



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

BY FIRST-CLASS MAIL

February 13, 2019

RE: Letter of Response for Grievance #2646 filed on December 5, 2018

Dear [REDACTED]

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations, DC Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its investigation of the above referenced grievance.

Grievance Issues

Based on a review of the information provided, the written grievance raised the following issues under the jurisdiction of this office:

1. On November 30, 2018, Student B reported that [REDACTED] was simulating sex acts while in several classes at [REDACTED]. It was explained that [REDACTED] was acting as if he were masturbating in his seat and would thrust his pelvis back and forth against a table.
2. It was also reported that [REDACTED] made comments about Student B's body that made her uncomfortable.

These allegations fall under Title IX of the Education Amendments Act of 1972 ("Title IX") which prohibits discrimination on the basis of sex.

Investigative Procedure

The investigation included interviews with the following individuals:

1. [REDACTED]
2. Student B

The investigation also included review of the following documents which were either submitted by the complainant, submitted by the school, or accessible via DCPS data systems:

1. Administrative Statement

General Findings of Fact

The following findings of fact resulted from the investigation:

1. In an in-person interview on December 21, 2018, [REDACTED] admitted to pretending to masturbate and to humping tables while in class because he thought "it would be a funny joke".
2. [REDACTED] denied simulating these sex acts toward a specific student in the class.
3. Student B stated that she saw [REDACTED] do sexual gestures while in class but did not believe they were directed towards her or another student.

4. [REDACTED] explained that while speaking in a group chat outside of school, he told his friends that Student B had a [REDACTED]. Student B was not in the group chat when this comment was made.
5. Student B stated that while she was logged into her friends Instagram account, she noticed there was a private group chat that was titled after Student B and [REDACTED] name. Student B added herself to the group chat.
6. While reading through the group chat messages, Student B saw that [REDACTED] made a comment about her body. Student B remembered the message saying, "I like her body".
7. [REDACTED] denied making comments about Student B's body to her personally but admitted to making the comments aloud to himself.
8. Student B stated that she has never heard [REDACTED] make comments about her body in person.

Discussion/Conclusion

Based on this information, it is more likely than not that [REDACTED] classroom conduct was of a sexual nature and it created a hostile environment that was offensive and unreasonably interfered with student's ability to fully participate in the educational setting. In addition, although [REDACTED] made a remark about a student's body, those comments were not intended to reach Student B.

As a result of this review, we have determined the following:

1. The incident that occurred on November 30, 2018, does constitute a violation of Title IX and Chapter 25 of the District of Columbia Municipal Regulations, which governs student discipline.
2. The comments made by [REDACTED] in reference to Student B's body does not constitute a violation of Title IX and Chapter 25 of the District of Columbia Municipal Regulations, which governs student discipline.

DCPS has taken the following actions below to address this incident:

1. [REDACTED] received a Chapter 25, Tier 4 violation for "lewd or indecent public behavior or sexual misconduct".
2. On December 6, 2018, a restorative circle between [REDACTED] and his classmates was facilitated by Dean of Students, [REDACTED] and Social Worker [REDACTED].
3. Social Worker, [REDACTED] met with [REDACTED] individually after the incident and continues to meet weekly for group counseling where they discuss topics such as managing emotions and appropriate vs inappropriate classroom behavior. For more information, please contact [REDACTED] at [REDACTED] or DCPS CARE at the number provided below.

As the complainant, if you are not satisfied with the outcome, you have the right to file an appeal. Appeals must be submitted in writing and received within 10 calendar days of receipt of this notice. Please submit appeal requests to the Office of Integrity via U.S. Postal Mail to 1200 First St., NE, 11th Floor; Attn: CIO or via email at dcps.cio@dc.gov. You may also contact the U.S. Department of Education, Office for Civil Rights (1-800-421-3481) to report any educational discrimination.

If you have further questions, please do not hesitate to contact us at dcps.care@dc.gov or 202.442.5405.

Sincerely,



Anitra Allen-King, Director CARE

Cc: Principal
Instructional Superintendent