

Alabama Public Charter School Commission
September 10, 2020 9:00 A.M.
Via Zoom

MINUTES

The Alabama Public Charter School Commission (APCSC) met on Thursday, September 10, 2020, 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 Henry Nelson welcomed everyone to the meeting. Roll call was taken by Mrs. Logan Searcy. Seven members were present initially which represented a quorum. Commissioner Steve Siple arrived late and participated in the meeting. His arrival and subsequent roll call are reported in the minutes. Members of the Commission who participated in the meeting via Zoom were as follows:

Henry Nelson	Sydney Raine
Allison Haygood	Paul Morin
David Marshall	Steve Siple (late)
Marla Green	Eddie Hill (absent)
Kim Terry	Lisa Williams (absent)

Chairman Nelson asked Logan Searcy to give the instructions for the Zoom meeting and to introduce I3 Academy, a new charter school. I3 Academy's leader, Martin Nall and Governing Board Chair, Tommy Bice took the Commission on a virtual tour of the school with the help of four 5th grade students. Afterward, the Commission commended the leaders and students on the excellent beginning and attractive school. 13 participants left the meeting.

Chairman Nelson asked for a motion to approve the agenda and the minutes from the July 9, 2020, meeting. Allison Haygood made the motion to approve the agenda and the minutes, and Sydney Raine seconded the motion. The vote was unanimous with 7 votes to approve. The motion was passed.

Cyber Attack

The meeting was interrupted by a cyber-attack. After attempting removal of the cyber attackers, Logan Searcy announced that she would end the current Zoom meeting and post a new Zoom meeting link on ALCharterCommission.com for the meeting to continue. She ended this Zoom meeting.

Roll Call

Chairman Nelson welcomed participants back to the meeting. Chairman Nelson welcomed new commissioner, Steve Siple asked him to introduce himself since he had joined the meeting at this time. Chairman Nelson asked Logan Searcy to call roll. Eight members of the Commission were present.

Henry Nelson	Sydney Raine
Allison Haygood	Paul Morin
David Marshall	Steve Siple
Marla Green	Eddie Hill (absent)
Kim Terry	Lisa Williams (absent)

Charter School Update

Chairman Nelson introduced the next item on the agenda: Charter School Update. He asked Logan Searcy to give an update on the status of the open charter schools. She reported that the Commission has two contracts that are in the process of being approved by the Alabama Legislative Contract Review Committee: New Schools for Alabama (Founders Program) and Balch and Bingham (legal services). She stated that the five open charter schools had all submitted reopening plans with health and safety as a priority to both the Commission and State Superintendent for approval and that four schools opened with a blended model and one opened with a virtual option. She stated that the Commission has a new business account with Zoom, and she would report the cyber-attack. She apologized for the interruption of the meeting.

Budget and Rubric

Chairman Nelson introduced the 2021 commission's budget and asked for any questions and a motion to approve. There were no questions. David Marshall made the motion to approve the budget, and Marla Green seconded the motion. The motion to approve was unanimous and was passed.

Chairman Nelson introduced the next item on the agenda, Rubric for External Application Reviewer and School Quality Reviews. He asked Logan Searcy to explain. She stated that as a state agency, the Alabama Public Charter School Commission must adhere to the state bid law which requires a request for proposal (RFP) from vendors. She stated that a subcommittee of commissioners had been working on a rubric for any responses received because of the RFP. She stated that the subcommittee consisted of David Marshall, Marla Green, and Allison Haygood and asked for an update from them. David Marshall stated that they were aligning the rubric to the RFP, it would be complete by the end of the following week. Chairman Nelson asked if it needed to be formally approved. Logan Searcy stated that it must comply with the law, and that director of purchasing for the Alabama Department of Education would ensure that it met all requirements.

Performance Frameworks

Chairman Nelson introduced the next item on the agenda, Performance Goals from Legacy Prep and Lead Academy and asked Logan Searcy to explain. She stated that all charter schools must have academic performance goals outside those required by law. Chairman Nelson introduced Jonta Morris from Legacy Prep. Mrs. Morris began by stating that Legacy Prep had allowed 80 students to attend school in person. These students were need based and decisions were made for equity. She explained her goals for professional learning, math and reading. She stated that the goals would be measured using MAP testing. Prior to voting, Logan Searcy asked attorney Lane Knight to give a legal opinion on whether any action would be questioned because of the ending of the first Zoom meeting and the continuation of the meeting by a new Zoom meeting. He stated that although he could not give a definitive answer, he sees it as a continuation of the first meeting and would compare it to a dropped teleconference call. Since Logan Searcy had stated on the first meeting where to find the new link, he said he thought the meeting could continue. He stated that it would also be an option for the Commission to postpone the meeting. Henry Nelson, Sydney Raine, and David Marshall concurred that the meeting should continue. Paul Morin asked Logan Searcy if the link to the meeting had been posted to the Commission's website. She stated that it had been posted, and she had also responded to any emails or phone calls she had received. It was noted that more participants were on the call than had been previously. Henry Nelson asked for a motion to approve going forward with the meeting. Kim Terry made the motion to approve going forward with the meeting, and Marla Green seconded the motion. The motion to approve was unanimous and passed.

