



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

BY EMAIL

August 29, 2022

[REDACTED]
[REDACTED]

RE: Letter of Response for Case #4017 received on October 4, 2021

Dear [REDACTED]:

In accordance with Title 5 Education, Subtitle 5-B, Chapter 24, Subsection 2405 of the District of Columbia Municipal Regulations (DCMR), the DC Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its review of the above-referenced matter.

Grievance Issues

Based on a review of the information provided, the incident 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. It was reported that Student A and Student [REDACTED] sexually assaulted Student C while walking home from [REDACTED]. These allegations fall under DC Human Rights Act of 1977 which, in part, prohibits discrimination on the basis of sex (including sexual harassment).

Review Procedure

The review included an interview with the following individual:

1. Parent of Student C.

The review also included the following which were either submitted by the complainant, submitted by the school, or accessible via DCPS data system: n/a

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to a student touching another student 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 of fact resulted from the review:

1. Student A, Student [REDACTED], and Student C were [REDACTED] [REDACTED] students enrolled at [REDACTED] during the 2021-22 school year.
2. On October 4, 2021, Student C reported to school officials that while walking home from school with Student A and Student [REDACTED] on Friday, October 1, 2021, Student A and Student [REDACTED] inappropriately touched her on the buttocks without consent. She also reported that she felt uncomfortable around Student A and Student [REDACTED] on Monday, October 4, 2021, when she saw them at school.
3. DCPS CARE interviewed Parent of Student C on October 6, 2021.
4. During that interview, Parent of Student C reported that Student C told them that after a group of students dispersed while walking home from school on October 1, 2021, Student A and Student [REDACTED] inappropriately touched Student C on the buttocks.
5. DCPS CARE did not receive consent to interview Student A, Student [REDACTED], or Student C.

Discussion/Conclusion

As a result of this review, DCPS has found the following:

1. As it relates to allegations of misconduct against Student A and Student [REDACTED], DCPS CARE is unable to substantiate a violation of **5-B DCMR 2405.2(e)**. It was reported that Student A and Student [REDACTED] touched Student C's buttock without consent while walking home from school on Friday, October 1, 2021. Students touching another student without consent and in a manner that is sexual in nature runs afoul of DCPS policy. However, DCPS CARE was unable to interview Student A, Student [REDACTED], or Student C about these allegations. Without direct information from any students involved, there is insufficient information to conclude that Student A and Student [REDACTED] engaged in conduct that was sufficiently severe, persistent, and pervasive to constitute a violation of policy.

To address these allegations, [REDACTED] took the following actions:

1. A separation plan/safety plan was developed for Student C on October 4, 2021.
2. The plan included requesting that [REDACTED] [REDACTED] teachers maintain separation of Student C from Student A and Student [REDACTED] to the extent possible given the small class size.

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 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

A handwritten signature in black ink, appearing to read 'Anitra Allen', written over a horizontal line.

Cc: Principal
Instructional Superintendent