



## **Together for an Inclusive Massachusetts (TIM) Criticizes the K-12 Draft Recommendations of the Massachusetts Special Commission on Antisemitism**

Preliminary [recommendations](#) released by the Massachusetts Special Commission on Antisemitism were based on a flawed process, according to [Together for an Inclusive Massachusetts](#) (TIM), a broad coalition of Jewish, Muslim, Arab, labor, education, student, civil rights and other organizations and individuals advocating for justice and equity in the Commonwealth.

TIM calls upon commissioners not to finalize their K-12 education policy recommendations until they have carefully reviewed the legal, religious, and political objections presented by TIM as well as other experts and constituents who have provided testimony to the Commission. TIM has released an analysis of the Commission's recommendations and suggest alternative recommendations as a starting point. Read the analysis at <https://tinyurl.com/TIM-K12-Recommendations>.

TIM's analysis of the Commission's recommendations indicate that, among other problems, they:

- institutionalize data that incorrectly classifies anti-war political speech and actions related to US policy in Israel/Palestine as hateful and discriminatory, while ignoring the core driver of antisemitism among youth on the far right
- threaten Constitutional protections against state establishment of religion by setting boundaries of Jewish identity, belief, and belonging
- ignore the wealth of expertise in Massachusetts on the intersection of antisemitism and education/activism related to Israel/Palestine as well as the experience of Palestinian and pro-Palestinian students - including Jewish students

TIM members have attended every hearing since the establishment of the Commission in October 2024 and gave [testimony](#) at the February hearing and at the only hearing open to public comment in April.

TIM hopes commissioners, legislators, and policymakers will consider reframing and adding to their recommendations, including:

- Ensure that all education about Jewish history, Judaism or antisemitism emphasizes the diversity of the Jewish community, including different points of view about Israel and the political ideology of Zionism.

- Invest in restorative and developmentally-appropriate educational interventions in response to incidents rather than a one-size-fits-all punitive approach. Led by trained educators and mental health experts (not police), incidents can become teachable moments that mend relationships and improve school climates.
- Apply existing best practices of inquiry education to the study of Israel and Palestine so that students are introduced to a diversity of fact-based narratives.
- Reject recommendations to censor curricula and speech that violate First Amendment rights by falsely equating uncomfortable topics – whether Israel/Palestine, 6th-12th grade genocide studies, LGBTQ health and wellness, slavery and civil rights – with a hostile learning environment.

The report is organized in four sections:

- **TIM's Analysis and Recommendations**
- **Appendix A:** Why Schools Should Reject the IHRA Definition of Antisemitism
- **Appendix B:** How to Choose Credible, Principled Sources on Racism and Antisemitism
- **Appendix C:** First Amendment Rights of Students to Receive Information or Ideas

TIM wants to ensure that the Commonwealth's next steps are inclusive, transparent, and constructive. To be clear, it is our deep and unwavering commitment to equality and justice for all—including Jews and Palestinians—that compels our work.

[Together for an Inclusive Massachusetts](#) (TIM) is a group of Jewish, Muslim, Arab, labor, education, student, civil rights and other organizations and individuals advocating for justice and equity in the Commonwealth led by Alliance for Water Justice in Palestine, Boston Workers Circle, Council on American-Islamic Relations – MA Chapter, If Not Now Boston, Jewish Voice for Peace Boston, Mass Peace Action, MTA Rank & File for Palestine, National Lawyers Guild – MA, Sawa: Newton-Area Alliance for Peace and Justice, Worcester Havurah and many others.

For more information: [info@inclusivemassachusetts.org](mailto:info@inclusivemassachusetts.org) or [www.inclusivemassachusetts.org](http://www.inclusivemassachusetts.org)



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## **The Massachusetts Special Commission on Combatting Antisemitism K-12 Draft Recommendations: A Critical Analysis and Recommendations by Together for an Inclusive Massachusetts**

**Together for an Inclusive Massachusetts (TIM)** submits our response to the Commission's K-12 Education recommendations and offers our recommendations for **addressing antisemitism reflecting the diversity of Jewish people in the Commonwealth and others who are impacted within a framework that embraces equity and inclusion for all. Our goal is to ensure that the Commonwealth's policies are inclusive, transparent, and are built on uplifting all residents of the Commonwealth.** We reiterate our deep and unwavering commitment to equality and justice for all – including Jewish people and Palestinians – and reject policies that address one form of hate by institutionalizing another form of hate. **TIM offers our response and recommendations to ensure that all students have safe and supportive learning environments, free of harassment and bullying, that protect their access to honest, fact-based and inclusive instruction.**

### **Introduction and Executive Summary**

The Massachusetts Special Commission on Combatting Antisemitism was created because of the importance of understanding, preventing and responding to antisemitism. Typically, such Commissions established by state law bring a diversity of expertise and range of perspectives to inform policymakers' decisions. Unfortunately, the Special Commission on Combatting Antisemitism's first draft of recommendations for K-12 education lacks awareness of good pedagogical practice, fails to reflect a diversity of perspectives, and is politically biased. As a result, these recommendations fall short of the Commission's promise both in process and product.

