

March 6, 2025

VIA E-MAIL

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Re: Civil Rights Violations in the Etiwanda School District

Dear Acting Assistant Secretary Trainor and Director Pelchat:

I. Introduction

This complaint is filed by The Louis D. Brandeis Center for Human Rights under Law (the “Brandeis Center”)¹ on behalf of [REDACTED] and their daughter, Student A, together with Anti-Defamation League (“ADL”),² and StandWithUs (“SWU”)³ (collectively, “Complainants”).⁴

¹ The Brandeis Center is a national non-profit legal advocacy organization that works to combat anti-Semitism on college and university campuses, in the workplace, and elsewhere.

² ADL is a leading anti-hate organization committed to stopping the defamation of the Jewish people and securing justice and fair treatment for all.

³ StandWithUs is an international, non-partisan education organization that supports Israel and fights antisemitism.

⁴ Student A and her parents are represented by the Brandeis Center.

Student A is a girl in the seventh grade at Etiwanda Intermediate School (“EIS”) in the Etiwanda School District (the “District”) in California. At EIS, she has been subjected to anti-Semitic bullying, harassment, and discrimination which began one afternoon during a District after-care program. Outdoors on the school grounds, another student struck her repeatedly with a stick, and after Student A walked away, repeatedly hit her again barehanded. After Student A called out for the unprovoked beating to stop, she was told to “shut [her] stupid Jewish ass up.” She was then pinned against a table and choked for several seconds, until she escaped, red-faced and coughing, to report the incident.

Subsequent harassment based on her Jewish identity went on to occur in her classroom. As a result of this severe and persistent anti-Semitic harassment and bullying by her peers, Student A has been subjected to a hostile environment at EIS based on her Jewish ancestry and ethnicity.

The District and EIS (collectively “Etiwanda”) are recipients of federal funding.⁵ Etiwanda had notice of this hostile environment, and failed to take reasonable responsive action to eliminate the hostile environment and prevent its recurrence.

Consistent with United States policy “to combat anti-Semitism vigorously, using all available and appropriate legal tools,” and thereby “to hold to account the perpetrators of unlawful anti-Semitic harassment and violence,”⁶ and for the reasons set forth below, Complainants request that the Office for Civil Rights (“OCR”) initiate an investigation of Etiwanda for violations of Title VI of the Civil Rights Act of 1964⁷ and its implementing regulations,⁸ based on national origin discrimination and Jewish shared ancestry.

We further request mediation pursuant to Section 201(a) of OCR’s Case Processing Manual, to be followed by an investigation if the mediation is not successful.

II. Statement of Facts

As a twelve-year-old girl, Student A experienced anti-Semitic bullying and harassment on three separate occasions at Etiwanda Intermediate School (“EIS”),

⁵ See Etiwanda Sch. Dist., 2023-2024 Federal Addendum, https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/2323/ESD/3190471/2023-24_ESD_Federal_Addendum.pdf.

⁶ Exec. Order No. 14,188, Additional Measures to Combat Anti-Semitism, 90 Fed. Reg. 8847 (Jan. 29, 2025), <https://www.federalregister.gov/executive-order/14188> [hereinafter EO 14188], § 2.

⁷ 42 U.S.C. § 2000d *et seq.*

⁸ 34 C.F.R. § 100.3.

once during an after-school child care program run by the District at EIS, and twice during school hours.

Other EIS students, including those who bullied, harassed, and assaulted Student A, were aware that Student A is Jewish. Student A visibly wore a Jewish symbol, a Star of David, to school. Some of her classmates were also aware that she was studying for her Bat Mitzvah ceremony.

A. Anti-Semitic Harassment and Physical Assaults by Student B

Student A is enrolled in Etiwanda's Extended Day Program (the "Program"), which provides after-school child care at EIS.⁹ The District operates the Program on school grounds, before and after school, to offer parents optional child care supervised by District personnel.¹⁰

On September 18, 2024, while attending the District's after-school Program on the campus of EIS, Student A was subjected to harassment that included anti-Semitic bullying and three separate physical assaults by another EIS student in her grade ("Student B").

