



OFFICE OF THE SPEAKER
29th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

Clerk of the Legislature

June 27, 2008

ACKNOWLEDGEMENT RECEIPT
Received by: JF.
Date: 5:00p
7/8/08

Speaker Judith T. Won Pat, Ed.D.
I Mina' Bente Nuebi Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on Education, General & Omnibus Affairs to which Bill No. 248 (EC)(As substituted by the Committee) was referred, wishes to report its findings and recommendations on **Bill No. 248 (EC)(As substituted by the Committee)** - "An act to add a new Chapter 12 to Title 17, Guam Code Annotated relative to authorizing Charter Schools on Guam."

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

- ~~5~~ 5 TO PASS
- 0 - NOT TO PASS
- 4 TO REPORT OUT ONLY
- 0 - ABSTAIN
- 0 - INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

Judith T. Won Pat, Ed.D.
Vice Chair & Acting Chair
Committee on Education, General &
Omnibus Affairs



**OFFICE OF THE SPEAKER
29th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.**

June 27, 2008

MEMORANDUM

TO: Committee Members

FROM: Vice Chair and Acting Chair
Committee on Education, General and Omnibus Affairs

RE: Committee Report- Bill No. 248 (EC) AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING CHARTER SCHOOLS ON GUAM.

Transmitted herewith for your information and action is the report on Bill No. 248 (EC), from the Committee on Education, General and Omnibus Affairs.

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Si Yu'os ma'ase.


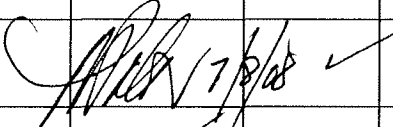
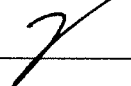


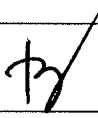

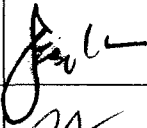
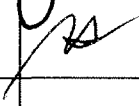

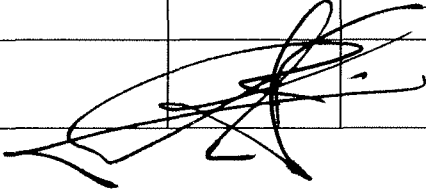
A handwritten signature in black ink, appearing to read "Judith T. Won Pat".

Judith T. Won Pat, Ed.D.

Attachments

COMMITTEE VOTING SHEET
COMMITTEE ON EDUCATION, GENERAL & OMNIBUS AFFAIRS

Bill No. 248 (EC) AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM CODE
 ANNOTATED RELATIVE TO AUTHORIZING CHARTER SCHOOLS ON GUAM.

	SIGNATURE	TO DO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman						
Judith T. Won Pat, Ed.D. Vice Chairman		✓				
Tina R. Muna Barnes		✓				
Benjamin J.F. Cruz						
Judith P. Guthertz						
Adolpho Palacios, Sr.		✓				
Vicente C. Pangelinan						
Rory J. Respicio						
Dr. David L.G. Shimizu						
Frank F. Blas, Jr.				✓		
Edward J. B. Calvo		✓				
James V. Espaldon		✓				
Frank T. Ishizaki						
Jesse A. Lujan						
Ray Tenorio				✓		



I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
COMMITTEE ON EDUCATION, GENERAL & OMNIBUS AFFAIRS

SPEAKER JUDITH T. WON PAT, Ed.D. VICE CHAIR & ACTING CHAIR

COMMITTEE REPORT

ON

Bill No. 248 (EC)
AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM
CODE ANNOTATED RELATIVE TO AUTHORIZING CHARTER
SCHOOLS ON GUAM.

I. OVERVIEW

The Committee on Education, General and Omnibus Affairs held a public hearing on Tuesday, June 24, 2008, at *I Liheslaturan Gudhan's* Public Hearing Room on Bill No. 248 (EC) AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING CHARTER SCHOOLS ON GUAM.

Notices for the public hearings were disseminated to all local media via facsimile and are attached herein meeting the requirements of the Open Government Law.

a. Committee Members and Senators present:

Speaker Judith T. Won Pat, Vice Chair and Acting Chairperson
Senator Vicente "ben" C. Pangelinan
Senator James V. Espaldon
Senator Tina Rose Muña-Barnes

b. Appearing before the Committee:

Edward Leon Guerrero
Randolph Coffman, Director of Asmuyan Community Center
George Bamba, Chief of Staff Governor of Guam
Donna Dwiggin
Ana Marie Arceo
Sam Souza
Daniel Somerfleck

II. SUMMARY OF TESTIMONY:

Speaker Judith Won Pat called the Committee on Education, General and Omnibus Affairs to order to discuss Bill No. 248 (EC), Speaker Won Pat recognized individuals who signed up to testify on Bill No. 248 (EC) then proceeded to call them up to provide oral testimony in the order in which they signed up.

Mr. Randolph Coffman testified in favor of Bill No.248 (EC). He stated that past Guam Legislatures have attempted to pass charter school legislations without success.

As Director of Asmuyao Community School, Mr. Coffman pointed out that Asmuyao each year enrolls 500 students and the school is modeled after the Escondido Charter School in California. He believes that the school has been successful in meeting the goals of a charter school. The success of Asmuyao Community School has resulted in obtaining 6 years of accreditation from the Western Schools of Association compared to JFK High School and Southern High School only receiving 1year accreditation. Mr. Coffman would like to see Asmuyao become a charter school, but the bill prevents private schools from becoming a charter school. He recommended an

amendment that private school that is non-sectarian be afforded the opportunity to become a charter school.

