



VIA EMAIL

October 30, 2023

[REDACTED]

RE: Letter of Response for Written Grievance #4245 filed on December 16, 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 sent Student B, Student C, Student D and Student [REDACTED] a video of cartoon characters engaged in a sex act on December 15, 2022, 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 with the following individuals:

1. Parent of Student B
2. Parent of Student C
3. Student C
4. Parent of Student D
5. Student D
6. [REDACTED] parent of Student [REDACTED]

DCPS CARE unsuccessfully attempted to obtain consent to speak to Student A, Student B, and Student [REDACTED] 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. Incident Report #10387, December 16, 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 A, Student B, Student C, Student D, and Student [REDACTED] were [REDACTED] students at [REDACTED] at the time of these allegations.
2. It is alleged that on December 15, 2021, Student A sent a video of cartoon characters engaged in a sex act to Students B, C, D and [REDACTED] at [REDACTED]. The alleged incident was reported to [REDACTED] by Student [REDACTED] parent.
3. DCPS CARE interviewed Student C on December 22, 2022, in the presence of Student C's parent. Student C stated that this was the first time Student A sent inappropriate images to them. Student C's parent informed that they had Student C's phone at the time the video was received, and that Student C did not view the video. Student C's parent informed that the video was a boomerang of the cartoon characters, Sponge Bob and Patrick, engaged in a sex act.
4. DCPS CARE interviewed Student D on August 30, 2022. They stated that they were aware of the incident but did not receive any inappropriate images or videos from Student A.
5. DCPS CARE was not provided consent to interview Student A, Student B, or Student [REDACTED].
6. DCPS CARE unsuccessfully attempted to ascertain whether any staff at [REDACTED] [REDACTED] viewed the actual video.

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 sent Student B, Student C, Student D and Student [REDACTED] a video of cartoon characters engaged in a sex act on December 15, 2022, at [REDACTED]. Student C and Student D reported that they did not see the video. DCPS Care was not provided consent to speak with Student A, Student B, or Student [REDACTED] regarding the allegations of this grievance. DCPS CARE unsuccessfully attempted to determine whether any staff at [REDACTED] viewed the alleged video. As a result of the lack of evidence, the CARE team is unable to substantiate **5-B DCMR 2405.2 (e)**.

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 September 1, 2022, a Social Worker will check in with all students. 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,

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

Anitra Allen-King, Director CARE

cc: Principal
Instructional Superintendent