

**Alabama Public Charter School Commission**  
**February 14, 2023 10:00 A.M.**  
**In Person and Via Zoom**

**MINUTES**

The Alabama Public Charter School Commission (APCSC) met on February 14, 2023, at 10:00 A.M. in a in person and 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. Nine members were present, which represented a quorum. Members of the Commission who participated:

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

After roll was taken Chairman Moody reminded the commissioners that there were two items not addressed from the commission’s work session just adjourned. She asked if there was a motion to add those items to today’s agenda. Commissioner Ferrer made a motion to add the two addenda items to today. Commissioner Green seconded. The vote was unanimous 9 Yes. The two agenda items will be added to today’s agenda.

**Subcommittees Reports**

Chairman Moody asked the Policies and Procedures subcommittee if there were any updates. The subcommittee Chairman Ferrer shared that the Policies and Procedures had met in a work session. He said the subcommittee were extremely fortunate and appreciative that Representative Terri Collins Chairman of the Education Committee was able to meet with them regarding Charter School law. Representative Collins wrote down the concerns and recommendations shared by the commissioners. Commissioner Ferrer said there was lively, robust, constructive discussion from all stakeholders. Next steps for the Policies and Procedures Subcommittee will be looking at the commission’s bylaws for possible changes. Chairman Moody asked if there were any questions for the subcommittee. Chairman Moody then asked if there were any updates from the Organization Subcommittee. The Policies and Procedures subcommittee members responded no updates. Mrs. Searcy added that this subcommittee does have the academic framework and the charter application rubric on their agenda for updates and revisions.

**Charter Schools Report**

Logan Searcy shared that there are currently two groups of applicants for the Spring Application cycle. The Spring cycle runs from March until May with decisions to be made in May. There has also been an appeal requested. Mrs. Searcy shared that the commission will be working with Cognia for the external reviews for these applicants with the decisions to be made in May.

Before moving on to the next agenda item Chairman Moody noted that a vote was not taken regarding approving today’s agenda and the minutes from December 6, 2022.

Chairman Moody 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 December 6, 2022 meeting. Commissioner Green made a motion to approve today's agenda and the minutes. Commissioner Raine seconded. The vote was unanimous 9 Yes. The minutes and agenda were approved.

### **Consideration of the Amendment to the Bylaws**

Chairman Moody moved to the item to consider an amendment of the Charter Commission's bylaw 9.2. Chairman Moody said that 9.2 deals with the commission conducting a substantive review of a completed application. Within 9.2 it states that the commission will weigh multiple resources of evidence that include but are not limited to, an external quality review of the charter application, a public/community forum for comment, a presentation to the commission by the applicant consistent with the completed application and a written report from the external reviewer. Chairman Moody stated it is the commission's practice to engage a third party vendor to conduct the capacity hearing with the applicant and to generate an external quality review and report. The Commission have engaged Cognia to be the external evaluator however, their contract was not finalized in time to generate the report. She said with that in mind we need to amend bylaw 9.2 to remove the last sentence regarding providing a written report so we can move forward on the present application. Chairman Moody asked do we have a motion to remove the last sentence in bylaw 9.2? Commissioner Green asked are we removing or suspending the sentence? Commissioner Moody: Remove for now so we can move forward. We can come back after this meeting and add the sentence back. Commissioner Green made the motion to remove the last sentence of bylaw 9.2. Commissioner Wheeler seconded. The vote was unanimous 9 Yes. The motion to remove the last sentence of bylaw 9.2 was approved.

### **Consideration of Floretta P. Carson Charter School Application and Resolution**

Chairman Moody moved to the consideration of the Floretta P. Carson Visual and Performing Arts Academy charter application. The Chairman opened the floor for the commissioners who did not have an opportunity to ask questions or make comment earlier to do so at this time. Commissioner Overton said he has no questions and his concerns have been addressed. Commissioner Overton said he appreciated the enthusiasm, passion, and commitment from the school's leadership. Commissioner Raine said he has had extensive conversation with school leadership and had most of his questions answered. He just has one question dealing with transportation. The transportation system in Mobile is adequate in some places and not in others. Commissioner Raine asked how do they propose to get transportation assistance to those kids in the outlying areas that do not have public transportation? Dr. Krista Williams responded that the leadership team has had conversation with the Wave Transit System Director and that as soon as their enrollment process is complete, and they know where the students are located the transit system is willing to add stops in those areas. Commissioner Wheeler thanked the leadership team for the presentation. She said she saw last year's presentation and had concerns regarding their financial capacity. She said after reading this year's application and hearing this year's presentation she can see they have done a lot of work since last year. It looks great. You've done a much better job in your application. Chairman Moody thanked the leadership team for their loyalty and passion for this project, putting in their hearts and a lot of hard work. She said they really addressed the commissions concerns from last year. Chairman Moody asked for any further comments or questions or a motion for the approval of the application. Commissioner Ferrer made a motion to accept the charter school application of Floretta P. Carson Visual and Preforming Arts Academy. Commissioner Green seconded. The vote was unanimous 9-Yes. The motion to accept the charter school application of

Floretta P. Carson P. Carson Visual and Performing Arts Academy was accepted. Chairman Moody moved to the resolution to accept the vote of the commission. She asked for discussion or a motion to accept the resolution Commissioner Green made a motion to accept the resolution accepting the vote on Floretta P. Carson Visual and Performing Arts Academy. Commissioner Morin seconded. The vote was unanimous 9 Yes. The motion to accept the resolution vote on Floretta P. Carson Visual and Performing Arts Academy was accepted.

