



Office of Deputy Mayor for Education

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VIA E-MAIL AND FIRST-CLASS MAIL

August 8, 2019

Denise Krepp
ANC6B10 Commissioner
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RE: Response to Request for DCPS Title IX Information

Dear Ms. Krepp:

This letter is in response to your June 24, 2019 letter requesting information on how sexual abuse, assault and harassment allegations are addressed in our schools. Proper resolution of all such claims is of paramount concern for the District, and we have made strides as a District to focus our efforts on this important work, including but not limited to fulfilling our obligations related to Title IX compliance. In sum, the District is committed to preventing and properly addressing sex equity, rights of transgender individuals, protections for pregnant and parenting students, and sexual misconduct in our schools, but we understand that even more work can be done to ensure a safe and welcoming learning environment for all students.

Law, Regulation and Policy Overview

The full set of laws and regulations related to prevention, detection, reporting, investigation and punishment of sexual abuse, assault, and harassment in schools is quite extensive, including criminal, civil and administrative laws and procedures. Schools report suspected criminal matters to the Metropolitan Police Department (MPD) and instances of abuse and neglect to the Child and Family Services Agency (CFSA). Such matters may be referred to the Office of the Attorney General or the U.S. Attorney's Office for criminal prosecution and custody matters. For the purposes of responding to your inquiry, we have summarized those laws and regulations, outside the criminal law, that are most directly applicable to DCPS school operations below:

- Title IX of the Education Amendments Act of 1972, 20 U.S.C. §1681
- Title IX regulations, 34 C.F.R. Part 106
- D.C. Human Rights Act of 1977, DC Code § 2-1401
- 5-B DCMR §2500 (Student Discipline)
- 5-B DCMR §2405 (Student Grievance Procedure)
- In addition, the following policies relate to operations at DC Public Schools (DCPS):
- Sex-Based Discrimination and Sexual Misconduct Against Students Policy (Draft)¹



- DCPS Grievance Policy (June 2017)
- Mandated Reporting of Child Abuse or Neglect for DCPS Employees (November 2018)
- DCPS Transgender and Gender Nonconforming Policy Guidance (June 2015)
- Employment Rights and Responsibilities Policy (August 2017)

We would prefer you inquire directly of the charter schools as to which laws and policies they understand bind them, and pose the same questions to private schools.

This comprehensive set of laws is backed by a robust management, reporting, and training program to promote compliance with the laws protecting our children. District schools are required to designate a Title IX Coordinator, who is responsible for promptly and equitably investigating reports alleging sex discrimination, sexual harassment and sexual misconduct; and making findings, identifying remedies, eliminating hostile environments and preventing recurrence. Allegations of sexual misconduct by DCPS's teachers against students are investigated by DCPS's Office of Labor Management and Employee Relations (LMER) in consultation with the Title IX Coordinator. Sexual misconduct reporting allows for anonymity. Reports can be made via telephone to 202.442.5405, email dcps.care@k12.dc.gov or online at: <https://dcforms.dc.gov/webform/grievance-referral-online-form>. Further, DCPS officials are mandatory reporters so all allegations of sexual abuse concerning a child are reported to CFSA and MPD.

DCPS has undertaken an extensive effort this summer to revamp its process for approving providers in its schools and tracking their compliance with DCPS requirements that safeguard the safety and well-being of children, including the District's background check requirements. This work has resulted in more definitive language in DCPS provider agreements regarding the reporting and tracking of background checks for provider personnel working in school buildings, additional audit procedures at the central office level for ensuring compliance with background check requirements, and meetings with all providers this summer to provide training and ensure providers understand their obligations to comply with all District requirements, including DCPS-administered criminal background checks for all staff.

