

UFISINAN I MAGA'HAGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

Hand-Delivered

July 19, 2019

356L-19-0769
Speaker Tina Rose Muña Barnes

HONORABLE TINA MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
Hagåtña, Guam 96910

JUL 19 2019
Time 4:50 () AM () PM
Received By: Alan

- Re: **Bill No. 57-35 (COR)** – Relative to the Process of Approving or Denying Charter School Petitions.
- Bill No. 106-35 (COR)** – Relative To Separating The Guam Academy Charter Schools' Budgetary And Organizational Process From That Of The Guam Department Of Education, Authorizing The Public Auditor To Supervise Audits, Establishing Standards For The Guam Academy Charter School Council, Board Of Trustees, And Appeals Board, And Establishing Rules, Deadlines, And Use Of Funds Appropriated To Charter Schools
- Bill No. 107-35 (COR)** – Relative To Accreditation And The Renewal Period For Charter Schools; Accreditation Status; And Alleviating The Causes Of Probation For The Same.

Dear Madame Speaker:

I am thankful that the Legislature shares my passion in ensuring that our island's youth has access to the best education that fits her or his individual needs.

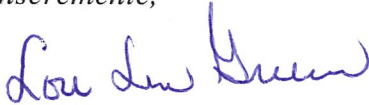
In 2009, the Guam Academy Charter School Act was enacted to provide opportunities for teachers, parents, guardians, students and community members to establish and maintain schools that operate independently from the Department of Education. Today, 10 years later, we are seeing the results of that movement and our charter schools have grown to give legitimate alternatives in education. These bills indicate not only the need to be continuously mindful of how legislation affects real life practice, but more importantly, the positive momentum towards fulfilling the original goals of the Guam Academy Charter School Act.

0769

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fs

To continue that momentum, I am pleased to sign Bill Nos. 57-35 (COR), 106-35 (LS), and 107-35 (LS) into law as **Public Laws 35-28, 35-29, and 35-30**, respectively.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Enclosure: Bill No. 57-35 nka P.L. 35-28
Bill No. 106-35 nka P.L. 35-29
Bill No. 107-35 nka P.L. 35-30

cc: *Sigundo Maga'lahi* (via email)
Compiler Of Laws (via email)

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 107-35 (LS), "AN ACT TO AMEND §§ 12107(u), 12113(a) AND (b), AND 12114(a) AND (d); AND TO ADD NEW §§ 12113(e)(3) AND 12114(a)(6), ALL OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO ACCREDITATION AND THE RENEWAL PERIOD FOR CHARTER SCHOOLS; ACCREDITATION STATUS; AND ALLEVIATING THE CAUSES OF PROBATION FOR THE SAME,"** was on the 11th day of July 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 11th day of July, 2019, at 6:13 o'clock P.M.

Jessica Cruz
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/19/2019

Public Law No. 35-30

2019-4292
RCVD AT CENTRAL FI
JUL 11 '19 PM6:13

Jessica Cruz

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 107-35 (LS)

As amended on the Floor.

Introduced by:

Telena Cruz Nelson
Amanda L. Shelton
Joe S. San Agustin
James C. Moylan
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
Louise B. Muña
Tina Rose Muña Barnes
Sabina Flores Perez
Clynton E. Ridgell
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* §§ 12107(u), 12113(a) AND (b), AND 12114(a) AND (d); AND TO *ADD NEW* §§ 12113(e)(3) AND 12114(a)(6), ALL OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO ACCREDITATION AND THE RENEWAL PERIOD FOR CHARTER SCHOOLS; ACCREDITATION STATUS; AND ALLEVIATING THE CAUSES OF PROBATION FOR THE SAME.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that accreditation is crucial in determining whether an institution meets the standard

1 of quality education. Accredited secondary institutions are especially important for
2 students to have access to any college in the United States.

3 It is, therefore, the intent of *I Liheslaturan Guåhan* to ensure that Guam
4 Academy Charter Schools are accountable for maintaining a minimum of
5 accreditation status.

