

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
70-34 (COR)	Dennis G. Rodriguez, Jr. Joe S. San Agustin Telena Cruz Nelson Tommy Morrison Fernando Barcinas Esteves	AN ACT TO ADD A NEW CHAPTER 12A TO TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO CONVERTING SIMON A. SANCHEZ HIGH SCHOOL TO A CHARTER SCHOOL AND PROVIDING FOR CONSTRUCTION OF A NEW CAMPUS AT ITS PRESENT LOCATION AND TO MAINTAIN THE NAMESAKE OF SUCH.	4/7/17 8:30 a.m.						

I MINA' TRENTAI KUÅTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) REGULAR SESSION

Bill No. 70 - 34 (COR)

Introduced by:

Dennis G. Rodriguez, Jr. 
Joe S. San Agustin 
Telena Cruz Nelson 
Tommy Morrison 
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AN ACT TO ADD A NEW CHAPTER 12A TO TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO CONVERTING SIMON A. SANCHEZ HIGH SCHOOL TO A CHARTER SCHOOL AND PROVIDING FOR CONSTRUCTION OF A NEW CAMPUS AT ITS PRESENT LOCATION AND TO MAINTAIN THE NAMESAKE OF SUCH.

2017 APR -7 AM 8:30

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the "Simon A. Sanchez High School Charter and Reconstruction Act"

Section 2. Legislative Findings and Intent. *I Lihestaturan Guåhan* finds that, as previously noted in Public Law No. 32-120, that "Simon Sanchez High School faces the combined challenges of deteriorating conditions, out of date design, and overcrowding. These combined deficiencies impair the quality of teaching and learning and contribute to health and safety problems for staff and students."

Previous public laws have authorized the Department of Education and the Government of Guam to issue bonds or enter into lease-back arrangements to build public schools or refurbish them, including Simon A. Sanchez High School. These previous public laws placed a \$100 million cap on the funding for this work. Based on cost estimates submitted as part of the recently cancelled bid of approximately \$90

1 million to build Simon A. Sanchez alone, there will be minimal funding remaining for
2 the improvements of other public schools. While this activity to build or refurbish other
3 schools is ongoing, it is imperative that, after years of delay, that the project for the
4 improvement of the learning situation at Simon A. Sanchez High School be carved out
5 from the ongoing program to build and refurbish our island schools, and immediately be
6 undertaken.

7 In addition to funding arrangements for school construction and maintenance,
8 legislation is available to create charter schools associated with the Guam Department of
9 Education. Chapter 12 of Title 17 of the Guam Code Annotated provides both for the
10 establishment of charter schools where the board of trustees of the charter school are
11 empowered to enter into agreements for school premises and for personnel, supplies,
12 equipment and other needs for operating a school under the requirements of the Guam
13 Department of Education. A board of trustees may also be authorized to convert an
14 existing public school into a charter school under Chapter 12 of Title 17, Guam Code
15 Annotated. Such a converted public school would retain the identical school budget
16 appropriated to its conversion prior to the following school year. Also, a charter school's
17 funding from the Department of Education is based on the number of students enrolled,
18 and at the present time the amount per student per year has been fixed at Six Thousand
19 Five Hundred Dollars (\$6,500.00).

20 In order to begin the construction of a new Simon A. Sanchez High School as
21 quickly as possible while preserving most or all of the funding available under previous
22 public laws for the other public schools on island desperately in need of rehabilitation, it
23 is the intent of *I Lihestaturan Guåhan* that the new Simon A. Sanchez High School be
24 the first of the existing Guam public schools to be converted to an Academy Charter
25 School. The Board of Trustees of the new converted Academy Charter School, which is
26 to continue to be known as "Simon A. Sanchez High School", shall undertake both the
27 education of the students and the construction of a new school.

Section 3. Simon A. Sanchez High School Conversion to a Charter School and Reconstruction of Educational Facility. A new Chapter 12A is added to Title 17, Guam Code Annotated, to read:

" CHAPTER 12A

SIMON A. SANCHEZ HIGH SCHOOL

ACADEMY CHARTER AND RECONSTRUCTION ACT.

§ 12A101. Purpose. The Guam Academy Charter School Act of 2009 was enacted by Public Law No. 29-140, as stated therein, to provide opportunities for teachers, parents, guardians, students and community members to establish and maintain schools that operate independently from the Department of Education as a method to:

- (a) improve student learning;
- (b) increase learning opportunities for all students, with special emphasis on expanded learning experiences;
- (c) encourage the use of different and innovative teaching methods;
- (d) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- (e) provide parents, guardians and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (f) hold the schools established under the Guam Academy Charter School Act of 2009 accountable for meeting measurable student educational standards.

In order to carry out these purposes, and to provide for a new educational facility for the school, Simon A. Sanchez High School shall be converted into an Academy Charter School.

§ 12A102. Request For Applications to make Simon Sanchez High School an Academy Charter School. The Guam Education Policy Board of the Guam Department of Education shall publish a request for applicants to submit petitions to convert Simon A. Sanchez High School into an Academy Charter School, as well as rebuild the

educational facility. The petitions shall be prepared according to the provisions of § 12104 (a) of Chapter 12 of Title 17, Guam Code Annotated. The applicants shall file their petitions with the Guam Education Policy Board who shall act on the petitions.

Respondents filing petitions *shall* be advised that the government of Guam will not pay for any information received or administrative costs incurred in responding to the request for applications. All costs will be born solely by the responding parties.

