



MAYER | BROWN



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VIA EMAIL

U.S. Department of Education, Office for Civil Rights
Washington, D.C. Metro Office
400 Maryland Avenue, S.W., 4th Floor
Washington, D.C. 20202
Email: OCR.DC@ed.gov

Re: **Ongoing Civil Rights Violations at the Concord-Carlisle Regional School District (“Concord-Carlisle”)—Supplemental Filing in Further Support of Complaint for File No. [REDACTED]**

I. INTRODUCTION

Mayer Brown LLP, the Anti-Defamation League (“ADL”) and the Louis D. Brandeis Center for Human Rights Under Law (the “Brandeis Center”) respectfully submit this supplemental filing in further support of the *pro se* Title VI Complaint previously filed with the Department of Education’s Office for Civil Rights (“OCR”) by Complainants Parent A and Parent B (“Complainants”), detailing the hostile environment and retaliation their minor son, Student A, endured in the Concord-Carlisle Regional School District (“Concord-Carlisle”) in Massachusetts because of his Jewish ethnicity and shared ancestry.¹ With Complainants’ consent and authorization, this supplemental filing is meant to update OCR about antisemitic incidents that have occurred after the filing of the Complaint and to assist OCR’s pending evaluation of the Complaint by explaining the legal framework and the evidence and context underlying the Title VI violations by Concord-Carlisle that were described in the *pro se* Complaint.

As detailed in the Complaint and as further elaborated below, Concord-Carlisle has knowingly allowed its schools to become a hostile environment for Jewish students, and it has failed to promptly and effectively address this ongoing problem in violation of its legal obligations under Title VI of the Civil Rights Act of 1964 (“Title VI”).² Student A and his Jewish peers have been subjected to severe and persistent antisemitic bullying and harassment by other students in school hallways, classrooms, and athletic fields. The antisemitic bullying, which occurred on a regular basis, targeted [REDACTED] Student A [REDACTED], beginning

¹ In December 2024, Parent A and Parent B filed a *pro se* Title VI Complaint with OCR’s Boston regional office (OCR File No. [REDACTED]). Complainants subsequently retained the undersigned counsel. We understand that the DC Metro regional office has since taken over the matters that were previously under review at OCR’s Boston regional office.

² See 42 U.S.C. § 2000d et seq.; see also 34 C.F.R. §§ 100.3(b)(1)(i), (iv), (vi).

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at Concord Middle School and continuing at Concord-Carlisle High School—most recently during the 2024-2025 academic year.

Examples of specific incidents include the drawing of multiple swastikas on school property, the repeated and targeted use by other students of Nazi symbols and gestures—like the “Heil Hitler” salute—antisemitic slurs and invectives such as “kike,” “dirty Jew,” and “go to the gas chamber” directed at Jewish students, as well as antisemitic threats and other forms of intimidation targeting Jewish students.

Despite being on notice of the antisemitic abuse, Concord-Carlisle has failed for years to stop the harassment and ensuing retaliation from peers. In refusing to acknowledge and address the root cause of the targeted harassment against Jewish students, Concord-Carlisle has exacerbated the antisemitism in its schools and further isolated its Jewish students. For example, Student A’s parents repeatedly advocated for educational programming on antisemitism in response to the explicitly antisemitic nature of the bullying that targeted Student A, but in the Fall of 2024, administrators instead proposed “resolving” the problem by removing Student A from the classroom and doing nothing to remedy the hostile environment itself. This only served to isolate and ostracize Student A from his peers, while permitting antisemitism to continue unabated and denying Student A and other Jewish students access to an educational environment free from harassment and discrimination.

At all times, the administration’s inadequate response failed to stop the antisemitic harassment and eliminate the hostile environment; it also generated a cycle of retaliation against Student A for “snitching” on his peers. The retaliation and targeting became so severe that Student A ***was forced to withdraw from Concord-Carlisle altogether to escape the hostile environment***. In November 2024, Student A enrolled in a private Jewish day school, at significant cost to his family.

Even since Student A’s withdrawal and the filing of the Complaint in this matter, additional antisemitic incidents and the district’s inadequate response have illustrated that the hostile environment at Concord-Carlisle is ongoing.³ Most recently, in April 2025, a large swastika was spraypainted on a ramp at the high school. Concerningly, the swastika went unaddressed by school employees for multiple weeks and, after finally being prompted by a community member, school officials still waited until June 4, 2025—more than three additional weeks—before finally publicly acknowledging the incident or reporting it to law enforcement.

This most recent incident demonstrates that Concord-Carlisle’s response to antisemitism in its schools continues to be neither prompt nor effective. Absent intervention from OCR, it is clear that Concord-Carlisle will neither undertake the

³ See OCR Case Processing Manual, Section 106 (“Timely allegations may include those where the complainant alleges a continuing violation and/or a pattern or practice of discrimination”).

necessary work to address antisemitism in its school community nor protect its Jewish students from a climate of hostility and retaliation.

We therefore urge OCR to include these recent incidents and the additional context and evidence provided in this filing in its pending evaluation of Concord-Carlisle, a recipient of federal financial assistance.⁴ The persistence of antisemitic incidents at Concord-Carlisle underscores the need for the district to implement the systemic remedies outlined below to ensure that all students—including Jewish students—are safe and welcome in Concord-Carlisle schools. Complainants are also available for mediation pursuant to Section 201(b) of OCR’s Case Processing Manual.

II. STATEMENT OF FACTS

We begin our factual overview in Section A with several disturbing incidents in which Student A has been bullied by his peers, cornered and harassed, threatened, and made to bear witness to swastikas in classrooms. These are not mere isolated incidents of “kids being kids.” Nor have they occurred in a vacuum. Rather, as we detail throughout this filing, administrators at Concord-Carlisle have allowed antisemitic harassment targeting Student A and other Jewish students to metastasize over the course of several years, beginning at Concord Middle School and continuing at Concord-Carlisle High School. And when confronted with repeated complaints about antisemitic harassment by certain students, Concord-Carlisle administrators made the problem worse, creating and perpetuating a vicious cycle of bullying, hate, and retaliation that ultimately forced Student A to leave the district altogether.

