

February 28, 2024

Hon. Catherine Lhamon
Assistant Secretary for Civil Rights
US Department of Education
Office for Civil Rights
Email: Catherine.Lhamon@eg.gov

Emily Frangos
Regional Director
Office for Civil Rights
District of Columbia Office,
US Department of Education
Email: OCR.DC@ed.gov

Re: Civil Rights Violations at Berkeley Unified School District (“BUSD”)

Dear Assistant Secretary Lhamon and Ms. Frangos:

Introduction

The Louis D. Brandeis Center for Human Rights Under Law (the “Brandeis Center” or “LDB”) and the Anti-Defamation League (“ADL”) file this complaint on behalf of their organizations and the many parents at BUSD schools whose children have been subjected to severe and persistent harassment and discrimination on the basis of their Jewish ethnicity, shared ancestry, and national origin, and whose reports to administrators have gone ignored for months.

Over the past four months, BUSD has knowingly allowed its K-12 campuses to become viciously hostile environments for Jewish and Israeli students. While anti-Semitism has flared up at BUSD from time to time in the past, it positively surged after October 7, 2023, when Hamas carried out a terrorist attack in Israel, massacring, torturing, and kidnapping 1400 innocent civilians, including infants, children, and the elderly. Most people across the globe were horrified, but at BUSD, a virulent wave of anti-Semitism swept through its schools immediately following the massacre. Jewish and Israeli students have since been subjected to nonstop anti-Semitic bullying and harassment by their teachers and peers, in hallways, in classrooms, and in school yards.

Reported incidents of anti-Semitism include school “walkouts” praising Hamas with students shouting “f- the Jews” and “KKK.” Teachers use class time to propagandize that the Hamas massacre was admirable “resistance.” Following their teachers’ lead, students bully their Jewish peers and deride their physical appearance.

Parents regularly report anti-Semitic incidents affecting their children to the administration, but BUSD has done nothing to address, much less curtail, the hostile environment that has plagued BUSD for over four months. At most, misguided administrators have attempted to “resolve” problems involving teachers by moving Jewish and Israeli students into new classes. As a result, anti-Semitism is normalized throughout BUSD. And teachers have responded with threats. One teacher approached a parent who had complained about her, saying,

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

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

Non-Jewish students are led by their teachers’ example to believe that they can freely denigrate their Jewish and Israeli classmates, telling them, e.g., that “it is excellent what Hamas did to Israel” and “you have a big nose because you are a stupid Jew.”

The environment is so bad that Jewish and Israeli students are often afraid to go to school. For the foregoing reasons, and as detailed more fully below, the Brandeis Center and ADL ask the Department of Education’s Office for Civil Rights (“OCR”) to initiate an investigation into BUSD, a recipient of federal financial assistance.¹ The Complainants also request mediation pursuant to Section 201(a) of OCR’s Case Processing Manual.

Statement of Facts

1. Walkouts for Gaza and Hamas

Since October 7, 2023, BUSD teachers and administrators have used their influence and power, as well as BUSD resources and facilities, to promote, support, and organize walkouts and teacher activities denigrating Israelis and calling for the elimination of Jews. BUSD teachers, staff, and administrators have participated in and encouraged students to join walkouts, depriving Jewish and Israeli students of a safe place to learn and all students of instruction.

The walkouts have taken place during school hours and have entailed students leaving their classrooms, missing lessons, exiting the school building, and walking down public streets to locations off campus. BUSD has not notified parents in

¹ See 42 U.S.C. §2000d *et seq.*; see also 34 CFR §§100.3(b)(1)(i), (iv), (vi).

advance and did not provide permission slips for parents to sign, as they do for school-sanctioned field trips. Instead, BUSD has permitted students to leave school grounds, without parental permission to join rallies denigrating Israelis and Jews.

a. BHS Walkout for Gaza (October 18, 2023)

The Arab Resource and Organizing Center (“AROC”), which contracts with some BUSD schools to provide limited services for Arab students, called for all students in the Bay Area and across the country to stage a protest in support of Gaza during school hours on October 18, 2023, just 11 days after Hamas’ terrorist attack on Israeli civilians. AROC’s website explains that the Walkout for Gaza was part of a “National Day of Action” aimed to “to stop the genocide in Gaza and demand that local leaders protect Palestinian, Arab, Muslim and all students against racist attacks.”²

