



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 #4040 filed on October 18, 2021

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-B DCMR 2405.2(e)** Where a student is a victim of bullying or harassment, including sexual harassment.
 - b. It was reported that on October 14, 2021, Student A was touched on their buttocks by Student [REDACTED] while at recess at [REDACTED].

Investigative Procedure

The investigation included interviews with the following individuals:

1. Parent, [REDACTED]
2. Student [REDACTED]
3. Parent of Student A
4. Student A

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5. Assistant Principal, [REDACTED]
 6. Social Worker, [REDACTED]
 7. LEA Rep, [REDACTED]

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

1. Incident Reporting Tool Form

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to a student 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 DCPS CARE, Student A reported that while climbing on a playground structure at recess, Student [REDACTED] approached Student A and touched their buttocks. Student A stated that the touch was “real quick”.
2. Student A stated that there were no witnesses to the incident.
3. In an interview with Student [REDACTED], they denied touching Student A’s buttocks. Student [REDACTED] was only able to recall recently playing football with Student A while on the playground which resulted in the two students in conflict.
4. Student A also reported that on approximately three occasions, they have felt uncomfortable with sharing a bathroom with Student [REDACTED] Student A reported that Student [REDACTED] has stood near them in the restroom and watched them urinate.
5. Student A denied being touched inappropriately by Student [REDACTED] while in the restroom.

6. When asked about the allegation, Student [REDACTED] appeared to not understand the accusation and was unable to provide any additional information about their behavior in the bathroom.

Discussion/Conclusion

5-B DCMR 2405.2(e) is unable to be substantiated. Student A reported that they were touched on the buttocks by Student [REDACTED] while climbing up a playground structure. Student [REDACTED] denied touching Student A in any inappropriate manner. There were no witnesses to the alleged incident. DCPS CARE was unable to determine if Student [REDACTED] touched Student A's buttocks during recess and if that touch was sexual in nature. Additionally, Student A reported that they have been uncomfortable while in the bathroom with Student [REDACTED]. It was alleged that on approximately three occasions, Student [REDACTED] has stood near Student A and watched them urinate. There were no allegations that Student [REDACTED] has inappropriately touched Student A while in the bathroom. Based on the information gathered during this investigation, DCPS CARE is unable to determine if Student [REDACTED] touched Student A in manner that is sexual in nature or if Student [REDACTED] watched Student A use the restroom in a manner that is sexual in nature.

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

1. On October 19, 2021, [REDACTED] students at [REDACTED] participated in a "Good Touch, Bad Touch" presentation.
2. As of October 18, 2021, appropriate staff at [REDACTED] have been notified of this matter and have been instructed to monitor students during recess.
3. As of October 18, 2021, Student A and Student B have been separated during the school day. Student A and Student B will no longer be allowed to enter the restroom together.
4. By November 5, 2021, [REDACTED] will appoint a staff member to speak with Student [REDACTED] about boundaries and appropriate conduct in the restroom.

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,

A handwritten signature in black ink, appearing to read 'Anitra Allen', with a long horizontal flourish extending to the right.

Anitra Allen, Director CARE

Cc: Principal
Instructional Superintendent