Student A was in an outdoor pavilion with several other EIS students who saw a praying mantis near them. The other students were afraid of the insect, so Student A picked it up and cupped it in her hands, and started walking to another area in the pavilion to release it safely. Student B approached Student A and attempted to hit the praying mantis with a stick while Student A was protecting it in her hands. Student B proceeded to hit Student A with the stick several times. After repeatedly being struck on her hands and on her body, Student A was able to safely release the praying mantis, and walked away from Student B.

Again, Student B approached Student A. While moving in an arc close to Student A, Student B began spinning while holding her arms out. Repeatedly, with each spin, Student B struck Student A's body. Student A called out for Student B to stop, and was heard by Etiwanda staff members. The staff members intervened by telling Student B to stop hitting Student A, and then walked away.

⁹ The District coordinates and staffs the Program to provide optional child care for students at EIS and its other intermediate and elementary schools. See Etiwanda Sch. Dist., Child Care Program, <https://www.etiwanda.org/page/current-school-year-child-care-information> ("Children MUST be enrolled for in seat learning at an Etiwanda School District site, and be in grades Tk-8 in order to qualify for enrollment. All child care facilities are located on campus at your attending site").

¹⁰ *Id.* Etiwanda employs both an Extended Day Program coordinator for the District and an on-site Program coordinator at EIS. Etiwanda Sch. Dist., Contact and Center Information, <https://www.etiwanda.org/page/contact-and-schedule-information>.

When the Etiwanda staff members had left the scene, Student B approached Student A for the third time. Student B told Student A, in a threatening manner, to “shut your stupid Jewish ass up.” In a defensive response to Student B’s resumed hostility, Student A attempted to repel Student B with her foot, which did not injure Student B. This response by Student A was described by the Principal of EIS, after reviewing Etiwanda’s security video footage, as a “light kick, not aggressive.”

Student B suddenly lunged at Student A’s neck and began choking her. Student B pinned Student A against a table, and continued to choke her for several seconds until she was able to push Student B away. Immediately after being choked, Student A was having difficulty breathing, was coughing a lot, and her face was red. After sitting for a few minutes to catch her breath, Student A went into the EIS school building and asked for water. She reported the incident to the Program’s on-site coordinator, who called Student A’s father, but failed to tell him that Student A had been choked. Student A was told to convey that information to her parents herself.

Etiwanda had actual notice of the September 18, 2024, incident described above, not only because District staff members briefly intervened before leaving the scene, and not only because it was immediately reported by Student A, but also because relevant events were captured on Etiwanda’s security video system, in the form of video footage without audio (the “Incident Video”).¹¹ In addition, Student A’s parents emailed the Principal of EIS the next day to provide information, request action, and raise their serious concerns, including for potential impact on their child’s mental health.

Etiwanda collected incident reports from Students A and B, and from two other seventh-grade EIS students who witnessed the events. School administrators walked Student A through the outdoor pavilion, where she was required to describe the incident. The Principal of EIS subsequently reviewed the Incident Video and called Student A to her office, alone, to relive the traumatic events yet again by narrating what happened while they watched the silent video. Student A’s parents had no opportunity to be present when she was questioned.

Etiwanda has not contradicted Student A’s account of the incident and has acknowledged to Student A’s parents that the four students’ reports match.

¹¹ Student A’s parents have requested on multiple occasions an opportunity to review the Incident Video. Etiwanda refused to show it to them, despite a policy requiring parental access, and instead claimed that “privacy reasons” precluded doing so. *See* Etiwanda Sch. Dist., Family-Student Handbook (2024) at 15-16, 74, https://core-docs.s3.us-east-1.amazonaws.com/documents/asset/uploaded_file/2323/ESD/2235139/Family_Student_Handbook_24.25_FINAL.pdf.

Nevertheless, Student B was not suspended, and the District did not classify the anti-Semitic assault on Student A as a bias-related or hate-related incident.¹²

In a meeting with the Principal and the District's coordinator of the Program, the Principal told Student A's parents that the District had initially rejected a description of Student B's anti-Semitic conduct as "hate-motivated behavior" in the Principal's incident report, and that the Principal had had to push back against District policy in order to include the phrase. The parents were also informed that EIS was experiencing a high number of hate-motivated behavioral incidents, and was not adequately resourced to address all incidents. The coordinator excused her failure to follow up with Student A's parents by stating that she was overwhelmed with behavioral issues.

