



July 23, 2024

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Re: **Civil Rights Violations at the School District of Philadelphia (“SDP”)—Supplemental Complaint For File No. OCR [REDACTED]**

Dear Assistant Secretary Lhamon and Ms. Gellman-Beer:

INTRODUCTION

The Anti-Defamation League (“ADL”) respectfully submits this supplemental Title VI complaint on behalf of itself and the many parents at SDP schools whose children have been subjected to severe and persistent harassment and discrimination on the basis of their Jewish ethnicity, shared ancestry, and national origin. With their consent and authorization, this complaint is meant to supplement and update the prior complaint filed in April 2024 (OCR File No. [REDACTED]) by members of the School District of Philadelphia Jewish Family Association (“JFA”), whose numerous detailed complaints to SDP administrators have gone almost entirely ignored for months.

Over the past nine months, the SDP has knowingly allowed its K-12 campuses to become viciously hostile environments for Jewish students. Although there have been anti-Semitic incidents at the SDP in the past, they surged after October 7, 2023, when Hamas carried out a terrorist attack in Israel, massacring, torturing, and kidnapping 1,400 innocent civilians, including infants, children, and the elderly. Most people across the globe were horrified, but at the SDP, a virulent wave of anti-Semitism swept through its schools immediately following the massacre. Ever since, Jewish students have been subjected to openly anti-Semitic bullying and harassment by certain of their teachers and peers, in hallways, in classrooms, and online.

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Reported incidents of anti-Semitism include severe harassment and bullying by students against their Jewish peers. Certain teachers have used class time (and their publicly accessible social media accounts, in violation of Title VI obligations and relevant SDP policies) to propagandize to students that the Hamas massacre on October 7 was “military armed resistance” and that people in Europe converted to Judaism because they wanted to stay in power. The SDP itself has approved or sponsored a series of anti-Semitic events, including “walkouts” that isolate Jewish students and disrupt their educational experience, as well as faculty lecture series and “Teach-Ins” where “Zionists” are called “exterminators.”

Parents have regularly reported a host of troubling incidents affecting their children to the administration, but the SDP has done nothing to address, much less curtail, the hostile environment that has plagued the school district since October 7. At most, misguided administrators have attempted to “resolve” problems involving teachers by moving Jewish students into new classes, which serves only to normalize anti-Semitism throughout the SDP. Other teachers and administrators have responded with blatant retaliation: to provide just two examples among many, one SDP Principal publicly called a complaining Jewish parent the problem at a school-wide meeting, while another SDP teacher cruelly took to his public “X” (f/k/a Twitter) account to “dox” a Jewish parent who allegedly filed an *anonymous* complaint with this office. Indeed, the environment has become so hostile that some Jewish students are dropping out of the school district entirely, while Jewish teachers are retiring early. In response to all this, the SDP’s silence has been thunderous; absent intervention from the Department of Education’s Office for Civil Rights (“OCR”), the message to Jewish students in the SDP—one of the nation’s largest and most storied public school systems—is that they are on their own and will not be protected from this climate of hostility and retaliation.

As detailed more fully below, the ADL respectfully asks the OCR to include the evidence set forth in this Supplemental Complaint as part of its ongoing investigation into the SDP, a recipient of federal financial assistance.¹ Complainant is also available for mediation pursuant to Section 201(a) of OCR’s Case Processing Manual.

STATEMENT OF FACTS

We begin our factual overview in Section 1 with several disturbing incidents in which Israeli and/or Jewish SDP students have been, among other things, bullied by their peers, cornered and asked to take sides in the Israel-Hamas war, made to review offensive material, and bear witness to swastikas in classrooms. These are not mere incidents of “kids being kids.” Nor have they occurred in a vacuum. Rather, as we

¹ See 42 U.S.C. § 2000d et seq.; see also 34 C.F.R. §§ 100.3(b)(1)(i), (iv), (vi).

detail throughout Section 2, several SDP teachers and administrators have created a toxic environment within the SDP that has allowed hate against Jewish students to metastasize and fester. Indeed, harassment by teachers is particularly harmful to students due to the power imbalance and resulting loss of trust in their teachers and in the school's ability to keep them safe. Confronted with repeated complaints about anti-Semitic harassment by certain teachers and administrators, the SDP either did nothing or, in one instance, removed a Jewish student from her class, ostensibly to protect her, but with the effect of encouraging the teacher to continue indoctrinating students and disrupting the educational experience of the student who was removed. What's more, a rampant culture of retaliation and fear has taken hold in the SDP, such that many Jewish parents, students, and teachers were reluctant to share, even confidentially, their stories of discrimination with Complainants out of concerns that they would be targeted for retribution.

1. Peer Harassment And Bullying

Since October 7, peer-on-peer anti-Semitic harassment has flourished both inside and outside classrooms, creating a hostile environment for Jewish students in SDP schools. Despite numerous complaints, the district has failed to respond. Jewish parents and students have reported the following examples of peer harassment in SDP schools since October 7 (and, on information and belief, countless similar instances have taken place in schools throughout the SDP).

a. Student A

Student A was an eighth-grade student at [REDACTED] who was bullied so severely, and with a response from the school that was so heartless and inept, that he was ***forced to drop out of the SDP.***

In February 2024, a student in Student A's class who knew that Student A was Jewish approached Student A in a hallway and said "fuck you" and "free Palestine." Later that week, the same student approached Student A and made similar comments in front of other students, who laughed at the interaction. The next day, the student again approached Student A in front of other students, said "Praise Hitler," and performed a Nazi salute.

The following week, the student approached Student A in a hallway, said "Free Palestine," and pushed Student A. When Student A pushed back, the student attempted to punch Student A so hard that the student fell forward. A teacher who witnessed the altercation sent both students to the principal's office. There, the instigating student falsely told the office staff that Student A pushed him first. When

Student A attempted to tell his side of the story, the school principal [REDACTED] yelled at Student A in front of the other student.

Student A was so fearful that the bullying would continue that he sought refuge in the counselor's office during recess. At the end of the school day, the school called Student A's mother to inform her that Student A had to attend after-school detention the next day. Student A's mother responded that her son had never been in trouble and asked that the teacher who witnessed the fight to call her. Instead, two to three days later, the counselor called Student A's mother back and told her that Student A "*should not bring his religion into school.*" Student A's mother was distraught (and confused) at this reaction, as her son goes out of his way *not* to publicize the fact of his religion (which would, of course, not be a defense to the bullying of the instigating student in any event).

On March 6, 2024, the Jewish Federation of Greater Philadelphia sent an email on behalf of Student A to Dr. Sabriya Jubilee, Chief of the SDP's DEI office, and Superintendent Tony Watlington regarding the situation.² In response to this notice, Dr. Jubilee replied that the concerns "ha[d] been shared with the appropriate offices for follow-up."³ Yet as of the date of this Complaint—over four months later—no one from the SDP has ever followed up with Student A or Student A's mother.

After these incidents, Student A was too scared to go back to [REDACTED]. No one from [REDACTED] ever contacted Student A's mother to ask why her son had stopped attending school. For the remainder of the 2023-2024 school year, Student A has been homebound, virtually attending an online school. In the fall, he will attend [REDACTED] school in the Philadelphia suburbs that is 45 minutes away from his home in [REDACTED].

b. Student B

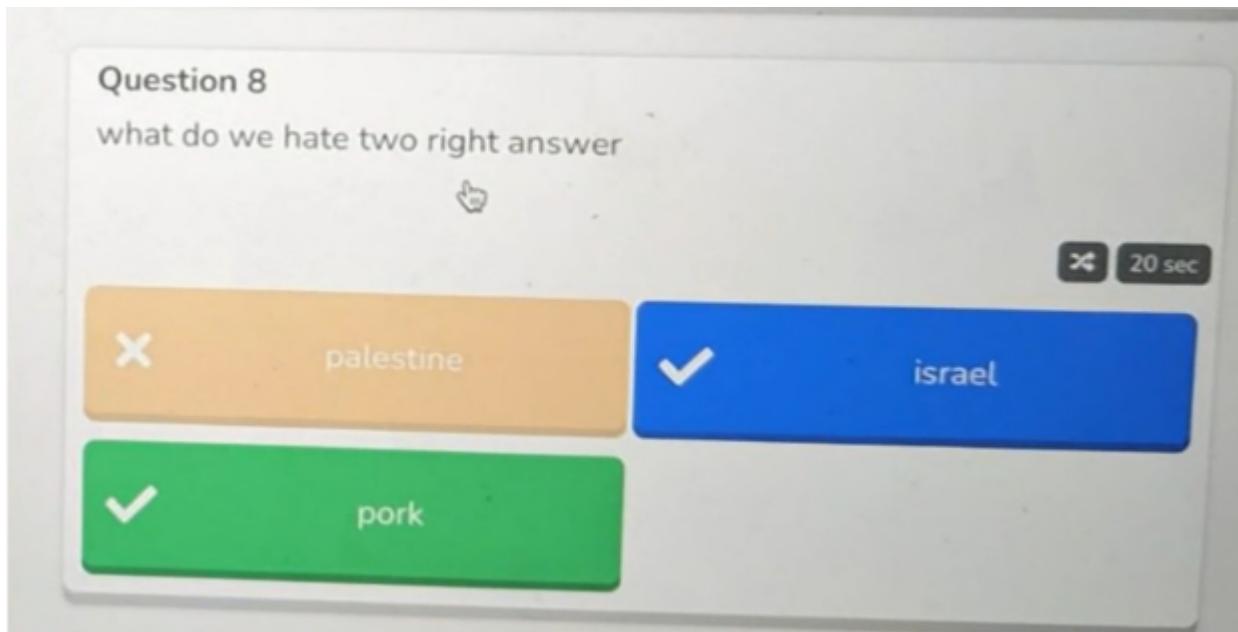
Student B, a rising fifth-grade student at the Penn Alexander School, has been repeatedly bullied by classmates since October 7. In the immediate wake of October 7, Student B's peers would corner her in the hallway, say "nasty things about Israel," and demand that she say "Ceasefire Now" and "Free Palestine." They also repeatedly forced her to answer "Who are you for? Israel or Palestine?" Student B often returned home in tears and asked her mother "Why does everyone hate us?" When Student B's mother raised these issues to the school in December, the teachers responded that

² See Ex. A, Email to T. Watlington and S. Jubilee, dated Mar. 6, 2024.

³ See *id.*

they were aware of the anti-Semitic conduct and would speak to the students. But the bullying of Student B persisted.

In one instance in March, a student in Student B's technology class pulled up a student-made quiz on her computer that asked "What do we hate?," with the "two right answer[s]" being "Israel and Pork."⁴ The quiz was posted on Google Classroom and is reproduced below:



In April, during science class, Student B's peers used an art app to display messages that said "Kill Israel, Free Palestine."