While this supplemental filing focuses on the antisemitic bullying that Student A endured, on information and belief, other Jewish students in the district have experienced antisemitic harassment based on their shared ancestry, but those students and their parents are reluctant to share, even confidentially, their experiences of discrimination due to fear of retribution. Moreover, Jewish students comprise a particularly small minority at Concord-Carlisle, which heightens the fears of publicly speaking out against antisemitism as well as the acute sense of isolation felt by those Jewish students who have been targeted for bullying on the basis of their shared ancestry.

A. Antisemitic Peer Harassment and Bullying at Concord Middle School

Peer-on-peer antisemitic harassment has flourished both inside and outside the district’s classrooms, creating a hostile environment for Student A and other Jewish students in the district. The conduct detailed below dates back to the time when Student A was at Concord Middle School; continued unabated through the end of

⁴ See 42 U.S.C. § 2000d *et seq.*; see also 34 C.F.R. §§ 100.3(b)(1)(i), (iv), (vi).

2024 at Concord-Carlisle High School when Student A was finally forced to leave the district [REDACTED]

[REDACTED] and remains ongoing today, as reflected in the district's untimely and feckless response to the latest incident of antisemitic hate in June 2025. And despite numerous complaints from Parent A and Parent B, Concord-Carlisle's response has been entirely inadequate.

For critical context, Student A began experiencing antisemitic bullying in the Concord-Carlisle schools as a middle school student at Concord Middle School. In a cruel irony, middle school students took all of the wrong lessons from a school unit about the Holocaust by completely flipping the materials they had learned on their head. Instead of being sobered by the horrors of the Holocaust, several middle-school students began taunting Student A [REDACTED]

[REDACTED] with the very types of antisemitic bile that they were being taught never to forget. From that point on, Student A [REDACTED] were singled out for being Jewish inside and outside of the classroom. For example, one student, "Bully 1," asked [REDACTED]

[REDACTED].⁵

This type of targeted bullying only escalated from there. [REDACTED]

In the Spring of 2023, Concord-Carlisle administrators were put on notice the moment the antisemitic bullying of Student A [REDACTED] began. After learning about the incidents in the classroom, Parent A and Parent B, [REDACTED], reached out to officials at the middle school for help. But despite assurances from the district that they would address the grievous bullying, administrators did nothing.

After a total of six unproductive conversations with school administrators, including Superintendent Dr. Laurie Hunter, Parent A was told that Student A [REDACTED] would be distanced from the students who were continuing to bully them. But contrary to the school's representations, Student A found himself seated next to one of the students who bullied him worst—Bully 1. And when Parent A notified the vice principal, he first denied the situation and then brushed off her concerns. Instead of addressing the bullying and antisemitism in his school, the vice principal dialed up the pressure *on Student A*, informing him that his mother was "planning on pulling him out of the district" if he continued to report harassment, and pointedly asking

⁵ Upon request by OCR, we will confidentially provide the identities of Bullies 1-7.

him whether that was “what he really wanted.” The message was clear: reporting antisemitism in school would have consequences for Student A, **not** the aggressors.

Upon information and belief, this theme of failing to take seriously the clear antisemitism in school is of a piece with broader, more systemic failures by Concord-Carlisle administrators and school officials to report instances of antisemitism and harassment either to appropriate school channels or law enforcement. For example, while Concord-Carlisle apparently employs a “Civil Rights Coordinator,” ***no school official ever told Complainants—or seemingly anyone else in the district—about the position***, included the Coordinator on any communications, or offered to engage the Coordinator to help Student A. This failure is all the more disappointing given that the Coordinator was Student A’s elementary school principal, with whom Student A had a good relationship.

Likewise, as discussed below, Concord-Carlisle repeatedly dragged its feet in reporting antisemitic incidents to the police, and failed to produce timely and accurate reports to parents and other community members about antisemitic incidents at the school.

B. Peer Bullying and Harassment Continues at Concord-Carlisle High School

Almost immediately upon starting at Concord-Carlisle High School, Student A was subjected to alarmingly frequent harassment on the basis of his identity and national origin. The upshot of the district’s response to the antisemitism in its classrooms was that the lone Jewish student sounding the alarm was left socially isolated, shunned by his classmates, and an open target for retaliation by the other students.

Instead of acting promptly and effectively to confront antisemitism in its student body, Concord-Carlisle administrators siloed each incident as an isolated “one-off” infraction, publicly punishing the bullies for some of the incidents but never acknowledging the antisemitic theme connecting them. In refusing to address the underlying antisemitism in the school, the district instead fostered a self-perpetuating cycle in which Student A was targeted for harassment because he refused to hide his Jewish identity despite the antisemitic environment, after which he or his family would report the incident to the school and request a restorative justice process with the individual aggressor as well as action by the district to address antisemitism directly and systemically. Administrators would consistently decline to do either, and would instead admonish the harassers in a public manner (if they were admonished at all, which was not always the case). Student A would then be bullied for being a “snitch” and subjected to escalating harassment.

1. Ninth Grade

By December 2023, for example, “Bully 2” began to consistently bully Student A. Among other slurs and taunts, Bully 2 would often ask Student A to roll up his sleeve

to check for his “Holocaust tattoo.” In classes with Student A, Bully 2 would also pull up pictures of gas chambers and make references to Anne Frank. When asked by upperclassmen why he was bullying Student A, Bully 2 responded that he was doing so “because [Student A] is a Jew.”

Moreover, when students on the school athletic field divided into teams to play soccer, some students (in both middle school and Ninth Grade) took to pointedly harassing Student A [REDACTED] by creating teams named “Team Al Qaeda,” “Team Hitler,” “Team Auschwitz,” and “Team Hamas.”

In response to these instances of antisemitic abuse, Parent A and Parent B scheduled a meeting with three Concord-Carlisle administrators: (1) Katie Stahl, (2) Brian Miller (the school co-principals), and (3) Andrew Nyamekye, the school Diversity, Equity, Inclusion, and Belonging (“DEIB”) director. At the meeting on February 23, 2024, Parent A and Parent B provided the administrators a list of *ten separate* antisemitic slurs that classmates had hurled at their son in recent months. The list of vile invectives included:

- “kike,”
- “Go to the gas chamber,”
- “Do you smell gas?,”
- “Do you recognize this girl?” (pointing to a picture of Anne Frank).
- “Team Auschwitz,”
- “Team Hamas,”
- “Heil Hitler,”
- “Jew Nose,”
- “Dirty Jew,”
- “Let me see your arm, I want to scan your tattoo.”

