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TO: THE HONORABLE TIM WALBERG
CHAIRMAN, HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE

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IN COLLABORATION WITH
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CC: THE HONORABLE JASON SMITH
CHAIRMAN, HOUSE COMMITTEE ON WAYS AND MEANS
MAJORITY MEMBERS, HOUSE COMMITTEE ON EDUCATION AND THE
WORKFORCE
MAJORITY MEMBERS, HOUSE COMMITTEE ON WAYS AND MEANS

DATE: JANUARY 12, 2026¹

RE: HOLDING THE NATIONAL ASSOCIATION OF INDEPENDENT SCHOOLS
(NAIS) ACCOUNTABLE FOR ANTISEMITISM AND RACIAL
DISCRIMINATION IN NAIS INDEPENDENT SCHOOLS

INTRODUCTION

Representative Walberg: thank you for continuing to lead the fight against antisemitism in American educational institutions.

We are grateful that you and the House Committee on Education and the Workforce continue to confront and root out antisemitism – a form of racial discrimination against Jewish people – on college campuses and in K-12 public schools.² **The Committee has a critical opportunity to hold educational institutions**

* See p. 26.

¹ Earlier versions of this memo, dated May 9, 2025 and May 22, 2025, were previously circulated.

²<https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412025#:~:text=Throughout%20the%20investigation%2C%20more%20than,failures%20has%20not%20gone%20unnoticed.%E2%80%9D;>
<https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412435#:~:text=WASHINGTON%2C%20D.C.%2C%20May%206%2C,of%20the%20October%207th%20attack;>
<https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412638#:~:text=WASHINGTON%2C%20D.C.%2C%20July%2015%2C,universities%20across%20the%20United%20States;>
[https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412833.](https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=412833)

accountable for their complicity in the growing scourge of antisemitism and racial discrimination, while also potentially saving (and recovering) billions of dollars in federal funds. All members of Congress should support these efforts.

While antisemitism has persisted for ages, its overt manifestation in American institutions over the past several years is largely the product of the anti-Western, anti-white doctrine that holds that America is systemically and irredeemably racist. As is now well-documented, this ideology that has captured college and public-school administrators, professors, teachers, staff, and inevitably their students, stems from the destructive oppressor/oppressed narrative that is at the core of nearly all diversity, equity, and inclusion (“DEI”) programming in America.³ Where DEI is entrenched, antisemitism festers, including at America’s institutions of higher education and in K-12 schools.

What has yet to be addressed, or even fully exposed, is that this very same racially discriminatory oppressor/oppressed ideology has long been embedded into the ethos of America’s K-12 independent private schools. **The driving force behind the infusion of this ideology into K-12 independent private schools is the National Association of Independent Schools (the “NAIS”), a tax-exempt organization located in Washington, D.C. that oversees and influences more than 2,000 independent private schools throughout the United States and internationally.**⁴ As outlined in this memo, the NAIS’ guiding principles include the same DEI teachings that foster and promote antisemitism, anti-Western, anti-white bias and racial discrimination in all aspects of school operations, from board governance to professional development of administrators, educators and staff, and into student curricula.⁵

The impact is far-reaching. NAIS independent K-12 schools are college “feeder schools” in that nearly all their graduates attend college, and “NAIS school graduates are more than three times more likely to attend top-ranked universities and liberal arts colleges than graduates of other high schools.”⁶ **Graduates from NAIS schools arrive on their college campus already activated, steeped in the same discriminatory DEI teachings that have fueled the on-campus misconduct that Congress has sought to extinguish.**⁷

³ See <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>; <https://www.city-journal.org/article/how-dei-inspires-jew-hatred>.

⁴ See <https://www.nais.org/about/about-nais/>; <https://www.nais.org/school-directory/>.

⁵ See Section II. See also <https://melissabraunstein.wordpress.com/2024/06/28/the-campus-protests-k-12-origins/>; <https://www.nationalreview.com/magazine/2024/10/elite-private-schools-are-teaching-antisemitism/>.

⁶ https://resources.finalsite.net/images/v1566940971/sageridgeorg/n1dsxnkx9vvf9yqgybio/Gallup_DownloadableINFOGRAPHIC.pdf.

⁷ See <https://freebeacon.com/campus/from-million-dollar-homes-to-radical-activism-these-posh-private-school-alumni-were-among-the-arrested-columbia-and-barnard-students/>; <https://melissabraunstein.wordpress.com/2024/06/28/the-campus-protests-k-12-origins/>. Accused antisemite, Zohran Mamdani, New York City’s new mayor, attended NAIS school

Because **these NAIS schools are subsidized by the American taxpayer through the billions afforded in tax breaks on their endowments and other assets, as well as through other government benefits, federal oversight is warranted and necessary to hold the NAIS and their schools accountable for the antisemitism and racial discrimination on their campuses.**⁸

In our discussions with Kent Talbert, Investigative Counsel for the Committee, and with Antonette Bowman, Research Fellow for the Committee, **we noted the ties between K-12 NAIS private independent schools and foreign entities, such as the Chinese Communist Party and Qatar**, who infiltrate and fund K-12 institutions (often undetected) to promote anti-Western, anti-white, antisemitic narratives.⁹

This memo does *not* purport to address school choice or related initiatives. However, **it bears noting that numerous NAIS schools explicitly disavow participation in their state’s school-choice voucher program.**¹⁰ Moreover, because church-governed parochial schools cannot be members of the NAIS (the NAIS requires its member schools to be self-governed by an “independent” board of trustees),

Bank Street School for Children where (since the 1990s), students as young as 6yrs old are taught DEI across their entire curriculum, with a “deliberate approach” to “racial justice advocacy.” See <https://school.bankstreet.edu/about/diversity-equity-inclusion-dei/dei-across-curriculum/>. See also <https://www.bankstreet.edu/news-events/news/school-for-children-alum-zohran-mamdani-elected-new-york-citys-mayor/>; https://nypost.com/2026/01/02/us-news/nyc-mayor-zohran-mamdani-facing-backlash-for-revoking-eric-adams-executive-orders-supporting-israel/?utm_source= <https://www.timesofisrael.com/what-nyc-mayor-elect-zohran-mamdani-has-actually-said-about-jews-israel-and-antisemitism/>.

⁸ Congressional inquiry into discrimination and antisemitism at NAIS private schools would be in-line with the justification for Congressional action and inquiry into antisemitism at private universities. See <https://budget.house.gov/press-release/private-universities-pocket-billions-a-year-in-taxpayer-cash-while-condoning-antisemitism-on-college-campuses#:~:text=Though%20private%20universities%2C%20unlike%20public,endowment%20tax%20breaks%2C%20and%20more.>

⁹ See Section III.F.

¹⁰ See, e.g., <https://www.pinecrest.edu/admissions/tuition-fees-and-aid/financial-and-inclusion-aid> (“Many state and federal scholarships impose significant obligations on the School, and it is for this reason that Pine Crest does not accept scholarship funds The School reserves the right to make determinations on the acceptance of outside educational funding, including but not limited to governmental, corporate, and/or private funding sources.”); <https://www.gulliverprep.org/admissions/financial-aid/> (“To maintain our independence, Gulliver Prep does not accept any state or federal funds, financial assistance or scholarship programs.”); <https://www.theassemblync.com/politics/private-school-contracts-charlotte-latin-supreme-court/> (“Not all private schools accept vouchers; Charlotte Latin is among those that do not.”).

Congressional action against the NAIS or its member schools will not implicate any church-governed school.¹¹

The information in this memo is supported by publicly available documents, materials, and links, as indicated in the accompanying footnotes. We urge you to read the readily accessible information for yourselves. In addition, there are numerous witness accounts, personal stories, confidential documents and other examples of racial discrimination and antisemitism that are not included, but that also reinforce each point set forth herein. We look forward to sharing this additional information with you. Please contact us to set up a meeting.

Outlined below is:

- I. NAIS BACKGROUND AND OVERVIEW**
- II. SUMMARY OF THE MAIN NAIS CONTROVERSIES**
- III. GOALS AND CONCLUSIONS**

I. NAIS BACKGROUND AND OVERVIEW

- The NAIS is a 501(c)(3) tax-exempt charitable organization located at 2001 K Street NW, Suite 1150, Washington, D.C., 20006.
- The NAIS' published charitable mission states:

AS THE LARGEST ASSOCIATION OF INDEPENDENT SCHOOLS, NAIS CO-CREATES THE FUTURE OF EDUCATION BY UNITING AND EMPOWERING OUR COMMUNITY. WE DO THIS THROUGH THOUGHT LEADERSHIP, RESEARCH, CREATION AND CURATION OF RESOURCES, AND DIRECT COLLABORATION WITH EDUCATION LEADERS.¹²

¹¹ See <https://www.nais.org/membership/school-membership/school-membership-criteria/>. For clarification, what makes private K-12 schools “private” is that private schools are funded by private donations, tuition payments and endowment revenue, not public funds. Independent private schools are further distinguished from other types of private schools in that independent private schools are governed and overseen by an independent board of trustees, as opposed to being regulated by or beholden to a church or other outside governing body. While independent private schools traditionally do not directly accept federal funding, in 2020-2021 many NAIS schools applied for and received federal funds through the CARES Act, including PPP loans, making those schools subject to federal regulation during that period of time. <https://www.foxbusiness.com/money/elite-nyc-private-schools-received-millions-in-ppp-loans-sba>; <https://www.nytimes.com/2021/01/13/us/private-schools-ppp-fundig.html#:~:text=>

¹² See <https://projects.propublica.org/nonprofits/organizations/42104741/202313179349301996/full>.

