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VIA EMAIL

Hon. Catherine Lhamon
Assistant Secretary for Civil Rights U.S. Department of Education
Office for Civil Rights
Email: Catherine.Lhamon@ed.gov

Emily Frangos
Regional Director
Office for Civil Rights
District of Columbia Office, U.S. Department of Education
Email: OCR.DC@ed.gov

Re: Civil Rights Violations at Community School of Davidson

We are attorneys at the Louis D. Brandeis Center For Human Rights Under Law (the Brandeis Center), a national nonprofit legal advocacy organization that works to combat anti-Semitism in higher education and to protect the rights of Jewish students and all students. We represent the Complainant, [REDACTED], and her young son, Student A, a middle school student at the Community School of Davidson (CSD), a charter school that receives federal funding.¹ For the past two school years, Student A has been subjected to severe and persistent anti-Semitic harassment by his peers on the basis of his perceived Jewish ancestry and ethnicity.

The harassment began after Student A wore an Israeli international baseball team's shirt to school in or around August 2021, and was thereafter perceived to be Jewish by a number of his classmates. Since then, Student A's classmates have persistently taunted and degraded Student A at school, referring to him as "dirty Jew" and "filthy Jew," invoking classic anti-Semitic stereotypes about Jews and money by calling him a "penny picker upper"; and invoking the Holocaust by telling him words to the effect of "get in a gas chamber," "go back to your concentration camp," "go to your oven Jew," "the oven is that way," and "go die Jew." These are just a few of the vicious anti-Semitic

¹ See NC DPI School Allotment Section, <http://apps.schools.nc.gov/ords/f?p=144:215>). The Office for Civil Rights (OCR) has repeatedly applied Title VI's requirements to other public charter schools in North Carolina on the basis that the schools in question "receive federal financial assistance" and are "public entit[ies]" (see e.g. Neuse Charter School, Complaint No. 11-18-1272, Resolution Letter, September 28, 2018, p.1; Queens Grant High School, Complaint No. 11-16-1240, Resolution Letter, October 24, 2016, p.2).

comments directed at Student A at school. Disturbingly, the harassment intensified during a Holocaust education unit in Student A's 7th grade social studies class in April and May of 2021, and has continued through February and March 2023 and thereafter.

While Student A does not identify as Jewish, this makes no difference for purposes of Title VI of the Civil Rights Act of 1964 (Title VI). Office for Civil Rights (OCR) guidance refers to discrimination based on a victim's "actual or perceived" membership in a protected group several times and explicitly notes that a hypothetical school "was not relieved of its responsibilities under Title VI because the targets of one of the incidents were not actually Jewish. The harassment was still based on the perceived ancestry or ethnic characteristics of the targeted students."² And here, the perpetrators made clear that they were targeting Student A as a perceived Jew. They first began to harass Student A after he wore a shirt bearing the name of Israel, often described as the "Jewish state," to school, and referred to his purported Jewish ancestry repeatedly.

Student A was so distressed and isolated by the daily abuse and degradation he endured that he did not tell his parents about it until on or about March 16, 2023,

[REDACTED]. Student A then revealed to his mother that he had been harassed at school by his peers over the past year and a half.

Upon learning of this, [REDACTED] promptly reported Student A's mistreatment to the school on or about March 20, 2023. Thereafter, Student A faced retaliation and continued harassment, including being physically assaulted at school in or around March, April and May 2023 by the same students who had targeted him for the past year and a half.³

Other students confirmed Student A's harassment to school administrators. But even after [REDACTED] expressly notified CSD of the problems in March 2023, supplementing the administration's constructive knowledge of the ongoing harassment with actual knowledge of the situation, CSD failed to "take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring."⁴ The peer harassment directed at Student A was "sufficiently serious that it created a hostile environment" which was "not adequately addressed, or ignored by school employees" of CSD.⁵

² See Russlynn Ali, "Dear Colleague Letter" at 5, U.S. DEP'T EDUC.—OFFICE FOR C.R. (Oct. 26, 2010) [hereinafter 2010 Dear Colleague Letter], <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-2010.pdf>.

³ 34 C.F.R. Sec. 1007(e)(prohibiting intimidatory or retaliatory acts against an individual because she has complained, assisted or participated in an investigation of discrimination).

⁴ See "Dear Colleague Letter" *supra* note 2 at 2-3 ("[Under Title VI, a] school is responsible for addressing harassment incidents about which it knows or reasonably should have known").

⁵ 2010 "Dear Colleague Letter," *supra* note 2, at 1.

As a result of this anti-Semitic harassment, Student A's [REDACTED] mental health suffered. He hated going to school and has considered transferring to a different school due to the hostile climate, which has become unbearable and unsafe for him – mentally and physically. His participation in the educational opportunities at CSD has been significantly limited and/or obstructed by the unrelenting hostile environment at school.⁶

The U.S. National Strategy to Counter Antisemitism calls on the Education Department, and specifically OCR, as well as schools to address the increasing problem of “antisemitic expression and acts [that] have...become common at many public and private secondary and elementary schools;” and cites “[r]ecent data show[ing] a nearly 50% increase in antisemitic incidents at K-12 schools.”⁷ The Strategy further states, “Our schools and campuses must feel and be safe for all people.”⁸ This has not been the case for Student A, a child whose middle school experience at CSD has been overshadowed by insecurity due to severe anti-Semitic harassment and a hostile environment, which significantly limited his ability to participate in the educational opportunities he was entitled to at CSD.

For the foregoing reasons, Complainants [REDACTED] and the Brandeis Center urge OCR to initiate an investigation of CSD, a recipient of federal financial assistance,⁹ for violations of Title VI and the statute’s implementing regulations.¹⁰

Respectfully submitted,



Alyza D. Lewin
President
The Louis D. Brandeis Center, Inc.



Denise Katz-Prober
Director of Legal Initiatives
The Louis D. Brandeis Center, Inc.

⁶ 2010 “Dear Colleague Letter,” *supra* note 2, at 2 (under Title VI, the school must address discriminatory harassment that “negatively affect[s] the ability and willingness of Jewish students to participate fully in the school’s education programs and activities”).

⁷ The U.S. National Strategy to Counter Antisemitism, The White House, (May 25, 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>.

⁸ The U.S. National Strategy to Counter Antisemitism, The White House, (May 25, 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>.

⁹ See *supra*, note 1.

¹⁰ See 42 U.S.C. § 2000d *et seq.*; see also 34 CFR §§ 100.3(b)(1)(i), (iv), (vi).