



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

Office of the Chief Operating Officer

BY EMAIL

Date

██████████  
████████████████████

RE: Letter of Response for Grievance #2789 filed on January 31, 2019

Dear ██████████:

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**

We acknowledge that there has been a lapse in time since the filing of this grievance. Based on a review of the information provided, the written grievance raised the following issues under the jurisdiction of this office:

1. **5-B DCMR 2405.2(e):** Where a student is a victim of bullying or harassment, including sexual harassment.
  - a. It is alleged that ██████ pushed the back of Student A's neck toward ██████'s genital area while at ████████████████████ on January 8, 2019.

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. ██████, Principal at ██████████
2. Parent of Student A
3. Parent of ██████

DCPS CARE also attempted to obtain consent from the parents of ██████ and Student A; however, DCPS CARE was unable to obtain consent. The investigation included review of the following

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documents which were either submitted by the complainant, submitted by the school, or accessible via DCPS data systems:

1. Administrative statement, provided by [REDACTED]

### **Findings of Fact**

The following findings of fact resulted from the investigation:

1. Student [REDACTED] and Student A were in [REDACTED] at [REDACTED] when the incident occurred.
2. The incident occurred on January 8, 2019, and was reported to [REDACTED] by Parent of Student A on the same day.
3. Principal [REDACTED] had a meeting with Parent of Student A and Student A to discuss the allegation.
4. Parent of Student A and Student A reported that [REDACTED] pushed Student A's neck toward [REDACTED]'s genitals while lining up from P.E. class.
5. Principal [REDACTED] and Metropolitan Police Department (MPD) reviewed video of the alleged incident. Principal [REDACTED] reported that review of the video did not show anything of concern. It showed "students lining up with their teacher to go back to class."
6. Student A reported to staff that the students were playing.
7. Parent of Student A indicated that, to their knowledge, this was the only incident that occurred between the two students.
8. Student A is not currently an enrolled student at DCPS for the 2020-21 school year.
9. Parent of [REDACTED] indicated they could not recall this specific incident. Parent of [REDACTED] did not return follow-up phone call to speak with [REDACTED]

### **Discussion/Conclusion**

**5-B DCMR 2405.2(e)** is unable to be substantiated as a violation. This is based upon a preponderance of the evidence standard. DCPS CARE was unable to obtain consent to speak to either student about their perspectives of the incident. Although it is possible the incident occurred as reported, information from [REDACTED] indicated that review of the video showed students lining up for class without incident. [REDACTED] also reported that Student A stated that the students were playing with each other. To Parent of Student A's knowledge, this is the only incident that occurred between the two students. Although the reported behavior is considered

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inappropriate and unacceptable behavior, it does not rise to the level of “severe, pervasive, or persistent” to constitute a violation of sexual misconduct.

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

1. On January 9, 2019, a Department of Behavioral Health clinician conducted a “Good Touch; Bad Touch” lesson for [REDACTED] class.

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, 10<sup>th</sup> Floor; Attn: CIO or via email at [dcps.cio@k12.dc.gov](mailto:dcps.cio@k12.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@k12.dc.gov](mailto:dcps.care@k12.dc.gov) or 202.442.5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal  
Instructional Superintendent