- Over 1,700 independent private schools across the United States are full members of the NAIS, collectively serving over 730,000 school-aged children and employing over 60,000 teachers throughout the country.¹³ Worldwide, over 2,000 pre-K to grade 13 schools are affiliated with the NAIS.¹⁴ Nearly 100% of graduates from NAIS member schools attend college or university.¹⁵
- To be eligible for NAIS membership, a private school must: (i) have federal 501(c)(3) tax-exempt status; (ii) be self-governed by an independent board of trustees; (iii) have been fully accredited by an NAIS-approved accreditor;¹⁶ (iv) “demonstrated a commitment to diversity in compliance with state and federal law, as evident in all nondiscrimination policies for admission and hiring;” (v) “agree in spirit with the NAIS Principles of Good Practice.”¹⁷
- The NAIS promotes its membership as a way for private independent schools to establish “credibility” with the public and prospective families. The NAIS “brand” is proffered to families as a stamp of approval, a gold standard in quality for private school education. Member schools tout their NAIS membership, and their accreditation by the NAIS-approved regional accreditor, in their school publications and on member school websites. As stated on the NAIS website, a benefit of NAIS membership is that schools can use the NAIS logo on school marketing materials.¹⁸
- There are 26 NAIS “approved accreditors” that accredit NAIS schools by region.¹⁹ The NAIS-approved accreditors that are based in the United States are nonprofit, federally tax-exempt organizations. The NAIS regional accreditors also self-promote, claiming that their brand “provides

¹³ See footnote 4.

¹⁴ Currently, there are 2024 schools listed in the NAIS’ school directory. See footnote 6.

¹⁵ See footnote 6.

¹⁶ See <https://www.nais.org/membership/international-council-advancing-independent-school-accreditation/approved-accreditors-for-nais-membership/>.

¹⁷ See footnote 11 (NAIS membership criteria). While member schools must agree to follow the NAIS’ principles of good practice, in 2025 the NAIS removed its list of principles from its public website so that parents and students no longer have access to that information. The NAIS principle for Equity and Justice is now only accessible through an NAIS password protected login page. <https://www.nais.org/search?q=principles+for+equity+and+justice>. A previously saved PDF of all the NAIS principles of good practice is available here: https://www.nais.org/getContentAsset/69fbe928-fe67-40b2-9c17-3e477c4fa9be/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/NAIS_PGP_2017.pdf?language=en-US.

¹⁸ See <https://www.nais.org/membership/nais-benefits/>.

¹⁹ See footnote 16.

external validation of school quality that enhances credibility with prospective families, employees, and the community at large.”²⁰

- Through the NAIS-approved regional accreditation process, the NAIS regional accreditors require each school to adhere to the NAIS directives, including the NAIS directives on DEI.²¹ **The NAIS mandated approach to diversity, inclusion and belonging (“DEIJB”) is “equity and justice” focused.**²²
- The NAIS counts among its members America’s most prestigious, highly-regarded, well-funded (and exceptionally expensive), federally tax-exempt private independent boarding and day schools.²³
- Notably, **the 20 NAIS independent boarding schools in the United States with the largest endowments currently, collectively have endowments totaling over \$9 billion.**²⁴ As tax-exempt entities, these schools -- and each of the more than 1,700 other NAIS schools in the United States -- avoid paying taxes on their endowments, real property and other significant assets, despite following the NAIS’ DEIJB programs and policies that, as discussed below, are racially discriminatory and foster antisemitism.²⁵
- As outlined in the memo attached hereto as Exhibit A, entitled *IRS Oversight of Tax-Exempt Private Schools*, dated January 25, 2025, the federal government may be owed significant back taxes from NAIS member schools that exempted income and assets from their taxes while they engaged in and allowed racial discrimination and antisemitism. Specifically, as the attached memo explains, those racially discriminatory NAIS schools are not eligible for 501(c)(3) tax-exempt status and their assets should be, and should have been, subject to federal (and state) taxation. These NAIS

²⁰ E.g., <https://www.isacs.org/isacs-accreditation/membership>.

²¹ See footnote 16 (links to NAIS-approved regional accrediting requirements, including DEI accreditation requirements).

²² See, e.g., NAIS principles of good practice for boards of trustees, for early childhood education, and for equity and justice: https://www.nais.org/getContentAsset/69f9e928-fe67-40b2-9c17-3e477c4fa9be/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/NAIS_PGP_2017.pdf?language=en-US.

²³ See <https://www.niche.com/k12/search/best-schools/?gradeLevel=k12&organizations=nais&type=private>.

²⁴ See <https://www.boardingschoolreview.com/top-twenty-schools-listing/largest-endowments>. See also <https://www.commonfund.org/research-center/press-releases/commonfund-study-of-independent-schools-released-for-fy2024#:~:text=Returns%20Positive;%20New%20Gifts%20to,are%20reported%20net%20of%20fees.>

²⁵ See Section II.

schools may also be subject to fines, penalties and liability for making false certifications to the federal government on their previously filed IRS Form 990s and Schedules.²⁶

II. SUMMARY OF THE MAIN NAIS CONTROVERSIES

Outlined below is:

- A. **The NAIS Influence**
- B. **The NAIS Influence Is Unchecked**
- C. **The NAIS Agenda Is Antisemitic And Racially Discriminatory**

A. The NAIS Influence

- NAIS has far-reaching influence over its member schools and its regional accreditors.
- Although the NAIS claims that it is not an “accreditor” and that it does not mandate the *form* that DEIJB must take in its member schools, the NAIS *does* mandate that its member schools embrace DEIJB,²⁷ as do the 26 NAIS-approved regional accreditors responsible for evaluating each NAIS member school.²⁸ The NAIS directly develops the standards for member accreditation. Until 2018 the NAIS’ Commission on Accreditation reviewed and approved the accrediting process for member schools. In a 2018 restructuring, the NAIS spun off this accrediting commission as a separate tax-exempt nonprofit and renamed it the International Council Advancing Independent School Accreditation (“ICAISA”).²⁹ ICAISA accredits the accrediting organizations and the NAIS requires

²⁶ See Exhibit A.

²⁷ See <https://www.nais.org/learn/resource-guides/inclusion-and-belonging/>.

²⁸ See footnote 16. *E.g.*, <https://www.acischools.org/> (“a commitment to nurturing and supporting diversity, equity and inclusions is a core principle of ACIS schools.”); <https://www.acischools.org/accreditation> (“During the school [accreditation] visit, the team evaluates the school’s compliance with government regulations and the NAIS Principles of Good Practice.”); https://aisne.org/wp-content/uploads/2024/08/AISNE-School-Accreditation-Handbook.pdf?_hstc=46213176.bf4c267ec07ce1c78e8eff9811275b89.1762648838798.1762648838798.1762648838798.1&_hssc=46213176.4.1762648838798&_hsfp=2667213547 (“We acknowledge and value the tensions and conflicts all schools experience as they work to become truly inclusive institutions, recognizing that progress comes from embracing, not avoiding, this important struggle.”); <https://www.caisca.org/public-statements> (“The California Association of Independent Schools is committed to identifying and removing systemic racism within the Association, and to guiding the same work within member schools. The work of becoming antiracist makes our schools and students stronger.”), etc.

²⁹ See footnote 16. See <https://icaisa.org/> (“ICAISA is a nonprofit organization that establishes and upholds standards for accrediting associations in order to ensure quality and accountability in independent and international schools across the globe.”). The ICAISA is a federal tax-exempt organization. <https://projects.propublica.org/nonprofits/organizations/824673704/202313039349200031/full>.

its member schools to be accredited by one of these ICAISA-recognized accreditors. **Despite the technical distinction between the NAIS, its spin-off ICAISA, and the accrediting associations, the NAIS mandates the standards schools must follow such that many NAIS member schools look to and refer to the NAIS as their accrediting body.**

- ICAISA and its NAIS-approved accreditors rely directly on NAIS resources, including its guidance on DEIJB, in their mandated accreditation process. ICAISA requires the NAIS accreditors to make an “Essential Commitment” to “Promote Diversity, Equity, Inclusion, and Justice through the accreditation process.”³⁰
- The NAIS directs each member school to employ a diversity practitioner who is to be made a member of the senior administration. Among other directives, “to be successful” according to the NAIS, school diversity practitioners must:
 - Follow the “NAIS principles of good practice for Equity and Justice.”
 - Attend NAIS DEI events, including the NAIS People of Color Conference (“PoCC”) and NAIS Student Diversity Leadership Conference (“SDLC”).
 - Incorporate into their diversity practice, and implement at their NAIS school, the programs and policies stated in NAIS published materials, including the programs and policies in the NAIS DEIJB manual entitled *Diversity Work in Independent Schools: The Practice and Practitioner* (NAIS 2017) (the “*NAIS Diversity Workbook*”).³¹
- The NAIS principle of good practice for Equity and Justice requires NAIS member schools to “establish the foundations for its commitment to equity and justice in its defining documents (mission, core value, and/or philosophy statements)” and requires the boards of trustees and heads of NAIS schools to “articulate strategic goals and objectives that promote diversity, inclusion, equity, and justice in the life of the school.”³²
- NAIS events, including the PoCC and SDLC, have long-platformed antisemitic speakers and followed an anti-white, discriminatory agenda, as outlined below.³³

³⁰ See <https://icaisa.org/recognition-guiding-principles/>. See also footnote 16.

³¹ See <https://www.nais.org/membership/nais-resources-by-role/>.

³² See footnote 22. See also *NAIS Diversity Workbook* at pp. 81-84 (Chapter 12: “What the Updated NAIS Principles for Equity and Justice Means to You”).

³³ See Section II.C., THE NAIS AGENDA IS ANTISEMITIC AND RACIALLY DISCRIMINATORY.

