



- 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 and students with expanded choices in the types of  
7 educational opportunities that are available within the public school  
8 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 or a non-profit organization authorized under the laws  
19 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) An eligible applicant seeking to convert a public school into a charter  
24 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 make available a copy of the petition to:

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

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

7 (C) Employees of the existing public school;

8 (D) Parents of minor students who attend the school grade  
9 immediately lower than the first school grade which is  
10 served by the public school which is the subject of the  
11 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 sixty percent (60%) of the:

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

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

22 (B) Is endorsed by at least sixty percent (60%) of full-time  
23 teachers assigned to the public school.

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

5 (c) An eligible applicant may not file more than one (1) petition to  
6 establish a charter school during a calendar year.

7 (d) The petitions shall be open to public inspection and available upon  
8 request.

9 **§12105. Contents of Petition.** A petition under §12104 of this Chapter  
10 to establish a charter school shall include the following:

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

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

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

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

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

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

1 (B) To perform competitively on any district-wide  
2 assessments; and

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

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

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

15 (f) Evidence that the plan for the charter school is economically sound,  
16 including a proposed budget for the term of the charter and a  
17 description of the manner in which the annual audit of the financial  
18 and administrative operations of the charter school is to be conducted

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

21 (h) The names and addresses of the members of the proposed the  
22 Trustees of the proposed charter school and the procedures for selecting  
23 trustees;

1 (i) A description of the student enrollment, admission process,  
2 suspension, expulsion, and other disciplinary policies and procedures of  
3 the proposed charter school, and the criteria for making decisions in  
4 such areas;

5 (j) A description of the procedures the proposed charter school plans to  
6 follow to ensure the health and safety of students, employees, and  
7 guests of the school and to comply with applicable health and safety  
8 laws, and all applicable civil rights statutes and regulations of the  
9 Federal Government and the Government of Guam.

10 (k) An explanation of the qualifications that will be required of  
11 employees of the proposed charter school;

12 (l) A description of how parents, teachers, and other members of the  
13 community have been involved in the design and will continue to be  
14 involved in the implementation of the proposed charter school;

15 (m) A description of how parents and teachers will be provided an  
16 orientation and other training to ensure their effective participation in  
17 the operation of the proposed charter school;

18 (n) An assurance the proposed charter school will seek, obtain, and  
19 maintain accreditation from accrediting body deemed appropriate by  
20 the Council;

21 (o) An explanation of the relationship that will exist between the charter  
22 school and the school's employees; and

23 (p) A description of the facilities the charter school plans to use.

24 **§12106. Process for Approving or Denying Charter School Petitions.**

1 (a) The Council shall establish a schedule for receiving petitions to  
2 establish a charter school and shall publish any such schedule in a  
3 newspaper of general circulation and posted on the Guam Public School  
4 System's website.

5 (b) Not later than thirty (30) days after a petition to establish a charter  
6 school is filed with the Council, the Council shall hold a public hearing  
7 on the petition to gather the information that is necessary for the  
8 Council to make the decision to approve or deny the petition.

9 (c) Ten (10) days before the scheduled time of the public hearing on a  
10 petition to establish a charter school, the Council shall:

11 (1) Send a written notification of the public hearing to the eligible  
12 applicant;

13 (2) Post notice of the public hearing on a bulletin board at a place  
14 convenient to the public in the administrative office, cafeteria,  
15 and the classrooms of the public school which is subject to be  
16 converted into a charter school;

17 (3) Post notice of the public hearing on a bulletin board at a place  
18 convenient to the public in the administrative office, cafeteria  
19 and the classrooms of the public school which is school grade  
20 lower than the first school grade which is served by the public  
21 school which is subject to conversion; and

22 (4) Post notice of the public hearing on a bulletin board at a place  
23 convenient to the public in the Mayor's office which represents

1 an area within the attendance area of the public school which  
2 is the subject of the conversion petition.

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

4 (1) The Council determines that the petition satisfies the  
5 requirements of this Chapter;

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

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

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

14 (e) The Council shall approve or deny a petition to establish a charter  
15 school not later than thirty (30) days after the conclusion of the public  
16 hearing on the petition.

17 (f) The Council and the eligible applicant may agree to extend the thirty  
18 (30) days time period referred to in subsection (e) of this section by a  
19 period that shall not exceed thirty (30) days.

20 (g) If the Council denies a petition or finds the petition to be incomplete,  
21 the Council shall specify in writing the reasons for its decision and  
22 indicate, when the Council determines appropriate, how the eligible  
23 applicant who filed the petition may revise the petition to satisfy the  
24 requirements for approval.



1 (h) Not later than ten (10) days after the Council approves a petition to  
2 establish a charter school, the Council shall provide a written notice of  
3 the approval, including a copy of the approved petition and any  
4 conditions or requirements agreed to under subsection (d) of this  
5 section, to the eligible applicant, Superintendent of Education, and the  
6 Board.

7 (i) The total number of charter schools operating on Guam under this  
8 Chapter at any one time shall not exceed seven (7). At least one (1)  
9 charter school shall be an elementary school, one (1) shall be a middle  
10 school and one (1) shall be high school. If Liguán Elementary School,  
11 Adacao Elementary School, Astumbo Middle School and Ukudu High  
12 School remain unoccupied after the enactment of this Act the schools  
13 shall be deemed as a non-converted public school.

14 (j) A decision to deny a petition to establish a charter school may be  
15 appealed to the Board as described by §12115 of this Chapter.

16 **§12107. Duties and Powers, and other Requirements, of Charter**  
17 **Schools.**

18 (a) A charter school shall be subject to all federal and state laws and  
19 constitutional provisions prohibiting discrimination on the basis of  
20 disability, race creed, color, gender, national, religion, ancestry or need  
21 for special education services.

22 (b) A charter school shall comply with all of the terms and provisions of  
23 its charter.

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

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

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

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

10 (4) To secure appropriate insurance and to make contracts and  
11 leases, including agreements to procure or purchase services,  
12 equipment, and supplies;

13 (5) To incur debt in reasonable anticipation of the receipt of funds  
14 from the general fund of the Government of Guam or the receipt  
15 of Federal or private funds;

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

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

20 (B) Maintains for financial reporting purposes separate  
21 accounts for grants or gifts;

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

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

1 (c) A charter school shall not charge tuition.

2 (d) A charter school may impose fees or otherwise require payment, at  
3 rates established by the Trustees of the school, for any program,  
4 educational offering, field trips or similar activities not funded in whole  
5 or part through appropriation by *I Liheslaturan Guåhan*.

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

9 (f) A charter school shall be exempt from Guam statutes, policies, rules,  
10 regulations, and Board Union contracts established for the Guam public  
11 schools except as otherwise provided in the school's charter or this  
12 Chapter.

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

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

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

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

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

23 (l) A charter school seeking to revise its charter shall prepare a petition  
24 for approval of the revision and file the petition with the Council. The

1 provisions of §12105 of this Chapter shall apply to such a petition in the  
2 same manner as such provisions apply to a petition to establish a  
3 charter school.

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

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

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

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

13 (4) Graduation rates, college admission test scores, and college  
14 admission rates, if applicable;

15 (5) Types and amounts of parental involvement;

16 (6) Official student enrollment;

17 (7) Average daily attendance;

18 (8) Annual financial audit and subsequent fiscal year annual  
19 financial audits, a financial statement audited by the Public  
20 Auditor;

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

23 (10) A list of all donors and grantors that have contributed  
24 monetary or in-kind donations having a value equal to or

1 exceeding five hundred dollars (\$500) during the year that is the  
2 subject of the report.

3 (A) Data described in items 1. through 8. of subsection shall  
4 not identify the individuals to whom the data pertain.

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

7 (o) A charter school shall establish an informal complaint  
8 resolution process.

9 (p) A charter school shall provide a program of education which  
10 shall include any grade or grades from kindergarten through  
11 grade twelve (12).

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

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

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

17 (t) A charter school, and its incorporators, Trustees, officers,  
18 employees, and volunteers, shall be immune from civil liability,  
19 both personally and professionally, for any act or omission within  
20 the scope of their official duties unless the act or omission:

21 (1) Constitutes gross negligence;

22 (2) Constitutes an intentional tort; or

23 (3) Is criminal in nature.

24 (u) Upon termination of the charter, all assets of the charter school

1           shall revert to the Guam Public School System.

2           **§12108. Board of Trustees of a Charter School.**

3           (a) There is established the Board of Trustees. The Trustees of a charter  
4           school shall be elected or selected pursuant to the charter granted to the  
5           charter school. The membership of the Trustees shall have an odd  
6           number membership ranging from a minimum of five (5) members and  
7           not exceeding nine (9) members of which at least one (1) member shall  
8           be parent or guardian of a student attending the charter school and one  
9           (1) member from the general public with a business or finance  
10          background.

11          (b) In the case of the first Trustees of a charter school to be elected or  
12          selected after the date on which the school is granted a charter, the  
13          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  
15          have commenced. Until such date, any other members who have been  
16          elected or selected shall serve as interim Trustees. Such an interim  
17          Trustees may exercise all of the powers, and shall be subject to all of the  
18          duties, of the Trustees.

19          (d) The Trustees of a charter school shall be fiduciaries of the school and  
20          shall set overall policy for the school. The Trustees may make final  
21          decisions on matters related to the operation of the school, consistent  
22          with the charter granted to the school, this Chapter, and other applicable  
23          law.

1 (e) Meetings held by the Trustees shall be in compliance with the Open  
2 Government Law of Guam.

3 **§12109. Charter Schools; Admission Requirements.** (a) A charter school  
4 shall enroll all eligible students who submit a timely application, unless  
5 the number of applications exceeds the capacity of a program, class,  
6 grade level or building. A charter school shall give enrollment  
7 preference to students returning to the charter school in the second or  
8 any subsequent year of its operation. If capacity is insufficient to enroll  
9 all students who submit a timely application, the charter school shall  
10 select students through an equitable selection process such as a lottery.  
11 A public school converted into a charter school shall give enrollment  
12 preference to eligible students who reside within the attendance zone  
13 where the charter school is physically located.

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

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

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

23 **§12110. Employees.**

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

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

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

14 (d) A leave of absence shall not be considered a break in service with the  
15 Guam Public School System with which and employee was previously  
16 employed.

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

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



1 (2) if the employee is a teacher, a position for which the teacher is certified or  
2 is qualified to become certified is available. If the employee is not a teacher, a  
3 position for which the employee is qualified is available.

4 (f) An employee who is on leave of absence and employed by a charter school  
5 and is discharged or terminated for just cause by the charter school shall be  
6 considered discharged or terminated by the Guam Public School System.

7 **§12111. Guam Charter Schools Council; membership; terms;  
8 compensation; duties.** (a) There is established the Guam Charter  
9 Schools Council. The Council shall consist of seven (7) voting members  
10 and one non voting member and shall include:

11 (1) The Superintendent of Education or the Superintendent's designee  
12 shall be a non voting member;

13 (2) One (1) retired teacher;

14 (3) One (1) retired school administrator;

15 (4) Two (2) members with a background in business or  
16 finance; and

17 (5) Three (3) members from the general public.

18 (b) The voting members shall be appointed by *I Maga 'liihen Guiihan*,  
19 subject to confirmation by *I Liheslatura*. The voting members shall serve  
20 a term of three (3) years.

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

1 (d) Members of the Council are not eligible to receive compensation,  
2 except that they shall be paid fifty dollars (\$50) per meeting, not to  
3 exceed one hundred dollars (\$100) per month.

4 **§12112. Powers and Duties of the Charter School Council.** (a) The  
5 Council:

6 (1) May grant school charter status to qualifying applicants  
7 pursuant to this Chapter;

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

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

11 (4) Shall monitor the progress of each school in meeting student  
12 academic achievement expectations specified in the charter  
13 granted to such school; and

14 (5) Shall ensure that each charter school complies with the annual  
15 reporting requirements including submission of the audited  
16 financial statement.

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

21 (c) The Council shall charge an eligible applicant or charter school an  
22 application fee of Two Hundred dollars (\$200) for processing a petition to  
23 establish a charter school or renew the charter of the charter school. All such  
24 application fees shall be deposited to the Guam Charter Schools Fund. This

1 Fund shall receive all interest earned on the deposit of such application fees.  
2 Such funds should be appropriated continuously and should be used by the  
3 Council only for administration and enforcement of the Guam Charter  
4 Schools Act of 2008. A quarterly report of the Guam Charter School Fund shall  
5 be submitted to the Board and the Public Auditor.

6 (d) The Council shall be immune from civil liability, both personally and  
7 professionally, for any act or omission within the scope of their official  
8 duties unless the act or omission:

9 (1) Constitutes gross negligence;

10 (2) Constitutes an intentional tort; or

11 (3) Is criminal in nature.

12 (e) Meetings held by the Council shall be in compliance with the Open  
13 Government Law of Guam.

14 **§ 12113. Charter Initial Term and Renewal.**

15 (a) A charter granted to a charter school shall remain in force for a five  
16 (5) year period.

17 (b) A charter may be renewed for an unlimited number of times, each  
18 time for a five (five) year period.

19 (c) The Council shall review that charter at least once every year to  
20 determine whether the charter should be revoked for the reasons  
21 described in § 12115 of this Chapter in accordance with the procedures  
22 for revocation established under § 12115 of this Chapter.

23 (d) In the case of a charter school that desires to renew its charter, the  
24 Trustees of the school shall file an application to renew the charter with

1 the Council not later than one hundred twenty (120) days nor earlier  
2 than three hundred sixty five (365) days before the expiration of the  
3 charter. The application shall contain the following:

4 (1) A report on the progress of the charter school in achieving the  
5 goals, student academic achievement expectations, and other  
6 terms of the approved charter; and

7 (2) All audited financial statements for the charter school for the  
8 preceding four (4) years.

9 (e) The Council shall approve an application to renew the charter that is  
10 filed in accordance with subsection (b) of this section, except that the  
11 Council shall not approve such application if the Council determines  
12 that:

13 (1) The charter school committed a material violation of applicable  
14 laws or a material violation of the conditions, terms, standards, or  
15 procedures set forth in its charter, including violations relating to  
16 the education of children with disabilities;

17 (2) The charter school failed to meet the goals and student  
18 academic achievement expectations set forth in its charter.

19 (f) An application to renew a charter filed by the Trustees in accordance  
20 with this Chapter, the Council shall provide written notice to the  
21 Trustees of the public hearing on the application not later than fifteen  
22 (15) days after the date on which the Council received the application.

23 (g) Not later than thirty (30) days after the date on which the Trustees  
24 receives a notice under subsection (e) of this section, the Trustees may

1 request, in writing, a public hearing on the application before the  
2 Council.

3 (h) Upon receiving a timely written request for a public hearing under  
4 subsection (f) of this section, the Council shall set a date and time for the  
5 public hearing and shall provide notice of the date and time, as well as  
6 the procedures to be followed at the public hearing, to the Trustees.

7 (i) A public hearing under this subsection shall take place not later than  
8 thirty (30) days after the Council receives a timely written request for  
9 the public hearing under subsection (f) of this section.

10 (j) The Council shall render a final decision, in writing, on an application  
11 to renew a charter not later than thirty (30) days after the date on which  
12 the public hearing is concluded.

13 (k) A decision not to renew the charter of a charter school may be  
14 appealed to the Board as described by §12115 of this Chapter.

15 **§ 12114. Charter Revocation.**

16 (a) The Council may revoke the charter if the Council determines that  
17 the charter school:

18 (1) committed a violation of applicable law or material violation  
19 of the conditions, terms, standards, or procedures set forth in the  
20 charter, including violations relating to the education of children  
21 with disabilities;

22 (2) has failed to meet the goals and student academic achievement  
23 expectations set forth in the charter;

1 (3) has engaged in a pattern of nonadherence to generally  
2 accepted accounting principals;

3 (4) has engaged in a pattern fiscal mismanagement; or

4 (5) is no longer economically viable.

5 (b) Procedures for consideration of revocation:

6 (1) The Council shall provide to the Trustees a written notice  
7 stating the reasons for the proposed revocation. The notice shall  
8 inform the Trustees of the right to have a public hearing on the  
9 proposed revocation.

10 (2) Not later than fifteen (15) days after the date on which the  
11 Trustees receives a notice under (b)(1) of this section, the Trustees  
12 may request, in writing, a public hearing on the proposed  
13 revocation before the Council.

14 (3) Upon receiving a timely written request for a public hearing  
15 under this section, the Council shall set a date and time for the  
16 public hearing and shall provide reasonable notice of the date and  
17 time, as well as the procedures to be followed at the public  
18 hearing, to Trustees.

19 (4) A public hearing under this section shall take place not later  
20 than thirty (30) days upon written request for public hearing  
21 under this subsection.

22 (c) The Council shall render a final decision, in writing on the revocation  
23 of the charter not later than thirty (30) days after the date on which the  
24 public hearing is concluded.

1 (d) If the Council revokes a charter granted to a charter school, the  
2 Guam Public School System shall manage the charter school directly  
3 until alternative arrangements can be made for students at the charter  
4 school.

5 (e) A decision to revoke the charter of a charter school may be appealed  
6 to the Board as described by §12115 of this Chapter.

7 **§12115. Appeal Process.**

8 (a) The Board upon receipt of a notice of appeal shall review decisions of  
9 the Council concerning charter schools in accordance with the  
10 provisions of this section.

11 (b) An eligible applicant or Trustee of a charter school that wishes to  
12 appeal a decision of the Council concerning the denial, nonrenewal or  
13 revocation of a charter school shall provide the Board with a notice of  
14 appeal within thirty (30) days after the Council's decision. The eligible  
15 applicant or Trustee of the charter school bringing the appeal shall limit  
16 the grounds of the appeal to the grounds for denial, nonrenewal or  
17 revocation specified by the Council. The notice shall include a brief  
18 statement of the reasons the eligible applicant or Trustee contends the  
19 Council's decision was in error. Within thirty days (30) after receipt of  
20 the notice of appeal, the Board, at a public hearing that may be held in  
21 the school district in which the proposed charter school has applied for  
22 or at the current location of the charter school. The Board shall review  
23 the decision of the Council and make its findings. If the Board finds that  
24 the Council's decision was contrary to the best interests of the students,

1 or community, the Board shall reverse the decision of the Council. The  
2 decision of the Board shall be final and not subject to appeal.

3 **§12116. Funding.**

4 (a) The Trustees, in consultation with teachers and administrators,  
5 shall determine the school's curriculum and develop the school's annual  
6 budget. The Trustees of each charter school shall annually submit to the  
7 Council a copy of its budget for the following fiscal year.

8 (b) The Council shall submit on a timely basis as required by the Board,  
9 the budgets of a charter schools to the Superintendent of Education. The  
10 Superintendent of Education shall submit to the Board for approval as  
11 part of the Guam Public School System Fiscal Year Budget.

12 (c) Following the appropriation of the Guam Public School System's  
13 operating budget for the fiscal year, the amount approved by the Guam  
14 Legislature for the operation of each charter school shall be available for  
15 expenditure by the Trustees of such charter school for any lawful  
16 purpose without further approval by the Superintendent of Education  
17 or the Board. In no case a charter school shall expend or incur  
18 obligations in excess of its budget request; provided, however, that  
19 charter school shall be authorized to spend federal grants and other  
20 funds received independent of the Guam Public School System not  
21 accounted for in said charter school's budget request without prior  
22 approval from the Superintendent of Education or the Board.

23 (d) Notwithstanding any other provision of this Chapter, no capital  
24 improvement funds shall be awarded to a non converted charter school  
25 for the purpose of constructing, reconstructing or improving said  
26 school.



1 (e) Charter schools shall be funded as follows: the charter school shall  
2 receive a tuition amount from the General Fund equal to the number of  
3 students enrolled at the charter school for the upcoming school year,  
4 multiplied by the per pupil cost. The Department of Administration is  
5 hereby authorized and directed to deduct said charter school tuition  
6 amount from the total General Fund appropriation to the Guam Public  
7 School System. Specific to the charter, any reimbursement for special  
8 education or bilingual education costs between the Guam Public School  
9 System and the charter school shall follow such formula and  
10 mechanisms adopted in the school's charter.

11 **§12117. Transportation.** Students attending a charter school shall be  
12 provided transportation to the charter school by the Department of  
13 Public Works on the same terms and conditions as transportation is  
14 provided to children attending other public schools. In providing such  
15 transportation, the Department of Public Works shall accommodate the  
16 particular school day and school year of the charter school; provided,  
17 however, that in the event that the Department of Public Works limits  
18 transportation for public school students, the Department of Public  
19 Works shall not be required to provide transportation to any charter  
20 school beyond said limitations.

21 **§12118. Academic Credits; Transfer.** If a student who was previously  
22 enrolled in a charter school enrolls in a public school, the public school  
23 shall accept credits earned by the student in courses or instructional  
24 programs at the charter school in a uniform and consistent manner and

- 1 according to the same criteria that are used to accept academic credits
- 2 from other public schools.