

I MINA' TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

Bill No. 412--30 (COR)

Introduced by:

J.T. Won Pat, Ed.D. ~~\_\_\_\_\_~~  
T.R. Muna-Barnes ~~\_\_\_\_\_~~

2010 JUN -3 PM 2:49  
EPM

---

AN ACT TO AMEND CHAPTER 12 OF TITLE 17 OF  
THE GUAM CODE ANNOTATED, RELATIVE TO  
THE GUAM ACADEMY CHARTER SCHOOLS.

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

2 **Section 1. Findings and Intent.**

3 Subsequent to §12121 of Public Law 29-140, the Guam Academy Charter  
4 Schools Council is required to submit recommendations to *I Liheslatura* within thirty days  
5 of its first meeting at which a quorum is present. In compliance with its legislative  
6 mandate, the Council has found significant issues that it believes *I Liheslatura* should  
7 promptly address in order to guarantee that the creation and operation of charter schools  
8 on Guam is efficiently and effectively successful with minimal concerns. *I Liheslatura* finds  
9 that the recommendations submitted by the Guam Academy Charter Schools Council is  
10 within reason and further amends provisions within its enabling act to provide a proficient  
11 approach to the operations of Charter Schools on the island.

12 **Section 2.** Subsection (g) is hereby *added* to §12103 of Title 17 of the Guam Code  
13 Annotated to read:

14 "(g) *Appeal Board* means the ad hoc Appeals Board composed of the Public  
15 Auditor, the Attorney General, the President of the Guam Community College, the  
16 President of the University of Guam, and the Superintendent of the Guam  
17 Department of Education."

18 **Section 3.** Subsection (a) of §12106 of Title 17 of the Guam Code Annotated is hereby  
19 *amended* to read:

1           “(a) Schedule. An eligible applicant seeking to establish an Academy Charter  
2 School *shall* submit a petition pursuant to §12105 of this Chapter to the Council *no*  
3 *later than* the first Monday of ~~January~~ August. However, it is recommended that an  
4 eligible applicant consult with the Council prior to submitting the petition. All  
5 petitions submitted *no later than* the first Monday in ~~January~~ August *shall* be for the  
6 following school year. The deadline to submit a petition to establish a non-converted  
7 public school into an Academy Charter School *or* convert a public elementary school  
8 into an Academy Charter School for the School Year 2010-2011 *shall* be March 8,  
9 2010.”

10       **Section 4.** Subsection (e) of §12106 of Title 17 of the Guam Code Annotated is hereby  
11 *amended* to read:

12           “(e) The Council *shall* approve *or* deny a petition to establish an Academy  
13 Charter School *not later than* ~~thirty (30)~~ sixty (60) days after the conclusion of the  
14 public hearing on the petition.”

15       **Section 5.** Subsection (f) of §12106 of Title 17 of the Guam Code Annotated is hereby  
16 *amended* to read:

17           “(f) Denial explanation. Written notice of the council's action *shall* be sent to  
18 the eligible applicant. IF the petition is *not* approved, the reasons for the denial and  
19 suggested remedial measures, *if any, shall* be clearly stated in the notice sent by the  
20 council to the eligible applicant. *If* the petition is *not* approved, the eligible applicant  
21 may amend the petition to address objections and any suggested remedial measures  
22 and resubmit the petition to the Council. The Council *shall* approve *or* disapprove  
23 the resubmitted petition within twenty (20) days after receiving it. *If* the petition is  
24 *not* approved, the eligible applicant may appeal the decision of the Council to the  
25 Appeal Board.”

26       **Section 6.** Subsection (e) of §12111 of Title 17 of the Guam Code Annotated is hereby  
27 *amended* to read:

28           “(e) Clerical and administrative support *shall* be provided by the ~~Department~~  
29 ~~of Education~~ Guam Certification Office.”

1           **Section 7.** Subsection (f) is hereby *added* to §12111 of Title 17 of the Guam Code  
2 Annotated to read:

3           “(f) The Counsel shall utilize the Office of the Attorney General of Guam as  
4 its legal counsel, unless the Attorney General, in writing, authorizes the Council to  
5 utilize private counsel.”

