

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
68-38 (COR)	Frank F. Blas, Jr.	AN ACT TO <i>AMEND</i> §12107(y) OF CHAPTER 12, TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL.	2/27/25 11:22 a.m.	3/7/25	Committee on Education, Libraries and Public Broadcasting.	Request: 3/7/25 3/17/25	4/21/25 2:00 p.m.	7/7/25 As Amended.	



Office of Senator

Vincent A.V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

July 1, 2025

The Honorable Frank F. Blas Jr.
Speaker, *I Mina'trentai Ocho na Liheslaturan Guåhan*
163 W. Chalan Santo Papa
Hågatña, Guam 96910

Via Honorable Vice Speaker V. Anthony Ada 
Chairman, Committee on Rules

RE: Committee Report on Bill No. 68-38 (COR) As Amended

Buenas yan Håfa Ådai Speaker,

Transmitted herewith is the Committee Report on Bill No. 68-38 (COR) – *As Amended by the Committee on Education, Libraries, and Public Broadcasting* - Frank F. Blas, Jr. – AN ACT TO AMEND §12107(y) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL.

Committee votes are as follows:

<u>5</u>	TO DO PASS
_____	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
_____	TO ABSTAIN
_____	TO PLACE IN INACTIVE FILE

Best Regards,



Senator Vincent A.V. Borja
Chairman, Committee on Education, Libraries, and Public Broadcasting



COMMITTEE ON RULES

RECEIVED:
July 1, 2025 1:43 p.m.
Marie Crisostomo



Office of Senator

Vincent A.V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

COMMITTEE REPORT

Bill No. 68-38 (COR)

**As Amended by the Committee on Education,
Libraries, and Public Broadcasting**

Sponsor: Frank F. Blas, Jr.

**“AN ACT TO AMEND §12107(y) OF
CHAPTER 12, TITLE 17, GUAM
CODE ANNOTATED RELATIVE
TO THE RESPONSIBILITY OF
LIABILITIES OF AN ACADEMY
CHARTER SCHOOL.”**



Office of Senator

Vincent A.V. Borja

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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

July 1, 2025

MEMORANDUM

To: All Members
Committee on Education, Libraries, and Public Broadcasting

From: Senator Vincent A.V. Borja
Chairperson, Education, Libraries, and Public Broadcasting

Subject: Committee Report on Bill No. 68-38 (COR) As amended

Transmitted herewith for your consideration is the Committee Report on **Bill No. 68-38 (COR) As amended** - "Frank F. Blas, Jr. – AN ACT TO AMEND §12107(y) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL."

This report includes the following:

- Copy of COR Referral of Bill No. 68-38 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Written Testimony
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 68-38 (COR), As Introduced
- Copy of Bill No. 68-38 (COR), As Amended by the Committee
- Copy of Bill No. 68-38 (COR), As Amended by the Committee (Markup)
- Fiscal Note/Fiscal Note Waiver

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

Senator Vincent A.V. Borja

Chairman, Committee on Education, Libraries, and Public Broadcasting



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

March 7, 2025

To: Rennae V. C. Meno
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: Vice Speaker V. Anthony Ada 
Chairperson, Committee on Rules

Subject: Referral of Bill No. 68-38 (COR)

Håfa Adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 68-38 (COR)** – Frank F. Blas, Jr. – “AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL.”

Please ensure that the subject bill is referred to the Committee on Education, Libraries, and Public Broadcasting chaired by Senator Vincent A. V. Borja. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





Office of Senator Borja <contact@senatorvinceborja.com>

FIRST NOTICE OF PUBLIC HEARING – APRIL 21, 2025

Office of Senator Borja <contact@senatorvinceborja.com>

Mon, Apr 14, 2025 at 10:05 AM

To: phnotice@guamlegislature.gov

Cc: Ed Pocaigue <sgtarms@guamlegislature.gov>, cdelacruz@pbsguam.org

April 14, 2025

MEMORANDUM**TO: ALL SENATORS, STAKEHOLDERS, MEDIA****FROM: SENATOR VINCENT A. V. BORJA,**
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING**RE: FIRST NOTICE OF PUBLIC HEARING – APRIL 21, 2025**

The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025, in the Public Hearing Room at the Guam Congress Building, with the following agenda:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
- **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO FILL TEACHING VACANCIES
- **BILL No. 68-38 (COR)** – Frank Blas Jr. – AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL
- **BILL No. 70-38 (COR)** – Joe S. San Agustin – AN ACT TO ADD A NEW §3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN ITS JURISDICTION.

How to Participate: Written testimony may be delivered to the Office of Senator Vincent A. V. Borja, DNA Building Suite 502, 238 Archbishop Flores Street, Hagåtña Guam 96910 or via email to contact@senatorvinceborja.com The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing.

Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or via voice call at (671) 969-8423

Special Accommodations: All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). For assistance or special accommodations to fully participate in this public hearing please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com

Watch Live/Record: The hearing will be broadcast live on local television, (GTA, Channel 21, Docomo Channel 117), and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

Respectfully,



Office of Senator Vincent A.V. Borja

Committee on Education, Libraries, & Public
Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com



04.14.25 FIRST NOTICE .pdf

383K



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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HAGÁTNA, GUAM 96910
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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

April 14, 2025

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND
PUBLIC BROADCASTING

RE: FIRST NOTICE OF PUBLIC HEARING – APRIL 21, 2025

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- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
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- **BILL No. 68-38 (COR)** – Frank Blas Jr. – AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL
- **BILL No. 70-38 (COR)** – Joe S. San Agustin – AN ACT TO ADD A NEW §3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN ITS JURISDICTION.

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Office of Senator Borja <contact@senatorvinceborja.com>

RESCIND and REPLACE FIRST NOTICE OF PUBLIC HEARING - APRIL 21, 20254 messages

Office of Senator Borja <contact@senatorvinceborja.com>

Mon, Apr 14, 2025 at 10:24 AM

To: phnotice@guamlegislature.gov

Cc: Ed Pocaigue <sgtarms@guamlegislature.gov>, cdelacruz@pbsguam.org

April 14, 2025

MEMORANDUM**TO: ALL SENATORS, STAKEHOLDERS, MEDIA****FROM: SENATOR VINCENT A. V. BORJA,**
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING**RE: RESCIND and REPLACE FIRST NOTICE OF PUBLIC HEARING – APRIL 21, 2025**

The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025, at 2PM in the Public Hearing Room at the Guam Congress Building, with the following agenda:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
- **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO FILL TEACHING VACANCIES
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 **04.14.25 FIRST NOTICE .pdf**
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Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Office of Senator Borja <contact@senatorvinceborja.com>

Mon, Apr 14, 2025 at 1:23 PM

Hafa Adai,

Posted on calendar.

[Quoted text hidden]



Edward S. Pocaigue, Jr.
Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 1st Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

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Joe S. San Agustin <senatorjoessanagustin@gmail.com>
To: Office of Senator Borja <contact@senatorvinceborja.com>
Cc: Rose Mesa <rose.sensorsa@gmail.com>

Mon, Apr 14, 2025 at 1:32 PM

Hafa Adai,

Our office thanks you for scheduling our Bill No. 70-38(COR); however, we ask that it be heard after May 12, 2025.

Should you have any questions or concerns about this matter, feel free to contact us at (671) 989-5445.

Kindly confirm receipt of this email.

Very Respectfully,
Hope Delos Reyes

The Office of Senator Joe S. San Agustin

I Mina'trentai Ocho na Liheslaturan Guåhan

38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 989-5445 F: (671) 969-6737 E: senatorjoessanagustin@gmail.com

Website: www.senatorjoessanagustin.com

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[Quoted text hidden]

Joe S. San Agustin <senatorjoessanagustin@gmail.com>

Tue, Apr 15, 2025 at 10:00 AM

To: Office of Senator Borja <contact@senatorvinceborja.com>, Senator Vince Borja <vince.borja@guamlegislature.gov>

Cc: Rose Mesa <rose.senatorsa@gmail.com>

Hafa Adai,

Per our phone conversation, we thank you for your consideration in rescheduling our Bill No. 70-38(COR) until after May 12, 2025.

Very Respectfully,
Hope Delos Reyes

The Office of Senator Joe S. San Agustin

I Mina'trentai Ocho na Liheslaturan Guåhan

38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 989-5445 F: (671) 969-6737 E: senatorjoessanagustin@gmail.com

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Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
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HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

April 14, 2025

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA, 
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND
PUBLIC BROADCASTING

RE: FIRST NOTICE OF PUBLIC HEARING – APRIL 21, 2025

The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025, at 2PM in the Public Hearing Room at the Guam Congress Building, with the following agenda:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
- **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO FILL TEACHING VACANCIES
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- **BILL No. 70-38 (COR)** – Joe S. San Agustin – AN ACT TO ADD A NEW §3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN ITS JURISDICTION.

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Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or via voice call at (671) 969-8423

Special Accommodations: All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). For assistance or special accommodations to fully participate in this public hearing please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com

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First Notice of Public Hearing - April 21, 2025 at 2:00 PM

First Notice of Public Hearing - April 21, 2025 at 2:00 PM

PUBLIC HEARING

 **Posted on:** 04/14/2025 10:30 AM

 **Posted by:** Sheryl Cruz

 **Public Hearing Date:** 04/21/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF SENATOR VINCE BORJA (/notices?division_id=297)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**

April 14, 2025

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND
PUBLIC BROADCASTING

RE: FIRST NOTICE OF PUBLIC HEARING – APRIL 21, 2025 at 2:00 PM



The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025 at 2:00 PM, in the Public Hearing Room at the Guam Congress Building, with the following agenda:

BILL No. 43-38 (COR) – Chris Barnett - AN ACT
TO AMEND CHAPTER 12, SECTION 9, PUBLIC LAW 37-125,
RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM
DEPARTEMENT OF EDUCATION TEACHERS

BILL No. 48-38 (COR) – Vincent A.V. Borja – AN ACT TO ADD A
NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE
BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT
TO FILL TEACHING VACANCIES

BILL No. 68-38 (COR) – Frank Blas Jr. – AN ACT TO AMEND
SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17
GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY
OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL

BILL No. 70-38 (COR) – Joe S. San Agustin – AN ACT TO ADD A
NEW §3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE
ANNOTATED RELATIVE TO AUTHORIZING THE GUAM
DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN
ITS JURISDICTION.

How to Participate: Written testimony may be delivered to the
Office of Senator Vincent A. V. Borja, DNA Building Suite 502, 238
Archbishop Flores Street, Hagåtña Guam 96910 or via email
to contact@senatorvinceborja.com

(<mailto:contact@senatorvinceborja.com>) The Committee requests
that testimonies be submitted at least forty-eight (48) hours prior
to the scheduled hearing.

Please confirm your attendance by contacting the office of Senator
Vincent A. V. Borja via email at contact@senatorvinceborja.com
(<mailto:contact@senatorvinceborja.com>) or via voice call at (671)
969-8423

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and services are accessible for people with disabilities in
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public hearing please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com (<mailto:contact@senatorvinceborja.com>).