- The 208-page *NAIS Diversity Workbook*, among other NAIS published materials, teaches NAIS DEIJB practitioners how to centralize their power and incorporate racially discriminatory, anti-white, antisemitic ideology throughout their school. DEIJB practitioners at NAIS schools are instructed to infuse racially discriminatory ideology into all school operations, including students’ rights, admissions, employment, financial assistance, school activities, policies and procedures.

B. The NAIS Influence Is Unchecked

- **Although NAIS schools are supposed to be governed by “independent” trustees and senior leadership, the NAIS directs school administrators and board trustees to change their school’s foundational documents and strategic plans to embrace DEIJB.³⁴ And because the boards and senior administrators at member schools are beholden to the NAIS for various reasons (as discussed below), these school leaders are not independent in any sense of the word; they are compelled to comply with the NAIS DEIJB mandates, even if they disagree.**
- In particular, Heads of NAIS schools are beholden to the NAIS because the NAIS plays a pivotal role in placing Heads of School in their six and seven-figure salaried positions.³⁵ The NAIS website lists affiliated executive search firms, nearly all of which recently completed the placement of a senior administrator at an NAIS member.³⁶ Even those senior administrators who left their prior NAIS school under a cloud of controversy were somehow subsequently placed at another NAIS school by an affiliated search firm – even in instances where the senior administrator’s prior misconduct was the subject of publicly filed legal proceedings.³⁷

³⁴ See footnote 22. See also *NAIS Diversity Workbook* at p. 183 (“this vision makes clear that our boards and head of school bear primary responsibility for making sure our schools abide by their mission to commit to equity and justice.”).

³⁵ See <https://nypost.com/2021/06/12/new-york-citys-posh-private-school-heads-earn-huge-salaries/>. Numerous heads of NAIS schools throughout the country earn close to or more than \$1million in compensation each year. See [https://www.ctinsider.com/news/education/article/private-high-school-connecticut-pay-head-of-school-19470561.php?utm_source](https://www.ctinsider.com/news/education/article/private-high-school-connecticut-pay-head-of-school-19470561.php?utm_source;); https://www.houstonchronicle.com/business/article/private-school-compensation-houston-kinkaid-19744894.php?utm_source; https://www.jlittleford.com/head-of-school-compensation-the-gap-grows/?utm_source.

³⁶ See <https://www.nais.org/company-directory/?keyword=search&bbox.swLat=-53.72299265894068&bbox.swLng=-152.72426043245358&bbox.neLat=42.38243521425369&bbox.neLng=5.590256276568823>.

³⁷ *E.g.*, **Bodie Brizendine** (The Spence School to The Collegiate School); **Randall Dunn** (Latin School of Chicago to Rye Country Day School); **Art Hall** (Lakehill Preparatory School to The Barstow School); **Rebecca Hong** (The Spence School to Sequoyah School); **Kristine Von Ogden** (Latin School of Chicago to French-American School New York), and others. See also **Thomas Hagerman** (Superintendent of Scarsdale Union Free Public School District to Latin School of Chicago) (<https://www.lohud.com/story/news/local/westchester/scarsdale/2022/05/06/scarsdale-schools-district-superintendent-resigns-irs-fines-cover-up/9681620002/>).

- Because the Heads of NAIS schools owe their high paying salaries to the NAIS, they readily adopt, incorporate and reinforce the NAIS directives, including the DEIJB directives, at their schools. There is little if any room for criticism or even questioning of the NAIS’ policies by these senior administrators.
- In addition, the boards of trustees at NAIS member schools are ill-informed, lack the independence to disagree with their Head of School, and act in their own interest and not in the best interest of the entity or its students. Boards, too, are compelled to follow senior school administrators who insist that their school adopt the NAIS DEIJB guidelines and teachings.
- A hallmark of NAIS independent private schools is their supposed “independence” to operate in accordance with their own independent mission and be governed by an independent board of trustees. In reality, member schools operate in lockstep with the NAIS and thus in lockstep with each other, with no genuinely independent board governance. Indeed, the boards at many NAIS schools are oversized and filled with trustees who are donors, alumni or current parents that join the board for their own vanity or the personal benefits of affiliation. Often, board trustees do not take the time to be adequately informed. Despite state laws that uniformly demand that each trustee discharged their fiduciary duties for the benefit of the entity and its beneficiaries (the students), board trustees are explicitly told by their NAIS school administrators not to involve themselves in issues beyond fundraising and hiring the head of school. Even in instances when the board has been notified about administrator misconduct or about a safety risk that impacts the well-being and safety of students, NAIS board trustees let the administrative wrongdoers manage (mismanage) the issue themselves.³⁸
- **Further, boards at NAIS schools often have a voting majority comprised of current parents who, by virtue of their child attending the school while they serve on the board, inherently lack the requisite “independence” needed to discharge their duties to the entity.** Specifically, current parents at independent schools are beholden to their Heads of School because the Head has complete control over their child’s enrollment and experience at school.³⁹ Given that schools can, and do, dismiss trustees from the board for any reason, and Heads of Schools can, and do,

³⁸ See, e.g., <https://latinschoolchicagoinvestigation.com/wp-content/uploads/2025/01/BOIES-demand-letter.pdf>.

³⁹ The NAIS member school enrollment contracts require parents to pay full tuition with no right to a refund for any reason (even death of the student), and the enrollment provisions give the school “sole discretion” to dismiss (expel) a students at any time, for any reason, including for parent conduct that the school does not like. The NAIS directs schools to include in their enrollment agreements contract provisions affording schools the unilateral right to terminate the contract if the school decides that a parent’s actions “interfere with the school’s accomplishment of its mission and educational goals” or makes it “impossible” for the school to have “a constructive relationship” with the parent. See *Hopes and Fears: Strengthening the Relationship with Today’s Independent School Parents*, 2nd Edition, Evans and Thompson (NAIS 2024) (“*Hopes and Fears 2nd Ed.*”) at pp. 141-145. These illusory contracts of adhesion so negatively impact the wellbeing and safety of minor school children that they arguably violate public policy.

unilaterally dismiss children from the school for their parent’s conduct, no parent-trustee can speak out against, or take a contrarian position to, the Head of School without fear of reprisal.⁴⁰ **This persistent failure of board governance puts the school, and the school children, at high risk.**

- **Because board governance fails at NAIS schools, school administrators operate without oversight, accountability or transparency. In this environment, Heads of Schools can readily implement unwelcomed policies and procedures, including the racially discriminatory provisions dictated to them by the NAIS.**
- Like the parent-trustees who fear repercussions and retaliation if they disagree with their Head of School, students and parents at NAIS member schools who oppose the NAIS DEIJB racially discriminatory practices and reject the anti-white, anti-Western, antisemitic ideologies, are similarly silenced out of fear of retaliation.⁴¹ Schools routinely make a spectacle of those families who voice even respectful, constructive disagreement with the school administration.⁴² **Schools take action against and make examples of parents who speak up and disagree, including by kicking the**

⁴⁰ See, e.g., <https://www.fitsnews.com/2025/02/11/lawsuit-claims-charleston-day-school-hid-financial-info-retaliated-against-whistleblower/>; <https://www.carolinajournal.com/parents-battle-with-charlotte-private-school-reaches-top-nc-court/>.

⁴¹ An NAIS school parent who reported an antisemitic incident to her school administrators stated that releasing the information about the antisemitism to a wider audience “not only jeopardized my family’s safety but has also endangered my child.” See also *Hopes and Fears: Strengthening the Relationship with Today’s Independent School Parents*, 1st Edition, Evans and Thompson (NAIS 2021) (“*Hopes and Fears 1st Ed.*”) at pp. 101-111. According to the NAIS, when a parent at an NAIS school expresses concern or disagreement about school practices (even if the concern is for the safety of students), the NAIS advises schools to categorize the parent as “anxious or incompetent,” “unresponsive,” or an “intimidator” and then work to change the parent’s mind and curtail their behavior. *Hopes and Fears 1st Ed.* at pp. 103-109. The NAIS further advises that if the parent remains steadfast in their concern, the school should “excommunicate” the parent and the student from the school and the community. See *Hopes and Fears 1st Ed.* at pp. 109-111.

⁴² See, e.g., **Eisenberg Family – Brentwood School:** <https://nypost.com/2022/06/11/dad-sues-la-school-over-racially-divisive-anti-semitic-curriculum/>, <https://brandeiscenter.com/this-juneteenth-parents-need-the-right-to-speak-up-about-school-curriculum-fox-news/>; **Austin Family – Charleston Day School:** https://www.postandcourier.com/news/lawsuit-accuses-charleston-day-school-of-misusing-covid-relief-funds/article_06ef0b80-11d2-11ee-a81f-cf818bb18858.html; **Turpin Family – Charlotte Latin School:** <https://www.carolinajournal.com/charlotte-private-school-responds-to-critics-in-turpin-case/>; <https://www.carolinajournal.com/top-nc-court-will-hear-parents-case-against-charlotte-latin-school/#:~:text=>; **Andrea Gross and Amy Gonzales – Columbus Academy:** <https://nypost.com/2023/06/22/private-school-sicced-fbi-on-us-when-we-protested-critical-race-theory-moms-claim/>; **Robinson – University of Milwaukee School:** <https://www.jsonline.com/story/news/education/2024/11/08/michelle-obamas-brother-and-his-wife-settle-lawsuit-against-school/76087994007/>; **Vasquez et al. – Nysmith School for the Gifted:** <https://brandeiscenter.com/jewish-parents-say-their-kids-were-expelled-from-their-school-for-reporting-antisemitism-on-campus-independent/>; <https://nypost.com/2025/07/01/us-news-posh-virginia-private-school-that-allegedly-praised-hitler-expelled-three-jewish-students-who-faced-antisemitic-bullying-complaint/>; and others.

