

VIA EMAIL

November 23, 2022



RE: Letter of Response for Written Grievance #4340 filed on February 2, 2022

Dear :

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 the student B. These allegations took place at the student B. These allegations took place at the student B. 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. Student B.
- 2. Student
- 3. Aunt student s's aunt.
- 4. Assistant Principal , school Assistant Principal.
- 5. Detective , DC Metropolitan Police Department (MPD).

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.	Student B was a 20-year-old senior, and Student a 21-year-old senior, at at the time of the alleged incident.			
2.	As originally reported to the CARE Team on Incident Report (IRT) number , a teacher walked onto the school hospitality room and found both students with their pants down.			
3.	Each student submitted a statement to the school. The school reported that Student B wrote that "[Student]told [Student B] to come to [Student] but [Student B] answered no.			
4.	The school further reported to the CARE Team that Student "wrote in [their] statement that [Student and and were about to have sex when [Teacher walked in on them"			
5.				
6.	In an interview with the CARE Team on, Student B said			

7.	Student B further said that Teacher walked in on the two students and said Student B further told the CARE Team
8.	When asked how they would feel around Student B, Student B said When asked why they think that, Student B answered
9.	On Asked to describe the incident, Student said
10.	
11.	
	Student concluded by acknowledging that when , they In an interview with the CARE Team on , Teacher said
14.	Asked for their thoughts on the fact that there were conflicting statements from both studer Teacher said (Student]

15.	In an interview with the CARE Team on	, Assistant Principal	said "I emailed
	[Detective]. He's closing [the investigation]." He for	urther said that there we	re no further
	incidents between the two students. He concluded "T	he sex act almost happer	ned, but it didn't."

Discussion/Conclusion

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

1. As it relates to allegations of misconduct by Student A, DCPS CARE finds that violations of 5-B DCMR
2405.2(e) is unable to be substantiated. It is alleged that on an annual state of the state of the substantiated had non-
consensual sex with Student B. Student B reported that other students pressured Student and
Student B to have sex. Student B reported Student
Student said that the encounter was mutual but the two never actually had sex, although Student
planned to. Teacher walked in on the two students and reported that it did not appear that the
students had engaged in sex but that Student was giving direction to Student B. While this conduct
is not appropriate, based on the conflicting reports, DCPS is unable to substantiate these allegations.

To address these allegations,

took the following action:

- 1. Notified Metropolitan Police Department (MPD) on
- 2. Notified Child and Family Services Agency (CFSA) on
- 3. A separation plan was put in place for the students in
- 4. Student received check-ins with Assistant Principal in

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