

From: OCR
To: OCR Philadelphia
Cc: (b)(6); (b)(7)(A); (b)(7)(C)
Subject: FW: Subject: Request for Investigation into Anti-Semitic Harassment at Montgomery County Public Schools
Date: Monday, February 12, 2024 12:41:18 PM

February 12, 2024

Dear OCR Philadelphia Office,

The email below is being forwarded to your office for review and appropriate handling.

Thank you,

OPEN Center Customer Service Team
Office for Civil Rights
U.S. Department of Education

From: (b)(6); (b)(7)(A); (b)(7)(C)
Sent: Sunday, February 11, 2024 1:51 PM
To: OCR <OCR@ed.gov>; OCR DC <OCR.DC@ed.gov>
Subject: Subject: Request for Investigation into Anti-Semitic Harassment at Montgomery County Public Schools

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Office for Civil Rights,

I am writing to bring to your attention a concerning pattern of anti-Semitic harassment within the Montgomery County Public Schools (MCPS) district in Maryland. As an advocate for equality and justice, I am deeply troubled by the documented cases of discrimination that have occurred, and I urge the Office for Civil Rights (OCR) to conduct a thorough investigation into these incidents.

Under Title VI of the Civil Rights Act of 1964, discrimination based on race or shared ancestry is expressly prohibited in educational institutions that receive federal funding. The instances of anti-Semitic harassment within MCPS clearly violate this federal law, as Jewish students have been subjected to derogatory remarks, stereotypes, and targeted acts of intimidation solely because of their religious and cultural identity.

The failure of the school district to adequately address and mitigate these incidents is unacceptable and creates a hostile environment for Jewish students to learn and thrive. Despite repeated reports and evidence provided by concerned individuals, MCPS has not taken sufficient action to address the root causes of this discrimination or provide adequate support to those affected.

Enclosed with this email, I have included documentation of multiple discriminatory incidents, including firsthand accounts, witness statements, and any other relevant evidence that may

assist in your investigation. It is my hope that OCR will prioritize this matter and take decisive action to ensure that MCPS complies with federal law and upholds the rights of all students to a safe and inclusive educational environment.

Thank you for your attention to this urgent matter. I look forward to the prompt initiation of an investigation and the implementation of necessary corrective measures to address the systemic issues of discrimination within Montgomery County Public Schools.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

“

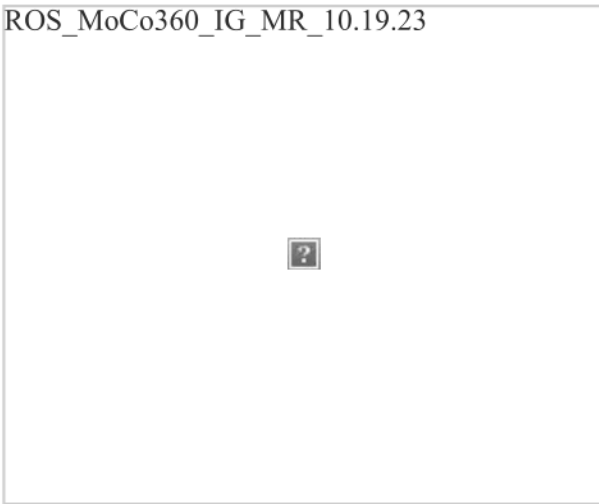
For years, the district has been plagued with antisemitic graffiti and hateful conduct at all grade levels. These incidents have generally been met with flaccid messaging from administrators, generically condemning all forms of hate, thereby diluting attention away from the specific issue at hand, antisemitism.

Additionally, with MCPS’s commitment to restorative justice practices, where students engage in dialogue rather than facing academic repercussions, there are few deterrents to combat this behavior. Having created a climate in which antisemitic actions go largely unaddressed and unpunished, it is no surprise that last year, 61% of all hate/bias incidents in MCPS were anti-Jewish, even though Jews make up only about 10% of the total population.”

<https://moco360.media/2024/02/02/opinion-mcps-must-combat-antisemitism-in-its-schools/>

“

Instead, in the wake of those attacks, we were met with news of disturbing instances of antisemitic content involving at least four educators. One staff member concluded her work emails with the statement, “From the river to the sea, Palestine will be free,” which many in the Jewish community consider a pro-genocide slogan for the killing of Jews. Another educator purported the terrorist attack was fabricated and that Israelis kill Palestinians to steal their organs, an antisemitic trope as old as time.



While the district commendably and promptly placed these teachers on administrative leave, it feels like they are kicking the can down the road. We know that the protection afforded by the teacher’s union almost ensures their eventual reinstatement.

It’s the same story when students are the perpetrators of hate and bias, proving the issue isn’t just union protection of a few bad actors.

Student walkouts have caused significant disruptions in classrooms and have fostered an atmosphere of hostility towards Jewish students and teachers. Many of these walkouts were excused, giving a whiff of imprimatur despite being marred by the unsettling presence of antisemitic rhetoric.