We would also like to provide information about DCPS initiatives that have been put in place to provide education and supports for our school communities. DCPS school-based social workers utilize a variety of general practice approaches and evidence-based interventions to support students and/or staff that work with children. They currently offer three evidence-based treatments (EBTs) that specifically address commercial sexual exploitation, human trafficking and/or human sexuality. These are:

- Love is not Abuse (LINA): This curriculum focuses on four critical goals:
 - Increasing students' understanding of teen dating abuse;
 - Enabling students to reach out to provide support and help to a friend or family member who may be involved in an abusive relationship;

¹ The draft policy is included with this letter. The draft policy was posted for public comment May 13 through June 7, 2019, with a community feedback session held on May 30, 2019. This policy provides students and other stakeholders clarity regarding students' rights and protections related to sex-based discrimination and sexual misconduct and established guidance for DCPS students regarding the investigation of resolution and potential resolution outcomes for sex-based discrimination and sexual misconduct.

- Increasing help-seeking behavior among students involved in abusive dating relationships; and
 - Promoting healthier approaches to dating relationships and conflicts.
- **Rights, Respect and Responsibility (3 Rs):**
Kindergarten through 12th grade curriculum that shares rights, respect and responsibilities with students in a developmentally appropriate manner:
 - **Rights:** Youth have the inalienable right to honest, sexual health information; confidential, consensual sexual health services; and equitable opportunities to reach their full potential.
 - **Respect:** Youth deserve respect. Valuing young people means authentically involving them in the design, implementation, and evaluation of programs and policies that affect their health and well-being.
 - **Responsibility:** Society has the responsibility to provide young people with all of the tools they need to safeguard their sexual health, and young people have the responsibility to protect themselves.
 - **Stewards of Children:** This training aims to educate adults on how to prevent, recognize, and react responsibly to child sexual abuse.

DCPS is hosting a training session during the first quarter of the upcoming school year, *Addressing Adult Sexual Misconduct in the School Setting*, that will be delivered by the U.S. Department of Education and will teach one provider in every school how to recognize signs and symptoms of adult sexual misconduct, implement prevention measures, and intervene when adult sexual misconduct is suspected. Each provider will then be responsible for delivering the training to their school community by the end of the school year. In addition, the DCPS School Mental Health Team will be participating in the Healthy Relationships Project. This professional development opportunity will address both victim and perpetrator behavior and will equip Central Office itinerant staff with knowledge to support students at both ends of the spectrum. Lastly, the School Mental Health Team has partnered with Fair Girls, Inc. Fair Girls is a local organization whose aim is to provide intervention and holistic care to survivors of human trafficking, who identify as girls or young women. They will provide psychoeducation to students, teachers and parents throughout SY 19-20; specifically related to human trafficking, with a focus on school communities that have been impacted by this issue.

The state role consists primarily of obtaining assurances as part of grants application processes and requiring grantees to submit a pre-award civil rights statement.

Sexual Abuse, Assault, and Harassment Allegations Data

Disciplinary actions are confidential, but we can confirm that failures to comply with some of the above policies have been met with discipline, up to and including termination. Likewise, in general, allegations concerning abuse are highly private and not subject to public disclosure. Mayor's Order 2017-313 establishes policy, guidelines, and procedures regarding sexual harassment allegations and investigations, and requires agencies to keep such allegations confidential to the fullest extent possible. DCPS is also required to keep personnel actions confidential. Therefore, I cannot share information regarding specific cases with you. I can, however, provide you with overall information regarding the reported allegations of sexual harassment in response to your inquiry.

You asked whether the individuals accused of sexual harassment are still employed by DCPS and whether any individuals accused of sexual harassment have voluntarily retired.

Here is a summary of the disposition of the sexual harassment complaint reports that were included in DCPS's reports to the Council:

Unsubstantiated: 18

Substantiated: 6

Other*: 7


Investigation Pending: 3

* "Other" includes five allegations that did not meet the definition of sexual harassment under the Mayor's Order and two that were reported to DCPS but did not actually involve DCPS employees.

Of the six employees where sexual harassment allegations were substantiated, three remain employed by DCPS. The employees who remain at DCPS were the subject of corrective action. Of the remaining three employees, two were terminated and one resigned.

The foregoing demonstrates our commitment to preventing and redressing sexual harassment and sexual abuse in our schools.

Sincerely,



Paul Kihn
Deputy Mayor for Education

Attachment – Draft Policy

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