Etiwanda has avoided any written communication at all with Student A's parents that would create a "paper trail" relating to this or later incidents of harassment, and has instead taken care to respond to their emails or inquiries only verbally. Student A's parents have not been informed of any official complaint or investigation into the incident initiated by Etiwanda under its Uniform Complaint Procedure (UCP).¹³ Etiwanda has continued to deny Student A's parents access to the Incident Video, and to any report or other written documents relating to the anti-Semitic incidents.

B. Classroom Incidents

After the severe incident of assault and harassment on September 18, Etiwanda failed to take prompt and effective steps to protect Student A, resulting in a continuation of anti-Semitic bullying and harassment of Student A, which was no

¹² See *id.* at 10 (quoting ECS 48900.3 and 48900.4); Etiwanda Sch. Dist. Board Policy 5145.9, Hate-Motivated Behavior (Apr. 21, 2022), https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/2323/ESD/2151013/BP_5145.9_Hate_Motivated_Behavior.pdf.

¹³ See Etiwanda Sch. Dist. Board Policy 1213.3, Uniform Complaint Procedures (Feb. 21, 2021), [https://www3.etiwanda.org/boardpolicy/1000/BP_1312.3%5EUniform Complaint Procedures.pdf](https://www3.etiwanda.org/boardpolicy/1000/BP_1312.3%5EUniform%20Complaint%20Procedures.pdf). Had Etiwanda followed its policies and procedures under the UCP and treated the incident accordingly, Etiwanda would have issued a written response, including findings and documentation, by November 24, 2024. Instead, Etiwanda has provided nothing in writing to Student A's parents, and violated its own anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies by failing to adequately address these anti-Semitic incidents against Student A. See, e.g., Etiwanda Sch. Dist., *Pupils and Parents/Guardians Notice of District Anti-Discrimination, Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policies* (2020), [https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/1711368/Anti-Discrimination Anti-Harassment Anti-Intimidation and Anti-Bullying Policies.pdf](https://core-docs.s3.amazonaws.com/documents/asset/uploaded_file/1711368/Anti-Discrimination_Anti-Harassment_Anti-Intimidation_and_Anti-Bullying_Policies.pdf); see also Etiwanda Sch. Dist. Board Policy 5145.9, *supra* note 12.

longer confined to the after-school Program. Unabated by Etiwanda, the anti-Semitic hostility had begun to pervade Student A's classroom by October.

Two additional anti-Semitic incidents took place during regular school hours in a seventh-grade classroom at EIS where Student A, Student C, and Student D were assigned seats together in a "quad" of adjacent desks.

On October 8, 2024, Student C made an anti-Semitic comment about Student A's absence for a Jewish holiday. Student A and Student C were both assigned to a group project requiring them to write and perform a skit. Student A helped to write the script; however, because she would be absent for Rosh Hashanah on the day the skit was to be performed, the teacher gave Student A permission to do a written packet in lieu of performing the skit. The group did not perform the skit during Student A's absence. Upon her return, Student A informed the group that she did not have to perform the skit because she had completed another assignment. While leaving the room, Student C told Student A, "This wouldn't be an issue if you weren't Jewish."

The next day, on October 9, 2024, Student D asked Student A whether she was Jewish, and when Student A confirmed that fact, Student D asked if he could tell her a Hitler joke. After Student A answered "no," he persisted, continuing to harass her with "Come on, it's really funny." Student A was so upset that she actively distracted herself in an effort to "tune out" rather than listen to Student D. Upon returning home, Student A told her mother that "the same thing happened again," and she was still upset by it.

Student A's mother gave notice to both Student A's teacher and the EIS Principal, describing both of the above anti-Semitic incidents that took place in Student A's classroom. The Principal stated that she would speak to the parents of the students involved. The teacher said she would speak to the students involved and suggested changing Student A's seat in the classroom.

Rather than taking a reasonable step to address the harassment and prevent it from recurring – such as reassigning all the seats in the classroom so as not to bring attention to Student A – the teacher then moved only Student A to a new seat. This predictably resulted in further isolating and singling out of Student A by her peers, as demonstrated by the reaction of other students, who asked why Student A needed to be moved.

C. Impact on Student A

The anti-Semitic incidents at Etiwanda have impacted Student A's mental health. Student A's mother, a psychologist who specializes in trauma therapy, believes that she is experiencing "trauma effects," including, for example, anxiety, insomnia, hypervigilance, and nightmares.