George Bamba thanked Speaker Won Pat for introducing Bill No. 248 (EC) giving a greater voice to parents and the communities we live in through the creation of charter schools.. Mr. Bamba stated that he is testifying on behalf of Governor Felix Camacho and that the Governor is in favor of the charter school legislation. He mentioned that the hearing of the charter school legislation is timely, because the measure gives U.S. Department of extra assurances that the government of Guam is serious about its commitment to restore accountability to the school system and to place its confidence with parents and students. Charter schools have helped many other communities improve student performance and, ultimately, the potential for graduates to succeed in the workplace. This is a kind of reform that is needed in our school system today, especially as test scores rank below the national averages. Charter schools can increase student performance and learning opportunities by allowing chief stakeholders of the community expanded choices in the types of educational opportunities available our school system. Mr. Bamba expressed that most importantly that charter schools will be held accountable by meeting measurable educational standards. Mr. Bamba made it clear that the Governor understands that there may be reservation by some in our community may have about instituting such wide scale change to the way each of our public schools is managed. Mr. Bamba spoke of the Governors' recommendation that the new schools be part of a charter school pilot program. This way we can determine the viability of charter schools without disrupting the management of the other public schools.

Donna Dwiggins testified as a private citizen in favor of Bill No. 248 (EC). Mrs. Dwiggins started by mentioning that she is favor of the charter school legislation. She qualified that she has over thirty five (35) years of experience in the field of education in a number of different capacities and one of them as a college professor. She mentioned that she started following the charter school movement over fifteen (15) years ago when it first began. She was attracted to charter schools because it provided greater choice for individuals in the public school system and greater accountability. Thirteen (13) years ago she was one of the first individuals to open a charter school in North Carolina. From her experiences she has seen first hand the positive and negatives aspects that charter schools has to offer the community. One of those positive aspects is that charter schools offer choice to a wider range of individuals. There has always been choice for those individuals who can afford to place their children in a private school. But, the reason she truly supports charter schools is that charter schools afford the opportunity for all students to attend charter schools and charter schools are not allowed to discriminate who they admit and serve. She believes that the charter school will provide an avenue for parents' voices to be heard. She recommended that non-sectarian private be allowed to participate in the charter school program and that for profit management companies be not allowed to manage charter schools.. From her experiences she has witnessed for profit management companies ask for additional monies for operation and at the same time the level of service decreases.

Anne Marie Blas Arceo testified in support of Bill No. 248 (EC) .She thanked the Speaker for introducing the charter school legislation and our children. She mentioned if charter schools

can work in Hawaii why not give our island the opportunity to have charter schools. She elaborated that it is a chance we are taking, but lets take that chance
Even though the charter schools are operated by a non-profit organization our government should assist in helping the charter school succeed. She once again thanked the Speaker planting the seeds for our children with the charter school legislation.

Sam Souza testified as a private citizen, educator and researcher. She supports the charter school legislation, which she describes out of the box thinking. She stated that while earning her Master's degree and Doctorate degree in Minnesota she followed closely the workings of charter schools by visiting charter schools and speaking with the administrators of charter schools across the nation. She expressed concern there are local organizations on island that have strong concerns about charter schools, but probably rightfully so. That they may have not properly interpreted the data from research conducted in 2004 about charter schools. She explained that with research data comes with responsibility in reading and reporting the data. She stated that she read the report and agrees with the research that charter schools are not accomplishing, but it also shows what charter schools are accomplishing. The report shows that charter schools have poor test scores, but the question did these charter schools just start up recently and charter schools typically have disadvantage students attending. She made several recommendations. First ensure that charter schools have an independent procurement process. Second, student enrollment should not be based on attendance zone. Lastly, instead of revoking the charter a process should be implemented for the charter school to make the necessary corrections.

Cole Herndon testified in support of the Charter school. He believes it is a bold action. He considers that charter school gives you choice and competition will give a better public school system. He recommended that with the future growth of the island's population there would be a need to increase the number of charter schools. Maybe the number of charter school should be based on percentage instead of a set number.

Daniel Somerfleck testified as a private citizen against Bill No. 248 (EC). He is extremely concern as to how this bill will affect our children in the school system with disabilities that are not most desirable students. That the energy our community must put forward is developing programs that compliment our public school system. The bill will siphon money from GPPS. Is the charter school setting up for an elite group? He would support Magnet Schools but with charter schools we will nickel and dime away our public money. Just like the opening of the Department of Defense schools it drained the pool of teachers from GPSS the same situation would happen with the opening of the charter schools.

No other individuals provided oral testimony. The following provided written testimony.

Mr. Felix P. Camacho - Governor of Guam, provided written testimony in favor of bill 248.

Mr. Kaleo S. Moylan - Former Lt. Governor of Guam and Senator, provided written testimony in favor of bill 248.

-Both written testimonies are attached.

III. FINDINGS AND RECOMMENDATIONS

The Committee finds that the Bill No. 248 would be beneficial to the Guam Public School System. Nearly 4,000 charter schools operate around the nation. Some work well, some not at all. Charter schools won't be a panacea. They will not resolve all the challenges facing public education. What they promise to do is offer different ways of teaching and learning that could help students struggling in the Guam Public School System. Charter schools can become incubators of innovation and high-quality achievement. Some may fail along the way. But there are public schools failing right now. There should be no retreat from finding ways to help these schools-including creating charter schools.

The Committee on Education, General and Omnibus Affairs, to which Bill 248 was referred, finds overwhelming support for Bill 248 and hereby submit its findings and recommendations to I Mina' Bente Nuebi Na Liheslaturan Guahan **TO DO PASS BILL No. 248 (EC)**



Committee on Education, General & Omnibus Affairs

Public Hearing Date / Time: Tuesday, June 24, 2008 - 9:00 A.M.

Agenda Item: **Bill No. 248 (LS) - J.T. Won-Pat, Ed.D. / J.V. Espaldon / T.R. Muna-Barnes** - An act to add a new Chapter 12 to Title 17, Guam Code Annotated relative to authorize Charter Schools on Guam.

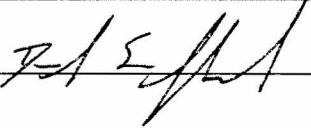
Name (print)	Signature	Representing	In Favor	Opposed
Rand Goffman	<i>[Signature]</i>	Asmuyao Community School		
George Bamba	<i>[Signature]</i>	God's Office	✓	
DONNA DWIGGINS	<i>[Signature]</i>	SELF	✓	
Neeti Prakash	<i>[Signature]</i>	GFT	✓	
Cole Herndon	<i>[Signature]</i>	Self	✓	
(SAM MABIN) SOUZA, PhD	<i>[Signature]</i>	Self	✓	
AnnaMarie B. Arceo		Nuro, Inc.	✓	



Committee on Education, General & Omnibus Affairs

Public Hearing Date / Time: Tuesday, June 24, 2008 - 9:00 A.M.

