



Council on American-Islamic Relations Pennsylvania  
Philadelphia Chapter  
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January 16, 2014

[Redacted] Solicitor/General Counsel [Redacted] Principal  
[Redacted] Middle School  
[Redacted] Township School District [Redacted]

**Re: Anti-Arab and Anti-Muslim School Bullying at [Redacted] Middle School**

Dear Messrs. [Redacted]:

I am contacting you on behalf of [Redacted], a current [Redacted] grader at [Redacted] Middle School who has been subjected to school bullying on the basis of his religion and ethnicity since November 2012 when his family first moved into the [Redacted] Township School District. We are aware of the school district's policy against harassment and bullying based upon religion, ethnicity, and other enumerated factors, and we demand that the school and school district take immediate measures to address the anti-Arab and anti-Muslim bullying directed at [Redacted]. It is our sincere hope that this matter can be resolved quietly and amicably, without the need to contact any government agency or member of the media. However, if neither the school, nor the school district, are amenable to such a resolution, then CAIR-Philadelphia is prepared to take any measures necessary to remedy this situation.

[Redacted] (hereinafter, "[Redacted]") and his family moved to the [Redacted] Township School District (hereinafter, "school district") in November 2012, and [Redacted] was enrolled in the [Redacted] grade at [Redacted] Middle School (hereinafter, "middle school") that month. Approximately two weeks later, [Redacted] began to be subjected to harassment and bullying directed at his Arab ethnicity and Muslim religious identity. The bullying took the form of two students, also in the [Redacted] grade at the time, who would follow [Redacted] down the hallways calling him "Osama Bin Laden" and "terrorist" and singing songs they created for [Redacted] – the lyrics of which referred to "planes" and "buildings" – while simultaneously making arm and hand motions to replicate the flying motion of an airplane. This harassment and bullying became a nearly daily occurrence in November 2012 and it has not subsided since that time. Both [Redacted] and his family have notified middle school personnel, including the principal, of this conduct on multiple occasions during the 2012-2013 and 2013-2014 academic years. During these reports, both students responsible for the bullying were identified by the [Redacted] family to middle school personnel, including the principal. As reported to CAIR-Philadelphia, the school has taken no action to address this bullying. Moreover, as reported to CAIR-Philadelphia, school personnel has repeatedly told the [Redacted] family that such harassment and bullying – clearly directed at [Redacted]'s Arab ethnicity and Muslim religious identity – is merely "kids being kids."

As you are aware, [Redacted] Middle School's failure to address the anti-Arab and anti-Muslim harassment and bullying of [Redacted] has had serious consequences. As a direct result of this bullying, on December 17, 2013, at approximately 3:00 p.m, on the premises of [Redacted] Playground in [Redacted], [Redacted] was involved in a physical altercation which ended when he was knocked to the ground where he was kicked by multiple school district students while other students recorded the incident on their cell phone cameras. Upon information and belief, video recordings of this incident are

already being circulated by these students through social media and the internet. The [REDACTED] Police Department has advised the [REDACTED] family that it was notified of the altercation by the middle school principal. It is not known to CAIR-Philadelphia, at this time, if video of the altercation is being viewed by children while on the premises of school district schools.

As we are all aware, the [REDACTED] Township School District purports to take very seriously the issue of school bullying and harassment. For example, the enclosed poster -- with the words "NO BULLY ZONE!!!" and "Harassment Stops Here!" -- is posted on the school district's website and, presumably, in all District "secondary schools" (as indicated on the website). Furthermore, on May 10, 2007, the school district issued "Board Policy No. 248" which is posted on the school district's web page and, as a result thereof, presumptively still in effect. Board Policy 248 explicitly "prohibits all forms of harassment and bully of students by all District students" (Section 2). Pursuant to this policy, both "harassment" and "bullying" are defined to include "verbal conduct." Verbal conduct which is "sufficiently several, persistent[,] or pervasive" to affect the targeted student's education opportunities is defined as "harassment," whereas verbal conduct "which intentionally inflicts or attempts to inflict injury or discomfort upon another repeatedly and over time" (Section 3).

