



Office of the Governor of Guam

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2010 SEP 16 AM 10:42

edm

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

SEP 14 2010

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

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill 424-30(COR) "AN ACT TO REPEAL AND REENACT §§3102 AND 3103; TO REPEAL §§3108, 3111, 3111.1, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120 AND 3124; AND TO ADD A NEW §§3102.1, 3102.2, 3102.3, 3102.4, 3102.5, 3102.6, 3102.7 AND 3103.1, ALL OF CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REORGANIZATION OF THE GUAM EDUCATION POLICY BOARD" which I signed into law on August 25, 2010 as Public Law 30-183.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

30-10-0781
9/15/10
30

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


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

This is to certify that Substitute Bill No. 424-30 (COR), "AN ACT TO REPEAL AND RE-ENACT §§3102 AND 3103; TO REPEAL §§3108, 3111, 3111.1, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120 AND 3124; AND TO ADD NEW §§3102.1, 3102.2, 3102.3 3102.4, 3102.5, 3102.6, 3102.7, AND 3103.1, ALL OF CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REORGANIZATION OF THE GUAM EDUCATION POLICY BOARD", was on the 13th day of August, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 13 day of Aug, 2010, at
5:30 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 25 August 2010

Public Law No. P.L. 30-183

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

Bill No. 424-30 (COR)

As substituted and amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND RE-ENACT §§3102 AND 3103;
TO REPEAL §§3108, 3111, 3111.1, 3112, 3113, 3114, 3115,
3116, 3117, 3118, 3119, 3120 AND 3124; AND TO ADD
NEW §§3102.1, 3102.2, 3102.3 3102.4, 3102.5, 3102.6,
3102.7, AND 3103.1, ALL OF CHAPTER 3 OF TITLE 17
OF THE GUAM CODE ANNOTATED, RELATIVE TO
THE REORGANIZATION OF THE GUAM EDUCATION
POLICY BOARD.**

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

2 **Section 1.** §3102 of Chapter 3 of Title 17 of the Guam Code Annotated is
3 hereby *repealed* and *re-enacted* to read:

4 “§3102. **Guam Education Board.**

1 The governance of the Department of Education is vested in an
2 education board to be known as “the Guam Education Board” (hereinafter
3 referred to as ‘the Board’). The Board *shall* be composed of nine (9)
4 members.”

5 **Section 2.** New §§3102.1, 3102.2, 3102.3, 3102.4, 3102.5, 3102.6 and
6 3102.7 are hereby *added* to Chapter 3 of Title 17 of the Guam Code Annotated to
7 read:

8 **“§3102.1. Duties of the Guam Education Board.**

9 The Guam Education Board *shall* have general supervision over the
10 Department of Education (hereinafter ‘Department’) and the control and
11 direction of all funds of, and appropriated to, the Department subject to such
12 restrictions as may be prescribed by law. The Board *shall* submit an annual
13 budget to *I Liheslatura* in the manner prescribed by law. The Board *shall*
14 have the authority to delegate such of its powers as it may deem appropriate,
15 but *shall* retain the ultimate responsibility for the exercise of its powers.

16 **§3102.2. Meetings of the Board.**

17 Meetings of the Board *shall* be held once a month at a regular time
18 and place as determined by the Board, *except* that special meetings may be
19 called by the Chairman, or by a majority of the members to address
20 emergency matters. Meetings of the Board *shall* be subject to the Open
21 Government Law of Guam. Six (6) members *shall* constitute a quorum, and
22 an affirmative vote of five (5) members is required for any action to be valid.

23 **§3102.3. Composition and Terms of Office for Board**
24 **Members.**

25 The Board *shall* be composed and serve terms as follows:

26 (a) Three (3) Appointed Voting Members. *I Maga’lahi shall*
27 appoint, subject to the advice and consent of *I Liheslaturan Guåhan*, one (1)

1 voting member from among each of the following to serve for a term of
2 three (3) years:

3 (1) one (1) member who is employed in an upper level
4 managerial position in a private business;

5 (2) one (1) member who is a parent of a student enrolled
6 within the Guam Department of Education; and

7 (3) one (1) member who is a retired teacher or administrator
8 of the Guam Department of Education.

9 (b) Six (6) Elected Voting Members. Six (6) voting members *shall*
10 be elected at-large at each General Election. Each elected voting member
11 *shall* serve for a term of two (2) years, commencing at 12:00 noon on the
12 first Monday in January following their election. A candidate for the Board
13 must be *at least* twenty-five (25) years old, and a resident of Guam for *at*
14 *least* five (5) years immediately proceeding the date on which the member
15 takes office and continuing throughout the term.

