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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2010 JUL 23 AM 11:02
Epm

JUL 22 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 412-30 (COR) "AN ACT TO AMEND CHAPTER 12 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ACADEMY CHARTER SCHOOLS", which I signed into law on July 16, 2010 as Public Law 30-176.

Sinseru yan Magahet,

MICHAEL W. CRUZ, M.D.
I Maga'láhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

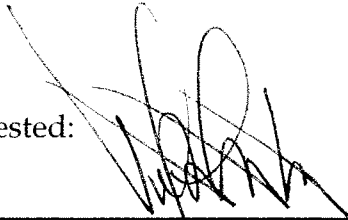
30-10-0623
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/22/10
Time 4:42P
Received by [Signature]

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 412-30 (COR), "AN ACT TO AMEND CHAPTER 12 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ACADEMY CHARTER SCHOOLS ", was on the 2nd day of July, 2010, duly and regularly passed.

Attested:

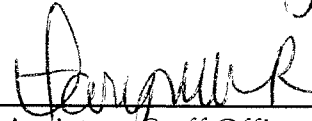


Tina Rose Muña Barnes
Legislative Secretary



Judith T. Won Pat, Ed. D.
Speaker

This Act was received by I Maga'lahaen Guåhan this 6th day of July 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



-- MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

JUL 16 2010

Date: _____

Public Law No. P.L. 30-176

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2010 (SECOND) Regular Session

Bill No. 412-30 (COR)

As substituted by the Committee on Education,
and amended.

Introduced by:

Judith T. Won Pat, Ed.D.

T. R. Muña Barnes

T. C. Ada

V. Anthony Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

Adolpho B. Palacios, Sr.

v. c. pangelinan

R. J. Respicio

Telo Taitague

Ray Tenorio

**AN ACT TO *AMEND* CHAPTER 12 OF TITLE 17 OF
THE GUAM CODE ANNOTATED, RELATIVE TO THE
GUAM ACADEMY CHARTER SCHOOLS.**

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

2 **Section 1. Legislative Findings and Intent.** Pursuant to §12121 of
3 Chapter 12, Title 17, Guam Code Annotated, the Guam Academy Charter Schools
4 Council is required to submit recommendations to *I Liheslatura* within thirty (30)
5 days of its first meeting at which a quorum is present. In compliance with its
6 legislative mandate, the Council has found significant issues that it believes *I*

1 *Liheslatura* should promptly address in order to guarantee that the creation and
2 operation of charter schools on Guam is efficiently and effectively successful with
3 minimal concerns. *I Liheslatura* finds that the recommendations submitted by the
4 Guam Academy Charter Schools Council is within reason, and intends to further
5 amend provisions within its enabling act to provide a proficient approach to the
6 operations of charter schools on the island.

7 **Section 2.** A new Subsection (g) is hereby *added* to §12103 of Chapter 12,
8 Title 17 of the Guam Code Annotated, to read:

9 “(g) *Appeals Board* means the ad hoc Appeals Board composed of
10 the Public Auditor, the Attorney General, the President of the Guam
11 Community College, the President of the University of Guam, and the
12 Superintendent of the Guam Department of Education, or their respective
13 designees.”

14 **Section 3.** Subsection (a) of §12106 of Chapter 12, Title 17 of the Guam
15 Code Annotated, is hereby *amended* to read:

16 “(a) Schedule. An eligible applicant seeking to establish an
17 Academy Charter School *shall* submit a petition pursuant to §12105 of this
18 Chapter to the Council *no later than* the first Monday of August. However,
19 it is recommended that an eligible applicant consult with the Council *prior*
20 *to* submitting the petition. All petitions submitted *no later than* the first
21 Monday in August *shall* be for the following school year. The deadline to
22 submit a petition to establish a non-converted public school into an
23 Academy Charter School *or* convert a public elementary school into an
24 Academy Charter School for the School Year 2010-2011 *shall* be March 8,
25 2010.”

26 **Section 4.** Subsection (e) of §12106 of Chapter 12, Title 17 of the Guam
27 Code Annotated, is hereby *amended* to read:

1 “(e) The Council *shall* approve *or* deny a petition to establish an
2 Academy Charter School *not later than* sixty (60) days after the conclusion
3 of the public hearing on the petition.”

4 **Section 5.** Subsection (f) of §12106 of Chapter 12, Title 17 of the Guam
5 Code Annotated, is hereby *amended* to read:

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

16 **Section 6.** Subsection (e) of §12111 of Chapter 12, Title 17 of the Guam
17 Code Annotated, is hereby *amended* to read:

18 “(e) Clerical and administrative support *shall* be provided by the
19 Guam Certification Office.”

20 **Section 7.** A new Subsection (f) is hereby *added* to §12111 of Chapter 12,
21 Title 17 of the Guam Code Annotated, to read:

22 “(f) The Council *shall* utilize the Office of the Attorney General of
23 Guam as its legal counsel, unless the Attorney General, in writing,
24 authorizes the Council to utilize private counsel.”