6 **Section 2.** § 12107(u) of Chapter 12, Title 17, Guam Code Annotated, is
7 *amended* to read:

8 “(u) An Academy Charter School *shall* initiate the process for
9 accreditation within the first one hundred twenty (120) days of opening and
10 attain accreditation within six (6) years of opening.”

11 **Section 3.** § 12113(a) of Chapter 12, Title 17, Guam Code Annotated, is
12 *amended* to read:

13 “(a) A Charter granted to an Academy Charter School *shall* remain in
14 force for a six (6) year period, unless revoked as authorized in § 12114 of this
15 Chapter.”

16 **Section 4.** § 12113(b) of Chapter 12, Title 17, Guam Code Annotated, is
17 *amended* to read:

18 “(b) A Charter may be renewed an unlimited number of times, each
19 time for a six (6) year period.”

20 **Section 5.** The first paragraph of § 12114(a) of Chapter 12, Title 17, Guam
21 Code Annotated, is *amended* to read:

22 “(a) The Council *shall* place an Academy Charter School on
23 probation or revoke the Academy Charter School’s Charter if the Council
24 determines that the Academy Charter School:”

25 **Section 6.** § 12114(d) of Chapter 12, Title 17, Guam Code Annotated, is
26 *amended* to read:

1 “(d) The Council *may* place an Academy Charter School on
2 probation, rather than revoke its Charter, in order to allow for the
3 implementation of a remedial plan approved by the Council. If after *no more*
4 *than* one hundred eighty (180) days, or such longer period as the Council may
5 specify, said plan is unsuccessful in remedying the problem or alleviating the
6 causes of the probation, the Council *shall* revoke the Charter.”

7 **Section 7.** A new § 12113(e)(3) is *added* to Chapter 12 of Title 17, Guam
8 Code Annotated, to read:

9 “(3) the Academy Charter School failed to attain a minimum of
10 candidacy status towards its accreditation.”

11 **Section 8.** A new § 12114(a)(6) is *added* to Chapter 12 of Title 17, Guam
12 Code Annotated, to read:

13 “(6) has failed to maintain or attain a minimum of candidacy
14 accreditation.”

15 **Section 9. Effective Date.** This Act *shall* be effective upon enactment.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 57-35 (COR)**, "AN ACT TO AMEND § 12106(g) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE PROCESS OF APPROVING OR DENYING CHARTER SCHOOL PETITIONS," was on the 11th day of July 2019, duly and regularly passed.



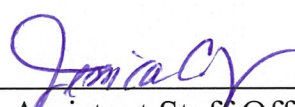
Tina Rose Muña Barnes
Speaker

Attested:



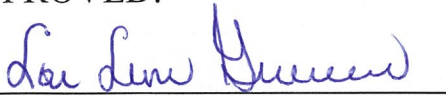
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 11th day of July,
2019, at 6:09 o'clock p.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/19/2019

Public Law No. 35-28

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 57-35 (COR)

As amended on the Floor.

Introduced by:

James C. Moylan
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose “Pedo” Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 12106(g) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE PROCESS OF APPROVING OR DENYING CHARTER SCHOOL PETITIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the “Guam Academy Charter School Act of 2009” created a challenging
4 mandate when it came to requiring a certain number of “converted” public schools.
5 The same chapter that established Academy Charter Schools also crafted relatively

1 unachievable requirements for any licensee seeking to initiate an Academy Charter
2 School on Guam.

3 Academy Charter Schools provide alternative options for families seeking
4 certain curriculum for their children, or desire a smaller student-to-educator ratio,
5 while retaining a public school education. The intent of this legislation is not to
6 create an infinite number of Academy Charter Schools; rather, it is to create an equal
7 approach for all applicants when it comes to starting such a school, without
8 increasing the mandated number of Academy Charter Schools on the island.