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Name (print)	Signature	Representing	In Favor	Opposed
<i>Daniel Somers-Aleck</i>		Self		✓



Committee on Education, General & Omnibus Affairs

Public Hearing Date / Time: Tuesday, June 24, 2008 - 9:00 A.M.

Agenda Item: **Bill No. 248 (LS) - J.T. Won-Pat, Ed.D. / J.V. Espaldon / T.R. Muna-Barnes** - An act to add a new Chapter 12 to Title 17, Guam Code Annotated relative to authorize Charter Schools on Guam.

Name (print)	Signature	Representing	In Favor	Opposed
KASPERBAUER, LARRY	<i>L. Kasperbauer</i>	Self	X	
Quenga, Anthony	<i>Anthony Quenga</i>	IBCES	X	
Quenga, Jesse		" "	X	
Perez, Matthew		" "	X	
Alcaine, Jeanette		" "	X	
Primacio, Anane		" "	X	



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

24 JUN 2008

Honorable Judith T. Won Pat
Speaker
Mina Bente Nuebi na Liheslaturan Guahan
Chair, Committee on Education and Omnibus Affairs
255 Hessler Place
Hagatna, Guam 96932

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 6/30/08
Time 8:45 AM
Received by [Signature]

Dear Madam Speaker:

Hafa Adai! Thank you, Madam Chair, for your vision to improve education by giving a greater voice to parents and the communities we live in through the creation of charter schools. The hearing of Bill No. 248 is timely, because this measure gives the U.S. Department of Education extra assurances that this government is serious about its commitment to restore accountability to the school system and to place its confidence with parents and teachers.

I support Speaker Won Pat's call for the creation of charter schools, as I shared in my April State of the Island Address. Charter schools have helped many other communities throughout the United States improve student performance and, ultimately, the potential for graduates to succeed in the workforce. This is the kind of reform needed in our school system today, especially as test scores continue to rank below national averages.

Charter schools can increase student performance and learning opportunities by allowing the chief stakeholders of a community expanded choices in the types of educational opportunities available in our school system. Most importantly, these charter schools will be held directly accountable for meeting measurable student educational standards. These chief stakeholders are the parents, teachers and students. They should have the greatest voice in the education system and that is why charter schools are so important to bringing true reform.

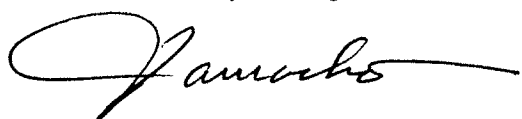
I understand the reservations some in our community may have about instituting such wide-scale change to the way each of our public schools is managed. To allay these concerns, I propose piloting the charter schools policy with the new public schools in Ligan Terrace, Okkodo, Astumbo and Adacao. This way, we can determine the

viability of instituting charter schools throughout the school system without interrupting the management of the other public schools.

Senators, change is necessary at GPSS. Now is the time to institute that change with a bold agenda to deliver the results parents and teachers expect and students deserve.

I applaud Speaker Won Pat, an educator who spent her career in the classroom and brought her experience to the halls of the Legislature, for her courage and conviction to bring about the change needed at GPSS. I encourage senators to authorize charter schools as a pilot program in the new public schools and allow change to take root for the benefit of upcoming generations.

Sinseru yan Magâhet,

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long, sweeping horizontal stroke extending to the right.

FELIX P. CAMACHO

I Maga' lâhen Guåhan
Governor of Guam

Cc: All members, *I Mina Bente Nuebi na Liheslaturan Guahan*

June 27, 2008

Speaker J.T. Won Pat, Ed.D.
Twenty-Ninth Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Re: Bill No. 248 (LS)

Dear Madam Speaker:

I am submitting written testimony today in support of the chart school initiative. While I have not had a chance to immerse myself in the details of Bill no. 248 (LS) "An Act Relative to Authorize Charter Schools on Guam" I am ardent supporter of the charter school initiative.

As you know, Madam Speaker, *Charter schools are nonsectarian public schools of choice* that operate with freedom from many of the regulations that apply to traditional public schools. The "charter" establishing each such school is a performance contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success.

Unlike traditional public schools, each charter school is accountable to their sponsor to produce positive academic results and adhere to the charter contract. The entity granting the charter may renew the school's contract or terminate it for lack of performance. That same level of accountability is not espoused in a traditional public school format.

The basic tenet of charter schools is that they exercise increased autonomy in return for this accountability. They are accountable for both academic results and fiscal practices to the sponsors that grant them their charter, the parents who choose them, and the public that funds them.

The charter school program is gaining acceptance nation wide. Today 40 states, the District of Columbia and Puerto Rico have enacted Charter School legislation. Over one million students are enrolled in over 3,500 charter schools across this country.

Bill 248 has many of the intentions of most charter school legislations: increase opportunities for learning and access to quality education for all students; create choice for parents and students within the public school system; provide a system of accountability for results in public education; encourage innovative teaching practices; create new professional opportunities for teacher; encourage community and parent involvement in public education; and leverage improved public education broadly.

Parents and teachers choose charter schools primarily for education reason – high academic standards, small class size, innovative approaches, or education philosophies.

These are grand goals but the question most skeptics ask is does it truly work? The short answer is yes. But the desire to succeed starts with the legislative framework that creates a state charter school environment. Some states understand that to succeed they must give charter schools autonomy and flexibility. Those that get that point have been successful. Those that fear charter school autonomy have not.

Despite the varying legislative mandates nationwide, charter school demand remains high – 7 out of 10 charter schools report they have a waiting list of students who want in. But charter schools are not the panacea for all of education's needs. Even charter schools can fail if not properly managed – since 1992 4% of all charter schools ever opened, have closed. Critics would use that statistic to state that charter schools do not work. On the contrary, that very statistic demonstrates accountability. If the school isn't meeting parents and students' expectations, it will close. The same cannot be said about traditional public schools.

