

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC Public Schools (DCPS)**



Public Hearing on
**B22-951, the “School Safety Act of 2018,” and
B22-967, the “Student Safety and Consent Education Act of 2018”**

Testimony of
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Before the
Committee on Education
Chairman David Grosso

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Room 412
John A. Wilson Building
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Introduction

Good morning, Chairman Grosso, members of the Committee, and staff. My name is Amy Maisterra, and I serve as Interim Deputy Chancellor of Innovation and Systems Improvement at the District of Columbia Public Schools (DCPS). Thank you for the opportunity to testify before you today and to discuss Bill 22-951, the “School Safety Act of 2018” and Bill 22-967, the “Student Safety and Consent Education Act of 2018.” I also want to thank all of the public witnesses who have come today and shared their perspectives. We understand the need to have this conversation, as the nation grapples with this important topic.

I want to start with an assurance that the safety of our students is our top priority, and we are committed to their wellbeing. The Interim Chancellor and the DCPS team strongly believe in and support transparency. We work hard to partner with our families and ensure they are updated on important information in a way that maintains compliance with the law.

As we are confronted with incidents of sexual misconduct, our priority is making sure that our students, staff, and families have the necessary information and resources needed to safeguard their emotional and physical safety and wellbeing. In recent months, like you, DCPS has been deeply troubled by unacceptable behavior in our schools and community. In response to these events, we have actively worked to ensure a timely and comprehensive immediate response, while also taking steps across the system to prevent future occurrences. I look forward to sharing our efforts around this work with you today.

Current Practices

Preventing sexual misconduct is vital to ensuring a safe and welcoming environment for all students. Our goals in this respect are threefold:

- To provide a safe and positive school environment for all students;
- To guarantee that students of all genders and identities have equal access to education; and
- To educate DCPS students and staff so that they are aware of student rights and can identify and effectively address discriminatory behaviors.

DCPS strongly encourages any student who has experienced, has been witness to, or has reason to believe that sex discrimination or misconduct has occurred to file a report. All DCPS employees are mandated reporters and must promptly, on the same day, report any incidents of suspected sexual misconduct. If an employee knows or has reason to know of an incident, the duty to report is absolute.

In addition to ensuring that all are aware of their duty to report incidents, DCPS has also planned proactive measures to prevent sexual discrimination and misconduct. These measures include:

- Hosting city-wide professional development for all principals on November 7th to review requirements and ensure procedural compliance;
- Communicating to students that there are safe and confidential ways to report sexual discrimination or misconduct and receive support;



- Ensuring that principals are clear on obligations and are sharing information with students and staff; and
- Using our annual survey on school climate to inform how we can continue to create a safe and supportive educational environment for all students.

Last, we are launching a continuous improvement framework anchored in the consistent review of data to ensure procedural compliance and provide targeted support to schools. The focus areas of this framework are attendance, graduation, and behavior. As such, the purview will include incidents of sexual misconduct and review procedures and outcomes at each of our 116 schools. By conducting monthly reviews across data systems and teams, we will identify challenges and provide schools with additional trainings and supports. This monitoring and oversight mechanism is an important lever for ensuring a safe learning environment for all DCPS students.

B22-951: School Safety Act of 2018

With this work in mind, I appreciate the opportunity to provide DCPS' feedback on these two bills. First, I would like to discuss the "School Safety Act of 2018." DCPS supports the intent behind Bill 22-951 and notes that this legislation is aligned with many of our current policies and practices. We agree that it is important to align as a District on best practices, so that together we can ensure all students remain safe and have access to positive learning environments. At the same time, I would like to raise some implementation challenges regarding the clearance process of prospective employees, as contemplated in the Act.

Currently, all individuals who work with DCPS students and schools must complete the DCPS fingerprint clearance process. DCPS contracts with the U.S. Office of Personnel Management (or OPM), which reviews prospective employee information against the FBI database. If an individual has a record that requires further review, the DCPS Investigations team completes additional follow-up, which includes an analysis of criminal history and possibly further examination by DCPS' Review Board. Additionally, OSSE verifies that a license has not been revoked through its licensure process. We believe that these safety measures accurately assess an employee's history and flag any reasons that a prospective employee may be ineligible for employment.

