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Assistant Secretary Catherine E. Lhamon
U.S. Department of Education Office for Civil Rights
OCR@ed.gov

October 31, 2024

Re: Severe and Pervasive Anti-Palestinian Racism in Santa Clara Unified School District

Dear Assistant Secretary Lhamon:

We write on behalf of Santa Clara Unified School District (SCUSD) students, caregivers, and educators to report severe and pervasive anti-Palestinian racism in Santa Clara schools in violation of Title VI of the Civil Rights Act.

Since October 7, 2023, and specifically on April 24 and April 25, 2024; in late September of 2024; and continuing to the present, SCUSD officials have consistently harassed students, parents, and teachers for their associations with Palestine; targeted Palestinian students with discrimination including differential treatment; failed to address Palestinian students' and families' legitimate safety concerns; and suppressed teaching about Palestine in the classroom. These instances, which are described with greater detail below, have created a hostile anti-Palestinian, anti-Arab, and anti-Muslim environment. As a result, students who are Palestinian or associated with Palestinians because of their Muslim or Arab identities are being denied access to an equal education in Santa Clara schools.¹

I. The School Administration perpetrates and ignores pervasive discrimination against Palestinian students and parents, creating a hostile educational environment

Administrators, parents, and other students have targeted Palestinian students and caregivers with discriminatory treatment. When administrators and school officials are not the perpetrators of these incidents, they react with indifference or outright approval to the discrimination, failing to meet their obligations under Title VI.

A. Palestinian heritage is marginalized, harassed, and vandalized during a school Multicultural Festival

On April 24, 2024, Laurelwood Elementary (Laurelwood) held its annual Multicultural Festival. Since 2008, this festival has given students “a chance to explore the differences of [the school’s] melting pot and get a taste of the

¹ This complaint is based on complaints from and interviews with community members as well as public records disclosures from SCUSD.

world at our very own school.”² The festival includes an opportunity to share “exotic arts, fun crafts, and delicious foods from all around the world.”³ On the school website, the event is described as an opportunity to “come together and celebrate the cultural richness and diversity of [the school] community.”⁴

Palestinian Parent A and her three children, who were kindergarten, fourth, and fifth-grade students at Laurelwood, at the time, were excited to participate in the fair and share their culture. Parent A even made a special Palestinian dish to share with her son’s teachers. From the very beginning of her participation, Parent A was treated differently and discriminatorily by Laurelwood officials.

The day of the fair, Parent A arrived to find that her booth was all the way at the end of the row. Additionally, the Principal and other school board members were standing right across from the booth, where they watched Parent A and her children for the duration of the fair. Officials never approached her to speak. Throughout the day, Israeli parents came up to the booth and took Parent A’s photograph. One Israeli parent came up to the booth, ripped down a picture of a Palestinian passport, and said that Palestine was not real and implied that she was a liar. Parent A’s daughter pulled on her mother, saying she was scared and asking if they could leave. Parent A’s youngest son asked her to go tell the principal and teachers what was happening. Parent A’s children were also embarrassed that their mother was being called a liar in front of their friends, who were also at the fair. Officials watched the entire incident without intervening. Parent A spoke to the principal afterwards; he did nothing and minimized the incident. After the event, Parent A emailed the principal to report the incident and ask for accountability. In his response on April 25, 2024, the principal informed her that “there were a lot of high emotions and hurt feelings during the event,” which included those of many others who “felt hurt by the items that were displayed at your booth that did not align with the vision of the event that I had shared and expected.”⁵

Parent A’s youngest son noticed that the people who tore down the passport did not face any repercussions and has asked repeatedly why they have not gotten in trouble for this poor behavior. Since this happened, her oldest son, who is now in 6th grade, approaches his Palestinian identity completely differently. He used to be a teacher’s pet in grade school, but that changed when he noticed that his teachers were no longer engaging with him after cultural day. As a result, he has stopped wearing Palestinian clothing to class or sharing about his Palestinian identity. Parent A’s youngest and oldest son have both expressed that they do not feel welcome at school and have asked their mother if they can leave Santa Clara School district and return to Palestine.

B. School administrators themselves perpetrate and fail to intervene in pervasive bullying of Palestinian children

Fellow students and teachers have also targeted Parent A’s children and other children in numerous instances of anti-Palestinian hate, and in each instance, the school has failed to appropriately respond.

On January 17, when Parent A’s son was still in kindergarten, another student told him that his father instructed him to tell her son that Israelis were going to kill everyone in Gaza and build a new Disneyland there. The school

² *Multicultural Festival*, Laurelwood PTA, <https://www.laurelwoodpta.org/events-programs/multicultural-festival> (last visited Oct. 31, 2024).

³ Id.

⁴ Id.

⁵ Appendix, 104.

did not respond to this incident seriously. While the school called the student’s parents, no other action was taken to ensure this would not happen again. Parent A has family in the West Bank—and her son is not yet old enough to recognize the difference between the West Bank and Gaza. As a result of what this other student said, Parent A’s son thought that his family in Palestine had been or would be killed. For two to three weeks afterward, he called his aunt every morning to check in on her. He also came home and drew a picture of an empty dessert and told his mother that “this is what Palestine will look like.” As a result of this and similar incidents, this first grader has told his mother that he wants to leave Santa Clara schools and return to Palestine.

