



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

NORTH CAROLINA
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WASHINGTON, D.C.

February 2, 2015

Via Facsimile and U.S. Postal Service

Dr. C. Bruce McDade
Superintendent
Manassas Park City Schools
MPCS Administrative Offices
One Park Center Ct, Suite A
Manassas Park, Virginia 20111

RE: OCR Complaint #11-15-1030
Resolution Letter

Dear Dr. McDade:

This letter is to inform you of the disposition of the complaint that was filed with the District of Columbia Office, Office for Civil Rights (OCR), within the U.S. Department of Education (Department), on October 28, 2014, against Manassas Park City Schools (the Division). The Complainant filed on behalf of her son (the Student), who attended XXXX School (the School) until October 2014. The Complainant alleged that the Division discriminated against the Student based on his disability. Specifically, the Complainant alleged that School personnel denied the Student a free appropriate public education when it failed to conduct a manifestation determination hearing for the Student prior to dismissing him from the School for behavioral issues.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and their implementing regulations at 34 Code of Federal Regulations, Part 104; and 28 C.F.R. Part 35, respectively, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the U.S. Department of Education and by public entities. OCR has determined that the applicable provisions of the Title II regulation do not provide greater protection than the applicable provisions of the Section 504 regulation and, therefore, has applied the relevant Section 504 standards.

The Section 504 implementing regulation, at 34 C.F.R. § 104.35(a), requires a school to conduct an evaluation of any person who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement. The Division expressed an interest in resolving the complaint prior to the completion of OCR's

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investigation. Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the Division. On January 21, 2015, the Division signed a voluntary resolution agreement (copy enclosed), which, when fully implemented, will resolve all of the allegations raised in the complaint.¹ The provisions of the agreement are aligned with the allegations raised in the complaint and information obtained during the course of OCR's investigation and are consistent with the applicable regulations. OCR has notified the Complainant of the voluntary resolution agreement and we will monitor implementation of the agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the Division's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Please be advised that the Division may not retaliate against an individual who asserts a right or privilege under a law enforced by OCR or who files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR. If you have any questions, please contact Ms. Judith Risch at (202) 453-5925 or via e-mail at Judith.Risch@ed.gov or Ms. Deborah Kelly at (202) 453-5919 or via e-mail at Deborah.Kelly@ed.gov.

Sincerely,

/S/

Dale Rhines

Acting Team Leader, Team IV

District of Columbia Office

Enclosure

cc: Patrick T. Andriano
Reed Smith LLP

¹ The Complainant indicated to OCR that she will not return the Student to the Division for any educational services and he is doing well in his current placement.