



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA MAIL

December 2, 2022

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

RE: Letter of Response for Written Grievance #4081 filed on October 29, 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 is alleged that on October 29, 2021, Student [REDACTED] said to the classroom [REDACTED], crawled under a table and touched Student B on the penis, then gave the middle finger gesture to classmates. These allegations allegedly took place at [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 interviews and emails with the following individuals:

1. Parent B, parent of Student B.
2. [REDACTED], parent of Student [REDACTED]
3. [REDACTED], school administrator filling in for school Principal.
4. [REDACTED], outgoing Intervention Coach at [REDACTED].

The review also included the following which were either 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. Students B and [REDACTED] were [REDACTED] students at [REDACTED] at the time of the alleged incident.
2. On October 29, 2021, the CARE Team spoke with school Administrator [REDACTED], who was standing in for the Principal during his absence.
3. In an interview with the CARE Team on August 12, 2022, Parent of Student B declined our request to interview Student B.
4. Parent B stated that she was satisfied with the supportive measures that the school put in place and did not see any need for any additional ones. Parent B concluded that “I just want to make sure the other student is ok.”
5. In a November 2, 2021, interview with the CARE Team, Parent [REDACTED], parent of Student [REDACTED], said that [REDACTED]
6. Parent [REDACTED] said that in a previous incident, [REDACTED]
7. Parent [REDACTED] also said that Student [REDACTED] was suspended for two days for punching the teacher but the school didn't hold a meeting to discuss the suspension.
8. A review of the records by the CARE Team revealed that Student [REDACTED] is a Intellectually Disabled (ID) SPED student. Parent [REDACTED] said that the school informed her that they were going to try to work something out in terms of Student [REDACTED]'s Individual Education Plan (IEP).
9. In a follow-up interview on August 12, 2022, Parent [REDACTED] said that Student [REDACTED] was autistic and that the school did not understand.
10. In that same interview, Parent [REDACTED] gave permission for Student [REDACTED] to be interviewed, however the CARE Team followed up three times in unsuccessful attempts to interview Student [REDACTED]

Discussion/Conclusion

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

1. As it relates to allegations of misconduct by Student [REDACTED], DCPS CARE finds that violations of 5-B DCMR 2405.2(e) are unable to be substantiated. It is alleged that on October 29, 2021, Student [REDACTED] said to the classroom [REDACTED], crawled under a table and touched Student [REDACTED]. DCPS CARE was not given consent to interview Student [REDACTED] or Student B. As a result of a lack of evidence, DCPS CARE is unable to substantiate these allegations. This conduct of Student [REDACTED] was sufficiently severe, persistent and pervasive to constitute a violation of policy.

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

1. The school Social Worker spoke one on one with Student [REDACTED] about safe and unsafe touching, and also gave a presentation for the whole class on this matter.
2. While DCPS CARE is unable to substantiate a violation of the D.C. Human Rights Act based on a preponderance of the evidence, school-based staff determined that disciplinary action was appropriate to address this matter. As a result, an appropriate Chapter 25 disciplinary infraction was administered by school-based staff at the time of these allegations.

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

Cc: Principal

Instructional Superintendent