In January, Parent A’s daughter spoke to another student during PE about Israel-Palestine. As a result, her daughter was called to the principal’s office, where she was told to “keep those discussions away from school so that all students feel safe at Laurelwood.”⁶ On another occasion, Parent A’s daughter was speaking with a friend during her lunch period about living in Palestine. Another boy overheard the conversation, called her a liar, and said that Palestinians kill all the Israelis. When her daughter responded that this was not true, the boy said that she was weird, annoying, dumb, and stupid—and then complained to schoolteachers about her. The principal removed Parent A’s daughter from her lunch period. The boy was not removed. When asked why this happened to her, Parent A’s daughter reported it was “because I am Palestinian.” Her daughter is aware of the ways in which students and teachers are allowed to speak about Israel, but she faces punishment for merely sharing about her culture. As a result, Parent A’s daughter has doubled down on expressing herself. She feels a need to constantly assert her identity in response to the repression by drawing Palestinian flags and symbols in class instead of focusing on lessons. This has led her daughter to be more distracted in the classroom. Her daughter’s refusal to hide her identity has also made her a frequent target for parents. While on field trips, Parent A’s daughter has had Israeli parents approach her and ask whether she’s Parent A’s daughter, and then walk away. She has also had parents and teachers take pictures of her in her Palestinian clothing.

Palestinian students have faced discrimination from their teachers as well. At an end-of-year event in the summer of 2024, students were asked to decorate rocks that would remain to welcome students the following year. One student drew a Palestinian symbol and watermelon on their rock. Vice Principal Leslee Adler took the rock from the student and threw it into the garbage. Parent A learned about this incident when she picked her kids up from school. She confronted Adler about this behavior, who said that the rocks had to be “related to school.” However, other students drew things that were not school-related but did not have their rocks seized. Adler said that the watermelon was “political” and that everyone knows what it represents. Eventually, Adler retrieved the rock from the garbage and returned it to the student. Parent A spoke with the parents of that child (“Parents B”) after this happened. Parents B shared that they moved to California seeking less racism than they faced in the South. However, Parents B were disappointed to find that they were still experiencing the same discrimination. The family left the district after this incident, citing pervasive anti-Palestinian racism. They lived in the school district for just half a year.

At the end of September 2024, Parent A’s daughter experienced another instance of discrimination. Her daughter is the only one of her three children who has continued to wear Palestinian apparel to school following the incidents described above. On picture day in late September, her daughter wore a shirt with the Palestinian flag to school. Her science teacher ignored her for the whole day. Parent A’s daughter came home crying that day because of her teacher’s behavior. Parent A talked with the principal about this behavior, and since then, the

⁶ Appendix, 105.

teacher has spoken to her daughter again. This is the only experience of Parent A's in which the district responded to anti-Palestinian bias.

C. School officials surveilled and excluded Parent A from the classroom because of her Palestinian identity

Parent A, who wears a hijab, has also been excluded from serving as a substitute teacher and is surveilled when she does volunteer in school because of her visibly Muslim and Palestinian identity.

Parent A regularly served as a substitute in 2023, but all her scheduled shifts at Laurelwood were canceled this year. In Santa Clara, requests for substitutes are posted on a phone application. Through the platform, Parent A signed up for five separate substitute shifts on November 13-14, 2023, February 27, 2024, and May 3, 2024. The school Principal messaged her indicating that each request was an "accident" and a substitute was not needed each of these times. Yet when Parent A's children reported to school those days, there were substitutes in the classroom, all of whom were white. Parent A believes she was denied the opportunity to substitute due to her Palestinian identity and/or as retaliation for complaining about discrimination. Parent A reported these concerns but never received a response. Even now, she is concerned that because of reporting this experience, she will not be able to serve as a substitute any longer.

Parent A also regularly volunteered to read stories at Laurelwood in her daughter's 4th grade class last year, like other non-Palestinian parents who volunteered in the classroom. Sometime after October 7, 2023, the vice principal watched Parent A during the entire "read aloud" and left the classroom immediately afterward. As far as she knows, the vice principal does not watch any other parent during "read-alouds," and Parent A had never been watched before this date.

Parent A's daughter has noticed this difference in treatment. Her daughter has remarked that if the principal could see that her mother has blonde hair under her scarf, then "he would love for her to be a substitute at the school." Her daughter notices that her mother is watched while she is in the classroom and comments about how other children's parents/relatives are able to serve as a substitute in the school while her mother is not. Parent A is scared because at the same time her children are being subject to more scrutiny from teachers and peers, she is being barred from the campus. She now sends her children to school with Google watches so that they can reach her at any time, because she worries about their safety and knows administrators have not taken these concerns seriously.

Parent A is grappling with whether to move out of the district next year. This is the only option that many parents feel they have, given the participation in and complicity of school officials in anti-Palestinian racism. This is a difficult decision for Parent A, because Laurelwood has far superior classes and facilities to other schools in the area. SCUSD has forced Parent A—and others—to make a devastating choice between a school where their children feel welcome as their full selves or one where they can receive the highest quality education.

II. SCUSD’s different and unequal standards for Palestinian speech demoralizes students and discourages educational engagement

Throughout the planning of speaker events during the 2023-2024 school year, Wilcox High School (Wilcox) demonstrated a pro-Israel bias, failed to listen to its Muslim and Palestinian students, and subjected them to additional requirements as compared to their Jewish peers. Cumulatively, these experiences have resulted in Palestinian, Arab, and Muslim students’ isolation from administrators, suppression of their perspectives, the normalization of anti-Palestinian and anti-Muslim, and the erasure of their experiences.⁷

In October 2023, the Muslim Students Association (MSA) invited a local Palestinian elder and leading community advocate, Samir Laymoun, to speak at Wilcox. Even though the students were merely trying to learn accurate information about Palestine as relevant to their lives and studies, the topic of Palestinian identity was labeled “controversial.” The MSA went to great lengths to familiarize themselves and comply with SCUSD’s Controversial Issues Policy in preparation for this session.⁸ As they planned the talk, the school advised that it would be best to avoid covering current events like October 7 and the genocide in Gaza to abide by the Policy. Therefore, as part of the vetting process, the students were encouraged and decided to limit Mr. Laymoun’s speech to his personal journey and to not have him discuss the atrocities unfolding in Gaza. At the suggestion of Principal Kristen Gonzalez, the students also notified the Jewish Student Union (JSU) and received their consent to the speaker. The event was initially scheduled for November 15, 2023.⁹

After weeks of meetings with students, the speaker, and the school principal, district officials ordered the event postponed a day before the talk. On November 14, two SCUSD officials—Executive Director of Schools Alissa Meltzer and Superintendent Matt Baldwin—came to Wilcox to speak with the MSA and inform them of this decision. This was the first time that students had interacted with these officials during the process. The district officers told the MSA students that delaying the talk would help assuage Israeli community concerns. California Public Records Act disclosures revealed that Superintendent Gary Waddell received a “deluge of emails from the Israeli community” with “many concerns” about the event. Parents noted—before Mr. Laymoun even spoke and without citing any evidence to support their claims—that the speaker would “present Israel as a monstrous country” and create an unsafe situation for their children.¹⁰ Mr. Waddell summarized his takeaways from this email by noting that “anything that might stoke antisemitism was a safety concern.”¹¹ Therefore, district officials decided to pause the event to prioritize “student safety.”¹² Neither Mr. Waddell nor parents cited specific concerns about Mr. Laymoun. Nevertheless, school officials noted that they would “need to be vigilant for antisemitism” from attending students.¹³

⁷ Complainants learned of this discrimination through a California Public Records Act (CPRA) request sent to SCUSD on March 4, 2024. SCUSD first sent responsive records in June and did not complete disclosures until August of 2024. Disclosure dates fall well within the 180-day statute of limitations for Title VI complaints.

⁸ It is not clear from a reading of the policy why it would be the case that student discussions of Palestine fall within its purview. *Policy View*, Simbli, <https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030433&revid=HxmbxA6DObzGIQwM66Qwmw%3d%3d> (last visited Oct. 31, 2024).

⁹ Appendix, 1.

¹⁰ Appendix, 5.

¹¹ Appendix, 13.

¹² Id.

¹³ Appendix, 9.

This conversation implies that allowing a Palestinian to speak at all was the concern of Israeli parents and that a Palestinian speaker is by definition antisemitic. It is anti-Palestinian racism in and of itself to assume that a speech by a community member describing his life story creates a risk of antisemitism. A life story in historical context is not hateful towards Jews and to assume it is, with no other evidence, is to ascribe hate to Palestinians as an immutable characteristic inherent to their ethnic and national identity.

It was clear that district involvement in this routine student activity was entirely because Palestine was the topic of discussion. This sent a message to Palestinian and Muslim students that they cannot discuss their life experiences with their peers without their stories being labeled controversial. The treatment of Palestinian culture and history as a dangerous topic is clearly discriminatory, and this discrimination was felt by the students at Wilcox. One student reported that what was most upsetting about this rescheduling was the lack of notice until the day before the talk. Overall, the way the district officials handled the postponement felt panicked, incoherent, and patronizing. When the MSA asked if this rescheduling was negotiable, they were told that it was not. District officials themselves describe the postponement in text message exchanges as “a bad decision” that would be “seen as oppressive.”¹⁴ District officials on some level understood that the appropriate response to emails from parents with false, racist assumptions about the MSA talk ought to have been to support students from the impacts.

Ultimately, district officials delayed the MSA students’ talk by three weeks—to December 7. District officials instructed the principal to communicate plans for the school’s vetting and safety process for this speaker to the Israeli community in the meantime—which she did.¹⁵ Another district official, Board Member Jodi Muirhead, expressed that—despite the months of vetting that had already occurred—she would have to consult with the Anti-Defamation League (“ADL”) before approving the MSA speaker.¹⁶

On December 7, the MSA speaker had 20 minutes to present to students during a lunch period. While he spoke, he shared brief factual background information about the region of Israel-Palestine as it pertained to his own story of migration and in response to student questions—including that Israel maintains control over the West Bank, the increased number of Palestinian refugees between 1948-1967, the number of checkpoints present in Palestine, Israeli control of water resources on the ground, the presence of Jews in Palestine pre-1948, and massacres of Palestinians that occurred in 1948.¹⁷ That same day, Ms. Meltzer summarized the talk by stating that it would upset district officials and that an Israeli speaker would have to be brought in to speak with students.¹⁸ Later, Ms. Muirhead would report that these factual statements “upset” many Jews in the room, herself included.¹⁹

Israeli Ran Bar-Yoshafat was proposed as a speaker on February 6, 2024, in an effort driven primarily by parents and administrators scrambling to respond to parents’ anti-Palestinian complaints.²⁰ Unlike Mr. Laymoun, whose speech was prescribed to his refugee story, the principal and administrators greenlit Ran Bar-Yoshafat to speak to students about the “war in Gaza.”²¹ Unlike the JSU students who were notified well in advance about the speaker, MSA students learned that Ran Bar-Yoshafat would be coming to the school for lunchtime talk via a

¹⁴ Appendix, 7.

¹⁵ Appendix, 18.

¹⁶ Appendix, 9.

¹⁷ Appendix, 23-24.

¹⁸ Appendix, 22.

¹⁹ *Board Meeting - March 14, 2024*, YouTube (Oct. 31, 2024), <https://www.youtube.com/live/NSODpj1HH3o>.

²⁰ Appendix, 27, 31.

²¹ Appendix, 29.

loudspeaker announcement two days before their mid-winter break was set to begin. One student Googled Ran Bar-Yoshafat and quickly learned that he was a former Israeli Defense Force (IDF) soldier affiliated with far-right politics in Israel. Numerous teachers also emailed the principal, informing her that a cursory examination of Ran Bar-Yoshafat’s Instagram revealed inflammatory, anti-Palestinian statements.²² Through looking at Ran Bar-Yoshafat’s Facebook page, one MSA student was met with another deluge of anti-Palestinian, Islamophobic statements Bar-Yoshafat had made:

- “Every school mosque, hospital, kindergarten – all – without exception is a terror camp. There is no exception. There is not even one exception.”²³
- “The blood ratio is 1:1000. Allegedly, the revenge for the massacre on us should have been 1.5 million people. Certainly could solve the demographic problems.”²⁴
- “The truth is, Gaza’s elderly, probably 70-year-olds and children as young as 7, would happily kill us if they could.”²⁵
- “There was never a state called Palestine. If you think there was you have been brainwashed... There never was, and I pray there never will be, a state called Palestine.”²⁶
- “As for the rest of the Arabs in Gaza, there is no escape from the expulsion of most of them.”
- “If the state of Israel wanted revenge (and unfortunately it does not), then the blood price is clear... killing almost 2 million Arabs in Gaza.”
- “I was hoping to have this war many years ago.”
- “Already (allegedly) 30 thousand Arabs died in Gaza. Well if in Protective Edge the ratio of terrorists-civilians was 1:1 apparently the ratio in war is 1:3. If Hamas has about 40,000 people that means about 120,000 dead in Gaza. Including adults and children... Any number less than that will be a mistake.”²⁷

MSA members were upset and alarmed upon seeing Bar-Yoshafat’s statements. Students noted the pain of reading the quotes, which contained slurs that they and their families have heard for years living in this country – like “terrorist.” One student recalled feeling demoralized after MSA worked so hard to vet a speaker and comply with school policy, while the JSU was able to invite a public bigot to the school without pushback. Further, a student reported that “nothing compare[d] to the pain I felt when I read the quotes Yoshafat had publicly made and that the district had deemed were acceptable to invite on campus.”

MSA students scrambled to set up a meeting with school officials before break began to bring these concerns to light and successfully scheduled a meeting for February 16—the final day before the break.²⁸ During the meeting, students recall presenting these quotes to administrators and having to explain why these statements were dehumanizing. While they were at a loss over being in a position to have to explain the inappropriateness of clearly bigoted statement, students nevertheless expressed their horror at Bar-Yoshafat’s rhetoric around the “labeling of the killing of Palestinians ‘solving a demographic problem’ and [describing] Palestinian

²² Appendix, 34.

²³ CAIR-SFBA Commends Santa Clara’s Wilcox High School for Cancellation of Anti-Palestinian Speaker, CAIR-SFBA, <https://ca.cair.com/sfba/news/cair-sfba-commends-santa-claras-wilcox-high-school-for-cancellation-of-anti-palestinian-speaker/> (last visited Oct. 31, 2024).

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Appendix 40-41.

²⁸ Appendix, 39.

kindergartens [as] ‘terror camps.’”²⁹ They further shared that “[g]iven the increase in anti-Muslim and anti-Palestinian violence across the United States, such openly expressed views would make the speaker a severe threat to the safety of Muslim students on campus.”³⁰ During the meeting, they were told that the administration would take their reports of racism into consideration and “get back to [them].” Students were shocked by the lack of seriousness with which administrators were treating their experiences of racism and dehumanization. Unsure of what else to do after having their complaints dismissed, students mobilized over 75 concerned students, parents, and community members to email the administration to explain why Bar-Yoshafat’s appearance would endanger Arab, Muslim, and Palestinian students. Some of the comments administrators received from parents, teachers, and students are included below:

- **“I am appalled that this is allowed to happen** during school hours on campus. The district values providing a safe environment for students, and having a speaker represent a government committing genocide is the exact opposite of that.” - Wilcox Senior³¹
- **“As an Arab Muslim myself, I cannot help but feel unsafe** when I know that my school invites speakers driven by senseless ideas of hate.” - Wilcox Junior³²
- **“This speaker completely neglects certain minority groups (who do attend Wilcox), which personally makes me feel extremely uncomfortable and almost unsafe...** I am not against a speaker with a perspective counter to the Palestinian perspective. I am simply urging you and the district to disinvite this particular speaker and replace him with one that will not create a divide between Jewish and Muslim students or foster an unsafe environment.” - Wilcox Junior³³
- **“Allowing Ran Bar-Yoshafat to speak to students at Wilcox endangers them** and SCUSD as a whole since **he has consistently spread hateful rhetoric surrounding Palestine....**” - Community Member³⁴
- **“Please reverse your decision to let the IDF soldier present pro-Israel propaganda on campus. Such a presentation would certainly cause trauma and harm to the youth and foster an environment on campus in which students are harassed and feel unsafe.”** - Community Member³⁵
- **“Currently Israel is planning an attack on Rafa holding 1.5 million Palestin[ians] [] making it one of the last steps till they finish their ethnic cleansing. Inviting this man, on behalf of your club says to members of Wilcox that you support the murder of a whole people.** I don’t believe you do. I believe you want someone from Israel to properly represent the Jewish club. Who doesn’t support the murder of a whole state.” - Wilcox student³⁶
- **“This individual has a history of derogatory, hateful, and violent rhetoric** towards Palestinians, Arabs, and Muslims that equates them to terrorists. He has blatantly denied history stating Palestine was never real... **You are actively showing your rather large demographic of Muslim and Arab students that they are not worth protecting or simply not worth your consideration.** There has already been a flood of anti-Palestinian and anti-Muslim sentiment worldwide, including the stabbing of a 6-year-old Muslim boy, the shooting of Palestinian students in Vermont, a slab of concrete being thrown at a Muslim woman, and countless more...” - Older sibling of a Wilcox High student³⁷

²⁹ Appendix, 95-96.

³⁰ Id.

³¹ Appendix, 46.

³² Appendix, 71,

³³ Appendix, 70.

³⁴ Appendix, 46.

³⁵ Appendix, 50.

³⁶ Id.

³⁷ Appendix, 51.

