



BY EMAIL AND FIRST-CLASS MAIL

February 13, 2020

RE: Letter of Response for Grievance #3577 filed on December 24, 2019

Dear Filing Party:

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations (DCMR) and Chapter 4, Subtitle 5-E, Section 405 of the DCMR, the D.C. Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its investigation of the above-referenced written grievance.

Grievance Issues

The grievance raised the following issues regarding [REDACTED] under the jurisdiction of this office:

1. **5-B DCMR Subtitle 2405.1(d) & 2405.1(e)**, where it is alleged that there has been a violation of Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color and national origin; and the D.C. Human Rights Act of 1977 which, in part, prohibits discrimination on the basis of race and color.
 - A. In requiring students of color to act out characters, based upon their race, in a skit in front of their classroom, the grievance alleges that the school created a hostile environment to the extent that: (1) it was inappropriate and racially insensitive to have students of color portray enslaved people in the skits; (2) students of color did not feel that they could express their concerns or their objection to the assignment; and, (3) students of color felt like their voices were not heard by [REDACTED] administration after the assignment had been completed.

2. **5-B DCMR Subtitle 2405.2(b)**, where it is alleged that the rights of students, or any individual student, are being denied or abridged.
 - A. In opening the [REDACTED] empowerment group to all female students, some girls of color allegedly felt as though the content and purpose of the group changed. The original purpose of the group was to provide girls of color a venue to discuss issues that impacted them.
3. **5-B DCMR Subtitle 2405.2(c)**, where it is alleged that students are being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.
 - A. It is alleged that the classroom teacher acted negligently in assigning the project [REDACTED] [REDACTED] in that the [REDACTED] grade teaching staff failed to anticipate the likely negative impact this type of assignment would have on students of color.
 - B. It is alleged that [REDACTED] staff failed to properly respond to a racial incident involving use of inappropriate language on or around [REDACTED], specifically use of [REDACTED] while on school grounds.

Investigative Procedure

The DCPS CARE team investigated this matter thoroughly. The investigation included interviews with the following individuals:

1. Student A
2. Student A's guardian
3. Student B
4. Student B's guardian
5. Student C
6. Student C's guardian
7. Student D
8. Student D's guardian
9. Student E
10. Student E's guardian
11. Student F
12. Student F's guardian
13. Student G
14. Student G's guardian
15. [REDACTED], [REDACTED] Principal
16. [REDACTED], [REDACTED] Assistant Principal
17. [REDACTED], [REDACTED] Assistant Principal
18. [REDACTED], [REDACTED] School Counselor

February 13, 2020

19. [REDACTED], Office of Teaching and Learning, DCPS Central Office
20. [REDACTED], Social Emotional Learning and School Culture, DCPS Central Office

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

1. A timeline of events prepared by [REDACTED] administration
2. Email correspondence regarding the incident, provided by [REDACTED] administration
3. [REDACTED] article and assignment instructions, provided by [REDACTED] administration

Findings of Fact

General facts:

1. The [REDACTED] assignment was assigned to the [REDACTED] grade class in [REDACTED]. Students were required to read the [REDACTED] article entitled [REDACTED] and were given the option to present this information as a podcast, poster, tableau or skit. The majority of the students chose to present a skit, which was referred to as [REDACTED] in the assignment materials.
2. The [REDACTED] option required students to prepare a script with dialogue and stage direction for a scene from each section of the [REDACTED] article. Grades were based on script writing, presentation to the class, and students' ability to synthesize and explain information from the article.
3. Multiple students interviewed reported that minimal instructions were given for the [REDACTED] option.
4. Students interviewed reported that teachers assigned them to small groups of approximately 4-5 students.
5. Students interviewed reported that not every group performed a skit; some groups chose one of the other assignment options.
6. Students within the group assigned roles and wrote the script. There were five subsections in the source document; students were required to create a skit that covered all five sections that included characters and roles from the text.
7. Some students of color were assigned roles as enslaved people. Not all the enslaved people roles were filled by students of color; however, multiple students of color who were interviewed stated that, at the time of the assignment, they were uncomfortable with the roles they were given but did not know how to voice those concerns or felt as if they could not voice those concerns to peers or their teacher.
8. At least one student of color who was interviewed felt "hurt" by watching the skits being performed in class.
9. One student of color who was interviewed stated they did not voice their concern to the teacher because they felt they may receive a poor grade in the class if they spoke up.

