

I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) Regular Session

Bill No. 61-33(CAP)

Introduced by:

B. J.F. Cruz 

2015 MAR 27 PM 5:15


AN ACT TO *AMEND* §28105 OF ARTICLE 1, §28201 OF
ARTICLE 2, § 28301 OF ARTICLE 3, AND §§ 28401 AND 28404
OF ARTICLE 4 OF CHAPTER 28, TITLE 17 OF THE GUAM
CODE ANNOTATED; RELATIVE TO THE PARTICIPATION
OF QUALIFIED NON-IMMIGRANT ALIENS ADMITTED
UNDER THE COMPACTS OF FREE ASSOCIATION IN
STUDENT FINANCIAL ASSISTANCE PROGRAMS FOR
HIGHER EDUCATION.

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

2 **Section 1.** This Act may be cited as the “Equal Opportunity in Higher Education
3 Act of 2015”.

4 **Section 2.** § 28105 of Article 1 (Administration), Chapter 28 of Title 17 of the
5 Guam Code Annotated, is hereby *amended* to read:

6 **“§ 28105. Application Forms and Notices.**

7 The Board *shall* prescribe by regulation necessary application forms
8 and procedures for all awards pursuant to this Chapter. The Board *shall*
9 give notice to the community in all Guam public and private high schools,
10 the Guam Community College, the University of Guam, in a newspaper of
11 general circulation and the electronic media, and other appropriate places,
12 at least once before the acceptance period is to commence, on the

1 availability of all awards. Such notice *shall* be posted and sent by the Board
2 annually in a timely manner to permit interested students, who *shall* be
3 residents of Guam and citizens of the United States of America, ~~or~~ a
4 permanent resident alien, or a nonimmigrant alien admitted under the
5 Compact of Free Association between the United States and the Federated
6 States of Micronesia, the Republic of the Marshall Islands, and the
7 Republic of Palau an opportunity to apply for the awards granted by this
8 Chapter.”

9 **Section 2.** § 28201 of Article 2 (Merit Awards to the University of Guam),
10 Chapter 28 of Title 17 of the Guam Code Annotated, is hereby *amended* to read:

11 **“§ 28201. Students Entitled to Merit Awards.**

12 (a) There are established annual merit awards for high school
13 students in the graduating classes of public and private high schools
14 licensed to do business on Guam, now or hereafter established. The
15 students entitled to these awards *shall* be the students having the highest
16 scholastic standing in the graduating classes of each such public and non-
17 public high school on Guam. The awards *shall* be determined as follows:

18 (1) One (1) for every fifty (50) graduates or a fraction thereof
19 of a school’s graduating class. If as a result of the equal scholastic
20 standing of two (2) or more graduates, there is a tie for the awards
21 granted pursuant to this Chapter, the graduates’ respective school
22 *shall* provide a mechanism to break the tie. Awardees are entitled to
23 four (4) years of education at the University of Guam.

24 (2) All awards *shall* be subject to the following limitations:

25 A recipient must be:

26 (A) a United States citizen, ~~or~~ a permanent resident
27 alien, or a nonimmigrant alien admitted under the Compact of

1 Free Association between the United States and the Federated
2 States of Micronesia, the Republic of the Marshall Islands, and
3 the Republic of Palau who has completed a minimum of three
4 (3) but no more than four (4) academic years, and meets all
5 academic credit requirements for graduation during attendance
6 in a public, non-public, or DODEA high school on Guam; and

7 (B) a resident of Guam for a continuous period of not
8 less than five (5) years immediately preceding June 15th of the
9 year the award is to be given.

10 (3) To be eligible for a merit award, a student must have
11 achieved a cumulative high school grade point average of not less
12 than 3.0 or its equivalent at the time of graduation.

13 (b) If any student is ineligible for an award because of failure to meet
14 the requirements contained in Subsection (a) of this Section; or if any
15 eligible student chooses not to accept an award when first offered such
16 award, the award *shall* be granted to the eligible student with the next
17 highest scholastic rank, or in the case of a tie, the student that was
18 eliminated by the tie-breaker. If an eligible student declines to accept an
19 award when first offered, the student may not accept the award after it has
20 been granted to another student. The recipient of a merit award must notify
21 the Board within thirty (30) days that the award is accepted. Failure to
22 notify the Board within thirty (30) days will forfeit the award, and it *shall*
23 be offered to the next alternate.

24 (c) A ward recipients must agree that the recipient will work on
25 Guam for a period of one (1) year for each academic year the award was
26 received within six (6) months following the completion or termination of
27 the course of study for which the award was granted; provided, that if the

1 recipient continues as a full-time student at a graduate or professional
2 school, such recipient may defer work on Guam until such additional
3 studies are completed.

4 (d) Awards granted on or subsequent to the effective date of this
5 Section *shall* be cancelled if a recipient:

6 (1) fails to maintain a cumulative grade point average of 3.0 or
7 its equivalent, except that a recipient may be allowed one (1)
8 academic term to regain the required grade point average without
9 cancellation of the award; or

10 (2) fails to meet the academic and/or other requirements
11 governing full-time students at the University of Guam, except that a
12 recipient *shall* be allowed one (1) academic term to regain full-time
13 status before cancellation of recipient's award."