9 These schools also have the potential of providing public school educators the
10 opportunity of smaller class sizes, thus improving the student-to-educator ratio. We
11 are also seeing entities seeking more vocational trades to be added to Academy
12 Charter School curricula, hence providing students alternative options for career
13 choices.

14 This legislation would remove requirements on the number of “new” and
15 “converted” Academy Charter Schools on the island by merely allowing applicants
16 to apply for whichever option represents the school of choice they desire to open. If
17 the entity is able to accomplish the requirements outlined by a “converted school”
18 then it would be able to apply under that license if it so desires. Otherwise, the entity
19 can apply as a “new” school and invest in its infrastructure.

20 **Section 2.** § 12106(g) of Chapter 12, Title 17, Guam Code Annotated, is
21 hereby *amended* to read as follows:

22 “(g) The total number of Academy Charter Schools operating on
23 Guam under this Chapter at any one (1) time *shall not* exceed seven (7). At
24 least two (2) Academy Charter Schools *shall* be an elementary school; at least
25 one (1) Academy Charter School *shall* be a middle school; and, at least one
26 (1) Academy Charter School *shall* be a high school. An Academy Charter
27 School applicant *shall* submit a written request to the Superintendent or the

1 Guam Education Board to determine whether an available or suitable facility
2 exists within the Department before the applicant submits its application to
3 the Council. If a response is not provided within thirty (30) days of receipt of
4 the request, the applicant *may* submit its application without said
5 determination to the Council.”

6 **Section 3. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
8 *not* affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.

11 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 106-35 (LS)**, "AN ACT TO *AMEND* §§ 12103(g), 12106(a), 12107(n) AND (n)(8), 12108(a), 12111(a), (b), AND (d), 12116(b) THROUGH (f), AND 12119, AND TO *ADD NEW* §§ 12107(z) AND 12111(g) AND (h), ALL OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SEPARATING THE GUAM ACADEMY CHARTER SCHOOLS' BUDGETARY AND ORGANIZATIONAL PROCESS FROM THAT OF THE GUAM DEPARTMENT OF EDUCATION, AUTHORIZING THE PUBLIC AUDITOR TO SUPERVISE AUDITS, ESTABLISHING STANDARDS FOR THE GUAM ACADEMY CHARTER SCHOOL COUNCIL, BOARD OF TRUSTEES, AND APPEALS BOARD, AND ESTABLISHING RULES, DEADLINES, AND USE OF FUNDS APPROPRIATED TO CHARTER SCHOOLS," was on the 11th day of July 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 11th day of July,
2019, at 6:11 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/19/2019

Public Law No. 35-29

2019-4293
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JUL 11 '19 PM6:12
Jessica Cruz

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 106-35 (LS)

As amended by the Committee on Education,
Air Transportation, and Statistics, Research and
Planning; and further amended on the Floor.

Introduced by:

Telena Cruz Nelson
Joe S. San Agustin
Amanda L. Shelton
James C. Moylan
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
Louise B. Muña
Tina Rose Muña Barnes
Sabina Flores Perez
Clynton E. Ridgell
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* §§ 12103(g), 12106(a), 12107(n) AND (n)(8), 12108(a), 12111(a), (b), AND (d), 12116(b) THROUGH (f), AND 12119, AND TO *ADD NEW* §§ 12107(z) AND 12111(g) AND (h), ALL OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SEPARATING THE GUAM ACADEMY CHARTER SCHOOLS' BUDGETARY AND ORGANIZATIONAL PROCESS FROM THAT OF THE GUAM DEPARTMENT OF EDUCATION, AUTHORIZING THE PUBLIC AUDITOR TO SUPERVISE AUDITS, ESTABLISHING STANDARDS FOR THE GUAM ACADEMY CHARTER SCHOOL COUNCIL, BOARD OF TRUSTEES, AND APPEALS BOARD, AND ESTABLISHING RULES, DEADLINES, AND USE OF FUNDS APPROPRIATED TO CHARTER SCHOOLS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Academy Charter School Act of 2009 was established by Public Law

1 29-140 resulting in the establishment of three (3) charter schools: Guåhan Academy
2 Charter School, iLearn Academy Charter School, and Science is Fun and Awesome
3 Academy Charter School. *I Liheslatura* also finds that Public Law 34-116 limits
4 each institution to seven hundred forty (740), six hundred twenty (620), and three
5 hundred fifty (350) enrollees, respectively.

