

BY EMAIL AND FIRST-CLASS MAIL

February 23, 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: Letter of Response for Grievance #3968 filed on September 10, 2021

Dear [REDACTED]

In accordance with Title 5 Education, Subtitle 5-B, Chapter 24, Subsection 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. You reported that Student [REDACTED] has been [REDACTED] after Student B labeled Student [REDACTED] as a [REDACTED] in a group chat message.

Investigative Procedure

The investigation included interviews with the following individuals:

1. Student [REDACTED]
2. Student B

The review also included the following which were either submitted by the grievant, submitted by the school, or accessible via DCPS data systems:

1. Email Correspondence with Principal, [REDACTED]
2. Email Correspondence with ISS Coordinator, [REDACTED]

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to a student being subjected to bullying by another student

1. According to the November 2013 DCPS District Wide Bullying Prevention Policy Act, bullying by students is prohibited.

“Bullying,” means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that shall reasonably predicted to:

1. Place a student in reasonable fear of physical harm to his or her person or property.
2. Cause a substantial detrimental effect on the student’s physical or mental health.
3. Substantially interfere with the student’s academic performance or attendance.
4. Substantially interfere with the student’s ability to participate in or benefit from school activities or services; or

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5. Materially and substantially disrupts the education process or the orderly operation of a school.

All references to bullying in this policy shall also be understood to include cyber bullying. Cyber Bullying – bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messaging, text messages, and Internet postings.

General Findings of Fact

The following findings of fact resulted from the investigation:

1. In an interview with DCPS CARE, Student [REDACTED] stated that in [REDACTED], they were in a Snapchat group message with several [REDACTED] students. Within the group chat, students of color were observed using the [REDACTED]
2. Student [REDACTED] responded in the group chat by asking the students why they were using the [REDACTED] and the [REDACTED]. In the message, Student [REDACTED] typed out the expletives in full.
3. In an interview with DCPS CARE, Student B corroborated these details, stating that there were approximately 20 [REDACTED] students in a group chat and that Student [REDACTED] asked the students why they were using the [REDACTED]
4. Student B stated that the reaction to Student [REDACTED] initial use of the word was [REDACTED] as the students were attempting to explain to Student [REDACTED] why they could not use the [REDACTED]. Student B recalled that in Student [REDACTED] explanation, Student [REDACTED] used the [REDACTED] again while explaining that they have previously heard their mother use the word.
5. Student [REDACTED] reported that in [REDACTED], they were added to a group chat. In this group chat, it is alleged that Student B called Student [REDACTED] and attached Student [REDACTED] picture and telephone number. Student [REDACTED] was unable to identify other members of this group chat and could not produce screenshots of this incident.
6. Student B denied the allegation that they inserted personal information about Student [REDACTED] in a group message and has no knowledge of this occurrence.
7. DCPS CARE was unable to recover any of the group messages for verification.
8. Student [REDACTED] reported that while in class on [REDACTED] students said there was a [REDACTED] and passed a note with Student [REDACTED] name and gave it to the teacher.
9. Teacher, [REDACTED] denied receiving a note that labeled Student [REDACTED]. Additionally, Teacher [REDACTED] denied witnessing any mistreatment from Student B towards Student [REDACTED].
10. To date there have been no reports of acts of violence or threats made towards Student [REDACTED]. Student [REDACTED] reports being uncomfortable at [REDACTED] due to the number of students that have been made aware of the [REDACTED] incident.

Discussion/Conclusion

5-B DCMR § 2405.2(e) is not substantiated. In [REDACTED], Student [REDACTED] used the [REDACTED] in a group chat with several [REDACTED] students. Student [REDACTED] reported that in response to the [REDACTED] incident, Student B called them a [REDACTED] and inserted their personal information into a group chat with other [REDACTED] students. Additionally, it was reported that several students have called Student [REDACTED] in response to their use of the [REDACTED]. There have been no reports of actual physical harm or threats of physical harm towards Student [REDACTED]. Based on this information, DCPS CARE has found that these incidents do not meet the DCPS bullying policy definition of being severe, pervasive, or persistent conduct.

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

1. On [REDACTED] ISS Coordinator, [REDACTED] conducted a mediation between your family and the family of Student B.
2. On [REDACTED] a support plan was developed for Student [REDACTED] to return to in-class instruction.
3. On [REDACTED], you confirmed with DCPS CARE that you were in support of the plan.

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 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 202-4425405.

Sincerely,
Anitra Allen, Director CARE



Cc: Principal
Instructional Superintendent