

**Alabama Public Charter School Commission**  
**August 23, 2022 10:00 A.M.**  
**Via Zoom**

**MINUTES**

The Alabama Public Charter School Commission (APCSC) met on August 23, 2022, at 10:00 A.M. in a Zoom meeting to consider matters relevant to duties of the Alabama Public Charter School Commission outlined in the *Alabama School Choice and Student Opportunity Act* for public charter schools in Alabama.

**Welcome, Introductions, Approval of Agenda and Minutes**

Chairman Marshall welcomed everyone to the meeting. Roll call was taken by Mrs. Logan Searcy. Seven members were present, which represented a quorum. Members of the Commission who participated:

David Marshall	Ty Moody
Dick Brewbaker (absent)	Paul Morin
Marla Green(absent)	Anthony Overton (absent)
Ryan Kendall	Sydney Raine
Julie Ann McCulley	Lakeshia Wheeler

Chairman Marshall welcomed Ryan Kendall to the commission and asked his if he wished to make a statement. Commissioner Kendall shared that he has been in education since 2008. He said he is excited to be working on the commission. Chairman Marshall said the commission is excited to have him and welcome aboard. Chairman Marshall then asked if there was any discussion regarding the minutes or today's agenda and if not, was there a motion to approve today's agenda and the minutes from the August 2, 2022, meeting. Commissioner Moody made a motion to approve today's agenda and the minutes. Commissioner Raine seconded. The vote was unanimous. The minutes and agenda were approved.

**Consideration of Amendment to Breakthrough Charter School's Charter Contract**

Chairman Marshall noted that there was not a representative from Breakthrough Charter School present on the Zoom. Chairman Marshall asked for a motion to table the agenda item until a representative of Breakthrough Charter School was present. Commissioner Morin made a motion to table. Commissioner McCulley seconded. The vote was unanimous. The motion to table the agenda item was accepted. Chairman Marshall came back to the agenda item to consider an amendment to Breakthrough Charter School's charter contract. Chairman Marshall asked for a motion to add back the agenda item for Breakthrough Charter School. Commissioner Raine made a motion to add back the agenda item for consideration of an amendment to Breakthrough Charter School's charter contract. Commissioner Moody seconded the motion. The vote was unanimous. The motion passed. Chairman Marshall turned the meeting over to the representative from Breakthrough Charter School, Head of School Darren Ramalho. Mr. Ramalho stated that he is happy to bring this request to the commission. Breakthrough's enrollment last year was 128 students and this year enrollment had more that doubled and that they have between 29-30 students in each grade level. They also have wait lists for 4 grade levels that have at least 10 students on each list. The amendment that they are asking for is to change the grade level caps to 40 students per grade level. Chairman Marshall asked was there any discussion or questions regarding the request to amend their charter contract. Hearing none, Chairman Marshall asked if there was a motion to approve the amendment to Breakthrough Charter School's charter contract allowing an increase in enrollment cap to forty students per grade level. Commissioner Morin made the motion and Commissioner McCulley seconded. The vote was 6 yes, 1 abstained (Kendall). The motion passed, the amendment request to increase grade level caps is approved.

## Consideration of Resolution for Barnabas School of Leadership

Chairman Marshall moved to the resolution for Barnabas School of Leadership. Chairman Marshall noted that the resolution to memorialize the vote has been circulated to the commissioners. He asked if there any discussion about the resolution. Commissioner Morin stated he had some comments to make. He said he felt he needed to go on the record regarding the resolution for the Barnabas School of Leadership and why he cannot support it. Commissioner Morin said it is representative of much larger issues related to the commission. He said that he is concerned that the commission has drastically migrated from an objective, impartial board of oversight to a lobbying entity solely in support of opening any and all charter schools regardless of their viability, operational soundness, sustainability, or legal solvency. Commissioner Morin has several areas of concern. The disregard of the commission's procedural practices and protocols:

1. The perception of the commission (Is the Commission impartial if the application has deficiencies outlined by the evaluator but allowed to "revamp" after the application has been reviewed by the evaluator?)
2. Commissioners interacting with applicants before and during the application process ( Can commissioner(s) be objective or be perceived as objective if they participate in the application process?)
3. Chairman of the Commission's Authority- (To what degree does the chairman have in making decisions on behalf of the Commission?)

