

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

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.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 11, 2019					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓	I				
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Senator Louise B. MUÑA	✓					
Vice Speaker Telen Cruz NELSON					✓	✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL: 14 1 1

Aye Nay Not Voting/
Abstained Out During
Roll Call Absent Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

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

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(2) 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
4 29-140 resulting in the establishment of three (3) charter schools: Guåhan Academy
5 Charter School, iLearn Academy Charter School, and Science is Fun and Awesome
6 Academy Charter School. *I Liheslatura* also finds that Public Law 34-116 limits

1 each institution to seven hundred forty (740), six hundred twenty (620), and three
2 hundred fifty (350) enrollees, respectively.

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6 12120 was repealed by Public Law 30-176, removing the expiration date of the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

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

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

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

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

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

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

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

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

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

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

23 “(z) Pursuant to § 1908, Chapter 19, Title 1, Guam Code Annotated,
24 the Public Auditor is authorized to supervise audits, or at the Public Auditor’s
25 discretion, exercise his or her authority to make the selection of the auditing
26 firm or organization, and the scope of audit; and the audits are to be at the cost
27 of the charter school, which said costs *shall* be included in its annual budget.”

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

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

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

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

- 18 (1) one (1) retired teacher;
19 (2) one (1) retired school administrator;
20 (3) two (2) members with accounting or finance background;
21 and
22 (4) three (3) members from the general public.”

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

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

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

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

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

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

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

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

25 “(e) Academy Charter Schools *shall* be funded as follows: the Charter
26 School *shall* receive a tuition amount from the General Fund equal to the
27 number of students enrolled at the Charter School for the upcoming school

1 year, multiplied by the per pupil cost. The Department of Administration is
2 hereby authorized and directed to deposit said Charter School approved
3 amount from the General Fund appropriation to the Guam Academy Charter
4 School Fund.”

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

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

9 **“§ 12119. Guam Academy Charter School Fund.**

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

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