

February 12, 2021

Via Email

Fritz Mulhauser

fmulhauser@aol.com

Re: 2021-FOIA-02508

Dear Mr. Mulhauser:

District of Columbia Public Schools (DCPS) responds to your Freedom of Information Act (FOIA) request as follows:

Request:

Your FOIA request stated as follows:

This request is for any records that provide evidence to support certain claims a deputy mayor made in public statements in 2019. The deputy mayor for education told the public that DCPS had informed schools about sexual harassment incidents of concern at their locations. For example, in an August 20, 2019, letter, the deputy mayor told Denise Krepp of a D.C. Public Schools policy that “school communities are informed of such incidents as they occur.” This request is for records supporting that, in the case of three specific schools, including any record showing how it was done, by whom, to whom. The request is made necessary by a recent report that no confirmation could be located that three D.C. schools had received information on confirmed claims of sexual harassment by adults. See here: <https://washingtoncitypaper.com/article/503329/after-foia-appeals-dcps-reveals-names-of-schools-where-employee-sexual-misconduct-took-place/>.

Public concern over what information was being shared grew following an incident in 2019. The deputy mayor did acknowledge a fact not previously known, that there had been six confirmed cases. But DCPS did not release the names of the schools (there turned out to be four, not six) until October 2020 (in response to FOIA request 2019-8119). That allowed checking the earlier claim of communication to schools. A reporter confirmed that one of the four schools, Dunbar HS, indeed communicated with parents about the incident there. The other three schools are Watkins Elementary School, West Education Campus, and Malcolm X Elementary School. Accordingly, this request is, for each school, any record that is evidence of communication from the school informing their school community about the substantiated incident at their location.

Because the only information released about the incidents is the school where they happened, this request can't be more specific about the time frame (month or year) when records of

communication about the incidents would have been generated. DCPS records will show when each investigation was complete and thus community notification and discussion would have been timely. And knowledgeable staff could recall the form of communications to guide efficient search for records that may survive documenting it. In general, the time period is 01/01/2018 through August 2019 when the deputy mayor claimed all relevant school communities had been informed. (Date Range for Record Search: From 01/01/2018 To 08/30/2019)

Response:

Undersigned FOIA Officer conducted a review of documents and data related to this request and request 2019-FOIA-08119. Based on the review, undersigned FOIA Officer can confirm that the incidents at Watkins Elementary School, West Education Campus, and Malcolm X Elementary School did not involve students. Pursuant to DCPS policy, school communities are not notified about incidents that do not involve students. Therefore, DCPS does not have responsive information to produce.

Under D.C. Official Code § 2-537 and 1 DCMR §412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain “Freedom of Information Act Appeal” or “FOIA Appeal” in the subject line of the letter as well on the outside of the envelope. The appeal must include (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure; and (4) a daytime telephone number, and e-mail and/or U.S. Mail address at which you can be reached. The appeal must be mailed to: The Mayor’s Office of Legal Counsel, 1350 Pennsylvania Avenue, N.W., Suite 407, Washington, D.C. 20004. Electronic versions of the same information can instead be e-mailed to The Mayor’s Correspondence Unit at foia.appeals@dc.gov. Further, a copy of all appeal materials must be forward to the undersigned Freedom of Information Officer for DCPS. Failure to follow these administrative steps will result in delay in the processing and commencement of a response to your appeal to the Mayor.

If you have any questions or concerns regarding this response, I can be reached at 202-442-5000 or eboni.govan@k12.dc.gov.

Sincerely,

/s/ Eboni J. Govan

Eboni J. Govan
Attorney Advisor/FOIA Officer
District of Columbia Public Schools