



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

February 7, 2024

Caroline Moore
Vice President
Parents Defending Education

Dear Caroline Moore:

Thank you for your December 13, 2023, letter to Secretary Miguel Cardona of the U.S. Department of Education (Department) in which you shared concerns from parent organizations and advocates who represent communities and school districts across the country about the “behavior of teachers and students at American academic institutions” in the wake of the October 7 attack by Hamas on Israel and the subsequent Israel-Hamas war. You asked the Department “to take immediate action to address the inaccurate and antisemitic material and curriculum in K-12 schools that continue to create divisive and hostile environments for both students and staff and to effectively deny students equal access to an education.” I welcome the opportunity to respond on behalf of Secretary Cardona.

The Department shares your concern about the rise in reports of antisemitic, anti-Arab, anti-Muslim, and other hate incidents at our nation’s colleges and universities, as well as in PreK-12 schools. The Department’s Office for Civil Rights (OCR) works every day to ensure that the civil rights of all students, including Jewish, Muslim, and Arab students, are protected. Before October 7, we had committed substantial efforts to preventing and addressing such discrimination in school communities. For example, in January 2023, OCR released a fact sheet, [Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#). Also, in May 2023, OCR issued a [Dear Colleague Letter](#) as part of the Department’s [Antisemitism Awareness Campaign](#), launched in conjunction with the release of the White House-led [U.S. National Strategy to Counter Antisemitism](#). These resources remind schools of their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.¹ In August 2023, we released a [Dear Colleague Letter](#) addressing race and school programming that specifically included examples related to antisemitism as well as to the creation of a hostile environment resulting from inflammatory campus speech that endorses violence. These and other resources are available on the [Shared Ancestry or Ethnic Characteristics](#) page of OCR’s website.

Since the proliferation of hate incidents reported in school communities following October 7, we have taken further steps to ensure full compliance with Title VI obligations in schools. Specifically, as noted in your letter, on November 7, OCR released a [Dear Colleague Letter](#), which once again reminded schools of their legal obligation under Title VI to address allegations of

¹ Because Title VI does not protect students from discrimination based only on religion, OCR may refer complaints of discrimination based exclusively on religion, such as a school’s denial of a student’s request to miss class for a religious holiday, to the U.S. Department of Justice, which has jurisdiction on this issue.

prohibited discrimination, including harassment, against students and others on their campuses—including those who are or are perceived to be Jewish, Muslim, Arab, Israeli, or Palestinian.

OCR also updated our complaint [form](#) to specify, for the first time, that Title VI's protection from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics, extends to students who are or are perceived to be Jewish, Muslim, Arab, Israeli, or Palestinian. Anyone who believes that an entity that receives Federal financial assistance from the Department has discriminated against someone on the basis of race, color, national origin, sex, disability, or age may file a complaint with OCR using OCR's electronic complaint form at the following website: <https://ocrcas.ed.gov/>.

And we have repeatedly informed schools and school communities that we are available to provide technical assistance trainings on the application of Title VI to discrimination based on race, color, or national origin as described in our Dear Colleague letters. These trainings are underway now; any school or community interested in requesting such training may contact OCR at OCR@ed.gov.

To maximize transparency about our enforcement work in this area, on November 16, 2023, OCR created a [dedicated web page](#) for shared ancestry complaints, where we identify by college, university, or school district every case we investigate related to shared ancestry allegations and the date we opened the investigation. We have committed to updating that web page weekly.

We are actively undertaking these fact-specific investigations to determine whether the college, university or school district has violated the Title VI requirements that, when harassment based on shared ancestry or ethnic characteristics arises on campuses, school communities respond swiftly and effectively to eliminate any hostile environment and prevent its recurrence.² Title VI itself requires that OCR, like all Federal civil rights enforcement offices with Title VI jurisdiction, provide an opportunity for the recipient voluntarily to comply if we determine after investigation that a recipient of Federal funds has failed to comply with Title VI. See 42 U.S.C. section 2000d-1.

Also, the Department has shared [new important tools](#) to address antisemitism, anti-Arab, anti-Muslim, and other forms of discrimination and bias in schools. Specifically, the National Center on Safe Supportive Learning Environments released specialized resources for both [PreK-12 schools](#) and [institutions of higher education](#) designed to help keep students safe. In addition, the Secretary, Deputy Secretary, Under Secretary, and I, among other senior administration officials, have held numerous meetings with community leaders, students, and educators regarding experiences of rising antisemitism and recommendations for responding. For example, we met with the Conference of Presidents of Major American Jewish Organizations, among other Jewish community leaders, held a listening session with Jewish students from several Baltimore-area universities at Towson University, and conducted listening sessions with elementary, secondary, and postsecondary institutional leaders.

On December 14, 2023, Secretary Cardona hosted two national [webinars](#) on how PreK-12 schools and institutions of higher education can support students and ensure all are free to learn in a safe, inclusive learning environment. These webinars presented resources from the Department to help respond to the rise in antisemitism, anti-Arab hate, and other forms of discrimination. A

² OCR interprets the laws and regulations we enforce consistent with free speech and other rights protected under the First Amendment to the U.S. Constitution. No OCR regulation should be interpreted to impinge upon rights protected under the First Amendment or to require schools to enact or enforce codes that punish the exercise of such rights.

regularly updated [list of actions](#) undertaken by the Department since October 7 can now be found through an easily navigable link.

In addition, the Department's Office of Elementary and Secondary Education has launched a [webinar series](#) for PreK-12 school personnel and community-based organizations to develop, strengthen, and share evidence-informed strategies to help prevent and respond to hate- and bias-based threats, bullying, and harassment. The series kicked off with "[Creating a Welcoming Environment](#)" on December 6, 2023, and "[Supporting Full Student Participation](#)" on December 13, 2023, followed by "[Mediating Conflicts](#)" on January 17, 2024, and will next include "[Providing Ongoing Targeted Supports](#)" on February 14, 2024.

Thank you for raising your concerns with the Department regarding these important issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Lhamon', with a long horizontal flourish extending to the right.

Catherine E. Lhamon
Assistant Secretary for Civil Rights