10. Two students of color who were interviewed stated they did not speak up about playing an enslaved person because they did not want their peers to be mad or to think they were “overexaggerating” concerns.
11. At least three students of color who were interviewed stated they did not feel like they had a place in their school to voice concerns if similar situations were to happen in the future.
12. At least two students of color who were interviewed stated a white peer stated the incident should not have been on the news because the incident was “not a big deal.”
13. The CARE team attempted to interview five white students; however, only one white student was made available for the interview process. The other students interviewed were students of color.
14. Participation in the [REDACTED] group [REDACTED] was originally limited to girls of color. However, starting in school year [REDACTED] any girl who was interested was allowed to participate in the group, which is designed to empower young women.
15. Two students of color who were interviewed discussed [REDACTED]. One of the students stated that the group no longer addresses the social justice component it was originally intended to address. A second student stated that [REDACTED] is a safe space for her to discuss sensitive issues or topics.
16. Discomfort with the [REDACTED] assignment was disclosed by a student of color during a [REDACTED] session on [REDACTED].
17. On or around [REDACTED], [REDACTED] was used on [REDACTED] school grounds. The word was used in an altercation between two adults and was not used by a student or staff member.
18. In response to the incident that occurred [REDACTED], where two adults were involved in a racially charged verbal exchange on school grounds, [REDACTED] posted the following message on Instagram: [REDACTED]
[REDACTED].

Discussion/Conclusion

As a result of this investigation:

1. DCPS finds that a violation of 5-B DCMR Subtitle 2405.1(d) & 2405.1(e) is substantiated. The CARE team finds that through creating an educational environment which allowed for the assignment of students of color to portray enslaved people as part of the [REDACTED] assignment, the school created a racially hostile environment within the [REDACTED] grade educational setting at [REDACTED], and, as such, there is enough information to conclude that students of color were discriminated against on the basis of race, color or national origin in violation of the DCMR provision cited above.
2. DCPS is unable to substantiate a violation of 5-B DCMR Subtitle 2405.2(b). The group [REDACTED] was originally established for girls of color. Although the club is now open to anyone who is interested, the CARE team could not determine whether the change in the nature of the group had a negative effect on girls of color on the basis of their race, color or national origin.

3. DCPS is unable to substantiate a violation of 5-B DCMR Subtitle 2405.2(c)(A) regarding the actions of [REDACTED] staff. The CARE team concluded that a process has been established and implemented by [REDACTED] administration for the development of certain potentially sensitive assignments. This process requires staff to create exemplars and think about the potential response of students as a group, prior to assigning projects. It was determined that in this instance, staff members failed to go through the process in developing the assignment which led to the incident. As a result, this matter was referred to the DCPS Labor Management and Employee Relations (LMER) team for further investigation and determination if personnel action should be taken.
4. DCPS is unable to substantiate a violation of 5-B DCMR Subtitle 2405.2(c)(B) regarding the racial incident that occurred on the [REDACTED] campus [REDACTED] where [REDACTED] was used. This incident did not involve staff or students.

DCPS takes these findings extremely seriously and is committed to maintaining an inclusive environment at [REDACTED]. In response to these findings, DCPS has taken or will take the following actions:

1. [REDACTED] conducted restorative circles for individual students, students' small groups, and the larger [REDACTED] grade class. These were facilitated by the [REDACTED] Social Emotional Learning (SEL) team and the DCPS Central Office SEL and School Culture team during the week of [REDACTED].
2. [REDACTED] began providing weekly check-ins for any student who felt impacted by the incident regarding the [REDACTED] assignment, or any other matter, to process their thoughts during students' [REDACTED] on [REDACTED].
3. [REDACTED]'s SEL team began supporting teachers through [REDACTED] which is a professional development series covering a variety of topics, including restorative practices and building community within the classroom.
4. On [REDACTED] [REDACTED] staff participated in a full-day diversity training entitled [REDACTED]. [REDACTED] [REDACTED] is an [REDACTED]. [REDACTED]
5. By [REDACTED], [REDACTED]'s SEL team will conduct follow-up restorative circles with the [REDACTED] grade class. The SEL team will do a post-survey of students to determine what continued support is needed or desired by students to continue processing their experiences.

6. By [REDACTED], [REDACTED] administration, along with the Instructional Superintendent, will evaluate the existing review protocol for designing and implementing lessons which include sensitive content.
7. By [REDACTED], [REDACTED] administration, along with a designated Central Office team, will evaluate the [REDACTED] group to determine its purpose and attainment of goals.
8. By [REDACTED], the entire [REDACTED] staff will participate in a Title VI training conducted by the DCPS CARE team.
9. By [REDACTED], [REDACTED] will host a parent meeting/forum, to discuss the collective feedback received from parents by the DCPS CARE team. As of the date of this letter, the following topics have been expressed by parents and will be included in the discussion:
 - a. Explore cultural bias within the curriculum and determine how to administer assignments in a culturally sensitive manner;
 - b. Explore trainings on diversity and inclusion, bias, and cultural competencies for staff;
 - c. Overview of incident response and communication protocol for families; and,
 - d. Development of a two-way communication protocol for parents and students.

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@k12.dc.gov or 202.442.5405.

Sincerely,



Anitra Allen, Director, CARE

cc: [REDACTED] Principal
Instructional Superintendent, Cluster [REDACTED]