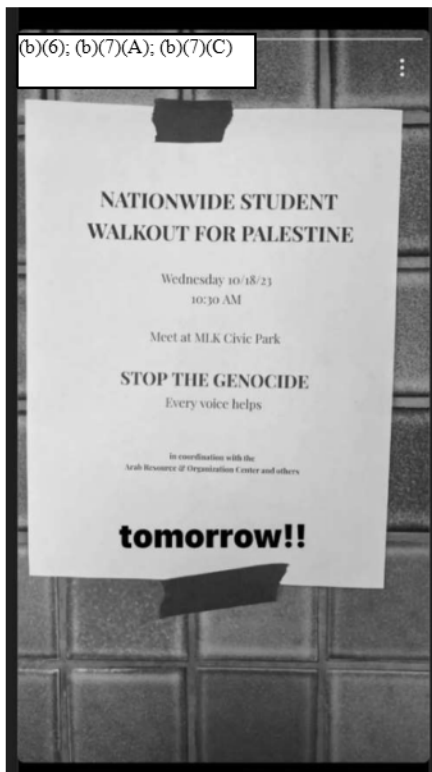


Students from Berkeley High School (“BHS”) left class on October 18, 2023 without parental permission and walked through the city of Berkeley chanting, “Stop bombing Gaza” and “From the river to the sea, Palestine will be free,” a phrase that calls for the elimination of all Jews from the State of Israel.³

² <https://legalinsurrection.com/2023/10/hundreds-of-san-francisco-high-school-students-leave-class-to-protest-israel/>.

³ “At Berkeley High walkout, lone pro-Israel protester makes dad proud,” The Jewish News of Northern California, October 18, 2023, <https://jweekly.com/2023/10/18/at-berkeley-high-walkout-lone-pro-israel-protester-makes-dad-proud/>; “BHS students

Teachers promoted the Walkout for Palestine to students in their classes, and teachers and administrators were present at the walkout, watching from the sidelines while students shouted vile anti-Semitic chants. On the day of the planned Walkout for Palestine, one high school teacher told his class that he would excuse absences for students who attended the walkout, leaving the one Jewish student in the class alone with the teacher who promoted the Walkout and isolated from his peers. No instruction was offered to students left behind in classes when teachers participated in the Walkout.



b. Middle School Walkout for Palestine (October 18, 2023)

Martin Luther King, Jr. Middle School (“MLK”) students also participated in the AROC-sponsored Walkout for Palestine on October 18, 2023, receiving teacher and administrative support, and using school resources. Teachers handed out fliers promoting the walkout and middle school teachers and administrators helped organize middle school pupils (typically 11-14 years old) on the day of the Walkout, instructing students to gather in school amphitheater and allowing students to leave

walk out in support of Palestine,” Berkeley High Jacket, November 3, 2023, <https://berkeleyhighjacket.com/2023/news/bhs-students-walk-out-in-support-of-palestine/>.

through the school's back gate which typically remains locked during school hours. Pupils were heard at the October 18th walkout chanting, e.g., "Kill the Jews," "F--- the Jews," "F--- Israel," "KKK," "Kill Israel," "I hate those people," and "From the River to the Sea, Palestine will be free."

MLK middle school students who left school and attended the October 18th walkout had their absence marked excused, contrary to school policy which says, "every minute of a child's time at school is important. Children who are absent for even one day, or who arrive later than their classmates, miss valuable instruction time and can easily fall behind in school" and, "satisfactory school progress is dependent upon regular attendance."⁴ The school's attendance policy requires absences to be verified by a parental note, phone call, or email; student absences may be excused only for "illness, medical appointments, funerals, religious holidays, and court appearances." Absences for any other reason are "considered unexcused absences."⁵

The conduct of teachers and administrators in the face of calls for the killing of Jews and the destruction of Israel sends a chilling message to Jewish and Israeli students—namely, that their BUSD teachers and administrators support anti-Semitic hatred and will therefore permit, and even support, anti-Semitic activity.

c. BHS Ceasefire Demonstration (February 2, 2024)

Teachers and staff at BHS organized, promoted, and participated in a demonstration calling for a ceasefire in the Israel-Gaza war. The event took place on the school's theater steps during school hours on February 2, 2024. The parents of Jewish and Israeli students at BHS asked BUSD to intervene.

