

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2023 (FIRST) Regular Session

VOTING RECORD

Bill No. 62-37 (COR) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building June 30, 2023					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown						✓
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

14

1

Aye

Nay

**Not
Voting/
Abstained**

**Out
During
Roll Call**

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Substitute Clerk of the Legislature

I = Pass

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*

Introduced by:

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Thomas J. Fisher
Dwayne T.D. San Nicolas
Sabina Flores Perez
Amanda L. Shelton
Joe S. San Agustin
Roy A.B. Quinata
Frank Blas, Jr.
Jesse A. Lujan

**AN ACT TO *AMEND* §§ 12104, 12106, AND 12108(b); AND
TO *REPEAL* §§ 12107(r) AND (t) OF CHAPTER 12, TITLE
17, GUAM CODE ANNOTATED, RELATIVE TO THE
PROCESS FOR CHARTER SCHOOL PETITIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* intends
3 to create Charter Schools to address critical areas of education currently neglected
4 and where traditional methods of instruction have failed. From their earliest years in
5 school, Guam students remain in great need of learning and mastering the *CHamoru*
6 language, music, physical fitness, and the performing arts. Students spend
7 approximately eight (8) hours a day in school-related activities and in today's world
8 it requires alternative approaches to teaching and learning. Most students, and

1 especially those not performing well in the traditional institutional classroom style
2 of instruction, enjoy a more engaging and relevant interaction with their teachers and
3 classmates. Benjamin Franklin said it best: Tell me and I forget; Teach me and I may
4 remember; Involve me and I learn!

5 The Guam Vocational Technical High School (Trade) enjoyed great success
6 with its limited application of this learning environment in its “shops” portion of the
7 school day. Trade graduates mastered their selected career field subjects and
8 performed well in their jobs. University of Guam (UOG) accounting students
9 experienced great success with the addition of internships to their subject mastery
10 while still attending UOG. Performance and competition are distinct and proven
11 methods of making learning fun for students. Performance and competition also
12 increase student interest, learning, and proficiency. “Practice makes perfect” is about
13 the power of habitual and instinctive action. Student enjoyment of high levels of
14 learning and relevancy lead to higher standards of achievement.

15 The inner child oftentimes determines students’ interests in school and quality
16 of life as adults. Fulfilling students’ full potential in the arts while in school leads to
17 positive, contributing members of society. Music, sports, fitness, creative writing
18 and related artistic performance, and the competitive aspects of students’ education
19 experience, fulfill adolescents during a most critical time in their lives. Project-based
20 learning (PBL) involves students designing, developing, and constructing hands-on
21 solutions to a problem. The educational value of PBL is that it aims to build students’
22 creative capacity to work through difficult or ill-structured problems, commonly in
23 small teams. Community interaction, stage performances, game competition,
24 individual and team events all provide students with skills they will value and use
25 for a lifetime.

26 The Supreme Court of the United States over the past five (5) years issued
27 rulings prohibiting the historic distinction between sectarian and non-sectarian

1 private schools. The Court invalidated discrimination between sectarian and non-
2 sectarian government funding for schools. *Carson v. Makin* (142 S. Ct. 1987 (2022)),
3 *Espinoza v. Montana Dept. of Revenue*, 140 S. Ct. 2246, 2254 (2020), and *Trinity*
4 *Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017).

5 Therefore, *I Liheslaturan Guåhan* intends to remove any discrimination or
6 distinction between private sectarian or non-sectarian applicants for converting
7 existing schools or for new charter schools. *I Liheslaturan Guåhan* recognizes the
8 enormous contribution and history of private sectarian education on Guam and
9 intends for all applicants to be considered on their records and applications to convert
10 to an Academy Charter School.

11 **Section 2.** § 12104 of Chapter 12, Title 17, Guam Code Annotated, is
12 hereby *amended* to read as follows:

13 **“§ 12104. Process for Filing Charter Petitions.**

14 (a) Private, religious schools shall be eligible to apply to convert to
15 an Academy Charter School under this Chapter.

16 (b) Existing public or private school. An eligible applicant seeking
17 to convert a public or private school into an Academy Charter School:

18 (1) shall prepare a petition to establish an Academy Charter
19 School that meets the requirements of § 12105 of this Chapter;

20 (2) shall provide a copy of the petition to:

21 (A) the parents and guardians of minor students
22 attending the existing public or private school;

23 (B) adult students attending the existing public or
24 private school;

25 (C) employees of the existing public or private school;

26 (D) parents and guardians of minor students who attend
27 the school grade immediately lower than the first (1st) school

1 grade which is served by the public or private school which is the
2 subject of the conversion petition; and

3 (E) each Mayor which represents an area within the
4 attendance area of the public or private school which is the
5 subject of the conversion petition; and

6 (3) shall file the petition with the Council for approval after
7 the petition:

8 (A) is signed by not less than sixty percent (60%) of the
9 sum of:

10 (i) the total number of parents and guardians of
11 minor students attending the public or private school; and

12 (ii) the total number of adult students attending
13 the public or private school; and

14 (iii) the total number of full-time teachers
15 currently assigned to the public or employed by the private
16 school.

17 (B) New School. An eligible applicant seeking to
18 establish an Academy Charter School, but not converting an
19 existing public or private school, shall file with the Council for
20 approval a petition to establish an Academy Charter School that
21 meets the requirements of § 12105 of this Chapter.

22 (C) Limitations on Multiple Petitions. An eligible
23 applicant may not file more than one (1) petition to establish an
24 Academy Charter School during a calendar year.

