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CH. 12 GUAM ACADEMY CHARTER SCHOOLS ACT OF 2009

CHAPTER 12
GUAM ACADEMY CHARTER SCHOOLS ACT OF 2009

SOURCE: This entire Chapter was added by P.L. 29-140:1 (Jan. 30, 2009).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education. References to Guam Public School System have been changed to Department of Education pursuant to P.L. 30-050:3.

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- § 12120. [Untitled Section].
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§ 12101. Short Title.

This Chapter *shall* be known and may be cited as the “Guam Academy Charter School Act of 2009”.

§ 12102. Purpose.

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The Guam Academy Charter School Act of 2009 is enacted to provide opportunities for teachers, parents, guardians, students and community members to establish and maintain schools that operate independently from the Department of Education as a method to:

- (a) improve student learning;
- (b) increase learning opportunities for all students, with special emphasis on expanded learning experiences;
- (c) encourage the use of different and innovative teaching methods;
- (d) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- (e) provide parents, guardians and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (f) hold the schools established under this Chapter accountable for meeting measurable student educational standards.

§ 12103. Definitions.

- (a) *Board* means the Guam Education Policy Board;
- (b) *Academy Charter School* means schools acknowledged as Charter schools by the Guam Academy Charter Schools Council under Chapter 12 of Title 17 GCA;
- (c) *Chamorro Language Immersion Program* is a method of teaching the *Chamorro* language. Using the *Chamorro* language as the teaching tool, surrounding *or* immersing students in the *Chamorro* language in class activities such as math, science, social studies, history, and other class subjects.
- (d) *Council* means the authorizing chartering entity known as the Guam Academy Charter Schools Council.
- (e) *Eligible applicant means* an individual, a group of individuals, teachers, parents, guardians or a non-profit organization authorized under the laws of Guam to do business; and
- (f) *Trustees* means the Board of Trustees, the governing structure of an

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Academy Charter School as set forth in the Academy's Charter.

§ 12104. Process for Filing Charter Petitions.

(a) Existing public school. An eligible applicant seeking to convert a public school into an Academy Charter School:

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

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

(A) the parents and guardians of minor students attending the existing public school;

(B) adult students attending the existing public school;

(C) employees of the existing public school;

(D) parents and guardians of minor students who attend the school grade immediately lower than the first school grade which is served by the public school which is the subject of the conversion petition; and

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

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

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

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

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

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

(B) New School. An eligible applicant seeking to establish an Academy Charter School, but *not* converting an existing public school, *shall* file with the Council for approval a petition to establish an Academy Charter School that meets the requirements

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of § 12105 of this Chapter.

(C) Limitations on multiple petitions. An eligible applicant may *not* file *more than* one (1) petition to establish an Academy Charter School during a calendar year.

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

§ 12105. Contents of Petition.

A petition under § 12104 of this Chapter to establish an Academy Charter School *shall* include the following:

(a) a statement defining the mission and goals of the proposed Academy Charter School and the manner in which the Academy Charter School will conduct any district-wide assessments required by the Department of Education;

(b) a statement of the need for the proposed Academy Charter School;

(c) a description of the proposed instructional goals and methods for the proposed Academy Charter School, which *shall* include, at a minimum:

(1) the area of focus of the proposed Academy Charter School, such as mathematics, science, the fine arts, language, technology, agriculture, vocational training, *Chamorro* language immersion program, high school academy, information technology *or* criminal justice, *if* the Academy Charter School will have such a focus;

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

(A) to become nationally and internationally competitive students and educated individuals in the Twenty First (21st) century; and

(B) to perform competitively on any district-wide assessments; and

(3) the methods that will be used to improve student self-

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motivation, classroom instruction, and learning for all students;

(d) a description of the scope and size of the proposed Academy Charter School's program that will enable students to successfully achieve the goals established by the Academy Charter School, including, the grade levels to be served by the Academy Charter School and the projected and maximum enrollment of each grade level;

(e) a description of the plan for evaluating student academic achievement at the proposed Academy Charter School and the procedures for remedial action that will be used by the Academy Charter School when the academic achievement of a student falls below the expectations of the Academy Charter School;

