



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

BY EMAIL AND FIRST-CLASS MAIL

November 22, 2021

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

RE: Letter of Response for Grievance #4012 filed on October 1, 2020

Dear [REDACTED],

In accordance with Chapter 24 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 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-E DCMR 405.3(c)** Where an individual is a victim of bullying or harassment, including sexual harassment.
 - a. It was reported that on [REDACTED], Student [REDACTED] touched the Teacher [REDACTED]'s [REDACTED] while at [REDACTED].

Investigative Procedure

The investigation included interviews with the following individuals:

1. Parent, [REDACTED]
2. Teacher [REDACTED]

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

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1. Incident Reporting Tool
 2. Student Behavior Tracker
 3. Video Footage of [REDACTED] Incident

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to an individual being touched in a manner that is sexual in nature without consent while on DCPS property.

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.

General Findings of Fact

The following findings of fact resulted from the investigation:

1. In an interview with Teacher [REDACTED], they reported that on [REDACTED] [REDACTED] while redirecting students in the hallway, they were approached by Student [REDACTED]
2. Teacher [REDACTED] explained that Student [REDACTED] used both hands and placed them on Teacher [REDACTED]'s [REDACTED].
3. DCPS CARE observed video footage of the incident. In the recording, Teacher [REDACTED] is seen stepping out into the hallway and redirecting students to their appropriate locations.
4. Student [REDACTED] approaches Teacher [REDACTED] and places both hands on Teacher [REDACTED]'s [REDACTED] but [REDACTED]. The touch lasts for approximately two seconds.
5. Student [REDACTED] then raises their hands in an attempt to touch Teacher [REDACTED] again but their hands are swatted down by Teacher [REDACTED]
6. Teacher [REDACTED] then walks away from the interaction.

Discussion/Conclusion

5-E DCMR 405.3(c) is not substantiated. DCPS CARE reviewed footage of the incident on [REDACTED]. DCPS acknowledges that Student [REDACTED] acted inappropriately by touching Teacher [REDACTED]'s [REDACTED] and condemns that behavior. However, based on the review of the video footage, Student [REDACTED]'s hands were not placed on Teacher [REDACTED]'s [REDACTED] and the touch was not sexual in nature. Therefore, this incident does not constitute as sexual harassment.

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

1. As a result of this incident, Student [REDACTED] was issued a Chapter 25 violation.
2. By [REDACTED], [REDACTED] Administration will amend the language in Student [REDACTED]'s disciplinary records to accurately reflect that Student [REDACTED] did not touch Teacher [REDACTED]'s [REDACTED].

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 202.442.5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal
Instructional Superintendent