

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

## 2024 (SECOND) Regular Session

### VOTING RECORD

<b>Bill No. 48-37 (COR)</b> As amended by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 23, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

**TOTAL**

**15**

**0**

**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**0**

**Absent**

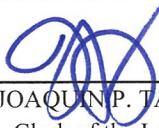
**0**

**Excused**

**Aye**

**Nay**

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE  
Clerk of the Legislature

I = Pass

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 48-37 (COR)**

As amended by the Committee on Human Resources,  
*Hagåtña* Revitalization, Regional Affairs,  
Public Libraries, Telecommunications, Technology  
and Federal and Foreign Affairs;  
and further amended on the Floor.

\*

Introduced by:

Jesse A. Lujan  
Joanne Brown  
Sabina Flores Perez  
William A. Parkinson  
Tina Rose Muña Barnes  
Dwayne T.D. San Nicolas  
Frank Blas, Jr.  
Joe S. San Agustin  
Chris Barnett  
Christopher M. Dueñas  
Telo T. Taitague  
Thomas J. Fisher  
Roy A. B. Quinata  
Amanda L. Shelton  
Therese M. Terlaje

**AN ACT TO ADD A NEW § 3134 TO ARTICLE 1 OF  
CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED,  
RELATIVE TO MANDATING THE CONSISTENT  
ONLINE POSTING OF REPORTS FOR EVERY SCHOOL  
INSPECTION CONDUCTED TO BE ON A DEDICATED  
GOVERNMENT OF GUAM WEBSITE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that there is not one central location for school inspection reports to be viewed and

1 accessed by the public. Due to the lack of timeliness and inconsistency, the Guam  
2 Department of Education school inspections are disconcerting. Creating  
3 accessibility to school inspection reports via a dedicated website will improve  
4 accountability and reinforce compliance. Pursuant to Title 10, Guam Code  
5 Annotated, Division 2, Chapter 21, § 21102 the Department of Public Health and  
6 Social Services (DPHSS) was granted the authority to establish rules and regulations  
7 governing all schools concerning health and safety standards, and in doing so carry  
8 out the provisions of Chapter 25, Title 10, Guam Code Annotated. In July of 2019,  
9 DPHSS passed “The Rules and Regulations for School Building Sanitation.”

10 *I Liheslaturan Guåhan* further finds that with the poor past grades of school  
11 inspections conducted between 2019 and 2023, it is clear that more must be done to  
12 aid in the enforcement of the “Rules and Regulations for School Building  
13 Sanitation.” The families of Guam deserve better, and the education of our children  
14 on Guam is vital to the success and sustainability of our island. As the social and  
15 economic welfare of our island depend on the training and instruction of Guam’s  
16 children, it should be in the government’s best interest to ensure that the conditions  
17 of such training and instruction are acceptable and adequate to foster the right  
18 learning environment for each and every child; and the Organic Act of Guam  
19 demands such an educational environment of the Guam public school educational  
20 system.

21 *I Liheslaturan Guåhan* further finds that schools of the Guam public school  
22 system have not met the standard that is set in the Organic Act of Guam and in the  
23 Adequate Education Act. With the state of the public schools being deemed  
24 inadequate relating to the safety of our institutional facilities, sanitation and  
25 maintenance, and certified instructors in each classroom, the need for accountability  
26 and transparency within the DPHSS and GDOE administrative rules and regulations  
27 has never been greater.

1           Therefore, it is the intent of this legislation to address these issues by  
2 mandating that each and every school inspection that is conducted to be reported and  
3 posted on a central government of Guam website to be created and established for  
4 public viewing and tracking of all inspections, with reports, and the progress on each  
5 issue to be audited by the general public. The provision within this legislation defines  
6 categories of online reporting to include the categories of “permitting documents,  
7 grounds, building, ventilation, lighting, plumbing, water supply, handwashing  
8 facilities, showers, toilet facilities, garbage and refuse disposal, food protection,  
9 safety, and existing facilities,” as designated in the “Rules and Regulations for  
10 School Building Sanitation.” In addition to the previously stated categories, this  
11 legislation requires inclusion of the categories: “Accessibility and  
12 Accommodations,” and “Certified Instructors” to the online reporting of school  
13 inspections. The speed and manner of said reports shall be timely and forthcoming  
14 in the nature of updates, progress, and announcements.