⁴ BUSD Attendance Policy, <https://www.mlkmiddleschool.org/attendance-policy>.

⁵ *Id.*



These parents reminded BUSD of the District’s “Controversial Issues” policies which state, inter alia, that “teachers within BUSD are dedicated to creating safe spaces where students can explore differing viewpoints,” and that BUSD “steadfastly stands united against hatred in all its forms.”⁶ BUSD Board Policy 6144 prohibits a teacher from using “his/her position to forward his/her own historical, religious, political, economic, or social bias.”⁷

Instead of ensuring the safety of Jewish and Israeli students at BHS, and instead of ensuring that BHS teachers complied with the district’s Controversial Issues and Hate-Motivated Behavior Policies,⁸ BHS Principal (b)(6); (b)(7)(A); (b)(7)(C) and BUSD

⁶ BUSD Teaching of Controversial Issues Policy,
<https://www.berkeleyschools.net/teaching-of-controversial-issues/>.

⁷ BUSD Board Policy 6144: Controversial Issues,
<https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030527&revid=TzfgXblCCt8WnARk49rptA==&ptid=amIgtZiB9plushNjl6WXhfiOQ==&secid=ruE8yj8gaZHBkLjNHwMKZw==&PG=6&IRP=0&isPndg=false>.

⁸ *Id.*; BUSD Board Policy Manual, Policy 5145.9: Hate-Motivated Behavior,

Superintendent (b)(6); (b)(7)(A); (b)(7)(C) responded to the concerned Jewish parents in an email to the BUSD community, acknowledging their receipt of “concerns from community members about a potential ceasefire demonstration and art making at BHS at lunchtime this Friday, February 2.” See Exhibit A, attached. He failed, however, to take any action to protect the Jewish and Israeli students and failed to enforce the school’s policies, allowing the event to be sponsored, promoted, and attended by teachers without repercussion. BUSD’s silence and non-compliance with its own Policies has only encouraged the hostile environment for Jewish and Israeli students, who continue to be harassed and bullied by teachers and other students on the basis of their national origin and limiting their educational opportunities.

2. Anti-Semitic bullying by BUSD teachers

Harassment by teachers is particularly harmful to students due to the power imbalance and resulting loss of trust in their teachers and in the school’s ability to keep them safe. Jewish and Israeli students and their parents experience fear of retaliation by teachers and schools for reporting incidents of anti-Semitism, given the school’s failure to support them and affirmative statements by teachers that they will retaliate.

Confronted with repeated complaints about anti-Semitic harassment by certain teachers, BUSD administrators moved Jewish and Israeli children out of these classes, ostensibly to protect them, but doing so actually encouraged the teachers to continue with their indoctrination and disrupted the educational experience of the students who were moved.

These are some of the teachers about whom parents and students have repeatedly complained since October 7:

a. BHS art teacher (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) has spent significant class time imposing his anti-Semitic views on students by showing them violent pro-Hamas videos, projecting anti-Israel and anti-Semitic images during class, papering his classroom walls with these images, and promoting the October 18, 2023 Walkout for Palestine and organizing the February 2, 2024 demonstration.

Following the October 7 massacre, (b)(6); (b)(7)(A); (b)(7)(C) displayed violent and inflammatory materials in his classroom including a projection of an image of a fist holding a

<https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030527&revid=vi43UL7KdAknslshdnrlqQWLw==&ptid=amIgTZiB9plushNjl6WXhfiOQ==&secid=9slshUHzTHxaaYMVf6zKpJz3Q==&PG=6&IRP=0&isPndg=false>

Palestinian flag and punching through a Star of David.



Other examples include a poster stating, “In solidarity with the Palestinian people’s liberation struggle, Tear down the Apartheid Wall,” depicting people tearing through a wall while holding Palestinian flags, and a picture on the outside of his door showing a young person with a keffiyeh around his neck, throwing a rock, under the words “WE GONNA FIGHT AGAINST APARTHEID!!”



The overwhelming amount of anti-Israel and anti-Semitic materials in [REDACTED] class prompted the parents of Jewish and Israeli students to complain to the principal and ask to have the teacher disciplined or prevented from teaching such materials. In response, the BHS principal acknowledged that she is aware of the issues in [REDACTED] class and assured parents that the inflammatory and anti-Semitic materials would be removed from [REDACTED] classroom. But they are still there. And the only action taken was to remove Jewish and Israeli students from the class.