As constituents and organizations who stand unequivocally opposed to antisemitism and all forms of bigotry and discrimination, **we urge the Commission not to finalize these draft K-12 education policy recommendations until they have carefully reviewed the legal, religious, and political objections presented by our coalition as well as other experts and constituents who have provided testimony to the Commission.** As it stands, the recommendations are deeply flawed and represent a limited view of the Jewish community. The recommendations fail to uplift the beautiful diversity of Jewish perspectives on how to fight antisemitism, and more broadly all those who are resisting current attacks on DEI, freedom of religion, freedom of speech, unions, and the right to teach and learn. We offer our recommendations to inform the Commission's deliberations, to address the flaws of the report, and to propose an ethical framework for addressing antisemitism in K-12 education.

The Commission's draft recommendations:

- fail to address the most common forms of antisemitism, which include references to tropes that suggest that Jews are money hungry or evil or have excessive power and control;
- institutionalize flawed data that classify anti-war political speech and actions related to US policy in Israel/Palestine as hateful and discriminatory;
- threaten Constitutional protections against state establishment of religion by setting boundaries of Jewish identity, belief, and belonging;
- ignore the wealth of expertise in Massachusetts on the intersection of antisemitism and education/activism related to Israel/Palestine as well as the experience of Palestinian and pro-Palestinian students - including Jewish students;
- reaffirm threats against students by expanding a punitive culture of discipline and silencing and widening the role of police in schools;
- display a distrust in teachers' expertise and their professional organizations;
- fail to understand antisemitism through an intersectional lens, and instead pit Jewish students against other marginalized students; and
- risk institutionalizing anti-Palestinian racism, for example, through promoting the IHRA definition of antisemitism in order to advance a political agenda.

Together for an Inclusive Massachusetts recommends the Commission:

- seek and cite independent well-respected experts who offer expertise not represented on the Commission and have been excluded from providing expert testimony despite their requests;
- seek and incorporate public input into drafting updated recommendations;
- address discrimination in a historic and political context, replacing the narrow "anti-bias/anti-hate" framework with a holistic, systemic approach that targets the root causes of inequity;
- ensure that all education about Jewish history, Judaism or antisemitism emphasizes the diversity of the Jewish community, including different points of view about Israel and the political ideology of Zionism;
- apply existing best practices of inquiry education to the study of Israel and Palestine so that students are introduced to a diversity of fact-based narratives;
- invest in restorative and developmentally-appropriate educational interventions in response to incidents rather than a one-size-fits-all punitive approach;
- protect students and educators from threats of discipline or civil rights violations stemming from vague accusations of antisemitism based on speech or education about Israel/Palestine;
- reject recommendations to censor curricula and speech that violate First Amendment rights by falsely equating uncomfortable topics with a hostile learning environment;
- reject the Commission's recommendations to expand the role of police in schools in the name of fighting antisemitism;

- establish guidelines for any new or modified curriculum, programming or professional development—especially those considered “models” or “best practices”—to ensure that Palestinians, Palestinian history, narratives and rights are not erased, negotiated or demeaned, even while multiple narratives are explored respectfully;
- enhance age-appropriate mental health supports in schools that reflect a deep understanding of the way othering and bullying affects Jewish, Black, Indigenous, Latinx, Muslim, queer, and Palestinian students; and
- create and publish vetting criteria to guide the selection of authorized vendors of programming, curriculum, and professional development.

## **Flawed Process, Flawed Outcome**

The Commission’s draft K-12 recommendations parrot the published policy and resource documents<sup>1</sup> of the narrow selection of Jewish organizations represented on the Commission, which only reflect an agenda that attempts to ensure Jewish safety through curtailing civil liberties, which will not keep Jews safe and threatens fundamental principles of our democratic society. The Jewish community holds a diverse range of opinions on the state of Israel, relationships to Zionism, and definitions of antisemitism - the breadth of which is not represented on this Commission. Antisemitism and authoritarianism are both very grave threats to our Jewish communities and to all marginalized communities in the Commonwealth, and we call upon the Commission to fight them with integrity.

