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<th>BILL NO.</th>
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<td>106-35 (LS)</td>
<td>Telena Cruz Nelson, Joe S. San Agustin, Amanda L. Shelton, James C. Moylan</td>
<td>AN ACT TO AMEND §§ 12107(f)(v), 12111(a)(b)(d), 12116(b)(3)(d) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE DUTIES OF THE SUPERINTENDENT OF EDUCATION AND THE GUAM EDUCATION BOARD; TO ADD §12107(f) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO AUTHORIZING THE PUBLIC AUDITOR TO SUPERVISE AUDITS; TO AMEND §§ 12109(a), 12106(a), 12116(b) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING STANDARDS FOR THE GUAM ACADEMY CHARTER SCHOOL COUNCIL, BOARD OF TRUSTEES AND APPEALS BOARD; TO ADD § 12135(a) AND (b) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING RULES FOR THE CHARTER SCHOOL COUNCIL; TO AMEND §§ 12106(a) AND 12116(d) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING DEADLINES; TO ADD §§12116(g) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO PRIOR YEAR OBLIGATIONS AND REMAINING APPROPRIATED FUNDS.</td>
<td>4/23/19 4:02 p.m.</td>
<td>5/2/19</td>
<td>Committee on Education, Air Transportation, and Statistics, Research, and Planning</td>
<td>6/12/19 5:00 p.m.</td>
<td>7/8/19 10:37 p.m.</td>
<td>As amended by Committee on Education, Air Transportation, and Statistics, Research, and Planning</td>
<td>Request: 5/3/19</td>
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**SESSION DATE** | **DATE PASSED** | **TRANSMITTED** | **DUE DATE** | **PUBLIC LAW NO.** | **DATE SIGNED** | **NOTES** |
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Hand-Delivered

July 19, 2019

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

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.
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)
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

Doc. No. 35GL-19-0769.
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Lihe斯拉图an Guåhan finds that the Guam Academy Charter School Act of 2009 was established by Public Law
29-140 resulting in the establishment of three (3) charter schools: Guåhan Academy
Charter School, iLearn Academy Charter School, and Science is Fun and Awesome
Academy Charter School. *I Liheslatura* also finds that Public Law 34-116 limits
each institution to seven hundred forty (740), six hundred twenty (620), and three
hundred fifty (350) enrollees, respectively.

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

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

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

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

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

“(g) Appeals Board means the ad hoc Appeals Board composed of the
Public Auditor, the Attorney General, the Director of the Department of
Administration, the Director of the Department of Revenue and Taxation, or
their respective designees, and one (1) member of the general public appointed
by and to serve at the pleasure of *I Maga’hågan Guåhan*, with a Bachelor’s
degree or higher and a background in the education field for a minimum of fifteen (15) years.”

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

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

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

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

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

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

Doc. No. 35GL-19-0769.
firm or organization, and the scope of audit; and the audits are to be at the cost of the charter school, which said costs shall be included in its annual budget.”

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

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

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

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

(1) one (1) retired teacher;

(2) one (1) retired school administrator;

(3) two (2) members with accounting or finance background;

and

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

“(b) Members shall be appointed by I Maga’hågan Guåhan, subject to confirmation by I Liheslaturan Guåhan. Members shall serve a term of three (3) years.”
“(d) Members of the Council shall be paid Fifty Dollars ($50) per meeting, not to exceed One Hundred Fifty Dollars ($150) per month.”

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

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

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

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

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

“(d) Notwithstanding any other provision of this Chapter, no capital improvement funds shall be awarded to a non-converted public school for the purpose of constructing said school, with the exception of constructing temporary structures that can be removed and reverted to the government of Guam, with the approval of the Council.”
“(e) Academy Charter Schools shall be funded as follows: the Charter School shall receive a tuition amount from the General Fund equal to the number of students enrolled at the Charter School for the upcoming school year, multiplied by the per pupil cost. The Department of Administration is hereby authorized and directed to deposit said Charter School approved amount from the General Fund appropriation to the Guam Academy Charter School Fund.”

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

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

“§ 12119. Guam Academy Charter School Fund.

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

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