Watch Live/Record: The hearing will be broadcast live on local television, (GTA, Channel 21, Docomo Channel 117), and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

**P.O. Box 21449
GMF, Guam 96921
Phone # 671-734-5483**

Invoice

Date	Invoice No.
4/29/2025	2025-23

Bill To
Office of Senator Vincent A.V. Borja

P.O. No.	Due Date	Rep	MOU No.
2538PO084	4/29/2025	CDC	2538PO084

[illegible]



Office of Senator Borja <contact@senatorvinceborja.com>

SECOND NOTICE OF PUBLIC HEARING - APRIL 21, 2025

2 messages

Office of Senator Borja <contact@senatorvinceborja.com>

Thu, Apr 17, 2025 at 9:25 AM

To: phnotice@guamlegislature.gov

Cc: Ed Pocaigue <sgtarms@guamlegislature.gov>

April 17, 2025

MEMORANDUM**TO: ALL SENATORS, STAKEHOLDERS, MEDIA****FROM: SENATOR VINCENT A. V. BORJA,**
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING**RE: SECOND NOTICE OF PUBLIC HEARING – APRIL 21, 2025**

The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025, at 2PM in the Public Hearing Room at the Guam Congress Building, with the following agenda:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
- **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO FILL TEACHING VACANCIES
- **BILL No. 68-38 (COR)** – Frank Blas Jr. – AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL
- ~~**BILL No. 70-38 (COR)** – Joe S. San Agustin – AN ACT TO ADD A NEW §3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN ITS JURISDICTION.~~

How to Participate: Written testimony may be delivered to the Office of Senator Vincent A. V. Borja, DNA Building Suite 502, 238 Archbishop Flores Street, Hagåtña Guam 96910 or via email to contact@senatorvinceborja.com The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing.

Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or via voice call at (671) 969-8423

Special Accommodations: All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). For assistance or special accommodations to fully participate in this public hearing please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com

Watch Live/Record: The hearing will be broadcast live on local television, (GTA, Channel 21, Docomo Channel 117), and streamed online via *I Liheslaturan Guåhan*'s live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

 **04.17.25 SECOND NOTICE .pdf**
384K

Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Office of Senator Borja <contact@senatorvinceborja.com>

Thu, Apr 17, 2025 at 9:51 AM

Hafa adai and updated the calendar.

[Quoted text hidden]



Edward S. Pocaigue, Jr.
Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 1st Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

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Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

April 17, 2025

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA, 
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND
PUBLIC BROADCASTING

RE: SECOND NOTICE OF PUBLIC HEARING – APRIL 21, 2025

The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025, at 2PM in the Public Hearing Room at the Guam Congress Building, with the following agenda:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
- **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO FILL TEACHING VACANCIES
- **BILL No. 68-38 (COR)** – Frank Blas Jr. – AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL
- ~~**BILL No. 70-38 (COR)** – Joe S. San Agustin – AN ACT TO ADD A NEW §3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN ITS JURISDICTION.~~

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Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or via voice call at (671) 969-8423

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Watch Live/Record: The hearing will be broadcast live on local television, (GTA, Channel 21, Docomo Channel 117), and streamed online via *I Liheslaturan Guåhan*'s live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

Second Notice of Public Hearing - April 21, 2025 at 2:00 PM

Second Notice of Public Hearing - April 21, 2025 at 2:00 PM

PUBLIC HEARING

 **Posted on:** 04/17/2025 09:27 AM

 **Posted by:** Sheryl Cruz

 **Public Hearing Date:** 04/21/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF SENATOR VINCE BORJA (/notices?division_id=297)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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April 17, 2025

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,

CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND
PUBLIC BROADCASTING

RE: SECOND NOTICE OF PUBLIC HEARING – APRIL 21, 2025

The Committee on Education, Libraries, and Public Broadcasting will conduct a public hearing on April 21, 2025, at 2PM in the Public Hearing Room at the Guam Congress Building, with the following agenda:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER



12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY
EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION
TEACHERS

• **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW
§4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE
BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO
FILL TEACHING VACANCIES

• **BILL No. 68-38 (COR)** – Frank Blas Jr. – AN ACT TO AMEND
SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17
GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF
LIABILITIES OF AN ACADEMY CHARTER SCHOOL

~~• **BILL No. 70-38 (COR)** – Joe S. San Agustin – AN ACT TO ADD A NEW
§3135 TO ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE
ANNOTATED RELATIVE TO AUTHORIZING THE GUAM
DEPARTMENT OF EDUCATION TO LEASE PROPERTY WITHIN ITS
JURISDICTION.~~

How to Participate: Written testimony may be delivered to the Office of
Senator Vincent A. V. Borja, DNA Building Suite 502, 238 Archbishop Flores
Street, Hagåtña Guam 96910 or via email to contact@senatorvinceborja.com
The Committee requests that testimonies be submitted at least forty-eight (48)
hours prior to the scheduled hearing.

Please confirm your attendance by contacting the office of Senator Vincent A.
V. Borja via email at contact@senatorvinceborja.com or via voice call at
(671) 969-8423

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Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing
recording will also be available online via Guam Legislature Media on
YouTube.



Office of Senator Borja <contact@senatorvinceborja.com>

Invitation to Provide Testimony on Bill No. 68-38 (COR)

1 message

Office of Senator Borja <contact@senatorvinceborja.com>
To: admin@guamopa.com

Thu, Apr 17, 2025 at 3:11 PM

April 17, 2025

Mr. Benjamin CruzDirector of the Office of Public Accountability (OPA)
Suite 401 DNA Building
238 Archbishop Flores Street Hagåtña, Guam 96910**Subject: Invitation to Provide Testimony on Bill No. 68-38 (COR)**

Dear Mr. Benjamin Cruz,

As part of my commitment to engaging stakeholders in the legislative process, I am writing to invite your agency to participate in a public hearing regarding Bill No. 68-38 (COR) scheduled for April 21, 2025, at 2PM.

This bill aims to aims to AMEND SUBSECTION "Y" OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATVIE TO THE RESPONSIBILITY OF LIABILITES OF AN ACADEMY CHARTER SCHOOL. Your agency's insights and expertise are invaluable in shaping the discussion around this important topic.

The public hearing will take place at Guam Congress Building and will provide an opportunity for agencies, organizations, and members of the community to voice their opinions and share relevant information concerning this proposed bill.

We would like to have a representative from your agency present to provide testimony and engage with other participants. Please confirm your participation by Friday April 18, 2025, at 4PM. If you have any questions or require additional information, feel free to contact my office at 671-969-8423 or contact@senatorvinceborja.com.

Thank you for considering this invitation. I look forward to your positive response and to an engaging discussion on April 21, 2025, at 2PM.

//// ORIGINAL SIGNED ////

Respectfully,

I



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

PUBLIC HEARING AGENDA

Monday, April 21, 2025 – Guam Congress Building

2:00 PM:

- **BILL No. 43-38 (COR)** – Chris Barnett - AN ACT TO *AMEND* CHAPTER 12, SECTION 9, PUBLIC LAW 37-125, RELATIVE TO TEMPORARY EMPLOYMENT OF RETIRED GUAM DEPARTEMENT OF EDUCATION TEACHERS
- **BILL No. 48-38 (COR)** – Vincent A.V. Borja – AN ACT TO ADD A NEW §4131 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING LIMITED LEAVE BENEFITS FOR RETIRED TEACHERS REHIRED ON CONTRACT TO FILL TEACHING VACANCIES
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How to Participate: Written testimony may be delivered to the Office of Senator Vincent A. V. Borja, DNA Building Suite 502, 238 Archbishop Flores Street, Hagåtña Guam 96910 or via email to contact@senatorvinceborja.com. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing. Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or via voice call at (671) 969-8423.

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Office of Senator Vincent A.V. Borja

Committee on Education, Libraries, & Public
Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com



04.17.25 OPA INVITATION (1).pdf

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Chairperson on Education, Public Broadcasting & Libraries
Vincent Anthony V. Borja
I Mina'trentai Ocho Na Liheslaturan Guahan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

PUBLIC HEARING SIGN-IN SHEET
MONDAY April 21, 2025, – 2:00 PM
Public Hearing Room, Guam Congress Building

Bill No. 68-38 (COR) – Frank Blas Jr. – AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12017 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. <i>Wangeline Cupda</i>	<i>GACSC</i>	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☒	[REDACTED]
2. <i>Fely Argonso</i>	<i>GACSC</i>	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	[REDACTED]
3. <i>IBJ Cruz</i>	<i>DPA</i>	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☐	
4.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



Office of Senator Borja <contact@senatorvinceborja.com>

OPA Testimony for Bill 68-38

1 message

Jerrick Hernandez <jhernandez@guamopa.com>

Mon, Apr 21, 2025 at 1:00 PM

To: vince.borja@guamlegislature.gov

Cc: contact@senatorvinceborja.com, Benjamin Cruz <bjcruz@guamopa.com>, speakerblas@guamlegislature.gov

Hafa Adai Senator Borja,

On behalf of Public Auditor Benjamin J.F. Cruz, the Office of Public Accountability submits written testimony for Bill 68-38. Please see attached.

--

Best Regards,



Jerrick J.J.G. Hernandez, MA, CGFM, CFE, CICA, CGAP
Accountability Auditor

Office of Public Accountability

+1 671 475 0390 (ext. 204)

jhernandez@guamopa.com<https://www.opaguam.org/>

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**Testimony on Bill 68-38 (COR)).pdf**

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OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910

Phone: (671) 475-0390 / FAX: (671) 472-7951

April 21, 2025

Honorable Senator Vincent A.V. Borja
Chairperson, Committee on Education, Libraries, & Public Broadcasting
38th Guam Legislature
Ste. 502 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
vince.borja@guamlegislature.gov

Testimony in Support of Bill 68-38 (COR) AN ACT TO AMEND SUBSECTION 'Y' OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL

Hafa Adai Senator Borja and Committee Members,

Thank you for the opportunity to provide testimony on Bill No. 68-38. The Office of Public Accountability supports the bill. It is simple but substantive, as it corrects a deficiency in the enabling legislation creating Charter Schools by adding a sentence that should have been included in the original legislation.

As you read the section as it was originally passed, it ends with the sentence that "Upon termination of the Charter, assets of the Charter School shall revert to the Department of Education." What happens if there are no assets, and millions of dollars in liabilities?

In previous financial audit status meetings with the Charter Schools, I have had heated discussions with Charter School board members that the liability was theirs as fiduciaries, especially since the obligation was entered into without the concurrence of the Attorney General and the Governor. They have insisted that the law does not explicitly say that. Several Charter Schools have defaulted on their obligations, but were bailed out when they had surplus funds during the period when classes were conducted remotely. Now that all the schools are back to in-person classes, the surplus funds have run out.

One Charter School was sued for eviction and several million dollars in unpaid obligations. Their attorney attempted to claim sovereign immunity and alleged that the suit was prematurely filed because the contractor failed to commence the action against the Government Claims Fund. Thankfully a Judge of the Superior Court quickly dispelled that argument. The suit remains unresolved.

Another Charter School just let time pass and then insisted that the Statute of Limitations to sue had run out, and wrote off almost half a million dollars in obligations for construction and preparation of a new campus by a contractor.

It would seem like Charter School Executive Officers appear to have more power than any Director of a Government of Guam agency or even the Superintendent of the Department of Education, with the exception of the Administrator of the Guam Memorial Hospital Authority, when it comes to generating contracts and obligations. While most major contracts require clearance by the Bureau of Budget and Management Research (BBMR) and signatures from the Attorney General and the Governor of Guam, Charter Schools can sign \$2.5 million dollar contracts with related parties, including members of their own board, without having to get the same scrutiny from BBMR, the Attorney General, or the Governor.

Bill 68-38 endeavors to correct the problem by explicitly stating “All liabilities are the personal responsibility of the Charter School Board of Trustees who approved the contract or acquisition that incurred the liability and that the contract or acquisition was performed without a review by the Attorney General of Guam and the approval and signature or the Governor of Guam.”

I want to thank Speaker Frank Blas Jr. for introducing this bill, and I wholeheartedly support this amendment and urge its expedited passage.

Thank you for your consideration.

Senseramente,

A handwritten signature in blue ink, appearing to read 'Benjamin J.F. Cruz', with a stylized flourish at the end.

Benjamin J.F. Cruz
Public Auditor

Cc: The Honorable Frank F. Blas, Jr., Speaker, 38th Guam Legislature



Office of Senator Borja <contact@senatorvinceborja.com>

Fwd: RE: Bill 68-38 (COR) and inquiry

3 messages

Office of Senator Vince Borja <office.senatorborja@guamlegislature.gov>

Wed, Apr 30, 2025 at 2:54 PM

To: contact@senatorvinceborja.com

Please take a look at ticket #4019 raised by Jacqueline Terlaje (jterlaje@terlajelaw.com).**Best regards,****Office of Senator Vince Borja****I Mina'trentai Ocho na Lihenslaturan Guåhan 38th Guam Legislature****Suite 502, DNA Building****238 Archbishop Felixberto Chamacho Flores St, Hagåtña, GU 96910****(671)969-8423****office.senatorborja@guamlegislature.gov**On Tue, 29 Apr at 5:49 PM , Jacqueline Terlaje <jterlaje@terlajelaw.com> wrote:

Hafa Adai, Senator Borja. I provided you comments below via email and would prefer to have sent it via letterhead. However, I was notified late this afternoon that the commentary was due at 5:00p.m. Unfortunately, the Bill, while referenced on the Legislative website, did not have the proposed legislation nor did it have the correct status. Thus, I did not have the text of the law until after 3pm today. Had I not been prompted by my client to inquire today, we would have missed the deadline all together. I hope that you will accept the comments and consider amending Bill 68-38. Si Yu'us Ma'ase.

Senseramente,

JACQUELINE TAITANO TERLAJE**LAW OFFICE OF****JACQUELINE TAITANO TERLAJE, P.C.**

Jacqueline Taitano Terlaje

Kristine B. Borja ~ Associate

284 West Chalan Santo Papa

Hagåtña, Guam 96910

Telephone 671.648.9001

Facsimile 671.648.9002

info@terlajelaw.com

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On Tue, 29 Apr at 3:02 AM , Jacqueline Terlaje <jterlaje@terlajelaw.com> wrote:

April 29, 2025

office.senatorborja@guamlegislature.gov.

HONORABLE SENATOR FRANK BLAS, JR.
HONORABLE SENATOR ANTHONY V. BORJA

38th Liheslaturan Guahan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Re: Comment to Bill 68-38

Hafa Adai, Speaker Blas and Senator Borja. Thank you for providing me an opportunity to provide you comments on Bill 68-38. I represent Guahan Academy Charter School (GACS), and provide you this testimony in **OPPOSITION** to Bill 68-38 in its existing form. I am providing you these comments in my representative capacity.

First and foremost, GACS supports the intention of Bill 68-38, which is accountability and responsibility. For the last 5 years, the Guam Office of Public Accountability by Public Auditor BJ Cruz has granted GACS clean audits. This evinces the commitment GACS and other charter schools have to these same principles.

Bill 68-38 while good intentioned, creates a significant departure from non-profit organizations, may implicitly repeal the immunity provisions already granted by Guam law, and more importantly, will significantly chill the volunteer work offered by the numerous trustees who serve our charter schools without compensation. An important fact for the Senators to understand is that the GACS Board of Trustees, who comply with Open Government and Procurement Law mandates, receive no compensation for their service, but are provided a nominal stipend, so small that it does not cover one tank of gas in the consistent driving to and from the campus to perform their volunteer work.

Bill 68-38 raises a critically important fact – the Guam Academy Charter Schools Act of 1999, as amended, does not provide any mechanism for charter schools to seek contract review and/or approval of the Attorney General of Guam. While 17 GCA § 12111 authorizes the Attorney General to provide legal advise and guidance to the Charter School Council, there is no comparable provision for the charter schools.

While GACS has previously requested assistance from the Attorney General on Guam on contracts, due to the application of Guam Procurement Law, the Office of the Attorney General declined services because charter schools are not an entity of the Government of Guam. Consequently, charter schools are left without any guidance or advise from the Office of the Attorney General by the absence of any provision authorizing and mandating the Office of the Attorney General of Guam to provide its advise and counsel to charter schools. Notwithstanding, Bill 68-38 seemingly attempts to punish the charter school for not obtaining signatures on contracts to which the Government of Guam is not a party, and thus, the signatures of both the Governor of Guam and the Attorney General will simply be an elusive dream.

Additionally, Bill 68-38 is unnecessary because Guam law already provides for the distribution of liabilities under the dissolution of every corporation. Generally, the Guam General Corporation Law provides for the liability of corporate entities. Charter schools under Guam General Corporation Law (and for some under the Internal Revenue Code) are non-profit organizations; the non-profit organization is responsible for its liabilities. If the Legislature is concerned about the obligation of the payment of liabilities at dissolution of charter schools, the Articles of Incorporation and Bylaws, in addition to the General Corporation Law already address these issues. The Government of Guam is not responsible for charter school liability; it is the charter school who is responsible.

It is also important to recognize that Bill 68-38 with the approval of the Legislature and Governor, will overnight modify the relationship of all charter school boards to its members, which were required to be governed by their Articles of Incorporation, Bylaws, and the Guam General Corporation Law. If the intention of the Legislature is to change the status of charter schools, the better option would be to define them as a “statutory creature,” and subject them to the mandates of the Government of Guam. By creating a “statutory creature,” the charter school boards, officers, employees and the like can be granted the same restraints and liberties, and benefits, including advise and guidance from the Office of the Attorney General, enjoyed by other Government institutions.

Unfortunately, I can predict that by the passage of Bill 68-38 and upon full explanation of the liability provision to the boards of all the charter schools, you may have a mass exodus from the charter school boards and/or an unwillingness by all board members to sign any documentation.

This raises the next issue – retroactivity. If Bill 68-38 is intended to apply effective immediately, does the liability provision apply retroactively? Are the charter school trustees who signed a \$2,000,000.00 contract last month personally liable for the debt of the charter school? I am certain that the trustees would deny liability because Guam law provides for their immunity –

17 GCA 12107 (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:

Bill 68-38 in its present form simply will create more confusion than address any problems. I am unaware of any charter school that is on the verge of closure. However, Bill 68-38 threatens potential closure of charter schools because it will result in potential resignation of members who do not wish to be held personally liable for the \$22,000,000.00 spent in our charter school system.

Bill 68-38 chills the willingness of our citizens to provide volunteer services to the Charter school system. It will also chill the possibility that the Board of Trustees for GACS will approve a multi-million dollar project to construct the campus it has been planning for the last decade. While the members of the Legislature and the Executive Branch have supported GACS' efforts to build a permanent campus, with the passage of Bill 68-38, the personal liability for such a tremendous project that will serve the children of Guam will undoubtedly collapse.

If the Legislature is concerned about safeguards to ensure Government of Guam taxpayer funds are being utilized for its intended purpose and we took the application of this policy to its extreme, then should the Legislature consider other responsibility factors? For example, similarly remove the immunity provisions of the Charter Council, who is responsible for expenditures since they approved and submitted the budget to the Legislature? Another example, is imposing personal liability on all government employees, who fail to take the necessary action and the result is the loss of \$180,000,000.00 to our government systems.

I understand that there was some testimony about a charter school that undertook efforts to write-off a \$500,000.00 liability. I believe that the Public Auditor was referring to GACS because I am extremely familiar with the issue and the demand that was made to GACS. Importantly, Guam law requires that a creditor assert its claim in a timely manner, and imposes a statute of limitations with the intended purpose of providing definitive periods in which a party has to establish their legal rights. GACS correctly, and consistent with both Guam law, and General Accepted Accounting Principles, wrote-off a debt that was barred by the statute of limitations. The GACS Board of Trustees exercised its legal rights to write-off the debt not only with prudence, but mindful of their fiduciary obligations to the charter school.

On behalf of GACS, I would ask that your body consider an alternate means to ensure the principles of accountability and responsibility. If we may be so bold as to offer you some recommendations:

- (i) Authorize and mandate the Office of the Attorney General of Guam to advise and counsel the charter schools, unless the Attorney General authorizes the charter school to utilize private counsel in writing.
- (ii) Mandate that all contracts above \$500,000.00 be reviewed and approved by the Attorney General.
- (iii) Authorize the Charter Council to establish rules and regulations to revoke any charter school that has liabilities in excess of its funding over a specified period with opportunity to correct and/or find private funding with provisions for due process.

Sincerely,

JACQUELINE TAITANO TERLAJE

Senseramente,

JACQUELINE TAITANO TERLAJE

**LAW OFFICE OF
JACQUELINE TAITANO TERLAJE, P.C.**

Jacqueline Taitano Terlaje
Kristine B. Borja ~ Associate

284 West Chalan Santo Papa
Hagåtña, Guam 96910
Telephone 671.648.9001
Facsimile 671.648.9002
info@terlajelaw.com

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From: ADMIN DESK <info@terlajelaw.com>
Sent: Tuesday, April 29, 2025 2:10 PM
To: Jacqueline Terlaje <jterlaje@terlajelaw.com>
Subject: FW: Bill 68-38 (COR) and inquiry

Please see forwarded email.

Si Yu'os Ma'ãse',

Christiana Q. Palacios

Admin Assistant/Paralegal
LAW OFFICE OF
JACQUELINE TAITANO TERLAJE, P.C.
284 West Chalan Santo Papa
Hagåtña, Guam 96910
Telephone 671.648.9001
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From: Derek Sablan <derek.sablan@guamlegislature.gov>
Sent: Tuesday, April 29, 2025 1:55 PM
To: ADMIN DESK <info@terlajelaw.com>
Subject: Bill 68-38 (COR) and inquiry

Buenas yan Hafa Adai,

For questions on the timeframe for providing testimony for Bill 68-38 (COR) please contact Senator Borja's office at office.senatorborja@guamlegislature.gov.

Please also see the attached copy of Bill 68-38 (COR) as requested.

Very Respectfully

--

Derek J. Sablan | *Policy Research*
derek.sablan@guamlegislature.gov
(671) 969-6456



Office of Speaker Frank F. Blas, Jr.

Thirty-Eighth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Office of Senator Borja <contact@senatorvinceborja.com>
To: Derek Sablan <derek.sablan@guamlegislature.gov>

Thu, Jun 19, 2025 at 12:34 PM

[Quoted text hidden]

Derek Sablan <derek.sablan@guamlegislature.gov>
To: Office of Senator Borja <contact@senatorvinceborja.com>

Thu, Jun 19, 2025 at 12:52 PM

Forwarded Atty. Terlaje's objections and proposed amendments to the Speaker. Will follow up within an hour.

Very Respectfully

[Quoted text hidden]



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON

COMMITTEE ON

EDUCATION, LIBRARIES

AND PUBLIC

BROADCASTING

COMMITTEE VOTE SHEET

Bill No. 68-38 (COR) As amended – Frank Blas Jr. - "AN ACT TO AMEND §12107(y) OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL".

Committee Members	INITIAL	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Vincent A.V. Borja <i>Chairperson</i>		✓				
Senator Tina Muña Barnes <i>Vice Chairperson</i>	E-VOTE 07.01.25	✓				
Speaker Frank F. Blas, Jr. <i>Member</i>	E-VOTE 06.31.25	✓				
Vice Speaker V. Anthony Ada <i>Member</i>	E-VOTE 07.01.25	✓				
Legislative Secretary Sabrina Salas Matanane <i>Member</i>	E-VOTE 06.31.25			✓		
Senator Shelly Calvo <i>Member</i>	E-VOTE 07.01.25	✓				
Senator Christopher Duenas <i>Member</i>	E-VOTE 06.31.25			✓		
Senator Eulogio Shawn Gumataotao <i>Member</i>	E-VOTE 06.31.25			✓		
Senator Joe S. San Agustin <i>Member</i>	E-VOTE 06.31.25			✓		



Office of Senator Borja <contact@senatorvinceborja.com>

RESCIND AND REPLACE COMMITTEE REPORT FOR BILL NO. 68-38 (COR)9 messages

Office of Senator Borja <contact@senatorvinceborja.com>

Mon, Jun 30, 2025 at 1:11 PM

To: "Frank Blas Jr." <speakerblas@guamlegislature.gov>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

Buenas yan Håfa Adai, Honorable Committee Members,

Please note that our office originally submitted the committee report for Bill No. 68-38 (COR) on June 24, 2025. However, the legal counsel for the Guam Legislature advised us to adjust the format of the bill.

Kindly see the attached amended bill format of and committee report for **Bill No. 68-38 (COR) - FRANK F. BLAS, JR. - AN ACT TO AMEND §12107 OF CHAPTER 12, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL.**

Please indicate your preferred action, based on the following options:

- **TO DO PASS**
- **TO NOT PASS**
- **TO REPORT OUT ONLY**
- **TO ABSTAIN**
- **TO PLACE IN INACTIVE FILE**

Please submit your response **ASAP**. Your responses will be logged into the vote sheet which will be submitted as part of the final Committee Report to the Committee on Rules.

Si Yu'os Ma'åse',



Caden Nathaniel Ong Poblete

Policy Intern

Office of Senator Vincent A.V. Borja

671-727-8692

caden.poblete@guamlegislature.gov

DNA Building Suite 502, Hagatna

3 attachments**Bill 68 Amended .pdf**
113K**Bill 68 Amended Color.pdf**
118K**06.30.25 CR Bill No. 68-38 (COR).pdf**
9358K**Speaker Frank Blas Jr.** <speakerblas@guamlegislature.gov>

Mon, Jun 30, 2025 at 1:17 PM

To: Office of Senator Borja <contact@senatorvinceborja.com>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Do Pass

**Speaker, Frank F. Blas, Jr.****I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature****Guam Congress Building, 163 Chalan Santo Papa, Hagatña****(671)969-6456****speakerblas@guamlegislature.gov**

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[Quoted text hidden]

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Mon, Jun 30, 2025 at 1:23 PM

To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Cc: Office of Senator Borja <contact@senatorvinceborja.com>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only.

[Quoted text hidden]

All the best,

Isaiah Aguon

Director of Strategic Communications

**Office of Legislative Secretary****SENATOR SABRINA SALAS MATANANE***I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature*

Chairperson, Committee on Health and Veterans Affairs

163 W. Chalan Santo Papa, Hagåtña, Guam 96910

office.senatorbri@guamlegislature.gov

671-989-2572

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Joe S. San Agustin <senatorjoessanagustin@gmail.com>

Mon, Jun 30, 2025 at 3:52 PM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Cc: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, Office of Senator Borja <contact@senatorvinceborja.com>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

To report out. Thank you!

[Quoted text hidden]

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Mon, Jun 30, 2025 at 4:00 PM

To: Office of Senator Borja <contact@senatorvinceborja.com>

Cc: "Frank Blas Jr." <speakerblas@guamlegislature.gov>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Office Senator Bri <office.senatorbri@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only

On Mon, Jun 30, 2025 at 1:11 PM Office of Senator Borja <contact@senatorvinceborja.com> wrote:

[Quoted text hidden]

Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
120 Father Duenas Avenue Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910
(671) 647-1409/1411

Senator Chris Duenas <senator.duenas@guamlegislature.gov>

Mon, Jun 30, 2025 at 5:16 PM

To: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Cc: Office of Senator Borja <contact@senatorvinceborja.com>, "Frank Blas Jr." <speakerblas@guamlegislature.gov>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Office Senator Bri

<office.senatorbri@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To report out only



Office of Senator Christopher M. Dueñas

Chairman, Committee on Government Finance and Operations

259 Martyr St., Hagatna, Guam 96910

senator.duenas@guamlegislature.gov

(671) 989-9554

[Quoted text hidden]

Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

Tue, Jul 1, 2025 at 10:01 AM

To: Office of Senator Borja <contact@senatorvinceborja.com>

Cc: "Frank Blas Jr." <speakerblas@guamlegislature.gov>, "Vice Speaker V. Anthony Ada"

<vicespeakertonyada@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

to do pass

On Mon, Jun 30, 2025 at 1:11 PM Office of Senator Borja <contact@senatorvinceborja.com> wrote:

[Quoted text hidden]

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Tue, Jul 1, 2025 at 10:31 AM

To: Office of Senator Borja <contact@senatorvinceborja.com>

To do pass

On Mon, Jun 30, 2025 at 1:11 PM Office of Senator Borja <contact@senatorvinceborja.com> wrote:

[Quoted text hidden]

--



Office of Vice Speaker V. Anthony Ada

38th Guam Legislature

I Mina'trentai Ocho Na Liheslaturan Guåhan

Guam Congress Building, 2nd Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910

Phone: (671) 989-0855

Email: vicespeakertonyada@guamlegislature.gov

[Quoted text hidden]

Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Tue, Jul 1, 2025 at 11:09 AM

To: Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

Cc: Office of Senator Borja <contact@senatorvinceborja.com>, "Frank Blas Jr." <speakerblas@guamlegislature.gov>,

"Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Do Pass.

Respectfully,



Office of the People • Senator Shelly V. Calvo

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

163 Chalan Santo Papa, Hagåtña, Guam 96910

T +1 (671) 989-5682

E officeofsenatorshellycalvo@guamlegislature.gov

[Quoted text hidden]

COMMITTEE REPORT DIGEST

Committee on Education, Libraries and Public Broadcasting

Senator Vincent Anthony V. Borja, Chairman

BILL NO. 68-38 (COR) - FRANK BLAS JR. - AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL

I. OVERVIEW:

Bill No. 68-38 (COR) was introduced on **February 27, 2025** by **Speaker Frank Blas Jr.**, and was subsequently referred by the Committee on Rules to the **Committee on Education, Libraries and Public Broadcasting** on **March 7, 2025**

The **Committee on Education, Libraries and Public Broadcasting** convened a Public Hearing for Bill No. 68-38(COR) on **April 21, 2025** at **2:00PM** in the Guam Congress Building’s Public Hearing Room.

PUBLIC NOTICE REQUIREMENTS:

Public Hearing Notices were posted to the Government Public Notices Portal and disseminated via electronic mail to all senators and all main media broadcasting outlets on **April 14, 2025** (5-Day Notice), and again on **April 17, 2025** (48-Hour Notice).

SENATORS PRESENT:

Vincent A.V. Borja, Chairman
Chris Barnett, Bill Sponsor
Shelly Vargas Calvo, Member
Eulogio Shawn Gumataotao, Member
Christopher M. Dueñas, Member
Speaker, Frank Blas Jr., Member
Vice Speaker, V. Anthony Ada, Member
Telo T. Taitague

ORAL TESTIMONY:

Evangeline Cepeda, Chairperson, Guam Academy Charter Schools Council
Benjamin J.F. Cruz, Guam’s Public Auditor

WRITTEN TESTIMONY:

Benjamin J.F. Cruz, Guam’s Public Auditor

II. SUMMARY OF TESTIMONY & DISCUSSION:

The public hearing for Bill No. 68-38 (COR) began at **3:03 PM**.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

The time is now 3:03, and we are now back from recess. At this time, we'll be hearing Bill number 68-38 COR, introduced by Speaker Frank Blas Jr. This is an act to amend subsection Y of section 12107, Chapter 12, of Title 17, Guam Code Annotated, relative to the responsibility and liabilities of an academy charter school. Speaker Blas, you may proceed with your opening remarks.

SPEAKER FRANK BLAS JR., BILL SPONSOR:

Thank you very much, Mr. Chair, and thank you for hearing this bill today. Welcome to my colleagues and welcome to the panelists who are going to be providing testimony. Bill 68-38 CO is basically a very simplistic bill in that it provides a designation of the liabilities that are borne by, in this case, the academy charter school. As the law is written, as it currently stands, it only addresses the assets of a charter school, and that if the school were to cease or be terminated, the assets would revert back to the Guam Department of Education.

What the law does not identify or does not address are the liabilities that could be incurred by a charter school. It has been found that in some cases, a charter school can enter into a contract without the approval of the Attorney General of Guam or the approval of the Governor of Guam. Yet, as it stands right now, the liability that the contract incurs binds the government of Guam to the potential liability that it may incur. Therefore, what we wanted to do in this bill is address the responsibility and the issue of the liabilities. If a liability has been incurred by a charter school that is now being terminated, and if the contract or acquisition was performed without the review and approval of the Attorney General of Guam or the approval of the Governor of Guam, then that responsibility is borne on the board of trustees who approved the contract or the acquisition.

That is what the bill basically intends to provide, and I ask my colleagues for their support of this bill. At this hearing, I will listen to the testimony of the people who are going to provide testimony. Thank you very much, Mr. Chair.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you, Speaker Blas. We'll go and start with oral testimony. If you would like to start, Ms Cepeda, thank you.

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Håfa Adai and good afternoon. My name is Evangeline Cepeda; I am the chair for the Guam Academy Charter School Council. I'd like to thank all the senators for being here. It's just nice to see you all here taking the time and effort, as they say, your time, talent, and treasure. I appreciate it. I am in full support of this bill, Bill 68-38. Four years ago, I brought this to several senators' attention regarding this. Wherever I am at, I was the chair at the time; I was the vice chair. I read this in the Charter School Act of 2009, and I highlighted that a lot of it does not put teeth into the board of trustees.

The council, which I represent as the chair, is very restricted by law regarding what we can do regarding budgeting, auditing, and how to get a charter petition. It's very clear in the Charter School Act of 2009 what the council can do; it doesn't say anything regarding the board of trustees. Therefore, the board of trustees is a Pandora's box, open for everything. Even the council can go in and say, "Okay, board of trustees, what's going on?" We know after the fact many things that occur, and it's not bad but as long as the people's money is being used and this money is going to charter schools, I, as the chair, want to hold everyone accountable for it.

Just like this body holds me accountable, the Governor and the Lieutenant Governor who appointed me hold me accountable. I want the board of trustees to be held accountable, as they deal with the day-to-day operations of each charter school. The charter schools are growing; we have seven now. I don't care exactly what they do day in and day out; what I am concerned about is holding them accountable. I want to say to the author of this bill that I applaud you, Speaker Frank Blas. This is taking a proactive approach. We are a very reactive community; we react after the mess-ups and screw-ups occur.

This is very proactive and says, "Okay, charter school board of trustees, there's an audit." The audit says, "Okay, well, this could have been prevented if we held their feet to the fire." This is because the charter school seems to be a school of choice, and a lot of the charter school issues are growing. I've brought this to some senators that I like to grow with this, so let's take care of GDOE. I understand I am a team player, but I am saying that this bill can only do more good for the people, for the charter schools, and for the students than it would do harm.

Now, I know we can always amend something later if necessary, but we're talking about the here and now. The here and now is about being proactive and ensuring that the council is held accountable as well as the board of trustees. We want to ensure that the charter school CFO, principal, and everyone involved in the operations are accountable, all the way down the line. The flexibility of charter schools is what makes them unique, allowing them room to move and maneuver.

I'm not suggesting that abuse and fraud do not happen; they can occur if there are no restrictions. If you give an open door, it is just a matter of when and where those issues will arise. With this

bill, it clearly states to the board of trustees that they are responsible if they signed and voted on a contract or acquisition. They agreed to this, and they need to acknowledge that they are responsible for these actions.