(f) an operating budget for the first two (2) years of the proposed Academy Charter School that is based on anticipated enrollment;

(g) a description of the proposed rules and policies for governance and operation of the proposed Academy Charter School;

(h) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the proposed Academy Charter School;

(i) an identification of a facility for the proposed Academy Charter School, including a description of the site where the school will be located;

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

(k) a description of the student enrollment, admission process, suspension, expulsion, and other disciplinary policies and procedures of the proposed Academy Charter School, and the criteria for making decisions in such areas;

(l) a description of the procedures the proposed Academy Charter School plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the government of Guam;

(m) an explanation of the qualifications that will be required of

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employees of the proposed Academy Charter School;

(n) a description of how parents, guardians, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed Academy Charter School:

(o) a description of how parents, guardians, teachers and staff will be provided an orientation and other training to ensure their effective participation in the operation of the proposed Academy Charter School;

(p) an assurance the proposed Academy Charter School will seek, obtain, and maintain accreditation from an accrediting body deemed appropriate by the Council;

(q) an explanation of the relationship that will exist between the Academy Charter School and the school's employees; and

(r) a description of how the proposed Academy Charter School plans to meet the transportation and food service needs of its students; and

(s) a description of the facilities the Academy Charter School plans to use.

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

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

(b) Public Hearing. *Not later than* forty-five (45) days after a petition to establish an Academy Charter School is filed with the Council, the Council *shall* hold a public hearing on the petition to gather the information that is necessary for the Council to make the decision to approve *or* deny the petition.

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

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(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 an Academy 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.

(d) The Council *shall* approve a petition to establish an Academy 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 other applicable law that is set forth in writing by the Council as an amendment to the petition;

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

(4) the approval will *not* cause the Council to *exceed* a limit under subsection (g) of this Section.

(e) The Council *shall* approve *or* deny a petition to establish an Academy Charter School *not later than* thirty (30) days after the conclusion of the public hearing on the petition.

(f) Denial explanation. Written notice of the council's action *shall* be sent to the eligible applicant. IF the petition is *not* approved, the reasons for the denial and suggested remedial measures, *if any, shall* be clearly stated in

the notice sent by the council to the eligible applicant. *If* the petition is *not* approved, the eligible applicant may amend the petition to address objections and any suggested remedial measures and resubmit the petition to the Council. The Council *shall* approve *or* disapprove the resubmitted petition within twenty (20) days after receiving it. *If* the petition is *not* approved, the eligible applicant may appeal the decision of the Council to the Board.

(g) The total number of Academy Charter Schools operating on Guam under this Chapter at any one time *shall not exceed* seven (7). At least two (2) Academy Charter School *shall* be an elementary school. At least one (1) *shall* be a middle school. At least one (1) high school. *No more than* three (3) non-converted public schools shall be authorized.

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

(a) An Academy Charter School *shall* comply with all of the terms and provisions of its Charter.

(b) An Academy Charter School *shall* be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race creed, color, gender, national origin, religion, ancestry *or* need for special education services.

(c) Each power conferred upon an Academy Charter School under this Chapter can only be used for the *sole* purpose of operating the Academy Charter School. An Academy Charter school *shall* have the following powers:

(1) to adopt a name and corporate seal, but only if the name selected includes the words “Academy Charter School”;

(2) to acquire real property for use as the Academy Charter School's facilities, from public *or* private sources, but Academy Charter Schools *shall not* have the power to acquire property by eminent domain;

(3) to receive and disburse funds for Academy Charter School purposes;

(4) to secure appropriate insurance and to make contracts and leases, including agreements to procure *or* purchase services,

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equipment, and supplies;

(5) to incur debt in reasonable anticipation of the receipt of funds from the general fund of the government of Guam *or* the receipt of Federal or private funds;

(6) to solicit and accept any grants or gifts for the Academy Charter School's purposes, *if* the Academy Charter School:

(A) *Does not* accept any grants *or* gifts subject to any condition contrary to law *or* contrary to its Charter; and

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

(7) to be responsible for the Academy Charter School's operation, including preparation of a budget and personnel matters; and

(8) to sue and be sued in the Academy Charter School's own name.