In April 2024, Student B's mother raised the issue of the harassment of her daughter and other Jewish students with Principal [REDACTED] at a "Coffee with the Principal" meeting. Instead of addressing the issue, however, [REDACTED] merely directed Student B's mother to the school's antiracism policy and the fact that there was a Palestinian student in the district whose family members had been killed in

⁴ See also Jarrad Saffren, *Parents File Federal Suit Alleging Antisemitism in School District of Philadelphia*, Jewish Exponent (May 22, 2024) (reporting about "students accessing a computer game that asked, 'Who do we hate?' The answers? Pork and Israel."), <https://www.jewishexponent.com/parents-file-federal-suit-alleging-antisemitism-in-school-district-of-philadelphia/>; Caroline Goggin, *Federal Complaint Filed Against School District of Philadelphia alleging antisemitism* (ABC-6, WPVI) (May 10, 2024) (reporting the same), <https://6abc.com/post/federal-complaint-school-district-of-philadelphia-alleging-antisemitism-baldi-middle/14791768/>.

Gaza.⁵ Nothing further was ever done to address the issue at hand. Worse yet, at a school-wide “Equity” meeting in May, [REDACTED] then publicly accused Student B’s mother of being the problem, as discussed in more detail in Section 4(b) below.

c. Student C

Student C is currently a [REDACTED] at the [REDACTED]. Before enrolling at [REDACTED], Student C attended the [REDACTED], where she repeatedly observed anti-Semitic behavior and sentiments. In one classroom, swastikas were drawn on desks by other students. Despite being told about them, the school did nothing to remove the swastikas.

In the same classroom, during a discussion about how a character in the play *Oliver* represents a stereotypical Jewish person, several students around Student C began chanting “Kill the Jews!” One student also said that “Kanye was right about the Jewish people.” These students faced no punishment.

d. Palestinian freedom fighter costume during Halloween

Only a few weeks after October 7, on Halloween, a student at Masterman came to school dressed as a Palestinian freedom fighter and attempted to drape a Palestinian flag over a Jewish student. The school was not only aware of the student’s costume, but principal [REDACTED] even *praised* it. Because the Jewish student was too scared to allow a teacher to get involved due to fear of retaliation, the Jewish student’s parent reported the incident to the school and to the SDP with pictures of the student’s costume. The school replied that it was a “misunderstanding” and asked the Jewish student’s parents not to send pictures to the school again.

e. Swastikas at SDP schools

Given the climate for Jewish students in the SDP, it is not surprising that swastikas appear in or around SDP schools and classrooms with alarming frequency. In November 2023, for example, a swastika was drawn on a door at the Masterman School.⁶ Although the school reported it to the police, the school did not notify the

⁵ By email dated April 27, 2024, the JFA shared with OCR a testimonial about these incidents from Student B’s mother. See Ex. B, Email to T. Jenkins and C. Ginsburg, dated April 27, 2024.

⁶ See Kristen A. Graham, *Philly Schools accused of antisemitism in a federal complaint filed by a Masterman parent*, Philadelphia Inquirer (May 14, 2024) (“Inquirer Article”), <https://www.inquirer.com/education/philly-school-district-antisemitism-complaint-israel-palestine-20240513.html>.

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community of this incident or otherwise reach out to Jewish students to ensure that they felt safe. Swastikas have also appeared at other schools in the district, including at Southwark School, Swenson, and George Washington High Schools. Here are examples from Swenson and George Washington:



This is George Washington on
December 1, 2023

3:43 PM

2. Anti-Semitic Bullying By SDP Teachers And Administrators

We highlight below the actions of several SDP teachers who have contributed to the anti-Semitic climate currently pervading the SDP, both in the classroom and on their public social media feeds (which students follow). Parents and students have

repeatedly complained to the SDP since October 7 about these teachers' troubling conduct, to no avail.

a. Conduct By SDP Teachers In The Classroom

i. Inflammatory Classroom Materials and Reference to Adolf Hitler at Bache Martin

In December 2023, [REDACTED] teacher at Bache Martin Elementary School, [REDACTED] [REDACTED], showed Student D's seventh-grade class a video from a social media "influencer" entitled, "How Israel is Making Palestinians Homeless." In connection with the lesson, [REDACTED] posted the video onto the Google Classroom alongside an article from Al Jazeera entitled, "How Deadly is the Israel-Gaza War for Journalists?" When Student D's parents reported the incident to the school principal, noting that "[w]e are absolutely crushed that this video was shown to the students to watch and is currently sitting in our child's google classroom along with other one-sided articles about the war,"⁷ it took multiple days for both the video and article to be removed from the Google Classroom.

After the links were removed, Student D was called out of [REDACTED] class to meet with the principal. He was made to wait for 45 minutes before the meeting ultimately was cancelled. When Student D returned to the classroom, [REDACTED] accused Student D in front of the class of showing the video to his mother. As a result of these comments, Student D began to feel pressure from other students and peers, making him feel socially isolated and alone in his Jewishness. Over the following weekend, Student D received numerous text messages from other students saying that [REDACTED] would be fired because of his mother's complaint.

Several months later, in April 2024, [REDACTED] subjected Student D to further humiliation. When the topic of his upcoming Bar Mitzvah celebration came up in class—which was scheduled for April 20—[REDACTED] asked Student D, "do you know whose birthday that is? That's interesting." April 20 is Adolf Hitler's birthday.

ii. Anti-Semitic Statements and Classroom Exercises at [REDACTED]

[REDACTED], an [REDACTED] teacher at [REDACTED], was hired midyear. Since her start, [REDACTED] spent significant class time imposing her conspiratorial anti-Semitic views on the students in her class. On one occasion, she

⁷ See Ex. C, Email to [REDACTED], dated Dec. 6, 2023.

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told the members of Student C's class that Judaism comes from Ethiopia. When Student C told [REDACTED] that she was incorrect and that she is Ashkenazi, [REDACTED] responded with a "fun fact" that Ashkenazi Jews are people from Europe who were forced to convert so that the Jews could stay in power. On another occasion, [REDACTED] told Student C's class that getting angry at the Houthis for attacking Israel is like getting angry at a lynched man for struggling at the noose.

Student C eventually presented a document that kept track of her and other students' concerns about [REDACTED] to the Dean and the Vice Principal of [REDACTED]. Despite specifying that she wanted to remain anonymous, the entire document was leaked to the whole grade, including [REDACTED]. Other students began talking about the document and claiming that the students who wrote it were attacking [REDACTED] because she is a Black Muslim woman.

The school administration held several "townhall discussions" with the students in the classroom to discuss [REDACTED] conduct. When [REDACTED] was confronted with her students' concerns about her anti-Semitic statements, [REDACTED] responded that she "only teaches facts, not opinions," that she "gets her information from YouTube University," and that "students are not open-minded enough to believe that what their parents told them is true is not true."

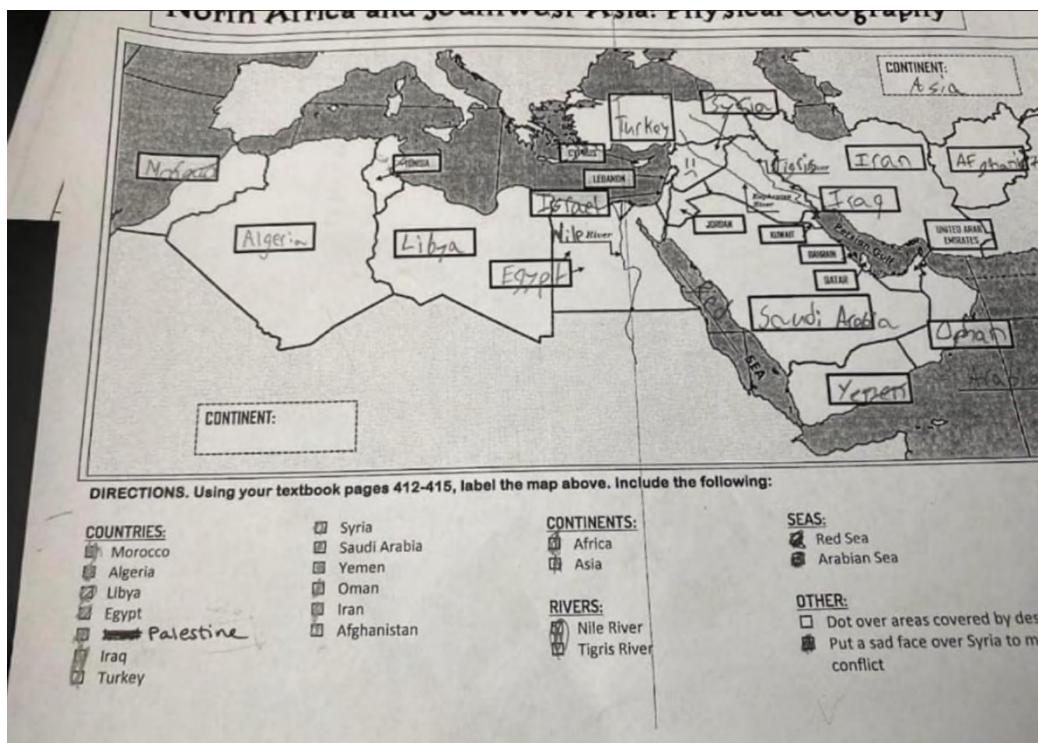
In mid-April, [REDACTED] gave a ninth-grade class an assignment to draw protest posters. Several students drew posters bearing the slogan "From the River to the Sea Palestine Will be Free," and [REDACTED] hung these posters up in her classroom. On April 24, Student C's parents notified the school administration that the signs were hanging in the classroom, the anti-Semitic-origins of the slogan, and that Student C is no longer comfortable being in that classroom. The school administration reported that they could not take the signs down without District-level approval. The school administration provided no teaching for Student C while they awaited the school district's response, and Student C spent the class periods alone in the library instead. It was not until May 1, following District approval, that the [REDACTED] administration ordered [REDACTED] to remove the signs. When Student C arrived at the classroom on May 2, the classroom was locked, and [REDACTED] directed the students to attend her class in the school library. In other words, the SDP disrupted the student's education instead of addressing the hostile environment in the classroom. The way this anti-Semitic incident was handled sharply contrasted with a similar incident that occurred in [REDACTED] just weeks earlier when Black parents complained about allegedly racist student artwork and immediate, corrective, and public action was taken.