When presented with this list of antisemitic slurs and invectives, DEIB Director Nyamekye—the very person tasked with ensuring inclusion in the district—dismissed the concerns out of hand: he responded that the word “kike”—a well-known antisemitic slur—is *merely a “microaggression.”*⁶ The DEIB Director’s response

⁶ See Ex. A, Email dated Mar. 25, 2024. Nor was this the only time that the DEIB Director dismissed Parent A’s and Parent B’s concerns about the antisemitic abuse directed towards their son. Mr. Nyamekye was repeatedly late to meetings with Parent A, and never took seriously—let alone acted to stop or prevent—the abuse directed at Student A.

downplayed the antisemitism experienced by Jewish students and sent a message that the school does not take anti-Jewish harassment seriously.

Although Parent A and Parent B repeatedly implored the school to proactively address the antisemitism their son was experiencing, Student A was nonetheless subjected to continued antisemitic abuse on a daily, and sometimes even hourly, basis. On March 20, 2024, for instance, Student A was sitting in his World Cultures class when another student, “Bully 3,” drew a swastika in a nearby notebook, and then specifically drew Student A’s attention to it.⁷

In April 2024, Parent A sent an “Urgent Appeal for Leadership” directly to Superintendent Hunter. Parent A noted that she found herself “compelled to reach out once more, despite [her] growing despair over the persistent and systemic anti-Semitism within our campuses,” which persists “under a shroud of deliberate inaction on your part.”⁸ Parent A painstakingly detailed the “real psychological harm and escalating harassment” targeted at Student A for being a Jewish student at Concord-Carlisle, including being “taunted with swastikas during class” and then “intimidated for ‘snitching.’”⁹ And she explained that the school’s “reactive measures” were doing nothing to abate the “crisis that has been allowed to fester and grow.”¹⁰

Following a student’s efforts to disguise the swastika by connecting the edges and making them appear to be squares, Student A was interviewed about the incident by Dr. Darius Green, the Assistant Principal of Teaching and Learning at Concord-Carlisle. Dr. Green flippantly asked Student A whether “the symbol drawn was an ‘actual swastika’ or just ‘one of those squares.’”¹¹ This insensitive comment made Student A feel like “the impact of this symbol was perceived by [him] as less significant when compared to a standalone swastika.”¹² As Parent A explained, this was “not the first time the administration has been dismissive of egregious act [of] anti-Semitism on campus.”¹³

And while the school did ultimately investigate and discipline Bully 3, it did so in a counter-productive manner that made Student A *even more of a target* to his harassers. Because the school did not address any of the root causes underlying the torrent of antisemitic abuse Student A was facing, but instead only addressed incidents haphazardly and after-the-fact, Student A “faced undue backlash for ‘snitching’ when he was responding truthfully to his teachers inquiry of his ‘disruptive’ behavior.”¹⁴ What the district needed to implement was a “proactive,

⁷ See Ex. B, Concord Public Schools, Concord-Carlisle Regional School District, Internal Investigation Reporting Form, dated Mar. 20, 2024.

⁸ See Ex. C, Email dated April 3, 2024.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Ex. D, Email dated May 14, 2024.

¹² *Id.*

¹³ *Id.*

¹⁴ See Ex. A, Email dated March 25, 2024.

transparent stance against this hatred,” because its deafening silence “allowed a dangerous narrative to take hold—one that suggests that such behavior is acceptable.”¹⁵

Predictably, because the school district failed to proactively and appropriately respond to the pervasive antisemitism that had taken root, the discriminatory incidents did not end in Student A’s freshman year.

2. Tenth Grade

On August 28, 2024, *the first day of his sophomore year*, Student A was harassed by classmates in his Honors English class. In fact, the two students who harassed him that day (Bully 3 and “Bully 4”) had also tormented him the previous year to the point that school administrators required them to be separated from Student A in his classes. Inexplicably, they were in the same class again. While this particular incident was not antisemitic in nature, Student A was “loudly taunt[ed]” and Parent A was obliged to report to the school that he was again being deprived of his “fundamental right to a safe and supportive learning environment, free from harassment, bullying, and discrimination.”¹⁶

Parent A and Parent B reached out to school administrators—including Dr. Hunter—regarding the district’s failure to address ongoing antisemitic bullying. At a meeting on September 4, 2024, Dr. Hunter “*acknowledged*” their “concerns and the inadequacies in the *school’s current handling of antisemitic incidents*” (emphasis added).¹⁷

Increasingly concerned for her child’s safety at school, Parent A reached out the following day, September 5, 2024, to Concord Police Chief Thomas Mulcahy.¹⁸ She outlined the district’s utterly inadequate response to longstanding antisemitic bullying, including its refusal to publicly acknowledge and condemn antisemitism in its schools despite being on notice of “over 20 instances of egregious antisemitic slurs, physical intimidation attempts, and outright hate crimes at the high school” in a single year.¹⁹ Parent A noted that “Dr. Hunter has repeatedly told me that any public statement addressing antisemitism directed at Jewish students would result in backlash against my child undersco[r]ing the district[s] inability and refusal to control this very serious issue.”²⁰ And given the “current rise” in antisemitism, she was left “extraordinarily concerned for [her] son’s safety.”²¹

¹⁵ See Ex. C, Email dated April 3, 2024.

¹⁶ See Ex. E, Email dated Aug. 28, 2024.

¹⁷ See Ex. F, Summary of Conversation on Sept. 4, 2024.

