



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

December 9, 2014

IN RESPONSE, PLEASE REFER TO: #03141181

Mr. Harold L. Hatfield, Superintendent
Putnam County Schools
Central Office
9 Courthouse Drive
Winfield, WV 25213

Dear Mr. Hatfield:

This is to notify you of the resolution of the referenced complaint filed against the Putnam County Schools (the District). The Complainant alleged that the District discriminated against XXXXXX (the Student) on the basis of disability, by not providing XXXXXX with a Free Appropriate Public Education (FAPE). Specifically, the Complainant stated that the Student has a disability that requires XXXXXX, but the District failed to consider the request XXXXXX.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Section 504 also prohibits retaliation.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. Title II also prohibits retaliation.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504, and Title II, and their implementing regulations.

In accordance with OCR case processing procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a voluntary resolution agreement. The provisions of the agreement must be aligned with the complaint allegations and be consistent with the applicable regulations. Such a request does not constitute an admission of a violation on the part of the District, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the District requested to resolve the complaint allegations through a voluntary agreement (the Agreement) which was executed on December 3, 2014. A

copy of the signed agreement is enclosed. As is our standard practice, OCR will monitor the District's implementation of the Agreement. Accordingly, OCR is concluding its investigation of these allegations as of the date of this letter.

This letter is not intended, nor should be construed, to cover any other issues regarding the District's compliance with Section 504 and Title II and their implementing regulations that may exist, and are not discussed herein. The complainant may 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. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process.

Thank you for your cooperation in this matter. If you have questions or concerns, you may contact Ihor Stefan Bilynsky, Equal Opportunity Specialist, at 215-656-8521, or at ihor.bilynsky@ed.gov, or Jacques Toliver, Team Attorney, at 215-656-8512, or at jacques.toliver@ed.gov .

Sincerely,

/s/

Melissa M. Corbin
Team Leader

Enclosures