Although [REDACTED] did not renew [REDACTED] contract at the end of the year for budgetary reasons, and ultimately took down the offending posters and artwork from

the classroom, ██████████ has spent her entire time at ██████████ indoctrinating her students with her deeply unsettling views.

iii. Erasing Israel From a Geographical Map at Baldi Middle School

During a lesson on the geography of North Africa and Southwest Asia, a ██████████ teacher at Baldi Middle School handed out an assignment requiring sixth-grade students to write the name of each country on a map. At the bottom of the page was a list of countries for students to match with their locations on the map. The teacher, however, crossed out Israel and replaced it with Palestine.



After parents understandably raised concerns with the school, Baldi Principal ██████████ sent a letter stating that the teacher's conduct was simply an "effort[] to support some of their students," which "did not support all students in the way they deserve."⁸ This woefully inadequate response left parents concerned and anxious about sending their children to learn from a teacher who had already exposed them to anti-Semitic

⁸ See Ex. D, Email to C. Ginsburg and T. Jenkins, dated May 6, 2024; see also Inquirer Article, *supra* n.6.

materials.

b. Anti-Semitic Content Distributed by SDP Teachers And Administrators

Since October 7, several SDP teachers—including, without limitation, Teacher A, Teacher B, and Teacher C—have used their platforms at the SDP to distribute rank anti-Semitic content and create a hostile environment for Jewish students. They have done so in order to indoctrinate students with highly inflammatory rhetoric, tropes, and false information about Israelis and Jews. These teachers did not act in a vacuum; they have been following the lead of high-ranking SDP administrators, including Assistant Superintendent Jamina Clay and Head of Social Studies Curriculum Ismael Jimenez. To be clear, this complaint is not intended to regulate the private speech of SDP teachers or administrators. But First Amendment rights are not unlimited—teachers may not bring their personal, biased viewpoints into the classroom or make their students feel unsafe with their public viewpoints. Nor may administrators do so while representing the SDP. Indeed, as more fully discussed below, this office of the OCR has recently recognized that if a recipient of federal funding fails to address “harassing conduct on social media,” it “does not satisfy the Title VI obligation to take prompt and effective steps to redress a hostile environment about which the [institution] knows.”⁹ Each of the numerous examples set forth below has been reported to the SDP, which, on information and belief, has taken no responsive action.

i. Teacher A [REDACTED]

Teacher A, a [REDACTED] teacher at [REDACTED], has flagrantly used her publicly accessible social media account to promote a biased and hateful worldview. Teacher A maintains a public-facing social media account viewable by anyone, including SDP students and families. Notably, she has named her account “[REDACTED]” and to that end often directs her messages directly to her students. Indeed, in her “social media rules” pinned to the top of her Instagram account, Teacher A acknowledges that her posts on social media can be discussed in the classroom so long as “it’s a current event.” Since October 7, there has been one “current event”—the Israel/Hamas War—that has dominated her social media feed; as such, the entire issue has become an extension of the classroom under her own

⁹ See Letter from Beth Gellman-Beer to President of Lafayette College, OCR Complaint No. 03-24-2029 (June 21, 2024) (“OCR/Lafayette College Resolution Letter”),

<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03242029-a.pdf>.

“social media rules.” Those same “rules,” moreover, allow students to follow her, and she will “follow back” following their graduation:



Although Teacher A may claim that her posts do not reflect the views of “her employer,” she habitually uses her social media account to send messages directly to the SDP community, the SDP Board, and even to threaten Jewish students and families who have raised concerns about the pervasive anti-Semitism at the SDP. The images and messages she has shared have confirmed students’ fears and made them

feel unsafe in their classrooms.

To provide just a few representative examples, Teacher A has posted to her Instagram a photo of a fist with a Palestinian flag bearing the words “Free Palestine.” In her caption, Teacher A made her views about the Israel-Gaza war and about Israelis and Jews clear. She wrote, ***“From the river to the sea. If it looks like a genocide, there’s genocidal intent and they commit genocidal acts...then it’s a genocide. Zionism is racism.”*** Apparently acting without fear of reprisal, she added the hashtag, “#AndWhoGoneCheckMe?”:



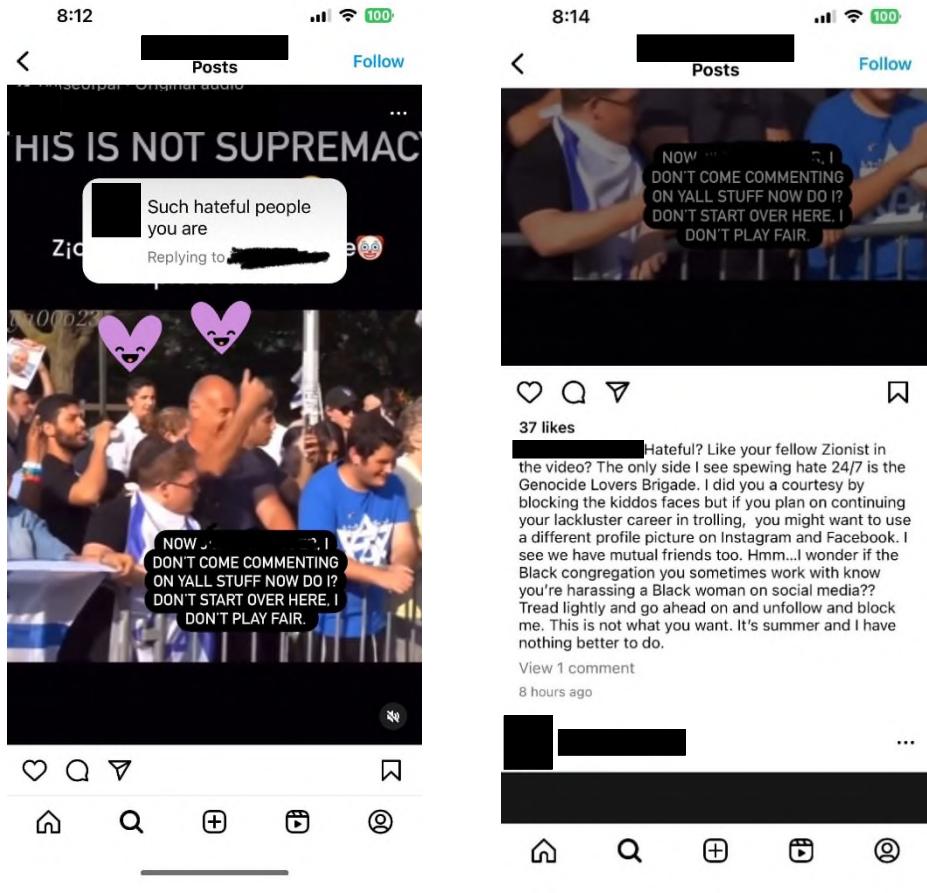
Teacher A has publicly declared that “Zionism is white supremacy” and she has directly threatened all “Zionists” (which is an ill-disguised codeword for Jews) as follows: “when it comes to Zionists, it’s up.” In the same post, Teacher A flaunts her perceived impunity from any consequences from the SDP, addressing Jewish parents

and students who have complained about her incendiary conduct: “I know it kills y’all that you can’t shut me up or get me fired.”



In a June 2024 post, Teacher A publicly declared Jews to be part of a “Genocide Lover’s Brigade.” In overtly threatening language, and while revealing the faces of openly identifiable Jewish people, Teacher A rails that certain Jewish individuals

should “tread lightly” and “[t]his is not what you want” as “I have nothing better to do”:



Absent action from the SDP, Teacher A’s threats have and will continue unabated. In one such post, she encouraged her followers (*i.e.*, SDP students) to follow her lead, stating: “As soon as you do a bit of personal research and let them [*i.e.*, Jewish people] know this ain’t what they want they retreat. This is how y’all need to treat all of these Zionists [*i.e.*, Jewish people]”:

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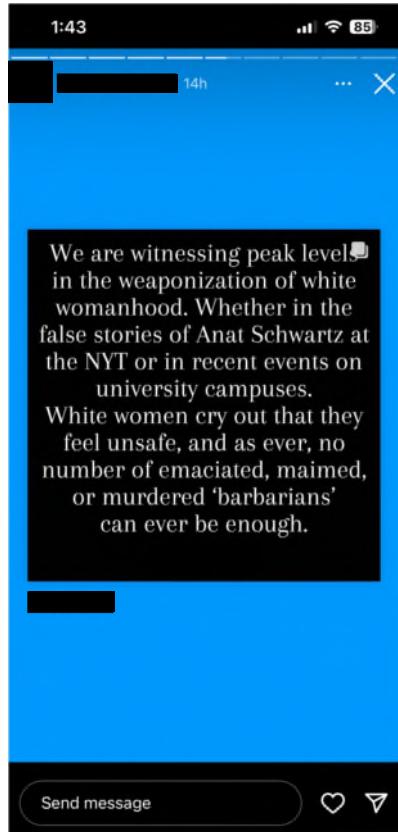
Teacher A also posted a message on Instagram that singled out “white women” for weaponizing their skin color and gender for the purpose of “murder[ing] ‘barbarians.’” In the same post, and without any basis, she accused the Jewish author of a New York Times article documenting Hamas’ use of rape as a weapon of war on October 7 of fabricating allegations that have been extensively documented in reports by governmental and nongovernmental organizations.

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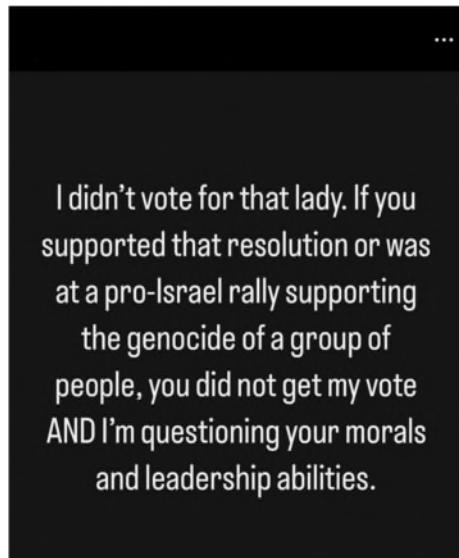
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In yet another post, Teacher A attacked the Mayor of Philadelphia for supporting Israel, but in doing so, she questioned the “morals and leadership abilities ” of any individual who would attend a “pro-Israel rally supporting the genocide of a group of people”—which presumably would also include her own students:



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As discussed in Section 4(a) below, the JFA has repeatedly put the SDP on notice about Teacher A's inappropriate and harassing online conduct, but the SDP refuses to even acknowledge receipt of these emails, let alone act on them.

ii. Teacher B [REDACTED]

Teacher B, a [REDACTED] at [REDACTED], likewise has used her public-facing social media account to spread and amplify anti-Semitic rhetoric. Like Teacher A, Teacher B has blurred any lines between the classroom and her social media profile, naming her account “[REDACTED].” And like Teacher A, Teacher B communicates messages directly to her students and the SDP community. In this way, the students are a captive audience to Teacher B’s virulent rhetoric, which has contributed to the hostile environment that Jewish students face every day.