- “This speaker has a history of incredibly hateful and violent rhetoric that **equates all Palestinians to terrorists and justifies their murder**... inviting a speaker with such open, violence-inciting rhetoric will create **an incredibly unsafe environment for Muslim, Palestinian, and general minority peers on campus.**” - Community Member³⁸
- “More than 30,000 helpless civilians in Gaza have been massacred in the last few months... innocent babies and children have been mercilessly bombed and starved ... and **you are allowing one of the persons, who supports ethnic cleansing in Gaza to come and talk to our impressionable youth.**” - long time Santa Clara Resident³⁹
- “Equating all innocent lives, especially children and babies, as terrorists is never justified... **It is incredibly irresponsible and dangerous to the well-being and safety of the Muslim and Palestinian students on our campus** to invite a speaker who espouses hateful and violent views.” - WHS student⁴⁰
- “Calling Palestinians terrorists and demanding that they must die is absolutely hate speech. Calling for the death of children and Palestinian elder[s] is hate speech.... **Allowing someone like that onto your schools will only encourage students who hold those bigoted, racist views to think that is okay.**” – Community Member⁴¹
- “**It’s obvious you’ve done no research on this guy beforehand** []. If you would’ve taken the second to background check you would’ve easily seen the hateful rhetoric they’ve posted on Instagram against Palestine.” - SCUSD Student⁴²
- “**It is truly terrifying to hear someone with such violent views on an entire group of people is being invited to speak** in a school that is known to be a safe space for all their students.” - SCUSD Student⁴³
- “**Our family in Gaza was bombed and some were killed**, lost their homes, and are living under dire conditions. **Inviting a speaker who advocates for the annihilation of [] Palestinians creates a hostile environment for Arab and Muslim students...**” - SCUSD parent⁴⁴
- “I am very concerned that the school district and school administration are permitting this event to move forward, when **it’s amply clear that this will have detrimental impact on many students – students facing the unimaginable pain of losing loved ones in Gaza...**” - Wilcox alum, 2016⁴⁵
- “The [] comments on his post are also terrible and share one sentiment that **it is OK to kill the kids and everyone in Gaza. This is not only a sentiment unfortunately, but a reality** when the number of kids that have been killed in Gaza is almost the same as the number of all the K-12 kids in SCUSD.” - Community Member⁴⁶
- “**Yoshafat’s views have left Muslim students at Wilcox feeling extremely unsafe. Yoshafat’s statements unapologetically equate Muslims [] to terrorists**, openly affirming his belief in a dehumanizing stereotype Muslim students deal with today.” - Wilcox junior⁴⁷

³⁸ Appendix, 53.

³⁹ Appendix, 54.

⁴⁰ Appendix, 55.

⁴¹ Appendix, 58.

⁴² Appendix, 61.

⁴³ Appendix, 66.

⁴⁴ Appendix, 67.

⁴⁵ Appendix, 68.

⁴⁶ Appendix, 69.

⁴⁷ Appendix, 76.

- **“Someone who calls Palestinian schools ‘terror camps’ will create a deeply unsafe environment for my child and his peers, who have been forced to manage these stereotypes for years.”- Wilcox High parent⁴⁸**

Rather than re-examine the appropriateness of this speaker considering this feedback, high level district administrators continued to defend him and advocate for his perspective, doubling down on their decision. District administrators described Bar-Yoshafat as “a very impressive guy.”⁴⁹ Following the meeting with MSA students, Ms. Meltzer noted that students found “social media posts *they feel* are controversial.”⁵⁰ Ms. Meltzer flagrantly ignored the students' concern about the speaker's evident racism and advocacy of violence towards Palestinians. Instead, Ms. Meltzer minimized and mischaracterized the students' concerns as "this speaker's perspective is pro-Israeli," and "this speaker will say some things that students do not agree with." ⁵¹

As of February 19, district administrators informed Bar-Yoshafat that while they were fielding community concerns, they did not anticipate any changes to his appearance, which they looked forward to the following Monday.⁵² On February 20, Mr. Baldwin emailed Wilcox community members that the “school administration has an obligation to support students in expressions of their free speech, including hosting requested speakers.”⁵³ There was no acknowledgment in that email or any other that Bar-Yoshafat’s views were hateful towards Palestinians or that his invitation to speak came at the urging of parents and administrators, not students.

On February 21, administrators ultimately canceled Bar-Yoshafat’s appearance after receiving word that non-Wilcox students may show up in protest. Ms. Meltzer noted in emails to parents that “people outside the Wilcox community” were planning to “disrupt school activities.” Ms. Meltzer and other administrators decided that these “unknown entities” would pose a “risk” to students. In emails to community members, Matt Baldwin stated that “we anticipate that there could be significant disruption and a potentially unsafe environment on the campus. For this reason, today we canceled the speaker event.”⁵⁴ The school-wide communication announcing the cancellation likewise emphasized “a significant disruption and a potentially unsafe environment.”⁵⁵ This was also the framing at a staff meeting, where Ms. Gonzalez informed staff that the reason Ran Bar-Yoshafat’s event was canceled was due to external groups imposing pressure.

This response inflicted further harm on the Muslim and Palestinian community because it failed to acknowledge the speaker’s racist and Islamophobic statements. At the same time, texts between administrators reveal that officials decided not to mention concerns about the JSU speaker out of concern for “blaming the Jewish club.”⁵⁶ This is one of many instances where Jewish community members' concerns were treated seriously and preferentially over those of Palestinian, Muslim, and Arab community members and students’ whose legitimate grievances were dismissed.

⁴⁸ Appendix, 77.

⁴⁹ Appendix, 54.

⁵⁰ Emphasis added. Appendix, 43.

⁵¹ Id.

⁵² Appendix, 56.

⁵³ Appendix, 63.

⁵⁴ Appendix, 73.

⁵⁵ Appendix, 82.

⁵⁶ Id.

An MSA member shared that while relieved Bar-Yoshafat would not be coming to the school, the way the cancellation was framed felt rooted in stereotypes about white fear of Brown Americans' anger. He recalls that this felt like the most disappointing and discriminatory thing that the administration could have emphasized in its response. This language is routinely used to describe Arab and Muslim communities protesting the genocide—and has historically been used to delegitimize the organizing efforts of Black people in the struggle for civil rights. The cancellation of the event due to racist tropes about “outside groups” coming to campus while seeming to blame Palestinian families for the threat of an “unsafe” environment added an additional layer of discrimination for students and parents who engaged in good faith dialogue with school district officials regarding their concerns. In response, SCUSD publicly demonized Palestinian, Arab, and Muslim community members as threats when they merely objected to a hateful speaker via protest—after trying and failing to use official channels.