[REDACTED] continues to indoctrinate his art students. The following are some of the Jewish students who have reported feeling unsafe in [REDACTED] class:

Student A

In response to [REDACTED] presenting explicit anti-Israel images in his high school art class, Student A began shaking and crying and ran out of class without even taking her belongings. When Student A's parent called the school, the vice principal expressed concern, saying that educators have a duty to protect their students and that students shouldn't be "captive audiences" to teachers on difficult subjects. He also said that students should be given a heads up and a chance to opt out of seeing disturbing material at the very least. The vice principal said he would investigate and report back to the parent, but the parent never heard back.

When Student A reported being shaken and distraught a second time, the vice principal exclaimed "why is she still in that class?" both admitting to a hostile environment and blaming the student for staying in it. Instead of addressing the hostile environment in the classroom, the vice principal immediately moved Student A to another class. Within a few weeks of moving to a new classroom, the new teacher began wearing a "Free Palestine" patch on her clothing. When Student A's parent contacted this teacher to discuss how to help her daughter feel safe and included in the class, the teacher stated that she could talk about the student's academic progress but would not talk about her safety in the classroom.

On another occasion, the vice principal told Student A's parent that he would only act on "objective" symbols of hate, as if symbols could be objectively measured, but he refused to continue the conversation if BUSD was being accused of anti-Semitism. Ultimately, the vice principal was clear: he will not address conduct that is making Jewish and Israeli students in the district feel marginalized, threatened, and harassed based on their Jewish identity.

Student A is now afraid to go to school and does so only reluctantly.

Student B

Student B, a 9th Grader, was also upset about the anti-Semitic climate in [REDACTED] classroom. When his mother reported this to the principal, she was told that her son could go to the health center or the library during the art class period. Student B was not immediately placed in another class, and [REDACTED] continued subjecting students to the hostile environment in his classroom.

Student B sat in the library for five days without any instruction or new class placement. The principal informed Student B that he could flip first and fifth period to avoid [REDACTED] class, causing Student B's academic schedule to be significantly disrupted by the mid-semester change. Student B eventually moved to another class where the new teacher wears "Free Palestine" stickers on her clothing.

Student B continues to feel marginalized and unwelcome.

Student C

Student C enjoyed the material he was learning in [REDACTED] class, but the anti-Semitic climate interfered with his learning. Like Student B, he left [REDACTED] class for a teacher wearing "Free Palestine" pins on her clothing, another classroom environment where Student C did not feel welcome. Student C found himself embroiled in conversations at school, over and over, responding to students presuming Israel to be an aggressor and oppressor. He told his mother he felt forced to defend verbal attacks against the Jewish homeland which distracted him from his educational pursuits. Segregating Jewish students left the rest of the students exposed to [REDACTED] anti-Semitic class material.

b. BHS History teacher [REDACTED]

[REDACTED] expresses anti-Semitic stereotypes and defamations in class. Since October 7th, Jewish and Israeli students have repeatedly made requests to transfer out of her class. The students often change classes, but [REDACTED] anti-Semitic conduct persists. Students in her class are particularly fearful of retaliation because she teaches 11th and 12th grades, and they are concerned that their complaints will impact college admissions.

Despite the fear of retaliation, Jewish and Israeli students still feel compelled to leave her class due to the anti-Semitic climate. For example, [REDACTED] recently called Israel an "apartheid state," a common anti-Semitic defamation. She recently required her students to respond to the following prompt in class: "To what extent should Israel be considered an Apartheid State?" After showing a one-sided anti-Israel video, [REDACTED] said she could not find a video defending the Israeli side of

the debate and that articles that opposed the apartheid narrative were “laughable.” While some Jewish and Israeli students were able to leave [REDACTED] class, the rest of the students continued to be exposed to [REDACTED] anti-Semitic class material.

Student D

Student D, a high school senior, has family in Israel and was so uncomfortable in [REDACTED] classroom that she began creating excuses not to go class. On one occasion, Student D was so distressed by the biased anti-Israel messaging in [REDACTED] class that she abruptly left class and campus. A serious student who had never skipped class and is in the process of applying to college, she said this was a difficult and painful decision. When Student D’s parents complained to the administration, Student D was moved out of [REDACTED] class while the environment in the class remained unchanged.