For example, she posted an image on her Instagram Story of a McDonalds franchise restaurant on fire with the caption, “inspiring me to start a 2024 vision board,” and with a link to the website “boycott.thewitness.news.” That link lists Jewish-owned businesses worldwide for people to boycott:

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In another post, Teacher B shared an image that said, “Until the Israeli regime’s genocidal assault on Gaza stops, we should keep protesting and disrupting in every way possible. This is today’s lesson”:



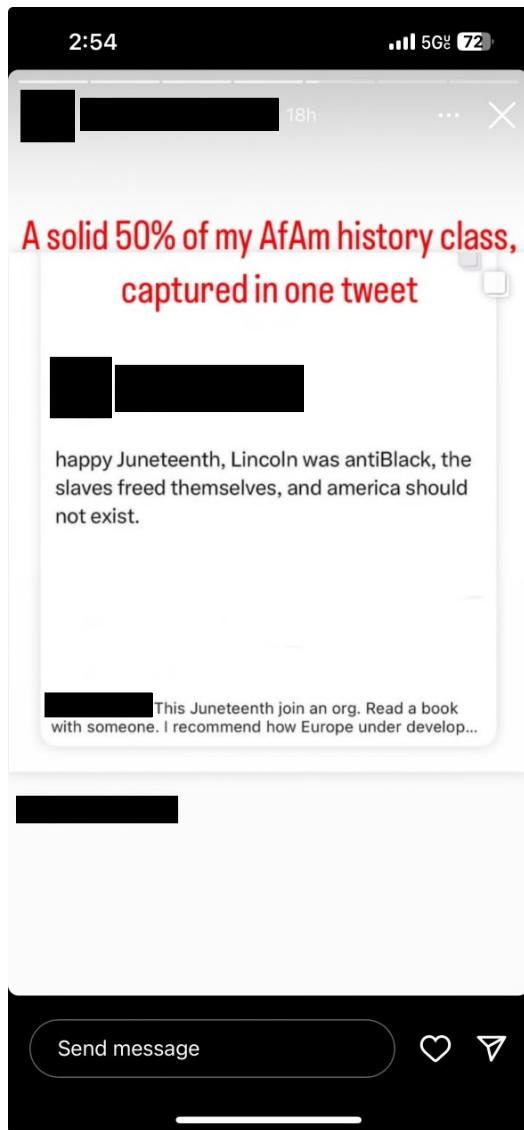
And Teacher B routinely references her own classroom on her social media feed. In one such example, Teacher B seemingly endorsed a “tweet” that suggested, among other things, that “America should not exist,” noting that the message reflects a “solid 50% of my [African-American] history class, captured in one tweet”:

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Nor is Teacher B's anti-Semitic activism limited to her social media account. In a notorious incident reported to the SDP (to no avail), Teacher B spoke at a public rally in Philadelphia on December 3, 2023, and delivered the following hate-filled screed: "When a Palestinian child picks up a rock . . . in the face of Israeli . . . machine guns . . . [w]e owe it to them to take it to these streets and f***k the police until Palestine is free!" As JFA noted in its (ignored) email to ██████████ Principal ██████████, "[Teacher B's] words reek of hate, ugliness and blatant disregard for law and order. These messages of hate should have no place in the School District of

Philadelphia, whether it's within the school's walls, or brought outside of them by one of our teachers.”¹⁰

iii. Teacher C [REDACTED]

Teacher C, a [REDACTED] teacher, is another SDP teacher who uses his **public** social media account to vocally support anti-Semitic and anti-Israeli positions. Recently, for example, Teacher A posted the following message on her social media account “[REDACTED]”: “Zionism is racism. Zionism is racism. Zionism is racism. Zionism is racism.” Teacher C amplified that message by reposting it and underscoring his “100%” agreement with it:



Teacher C recently also took to social media to vilify the Jewish parent speakers at

¹⁰ Ex. E, Email to [REDACTED], dated Dec. 20, 2023; see also Ex. F, Email to SDP administrators, dated Mar. 18, 2024.

an SDP Board meeting that took place on June 13, 2024:¹¹ “Still can’t stop laughing about how the Zionists were scared that WE were a threat. Sometimes all you can do is laugh at the utter nonsense of white supremacy and privilege. It’s frankly infuriating they can’t see how THEY are the threat and the cause of over 36,000 murders”:



Make no mistake: “THEY” refers to the Jewish parents of SDP students who implored the SDP Board to do ***something*** about the hostile environment for Jews that has taken hold in SDP schools. Instead of hearing their concerns, Teacher C publicly engaged in an overt and ancient form of anti-Semitism—a blood libel accusing Jewish parents of being “the cause of” the “murders” of Palestinians. Teacher C’s hashtags, moreover, expressly tied his chilling slogan of “#fromtherivertothesea” to his role as a Philadelphia educator (“#phled”). And Teacher C has acknowledged publicly that he “feel[s] comfortable and supported by his school when encouraging . . .

¹¹ As discussed below in Section 2(d), the SDP Board meetings have been overtaken by several SDP teachers who have waged an openly hostile campaign against “Zionists” (whom they also label “white supremacists”) in the SDP community.

conversations” in his classroom about “teach[ing] Palestine.”¹² From the above posts alone, however, it should be crystal-clear that any Jewish student would not feel “comfortable” or “supported” in Teacher C’s SDP elementary school classroom.

iv. Ismael Jimenez

SDP administrators have also engaged in anti-Semitic conduct since October 7, a fact particularly troublesome given that administrators hold supervisory positions within the school district.

For example, Ismael Jimenez, the Director of the Social Studies Curriculum at the SDP who is responsible for developing what is taught in social studies classes throughout the SDP, has posted on social media accounts that are publicly available to SDP students and teachers a steady stream of anti-Israel and anti-Semitic content. This is no private account; Mr. Jimenez publicly identifies himself as “@Teacherishx” and as the “Director of Social Studies Curriculum at the School District of Philadelphia.” As extensively detailed by the JFA in two lengthy emails to the SDP dated March 13, 2024, Mr. Jimenez routinely shares with the public and the SDP community quotes and tropes from notorious anti-Semites; castigates Israel as a “terrorist state”; and actively encourages the hateful posts of SDP teachers Teacher A, Teacher B, and Teacher C (among others) by “liking,” sharing, and amplifying their posts, including, but not limited to those discussed above.¹³ And Mr. Jimenez has apparently harbored these sentiments for years:



¹² See Lauren Abunassar, *Philadelphia Public Schools Face Censorship on Palestine. Teachers Fight Back*, Al-Bustan News Service (Mar. 14, 2024), <https://www.albustanseeds.org/news/philly-public-schools-face-censorship-on-palestine-teachers-fight-back>.

¹³ See Ex. G, Email to SDP administrators, dated Mar. 13, 2024.

Nor does Mr. Jimenez limit his hate-filled screeds to social media. Just last month, he made a public appearance on a notorious podcast, in which he stated that he is fighting for the rights of SDP teachers and administrators to “teach about the genocide in Palestine,” and encouraged SDP students, teachers, and community members to follow Racial Justice Organizing Committee in their support of “Philly Educators for Palestine,” which calls for the condemnation of Israel and Jews for engaging in a purported “genocide.”¹⁴

v. Dr. Jamina Clay

Dr. Jamina Clay, an Assistant Superintendent at the SDP with oversight responsibilities for at least 10 SDP schools, has also used social media to make her inflammatory views about Israel known to members of the SDP community, and to make Jewish students feel unsafe. In November 2023, Dr. Clay posted on Facebook that the IDF is a “terrorist organization”:



A screenshot of a Facebook post from user 'Mina Clay'. The post was made 10 hours ago and includes a profile picture of a woman. The main text of the post reads: "The terrorist organization known to many as the IDF is currently targeting a hospital. -Approximately 650 wounded individuals are present - Approximately 600 doctors and nurses are present - Approximately 8,000 displaced people are seeking refuge - 36 newborns on the NICU". Below this, another text block states: "The world watches while the Palestinian people are eliminated." At the bottom of the post, there are hashtags: "#terrorists #IDFTerrorist #GazaGenocide. #AlshifaHospital #ceasefireInGazaNOW.". Below the post are standard Facebook interaction buttons for 'Like', 'Comment', and 'Message', along with the URL 'facebook.com'.

Mina Clay
10h ·

The terrorist organization known to many as the IDF is currently targeting a hospital.

- Approximately 650 wounded individuals are present
- Approximately 600 doctors and nurses are present
- Approximately 8,000 displaced people are seeking refuge
- 36 newborns on the NICU

The world watches while the Palestinian people are eliminated.

#terrorists #IDFTerrorist #GazaGenocide.
#AlshifaHospital #ceasefireInGazaNOW.

Like Comment Message

facebook.com

¹⁴ See WURD Radio, *Radio Courtroom 6.9.2024 Ishmael Jimenez* (June 9, 2024), <https://soundcloud.com/onwurd/radio-courtroom-692024-ishmael-jimenez>.

Despite a public uproar in the wake of these comments, the SDP refused all calls to remove (or to otherwise discipline) Dr. Clay, one of its senior-most administrators. Whereas Dr. Clay was forced to resign from the Board of School Directors of the Colonial School District, she seemingly faced no consequences at all from the SDP.¹⁵

3. SDP Or SDP School Approved Events

Since October 7, SDP teachers and administrators have also used their influence and power, as well as SDP resources and facilities, to promote, support, and organize events demonizing Israel and creating a hostile environment for Jewish students. SDP administrators, for example, have permitted and encouraged students to join walkouts, violating the SDP's own policy that attending a protest is not a reasonable ground for absence. These events send a chilling message to Jewish students—namely, that their teachers and administrators support hatred and will therefore permit, and even support and encourage, discriminatory activity.

a. Teach-in for Palestine referencing “Zionism Apartheid” and “Military Armed Resistance”

On January 13, 2024, several SDP educators—including Teacher A, Teacher B, and Teacher C—organized and hosted a virtual “Teach In” for Palestine. The materials shared in connection with the event included a slide deck called “Zionism as Settler Colonialism,” a page called “Zionism Apartheid,” and a link to a “Palestinian Youth Movement,” which specifically refers to “military armed resistance.”¹⁶ None of the materials shared included information about the massacre of Jewish people on October 7, 2023, the single largest number of Jewish people targeted and murdered since the Holocaust.¹⁷ In an effort to control who could attend the Teach In, the organizers vetted attendees by excluding Jewish teachers, leaving the impression that other voices or opinions were not welcome or permitted. The Teach In was

¹⁵ See Fox29, *School board member resigns after receiving backlash for controversial Facebook post on Israel-Hamas war* (Nov. 17, 2023), <https://www.fox29.com/news/school-board-member-resigns-after-receiving-backlash-for-controversial-post-on-israel-hamas-war>; Melissa Koenig, *Pa. school board member resigns after calling Israeli army ‘terrorist organization’: ‘Words do matter’*, N.Y. Post (Nov. 20, 2023), <https://nypost.com/2023/11/20/news/pa-school-board-member-resigns-after-calling-israeli-army-terrorist-organization/>.