After returning from winter break, MSA students again sat down with Ms. Meltzer and other district officials. MSA students wanted to know how this speaker had gotten through the vetting process. Administrators were again dismissive of the concerns students raised about Bar-Yoshafat's comments. Ms. Meltzer told students that Palestinians and Israelis will never agree. Principal Gonzalez began to question students about their own beliefs, asking “So do you think Zionism is racism or not?”⁵⁷ Throughout the process, students' legitimate concerns over specific statements made by Bar-Yoshafat were again responded to with rote, irrelevant, belittling talking points about Israel-Palestine and interrogation regarding their own beliefs.

Unsure of how else to proceed after numerous overtures, MSA drafted a statement that other clubs signed onto which conveyed their horror at Bar-Yoshafat's invitation and the “incredibly lopsided treatment” they experienced from the administration in bringing these concerns to light.⁵⁸ Rather than respond to the concerns raised therein, the principal called the presidents of the clubs into her office and informed them they had not followed appropriate procedures for co-signing club statements. During the meeting, the principal strongly suggested that students take down their statement. To students' knowledge, this type of reprimand has not happened before. Students seeking to speak about Palestine were again silenced, as they were left with no avenues to tell their stories. Rather than addressing the root of the problem or providing feedback on how they could appropriately share their message with the school community, administrators censored their efforts to report discrimination. Rather than respond as obligated by law, administrators instead retaliated against them for allegedly reporting discrimination in the wrong way. This is an outrageous victim-blaming response to students telling their educators that they are facing race discrimination.

On March 14, 2024, students and parents brought some of these concerns to the school board during its regular meeting. They expressed dismay that the event was canceled out of “security concerns” rather than the speakers' record advocating for violence and hate toward Palestinians.⁵⁹ The families also expressed shock that Wilcox and SCUSD approved a speaker who called for the death of Palestinian children. Parents patiently explained that calling for the murder of an entire group of people is hate speech. SCUSD students noted that they were “troubled and extremely concerned” by the speaker's invitation. In response, Ms. Muirhead left her seat at the dais to make her own public comment, stating that she couldn't let the public hear things that “really disturbed” her. She did not respond to any of the concerns raised about Islamophobia and anti-Palestinian bias, rather she noted that during the MSA speaker talk, things were said “that the Jews in the room were very upset about, myself included.”

⁵⁷ Appendix, 102.

⁵⁸ Appendix, 96-97.

⁵⁹ *Board Meeting - March 14, 2024*, YouTube, <https://www.youtube.com/live/NSODpj1HH3o> (last visited Oct. 31, 2024).

She also made a general statement about antisemitism occurring in the district without naming any specific incidents. Community members again were flabbergasted by the utter inability of their district officials to internalize and respond to their safety concerns.

In April 2024, the JSU brought in speaker Sophia Khalifa for a lunch period talk. Unlike the MSA speaker, Ms. Khalifa was allowed to speak about Gaza, Hamas, and October 7 during her presentation. Students felt shaken by the vehemently negative and false stereotypes perpetuated about Muslims shared in her speech. Again, MSA students reached out to the school principal to set up a meeting to discuss their concerns about the disparate treatment. When students asked the principal why Ms. Khalifa had been allowed to discuss Hamas, Ms. Gonzalez responded by saying “[s]o you don’t think Hamas is a problem?” This combative response was incredibly alarming and intimidating to students.⁶⁰ Administrators’ consistent invalidation and intimidation of students, who are already reeling from seeing their friends and family in Palestine suffer, has sent a disheartening message to students – again and again – that the school does not value them as they do Jewish students.

The difference in treatment by these two speakers is stark. While the school restricted and stalled Mr. Laymoun’s speech to students, high-level administrators provided full control to and rushed through Bar-Yoshafat’s presentation. The differences in treatment are laid out more succinctly below:

| Palestinian Speaker | Israeli Speaker |
|---|--|
| <ul style="list-style-type: none"> ● MSA program was student-initiated and driven. ● Allotted 20 minutes to speak about his journey as a refugee – instructed not to speak about the crisis in Gaza. ● Event took 6+ weeks to plan. ● A detailed email was sent in advance to Israeli parents regarding the speaker approval process and safety measures. ● JSU was notified of the speaker before the MSA event was approved. ● Speaker made factually accurate, balanced statements about the history of the Palestine-Israel region. ● These statements were disapproved of by the administration. ● Administration sought the perspective of groups claiming to represent Jewish interests (ADL) prior to the event. | <ul style="list-style-type: none"> ● JSU program was administration and parent-initiated and driven. ● Allotted 20 minutes to speak, with the entirety of his talk dedicated to the “war in Gaza.” ● Event planned in a little under 3 weeks ● There was no communication in advance with any Muslim, Arab, or Palestinian parents or the MSA about the speaker approval process/ safety. ● MSA learned of the speaker 4 days before his scheduled appearance. ● Speaker had a previous record of hate-filled statements against Palestinians advocating for mass violence against them. ● These statements were defended by the administration. ● Administration did not seek the perspective of any Palestinian groups prior to event approval. |

⁶⁰ Appendix, 126.

- **Administrators dismissed concerns of anti-Palestinian bias** raised by parents and students

- **Administrators took seriously concerns of anti-Semitism** raised by parents

Students have been devastated to face such callous, retaliatory, victim-blaming responses from the adults in their lives when they’ve tried again and again to communicate their experiences as minority students. According to a teacher at the school, the district and the administration’s failure to address the hate speech that Bar-Yoshafat spread “created the notion that it is simply discourse that students have to swallow, even if it goes beyond a harsh, dehumanizing process of belittling their identities.”⁶¹ The harm this verbal violence has caused students has still yet to be acknowledged by administrators. This mistreatment from school officials is compounded by the devastation students face as they watch daily as a genocide unfolds in their homeland and kills their family, friends, and community members. Overall, this has been an extremely demoralizing experience for young people involved with the MSA who went to great lengths to put on an event that would be acceptable to their Jewish peers, only to have a speaker invited to the school who is a vocal advocate of their annihilation, and then to be blamed and punished for objecting.