(d) An Academy Charter School shall *not* charge an application fee and tuition.

(e) An Academy Charter School *may* impose reasonable fees or otherwise require payment, at rates established by the Trustees of the school, for any field trips or similar activities not funded in whole or part through appropriation by *I Liheslaturan Guåhan*.

(f) An Academy Charter School shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this Chapter.

(g) An Academy Charter School *shall* be *exempt* from Guam statutes, policies, rules, regulations, and collective bargaining agreements established for the Guam public schools, *except* as otherwise provided in the Academy's Charter or this Chapter.

(h) An Academy Charter School shall comply with all federal and Guam health and safety requirements applicable to public schools.

(i) An Academy Charter School shall be governed by the Trustees in a manner consistent with the Charter granted to the school and the provisions of this Chapter.

(j) *No* employee of the Department of Education *shall* be required to

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accept employment with, *or* be assigned to, an Academy Charter School.

(k) *No* student enrolled in a public school *shall* be required to attend an Academy Charter School:

(l) An Academy Charter School *shall not* levy taxes *or* issue bonds.

(m) An Academy Charter School seeking to revise its Charter *shall* prepare a petition for approval of the revision and file the petition with the Council. The provisions of § 12105 of this Chapter *shall* apply to such a petition in the same manner as such provisions apply to a petition to establish an Academy Charter School.

(n) An Academy Charter School *shall* submit an annual report *no later than* thirty (30) days after the end of the fiscal year to the Council, the Superintendent of Education, and the Board. The Academy Charter School shall permit the public to review any such report upon request. A report *shall* include the following data:

(1) a report on the extent to which the school is meeting its mission and goals as stated in the petition for the Academy Charter School;

(2) student performance on any district-wide assessments;

(3) grade advancement for students enrolled in the Academy Charter School;

(4) graduation rates, college admission test scores, and college admission rates, *if* applicable;

(5) types and amounts of parental involvement;

(6) official student enrollment;

(7) average daily attendance;

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

(9) a report on school staff indicating the qualifications and responsibilities of such staff; and

(10) a list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to *or exceeding* Five Hundred Dollars (\$500) during the year that is the subject of the

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report.

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

(o) An Academy Charter School *shall* provide to the Department of Education student enrollment data.

(p) An Academy Charter School *shall* establish a formal complaint resolution process.

(q) An Academy Charter School *shall* provide a program of education, which *shall* include any grade *or* grades from kindergarten through grade twelve (12).

(r) An Academy Charter School *shall* be nonsectarian and *shall not* be affiliated with a sectarian school *or* religious institution.

(s) An Academy Charter School *shall not* be home based.

(t) An Academy Charter School *shall not* be converted from any existing private *or* parochial school.

(u) An Academy Charter School *shall* initiate the process for accreditation within the first one hundred twenty (120) days of opening and attain accreditation within five (5) years of opening.

(v) An Academy Charter School *shall not* hire a for-profit management company to operate the school.

(w) An Academy Charter School *shall* provide instruction each year for at least the same number of days required of the Department of Education.

(x) An Academy Charter School, and its incorporators, Trustees, officers, employees, and volunteers, *shall* be immune from civil liability, both personally and professionally, for any act *or* omission within the scope of their official duties unless the act *or* omission:

- (1) constitutes gross negligence;
- (2) constitutes an intentional tort; *or*
- (3) is criminal in nature.

(y) Upon termination of the Charter, all assets of the Academy Charter School *shall* revert to the Department of Education.

§ 12108. Board of Trustees of a Charter School.

(a) There is established the Board of Trustees. The Trustees of an Academy Charter School *shall* be elected *or* selected pursuant to the Charter granted to the Academy Charter School. The Board of Trustees *shall* consist of *not less than* five (5) members and *not more than* nine (9) members. At least one (1) member *shall* be parent *or* guardian of a student attending the Academy Charter School. At least one (1) member *shall* be from the general public with an accounting or finance background. The Principal of the Academy Charter School *shall* be a non-voting member.

