



BY EMAIL AND FIRST-CLASS MAIL

July 9, 2020



RE: Letter of Response for Grievance #3258 filed on June 10, 2019

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

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 on, or about, June 7, 2019, Student A touched [REDACTED]'s [REDACTED] at the water fountain and [REDACTED] touched Student A back.

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], [REDACTED]'s Parent
2. Student A's Parent
3. [REDACTED], Principal at [REDACTED]

Findings of Fact

The following findings of fact resulted from the investigation:

1. [REDACTED] and Student A were in [REDACTED] grade when the incident was reported.
2. The incident was reported on June 10, 2019. [REDACTED] staff reported the incident to the Child and Family Services Agency, per protocol.
3. The exact day of the incident is unknown. According to Principal [REDACTED], the incident likely occurred on Friday, June 7, 2019.

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4. The approximation of the date is based upon when the incident was reported and knowing there was a field day at [REDACTED] on June 7 with “lots of movement” going on that day.
 5. Principal [REDACTED] confirmed that no other incidents had occurred between the students at the time of the interview on December 13, 2019.
 6. Student A’s parent stated they did not believe that Student A remembered the incident at the time of the interview on December 13, 2019.
 7. [REDACTED]’s parent stated they could not remember all the details at the time of the interview on December 16, 2019, but remembered [REDACTED] was near the water fountain when Student A touched [REDACTED]. Additionally, [REDACTED] did not touch Student A.
 8. [REDACTED]’s parent stated this incident was the “topping on the cake” of incidents that [REDACTED] has experienced at [REDACTED].

Discussion/Conclusion

As a result of this investigation, **5-B DCMR 2405.2(e)** is unable to be substantiated as a violation of sexual harassment. Although the incident may have occurred, there is not enough contextual information to determine that the behavior was sexual contact or intentional by Student A. This investigation also considered the students’ age at the time of the incident—both students being in [REDACTED] grade at the time. Given there is no additional context for the incident, this investigation finds it does not rise to the level of “severe, persistent, or pervasive” to find a violation of sexual harassment.

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

1. Before the start of the 2020-21 school year, [REDACTED] administration will develop alternative options to students being unattended in the hallways between classes. An example could be implementing a buddy system for students who are in the hallway outside of normal transition times.
2. Within the first two weeks of the 2020-21 school year, Thomas administration will review and update [REDACTED]’s safety plan. This must be done with the input from [REDACTED] and parent.

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, 10th Floor; Attn: CIO or via email at 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 or 202.442.5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal
Instructional Superintendent