

I Mina'trentai Singko Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
106-35 (LS) As amended by the Committee on Education, Air Transportation, and Statistics, Research and Planning; and further amended on the Floor	Telena Cruz Nelson Joe S. San Agustin Amanda L. Shelton James C. Moylan	AN ACT TO AMEND §§ 12107(f)(n), 12111(a)(b)(d), 12116(b)(c)(e) 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(z) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PUBLIC AUDITOR TO SUPERVISE AUDITS; TO AMEND §§ 12103(g), 12108(a), 12111(a) 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 §§ 12111(g) AND (h) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING RULES FOR THE CHARTER SCHOOL COUNCIL; TO AMEND §§ 12106(a) AND §§12116(f) 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.	4/23/19 4:02 p.m.	5/2/19	Committee on Education, Air Transportation, and Statistics, Research, and Planning	6/12/19 5:00 p.m.	7/8/19 10:37 p.m.	Request: 5/3/19  5/23/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	7/8/19	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.	7/11/19	7/11/19	7/23/19	35-29	7/19/19	Received: 7/19/19 Mess and Comm. Doc. No. 35GL-19-0769.	

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • 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 (X) PM

Received By: Allen

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.

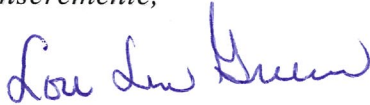
In 2009, the Guam Academy Charter School Act was enacted to provide opportunities for teachers, parents, guardians, students and community members to establish and maintain schools that operate independently from the Department of Education. Today, 10 years later, we are seeing the results of that movement 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

2019 JUL 19 PM 5:01

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. 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 11<sup>th</sup> day of July 2019, duly and regularly passed.

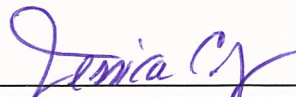
  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Speaker**

Attested:

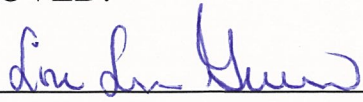


\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 11<sup>th</sup> 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  
RCVD AT CENTRAL FIL  
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 “Pedro” 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.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan 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 provisions of the Guam Academy Charter School Act.

*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

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

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.”



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.