Commissioner Morin had concerns about the application: 1. Application score was 69% but the commission allowed the applicant to "revamp" the application after the evaluators had completed their report. 2. The mission of the school did not show a goal for diversity. 3. Church affiliation- (School's information is on the church's face book) 4. Governing Board lacks diversity and capacity (leadership are ministers of the church, or sister churches, lack of educational leadership experience) After Commissioner Morin's comments Chairman Marshall asked for additional comments. Hearing none, Chairman Marshall asked for a motion to adopt the resolution for Barnabas School of Leadership. Commissioner Wheeler made a motion to adopt the resolution. Chairman Marshall asked if there was a second. Hearing no second Chairman Marshall asked if there was any further discussion. Lane Knight advised to wait for a second before additional discussion. Chairman Marshall asked again for a second and paused. Commissioner Marshall said there should be some discussion. There has been a motion and no second. Procedurally the commission cannot proceed further. He reminded the commissioners that there is an approved application, and we need to have a resolution memorializing that decision. He stated that if this resolution does not satisfy the commission, they need to come up with something that does satisfy the commission so that there can be a vote on the resolution. Commissioner Moody asked Commissioner Morin if some of his concerns were added to the resolution would that make him more comfortable? Commissioner Morin repeated some of his concerns with the application. Commissioner Moody asked Commissioner Morin again if making some of his concerns requirements in the resolution make him with the process moving forward? Commissioner Morin: Well, it would if they were willing to seriously look at what they are proposing. Commissioner Moody asked Mr. Knight if they could go back or don't we have to go forward with the resolution even with the concerns? Mr. Knight stated that the resolution being considered does address the concerns. He read the specific paragraphs that address the concern: Paragraphs 3, 5, and 6. Mr. Knight stated that is set forth in the resolution anticipating there will be a charter contract that addresses any raised segregation or religion issue. That is the intent going forward to ensure that there is no violation. The school would be subject to appropriate remediation by the commission. Mrs. Logan Searcy reminded the commission that they state doesn't monitor those issues. Since that language is in the resolution the commission would be responsible for the oversight. Commissioner Raine asked what will happen if the resolution doesn't pass? Mr. Knight said that is a bit of gray area in the law. There was a vote to approve the school however that is not formalized until there is a resolution. His view is that at this point in time the school is not formally approved unless and until there is a resolution adopting the vote and approving the same. The Act requires a resolution. We need a resolution one way or the other. Commissioner Moody asked Mr. Knight if paragraph 6

addresses the need to diversify their board to make sure that it is not being run by religion? Is that clear? Mr. Knight responded that people who belong to a church do have the right to participate in creating a charter school. The key issue becomes is there some sort of excessive entanglement between the school and church. The point of the resolution and the charter contract would be to ensure that there is not that entanglement. It's hard to address specifically your question but the charter contract would include the specific provision to prevent the church from having direct control. The contract won't allow that. They are going to be separate and distinct entities. Chairman Marshall stated that at our meeting we did approve the school's application and we did hear the concerns raised. That is why we have added the language in the resolution, and we've asked Mr. Knight to add additional language and safeguards in the charter contract to ensure that concerns are addressed, which give the commission oversight of these concerns. Chairman Marshall asked is there any additional language that needs to be added that would satisfy individuals? Chairman Marshall asked for any further discussion. Hearing none he called for a motion to adopt the resolution for Barnabas School of Leadership. Commissioner Wheeler made the motion of adopt the resolution. Commissioner Moody seconded the motion. The vote was as follows:

3 yes, 3 no, 1 abstained

David Marshall Yes

Paul Morin No

Ryan Kendall Abstain

Sydney Raine No

Julie Ann McCulley No

Lakeshia Wheeler Yes

Ty Moody Yes

The motion to adopt the resolution for Barnabas School of Leadership did not pass.

#### **Update on Henry Nelson Award for Teaching Excellence**

Chairman Marshall moved to the last item on the agenda updates on the Henry Nelson Award for Teaching Excellence. Chairman Marshall shared with the new commissioners that last year was the first year for the award and it was named for a past member of the commission who was a great example of teaching excellence. It is time for the second year selection. Chairman Marshall stated that there are many wonderful, talented teachers in our charter schools. He stated that the application/nominations have been collected from the schools and are ready to be sent to the committee making the selection. Chairman Marshall thanked the commissioners who have agreed to serve on the committee to select the winner. Commissioner McCulley, Commissioner Moody, and Commissioner Raine will be the committee to select the winner. Chairman Marshall said he is looking forward to celebrating our second winner.

#### **Adjourn**

Chairman Marshall thanked everyone for participating in today's meeting. He asked for a motion to adjourn. Commissioner Moody made a motion to adjourn, and Commissioner Kendall seconded. The vote was unanimous. The meeting was adjourned.