¹⁸ See Ex. G, Email dated Sept. 5, 2024.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

Despite reports to both the district and law enforcement, the antisemitic environment at Concord-Carlisle did not improve. On September 29, 2024, for example, while at lunch, several students approached Student A and harassed him for being Jewish, taunting him with antisemitic slurs and saying things like “No Jew boys – Jew boys go to Jew temple.”²²

Remarkably, and deeply concerningly, during this same period of time (*i.e.*, October 2024), the DEIB Director was contemporaneously posting links on the district’s official new DEIB website (which is intended to serve as a diversity and belonging resource for students) to multiple social media “influencers” who post antisemitic content. *See* Appendix B. For example, one such influencer posted the message “Free Palestine” in connection with October 7, signaling that the terrorist attack on Jews in Israel on October 7, 2023, was justified.²³ *Id.* Other messages from Concord-Carlisle’s recommended DEIB influencers spread falsehoods that Israel is purposefully targeting Palestinian civilians and committing genocide against the Palestinian people, and asserting that Zionism calls for violent civilian deaths. *Id.*

By receiving the imprimatur of the Concord-Carlisle’s DEIB Director, these antisemitic social media recommendations further isolated Concord-Carlisle’s Jewish students and their families, who felt abandoned in their time of need. Parent A alerted school administrators that these and other images posted to the DEIB Resource Hub were “disgustingly antisemitic.”²⁴ But instead of promptly removing the inflammatory materials from a website that was supposed to be promoting diversity and belonging, the DEIB Director again downplayed the concerns about antisemitism by stating that “[y]our concerns are duly noted.”²⁵

As time went on, the vicious cycle of abuse-reporting-retaliation escalated to physical threats. On October 17, 2024, Concord-Carlisle officials were alerted to yet another incident when one student, “Bully 5,” told Student A that he “better not come in tomorrow,” implying that if he did, he would be in physical danger.²⁶ As Parent A explained at the time to the school, “[i]f [the] administration insists on addressing every kid after the fact, [Student A] stays in harm’s way, and will become ostracized further and completely isolated This constant bullying and anti-Semitism is

²² *See* Ex. H, Email dated Jan. 23, 2025.

²³ These modern-day blood libels are intended to glorify and justify Hamas’ murderous terrorist attacks on October 7, 2023, demonize Israel, and foment hostility towards the Jewish state and its Jewish supporters around the world. Indeed, contemporary manifestations of antisemitism frequently use the term “Zionist” or “Zionism” in a derogatory manner or as a substitute for the word “Jew” in order to mask antisemitism. Posting such antisemitic messages in the days following the one-year anniversary of the October 7 terrorist attacks sends the message that the violent attacks against Jews in Israel were justified.

²⁴ *See* Ex. I, Email dated Nov. 4, 2024.

²⁵ *Id.*

²⁶ *See* Ex. J, Email dated Oct. 17, 2024.

beyond what any child should have to endure, yet it has been his experience for YEARS.”²⁷

Then, on October 29, 2024, when Student A tried to strike up a conversation with another student in his Biology class, “Bully 6,” by asking what was in his water bottle, the student cruelly responded, “[g]o away, Jew.”²⁸

Parent A again reported the incident to the school—but administrators again only made the problem worse. The principal pulled two students (Bully 6 and “Bully 7”) out of class—in the middle of the period—in front of everyone, leading classmates to assume that the two students were disciplined because of Student A. Indeed, Student A received multiple text messages from his classmates asking him to explain “what happened at school between you and [Bully 6]?”²⁹ In total, “[Student A] experienced 7 different interactions questioning why he snitched, why [Bully 6] was suspended, and why [Bully 7] was called out of class immediately upon his return to school.”³⁰ During these interactions, Student A was harassed and intimidated.³¹

In an Orwellian inversion, the school’s response made it appear as if Student A (the victim) was the wrongdoer while Bullies 6 and 7 (the perpetrators) were the innocent parties. All this—the initial incident, the school’s failed response, and the bullying by other students—

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At bottom, the district refused to acknowledge that antisemitism and hate speech were running rampant in the high school, and instead treated individual incidents as interpersonal conflicts that somehow always involved Student A (as the Jewish student). This naturally exacerbated, rather than resolved, the targeting of this Jewish student, and it failed entirely to acknowledge and address the systemic antisemitic environment he and other Jewish students faced.

The cumulative effects of the school’s response—and the vicious cycle it generated—indicates a lack of both sincerity and capability by the district to resolve the blatant and unrelenting antisemitic abuse Student A endured daily. And when, in late September 2024, administrators at Concord-Carlisle devised a “Safety Plan” for Student A, their solution was to isolate and remove the Jewish victim from the classroom and all other social settings at the high school.

As school administrators explained the plan, Student A could “engage in an independent study in English and Latin with his current teachers,” as well as

²⁷ *Id.* (emphasis in original).

²⁸ See Ex. K, Email dated Oct. 29, 2024.

²⁹ See *id.*

³⁰ See Ex. L, Email dated Nov. 4, 2024.

³¹ *Id.*

³² See Ex. K, Email dated Oct. 29, 2024.

“Virtual High School ... classes in Math, Biology, and U.S. History.”³³ Under this purported solution, Student A would be “completely out of the building for Term 2,” and could “manage the classes with a combination of [virtual classes] and independent study.”³⁴

Nothing in the school’s plan was aimed at remedying the antisemitic environment. Instead, it looked to resolve the issue by removing the Jewish victim from the school, an entirely inadequate response that would deprive the Jewish student of his right to safely go to class and receive the same basic educational experience as every other Concord-Carlisle student. The inequity of that approach was obvious to Student A and his parents, who insisted that he not be forced to hide in an office, eat lunch alone, or be escorted by the School Resource Officer to classes and transition periods. Student A did not want special treatment; he simply wanted to be part of the school community—to be treated equally, with his safety and wellbeing assured. But the pervasive antisemitic bullying and retaliation, which was never effectively curbed by the Concord-Carlisle administration, made that impossible.

Despite enduring years of antisemitic harassment at school, Student A was remarkable in his continued advocacy for fair and systemic solutions to the antisemitic bullying he encountered. He chose, again and again, to stand up—to ask for dialogue and understanding and to demand fairness from school leaders. He repeatedly sought restorative justice—not punishment—because he believed reasoning with his peers face to face could change their actions. He stood up for himself and his Jewish classmates with logic, composure, and conviction. He did not ask for any of this, and never sought retribution; all he ever wanted was to speak to his aggressors face-to-face and peaceably deescalate matters. But Concord-Carlisle administrators failed him at every turn, and in so doing sent a clear message that Jewish students facing antisemitism in the district are on their own.



³³ See Ex. M, Email dated Nov. 12, 2024.

³⁴ *Id.*

³⁵ See Ex. N, Email dated Nov. 6, 2024.

³⁶ *Id.*

Ultimately, Student A was forced to transfer out of Concord-Carlisle, and to enroll—at significant expense—in a private day school to escape the uncontrolled antisemitic bullying and retaliation he experienced as a student at Concord-Carlisle.

