

TESTIMONY OF L. RACHEL LERMAN

VICE CHAIR AND DIRECTOR OF APPEALS & CRITICAL MOTIONS

THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW

“FROM PLAYGROUND TO CLASSROOM: THE SPREAD OF ANTISEMITISM IN K-12  
SCHOOLS” TESTIMONY

BEFORE THE UNITED STATES HOUSE EDUCATION AND WORKFORCE COMMITTEE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY  
EDUCATION

SEPTEMBER 10, 2025

CHAIRMAN WALBERG, RANKING MEMBER SCOTT, AND MEMBERS OF THE HOUSE  
EDUCATION AND WORKFORCE COMMITTEE:

I am honored to appear before you today to address the rise of anti-Semitism in our K–12 schools.

My name is L. Rachel Lerman and I serve as Vice Chair and Director of Appeals & Critical Motions at the Louis D. Brandeis Center for Human Rights Under Law, a national civil-rights organization dedicated to combating anti-Semitism and advancing justice for all. I joined the Brandeis Center as a full-time attorney in 2021, after serving over 25 years in private practice, where I focused on state and federal appeals as a partner at Akin Gump and other leading firms.

The Brandeis Center works through litigation, policy advocacy, and education to see that Jewish students and employees are protected by the civil rights laws in universities, workplaces, and increasingly, in K-12 classrooms. In our daily work, we hear directly from Jewish students, parents, teachers, and staff across the country who are confronting discrimination and exclusion. Their experiences make clear that the crisis of anti-Semitism in K-12 schools is not confined to one district or one region, but is a widespread and growing problem that demands national attention.

I am testifying today on behalf of the Brandeis Center to share some of the stories that drive our legal work. Real children in K-12 schools are being harassed, excluded, and silenced simply for being Jewish—or because they are perceived to be Jewish. This needs to stop.

### **Anti-Semitism in K-12 Schools**

Anti-Semitism is not new and has been steadily rising in recent years. Since the October 7th Hamas terrorist attacks in 2023, the United States has witnessed an alarming surge in anti-Semitism. On a global scale, researchers recorded 6,326 anti-Semitic incidents in 2024 alone—a staggering 107.7% increase over the previous year.<sup>1</sup> This hatred has infiltrated every sector of American life. A national study commissioned by the Combat Antisemitism Movement found that 3.5 million American Jews (nearly two-thirds of the Jewish population) have experienced anti-Semitism since October 7th, with 6% reporting that they feel less safe as a result.<sup>2</sup> Recent FBI data confirm the trend: anti-Semitic hate crimes in the United States reached a record 1,938 incidents in 2024, the highest ever recorded since the FBI began tracking this category.<sup>3</sup> These crimes made up 69% of all religion-based hate crimes, despite Jews comprising only about 2% of the national population.

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<sup>1</sup> Combat Antisemitism Movement, “Global Antisemitism Incidents Rise 107.7 % in 2024, Fueled by Far-Left Surge, CAM Annual Data Study Reveals,” *Combat Antisemitism Movement*, April 29, 2025, accessed August 19, 2025, <https://combatantisemitism.org/studies-reports/global-antisemitism-incidents-rise-107-7-in-2024-fueled-by-far-left-surge-cam-annual-data-study-reveals/>

<sup>2</sup> Combat Antisemitism Movement, “3.5 Million American Jews Have Experienced Antisemitism Since October 7, New Survey Reveals,” *Combat Antisemitism Movement*, October 7, 2024, accessed August 19, 2025, <https://combatantisemitism.org/press-release/3-5-million-american-jews-have-experienced-antisemitism-since-october-7-new-survey-reveals/>

<sup>3</sup> Combat Antisemitism Movement, “FBI: Antisemitic Hate Crimes in US Hit Record High in 2024,” *Combat Antisemitism Movement*, August 6, 2025, accessed August 19, 2025, <https://combatantisemitism.org/cam-news/fbi-antisemitic-hate-crimes-in-us-hit-record-high-in-2024/>

