

**Alabama Public Charter School Commission**  
**September 17, 2020 5:30 P.M.**  
**Via Zoom**

**MINUTES**

The Alabama Public Charter School Commission (APCSC) met on Thursday, September 17, 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, Roll Call, Approval of Agenda and Minutes**

Chairman Henry Nelson welcomed everyone to the meeting and asked Logan Searcy to share Zoom instructions. Dick Brewbaker and Rebecca Lee-Gwin were introduced by Henry Nelson as the new commissioners. Dick Brewbaker stated that since there were four resolutions on the agenda, he did not think he should attend the meeting since he would need to abstain. Rebecca Lee-Gwin agreed. They left the Zoom meeting. Logan Searcy called roll. Eight members were present which represented a quorum. Present: Henry Nelson, David Marshall, Allison Alexander, Paul Morin, Kimberly Terry, Steve Siple, Sydney Raine, and Marla Green Absent: Dick Brewbaker and Rebecca Lee-Gwin  
Sydney Raine made the motion to adopt the agenda and the minutes from the September 10, 2020 meeting. Steve Siple seconded the motion. The motion passed unanimously.

**Resolutions**

Chairman Nelson asked Logan Searcy to explain the need for resolutions. She deferred to Attorney Knight stating that it was a legal requirement. He explained that the Act requires a vote to approve or deny followed by a resolution in writing. He said it is in the Act and has been the procedure.

Chairman Nelson called for a motion to approve Breakthrough Charter School's resolution affirming an approval for their charter school application. Steve Siple made the motion to approve Breakthrough Charter School's resolution. Kim Terry seconded the motion. The motion to approve Breakthrough Charter School's resolution passed unanimously. Henry Nelson called for a motion to approve Ivy Classical Academy's resolution affirming the approval for their application. Marla Green made the motion to approve Ivy Classical's resolution, and Paul Morin seconded the motion. The motion to approve Ivy Classical's resolution passed unanimously. Chairman Nelson called for a motion to approve the resolution for Knowledge Unlimited. Sydney Raine made the motion to approve the resolution affirming the denial of their charter school application. Allison Alexander seconded the motion. The motion passed unanimously.

Chairman Nelson stated that they had decided not to create a resolution to deny or approve Magic City Acceptance Academy's (MCAA) application. He said the commission would need to meet again to approve a resolution for Magic City Acceptance Academy. He stated that this issue needed to be opened for discussion and asked if any commissioners had a comment.

**Renewed Motion**

David Marshall stated that he would like to make a renewed motion to approve Magic City Acceptance Academy's charter school application. Sydney Raine seconded the motion. Chairman Nelson asked for discussion. Allison Alexander stated that she would like to make a point. She stated that the application was posted on the commission's website and that on page 4, the school district that MCCA listed was Jefferson County and not Homewood. She added that Homewood was not mentioned in the executive