Section 3(a) of the Act, which details additions to the background check process, raises a few concerns. First, our current clearance process already addresses founded incidents of misconduct in other jurisdictions, so DCPS would like to work with the Committee to ensure any proposed background and clearance processes are not duplicative. Second, the need to check a prospective employee's status regarding allegations of misconduct with all former employers would require significant resources, and possibly not add significant information, given that allegations may be unfounded. Additionally, we believe former employers would likely be limited in the information they could share regarding allegations against former employees, thus that provision may fail to yield the desired results. Last, we would raise concern with Section 3(c), the tracking of all allegations, regardless of circumstances, which raises concerns around capacity and appropriateness based on employment protections under federal and local law.



B22 - 967: Student Safety and Consent Education Act of 2018

Turning to Bill 22-967, DCPS is taking significant proactive measures to prevent peer-to-peer sexual harassment by fostering an inclusive school climate, by defining rights and responsibilities, communicating to the school community that any misconduct will not be tolerated, and working directly with students to ensure they are equipped to speak out against sexual harassment. We have recently increased our focus on this work during the Interim Chancellor's tenure, to ensure continued compliance with federal and local law. Within our social emotional learning work, we have worked to develop students' skills across key competencies, including relationship skills and self-management. These include goals around communication, productive engagement, and the ability to regulate one's emotions, thoughts, and behaviors in all social contexts.

DCPS' also uses a comprehensive health and physical education curriculum rooted in research-based practices. For sexual health and consent, we use the 3R Curriculum: Rights, Respect, Responsibility, which is a K-12 Sexuality Education Curriculum that covers topics recommended by the Centers for Disease Control and Prevention, including lessons on healthy relationships and consent. Additionally, DCPS school social workers have received training on the "Love is Not Abuse" intervention, which focuses on building students' understanding of teen dating abuse and promotes healthier approaches to dating relationships and conflicts. Our Offices of Teaching and Learning and Equity provide annual training to teachers and social workers on these curricula. In addition, our school-based clinicians are trained in providing trauma-informed, research-based interventions when students are identified as needing further support.

We also greatly value our partnerships with our sister agencies, like the Office of Victim Services and Justice Grants, and the Office of Human Rights. These agencies play a role in providing prevention programming on these issues in DC schools, and who work with community-based organizations that may be well-suited to assist students who are victims or provide training resources for teachers and parents.

As part of our work to support students and staff with necessary tools and training, DCPS provides a robust reporting and grievance process through our Title IX and Compliance team. The Title IX Coordinator oversees the investigation of all reports of sexual misconduct against students and ensures that they are resolved quickly and equitably. When assessing a sexual misconduct allegation, DCPS will identify witnesses, seek evidence, and ask questions of all involved parties to determine whether a violation occurred. Each DCPS school also has a Title IX liaison who, alongside the Title IX Coordinator, is responsible for raising awareness of Title IX obligations, ensuring referrals of Title IX concerns, and supporting investigations.

Additionally, we are hosting a mandatory training for school leaders on November 7 to review incident reporting requirements and ensure principals are equipped to identify and appropriately respond to violations. Last, we are developing an updated sexual misconduct guidance document, which will include the following topics that align with the proposed legislation:

- The definitions of sexual assault and harassment;
- The provision of referral information for services and advocacy organizations;
- The protocol for keeping student victims informed throughout the investigatory process; and
- The maintenance of student privacy and confidentiality.



In finalizing the language of this bill, DCPS urges Council to ensure alignment with national exemplars. For example, our draft guidance focuses on using inclusive terms, such as the term “intimate partner,” which is modeled after language preferred by the National Domestic Violence Hotline, over “dating partner.” DCPS would also take the opportunity to note that “dating violence” need not be a pattern. Based on our experience, we know that a violent act can be unique in nature and still have severe repercussions.

Conclusion

I appreciate the opportunity to share DCPS’ views on these bills and our work to provide every student with an excellent education in a safe and supportive environment. Our students deserve every opportunity to succeed, and we are grateful for the support of the Mayor and the Council’s acknowledgement of this critical issue. I am happy to address any questions you may have at this time.