A lot of attention has been focused on anti-Semitism in higher education. It's important to understand that K–12 schools have also become incubators of hostility, often under the banner of Diversity, Equity and Inclusion (DEI) or “liberated” ethnic studies, which tend to divide students into victims and oppressors. Even though Jews are less than 2% of the U.S. population and have faced persecution throughout history, these programs label them as oppressors and even “white supremacists,” regardless of the color of their skin. One dark-skinned Jewish student with whom we worked was told that her color “would not save her.” Instead of being seen as individuals with their own character traits and history, Jewish students are judged by their ancestry, their Jewish heritage and family background, and their connection to Israel, the historic homeland of the Jewish people.

The recasting of Jews as oppressors draws on old anti-Jewish tropes presented in the guise of anti-Zionist rhetoric. The word “Zionist” is often used as a proxy for “Jew,” and slogans denouncing Zionists as colonial invaders and racialized oppressors are aimed at marginalizing Jewish students—and do marginalize Jewish students. The U.S. Commission on Civil Rights has long pointed out that contemporary anti-Semitism has assumed various disguised forms, and is sometimes “camouflaged as anti-Israelism or anti-Zionism.”<sup>4</sup> Some K-12 educators praise the October 7 terrorist attacks or justify them as resistance, teaching students of all ages to embrace these concepts. Drawing on teaching materials distributed by teachers’ unions, some teachers tell children that Israel has no right to exist, that its Jewish residents should be expelled from the land, and that Jewish students in America should be shunned unless they affirmatively deny their deep religious and ethnic ties to the land of Israel.<sup>5</sup> In 2024, a teacher’s union in San Francisco invited all its members to an event celebrating the one-year anniversary of October 7, lauding the massacre as a positive example of “resistance.”

This poisonous climate echoes a dangerous historical precedent. In pre-Holocaust Germany, schools systematically taught children to view Jews as dangerous outsiders and oppressors of society. That indoctrination normalized prejudice, desensitized youth, and laid the groundwork for persecution. Today, by casting Jewish children as privileged oppressors, some American classrooms are reviving the same patterns of vilification—embedding bias into education and teaching children to see their Jewish peers not as equals, but as enemies.

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<sup>4</sup> Findings and Recommendations of the United States Commission on Civil Rights Regarding Campus Anti-Semitism,” U.S.C.C.R., Apr. 3, 2006, available at <http://www.usccr.gov/pubs/050306FRUSCCRRCAS.pdf>.

<sup>5</sup> Steinbuch, Yaron. 2024. “Seattle Teacher Who Said It’s ‘Offensive’ to Identify as Straight Now Suspended for Comments on Hamas Terror Attacks.” *New York Post*, April 19, 2024. <https://nypost.com/2024/04/19/us-news/controversial-seattle-teacher-placed-on-leave-for-comments-about-hamas-attack/>.

## Application of Title VI of the Civil Rights Act of 1964 to Federally Funded K-12 Schools

Title VI of the Civil Rights Act of 1964 provides that no person shall, “on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Over time, federal enforcement agencies, including the Department of Education’s Office for Civil Rights (OCR), have made clear that “national origin” extends to discrimination based on shared ancestry, covering ethno-religious groups such as Jews, Sikhs, and Muslims.<sup>6</sup>

Under this interpretation, sometimes called the *Marcus Doctrine* after Kenneth L. Marcus, who headed OCR during two administrations and who founded and chairs the Brandeis Center, Title VI prohibits schools that receive federal funding from allowing students or staff to discriminate against or harass Jewish students (or students perceived to be Jewish) on the basis of their shared ancestry, namely, their 3,000 year old connection to the land of Israel. Of course, Title VI also covers Israeli students on the basis of national origin.

The Department of Education has confirmed that Title VI protections extend to Jews targeted on the basis of “shared ancestry or ethnic characteristics.” According to Executive Order (EO) 13899, which has been incorporated into OCR’s current policy guidance, 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.”<sup>7</sup>

When a student suffers harassment that is so severe or pervasive it hinders him or her from gaining access to all of the educational and social opportunities that their school provides, the school has an affirmative obligation to step in, end the harassment, and prevent a hostile environment from developing or continuing. If a hostile environment has already developed, the school is required to dismantle it and prevent it from recurring.