summary. She stated that this issue of community had been a concern on another application. Chairman Nelson asked Attorney Lane Knight to explain what had occurred. Attorney Knight stated that the issue that Ms. Alexander raised is correct. The application was submitted on July 13<sup>th</sup>. It listed Jefferson County as the school district. In the application, there was no mention of Homewood. It stated that the school would be located outside the Birmingham city limits. He added that a Homewood facility was described in an attachment in the application. He stated that the original public forum was held on July 29<sup>th</sup> and that Mrs. Searcy posted the announcement for it on the commission's website noting a Homewood location. He said that following up, there were some questions about it, so a letter of correction was sent to the commission by Dr. Mike Wilson (MCAA leader). Thereafter, they (MCAA) agreed to hold a second public forum in Homewood. He stated those are the facts of what happened and what actions were taken. Chairman Nelson stated that they tried to address that issue with the second public forum. He said he wanted every commissioner to speak. He stated that there was another issue about whether they (MCAA) had enough enrollment to meet a threshold of 250 students. He asked Mrs. Searcy to unmute Dr. Wilson. Mr. Wilson spoke on behalf of MCAA and spoke in response to both issues. Chairman Nelson stated that this was going to be one of the most consequential votes of his 5 ½ years on the Commission. He asked Dr. Marshall to explain about the demographics and to explain what would happen if they had more applications than they had room. Mr. Marshall said it was his understanding that if the school were oversubscribed, the school would have an open lottery to determine who would have access to those seats. Chairman Nelson explained that he raised that question because there was some concern about the school's focus. He stated that if indeed the school is oversubscribed, there is no guarantee that all students would identify as LGBTQ. He stated that when the commission writes the resolution after the meeting, if it is disapproved, according to his conversation with the attorney, the commission would have to have reasons to write in the resolution. He said the attorney would have to have two or three reasons to say why MCAA was denied. He added that if the commission does not give the attorney reasons, it will be difficult for him (Attorney Knight) to write the resolution. He asked if there were any other questions or comments by commissioners. Mrs. Searcy asked if Chairman Nelson would like her to call on the commissioners. He agreed. Paul Morin was called upon, and he stated that he had no comment. Sydney Raine stated he had no comment beyond the ones he had originally made. Allison Alexander stated that she is not questioning MCAA's mission, vision, or goals. She stated that she has read emails that called her horrible names, and she had read the email that the MCAA had sent. She addressed Dr. Wilson and stated that she knows he is a great leader. Her question is about the application and how it could potentially be an issue about community support and that is why she raised the question. She said it had been unfortunate times with the pandemic, and the public forum was scheduled with a Labor Day weekend right before it and just being able to get that kind of information out... She said that the commission really does their homework, and she has 17 years in education and loves children, so it is not about accepting all children. She said the issue had been confusing, so she could see how it could be to others, but MCAA's website did not have an address, and MCAA's Facebook page said Birmingham, so she needed to bring that to everyone's attention. She said she was not questioning his leadership capacity or the mission and vision. She said she wanted to make that clear. David Marshall said that Dr. Nelson had asked the commission to reflect about their purpose as a commission. He said their purpose was to evaluate charter school applications and decide whether the group of individuals is likely to be able to operate a high-quality charter school. He stated, for starters, it was important for a school to have a strong leader, and MCAA has it in Dr. Mike Wilson. He said he has decades of experience and to his knowledge, that it would be the first time in history that a reigning principal of the year left their school to start a charter school. He

added that there are 7000 charter schools in the country. He asked what else was important. He stated teachers and curriculum are important, and as commissioners, they need to know about the facility. He said at the last forum, the commission had the opportunity to see the building and the plan they have in place to renovate it. He said the commission needs to know if the applicant has enough money to get off the ground with adequate funding. He stated that this is the primary reason why charter schools close their doors in the first place. He stated that MCAA has more money than any other applicant that the commission has ever considered. He said the commission knows that MCAA has received \$1.5 million from New Schools for Alabama, and he does not believe that the organization would jeopardize their reputation for a school that they believe would not succeed. He added that MCAA has the capacity to handle the funding. He said that the external evaluators had given the application a high rating with a score that was substantially higher than another application that was approved. He stated that to be clear, it was an application that he also supported. He stated that lastly, the commissioners want to know if there is enough support to open the school. He said that MCAA has had tremendous support in public hearings and support was evident at this meeting as well. He said the commission has approved other charter schools who have lacked one or more of these elements and usually with good reason. He said that MCAA has all the elements: leadership, quality of curriculum, facility, funding, capacity, strong application, and community support. He stated that if the commission is doing what they are called to do, which is to evaluate charter school applications, then they (MCAA) deserve the opportunity to open. He stated for these reasons, he humbly asks his fellow commissioners to join him in voting for MCAA. Kim Terry stated she had no additional comment. Marla Green stated that she is for school choice. She said she doesn't care if it is private, charter, home schooling or whatever as long as the end result, is a thoughtful, learned kid who knows reading writing and arithmetic and that can be turned out into society. She said that the charter school commission can have applications with specialties like the one with a focus on aviation, which is great. She said Ivy Classical is classical and that is great. She said to her, if a charter school is all those things, and they are LGBTQ leaning or the applicant wants an African American leaning, or one for people of color, or even it's a school that says they are atheists and would not observe things like Christmas, then when you go there, that is segregation. She said they are the public charter school commission. She said it is supposed to be a melting pot. She said for example, the commission had a wonderful presentation from I3 Academy. She said they spoke about their classrooms and grades as houses and that is wonderful because in a house, a child there could be a child who identifies as LGBTQ, or maybe a child with a Hindu religion, a black child, or Muslim, but they are all in that same house, so they are family and no one messes with family. She stated that together they grow and learn just like as a commission they can have different opinions and talk about them. She said that if you choose to be segregated, to her that is private. She said she wanted to say respectfully to Dr. Wilson that she thinks he is awesome, and his experience has culminated into this school, and she knows people have put a lot into this. She said she thinks Magic City Acceptance is great to assist these students with the issues they may have. She said that this is her opinion, and this is her one, and there are others. She stated that it was asserted in the last meeting by other commissioners that she was bias. She said maybe another commissioner felt the same way and abstained. She added that the law says the commissioners do not have to explain their vote. She closed by stating that this is how she feels. Steve Siple stated that he was one of the ones who abstained last week and asked a question about demand from parents. He said he asked that because of what he read from the third-party reviewers. He said unfortunately, he did not attend the public forums and did not have the information beyond the written report, so he did not feel fully informed to vote. He said he has spent the last seven days getting the information from Tyler Barnett as well as from Dr. Mike Wilson. He said he now has the comfort that