6 *I Liheslatura* finds that in the establishment of the Guam Academy Charter
7 School Act of 2009, pursuant to § 12120 of Chapter 12, Title 17, Guam Code
8 Annotated, all provisions of that Act were to expire on July 1, 2018; however, §
9 12120 was repealed by Public Law 30-176, removing the expiration date of the
10 provisions of the Guam Academy Charter School Act.

11 *I Liheslatura* finds that §§ 12103(g), 12107(f) and (n), 12111(a)(5),(b),(d),
12 and 12116(b) and (c), all of Chapter 12, Title 17, Guam Code Annotated, enumerate
13 the roles of the Superintendent of Education and the Guam Education Board of the
14 Guam Department of Education.

15 *I Liheslatura* finds that since the Guam Academy Charter School Act of 2009
16 is no longer subject to expiration, there must exist a budgetary and organizational
17 process independent of that of the Guam Department of Education.

18 Thus, it is the intent of *I Liheslaturan Guåhan* to separate the Guam Academy
19 Charter Schools' budgetary and organizational process from that of the Guam
20 Department of Education.

21 **Section 2.** § 12103(g) of Chapter 12, Title 17, Guam Code Annotated, is
22 *amended* to read:

23 “(g) Appeals Board means the ad hoc Appeals Board composed of the
24 Public Auditor, the Attorney General, the Director of the Department of
25 Administration, the Director of the Department of Revenue and Taxation, or
26 their respective designees, and one (1) member of the general public appointed
27 by and to serve at the pleasure of *I Maga'hågan Guåhan*, with a Bachelor's

1 degree or higher and a background in the education field for a minimum of
2 fifteen (15) years.”

3 **Section 3.** § 12106(a) of Chapter 12, Title 17, Guam Code Annotated, is
4 *amended* to read:

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

14 **Section 4.** § 12107(n) and (n)(8) are *amended*, and a new § 12107(z) is
15 *added* to Chapter 12 of Title 17, Guam Code Annotated, to read:

16 “(n) An Academy Charter School *shall* submit an annual report no
17 later than thirty (30) days after the end of the fiscal year to the Council, *I*
18 *Liheslaturan Guåhan*, and *I Maga'hågan Guåhan*. The Academy Charter
19 School *shall* permit the public to review any such report upon request. A
20 report *shall* include the following data:”

21 “(8) annual financial audit and subsequent fiscal year annual
22 financial audits, and a financial statement audited by the Public
23 Auditor, pursuant to § 1908, Chapter 19, Title 1, Guam Code
24 Annotated, under Subsection (z) of this Chapter.”

25 “(z) Pursuant to § 1908, Chapter 19, Title 1, Guam Code Annotated,
26 the Public Auditor is authorized to supervise audits, or at the Public Auditor’s
27 discretion, exercise his or her authority to make the selection of the auditing

1 firm or organization, and the scope of audit; and the audits are to be at the cost
2 of the charter school, which said costs *shall* be included in its annual budget.”

3 **Section 5.** § 12108(a) of Chapter 12, Title 17, Guam Code Annotated, is
4 *amended* to read:

5 “(a) There is established the Board of Trustees. The Trustees of an
6 Academy Charter School *shall* be elected or selected pursuant to the Charter
7 granted to the Academy Charter School. The Board of Trustees *shall* consist
8 of not less than five (5) members and not more than nine (9) members. At
9 least one (1) member *shall* be a parent or guardian of a student attending the
10 Academy Charter School. At least one (1) member *shall* be from the general
11 public with an accounting or finance background. The Principal of the
12 Academy Charter School *shall* be a non-voting member. Employees of any
13 Academy Charter School *shall* not serve as voting members on any Board of
14 Trustees.”

