



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

November 6, 2023

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

In recent weeks, I have heard from members of both chambers of Congress, leaders of institutions of higher education, heads of state and local education agencies, and leaders of Jewish groups and organizations, as well as students and families, about the increase in antisemitism among other forms of discrimination in our communities, colleges, and schools. We at the Department of Education (Department) stand alongside you and your colleagues from both sides of the aisle in our alarm and absolute rebuke of the hate we are witnessing across our nation in the context of the Israel-Hamas conflict. Hate has no place on our campuses.

The Department is strongly committed to addressing antisemitism, and all forms of discrimination, including harassment, based on shared ancestry or ethnic characteristics, in colleges and schools, and we are taking steps to ensure that Jewish and all students feel safe, welcomed, and included. It is every student's right to learn in an environment that is free from discrimination. The Department stands ready to protect and defend the civil rights of all students.

To date, the Biden-Harris Administration and the Department have taken a number of actions aimed at protecting student rights, expanding access to resources, and empowering schools and institutions to uphold Title VI of the 1964 Civil Rights Act (Title VI). Some of those actions include:

- Revising the Office for Civil Rights' complaint form to specifically state that harassment because a person is Jewish, Muslim, Arab, Hindu, Sikh or of other shared ancestry or ethnic characteristics is prohibited by Title VI.
- Releasing a fact sheet, [Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#), in January 2023, and a [Dear Colleague Letter on Addressing Discrimination Against Jewish Students](#) in May 2023, as part of the Administration's announcement of the [National Strategy to Combat Antisemitism](#).
- Launching the [Antisemitism Awareness Campaign](#) in May 2023 to provide resources and technical assistance, collect data, spotlight champions, and build partnerships to raise awareness and combat antisemitism.
- Making resources available on our website, including an updated [Shared Ancestry or Ethnic Characteristics](#) focal page on our Office for Civil Rights' website.
- Visiting colleges and universities as well as PK-12 schools to engage with and hear from students, educators, and communities directly on these important issues.

The Department's most important tool to fight against antisemitism, Islamophobia, and any other forms of discrimination is Title VI. Title VI's protection from race, color, or national origin discrimination extends to students who experience discrimination, including harassment that creates a hostile environment, based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.¹ Campuses have a responsibility to address discrimination against Jewish, Muslim, Sikh, Hindu, Christian, Buddhist students and other students when the discrimination involves racial, ethnic, or ancestral slurs or stereotypes; how a student looks, including skin color, physical features, or style of dress that reflects both ethnic and religious traditions; a foreign accent; a foreign name, including names commonly associated with particular shared ancestry or ethnic characteristics; or speaking a foreign language.

To further this important work that ensures that students can learn in an environment free from discrimination, I am asking Congress to immediately fund the Department's Office for Civil Rights at the FY 2024 Budget request of \$177.6 million. These funds are critical to meet the issue at hand with the urgency, resources, support, and legal response it deserves. In this moment in history, our nation's students are calling on us to partner on the most non-partisan of issues -- *their safety* -- and to invest in the system that exists to protect their rights and well-being within our schools and institutions.

Thank you for your attention, leadership, and partnership on this matter. I look forward to working together to meet our shared mission of providing safe and excellent learning environments where all students can thrive. Your staff may contact our Office of Legislation and Congressional Affairs at (202) 401-0020 for any questions.

Sincerely,



Miguel A. Cardona, Ed.D.
U.S. Secretary of Education

cc: The Honorable Charles Schumer, Senate Majority Leader

The Honorable Mitch McConnell, Senate Minority Leader

The Honorable Hakeem Jeffries, House Minority Leader

¹ See *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332, 353-55 (S.D.N.Y. 2014) (giving deference to U.S. Department of Education Office for Civil Rights' interpretation of its Title VI regulation and holding that discrimination based on shared ancestry and ethnic characteristics is prohibited by Title VI); see also 42 U.S.C. § 2000d; 34 C.F.R. § 100.3(b)(1)(iv) and (vi), and OCR Dear Colleague Letter: Harassment or Bullying, 4-6 (Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>. Title VI does not protect students from discrimination based solely on religion. OCR refers complaints of discrimination based exclusively on religion to the U.S. Department of Justice, which has jurisdiction on this issue. See Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, et seq.

The Honorable Patty Murray, Chair, Senate Appropriations Committee

The Honorable Susan Collins, Vice Chair, Senate Appropriations Committee

The Honorable Tammy Baldwin, Chair, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Senate Appropriations Committee

The Honorable Shelley Moore Capito, Ranking Member, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Senate Appropriations Committee

The Honorable Kay Granger, Chairwoman, House Appropriations Committee

The Honorable Rosa DeLauro, Ranking Member, House Appropriations Committee

The Honorable Robert Aderholt, Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, House Appropriations Committee

The Honorable Rosa DeLauro, Ranking Member, Subcommittee on Labor, Health and Services, Education, and Related Agencies, House Appropriations Committee

The Honorable Jacky Rosen, Co-Chair, Senate Bipartisan Task Force for Combating Antisemitism

The Honorable James Lankford, Co-Chair, Senate Bipartisan Task Force for Combating Antisemitism

The Honorable Kathy Manning, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Chris Smith, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Marc Veasey, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Kay Granger, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Grace Meng, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Brian Fitzpatrick, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Ted Lieu, Co-Chair, House Bipartisan Task Force for Combating Antisemitism

The Honorable Randy Weber, Co-Chair, House Bipartisan Task Force for Combating Antisemitism