The Commission’s K-12 draft recommendations completely ignore the significant expert and public testimony that challenges their perspective,<sup>2</sup> and, in some cases misrepresent testimony to bolster their political positions.<sup>3</sup> The Commission’s recommendations also overlook the wide range of existing Department of Elementary and Secondary Education (DESE) resources and support that serve Jewish students along with other students, including calling for guidance that already exists.<sup>4</sup>

The recommendations use the controversial International Holocaust Remembrance Alliance (IHRA) definition and recommend its adoption at every educational agency and in law (school

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<sup>1</sup> For example: *Best Practices for Combating Antisemitism in K-12 Schools*, ADL; *A Guide for Administrators of U.S. Public Schools: Implementing the U.S. National Strategy to Counter Antisemitism*, AJC; *JCRC Greater Boston’s K-12 Education Initiative*; *Israel & Antisemitism Resources* (Lappin Foundation).

<sup>2</sup> See testimony by members of Together for an Inclusive Massachusetts (TIM) at Commission hearing on February 10, 2025 at <https://docs.google.com/document/d/1dA0cNjeDhEyfElvTbjlc6cikxsZLAdmYFTb1hjRNoY4/edit?tab=t.35oegznyvlv7>

<sup>3</sup> See interrogation of Max Page, president of Massachusetts Teachers Association at Commission hearing on February 10, 2025 and dismissal of public commentary critical of the IHRA WDA at Commission hearing on April 7, 2025.

<sup>4</sup> For example, Resources Relative to Antisemitism and Societal Bias <https://www.doe.mass.edu/sfs/safety/antisemitism-societalbias.html> and Problem Resolution System <https://www.doe.mass.edu/prs/>

districts, school committees, DESE and AGO). The IHRA definition restricts speech, deeming certain criticism of Israel and support for Palestinian rights as antisemitic and is widely rejected by lawyers, civil rights experts, Jewish Studies scholars, and educators, among others (see Appendix A):

- This recommendation is an example of the Commission's lack of nuanced engagement with the range of different Jewish and non-Jewish opinions related to combating antisemitism (see Appendix A).
- The recommendations do not heed the advice of multiple experts who note the insufficiency of any one definition, including Ambassador Alan Solomont who urged the Commission to support the use of multiple frameworks to understand antisemitism saying that "each definition has benefits and limitations."
- The draft Commission recommendations resort to misleading assertions that the IHRA definition is already state policy based, presumably, on a purely ceremonial gubernatorial proclamation that has no legal standing.<sup>5</sup>

Perhaps most alarming, the Commission's recommendations do not seem to reflect an awareness of best practices in teaching and learning. They ignore the pedagogical imperative to shape different interventions for different developmental stages. Similarly, they fail to engage with the long and deep body of existing research and practice addressing bigotry, discrimination, and intergroup conflict in K-12 schools that is the most logical starting point for interventions addressing antisemitism.<sup>6</sup>

The Commission's process in generating the K-12 recommendations was politically biased and incomplete. There was no or virtually no substantive and respectful engagement with:

- K-12 classroom educators (who were frequently misrepresented as untrustworthy and/or incompetent)
- Jewish students or educators who don't consider themselves to be Zionist
- non-Jewish students and educators who are directly impacted by the Commission's work, especially Palestinians
- civil rights experts who have documented the dangers and potential illegality of using the IHRA working definition of antisemitism in educational settings
- scholars of Jewish history, antisemitism and genocide studies
- researchers and practitioners who specialize in bigotry and discrimination in K-12 settings including commonalities with and differences from antisemitism
- the extensive critical testimony provided by members of the public at the April Commission hearing (the only time public comment was allowed)

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<sup>5</sup> Adopting the definition garnered almost no legislative support at the hearing for Bill No.1558, An Act relative to the International Holocaust Remembrance Alliance definition of antisemitism (2023-24); the only person who testified in support of it was Rep. Howitt (R) who introduced the bill and is serving on the Antisemitism Commission.

<sup>6</sup> See *Teaching for Diversity and Social Justice*, edited by Maurianne Adams, et al and the companion volume, *Readings for Diversity and Social Justice*, edited by Warren J. Blumenfeld, et al both from Routledge.

- scholarship about the major source of antisemitism coming from the right-wing of the political spectrum, including among young people.<sup>7</sup>

The errors in the recommendations start from the “findings” which are not actual learnings derived from study, but rather a set of controversial political positions that the Commission should have investigated rather than taking them as given.

The Commission took as matter of fact the ADL data, which have been widely discredited for conflating criticism of Israel as antisemitism<sup>8</sup> and that are not specific to K-12 schools. The data mix real antisemitic actions (swastikas, slurs, racist jokes, bullying and harassment targeting students, etc.) with lessons about Palestine or expressions of support for Palestinians. Furthermore, these flawed ADL reports are being used to drive support for codification of the IHRA definition, which has a chilling effect on free speech.<sup>9</sup> In a political environment where bigotry and discrimination are rampant, we must understand antisemitism within the political context in which it manifests. The commission’s refusal to consider increasing antisemitism alongside increasing discrimination against Black, Muslim,<sup>10</sup> Arab, Palestinian, LGBTQ, immigrant and other marginalized groups, combined with the lack of rigorous and transparent research about the prevalence or nature of antisemitism in K-12 schools in Massachusetts, undermines the ability of state policymakers to set sound policy to address the root causes of the very serious and real problem of antisemitism and all other forms of discrimination.