children and family out of the school, to send a warning message to their whole parent body that parent complaint or criticism will be punished.⁴³ These parents, who built their children’s social, academic and athletic communities at their school, and who make massive investments in their children’s private school education -- often at great sacrifice -- are understandably reluctant to voice their dissent and risk their children being summarily dismissed and their investment lost. This is all the more true because an NAIS school can still retaliate against a family, whether they leave voluntarily or involuntarily, by ensuring they are blackballed from other private schools in the area.⁴⁴

- There are many examples of parents, students, trustees, teachers, and even administrators, at NAIS member schools who have sought to expose and stop racial discrimination and the teaching of harmful, discriminatory DEIJB principles at their school, with no success.⁴⁵ Similarly, numerous parents and other stakeholders at NAIS member schools have called out antisemitism at their

⁴³ In a public pleading filed in a lawsuit brought by a former trustee-parent against an NAIS school, Charleston Day School in South Carolina, documents show that after the trustee-parent and spouse, separately, raised legitimate concerns through appropriate channels, the family was summarily dismissed from the school to “retaliate the vocal,” put the “fear of god” in parents, and scare other families into the school’s version of “civil” acquiescence. According to the filed pleading, the school’s decision to retaliate against the “vocal” parents was carried out on the advice of Debra Wilson who was then the president of the school’s NAIS accreditor. Debra Wilson is now the president of the NAIS. Another recent incident at another NAIS school is also telling. Jewish parents who complained about their school sending delegates to the NAIS PoCC and SDLC, where antisemitic speakers are routinely platformed, were subsequently questioned by their school administrators about their loyalty to the school. The parents understood the inquiry as a tacit threat that the school could dismiss the student if the parents disagreed with the decision of the school to embrace these leadership conferences that, as discussed below, promote and teach discrimination and antisemitism. *See* Section II.C.

⁴⁴ *See, e.g.*, <https://www.fitsnews.com/2024/09/04/charleston-day-fraud-allegations-damning-details-unearthed/#:~:text=Subsequently%2C%20the%20school%20was%20sued,request%20to%20a%20school%20employee> (The school’s alleged “retaliatory actions” included “removing [the parent] from his board seat, kicking his three children out of school, and conspiring with leaders at other schools to keep the children from being able to enroll at those institutions.”).

⁴⁵ *See* <https://www.newsweek.com/read-spence-parent-gabriela-barons-letter-denouncing-anti-white-racism-school-1601061>; <https://www.foxbusiness.com/politics/billionaire-john-paulson-rips-elite-spence-school-for-anti-white-indoctrination>; <https://www.thefp.com/p/spence-teacher-sues-after-firing-france-hihab-ban>; <https://www.dailymail.co.uk/news/article-9670273/Black-professor-calls-parents-pull-kids-private-school-critical-race-theory.html>; <https://www.taipeitimes.com/News/feat/archives/2023/05/24/2003800324>; <https://thefederalist.com/2022/03/04/chicago-private-school-injected-race-into-physics-class-then-tracked-whether-the-indoctrination-worked/>; <https://undercovermother.substack.com/p/fool-me-once>; <https://www.abbybrody.com/post/how-myself-and-other-educators-got-the-dei-school-movement-wrong>; <https://freebeacon.com/culture/why-private-schools-have-gone-woke/>; <https://nypost.com/2021/06/08/teacher-at-nj-prep-school-quits-over-divisive-ideology/>; <https://www.bloomberg.com/news/articles/2023-05-22/parents-sue-elite-private-schools-over-dei-bait-and-switch?embedded-checkout=true>. *See* footnote 41. *See also* <https://trellis.law/doc/158920261/original-petition>. *See generally* Section II.B.

schools – with no change and no meaningful policies or consequences imposed.⁴⁶ The NAIS not only diminishes parents’ rights to participate in the education of their children by silencing them, but the NAIS also advises its member schools to not treat parents as equal partners when it comes to their child’s education. Instead, the NAIS instructs its schools to be the “senior partner” because “parents lack the developmental and educational savvy to be equal partners about their child’s schooling.”⁴⁷

- **The cost of bringing legal claims against NAIS member schools, the accreditors or the NAIS itself is prohibitive for most families; the entities are too well-funded and well-resourced to be held accountable by individual stakeholders. These NAIS entities, therefore, operate above the law without consequences for their detrimental, discriminatory policies, practices and programs.**

C. The NAIS Agenda Is Antisemitic And Racially Discriminatory

- As discussed above, the NAIS’ DEIJB directives, rife with anti-white, anti-Western and antisemitic ideology, are imposed on NAIS accreditors and member schools. The NAIS resources, upon which NAIS member schools are directed to rely, affirmatively promote biased, racially discriminatory, antisemitic practices.

⁴⁶ See <https://www.dailymail.co.uk/news/article-14382041/chicago-latin-school-prosecutor-matthew-schwartz-bullying-Jewish-parents.html>; <https://www.jns.org/nazi-era-marching-song-erika-returns-to-private-school-in-chicago/>; <https://latinschoolchicagoinvestigation.com/>; <https://nypost.com/2024/05/30/us-news/collegiate-school-head-allegedly-ripped-antisemitism-task-force-as-a-power-play-by-jewish-families-lawsuit/>; <https://nypost.com/2024/06/10/us-news/head-of-nycs-elite-collegiate-school-resigns-after-antisemitism-spat/>; <https://hwchronicle.com/106368/news/school-searches-for-suspects-after-fifth-antisemitic-vandalism-incident/>; <https://millerbeach.substack.com/p/the-shipleys-school-when-a-case-of>; <https://x.com/MailOnline/status/1800300160167100894>; <https://nypost.com/2024/07/31/us-news/sunny-hostin-dragged-into-antisemitism-argument-at-fieldston-school/>; <https://www.nationalreview.com/magazine/2024/10/elite-private-schools-are-teaching-antisemitism/>; <https://www.dailysignal.com/2025/02/11/how-dei-changed-kentucky-country-day-school/>; <https://nypost.com/2024/11/02/us-news/antisemitism-festers-at-famed-chicago-school-including-incident-where-some-band-members-allegedly-played-nazi-party-anthem-parents/>; <https://melissabraunstein.wordpress.com/2024/06/28/the-campus-protests-k-12-origins/>; <https://www.israelnationalnews.com/news/365840>. See generally Section II.B.

⁴⁷ *Hopes and Fears* 1st Ed. at p. 80.

1. NAIS Antisemitic And Discriminatory Events

- In particular, the NAIS instructs member schools to send delegates to two annual NAIS leadership conferences, the PoCC and SDLC, each year. Since 1986 (the first PoCC) and 1993 (the first SDLC), these multi-day conferences draw in 8,000+ NAIS student and faculty delegates from NAIS member schools in the United States and around the world. And since the founding of these NAIS flagship events, the PoCC and SDLC have increasingly featured anti-white racial discrimination and antisemitism.
- **Randolph Carter, a former member of the Black Panther Party and the founder of the PoCC and SDLC, created these conferences while serving as the NAIS director of equity programming.⁴⁸ Rodney Glasgow, who is the former Head of an NAIS school, is an NAIS consultant, and is also the co-founder and chair of the SDLC, famously compared NAIS parents who oppose discriminatory DEIJB practices to the January 6 Capitol rioters. On a widely circulated video, Rodney Glasgow stated that NAIS schools need to “close the gate” to those parents who oppose “woke” racially discriminatory curricula and lock them out of their children’s school.⁴⁹**
- The PoCC “grew out of early equity initiatives at NAIS and was intended to be a place where faculty and staff of color . . . could come together to talk about their experiences, find support, and make progress in their career advancement.”⁵⁰ The SDLC conference was intended to be “a multiracial, multicultural gathering of student leaders from eligible independent schools across the U.S. and abroad. SDLC focuses on self-reflecting, forming allies, and building community” where “participating students develop cross-cultural communication skills, design effective strategies for

⁴⁸ See <https://nais.org/pocc/about/history-of-pocc/>; <https://www.easted.org/about/about-east-ed>.

⁴⁹ See <https://www.foxnews.com/politics/private-school-head-parents-jan-6>. Glasgow, who was Head of NAIS school Sandy Springs Friends School, was deemed to have *created* the schoolwide racial division when he implemented the NAIS’ discriminatory practices. See <https://www.durbanmom.com/jforum/posts/list/625/1215484.page>; <https://www.ssfs.org/uploaded/PDFs/Head-of-School-Bio-Rodney-Glasgow.pdf>. Glasgow, founder of the Glasgow Group, also publicly bragged about double dipping -- getting paid as an NAIS consultant while also getting paid as an NAIS school administrator. See https://undercovermother.substack.com/p/double-triple-dipping-is-the-objective?utm_campaign=post&utm_medium=web×tam=5.8&triedRedirect=true. See also <https://www.theglasgowgroup.org/dr-rodney-glasgow.html>. Glasgow Group will host its inaugural conference, “Roots to Routes” in January 2026. Glasgow’s conference, modeled on the PoCC and SDLC, is “rooted in principles of equity, inclusion, justice, and belonging.” The conference is “an intergenerational gathering” of “**independent school K-12 educators, administrators, and high school students**” and offers “powerful programming and unique experiences that **center the voices and well-being of those most often marginalized.**” <https://www.theglasgowgroup.org/roots-to-routes-a-call-forward.html> (emphasis in original).

