUSD flagrantly misapplied required procedures to delay a meaningful investigation or response. Between April and July 2024, SCUSD sent complainants three Notices of Extensions of its UCP review without once requesting or obtaining the requisite consent from complainants. Ex. X. On July 23, 2024, SCUSD notified the families that it had made a determination: Teacher A’s conduct was about “governmental practices and policies” and was not “based on any protected category” but that her “chosen topic” was controversial and in violation of Board Policy 6144. Ex. Y. On August 17, 2024, complainants appealed the UCP resolution to the CDE, asserting that SCUSD failed to comply with the UCP procedures for handling a complaint. Ex. Z. On January 24, 2025, the CDE determined that SCUSD “failed to follow its own complaint procedures” and was required to take corrective actions, and that it was also required to submit evidence of teacher and administrator training

regarding the prohibition of discrimination, harassment, intimidation and bullying based on protected categories. Ex. AA. It is unclear the extent to which SCUSD complied with these instructions. Regardless, SCUSD has failed to remedy the resulting hostile learning environment as evidenced by Teacher A’s ongoing violations of applicable policies in the selection and presentation of information in the classroom (described below).

On May 31, 2024, parents at SCUSD, with support from BAJCEA, submitted a complaint pursuant to 5 CCR 4680-4687 (the “Williams complaint”), alleging that Teacher A’s teaching materials violated multiple SCUSD policies and state educational laws. Ex. BB. The complaint stated that Teacher A “has repeatedly used her World History class to teach content that does not serve the SLO, is not part of the curriculum, and represents her own political agenda.” The complaint thoroughly outlined the problematic nature of Teacher A’s lessons and presentations.

SCUSD sent a notice of extension to the complainants on September 12, 2024. On September 30, 2024 – four months after the Williams complaint was submitted, the District shared its investigative findings, determining that: (1) Teacher A’s instructional materials were aligned with state standards, and (2) Teacher A does not lack subject matter competency. Ex. CC. The letter noted that the families’ only appeal option for the Williams complaint decision was to “speak at a School Board meeting” and “request that the Board take action.” On October 14th, BAJCEA requested from SCUSD to convert the claims in the original Williams complaint into a UCP complaint, or, alternatively, to use mediation to resolve the issues amicably. Ex. DD. Six weeks later – on December 2, 2024 – the District rejected the October 14th requests. Ex. EE.

As a result of SCUSD’s ongoing disregard of procedural requirements, Teacher A continues to use her classroom as a space to share discriminatory and inflammatory opinions, and to further her own personal activist goals.²² While SCUSD allegedly reviews the various directives for corrective action from the CDE decisions, SCUSD’s Jewish students are simply forced to remain in hostile classrooms with hateful educational content.

3. TITLE VI PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN

Educational institutions that receive federal funding are prohibited from discriminating on the basis of race, color, and/or national origin pursuant to Title VI. Specifically, an educational institution that receives federal funding is prohibited from, among other actions, denying an individual any service, financial aid, or other benefit provided under the program.²³ A school district violates Title VI and its implementing regulations if “peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and

²² <https://theaggie.org/2019/05/24/anti-zionism-week-held-at-uc-davis-student-leaders-organize-in-response/>;
<https://theaggie.org/2019/03/08/second-anti-semitism-awareness-training-workshop-held/>.

²³ 34 CFR § 100.3(b)(1).

such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”²⁴

Further, a school district violates Title VI when it “intentionally treated persons differently or otherwise knowingly caused them harm because of their race, color or national origin.”²⁵ This “disparate treatment” can be proven in two ways: either with direct evidence of a policy that expressly discriminates on the basis of race, color or national origin, or through “circumstantial evidence.”²⁶ OCR will find that a school district is in violation of Title VI where:

- a hostile environment based on a protected category, such as race or national origin, existed;
- the school district had actual or constructive notice of the hostile environment; and
- the school district failed to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.²⁷

For purposes of Title VI, discrimination based on national origin includes discrimination based on “actual or perceived shared ancestry or ethnic characteristics,” such as “Jewish descent.”²⁸ According to OCR, this type of discrimination may include racial, ethnic or ancestral slurs or stereotypes, or be based on an individual’s physical features, or refer to an individual’s style of dress.²⁹ In a recent “Title VI Fact Sheet,” OCR provided the following example of the kind of incident that could raise Title VI concerns:

A Jewish middle school student reports to a teacher that the student feels unsafe at school because classmates routinely place notes with swastikas on the student’s backpack, perform Nazi salutes, and make jokes about the Holocaust. The teacher advises the student to ‘just ignore it’ and takes no steps to address the harassment.³⁰

III. APPLICABLE DEFINITION OF ANTISEMITISM FOR TITLE VI AGENCIES

²⁴ Office for Civil Rights Dear Colleague Letter (October 26, 2010), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

²⁵ Title VI Legal Manual, available at <https://www.justice.gov/crt/media/1384931/dl?inline>.

²⁶ *Id.* (“[D]isparate impact regulations provide important protection against discrimination that may occur unknowingly or that is difficult to detect: A growing body of social psychological research has also reaffirmed the need for legal tools that address disparate impact. . . The Supreme Court has, therefore, recognized that disparate impact liability under various civil rights laws, “permits plaintiffs to counteract unconscious prejudices and disguised animus that escape easy classification as disparate treatment”).

²⁷ Office for Civil Rights Letter to Red Clay Consolidated School District Regarding OCR Complaint 03231373 (January 29, 2024), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03231373-a.pdf>.

²⁸ *Id.*

²⁹ Office for Civil Rights, *Dear Colleague Letter* (November 7, 2023), available at <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>.

³⁰ OCR Fact Sheet: “Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics,” available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>.

Pursuant to Executive Order 13899, agencies tasked with Title VI enforcement are required to utilize the International Holocaust Remembrance Alliance’s working definition of antisemitism (“IHRA definition”) to investigate potential discrimination involving antisemitism.³¹ OCR and the DOE have each reiterated their commitment to applying the IHRA definition in their investigations and analyses.³² According to the IHRA definition:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Particularly useful for Title VI districts when investigating claims of discrimination in their schools is the IHRA definition’s list of examples of contemporary behavior that could, taking into account overall context, constitute antisemitism. These include: demonization or dehumanization of Jews; denying the Jewish people their right to self-determination; applying double standards to Israel’s behavior (*i.e.*, behavior not expected or demanded of any other democratic nation); and drawing comparisons of contemporary Israeli policy to that of the Nazis.³³

IV. SCUSD’s DEFINITION OF BULLYING AND RELATED PROCEDURES

SCUSD’s stated goal is to “provide a welcoming, safe, and supportive school environment that protects students from physical, mental, and emotional harm.”³⁴ According to SCUSD [District Policy 5131.2](#), “No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.” Furthermore, any SCUSD “employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.”

³¹ Executive Order 13899: Executive Order on Combating Anti-Semitism (December 2019), *available at* <https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf>; <https://www.state.gov/defining-antisemitism/>.

³² Office for Civil Rights, Question and Answers (January 19, 2021); Department of Education Assistant Secretary for Civil Rights Catherine Lhamon’s Announcement: “OCR Releases New Fact Sheet on Title VI Protection from Discrimination Based on Shared Ancestry or Ethnic Characteristics” (January 4, 2023), *available at* <https://brandeiscenter.com/wp-content/uploads/2024/01/230104-Catherine-E.-Lhamon-official-OCR-email.pdf> (“The rise in reports of anti-Semitic incidents, including at schools, underscores the critical importance of addressing discrimination based on shared ancestry or ethnic characteristics”); Office for Civil Rights, *Dear Colleague Letter* (May 25, 2023), *available at* <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>; <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; OCR *Dear Colleague Letter* (November 7, 2023), *supra n.27* (“As we witness a nationwide rise in reports of hate crimes and harassment, including an alarming rise in disturbing antisemitic incidents and threats to Jewish, Israeli, Muslim, Arab, and Palestinian students on college campuses and in P-12 schools, the fulfillment of school communities’ federal legal obligations to ensure nondiscriminatory environments have renewed urgency”).

³³ <https://www.state.gov/defining-antisemitism/>.