Despite opposition from unions, archaic mindsets on education and state budget practices, a four-year federal report stated that charter schools have better teacher student ratios; smaller overall enrollment size; better student to computer ratios; stronger academic results and better facility maintenance programs.

The secret behind this success – *autonomy and accountability*. Charter schools have considerable autonomy. They are also held accountable by providing financial and student achievement reports. Such accountability and reporting is lacking in our traditional public school format.

For charter schools to succeed, debate should center on granting broad flexibility and autonomy with reasonable accountability standards. Close-out distorting influences and explore all sides of this issue with deep-rooted open-mindedness.

If "Change" is truly the mantra of the day, then passage of this legislation with the fewest restrictions would be the first cognitive action in that direction.

Thank you for your time and consideration.

Sincerely,

Kaleo S. Moylan

Center for Education Reform

1001 Connecticut Avenue, NW
Suite 204 • Washington, DC 20036

Tel: 202-822-9000
Fax: 202-822-5077

GETTING THE WORD OUT: CHARTER SCHOOLS DO SUCCEED

*A Guide for Charter School Activists
Provided by The Center for Education Reform*

August 21, 2006

The ongoing battle over charter school achievement takes on a familiar front tomorrow as the National Center for Education Statistics (NCES) releases a research study reliant on flawed data about students attending charter schools.

Using raw data collected in 2004, the study suggests that charter schools serve fewer disadvantaged children than conventional public school students. At issue are the indicators of poverty among charter school students used by the government, a problem NCES clearly recognizes. The problem is compounded when researchers apply various assumptions about poverty to assess and compare academic achievement between charter school students and those attending conventional public schools.

This study will surely be covered extensively in the press and championed by our opponents in the education establishment throughout the Back-to-School season. As charter school leaders and activists on the frontlines, it is important that you be armed with the tools to support your school and community. Once again, The Center for Education Reform (CER) is pleased to provide you with these resources to help charter school leaders set the record straight.

In this “toolkit” you will find the following resources:

- Getting the word out – key messages and tips for delivering research messages to the press, your elected officials and parents.
- Talking points that put the NCES report into perspective.
- Fact sheets on what the most recent research reveals about charter school achievement, numbers, and public opinion.

In addition to this toolkit, CER has over 13 years of research that refutes this study and supports the success of charter schools. If you have additional research questions, please do not hesitate to call us at (202) 822-9000.



GETTING THE RESEARCH MESSAGE OUT

Staying on Message

Refuting studies that suggest charter schools are underperforming can appear to be a difficult task, especially if they are stamped with the “government” label. While sharing the good news about charter school achievement is important, it is equally important that your message be followed by a call to action: we need more thorough research to get a true picture of charter school success.

The best way to take on the research wars is to stick to the facts and to CER’s rule of “three” simple messages:

1. State-level assessments are stronger indicators of charter school achievement. Comparisons at this level continue to show that charter school students are outpacing their conventional public school peers in reading and math.
2. It is important to see the NCES study for what it is, a flawed report relying on raw data and flawed poverty indicators. The government data center even acknowledges this flaw itself.
3. To truly understand how well charter schools are succeeding, more detailed research must be done to explore individual student progress from year-to-year.

Educating the Media

More reporters are covering charter schools than ever. Kick-off this school year right and make sure reporters in your community know that there is a whole host of research available on charter school achievement, and that your school’s story is a shining example of this national movement.

- Give reporters you have worked with a quick call and let them know about the flawed NCES report; provide them with a fact sheet about why it’s flawed and how your own school is evidence of success. (Reporters will appreciate the heads up on a major story.)
- Find out who your editorial editor is, or who is in charge of arranging regular editorial board meetings, and request a time to come in and talk about this timely topic. Bring along a parent, a local lawmaker or a teacher who can help strengthen your case.
- Draft an **opinion-editorial** that outlines the positive research and what it says about local charter school success. Include local achievement numbers and anecdotal stories. And remember – no matter how great a story you have to tell – keep it under 650 words!
- Write a **letter-to-the-editor** to your local paper with your three key messages – remember to try and include local statistics. Keep the letter under 150 words.
- Invite reporters to your school to see first hand the kind of success most research reports can’t even come close to illustrating. Ensure satisfied parents are there to share their experiences.

Remember, it's okay if the reporter doesn't write a story right away – it's important that he or she have the information for future stories.

Having trouble identifying the right media? Need a second-look at your opinion-editorial? We're here to help. Call CER at (202) 822-9000.

Informing Parents

Recent, widespread media coverage on charter school research may leave parents overwhelmed or confused. There are a number of ways to reassure your parents. And remember, keep the message simple!

- Make research an agenda item at a regularly scheduled parent meeting – be sure to provide simple fact sheets that outline how your school is doing, as well as provide very general information on national and statewide data, and some key arguments from favorable research.
- Send a letter to parents outlining key national research on charter schools and include key local achievement data. Address directly any local negative news coverage, and then set the record straight.
- Include a short article on what research says about charters in other regular correspondences with parents, such as school newsletters.
- Encourage parents to write a letter to their local newspaper when they read negative coverage on charters.

Engaging Lawmakers and Community Leaders

As you well know, our lawmakers read the newspaper, too. It's important that they know that there is more to charter school research than what NCES has to say about it.

- Write a letter to your local city council members, mayor and state legislator informing them of new, exciting research on charter school achievement. Include local statistics as well as anecdotal stories that support the message that charters are doing a great job serving kids in their community.
- Make sure that your allies in the state legislator or city council have a fact sheet on charter school data. Keep them updated so they can remain credible champions for your school and for your cause.
- And remember, thank these lawmakers for all they've done to provide an environment in which charters can succeed, and encourage them to take the next step (removing restrictive caps, allowing alternative authorizers, or providing equal funding, to name a few).

Questions?

CER's, advocacy, media, and policy experts are available to offer advice or answer any questions you have. Call us at (202) 822-9000. We're here to help you get the message out.

