



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

WWW.NCPUBLICSCHOOLS.ORG

May 13, 2015

Ms. Terri Zobel, Principal
Dynamic Community Charter School-92X
5510 Munford Road
Raleigh, NC 27612

Ms. Laura Kay Berry, Board Chair
Dynamic Community Charter School
5510 Munford Road
Raleigh, NC 27612

Hand-delivered to Dynamic Principal and Board Chair-Electronic Copies to all.

Dear Ms. Zobel and Ms. Berry:

As you know, the State Board of Education voted at its March 5, 2015, meeting to initiate revocation of the charter that was issued to Dynamic Community Charter School to operate a public charter school beginning with the 2014-15 academic year. That action was predicated on various concerns about the school's ability to properly execute its duties with respect to the education of its target population, specifically, Exceptional Children (EC) who primarily represent exceptionalities on the spectrum of autistic disorders. The concerns of the State Board at that time included both educational concerns as well as financial concerns. As a result of that action by the SBE, the school was entitled to request, and did request, a review of the decision before the Review Panel to be convened in accordance with the provisions of the Charter related to termination of a charter for cause.

Prior to the convening of the Review Panel, you requested, through your attorney, on behalf of the school, to discuss a possible resolution that might include options other than termination of the charter. Following a meeting on April 10, 2015, representatives of the Department of Public Instruction developed a proposed agreement that contained various conditions that would commit the school to take necessary actions to ensure both an educationally sound and a fiscally responsible operation. It appeared at that time that both parties were proceeding in good faith with a shared goal of resolving any outstanding issues preventing the school from succeeding in its mission to educate its target population.

Since those discussions, numerous concerns have arisen with respect to the educational services provided at the school as well as concerns about the safety of students attending the school. These concerns came to our attention during the week of April 27, 2015, and prompted the agency to conduct further investigation into the allegations. In addition to these concerns, the investigation revealed a number of instances in which leadership at the school has been untruthful in their dealings with the Department and that, in particular, raises significant doubts about mutual trust moving forward.

The investigation was prompted by interviews with present and former staff of the school, as well as information supplied by a parent of a former student (now withdrawn). These individuals came forward on their own and not at the invitation or solicitation of the agency.

OFFICE OF CHARTER SCHOOLS

Joel E. Medley, Ph.D., *Director* | joel.medley@dpi.nc.gov

6303 Mail Service Center, Raleigh, North Carolina 27699-6303 | (919) 807-3491 | Fax (919) 807-3496

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Following are some of the concerns that were raised in these communications:

1. IEPs were being created or developed based upon data collected by non-EC-certified staff;
2. IEPs were not being developed based upon data or the unique needs of the students;
3. IEP team meetings, to the extent such meetings occurred, were held without a properly constituted IEP team;
4. The administration was giving pre-arranged instructions and scripts to staff for ways to interact with DPI representatives to divert attention from the true practices that were actually occurring;
5. Teacher Assistants were being used in inappropriate ways, serving as "co-teachers" and/or case managers;
6. Students at the school were not being properly supervised and were often left unattended for significant periods of time;
7. There was little to no instruction at the school that was specially-designed or appropriately focused on the various populations enrolled at the school;
8. There were many instances in which students were placed or left in unsafe situations and no staff at the school intervened or redirected the students;
9. Staff at the school have not been properly trained in management or instruction of the special student population enrolled at the school;
10. There appear to be no health care plans in existence for students;
11. There appear to be an inordinate number of staff absences.
12. There appear to be numerous problems surrounding the upcoming test administration, including that un-authorized staff members were to perform tasks inconsistent with the state-required accountability procedures.

Upon receipt of the concerns raised above, four members from the EC Division conducted an unannounced on-site visit on Friday, May 8, 2015. The EC Division also conducted a follow-up visit on May 12, 2014. In addition, on May 11, 2015, representatives from the Department's Accountability Division visited the school in order to discuss testing practices and to observe the mandatory staff meeting outlining testing procedures. The reports from all three visits confirm the existence of the initial concerns listed in paragraphs 1-12 above.

The information gathered pursuant to the interviews and site visits has raised numerous concerns about the capacity of Dynamic to move forward in a way that is consistent with the law and conducive to a safe learning environment for the students. Notably, these students are enrolled and entrusted to the school by their parents for both education and safety. Furthermore, the information that has now come to light casts significant doubt on the ability of the State Board and the Department to collaborate with the school in a mutually trustworthy relationship. As a result of the information, the EC Division is unable to verify that IEPs and instructional practices are implemented in accordance with federal law. The EC Division and the Department

OFFICE OF CHARTER SCHOOLS

Joel E. Medley, Ph.D., *Director* | joel.medley@dpi.nc.gov

6303 Mail Service Center, Raleigh, North Carolina 27699-6303 | (919) 807-3491 | Fax (919) 807-3496

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Page 3

Terri Zobel & Laura Berry
May 13, 2015

in general are now faced with uncertainty with respect to the accuracy and transparency of the written versus actual practices and procedures occurring at the school.

The State Board of Education has determined, based upon the foregoing, that further discussion between the parties would not be productive and has instructed staff to proceed with the original decision to initiate revocation of the charter for Dynamic Community Charter School. Accordingly, we are resuming all procedures as they existed before the resolution discussions and proceeding on your request dated March 12, 2015 for a Review Panel hearing regarding the SBE's decision to initiate revocation. A hearing before the Review Panel will be scheduled prior to the June SBE meeting in order for the Review Panel to make a recommendation at that June SBE meeting. We will send you further information regarding the Review Panel hearing as soon as it becomes available.

Should you have any questions, do not hesitate to contact the Office of Charter Schools at 919-807-3491.

Sincerely,



Joel E. Medley, Director
Office of Charter Schools

- c: William W. Cobey, Jr., Chairman, State Board of Education
June St. Clair Atkinson, Superintendent, NC Department of Public Instruction
Philip Price, Chief Financial Officer, NC Department of Public Instruction
Alexis Schauss, Director, School Business Services, NC Department of Public Instruction
Laura Crumpler, Special Deputy Attorney General, NC Department of Justice
Liz Riley, Attorney, Dynamic Community Charter School

OFFICE OF CHARTER SCHOOLS

Joel E. Medley, Ph.D., *Director* | joel.medley@dpi.nc.gov
6303 Mail Service Center, Raleigh, North Carolina 27699-6303 | (919) 807-3491 | Fax (919) 807-3496
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER