

BY EMAIL

December 15, 2021

████████████████████
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RE: Letter of Response for Grievance #3978 filed on September 17, 2021

Dear ██████████:

In accordance with Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations (DCMR), 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. It is alleged that ██████████ has touched STUDENT A inappropriately on several occasions while at ██████████.

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. Parent of STUDENT A
2. STUDENT A
3. Parent of ██████████
4. ██████████

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to the allegation that [REDACTED] touched STUDENT A inappropriately on several occasions while at [REDACTED]:

1. 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...sex.”
2. According to the DCPS Notice of Non-Discrimination, DCPS does not discriminate or tolerate discrimination against...students on the basis of...sex.

Findings of Fact

The following findings of fact resulted from the investigation:

1. STUDENT A reported to DCPS CARE that in September 2021, [REDACTED] hugged STUDENT A from behind while playing tag.
2. [REDACTED] does not recall this specific incident.
3. STUDENT A reported that in September 2021 they accidentally knocked another student into [REDACTED], and [REDACTED], in return, pushed STUDENT A. STUDENT A reported that when [REDACTED] pushed STUDENT A, they touched STUDENT A’s breast in the process.
4. [REDACTED] does not recall this specific incident.
5. STUDENT A reported that while playing the “parachute game” in September 2021, [REDACTED] hugged STUDENT A from behind.
6. [REDACTED] does not recall this specific incident.
7. STUDENT A reported that [REDACTED] tripped and touched STUDENT A near their groin in September 2021.
8. [REDACTED] reported that that they touched STUDENT A near their groin, but the touch was an accident. After [REDACTED] tripped and fell, [REDACTED] touched STUDENT A’s groin by accident while trying to get up.

Discussion/Conclusion

DCPS CARE is unable to substantiate **5-B DCMR 2405.2(e)**. Although the two incidents involving hugs while playing tag and the parachute game may have occurred, there is insufficient information to determine that the behavior was sexual in nature. Similarly, ██████ may have pushed STUDENT A and touched their breast; however, the incident as reported describes ██████'s behavior as a reaction to STUDENT A knocking another student into them and not an intentional touching of STUDENT A's breast. Lastly, both students acknowledge that ██████ touched ██████ near their groin; however, ██████ fell and was attempting to get off the floor when the touch occurred. Given these reports, there is insufficient information to determine that the conduct of ██████ towards STUDENT A were intentional and/or sexual in nature.

Although the allegations are unable to be substantiated, DCPS has taken the following actions below to address this incident:

1. As of September 17, 2021, a separation plan was created for STUDENT A and ██████

If you are not satisfied with this 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: Principal
Instructional Superintendent