### **Consideration of Request from Lead Academy**

Chairman Moody moved on to the written request from Lead Academy to increase their ninth grade from forty eight to ninety six. Chairman Moody reminded the commissioners that they each have a copy of the letter from Lead Academy with that request. She shared that there has been some confusion regarding their contract. The letter reads to increase from 48 to 96 seats however their original contract has 96 seats for the ninth grade. In their contract there was an option A and B. Ninety six was in option A. That's why there was confusion. Chairman Moody continued it's actually not an increase in the number of seats but to allow the actual approved number of ninety six. Chairman Moody asked for a motion to approve the ninety six. She continued that there may be questions but there needs to be a motion in order to have discussion. Commissioner Green made a motion to approve the ninety six ninth grade seats. Chairman Moody asked for a second. None was made. The Chairman then opened the floor for discussion. Chairman Moody asked Commissioner Raine if he had questions? Commissioner Raine stated he did not have a question he was making a motion to deny the request. Chairman Moody asked if there was a second to the motion to deny the request? Commissioner Ferrer seconded the motion to deny the request. Chairman Moody asked for questions or discussion. Commissioner Kendall asked for clarification on the school being approved for ninety six but not approved for ninety six. Logan Searcy asked to address this. She shared that the language in the newer contracts is different than the older contracts but that the charter law says the Commission can work in collaboration with the school based on its performance whether they can go on as planned with growth in other grades or growth in general, it is a collaboration. The earlier contracts read that each year there would be written submission to the Commission for the approval to go ahead as planned. Mrs. Searcy shared that Lead Academy contract that the commissioners were all sent has that requirement in it. So, the letter from the school is the written submission for the approval to go ahead according to their contract. Hope this helped answer your questions. Chairman Moody asked for other questions. Commissioner Ferrer asked where do we stand? We have a contract, and in the contract, they can do this, and we have a motion to deny that. The commission's attorney said that this would probable one we need to review in more detail. He said would need to see the precise wording of the contract and maybe we should postpone so we can have a review. Chairman Moody said we need a motion to postpone the actual motion that has been put on the floor. Commissioner Morin asked do we need further discussion regarding that motion or wait until we postpone? Chairman Moody called for any other questions or discussion. Commissioner Kendall said he just wants to make sure that if the commission is legally bound to do A and we do B that we don't get ourselves in trouble. Commissioner Morin then said that he has serious concerns with the school's CNP report and also their failing test scores. The representative from Lead asked to speak. The commission's attorney interjected that the commission should go into executive session. Chairman Moody asked for a motion to go into executive session. Commissioner Ferrer made the motion to adjourn into executive session. Commissioner Kendall seconded. The vote was unanimous 9 Yes. The motion to adjourn into executive session was accepted. Chairman Moody called the commission meeting back into order and asked that roll be called. Roll call was taken by Mrs. Logan Searcy. Seven members were present, which represented a quorum. Members of the Commission who participated after the executive session:

Ty Moody, Marla Green, Julie Ann McCulley, Louis Ferrer, Ryan Kendall, Paul Morin, Lakeshia Wheeler.

Chairman Moody said we're going back to the consideration of the request from Lead Academy for ninety six ninth grade seats. Still on the table is the motion from Commissioner Raine to deny the request. Since Commissioner Raine is no longer present in the meeting do we need to reissue that motion? The attorney advised that yes, we need to reissue the motion. Chairman Moody: We need to make a new motion to deny the ninety six seats. Commissioner Morin made the motion to deny the ninety six seats. Commissioner Ferrer seconded the motion. Chairman Moody clarified that there was never a ninth grade in the original contract and because they haven't had a ninth grade, yet the count is forty eight for the first year according to their contract. So, they will move on with forty eight seats and not ninety six in accordance with the original contract. The vote was 1 abstaining, and 6 Yes in favor of the denial of the ninety six ninth grade seats but the approval of the forty eight in accordance with their original contract.

The vote was as follows:

Marla Green – abstaining

Paul Morin – Yes

Louis Ferrer – Yes

Lakeshia Wheeler - Yes

Ryan Kendall – Yes

Ty Moody – Yes

Julie Ann McCulley – Yes

### **Adjourn**

Commissioner Moody thanked everyone for their time and asked for a motion to adjourn. Commissioner Ferrer made a motion to adjourn. Commissioner Kendall seconded the motion. The vote was unanimous to adjourn. Logan Searcy reminded the commissioners that the next meetings will be in April and then again in May to address the applications from the Spring cycle.