15 **Section 6.** § 12111(a), (b), and (d) are *amended*, and new § 12111(g) and
16 (h) are *added* to Chapter 12 of Title 17, Guam Code Annotated, to read:

17 “(a) There is established the Guam Academy Charter Schools
18 Council. The Council *shall* consist of seven (7) voting members, and *shall*
19 include:

- 20 (1) one (1) retired teacher;
- 21 (2) one (1) retired school administrator;
- 22 (3) two (2) members with accounting or finance background;

23 and

- 24 (4) three (3) members from the general public.”

25 “(b) Members *shall* be appointed by *I Maga'hågan Guåhan*, subject
26 to confirmation by *I Liheslaturan Guåhan*. Members *shall* serve a term of
27 three (3) years.”

1 “(d) Members of the Council *shall* be paid Fifty Dollars (\$50) per
2 meeting, not to exceed One Hundred Fifty Dollars (\$150) per month.”

3 “(g) Four (4) members *shall* constitute a quorum.”

4 “(h) No member of the Council *shall* be an employee of a Guam
5 Academy Charter School, to include any member sitting on the Board of
6 Trustees.”

7 **Section 7.** § 12116(b), (c), (d), (e), and (f) of Chapter 12, Title 17, Guam
8 Code Annotated, are *amended* to read:

9 “(b) The Council *shall* submit, on a timely basis, the budgets of
10 Academy Charter Schools and their respective enrollment data, to include the
11 origin of each student, to *I Liheslaturan Guåhan* by June 15 of each year.”

12 “(c) The amount approved by *I Liheslaturan Guåhan* for the
13 operation of each Academy Charter School *shall* be available for expenditure
14 by the Trustees of such Charter School for any lawful purpose. In no case
15 *shall* an Academy Charter School expend or incur obligations in excess of its
16 approved budget; provided, however, that an Academy Charter School *shall*
17 be authorized to spend federal grants and other funds received not accounted
18 for in said Charter School’s approved budget. The government of Guam will
19 not subsidize any indebtedness accrued by the Charter Schools if the approved
20 budget by the Charter School’s Board of Trustees exceeds the appropriation
21 amount set forth by *I Liheslatura* (the Legislature).”

22 “(d) Notwithstanding any other provision of this Chapter, no capital
23 improvement funds *shall* be awarded to a non-converted public school for the
24 purpose of constructing said school, with the exception of constructing
25 temporary structures that can be removed and reverted to the government of
26 Guam, with the approval of the Council.”

1 “(e) Academy Charter Schools *shall* be funded as follows: the Charter
2 School *shall* receive a tuition amount from the General Fund equal to the
3 number of students enrolled at the Charter School for the upcoming school
4 year, multiplied by the per pupil cost. The Department of Administration is
5 hereby authorized and directed to deposit said Charter School approved
6 amount from the General Fund appropriation to the Guam Academy Charter
7 School Fund.”

8 “(f) All Fiscal Year 2019 funds appropriated to the Charter School
9 *may* be used to pay prior year obligations.”

10 **Section 8.** § 12119 of Chapter 12, Title 17, Guam Code Annotated, is
11 *amended* to read:

12 **“§ 12119. Guam Academy Charter School Fund.**

13 There is hereby created, separate and apart from other funds of the
14 government of Guam, a fund known as the “Guam Academy Charter School
15 Fund (Fund).” The Fund *shall not* be commingled with any other fund, and
16 *shall* be kept in a separate bank account and administered by the Department
17 of Administration for the operations of Guam Academy Charter Schools. The
18 Guam Academy Charter School Council *shall* make quarterly reports of
19 expenditures from the Fund and transmit said reports to *I Liheslaturan*
20 *Guåhan* and the Office of Public Accountability.”

21 **Section 9. Effective Date.** This Act *shall* be effective upon enactment.