Things have not gotten better for Jewish students at Concord-Carlisle after Student A left, as the school mischaracterized and otherwise mishandled a three-part wave of swastika graffiti in November and December 2024. On November 15 and then again on November 18, 2024, multiple swastikas were drawn on the wall of the high school bathroom in separate incidents.³⁷ Also added were the phrases “white pride worldwide.”



Moreover, when Concord-Carlisle officials **finally** told the community about these incidents three weeks later, they purposefully watered down the message by describing the symbols on the wall as not just racist and antisemitic, but also transphobic. The swastika is, of course, notorious specifically for its association with antisemitism.³⁸

And, as recently as the April 2025 spring break, swastikas were found again at Concord-Carlisle.³⁹ Despite learning of the incident on May 12, the Co-Principals waited until June 4 to send an email notifying the community. Their belated email

³⁷ A third swastika incident occurred in December, as Dr. Hunter acknowledged in a December 16, 2024 email to the Concord Bridge. See Dakota Antelman, *Acts of hate: Bigoted graffiti at CCHS under investigation* — updated, Concord Bridge (Dec. 13, 2024), <https://concordbridge.org/index.php/2024/12/13/acts-of-hate-bigoted-graffiti-at-cchs-under-investigation/>.

³⁸ Concord-Carlisle officials emphasized that the graffiti was adorned along the walls of the school's gender neutral bathroom. But that was not true either. As the police report makes clear, it was the walls of the boys' bathroom that were vandalized.

³⁹ See Ex. O, Email dated June 4, 2025.

never once addressed the antisemitic nature of the swastikas, but instead said that it was a “symbol historically tied to hatred, violence, and division.”⁴⁰ And while their email claimed that the swastika had been found on Concord-Carlisle premises in April, and that they were investigating the incident, Police Chief Thomas Mulcahy and Lieutenant Tim Landers said that the school’s June 4 email was “the first we’re hearing of it.”⁴¹

When forced to confront the district’s failure to inform police that the school had again been defaced with antisemitic graffiti, Dr. Hunter sent a second email telling the community that the district failed to report the swastika because their efforts were “drawn back into the needs of the grieving school community.”⁴² As Dr. Hunter acknowledged, the “delay” in reporting “*was not acceptable*.”⁴³ Moreover, when administrators finally informed the community (nearly six weeks after the swastika was discovered), they did so yet again with non-transparent, empty boilerplate plainly designed to minimize the truth about the incident and the victims meant to be targeted.⁴⁴

In sum, despite Parent A’s and Parent B’s sustained efforts to engage with the Superintendent, school administrators, and the DEIB director, Concord-Carlisle has refused to acknowledge and address antisemitism in its schools. It has employed a playbook of treating each incident as an isolated interaction, minimizing or ignoring the injury to Jewish students caused by an environment filled with antisemitic slurs and threats, fostering an environment that strongly discourages students from reporting antisemitic incidents, and delaying or suppressing reports to the public school community and law enforcement. There was no change to policies. There was

⁴⁰ *Id.*

⁴¹ *Breaking: CCHS Investigates Swastika Graffiti, but Police Say They Weren’t Notified*, Concord Bridge (June 4, 2025), <https://concordbridge.org/index.php/2025/06/04/breaking-cchs-investigates-swastika-graffiti-but-police-say-they-werent-notified/>.

⁴² Ex. P, Email dated June 5, 2025. Over Spring Break in April, several Concord-Carlisle students were tragically killed in a horrific car accident. *See Preliminary Police Report Cites Speed in Deadly Student Crash*, Concord Bridge (May 20, 2025), <https://concordbridge.org/index.php/2025/05/20/preliminary-police-report-cites-speed-in-deadly-student-crash/>.

⁴³ Ex. P, Email dated June 5, 2025.

⁴⁴ The Concord-Carlisle community has taken notice of the district’s failures to promptly and effectively denounce antisemitism. *See* Dakota Antelman, *Lag in reporting swastika graffiti spurs calls for better schools response*, Concord Bridge (June 16, 2025), <https://concordbridge.org/index.php/2025/06/16/lag-in-reporting-swastika-graffiti-spurs-calls-for-better-schools-response/> (quoting community member Marc Girolimetti as criticizing Concord-Carlisle’s “profoundly disappointing” response, including its “pattern of running out the clock [which] is not new” and its “pattern of not communicating” with the public); *see also* Brian Farber, *Concord’s leaders and its citizens must speak clearly against bigotry*, Concord Bridge (June 20, 2025), <https://concordbridge.org/index.php/2025/06/20/concords-leaders-and-its-citizens-must-speak-clearly-against-bigotry/> (“[T]he swastika was met only with silence and the rug it was swept under, no public statements—not from the Select Board, the School Committee, non-Jewish church leaders, from the DEI Commission, until the press asked.”).

no communication or education provided to the community. There was no accountability, repercussions, and certainly no restorative justice. Student A's experience is the unfortunately predictable result: despite sustained efforts by his family to push for change and Student A's steadfast efforts to rise above, he was forced to leave the district to feel protected and safe while attending school as a Jewish student.

III. LEGAL DISCUSSION

A. Concord-Carlisle Has Knowingly Allowed a Hostile Environment to Develop and Flourish in Violation of Title VI

1. Title VI protects Jewish students who are targeted on the basis of their shared ancestry.

Title VI requires educational institutions that receive federal funding (like Concord-Carlisle) to prevent discrimination and harassment that generates a hostile environment against students on the basis of their race, color, and national origin.⁴⁵ Guidance issued by OCR and the Department of Justice in 2004, 2010, 2017, and 2023 affirms that Title VI covers discrimination against Jewish students on the basis of their “actual or perceived . . . shared ancestry or ethnic characteristics.”⁴⁶ According to Executive Order 13899 (the “Executive Order” or “EO 13899”) which has been incorporated into OCR’s current policy guidance and reinforced through President Trump’s January 29, 2025, Executive Order 14188 (“New Executive Order”) on Additional Measures to Combat Anti-Semitism, Title VI must be enforced “against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.”⁴⁷ The Executive

⁴⁵ Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*; 34 C.F.R. § 100.3.