³⁴ <https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030433&revid=pJOBs4FkPveiBMVEGdSoJg%3d%3d&ptid=amIgTZiB9plushNjl6WXhfiOO%3d%3d&secid=9slshUHzTHxaaYMVf6zKpJz3Q%3d%3d&PG=6&IRP=0&isPndg=false>

SCUSD [defines](#) bullying as “as any severe or pervasive physical or verbal act(s) or conduct, including electronic communications by a student(s) that has, or can be, reasonably predicted to have, the effect of one or more of the following:

1. Reasonable fear of harm to person or property;
2. Substantially detrimental effect on physical or mental health; or
3. Substantial interference with academic performance.”³⁵

SCUSD Administrative Regulation (“AR”) 5131.2 describes bullying as “an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act.” According to [AR 5131.2](#), when an individual reports an incident of bullying, the district staff member must “inform the student or parent/guardian of the right to file a formal written complaint in accordance with [AR 1312.3 - Uniform Complaint Procedures](#).” Furthermore, “the student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.”³⁶

In addition to the provisions related to bullying, SCUSD has specific policies related to “Hate-Motivated Behavior.” [District Policy 5145.9](#) defines hate-motivated behavior as “any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin” District policy provides that strategies should be designed to “promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents in a timely manner when they occur.”³⁷

4. A HOSTILE ENVIRONMENT EXISTS AT SCUSD BASED ON NATIONAL ORIGIN

In general, OCR will find that a hostile environment exists if—based on the totality of the circumstances—the harassing conduct is “sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school.”³⁸

³⁵ <https://www.santaclarausd.org/about-us/know-your-rights/discrimination-and-harassment-based-on-protected-characteristics/bullying-and-cyberbullying-and-statewide-resources>

³⁶ AR 5131.2.

³⁷ Board Policy 5145.9.

³⁸ Office for Civil Rights, *Dear Colleague Letter* (May 25, 2023), *supra n. 32*; Department of Education, Office for Civil Rights, “Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance”, Federal Register Vol. 59, No. 47 (March 10, 1994), available at <https://www.ed.gov/laws-and-policy/civil-rights-laws/harassment-bullying-and-retaliation/racial-incidents-and-harassment-against-students>.

According to OCR guidance, harassment that violates Title VI “may take many forms.” It “does not have to include intent to harm,” it can be “verbal or physical,” and “it need not be directed at a particular student.”³⁹ In the educational setting, OCR takes into account a district’s “duty to provide a nondiscriminatory environment that is conducive to learning.”⁴⁰ OCR will consider the frequency of incidents in addition to the gravity or “offensiveness” of the incidents in its analysis.

OCR determined during one Title VI investigation⁴¹ that there was a hostile environment where a student was subjected to several incidents of harassment “on the basis of her shared Jewish ancestry,” including classmates drawing antisemitic images and language on a paper airplane and throwing it at her, using a “white supremacist hate phrase,” raising their arms in “Heil Hitler” salutes, and drawing swastikas on her desk.

The harassment faced by SCUSD students based on their national origin has undoubtedly interfered with their ability to participate in the services and activities at their schools. The reported incidents have been both frequent and consistent since 2023. The harassment went beyond simple name-calling. SCUSD students and teachers used offensive phrases, blatant inaccuracies, and inciteful materials that specifically targeted and often excluded Jewish and Israeli students. Teachers were allowed to use offensive lesson plans, share biased, inaccurate materials, bring their own political opinions into interactions with students, and turn a blind eye to antisemitic behavior within their student body.

A student’s ability to participate in or benefit from educational services will necessarily be impeded when the student is deprived of an “environment free from racism and harassment.”⁴² The evidence demonstrates an antisemitic discriminatory environment at SCUSD that was not at all conducive to learning. SCUSD students and parents repeatedly described feeling frightened and were doubtful as to whether they could rely on the administrators or teachers at the school to protect them.

5. SCUSD HAD ACTUAL AND CONSTRUCTIVE NOTICE OF THE HOSTILE ANTISEMITIC ENVIRONMENT

School districts must address harassment incidents about which they know or “reasonably should have known.”⁴³ A school district is on actual notice of a hostile environment if it has “actual knowledge”⁴⁴ of the offensive behaviors.⁴⁵ This includes instances where a victim reports the incident to the appropriate authorities.⁴⁶

³⁹ *Id.*; Office for Civil Rights, *Dear Colleague Letter* (October 26, 2010), *supra* n.24.

