



BY EMAIL AND FIRST-CLASS MAIL

March 23, 2022



RE: Letter of Response for Grievance #4253 filed on December 27, 2022

To Whom It May Concern,

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.
 - b. It was reported that Student A and Student [REDACTED] engaged in sexual intercourse while at [REDACTED]. Student A later stated that they were pressured into having sex with Student B.

Investigative Procedure

The investigation included interviews with the following individuals:

1. Parent of Student A
2. Principal [REDACTED]

DCPS CARE unsuccessfully attempted to interview Student A about the allegations raised in this grievance. DCPS CARE unsuccessfully attempted to interview Student [REDACTED] 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. Video footage of Incident
3. Written Statement from Witness
4. Written Statement from Student A
5. Written Statement from Student [REDACTED]

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to a student being coerced into engaging in sexual intercourse by another student.

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. On [REDACTED], a teacher encountered Student A and Student [REDACTED] with their pants partially down while standing on the stairs at [REDACTED].
2. In a written statement, Student [REDACTED] explained that Student [REDACTED] was their “girlfriend” and they have discussed having sex previously. Student [REDACTED] stated that they both decided to engage in consensual sex while on the stairwell.
3. In a written statement, Student A says, [REDACTED] and [REDACTED].
4. Student A went on to explain in their written statement, [REDACTED]. Student A concludes their statement by saying that they did not want to show Student [REDACTED] that they were upset or angry and that they were uncomfortable.
5. DCPS CARE viewed video footage of the interaction between Student [REDACTED] and Student A on [REDACTED].
6. In the recording, Student [REDACTED] and Student A are seen engaging in sexual intercourse which appears to be disrupted when the two students hear someone approaching. In response, the students quickly pull up their pants and walk up the stairs.
7. Student A appears to unsuccessfully attempt to give Student [REDACTED] a hug before going in opposite directions. Student A then turns around and follows Student [REDACTED] up the stairwell.
8. Student A gets in front of Student [REDACTED] while on the stairs. Student A pulls their own pants down. Student [REDACTED] pulls their own pants down. The two students again engage in sexual intercourse before being discovered by a teacher. The two students then exit from the view of the camera.

Discussion/Conclusion

5-B DCMR 2405.2(e) is unable to be substantiated. DCPS CARE was unable to interview Student A and Student [REDACTED] about the allegations raised in this grievance. In a written statement, Student A stated that they told Student [REDACTED] “no” and that they did not want to show Student [REDACTED] that they were uncomfortable with their repeated requests. DCPS CARE is unable to determine what type of conversations occurred prior to engaging in sexual intercourse in the school stairwell and if those conversations amounted to coercion. Therefore, DCPS CARE is unable to substantiate 5-B DCMR 2405.2(e).

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

1. On [REDACTED], both Student [REDACTED] and Student A received a Chapter 25 violation as a result of their behavior.
2. On [REDACTED], Student [REDACTED] met with a school social worker.

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