there is a demand for the school. He said that was his primary concern. He said he did have a secondary concern that was somewhat along Marla Green's. He said he had been chairman of an organization for suicide prevention, and he had concerns that separating the LGBTQ students was well-intentioned, but he had concerns that there may be some unintentional consequences. He reached out to a chief medical officer and spoke with her about that and while she thinks like him, ideally, children will be respected, supported, and provided resources at school and that when it doesn't exist, safety like this is paramount for mental health reasons. He said because of that, he had gotten his facts and data in hand and was prepared to vote. Chairman Nelson stated that he had been on the commission for 5 ½ years and he has seen dozens of applications. He said the commission gets a lot of information 500-600 pages that they must read, but after reading all of that, he has a quick and dirty approach to making a decision. He said it was a 4-point scale. The first point is for leadership capacity and experience, and MCAA has top leaders who he knows personally, and they have over 100 years' experience leading at every level. He said his second point was funding, and MCAA has more money than any other application before them. He said his third thing was facility and fourth, funding. He said if a charter school does not have a facility and funding, he can almost predict that they will have a difficult time opening the following August. He said he knows MCAA has control of the facility and funding. He said that lastly, the commission has had three public hearings for MCAA; one more than was asked of any other applicant, and the commission has not had anyone register a complaint. He said he has scored other applications with one at a 2 pt., one at a 2.75, one at a 3.25 and one at a 4.25. He said MCAA had a 4.25 and on any objective basis, MCAA was the strongest he had ever seen. He said abstentions translated to no votes. He said every commissioner has the right; he has not talked to any commissioners on the phone. He said the commission doesn't lobby, and they are not a political organization. He said abstentions translate to a no vote and even if a commissioner abstains, they need to give a reason why because their attorney has to write down the reasons why the application was disapproved. He said they (chair and co-chair) had talked about this with the attorney. Paul Morin stated, Mr. President, you and I talked yesterday; you just lied in public. He addressed the attorney and said the law nor the bylaws state that any commissioner has to state a reason for their vote. It is not in the law or bylaws. He said Mr. Nelson, I am grieved by what you just said. He said this is taking the commission from a governing board and being gatekeepers to being lobbyists, and he is so grieved. Henry Nelson said that if he would allow him to respond that where he comes from, people do not call others liars. Paul Morin responded and stated that it was what he (Chairman Nelson) said. Paul Morin stated that you (Chairman Nelson) said that you had not spoken to any commissioners, and you and I spoke yesterday. Chairman Nelson stated you (Paul Morin) had called him and that he did not call you. Paul Morin responded saying that is not what you said, Sir. Chairman Nelson responded stating that he would give Paul Morin the floor if he wanted to share that; he could go ahead. He said he wasn't going to share that. Paul Morin responded and said that was not the issue either. Chairman Nelson asked what Paul Morin would like him to do. Paul Morin responded and stated that he would like him (Chairman Nelson) to stop lobbying the commission for or against and serve as president of the commission instead of coercing, manipulating or strong arming your fellow commissioners which you (Chairman Nelson) did last week and had the audacity without knowing us or our lives or what we had been through and calling us bias. Paul Morin said that was why he had called yesterday because he (Chairman Nelson) had made false assumptions regarding his life, and he does not appreciate it. Chairman Nelson said he offers a heartfelt apology if he felt that way. He said his only point was that it was going to be difficult for the attorney to write up the reasons why they are not approving the application and that he was obviously upsetting people, so he was going to take some liberties as chair and make an announcement to satisfy people. He asked if there were any other