⁴⁶ See Dear Colleague Letter, U.S. Dep’t of Educ. – Office for C.R. (Nov. 7, 2023) (“2023 Dear Colleague Letter”),

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf>; see also FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics (Jan. 4, 2023) (“2023 Fact Sheet”), <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>; Know Your Rights: Title VI and Religion, U.S. Dep’t of Educ. – Office for C.R. (Jan. 17, 2017) (“2017 Know Your Rights”), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>; Letter from Assistant Secretary for Civil Rights Russlynn Ali, U.S. Dep’t of Educ. – Office for C.R. (Oct. 26, 2010) (“2010 Dear Colleague Letter”), <https://www.mass.gov/doc/commission-to-review-statutes-relative-to-implementation-of-the-school-bullying-law-testimony-6/download>; Letter from Thomas E. Perez, Assistant Att’y Gen., U.S. Dep’t of Just.– C.R. Div., to Russlyn H. Ali, Assistant Sec’y for C.R., U.S. Dep’t of Educ. – Office for C.R., Re: Title VI and Coverage of Religiously Identifiable Groups (Sept. 8, 2010) (“2010 Letter Re Title VI and Religiously Identifiable Groups”), https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_O_CR_Title%20VI_and_Religiously_Identifiable_Groups.pdf; Kenneth L. Marcus, Title VI and Title IX Religious Discrimination in Schools and Colleges: Dear Colleague Letter, U.S. Dep’t of Educ. – Office for C.R. (Sep. 13, 2004), <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

⁴⁷ Exec. Order No. 13899, 84 Fed. Reg. 68,779 § 1 (Dec. 11, 2019); see also Questions and Answers on Executive Order 13899 (Combatting Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil

Order also incorporates the International Holocaust Remembrance Alliance Working Definition of Anti-Semitism (the “IHRA Definition”), which states that “the denial to Jews of opportunities or services available to others” is “antisemitic discrimination.”

The New Executive Order highlights the urgency of eradicating antisemitism in K-12 schools, stating:

This order reaffirms Executive Order 13899 and directs additional measures to advance the policy thereof in the wake of the Hamas terrorist attacks of October 7, 2023, against the people of Israel. These attacks unleashed an unprecedented wave of vile anti-Semitic discrimination, vandalism, and violence against our citizens, especially in our schools and on our campuses. Jewish students have faced an unrelenting barrage of discrimination; denial of access to campus common areas and facilities, including libraries and classrooms; and intimidation, harassment, and physical threats and assaults.⁴⁸

The New Executive Order also affirms that “[i]t shall be the policy of the United States to combat anti-Semitism vigorously, using all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.”⁴⁹

As OCR has stated, “All students, including students who are or are perceived to be Jewish . . . are entitled to a school environment free from discrimination based on race, color, or national origin.”⁵⁰ As extensively detailed in the Complaint and in this supplemental filing, that is not the case at Concord-Carlisle.

2. Jewish students at Concord-Carlisle are being subjected to a hostile environment.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on national origin existed; (2) the recipient had actual or constructive notice of a hostile environment based on national origin; and (3) the recipient failed to take prompt and effective steps reasonably calculated

Rights Act of 1964, U.S. Dep’t of Educ. – Office for C.R. (Jan. 19, 2021), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

⁴⁸ Executive Order 14188, “Additional Measures to Combat Anti-Semitism,” (Jan. 29, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/>.

⁴⁹ *Id.*

⁵⁰ *Id.*

to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.⁵¹

According to OCR guidance, “unwelcome conduct based on shared ancestry or ethnic characteristics that, based on the totality of circumstances, is subjectively and objectively offensive” creates a hostile environment.⁵² OCR has explained that “[h]arassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.”⁵³ Harassment creates a hostile environment “when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.”⁵⁴ And a school must respond to discriminatory harassment when such harassment “negatively affect[s] the ability and willingness of Jewish students to participate fully in the school’s education programs and activities.”⁵⁵

Further, a school can violate Title VI if peer harassment “is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”⁵⁶

A school must respond to harassment about which it “knows or reasonably should have known.”⁵⁷ Once a recipient has actual or constructive notice, the recipient has a legal duty to take immediate steps to eliminate it—and prevent it from recurring.⁵⁸ “The appropriate response to a hostile environment based on national origin must be tailored to redress fully the specific problems experienced at the school as a result of the harassment.”⁵⁹ And OCR “evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely and effective.”⁶⁰

As discussed in the Statement of Facts, Student A [REDACTED], have been mercilessly bullied specifically because of their Jewish identity. *See supra* pp. 3-14. Student A and others have been cornered, taunted, and forced to view pictures of swastikas. *Id.* at 7. They have been ridiculed and subjected to taunts

⁵¹ 2010 Dear Colleague Letter at 2-3.

⁵² *See* 2023 Dear Colleague Letter at 2.

⁵³ *See* 2010 Dear Colleague Letter at 2.

⁵⁴ *Id.*

⁵⁵ *See* 2010 Dear Colleague Letter at 5-6.

⁵⁶ *See* 2010 Dear Colleague Letter at 1; *see also* 2017 Know Your Rights: Title VI and Religion.

⁵⁷ *See* 2010 Dear Colleague Letter at 2, 4.

⁵⁸ *See* 2023 Dear Colleague Letter at 2.

⁵⁹ Letter from Beth Gellman-Beer, OCR Regional Director, to Red Clay Consolidated School District at 12 (Jan. 29, 2024) (“OCR/Red Clay Resolution Letter”), <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03231373-a.pdf>.

⁶⁰ *Id.* Note that while the 2010 Dear Colleague Letter includes a number of examples regarding systemic remedies that schools should take to address hostile environments—including, for example, issuing public statements, providing training and education on the issue at hand, and, *inter alia*, reviewing and revising policies—Concord-Carlisle administrators did none of them.

of “Team Hamas” and “Team Auschwitz.” *Id.* at 6. When Student A and/or his parents spoke up or sought help from school leadership, the harassment escalated, with Student A derided and denounced as a “snitch.” *Id.* at 7. And as further discussed below, *see infra* § I(C), the school district contributed to and compounded this hostile environment by, among other things, (i) failing to address the systemic issues at play, (ii) minimizing the most hideous antisemitic tropes and invectives as mere “microaggression[s],” (iii) ostracizing Student A through a purported “Safety Plan” that would have left him without the educational experience to which he is entitled, and (iv) minimizing or covering up the effect of swastikas displayed at Concord-Carlisle.