⁴⁰ Office for Civil Rights’ “Investigative Guidance on Racial Incidents and Harassment Against Students,” *supra* n.38.

⁴¹ OCR Letter to Red Clay Consolidated School District, *supra* n.27.

⁴² *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655 (2d Cir. 2012) (citing *Hayut v. State University of New York*, 352 F.3d 733, 750).

⁴³ Office for Civil Rights, *Dear Colleague Letter* (October 26, 2010), *supra* n.24.

⁴⁴ *Id.*

⁴⁵ OCR’s “Investigative Guidance on Racial Incidents and Harassment Against Students”, *supra* n. 38.

⁴⁶ *Katz v. Dole*, 709 F.2d 251 (4th Cir. 1983).

According to OCR guidance, a school district is considered to be on constructive notice of harassment where it “reasonably should have known about the harassment.”⁴⁷ “In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.”⁴⁸ In some cases, “the pervasiveness, persistence or severity of the racial harassment may be enough to infer that the recipient [of federal funds] had notice of the hostile environment.”⁴⁹ For example, a school district should have reasonably known about harassment that occurs in “plain sight,” is “widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extracurricular activities, at recess, on a school bus, or through graffiti in public areas.”⁵⁰ In these cases, the obvious signs of harassment are “sufficient to put the school on notice.” In other situations, a school district might be put on notice of harassment, “triggering an investigation that could lead to the discovery of additional incidents that, taken together, may constitute a hostile environment.”⁵¹ OCR will consider whether the school district “made a deficient effort to become aware of racial incidents” in determining whether it was on constructive notice of harassment.⁵²

Here, SCUSD was on constructive notice as it should reasonably have known about the harassment because it was pervasive, persistent, and severe. Antisemitic incidents occurred in plain sight in SCUSD classrooms and hallways. Hate speech was found in school bathrooms. Jewish students’ materials were ripped off of campus walls. SCUSD was further on actual notice of the hostile environment because of consistent reports and complaints from students and parents.

As described in detail above, after each incident of bullying, harassment, bias and disruption based on shared ancestry and ethnic identity, Jewish and Israel families at SCUSD contacted school and/or district leadership to voice their concerns. Jewish and Israel families made public comments at SCUSD Board Meetings, requesting that their students be protected from discrimination and be able to access a safe learning environment.

Despite these repeated attempts and offers for collaboration by Jewish and Israeli parents, as well as from numerous educational organizations, the hostile environment at SCUSD remains. SCUSD failed again and again to meaningfully address any of the incidents reported, and to has ultimately failed to prevent ongoing harassment of its Jewish and Israeli students. In fact, SCUSD appears to have not only ignored the concerns, but to have actively evaded them using procedural violations and biased applications of district policies.

6. SCUSD FAILED TO TAKE PROMPT AND EFFECTIVE STEPS REASONABLY CALCULATED TO END THE HARASSMENT, ELIMINATE THE HOSTILE ENVIRONMENT, REMEDY ITS EFFECTS, AND PREVENT FURTHER HARASSMENT.

⁴⁷ OCR’s “Investigative Guidance on Racial Incidents and Harassment Against Students,” *supra n. 38*.

⁴⁸ OCR Letter to Red Clay Consolidated School District, *supra n. 27*.

⁴⁹ OCR’s “Investigative Guidance on Racial Incidents and Harassment Against Students,” *supra n. 38*.

⁵⁰ OCR Dear Colleague Letter (October 26, 2010), *supra n. 24*.

⁵¹ *Id.*

⁵² *Id.*

A school district that has actual or constructive notice of a racially hostile environment has a duty to take reasonable steps to eliminate it. This includes conducting an investigation of the harassment, which should be “prompt, thorough and impartial.”⁵³ If an investigation finds that discriminatory harassment has occurred, “a school must take prompt and effective steps reasonably calculated to end the harassment [and] eliminate any hostile environment.”⁵⁴ Schools are required – at a minimum to ensure “that the harassed students and their families know how to report any subsequent problems, conduct[] follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and respond[] promptly and appropriately to address continuing or new problems.”⁵⁵

OCR has emphasized that “the appropriate response to a hostile environment based on national origin must be tailored to redress fully the specific problems experienced at the school as a result of the harassment”⁵⁶ A school district that responds to harassment in a way that is “clearly unreasonable” will be considered “deliberately indifferent to acts of student-on-student harassment.”⁵⁷ According to one federal appellate Court:

Deliberate indifference may be found where a defendant takes remedial action only after a lengthy and unjustifiable delay or where defendant’s response was so inadequate or ineffective that discriminatory intent may be inferred. In other words, deliberate indifference requires a finding that the District’s actions or inactions in response to known harassment effectively caused further harassment to occur.⁵⁸

Citing the Sixth and Eleventh Circuits, the Court provided further guidance: “Responses that are not reasonably calculated to end harassment are inadequate.”⁵⁹

OCR, in a letter to a school district following a Title VI investigation, criticized the district’s “overall poor and inconsistent record-keeping of each incident,” inconsistent and “infrequent” disciplinary responses to each incident, its apparent failure to “address the impact on the victim(s) of the alleged harassment,” and overall failure to maintain appropriate procedures to be able to “recognize the accumulation of evidence of a hostile environment.”⁶⁰ OCR noted that even when the District did respond to one incident—by disciplining the offending student, arranging for the victim to meet with a school counselor, and holding an assembly for some students—“the hostile environment continued.”

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ OCR Letter to Red Clay Consolidated School District, *supra n. 27*.

⁵⁷ *Bryant v. School District No. 138 of Garvin City*, 334 F.3d 928, 938 (10th Cir. 2003) (applying the Court’s analysis of what constitutes intentional sexual discrimination under Title IX to inform its analysis of what constitutes intentional racial discrimination under Title VI); *Zeno*, 702 F.3d 655 (*same*).

⁵⁸ *Zeno*, 702 F.3d at 669.

⁵⁹ *See, e.g., Vance v. Spencer Cnty Pub. Sch. Dist.*, 231 F.3d 253, 262 (6th Cir. 2000) (“Where a school district has actual knowledge that its efforts to remediate are ineffective, and it continues to use those same methods to no avail, such district has failed to act reasonably in light of the known circumstances.”); *Doe v. Sch. Bd. of Broward Cnty*, 604 F.3d 1248, 1261 (11th Cir. 2010) (endorsing Sixth Circuit’s approach).”

⁶⁰ OCR Letter to Red Clay Consolidated School District, *supra n. 27*.

The Second Circuit held that it was reasonable for a jury to find that a school district was deliberately indifferent in its response to racial harassment because, among other things, the disciplinary actions taken by the District “had little effect, if any, on the taunting and other hallway harassment,” the District knew that the harassment was predominantly based on the victim’s race; and multiple organizations offered the District “free racial sensitivity training series.”⁶¹ The Court noted that the District’s limited responses were particularly problematic because any minor—and often voluntary—educational program offered a general focus on bullying and harassment, but failed to specifically “focus on racial bias or prejudice.”⁶²

Here, SCUSD’s response to ongoing antisemitism in its schools has been consistently inadequate and deliberately indifferent. As detailed above, district leadership turns a blind eye to discrimination and hate-speech by its students and teachers. When SCUSD’s Jewish and Israeli students felt unsafe, SCUSD failed to support them. In fact, extensive evidence demonstrates that SCUSD actively contributed to the feelings of alienation and fear. Despite a barrage of complaints from students and parents, as well as multiple legal advocates, SCUSD has taken no significant, lasting action to repair its unsafe environment. There is no evidence of concrete action being taken by SCUSD to *prevent* antisemitic harassment and bullying, nor to recognize a larger pattern of ignorance and hate. The repetitive and ongoing nature of these antisemitic incidents is indicative of SCUSD’s failure to respond appropriately.

SCUSD’s limited remedial actions were “little more than half-hearted measures.”⁶³ There is no evidence that anything that SCUSD did “plausibly changed the culture bias or stopped the harassment” directed at their Jewish and Israeli students.⁶⁴

Like the districts in the cases discussed above, SCUSD acted unreasonably: it “ignored the many signals that greater, more directed action was needed” and actively failed to implement trainings and educational programming to address antisemitism. SCUSD failed to apply - or sometimes failed to equally apply - its own policies. SCUSD failed to conduct proper investigations of the hostile environment and failed to conduct any follow-up inquiries. SCUSD’s egregious response demonstrates its deliberate indifference to the harm suffered by its Jewish students.