“““

Expressions seen and heard at these protests like “Kill the Jews,” “Bring Hitler back,” “We can’t breathe since 1948,” and “Victory to Palestinian resistance” indicate a troubling endorsement, by walkout participants, of violence against Israel and the Jewish community.

Recently, at one of our middle schools, a student told another student that “Hitler should have killed more Jews” and that “Jews celebrate when people die.”

During a Holocaust lesson a question was asked, “Why do people make a big deal of this? They are clearly exaggerating.” The district lacks a cohesive strategy to

address these incidents, therefore staff are left floundering to deliver meaningful consequences. A restorative justice circle was offered to parents.”

<https://moco360.media/2024/02/02/opinion-mcps-must-combat-antisemitism-in-its-schools/>



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

February 26, 2024

IN RESPONSE, PLEASE REFER TO: 03-24-1177

Sent via email only to: Monique_T_Felder@mcpsmd.org

Monique Felder, PhD
Interim Superintendent
Montgomery County Public Schools

Dear Dr. Felder:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against the Montgomery County Public Schools (the District). The Complainant alleges that the District discriminated against students on the basis of national origin (shared Jewish ancestry) by failing to respond to incidents of harassment during the 2023-2024 school year.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin, including shared ancestry, in any program or activity receiving federal financial assistance from the Department. Because the District receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI.

OCR is opening the following issue for investigation:

Whether the District failed to respond to alleged harassment of students based on national origin (shared Jewish ancestry) in a manner consistent with the requirements of Title VI.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the District, and other sources, as appropriate. OCR will ensure its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the [Case Processing Manual](http://www.ed.gov/ocr/docs/ocrspm.pdf) (<http://www.ed.gov/ocr/docs/ocrspm.pdf>) (CPM).

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. In particular, please note the section on resolution of a complaint prior to the conclusion of an investigation. If the District expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the District pursuant to CPM Section 302.

Attached is a request for data necessary to investigate this complaint. The Department's regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(c) gives OCR the authority to request this information. Please note that OCR has the right of access to records that are necessary for OCR's investigation, even if those records contain names or other personally identifiable information. *See* 20 U.S.C. §§ 1232g(b)(1) and 1232g(b)(3) regarding the applicable provisions of the Family Educational Rights and Privacy Act; *see also* 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii).

OCR requests that the District submit this information within 21 calendar days of the date of this letter (i.e., by **March 18, 2024**). We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us at the telephone number(s) provided below prior to the expiration of the 21-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

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. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact Elizabeth Cavallucci, the Investigator assigned to this case, at (215) 656-6939 or elizabeth.cavallucci@ed.gov.

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Andrea DelMonte
Team Leader/Supervisory Attorney
Philadelphia Office
Office for Civil Rights

Attachment

Montgomery County School District
OCR Complaint No. 03-24-1177
Data Request

Please submit the following information to OCR by March 18, 2024, which is within 21 calendar days of the date of this letter. We prefer that you submit information electronically, if feasible. If you are sending a large electronic file, please contact OCR for directions on how to upload the file to OCR's secure file-sharing platform. Additionally, if any of the information is available online, you may provide the URL in lieu of hard copy documents. Please note that OCR is not requesting, and the District should not provide, any social security numbers in response to this data request. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us prior to the expiration of the 21-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the recipient's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that District employees preserve the data and documents requested below for any timeframe specified in these requests and going forward until OCR closes this case. Please also ensure that recipient employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

The regulation implementing Title VI, at 34 C.F.R. §§ 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination.

Please provide the following data by March 18, 2024:

1. The name, title, and contact information of the District's:
 - a. Contact person for this complaint;
 - b. Person authorized to resolve this complaint;
 - c. Person responsible for responding to Title VI complaints; and
 - d. Person responsible for handling complaints of harassment/discrimination on the basis of national origin/shared Jewish ancestry, at each level of the process.
2. A copy of the District's policies and procedures, and/or a description of the District's practices, governing the investigation of complaints of harassment and/or discrimination on the basis of national origin, including shared ancestry. Include a detailed description of the complaint process, including each of the process, the length of the process, and the types of records maintained.
3. Copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged harassment and/or discrimination based on national origin, including shared ancestry, during the 2022-2023 and 2023-2024 academic years.

4. For each report/complaint in Item 3, provide the following:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the length of the process;
 - d. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - e. all actions the District took in response to the complaint/report;
 - f. the District's final determination regarding the complaint/report;
 - g. any corrective action taken including discipline and/or supportive measures; and
 - h. any notice of the findings provided to the complainant.
5. Copies of all documentation related to any complaint(s) identified in response to Item 3 and 4, including but not limited to correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes, personnel file documents, disciplinary documents, supportive measures provided and notes generated for each complaint.
6. State whether the District conducts trainings and/or holds informational sessions with the student community and/or District staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the District's obligation to respond to Title VI complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
7. The names and titles of all persons who assisted in the preparation of these data responses.
8. A narrative response to the issue opened for investigation.
9. Any other information that the District believes will be helpful to OCR or relevant in this investigation.

If you are sending a large electronic file, please contact OCR for directions on how to upload the file to OCR's secure file-sharing platform.