Rather than explore and discuss different understandings of what antisemitism is and engage with diverse views and implications of different definitions, the “findings” take as given that opposition to the modern political ideology of Zionism is antisemitic and that speech critical of Israel or supportive of Palestinians is hateful. They further promote the false idea that calls for Palestinian liberation are traumatic for Jewish students, failing to acknowledge that many Jewish students and faculty support Palestinians as evidenced by the many thousands of Jews participating in protests against Israel’s actions in Gaza, including middle school, high school and college students. This is another example of the conflation that underlies many of the Commission’s problematic recommendations, including use of the controversial IHRA working definition of antisemitism.

The findings and recommendations take as given that antisemitism should be treated differently and separately from other forms of bigotry and discrimination rather than in solidarity with and alongside other marginalized groups. They fail to engage with expert opinions suggesting that exceptionalizing antisemitism this way **increases harm to other marginalized groups, divides**

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<sup>7</sup> <https://journals.sagepub.com/doi/full/10.1177/10659129221111081>

<sup>8</sup> <https://forward.com/news/575687/anti-defamation-league-adl-antisemitism-count-anti-zionism/>

<sup>9</sup> <https://www.aclu.org/wp-content/uploads/2024/02/Reject-Definitions-of-Anti-Semitism-that-Encompass-Protected-Speech.pdf>

<sup>10</sup> See, for example, CAIR-MA 2025 Bullying Report, <https://www.cairma.org/wp-content/uploads/2025/01/CAIR-MA-2025-Bullying-report.pdf>

**Jewish students from other students, and can, in fact, increase negative attitudes toward Jews, including Jewish students and educators.<sup>11</sup>**

The flaws in the findings likely come from the circular use of some commissioners' own unchallenged beliefs, open exhibition of anti-Palestinian Racism,<sup>12</sup> reference to their own organizational policies, and citation of quotes from selectively invited speakers as "evidence." In many cases, their findings rely on a single source, some of which are of dubious credibility, while different views about how to best confront antisemitism were censored. Numerous findings use terms like "many" or "often" without any supporting data at all.

The findings also include true statements (e.g., there are significant limitations on DESE's authority to require a school district to use or cease using particular curricula and classroom materials) as if they are evidence of shortcomings or wrongdoing when the policy is intentional and mandated by law. Some are direct misattributions (e.g., Erin Hashimoto Martell, Associate Commissioner of the Department of Elementary and Secondary Education did not testify that there was poor adherence to the Genocide Education Mandate by districts; see footnote 15 in the Commission's initial findings and preliminary recommendations).

Taken in whole, the recommendations reflect the leveraging of a state body to promote a particular political point of view in the name of Jews that is neither based on sound education policy nor is it a reflection of the views or experiences of all Jews. The Commission's marginalization—and periodic defamation—of non-Zionist Jewish voices may constitute state interference in deciding who the "real" Jews are, violating separation between church and state enshrined in the Establishment and Free Exercise clauses of the First Amendment.<sup>13</sup>

## **TIM Recommendations to Address Antisemitism in K-12 Education**

Together for an Inclusive Massachusetts (TIM)'s recommendations address antisemitism using an antiracist, solidarity framework. We draw on our own experience and expertise as well as existing Massachusetts policies,<sup>14</sup> state educational standards<sup>15</sup>, and mental health resources<sup>16</sup>

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<sup>11</sup> See, for example, *Safety through Solidarity: A Radical Guide to Fighting Antisemitism* by Shane Burley and Ben Lorber (2024); *Being Jewish After the Destruction of Gaza: A Reckoning* by Peter Beinart (2025); *Solidarity Is the Political Version of Love: Lessons from Jewish Anti-Zionist Organizing* by Rebecca Vilkomerson et al (2024).

<sup>12</sup> Commission co-chair Representative Simon Cataldo perpetuated this anti-Palestinian trope when he asked a testifier rhetorically what would happen to a Jewish girl if she went to Gaza (Feb. 10th hearing).

