



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA EMAIL

June 29, 2021

[REDACTED]
[REDACTED]

RE: Letter of Response for Grievance #3898 filed on May 2, 2021

Dear [REDACTED],

In accordance with 24 DCMR 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 preliminary investigation of the above referenced grievance.

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) & (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. It was reported that on [REDACTED], Student [REDACTED] was called [REDACTED] by Student B and Student C.
2. **5-B DCMR 2405.2 (c)** where it is alleged that a student or any group of students is being subjected to an arbitrary or unreasonable regulation, procedure or standard of conduct. Furthermore, you alleged that [REDACTED] Teacher [REDACTED] did not notify you when the incident initially occurred but notified the parents of Student B and Student C.

Investigative Procedure

The investigation included interviews with the following individuals:

1. Parent, [REDACTED]
2. Student, [REDACTED]
3. Parent of Student B
4. Student B
5. Parent of Student C
6. Student C
7. [REDACTED] Teacher, [REDACTED]

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8. Brent Elementary School Principal, [REDACTED]
 9. Manager of Strategy and Logistics at [REDACTED], [REDACTED]

DCPS CARE unsuccessfully attempted to interview CARE Classroom Staff [REDACTED] regarding the allegations of this grievance.

The investigation also included the review of the following documents which were either submitted by the complainant, submitted by the school, or accessible via DCPS Data Systems:

1. Incident Reporting Tool form
2. Email sent from Teacher [REDACTED] to [REDACTED] Administration dated [REDACTED] [REDACTED], regarding the incident that took place during lunch between Student [REDACTED], Student B and Student C.

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to the allegation that Student [REDACTED] was called [REDACTED] by Student B and Student C the following applies:

1. According to Title VI of the Civil Rights Act of 1964, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
2. According to The District of Columbia Human Rights Law of 1977, Title 2, Chapter 14 of the D.C. Official Code (DC Human Rights Act), § 2-1402.41. It is an unlawful discriminatory practice... for an educational institution...to deny, restrict, or to abridge or condition the use of, or access to, any of its facilities, services, programs, or benefits of any program or activity to any person otherwise qualified, wholly or partially, for a discriminatory reason, based upon...race.”
3. According to the DCPS Notice of Non-Discrimination, DCPS does not discriminate or tolerate discrimination against...students on the basis of...race.

General Findings of Fact

Regarding the allegation that Student [REDACTED] was called [REDACTED] by Student B and Student C, the following findings of fact resulted from this review:

1. On [REDACTED], you reported to [REDACTED] Manager of Strategy and Logistics (MSL) [REDACTED] that Student [REDACTED] told you that while eating lunch Student B and Student C called them [REDACTED].
2. Student [REDACTED] reported to DCPS CARE that on [REDACTED], that Student C called them [REDACTED] after Student B told them to.

3. Student B reported to DCPS CARE that on [REDACTED], while talking to Student C and Student [REDACTED], [REDACTED] came up. When the word came up, Student [REDACTED] stated [REDACTED] [REDACTED] Student B then dared Student C to call Student [REDACTED] [REDACTED].

4. Student C reported to DCPS CARE that on [REDACTED], they called Student [REDACTED] [REDACTED] because Student B told them to.

Discussion/Conclusion

1. **5-B DCMR Subtitle 2405.1 (d) & (e)** is substantiated. DCPS CARE has determined that Student C said [REDACTED] to Student [REDACTED] after Student B told them to. This occurred even though Student [REDACTED] told Student B and Student C that the word was offensive. This conduct is sufficiently severe to constitute a violation of policy.

Regarding the allegation that you were not notified about this incident, DCPS has taken the following action:

1. A referral was sent to Labor Management Employee Relations (LMER) on [REDACTED], for the review and investigation of this allegation. Their findings and any disciplinary actions will remain confidential due to employee privacy guidelines.
2. DCPS will review all available information related to this incident to determine whether employee misconduct has occurred. Although DCPS appreciates your need to know the results of its review, we are unable to share the results of personnel investigations, including any employee disciplinary action that may have been taken, because this information is contained in confidential employee records.

As a result of these allegations, [REDACTED] has taken or will take the following actions:

1. On [REDACTED], CARE Classroom Staff [REDACTED] and [REDACTED] Teacher [REDACTED] spoke with Student [REDACTED], Student B and Student C about the incident and why [REDACTED] should not be used and what it means.
2. On [REDACTED], you and the Parents of Student B and Student C were notified by Teacher [REDACTED] via email about the incident.
3. By [REDACTED], [REDACTED] will create and implement a separation plan for Student [REDACTED], Student B and Student C.
4. On [REDACTED], DCPS provided 8 hours of counseling services by an outside provider, not to exceed \$67.38 per hour.
5. Upon receipt of consent from Student B's parents, [REDACTED] will provide 3 hours of healthy relationship counseling for Student B and Student C.

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6. By [REDACTED], [REDACTED] will submit a referral for disciplinary consideration for Student B and Student C.

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 Chief Integrity Officer (CIO) 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: Principal
Instructional Superintendent