⁵⁰ See <https://www.nais.org/events/pocc/about/history-of-pocc#:~:text=SDLC-,History%20of%20PoCC,2016:%20Atlanta>.

civic engagement through dialogue and the arts, and learn the foundations for allyship and networking.⁵¹

- Instead, these NAIS flagship conferences have become infamous for their antisemitic and anti-white teachings under the guise of DEIJB.
- Controversial anti-Western, antisemitic speakers have presented at NAIS conferences as far back as 2008 when Reza Aslan, a “Middle East expert,”⁵² gave a keynote address at the PoCC. Recently, antisemitic speeches and speakers were again platformed at these NAIS leadership events, exposing the NAIS’ antisemitic ideology and agenda.
- At the NAIS 2023 SDLC, which took place just a few weeks after the October 7 attack on Israel and the massacre of innocent men, women and children, **a student speaker from an NAIS school gave an antisemitic speech with the support of conference organizer Rodney Glasgow, who stood on stage behind the student.** Numerous student, parent, and teacher whistleblowers reported to JewsInSchool that this antisemitic rant, which included claims that Israel was committing a “genocide” when it had scarcely yet responded to the Hamas atrocities, received boisterous applause and a standing ovation from conference participants. **Glasgow reportedly hugged this student after his remarks, endorsing his antisemitic statements.** Students in attendance at the SDLC also reported that antisemitic texts were sent in the SDLC student group chats.⁵³
- Following this incident, Jewish students were held in a separate room when they made reports of being distressed and targeted. While held in this separate room, PoCC and SDLC conference attendees reportedly shouted “Heil Hitler” when passing the room of distraught Jewish students. Jewish students reported being held in the room against their will by event organizers; the students had to call their chaperones to come help them gain their release. Jewish students held in the room were reportedly vomiting from anxiety and fear. JewsInSchool has additional reports that Jewish students who attended the 2023 PoCC and SDLC have had to seek care for PTSD.⁵⁴

⁵¹ See <https://www.nais.org/events/pocc/about/sdlc>.

⁵² See <https://www.youtube.com/watch?v=cHWILbaHih4>;
https://www.reddit.com/r/Maher/comments/17p3rka/reza_aslan_responds_to_bill_mahers/; <https://www.camera-edu.org/review/a-kids-book-about-israel-palestine/>.

⁵³ See <https://jewsinschool.org/nais>.

⁵⁴ See footnote 53.

- The next fall, in advance of the NAIS 2024 SDLC and PoCC conferences, JewsInSchool reported that the NAIS had already invited known antisemitic speakers to headline their 2024 PoCC. The names of these controversial speakers were listed in NAIS pre-event marketing materials. Despite the outcry from Jewish families at NAIS schools (and others) who petitioned to have the antisemitic speakers removed, the NAIS kept their plan to platform these antisemitic speakers, doubling down on their agenda and affirming the NAIS' antisemitic, discriminatory ideology. Indeed, at the 2024 PoCC, the NAIS gave its largest platform to keynote speakers who promote the racially discriminatory oppressor/oppressed narrative. This, at an educational leadership conference meant to teach faculty, staff, administrators, trustees and students lessons that they should bring back to their schools to educate their school communities.⁵⁵
- One 2024 PoCC keynote speaker, Dr. Suzanne Barakat, made several false claims about Jewish identity and the history of Israel, including that Jews were guilty of "ethnic cleansing" of Arabs and that Jews engage in "ethnocentric superiority." Dr. Barakat accused Jews of "weaponizing" antisemitism, claiming that giving Jews Civil Rights under Title VI in 2019 was an act of weaponization. She has labeled Israel as a "racist" regime built on the oppression of marginalized "people of color" (Palestinians), and Barakat perpetuated false and harmful tropes about the Jewish people.⁵⁶ Just like the year before, those in attendance reported that this speaker was given boisterous applause by conference participants in support of claims that Israel was committing a genocide.
- Another 2024 PoCC speaker, Ruha Benjamin, a noted antisemitic academic, paid tribute to Palestinian poet and terrorist sympathizer Refaat Alareer. Benjamin referred to Alareer as a martyr that "teachers must emulate" and whose teachings they "should bring into their classrooms." Benjamin, too, has labeled Israel as a "racist" regime built on the oppression of marginalized "people of color" (Palestinians), and perpetuated false and harmful tropes about the Jewish people. Benjamin called the Jews who criticize her false accusations of genocide "supremacist" and labeled them guilty of "censorship."⁵⁷ The 2024 PoCC conference attendees, again, endorsed her remarks with eruptions of applause while Jewish students, concerned for their safety, tucked their star of David necklaces into their shirt.⁵⁸

⁵⁵ See footnote 53.

⁵⁶ See <https://medium.com/@suzanne.barakat.md/transcript-of-dr-suzanne-barakats-keynote-speech-at-nais-pocc-december-5th-2024-ffc16f44f63e>.

⁵⁷ See <https://medium.com/@ruha9/transcript-of-prof-ruha-benjamins-keynote-speech-at-nais-pocc-december-7th-2024-8d1160e50aca>.

⁵⁸ See <https://www.milkenschool.org/news-detail?pk=1363416>.

- After the conference, many criticized the NAIS for platforming antisemitism and hate at the PoCC; some called for the resignation of the entire NAIS board of trustees.⁵⁹ NAIS' president, Debra Wilson, acknowledged the controversy and expressed "remorse," but did not apologize.⁶⁰ According to Wilson, several participants and attendees at the PoCC conference "felt seen and heard" when these racist, antisemitic keynote speaker gave their presentations.⁶¹
- In December 2024, the Honorable Randy Feenstra (R-IA-04) wrote to Debra Wilson to address the reports of antisemitic speakers at the NAIS PoCC and SDLC. Representative Feenstra asked the NAIS to answer specific questions and to "transparently make public" the requested information relating to the antisemitic speeches given at the NAIS conferences.⁶² Several Jewish nonprofit organizations also wrote to the NAIS to express concern about what had occurred at these NAIS leadership events.⁶³ Rather than make the requested information publicly available, in April 2025 the NAIS announced a one-year pause on these two conferences to "assess the needs of the NAIS

⁵⁹ See <https://www.timesnownews.com/world/us/us-news/who-is-tami-weiser-jewish-leader-in-nyc-schools-calls-for-boards-resignation-over-antisemitic-conference-article-116547989>.

⁶⁰ See <https://www.nais.org/about/an-important-note-from-nais>; https://www.nais.org/getContentAsset/2ed770f6-1cab-4530-9b6b-4bef6516fef0/dfc3d011-8f63-43f6-9ed8-4b444333a1d0/NAIS_ResponseToADL-AJC-PRIZMAH-JFNA_2-12-24.pdf?language=en-US.

⁶¹ See <https://nypost.com/2024/12/14/us-news/prestigious-private-school-diversity-conference-devolved-into-festival-of-jew-hate-outraged-attendees/>.

⁶² See https://feenstra.house.gov/sites/evo-subsites/feenstra.house.gov/files/evo-media-document/Feenstra%20Letter%20to%20NAIS%2012.23.24_241223_164140.pdf. In his letter, Representative Feenstra, who serves on the House Ways and Means Committee, noted that "the type of speech at the PoCC and SDLC raise serious concerns that the federal government is subsidizing discrimination through the organization's tax-exempt status." See also <https://feenstra.house.gov/media/press-releases/feenstra-demands-answers-national-association-independent-schools-hosting>.

⁶³ Four Jewish nonprofit organizations -- the ADL, AJC, JF and Prizmah -- condemned the antisemitism at these conferences and offered to "partner with the NAIS." <https://www.jns.org/deep-concern-about-antisemitism-at-private-school-association-event-jewish-groups-says/>; <https://www.adl.org/resources/press-release/jewish-groups-urge-national-association-independent-schools-reject>. It is unclear what these four Jewish nonprofit entities worked out with the NAIS. These nonprofit entities do not purport to know the history of the NAIS and do not seem to understand that the antisemitism on display at the PoCC and SDLC is emblematic of a widespread, deeply rooted mission to infuse an anti-white, anti-Western, antisemitic ideology into the culture and curriculum of NAIS member schools. These Jewish nonprofits were not equipped to represent the collective interests of Jewish families and teachers at NAIS schools, who are the ones directly impacted by the NAIS rhetoric and guidance. With respect to the ADL in particular, "evidence has emerged that the ADL's left-wing rhetoric, specifically around anti-Semitism, has contributed to Jew Hatred." <https://www.city-journal.org/article/anti-defamation-league-jewish-zohran-mamdani>.

members and the purposes of these convenings to ensure that they evolve in ways that best support our schools.”⁶⁴

- A pause on just these two NAIS conferences so that the NAIS could undertake a self-guided assessment was, and is, insufficient. Any notion that the NAIS would suddenly self-correct is belied by its deeply rooted discriminatory DEIJB agenda and its history of acting with impunity. Indeed, after the one-year pause, the NAIS announced that it had scheduled its next PoCC in Boston on December 2-5, 2026.⁶⁵ The NAIS, however, has not reported or revealed what it did to “assess the needs of the NAIS members” or what conclusions it reached about “the purpose of these convenings.” No details about the 2026 PoCC event have been provided; no information has been publicized about who will be presenting and on what topics. It appears that the NAIS has this relevant information about its upcoming PoCC but has placed it behind a paywall on its website, preventing parents, students -- and would-be Congressional investigators -- from knowing what is being planned.⁶⁶ This action, restricting families and stakeholders from accessing key NAIS content, follows a recent NAIS pattern. In the past 12 months the NAIS has systematically removed information from its website and placed other previously publicly available NAIS content behind a password-protected login. The NAIS has even removed from its public web page the names of its current trustees serving on its own board.⁶⁷ The NAIS has consistently demonstrated that it does not intend to be transparent or forthcoming to its constituents or stakeholders who are directly impacted by its guidelines and agenda.⁶⁸ Some NAIS schools have modeled this NAIS cover-up-mentality, having changed the titles of their DEIJB administrators to hide their discriminatory work,⁶⁹ while other NAIS schools are overtly doubling down on their racially discriminatory DEIJB agenda.⁷⁰

⁶⁴ See <https://nypost.com/2025/04/12/us-news/private-school-group-axes-dei-events-over-political-landscape/>.

⁶⁵ See <https://www.nais.org/events/pocc>.

⁶⁶ The NAIS webpage announcing the next PoCC states “Planning Underway for Boston 2026” (<https://www.nais.org/events/pocc>), but the link on that page entitled “Read more here” leads to a page that blocks access to the content. See <https://www.nais.org/403?ReturnUrl=%2FgetContentAsset%2Fef746f36-0ad4-47c0-bb33-90ebbe9a59d2%2Fc49d1af0-7c49-4d7c-9da0-f8e2d7bbf1a8%2FBoston-2026.pdf%3Flanguage%3Den-US>.

⁶⁷ See <https://www.nais.org/about/nais-governance/>.

⁶⁸ For example, current board members at two different NAIS schools who tried to access the NAIS’ legal advisory entitled *Recent Executive Orders on DEI: What Should Your School be Considering?* that was issued in connection with President Trump’s 2025 DEI Executive Orders, were not permitted access to this NAIS legal tip.

⁶⁹ See <https://undercovermother.substack.com/p/community-reimagined>.

⁷⁰ See <https://readtheforum.org/25963/news/latin-advances-dei-efforts-amid-a-national-rollback/>.

2. NAIS Racially Discriminatory, Antisemitic Publications

- In addition to the antisemitic and discriminatory agenda at NAIS events, the *NAIS Diversity Workbook* and other NAIS published materials evidence the racially discriminatory programs and policies that the NAIS expects its member schools to implement and follow. These directives include having NAIS school teachers treat white parents and black parents differently,⁷¹ prioritizing students of color in the admissions process,⁷² intentionally segregating students by race and identity into exclusive affinity groups,⁷³ instilling critical race theory programming and divisive ethnic studies into the curriculum, and categorizing students, faculty, and parents as either oppressor or oppressed.⁷⁴
- As the NAIS published resources and guidance indicate, the NAIS advocates for all interactions to be evaluated through a racial lens. This means that in any situation, every interaction is first to be viewed in terms of who is/are the privileged oppressor(s) and who is/are the marginalized oppressed. This lens is inherently discriminatory in that facts do not matter, only perceived power based on skin color and race matter when addressing school constituents. NAIS schools use this lens to justify their illegal discrimination and disparate treatment based on race.
- Under this framework, minor children who are white or Jewish in NAIS schools are always a “privileged oppressor” and thus cannot be victims. Among the many adverse consequences of this ideology is that schools not only are more likely to place unwarranted, unreasonable blame on a white or Jewish student, schools also ignore, diminish and discount reported incidents of antisemitism, bullying, harassment and other harm inflicted on its white and Jewish students.

⁷¹ See *Hopes and Fears* 1st Ed. at pp. 55-68. Chapter 6 of the NAIS publication *Hopes and Fears* 1st Ed. is entitled *White Teachers and Black Families* and states that: “Black parents can never fully trust their child’s predominantly white school” and “the first thought that a Black parent has about enrolling at an independent school is ‘are you going to hurt my child.’” The NAIS publication suggests four actions that just the white teachers should take to address this concern when those white teachers are interacting with black parents. *Hopes and Fears* 1st Ed. at pp. 57-58, 61-68.

⁷² See *NAIS Diversity Workbook* at pp. 75-79 (“You need a justification for an admissions policy that includes consideration of race”; “you need to be prepared to reasonably explain to your wider community and – potentially – a jury of your peers why your school created and implemented its policies.”).

⁷³ See *NAIS Diversity Workbook* at pp. 183-186, 187-189 (“When doubts arise about the value of affinity groups at your school, consider these sensible replies” “Segregation does indeed have negative consequences” however “Affinity groups are just another form of that optional self-segregation.”).

⁷⁴ See generally NAIS published books, articles, training materials, professional development, seminars, conferences, events; <https://my.nais.org/s/store#/store/browse/tiles>; <https://www.nais.org/>.

- An NAIS school employee confirmed this discriminatory practice in statements to the New York Post.

Concerns of Jewish families have long been dismissed, one former NAIS member school employee told The Post. “Jewish mothers in particular were categorized as ‘crazy’ which meant overly involved and protective,” the former employee said. “Jewish students were not seen or treated as a minority group ... They were seen as white and rich and privileged and not deserving of protection against the antisemitic conduct of other students.”⁷⁵

- As a result of the oppressor/oppressed ideology, **NAIS member schools do not apply their school policies uniformly to all students. Rather NAIS schools apply their policies, including who deserves protection and who is subject to discipline, *ad hoc* and based in part on the race of the student – not based on the facts. The result is discriminatory. Schools will tolerate bullying and harassment of some students and will impose disparate consequences on others, even for the same infractions, depending on the race of the student.**⁷⁶
- Examples of this include an incident shortly after October 7, 2023. A Jewish Asian student at an NAIS school was slapped by a black student and later was told by the same black student to “stop being so Jewish.” No consequences were imposed on the black student. Only after the Jewish parent threatened to expose the incident did the school take limited action against the black student. At another NAIS school, Jewish students who were targeted by other students at school thereafter created an off-campus text chain discussion about their distress over the antisemitism directed at them. Comments by the Jewish students in their private, off-campus text chain were used by the NAIS school administrators to discipline the Jewish students, with no consequences to the students who had targeted them. At the Ethical Culture Fieldston School in New York, a notorious hotbed of antisemitism, the Jewish families’ factual reports of antisemitic misconduct were relegated to “white people problems.”⁷⁷

⁷⁵ <https://nypost.com/2024/12/14/us-news/prestigious-private-school-diversity-conference-devolved-into-festival-of-jew-hate-outraged-attendees/>.

⁷⁶ Faculty at NAIS schools have also reported the disparate application of school policies based on race. For example, at the Spence School a non-black faculty member was harshly disciplined for benign conduct, while the misconduct of a black colleague went unpunished. *E.g., compare* <https://nypost.com/2024/09/13/us-news/longtime-teacher-at-elite-school-fired-after-top-daughter-cries/> with <https://nypost.com/2021/06/15/spence-school-showed-vid-that-tarred-and-feathered-white-women/>. For a summary of the racially disparate application of school policies at the university level, see <https://www.thedp.com/article/2025/01/penn-amy-wax-sues-university-racial-discrimination-breach-of-contract>.

⁷⁷ See <https://nypost.com/2024/06/02/us-news/nycs-ethical-fieldston-school-in-bronx-devolves-into-a-hotbed-of-jew-hate-parents-claim/>; <https://nypost.com/2024/07/31/us-news/sunny-hostin-dragged-into-antisemitism-argument-at-fieldston-school/>.

3. NAIS Discriminatory Affinity Groups And Antisemitic Curricula

- NAIS member schools openly follow the NAIS directive to have racially segregated affinity groups.⁷⁸ For example, **the Jamaa affinity group at Collegiate School, an all-boys NAIS school in New York City, is only open to students of color; Jamaa at Collegiate expressly excludes white people.**⁷⁹ Jamaa members are given advanced notice of school events, given mentoring support, provided individualized assistance by upperclassmen, and have special access to Collegiate administrators. Collegiate students who are not students of color do not receive these special benefits. **Because this exclusive Jamaa affinity group provides a benefit to only black and brown students, it is racially discriminatory on its face.**
- **Students at the Latin School of Chicago in Illinois, another NAIS school, have called out the divisiveness created by their school’s segregated affinity groups, asking if “perhaps our school can . . . create more unifying clubs and activities based on what we have in common, not what separates us.”**⁸⁰
- Moreover, faculty and administrators at NAIS schools teach racial discrimination and antisemitic rhetoric through NAIS suggested curriculum. For example, the Zinn Education Project (promoted by the NAIS as an acceptable teaching resource)⁸¹ is known to include antisemitic and anti-Israel content.⁸² Other NAIS resources that have been highlighted by parents as controversial are the Othering & Belonging Institute, Learning for Justice, Solutions Not Sides, and Facing History, Facing Ourselves. Teachers at NAIS member schools use antisemitic, anti-Israeli, anti-white content in their classes, as reported by parents and students at Riverdale Country School and Columbia Grammar & Preparatory School, among others.⁸³

⁷⁸ See *NAIS Diversity Workbook* at pp. 183-189.

⁷⁹ See <https://www.collegiateschool.org/explore/equity-and-belonging> (Jamaa “is designed for those who identify as a person of color and does not function as an accomplice or ally space.”).

⁸⁰ See <https://readtheforum.org/27349/op/affinity-groups-building-community-or-deepening-division/>.

⁸¹ See *NAIS Diversity Workbook* at pp. 199, 191-208.

⁸² See <https://www.nationalreview.com/magazine/2024/10/elite-private-schools-are-teaching-antisemitism/>; <https://jewsinschool.org/nais>; <https://www.zinnedproject.org/news/call-on-nais> (The Zinn Project petition in support of the antisemitic remarks made by the 2024 PoCC speakers). See also https://www.thefp.com/p/abigail-shrier-the-kinderfada-revolution?utm_source=substack&utm_medium=email.

⁸³ Over two-thirds of teachers at NAIS schools reported having “a lot of autonomy and influence on establishing curriculum and setting student performance standards in their classrooms.” <https://www.nais.org/careers/reasons-to-teach-in-an-independent-school/>.