<sup>13</sup> Jewish Voice for Peace amicus briefs, *President & Fellows of Harvard v. U.S. Department of Health & Human Services* and *AAUP Harvard Faculty Chapter v. U.S. Department of Health & Human Services*, <https://www.jewishvoiceforpeace.org/2025/06/10/jewish-voice-for-peace-submits-amicus-briefs-in-landmark-legal-cases-asserting-that-anti-zionism-is-not-antisemitism/>

<sup>14</sup> See <https://www.mass.gov/doc/resource-guide-protecting-students-from-discriminatory-bullying-and-harassment-sept-2024/download>

<sup>15</sup> <https://www.doe.mass.edu/frameworks/hss/2018-12.pdf>

<sup>16</sup> For example: [Trauma and Learning Policy Initiative](#), , [Massachusetts School Mental Health Consortium](#), or legislative priorities such as [An Act to Establish the Whole Child Grant Program](#)

to suggest these ideas can serve as a starting point for more effective and developmentally-appropriate policy recommendations:

1. **Support human and financial resources for diversity, equity and inclusion (DEI)**<sup>17</sup> policies and programming that includes all groups while still focusing on different experiences of marginalization and disparate material impact of discrimination.<sup>18</sup>
2. **Address othering and discrimination in historic and political context**, replacing the narrow “anti-bias/anti-hate”<sup>19</sup> framework that highlights individual feelings and interpersonal interactions with a holistic, systemic approach that targets the root causes of inequity.
3. **Expand attention to and resources for addressing inequality and discrimination in schools**, such as the framework of Targeted Universalism (TU) developed by the Other and Belonging Institute at the University of California at Berkeley.<sup>20</sup> The TU approach sets universal goals at the school or district level (e.g., every student feels they belong) but uses targeted strategies based on the circumstances of different communities to help them reach the universal goals. Having a coordinated, not siloed, initiative maximizes opportunities for cross-group learning and solidarity.
4. **Ensure that all education about Jewish history, Judaism or antisemitism emphasizes the diversity of the Jewish community**, including different points of view about Israel and the political ideology of Zionism without which Jews may be inaccurately seen as one-dimensional and monolithic.
5. **Apply the already-used best practices of inquiry education to the study of Israel and Palestine** so that students are introduced to a diversity of fact-based narratives and are supported to engage with a diversity of perspectives as they develop their own positions as outlined in the national C3 framework for state social studies standards.<sup>21</sup>
6. **Invest in restorative and developmentally-appropriate educational interventions** in response to incidents rather than a one-size-fits-all punitive approach. Restorative approaches, when led by trained educators and mental health experts (not police), can enable bias incidents to become teachable moments that mend relationships and improve school climates. DESE’s Rethinking Discipline<sup>22</sup> requires that schools provide alternatives such as restorative justice and collaborative problem solving as an

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<sup>17</sup> Also called Diversity, Equity, Inclusion and Justice (DEIJ) or Diversity Equity, Inclusion, and Belonging (DEIB) among other terms.

<sup>18</sup> See, for example, Zinn Education Project at [www.zinnproject.org](http://www.zinnproject.org) and Learning for Justice (formerly Teaching Tolerance) at [www.Learningforjustice.org](http://www.Learningforjustice.org).

<sup>19</sup> <https://www.uu.nl/sites/default/files/Sense-and-nonsense-of-anti-bias-training-programs.pdf>

<sup>20</sup> “Impact Story: How Targeted Universalism Is Bringing Equity to Chicago’s Public Schools” at <https://belonging.berkeley.edu/how-targeted-universalism-bringing-equity-chicagos-public-schools>.

<sup>21</sup> <https://www.socialstudies.org/standards/c3>

<sup>22</sup> <https://www.doe.mass.edu/sfs/discipline/?section=massachusetts>

alternative to student discipline. To support its full implementation, the state must allocate funds for school administrators and staff to develop curriculum and processes for engaging students in these interventions.

7. **Protect students and educators from bad faith accusations of antisemitism** and respect their right to learn by explicitly rejecting the implicit, informal or codified conflation of criticism of Israel or support for Palestinian equality and rights with bigotry or discrimination against Jews, whether or not the IHRA definition of antisemitism is referenced, (See Appendix A) including in weaponized Title VI complaints that allege that anti-war protests create hostile environments for Jewish students.
8. **Reject recommendations to censor curricula and speech, in violation of First Amendment rights, by falsely equating uncomfortable topics – whether Israel/Palestine, 6th-12th grade genocide studies, LGBTQ health and wellness, slavery and civil rights, Ethnic Studies– with a hostile learning environment.** A federal court recently rejected allegations of discriminatory intent and hostile educational environment citing legal precedent<sup>23</sup> noting the “*chilling effect*” such lawsuits have on school districts and “*the threat to First Amendment freedoms posed by efforts to prevent school boards from assigning the reading of [curricular material] on the ground that individuals or groups may find the contents injurious or offensive.*” (See Appendix C)
9. **Reject the Commission’s recommendations to expand the role of police in schools** in the name of fighting antisemitism. This includes suggestions to mandate reporting of non-criminal hate incidents to state police, which undermines and circumvents state laws protecting student confidentiality.<sup>24</sup> Enhancing state police authority to include hate incidents—not only crimes—expands data collection that is already flawed, and reports on students in databases are shared with federal law enforcement, including US Immigration and Customs Enforcement (ICE). This expansion grants state and law enforcement access to student and educator information for non-criminal matters based on mere allegations rather than findings of criminal activity.
10. **Provide effective and supportive supervision and resources to educators and trust them.**
11. **Establish guidelines for any new or modified curriculum, programming or professional development**—especially those considered “models” or “best practices”—to ensure that Palestinians, Palestinian history, narratives and rights are not erased, negotiated or demeaned, even while multiple narratives are explored respectfully.