¹⁶ The materials provided at this “Teach In” are available at Ex. H.

¹⁷ See *id.*

reported to the SDP,¹⁸ which nonetheless failed to take any steps to stop the event from occurring.¹⁹

b. Africana Studies lecture series calling Zionists “exterminators”

Mr. Jimenez has also created a series of SDP-sponsored professional development courses called the “Africana Studies Lecture and Workshop Series.” On April 20, 2024, Mr. Jimenez hosted a virtual event entitled “Diversifying Blackness: The Imperative of Resurrecting and Recomposing an Emancipatory Political Global Identity,” with featured speakers including Teacher A and a Philadelphia activist named Mike Africa Jr. Because of an outcry of concerns raised about Teacher A and her history of promoting anti-Semitic content, the SDP restricted her from speaking on the Israeli-Palestinian conflict during the lecture. But the district did permit the lecture to proceed despite thousands of protest letters from concerned students, educators, and community members.

Unsurprisingly, Africa, Jr. addressed the Israeli-Palestinian conflict during the lecture, called Zionists “exterminators” of Palestinians, and accused Zionists of bombing Palestinians because of Zionists’ belief that Palestinians are “vermin.”²⁰ He encouraged listeners to “fight for [their] rights,” providing the example of protest encampments at New York University. While Africa, Jr. made these offensive comments and accusations, Teacher A and Teacher C voiced their support in the comments, stating “Truth,” “Thank you for saying this,” “Come on with it Mike,” and “The Solidarity.” The lecture included no counterpoint to Africa, Jr.’s biased statements about Israel.

c. School-approved walkouts for Palestine

Since October 7, SDP teachers and administrators have promoted, supported, and organized walkouts during school hours denigrating Israelis and Jewish people, depriving Jewish students of a safe place to learn and all students of instruction.

On February 23, 2024, for example, CAPA students participated in a district-wide “High School Walkout In Solidarity with Palestine” to “spread awareness of the ethnic cleansing and genocide in Palestine.” The walkout was promoted on social media by SDP teachers, including Teacher B and Teacher C. Prior to the event, [REDACTED],

¹⁸ Ex. I, Email to SDP Senior General Counsel/Civil Rights, dated Jan. 15, 2024 (noting that the materials for the Teach-In were “straight up propaganda that’s anti-Jewish and dangerous.”).

¹⁹ Ex. J, Email to SDP administrators, dated Jan. 16, 2024.

²⁰ Ex. K, Email to SDP administrators, dated Apr. 21, 2024.

the Vice Principal of CAPA, sent a note to all students assuring them that they would be “allowed to participate without penalty from any classes” and “will not be penalized for turning in assignments late.” She concluded the message by telling students to “enjoy” the walkout:



For any other event, walkout, or unexcused absence, students at CAPA are routinely penalized. Indeed, the SDP’s Board Policy 204 regarding attendance expressly provides that attending a protest does **not** constitute reasonable cause for an absence.²¹ Yet when SDP parents contacted administrators regarding the walkout, the district failed to respond.

d. SDP Board meetings overrun by “Philly Educators for Palestine”

Recent SDP Board meetings have devolved into an overtly hostile environment based on the vicious and unfounded attacks waged on “Zionists” by several SDP teachers. On both May 30 and June 6, 2024, for example, SDP teachers who affiliate as “Philly Educators for Palestine” repeatedly took to the public lectern to make one basic point: any student, parent, or teacher who dares to disagree with them is “racist” and must

²¹ The Sch. Dist. of Philadelphia, *SDP Board Policy 204 Attendance* (June 20, 2020), https://www.philasd.org/schoolboard/wp-content/uploads/sites/892/2020/06/204_Attendance_Policy-6.25.20.pdf.

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be silenced.²² During the May 30 meeting, ██████████, an SDP middle school teacher, claimed that “[t]hose racist white teachers who remained in the district are now attempting to rebrand their racism as support for Zionism. . . . Instead of calling us the N-word to our faces they label us as anti-Semitic.”²³ ██████████, an SDP middle school teacher, called Israel a “foreign apartheid state currently engaging in genocide and ethnic cleansing, and using our tax dollars to do it.”²⁴ ██████████, an SDP middle school teacher, claimed that “[i]t is the same white supremacy that drives Zionism and the dearth of resources and substantive action for citizens in our city, the most poverty-stricken city in the United States. It is the same white supremacy, capitalism, and colonialism that has harrowed your careers and our society.”²⁵ The SDP said nothing in response to this series of slanderous accusations.

At the June 6 meeting, ██████████ called for disciplinary action against any SDP teacher who dared to voice support for Israel: “I don’t believe that any genocide-supporting person should have the privilege of teaching anyone’s child. If you are pro-genocide you are anti-humanity. Anyone who thinks its ok to drop bombs on hospitals, refugee camps and schools, should not be paid for keeping other people’s children safe.”²⁶ Again, the SDP Board said nothing in response.

At the next meeting, held on June 13, Jewish speakers braved this sea of vitriol and showed up, in person, to collectively beseech the SDP Board to put an end to the hate that has engulfed SDP classrooms. Yet as noted above at Section 2(b)(iii), Teacher C responded on social media by accusing these Jewish speakers of murdering

²² See Ex. L, Email to SDP administrators, dated June 3, 2024; see generally Lori Lowenthal Marcus, *The Philadelphia Story of Jew Hatred*, Jewish News Syndicate (June 17, 2024) (“JNS Article”), <https://www.jns.org/the-philadelphia-story-of-jew-hatred/> (“Philly Educators for Palestine monopolized virtually every speaker slot during the May 30 and June 6 SDP board hearings. They accused Philadelphia’s Jewish teachers, parents and students, and the SDP Jewish Family Association of being ‘outside agitators’ from the ‘right-wing.’ They handed out Marxist propaganda celebrating Ebrahim Raisi, the ‘Butcher of Iran,’ at their rally preceding the board meeting.”).

²³ See The School District of Philadelphia, *20240530 BOE Action Meeting*, 3:52:00 (May 30, 2024), <https://tinyurl.com/sy4jpcru>.

²⁴ *Id.* at 4:09:00.

²⁵ *Id.* at 4:36:00.

²⁶ See The School District of Philadelphia, *20240606 BOE Public Hearing*, 00:31:15 (June 6, 2024, 2024), <https://tinyurl.com/59cyfh94>.

Palestinians, which merely confirmed and exemplified the very problems raised by SDP students and parents.²⁷

And on June 27, the “Philly Educators for Palestine,” newly re-branded as the “School District of Philadelphia Parents for Palestine,” continued to make hateful statements and demands and continued to try to drown out competing voices. As the JFA noted in a response sent a few days later, not only has the SDP Board failed to act to protect its Jewish students, but “[i]nstead, [SDP Superintendent] Dr. Watlington apologized to ‘Philly Educators for Palestine’ . . . and discounted every single Jewish student, family, and teacher from this District . . . [and] promised spaces for conversation . . . for only students of Muslim and Palestinian descent.”²⁸

4. The SDP’s Response to Complaints

In response to the avalanche of hatred and bias detailed above, the SDP has failed to take any meaningful steps, much less the prompt and effective steps necessary, to address the discriminatory climate, end the harassment, and create a safe environment in all its schools for all its students. As discussed below, the SDP’s failure to respond to a flurry of complaints from the JFA and other concerned Jewish students and teachers reflects, at best, an administrative indifference to anti-Semitism that has fostered a hostile climate for Jewish students.

a. Failure to respond to complaints

In response to the pervasive climate of anti-Semitism that took hold of the SDP, parents of Jewish students at the SDP came together to form the SDP-JFA. The JFA has emailed SDP administrators ***dozens of times*** since October 7 regarding the anti-Semitic harassment and bullying that has become an everyday occurrence at the SDP. Just a few examples are below:

- “The[] divisive, dangerous, violent and anti-[S]emitic resources being distributed and shared by SDP Teachers, who have shown their clear bias and inability to teach in safe and hate-free ways, should not be shared with SDP teachers. There is no place for hate in our District and it is my hope that the District will be responding appropriately to protect all students from feeling unsafe in their classrooms.”²⁹

²⁷ See Ex. M, Email to SDP administrators, dated June 18, 2024.

²⁸ Ex. N, Email to SDP administrators, dated July 2, 2024.

²⁹ Ex. J, Email to L. Rauch, et al., dated Jan. 16, 2024.

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- “[Teacher A] continues to use her public social media profile, which she shares with students, teachers, parents, and the public at large, as a mouthpiece for her biased, hateful, and divisive beliefs. These posts are leaking into her classroom, and are often posted during her time in the classroom. In the last 24 hours, alone, [Teacher A] posted numerous social media posts inciting hatred of Jewish people.”³⁰
- “The School Board and District is allowing anti-Semitism to be normalized in our District. The District’s failure to reprimand for the spread of hate against Jews has emboldened teachers and administrators to continue to push the limits on how far they will go to promote their agendas of bias and hate against Jews. Teachers and administrators are being permitted to indoctrinate SDP students with their radicalized, biased viewpoints that are contributing to the rampant antisemitism pervading our District.”³¹
- “The District’s lack of response to the meteoric rise in antisemitism in SDP has emboldened teachers and administrators like █ to share their hate for Israel, Zionists and Jews – in the classroom, and from their public social media profiles, which inevitably leak into the classrooms.”³²
- “What we saw happen [at the Board meeting] on May 30, 2024, is both a glimpse into the ugly history of the persecution of the Jewish people, and a foreshadowing of what is to come in SDP if the District continues to allow their teachers and administrators to disregard School District policies, publicly extol blatant hatred for Jews, and proudly teach unapproved, biased, and hateful lessons to indoctrinate our children... We are asking for nothing more and nothing less than SDP to follow and enforce District policies that were created and put in place for all students to access their education in an environment free from hostility, harassment, violence or hate. It is SDP’s failure to do so up until this point that has directly created and contributed to the environment of hate against Jewish families, fostered by the very teachers and administrators upon whom we rely to create safe spaces of learning for our District’s students.”³³
- “SDP is now on notice that their actions, and inactions, in the face of hostile messages from administrators’ public social media profiles, in their classrooms, and at Board meetings, are violative of Title VI. SDP is now on notice that their

³⁰ Ex. O, Email to SDP administrators, dated Mar. 4, 2024.