OCR recently explained in a Dear Colleague Letter that a hostile environment exists when “unwelcome conduct based on race, color, or national origin that, based on the totality of circumstances, 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 a school’s education program or activity.”<sup>8</sup> A Title VI violation may be found when “(1) a hostile environment based on race, color, or national origin exists; (2) the school had actual or constructive notice of the hostile environment; and (3) the school failed to take prompt and effective steps reasonably calculated to

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<sup>6</sup> U.S. Department of Education, Office for Civil Rights. 2023. *Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics*. January 2023. Accessed August 28, 2025. <https://www.ed.gov/media/document/ocr-factsheet-shared-ancestry-2023-33851.pdf>; U.S. Department of Education, Office for Civil Rights. 2004. *Dear Colleague Letter: Title VI and Title IX Religious Discrimination in Schools and Colleges*, September 13, 2004. Accessed August 28, 2025. <https://www.ed.gov/media/document/letter-title-vi-and-title-ix-religious-discrimination-schools-and-colleges-2004-35132.pdf>.

<sup>7</sup> EO 13899 remains in effect: the Department of Education affirmed its commitment to the EO in its 2023 factsheet on discrimination based on shared ancestry. The Department did so again in May 2023 when it directed school administrators to review the Questions and Answers on [EO] 13899 in OCR guidance issued alongside the White House National Strategy on Countering Anti-Semitism.

<sup>8</sup> See Dear Colleague Letter, “Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics,” Catherin Lhamon (May 7, 2024), at <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf>.

(i) end the harassment, (ii) eliminate any hostile environment and its effects, and (iii) prevent the harassment from recurring.”<sup>9</sup>

Under EO 13899, executive departments and agencies charged with enforcing Title VI must consider the International Holocaust Remembrance Alliance (IHRA) Working Definition of antisemitism (the IHRA Definition)<sup>10</sup> when investigating allegations of anti-Semitism.<sup>11</sup> This definition, which echoes the 2010 State Department Definition of Antisemitism, states up front that criticism of the government of Israel or its policies similar to criticism leveled at any other country does not constitute anti-Semitism. But when Israel is demonized, delegitimized, or subjected to a standard different than that applied to any other country, the speaker is likely promoting anti-Semitism. No one should be punished for speech alone, of course, and IHRA does not suggest that anti-Semitic speech should be punished. Instead, IHRA assists officials and administrators in understanding that misconduct accompanied by anti-Semitic speech is likely anti-Semitic.

As OCR has recognized, schools have a number of tools for responding to a hostile environment without restricting any First Amendment rights.<sup>12</sup> A school can, for example, “communicate its opposition to stereotypical, derogatory opinions; provide counseling and support for students affected by harassment; or take steps to establish a welcoming and respectful school campus, which could include making clear that the school values, and is determined to fully include in the campus community, students of all races, colors, and national origins.”<sup>13</sup>

When it comes to free speech, courts give elementary and secondary school administrators more flexibility than their college counterparts to ensure an appropriate learning environment considering students’ age and maturity. Public school teachers’ speech rights are limited as a matter of law. They simply cannot “deliver any message to anyone anytime they wish,” as the U.S. Supreme Court put it in *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 (2022). As the Court explained, when public school teachers are acting as teachers, whether they are in the classroom or the schoolyard, on social media or leading students on a walk-out, they do not speak for themselves: they are government employees “speaking on the government’s behalf to convey its intended message.” Schools thus have the right and responsibility to regulate teachers’ speech to protect students from discrimination and indoctrination.

Public elementary and secondary schools can also regulate student speech when it “could substantially disrupt or interfere with the work of the school or other students’ rights.”<sup>14</sup>

The recent Trump Executive Order on K–12 indoctrination reinforces these legal obligations.<sup>15</sup> It also pledges to ensure that recipients of federal funds comply with civil rights protections for students and with parental-right-to-know provisions.