15           **Section 2.** A new § 3134 is *added* to Article 1 of Chapter 3, Title 17, Guam  
16 Code Annotated, to read:

17           **“§ 3134. Posting School Inspection Reports Online.**

18           (a) Online Posting. With the guidance of the Office of Technology,  
19 the Guam Department of Education shall create and establish specific  
20 webpages on the official website <https://gdoe.net> or create a separate website  
21 dedicated solely to posting and announcing all school inspection reports and  
22 related updates pertaining to the assessment, recommendations, progress, and  
23 various other details indicated in each report. Within the central website,  
24 viewers shall have the ability to view inspection by village, by district, by  
25 school, and by the following categories identified in Subsection (e) of this  
26 Section. All inspection reports must be submitted to the Guam Department of  
27 Education Deputy Superintendent for Assessment and Accountability, or the

1 equivalent position should this job title change, who shall post all inspection  
2 reports on the website, as well as ensure that the inspection reports are posted  
3 on the inspected school’s website, within thirty (30) days of the inspection for  
4 public viewing and information gathering.

5 (b) Information Accessibility and Transparency. Inspection reports  
6 provide insight on the condition of the inspected property, based on a  
7 standardized observation checklist. These reports are imperative to assessing  
8 risk factors and identifying issues and areas of concern that warrant an  
9 immediate or specific course of action. The people of Guam deserve to know  
10 if the government of Guam and the Guam Department of Education are taking  
11 the appropriate steps to safeguard the public, especially when it pertains to the  
12 health, and safety of our children. Therefore, it is the purpose this legislation  
13 to comply with open government and facilitate a more transparent relationship  
14 with the families in the Guam Public School System by establishing a direct  
15 portal to the progress and process of maintaining Guam schools. This act  
16 mandates all inspection reports performed by the Department of Public health  
17 and Social Services (DPHSS) inspectors to submit their inspection report to  
18 the Guam Department of Education Deputy Superintendent for Assessment  
19 and Accountability, or the equivalent position should this job title change, for  
20 posting on the official GDOE website or another website established  
21 exclusively for the purpose of posting all school inspection reports.

22 (c) Physical Posting. The Department shall post in a conspicuous  
23 place visible to the public, near the main entrance to the main office of the  
24 school, the official status of the school’s inspection grade that indicates the  
25 status of the school, to include if the school has failed inspection or if any part  
26 is condemned.

1 (d) Definitions. For purposes of this Section, the following terms  
2 shall mean:

3 (1) *School* means an institution established for the care and  
4 education of students.

5 (2) *Inspection Report* means a standardized observation  
6 checklist that is used when assessing the state of the inspected school  
7 to evaluate risk factors and learning conditions.

8 (3) *Permitting documents* mean the construction permit and  
9 the sanitary permit for the inspected school.

10 (4) *Grounds* mean the location of the inspected school and the  
11 state of the inspected school premises.

12 (5) *Building* means the rooms, floors, walls and ceilings,  
13 doors and windows, classroom equipment, seating, maintenance and  
14 housekeeping, as well as the design and construction of the inspected  
15 school.

16 (6) *Ventilation* means the natural or mechanical circulation of  
17 air available in a room or facility in the inspected school.

18 (7) *Lighting* means the natural or artificial light available in a  
19 room or facility in the inspected school.

20 (8) *Plumbing* means the structural systems that convey  
21 sewage and liquid waste from the inspected school to a public sewage  
22 system or an approved individual sewage system.

23 (9) *Water supply* means the water to be dispensed through  
24 drinking fountains, coolers, and cups in the inspected school.

25 (10) *Handwashing units* mean the stations that enable  
26 handwashing in the inspected school.

1                   (11) *Showers and locker rooms* mean the rooms or facilities  
2 that enable showering and changing prior to or following athletic  
3 activities in the inspected school.

4                   (12) *Toilet facilities* mean toilet fixtures and facilities in the  
5 inspected school.

6                   (13) *Garbage and refuse disposal* mean the garbage and trash  
7 containers in the inspected school.

8                   (14) *Food protection* means the storage, preparation, and  
9 serving facilities in the inspected school.

10                  (15) *Safety* means first aid materials, first aid manuals, fire  
11 extinguishers, and the risk factors present, if any, pertaining to school  
12 premise structures, such as playground equipment, athletic equipment,  
13 and the like.

14                  (16) *Existing facilities* means the facilities in existence at the  
15 time the “Rules and Regulations for School Building Sanitation” took  
16 effect.