16 (1) Nomination of candidates for election to the Board *shall*
17 be made by petition on forms prescribed by the Guam Election
18 Commission (Commission) and initiated by the candidate. In order for
19 a candidate's name to be placed on the ballot for election to the Board,
20 such petition must be signed by *not less than* one hundred fifty (150)
21 persons registered to vote in Guam and must be filed with the
22 Commission *no later than* the first Monday after a Primary Election,
23 unless such date is a holiday, in which it *shall* be filed the day
24 following the holiday, *or* sixty (60) days prior to a Special Election.
25 No defect in any nominating petition presented to the Commission
26 shall prevent the filing of another petition which is presented within
27 the allowed filing period.

1 (2) The election provided for within this Subsection (b) *shall*
2 be non-partisan, and no political party shall directly or indirectly
3 sponsor, nominate or endorse any of the candidates for such office.

4 (c) Student Voting Member. One (1) student member of the Board
5 *shall* be elected by an Island wide School Board of Governing Students.

6 (d) Non-voting members. There *shall* be non-voting ex officio
7 members, serving for a term of one (1) year, as follows:

8 (1) One (1) member appointed by the exclusive bargaining
9 unit which represents teachers and other employees within the
10 Department.

11 Notwithstanding any other provision of law, employees of the Guam
12 Department of Education are *not* eligible to serve on the Board. All members
13 of the Board must be citizens of the United States of America.

14 **§3102.4. Officers of the Board.**

15 Officers of the Board *shall* include the Chairperson and Vice
16 Chairperson, and such other positions which the Board deems necessary to
17 effectively carry out its responsibilities. Such Board officers upon election
18 *shall* serve for a term of one (1) year. Board officers *shall* be elected by a
19 majority vote of the members of the Board during one (1) of the Board's
20 meetings held in January of each year. Members may serve as Chairperson
21 for multiple terms, except that no person may serve as Chairperson for more
22 than two (2) consecutive terms at a time.

23 **§3102.5. Removal of Board Members.**

24 A member of the Board may be removed by a vote of six (6) members
25 for malfeasance in office or for persistent neglect of, or inability to discharge
26 duties or for offenses involving moral turpitude. However, no member of
27 the Board shall be removed from office before a written bill of particulars

1 shall have been given to the accused and before an investigation and an open
2 and public hearing shall have been had. Any member who removes his
3 residence from Guam *shall* be deemed to have vacated his office, thereby
4 creating a vacancy on the Board.

5 A member of the Board *shall* be automatically removed from the
6 Guam Education Board:

7 (a) upon conviction of a felony;

8 (b) upon conviction of a misdemeanor involving the
9 possession of a controlled substance or operation of a vehicle while
10 under the influence of alcohol or a controlled substance; *or*

11 (c) upon conviction of a crime involving moral turpitude.

12 **§3102.6. Stipend for Board Members.**

13 Members of the Board *shall* be paid the amount of Two Hundred Fifty
14 Dollars (\$250.00) for each day on which they attend a regular, special or
15 executive meeting, *not to exceed* Five Hundred Dollars (\$500.00) in any
16 month.

17 **§3102.7. Board Member Vacancies.**

18 (a) Elected Members. Any vacancies, including initial vacancies, of
19 elected member positions occurring on the Board *shall* be filled forthwith by
20 appointment of the unsuccessful candidate who received the next highest
21 number of votes in the Board election, *provided* that the individual received
22 greater than fifty percent (50%) of the number of votes received by the
23 declared winner of that seat. In the event that the individual declines or there
24 is no candidate meeting the criteria provided within this Subsection, *I*
25 *Maga'lahaen Guåhan shall* appoint a member for the term or remaining term
26 of office, subject to confirmation by *I Liheslaturan Guåhan*.

1 (b) Appointed Members. On the expiration of the term of an
2 appointed member, or in the event of a vacancy on the Board due to
3 resignation, death, or any other cause, *I Maga'lahi shall* appoint another
4 member, with the advice and consent of *I Liheslatura*, for a full term in the
5 first instance, or for the remainder of the unexpired term. When there is a
6 change of administration of the government of Guam after a gubernatorial
7 election, no courtesy resignation shall be requested by the new
8 administration nor offered by any member of the Board.”