Student A has stated that she used to love school, but she does not want to be there anymore. It is especially difficult for Student A to be around the lunch tables in the outdoor pavilion at EIS where she was subjected to harassment and assault.

III. Legal Argument

A. Title VI protects Jewish students like Student A who are targeted on the basis of their shared ancestry.

As noted in the Executive Order on Additional Measures to Combat Anti-Semitism (“Executive Order 14188”) “the Hamas terrorist attacks of October 7, 2023, against the people of Israel . . . unleashed an unprecedented wave of vile anti-Semitic discrimination, vandalism, and violence against our citizens, especially in our schools and on our campuses.”¹⁴ Even in middle schools, Jewish and Israeli children such as Student A “have faced an unrelenting barrage of discrimination,” including, as in her case, “intimidation, harassment, and physical threats and assault.”¹⁵

Recognizing that Jewish “students, in particular, continue to face anti-Semitic harassment in schools” as well as university and college campuses,¹⁶ Executive Order 14188 further clarifies that “It shall be the policy of the United States to combat anti-Semitism vigorously, using all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.”¹⁷

Title VI prohibits discrimination on the basis of race, color, or national origin in educational institutions that receive federal funding.¹⁸ Guidance issued by OCR and DOJ has repeatedly emphasized that Title VI covers discrimination against Jews on the basis of their “actual or perceived . . . shared ancestry or ethnic characteristics.”¹⁹

¹⁴ EO 14188, *supra* note 6, § 1.

¹⁵ *See id.*

¹⁶ *Id.* (quoting Exec. Order 13,899, Combating Anti-Semitism, 84 Fed. Reg. 68779 (Dec. 19, 2019), <https://www.federalregister.gov/executive-order/13899>).

¹⁷ *Id.* § 2.

¹⁸ 42 U.S.C. § 2000d *et seq.*

¹⁹ *See* U.S. Dep’t of Educ. Off. for C.R. [“OCR”], *Addressing Discrimination Against Jewish Students Dear Colleague Letter* (May 25, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf> [hereinafter May 2023 DCL]; *see also* OCR, *Dear Colleague Letter* (Nov. 7, 2023) [hereinafter Nov. 2023 DCL], <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; OCR, *Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics* (Jan. 4, 2023), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>;

Discrimination occurs, for example, when a student is excluded from participation or denied the benefits of any program to which Title VI applies, on the basis of her Jewish shared ancestry or ethnicity.²⁰

As OCR has 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.²¹ Peer-on-peer harassment based on Jewish shared ancestry 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.”²²

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. “Once a recipient has notice of a hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective.”²³

OCR, *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act of 1964* (Jan. 19, 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>; OCR, *Know Your Rights: Title VI and Religion* (Jan. 17, 2017), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; OCR, *Harassment and Bullying Dear Colleague Letter* (Oct. 26, 2010), <https://files.eric.ed.gov/fulltext/ED512473.pdf> [hereinafter Oct. 2010 DCL]; U.S. Dep’t of Just. C.R. Div. Letter to OCR, *Title VI and Coverage of Religiously Identifiable Groups* (Sept. 8, 2010), http://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_ED_OCR_Title_VI_and_Religiously_Identifiable_Groups.pdf; OCR, *Title VI and Title IX Religious Discrimination in Schools and Colleges Dear Colleague Letter* (Sept. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

²⁰ See 34 C.F.R. § 100.3.

²¹ See Nov. 2023 DCL at 2.

²² *Id.*

²³ See, e.g., OCR, *Park City Sch. Dist. Letter* (Mar. 20, 2024), <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/08231236-a.pdf>.

B. Etiwanda has violated Title VI by failing to protect Student A’s physical safety and permitting an unabated hostile environment on the basis of Student A’s Jewish shared ancestry.

At Etiwanda, Student A has experienced targeted harassment against her, including physical violence, because she is Jewish. 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.”²⁴

She has been subjected to peer harassment and bullying that was subjectively and objectively offensive and severe, including a hate-motivated physical assault that included being beaten with a stick, struck with bare hands, and choked until she was red-faced and coughing. This assault by Student B was accompanied by the threatening, humiliating, and anti-Semitic command to “shut your stupid Jewish ass up.”

