



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

August 19, 2019

The Honorable Susie Lee
United States House of Representatives
Washington, DC 20515

Dear Representative Lee:

Thank you for your letter to Secretary of Education Betsy DeVos expressing concern that anti-Semitic incidents and hate crimes are increasing, including in our nation's schools and on our college campuses. Your letter asked about the specific measures the U.S. Department of Education (Department) is taking to address anti-Semitic incidents and hate crimes in schools. I am pleased to respond on behalf of Secretary DeVos.

Secretary DeVos has spoken out strongly against anti-Semitism. At a July 2019 U.S. Department of Justice summit on combatting anti-Semitism, the Secretary stated unequivocally that “[d]iscrimination against anyone on the basis of their faith or ethnicity is always wrong” and that we “stand firmly against the alarming rise of anti-Semitism” including in our schools. Highlighting examples discussed below, Secretary DeVos reaffirmed the Department’s commitment to “protect[ing] students from discrimination based on actual or perceived shared ancestry or ethnic characteristics” and the Administration’s commitment to “ensuring all believers can live and practice their faith without fear.”

The Office for Civil Rights (OCR) is taking significant steps through civil rights enforcement, data collection, policy, and technical assistance to combat unlawful discrimination and harassment in schools. In fiscal year 2018, OCR resolved more than 2,300 complaints of race, sex, and disability harassment, for example, and entered many agreements with schools and colleges that committed to remedying civil rights concerns that OCR identified in its investigations.

In a Dear Colleague Letter issued in 2004, OCR first made clear that discrimination against students who share a common faith can violate Title VI of the Civil Rights Act of 1964 when it constitutes race or national origin discrimination based on actual or perceived shared ancestry or ethnic characteristics.¹ Since then, OCR has investigated such cases, including those related to anti-Semitism, through our enforcement of Title VI. Moreover, OCR has required corrective actions by school districts in cases involving students of various religions, including Jewish students subjected to anti-Semitic threats, slurs, and assaults; Muslim students targeted for wearing a hijab; and Middle Eastern and Sikh students taunted and called terrorists. OCR continues to investigate allegations of anti-Semitism, including at a University of North Carolina (UNC) and Duke University consortium for Middle East Studies conference, which is also being examined at

¹ See OCR Dear Colleague Letter: Title VI and Title IX Religious Discrimination in Schools and Colleges (Sept. 13, 2004), www.ed.gov/ocr/religious-rights2004.html; see also OCR Dear Colleague Letter: Harassment and Bullying (Oct. 26, 2010), www.ed.gov/ocr/letters/colleague-201010.pdf.

Secretary DeVos' request by the Department's Office of Postsecondary Education for compliance with Higher Education Act requirements. Recently, OCR also resolved a complaint that alleged Williams College had discriminated based on Jewish ancestry when it declined to register a proposed Williams Initiative for Israel (WIFI) student group. The complaint was resolved through an agreement that required the College to treat WIFI in a nondiscriminatory manner and afford it the same rights and privileges as registered student groups.

Through our Civil Rights Data Collection (CRDC) (<https://ocrdata.ed.gov/>), OCR collects data from nearly all local educational agencies (LEA) that receive financial assistance from the Department, including public school districts, charter schools, juvenile justice facilities, and alternative schools, on key civil rights indicators, including allegations of bullying and harassment in schools based on race, color, national origin, sex, disability, sexual orientation, or religion.² On April 24, 2018, OCR released the first-ever CRDC in which schools were required to report on alleged bullying and harassment based on religion. Eight percent, or almost 11,000, of all the reported allegations involved bullying or harassment based on religion.³ OCR also provides various resources on our website, such as OCR guidance, fact sheets, and case resolutions addressing discrimination against students of various religions (www.ed.gov/ocr/religion.html), including Jewish students subjected to anti-Semitism. These resources assist schools in understanding their civil rights obligations to students.

The discussion above of Departmental efforts and initiatives does not attempt to comprehensively itemize every measure the Department is taking to address anti-Semitism in our nation's schools. I hope, nonetheless, that this letter helps illustrate the wide array of actions the Department is taking to help ensure that all students are treated fairly in school without experiencing discrimination.

Thank you for sharing your views. I am grateful for your perspective. If you have further questions or concerns, please contact Jordan Harding, Principal Deputy Assistant Secretary, delegated the duties of Assistant Secretary for Legislation and Congressional Affairs, at (202) 401-0020.

Sincerely,



Kenneth L. Marcus
Assistant Secretary for Civil Rights

² More details about these CRDC data elements are available at CRDC 2017-18 School Form, at 97, <https://www2.ed.gov/about/offices/list/ocr/docs/2017-18-crdc-school-form.pdf>.

³ See <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.