The daily insults which [REDACTED] heard, for more than a year, at [REDACTED] Middle School definitely meet the definition of "bullying" under Board Policy No. 248 and likely meet the definition of "harassment" under this policy as well. The [REDACTED] family reported such conduct directly to the school principal, as required by Section 4 of the policy, but the school took none of the measures required by Section 4 upon receipt of a complaint.

As you are undoubtedly aware, a school district which fails to comply with its articulated anti-bullying policy is subject to statutory liability pursuant to 24 Pa.C.S.A. §13-1303.1-A et seq. and such failure may be reported to the Pennsylvania Department of Education ("DOE") which enforces these statutory provisions. Moreover, any "educator" licensed by the Commonwealth, including school principals and other administrative personnel, may be the subject of an "Educator Misconduct Complaint" filed with the DOE pursuant to 24 Pa.C.S.A. §2070.9.

However, as you are also undoubtedly aware, school districts which fail to prevent bullying and harassment on the basis of certain enumerated characteristics also violate the Pennsylvania Human Relations Act ("PHRA") codified at 43 Pa.C.S.A. 951-963 et seq. The PHRA defines both public and private primary, secondary, and post-secondary schools as "public accommodations." Moreover, the PHRA declares as unlawful any act to "[r]efuse, withhold from, or deny any person because of his race, color, sex, religious creed, ancestry, national origin. . . either directly or indirectly, any of the accommodations, advantages, facilities, or privileges of such public accommodation." Furthermore, though the PHRA requires a complainant to exhaust the administrative remedies available through the Pennsylvania Human Relations Commission ("PHRC"), the state agency which enforces the PHRA, the statute also allows the complainant to pursue a private cause of action in state court after those administrative remedies have been exhausted.

You may, or may not, be aware that CAIR-Philadelphia is not unaccustomed to using legal processes to address harassment in schools. In fact, an April 12, 2013, continuing legal education (CLE) course titled "How to Litigate a School Bullying Case" was created by CAIR-Philadelphia's legal director and was the first CLE of its kind in Pennsylvania. If necessary, we are prepared to use legal processes to reach a just resolution of this matter.

As you may also be aware, CAIR-Philadelphia is also not unaccustomed to using the media, as necessary, to advocate on behalf of our clients and to obtain a just result for our clients. I do not make a practice of "trying my cases in the media," particularly cases that involve minors as clients, and it is my intention to

resolve this matter both amicably and quietly. However, as previously indicated, my agency is prepared to use any means necessary to achieve justice for the [REDACTED] family.

To be clear, CAIR-Philadelphia is only asking the middle school and school district to take action to address the ongoing and persistent verbal abuse of [REDACTED] on the basis of his Arab ethnic ancestry and his Muslim religious identity. In seeking redress for [REDACTED], CAIR-Philadelphia has several specific requests.

1. We demand that the two main perpetrators of the ongoing verbal bullying directed at [REDACTED] (both of whom have been, and can be, identified to the school and school district) receive a disciplinary action pursuant to Board Policy No. 248 which demonstrates the seriousness which the school district assigns to “verbal conduct” bullying directed at a student’s race, ethnicity, national origin, and religion.
2. We demand that the middle school, during the Spring 2014 semester, hold a school-wide assembly advising students of the school district’s anti-bullying policies and serving as evidence of the middle school’s commitment to enforce those policies. We further demand that CAIR-Philadelphia select the third-party provider who will conduct this assembly for the benefit of the middle school.

These are the demands of CAIR-Philadelphia, acting on behalf of the [REDACTED] family. Again, I sincerely hope that this matter can be resolved amicably and quietly, without the need of contacting the Pennsylvania Department of Education, the Pennsylvania Human Relations Commission, or any member of the news media.

Mr. [REDACTED], as Solicitor of the [REDACTED] Township School District, I will look forward to hearing from you as to how you wish to proceed in the instant matter. If we do not receive a satisfactory response from you on or before January 31, 2014, we will begin to pursue other alternatives in order to obtain justice for [REDACTED] and his family.

Sincerely,



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