



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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December 10, 2021

VIA EMAIL ONLY

Dr. Cynthia McQueen
Principal
cynmcqueen@aol.com
Torchlight Academy 92L

Dr. Pam Banks Lee
Board Chair
pblee0405@aol.com
Torchlight Academy 92L

Dear Dr. McQueen and Dr. Banks Lee,

This letter serves as notice that the Charter School Advisory Board (“CSAB”) has found substantial evidence of Charter Agreement violations related to the administration of the Torchlight Academy (92L) (“Torchlight”) Exceptional Children (EC) program. Per the October 7, 2021 EC Monitoring Report, “The EC Program at Torchlight Academy is in both fiscal and programmatic noncompliance. Extensive technical assistance has been provided by the EC Division; however, noncompliance remains systemic. There are significant concerns with the supervision and provision of services to students with disabilities and the local capacity to resolve the findings of noncompliance.”

Representatives from both the Department of Public Instruction’s (“DPI”) EC Division and Torchlight presented information regarding Torchlight’s EC program noncompliance at the December 7, 2021 CSAB meeting. Based on the information presented, CSAB has recommended to the State Board of Education that Torchlight be placed on Level 2 Governance Probationary Status pursuant to 16 NCAC 06G .0506(b)(2). Specifically, CSAB’s recommendation is based on the following findings:

- Grossly negligent administrative oversight of the EC program;
- Failure to properly implement the Individualized Education Program process as mandated by the Individuals with Disabilities in Education Act;
- Alteration and falsification of EC student records;
- Lack of federally mandated “Maintenance of Effort” for the previous three (3) consecutive years;
- Inability and/or failure to provide access by NCDPI EC staff to EC student and finance records when requested;
- Lack of qualified staff in the EC program;
- Falsely reporting staff’s compliance with Every Child Accountability and Tracking System (ECATS) training; and
- Failure to provide all documentation requested by DPI’s EC Division.

The information presented at the December 7, 2021 CSAB meeting also showed the following: After a February 2020 site visit, the NCDPI EC Department found numerous deficiencies in the provision of EC services provided by Torchlight. These deficiencies are violations of the federal special education laws, known as the Individuals with Disabilities in Education Act (“IDEA.”) Torchlight was given a one-year period – from April 2020 to April 2021 - to correct these deficiencies with significant support and regular

OFFICE OF CHARTER SCHOOLS

Dave Machado, Executive Director | dave.machado@dpi.nc.gov
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communication from NCDPI EC Department. During the last year and a half and despite being told they were out of compliance with federal laws, Torchlight has undertaken little corrective effort.

The NCDPI EC Department provided you with a lengthy report on October 7, 2021, detailing again Torchlight's numerous and extensive deficiencies. Given the severity of the noncompliance identified, and the extended period of time that Torchlight has had to correct the problems, CSAB has also recommended that the State Board of Education take more severe action, up to and including revocation of Torchlight's charter, if Torchlight fails to remedy any noncompliance identified by DPI's EC Division before the expiration of its thirty (30) day term on Governance Probationary Status.

Finally, note that these are recommendations from CSAB to the State Board of Education. The State Board of Education will meet on December 16, 2021 to decide whether to adopt the recommendation of CSAB and place Torchlight on Level 2 Governance Probationary Status or decide upon some other action, which could include Level 3 Governance Noncompliance Status. Level 3 Status provides only a 10 ten calendar day correction period.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Machado", written in a cursive style.

Mr. Dave Machado
OCS Director

Cc: State Board of Education
Charter Schools Advisory Board Members
Sherry Thomas, Director, NCDPI EC Division
State Board of Education Legal Staff