9 **Section 3.** §3103 of Chapter 3 of Title 17 of the Guam Code Annotated is
10 hereby *repealed and re-enacted* to read:

11 **“§3103. Superintendent of Education.**

12 The Superintendent of Education (the Superintendent) *shall* be the
13 Chief Executive Officer of the internal operating organization of the
14 Department of Education and *shall* be responsible for the administration of
15 the academic and services activities thereof. The Superintendent *shall* be
16 responsible for implementing the policies adopted by the Board. The Board
17 *shall* appoint the Superintendent of Education by an affirmative vote of *at*
18 *least* six (6) members. Notwithstanding any other provision of law, the
19 employment of the Superintendent *shall* be by contract term of four (4)
20 years, which contract *shall* contain a provision that the Superintendent’s
21 employment may only be terminated for cause, as defined in this Chapter.
22 In the case of temporary absence of the Superintendent, the Superintendent
23 may, after consultation with the Chairperson of the Board, appoint among
24 any of the Associate Superintendents, or their equivalents, an acting
25 Superintendent.

26 The Superintendent *shall*:

1 (1) administer the day-to-day activities of the Department of
2 Education;

3 (2) enforce and implement the education policies of the
4 Board and rules and regulations of the Department;

5 (3) administer federal funds/programs on behalf of the
6 Department;

7 (4) serve as the Department's approving authority for the
8 expenditure of funds;

9 (5) serve as the appointing authority for all personnel
10 employed by the Department;

11 (6) be the Executive Secretary of the Board in an *ex-officio*,
12 non-voting capacity;

13 (7) *shall* submit to the Board, *I Maga'lahaen Guåhan*, and *I*
14 *Lihejlaturan Guåhan*, no later than thirty (30) days following the end
15 of the fiscal year, a detailed "Annual State of Public Education
16 Report," which shall discuss the public educational issues on Guam,
17 and other subjects the Superintendent may deem appropriate, and
18 *shall* also submit such fiscal, instructional, academic progress, and
19 other information as may be required by the Board to reflect the
20 quality of public education;

21 (8) develop and present to the people of Guam, the Board, *I*
22 *Maga'lahaen Guåhan*, and *I Lihejlaturan Guåhan* a "School
23 Performance Report Card" of each school, which *shall* be given in
24 conjunction with the Annual Report;

25 (9) to perform other duties as may be required by public law
26 to provide an adequate public educational system;

1 (10) to advise the Board on the current operations and status
2 of the public schools and on other educational matters;

3 (11) to supply the Board with such information as it may
4 require and prepare the Board to make recommendations to *I*
5 *Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* for changes,
6 additions, or deletions to public law;

7 (12) prepare a feasibility/impact/cost savings analysis for the
8 Guam Education Board recommending the potential privatization of
9 existing services for the Department.

10 (14) Notwithstanding any other provision of law or personnel
11 rules and regulations, the Superintendent *shall* have the authority to
12 assign, detail, or transfer employees to various physical locations
13 within the Department. The Superintendent *shall* exercise such
14 authority only in accordance with a policy adopted by the Board and
15 *shall not* (1) cause a change in position title or job duties, or (2)
16 contradict the provisions of any collective bargaining agreement in
17 effect at the time of the transfer nor violate any employee's rights
18 thereunder;

19 (15) Adequate Public Education Reporting Requirements. The
20 Superintendent of Education *shall* submit a monthly report of all
21 funds available to the Department, whether or not their resources
22 require appropriations by *I Liheslaturan Guåhan*. The report *shall*
23 also contain a detailed accounting of all expenditures of funds,
24 relating such expenditures to the criteria established in Title 1 GCA
25 §715 and the status of compliance with the Adequate Education Act.
26 The report is to be completed *no later than* fifteen (15) calendar days
27 after the end of each month and *shall* be certified by the

1 Superintendent, acknowledging compliance with Title 1 GCA §715
2 and in meeting the objectives of §3125 of this Chapter. The report
3 *shall* be submitted to the Board, the Speaker of *I Liheslaturan*
4 *Guåhan*, and *I Maga'lahaen Guåhan*.

5 (16) Conduct periodic assessments and management and
6 curriculum audits of the Department for the following purposes:

7 (A) to ascertain whether the Department is providing
8 an adequate public education as defined by Title 1 GCA §715;

9 (B) to evaluate the effectiveness of Department
10 administrators in implementing board policy and directives and
11 in fulfilling assigned objectives;

12 (C) to evaluate the effectiveness of Department
13 instructional personnel and their ability to meet curriculum
14 goals; and

15 (D) to recommend alternatives to correct systemic
16 deficiencies and to improve the ability of the Department
17 personnel to fulfill assigned objectives.