(b) In the case of the first Trustees of an Academy Charter School to be elected *or* selected after the date on which the school is granted a Charter, the election *or* selection of the members under subsection (a) of this Section *shall* occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected *or* selected *shall* serve as interim Trustees. Such an interim Board of Trustees may exercise all of the powers, and *shall* be subject *to* all of the duties, of a Board of Trustees.

(c) The Trustees of an Academy Charter School *shall* be fiduciaries of the school and *shall* set overall policy for the school. The Trustees *may* make final decisions on matters related to the operation of the school, consistent with the Charter granted to the school, this Chapter, and other applicable law.

(d) Meetings held by the Board of Trustees *shall* be in compliance with the Open Government Law of Guam.

§ 12109. Academy Charter Schools; Admission Requirements.

(a) *An Academy* Charter School *shall* enroll all students who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level *or* building. An Academy Charter School *shall* give enrollment preference to students returning to the Academy Charter School in the second *or* any subsequent year of its operation and to siblings of students already enrolled in the Academy Charter School. If capacity is insufficient to enroll all students who submit a timely application, the Academy Charter School *shall* select students through an equitable selection process such as a lottery. A public school converted to an Academy Charter school *shall* give enrollment preference to students attending the public school prior to conversion and students who reside

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within the former attendance zone of that converted public school.

(b) *Except* as provided in subsection (c), an Academy Charter School *shall not* limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language *or* athletic ability.

(c) An Academy Charter School *may* limit admission to students within a given age group *or* grade level.

(d) An Academy Charter School *may* refuse to admit any student who has been expelled from another educational institution *or* who is in the process of being expelled from another educational institution.

(e) For schools preparing students for specific professions, admissions may be limited to students who meet Bona Fide Occupational Qualifications (BFOQ) selection criteria for the profession. the profession exists in an equivalent government position, the admissions criteria may be based on the government of Gum's employment selection criteria.

§ 12110. Employees.

(a) An employee of an Academy Charter School who transferred from the Department of Education *shall* be considered to be on three (3) years leave of absence from the Department of Education. The leave of absence *shall* commence on the initial date of employment at the Charter School. Upon request of the employee, the three (3) years leave of absence *shall* be renewed for up to two (2) additional one (1)-year periods, absent good cause.

(b) The time during which an employee is on a leave of absence *shall* be counted for service credit on the Department of Education's salary schedule.

(c) During the period of time that an employee is on a leave of absence from the Department of Education and is actively employed by the Charter School, the Academy Charter School as the employer *shall* continue the retirement *or* other benefits previously granted to the employee make applicable retirement contributions.

(d) A leave of absence *shall not* be considered a break in service with the Department of Education with which and employee was previously employed.

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(e) An employee who is on leave of absence and actively teaching at an Academy Charter School and who submits a notice of intent to return to a public school in which the employee was employed immediately prior to employment in the Charter School *shall* be given employment preference by the Department of Education *if*:

(1) the employee's notice of intent to return is submitted to the Department of Education within three (3) years after ceasing employment with the Department of Education; and

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

(f) An employee who is on leave of absence and employed by an Academy Charter school and is discharged *or* terminated for just cause by the Academy Charter School may be considered discharged *or* terminated by the Department of Education.

§ 12111. Guam Academy Charter Schools Council; Membership; Terms; Compensation.

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

(1) one (1) retired teacher;

(2) one (1) retired school administrator;

(3) two (2) members with accounting *or* finance background;

(4) three (3) members from the general public; and

(5) the Superintendent of Education *or* the Superintendent's designee who *shall* be a non-voting member.

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

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

(d) Members of the Council are *not* eligible to receive compensation,

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except that they *shall* be paid Fifty Dollars (\$50) per meeting, *not to exceed* One Hundred Fifty Dollars (\$150) per month.

(e) Clerical and administrative support *shall* be provided by the Department of Education.

§ 12112. Powers and Duties of the Guam Academy Charter School Council.

