



BY EMAIL and FIRST-CLASS MAIL

February 24, 2022

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

RE: Letter of Response for Grievance #4121 filed on November 9, 2021

Dear ██████████,

In accordance with Title 5 Education, Subtitle 5-B, Chapter 24, Subsection 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.
 - a. It was reported that Student A touched Student ██████████'s buttocks while at ██████████
██████████

Investigative Procedure

The investigation included interviews with the following individuals:

1. Student ██████████
2. Dean of Students ██████████

DCPS CARE unsuccessfully attempted to interview Student A about the allegations raised in this grievance.

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. Student Behavior Tracker
2. Written Statement from Teacher ██████████
3. Written Statement from Student ██████████

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. 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."

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 Student [REDACTED], they explained that while in math class on October 26, 2021, Student A “smacked my butt”.
2. According to Student [REDACTED], Student A then told Student [REDACTED] that the touch was unintentional and then said, [REDACTED]
3. In a statement provided by Teacher [REDACTED], they explained that they witnessed Student A “smack” Student [REDACTED]’s buttocks as they walked into class.
4. Student [REDACTED] reported that this was the first and only time that they have been touched in this manner by Student A.

Discussion/Conclusion

5-B DCMR 2405.2(e) is substantiated. Student [REDACTED] reported that they were touched on the buttocks by Student A. This account was corroborated by Teacher [REDACTED] who stated that they witnessed the incident while providing class instruction. Based on this information, DCPS CARE has found that it is more likely than not that Student A touched Student [REDACTED] in a sexual manner without their consent.

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

1. As a result of their conduct, Student [REDACTED] received a Chapter 25 violation on October 26, 2021.
2. As of November 12, 2021, a schedule change was implemented to limit the interactions between Student [REDACTED] and Student A.
3. In response to this incident Student [REDACTED] met with a school social worker. During a call with DCPS CARE, you were offered additional support services for Student [REDACTED]. However, you stated that this was not needed at the time. Should you seek support services in the future, please contact DCPS CARE using the contact information below.

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 202-4425405.

Sincerely,
Anitra Allen, Director CARE



Cc: Principal
Instructional Superintendent