The anti-Semitic targeting at EIS followed Student A from the District’s after-care Program, and began to pervade Student A’s classroom. She was humiliated and marginalized by Student C for declining to perform extra work when she had already done an extra assignment due to her absence for a Jewish holiday, with the accusation, “This wouldn’t be an issue if you weren’t Jewish.” She was bullied by Student D, who knew that she was Jewish, and who continued to purposefully harass and taunt her with a “really funny” Hitler joke, despite her clear objection. Given that Student A was a twelve-year-old girl in middle school, the fact that both incidents took place in front of all her peers in the classroom contributed to her humiliation and to the abusive nature of the harassment.²⁵

OCR has recognized that incidents such as those experienced by Student A contribute to a hostile environment. In a recent investigation, OCR determined that a student in Kyrene School District #28 in Arizona (“Kyrene”) was subjected to anti-Semitic harassment based on her shared Jewish ancestry. OCR’s resolution agreement with Kyrene found that a hostile environment was created for an individual Jewish student where the harassing incidents included calling the student

²⁴ See Oct. 2010 DCL at 2.

²⁵ In evaluating the totality of the circumstances, relevant factors include the context and location of the harassing conduct, and the ages of those involved. See OCR, *Dear Colleague Letter: Title VI and Shared Ancestry or Ethnic Characteristics Discrimination* at 6 (May 7, 2024), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>.

names, such as “dirty Jew,” and Nazi references, such as making jokes about the Holocaust.²⁶

After Student B assaulted Student A, the school did not discipline or remove Student B from the District’s after-care Program, and did not attempt to separate Student B from Student A to protect Student A from further targeting in the future. Later, after Student A was bullied in her classroom, she continued to be subjected to marginalization and humiliation by her peers as a result of the school’s decision to change her seat, which caused other students to speculate about why she had been moved. In a comparable situation, OCR has found discrimination that supported a finding of a hostile environment where a principal’s delay in separating a student from her harassers “resulted in the Student and [the harassing] Students ... attending class together at least one day until *her schedule, not theirs*, was changed.”²⁷

Under the “totality of the circumstances,” the verbal and non-verbal acts of harassment and bullying set forth above, including assaultive conduct, have limited Student A’s ability to enjoy or benefit from educational opportunities at Etiwanda, leaving her feeling marginalized, isolated, and unsafe at her school.²⁸ 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.”²⁹ Etiwanda has failed to do so here. Etiwanda has not provided any written report to Student A’s parents, and has not taken effective action or schoolwide measures to remedy the situation, allowing the anti-Semitic hostile environment to persist.³⁰

²⁶ OCR, *Kyrene Sch. Dist. #28 Letter*, at 6-7 (Aug. 23, 2022), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/investigations/more/08191367-a.pdf> [hereinafter *Kyrene Letter*].

²⁷ *Id.* at 7 (emphasis added).

²⁸ See Oct. 2010 DCL at 4-6.

²⁹ See Nov. 2023 DCL at 2; see also OCR, *Dear Colleague Letter Harassment and Bullying (Oct. 26, 2010) Background, Summary, and Fast Facts*, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-factsheet-201010.pdf>, at 2 (stating that a Title VI recipient “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its recurrence”).

³⁰ In *Kyrene*, for example, OCR found that despite the district’s knowledge that anti-Semitic harassment occurred on its campus and in classrooms over a period of months, it did not assess the impact of the harassment on other students, and took no schoolwide measures to address the harassment, allowing a potential hostile environment to persist in the school. Based on the district’s insufficient response, OCR determined that the district failed to take reasonable responsive action to eliminate the hostile environment and prevent its recurrence, in violation of Title VI. See *Kyrene Letter*, *supra* note 26.

Despite Etiwanda's possession of video footage confirming a series of physical assaults on Student A on September 18, 2024, Etiwanda failed to implement any plan to assure the safety of Student A. OCR has found that such a failure can contribute to an ongoing hostile environment.³¹

Far from taking action reasonably calculated to remedy the hostile environment for Student A, Etiwanda repeatedly took either no action, or action that exacerbated the hostile environment by further marginalizing her. As a result, a girl who previously loved school was brought to a point where she no longer wants to be there anymore. Her experience at Etiwanda demonstrates a quintessential example of a hostile educational environment due to the school's failure, upon notice, to remedy that environment.