I want to reiterate my support for this bill, and I hope it passes. I am speaking on behalf of the council as the chair, and I am in full support of Bill 68-38. Additionally, I want to mention one other thing for the record: I know charter schools are nonprofit, and this can introduce some complexities. I may be reading into this because I am not very familiar with the legal aspects of charter schools, but I was reading about how charter schools operate in states like Florida concerning liability and legal issues.

I understand there have been legal considerations similar to what we are discussing, and some of those issues may arise here. However, I believe that we can always revisit this topic and amend certain aspects if needed. Regarding the specifics of this bill, it is clear and straightforward.

This bill states that if a charter school closes, all properties and responsibilities revert back to the board of trustees, ensuring that everything is returned properly and that nothing is missing or forgotten. In the government of Guam, things sometimes go missing, so we require that the responsible parties be held accountable. Ideally, we would receive a clean audit from the public auditor.

With that said, I hope that the senators consider this bill thoughtfully and support it. Thank you.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you Ms. Cepeda, Speaker Cruz

BENJAMIN CRUZ, GUAM'S PUBLIC AUDITOR

Hafa Adai Senator Borja and Committee Members, Thank you for the opportunity to provide testimony on Bill No. 68-38. The Office of Public Accountability supports the bill. It is simple but substantive, as it corrects a deficiency in the enabling legislation creating Charter Schools by adding a sentence that should have been included in the original legislation.

As you read the section as it was originally passed, it ends with the sentence that "Upon termination of the Charter, assets of the Charter School shall revert to the Department of Education." What happens if there are no assets, and millions of dollars in liabilities?

In previous financial audit status meetings with the Charter Schools, I have had heated discussions with Charter School board members that the liability was theirs as fiduciaries, especially since the obligation was entered into without the concurrence of the Attorney General and the Governor. They have insisted that the law does not explicitly say that. Several Charter

Schools have defaulted on their obligations, but were bailed out when they had surplus funds during the period when classes were conducted remotely. Now that all the schools are back to in-person classes, the surplus funds have run out.

One Charter School was sued for eviction and several million dollars in unpaid obligations. Their attorney attempted to claim sovereign immunity and alleged that the suit was prematurely filed because the contractor failed to commence the action against the Government Claims Fund. Thankfully a Judge of the Superior Court quickly dispelled that argument. The suit remains unresolved.

Another Charter School just let time pass and then insisted that the Statute of Limitations to sue had run out, and wrote off almost half a million dollars in obligations for construction and preparation of a new campus by a contractor.

It would seem like Charter School Executive Officers appear to have more power than any Director of a Government of Guam agency or even the Superintendent of the Department of Education, with the exception of the Administrator of the Guam Memorial Hospital Authority, when it comes to generating contracts and obligations. While most major contracts require clearance by the Bureau of Budget and Management Research (BBMR) and signatures from the Attorney General and the Governor of Guam, Charter Schools can sign \$2.5 million dollar contracts with related parties, including members of their own board, without having to get the same scrutiny from BBMR, the Attorney General, or the Governor.

Bill 68-38 endeavors to correct the problem by explicitly stating “All liabilities are the personal responsibility of the Charter School Board of Trustees who approved the contract or acquisition that incurred the liability and that the contract or acquisition was performed without a review by the Attorney General of Guam and the approval and signature of the Governor of Guam.”

I want to thank Speaker Frank Blas Jr. for introducing this bill, and I wholeheartedly support this amendment and urge its expedited passage. Thank you for your consideration.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Si Yu'os Ma'ase for your testimonies. Please remain seated while I open up the floor for questions to my colleagues. Colleagues, I'd like to remind you all that you have five minutes to ask those who just testified questions, and to allow your questions to remain relevant to the bill.

[\[Questions and Discussion\]](#) {Begins at 1:15:04 and ends at 2:08:54}

CHRIS BARNETT, SENATOR

Si Yu'os Ma'ase Mr. Chair, I like the bill. I know, Chair Vangie, we had a conversation similar to this issue in the 37th, and I know that the bill will make the charter school board of trustees assume all liabilities that they approve should the contractor acquisition be performed without a review of the AG and the approval of the signature of the governor of Guam. But I wanted to ask, other than this, because this is kind of like an end of the track, if you will, what about prior to that? Because you talked about we're a reactive community, right? So in what ways can we ensure that you have oversight and you're able to engage with the board of trustees? What type of fix do you think that would require, or do you think that's necessary?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Thank you, Senator, for that question. Okay, so this at least puts some kind of responsibility on them because there's really no responsibility as far as, um, it's very vague, right? And so basically this will let them do their homework before they decide to do something, sign it away. This kind of holds teeth, say,

"Look, if we're going to prepare and we're going to get a lawsuit, for example, because we're not dotting our I's, crossing our T's, we're not going to get a legal opinion on this, um, for whatever reason." Okay, this will ensure they do their homework before signing their name on the dotted line. And so, um, this is the first step because, like I said, in this law, there's nothing really that holds the board of trustees—they're more powerful than we are. And the law says the council is at the end of the day, comes and reports to this legislative body, and that's not so. I, we mentioned this when you were the chair of the committee on education, that I can't go to them and say, "Look, why didn't you inform the council of this? Why do we have to know after the fact?" I just have to be a pushy individual, which I am, and sometimes I kind of have to push back and say, "Look, we're doing this because I, we do have the power to hold your money." And then that tends to work, but why should I go that route of threatening people? It should be enforced within the law with regards to the board of trustees. I hope that answers your question. You know that we don't have anything but this is a good start. That's where I'm at. I'd like to say okay,

CHRIS BARNETT, SENATOR

So you think it's a good start, but do you still think there are more things we can do for accountability?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Absolutely. Like I think every three months they should do a quarterly report to the council of what they've done in the last three months.

CHRIS BARNETT, SENATOR

The board of trustees

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

The board of trustees,

CHRIS BARNETT, SENATOR

Miss Vanie, can you just explain to the viewing public what the hierarchy is relative to the charter council and where you fall in the board of trustees?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

So, under the law, the law is that you've got the staff of each charter school. Then the staff is managed, operated, governed by the board of trustees. They have the total autonomy and power to decide the day-to-day operations of a charter school, a specific charter school. And the law only allows that there are five, no less than five, no more than nine, on the board of trustees. So they can have whatever amount within that law. And then the board of trustees has the governing power for that specific charter school.

Then, the council, the council are governed by the budget, by the accreditation to ensure accreditation is there—that's required under the law—regards to audit findings, yearly audit findings. In regard to being a chartered school, it has to go through a public hearing through the, the, the charter. And you've been there when we've done the two new charter schools. It has to go out to each of the designated areas, to the mayor's office, they have a meeting, and we have a public hearing. The council calls a public hearing; those are the only requirements under the Guam Academy Charter School Council. All others, we don't have in regards to touching or requiring from the board of trustees. So, if the board of trustees—if there's a law or a bill that's introduced that says, "Okay, every three months, you do a report," it gives the board of the council an idea of what they're doing on a day-to-day basis so we can ensure that things are done.

So I know the law requires that at the end of the fiscal year, 30 days in between, that I'm, Miss Philly or my AO from DOA—the only staff that the charter has—I basically push her and say, "Look, get all these seven charter schools, I want the audit findings, I want this

Senator: ...this, this, this, this. It's not a want anymore, and I need this before this specific law. So, those I can enforce because the law is very clear regarding that. But the board of trustees, all it says in the law, is how many are allowed under the law for the board of trustees. And the law with regards to Speaker Frank Blas's bill, everything else they can do, which is great—there's a lot of flexibility, and that's why the charters can work and do it. But at the same time, you've got a wide door open, and I don't know until after the fact—that's the problem. Right?

CHRIS BARNETT, SENATOR

And I'm all for the flexibility, but not if our government is the one getting tied up in knots. And it kind of sounds like that has been the issue. Right? Auditor Cruz,

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

one proactive thing that might be done might be to have a requirement that if the charter school is going to get into a contract of greater than a certain amount—maybe \$100,000 or half a million; \$100,000 probably is a threshold—they have to provide a plan of how they're planning on paying that back and present it to the council, someone to look at it. Because let me tell you, one charter school bought some property in Baragata for half a million dollars, just decided that they were— but they didn't have the money to pay for it for years. Thankfully, during COVID, there was extra money, and they were able to pay the landowner.

One charter school started out—they have a \$2.5 million contract with some agency in the Philippines, for the school and for the books. They signed this contract, but the amount of money they're getting from— from \$7,800 per student times the number of students, I don't care what math you use—there was never, it was never going to get to \$2.5 million. How and why would they sign the contract when that contract was initially signed? We put it in the audit, and look at this: this was a related-party. The owner of the company in the Philippines was on the board. We had it in the audit.

They subsequently got off, but now they're fighting. Now they're no longer related, and they're trying to sue for the \$2.5 million. In the past, they've been writing off the difference between how much they collected and how much the \$2.5 million was. This one school is now planning on building a whole new campus on the property that they bought. The unfortunate thing is, for the last 10 or 15 years, they've had free rent at Tiyan. They're the only school—charter school—with free rent there.

They've not proven that they've been able to pay rent to anybody, but they're going out to build a \$12 million campus. They were looking at plans, and in the news a couple of months ago, they

said, "Oh, it's got all the whistles and bells, and they decided to cut it back." And I'm like, "Thank God they're cutting it back." Where did they figure—you know, in the bank, you have to show that you have the ability to pay. They've not shown they have any ability to pay. So they don't have to do the whole certifying officer thing, I guess, huh? Well, no, they can—they're just signing contracts. And it's really scary. We put all of this in all of our prior audits, you know. It may not be a finding, but it is—we pointed out there's related-party contracts going on here.

There's a shortage—they're running short—they signed a contract to build a new campus and then decided they didn't want it, so they stiffed the person for half a million dollars. But we've got to do something. They, and when I was still here, they would come, and I would insist on them—I mean, and these are people who are very close to me. They were my par's, and, you know, very close friends. And I kept telling them, "Quit signing any of these contracts. Quit approving these things because your signature is the only thing on there. If they were going to sue, it's yours because there's no signature of the governor or any government official. And so, if the banks are going to come after anybody, they'll come after you." And the court just was recently—just this year, in that one charter school, where they owed more than the \$2.5 million of the contract, and they were being sued for eviction.

They tried to come in and say—they had sovereign immunity because they're a charter school, and the court said, "You're a charter school; you're not a government agency, so you don't have sovereign immunity." And then the argument from the attorney was, "Well, they didn't start out suing—making a claim against the government claims fund. They can't move on this contract." And the judge said, "No, they're moving forward." But what happens at that point is, when the decision of the court is that that school owes \$5 million for the last couple of years, and that school closes, who's going to pick that up? And that's why I thank the speaker. We've been talking for years about trying to get somebody to introduce legislation so that they understand that when you sign and approve a contract, it's your personal responsibility, not anybody else's.

CHRIS BARNETT, SENATOR

Yeah, I think anybody listening would read the bill and say, "You, yourself, got us to this road, but it's your fault." But Miss Van, I want to ask just to play a little devil's advocate here—what would you say to those people who say, "Oh, well, you're the chair of the council; don't you review these financials of these schools?"