CHARTER SCHOOLS GET HIGH MARKS

-Research Fact Sheet-

All across the country charter schools are continuing to provide parents with an exceptional choice, and kids a chance for improved academic achievement. While parental satisfaction is important, local and state measures offer the depth and validity in studying charter school success. The following is a sampling of key findings from around the states:

From the States

- In 2005, a higher percentage of charter school students in **Massachusetts**, compared with students in conventional public schools, scored proficient or advanced in the state's assessment test – 9.2 percent, 8.7 percent, and 8.3 percent higher in English, math, and science, respectively.
- In a comparison of African-American students, those attending charter schools outperformed the students in conventional public schools in **Michigan's** 2004 assessment test – 46 percent of eighth grade African-American charter students passed the math assessment compared with 21 percent among African-American eighth graders statewide.
- In 2005, charter schools in **California** showed stronger year-to-year improvement than conventional public schools, especially in Los Angeles. Statewide, charter schools scored an average gain of 28 points in the state assessment compared with a 20-point gain posted by conventional public schools.
- In the 2004-05 school year, fourth grade charter school students in **New York** were 7.1 percent more proficient on the state's English test and 7.7 percent more proficient on the math test than conventional public school students. In New York City, where a restrictive cap limits the number of charters that can open statewide, charter students outperformed their counterparts in the third, fifth, sixth, and seventh grades. Sixty-two percent of charter students achieved proficiency in reading compared to 55 percent of conventional public schools. In math, the difference is even larger; 61 percent of charter students reached proficiency compared to only half of all conventional public school students.
- The percentage of charter school students in **Florida** who tested proficient in the state's reading assessment has grown faster than the gains posted by conventional public school students – charter school students rose from 55 percent to 58 percent, compared with an increase of 54 percent to 56 percent among conventional public school students.
- Charter students in the **District of Columbia** now account for 26 percent of all public school students, the highest in the nation. The 65 charter schools are also scoring higher in reading and math. Fifty-four percent of DC charter students are proficient in math, a full 10 percent higher than conventional schools. In reading 45 percent of charter students are proficient compared to 39 percent of students in conventional public schools.

- Using individual state assessments, a 2004 Harvard University study found that charter school students are outscoring their counterparts in neighboring conventional public schools by as much as five percent nationwide. This study is significant in that it makes “apples-to-apples” comparisons between charter schools and their closest traditional public school that had a similar racial composition (ethnic make-up).

Need achievement data for a state not covered here?

Contact us at (202) 822-9000.

Source: The Center for Education Reform, www.edreform.com

CHARTER SCHOOLS SERVE DISADVANTAGED STUDENTS

-Research Fact Sheet-

The results continue to roll in. Charter schools do serve students who are underserved by the conventional public school environment. CER's *2005 Annual Survey of America's Charter Schools* found that 63 percent of the students in a typical charter school qualify for the free and reduced lunch program. Additionally, the survey found that an average of 75 percent of students in charter schools fall into categories defined as "at-risk."

Just last week CER polled the nation's charter schools again in preparation for the NCES study. The survey found that nearly half of the respondents who do not participate in the free and reduced federal lunch program choose not to for a number of reasons.

Some of these reasons include:

- Some charter schools reported that they did not have the facilities to offer lunch.
- In South Carolina, the state law says that free and reduced lunch is available to school districts and private schools, but most charter schools are denied participation because districts interpret the state language to be exclusionary.
- Several schools reported that because their schools serviced home-schooled families, they require all children to bring a bagged lunch and provide lunch for those children in need.
- Charter Schools reported that participation in the free and reduced lunch program would have required hiring an additional staff member just to handle the paperwork because of the uniqueness of the school.
- Many charter schools reported that they choose to feed all of their students, and while most of their children would qualify for free and reduced lunch, they do not participate so they can feed all of the children and utilize their resources more wisely.

For more information please contact CER at (202) 822-9000.

Source: The Center for Education Reform, www.edreform.com

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. _____

Introduced by:
As substituted by the Committee
on Education, General and Omnibus
Affairs.

J.T. Won Pat, Ed.D.
J. V. Espaldon
Tina Muña-Barnes

AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 17,
GUAM CODE ANNOTATED RELATIVE TO AUTHORIZE
CHARTER SCHOOLS ON GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new Chapter 12 is added to Title 17 Guam Code Annotated
3 to read as follows:

4 "CHAPTER 12

5 GUAM CHARTER SCHOOLS ACT OF 2008

6 §12101. **Short Title.** This chapter shall be known and may be cited as the
7 "Guam Charter Schools Act of 2008".

8 §12102. **Purpose.** The Guam Charter Schools of 2008 is enacted to
9 provide opportunities for teachers, parents, guardians, students and
10 community members to establish and maintain schools that operate
11 independently from the Guam Public School System as a method to:

12 (1) Improve student learning;

- 1 (2) Increase learning opportunities for all students, with special
2 emphasis on expanded learning experiences;
- 3 (3) Encourage the use of different and innovative teaching methods;
- 4 (4) Create new professional opportunities for teachers, including the
5 opportunity to be responsible for the learning program at the school site;
- 6 (5) Provide parents, guardians and students with expanded choices in
7 the types of educational opportunities that are available within the
8 public school system; and
- 9 (6) Hold the schools established under this chapter accountable for
10 meeting measurable student educational standards.

11 **§12103. Definitions.**

- 12 (a) "Board" means the Guam Education Policy Board;
- 13 (b) "Charter school" means schools acknowledged as charter schools by
14 the Charter Schools Council under Chapter 12 of Title 17 GCA;
- 15 (c) "Council" means the authorizing chartering entity known as the
16 Charter Schools Council.
- 17 (d) "Eligible applicant" means an individual, a group of individuals,
18 teachers, parents, guardians or a non-profit organization authorized
19 under the laws of Guam to do business; and
- 20 (e) "Trustees" means the Board of Trustees, the governing structure of a
21 charter school as set forth in the school's charter.

22 **§12104. Process for Filing Charter Petitions.**

- 23 (a) Existing public school. An eligible applicant seeking to convert a
24 public school in Guam into a charter school:

1 (1) Shall prepare a petition to establish a charter school that meets
2 the requirements of §12105 of this Chapter.

