

Alabama Public Charter School Commission
May 24, 2023 10:00 A.M.
Via Zoom

MINUTES

The Alabama Public Charter School Commission (APCSC) met on May 24, 2023, at 10:00 A.M. via 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 Moody welcomed everyone to the meeting. Roll call was taken by Mrs. Logan Searcy. Six members were present, which represented a quorum. Members of the Commission who participated:

Ty Moody	Julie Ann McCulley (absent)
Louis Ferrer(absent)	Paul Morin
Marla Green	Sydney Raine
Ryan Kendall	Lakeshia Wheeler

Chairman Moody 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 May 9, 2023, meeting. Commissioner Wheeler made a motion to approve today’s agenda and the minutes. Commissioner Green seconded. The vote was unanimous. The minutes and agenda were approved.

Consideration of Request for Proposal (RFP) for Individualized Performance Frameworks for Charter Schools

Chairman Moody moved to the item of a Request for Proposal (RFP) for Individualized Performance Frameworks for Charter Schools. Chairman Moody said all commissioners had been sent the email containing the proposed document (RFP). She asked for questions, comments, or a motion to approve the Request for Proposal for Individualized Performance Frameworks for Charter Schools. Commissioner Green made the motion to approve the RFP. Commissioner Morin seconded. The vote was unanimous 6 – Yes. The motion to approve the Request for Proposal for Individualized Performance Frameworks for Charter Schools was approved.

Consideration Of Past Due Preopening Conditions

Chairman Moody said there is communication that needs to go out about missing preopening conditions documentation. She referenced the copy of a draft letter sent to each commissioner from Lane Knight. Chairman Moody asked Mrs. Searcy to speak about preopening conditions for anyone unaware of what preopening conditions are. Mrs. Searcy shared that these preopening conditions are in the charter contract. We have two schools planning to open this August. Some of those preopening conditions are required in May and June because they are planning on opening in August. Mrs. Searcy continued there are a lot of requirements due right now. If these preopening conditions are not completed on time, there’s not time to extend deadlines longer. The school or schools with missing documentation will have to make a decision if they’re actually going to open in August. That means they need to meet the deadlines. If they want to extend their opening for a year that is ok, but they need to communicate that to the commission especially if they have deadline that have come and gone. They must meet those deadlines because they have parents and students planning on being there in the fall. They have decisions to make if they are not going to meet those deadlines. That’s what the letter is

about. Chairman Moody asked for discussion. Commissioner Kendall said he is new to the commission and asked if the commission has faced similar conditions in the past and what did the commission do for those cases? Mrs. Searcy responded yes, there have been schools that have had to open a year later because they were not ready. It's best to wait to open than open and not be prepared for students. Commissioner Kendall asked is there a certain point or deadline that we're looking at where we say they're not ready and we make the decision for them? Mr. Knight was asked to speak to this. Mr. Knight said the deadlines that have just passed are the projected occupancy, which is evidence of 80% of projected enrollment have enrolled. He said some of the information has been provided but it is not current and other information that has been provided is below 80%. Also, that information has only been verbal, nothing in writing. The other deadline was documentation they have a minimum of \$250,000 unincumbered funds in the school's account. That could be a critical issue and would need some sort of quick resolution. The point of the letter is to get communication from the school to see where they are, and the commission can decide it's next steps. Mr. Knight continued the school gets a year extension by law. That has not been requested yet, but that is a statutory requirement that they can take advantage of. They can request that, and the commission would be obliged to provide a year. We need to see what information we get from the schools . They may have completed those conditions and the commission may be satisfied if they can provide that evidence. He suggested the commission send the letter and get the information. Then the commission can decide where it wants to go from there. Mr. Knight said there are a couple of deadlines coming up on June 1st, the food safety permit, and their certificate of occupancy. Those two are critical. You can't operate a school without those. Commissioner Raine asked if we don't get a response within the seven day period does the one year extension automatically occur or do they have to request the extension? Mr. Knight, they have to request the extension. Commissioner Kendall asked what's our move if we don't think their ready? Do we have something we can do if we are not hearing back from them and it's the middle of June and there's April 30th, May 1st, and June 1st, deadlines that were missed at what point do we pull the lever and say you're not ready? We don't know if they are ready or not because they are not communicating. Chairman Moody said she has the same question. Can we as a commission make that our next step if we don't hear back from them within the timeframe? Can we as a commission decide they are not ready and push out their opening one year automatically? Is that possible Lane? Mr. Knight said that we have had this become an issue before and it was a revocation. We went through that process. Mrs. Searcy said there have been several schools that used the extension option. However, those schools have asked for the extension we didn't make them. Mr. Knight said he would hope that this school will ask for an extension. He told the commissioners that he would look into the commission's options. Mr. Knight continued that the one he just mentioned is on the table but there are less extreme options that the commission could pursue. He said he will advise the commission on all of the options via email later today. Mrs. Searcy said she will reach out to the school again. She is going to call them instead of by email because there could be some issue, we are unaware of. Commissioner Kendall said other issues aside they have deadlines that are approaching a moth late and since our recent change to the bylaws that requires the commission to approve any official communication before it goes out do we need to add the or else to the letter at this meeting? Just go ahead and give the authority to say ok you didn't meet the seven day deadline. We don't want to come back as a commission just to send them another letter. What will be the or else option? Can we go ahead and get that done today so we don't have to come back if we don't hear back in seven days? Chairman Moody said she is not sure if we can put the or else in right now. Commissioner Kendall said for example you could say something like you can

