



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA EMAIL

July 13, 2020

[REDACTED]

RE: Letter of Response for Grievance #3359 filed on September 18, 2019

Dear [REDACTED]:

In accordance with Chapter 24 Subtitle 5-B, Section 2405 and Chapter 24 Subtitle 5-E, Section 405 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(c):** Where it is alleged that any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.
  - a. You reported school placement concerns regarding Student [REDACTED]' removal from [REDACTED] School [REDACTED] and placement at [REDACTED].
  - b. You reported concerns that Student [REDACTED] was hit several times by Student B during school year [REDACTED] and that it was never addressed. Additionally, you expressed concerns that during the [REDACTED] school year, Student B was in the same class again with Student [REDACTED].
  - c. You reported concerns regarding [REDACTED] Director of Specialized Instruction [REDACTED]'s credentials as well as the credentials of the substitute teacher who was in the Communication and Education Support (CES) classroom earlier this fall.
  - d. You reported concerns that the CES classroom's floor and furniture were dirty.
2. **5-E DCRM 405.3(b):** Where it is alleged that any individual is being subjected to an arbitrary or unreasonable regulation, procedure or standard of conduct.
  - a. You reported concerns that you were being retaliated against for filing this complaint and that as a result of this complaint, you are no longer allowed to bring Student [REDACTED] to his classroom.

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## **Review Procedure**

The review included interviews with the following individuals:

1. [REDACTED], Parent of Student [REDACTED]
2. [REDACTED], Principal at [REDACTED]
3. [REDACTED], Director of Specialized Instruction at [REDACTED]
4. [REDACTED], DCPS Locations Specialist
5. [REDACTED], DCPS Communication and Education Support Manager

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

1. Aspen - DCPS student information/attendance database
2. SEDS – DCPS special education database

## **General Findings of Fact**

The following findings of fact regarding Student D.S. being removed from [REDACTED] resulted from this review:

1. Student [REDACTED] was withdrawn from [REDACTED] and enrolled in [REDACTED] on [REDACTED].
2. [REDACTED], DCPS Communication and Education Support Manager reported to DCPS CARE that Student [REDACTED] was moved [to [REDACTED]] the year he went into kindergarten because the K-2 program at [REDACTED] did not have space that year.
3. Principal [REDACTED] reported that you requested for Student [REDACTED] to return to [REDACTED] and that you were told he could not return.
4. You alleged that the issues in this grievance have not been resolved and that the only proposed resolution was to put Student [REDACTED] in another school. You allege that two of the schools offered to you were not CES classrooms and that another school was too far.
5. Principal [REDACTED] reported to DCPS CARE that four different sites were offered to you for school placement for Student [REDACTED], but that you denied all four options and chose to keep Student [REDACTED] at [REDACTED].

The following findings of fact regarding Student [REDACTED] being hit resulted from this review:

1. On [REDACTED] you reported to DCPS CARE that Student B hit Student [REDACTED] several times during school year [REDACTED] and that it was never addressed. Additionally, you reported that the classroom teacher at the time told you that Student B is [REDACTED].
2. On [REDACTED] you reported to DCPS CARE that Student [REDACTED] is still experiencing issues with Student B during the [REDACTED] school year. You allege that Student B spit in Student [REDACTED]' face and that you addressed the spitting incident with the classroom teacher who reported to you that she [REDACTED].
3. On [REDACTED] Principal [REDACTED] confirmed that there have been incidents between Student [REDACTED] but did not specifically confirm that Student B has hit Student [REDACTED].
4. Additionally, Principal [REDACTED] reported to DCPS CARE that there are four students in the CES classroom, including Student [REDACTED] and Student B, but that there are also six adults for the four students and that behavior support plans are in place.

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The following findings of fact regarding the conditions of the CES classroom resulted from this review:

1. Principal [REDACTED] reported that she explained to you that the marks on the classroom floor were not dirt, but dried adhesive from tape previously being placed on the classroom floor and that the custodians tried to scrape up as much of the adhesive as they could.
2. Principal [REDACTED] reported that she inquired about new floors in this classroom and that they have placed rugs in the classroom to cover the remaining adhesive and that the classroom has been [REDACTED] and [REDACTED].