³¹ Ex. K, Email to SDP administrators, dated Apr. 21, 2024.

³² Ex. P, Email to SDP administrators, dated May 14, 2024.

³³ Ex. L, Email to SDP administrators, dated June 3, 2024.

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actions, and inactions, in the face of hostile messages from administrators' public social media profiles, in their classrooms, and at Board meetings, are violative of SDP Policy and Pennsylvania Statute.”³⁴

- “Jewish families called upon this Board to put an end to this shameful, repeated, hateful, and slanderous testimony by the same set of teachers and administrators, meeting after meeting.”³⁵

Nearly all of the JFA’s numerous complaints—which have, individually and collectively, put the SDP on notice of all of the above incidents of discrimination—have been either ignored or greeted with generic responses affirming the SDP’s commitment to free speech. The SDP is thus well aware of the rising number of complaints about the climate of hatred that has pervaded the district’s schools, and yet has taken no significant, meaningful action to protect its Jewish students (or teachers).

b. Retaliation

The effect of the SDP’s failures to prevent discrimination or discipline its worst perpetrators has had the predictable effect of giving license to teachers within the SDP to vilify Jewish families that have raised civil rights claims with the SDP, the Department of Education, and other entities.

For example, a group of SDP teachers calling themselves the “Philly Educators for Palestine” issued an inflammatory public statement about the original OCR complaint regarding anti-Semitism in the SDP (which this complaint supplements). The statement asserted that “the complaint, and other efforts to silence teachers and students are distractors from the carnage being inflicted upon Palestinians in Gaza by Israel.”³⁶ These teachers completely disregarded the concerns of Jewish families.

³⁴ Ex. Q, Email to SDP administrators, dated June 24, 2024.

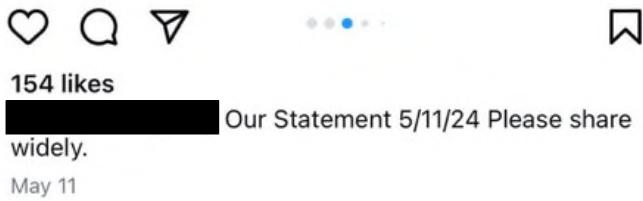
³⁵ Ex. N, Email to SDP administrators, dated July 2, 2024.

³⁶ See Inquirer Article, *supra* n.6.



We believe that this complaint, and other efforts to silence teachers and students are distractors from the carnage being inflicted upon Palestinians in Gaza by Israel. As we write this statement, Israel is bombing, and preparing for a more intensive ground invasion of Rafah, the 24 square mile makeshift refugee camp where 1.2 million continuously displaced Palestinians have been forced to find shelter since October 7th. These complaints are distractors from the catastrophic humanitarian crisis facing Palestinians in Gaza, besieged by Israel long before October 7th, where life-saving aid has been purposely denied and humanitarian aid workers are intentionally targeted and killed.

We stand beside our fellow educators who offer space for their students to learn about, process, and engage in respectful, healthy dialogue around the history of Israel and Palestine and the current genocide in Gaza. We fully support educators' rights of free speech, especially outside of the classroom. A society that silences criticism of genocide and criminalizes those who speak out against these atrocities sets a very dangerous precedent. We fully support students critically analyzing the world around them, using facts to form their *own* opinions, and being empowered to use their voice and agency to speak out about issues they care about. We fully support the Palestinian students in the District who have to live day-to-day coping with the genocide.



In addition, and as noted above, at a school-wide meeting at Penn-Alexander, Principal [REDACTED] publicly castigated a Jewish parent (the mother of Student B) for reporting incidents of anti-Semitic harassment of her daughter, a Penn-Alexander student, and accused her of being the problem.³⁷

Most alarmingly, after a *Philadelphia Inquirer* article was published highlighting incidents of a swastika being drawn on a school door and flyers calling Israel a “genocidal oppressor,” [REDACTED], a teacher at [REDACTED], posted

³⁷ Ex. B, Email to T. Jenkins and C. Ginsburg, dated Apr. 27, 2024; Ex. R, Email to T. Jenkins and C. Ginsburg, dated May 21, 2024.

the following on his then-public account on X:³⁸ “Googles ‘Yiddish for [laughing my ass off].”

The first incident cited in the federal complaint happened last July, when a Masterman student posted a picture of the Israeli flag with the word “trash” written across it. Another student captured the post and reported it to the district as cyberbullying.

Multiple other incidents are described, including one in which a student dressed as a Palestinian freedom fighter for Halloween and attempted to drape another student in the Palestinian flag, one where a swastika was drawn on a school door, and another where a bake sale for Sudan was held — in violation, the parent who filed the complaint said, of the district’s fundraising policy. At the bake sale, the parent wrote, fliers were “plastered about Israel committing genocide and occupation.”

And in a follow-up comment on a post in which he dismissively wrote “Glad the open school moms are keeping busy though,” he publicly speculated about the **confidential identity** of the parent of a child at [REDACTED] who filed the OCR complaint. Responding to a comment asking “who’s the [REDACTED] parent?,” [REDACTED] wrote, “If I had to guess rhymes with [REDACTED] (waited until school was ... over to post this):”

³⁸ [REDACTED] has since “protected” his Tweets.



As the JFA wrote to the SDP about these posts, the identity of an OCR complainant is specifically kept confidential to protect against such hostile retaliation.³⁹ [REDACTED] [REDACTED] cruel attempted public “outing” of this purported complainant put the safety of an SDP student at risk.

LEGAL DISCUSSION

- I. The SDP has knowingly allowed a hostile environment to develop and flourish in violation of Title VI**
 - A. Title VI protects Jewish and Israeli students who are targeted on the basis of their national origin and shared ancestry**

Title VI requires educational institutions that receive federal funding (like the SDP) to prevent discrimination and harassment that generates a hostile environment against students on the basis of their race, color, and national origin.⁴⁰ Guidance issued by OCR and the Department of Justice in 2004, 2010, 2017, and 2023 affirms that Title VI covers discrimination against Jewish and Israeli students on the basis

³⁹ See Ex. P, Email to SDP administrators, dated May 14, 2024.

⁴⁰ Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*; 34 C.F.R. § 100.3.

of their “actual or perceived . . . shared ancestry or ethnic characteristics.”⁴¹ According to Executive Order (“EO”) 13899, which has been incorporated into OCR’s current policy guidance, Title VI must be enforced “against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”⁴²

Historically and legally, Judaism is understood to be both a faith and an ethnicity. Jews share not only religious traditions, but also a deep historical sense of Jewish peoplehood. The Jewish people’s history, theology, and culture are deeply intertwined with the Land of Israel.⁴³

⁴¹ See Dear Colleague Letter, U.S. Dep’t of Educ. – Office for C.R. (Nov. 7, 2023) (“2023 Dear Colleague Letter”), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; see also FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics (Jan. 4, 2023) (“2023 Fact Sheet”), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>; Know Your Rights: Title VI and Religion, U.S. Dep’t of Educ. – Office for C.R. (Jan. 17, 2017) (“2017 Know Your Rights”), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; Letter from Assistant Secretary for Civil Rights Russlynn Ali, U.S. Dep’t of Educ. – Office for C.R. (Oct. 26, 2010) (“2010 Dear Colleague Letter”), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; Letter from Thomas E. Perez, Assistant Att’y Gen., U.S. Dep’t of Just.– C.R. Div., to Russlyn H. Ali, Assistant Sec’y for C.R., U.S. Dep’t of Educ. – Office for C.R., Re: Title VI and Coverage of Religiously Identifiable Groups (Sept. 8, 2010) (“2010 Letter Re Title VI and Religiously Identifiable Groups”), https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf; Kenneth L. Marcus, Title VI and Title IX Religious Discrimination in Schools and Colleges: Dear Colleague Letter, U.S. Dep’t of Educ. – Office for C.R. (Sep. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

⁴² Exec. Order No. 13899, 84 Fed. Reg. 68,779 § 1 (Dec. 11, 2019); see also Questions and Answers on Executive Order 13899 (Combatting Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964, U.S. Dep’t of Educ. – Office for C.R. (Jan. 19, 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

⁴³ Alyza D. Lewin, *Zionism: The Integral Component of Jewish Identity that Jews are Historically Pressured to Shed*, 26 Israel Affairs 330 (2020), <https://brandeiscenter.com/wp-content/uploads/2020/09/By-Alyza-D.-Lewin-Zionism-the-integral-component-of-Jewish-identity.pdf>.

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For Jews, expressing support for their ancestral homeland is a sincere and deeply felt expression of a shared religious and ethnic identification with the Land of Israel and of their Jewish identity. Harassing, marginalizing, demonizing, and excluding these Jewish and Israeli students on the basis of a basic component of their Jewish identity (their Zionism) is just as unlawful and discriminatory as attacking a Jewish student for observing the Sabbath or keeping kosher.⁴⁴ Indeed, UNESCO has cautioned that the terms “Jew” and “Zionist” are today often used interchangeably in an attempt by anti-Semites to cloak their hate.⁴⁵

The U.S. government, including the U.S. Department of Education and OCR, recognizes that anti-Zionism may serve as a mask for anti-Semitism. Under White House Executive Order (EO) 13899, issued in 2019 and still in effect, executive departments and agencies charged with enforcing Title VI must consider the International Holocaust Remembrance Act’s Working Definition of anti-Semitism (the “IHRA Definition”) when investigating allegations of anti-Semitism.⁴⁶ EO 13899 remains in effect: The Department of Education affirmed its commitment to the EO in its 2023 factsheet on discrimination based on shared ancestry.⁴⁷ The Department did so again in May 2023 when it directed school administrators to review the Questions and Answers on [EO] 13899 in OCR guidance issued alongside the White House National Strategy on Countering Anti-Semitism.⁴⁸

⁴⁴ *Id.* at 2.

⁴⁵ See UNESCO & OSCE, *Addressing Anti-Semitism through Education: Guidelines for Policymakers*, 21, 24, 82-83 (2018), <https://unesdoc.unesco.org/ark:/48223/pf0000263702.locale=en>.

⁴⁶ Exec. Order 13899, § 2(a)(i)-(ii).

⁴⁷ See Catherine Lhamon, *Statement from U.S. Assistant Secretary for Civil Rights on Title VI Protection from Discrimination based on Shared Ancestry or Ethnic Characteristics* (Jan. 4, 2023) (“2023 Statement”), <https://brandeiscenter.com/statement-from-u-s-assistant-secretary-for-civil-rights-on-title-vi-protection-from-discrimination-based-on-shared-ancestry-or-ethnic-characteristics/>. In her statement, Assistant Secretary for Civil Rights Catherine Lhamon, notes, “Additional resources, including a Questions and Answers guide released in January 2021 that affirms OCR’s commitment to complying with Executive Order 13899 on Combatting Anti-Semitism are available on the Shared Ancestry or Ethnic Characteristics page of OCR’s website.” *Id.*

⁴⁸ See 2023 Dear Colleague Letter; see also 2023 Statement.