§ 12A103. Process for Filing Charter Petition for Simon Sanchez High School. Notwithstanding the provisions of § 12104 (b) of Chapter 12 of Title 17, Guam Code Annotated, an eligible applicant seeking to convert Simon A. Sanchez High School into an Academy Charter School shall, after being selected to proceed by the Guam Education Policy Board, disseminate their petition and award by publication or other means, to the parents and guardians of minor students attending the existing school, adult students attending the existing school, employees of the existing school, parents and guardians of minor students who attend the school grade immediately lower than the first school grade which is served by the existing school; and each Mayor who represents an area within the attendance area of the existing school. The petition shall not require their signatures. A process of community information shall be undertaken to inform the parents, guardians, adult students, employees, parents and guardians of students who will enter the high school in the next school year, and the Mayor of the area of attendance, of the proposal intended for the new Simon A. Sanchez High School.

§ 12A104. Name of Simon A. Sanchez Academy Charter School. Notwithstanding the provisions of §12107(c)(1) of Chapter 12 of Title 17, Guam Code Annotated, the new Academy Charter School established by this Chapter shall remain and be known as: “Simon A. Sanchez High School.”

§ 12A105. Authorization to Enter into a Long-Term Lease. For the purpose of facilitating the financing, design, construction and rehabilitation and maintenance of Simon A. Sanchez High School, the government of Guam, or the Department of

1 Education, as the case may be, is authorized to lease to the Charter School selected by
2 the Guam Education Policy Board the property upon which now sits the Simon A.
3 Sanchez High School campus and any available adjacent government owned land
4 needed to facilitate the construction of the new school for a period not to exceed Forty
5 (40) years.

6 **§ 12A106. Authorization of Board of Trustees of Simon Sanchez High School**
7 **to Construct New Educational Facility.** Notwithstanding any other provision of law,
8 the board of trustees of Simon A. Sanchez High School is empowered to solicit
9 proposals for the design, finance, and construction of a new educational facility for
10 Simon A. Sanchez High School. This design and construction may be entirely new, or
11 may utilize a portion of the existing buildings. The new educational facility shall occupy
12 the present premises of Simon A. Sanchez High School, including additional
13 government of Guam land adjacent to the current facility in order to facilitate the
14 construction of the new campus while minimizing disruption to the existing school
15 operation. The existing students enrolled at Simon A. Sanchez High School shall be
16 given priority in enrollment into the new facility operated by a Charter School. The
17 proposals solicited shall include the financing, design, renovation or construction of the
18 education facility, demolition of the current facility or portion thereof, together with
19 insurance and maintenance of the education facility over the lease period provided in §
20 12A105 of this Chapter, according to the needs of Simon A. Sanchez High School. The
21 choice of the contractor shall be made by a selection committee comprised of designated
22 members of the board of trustees of the High School. The committee shall access the
23 prior performance of the contractor on similar projects and may disqualify any
24 contractor that does not have a successful record of project completion on Guam. The
25 selection of a contractor shall be based upon the proposal that delivers the best value for
26 Guam in meeting the objectives of Simon A. Sanchez High School.

1 The construction contract shall contain contractual obligations typically found in
2 government of Guam construction contracts, including, but not limited to:

- 3 1. warranties;
- 4 2. performance and payment bonds;
- 5 3. indemnity;
- 6 4. insurance;
- 7 5. standard specifications;
- 8 6. technical specifications
- 9 7. progress schedule;
- 10 8. maintenance;
- 11 9. compliance with the Guam Building Code;
- 12 10. compliance with Guam labor regulations;
- 13 11. compliance with Guam prevailing wage rates for employment of temporary
- 14 alien workers (H-2) on Guam;
- 15 12. compliance with Public Law No. 29-98, restriction against contractors hiring
- 16 convicted sex offenders to work at government of Guam venues.

17 **§ 12A107. Construction Funding.** In developing the contract between the
18 board of trustees of Simon A. Sanchez High School and their selected contractor, the
19 board of trustees of Simon A. Sanchez High School and the contractor *shall* stay within
20 the budget allotment of the current fiscal year and the allotment of Six Thousand Five
21 Hundred Dollars (\$6,500) per student, for the education of Simon A. Sanchez High
22 School students and for the construction of an educational facility over a Forty (40) year
23 period. This undertaking shall be notwithstanding the provisions of Chapter 58D of
24 Division 5, Title 5, Guam Code Annotated (Ma Kahat Act of 2013).

25 **§ 12A108. Assignments.** To provide security for the holders of any
26 financing instruments, the contractor may assign, without the need of the consent of the
27 Guam Education Policy Board or the Department of Education, the contract, the lease,

1 and the lease-back to any underwriter, trustee, or other party as appropriate, to facilitate
2 the issuance of the tax- exempt obligations, other financial instruments or alternative
3 financing for the High School.

4 **§ 12A109. Utilities and Routine Maintenance and Repair.** The Simon A.
5 Sanchez High School Charter Academy Board of Trustees shall be responsible for the
6 connection and payment of all utilities, including without limitation, power, water,
7 sewer, telephone and cable, and all routine interior maintenance and repair and exterior
8 groundskeeping and landscaping, and upkeep of the education facility.”

9 **Section 4. Severability.** *If* any provision of this Act or its application to any
10 person or circumstance is found to be invalid or contrary to law, such invalidity *shall not*
11 affect other provisions or applications of this Act that can be given effect without the
12 invalid provisions or application, and to this end the provisions of this Act are severable.

13 **Section 5. Effective Date.** This act shall become effective immediately upon
14 enactment.