The following findings of fact regarding retaliation resulted from this review:

1. On [REDACTED] Director of Specialized Instruction [REDACTED] reported to DCPS CARE that she invited you multiple times to observe Student [REDACTED] in the classroom, but at one point, there was a safety concern that you were filming other students.
2. Additionally, Director of Specialized Instruction [REDACTED] reported that you frequently defied school policy which states that after 9:00 am, parents must sign in their student in the main office and that you would bypass the office and try to bring Student [REDACTED] straight to his classroom.

### Discussion/Conclusion

As a result of this review, DCPS has found the following:

- a. As it relates to your concerns regarding school placement, DCPS CARE is unable to substantiate **5-B DCMR 2405.2(c)**. Student [REDACTED] was moved from [REDACTED] and placed at [REDACTED] because the [REDACTED] K-2 program did not have enough space. You expressed concerns about the [REDACTED] CES classroom. As a result of your concerns, you were offered four other school placement options and chose for student [REDACTED] to remain at [REDACTED].
- b. As it relates to your safety concern, DCPS CARE is unable to substantiate **5-B DCMR 2405.2(c)**. During the review, DCPS CARE was unable to receive confirmation from the school that Student [REDACTED] was hit by Student B and is therefore unable to determine that Student B's behavior was significantly harmful to constitute a bullying violation. The school reported to DCPS CARE that there are six adults to provide supervision in the classroom for the four students. DCPS CARE confirmed via the district's special education database that behavior support plans are in place to support safe interactions in the classroom.
- c. As it relates to your concerns regarding educator credentials, DCPS CARE withholds issuing a finding on **5-B DCMR 2405.2(c)**. DCPS employee records are outside the jurisdiction of this office. The Office of the State Superintendent of Education (OSSE) authorizes educator credentials. For additional information, you may contact OSSE at [osse.asklicensure@dc.gov](mailto:osse.asklicensure@dc.gov).
- d. As it relates to your concerns regarding the cleanliness of the CES classroom, DCPS CARE finds that **5-B DCMR 2405.2(c)** is unable to be substantiated. What you reported as [REDACTED] is dried adhesive from tape that was previously placed on the floor. Principal S.P. reported to DCPS CARE that custodial staff attempted to remove as much of the adhesive as possible and that rugs have been placed over the adhesive.
- e. As it relates to your concerns regarding a change in protocol for you dropping off Student [REDACTED] in his classroom as a result of alleged retaliation for filing this grievance, DCPS CARE is unable to substantiate **5-E DCMR 405.3 (b)**. DCPS CARE was informed by Director of Specialized Instruction

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at [REDACTED], [REDACTED], that the reason you are no longer permitted to bring Student [REDACTED] to his classroom when he checks in late is due to safety concerns involving previous actions taken by you such as filming students in the classroom and alleged inappropriate comments that you made towards school staff. Due to conflicting reports, DCPS CARE is unable to substantiate **5-E DCMR 405.3(b)**.

In order to address your concerns DCPS has taken or will take the following action:

1. [REDACTED] developed safety plans for Student [REDACTED] and Student B.
2. Within 15 school days of the start of the [REDACTED] school year, [REDACTED] will review safety protocol in the CES classroom. Any necessary changes will be made within 5 days of the review.
3. By [REDACTED], [REDACTED] will submit a facilities ticket to have the floors repaired or replaced in the CES classroom.

If you have additional concerns regarding your student's IEP implementation and location of services, related to the Individuals with Disabilities Education Act (IDEA) please contact the DCPS Monitoring and School Support Team at [dcps.spedconcerns@k12.dc.gov](mailto:dcps.spedconcerns@k12.dc.gov). Additionally, you can file a written complaint with the Office of the State Superintendent of Education by contacting [hearing.office@dc.gov](mailto:hearing.office@dc.gov) or call (202) 698-3819. You may also file a state complaint with the Office of the State Superintendent of Education State Complaint Office by contacting [osse.IDEstatecomplaints@dc.gov](mailto:osse.IDEstatecomplaints@dc.gov) or (202) 727-6436.

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, 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.

Sincerely,

[REDACTED]

[REDACTED], Director CARE

Cc: Principal  
Instructional Superintendent