14 **Section 3.** § 28301 of Article 3 (Jesus U. Torres Professional and Technical
15 Awards), Chapter 28 of Title 17 of the Guam Code Annotated, is hereby *amended* to
16 read:

17 **“§ 28301. Students Entitled to Awards.**

18 There is established the Jesus U. Torres Professional and Technical
19 Awards for graduate studies. To qualify for these awards, applicants must
20 meet the following criteria:

21 (a) The applicant must be a bona fide resident of Guam for a
22 period of not less than ten (10) years prior to application, and a
23 United States citizen, ~~or~~ a permanent resident alien, or a
24 nonimmigrant alien admitted under the Compact of Free Association
25 between the United States and the Federated States of Micronesia,
26 the Republic of the Marshall Islands, and the Republic of Palau, and
27 must have achieved an overall grade point average of 3.00 in

1 undergraduate studies if pursuing a master’s degree or a professional
2 degree, or a 3.33 grade point average in a master’s degree or
3 professional degree program if pursuing a doctoral degree or an
4 irrevocable letter of acceptance from a U.S. accredited institution as
5 recognized by the Council for Higher Education Accreditation
6 (CHEA) or its successors or an irrevocable letter of acceptance from
7 a foreign medical school as listed in the World Health Organization
8 (WHO) listing of medical schools, which was approved by the Board
9 of Medical Examiners or the Council on Medical Education and
10 hospitals of the American Medical Association or by a private non-
11 profit accrediting body approved by the Guam Board of Medical
12 Examiners.

13 (b) The applicant must agree to the repayment terms as
14 specified in § 28303 and § 28304;

15 (c) The applicant must present to the Board, prior to granting
16 of the award, satisfactory proof that such applicant has been accepted
17 by a U.S. accredited college or university, as recognized by the
18 Council for Higher Education Accreditation (CHEA), or its
19 successors, or satisfactory proof that such applicant has been
20 accepted by a foreign medical school as listed in the World Health
21 Organization (WHO) listing of medical schools, which was approved
22 by the Board of Medical Examiners or the Council on Medical
23 Education and hospitals of the American Medical Association or by
24 a private non-profit accrediting body approved by the Guam Board
25 of Medical Examiners as a full-time student pursuing a program of
26 study in the field applied for; and

1 (d) The college or university must be properly accredited as
2 recognized by the Council for Higher Education Accreditation
3 (CHEA), or its successors, or the foreign medical school must be
4 properly accredited as listed in the World Health Organization
5 (WHO) listing of medical schools, which was approved by the Board
6 of Medical Examiners or the Council on Medical Education and
7 hospitals of the American Medical Association or by a private non-
8 profit accrediting body approved by the Guam Board of Medical
9 Examiners, and must be approved by the Board; however, that no
10 award *shall* be granted for studies at an off-Guam institution in a
11 program that is available at the University of Guam.

12 (e) The Board *shall* select the recipients of the awards based
13 upon the basis of scholastic ability, financial need, and aptitude. The
14 Board may also use work or life-time experience and achievement
15 criteria in place of the aptitude criteria, if it can be reasonably
16 determined that the applicant will succeed in a course of study
17 funded by an award herein.

18 (f) In determining financial need, the applicant *must* submit a
19 Free Application for Federal Student Aid (FAFSA) to determine
20 level of need.

21 (g) No benefits as specified in § 28302 *shall* be continued
22 beyond the number of years normally required to complete studies in
23 the specific academic degree program for which the award was
24 granted, except under exceptional circumstances, as determined by
25 the Board.”
26
27

1 **Section 4.** § 28401 of Article 4 (Access to Higher Education Financial Assistance
2 Program), Chapter 28 of Title 17 of the Guam Code Annotated, is hereby *amended* to
3 read:

4 **“§ 28401. Students Entitled to Award.**

5 There is hereby established the Access to Higher Education
6 Financial Assistance Program. The award *shall* be made available to any
7 student meeting the qualification herein, for the purpose of supplementing
8 the cost of attending the University of Guam. To qualify for these awards,
9 applicants must meet the following criteria:

10 (a) The applicant must have a minimum 2.50 high school
11 Grade Point Average (GPA) or 2.50 undergraduate GPA;

12 (b) the applicant must be a United States citizen, or a
13 permanent resident alien, or a nonimmigrant alien admitted under the
14 Compact of Free Association between the United States and the
15 Federated States of Micronesia, the Republic of the Marshall Islands,
16 and the Republic of Palau who has been a resident of Guam for a
17 continuous period of not less than four (4) years immediately
18 preceding June 15th of the year the award is to be given, and must
19 not be incarcerated;

20 (c) the applicant must be pursuing their first undergraduate
21 degree (grant is not available for students pursuing a second
22 undergraduate degree or a graduate level degree);

23 (d) the applicant must be enrolled as a full-time student at the
24 University of Guam; and

25 (e) the applicant must have completed the Free Application for
26 Federal Student Aid (FAFSA) and an Access to Higher Education

1 Financial Assistance Grant application by a date to be determined by
2 the Board.”

3 **Section 5.** § 28404 of Article 4 (Access to Higher Education Financial Assistance
4 Program), Chapter 28 of Title 17 of the Guam Code Annotated, is hereby *amended* to
5 read:

6 **“§ 28404. Programs for Teachers, Nurses, and Other Specialized**
7 **Awards.**

8 The Board *shall* continue to award programs identified in 17 GCA
9 Chapter 15, specifically, Article 9 (Doc Sanchez Scholarships), Article 10
10 (Nursing Training), Article 13 (The Doctor Antonio C. Yamashita Teacher
11 Corps), and Article 14 (The Every Child is Entitled to a Higher Education
12 Scholarship Program), consistent with rules and regulations promulgated
13 by the Board as authorized by this Chapter. The rules and regulations for
14 programs authorized under this Section must contain provisions for
15 repayment of benefits and service credit. Notwithstanding any other
16 provision of law, rule, or regulation, no such program shall refuse an award
17 to an otherwise qualified nonimmigrant alien admitted under the Compact
18 of Free Association between the United States and the Federated States of
19 Micronesia, the Republic of the Marshall Islands, and the Republic of
20 Palau.”