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The IHRA Definition—which has also been adopted by over 1,000 other governments, universities, NGOs, and other key institutions⁴⁹—states that criticism of Israel similar to that leveled against any other country does not constitute anti-Semitism. But demonizing the Jewish State, calling for its destruction, blaming Jewish and Israeli students for the actions of the Israeli government, and/or subjecting Israel to double standards are classic earmarks of anti-Semitism under the IHRA definition.

IHRA's examples of contemporary anti-Semitism include these:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective—such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the Jewish people their right to self-determination (e.g., by claiming that the existence of a State of Israel is a racist endeavor).
- Applying double standards by requiring of Israel a behavior not expected or demanded of any other democratic nation. Using the symbols and images associated with classic anti-Semitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Expressing opinions that reflect these views is not, of course, unlawful. The IHRA Definition does not say people should be punished simply on the basis of speech. Instead, the IHRA Definition provides examples of anti-Semitic rhetoric that can help agencies recognize that conduct accompanied by such rhetoric may be anti-Semitic.

In light of “a nationwide rise in reports of hate crimes and harassment, including an alarming rise in disturbing antisemitic incidents and threats to Jewish [and] Israeli ... students ... in P-12 schools,” OCR’s November 7, 2023 Dear Colleague Letter advises school communities that their federal legal obligations to ensure nondiscriminatory environments have “renewed urgency.”⁵⁰ “All students, including

⁴⁹ See ADL, *About the IHRA Working Definition of Antisemitism* (Updated Apr. 26, 2024), <https://www.adl.org/resources/backgrounder/about-ihra-working-definition-antisemitism>.

⁵⁰ See 2023 Dear Colleague Letter at 1.

students who are or are perceived to be Jewish [or] Israeli ... are entitled to a school environment free from discrimination based on race, color, or national origin.”⁵¹

As detailed extensively herein, that is not the case at the SDP.

B. Jewish students at the SDP are being subjected to a hostile environment

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on national origin existed; (2) the recipient had actual or constructive notice of a hostile environment based on national origin; and (3) the recipient 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.⁵²

The OCR has explained that “[h]arassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.”⁵³ Harassment creates a hostile environment “when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.”⁵⁴ As the OCR recently reminded schools, “unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive” creates a hostile environment.⁵⁵

In a recent decision, the OCR cited the longstanding principle that “[a] school may be found to have violated Title VI if it fails to correct a hostile environment based on harassment of which it has actual or constructive notice.”⁵⁶ Once a recipient has actual or constructive notice, the recipient has a legal duty to take immediate steps

⁵¹ *Id.*

⁵² Letter from Beth Gellman-Beer, OCR Regional Director, to Red Clay Consolidated School District at 11 (Jan. 29, 2024) (“OCR/Red Clay Resolution Letter”), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03231373-a.pdf>; see also OCR/Lafayette College Resolution Letter at 2.

⁵³ See 2010 Dear Colleague Letter at 2.

⁵⁴ *Id.*

⁵⁵ See 2023 Dear Colleague Letter at 2.

⁵⁶ OCR/Red Clay Resolution Letter at 12; see also OCR/Lafayette College Resolution Letter at 2.

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to eliminate it—and prevent it from recurring.⁵⁷ “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.”⁵⁸ And the OCR “evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely and effective.”⁵⁹

As discussed in the Statement of Facts, the harassment experienced by Jewish students at the SDP includes verbal acts by both teachers and students, including without limitation: (i) bullying an Israeli student to such a point that he left the SDP altogether; (ii) cornering Jewish students and forcing them to state their position on the conflict (e.g., “say ‘Ceasefire Now’ and ‘Free Palestine’”); (iii) minimizing or covering up swastikas displayed in SDP schools; (iv) injecting deeply biased and one-sided accounts of the Israel-Hamas War into the curriculum through any number of media, including books, articles, videos, and online computer games; (v) literally erasing Israel from the map; and (vi) bringing graphic and written statements—including direct threats against “Zionists”—into both classrooms and public social media feeds denigrating the Jewish State as “genocidal” and as “settler-colonialist.” These statements and graphics are posted throughout the SDP and are ubiquitous on certain teachers’ social media accounts that are not just publicly available but often directed to SDP students, making the torrent of hatred inescapable for Jewish students in the district. *See supra* Statement of Facts, §§ 1-2. Indeed, as noted above, the harassment has been so intense that it has caused some Jewish pupils to flee the district and administrators to move Jewish pupils to other classrooms.

As the OCR affirmed in June 2024, social media postings are not immune from scrutiny under Title VI. On the contrary, in issuing its findings in connection with allegations of anti-Semitism at Lafayette College, the OCR noted that while Lafayette undertook “many efforts to respond proactively to prevent the operation of a hostile environment,” its efforts **“particularly with respect to notice of harassing conduct on social media”** were not reasonably designed, as required by Title VI, to redress any hostile environment.⁶⁰ And here, by contrast to Lafayette College, the SDP has taken **no action at all** to stem the tidal wave of threats and

⁵⁷ See 2023 Dear Colleague Letter at 2; see also OCR/Red Clay Resolution Letter at 12.

⁵⁸ OCR/Red Clay Resolution Letter at 12.

⁵⁹ *Id.*

⁶⁰ See OCR/Lafayette College Resolution Letter at 12-13.

invective found on its teachers' publicly available social media accounts, despite receiving actual notice of them on myriad occasions.⁶¹ See *infra* Argument, § C.

Severe and pervasive harassment also includes "unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive," such as "walkouts," "teach-ins," "lecture series" and/or other events that intimidate, humiliate, and effectively exclude those Jewish students for whom connection to the Jewish State is integral to their Jewish and/or national identity. See *supra* Statement of Facts, § 3.

Under the "totality of the circumstances," the verbal and non-verbal acts of harassment and bullying set forth in the Statement of Facts have created a hostile environment that leaves Jewish students (and, it should be mentioned, Jewish parents and teachers) feeling marginalized, attacked, frightened, and alienated to the point where many feel compelled to hide their Jewish identity. These pupils also experience limits on their ability "to participate in or benefit from the services, activities, or opportunities offered by a school"⁶² when they are forced to drop out of school or miss class because of the administration's decision to separate them from hostile teachers or to allow other students to participate in "walkouts." Pupils suffering from continual intimidation and harassment are unable to focus on their studies and miss out on critical benefits from their education.⁶³

C. The SDP has received—yet ignored—scores of reports from parents about anti-Semitic harassment and bullying, and has taken no steps to eliminate the hostile environment in its schools

For purposes of Title VI, harassment creates a "hostile environment" when, based on the totality of the circumstances, the harassment "is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to

⁶¹ The posts in question at Lafayette College that the OCR found to be harassing against Jewish students and violative of Title VI are similar—and, in fact, less directly threatening—than the various posts of the SDP teachers described herein. Compare OCR/Lafayette College Resolution Letter at 8-9 (describing actionable social media posts at Lafayette College) with Factual Background, § 2(b).

⁶² 2010 Dear Colleague Letter at 2.

⁶³ "A safe environment is a prerequisite for productive learning." Johanna Lacoé, *Too Scared to Learn? The Academic Consequences of Feeling Unsafe in the Classroom*, 55:10 Urban Educ. 1385, 1386 (2020) (citing Maslow, 1970; Piaget, 1936), <https://files.eric.ed.gov/fulltext/EJ1265973.pdf>.

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participate in or benefit from the recipient's education program or activity.”⁶⁴ Importantly, “[h]arassing acts need not be targeted at the complainant to create a hostile environment.”⁶⁵ A Title VI recipient “must take immediate and effective action to respond to harassment that creates a hostile environment” or when such harassment “negatively affect[s] the ability and willingness of Jewish students to participate fully in the school’s education programs and activities.”⁶⁶ Further, a recipient can violate Title VI if peer harassment “is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”⁶⁷

As explained above, the SDP has received a record number of complaints about anti-Semitism and discrimination on the basis of national origin since October 7. *See generally supra* Statement of Facts, § 4(a) (detailing numerous emails from Jewish families from October 2023 through June 2024). The SDP is thus fully aware of the hostile environment in its schools. It has, however, failed to **even respond** to the vast majority of these notices, let alone take prompt and effective steps “reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring.” 2010 Dear Colleague Letter at 2-3. In the absence of action by the SDP, students continue to bully their Jewish peers based on their Jewish ancestry.

In other hostile environment cases, OCR has advised schools to provide “training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond.”⁶⁸ A school may also need “to provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment.”⁶⁹

⁶⁴ See 2023 Dear Colleague Letter at 2; *see also* 2010 Dear Colleague Letter at 2 (stating that harassment creates a “hostile environment” when it “is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school”); *see also* OCR/Lafayette College Letter at 2.

⁶⁵ OCR/Lafayette College Letter at 2.

⁶⁶ See 2023 Dear Colleague Letter at 2; *see also* 2010 Dear Colleague Letter at 1, 2-3, 5-6; 2017 Know Your Rights at 1.

⁶⁷ See 2010 Dear Colleague Letter at 1; *see also* 2017 Know Your Rights at 1.

⁶⁸ See 2010 Dear Colleague Letter at 3.

⁶⁹ *Id.*

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The SDP has taken no such steps. To the contrary, it has ignored scores of parent complaints, failed to follow up with a Jewish student who was so severely bullied that he dropped out of the SDP, refused to discipline teachers and students who have engaged in anti-Semitic conduct, and otherwise failed to ensure the physical safety or mental well-being of the victims, many of whom are young children.

II. The SDP has engaged in discrimination against Jewish students

A. The SDP has discriminated by depriving its Jewish students of educational opportunities afforded the rest of the community

Under Title VI, schools may not discriminate by excluding individuals from participating in educational programs or activities or by denying individuals the benefits of such programs on the basis of race, color or national origin.⁷⁰ The IHRA Definition states that “the denial to Jews of opportunities or services available to others” is “[a]ntisemitic discrimination.”

As discussed above, the SDP has taken no action to end the hostile environment in classrooms. Instead, and at best, it has removed at least one Jewish student from a classroom led by a teacher who repeatedly made deeply problematic comments about Jews.⁷¹ But removing students from classes merely allows teachers’ toxic rhetoric to infect the remaining students, while depriving the Jewish students of educational opportunities afforded to their peers. In addition, Jewish students were also deprived of educational opportunities during “walkouts,” when regularly scheduled classes were cut short with no programming or instruction to replace them.