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<sup>23</sup> Concerned Jewish Parents & Teachers of L. A. v. Liberated Ethnic Studies Model Curriculum Consortium, CV 22-3243 FMO (Ex) (C.D. Cal. May 23, 2025)

<sup>24</sup> MGL Ch. 71 Sec 37L

12. **Enhance age-appropriate mental health supports in schools** that reflect a deep understanding of the way othering and bullying affects Black, Indigenous, Latinx, Muslim, queer, Palestinian and Jewish students.
13. **Provide professional development and ongoing support to educators to help them navigate the challenges of differences and conflict among students** around essential educational topics including Israel/Palestine, just as educators should be equipped to address similarly challenging topics as gender identity, US colonialism and slavery, etc.<sup>25</sup>
14. **Create and publish vetting criteria to guide the selection of authorized vendors of programming, curriculum, and professional development**, whether free or paid, to ensure they do not promote policies or activities that cause harm to students or educators inside or outside of schools. (See Appendix B)
15. **Train, support and protect educators' efforts to support all students** while engaging them in exploring topics that may be uncomfortable, challenging, controversial or emotional.

For more information: [info@inclusivemassachusetts.org](mailto:info@inclusivemassachusetts.org) or [www.inclusivemassachusetts.org](http://www.inclusivemassachusetts.org)

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<sup>25</sup> For example, Essential Partners <https://whatisessential.org/work-with/secondary-middle-schools> and <https://www.american.edu/soe/k-12-resources-for-difficult-conversations.cfm>



## **Appendix A: Why Schools Should Reject the IHRA Definition of Antisemitism**

Schools and universities are being pressured to endorse the International Holocaust Remembrance Alliance's Working Definition of Antisemitism (IHRA WDA) to demonstrate their opposition to antisemitism. But redefining antisemitism in a way that conflates Jewish identity with Israel causes harm to Palestinians, justice-loving Jews, and others committed to peace with justice. Schools and universities must consider the negative impact the IHRA WDA has on the mandate and obligations of educational institutions.

Together for an Inclusive Massachusetts unequivocally opposes the adoption of the IHRA working definition of antisemitism, which is used to justify suppression of political speech and to censor balanced, fact-based education. Some members of the Commission, including the ADL, place promotion of the IHRA definition among their top priorities, despite significant opposition.

### **Accusations of antisemitism should not be based on disagreements about the state of Israel**

Some people don't feel safe because their core ideas are being challenged. They confuse feeling uncomfortable with being unsafe. Learning actually requires discomfort. Students should not reasonably expect to feel comfortable all the time while they are learning. Limiting free speech makes everyone less safe. We don't create safety by minimizing differences. We create safety by expanding our capacity to engage constructively with difference.

Some speech may be distasteful or make some people uncomfortable, but that doesn't make it hateful or grounds for censorship. Banning certain phrases, ideas, or articles of clothing is unfair when one group interprets what they mean for another group. Instead of focusing on speech or vague concepts like "hate" we should ask what actions by students or educators leverage power to deny someone else's rights and with what material consequences?

Sensationalizing the real problem of antisemitism fomenting fear that interferes with rational discourse and behavior.