(a) The Council:

(1) *may* grant Academy School Charter status to qualifying applicants pursuant to this Chapter;

(2) *shall* monitor the operations of each Academy Charter School;

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

(4) *shall* monitor the progress of each school in meeting student academic achievement expectations specified in the charter granted to such Academy Charter School; and

(5) *shall* ensure that each Academy Charter School complies with the annual reporting requirements, including, submission of the audited financial statement.

(b) The Council *may* require an Academy Charter School to produce any book, record, paper, *or* document, *if* the Council determines that such production is necessary for the Council to carry out its functions under this Chapter.

(c) The Council *shall* charge an eligible applicant *or* an Academy Charter School a non-refundable application *or* renewal *fee* of Five Hundred Dollars (\$500). All such application *or* renewal fees *shall* be deposited to the Guam Academy Charter School Fund.

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

(1) constitutes gross negligence;

(2) constitutes an intentional tort; or

(3) is criminal in nature.

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

§ 12113. Academy Charter School Initial Term and Renewal.

(a) A Charter granted to an Academy Charter School *shall* remain in force for a five (5) year period.

(b) A Charter *may* be renewed an unlimited number of times, each time for a five (5) year period.

(c) The Council *shall* review a Charter at least once every year to determine whether the Charter should be revoked for the reasons described § 12115 of this Chapter in accordance with the procedures for revocation established under § 12115 of this Chapter.

(d) In the case of an Academy Charter School that desires to renew its charter, the Trustees of the school *shall* file an application to renew the charter with the Council *not later than* one hundred twenty (120) days *nor* earlier than three hundred sixty-five (365) days before the expiration of the charter. The application *shall* contain the following:

(1) a report on the progress of the Academy Charter School in achieving the goals, student academic achievement expectations, and other terms of the approved Charter; and

(2) all audited financial statements for the Academy Charter School for the preceding four (4) years, if applicable.

(e) The Council *shall* approve an application to renew the Charter that is filed in accordance with subsection (b) of this Section, *except* that the Council *shall* not approve such application if the Council determines that:

(1) the Academy Charter School committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its Charter, including violations relating to the education of children with disabilities; or

(2) the Academy Charter School failed to meet the goals and student academic achievement expectations set forth in its Charter.

(f) In an application to renew a Charter filed by the Trustees in accordance with this Chapter, the Council *shall* provide written notice to the

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Trustees of the public hearing on the application *not later* than fifteen (15) days after the date on which the Council received the application.

(g) *Not later than* thirty (30) days after the date on which the Trustees receive a notice under subsection (e) of this Section, the Trustees may request, in writing, a public hearing on the application before the Council.

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

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

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

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

§ 12114. Basis and Procedures for Academy Charter School Probation or Revocation.

(a) The Council may place an Academy Charter School on probation *or* revoke the Academy Charter School's Charter *if* the Council determines that the Academy Charter School:

(1) committed a violation of applicable law *or* material violation of the conditions, terms, standards, *or*. procedures set forth in the Charter, including violations relating to the education of children with disabilities;

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

(3) has engaged in a pattern of non-adherence to generally accepted accounting principles;

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

(5) is *no* longer economically viable.

(b) Procedures for consideration of probation or revocation:

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(1) The Council *shall* provide to the Trustees a written notice stating the reasons for the probation of the Academy Charter School or the revocation of the Academy Charter School's Charter. The notice shall inform the Trustees of the right to have a public hearing.

(2) *Not later than* fifteen (15) days after the date on which the Trustees receives a notice under (b)(1) of this Section, the Trustees may request, in writing, a public hearing on the probation of the Charter School *or* the revocation of the Academy Charter School's Charter before the Council.

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

(4) A public hearing under this Section *shall* take place *not later than* thirty (30) days upon written request for a public hearing under this subsection.

(c) The Council *shall* render a final decision *no later than* thirty (30) days after the conclusion of the public hearing. The vote of two-thirds (2/3) of all the members of the Council *shall* be required to revoke the Charter.