Chairman Nelson asked for a motion to approve Legacy Prep’s academic performance framework. David Marshall made the motion to approve Legacy’s Prep’s Performance Framework, and Sydney Raine seconded the motion. The motion to approve their framework was unanimous and passed.

Henry Nelson asked Logan Searcy to introduce Lead Academy. She introduced Director Erik Estill who spoke about Lead Academy’s Performance Framework. He stated that they would keep the former goals from a prior administration centering around teacher training and academic goals. Henry Nelson asked for a motion to approve Lead Academy’s performance framework. David Marshall made the motion to approve the Performance Framework and Allison Haygood seconded the motion. Seven voted to approve the framework, and one voted to not approve. Sydney Raine voted no. The motion passed 7-1.

Breakthrough Charter School

Logan Searcy stated that all applicants could write five pages in response to the application review by SchoolWorks, and the commissioners had received the responses. She asked that the applicants make presentations in no more than five minutes. Chairman Nelson introduced Darren Ramalho from Breakthrough Charter School who spoke on behalf of the proposed charter school. Chairman Nelson asked for questions following the presentation. Chairman Nelson began with questions around leadership credentials, finances, and facility. Mr. Ramalho responded to the questions. Chairman Nelson asked for a motion to approve Breakthrough Charter School’s application. Steve Siple made the motion to approve the application, and Kim Terry seconded the motion. Sydney Raine and Allison Haygood voted no to approving the application. The motion to approve the application passed with a vote of 6-2.

Ivy Classical Academy

Chairman Nelson introduced Bradley Nease from Ivy Classical Academy. Bradley Nease spoke on behalf of Ivy Classical Academy. Afterward, Chairman Nelson called for any questions. Chairman Nelson asked questions about leadership, finance, and facility. Mr. Nease responded to the questions. Marla Green made a motion to approve Ivy Classical Academy, and David Marshall seconded the motion. The motion to approve Ivy Classical passed 6-2. Henry Nelson and Paul Morin voted no.

Knowledge Unlimited

Chairman Nelson introduced Jeanisha Whetstone from Knowledge Unlimited. Jeanisha Whetstone spoke on behalf of the proposed school, Afterward, Chairman Nelson asked for questions. Chairman Nelson asked questions about leadership, finances, and facility. Ms. Whetstone responded to the questions. Marla Green made the motion to approve Knowledge Unlimited, and David Marshall seconded the motion. The motion failed with 7 voting no and one commissioner (Steve Siple) abstaining.

Magic City Acceptance Academy

Chairman Nelson introduced Mike Wilson from Magic City Acceptance Academy (MCAA). Mike Wilson introduced Karen Musgrove from MCAA. Mike Wilson and Karen Musgrove spoke on behalf of MCAA. Afterward, Chairman Nelson made favorable remarks and asked about leadership, finances, and facility. Mike Wilson responded to the questions. David Marshall and Sydney Raine also made favorable remarks. David Marshall made the motion to approve to approve Magic City Acceptance Academy’s application, and Sydney Raine seconded the motion. The motion failed with 3 (yes)-1 (no)-4 (abstaining).

Henry Nelson-yes	Paul Morin-abstain	Marla Green-No
Sydney Raine-yes	Steve Siple-abstain	
David Marshall-yes	Kim Terry-abstain	
	Allison Haygood-abstain	

A discussion followed the vote. Chairman Nelson asked for comments. Mike Wilson, the applicant, made comments stating the need for the school. He stated they had met the same requirements as