## Opposition to the IHRA Definition by Scholars, Education and Civil Rights Experts

- The IHRA definition is controversial and many experts say it violates the First Amendment. This includes the [ACLU](#), [Jewish educators](#), [Human Rights Watch](#), and many others. The IHRA definition allows accusations of antisemitism to be weaponized, which is [harmful](#) to Jewish people, Palestinians, and, in fact, everyone else. Its codification is widely [opposed](#), including by the more than 1,300 signatories represented by [Concerned Jewish Faculty](#), which include hundreds of Massachusetts faculty members .
- [The Jerusalem Declaration on Antisemitism](#): The Jerusalem Declaration on Antisemitism responds to “the IHRA Definition,” the document that was adopted by the International Holocaust Remembrance Alliance (IHRA) in 2016. Because the IHRA Definition is unclear in key respects and widely open to different interpretations, it has caused confusion and generated controversy, hence weakening the fight against antisemitism. Noting that it calls itself “a working definition,” we have sought to improve on it by offering (a) a clearer core definition and (b) a coherent set of guidelines.
- One of the lead authors of IHRA, [Kenneth Stern, has stated his objections to the ways it has been used to shut down speech about Israel](#), Testimony to the United States Senate Committee on Health, Education, Labor and Pensions, March 27, 2025
- [For the safety of Jews & Palestinians, stop weaponizing antisemitism](#), Bernie Steinberg, executive director of Harvard Hillel from 1993 to 2010, *Harvard Crimson*, December 29, 2023.
- [Progressive Israel Network Groups Oppose Codification of IHRA Working Definition of Antisemitism, Citing Strong Potential for Misuse](#), January 12, 2021
- Civil rights organizations’ letters to former Assistant Secretary Catherine E. Lhamon Assistant Secretary for Civil Rights, U.S. Department of Education
  - [October 31, 2023](#)
  - [August 31, 2023](#)
- [Letter: Reject Definitions of Anti-Semitism that Encompass Protected Speech](#). ACLU, Feb. 6, 2024.
- [IHRA's true intentions: This is the speech about Israel & Palestine that the IHRA wants to silence](#), Canadians for Justice and Peace in the Middle East.

- [Jewish Voice for Peace unequivocally opposes the IHRA working definition of antisemitism](#), February 8, 2021.
- [IHRA's true intentions: This is the speech about Israel & Palestine that the IHRA wants to silence](#), Canadians for Justice and Peace in the Middle East, December 2022.
- [The Antisemitism Awareness Act bars the teaching of modern Jewish history](#). Benjamin Balthaser. *The Hill*, May 16, 2024.
- [Anti-Zionism isn't the same as antisemitism. Here's the history](#). *Washington Post*. Benjamin Moser, Jan. 2, 2024.
- [Presumptively antisemitic: Islamophobic Tropes in the Palestine-Israel Discourse](#). Rutgers School of Law. Center for Security, Race and Rights. November 2023.
- The Foundation on Middle East Peace maintains a continuously updated [database of expert reports, articles, and letters](#) challenging the IHRA definition. FMEP hosted a useful webinar on the IHRA definition and the National Strategy titled [Palestinian Rights, the IHRA Definition, & the Battle Around Biden's Antisemitism Strategy](#).



## Appendix B: How to Choose Credible, Principled Sources on Racism and Antisemitism

### Suggested Vetting Criteria for District and School Administrators and Other Educators Seeking Materials and Advice about Antisemitism and Racism

When contracting with outside experts to enhance learning about antisemitism and racism for your school community, there is a need for caution. Some organizations that are prominent in this field may be more focused on political advocacy than affirming that all students belong and all students' have the right to learn – including about issues that are considered controversial. Some of these organizations have weaponized accusations of antisemitism against schools, educators, and students in order to protect Israel from criticism or censor Palestinian voices. They have promoted state and local policies that are deeply hostile to Ethnic Studies programs and DEI initiatives. They have opposed calls for Palestinian human rights, including in the form of basic self-expression by Palestinian students and school staff. In short, school relationships with these organizations can lead to suppression of the freedom to teach and the right to learn.

#### Limited options, important decisions

Given the demands on your and your teachers' time, as well as the funding limitations so many schools face, it is unfortunate that there are no other organizations that provide high quality, ready-to-use, no-cost K-12 materials that address antisemitism using an antiracist, solidarity framework.

This is partly due to:

1. The near monopoly of a few vendors have had on addressing antisemitism in many schools;
2. Their one-size-fits-all approach, which is less labor intensive than teacher-led and student- centered initiatives, but doesn't build on teachers' abilities to shape learning in response to their students' unique needs; and
3. The persistent underfunding of schools in general and especially initiatives that offer higher-quality, truly antiracist alternatives.

In order to respond to the particular needs of your school community and genuinely promote the safety, belonging, and learning of all students, including those from all marginalized communities, we recommend that you [develop your own antiracist and social justice expertise](#) if at all possible. Work with your educators' union to find ways to identify and compensate teachers within your school to champion your antiracist

programming and bias incident response. When you must contract with outside organizations, consider the following criteria as you evaluate and select vendors for training, curriculum, and programming:

### **Criteria for Contracting with External Advisors**

To ensure that your school, community or educational institution not become complicit in attacks on academic freedom, the freedom to teach, the right to learn, the obligation to teach truth, and that it does not fight discrimination against one group while promoting discrimination against other groups, you should make sure that you do partner with consultants and organizations that:

- Align with *all* of the values and principles about diversity, equity, inclusion, belonging and justice articulated by your school or school district.
- Recognize historical and social context when addressing social justice issues.
- Distinguish between the varying and disproportionate impacts of discrimination on different groups while upholding every group's right to dignity.
- Consistently defend the rights and wellbeing of all students and propose solutions that benefit all students.
- Uphold the social justice practices they themselves espouse across their organizational work.
- Are seen as credible by and about a diverse range of communities.
- Demonstrate responsiveness to good faith critiques of their pedagogy.

