

ALABAMA PUBLIC CHARTER SCHOOL COMMISSION

The following provides a brief overview that “highlights” key components related to the purpose, roles, and responsibilities of the Alabama Public Charter School Commission pursuant to the *Alabama School Choice and Student Opportunity Act* (Act 2015-3) and the Alabama State Department of Education (ALSDE) public charter school permanent rules and regulations adopted by the Alabama State Board of Education (SBOE). This working document does not attempt to include all components of Act 2015-3 related to the Commission and will be revised as needed.

COMMISSION DEFINITION—Act 2015-3, Section 4(6).

The Alabama Public Charter School Commission (Commission) is created in subsection (c) of Section 6. The Commission serves as an appellate body in specific circumstances outlined in subsection (a) of Section 6.

ABOUT THE COMMISSION—Act 2015-3, Section 6(c).

INDEPENDENT STATE ENTITY AND MISSION

- The Alabama Public Charter School Commission is established as an independent state entity.
- The mission of the commission is to authorize high-quality public charter schools in accordance with the powers expressly conferred on the commission in this act.

APPOINTMENTS, RECOMMENDATIONS, MEMBERSHIP

- The commission shall be composed of a total of 11 members.
 - The State Board of Education shall appoint 10 members, made up of four appointees recommended by the Governor, one appointee recommended by the Lieutenant Governor, two appointees recommended by the President Pro Tempore of the Senate, and three appointees recommended by the Speaker of the House of Representatives.
 - The Governor, the Lieutenant Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall each recommend a list of no fewer than two nominees for each appointment to the commission.
 - One recommended appointee of the President Pro Tempore of the Senate and one recommended appointee of the Speaker of the House of Representatives shall be an appointee recommended by members of the Senate minority party and members of the House minority party, respectively.
 - No commission member can be appointed unless he or she has been recommended by the Governor, Lieutenant Governor, President Pro Tempore of the Senate, or the Speaker of the House of Representatives.
- The eleventh member of the commission shall be a rotating position based on the local school system where the application was denied.
 - This member appointed to the rotating position shall be appointed by the local school system where the applicant is seeking to open a public charter school.
 - The local school system shall appoint a member to the rotating position through board action specifically to consider that application.

- The appointing authorities of the commission members shall strive to select individuals that collectively possess strong experience and expertise in public and nonprofit governance, strategic planning, management and finance, public school leadership, assessment, curriculum and instruction, and public education law.
 - Each member of the commission shall have demonstrated understanding of and commitment to charter schooling as a tool for strengthening public education and shall sign an agreement to hear the appeal and review documents in a fair and impartial manner.
- Membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The appointing authority shall consider the eight State Board of Education districts in determining the geographical diversity of the commission.
- The initial appointments to the commission shall be made no later than June 1, 2015.
 - Two recommended appointees of the Governor, one recommended appointee of the Lieutenant Governor, one recommended appointee of the Speaker of the House of Representatives, and one recommended appointee of the President Pro Tempore of the Senate shall serve an initial term of one year and two recommended appointees of the Governor, two recommended appointees of the Speaker of the House of Representatives, and one recommended appointee of the President Pro Tempore of the Senate shall serve an initial term of two years.
 - Thereafter, all appointees shall serve two-year terms of office. All appointments shall be eligible for reappointment as determined by the appointing authority, not to exceed a total of six years of service, unless the member was initially appointed to serve a one-year term of office. If the initial term of office of an appointee was one year, he or she may serve a total of five years of service on the commission.
- A member of the commission may be removed for failure to perform the duties of the appointment.
 - Whenever a vacancy on the commission exists, the appointing authority, within 60 days after the vacancy occurs, shall appoint a member for the remaining portion of the term in the same manner as the original appointment was made.
 - A member of the commission shall abstain from any vote that involves a local school system of which he or she is an employee or which he or she oversees as a member of a local school board.
 - The requirement to abstain does not apply to the rotating position on the commission.

COMMISSION MEETINGS

- Six members of the commission constitute a quorum, and a quorum shall be necessary to transact business.
 - Actions of the commission shall be by a majority vote of the commission.
 - The commission, in all respects, shall comply with the Alabama Open Meetings Act and state record laws.
 - Notwithstanding the preceding sentence, members of the commission may participate in a meeting of the commission by means of telephone conference, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time.
 - Participation by such means shall constitute presence in person at a meeting for all purposes, including the establishment of a quorum.
 - Telephone or video conference or similar communications equipment shall also allow members of the public the opportunity to simultaneously listen to or observe meetings of the commission.

OVERRULING LOCAL SCHOOL BOARD DECISIONS

- If the commission overrules the decision of a local school board and chooses to authorize the establishment of a public charter school in that local school system, the commission shall serve as the authorizer for that public charter school, pursuant to this act.

COMMISSION PROCEDURES, ROLES, AND RESPONSIBILITIES

- The commission may do any of the following:
 - a. Utilize professional and administrative staff of the department as recommended by the State Superintendent of Education.
 - b. Adopt rules for the operation and organization of the commission.
 - c. Review, at least once per year, department rules and regulations concerning public charter schools and, if needed, recommend to the State Superintendent of Education any rule or regulation changes deemed necessary.
 - d. Convene stakeholder groups and engage experts.
 - e. Seek and receive state, federal, and private funds for operational expenses.
 - f. A commission member may not receive compensation, but shall be reimbursed by the department for travel and per diem expenses at the same rates and in the same manner as state employees.
 - g. The commission shall submit an annual report to the department pursuant to subsection (g).
- In order to overrule the decision of a local school board and authorize a public charter school, the commission shall do all of the following:
 - a. Find evidence of a thorough and high-quality public charter school application from the applicant based on the authorizing standards in subdivision (8) of subsection (a) of Section 7.
 - b. Hold an open community hearing opportunity for public comment within the local school system where the application was denied.
 - c. Find that the local board's denial of an original charter application was not supported by the application and exhibits.
 - d. Take into consideration (i) other existing charter school applications, (ii) the quality of school options existing in the affected community, (iii) the existence of other charter schools, and (iv) any other factors considered relevant to ensure the establishment of high-quality charter schools in accordance with the intent of this act.
 - e. Find evidence that the local school board erred in its application of nationally recognized authorizing standards.