



### **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 [REDACTED] was a 7<sup>th</sup> grader, and Student A an 8<sup>th</sup> grader, at [REDACTED] at the time of the alleged incident.
2. Student [REDACTED] reported that on [REDACTED], Student A kissed them and touched their buttocks without consent, in the stairwell on the way to after-care.
3. In an interview with the CARE Team on [REDACTED], Student [REDACTED] said that there were no further incidents of Student A touching them.
4. In an interview with the CARE Team on [REDACTED], Parent A said that the accusations were never proven, and that Student A said that they touched Student [REDACTED] on the leg, not on the buttocks, and that there was no kiss.
5. Parent A declined the CARE Team’s request to interview Student A.
6. There was no witness or video of the alleged touching.

### **Discussion/Conclusion**

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

1. 1. As it relates to allegations of misconduct by Student A, DCPS CARE finds that violations of 5-B DCMR 2405.2(e) are unable to be substantiated. It is alleged that on [REDACTED], Student A kissed Student [REDACTED] and touched Student [REDACTED] on the buttocks. There was no witness or video of the alleged touching. In an interview with the CARE Team on [REDACTED], Parent A said that the accusations were never proven, and that Student A said that they touched Student [REDACTED] on the leg, not on the buttocks, and that there was no kiss. There were no further incidents of Student A touching Student [REDACTED]. As a result of conflicting information DCPS CARE is unable to substantiate a violation of policy.

To address these allegations, [REDACTED] took the following action:

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. The school Social Worker followed up with Student [REDACTED] on [REDACTED], [REDACTED], and [REDACTED].

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](mailto: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](mailto:dcps.care@k12.dc.gov) or 202-442-5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal

Instructional Superintendent