Under the “totality of the circumstances,” the verbal and non-verbal acts of harassment and bullying set forth in the Statement of Facts have created a hostile environment that leaves Student A and other Jewish students feeling marginalized, attacked, frightened, and alienated to the point where many feel compelled to hide their Jewish identity. These pupils also experience limits on their ability “to participate in or benefit from the services, activities, or opportunities offered by a school”⁶¹ when they are isolated from their peers and bullied to the point that they are forced to drop out of school altogether. Pupils suffering from continual intimidation and harassment are unable to focus on their studies and miss out on critical benefits from their education.⁶²

3. Concord-Carlisle has received many reports about antisemitic harassment and bullying, but has not taken sufficient steps to eliminate the hostile environment in its schools.

As shown above, Parent A and Parent B gave administrators more than sufficient notice about antisemitism and discrimination on the basis of national origin at Concord-Carlisle. *See generally supra* pp. 4-11 (detailing numerous contemporaneous emails from Parent A to Superintendent Hunter, Principals Stahl and Miller, and the DEIB Director, among others). These emails *implored* Concord-Carlisle to proactively address the systemic antisemitism that had been allowed to fester in the district, and so Concord-Carlisle is fully aware of the hostile environment in its schools. Despite email after email sounding the alarm, Concord-Carlisle failed to take effective steps “reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.”⁶³ Unfortunately, following years of the district failing to address antisemitic harassment and retaliation, Student A found that his only remedy for the hostile environment was to remove himself entirely from it by enrolling in private school. In

⁶¹ 2010 Dear Colleague Letter at 2.

⁶² “A safe environment is a prerequisite for productive learning.” Johanna Lacoe, *Too Scared to Learn? The Academic Consequences of Feeling Unsafe in the Classroom*, 55:10 Urban Educ. 1385, 1386 (2020) (citing Maslow, 1970; Piaget, 1936), <https://files.eric.ed.gov/fulltext/EJ1265973.pdf>.

⁶³ 2010 Dear Colleague Letter at 2-3.

the absence of effective action by Concord-Carlisle, students will continue to be bullied on the basis of their Jewish ancestry.

In other hostile environment cases, OCR has advised schools to provide “training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond.”⁶⁴ A school may also need “to provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment.”⁶⁵

To Complainants’ knowledge, and upon information and belief, Concord-Carlisle has taken no such steps. To the contrary, it has insufficiently acknowledged the antisemitic aspect of its students’ bullying and employed no training or similar interventions for its school community to address this critical issue. It has refused to change course despite clear evidence that its current approach to dealing with antisemitism does not address, and in fact only exacerbates, the underlying problems, and otherwise failed to ensure Student A’s safety and well-being.

4. Jewish students at Concord-Carlisle have been deprived of educational opportunities due to the hostile environment and the district’s inadequate response.

Under Title VI, schools may not discriminate by excluding individuals from participating in educational programs or activities or by denying individuals the benefits of such programs on the basis of race, color or national origin.⁶⁶ Under the IHRA Definition, “the denial to Jews of opportunities or services available to others” is “[a]ntisemitic discrimination.”⁶⁷

As discussed above, Concord-Carlisle has not taken sufficient action to end the hostile environment in its schools. Instead, and at best, it sought to remove at least one Jewish student from a classroom pursuant to a deeply misguided “Safety Plan,” which would have only further isolated him from his peers. Removing the victim from a hostile classroom merely allows the perpetrators’ toxic rhetoric to infect the remaining students, while further depriving the victim of educational opportunities afforded to their peers.

Furthermore, due to the district’s failure to stop the longstanding antisemitic harassment against Student A and eliminate the hostile environment, Student A had to withdraw from Concord-Carlisle and enroll in a private school to escape the hostile

⁶⁴ See 2010 Dear Colleague Letter at 3.

⁶⁵ *Id.*

⁶⁶ 34 CFR § 100.3(a), (b).

⁶⁷ Under White House Executive Order (EO) 13899, issued in 2019 and still in effect, executive departments and agencies charged with enforcing Title VI must consider the IHRA Definition.

climate [REDACTED]. The district thereby deprived Student A and Complainants of the educational opportunities they were entitled to in the district.

B. Concord-Carlisle Did Not Protect Jewish students From Retaliation After They Reported Antisemitic Harassment

Title VI prohibits an institution from retaliating against a student for “bring[ing] concerns about possible civil rights problems to [the] school’s attention.”⁶⁸ As outlined in OCR’s April 24, 2013 “Dear Colleague Letter,” “once a student . . . complains formally or informally to a school about a potential civil rights violation,” the “recipient is prohibited from retaliation . . . because of the individual’s complaint,” “including intimidating, threatening, coercing, or in any way discriminating against the individual.” OCR has recently reiterated that it “will continue to *vigorously enforce* prohibitions of retaliation under all civil rights law within [its] jurisdiction.”⁶⁹

OCR’s most recent guidance on retaliation enumerates specific examples of incidents that raise concerns about unlawful retaliation.⁷⁰ In one relevant example, after a school administrator confronted a group of students who were the subject of a Jewish student’s complaint about an antisemitic incident, the students began to harass the Jewish student. Despite knowing about the peer harassment that occurred after the student reported the original antisemitic incident, the school did not stop it, thereby raising concerns about the school’s compliance with Title VI:

Example 14: A Jewish high school student sent several emails to the school’s principal complaining that he observed his classmates drawing swastikas in the bathroom. After the principal spoke to the classmates, they started following the Jewish student around school and shoving him in the hallways, using antisemitic slurs, and commenting that he and his “Israeli relatives should stop terrorizing Gazans.” The student again emailed the principal about the shoving and comments. The principal took no action to address the conduct of the classmates, which continued for the remainder of the school year.⁷¹

Concord-Carlisle has violated Title VI by allowing its students to harass and intimidate Jewish victims of antisemitic harassment who report their mistreatment to the school. As discussed above, after his family complained to the school, Student A was repeatedly taunted and attacked for being a “snitch” by multiple groups of students on multiple occasions. *See supra* pp. 7-10. Student A was also threatened at one point that he “better not come in [to school] tomorrow.” *See* Ex. J. As a result of

⁶⁸ April 24, 2013 “Dear Colleague Letter”; *see also* 34 C.F.R. § 100.7(e).

⁶⁹ *See* OCR, *Civil Rights Protections Against Retaliation* (Dec. 10, 2024, revised Jan. 2025), <https://www.ed.gov/media/document/ocr-retaliation-resource-2024-108799.pdf>.