25 (D) A petition to establish an Academy Charter School,
26 or to convert a public or private school, is a public document.”

1 **Section 3.** § 12106 of Chapter 12, Title 17, Guam Code Annotated, is
2 hereby *amended* to read as follows:

3 **“§ 12106. Process for Approving or Denying Charter School**
4 **Petitions.**

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. The deadline to submit
14 a petition to establish an existing, accredited, non-converted private school
15 into an Academy Charter School or convert a private Pre- Kindergarten-Three
16 (PreK-3) through at least eighth (8th) grade school into an Academy Charter
17 School for the School Year 2023-2024 *shall* be September 1, 2023.

18 (b) Public Hearing. No later than forty-five (45) days after a petition
19 to establish an Academy Charter School is filed with the Council, and no later
20 than thirty (30) days for a petition to convert an existing school, the Council
21 shall hold a public hearing on the petition to gather the information that is
22 necessary for the Council to make the decision to approve or deny the petition.

23 (c) Notice. Ten (10) days before the scheduled time of the public
24 hearing on a petition to establish an Academy Charter School, the Council
25 shall:

- 26 (1) send a written notification of the public hearing to the
27 eligible applicant;

1 (2) post notice of the public hearing at a place convenient to
2 the public in the administrative office, cafeteria, and the classrooms of
3 the public or private school which is subject to be converted into an
4 Academy Charter School;

5 (3) post notice of the public hearing at a place convenient to
6 the public in the administrative office, cafeteria and the classrooms of
7 the public or private school which is school grade lower than the first
8 (1st) school grade which is served by the public or private school which
9 is subject to conversion; and

10 (4) post notice of the public hearing at a place convenient to
11 the public in the Mayor's office which represents an area within the
12 attendance area of the public or private school which is the subject of
13 the conversion petition.

14 (d) The Council shall approve a petition to establish an Academy
15 Charter School, if:

16 (1) the Council determines that the petition satisfies the
17 requirements of this Chapter;

18 (2) the eligible applicant who filed the petition agrees to
19 satisfy any condition or requirement, consistent with this Chapter and
20 other applicable law that is set forth in writing by the Council as an
21 amendment to the petition;

22 (3) the Council determines that the Academy Charter School
23 has the ability to meet the educational objectives outlined in the
24 petition; and

25 (4) the approval will not cause the Council to exceed a limit
26 under Subsection (h) of this Section.

1 (e) The Council shall approve and admit a new or converted Pre-K3
2 through at least eighth (8th) grade school whose curriculum is Project Based,
3 utilizing a Critical Thinking method of learning resulting in measurable
4 proficiency in the *CHamoru* language and history, music, physical fitness, and
5 the performing arts.

6 (f) The Council shall approve or deny a petition to establish an
7 Academy Charter School not later than sixty (60) days after the conclusion of
8 the public hearing on the petition and not later than thirty (30) days for a
9 petition to convert an existing school.

10 (g) Denial Explanation. Written notice of the Council's action shall
11 be sent to the eligible applicant. If the petition is not approved, the reasons for
12 the denial and suggested remedial measures, if any, shall be clearly stated in
13 the notice sent by the Council to the eligible applicant. If the petition is not
14 approved, the eligible applicant may amend the petition to address objections
15 and any suggested remedial measures and resubmit the petition to the Council.
16 The Council shall approve or disapprove the resubmitted petition within
17 twenty (20) days after receiving it. If the petition is not approved, the eligible
18 applicant may appeal the decision of the Council to the Appeals Board.

19 (h) The total number of Academy Charter Schools operating on
20 Guam under this Chapter at any one (1) time *shall not* exceed seven (7). At
21 least two (2) Academy Charter Schools *shall* be an elementary school; at least
22 one (1) Academy Charter School *shall* be a middle school; at least one (1)
23 Academy Charter School *shall* be a high school; and at least one (1) Academy
24 Charter School *shall* be a school servicing elementary and middle school
25 students. An Academy Charter School applicant *shall* submit a written request
26 to the Superintendent or the Guam Education Board to determine whether an
27 available or suitable facility exists within the Department before the applicant

1 submits its application to the Council. If a response is not provided within
2 thirty (30) days of receipt of the request, the applicant may submit its
3 application without said determination to the Council.”

4 **Section 4.** §§ 12107(r) and (t) of Chapter 12, Title 17, Guam Code
5 Annotated, are hereby *repealed*:

6 “§ 12107. **Duties and Powers, and other Requirements, of**
7 **Charter Schools.**

8 (r) An Academy Charter School shall not be home based. ”

9 **Section 5.** § 12108(b) of Chapter 12, Title 17, Guam Code Annotated, is
10 hereby *amended* to read:

11 “(b) In the case of the first Trustees of an Academy Charter School to
12 be elected or selected after the date on which the school is granted a Charter,
13 the election or selection of the members under Subsection (a) of this Section
14 shall occur on the earliest practicable date after classes at the school have
15 commenced. Until such date, any other members who have been elected or
16 selected shall serve as interim Trustees. Such an interim Board of Trustees
17 may exercise all of the powers, and shall be subject to all of the duties, of a
18 Board of Trustees. Converted existing school Trustees shall serve an initial
19 term of three (3) years after the date on which the school is granted a Charter.”

20 **Section 6. Effective Date.** This Act shall be effective upon enactment.

21 **Section 7. Severability.** If any provision of this Act or its application to any
22 person or circumstance is found to be invalid or inorganic, such invalidity shall not
23 affect other provisions or applications of this Act that can be given effect without
24 the invalid provision or application, and to this end the provisions of this Act are
25 severable.