IV. Suggested Remedies

For the foregoing reasons, OCR should require Etiwanda to take the following steps to ensure that it effectively addresses and protects its students from discrimination based on their shared Jewish ancestry and identity:

1. Reimburse Student A's parents for past and future out-of-pocket costs incurred for counseling, academic, therapeutic, or mental health services obtained for Student A as a result of the harassment that Student A experienced based on her Jewish ancestry.
2. Provide Student A's parents access to the complete Incident Video for their review at EIS at a mutually agreed upon time.
3. Consistent with the findings of an investigation, take all appropriate measures, including disciplinary measures, against any District employees who executed their duties in violation of District policy or state or federal anti-discrimination law, when handling the complaints of Student A and her parents.
4. Incorporate Executive Order 13899 and the IHRA Definition of anti-Semitism including its guiding examples into Etiwanda's policies related to discrimination and codes of conduct; clarify Etiwanda's

³¹ For example, in a resolution agreement for Red Clay Consolidated School District in Delaware, OCR investigated the district's failure to timely implement a safety plan for a student who complained of harassment, despite the district's possession of video footage of harassment, and noted how that failure may have contributed to an ongoing hostile environment. *See* OCR, *Red Clay Consol. Sch. Dist. Letter* (Jan. 29, 2024), <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/03231373-a.pdf>.

commitment to use the Definition and examples as intended under EO 13899, and apply them in the manner described in guidance issued by the Department of Education's Office for Civil Rights in 2021 and 2024 when evaluating complaints to determine anti-Semitic intent; and amend its codes, policies, and procedures concerning discrimination, retaliation, intimidation, harassment, bullying, and violence to clarify that conduct falling within the IHRA definition and examples will be considered discriminatory treatment in violation of those codes, policies, and procedures.

5. Provide mandatory training on anti-Semitism to all Etiwanda students, administrators, faculty, and staff who interact with students. 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 Etiwanda community will be able to better identify and respond to anti-Semitic incidents in the future. Such training should incorporate the IHRA working definition of anti-Semitism with its guiding examples.
6. Conduct an annual audit for the next five academic years of all complaints of national origin discrimination including shared Jewish ancestry discrimination to ensure they are addressed by the District in a timely and effective manner. Consistent with OCR guidance, Etiwanda will apply the IHRA definition of anti-Semitism and examples when evaluating such complaints.
7. Prepare a public annual report for the next five academic years, based on the annual audits, that covers Etiwanda's response to discrimination or harassment based on Jewish shared ancestry. To the extent allowable under FERPA and applicable state law, these reports will catalog Etiwanda's response to complaints based on allegations of anti-Semitism, will assess Etiwanda's treatment of such complaints against its treatment of complaints based on allegations of other forms of bias, and will include information on disciplinary outcomes.
8. Modify relevant educational programs and trainings to ensure appropriate inclusion of Jewish identity, and communicate and enforce a zero-tolerance policy for anti-Semitic conduct.
9. Issue a statement denouncing anti-Semitism in all its forms. We recommend that Etiwanda use the following language:

We condemn anti-Semitism in all its forms. Etiwanda is committed to taking all necessary actions, including discipline

where appropriate, to address and ameliorate discrimination and harassment based on actual or perceived Jewish shared ancestry or ethnicity. Anti-Semitic bullying, harassment and targeting of Jewish students because of their Jewish ancestral and ethnic identity, is contrary to Etiwanda's institutional values and nondiscrimination and conduct codes and unacceptable.

Etiwanda 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. Etiwanda encourages the school community to educate itself about the many manifestations of anti-Semitism by reading and studying the IHRA Definition including its contemporary examples.

10. Amend applicable District codes, policies and procedures to ensure that all incidents involving harassment and discrimination that occur on school grounds – including during Extended Day Programs run by the District – are properly addressed, including through disciplinary matters consistent with the findings of a thorough investigation, and pursuant to the above-mentioned terms.

Craig Trainor, Esq.
Zachary Pelchat
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V. Conclusion

For the foregoing reasons, Complainants urge OCR to (1) initiate an investigation of Etiwanda, a recipient of federal funding, for violations of Title VI and the statute's implementing regulations, and (2) include this case in OCR's Section 201(a) mediation program.

Respectfully submitted,



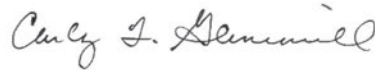
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