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Okay, I only review what the record—the law requires the council, which is the budget. Okay, the 7,800 per student and the money that's allocated from DOA, that's given to DOA. That's what I monitor. And I do, I basically say, "Okay, the charter school that's naughty this month—hold it." Really, you can ask her, and I call DOA and I say, "Okay, look, hold it. I need to review it

because at the end of the day, I'm the buck stops with me." Not going to blame nobody else—it stops with me as the leader of the council. But the law doesn't give the council any powers or rights regarding or governing the board of trustees. So, when you were the chair, this is what I told you firmly

Senator Barnett, this is something that is very dangerous. And, you know, I'm not saying I don't trust the board of trustees in the charter schools. They do a good job for those that do. But just like you, you answer to the people, right? And the people give you a report card every two years. Who does the report card for them? That's my thing. I'm just saying, hold their feet to the fire and ensure that the monies given by this body, by the government of Guam, are utilized as they should be. And at the end of the day, someone has to be held responsible for everything—so that if a specific charter school closes or the council decides to close the charter because of non-compliance, poor audit results, missing money, or failure to meet accreditation under law, the council has that power to say, "Okay, you're no longer going to be chartered." But what happens then? You know, so I hope that answers your question.

SENATOR TELO TAITAGUE

It does, and it also explains why, when a lot of these things hit the news, we are totally blind to it because it wasn't in anything that we receive or anything that we engage in. So, you know, I was talking with Speaker Blas before the hearing, and I kind of touched on it. I said, "Hey, you know, you scratched something here, but I have a feeling if I ask Miss Vanie about the board of trustees and the accountability, she's going to go off." And I hear him exhaling very frustratingly over here, kind of huffing and puffing. So, I'm pretty sure he's going to cook up something, but thank you again, Mr. Chair, for the opportunity to ask questions. Thank you, the public auditor as well.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you, Senator Barnett. And we'll go to the speaker, since I skipped him, and he was supposed to ask. Yeah, go ahead, Mr. Speaker. Senator Taitague

SENATOR TELO TAITAGUE

Thank you, Mr. Chair, and good afternoon, Vangie, and good afternoon, public auditor. Thank you for being here this afternoon to provide your insight and expertise on this legislation. It's an important one, especially, you know, reiterating the importance of accountability, you know, allowing anyone, you know, Mary Jane and Alice, to come over and sign a contract for years and even decide on how much money they're going to pay for it, and you have no accountability here. It's kind of similar to a bill that was just recently passed by this body, you know, giving an open checkbook to a director, to a board member, and even to the governor to go into a contract for ten years and for any amount they want, with no accountability. And here we are today trying to correct the wrongs of something like that.

Hopefully, we can correct the mistake we made in the last legislature that gave that open check—an open checkbook, basically—to not just the governor, but to the directors, as well as board members. So, we're moving forward in bringing that accountability and transparency, but being fiscally responsible, especially in this day and time when everyone is having to make cuts and to allow somebody to go out there and write a blank check to whatever they want with no concept of how much it's going to cost in the future—that's ridiculous.

So, I appreciate you being here and advocating for this legislation. But there are some concerns, of course. Like everything, we're going to try and see if we can bypass this, all those boards that sit on all these charter schools. If this legislation should pass, they will be responsible. Now, you brought up the nonprofit status, you know, and in some states, when you have a nonprofit status, in the event that a charter school basically can't pay their debts—like the ones that fell short and they just don't have the money—they put themselves in a contract that requires them to pay millions of dollars a year. And now, it's time to pay the piper, and they don't have it. Can this nonprofit organization, the charter school, because even though it's a charter school, it's a nonprofit, file bankruptcy? And what would happen then with the payments due to vendors like

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

that one that just wrote off half a million dollars last year? They just walk away from it.

SENATOR TELO TAITAGUE

So, nonprofit organizations—that organization there—have that ability to just, well,

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

if you go into bankruptcy, but some of it is just—they're just claiming the statute of limitations runs, “don't worry about it,” and they write it off. Or, the contractor could come to you guys. Unfortunately, a couple of these contractors barely speak English, and they've had to go to other members of the community who can speak and understand their language and English. And they're the ones calling me and calling the governor's office, saying, “These people have burned us with a half million dollars. What can I do?” And, you know, I'm not going to tell them to sue the government; you just do what you need to do with an attorney. But really, I feel bad for these guys.

SENATOR TELO TAITAGUE

So, it says here—this is the mechanism in this legislation—that all liabilities are the personal responsibility of the charter school board of trustees who approved the contract or acquisition that incurred the liability, and that the contract or acquisition was performed without a review by the Attorney General of Guam and the approval and signature of the government of Guam. The way I read this, is: How do we know what kind of mechanism is in place to track or document the Attorney General's review? Because it doesn't say anything that he has to sign on it;

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

it's not required. It's not required.

SENATOR TELO TAITAGUE

But this legislation is requiring it, right? So, I'm just asking, it's not in the bill.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

It's just saying, if you sign a contract, it's just like you and your kid. Your kid can't go off and sign for a \$300,000 Ferrari and has no means to pay for it and expect that you're going to pick it up if he doesn't. If he's over 21 and signs for it, then hang him. But why should you have to be the one responsible? The government of Guam does the same thing. It creates this board, this council—this council gives charter to some board, and that board should be the 21-year-old who's responsible for whatever contracts they sign. They're not little children.

SENATOR TELO TAITAGUE

Yeah, but this legislation here says that all liabilities... but without a review by the Attorney General of Guam.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

signature by the governor yeah then the then it'll be the responsibility of the government responsibility of the

SENATOR TELO TAITAGUE

So my question is in that section where it says review by the Attorney General of Guam: what mechanism, in this legislation, can you know describe what is the process of review? The thing is, you could put a sentence at the end of it that says: okay, so it carries over. Okay, so you're reading that there's no need.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

It just points out the fact that these contracts have obligations, have been entered into without the clearance of the Attorney General and the Governor.

SENATOR TELO TAITAGUE

So then, in other words, it's not setting up a mechanism by which they have to get it cleared.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

So you do read—make me get a clearance for the hospital with the physicians. Hmm.

SENATOR TELO TAITAGUE

So you do read this sentence as the Attorney General and the Governor must approve and sign? It's not just a review from the Attorney General, but you're reading this last sentence in the bill as approval and signature by both.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

I—I'm not reading them into this at all. Okay. It's just saying, if the Board of Trustees signs and, if the Board of Trustees signs a contract with their signatures on it, and without the Governor or the Attorney General, then the obligation to pay for it is theirs.

SENATOR TELO TAITAGUE

So, I guess we're just—we're going around in circles. You're saying exactly what I'm asking—to ensure that the Attorney General signs as well if it's going to be the responsibility of the government and they have to follow the same process. I think you know what I'm trying to say here because it sounds like only the Attorney General is to review, but then it says "and sign," and this bill requires this.

Okay, no, no, no. I just wanted to make sure because it just sounds like, what is the mechanism without a review by the Attorney General of Guam?

Okay, the other question I had with regards to advantage—what do you think the possibility of these boards being able to fill these positions, with this kind of liability hanging over their head? Do you think they're going to reorganize and provide some type of approval by the Attorney General and the government of Guam in order for them to move forward?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Senator: Okay, so I don't think it's going to be a problem. They're filled to capacity. You know, you've got every Board of Trustees; they seem to have a quorum all the time. They seem to pass a lot of operational things—that is not a problem with regards to charter schools.

Okay, so they're very unique in that way. No, I don't foresee that there's going to be a shortage and that

SENATOR TELO TAITAGUE

there's going to be an exodus because they don't want this liability.

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Well, you know what? If they leave and there's an exodus—that just tells you they don't want to be held accountable. Right?

And so, I'm just being very proactive and upfront about this transparency. If they don't want to be there, then they really don't belong there. Well, they don't want to be accountable to the money that they're spending; the government doesn't sign a contract. Shame on them.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

Then don't sign a contract.

SENATOR TELO TAITAGUE

Then you don't sign a contract. Right?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

I agree with that. I—I agree with that. This is the first major step. It needed to be done.

It's here. I'm just, you know, I can't— Senator: Let's just put it this way. If there's an exodus and a shortage, we'll get there when we get there because we can't do the what-ifs. I'm looking at today. Let's resolve it today.

SENATOR TELO TAITAGUE

Right. Yeah, protecting it today

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

protecting it today. So there is no future problem with this.

And so, I'm saying that I'm not even worried about that. To be honest with you, I'm not worried about that.

SENATOR TELO TAITAGUE

Well, if the event comes up, you know, and there needs to be—I'm pretty sure these Board of Trustees will come up with some type of process that would bring accountability and transparency and the assurance that whenever they're signing anything, there is funding for it.

But you know, there's always that possibility of the Government of Guam deciding not to fulfill, you know, giving money to that charter school for one reason or another. And then they're really in trouble—they won't have the money to fill those obligations.

But I think this is a great opportunity to move forward on being fiscally responsible, and we have to. I don't think we don't want—we don't want these charter schools to fail. We don't want them to fail. They're doing well; they're doing very, very well. Yes.

So, um, other than that, I just see those two mechanisms in there that I wanted to cross my T's and dot my I's when it comes to the Attorney General being involved. If they do, number one and number two, the exodus of board trustees, so we can, like you said, cross that bridge when it comes. Okay, thank you, Mr. Chair.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you, Senator Taitage. With Senator Calvo.

SENATOR SHELLY CALVO, MEMBER

Thank you, Mr. Chair. Hafa Adai once again in Buenas. I have remarks and a few questions. This bill is Bill 68-38, well-intended. It strengthens fiscal accountability. This law protects public funds from being used to cover an unauthorized debt, reinforces the importance of legal and executive review, and promotes responsible governance by establishing clear lines of accountability. The bill also reduces the risk of financial mismanagement. This is actually a good bill and could be a beginning of, you know, including other entities. I don't want to be very intrigued with that, but yes, I said it.

The only thing about this bill that I kind of like, I'm curious about, is the ambiguity in determining personal responsibility—that term in the bill. It seems like it does not really clearly define the legal standard or process for assigning personal liability, potentially leading to disputes, litigation, or inconsistent application. The speaker I was, uh, I intended for him to listen to this because it was more like a recommendation for a clear definition or procedures for determining when a trustee is personally liable—something, some words or verbiage that we can probably...

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

It should be understood by anybody taking the status and the glory of wanting to be on a board. When you go on a board, you're taking responsibility for that corporation—

SENATOR SHELLY CALVO, MEMBER

that's why they already know it.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

So, you know that from the start.

SENATOR SHELLY CALVO, MEMBER

That's right.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

Don't take it if you don't want to take the responsibility.

SENATOR SHELLY CALVO, MEMBER

Exactly. So, clearly define that. I think we should not add more and just leave it as is—personal responsibility.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

People should understand that when they accept positions of responsibility, it comes with a heavy responsibility, with the glory or the esteem that they think comes with being on some board and saying, "I'm on the board of trustees of something." They have to know what their responsibilities are. If they don't, they have no business there.

SENATOR SHELLY CALVO, MEMBER

So, if we wanted to hold them liable, I think there should be a clear indication of how they will be liable. Right?

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

If you sign a contract, this was not the 1940s when you as a woman couldn't sign a contract. Apparently some members are not following—no, there was a time when you, as a female, couldn't sign a contract, couldn't even get a credit card sometime. Some of you within the lifetime of some women, couldn't get credit cards, but that's changed now. They know that they have responsibility for it.

SENATOR SHELLY CALVO, MEMBER

I'm not the person; I'm just saying I am expounding.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

No, I understand, but how much more do you need to know? Fiduciary responsibilities—they should take the course on fiduciary responsibilities. Sometimes, the nonprofit organizations on island conduct training courses for board members on what their responsibilities are. Learn what your responsibilities are before you take it on.

