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U.S. Department of Education Opens Investigation into Anti-Semitism at Berkeley K-12 Public Schools

Washington, D.C., May 7, 2024: The U.S. Department of Education’s Office for Civil Rights (OCR) announced today it has opened a formal investigation into a [complaint](#) that the Berkeley Unified School District (BUSD) failed to address non-stop “severe and persistent” bullying and harassment of Jewish students in classrooms, hallways, schools yards, and walkouts since October 7, 2023.

BUSD Superintendent Enikia Ford Morthel is also being called to testify tomorrow before the U.S. House Committee on Education and the Workforce about BUSD’s anti-Semitism problem. This is the Committee’s first K-12 hearing on anti-Semitism. It has held two hearings on college anti-Semitism where Committee members questioned the heads of Harvard, MIT, the University of Pennsylvania and Columbia.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin, including discrimination against Jews based on their actual or perceived shared ancestry or ethnic characteristics, in educational institutions that receive federal funding. Under the law, harassing, marginalizing, demonizing, and excluding Jewish students based on the Zionist component of their Jewish identity is unlawful. UNESCO has cautioned that “Jew” and “Zionist” are often used interchangeably today in an attempt by anti-Semites to cloak their hate. President Biden’s US National Strategy to Counter Antisemitism, released in May 2023, observed that “When Jews are targeted because of their beliefs or their identity, when Israel is singled out because of anti-Jewish hatred, that is antisemitism. And that is unacceptable.”

The Title VI complaint being investigated by the Department of Education was filed by the [Louis D. Brandeis Center for Human Rights Under Law](#) and ADL (the [Anti-Defamation League](#)), and it documents dozens of incidents such as students shouting “f--- the Jews” and “KKK,” graffiti stating “Kill Jews,” and teachers indoctrinating students with anti-Semitic tropes and biased, one-sided anti-Israel propaganda disguised as education. BUSD has not only failed to address the cascading anti-Semitism, according to the complaint, it has permitted retaliation against parents who complained.

The organizations first filed the [complaint](#) in February calling on the Department of Education to intervene. They documented numerous incidents including anti-Semitic comments, such as “kill the Jews,” non-Jewish students asking Jewish students what “their number is,” referring to numbers tattooed on Jews during the Holocaust, Jewish students being told “I don’t like your people” and being derided for their physical appearance, and Jewish students being blamed and demonized. The complaint also documented how students have had to endure anti-Semitic teacher rants and class activities and teacher-promoted “walkouts” that praise Hamas. In fact, during an unauthorized teacher-promoted walkout for Palestine, no teachers intervened as students shouted, “Kill the Jews,” “KKK,” “Kill Israel,” and “From the river to the sea, Palestine will be free.”

Yesterday, the organizations [expanded](#) the complaint, advising OCR that in the last three months, anti-Jewish bigotry and harassment has only escalated and the environment has become even more hostile and threatening. Some of the new incidents described in the expanded complaint include, “Kill Jews” scrawled at Berkeley High School, “Kill all Zionists” written at the bus stop used by many Berkeley High School students to get to and from school, children on the playground saying “Jews are stupid,” a ninth-grader bullied after his parent reported anti-Semitic incidents, teachers continuing to teach one-sided anti-Israel propaganda disguised as education, and removal of posters condemning anti-Semitism and supporting Israel’s right to exist, while anti-Israel and pro-Hamas posters remain undisturbed.

Parents have repeatedly reported anti-Semitic incidents to the administration, but BUSD has done nothing to address, much less curtail, the hostile environment that has plagued BUSD since October 7, and is continuing to pick up steam. Instead of addressing teachers' anti-Semitic behavior, BUSD officials have chosen to disrupt the Jewish students' learning by moving them into new classes, further ostracizing and marginalizing them from their peers and normalizing anti-Semitic behavior.

Jewish students report being worried about mob violence, including being "jumped" at school. Many have said they remove their Stars of David and no longer wear Jewish camp t-shirts, and that they are learning to keep their heads down, hide their Judaism and move through their school days in fear. Some students have left the district due to the pervasive bullying.

"Berkeley would never sit idly by and allow vicious threats, harassment, and intimidation of any other minority group, yet when it comes to Jews, seven months of crickets. Making matters even worse, they are permitting teachers, their employees, to indoctrinate students with lesson plans chock full of anti-Semitic tropes and anti-Israel propaganda," stated Kenneth L. Marcus, founder and chairman of the Brandeis Center and the former U.S. Assistant Secretary of Education for Civil Rights for George W. Bush and Donald Trump. "Reprehensible is an understatement here. It is high time BUSD enforces federal and state law to address the dangerous anti-Semitism snowballing in front of them."

"We believe there's a disturbing and clear pattern of anti-Semitic intimidation and harassment in the Berkeley school system, and we are pleased the Office of Civil Rights has opened a formal civil rights investigation," said Jonathan Greenblatt, ADL CEO. "Jewish grade school students -- like all students -- deserve the ability to attend school in a climate free of prejudice, threats or bias."

The Louis D. Brandeis Center for Human Rights Under Law is an independent, unaffiliated, nonprofit corporation established to advance the civil and human rights of the Jewish people and promote justice for all. LDB engages in research, education, and legal advocacy to combat the resurgence of anti-Semitism on college and university campuses, in the workplace, and elsewhere. It empowers students by training them to understand their legal rights and educates administrators and employers on best practices to combat racism and anti-Semitism. More at www.brandeiscenter.com

ADL is the leading anti-hate organization in the world. Founded in 1913, its timeless mission is "to stop the defamation of the Jewish people and to secure justice and fair treatment to all." Today, ADL continues to fight all forms of antisemitism and bias, using innovation and partnerships to drive impact. A global leader in combating antisemitism, countering extremism and battling bigotry wherever and whenever it happens, ADL works to protect democracy and ensure a just and inclusive society for all. More at www.adl.org.