3 (2) Shall provide a copy of the petition to:

4 (A) The parents or guardians of minor students attending
5 the existing public school;

6 (B) Adult students attending the existing public school;

7 (C) Employees of the existing public school;

8 (D) Parents or guardians of minor students who attend the
9 school grade immediately lower than the first school grade
10 which is served by the public school which is the subject of
11 the conversion petition; and

12 (E) Each Mayor which represents an area within the
13 attendance area of the public school which is the subject of
14 the conversion petition; and

15 (3) Shall file the petition with the Council for approval after the
16 petition:

17 (A) Is signed by not less than sixty percent (60%) of the sum
18 of:

19 (i) The total number of parents or guardians of minor
20 students attending the public school; and

21 (ii) The total number of adult students attending the
22 public school; and

23 (iii) The total number of full-time teachers currently
24 assigned to the public school.

1 (B) **New School.** An eligible applicant seeking to establish a
2 charter school, but not converting an existing public school shall
3 file with the Council for approval a petition to establish a charter
4 school that meets the requirements of §12105 of this Chapter.

5 (C) **Limitations on Multiple Petitions.** An eligible applicant may
6 not file more than one (1) petition to establish a charter school
7 during a calendar year.

8 (D) A petition to establish a charter school in Guam, or to convert
9 a Guam public school, is a public document.

10 **§12105. Contents of Petition.** A petition under §12104 of this Chapter
11 to establish a charter school shall include the following:

12 (a) A statement defining the mission and goals of the proposed charter
13 school and the manner in which the charter school will conduct any
14 district-wide assessments required by the Guam Public School System;

15 (b) A statement of the need for the proposed charter school;

16 (c) A description of the proposed instructional goals and methods for
17 the proposed charter school, which shall include, at a minimum:

18 (1) The area of focus of the proposed charter school, such as
19 mathematics, science, the arts, language, technology, agriculture,
20 or vocational training, if the charter school will have such a focus;

21 (2) The methods that will be used, including classroom
22 technology, to provide students with the knowledge, proficiency,
23 and skills needed:

1 (A) To become nationally and internationally competitive
2 students and educated individuals in the 21st century; and

3 (B) To perform competitively on any district-wide
4 assessments; and

5 (3) The methods that will be used to improve student self-
6 motivation, classroom instruction, and learning for all students;

7 (d) A description of the scope and size of the proposed charter school's
8 program that will enable students to successfully achieve the goals
9 established by the charter school, including the grade levels to be served
10 by the charter school and the projected and maximum enrollment of
11 each grade level;

12 (e) A description of the plan for evaluating student academic
13 achievement at the proposed charter school and the procedures for
14 remedial action that will be used by the charter school when the
15 academic achievement of a student falls below the expectations of the
16 charter school;

17 (f) An operating budget for the first two (2) years of the proposed
18 charter school that is based on anticipated enrollment;

19 (g) A description of the proposed rules and policies for governance and
20 operation of the proposed charter school;

21 (h) A description of the method for conducting annual audits of the
22 financial, administrative, and programmatic operations of the proposed
23 charter school;

1 (i) An identification of a facility for the proposed charter school,
2 including a description of the site where the school will be located;

3 (j) The names and addresses of the members of the proposed interim
4 Board of Trustees and the procedures for selecting trustees;

5 (k) A description of the student enrollment, admission process,
6 suspension, expulsion, and other disciplinary policies and procedures of
7 the proposed charter school, and the criteria for making decisions in
8 such areas;

9 (l) A description of the procedures the proposed charter school plans to
10 follow to ensure the health and safety of students, employees, and
11 guests of the school and to comply with applicable health and safety
12 laws, and all applicable civil rights statutes and regulations of the
13 Federal Government and the Government of Guam.

14 (m) An explanation of the qualifications that will be required of
15 employees of the proposed charter school;

16 (n) A description of how parents, guardians, teachers, and other
17 members of the community have been involved in the design and will
18 continue to be involved in the implementation of the proposed charter
19 school;

20 (o) A description of how parents, guardians, teachers and staff will be
21 provided an orientation and other training to ensure their effective
22 participation in the operation of the proposed charter school;

1 (p) An assurance the proposed charter school will seek, obtain, and
2 maintain accreditation from an accrediting body deemed appropriate by
3 the Council;

4 (q) An explanation of the relationship that will exist between the charter
5 school and the school's employees; and

6 (r) A description of how the proposed charter school plans to meet the
7 transportation and food service needs of its students; and

8 (s) A description of the facilities the charter school plans to use.

9 **§12106. Process for Approving or Denying Charter School Petitions.**

10 (a) **Schedule.** An eligible applicant seeking to establish a charter school
11 shall submit petition pursuant to §12105 of this Chapter to the Council
12 no later than the first Monday in January. However, it is recommended
13 that an eligible applicant consult with the Council prior to submitting
14 petition. All petitions submitted no later than the first Monday in
15 January shall be for the following school year.

16 (b) **Review.** Not later than fifteen (15) days after a petition to establish a
17 charter school is filed with the Council, the Council shall review the
18 petition for its completeness. The eligible applicant may submit
19 additions or changes recommended by the Council to complete the
20 petition. If the eligible applicant does not submit additions or changes to
21 the petition the Council shall take no further action.

22 (c) **Public hearing.** Within sixty (60) days of receipt of a petition
23 submitted under §12105 of this Chapter the Council shall hold a public
24 hearing on the petition.

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(d) **Notice.** Ten (10) days before the scheduled time of the public hearing on a petition to establish a charter school, the Council shall:

- (1) Send a written notification of the public hearing to the eligible applicant;
- (2) Post notice of the public hearing at a place convenient to the public in the administrative office, cafeteria, and the classrooms of the public school which is subject to be converted into a charter school;
- (3) Post notice of the public hearing at a place convenient to the public in the administrative office, cafeteria and the classrooms of the public school which is school grade lower than the first school grade which is served by the public school which is subject to conversion; and
- (4) Post notice of the public hearing at a place convenient to the public in the Mayor's office which represents an area within the attendance area of the public school which is the subject of the conversion petition.

(e) The Council shall approve a petition to establish a charter school, if:

- (1) The Council determines that the petition satisfies the requirements of this Chapter;
- (2) The eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this Chapter and

1 other applicable law, that is set forth in writing by the Council as
2 an amendment to the petition;

3 (3) The Council determines that the charter school has the ability
4 to meet the educational objectives outlined in the petition; and

5 (4) The approval will not cause the Council to exceed a limit under
6 subsection (i) of this section.

7 **(f) Timetable for approval or denial of petition.** The Council shall
8 approve or deny a petition to establish a charter school not later than
9 thirty (30) days after the conclusion of the public hearing on the petition.

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

20 **(h) Number of Charter Schools.** The total number of charter schools
21 operating on Guam under this Chapter at any one time shall not exceed
22 seven (7). At least one (1) charter school shall be an elementary school.
23 At least one (1) shall be a middle school. No more than three (3) non-
24 converted public schools shall be authorized.

1 **§12107. Duties and Powers, and other Requirements, of Charter**
2 **Schools.**

3 (a) A charter school shall comply with all of the terms and provisions of
4 its charter.

5 (b) A charter school shall be subject to all federal and state laws and
6 constitutional provisions prohibiting discrimination on the basis of
7 disability, race creed, color, gender, national, religion, ancestry or need
8 for special education services.

9 (c) Each power conferred upon a charter school under this Chapter can
10 only be used for the sole purpose of operating the charter school. A
11 charter school shall have the following powers:

12 (1) To adopt a name and corporate seal, but only if the name
13 selected includes the words "charter school";

14 (2) To acquire real property for use as the charter school's facilities,
15 from public or private sources, but charter schools shall not have
16 the power to acquire property by eminent domain;

17 (3) To receive and disburse funds for charter school purposes;

18 (4) To secure appropriate insurance and to make contracts and
19 leases, including agreements to procure or purchase services,
20 equipment, and supplies;

21 (5) To incur debt in reasonable anticipation of the receipt of funds
22 from the general fund of the Government of Guam or the receipt
23 of Federal or private funds;

1 (6) To solicit and accept any grants or gifts for the charter school
2 purposes, if the charter school:

3 (A) Does not accept any grants or gifts subject to any
4 condition contrary to law or contrary to its charter; and

5 (B) Maintains for financial reporting purposes separate
6 accounts for grants or gifts;

7 (7) To be responsible for the charter school's operation, including
8 preparation of a budget and personnel matters; and

9 (8) To sue and be sued in the charter school's own name.

10 (c) A charter school shall not charge an application fee and tuition.

11 (d) A charter school may impose reasonable fees or otherwise require
12 payment, at rates established by the Trustees of the school, for any field
13 trips or similar activities not funded in whole or part through
14 appropriation by *I Liheslaturan Guåhan*.

15 (e) A charter school shall exercise exclusive control over its
16 expenditures, administration, personnel, and instructional methods,
17 within the limitations imposed in this Chapter;

18 (f) A charter school shall be exempt from Guam statutes, policies, rules,
19 regulations, and collective bargaining agreements established for the
20 Guam public schools except as otherwise provided in the school's
21 charter or this Chapter.

22 (g) A charter school shall comply with all federal and Guam health and
23 safety requirements applicable to public schools.

1 (h) A charter school shall be governed by the Trustees in a manner
2 consistent with the charter granted to the school and the provisions of
3 this Chapter.

4 (i) No employee of the Guam Public School System shall be required to
5 accept employment with, or be assigned to, a charter school.

6 (j) No student enrolled in a public school shall be required to attend a
7 charter school;

8 (k) A charter school shall not levy taxes or issue bonds.

9 (l) A charter school seeking to revise its charter shall prepare a petition
10 for approval of the revision and file the petition with the Council. The
11 provisions of §12105 of this Chapter shall apply to such a petition in the
12 same manner as such provisions apply to a petition to establish a charter
13 school.

14 (m) A charter school shall submit an annual report no later than thirty
15 (30) days after the end of the fiscal year to the Council, Superintendent
16 of Education, and the Board. The charter school shall permit the public
17 to review any such report upon request. A report shall include the
18 following data:

19 (1) A report on the extent to which the school is meeting its
20 mission and goals as stated in the petition for the charter school;

21 (2) Student performance on any district-wide assessments;

22 (3) Grade advancement for students enrolled in the charter school;

23 (4) Graduation rates, college admission test scores, and college
24 admission rates, if applicable;

1 (5) Types and amounts of parental involvement;

2 (6) Official student enrollment;

3 (7) Average daily attendance;

4 (8) Annual financial audit and subsequent fiscal year annual
5 financial audits, a financial statement audited by the Public
6 Auditor;

7 (9) A report on school staff indicating the qualifications and
8 responsibilities of such staff;

9 (10) A list of all donors and grantors that have contributed
10 monetary or in-kind donations having a value equal to or
11 exceeding five hundred dollars (\$500) during the year that is the
12 subject of the report.

13 (A) Data described in items 1. through 8. of this section shall
14 not identify the individuals to whom the data pertain.

15 (n) A charter school shall provide to the Guam Public School
16 System student enrollment data.

17 (o) A charter school shall establish an informal complaint
18 resolution process.

19 (p) A charter school shall provide a program of education, which
20 shall include any grade or grades from kindergarten through
21 grade twelve (12).

22 (q) A charter school shall be nonsectarian and shall not be
23 affiliated with a sectarian school or religious institution.

24 (r). A charter school shall not be home based.

1 (s) A charter school shall not be converted from any existing
2 private or parochial school.

3 (t) A charter school shall initiate the process for accreditation
4 within the first one hundred twenty (120) days of opening and
5 attain accreditation within five (5) years of opening.

6 (u) A charter school shall not hire a for profit management
7 company to operate the school.

8 (v) A charter school shall provide instruction each year for at least
9 the number of days required of the Guam Public School System.

10 (w) A charter school, and its incorporators, Trustees, officers,
11 employees, and volunteers, shall be immune from civil liability,
12 both personally and professionally, for any act or omission within
13 the scope of their official duties unless the act or omission:

14 (1) Constitutes gross negligence;

15 (2) Constitutes an intentional tort; or

16 (3) Is criminal in nature.

17 (x) Upon termination of the charter, all assets of the charter school
18 shall revert to the Guam Public School System.