III. GOALS AND CONCLUSIONS

- A. **Authorize and Appoint a K-12 Independent Private School Task Force**: A Congressional Task Force should include the authors of this report and other selected experts to assist in the investigation of racial discrimination and antisemitism at NAIS K-12 independent schools. The NAIS, its accreditors, and the NAIS schools, act without fear of consequences from any external overseer. The NAIS' recent action to remove information from its website and place other previously public content behind a paywall hinders parents' ability to make informed choices about their child's education. **The NAIS directly impacts the lives of over 730,000 children in the United States and over 60,000 teachers. Its lack of transparency is profoundly antithetical to the open access and transparency expected of every 501(c)(3) tax-exempt charitable entity that enjoys a tax-free existence at the expense of the tax-paying American public.**⁸⁴
- B. **The IRS Should Investigate the NAIS and Its Regional Accreditors**: The IRS should exercise its authority to revoke the tax-exempt status of the NAIS and its approved tax-exempt accreditors for embracing, creating, promoting racially discriminatory DEIJB policies and imposing those requirements on independent private schools. **The activities and purpose of the NAIS and its accreditors are not "charitable"; they are against public policy and unlawful.**⁸⁵
- C. **The IRS Should Investigate NAIS Schools for Fraudulent Tax-Disclosures**: An IRS regulation specific to K-12 private schools mandates that each K-12 tax-exempt schools must be racially nondiscriminatory and each school must certify as much in their yearly tax disclosures filed with the IRS. NAIS schools that foster and allow antisemitism and anti-white racial discrimination are likely in violation of this IRS regulation. **These schools should lose their tax-exempt status and, if they falsely certified that they were racially nondiscriminatory when they were actually discriminating by race, the IRS should seek back taxes, fines and penalties on past taxes now due.**⁸⁶

⁸⁴ See, e.g., <https://www.councilofnonprofits.org/running-nonprofit/ethics-accountability/financial-transparency-and-public-disclosure-requirements> ("Be transparent about who serves on the board of directors by publishing a list of names and affiliations on the organization's website.").

⁸⁵ Entitlement to 501(c)(3) status "depend[s] on meeting certain common-law standards of charity," which means that a 501(c)(3) organization "must serve a public purpose and not be contrary to established public policy."
[https://www.congress.gov/crs-product/IF12788#:~:text=Relying%20on%20the%20common%20law,Revenue%20Ruling%2071%2D447%20today](https://www.congress.gov/crs-product/IF12788#:~:text=Relying%20on%20the%20common%20law,Revenue%20Ruling%2071%2D447%20today;);
<https://www.irs.gov/pub/irs-wd/202428006.pdf#page=9>; <https://www.irs.gov/pub/irs-tege/rr75-384.pdf>.

⁸⁶ See Exhibit A.

- D. State Attorneys General Should Investigate NAIS Schools:** NAIS schools are state-authorized non-profit corporations, formed and governed by state laws. **The Attorney General of each state has the obligation and authority to ensure these NAIS schools to are in compliance with their state’s laws.**⁸⁷ To motivate state Attorneys General to oversee and hold accountable the NAIS schools that flout applicable state nonprofit, corporate governance and other laws, Congress should consider conditioning the appropriation of certain federal funds to the states based on their state’s Attorney General taking requisite action to oversee the NAIS schools located in their state to, at a minimum, ensure the safety and well-being of the students.
- E. Hold Congressional Hearings:** To the extent appropriate, the Committee should convene Congressional hearings to question leadership at the NAIS, the accrediting agencies, and at NAIS member schools and, where possible, hold the individuals and the entities accountable. Heads of NAIS K-12 independent schools are scarcely distinguishable from the double-talking, agenda-driven university presidents that previously testified before Congress.⁸⁸ The testimony

⁸⁷ In early 2025, parents at the Latin School of Chicago (an NAIS school in Illinois) demanded that the individual trustees on the Chicago Latin board be held personally liable for violations of state and federal laws, and for allowing pervasive antisemitism, discrimination and bullying at the school. See <https://latinschoolchicagoinvestigation.com/>; <https://www.bsflp.com/news-events/the-latin-school-of-chicago-investigated-by-boies-schiller-flexner-llp.html>; <https://www.dailymail.co.uk/news/article-14382041/chicago-latin-school-prosecutor-matthew-schwartz-bullying-Jewish-parents.html>. Examples of the reported incidents of antisemitism at Chicago Latin in just the past few years include: Latin students played the Nazi national anthem in school band class, Latin staff (and/or students) cut the Israeli flag out of a banner that they then hung in Latin’s upper school hallway, Latin parents omitted Israel from a display that they created to depict countries in the Middle East and then that display was allowed at Latin’s end-of-year parent association event, Latin middle school students sang the German Nazi song *Erika*, a Latin varsity team captain yelled at a Jewish teammate, “Run, Jew boy, Run — there’s money at the end!”, among other reported incidents of bias. See <https://nypost.com/2026/01/03/us-news/elite-chicago-middle-school-embroiled-in-nazi-music-controversy-for-second-time/>; <https://www.jfeed.com/antisemitism/latin-school-chicago-antisemitism>. To date, the Illinois Attorney General Kwame Raoul has ignored these documented antisemitic incidents, and ignored other evidence of Illinois state law violations. In contrast, in July 2025 Virginia Attorney General Jason Miyares opened an investigation into alleged antisemitism, harassment and retaliation at the Nysmith school, a private Virginia school. The investigation was in response to a complaint filed by the Brandeis Center on behalf of a Jewish family whose children were dismissed from Nysmith after the parents reported antisemitic incidents to Ken Nysmith, head administrator. See <https://brandeiscenter.com/brandeis-center-files-complaint-alleging-antisemitism-at-virginia-private-school-jewish-insider/>; <https://brandeiscenter.com/wp-content/uploads/2025/06/Nysmith-Complaint.pdf>. On November 18, 2025, Attorney General Miyares announced a settlement with the school that imposed significant reforms and new policies at the school, and awarded the family a six-figure payment. See <https://www.oag.state.va.us/media-center/news-releases/2930-november-18-2025-attorney-general-miyares-announces-resolution-for-jewish-children-allegedly-subjected-to-antisemitic-harassment>; <https://brandeiscenter.com/brandeis-center-forces-virginia-school-that-expelled-6th-grade-victim-of-anti-semitic-bullying-promoted-art-project-resembling-hitler-to-reform-policies-in-settlement/>.

⁸⁸ See <https://www.nytimes.com/2023/12/06/us/harvard-mit-penn-presidents-antisemitism.html>.

of NAIS leadership such as NAIS Board Chair Monique DeVane,⁸⁹ NAIS President Debra Wilson,⁹⁰ and former NAIS Board Chair Randall Dunn⁹¹ would be highly illuminating. Various heads of NAIS schools should be called before Congress to account for their discriminatory practices at their schools.⁹² In addition, those individuals affected by the NAIS' policies, including parents, students, faculty, administrators, trustees and other whistleblowers, should be afforded this forum to testify before Congress about the racial discrimination and antisemitism that they have witnessed and experienced at their NAIS school.⁹³

- F. Investigate Additional Violations of Law:** A Congressional hearing may uncover additional violations of law and areas of concern that the federal government may wish to investigate, such as instances of **anticompetitive collusion among NAIS member schools⁹⁴ and the foreign ownership and influence of NAIS schools. For example, Chinese investors with links to the Chinese Communist Party are known to own NAIS K-12 private schools.⁹⁵ Given the Qatar Foundation International's ("QFI") extensive funding of and influence over American schools in general, it is also highly likely that QFI has infiltrated independent K-12 private schools undetected, precisely because these schools lack oversight,**

⁸⁹ See <https://www.linkedin.com/in/monique-devane-997795b/>.

⁹⁰ See <https://www.nais.org/about/nais-president/>.

⁹¹ See footnotes 5, 11, 22, 35, 37, 46, 53, 87; <https://www.injusticewatch.org/archive/2020/students-and-alums-reveal-racist-culture-at-top-chicago-private-school/>.

⁹² See footnotes 37, 44-46, 49, 77, 79, 80, 87, 91. For example, **Mike Riera** (Brentwood School); **Bodie Brizendine** (Collegiate School and Spence School); **Kyle Wilkie-Glass and Joseph Algrant** (Ethical Culture Fieldston School); **Richard B. Commons and Laura D. Ross** (Harvard-Westlake School); **Art Hall** (Lakehill Preparatory School and Barstow School); **Randall Dunn and Thomas Hagerman** (Latin School of Chicago); **Rebecca Hong** (Sequoyah School); **Steve Lisk** (ShIPLEY School and the O'Neal School).

⁹³ See footnotes 39-46, 53, 58, 75-77, 87.

⁹⁴ In January 2021, the Department of Justice found that six prestigious NAIS independent schools in the Washington, D.C. area engaged in anticompetitive collusion when they collectively stopped offering Advanced Placement courses. The DOJ found that these six schools likely violated the Sherman Act, but it exercised "prosecutorial discretion" and did not bring an enforcement action against any one of those schools. <https://www.justice.gov/archives/opa/pr/justice-department-concludes-its-investigation-dc-area-private-high-schools-decision-stop>.

⁹⁵ For example, BASIS Independent Schools (in Brooklyn NY, in Fremont, CA and in McLean, VA) are NAIS schools that are owned by Chinese investors linked to the CCP. See <https://nypost.com/2023/10/04/new-york-city-private-schools-owned-by-chinese-communist-party-boss/>. The New York Military Academy, an NAIS school, is also owned by Chinese investors with ties to China's government intelligence. See <https://dailycallernewsfoundation.org/2025/06/06/exclusive-chinese-communist-party-intel-officials-have-keys-to-trumps-alma-mater/>.

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accountability or transparency.⁹⁶ There is cause for concern that NAIS independent private schools are being accessed and funded by foreign entities with nefarious intentions to impact and capture the curriculum, culture and communities of these schools. Florida Governor Ron DeSantis identified this risk in 2023 when he signed a state law limiting the rights of Florida private schools that are “owned or operated by a person or entity domiciled in, owned by or in any way controlled by a foreign country of concern or foreign principal.” Governor DeSantis identified China as a country of concern.⁹⁷

We are available to provide additional information and any assistance needed to accomplish these important goals. Please contact us to set up a meeting. We look forward to hearing from you.