### **Avoid partnering with organizations that:**

- Have a demonstrated history of advocating for local, state, or federal policy or legislation that undermines public education or the job security and safety of educators who prioritize excellent teaching above political considerations.
- Advocate local, state, or federal policy that censors or restricts the critical examination of the history or actions of the United States or any other nation-state.
- Prioritize any educational approach that would protect the comfort of one ethnic, religious, or national group over the rights of another.
- Seek to restrict discussion or lawful protest by students or educators about contentious topics on their campus.
- Conflate criticism of Israel with antisemitism, or use statistics that consider protected political speech in support of Palestinian rights as antisemitic. (Schools operating in places that are using the IHRA definition of antisemitism must be especially careful to avoid partnering with organizations that promote censorship to protect a group from being discussed and/or criticized.)

- Engage in speech or actions that target or threaten the wellbeing and rights of Palestinians, Muslims, Arabs, other people of color, and/or supporters of Palestinian human rights from any background.
- Weaponize Title VI of the Civil Rights Act by suggesting that criticism of Israel creates a hostile environment for Jews (i.e., conflating Zionism with Judaism and essentially treating Zionists as a protected class) in an effort to bully institutions into changing their educational policies or programming.

### **Transparency and Community Input**

We also suggest that schools and districts create a transparent process for considering community feedback about curriculum, professional development, and external advisors. The process should require challengers to provide evidence that the program in question fails to meet criteria of eligibility or acceptability that have been previously laid out by the school or district. It should be led by educators who are tasked to consider only the substance of the challenge, not to make a decision based on the number of complaints for/against a particular curriculum or vendor.



## Appendix C: First Amendment Rights of Students to Receive Information or Ideas

### Concerned Jewish Parents & Teachers of L. A. v. Liberated Ethnic Studies Model Curriculum Consortium<sup>26</sup>

#### Case Summary

Plaintiffs litigated the legality of an Ethnic Studies curriculum with which they disagree because the curriculum criticizes Israel and Zionism. The plaintiffs requested that the court enjoin Los Angeles Unified School District educators from teaching from the challenged curriculum. The court rejected the plaintiff's request citing First Amendment and censorship threats.

#### Excerpt from the Ruling

“Although high school teachers do not have freedom of speech to the full extent of the First Amendment, there is no doubt that “allowing the judicial system to process complaints that seek to enjoin or attach civil liability to a school district’s assignment of” curricular material could have broader, potentially chilling effects on speech. See *Monteiro*, 158 F.3d at 1029. In other words, while teachers’ speech rights in the classroom may be reasonably abridged by their employers, such limitations are fundamentally different than speech restrictions imposed by a court at the behest of a group of private citizens. [...]Confronted with a similar lawsuit over curricular material, the Ninth Circuit in *Monteiro* wrote:

*Were the plaintiff to succeed in this litigation or even to succeed in forcing the defendants to engage in a trial over such [curricular material], the threat of future litigation would inevitably lead many school districts to “buy their peace” by avoiding the use of books or other materials that express messages – or simply use terms – that could be argued to cause harm to a group of students. . . . In short, permitting lawsuits against school districts on the basis of the content of literary works [or curriculum] to proceed past the complaint stage could have a significant chilling effect on a school district’s willingness to assign [material] with*

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<sup>26</sup> Concerned Jewish Parents & Teachers of L. A. v. Liberated Ethnic Studies Model Curriculum Consortium, CV 22-3243 FMO (Ex) (C.D. Cal. May 23, 2025)

*themes, characters, snippets of dialogue, or words that might offend the sensibilities of any number of persons or groups.*<sup>27</sup>

The Supreme Court has long recognized that the freedom to receive ideas, and its relation to the freedom of expression, is particularly relevant in the classroom setting.” Monteiro, 158 F.3d at 1027 n. 5; see Board of Educ., Island Trees Union Free Sch. Dist. v. Pico, 457 U.S. 853, 867, 102 S.Ct. 2799, 2808 (1982) (plurality opinion) (“[T]he right to receive ideas is a necessary predicate to the recipient’s meaningful exercise of his own rights of speech, press, and political freedom.”) (emphasis omitted). Students have a right to receive information and “lawsuits threatening to attach civil liability on the basis of the assignment of [curricular material] would severely restrict a student’s right to receive material that his school board or other educational authority determines to be of legitimate educational value.” Monteiro, 158 F.3d at 1028.”

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<sup>27</sup> Monteiro v. Tempe Union High School Dist., 158 F.3d 1022 at 1029-30 (9th Cir. 1998)