



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

September 8, 2017

Honorable Brad Sherman
House of Representatives
Washington, DC 20515

Dear Representative Sherman:

Thank you for your letter urging the U.S. Department of Education (Department) to adopt the U.S. Department of State's (State) definition of anti-Semitism when our Office for Civil Rights (OCR) investigates complaints involving Jewish students under Title VI of the Civil Rights Act of 1964 (Title VI). I appreciated the opportunity to discuss this issue with you directly, and I am available should you wish to continue this important conversation.

Discrimination in any form should not be tolerated, and the Department is committed to ensuring that every student has a safe, nurturing and non-discriminatory learning environment. In that regard, OCR will continue to actively investigate allegations of discrimination within its jurisdiction, including incidents involving Jewish students. The Department also reaffirms a key principle recognized by OCR guidance in each of the two prior administrations – in 2004 and in 2010¹ – that, even though Title VI does not expressly prohibit discrimination based solely on religion, discrimination motivated by anti-Semitism may constitute discrimination based on race, color or national origin and thereby be prohibited under Title VI. OCR does not adopt definitions of particular forms of racism or national origin discrimination because such inquiries are inherently fact-specific and because expressions of racism and discrimination can evolve over time. Although OCR has not adopted formal definitions of forms of discrimination, it has clarified what constitutes discrimination through regulations, guidance and technical assistance.

In addition to enforcing federal laws, I believe the Department must also provide schools, colleges and universities with resources that help them understand and meet their obligations to students. For example, OCR's web page on religious discrimination (www.ed.gov/ocr/religion.html) provides a number of resources that address anti-Semitism. The site has a fact sheet on combating discrimination against Jewish students, which I understand you urged OCR to issue, as well as OCR case resolutions involving students of various religions, including Jewish students. The site also links to key resources, including State's special envoy to monitor and combat anti-Semitism and the

¹ OCR Dear Colleague Letter: Title VI and Title IX Religious Discrimination in Schools and Colleges (Sept. 13, 2004), www.ed.gov/ocr/religious-rights2004.html; OCR Dear Colleague Letter: Harassment and Bullying (October 26, 2010), www.ed.gov/ocr/letters/collleague-201010.html.

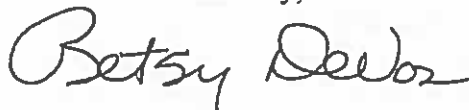
Page 2

July 2006 U.S. Commission on Civil Rights' report and campaign on campus anti-Semitism.

Please contact Peter Oppenheim, Assistant Secretary for Legislation and Congressional Affairs, at 202-401-0020 if you would like to discuss steps beyond adopting State's definition that you think the Department might take to better address anti-Semitism on our nation's campuses.

Thank you again for sharing your thoughts on this matter. I share your commitment to ensuring that all students have access to an education free from discrimination.

Sincerely,

A handwritten signature in black ink that reads "Betsy DeVos". The signature is written in a cursive, flowing style.

Betsy DeVos