



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, D.C.

September 22, 2014

Dr. Wayne Brazell  
Superintendent  
South Carolina Charter School District  
3710 Landmark Drive, Suite 201  
Columbia, South Carolina 29204

RE: OCR Complaint #: 11-14-1165  
Resolution Letter

Dear Dr. Brazell:

This letter is to inform you that the District of Columbia Office, Office for Civil Rights (OCR), U.S. Department of Education (Department) has completed its investigation of the complaint of discrimination filed on March 24, 2014, against the South Carolina Charter School District (District), relating to specifically Lake City College Preparatory Academy (School). <XXXX SENTENCE REDACTED XXXX> She alleged:

<XXXX TWO PARAGRAPHS REDACTED XXXX>

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, or participates in an OCR proceeding. OCR also enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the District receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Title IV, Section 504 and Title II.

During the course of this investigation, OCR reviewed documents submitted by both the Complainant and the District, and interviewed the Complainant, District staff and administrators, School staff, and other witnesses suggested by the Complainant. OCR finds insufficient evidence to support the allegations that the District discriminated against the Complainant based

on race and retaliated against her. However, based on factors discussed in further detail below, OCR has concerns related to the District's oversight of the School's compliance with Section 504.

Allegation 1

<XXXX EIGHT PARAGRAPHS REDACTED XXXX>

Although OCR finds insufficient evidence that the District discriminated against the Complainant or the School based on her race, OCR has concerns about the disability-based issues raised by the District described above. OCR reviewed a sampling of students' special education files and also identified concerns, including evidence of delays in the School's re-evaluation process and of inadequate documentation by the School in students' files. To resolve these concerns, the District has entered into the enclosed agreement. OCR will monitor the implementation of the Agreement to ensure resolution of OCR's Section 504 and Title II concerns.

Allegation 2

<XXXX THREE PARAGRAPHS REDACTED XXXX>

Conclusion

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District'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 District 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.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, feel free to contact Samantha Shofar at (202) 453-5929 or by e-mail at [samantha.shofar@ed.gov](mailto:samantha.shofar@ed.gov) or Judith Risch at (202) 453-5925 or by e-mail at [judith.risch@ed.gov](mailto:judith.risch@ed.gov).

Sincerely,

/s/

Kristi R. Harris  
Acting Team Leader, Team IV  
District of Columbia Office  
Office for Civil Rights

Enclosure