



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA EMAIL

August 15, 2022

██████████
████████████████████████████████████████

RE: Letter of Response for Written Grievance #3981 filed on September 17, 2021

Dear ██████████:

In accordance with Title 5 Education, Subtitle 5-B, Chapter 24, Subsection 2405 of the District of Columbia Municipal Regulations (DCMR), D.C. Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its review of the above referenced written 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 2405.1 (e) and 5-B DCMR 2405.2 (e): Where a student is a victim of bullying or harassment, including sexual harassment.
 - a. It is alleged that Student ██████ touched Student A on the genitals in the hallway at ██████████
████████████████████████████████████████

These allegations fall under The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of sex.

Review Procedure

The review included interviews with the following individuals:

1. The Parent of Student A
2. ██████, Assistant Principal at ██████████
3. ██████, Detective with the Metropolitan Police Department (MPD)

DCPS did not receive consent to interview Student A, Student B or Student ██████

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

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1. District of Columbia Human Rights Law of 1977
 2. DCPS Notice of Non-Discrimination and the DCPS Anti-Discrimination Policy
 3. Student Behavior Tracker-DCPS Student Discipline Database
 4. DCP video footage recorded on September 27, 2021, from [REDACTED], Assistant Principal at [REDACTED]

Pertinent Regulatory, Policy, and Procedural Consideration

As it relates to Student [REDACTED] touching Student A on the genitals without consent and in a manner that is sexual in nature:

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 and the DCPS Anti-Discrimination Policy, DCPS does not discriminate or tolerate discrimination against students on the basis of sex.

General Findings of Fact

The following findings resulted from the investigation:

1. At the time of the alleged incident, Student A was in the [REDACTED] [REDACTED], Student B was in the [REDACTED] [REDACTED] and Student [REDACTED] was in the [REDACTED] [REDACTED] at [REDACTED]
2. On September 22, 2021, The Parent of Student A reported to DCPS CARE that Student A told them that they encountered two students in the hallway as Student A was going to the bathroom.
3. The Parent of Student A reported to DCPS CARE that Student A told them that the one Student held their hands as the other student attempted to pull down Student A’s pants.
4. The Parent of Student A reported that at that time, Student A told them that they did not know the identities of the two students they had encountered in the hallway.
5. On September 29, 2021, [REDACTED], Assistant Principal at [REDACTED] provided DCPS CARE with the identities of the students. [REDACTED], Assistant Principal at [REDACTED] reported that the video identified Student B and Student [REDACTED]
6. On October 12, 2021, [REDACTED], MPD Detective reported to DCPS CARE that the information that obtained from Student A’s interview was inconsistent with the DCPS video footage. Student A later reported to [REDACTED], MPD Detective that Student B and Student C pushed them down the steps and dragged them down the hall.
7. On July 21, 2022, DCPS CARE reviewed the DCPS video footage which only showed Student B and Student [REDACTED] walking in the hallway at the same time as Student A.
8. The footage did not show Student B holding Student A’s hands nor did it show Student [REDACTED] attempting to pull down Student A’s pants.

Discussion/Conclusion

DCPS CARE was unable to substantiate 5-B DCMR 2405.1(e) & 2405.2(e). Student A initially reported to their parent that they were touched on their genitals by a student, who they did not know, at school as

they transitioned from their 6th period class to their 7th period class. Student A further reported that one student held their hands as the other student attempted to pull down their pants. The DCPS video footage later identified the students in the hallway during the same time as Student A, as Student B and Student [REDACTED]. Student A later reported to [REDACTED], MPD Detective that Student B and Student [REDACTED] pushed them down the steps and dragged them down the hall. DCPS CARE reviewed the video footage and Student A's interview was inconsistent with the contents of the video. DCPS was not given consent to interview Student A, Student B or Student [REDACTED]. Due to conflicting reports and the information Student A provided not aligning with the video footage that was provided, DCPS CARE is unable to substantiate these allegations.

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

1. On September 20, 2021, [REDACTED] filed a report with the Metropolitan Police Department (MPD).
2. On September 20, 2021, [REDACTED] filed a report with the Child and Family Services Administration (CFSA).

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