Breakthrough Charter School. He implored the commission to put bias aside. Sydney Raine stated that he was concerned and that the school had funding, a facility, and support of the community. He stated that it was time for a good decision, and they should not turn their backs on the school. Henry Nelson stated that without showing colors, he is heartbroken. He stated that he hoped there was not any bias. He said that his grandchildren had Mike Wilson as their principal. He asked Lane Knight, attorney for the Commission, if there was any way to reconsider the vote. Commissioner Steve Siple commented that this was his first meeting, and he abstained around concern for demand of the school, and he would not be opposed to reconsidering. Henry Nelson invited Mike Wilson and others with MCAA to speak for the school. Some of the applicant group spoke on behalf of the school. Afterward, Henry Nelson stated that there was no other school with stronger leadership or money. He asked that the Commission reconsider and asked if that were possible. Attorney Knight said that in such a situation, the prevailing side had to make the motion to reconsider. Since the motion did not pass, the prevailing side would be the one who voted no. Marla Green would need to make the motion to reconsider, and it would need to have a second and pass. Henry Nelson stated that he was going to go out on a limb and asked Commissioner Green to reconsider. Marla Green asked if that meant she had to change her vote. Attorney Knight stated that she did not have to change her vote to make the motion. She asked about the results of the vote. Lane Knight gave her the results and said he did not know the reasons for the abstentions. He said the Commission could reconsider if there was a motion, second, and a majority to pass. David Marshall said he was a teacher in a charter school and its his area of research. He said he did not know of a charter school that had been founded by a teacher of the year and that it would be historic. He asked Tyler Barnett about the \$1.5 million grant that New Schools for Alabama awarded to MCAA and that he would be willing say they had placed a bet on the school's success. He asked if Tyler Barnett would be willing to speak. Attorney Knight stated that at this point, additional public comment, although Mr. Barnett's would be informative, is out of order. He stated again that at this point, a decision needs to be made if there is going to be a vote to reconsider. If there is a motion to reconsider and a second, debate can happen. He said unless that happens additional comments are out of line in his opinion. Henry Nelson asked Marla Green to make the motion as a personal favor to him. Marla Green asked if MCAA would be able to reapply. Henry Nelson said yes, they can reapply as much as they want. He asked if she kept her vote at no, would she consider making the motion. He said he did not think they needed to send this message. He said it would hurt Alabama and the Commission. She said to give her a minute. Kim Terry said she would like to make a comment. She said she agrees the need is there. She is a counselor at a middle school and need is there for those who are LGBTQ and those who are not. She said her concern is about those who are not LGBTQ and whether they would be comfortable because it is so based on the LGBTQ community. She said she would like help with understanding that. Chairman Nelson stated to Dr. Wilson that Commissioner Terry has some concern about inclusiveness and asked if he wanted to speak to that. He said that serving the needs of the LGBTQ community is only a part of who they are. He said they were wholly about students. He said when they are populated that the majority will not be LGBTQ students and will be diverse and will be around the community that is their location. He said he will serve the students from where he was previously and whose parents said they wished he were at a 6th-8th school and hoped for a high school option. He said their services are not attuned to just that one group. He said staff would serve the needs of all, and that they were embedded in social justice and embedded in research. His purpose is for every student. Attorney Knight said Chairman Nelson, at this point, we need a vote or not. He said this has gone to more debate. A participant asked a question. Attorney Knight said that there would be no public comments. Henry Nelson asked Marla Green if she had made a decision. She said respectfully she would not make the motion to reconsider. Henry Nelson asked as a final note if there could be another meeting

and wipe this out. He asked if it is possible to reconsider at another meeting. Steve Siple asked if he could make the motion to reconsider and if it could only be Marla Green. Attorney Knight stated that is how he interprets it. He said the prevailing side was no. Chairman Nelson said if there were not any other comments, we are going to have to let it stand. Chairman Nelson asked Logan Searcy if there any other agenda items. She stated that the link to the recording would be available to the meeting that began after the cyber-attack. She asked Chairman Nelson if he would like to schedule another meeting or do it later. Chairman Nelson asked if any other members would like another time to meet after having time to reflect. Sydney Raine agreed that there should be another meeting after everyone has had time to think about what has happened and hopefully, be in a position to reconsider. Chairman Nelson asked Attorney Knight if they could do it. Attorney Knight said a meeting could be scheduled, but a motion to reconsider is not on the table. He said the Commission could schedule a meeting to discuss Commission business. Logan Searcy asked if she should take direction on this or does it apply to application procedures that have been used before. He said at this point the vote was denied, so it does not matter. Henry Nelson asked Logan Searcy if there was another application cycle other than the one in December. She stated that it was the only one which is why it is so important to have the request for proposal for application reviewers ready since SchoolWorks contract ends Sept. 30th. Chairman Nelson said he has been chair, and he needs time to reflect on the role he wants to play. Logan Searcy stated that two new commissioners were selected by the State Board of Education today: Dick Brewbaker and Rebecca Lee-Gwin. She asked Lane whether they could participate if there was another meeting. He stated that he would need to look into it. David Marshall said he would like to make a motion to have another meeting. Logan Searcy stated that the chairman could call for a meeting at any time, but that availability might be in question. Attorney Knight agreed. Chairman Nelson asked Logan Searcy to survey the commissioners on a date. The meeting was adjourned.