



VIA EMAIL/MAIL

November 2, 2022

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

RE: Letter of Response for Written Grievance #4227 filed on December 10, 2021

Dear [REDACTED]:

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations, D.C. Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its review of the above referenced written 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. It is alleged that Student A touched Student [REDACTED] on the buttocks at [REDACTED] on December 9, 2021. 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 with the following individuals:

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

DCPS CARE unsuccessfully attempted to obtain consent to speak with Student A regarding the allegations of this grievance.

The review also included a 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 report December 10, 2022

Pertinent Regulatory, Policy, and Procedural Considerations

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 Anti-Discrimination Policy and the 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 review:

1. Student [REDACTED] and Student A were both [REDACTED] students at [REDACTED] at the time of these allegations.
2. It is alleged that on December 9, 2022, at [REDACTED], Student A touched Student [REDACTED] several times on the buttocks.
3. DCPS CARE interviewed Student [REDACTED] on September 7, 2022. Student [REDACTED] stated that Student A touched them on the buttocks. Student [REDACTED] stated that there were no witnesses to Student A touching Student [REDACTED] on the buttocks. Student [REDACTED] added that after the alleged incident, Student A was moved to another classroom, and this made Student [REDACTED] happy. Student [REDACTED] stated that they have had no further issues with Student A and that they are comfortable attending school.
4. DCPS CARE did not obtain consent to speak with Student A regarding the allegations of this grievance.

Discussion/Conclusion

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

1. DCPS CARE is unable to substantiate **5-B DCMR 2405.2 (e)**. It is alleged that Student A touched Student [REDACTED] on the buttocks. Student [REDACTED] stated that Student A touched them on the buttocks. Student [REDACTED] stated that there were no witnesses to Student A touching Student [REDACTED] on the buttocks. DCPS CARE unsuccessfully attempted to obtain consent to speak with Student A regarding the allegations of this grievance and there were no witnesses to the alleged incident. As a result of the lack of evidence, the CARE Team is unable to substantiate **5-B DCMR 2405.2 (e)**.

In order to address these concerns, [REDACTED] has taken the following actions:

1. 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.

2. By November 9, 2022, a social worker will conduct a check-in for Student [REDACTED] and Student A. Additional support will be provided as needed.

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](tel:202.442.5405).

Sincerely,



Anitra Allen-King, Director CARE

cc: Principal
Instructional Superintendent