Student D was also deprived of educational opportunities afforded to her peers. The school shuffled three classes in her schedule, moving her to a new History class, new English class, and new Theory of Knowledge class, all to avoid addressing [REDACTED] classroom. Student D had to start three new classes in the middle of the semester, adjust to a new teacher and new students, and work to catch up with peers who did not have to move mid-semester. As a senior, Student D worries about how moving around to different classes in the middle of November will affect her college applications.

Student D also began to find that her peers adopted the anti-Semitic rhetoric espoused by teachers, causing her to feel socially isolated and alone in her Jewishness. After [REDACTED] promoted the High School Walkout, Student D’s very close friends attended the walkout during the school day and participated in the demonstration, which was rife with antisemitic propaganda, causing Student D to feel even more isolated and ostracized.

Students and parents are correct to fear retaliation by [REDACTED]. In a January 18, 2024 opinion piece in The Flipside, [REDACTED] calls for “accountability” of parents who complain about her teaching. She asserts that she feels compelled to teach the Palestinian perspective and “speak out against Zionist oppression,” and that BUSD should be offering her support instead of trying to appease the Jewish families who object to her biased message by giving them “what they want with no accountability.”⁹ [REDACTED] thus concedes and even boasts that she seeks retaliation against Jewish and Israeli students and parents.

⁹ See [REDACTED] *Modern Day McCarthyism in Berkley*, Flipside, January 28, 2024, [Modern Day McCarthyism in Berkeley – The Flipside \(berkeleyflipside.com\)](https://www.berkeleyflipside.com).

c. Willard Middle School history teacher (b)(6); (b)(7)(A); (b)(7)(C)

Student E

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

Student F

As a homework assignment, (b)(6); (b)(7)(A); (b)(7)(C) asked Student F to identify her wishes for 2024. Student F said her greatest desire for 2024 was for Israel to defeat Hamas. She wrote this on the worksheet but did not feel comfortable turning it in, fearing how (b)(6); (b)(7)(A); (b)(7)(C) would react. Student F felt so unsafe in (b)(6); (b)(7)(A); (b)(7)(C) class that she censored herself, hiding her identity, and stifling her honest expression. In the end, Student F was so distressed by the hostile environment in (b)(6); (b)(7)(A); (b)(7)(C) classroom and the failure of the school to take any action that her parents removed her from the school.

d. Second Grade Teacher at Malcom X Elementary School (b)(6); (b)(7)(A); (b)(7)(C)

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

Immediately after October 7, before there had been any Israeli response to the massacre, (b)(6); (b)(7)(A); (b)(7)(C) displayed a large Palestinian flag in the window of her second-grade classroom facing the courtyard outside, where students and parents walked into the school. For a number of Jewish and Israeli families, seeing this highly charged symbol placed in the window of a second-grade classroom right after the mass killing of Jews in Israel has felt threatening, hostile, and deeply upsetting.



(b)(6); (b)(7)(A); (b)(7)(C) also led an activity for second grade students in which they were instructed to write “messages of anti-hate” on sticky notes to hang in the school hallway. The sticky note written by (b)(6); (b)(7)(A); (b)(7)(C) said, “Stop Bombing Babies.” Many second-grade children followed suit, writing, “Stop Bombing Babies” on their sticky notes. Instead of posting these notes on the wall outside of her own classroom, (b)(6); (b)(7)(A); (b)(7)(C) posted these notes in another part of the building, outside of the classroom of the only Jewish teacher in the school. This sent a chilling message to all Jewish and Israeli families at Malcom X.



After a Jewish parent complained to the school about (b)(6); (b)(7)(A); (b)(7)(C) anti-Semitic conduct, (b)(6); (b)(7)(A); (b)(7)(C) approached the parent at a school event and said, (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) social media posts made it clear that she knew who complained about her conduct and would continue to use her platform as a teacher to indoctrinate students with anti-Semitic material.