III. Teachers seeking to provide factual educational materials about Palestine are silenced while anti-Palestinian perspectives proliferate in the classroom

SCUSD actively suppresses teachers who seek to teach about Palestine in a balanced manner, making clear to students that Palestinian perspectives are not welcome in the district.

Teacher A is a history teacher at Wilcox who has faced multiple investigations and complaints due to sharing factual information as part of relevant coursework. She is also one of the only visibly Muslim teachers there—she wears the hijab at school. After October 7, 2023, her students asked her to teach about Palestine, and she responded to their requests by sharing accurate information, for which she has faced repression and scrutiny.

In December 2023, while teaching a unit on imperialism, Teacher A discussed the human rights abuses occurring in Palestine. After presenting this information, she gave students an opportunity to share feedback with her about the presentation. No one reached out.

Months later, in March 2024, she received notice that a complaint had been filed against her. This led to a months-long investigation that wrapped up in July of 2024. The person who filed this investigation was not a student in her class and, in fact, was someone with whom she had never interacted.

Teacher A has also spoken to students about the genocide in Gaza as part of the unit on the Holocaust. During that unit, she shared a video of a Holocaust survivor who decried the war on Gaza and compared it to her own experiences.⁶²

⁶¹ Appendix, 100.

⁶² *Holocaust Survivor Says Israel Is Committing Holocaust in Gaza*, YouTube, <https://www.youtube.com/watch?v=-IN45zIiRBw> (last visited Oct. 31, 2024).

In September 2024, she received notice that a complaint had been filed against her associated with this teaching, alleging that she was not qualified to teach history and failed to follow school standards. Teacher A continues to be singled out for discipline based on providing information to students about Palestine and for her status as one of the only visibly Muslim teachers on staff at Wilcox. While she's no longer teaching world history this year—she has been mysteriously reassigned to teach four US history classes and one European history class—she hopes to remain a source of support for young Palestinian and Muslim students who continue to go without support from the SCUSD.

This exclusion of Palestinian perspectives is felt by the school community. At a March 14, 2024, school board meeting, parents and students testified about the erasure of Palestinian perspectives in schools, raised questions about the labeling of their history as controversial, and asked for inclusion of their stories.⁶³ One student pleaded that he was not asking for anyone's perspective to be excluded, only for recognition and inclusion of Palestinian voices and history in schools. At the same time as Palestinian perspectives are excluded, the school district continues to rely upon biased, anti-Palestinian curriculum and teacher training materials.⁶⁴

For example, every day in his 6th-grade social studies class, from the beginning of this year and continuing into today, Parent A's son's teacher plays news coverage of current events in Israel-Palestine. In the coverage, Palestinians are described as terrorists. This happened in her son's science class recently, too. After playing the news channel, the teacher asked if there were any Israeli students in the class and inquired after each of their families. The teacher didn't ask if there were any Palestinian students in the class nor inquire about their family's safety.

Parent A's son has expressed frustration to his mother about this—noting that the teacher checks on Israeli students yet acts like he's not there. Parent A has encouraged her son to speak to the teacher about this. However, after seeing the harassment and indifference his mother experienced at Laurelwood, he believes there is no use. He is afraid his teacher will hate him if he speaks up—like they did at Laurelwood after the cultural event. Her son says that there's no use speaking up because people in the school don't want to be with “people like us.” He says that “we're not going to change what people believe,” so he doesn't want to speak up about his Palestinian identity—he doesn't want people to “know and hate him.”

⁶³ *Board Meeting - March 14, 2024*, YouTube, <https://www.youtube.com/live/NSODpj1HH3o> (last visited Oct. 31, 2024).

⁶⁴ Ongoing CPRA disclosures reveal that SCUSD is in regular communication with the ADL and the Institute for Curriculum Studies for teaching materials related to Palestine. The ADL is an unreliable, biased source on Israel-Palestine. Oliver Darcy, **Wikipedia Ends Formal Partnership With ADL**, CNN (June 19, 2024), <https://www.cnn.com/2024/06/19/media/wikipedia-adl/index.html>. The group counts pro-Palestine speech as antisemitic. Tori Otten, **ADL Abandons Any Pretense of Tracking Antisemitism Honestly, Counts Palestine Rallies**, New Republic (Oct. 24, 2024), <https://newrepublic.com/post/177993/adl-abandons-pretense-tracking-antisemitism-honestly-palestine-rallies>. The organization is increasingly being recognized as an inappropriate provider of educational materials. **Drop the ADL**, U.S. Campaign for Palestinian Rights, <https://uscpr.org/campaigns/drop-the-adl/> (last visited Oct. 31, 2024).

“OCR may investigate allegations that race-related curricula create a hostile environment. Curricular content creates a hostile environment if, based on the totality of the circumstances, it is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity. The use of content that promotes hateful or demeaning racial stereotypes or violence toward people of a particular race can create a racially hostile environment for students, even if the content is not targeted at a specific person.” **Race and School Programming**, U.S. Dep't of Educ. Office for Civil Rights, Aug. 2023, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-20230824.pdf> (last visited Oct. 31, 2024).

In conjunction with the bullying of Palestinian students and welcoming of anti-Palestine speakers, the imbalanced and biased way Palestine is treated in the classroom contributes to students' feeling misunderstood, unheard, dismissed, and hated in their schools.

