



BY EMAIL AND FIRST-CLASS MAIL

April 29, 2020



RE: Letter of Response for Grievance #3686 filed on February 10, 2020

Dear [REDACTED]:

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations and Chapter 4, Subtitle 5-E, Section 405 of the District of Columbia Municipal Regulations of the District of Columbia Municipal Regulations, D.C. Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its investigation of the above referenced written 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 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. The grievance alleges that [REDACTED] student, [REDACTED], has made racist comments to and about his classmates including, but not limited to, using the [REDACTED] stating that slavery was good for America's economy and that it should be brought back, and stating another student was [REDACTED]¹

Investigative Procedure

The investigation included interviews with the following individuals:²

1. [REDACTED], Student

¹

As defined by Merriam-Webster: aware of and actively attentive to important facts and issues (especially issues of racial and social justice)

² There was a total of 15 students interviewed.

2. [REDACTED], Student [REDACTED]'s guardian
3. Student A
4. Student A's guardian
5. Student B
6. Student B's guardian
7. Student C
8. Student C's guardian
9. Student D
10. Student E
11. Student E's guardian
12. Student F
13. Student G
14. Student H
15. Student I
16. Student J
17. Student K
18. Student L
19. Student M
20. Student N
21. [REDACTED], Principal at [REDACTED]
22. [REDACTED], Associate Principal at [REDACTED]
23. [REDACTED], Assistant Principal at [REDACTED]
24. [REDACTED], Teacher at [REDACTED]
25. [REDACTED], Teacher at [REDACTED]

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. Letter from Parent of [REDACTED] to DCPS dated [REDACTED]

General Findings of Fact

The following findings of fact resulted from the investigation:

1. On [REDACTED], Teacher [REDACTED]'s theatre class was conducting a lesson unit entitled [REDACTED], which is a unit designed to analyze how different groups of people are presented in the media. During the class discussion, Student E was sitting next to two students of color. Student [REDACTED] stated that Student E looked [REDACTED]. Use of this term was corroborated by thirteen of the students interviewed.
2. One student stated they took slight offense to the word [REDACTED] being used after realizing what it meant; however, they did not believe that [REDACTED] meant it as a racist comment.
3. On [REDACTED], during [REDACTED]'s class, students participated in a game called [REDACTED]. This was corroborated by at least nine of the students interviewed. The final message at the end

of the game was [REDACTED]. This caused at least three of the Black students to become upset.

4. At least three students stated [REDACTED] made comments along the lines of [REDACTED]. All three students stated this happened in Teacher [REDACTED]'s English Language Arts classroom.
5. Teacher [REDACTED] also stated [REDACTED] has made a comment similar to [REDACTED] during class, which prompted a class discussion about slavery being a human rights issue.
6. One student stated that other students in addition to [REDACTED] have stated that slavery was good for the beginning of America's economy; however, they prefaced that the other students have stated that slavery, in and of itself, was not right. At least four students state they had not heard [REDACTED] make comments regarding slavery being good for America's economy. [REDACTED] denies making this statement.
7. At least two students stated they have heard [REDACTED] make comments along the lines of [REDACTED] or [REDACTED].
8. One student stated [REDACTED] has used the [REDACTED] on multiple occasions. At least ten students stated they have not personally heard [REDACTED] use the [REDACTED]. J.C. stated he has never used the [REDACTED].
9. At least two students stated that [REDACTED] has outwardly questioned why there is a Black History Month.
10. One student stated that [REDACTED] has made other racially insensitive and/or offensive comments in the past and added [REDACTED]. Additionally, the student stated that they [REDACTED] because they have [REDACTED] behavior by other people.

Discussion/Conclusion

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

DCPS finds that violations of **5-B DCMR Subtitle 2405.1(d) & 2405.1(e)** are unable to be substantiated. DCPS found the reported claims to be valid and reliable; however, there are insufficient first-hand witness statements to corroborate the allegations that [REDACTED] has consistently made racial slurs or used racially charged statements toward other individuals with the intent to create a hostile environment. [REDACTED] also denied making some of the allegedly racially insensitive comments. While the comments that were made by [REDACTED] were inappropriate, there is insufficient information to conclude that the behaviors were severe or pervasive enough to be a violation of the regulatory provisions cited above. Additionally, DCPS does not have direct evidence to determine that the comments made were done to intentionally discriminate.

Although DCPS could not substantiate regulatory violations, DCPS takes these issues extremely seriously and does not tolerate racially inappropriate behavior of any kind in its schools. DCPS will implement a progressive discipline approach under DCMR Chapter 25 §B 2502.1(c)(i)(3) if we find future evidence of [REDACTED] communicating slurs based on actual or perceived race or color.

Additionally, in an effort to address what appear to be some issues of racial intolerance or hostility at [REDACTED] DCPS has taken or will take the following actions to address this matter:

1. On [REDACTED], [REDACTED] staff facilitated a restorative circle with Teacher [REDACTED]'s 1st period class.
2. Before the start of school year [REDACTED] student [REDACTED] will participate in a reflective social emotional activity [REDACTED] with a designated member of the school staff.
3. Before the start of school year [REDACTED], the entire [REDACTED] administration, teachers, and staff will participate in a Title VI training conducted by the DCPS CARE team.
4. The entire 8th grade class will participate in a virtual race and culture training conducted by the DCPS Central Office before the end of SY [REDACTED].
5. Upon receipt of consent from the parent/guardian, Student A will receive 10 hours of counseling from the school social worker to be completed by [REDACTED].
6. Upon receipt of consent from the parent/guardian, Student B will receive 10 hours of counseling from the school social worker to be completed by [REDACTED].
7. Upon receipt of consent from the parent/guardian, Student D will receive 10 hours of counseling from the school social worker to be completed by [REDACTED].
8. Upon receipt of consent from the parent/guardian, Student N will receive 10 hours of counseling from the school social worker to be completed by [REDACTED].

As a party to this matter, 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,

[REDACTED]

[REDACTED], Director, CARE

Cc: Principal
Instructional Superintendent