## **Illustrative Incidents and Patterns**

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<sup>9</sup> *Id.*, p. 4.

<sup>10</sup> <https://holocaustremembrance.com/resources/working-definition-antisemitism>.

<sup>11</sup> <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism>.

<sup>12</sup> See fn. 8, *supra*, at p. 3 (footnotes omitted).

<sup>13</sup> *Ibid.* (footnotes omitted).

<sup>14</sup> *Ibid.* (footnotes omitted).

<sup>15</sup> EO 14190 (Jan. 29, 2025), <https://www.federalregister.gov/documents/2025/02/03/2025-02232/ending-radical-indoctrination-in-k-12-schooling>.

The corrosive impact of these ideologies is not hypothetical. We have seen concrete examples across the country that reveal how deeply anti-Semitic content has entered the classroom. Here are just a few of many hundreds of examples parents have shared of anti-Semitism in K-12 public schools.

In Berkeley, California, shortly after October 7, a second-grade teacher wrote in her own hand “Stop bombing babies” and told her students to copy the phrase and others like it onto sticky notes, which were then placed outside the classroom of the school’s only Jewish teacher.<sup>16</sup>

A ninth grader in the same district, who identifies as both Black and Jewish, told his mother he was uncomfortable when an art teacher posted and shared pictures vilifying Israel in the weeks following October 7. One picture showed a fist tearing through an image of a Jewish Star of David. When his mother reported this to the school, they “resolved” the issue by putting the Jewish student in the library until a new class could be found for him. The student decided to identify only as Black after he was attacked online for supporting “genocide.”

A high school student in Fremont, California, was rebuked for singing a love song in her native Hebrew at a talent show, even though other students sang songs in their own native languages. An administrator told her she was in “big trouble,” leaving her to wonder every day when the axe might fall.

In Santa Ana, California, the school district formed a committee that included board members to create ethnic-studies courses, many of which were laced with anti-Semitic content. After the Brandeis Center and its partners brought suit, discovery revealed shocking exchanges about how to “address the Jewish Question,” intentional scheduling of meetings on Passover to exclude Jewish participants, and disparagement of a Jewish educator as a “f---ing baby” with a “colonized Jewish mind.” That district ultimately resolved litigation by agreeing to remove anti-Jewish materials and work with Jewish organizations to develop unbiased lessons.<sup>17</sup>

While there are many more examples from California, the problem is not limited to that state.

The Brandeis Center has, for example, challenged discrimination in a North Carolina middle school. There, a non-Jewish student who wore an Israeli baseball shirt to school, and was thus perceived to be Jewish, endured more than two years of harassment by peers, who subjected him to repeated anti-Semitic slurs and exclusionary treatment in the classroom and in school sports activities.<sup>18</sup> Despite the family’s repeated complaints, school administrators minimized the incidents, failed to discipline the perpetrators, and at times treated the victim as the problem. The hostile environment became so severe that the student’s family finally moved him to another school. In response to a complaint filed by the Brandeis Center, OCR concluded that the district had subjected the student to a hostile environment in violation of Title VI and entered into a

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<sup>16</sup> *Ibid.*

<sup>17</sup> Louis D. Brandeis Center for Human Rights Under Law, *Santa Ana Unified School District and Brandeis Center Announce Resolution of Civil Rights Complaint*, press release, February 20, 2025, <https://brandeiscenter.com/wp-content/uploads/2025/02/SAUSD-Press-Release-2.20.25.pdf>

<sup>18</sup> Louis D. Brandeis Center for Human Rights Under Law, “Letter to the Office for Civil Rights Regarding the Community School of Davidson,” redacted, August 11, 2023, PDF, Brandeis Center, accessed August 28, 2025, <https://brandeiscenter.com/wp-content/uploads/2024/05/8-11-23-Letter-to-OCR-re-Community-School-of-Davidson-redacted-Redacted.pdf>



resolution agreement requiring the school to revise its policies, provide staff training, and take corrective steps to ensure equal educational access for Jewish students and students perceived to be Jewish.<sup>19</sup>

