

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
62-37 (COR)	Chris Barnett	AN ACT TO AMEND §§ 12104, 12106 AND 12108(B) AND TO REPEAL §12107(R) AND (T) ALL OF CHAPTER 12, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCESS FOR CHARTER SCHOOL PETITIONS.	3/1/23 10:38 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 62-37 (COR)

Introduced by:

Chris Barnett DCB

AN ACT TO AMEND §§ 12104, 12106 AND 12108(B) AND TO REPEAL §12107(R) AND (T) ALL OF CHAPTER 12, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCESS FOR CHARTER SCHOOL PETITIONS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* intends
3 to create a Charter School addressing critical areas of education currently neglected
4 and where traditional methods of instruction have failed. From their earliest years in
5 school, Guam students remain in great need of learning and mastering the CHamoru
6 Language, Music, Physical Fitness, and the Performing Arts. Students spend
7 approximately eight (8) hours a day in school related activities and in today's world
8 require alternative approaches to teaching and learning. Most students, and
9 especially those not performing well in the traditional institutional classroom style
10 of instruction, enjoy a more engaging and relevant interaction with their teachers and
11 classmates. Benjamin Franklin said it best: Tell me and I forget; Teach me and I may
12 remember; Involve me and I learn!

13 Guam Vocational Technical High School (“Trade”) enjoyed great success
14 with its limited application of this learning environment in its “shops” portion of the
15 school day. Trade graduates mastered their selected career field subjects and

1 performed well in their jobs. University of Guam (“UOG”) accounting students
2 experienced great success with the addition of internships to their subject mastery
3 while still attending UOG. Performance and competition are distinct and proven
4 methods of making learning fun for students. Performance and competition also
5 increase student interest, learning, and proficiency. “Practice makes perfect” is about
6 the power of habitual and instinctive action. Student enjoyment of high levels of
7 learning and relevancy lead to higher standards of achievement.

8 The inner child often times determines students’ interests in school and quality
9 of life as adults. Fulfilling students' full potential in the Arts while in school leads to
10 positive, contributing members of society. Music, sports, fitness, creative writing
11 and related artistic performance and competitive aspects of students' education
12 experience, fulfill adolescents during a most critical time in their lives. Project-
13 based learning (PBL) involves students designing, developing, and constructing
14 hands-on solutions to a problem. The educational value of PBL is that it aims to
15 build students' creative capacity to work through difficult or ill-structured problems,
16 commonly in small teams. Community interaction, stage performances, game
17 competition, individual and team events all provide students with skills they will
18 value and use for a lifetime.

19 The Supreme Court of the United States over the past five (5) years issued
20 rulings prohibiting the historic distinction between sectarian and non-sectarian
21 private schools. The Court invalidated discrimination between sectarian and non-
22 sectarian government funding for schools. *Carson v. Makin* (142 S. Ct. 1987 (2022)),
23 *Espinoza v. Montana Dept. of Revenue*, 140 S. Ct. 2246, 2254 (2020), and *Trinity*
24 *Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017). *I Liheslaturan*
25 *Guåhan* intends to remove any discrimination or distinction between private
26 sectarian or non-sectarian applicants for converting existing schools or for new
27 charter schools. *I Liheslaturan Guåhan* recognizes the enormous contribution and

1 history of private sectarian education on Guam and intends all applicants be
2 considered on their records and applications.

3 **Section 2.** § 12104 of Chapter 12, Title 17, Guam Code Annotated, is
4 hereby *amended* to read:

5 **“§ 12104. Process for Filing Charter Petitions.**

6 (a) Private, religious schools shall be eligible to apply to convert to
7 an Academy Charter School under this Chapter.