Respectfully Submitted,

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⁹⁶ See <https://www.congress.gov/119/meeting/house/118411/witnesses/HHRG-119-JU13-Wstate-MarcusK-20250624.pdf>; <https://isgap.org/post/2025/03/new-isgap-report-exposes-anti-israel-bias-fueled-by-secretive-qatari-influence-in-u-s-k-12-classrooms/>; <https://philosproject.org/the-dangers-of-qatars-ties-to-u-s-education/>; <https://www.meforum.org/campus-watch/qatar-foundation-international-funds-arabic>; <https://www.shomrim.news/eng/qatars-hidden-hand-in-us-education>; https://www.instagram.com/p/DHUWTm1xKop/?utm_source=ig_web_copy_link; <https://www.ynetnews.com/article/b10oetk3ke>; <https://jewishonliner.org/p/qatars-influence-operations-in-the>; <https://www.wsj.com/articles/u-s-schools-receive-aid-from-qatar-1503682830>; <https://undercovermother.substack.com/p/progress>.

⁹⁷ See <https://thehill.com/homenews/education/4220220-desantis-suspends-scholarships-to-florida-schools-with-ties-to-the-chinese-communist-party/>; <https://www.instagram.com/reel/DI1GXA2xGqV/?igsh=MTFieGtzMzBubW1nbg%3D%3D>.

About the authors:

Michelle R. Parker, Esq., founder of MRParker Consulting, LLC, is a former BigLaw business and securities litigator whose private practice now focuses on representing families in disputes with private schools. Michelle is an Adjunct Professor of Law at Cardozo School of Law (Yeshiva University) and, in 2021, she earned her certification in Diversity, Equity and Inclusion from Cornell University, School of Industrial and Labor Relations (eCornell). <https://www.linkedin.com/in/michelle-r-parker-55b62018/>; <https://cardozo.yu.edu/directory/michelle-parker>.

JewsInSchool's anonymous founder is a Jewish parent who launched the JewsInSchool global platform in 2019 for Jewish students, parents, and teachers to expose and fight antisemitism and nefarious ideology in education. The work of JewsInSchool has led to exclusive and breaking stories featured in CNN, the New York Post and the Free Press, including stories relating to college encampments and antisemitism in K-12 schools. JewsInSchool mobilized its US community to petition for K-12 educational reform and was instrumental in the compilation of extensive parent and student testimony that was presented to the United States Department of Education and United States Office of Civil Rights. That testimony prompted the Congressional hearings on antisemitism in public K-12 schools that were held on May 8, 2024.

[Jewsinschool.org](https://www.jewsinschool.org);

https://www.instagram.com/jewsinschool/?igsh=MTE2OXpuamw3bnVibg%3D%3D&utm_source=qr.

Rose Bronstein is the founder of the Bronstein Family Foundation and its initiatives, Buckets Over Bullying and the Tech Safe Learning Coalition, both dedicated to protecting children from online harm. After the tragic loss of her 15-year-old son, Nate Bronstein—a victim of relentless cyberbullying by peers at the Latin School of Chicago, an NAIS independent school—Rose turned profound grief into action. As a survivor parent, she now leads efforts to combat cyberbullying through education, advocacy, and policy reform. Rose champions parental rights and accountability within private educational institutions, with a strong commitment to ensuring that no student or family faces discrimination of any kind, particularly antisemitism. She has lobbied and advocated for the Kids Online Safety Act (S 1409) and Sammy's Law (HR 2657) and organized the coalition of bereaved parents who attended the U.S. Senate Judiciary Hearing on January 31, 2024, where CEOs of major tech companies were questioned about children's safety online. <https://www.cbsnews.com/chicago/news/senate-judiciary-committee-hearing-big-tech-child-sexual-exploitation/>; <https://www.instagram.com/reel/DAUEqkxSbGg/?hl=en>; <https://bucketsoverbullying.org/team/rose-bronstein/>.

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EXHIBIT A

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TO: WHOM IT MAY CONCERN

FROM: MICHELLE R. PARKER, ESQ.

DATE: JANUARY 25, 2025

RE: IRS OVERSIGHT OF TAX-EXEMPT PRIVATE SCHOOLS

Tax-exempt, nonprofit, independent, private K-12 educational institutions are subject to oversight by certain state and federal agencies and must abide by existing applicable state and federal laws and regulations.¹ The federal government (through the IRS) has oversight over independent private schools that are (or seek to be) tax-exempt under Section 501(c)(3) of the Internal Revenue Code (IRC) of 1986, as amended. Many 501(c)(3) tax-exempt independent private schools fail to satisfy a basic requirement needed to maintain their IRS tax-exempt designation. In particular, many federal tax-exempt private schools fail to operate the school in a racially nondiscriminatory manner. Such schools are at risk of losing (or being denied) federal tax-exempt status and may be subject to criminal or civil penalties, fines, and liability for making false disclosures to the federal government by certifying “under penalty of perjury” in IRS filings that is it, when it is not, operating in a racially nondiscriminatory manner. Below is a high-level summary of the requirement and violation.

- In 1970, the IRS announced that private schools that “racially discriminate” do not qualify for federal tax exemption under IRC 501(c)(3). Only those private schools that have, and operate in accordance with, an IRS-compliant racial nondiscrimination policy are eligible for tax-exempt designation.²

¹ While private schools operate largely outside of government regulation (by design), tax-exempt, nonprofit, independent private schools are, in fact, subject to various existing state and federal laws and regulations that are simply not enforced. As a result, these schools operate without any oversight, accountability or transparency, to the detriment of the entities themselves and to the detriment of the minor children they exist to serve and to whom they have a duty to safeguard.

² IRS Revenue Procedure 75-50 sets forth guidelines for determining whether a private school that is applying to be (or currently is recognized as) exempt from federal income tax under 501(c)(3), has adopted a compliant racial nondiscriminatory policy, and operates in a bona fide manner in accordance with that policy. See <https://www.irs.gov/pub/irs-tege/rp1975-50.pdf>; see also <https://www.irs.gov/pub/irs-drop/rp-19-22.pdf>.

- Each year, each 501(c)(3) tax-exempt private school must file a tax Form 990 with the IRS,³ and must make additional disclosures including those required in Schedule E.⁴
- Schedule E requires each federal tax-exempt private school to certify that it has a racial nondiscriminatory policy and adheres to that policy. The IRS states that an acceptable “Nondiscriminatory Policy” tracks the language of Title VI – specifically, each private school must certify “under penalty of perjury” and must widely publish that it “does not discriminate” “on the basis of race, color, national and ethnic origin.”⁵
- Schedule E expressly requires that the disclosing private school certify whether “the organization discriminate[s] by race in any way with respect to” each of the following areas: “Students’ rights or privileges”; “Admissions policies”; “Employment of faculty or administrative staff”; “Scholarship or other financial assistance”; “Educational policies”; “Use of facilities”; “Athletic programs”; “Other extracurricular activities.”⁶
- Any tax-exempt private school that has policies or practices (for example, diversity, equity and inclusion programs) that discriminate against its students or employees based on race, color, national and ethnic origin, cannot satisfy the IRS mandate to be racially nondiscriminatory and are at risk of losing their federal tax-exempt status. Further, any such schools that may have such programs and that follow such discriminatory policies may have previously filed inaccurate, false or fraudulent disclosures to the federal government about its racial nondiscriminatory policies in its Form 990 and/or its Schedule E. As such, those schools could also be subject to criminal and civil fines, penalties, and liability for making false statements to the federal government in their IRS tax filings.
- Further, policies or practices in private schools that discriminate against Jews and the Jewish people (antisemitism) would constitute “discrimination based on race” for purposes of evaluating whether a school is operating in a racially discriminatory manner. On December 11, 2019, President Trump signed a United States Executive Order (Executive

³ <https://www.irs.gov/forms-pubs/about-form-990>.

⁴ <https://www.irs.gov/pub/irs-pdf/f990se.pdf> (Schedule E); <https://www.irs.gov/pub/irs-pdf/i990se.pdf> (Instructions for Schedule E).

⁵ <https://www.irs.gov/pub/irs-pdf/i990se.pdf> (Instructions for Schedule E).

⁶ <https://www.irs.gov/pub/irs-pdf/f990se.pdf> (Schedule E) (emphasis added).

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Order 13899)⁷ to combat antisemitism. The Executive Order declared Jews and the Jewish people a “race” for purposes of Title VI. Applying that definition here (which is logical because the IRS-mandated racial nondiscrimination policy for private schools expressly tracks the language of Title VI), each tax-exempt private school must not -- and must certify that it does not -- discriminate against Jews or the Jewish people in order to maintain their federal tax-exempt status. As with other forms of racial discrimination, a tax-exempt private school that engages in and allows antisemitism may be at risk of losing their tax-exempt status and may also be subject to fines, penalties and liability for making false disclosures to the federal government on their previously filed Form 990s and/or Schedule E.

The IRS has long had the authority to revoke the tax-exempt status of racially discriminatory private schools and demand that each such school (and their donors) pay their full share of federal taxes owed.⁸ Private schools wishing to keep their exemption under Section 501(c)(3) may, of course, voluntarily change their operations to meet the requirements for federal tax-exempt status.

Please do not hesitate to reach out if you have any questions or would like further information.

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⁷ <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-anti-semitism/>.

⁸ See <https://www.taxnotes.com/research/federal/court-documents/court-opinions-and-orders/schools-that-discriminate-not-qualified-for-tax-exemption/1kvhg> (Bob Jones Univ. v. United States, 461 U.S. 574 (1983)).