17                  (17) *Accessibility and accommodations* means modifications or  
18 adjustments in the inspected school that are made for students and  
19 individuals with disabilities, such as braille systems, wheel chair-  
20 accessible facilities, ramps, and programs to assist these students and  
21 individuals.

22                  (18) *Certified instructors* mean instructors who hold a valid  
23 educator’s certification at the time of the inspection.

24                  (e) **Online Posting Categories.** This Section mandates all inspection  
25 reports written by the Department of Public Health and Social Service  
26 (DPHSS) inspectors to be submitted to the Guam Department of Education  
27 Deputy Superintendent for Assessment and Accountability, or the equivalent

1 position should this job title change, for posting on the official GDOE website  
2 or another website established exclusively for the purpose of posting all  
3 school inspection reports.

4 The categories to be reported online in addition to the assessment and  
5 grade given to the inspected school, include, but are not limited to:

- 6 (1) Permitting Documents; and
- 7 (2) Grounds; and
- 8 (3) Building; and
- 9 (4) Ventilation; and
- 10 (5) Lighting; and
- 11 (6) Plumbing; and
- 12 (7) Water Supply; and
- 13 (8) Handwashing Units; and
- 14 (9) Showers and Locker Rooms; and
- 15 (10) Toilet Facilities; and
- 16 (11) Garbage and Refuse Disposal; and
- 17 (12) Food Protection; and
- 18 (13) Safety; and
- 19 (14) Existing Facilities; and
- 20 (15) Accessibility and Accommodations; and under this

21 category the following must be posted to identify:

- 22 (A) the modifications and adjustments made by the  
23 inspected school that comply with the Americans with  
24 Disabilities Act (ADA), to ensure that students and individuals  
25 with disabilities are not hindered by barriers in environmental,  
26 academic, extracurricular, or athletic activities; and



1 (B) the programs facilitated by the inspected school  
2 to ensure that students and individuals with disabilities in the  
3 inspected school are provided with direct assistance in the event  
4 that the necessary modifications and adjustments are not  
5 available; and

6 (16) Certified Instructors

7 (A) under this category the following must be posted  
8 to identify:

9 (i) the number of certified instructors  
10 necessary so that each classroom has a certified instructor  
11 in the inspected school; and

12 (ii) the number of classrooms without a  
13 certified teacher in the inspected school; and

14 (iii) the estimated time a certified teacher shall  
15 be hired and installed in the classroom lacking a certified  
16 teacher in the inspected school.

17 (B) GDOE Certified Instructor Reporting. In  
18 addition to posting school inspection reports conducted on a  
19 single school, the Guam Department of Education must also  
20 create a section on the central website to include the following  
21 information regarding all schools in the Guam public school  
22 system on a quarterly basis:

23 (i) the total number of certified instructors  
24 needed in each school so each classroom has a certified  
25 instructor teaching; and

26 (ii) the total number of certified instructors  
27 lacking in the Guam public school system.

1 (f) Execution.

2 (1) The development and creation of the web pages referenced  
3 in this Section shall be under the authority and guidance of the  
4 Government of Guam Office of Technology.

5 (2) Furthermore, this Section is in addition to the current  
6 procedure of providing a copy of the inspection report to the operator  
7 of the institutional facility, who will then transmit a copy of the report  
8 to the GDOE Deputy Superintendent for Assessment and  
9 Accountability.

10 (3) The Department of Integrated Services for Individuals  
11 with Disabilities (DISID) shall work with DPHSS and GDOE to  
12 conduct an assessment and report if the inspected school is in  
13 compliance with Subsection (e)(15)(A) of this Section.

14 (4) The GDOE Deputy Superintendent for Assessment and  
15 Accountability, or the equivalent position should this job title change,  
16 shall:

17 (A) review the inspected school to adhere to the  
18 requirements of Subsection (e)(16)(A)(i) of this Section; and

19 (B) receive the inspection reports from DPHSS, DISID,  
20 and GDOE, and subsequently carrying out the posting of each  
21 and every school inspection report in accordance with the  
22 categories listed in Subsection (e) of this Section on a designated  
23 government of Guam website and the inspected school's website  
24 within thirty (30) days of the inspection.”

25 **Section 3. Severability.** If any provision of this Act or its application to any  
26 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
27 affect other provisions or applications of this Act that can be given effect without

1 the invalid provision or application, and to this end the provisions of this Act are  
2 severable.

3 **Section 4. Effective Date.** This Act shall be effective six (6) months from  
4 the date of enactment.