request an extension for another year or we will begin revocation procedures in June. Chairman Moody asked Mr. Knight if that language could be added to the letter? Mr. Knight said yes, we can absolutely. Commissioner Morin asked that a timeline be required for the completion of the missing documents. Mr. Knight read part of the charter school law to the commissioners about the sanctions or corrective actions in response to deficiencies in legal compliance. Mr. Knight said he would like to look at its again, but the commission would have the authority to compel a one year extension to the beginning of the charter contract. Mrs. Searcy reminded the commission that there are parents and students planning to attend in August so, there is not much time to extend deadlines. Chairman Moody: to Commissioner Morin's point maybe instead of asking for a timeline we give the timeline. For instance, any deadlines beginning with June 1st and going forward must be on time and the documents that are past due must be completed by June 15th or else the commission will add a year extension to the beginning of the charter contract. Chairman Moody asked for feedback on that. Mr. Knight said the commission does have the authority to do that. Commissioner Kendall said that all the options should be in the letter including revocation. It would be best for them to request the year extension themselves, but they should be aware of all the options. Chairman Moody said we're putting the letter together with the options. She asked for a motion that says that and a second. Mr. Knight said he wants to be clear that the letter will be drafted on commission letter head and sent from Chairman Moody. Commissioner Raine made the motion to move forward on sending the letter with the timelines and options for noncompliance, under Chairman Moody's signature and by certified mail. Commissioner Morin seconded. The vote was unanimous, 6 – Yes. The motion to send the letter with timelines and options for noncompliance, under Chairman Moody's signature and by certified mail is accepted.

Charter School Updates

Chairman Moody turned the meeting over to Mrs. Searcy to share charter school updates. Mrs. Searcy began the updates referring the commissioners to the link that she emailed to each commissioner, the link is to the legislature. The charter school amendments are going to be in committee and there should be a decision on those by tomorrow evening if not earlier. You can use the link to listen to the session. It begins right after lunch. She said she will get the RFP out for the Performance Framework very soon. She also said the schools are working on their annual reports; the commission should get some information from that soon. Mrs. Searcy said she wants to remind the commission that Cognia will be helping with the renewal evaluation in the same way manner that they did the applications. Mrs. Searcy will be working with Cognia on what that will look like. If anyone would like to work on that please let Mrs. Searcy know. Nothing in the process has changes. Cognia will be giving you a report. Chairman Moody asked if there was any further discussion before we adjourn? Commissioner Wheeler asked to speak. She mentioned that in Charter.Tools there are several schools that have noncompliance status for several areas and partial compliance in others. She asked what should we do, I don't understand how serious their noncompliance is and there's always something, Mrs. Searcy responded that this is something for all of you to consider Charter.Tools is always asking for items and sometimes it's what the schools are turning in to the department and the schools feel like it is double the work. However, Charter.Tools is there because you can't see what the department sees. Going forward Charter.Tools maybe even more needed especially if you have your own staff, you're not going to have the ability to see what's in Cognia or what the schools are reporting to the department if you don't have a platform to collect that. It is somewhat double the effort, but it is to inform the commission. Mrs. Searcy said usually I notify the schools they are missing items, and the schools get busy and posted usually in one day. If the law passes the schools will have to be more prompt about posting on time. It will be the commission's

decision to continue a platform so you can see their compliance. Chairman Moody suggested that quarterly during a commission meeting we can have updates and send communication if necessary.

Adjourn

Commissioner Moody asked for a motion to adjourn. Commissioner Wheeler made a motion for the meeting to be adjourned. Commissioner Morin seconded. The vote was unanimous. The meeting was adjourned.