(d) The Council may place an Academy Charter School on probation, rather than revoke its Charter, in order to allow for the implementation of a remedial plan approved by the Council. If after ninety (90) days, *or* such longer period as the Council may specify, said plan is unsuccessful in remedying the problem *or* alleviating the causes of the probation, the Council *shall* revoke the Charter.

(e) If the Council revokes a charter granted to an Academy Charter School, the Department of Education shall manage the Academy Charter School directly until alternative arrangements can be made for students at the Academy Charter School.

(f) *If* the Academy Charter's School Charter is revoked, the Trustees *may* appeal the decision of the Council to the Board.

§ 12115. Appeal Process.

(a) The Board, upon receipt of a notice of appeal, *shall* review the

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decision of the Council.

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

§ 12116. Funding.

(a) The Trustees, in consultation with teachers and administrators, *shall* determine the school's curriculum and develop the school's annual budget. The Trustees of each Charter School *shall* submit to the Council a copy of its budget for each fiscal year.

(b) The Council *shall* submit on a timely basis as required by the Board, the budgets of an Academy Charter Schools to the Superintendent of Education. The Superintendent of Education *shall* submit the budgets to the Board for approval as part of the Department of Education Fiscal Year Budget.

(c) Following the appropriation of the Department of Education's operating budget for the fiscal year, the amount approved by *I Liheslatura* for the operation of each Academy Charter School *shall* be available for expenditure by the Trustees of such Charter School for any lawful purpose without further approval by the Superintendent of Education *or* the Board. In no case *shall* an Academy Charter School expend *or* incur obligations in excess of its budget request; provided, however, that a Academy Charter School *shall* be authorized to spend federal grants and other funds received

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independent of the Department of Education *not* accounted for in said Charter School's budget request without prior approval from the Superintendent of Education *or* the Board.

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

(e) Academy Charter Schools *shall* be funded *as* follows: the Charter School *shall* receive *a* tuition amount from the General Fund equal to the number of students enrolled at the Charter School for the upcoming school year, multiplied by the per pupil cast. The Department of Administration is hereby authorized and directed to deduct said Charter School tuition amount from the total General Fund appropriation to the Department of Education. Specific to the Charter, any reimbursement for special education *or* bilingual education costs between the Department of Education and the Academy Charter School *shall* follow such formula and mechanisms adopted in the Academy's Charter.

(f) A public school that converts into an Academy Charter School *shall* retain the identical school budget appropriated prior to its conversion to the following school year.

§ 12117. Transportation.

Students attending an Academy Charter School *shall* be provided transportation to the Charter School by the Department of Public Works on the same terms and conditions as transportation is provided to children attending other public schools. In providing such transportation, the Department of Public Works *shall* accommodate the particular school day and school year of the Charter School; provided, however, that in the event that the Department of Public Works limits transportation for public school students, the Department of Public Works *shall not* be required to provide transportation to any Academy Charter School beyond said limitations.

§ 12118. Academic Credits; Transfer.

If a student who was previously enrolled in an Academy Charter School enrolls in a public school, the public school shall accept credits earned by the student in courses *or* instructional programs at the Academy Charter School in a uniform and consistent manner and according to the same criteria that are used to accept academic credits from other public

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schools.

§ 12119. Guam Academy Charter School Fund.

There is hereby created, separate and apart from other funds of the government of Guam, a fund known as the “Guam Academy Charter School Fund (Fund),” The Fund *shall not* be commingled with any other fund, and *shall* be kept in a separate bank account and administered by the Guam Academy Charter School Council for the operations of the Guam Academy Charter School. Expenditures from the Fund *shall* be reported *quarterly* to *I Liheslaturan Guåhan* and the Office of Public Accountability for the use of the Fund.

COMMENT: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

§ 12120. [Untitled Section].

All provisions of this Act *shall* expire on July 1, 2018, unless reenacted by *I Liheslaturan Guåhan* prior to expiration.

§ 12121. [Untitled Section].

The Guam Academy Charter Schools Council *shall* recommend changes to this Act to *I Liheslatura* within thirty (30) days of its first meeting at which a quorum is present.