19 **§12108. Board of Trustees of a Charter School.** (a) There is established
20 the Board of Trustees. The Trustees of a charter school shall be elected
21 or selected pursuant to the charter granted to the charter school. The
22 Board of-Trustees shall consist of not less than five (5) members and not
23 more than nine (9) members. At least one (1) member shall be parent or
24 guardian of a student attending the charter school. At least one (1)

1 member shall be from the general public with an accounting or finance
2 background. The principal of the charter school shall be a non-voting
3 member.

4 (b) In the case of the first Trustees of a charter school to be elected or
5 selected after the date on which the school is granted a charter, the
6 election or selection of the members under subsection (a) of this section
7 shall occur on the earliest practicable date after classes at the school
8 have commenced. Until such date, any other members who have been
9 elected or selected shall serve as interim Trustees. Such an interim Board
10 of Trustees may exercise all of the powers, and shall be subject to all of
11 the duties, of a Board of Trustees.

12 (d) The Trustees of a charter school shall be fiduciaries of the school and
13 shall set overall policy for the school. The Trustees may make final
14 decisions on matters related to the operation of the school, consistent
15 with the charter granted to the school, this Chapter, and other applicable
16 law.

17 (e) Meetings held by the Board of Trustees shall be in compliance with
18 the Open Government Law of Guam.

19 **§12109. Charter Schools; Admission Requirements.** (a) A charter school
20 shall enroll all students who submit a timely application, unless the
21 number of applications exceeds the capacity of a program, class, grade
22 level or building. A charter school shall give enrollment preference to
23 students returning to the charter school in the second or any subsequent
24 year of its operation and to siblings of students already enrolled in the

1 charter school. If capacity is insufficient to enroll all students who
2 submit a timely application, the charter school shall select students
3 through an equitable selection process such as a lottery. A public school
4 converted to a charter school shall give enrollment preference to
5 students attending the public school prior to conversion and students
6 who reside within the former attendance zone of that converted public
7 school.

8 (b) Except as provided in subsection (c), a charter school shall not limit
9 admission based on ethnicity, national origin, gender, income level,
10 disabling condition, proficiency in the English language or athletic
11 ability.

12 (c) A charter school may limit admission to students within a given age
13 group or grade level.

14 (d) A charter school may refuse to admit any student who has been
15 expelled from another educational institution or who is in the process of
16 being expelled from another educational institution.

17 **§12110. Employees.**

18 (a) An employee of a charter school who transferred from the Guam
19 Public School System shall be considered to be on three (3) years leave of
20 absence from the Guam Public School System. The leave of absence shall
21 commence on the initial date of employment for charter school. Upon
22 request of the employee, the three (3) years leave of absence shall be
23 renewed for up to two additional one-year periods, absent good cause.

1 (b) The time during which an employee is on a leave of absence shall be
2 counted for longevity credit on the Guam Public School System's salary
3 schedule.

4 (c) During the period of time that an employee is on a leave of absence
5 from the Guam Public School System and is actively employed by the
6 charter school, the charter school shall continue the retirement or other
7 benefits previously granted to the employee.

8 (d) A leave of absence shall not be considered a break in service with the
9 Guam Public School System with which an employee was previously
10 employed.

11 (e) An employee who is on leave of absence and actively teaching at a
12 charter school and who submits a notice of intent to return to a public
13 school in which the employee was employed immediately prior to
14 employment in the charter school shall be given employment preference
15 by the Guam Public School System if:

16 (1) the employee's notice of intent to return is submitted to the
17 Guam Public School System within three (3) years after ceasing
18 employment with the Guam Public School System; and

19 (2) if the employee is a teacher, a position for which the teacher is
20 certified or is qualified to become certified is available. If the
21 employee is not a teacher, a position for which the employee is
22 qualified is available.

23 (f) An employee who is on leave of absence and employed by a charter
24 school and is discharged or terminated for just cause by the charter

1 school shall be considered discharged or terminated by the Guam Public
2 School System.

3 **§12111. Guam Charter Schools Council; Membership; Terms;**
4 **Compensation.**

5 (a) There is established the Guam Charter Schools Council. The Council
6 shall consist of seven (7) voting members and one non-voting member
7 and shall include:

- 8 1. One (1) retired teacher;
- 9 2. One (1) retired school administrator;
- 10 3. Two (2) members with accounting or finance background;
- 11 4. Three (3) members from the general public; and
- 12 5. The Superintendent of Education or the Superintendent's
13 designee shall be a non-voting member.

14 (b) The voting members shall be appointed by *I Maga'lahaen Guahan*,
15 subject to confirmation by *I Liheslatura*. The voting members shall serve
16 a term of three (3) years.

17 (c) The Council shall each year elect a chairman and other officers as it
18 deems necessary from among its membership.

19 (d) Members of the Council are not eligible to receive compensation,
20 except that they shall be paid fifty dollars (\$50) per meeting, not to
21 exceed one hundred fifty dollars (\$150) per month.

22 (e) Clerical and administrative support shall be provided by the Guam
23 Public School System.

24 **§12112. Powers and Duties of the Charter School Council.**

1 (a) The Council:

2 (1) May grant school charter status to qualifying applicants
3 pursuant to this Chapter;

4 (2) Shall monitor the operations of each charter school;

5 (3) Shall ensure that each such school complies with applicable
6 laws and the provisions of the charter granted to such school;

7 (4) Shall monitor the progress of each school in meeting student
8 academic achievement expectations specified in the charter
9 granted to such school; and

10 (5) Shall ensure that each charter school complies with the annual
11 reporting requirements including submission of the audited
12 financial statement.

13 (6) Shall maintain a website containing but not limited to,
14 submitted petitions, schedule of hearings, and any findings or
15 rulings made by the Council.

16 (b) The Council may require a charter school to produce any book,
17 record, paper, or document, if the Council determines that such
18 production is necessary for the Council to carry out its functions under
19 this Chapter.

20 (c) The Council shall charge an eligible applicant or charter school a
21 non-refundable application fee of Two Hundred dollars (\$200). All such
22 application fees shall be deposited to the Guam Charter Schools Fund.