8 ~~(a)~~ (b) Existing public or private school. An eligible applicant
9 seeking to convert a public or private school into an Academy Charter School:

10 (1) shall prepare a petition to establish an Academy Charter
11 School that meets the requirements of § 12105 of this Chapter;

12 (2) shall provide a copy of the petition to:

13 (A) the parents and guardians of minor students
14 attending the existing public school;

15 (B) adult students attending the existing public or
16 private school;

17 (C) employees of the existing public or private school;

18 (D) parents and guardians of minor students who attend
19 the school grade immediately lower than the first school grade
20 which is served by the public or private school which is the
21 subject of the conversion petition; and

22 (E) each Mayor which represents an area within the
23 attendance area of the public or private school which is the
24 subject of the conversion petition; and

25 (3) shall file the petition with the Council for approval after
26 the petition:

1 (A) is signed by not less than sixty percent (60%) of the
2 sum of:

3 (i) the total number of parents and guardians of
4 minor students attending the public or private school; and

5 (ii) the total number of adult students attending
6 the public or private school; and

7 (iii) the total number of full-time teachers
8 currently assigned to the public or employed by the private
9 school.

10 (B) New School. An eligible applicant seeking to
11 establish an Academy Charter School, but not converting an
12 existing public or private school, shall file with the Council for
13 approval a petition to establish an Academy Charter School that
14 meets the requirements of § 12105 of this Chapter.

15 (C) Limitations on multiple petitions. An eligible
16 applicant may not file more than one (1) petition to establish an
17 Academy Charter School during a calendar year.

18 (D) A petition to establish an Academy Charter School,
19 or to convert a public or private school, is a public document.”

20 **Section 3.** § 12106 of Chapter 12, Title 17, Guam Code Annotated, is
21 hereby *amended* to read:

22 “§ 12106. **Process for Approving or Denying Charter School**
23 **Petitions.**

24 (a) Schedule. An eligible applicant seeking to establish an Academy
25 Charter School *shall* submit a petition pursuant to § 12105 of this Chapter to
26 the Council no later than the first Monday of August. However, it is
27 recommended that an eligible applicant consult with the Council prior to

1 submitting the petition. All petitions submitted no later than the first Monday
2 in August *shall* be for the following school year. The deadline to submit a
3 petition to establish a non-converted public school into an Academy Charter
4 School or convert a public elementary school into an Academy Charter School
5 for the School Year 2010-2011 *shall* be March 8, 2010. The deadline to
6 submit a petition to establish an existing, accredited, non-converted private
7 school into an Academy Charter School or convert a private Pre-
8 Kindergarten-Three (PreK-3) through at least Eighth Grade (8th) school into
9 an Academy Charter School for the School Year 2023-2024 shall be June 15,
10 2023.

11 (b) Public Hearing. Not later than forty-five (45) days after a petition
12 to establish an Academy Charter School is filed with the Council, and not later
13 than thirty (30) days for a petition to convert an existing school, the Council
14 shall hold a public hearing on the petition to gather the information that is
15 necessary for the Council to make the decision to approve or deny the petition.

16 (c) Notice. Ten (10) days before the scheduled time of the public
17 hearing on a petition to establish an Academy Charter School, the Council
18 shall:

19 (1) send a written notification of the public hearing to the
20 eligible applicant;

21 (2) post notice of the public hearing at a place convenient to
22 the public in the administrative office, cafeteria, and the classrooms of
23 the public school which is subject to be converted into an Academy
24 Charter School;

25 (3) post notice of the public hearing at a place convenient to
26 the public in the administrative office, cafeteria and the classrooms of

1 the public school which is school grade lower than the first school grade
2 which is served by the public school which is subject to conversion; and

3 (4) post notice of the public hearing at a place convenient to
4 the public in the Mayor's office which represents an area within the
5 attendance area of the public school which is the subject of the
6 conversion petition.