The Brandeis Center also filed a complaint in Virginia, after three Jewish children were expelled because their parents complained about the school's unwillingness to respond to anti-Semitic harassment of their youngest (11-year-old) daughter.<sup>20</sup> The school had allowed anti-Semitism to take root in the child's class, and shared a social studies project depicting the attributes of a "strong historical leader that bore the face of Hitler. After the image was shared, the 11-year-old was subject to persistent and severe anti-Semitic harassment. When the parents notified the school's owner and headmaster that their daughter was being harassed and bullied because she was Jewish, they were told their daughter should "toughen up." Two days later, he notified the parents that all three children were expelled effective immediately, days before their mid-semester report cards, and long after the application periods for other local schools had passed.

## **Teachers' Unions and Third-Party Contractors Spread Anti-Semitism**

### **Teachers' Unions**

Teachers' unions in California, Massachusetts, and New York, among other states, have played a significant role in introducing anti-Semitic and anti-Israel content into the classroom. Union-endorsed materials have played a major role in spreading these ideologies. An unapproved curriculum titled "Teach Palestine," promoted by teachers' unions in Oakland, instructs young children that "a group of bullies called Zionists... stole [our land] by force."<sup>21</sup> It asks students to draw "Zionist leaders... receiving money" to sustain an "unfair" system and presents the children's book *I is for Intifada* to kindergarteners through third graders as an example of "standing up for what's right." High school students encounter lessons accusing Israel of "rainbow-washing." In Massachusetts, the state teachers' association circulated a poster on "Israel and Occupied Palestine" as a suggested classroom resource.

In California, the teachers' union has done everything in its power to block bills that would prevent teachers from introducing anti-Semitic and anti-Israel content into ethnic studies courses that may be legally required for graduation.

Many unions have resisted training on anti-Semitism. But they are often eager to foment it. Just last week, the Oakland teachers' union (OEA) announced it would vote this week (September 8) on a resolution urging teachers not to use any ADL materials. This resolution targets the NEA's rescission of its decision not to use ADL materials, "caving into pressure from the pro-Israel lobby." To "educate" its members about the NEA's decision to continue using ADL materials, the OEA will "conduct a two-month long educational campaign involving teachers and community members about [NEA's] vote and the history of the ADL and its current activities

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<sup>19</sup> Louis D. Brandeis Center for Human Rights Under Law, *Resolution Agreement with Community School of Davidson*, May 30, 2024, PDF, accessed August 28, 2025, <https://brandeiscenter.com/wp-content/uploads/2024/05/LDB-Davidson-RA-5.30.24-FINAL.pdf>

<sup>20</sup> Louis D. Brandeis Center for Human Rights Under Law, *Title VI Complaint Against Nysmith School for the Gifted* (filed June 2025), <https://brandeiscenter.com/wp-content/uploads/2025/06/Nysmith-Complaint.pdf>.

<sup>21</sup> Oakland Unified "Teach Palestine" curriculum: <https://brandeiscenter.egnyte.com/dl/VqLqj1Y1Zp>

against teachers and community organizations who are critical of the US-financed Israeli war against Palestine and the ongoing genocide in Gaza.”

When Jewish teachers complain to their unions about the hostile atmosphere created by the union’s anti-Israel hate messaging, they are told that the union has the right to support Hamas as part of its political activism. When teachers try to leave the union, they are shamed as freeloaders disloyal to their colleagues.

### **Third-party contractors**

Two kinds of third-party contractors are at issue here: “liberated” style ethnic studies organizations that sell courses and train teachers; and groups like the Arab Resource Organizing Center (AROC), which contracts with San Francisco Unified School District among others.

**Ethnic Studies.** In 2021, California’s Governor Newsom passed into law a bill called AB101, which requires public school high school students to take an ethnic studies course in order to graduate. The law passed after two versions of the Model Ethnic Studies Curriculum were rejected by the governor because they contained so much biased and anti-Semitic material. As legislature stated in the statute codifying AB101, the biased materials excised from the Model Curriculum should not be used in any ethnic studies course. But groups promoting “liberated” ethnic studies were determined to include these materials, and having been selling their version of ethnic studies along with teacher training to public schools throughout California. While the status of AB101 remain uncertain due to funding shortages, schools continue to purchase materials and services from “liberated” groups.