comments by commissioners or from anyone associated with MCAA. Dr. Mike Wilson explained that their entire focus was not LBGTO. Henry Nelson asked Dr. Wilson if he were willing to take off LBGTO off his application, and he thought it was inappropriate for him to be in that position. Dr. Wilson stated that it was such a need that the students will know who they are. Henry Nelson apologized for overtalking, and he said he wanted to be sure everyone had had the opportunity to comment because this was the most important vote they were going to take as a commissioners in his 5 ½ years he has been on the commission. He said it is going to affect us (the commission) going forward. Chairman Nelson asked if there were any other comments. Sydney Raine stated that he thinks enough has been said. He said people have their own opinion whether this is a good application or not. He said he thinks it is appropriate to go ahead and vote, so he called for a vote. Attorney Lane Knight said he had a point of clarification and that he did not know if it was of any consequence, but MCCA had sent a letter of correction and they chose to have a second public hearing rather than it being required by the commission. Logan Searcy asked Attorney Knight to clarify the motion. He said David Marshall had made a motion to renew the motion to approve MCAA's application and it had been seconded by Sydney Raine. The motion did not pass with 4 (yes)-3(no)-1(abstain).

Henry Nelson- yes	Allison Alexander-No	Paul Morin (abstain)
Steve Siple-yes	Marla Green-No	
Sydney Raine-yes	Kimberly Terry-No	
David Marshall-yes		

Henry Nelson stated they had done all they could possibly do and asked if any commissioners had any closing comments. He said that he wanted to set a tradition because the commission is capable, and he respects everyone's abilities. He said he is going to step down as chair. He said the commission has another meeting to ratify the resolution, so at the meeting, he is going to step down. He said that in his 5 ½ years, the commission has had only had three chairs and that means people have not stepped down, but he thinks it is important that they rotate every year. He said the commission will elect a chair and co-chair at the meeting. Sydney Raine asked Attorney Knight if a reason had to be stated in the resolution. Attorney Knight stated that typically, the resolutions will include a statement of reasons why for a denial. He said it was arguable though under the law, what the nature is or how descriptive but that has been the typical practice. He said the process from here will be a resolution proposed just like any other motion to adopt and approve. He said there can be amendments and discussion regarding that. He said the process will play out at the next commission meeting when the resolution is brought before the commission for consideration. Sydney Raine asked where the commission would get the reason why it was not accepted and asked if it would come from the no votes. Attorney Knight said yes, and that the first issue was the no votes because there were not enough affirmative votes to pass. He added that there were certainly reasons that were articulated from commissioners supporting their votes and other materials such as the Schoolworks' report, which is something that has been looked to and can be included and brought to the commission for consideration at the next meeting, Mrs. Searcy asked Chairman Nelson if she should send a survey or would he set a date for the meeting now. Chairman Nelson said to send out a survey. Mrs. Searcy stated that the date and time would be on the Secretary of State's Open Meetings website and on the commission's website. The meeting was adjourned.