SENATOR SHELLY CALVO, MEMBER

Before you take the position, it's something to consider. And I'm curious—how do charter schools currently document individual trustee decisions related to contracts and liabilities?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Thank you, Senator. But if I can add, Senator, I thank you for the first question that you ask. You know, he's a judge, he's a senator, and a public auditor, so he's talking from a legal perspective. I'm talking from a council perspective. If I were to leave the council because I've done my fiduciary responsibility, I wouldn't get paid enough to do what I do on the council. With that said, I'll say that for the next council members that come in, you're right—maybe they can add or amend to this, this great bill. Okay? It's to be clarified because you're right—not every board of trustees that comes in has the same intent.

We know our intent and why we're here today, but not everybody comes in with the same mentality. Yes. Okay, so with that said, I'm open to that—your second question regarding the council. We don't know anything unless I ask. See, the thing about me is, as a chair, I'm a very nosy individual because I like to know. I always mention to our AO here—I don't want to come before this body and I don't know the answer or I'm oblivious to it, and I'm like, "Okay, no," but I want to know half and not all the facts. So, I like to come in here and dot my I's and cross my T's. With that said, a lot of times I have to ask her to call the CFO or the school administrator because, maybe, one or two charter schools are able to talk to the board of trustees. The rest of them—they don't. I can call and say, "This is urgent," but there's no response. And there's no power that forces me to say, "Respond," and they don't. There's nothing I can do about that. So, I hope that answers your questions, Senator.

SENATOR SHELLY CALVO, MEMBER

It did, and thank you both for your answers. That's all I have right now. Thank you, Mr. Chair.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you, Senator Calvo. Senator Duenas

SENATOR CHRIS DUENAS, MEMBER

Si Yu'os Mr. Chair, and to the author of the bill, I think it's certainly very timely and valuable in our traditional pre-budget meetings. You know, it's apparent that the vision of—I believe—charter schools in its inception was probably envisioned as being not as robust and aggressive in growth as it is right now, not excusing the lack of structure. I certainly agree with the public auditor and his findings that this has given birth to the need for more guardrails and more structure to ensure that future endeavors don't become liabilities of the government of Guam. Let's just face it, we have right now in our charter schools—and I mentioned this in our pre-budget meetings—that what we literally have now is a parallel system of education running.

We have a Department of Education with its full responsibility to educate all of our children, with a law that specifies the points of education, and we have charter schools now who are filling a need for specialty education and different vocations.

So, I think at some point, we're going to get to a larger crossroad, but we're here now. I think this bill is definitely timely and will pay dividends in terms of our liability. I certainly support that. I'll leave it to the author to envision any other structure, but I want to reiterate, Mr. Public Auditor, Mr. Speaker, that you feel the way it's drafted right now is durable enough to at least start and put the guard rails in place. Can I get a comment on that?

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

At least, they are on notice; it is their responsibility. And, in our parallel education system, there isn't a public school teacher, principal, or even superintendent who would love to have the power that these CFOs or CEOs of these charter schools have—they can sign contracts.

The superintendent has to get all kinds of signatures. I have to get signatures for \$30,000 contracts for auditors; I have to go and get Lester to sign off, hand carry it to Douglas, and then hand carry it to Adelup. But these guys can sign half-a-million-dollar contracts without anybody—their signatures aren't cleared with anybody. Without being able to figure out how they could use 7,800 times 400 students and come up with \$2.5 million, what bank would approve something like that? And then just figure somebody's going to pick it up somewhere? Who knows? And this has got to stop because they're not even autonomous.

My joke is—they're optimists. I mean, just way out there. We've got to rein them in and help them understand that the responsibility is theirs as fiduciaries. When you sit on the board, there was a time when the retirement fund—everybody wanted to get on the retirement fund because they were handling billions of dollars. But then, when the retirement fund got sued, every single member had liens on their property. There were board members who came down to the legislature asking to figure out a way of getting their liens lifted so they could borrow on their homes. But, if you're accepting responsibility to be on some board, understand what your responsibility is. And if you're going to go out and sign contracts, be able to show—I want to ensure that over the last five years, I've saved enough money from that, to 75 students at \$7,800 per student, and I only paid teachers about \$6,000 of that. I have \$1,800, and I have this amount of money, and I can use that as my down payment, or you can be like one—you know, be associated with somebody that's going to be your underwriter. But you can't just expect that the government's going to pick this up because they are not government agencies.

SENATOR CHRIS DUENAS, MEMBER

Yes, certainly. And so, once again, the timeliness—you know, yeah. When I discuss parallel systems, Mr. Speaker, I mean, it's not, as you have mentioned, one with a far more reaching authority and autonomy that really, um, you know, we have to revisit at this point.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

Actually, I tried to do this even when I was still here, but I couldn't get support for it. But as I've been able to show with the schools messing up, I now have enough evidence to try to prove to a couple of you that this is getting dangerous, and it's getting more dangerous with one of them talking about going out and building another \$12 or \$15 million school campus.

SENATOR CHRIS DUENAS, MEMBER

Yeah, certainly. So, I think it's clear that with the passage of this bill, there will definitely be more alarm bells ringing for boards and fiduciaries regarding their responsibilities. And certainly, you're right in terms of the initial responsibility of the government. But I have a hard time believing that, in the end, as we have authorized—and that's why we have to move with caution—somehow, in some way, it wouldn't filter down to the government of Guam overall.

So, when I say this, Mr. Speaker, I say this with the intention of working with the chair and with this legislature, at least throughout this term, to start putting things on the table regarding this parallel system coming in line. Because, let's be honest with ourselves—I know this is venturing a little beyond, but I think it's worth talking about for a few seconds—that the population of the charter schools now is such that it's roughly comparable to a certain portion of the reduction in the public school system.

So, you really do have two public school systems operating in parallel—parallel to each other. And, like you said, Mr. Speaker, one kind of outside of the overall traditional guardrails. We don't want to take away from the fact that they are effective in educating our children, but we also have to ensure that the liabilities and structures are in place going forward. I know that some of these schools, which have taken on responsibilities of loans and debt through various programs, have done well. I mean, there are a couple of schools—namely, I believe—that have been able to secure the most secure capabilities in terms of their campus. But I don't know if that's replicated throughout.

Anyway, we've lit the fire, and here we are. We have a piece of legislation that will blaze the trail forward and hopefully ensure that we do more of this going forward. I'm not going to argue with your work, Mr. Public Auditor, and I'm not going to argue with the fact that you're putting us on notice—that this is something that needs to be paid attention to. Obviously, you've made attempts, and the speaker has brought this forward now, so we're on notice.

Thank you, Mr. Chair.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you, Senator Duenas. Vice Speaker.

VICE SPEAKER TONY ADA, MEMBER

Thank you, Mr. Chair. I think the only question I perhaps have is regarding Section Two. It states that all liabilities are the personal responsibility of the charter school board of trustees who approved the contract or acquisition that incurred the liability. And that the contract or acquisition was performed without review. A lot of these charter schools have already been in place for several years. The original trustees who signed the contracts or incurred the liabilities, and things had been going smoothly for five or seven years. But now, the new board of trustees failed to keep to that standard and have incurred additional debt, or the original contract has lapsed, or they're in debt for that original contract.

Is there something we can put into the bill to address this? Because, wasn't it the original signatories, if they resigned or retired? But yet, the bill calls for the liability to still be held by that individual.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

Two things— To take care of the problem that Senator Taitague raised. If you just put a period at the end of “acquisition” on line four, and forget “performed without the review,” just don't even have that section there. Because then it gets to her trying to figure out how to get the Attorney General and the governor to sign. They're responsible for their obligation.

And, you know, better than most, those that you bury— they have obligations they signed before they died. Who picks that up? The estate, that's right. Thank you,

VICE SPEAKER TONY ADA, MEMBER

Thank you, Mr. Chair.

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you, Vice Speaker. Speaker Blas.

SPEAKER FRANK BLAS, MEMBER

Thank you, Mr. Chair. Just to clarify, Speaker Cruz, then, you suggest that after the contract was incurred,

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

You put the period at the end of line four at ‘acquisition’? Okay. There is no way that the Attorney General and the Governor are going to review this because they're created as completely separate entities.

SPEAKER FRANK BLAS, MEMBER

So, actually, is it line five that states that the contract or acquisition was performed? Do you suggest just putting a period after ‘performed’ and striking out ‘without a review by the Attorney General’? Again, I think the language was put there to differentiate, recognizing that, in some instances, existing contracts were reviewed by the AG and the Governor. I don’t think you’ll find many—if any. I was being presumptuous, and I apologize for that.

But if you can be certain that all current contracts were not approved or signed off on by the Attorney General or the Governor, then yes, that’s accurate.

BENJAMIN J.F CRUZ, GUAM’S PUBLIC AUDITOR

The only exception might be those like the building of iLearn, which involved GURA, but even then, the Governor and AG didn’t sign off on that—because it was GURA’s loan.

SPEAKER FRANK BLAS, MEMBER

I have no problem with that. Again, it was based on the presumption that some contracts did get approved. If, however, there are no existing contracts, is there the ability for these boards or contracts to be renegotiated or brought back for approval—especially if they need the concurrence of the Attorney General or the Governor? Can I take a contract and restructure it?

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

Mr. Speaker. I’ve read about the laws in other states concerning charter schools, and, as Speaker Cruz mentioned, perhaps this could be given to the Council to review. Because at least then, when we see it and come before this body, the Council can respond and have some answers. But, as of today, we don’t know—if they’re willing to tell us. And if they’re not, then they don’t. I don’t have any powers, as far as the Council, to request that.

That’s why I’m suggesting that maybe you could draft another bill that requires charter school boards to provide a report every three months. It’s a mandate that they disclose this information to the Council, which should be a

SPEAKER FRANK BLAS, MEMBER

Full disclosure process. This bill was drafted after a discussion I had with the gentleman to your left. He encouraged us to read his audit reports. When I reviewed those reports, I asked him to explain certain points—and he brought attention to this issue. He knows it was quickly drafted and put together, but you’re right—this reveals many other concerns.

Vangie

Yeah, and you know, Speaker, because this is essentially 16 years old—this bill, or rather, the law—the charter school law in its infancy—we learned a lot of lessons and had many hiccups. Now, we are moving forward with the Guam Academy, the Guam High School, which graduated its first class—starting with first grade and graduating 12th grade.

So, we can report back on the results, the outcomes of that first graduate class, second graduates, and so on. But it's still fairly new, and we are learning as we go. Sure. And with that, this bill is a major first step toward greater transparency and accountability. Along with completing that academic cycle, there's also the completion of audit reviews. Unfortunately, as you, Mr. Cruz, can attest, many audits are still underway.

EVANGELINE CEPEDA, CHAIRPERSON, GUAM ACADEMY CHARTER SCHOOL COUNCIL:

And I do review the audits, and when I get them—like I do with all my materials—I highlight them. I ask questions, “Can you find out what’s going on here?” because I am very concerned.

Again, with the law regarding the \$7,800 per student, I can account for that amount before this body. But anything beyond that—that restricts me from fully tracking or knowing—Mr. Speaker, I don’t have that information available for the Council or for anything else. So, this bill really puts teeth into that. Thank you,

SPEAKER FRANK BLAS, MEMBER

Speaker Cruz, And, with regard to the number of audits, your findings, and an estimate—could you give us a rough idea of the liabilities we’ve already accumulated? If the sky were to fall today, how much do you think the government would be liable for?

You mentioned about \$2.5 million, and I am concerned about only two of those cases. I'm having issues with an audit of one other charter, but I'll address that elsewhere. The largest obligation right now is the new iLearn U School, but I'm not worried about that because, frankly, that charter school is essentially part of the neighboring school.

It's understood—they're not going to go under if they can't make their payments to GHURA; somebody will pick it up. However, some others—those without anyone to pick up the slack—were put together by people.

The big question remains: if unforeseen circumstances cause these debts to become unmanageable, what is the estimated liability for the government?