8:09

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



These photos are from September in the doorway of my elementary classroom. Those that know me know that I've been a non-neutral educator for all 20 years I've been a teacher. My practice is deeply rooted in love, strengthening character, relationship building, and justice... knowledge of self and legacies of struggles. I've been told that my magical power is connecting with all different kinds of kids and families and inspiring shifts of liberation, accountability, restoration, community healing, connections, and personal growth. I've never had an issue with my school families nor my community. For the first time in my career I was made a target by right wing zion!sts who took it upon themselves to cast a national net of complaints against me for practices all within my rights. These are folks who do not know me, nor recognize the work I do day in and day out, just people projecting some kind of narrative and thought that terrorizing, slandering, stalking, lying about and harassing a schoolteacher would be a positive healthy idea. I do and will forever use my platform to be a humble ally, shed light on dynamics of power and to free the people. Be careful ya'll, folks are ruthless and on a rampage. Free Palestine 🇵🇸

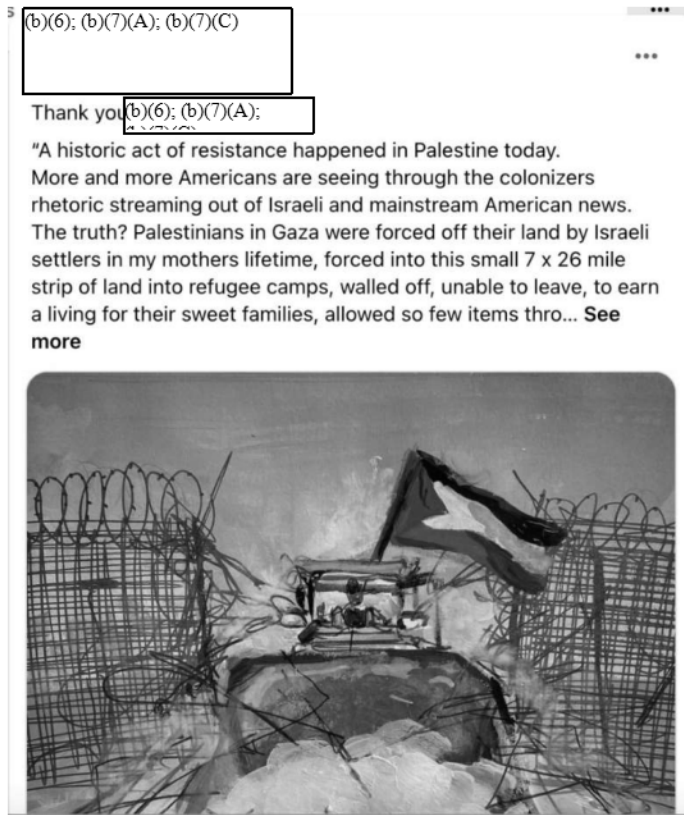


facebook.com

e. BUSD teachers bring their anti-Semitic viewpoints into the classroom

(b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C) brought their personal, anti-Semitic activity into the classroom, creating a hostile environment for Jewish and Israeli students, and using class time to indoctrinate other students with anti-Semitic rhetoric, tropes and false information about Israelis and Jews. While this complaint is not intended to regulate the private speech of BUSD teachers, these teachers bring their personal, biased viewpoints into the classroom and make their students feel more unsafe with their public viewpoints.

For example, on October 7th, (b)(6); (b)(7)(A); (b)(7)(C) posted a photo of a bulldozer breaking through a fence with the comment, “A historic act of resistance happened in Palestine today.”

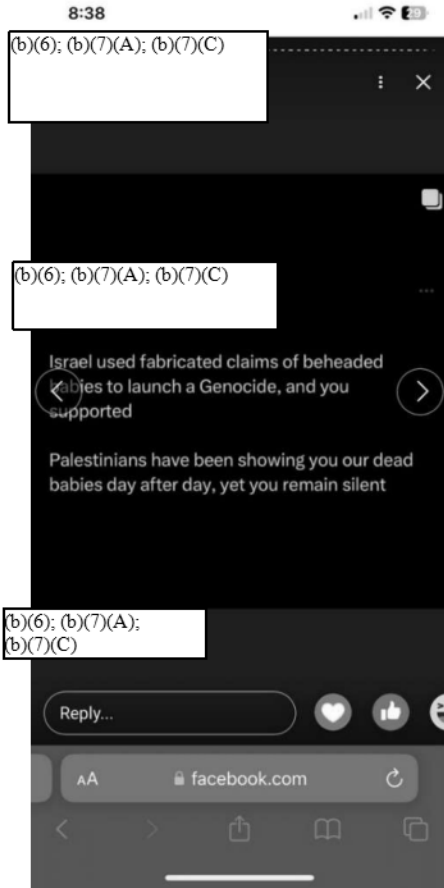


(b)(6); (b)(7)(A); (b)(7)(C) public social media following the October 7th massacre included a message saying that Israelis should “return to US, UK, Morocco, France, etc. Nobody is stopping them,” and reposted a message falsely claiming, “Israel used fabricated claims of beheaded babies to launch a genocide.”