**AROC.** This group, which is openly dedicated to the destruction of the Jewish State of Israel, contracts with schools in San Francisco, Berkeley and Oakland to promote “community building” and support for Arab and other students. AROC does not hide its agenda. On October 7, 2023, as Hamas was carrying out its brutal massacre, AROC posted on [Instagram](#) that “Palestine is rising! Gaza is rising!”

In the same month, AROC [published a statement](#) “hold[ing] the Israeli regime entirely responsible for all unfolding violence we’ve witnessed across historic Palestine...Recent events did not occur in a vacuum but as a result of unrelenting colonial aggression.” The statement further called “to boycott Israel. We call on institutions to divest from Israel. We call on the US government to sanction Israel and end the billions in military aid.”

In May 2024, AROC was a “convening organization” of the [People’s Conference for Palestine](#), featuring speakers affiliated with the Popular Front for the Liberation of Palestine (PFLP) and Palestinian Islamic Jihad. At the event, AROC executive director Lara Kiswani [encouraged activists](#) to “overcome Zionism.” She also claimed that “the only thing that can stop this is a flood,” in reference to Hamas’ name for its October 7, 2023, massacre of Israeli citizens as Operation Al-Aqsa Flood. She continued: “this is what the resistance intended, that the flood would become floods throughout the entire region.”

In December 2023, parents reported that AROC was unlawfully entering schools to organize pro-Palestine student walkouts. AROC did not deny this; indeed it, it stated that “AROC absolutely



supported the students who decided to walk out... We are appalled by the racist attacks they have faced since speaking out against genocide.”<sup>22</sup>

## **Recommendations**

To confront this crisis, we ask government authorities to take decisive action at the federal, state, and local level. The following steps are essential to ensure that Jewish students are fully protected under the law and that our schools remain safe places for learning, not breeding grounds for hate.

First, federal law must be enforced. The Department of Education should investigate districts that permit or promote anti-Semitic practices and, where necessary, halt federal funding until compliance is assured.

Second, teacher-driven materials must be scrutinized. Unapproved and anti-Semitic curricula promoted by teachers’ unions, such as “Teach Palestine,” should be prohibited from the classroom.

Third, a monitor should be appointed to vet government-funded resources. A transparent approval process must be required for textbooks, lesson plans contracted by third-party vendors, and other instructional materials. Exploiting school resources to indoctrinate students, misuse data, or exclude parents should be barred unless materials comply with strict anti-bias standards.

Fourth, curricular integrity must be ensured. Anti-Semitic content, correct false maps and slides, and design courses with meaningful Jewish community input — just as Santa Ana eventually agreed to do under settlement.

Fifth, schools should celebrate Jewish American contributions. Schools should adopt curricula that highlight Jewish American history, culture, and achievements, fostering pride in the countless contributions Jewish Americans have made to the United States and the world. Teaching this positive history helps counter stereotypes and ensures Jewish identity is seen in its full richness, not through a distorted lens of bias.

Finally, parents have the right to know what their children are being taught. Districts that stonewall or conceal classroom materials are not only eroding trust but also violating federal and state requirements.

## **Final Thoughts**

In closing, the rise of anti-Semitism in our K–12 schools is not a distant or abstract problem; it is happening here and now, with devastating consequences for Jewish children and their families and allies. No student should ever have to conceal their identity, endure slurs and harassment, or transfer schools simply to feel safe in an American classroom. I urge this Committee and Congress to act decisively to ensure that our civil-rights laws are enforced, that schools are held accountable, and that every child is able to learn in an environment free from fear and hostility.

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<sup>22</sup> <https://ngo-monitor.org/ngos/arab-resource-and-organizing-center-aroc/>

Thank you for your attention to this urgent issue and for giving me the opportunity to testify today.