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

Based on current data, it could be up to \$20 to \$26 million. I recall the figures exactly—and, again, that difference of a few million can be significant.

SPEAKER FRANK BLAS, MEMBER

The reason I bring this up is because, historically, there should have been straightforward reporting and approval processes in place when these contracts and obligations were first undertaken. That was supposed to happen when the law was first enacted, roughly 12 to 15 years ago. But, in that time, we've assumed that things would be manageable or that issues could be corrected later. That's no longer a viable approach. We need to be proactive and responsible.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

If the boards of trustees understood that it is their fiduciary duty when they take on these obligations—that, just like an adult child is expected to manage their own responsibilities—they would be more diligent.

SPEAKER FRANK BLAS, MEMBER

Let's revisit the analogy you used earlier: "Happy birthday, charter schools. You're 21 now." Now, we need to figure out how we're going to pay \$26 million in debt should the worst happen. That's what this bill aims to address—by establishing accountability and ensuring the trustees are aware that the liabilities ultimately fall on them. Am I correct?

Yeah and full disclosure thank you Speaker Cruz for being able to for you and I to converse to be able to get the language for this well.

BENJAMIN J.F CRUZ, GUAM'S PUBLIC AUDITOR

No thank you for hearing me

SPEAKER FRANK BLAS, MEMBER

Your humber, thank you so much sir

SENATOR VINCENT ANTHONY V. BORJA, CHAIRPERSON:

Thank you. This will conclude this afternoon's public hearings on Bill Number 43, 48, & 68.

The committee will continue to accept written testimony on these bills within seven (7) days from today which may be addressed to myself, Senator Vincent Borja as Chairman of the Committee on Education, Libraries, and Public Broadcasting and mailed to DNA Building Suite 502, 238 Archbishop Flores Street Hagatna, Guam. You may also send your testimonies to contact@senatorvinceborja.com This afternoon's public hearing is now adjourned and the time is now **4:10 PM**.

Good day everyone!

III. FINDINGS & RECOMMENDATIONS:

The hearing on Bill 68-38, introduced by Speaker Frank Blas Jr., focused on amending the Guam Code Annotated to clarify the liabilities of academy charter schools. The bill seeks to address a legislative gap that currently recognizes only the assets of charter schools, failing to outline what happens with liabilities when a charter school ceases operations. Speaker Blas emphasized the importance of making charter school boards responsible for any liabilities incurred from contracts signed without the review and approval of the Attorney General or the Governor.

During the hearing, Evangeline Cepeda, Chairperson of the Guam Academy Charter School Council, voiced her support for the bill. She highlighted the need for accountability among board members and noted the restrictions placed on the council regarding budgeting and auditing. Cepeda advocated for proactive measures to prevent the misuse of funds, especially as charter schools continue to grow and expand their operations.

Benjamin Cruz, Guam's Public Auditor, also expressed support for the bill and pointed out deficiencies in the original charter school legislation that left liability unaddressed. He provided specific examples of charter schools defaulting on their financial obligations, emphasizing the necessity for clear accountability measures as proposed in the bill. Overall, both testimonies stressed the need for improved governance within charter schools and the importance of holding boards of trustees accountable for financial liabilities.

The Committee on Education, Public Libraries, and Public Broadcasting hereby reports Bill 68-38 (COR) - Introduced by Frank Blas Jr. - "AN ACT TO AMEND SUBSECTION "Y" OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL" with the recommendation of **TO DO PASS**.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 68-38 (COR)

Introduced by:

Frank F. Blas Jr. 

**AN ACT TO AMEND SUBSECTION “Y” OF SECTION 12107
CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED
RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN
ACADEMY CHARTER SCHOOL.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that the law
3 creating the Academy Charter Schools provided the organization establishing a
4 school had extraordinary flexibility and range to get the institution up and running.
5 While the charter school can operate independently from the Guam Department of
6 Education, it is permitted to receive funds, acquire real property, make contracts and
7 leases, and incur debt without the review of the Attorney General of Guam and the
8 approval and signature of the Governor of Guam. The law further provided that
9 “upon termination of the Charter, all assets of the Charter School shall revert to the
10 (Guam) Department of Education.” However, what the law did not address was who
11 is responsible for the liabilities should the Charter be terminated.

12 **Section 2. Subsection (y) of §12107 of Chapter 12, Title 12 of the Guam Code**
13 **Annotated is hereby *amended* to read:**

1 §12107(y). Upon termination of the Charter, all assets of the Academy Charter
2 School shall revert to the Guam Department of Education. All liabilities are the
3 personal responsibility of the Charter School Board of Trustees who approved the
4 contract or acquisition that incurred the liability and that the contract or acquisition
5 was performed without a review by the Attorney General of Guam and the approval
6 and signature of the Governor of Guam.

7 **Section 3. Enactment.** This Act shall be effective upon enactment.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 68 -38 (COR)

As Amended by the Committee on Education,
Libraries, and Public Broadcasting

Introduced by:

Frank F. Blas Jr.

**AN ACT TO *AMEND* §12107(y) OF CHAPTER 12, TITLE 17,
GUAM CODE ANNOTATED RELATIVE TO THE
RESPONSIBILITY OF LIABILITIES OF AN ACADEMY
CHARTER SCHOOL.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that the law creating the Academy Charter Schools provided the organization establishing a school had extraordinary flexibility and range to get the institution up and running. While the charter school can operate independently from the Guam Department of Education, it is permitted to receive funds, acquire real property, make contracts and leases, and incur debt without the review of the Attorney General of Guam and the approval and signature of the Governor of Guam. The law further provided that “upon termination of the Charter, all assets of the Charter School shall revert to the (Guam) Department of Education.” However, what the law did not address was who is responsible for the liabilities should the Charter be terminated.

Section 2. §12107(y), Chapter 12, Title 17 of the Guam Code Annotated is hereby *amended* to read:

“(y) Upon termination of the Charter, all assets of the Academy Charter School shall revert to the Guam Department of Education. All liabilities are the personal responsibility of the Charter School Board of Trustees who approved the

1 contract or acquisition that incurred the liability and that the contract or acquisition
2 was performed without a review by the Attorney General of Guam and the approval
3 and signature of the Governor of Guam.

4 **Section 3. Enactment.** This Act shall be effective upon enactment.

5 **Section 4. Severability.** If any provision of this Act or its application to any
6 person or circumstance is found to be invalid or inorganic, such invalidity shall not
7 affect other provisions or applications of this Act that can be given effect without
8 the invalid provision or application, and to this end, the provisions of this Act are
9 severable

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 68 -38 (COR)

As Amended by the Committee on Education,
Libraries, and Public Broadcasting

Introduced by:

Frank F. Blas Jr.

**AN ACT TO ~~AMEND SUBSECTION “Y” OF SECTION 12107~~
~~CHAPTER 12 OF TITLE 17~~ AMEND §12107(y) OF CHAPTER
12, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO
THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY
CHARTER SCHOOL.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that the law creating the Academy Charter Schools provided the organization establishing a school had extraordinary flexibility and range to get the institution up and running. While the charter school can operate independently from the Guam Department of Education, it is permitted to receive funds, acquire real property, make contracts and leases, and incur debt without the review of the Attorney General of Guam and the approval and signature of the Governor of Guam. The law further provided that “upon termination of the Charter, all assets of the Charter School shall revert to the (Guam) Department of Education.” However, what the law did not address was who is responsible for the liabilities should the Charter be terminated.

Section 2. ~~Subsection (y) of §12107 of Chapter 12, Title 12 §12107(y), Chapter 12, Title 17~~ of the Guam Code Annotated is hereby *amended* to read:

“(y) Upon termination of the Charter, all assets of the Academy Charter School shall revert to the Guam Department of Education. All liabilities are the personal responsibility of the Charter School Board of Trustees who approved the

1 contract or acquisition that incurred the liability and that the contract or acquisition
2 was performed without a review by the Attorney General of Guam and the approval
3 and signature of the Governor of Guam.

4 **Section 3. Enactment.** This Act shall be effective upon enactment.

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6 person or circumstance is found to be invalid or inorganic, such invalidity shall not
7 affect other provisions or applications of this Act that can be given effect without
8 the invalid provision or application, and to this end, the provisions of this Act are
9 severable



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

March 17, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Senator Christopher M. Dueñas** 
Acting Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 68-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note for the following bill:

Bill No. 68-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 68-38 (COR)**

AN ACT TO AMEND SUBSECTION "Y" OF SECTION 12107 CHAPTER 12 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE RESPONSIBILITY OF LIABILITIES OF AN ACADEMY CHARTER SCHOOL.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Academy Charter School Council	Agency Head: Evangeline Cepeda, Chairperson
Department's General Fund (GF) appropriation(s) to date: P.L. 37-125: Operations (\$22,737,000); P.L. 37-135: Student cap increase (\$2,808,000)	25,545,000
Department's Other Fund (Specify) appropriation(s) to date:	
	25,545,000

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2024 Unreserved Fund Balance	\$0	\$0	\$0
FY 2025 Adopted Revenues	\$0	\$0	\$0
FY 2025 Appro. {P.L. 37-125 thru P.L. 37-135}	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2025 (if applicable)	FY 2026	FY 2027	FY 2028	FY 2029
General Fund	\$0	I/	I/	II	II	I/
Capital Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	I/	II	II	I/	I/

1. Does the bill contain "revenue generating" provisions? I/ I Yes IX/ No
If Yes, see attachment 1/
2. Is amount appropriated adequate to fund the intent of the appropriation? I XI N/A I/ I Yes I/ I No
If no, what is the additional amount required? \$ I XI N/A
3. Does the Bill establish a new program/agency? I/ I Yes IX/ No
If yes, will the program duplicate existing programs/agencies? I XI N/A I/ I Yes I/ I No
Is there a federal mandate to establish the program/agency? I/ I Yes IX/ No
4. Will the enactment of this Bill require new physical facilities? I/ I Yes IX/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: IX/ Yes I/ I No
IX/ Requested agency comments not received by due date I/ I Other:

Analyst: William P. Atangfong, Acting BMA Supvr. Date: 3/14/25 Director: Lester L. Carlson, Jr., Director Date: MM 17 2116

Footnotes:

II See attached comments on Bill 68-38 (COR).

**BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 68-38 (COR)**

The proposed Bill 68-38 (COR) is an act to add a subsection "Y" of Section 12107, Chapter 12 of Title 17, Guam Code Annotated, relative to the responsibility of liabilities of an Academy Charter School.

The current subsection (y) of § 12107 provides that upon termination of a Charter School, all assets shall revert to the Department of Education. The proposed Bill 68-38 intends to amend the language to address who is responsible for the liabilities should a Charter School be terminated.

If enacted, all the liabilities of a Charter School will be the personal responsibility of the Charter School Board of Trustees who approved the contract or acquisition that incurred the liability and was performed without a review by the Attorney General of Guam and the approval and signature of the Governor of Guam.

The Bureau had sought input on the financial impact of the proposed Bill 68-38 from the Guam Academy Charter School Council (GACSC) on March 6, 2025 and was informed that the GACSC do not currently have any comments on the proposed measure and as of the date of this fiscal note.

Of the seven (7) existing Academy Charter Schools, there are currently none that is seeking a termination of its Charter. The Bureau does anticipate that Bill 68-38 will have a financial impact on these Charter Schools as it will make any existing debt and/or unresolved prior year obligation that the Charter Schools may have, a liability of the respective Charter School Board of Trustees and not a liability of the government of Guam. Absent detailed information as to the existing debt and/or unresolved prior year obligations of these Charter Schools, the Bureau is unable to provide an estimated cost impact at this time.