⁷⁰ 34 CFR § 100.3(a), (b).

⁷¹ The SDP also cancelled a professional development course on the history of the Israeli-Palestinian conflict—entitled *Decolonizing the Curriculum: Brief History of Palestine and the Creation of Israel: Contextualizing the Current Conflict and Genocide*—but only after a screenshot detailing problematic elements of the course were widely circulated on social media sites in November 2023. Even then, the SDP’s “careful and terse wording in response to [a media outlet’s] request for comment did not make clear whether the course was axed in response to political concerns, or if the district had ever intended for such a course to be available.” See Todd Shepherd, *Philadelphia School District walks back professional development course on the so-called ‘genocide’ in Gaza*, Broad + Liberty (Nov. 30, 2023), <https://broadandliberty.com/2023/11/30/philadelphia-school-district-walks-back-professional-development-course-on-the-genocide-in-gaza/>.

B. The SDP has not applied its own rules regarding the teaching of controversial issues and the use of social media

SDP Board Policy 119⁷² permits the introduction and use of controversial issues in the classroom **only** if all of the following factors are true:

- Is related to the course's educational goals and the students' level of maturity;
- Does not indoctrinate or persuade students to a particular point of view;
- Encourages balanced presentations and open-mindedness;
- Is conducted in a spirit of scholarly inquiry; and
- Does not offend on the basis of race, color, national origin, ethnicity, gender identity, sexual orientation, religion, age, or disability.

The SDP teachers engaging in discriminatory conduct are in violation of the SDP Policy 119 for a variety of reasons: only one side of the issue is presented; the issues are presented in the spirit of activism rather than scholarly inquiry; and, for all the reasons explained above, they offend on the basis of Jewish identity. Yet despite these clear violations of Policy 119, the SDP has taken no action to address this widespread and dangerous violation of school policy by teachers throughout the district.

SDP Board Policy 316⁷³ provides that the district may impose disciplinary action for social media conduct when the conduct:

- Endangers the health, safety, or welfare of students, staff members, or the general public;
- Damages the reputation and image of the School District of Philadelphia as an educational institution;
- Has a negative impact on a staff member's ability to effectively perform his/her duties;
- Results in the disclosure of sensitive, inaccurate, confidential, or otherwise non-public information; and/or
- Is a violation of law or District Policy.

⁷² The Sch. Dist. of Philadelphia, *Bd. Policy No. 116 Controversial Issues* (June 15, 2020), https://www.philasd.org/schoolboard/wp-content/uploads/sites/892/2020/06/119_Controversial-Issues_Policy-6.25.20.pdf.

⁷³ The Sch. Dist. of Philadelphia, *Bd. Policy No. 316 Staff Use of Social Media and Electronic Communications* (Nov. 16, 2017), https://www.philasd.org/schoolboard/wp-content/uploads/sites/884/2018/02/316_Staff-Use-of-Social-Media-and-Electronic-Communication_Policy_Oct.pdf.

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Once again, SDP teachers and administrators are in clear violation of this policy. As extensively detailed above, from her publicly available “[REDACTED]” account, Teacher A has denied that Hamas terrorists used rape as a weapon of war on October 7; questioned the morals of anyone who has attended a pro-Israel rally; proclaimed that “Zionism is racism”; declared that Jews are part of a “Genocide Lover’s Brigade”; and warned certain Jews that “I don’t play fair.” *See supra* Statement of Facts § 2(b)(i). From her publicly available “[REDACTED]” account, Teacher B has posted a link to a website listing Jewish businesses to boycott and urged her followers to “keep protesting and disrupting in every way possible.” *See supra* Statement of Facts § 2(b)(ii). From their publicly available social media accounts, Teacher C and SDP Director of Social Studies Curriculum Jimenez have routinely shared with the SDP community anti-Semitic tropes and accused Zionists of being “racists” and castigated Israel as a “genocidal” colonizer and oppressor. *See supra* Statement of Facts §§ 2(b)(iii-iv). And from her then-public Facebook account, SDP Assistant Superintendent Dr. Clay, one of the SDP’s most senior administrators, has called the Israeli Defense Forces a “terrorist organization.” And while Dr. Clay’s biases resulted in her removal from the board of a suburban school district to which she had been elected, the SDP seemingly did nothing. *See supra* § 2(b)(v).

Such conduct has indisputably endangered the welfare of Jewish students in the SDP whose connection to the Jewish homeland is an essential part of their identity. Further, the teachers’ and administrators’ conduct has tarnished the reputation of the SDP by associating it with anti-Semitic rhetoric. Yet the SDP has taken no steps to discipline these teachers and administrators or prevent them from distributing their messages of hate.

C. The SDP’s failure to act is encouraging retaliation

A recipient of federal funds violates Title VI if it retaliates against a private individual who opposes a discriminatory action or participates in a matter alleging discrimination.⁷⁴

The SDP has violated Title VI by allowing its teachers to threaten parents who have reported anti-Semitism without fear of any consequences whatsoever. As discussed above, a group of SDP teachers called the “Philly Educators for Palestine” issued a statement that the JFA’s OCR complaint alleging anti-Semitic conduct in the SDP

⁷⁴ See U.S. Dep’t of Just., Title VI Legal Manual (Updated) § VIII; see also OCR/Lafayette College Complaint at 14 (“Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding.”).

was merely an effort to “silence teachers and students.”⁷⁵ These same teachers have taken *en masse* to SDP Board Meetings, in which they have displayed their “antisemitic hatred” all “while the Board remains silent throughout.”⁷⁶ ██████████, the principal of Penn Alexander, accused a Jewish parent of being the problem for reporting incidents of anti-Semitism. And in a particularly shocking act of overt retaliation, SDP teacher ██████████ attempted to “dox” a Jewish parent that he believed filed the previous OCR complaint that prompted the current investigation. *See supra* Statement of Facts, § 4(b).

These acts of retaliation have fostered a culture of **extreme fear** among Jewish students, families, and SDP employees. Indeed, the reason so many of the individuals in this Complaint have requested that their names and personal information be omitted is the concern that they will face retaliation for speaking out. Many other Jewish students and teachers would not even speak to ADL’s outside counsel due to well-grounded and uniform fears that their academic and teaching careers in the SDP would be ruined merely by association with this effort. Anti-Semitic teachers and administrators, by contrast, know that they can continue to spew their hatred with impunity. As Teacher A put it, “#AndWhoGoneCheckMe?”

SUGGESTED REMEDIES

For the foregoing reasons, ADL urges OCR to require the SDP to take, at a minimum, the following steps to protect its Jewish and Israeli students and to ensure that members of the SDP community are held accountable for engaging in and/or permitting harassment, discrimination, or retaliatory conduct:

1. Issue a stand-alone statement denouncing anti-Semitism in all its forms and recognizing that Zionism is a key component of Jewish identity for many students at the SDP. We recommend that the SDP use or model its statement on the following language:

We condemn anti-Semitism in all its forms. We recognize that Zionism is a key component of the shared ancestral and ethnic identity of many Jewish Americans. Efforts to exclude Zionists

⁷⁵ See Inquirer Article, *supra* n.6.

⁷⁶ See JNS Article, *supra* n.22 (“Philly Educators for Palestine monopolized virtually every speaker slot during the May 30 and June 6 SDP board hearings. They accused Philadelphia’s Jewish teachers, parents and students, and the SDP Jewish Family Association of being ‘outside agitators’ from the ‘right-wing.’ They handed out Marxist propaganda celebrating Ebrahim Raisi, the ‘Butcher of Iran,’ at their rally preceding the board meeting.”).

and make the SDP students feel unwelcome and unsafe expressing this part of their Jewish ancestral and ethnic identity is contrary to the SDP's basic values of mutual respect and inclusion. Our staff are key leaders in our schools who are charged with fostering and facilitating community development and inclusion for all students, including Jewish students who define their Jewish identity as including Zionism. Anti-Semitic harassment, bullying, and targeting are unacceptable. Our schools must be a place characterized by inclusivity and the free and open exchange of ideas.

The SDP is committed to taking all necessary actions, including discipline where appropriate, to address and ameliorate discrimination and harassment based on actual or perceived shared ancestry or ethnic characteristics, including anti-Semitism that manifests as anti-Zionism. The SDP also is committed to taking all necessary actions to prevent retaliation against persons who report anti-Semitic harassment or participate in related proceedings.

To that end, the SDP will utilize the IHRA Working Definition of anti-Semitism as required by law when investigating and responding to incidents of harassment and discrimination to determine whether they are motivated by anti-Semitic animus or bias. The SDP encourages the SDP community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition and its contemporary examples.

2. Ensure that the SDP community understands and recognizes anti-Semitic discrimination by incorporating the IHRA Definition, including its guiding examples, in the SDP's policy manuals related to discrimination, consistent with EO 13899 and the values of free speech and academic freedom.
3. Provide an annual training to SDP administrators, faculty, students, and staff on anti-Semitism and the SDP's obligation to comply with Title VI. The training should familiarize all members of the community with traditional as well as contemporary anti-Semitic stereotypes and conspiracy theories and their social and political functions, so that the SDP community will be able to better identify and respond to anti-Semitic incidents in the future, particularly those that involve Jewish shared ancestry connected to Israel. The training should utilize the *No*

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Place For Hate program facilitated by the ADL or a similar OCR-approved educational program.

4. Enforce its policies indiscriminately to all students, employees, faculty members and contractors and announce that anyone who engages in discriminatory conduct in violation of Title VI and the SDP's policies will be held accountable, including by suspension and expulsion (students) or suspension and termination (employees and contractors). The SDP should take particular care to enforce its policy on "Staff Use of Social Media and Electronic Communications."
5. Appoint an independent investigator to examine the school climate for its students, faculty, and staff, with specific attention to the climate for Jewish members of the SDP community; charge the investigator with conducting a school climate survey to address the climate for students, and especially for Jewish and Israeli students; and carry out such recommendations as are made by the investigator based on the survey and additional analysis.
6. Create a Task Force comprised of Jewish student leaders and Jewish faculty members that will provide input to the SDP administration about how best to address and improve Jewish life in SDP schools, including how to address and ameliorate anti-Semitic harassment and discrimination based on shared ancestry and/or ethnicity.
7. Remove all anti-Semitic posters, banners, flags, images, and writings on school property and enforce the prohibition against the display of such items.

CONCLUSION

For the foregoing reasons, ADL respectfully requests that OCR review the facts and evidence included in this Supplemental Complaint in connection with its ongoing investigation of the SDP, a recipient of federal funding, for violations of Title VI and the statute's implementing regulations, and require the SDP to undertake, at a minimum, the measures outlined above. Complainant is also available to participate in mediation pursuant to Section 201(a) of OCR's Case Processing Manual.

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Respectfully submitted,

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