(b)(6); (b)(7)(A); (b)(7)(C) made her views about the Israel-Gaza war and about Israelis and Jews public in multiple ways. (b)(6); (b)(7)(A); (b)(7)(C) social media (public at the time) was littered with anti-Semitic images and tropes. (b)(6); (b)(7)(A); (b)(7)(C) also spoke to a large crowd of BUSD students at the AROC-sponsored Walkout for Palestine on October 18, 2023.¹⁰

¹⁰ Berkeley High Jacket, November 3, 2023, "BHS Students Walk Out in Support of Palestine," <https://berkeleyhighjacket.com/2023/news/bhs-students-walk-out-in-support-of-palestine/> ("Throughout the crowd, chants of "Free, free Palestine," "Stop bombing Gaza," and "From the river to the sea, Palestine will be free," could be heard. After reaching UC Berkeley, (b)(6); (b)(7)(A); (b)(7)(C), a BHS history teacher, spoke to the crowd").



Until recently, the social media account of (b)(6); (b)(7)(A); (b)(7)(C) was public and could be viewed by BUSD students and their parents; (b)(6); (b)(7)(A); (b)(7)(C) account is still public. The anti-Semitic images and messages confirmed the students' fears and made them feel even less safe in their classes.

3. Peer harassment and bullying

In the post-October 7 climate, teachers' bullying and harassing of Jewish and Israeli students in the classroom (as detailed above) normalizes anti-Semitism and creates a hostile environment for Jewish and Israeli students. In this climate, peer on peer anti-Semitic bullying has escalated, as students are emboldened to emulate their teachers and perpetuate the hostility against their Jewish classmates.

Jewish parents have reported the following examples of anti-Semitic peer harassment in BUSD schools since October 7:

- A student approached two Jewish students who were speaking Hebrew and asked what language they were speaking. When the Jewish students replied

- "Hebrew," the peer asked what country is that language from. When the Jewish students replied "Israel," the peer asked if there was a war now. When the Jewish students replied "yes," the peer claimed that her teacher said that it is excellent what Hamas did to Israel and that they finally showed Israel.
- At Berkeley High School, a student in an Ethnic Studies class gave a presentation to the class for his ancestry project related to his Jewish ancestry. After his presentation, he saw a note on another student's desk with the name of his project. The word "Jewish" was crossed out and "free, free Palestine" was written on top.
 - A Jewish student at Martin Luther King Jr. Middle School told the administration at a School Board meeting on November 15, 2023 that peers comment on his features because he is Jewish, making comments such as "You have a big nose because you are a stupid Jew" and "I don't like your people." They also tell him that his traditions are dumb and not welcome.
 - The parent of a Jewish student at Willard Middle School reported to BUSD that her daughter was called a "midget Jew" in the hallway between classes, shortly before October 7. This student recently left the district due to pervasive bullying and anti-Semitism, and the school's failure to protect her.
 - Jewish and Israeli students have been asked what "their number is," referring to the numbers tattooed on Jews held in concentration camps during the Holocaust.
 - When a science teacher mentioned that two girls in the class, who happen to be Jewish, had made a mistake during an experiment, a student in the class responded by saying, "of course, it was the Jews."

The increase of bullying incidents against Jews is the result of the overall hostile environment in the district perpetuated by teachers, staff, and administrators.

4. BUSD's failure to respond to complaints and document requests

BUSD has failed to take meaningful steps, let alone the prompt and effective steps required, to address the anti-Semitic climate, end the harassment, and create a safe environment for all students.

Student B's parent filed three complaints in November and December about anti-Semitic harassment in BUSD schools. BUSD acknowledged these complaints but has not responded and has not even told the parent that there would be an investigation. Student B's parent also reached out to the BUSD administration about the February 2, 2024 protest at Berkeley High School, which was scheduled to take place two days later. BUSD responded with a generic letter to the entire district citing its free speech policies. No action was taken to protect Jewish and Israeli students or to enforce school policy.