7 (d) The Council shall approve a petition to establish an Academy
8 Charter School, if:

9 (1) the Council determines that the petition satisfies the
10 requirements of this Chapter;

11 (2) the eligible applicant who filed the petition agrees to
12 satisfy any condition or requirement, consistent with this Chapter and
13 other applicable law that is set forth in writing by the Council as an
14 amendment to the petition;

15 (3) the Council determines that the Academy Charter School
16 has the ability to meet the educational objectives outlined in the
17 petition; and

18 (4) the approval will not cause the Council to exceed a limit
19 under subsection (gh) of this Section.

20 (e) The Council shall approve and admit a new or converted Pre-K3
21 through at least 8th grade school whose curriculum is Project Based, utilizing
22 a Critical Thinking method of learning resulting in measurable proficiency in
23 the CHamoru Language and History, Music, Physical Fitness, and the
24 Performing Arts.

25 ~~(e)~~(f) The Council shall approve or deny a petition to establish an
26 Academy Charter School not later than sixty (60) days after the conclusion of

1 the public hearing on the petition and not later than thirty (30) days for a
2 petition to convert an existing school.

3 (f) (g) Denial explanation. Written notice of the Council's action shall
4 be sent to the eligible applicant. If the petition is not approved, the reasons for
5 the denial and suggested remedial measures, if any, shall be clearly stated in
6 the notice sent by the Council to the eligible applicant. If the petition is not
7 approved, the eligible applicant may amend the petition to address objections
8 and any suggested remedial measures and resubmit the petition to the Council.
9 The Council shall approve or disapprove the resubmitted petition within
10 twenty (20) days after receiving it. If the petition is not approved, the eligible
11 applicant may appeal the decision of the Council to the Appeals Board.

12 (g)(h) The total number of Academy Charter Schools operating on
13 Guam under this Chapter at any one (1) time *shall not* exceed seven (7). At
14 least two (2) Academy Charter Schools *shall* be an elementary school; at least
15 one (1) Academy Charter School *shall* be a middle school; ~~and~~, at least one
16 (1) Academy Charter School *shall* be a high school; and at least one (1)
17 Academy Charter School shall be a school servicing elementary and middle
18 school students. An Academy Charter School applicant *shall* submit a written
19 request to the Superintendent or the Guam Education Board to determine
20 whether an available or suitable facility exists within the Department before
21 the applicant submits its application to the Council. If a response is not
22 provided within thirty (30) days of receipt of the request, the applicant *may*
23 submit its application without said determination to the Council.”

24 **Section 4.** §§ 12107(r) and (t) of Chapter 12, Title 17, Guam Code
25 Annotated, are hereby *repealed*:

26 “§ 12107. **Duties and Powers, and other Requirements, of**
27 **Charter Schools.**

1 (r) ~~An Academy Charter School shall be nonsectarian and shall not~~
2 ~~be affiliated with a sectarian school or religious institution.~~

3 (s) An Academy Charter School shall not be home based.

4 (t) ~~An Academy Charter School shall not be converted from any~~
5 ~~existing private or parochial school.”~~

6 **Section 5.** § 12108(b) of Chapter 12, Title 17, Guam Code Annotated, is
7 hereby *amended* to read:

8 “(b) In the case of the first Trustees of an Academy Charter School to
9 be elected or selected after the date on which the school is granted a Charter,
10 the election or selection of the members under subsection (a) of this Section
11 shall occur on the earliest practicable date after classes at the school have
12 commenced. Until such date, any other members who have been elected or
13 selected shall serve as interim Trustees. Such an interim Board of Trustees
14 may exercise all of the powers, and shall be subject to all of the duties, of a
15 Board of Trustees. Converted existing school Trustees shall serve an initial
16 term of three (3) years after the date on which the school is granted a Charter.”

17 **Section 6. Effective Date.** This act shall be effective upon enactment.

18 **Section 7. Severability.** If any provision of this Act or its application to any
19 person or circumstance is found to be invalid or inorganic, such invalidity shall not
20 affect other provisions or applications of this Act that can be given effect without
21 the invalid provision or application, and to this end the provisions of this Act are
22 severable.