6           **Section 8.** Subsection (a)(3) of §12112 of Title 17 of the Guam Code Annotated is  
7 hereby *amended* to read:

8           “(3) ~~shall ensure~~ monitor that each such Academy Charter School complies  
9 with applicable laws and the provisions of the charter granted to such school;”

10          **Section 9.** Subsection (a)(5) of §12112 of Title 17 of the Guam Code Annotated is  
11 hereby *amended* to read:

12          “(5) ~~shall ensure~~ monitor that each Academy Charter School complies with  
13 the annual reporting requirements, including, submission of the audited financial  
14 statement.”

15          **Section 10.** Subsection (f) is hereby *added* to §12112 of Title 17 of the Guam Code  
16 Annotated to read:

17          “(f) The Council *shall* promulgate Administrative Rules and Regulations  
18 consistent with the provisions of Title 5, GCA, Chapter 9. Such Rules and  
19 Regulations may be revised as needed consistent with the provisions of Title 5,  
20 GCA, Chapter 9.”

21          **Section 11.** Subsection (a) of §12113 of Title 17 of the Guam Code Annotated is  
22 hereby *amended* to read:

23          “(a) A Charter granted to an Academy Charter School *shall* remain in force for  
24 a five (5) year period, unless revoked as authorized in §12114 of this Chapter.”

25          **Section 12.** Subsection (k) of §12113 of Title 17 of the Guam Code Annotated is  
26 hereby *amended* to read:

27          “(k) A decision *not* to renew the Charter of an Academy Charter School *may*  
28 be appealed to the Appeal Board as described by § 12115 of this Chapter.”

1           **Section 13.** Subsection (f) of §12114 of Title 17 of the Guam Code Annotated is  
2 hereby *amended* to read:

3           “(f) If the Academy Charter's School Charter is revoked, the Trustees *may*  
4 appeal the decision of the Council to the Appeal Board.”

5           **Section 14.** §12115 of Title 17 of the Guam Code Annotated is hereby *amended* to  
6 read:

7           “§ 12115. **Appeal Process.**

8           (a) The Appeal Board, upon receipt of a notice of appeal, *shall* review the  
9 decision of the Council.

10           (b) An eligible applicant *or* the Trustees of an Academy Charter School that  
11 wishes to appeal a decision of the Council concerning the denial, nonrenewal *or*  
12 revocation of an Academy Charter School *shall* provide the Appeal Board with a  
13 notice of appeal within thirty (30) days after the Council's decision. The eligible  
14 applicant *or* Trustees of the Charter School bringing the appeal *shall* limit the  
15 grounds of the appeal to the grounds for denial, nonrenewal *or* revocation specified  
16 by the Council. The notice *shall* include a brief statement of the reasons the eligible  
17 applicant *or* Trustees contends the Council's decision was in error. Within thirty  
18 days (30) after receipt of the notice of appeal, the Appeal Board *shall* hold a public  
19 hearing that may be held in the school district in which the proposed Academy  
20 Charter School has applied for or at the current location of the Academy Charter  
21 School. The Appeal Board *shall* review the decision of the Council and make its  
22 findings within ten (10) days after the completion of the public hearing. If the  
23 Appeal Board finds that the Council's decision was contrary to the best interests of  
24 the students, *or* community, the Appeal Board *shall* reverse the decision of the  
25 Council. The decision of the Appeal Board *shall* be final *and not* subject to appeal.”

26           **Section 15.** Subsection (b) of §12116 of Title 17 of the Guam Code Annotated is  
27 hereby *amended* to read:

28           “(b) The Council *shall* submit on a timely basis as required by the Board, the  
29 budgets of an Academy Charter Schools to the Superintendent of Education. The

1 Superintendent of Education *shall* submit the budgets to the Board ~~for approval~~ for  
2 submission to *I Liheslatura* as part of the Department of Education Fiscal Year  
3 Budget.”

4 **Section 16.** §12118 of Title 17 of the Guam Code Annotated is hereby *amended* to  
5 read:

6 **“§ 12118. Academic Credits; Transfer.**

7 If a student who was previously enrolled in an Academy Charter  
8 School enrolls in a public school, the public school shall accept credits earned  
9 by the student in courses *or* instructional programs at the Academy Charter  
10 School in a uniform and consistent manner and according to the same criteria  
11 that are used to accept academic credits from other public schools. This  
12 reciprocity of acceptance for transfers of academic credits shall apply to  
13 students previously enrolled in a public school who enrolls in an Academy  
14 Charter School and students previously enrolled in an Academy Charter  
15 School who enrolls in another Academy Charter School.”

16 **Section 17.** §12120 of Title 17 of the Guam Code Annotated is hereby *repealed*.