IV. Anti-Palestinian racism in Santa Clara Schools deprives students of an equal education.

Cumulatively, these incidents have created an objectively hostile environment that is so severe as to deny Palestinian students the ability to participate in and benefit from their education. The school had actual notice of the discrimination—because school officials were themselves the perpetrators of these incidents or because incidents occurred in front of or were reported directly to them. Despite notice, the school failed to take prompt and effective steps to end the harassment, eliminate the hostile environment and its effects, and prevent its recurrence. Indeed, incidents of anti-Palestinian discrimination have been non-stop from October 7, 2023, through the present. This constitutes a hostile environment based on Palestinian national origin, where discrimination is accepted, tolerated, perpetrated, and uncorrected by SCUSD.⁶⁵

Generally, “anti-Palestinian racism is a form of anti-Arab racism that silences, excludes, erases, stereotypes, defames, or dehumanizes Palestinians or their narratives. Anti-Palestinian racism takes various forms, including: denying the Nakba and justifying violence against Palestinians; failing to acknowledge Palestinians as an Indigenous people with a collective identity, belonging and rights in relation to occupied and historic Palestine; erasing the human rights and equal dignity and worth of Palestinians; excluding or pressuring others to exclude Palestinian perspectives, Palestinians, and their allies; defaming Palestinians and their allies with slander, such as being inherently antisemitic, a terrorist threat/sympathizer, or opposed to democratic values.”⁶⁶

It is not just Palestinians who are targeted. “Anti-Palestinian racism is experienced by: Palestinians; those perceived to be Palestinians or inherently pro-Palestinian; and non-Palestinians who express support for Palestinian rights. [Anti-Palestinian racism] usually targets those who publicly speak in support of Palestinian rights or share Palestinian narratives or openly criticize the state of Israel for their treatment of Palestinians.”⁶⁷

In an April 2024 report by researchers, physicians, and psychologists, the prevalence of anti-Palestinian racism was recognized as a “widespread,” and “pervasive phenomenon” which negatively impacts the people experiencing it. According to the research group’s empirical data, anti-Palestinian racism is “highly prevalent in many sectors of society,” “affects Americans of diverse racial, ethnic, and religious backgrounds,” and has a “deleterious impact on people’s health and wellness, and is resulting in increased levels of isolation, fear, and intimidation.” The authors urge that these “novel and profound findings” be addressed immediately, by a wide range of actors—including schools.

SCUSD’s students are experiencing these impacts. The environment described above has caused immense pain and feelings of invisibility, insignificance, and lack of safety, for our Palestinian, Arab, Muslim, and South Asian,

⁶⁵ *Dear Colleague Letter: Title VI and Shared Ancestry or Ethnic Characteristics Discrimination*, The White House, <https://www.whitehouse.gov/wp-content/uploads/2024/05/colleague-202405-shared-ancestry.pdf> (last visited Oct. 31, 2024).

⁶⁶ Dania Majid, *Anti-Palestinian Racism: Naming, Framing and Manifestations*, Arab Canadian Lawyers Association, 2022 CanLIIDocs 4618, <https://canlii.ca/t/7n8cn>.

⁶⁷ *Id.*

Southwest Asian, and North African students – and for all our marginalized communities. In this environment, our teachers and students have expressed significant fear, anxiety, stress, humiliation, and emotional pain. Students are being held to unequal standards for speech. Speakers who advocate for Palestinian extermination are seemingly welcomed into the school with open arms. Administrators dismissed student concerns about racist, hate speech. Administrators openly share anti-Palestinian racist tropes. Palestinian parents and students are being attacked in front of or by administrators with no to little repercussion. Qualified teachers and substitutes are surveilled and attacked for sharing information about Palestine with or being Palestinian with our young people. Palestinian families are being faced with a choice of — once again — having to leave where they live or face pervasive discrimination. In these ways, the discrimination occurring within SCUSD is denying students access to equal education, constituting exactly the situation Title VI was designed to remedy.

V. SCUSD must take immediate measures to address the hostile climate of Anti-Palestinian racism.

For the above-mentioned reasons, we urge the Department of Education Office for Civil Rights to investigate SCUSD's compliance with applicable law including Title VI of the Civil Rights Act of 1964. Santa Clara leaders must act on their legal obligation to protect the learning environment for all students, including Palestinian, Arab, and Muslim students. To ameliorate the harms, we ask the Office for Civil Rights to take enforcement action requiring SCUSD to:

- Establish a speaker vetting process to ensure they do not hold violent, hateful views, especially against already marginalized communities on campus.
 - The process should be applied equally without extra scrutiny for some based on ethnicity or national origin.
 - Establishing transparency protocols so that the broader school community knows which speakers are being evaluated.
- Establish a task force dedicated to educating teachers and staff members on anti-Palestinian racism and Islamophobia awareness and prevention strategies.
 - In collaboration with local community organizations, experts, and leaders, SCUSD must develop comprehensive training programs and resources tailored to the specific needs of its district.
 - The training can be included as a section to the professional development training staff attends a few times a year.
 - The training should also include coverage of tactics commonly used against pro-Palestine movements.
- Issue a public apology to the Arab, Muslim, and Palestinian community, acknowledging that it was inappropriate and contrary to its own standards to approve Ran Bar-Yoshafat as a school speaker.
- Issue a public statement making it clear to the community that Palestinian, Arab, and Muslim students and educators are welcome and equal members of the SCUSD community, and welcome to express their ethnicity and national origin equal to students and educators of any national origin.
- Hire therapists who reflect school demographics— particularly of Palestinian, Muslim, and Arab students—and are culturally trained to deal with the unique issues faced by those populations.

- Clarify the Controversial Issues Policy to ensure that it is not used to silence Palestinian, Arab, or Muslim students, teachers, and supporters on campus.
- Adopt educational materials on Palestine by reputable groups such as Teach for Palestine and remove anti-Palestine resources from school websites and curricula. Ensure that history teachers are prepared to teach on this topic.

Thank you for your assistance with this critical matter. You may reach me at zbiloo@cair.com or 408.986.9874 to discuss further.

Sincerely,

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