By failing to address the antisemitic hostile environment—by ignoring it, downplaying it, trying to hide it, or sometimes even by condoning it—SCUSD ensured that the antisemitic harassment would continue. This sent a clear message to SCUSD students and staff that antisemitic harassment would be met with no repercussions.

V. SUGGESTED REMEDIES

In light of the foregoing facts and the pervasively hostile environment that SCUSD has created and perpetuated, we respectfully request that OCR compel SCUSD to take any remedial actions that OCR deems appropriate, including but not limited to the following:

⁶¹ *Zeno*, 702 F.3d 655.

⁶² *Id.*

⁶³ *Id.*

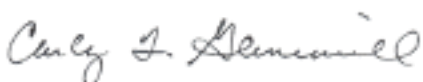
⁶⁴ *Id.*

- Issue a statement denouncing antisemitism in all its forms and recognizing that Zionism is a key component of Jewish identity for many SCUSD families;
- Provide training on Title VI's prohibition of antisemitism to SCUSD administrators, faculty, students and staff. The training should familiarize all members of the community with traditional as well as contemporary antisemitic stereotypes and conspiracy theories and their social and political functions, so that the SCUSD community will be able to better identify and respond to antisemitic incidents in the future, including those that involve Jewish shared ancestry connected to Israel. The training should be provided by a reputable mainstream Jewish organization such as StandWithUs, ADL, Project Shema, or another organization to be reviewed by the undersigned;
- Review SCUSD's History and Social Studies curricula to ensure that they comply with [California's state standards](#) and BP 6144, and take all steps reasonably necessary to ensure all teachers operate in compliance with these policies in the selection and presentation of educational information and curricular materials;
- Provide annual training concerning antisemitism to SCUSD staff who are directly involved in processing, investigating, and/or resolving complaints and reports of discrimination based on race, color, and national origin, including harassment based on Jewish shared ancestry and ethnic characteristics. Such training should be provided by, or informed by materials from, a mainstream reputable Jewish organization such as StandWithUs, ADL, Project Shema, or another organization to be reviewed by the undersigned;
- Ensure equal and indiscriminate application and enforcement of its code of conduct and other policies to all students, employees, faculty members, and contractors and announce that any who engage in discriminatory or harassing conduct, including disparate treatment of Jewish students, in violation of Title VI and applicable SCUSD policies, will be held accountable;
- Conduct an audit of SCUSD's compliance with the UCP requirements, determine whether existing UCP reviews and decisions resulted in a disparate impact for certain protected groups of students including Jewish students, and, if so, take all steps reasonably necessary to remedy such impact;
- Conduct an audit of all incidents at the school coded as "Inappropriate Behavior" and "Abusive Language/Gestures" during the 2023-2024 and 2024-2025 school years to determine if any of the incidents were actually miscoded Title VI violations;
- Take the steps reasonably necessary to ensure that the SCUSD community understands and recognizes antisemitic harassment and discrimination, including by incorporating the [IHRA Working Definition of Antisemitism](#), including its guiding examples, in SCUSD policy manuals, consistent with EO 13899 and the values of free speech and academic freedom.

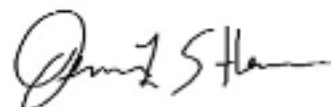
We encourage OCR to issue actual findings of violations, if any are identified, rather than simply noting compliance “concerns.” To the extent violations are identified, we urge OCR to expressly condition any continued federal funding for SCUSD on its return to – and consistent maintaining of – full compliance with its Title VI obligations.

For the foregoing reasons, the undersigned and the many Jewish and Israeli students subjected to a hostile environment at SCUSD who have shared their experiences for the purposes of this complaint, urge OCR to initiate an investigation of SCUSD, a recipient of federal funding, for violations of Title VI and the statute’s implementing regulations.

Respectfully submitted,



Carly F. Gammill
Director of Legal Policy
StandWithUs Saidoff Legal



Jenna Statfeld Harris
Senior Counsel
StandWithUs Saidoff Legal

David Rosenberg-Wohl

David M. Rosenberg-Wohl
Hershenson Rosenberg-Wohl, APC
Counsel for Bay Area Jewish Coalition, Education and Advocacy