



BY EMAIL AND FIRST-CLASS MAIL

July 1, 2020



RE: Letter of Response for Grievance #3591 filed on January 3, 2020

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 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 January 3, 2020, Student A, Student B, and [REDACTED] came into the bathroom at [REDACTED] and attempted to pull Student E's pants down stating they were trying to see if Student E's [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. Student D, Witness and [REDACTED] Student

The CARE team attempted to contact the other students alleged to be involved in this incident but were unsuccessful after multiple attempts to contact guardians for consent to speak to students. 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. Signed student statements from the Student Behavior Tracker (SBT) DCPS database. This includes statements from all students present during the incident.
2. [REDACTED] administrative statements outlining the timeline of events based upon [REDACTED]'s investigation.

Findings of Fact

The following findings of fact resulted from the investigation:

1. The incident occurred on January 3, 2020, in the [REDACTED] floor boys' bathroom at [REDACTED].
2. Student E was already in the bathroom when Student A, Student B, [REDACTED], and Student D entered the bathroom.
3. Student A stated [REDACTED] and [REDACTED].
4. Student A made a comment, [REDACTED], referencing an incident when Student A pulled Student E's pants down in front of the class, leaving Student E's [REDACTED] exposed.
5. Student E attempted to run into a stall but slipped. Student A, Student B, and [REDACTED] continued to pursue Student E and attempted to pull Student E's pants down.
6. Student E stated Student A, Student B, and [REDACTED] did pull Student E's pants down, but they were unsuccessful in pulling Student E's underwear down.
7. Student D indicated that the other students were pushing Student E into the wall; however, Student D stated the other students did not pull Student E's pants down.
8. Student E stated Student D did not actively participate and told the other students to "chill out."
9. The incident stopped after a security guard entered the bathroom and told the students to go back to class.
10. Student E went back to class and reported the incident by writing a note to the teacher.
11. Student B's written statement indicated that they were in the bathroom and that they were playing.
12. [REDACTED]'s written statement indicated there were four other people in the bathroom. [REDACTED] used the bathroom and then left.
13. Student E stated Student D asked if Student E was scared. Student E did not respond to Student D but wrote in the signed statement, [REDACTED].

Discussion/Conclusion

5-B DCMR 2405.2(e) is substantiated as a violation of the sexual harassment policy. Student A admitted in the signed statement stating, [REDACTED], referencing an incident from last year that exposed Student E's [REDACTED]. Student A also acknowledged attempting to pull Student E's pants down, although Student A's stance is that Student E's pants never actually came down. None of the students involved denied being in the bathroom, and Student D corroborated that the other students were pushing Student E against the wall. Given this information, it is reasonable to conclude that Student A, Student B, and [REDACTED] all attempted to pull Student E's pants down. The attempt to pull Student E's pants down to expose Student E's [REDACTED] is "severe" and "pervasive" to the degree to constitute sexual harassment.

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

1. As of January 3, 2020, [REDACTED] implemented hall pass restrictions for Student A, Student B, and [REDACTED].
2. As of January 16, 2020, [REDACTED] implemented appropriate disciplinary action in accordance with DCMR Chapter 25 for Student A, Student B, and [REDACTED].
3. Within the first two weeks of the 2020-21 academic year, [REDACTED] will review, and update as needed, safety plan for Student E.

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,

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

Anitra Allen, Director CARE

Cc: Principal
Instructional Superintendent