



BY EMAIL AND FIRST-CLASS MAIL

April 8, 2020



RE: Letter of Response for Grievance #3570 filed on December 19, 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

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. Student A pressed her body against [REDACTED]'s body and made comments about [REDACTED] being attractive while in the bathroom at [REDACTED].
 - b. Student A touched [REDACTED]'s [REDACTED] while in the hallway at [REDACTED].
 - c. Student A verbally threatened [REDACTED] with a hammer and put her hands around [REDACTED]'s throat in the hallway at [REDACTED].

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. [REDACTED]'s Guardians
3. Student A
4. Student A's Guardian
5. Student B

-
6. [REDACTED], [REDACTED] Social Worker

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. Student witness statements from the DCPS Student Behavior Tracker (SBT) database.

Findings of Fact

The following findings of fact resulted from the investigation:

1. There was an incident that occurred before winter break in the bathroom at [REDACTED], [REDACTED], Student A and Student B. All three students verbally confirmed that they were present during this incident.
2. Student B corroborated that Student A did touch and hug [REDACTED] and made comments about [REDACTED]'s physical appearance. Student B stated that [REDACTED] appeared uncomfortable during the interaction and did not reciprocate the behavior towards Student A.
3. [REDACTED] stated she did not give consent to be touched during the bathroom incident.
4. There was also an incident on, or about, December 17, 2019, that involved a hammer, the details around the incident were inconsistent.
5. There was no additional information from student statements or video footage to corroborate Student A touched [REDACTED]'s [REDACTED] in the hallway. The CARE team attempted to obtain consent from another student witness who was stated to have been present; however, the CARE team was unable to obtain consent to speak with any other students.

Discussion/Conclusion

1. **5-B DCMR 2405.2(e)** is substantiated for Grievance Issue 1.a. based on the information gathered during the investigation process the behavior described in issue 1a occurred without consent, was unwelcomed and was sufficiently severe to constitute sexual harassment. Based on information gathered during the investigation process there is insufficient information to substantiate Grievance Issue 1.b. and 1.c.

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

1. As of December 20, 2019, a safety plan was implemented for [REDACTED] and Student A.
2. Student [REDACTED] has open access to see the school social worker to address ongoing concerns.

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, 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@dc.gov or 202.442.5405.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anitra Allen-King', with a long horizontal flourish extending to the right.

Anitra Allen-King, Director CARE

Cc: Principal
Instructional Superintendent

BY EMAIL AND FIRST-CLASS MAIL

Date

[REDACTED]

RE: Letter of Response for Grievance #3570 filed on December 19, 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

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. [REDACTED] pressed her body against Student A's body and made comments about Student A being attractive while in the bathroom at [REDACTED].
 - b. [REDACTED] touched Student A's [REDACTED] while in the hallway at [REDACTED].
 - c. [REDACTED] verbally threatened Student A with a hammer and put her hands around Student A's throat in the hallway at [REDACTED].

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. [REDACTED]'s Guardian

-
3. Student A
 4. Student A's Guardian
 5. Student B
 6. [REDACTED], [REDACTED] Social Worker

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. Student witness statements from the DCPS Student Behavior Tracker (SBT) database.

Findings of Fact

The following findings of fact resulted from the investigation:

1. There was an incident that occurred before winter break in the bathroom at [REDACTED]. [REDACTED], Student A, and Student B all confirmed that they were present during this incident.
2. Student B corroborated that [REDACTED] did touch and hug Student A and made comments about Student A's physical appearance. Student B stated that Student A appeared uncomfortable during the interaction and did not reciprocate the behavior towards [REDACTED].
3. Student A stated she did not give consent to be touched during the bathroom incident.
4. There was also an incident on, or about, December 17, 2019, that involved a hammer. This was corroborated by [REDACTED], Student A, and Student B.
5. Although it is confirmed that an incident occurred involving a hammer, there was insufficient information to corroborate that [REDACTED] made physical or verbal threats directly towards Student A.
6. There was no additional information from student statements or video footage to corroborate [REDACTED] touched Student A's [REDACTED] in the hallway. The CARE team attempted to obtain consent from another student witness who was stated to have been present; however, the CARE team was not able to obtain consent to speak with the student's guardian.

Discussion/Conclusion

1. **5-B DCMR 2405.2(e)** is substantiated for Grievance Issue 1.a. There is insufficient information to substantiate Grievance Issue 1.b. and 1.c.

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

1. As of December 20, 2019, a safety plan was implemented for [REDACTED] and Student A.
2. As of January 9, 2020, [REDACTED] has structured bathroom privileges to only go to be bathroom during transitions between classes.

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, 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@dc.gov or 202.442.5405.

Sincerely,

Anitra Allen-King, Director CARE

Cc: Principal
Instructional Superintendent