25 **Section 8.** Subsection (a)(3) of §12112 of Chapter 12, Title 17 of the
26 Guam Code Annotated, is hereby *amended* to read:

1 “(3) *shall* monitor that each such Academy Charter School complies
2 with applicable laws and the provisions of the charter granted to such
3 school;”

4 **Section 9.** Subsection (a)(5) of §12112 of Chapter 12, Title 17 of the
5 Guam Code Annotated, is hereby *amended* to read:

6 “(5) *shall* monitor that each Academy Charter School complies with
7 the annual reporting requirements, including, submission of the audited
8 financial statement.”

9 **Section 10.** A new Subsection (f) is hereby *added* to §12112 of Chapter 12,
10 Title 17 of the Guam Code Annotated, to read:

11 “(f) The Council *shall* promulgate Administrative Rules and
12 Regulations consistent with the provisions of Title 5, GCA, Chapter 9. Such
13 Rules and Regulations may be revised as needed consistent with the
14 provisions of Title 5, GCA, Chapter 9.”

15 **Section 11.** Subsection (a) of §12113 of Chapter 12, Title 17 of the Guam
16 Code Annotated, is hereby *amended* to read:

17 “(a) A Charter granted to an Academy Charter School *shall* remain
18 in force for a five (5) year period, *unless* revoked as authorized in §12114 of
19 this Chapter.”

20 **Section 12.** Subsection (k) of §12113 of Chapter 12, Title 17 of the Guam
21 Code Annotated, is hereby *amended* to read:

22 “(k) A decision *not* to renew the Charter of an Academy Charter
23 School *may* be appealed to the Appeals Board as described by § 12115 of
24 this Chapter.”

25 **Section 13.** Subsection (f) of §12114 of Chapter 12, Title 17 of the Guam
26 Code Annotated, is hereby *amended* to read:

1 “(f) *If* the Academy Charter School’s Charter is revoked, the Trustees
2 *may* appeal the decision of the Council to the Appeals Board.”

3 **Section 14.** §12115 of Chapter 12, Title 17 of the Guam Code Annotated, is
4 hereby *amended* to read:

5 **“§12115. Appeal Process.**

6 (a) The Appeals Board, upon receipt of a notice of appeal, *shall*
7 review the decision of the Council.

8 (b) An eligible applicant *or* the Trustees of an Academy Charter
9 School that wishes to appeal a decision of the Council concerning the denial,
10 nonrenewal *or* revocation of an Academy Charter School *shall* provide the
11 Appeals Board with a notice of appeal within thirty (30) days after the
12 Council's decision. The eligible applicant *or* Trustees of the Charter School
13 bringing the appeal *shall* limit the grounds of the appeal to the grounds for
14 denial, nonrenewal *or* revocation specified by the Council. The notice *shall*
15 include a brief statement of the reasons the eligible applicant *or* Trustees
16 contends the Council's decision was in error. Within thirty (30) days after
17 receipt of the notice of appeal, the Appeals Board *shall* hold a public hearing
18 that may be held in the school district in which the proposed Academy
19 Charter School has applied for *or* at the current location of the Academy
20 Charter School. The Appeals Board *shall* review the decision of the Council
21 and make its findings within ten (10) days after the completion of the public
22 hearing. If the Appeals Board finds that the Council's decision was contrary
23 to the best interests of the students, *or* community, the Appeals Board *shall*
24 reverse the decision of the Council. The decision of the Appeals Board *shall*
25 be final and *not* subject to appeal.”

26 **Section 15.** Subsection (b) of §12116 of Chapter 12, Title 17 of the Guam
27 Code Annotated, is hereby *amended* to read:

1 “(b) The Council *shall* submit, on a timely basis as required by the
2 Board, the budgets of Academy Charter Schools to the Superintendent of
3 Education. The Superintendent of Education *shall* submit the budgets to the
4 Board for submission to *I Liheslatura* as part of the Department of
5 Education Fiscal Year Budget.”

6 **Section 16.** §12118 of Chapter 12, Title 17 of the Guam Code Annotated, is
7 hereby *amended* to read:

8 **“§12118. Academic Credits; Transfer.**

9 If a student who was previously enrolled in an Academy
10 Charter School enrolls in a public school, the public school *shall*
11 accept credits earned by the student in courses *or* instructional
12 programs at the Academy Charter School in a uniform and consistent
13 manner and according to the same criteria that are used to accept
14 academic credits from other public schools. This reciprocity of
15 acceptance for transfers of academic credits *shall* apply to students
16 previously enrolled in a public school who enroll in an Academy
17 Charter School, and students previously enrolled in an Academy
18 Charter School who enroll in another Academy Charter School.”

19 **Section 17.** §12120 of Chapter 12, Title 17 of the Guam Code Annotated, is
20 hereby *repealed*.