⁷⁰ *Id.*

⁷¹ *Id.*

exercising his right to inform the school about civil rights violations, Student A experienced further harassment and retaliatory conduct so severe that he was ultimately forced to leave the school to escape the targeting and hostile environment which the school failed to address.

OCR has recognized that “[d]iscriminatory practices are often only raised and remedied when students . . . can report such practices to school administrators without the fear of retaliation.”⁷² As such, Jewish students need to be “commended when they raise concerns about compliance with the Federal civil rights laws, not punished for doing so.”⁷³ In this case, the school’s failure to prevent and protect Jewish students from acts of retaliation at Concord-Carlisle have fostered a culture of ***extreme fear*** among Jewish students and families. Indeed, on information and belief, Complainants are aware of other individuals who have faced similar discrimination, but are reluctant to come forward for fear that they will face retaliation for speaking out.

IV. SUGGESTED REMEDIES

For the foregoing reasons, Complainants urge OCR to require Concord-Carlisle to take, at a minimum, the following steps to come into compliance with Title VI and ensure that Jewish students at Concord-Carlisle are safe and welcome:

1. Ensure that the Concord-Carlisle community understands and recognizes antisemitic discrimination by incorporating the IHRA Definition, including its guiding examples, in Concord-Carlisle’s policy manuals and documents related to discrimination, consistent with Executive Orders 13899 and 14188 and the values of free speech and academic freedom. Concord-Carlisle should also announce its commitment to utilize the IHRA Definition as required by law when investigating and responding to incidents of harassment and discrimination to determine whether they are motivated by antisemitic animus; and amend its codes, policies, and procedures concerning discrimination, retaliation, intimidation, harassment, bullying, and violence to clarify that conduct falling within the IHRA Definition and examples will be considered discriminatory and retaliatory treatment in violation of those codes, policies, and procedures.
2. Implement a mandatory annual training for Concord-Carlisle administrators, faculty, students, and all staff who interact with students, about antisemitism and Concord-Carlisle’s obligation to comply with Title VI. The training should familiarize all members of the community with traditional as well as contemporary antisemitic stereotypes and conspiracy theories and their social and political functions, so that the Concord-Carlisle community will be able to

⁷² OCR, *Dear Colleague Letter: Retaliation* (Apr. 24, 2013), <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201304.pdf>.

⁷³ *Id.*

better identify and respond to antisemitic incidents in the future. The training should utilize the IHRA working definition of antisemitism and its contemporary examples. The training should also use the *No Place For Hate* program facilitated by the ADL.

3. Adopt new policies and procedures for administrators and other employees regarding Title VI's prohibition against retaliation. The revised policies and procedures should ensure that Concord-Carlisle will protect students who report civil rights violations, and that it will take prompt and effective action to stop retaliatory harassment that occurs as a result of a student's report of discriminatory conduct.
4. Adopt a communications strategy for ensuring that information concerning retaliation is continually conveyed to employees, which may include incorporating the prohibition against retaliation into relevant policies and procedures. The communications strategy should include specific outreach to the group targeted for retaliation in this case (*i.e.*, Concord-Carlisle's Jewish community). Concord-Carlisle should implement a public outreach strategy to reassure its stakeholders that it is committed to complying with the prohibition against retaliation.
5. Issue a stand-alone statement denouncing antisemitism in all its forms. We recommend that Concord-Carlisle use or model its statement on the following language:

We condemn antisemitism in all its forms, including when it targets Jews on the basis of their shared ancestry and ethnicity. Our staff are key leaders in our schools who are charged with fostering and facilitating community development and inclusion for all students, including Jewish students. Antisemitic harassment, bullying, and targeting are unacceptable. Our schools must be a place characterized by inclusivity and the free and open exchange of ideas.

Concord-Carlisle is committed to taking all necessary actions, including discipline where appropriate, to address and ameliorate discrimination, harassment, and retaliation based on actual or perceived shared ancestry or ethnic characteristics, including antisemitism. Concord-Carlisle also is committed to taking all necessary actions to prevent retaliation against persons who report antisemitic harassment or participate in related proceedings.

To that end, Concord-Carlisle reaffirms that it will utilize, both as a matter of policy and in practice, the IHRA Working Definition of anti-Semitism with its guiding examples as required by law when investigating and responding to incidents of harassment and

discrimination to determine whether they are motivated by antisemitic animus. Concord-Carlisle encourages the Concord-Carlisle community to educate itself about the many manifestations of antisemitism by reading and studying the IHRA Definition and its contemporary examples.

6. Review its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics (*e.g.*, antisemitism); revise its policies and procedures accordingly; and submit the revised policies and procedures for OCR's approval.
7. Develop or revise its procedure for documenting each report or complaint of a bias incident or hate crime motivated by antisemitism (*e.g.*, assaults, threats, the appearance of swastikas, and/or the destruction of property). Such revisions should include a protocol for reporting incidents of hate speech and harassment immediately and accurately to law enforcement, with photographic or video documentation. In addition, the School Resource Officer should be included in the evaluation and reporting of each incident.
8. Review its response to reports of discrimination and/or harassment on the basis of Jewish shared ancestry received during the 2023-2024 and 2024-2025 school years to ensure that the district made an appropriate determination regarding whether the alleged conduct created a hostile environment within the district's education program or activities, and to correct any issues that arose where the district's response was inadequate.
9. Conduct an audit of each school that serves any students in grades ranging from 6th through 12th grades to review the consistency of the application of and compliance with the district's policies and procedures regarding non-discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics for the 2024-2025 school year.
10. Take immediate steps to remediate the individual harm to Student A as a result of the antisemitic harassment and retaliatory conduct he endured. This should include reimbursement by Concord-Carlisle for past and future out-of-pocket costs directly incurred for academic support and/or mental health services obtained as a result of the harassment, retaliation, and its impact.⁷⁴

CONCLUSION

For the foregoing reasons, Complainants respectfully request that OCR include the facts and evidence in this supplemental filing as part of its pending evaluation of Concord-Carlisle for violations of Title VI and the statute's implementing regulations, and require Concord-Carlisle to undertake, at a minimum, the remedial measures outlined above to ensure that Jewish students and all students in the district are safe and welcome. Complainants are also available to participate in mediation pursuant to Section 201(b) of OCR's Case Processing Manual.

Respectfully submitted,

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