18 Said audits *shall* also identify and assess deficiencies in
19 the Department's organizational structure; compliance with
20 federal and local laws and with board policies; physical and
21 operational security; workflow designs and management;
22 internal controls; staffing levels and competencies; management
23 levels and competencies; management practices; training
24 standards and practices; adequacy of facilities; physical plant
25 management; technical and administrative infrastructure;
26 redundancy of systems and procedures; productivity and quality
27 standards; recruitment and certification training of teachers; and

1 recruitment, training, and staff development. Said audits *shall*
2 be conducted at intervals determined by the Board of *not less*
3 *than* three (3) years and *no more than* five (5) years.

4 The Guam Education Policy Board *shall* solicit audit
5 proposals for said audits both locally and nationally. The Board
6 *shall* create and maintain a list of qualified auditing firms that
7 specialize in management and curriculum audits of schools and
8 school districts. The Board *shall* transmit Requests for
9 Proposals to all known qualified auditing firms and solicit
10 through local and national publications.

11 (17) Promulgate rules and regulations for the
12 implementation and operation of §§3127 through 3131 of this
13 Title as necessary.”

14 **Section 4.** A new §3103.1 is hereby *added* to Chapter 3 of Title 17 of the
15 Guam Code Annotated to read:

16 **“§3103.1. Termination of Superintendent.**

17 (a) Only the following constitute cause for the discharge of the
18 Superintendent or Deputy Superintendent:

19 (1) Failure to meet performance standards as defined by a
20 performance evaluation outline established and adopted by the Board;

21 (2) Holding financial interests that conflict with the
22 conscientious performance of his or her duties;

23 (3) Engaging in financial transactions using confidential or
24 non-public Department information or allowing the improper use of
25 such information to further any private interests;

26 (4) except as permitted by statute or regulation, the
27 solicitation or acceptance of any item of value from any person or

1 entity seeking official action from, doing business with, or conducting
2 activities regulated by the Department, or from persons whose interest
3 may be substantially affected by the performance or nonperformance
4 of the Superintendent's duties, or the duties of the Department;

5 (5) Knowingly making commitments or promises of any
6 kind purporting to bind the Department except as permitted by law;

7 (6) Use of his or her official position for private gain or that
8 of others;

9 (7) Failure to disclose waste, abuse, and corruption to the
10 appropriate authorities;

11 (8) Failure to respect the rights and privacy of others and the
12 use of his or her official position, authority, or other means to injure
13 another person for personal reasons or malicious purposes;

14 (9) Fraud or misrepresentation in securing his or her
15 appointment;

16 (10) Refusal or failure to perform duties and responsibilities
17 as defined by law;

18 (11) Unlawful use, possession, or sale of illicit drugs and
19 alcohol;

20 (12) Criminal acts involving moral turpitude;

21 (13) Political activity prohibited by law;

22 (14) Misuse, misappropriation, or theft of government
23 property or funds;

24 (15) Prohibited acts of discrimination, including sexual
25 harassment; or

26 (16) Abandonment of his or her position.”

1 **Section 5. Attorney for the Board.** §3108 of Chapter 3 of Title 17 of the
2 Guam Code Annotated is hereby *repealed*.

3 **Section 6. Guam Education Policy Board.** §3111 of Chapter 3 of Title
4 17 of the Guam Code Annotated is hereby *repealed*.

5 **Section 7. Provisions for Staggered Terms.** §3111.1 of Chapter 3 of
6 Title 17 of the Guam Code Annotated is hereby *repealed*.

7 **Section 8. Duties and Responsibilities of the Guam Education Policy**
8 **Board.** §3112 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
9 *repealed*.

10 **Section 9. Elected Members.** §3113 of Chapter 3 of Title 17 of the Guam
11 Code Annotated is hereby *repealed*.

12 **Section 10. Nomination for Election to the Board.** §3114 of Chapter 3 of
13 Title 17 of the Guam Code Annotated is hereby *repealed*.

14 **Section 11. First Election: Terms.** §3115 of Chapter 3 of Title 17 of the
15 Guam Code Annotated is hereby *repealed*.

16 **Section 12. Repeal of Temporary Governance by *I Maga'lahen***
17 ***Guåhan*.** §3116 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
18 *repealed*.

19 **Section 13. Vacancies.** §3117 of Chapter 3 of Title 17 of the Guam Code
20 Annotated is hereby *repealed*.

21 **Section 14. Severability as to Districting Formula.** §3118 of Chapter 3 of
22 Title 17 of the Guam Code Annotated is hereby *repealed*.

23 **Section 15. Officers of the Board.** §3119 of Chapter 3 of Title 17 of the
24 Guam Code Annotated is hereby *repealed*.

25 **Section 16. Stipend.** §3120 of Chapter 3 of Title 17 of the Guam Code
26 Annotated is hereby *repealed*.

1 **Section 17. Removal of Elected Board Members.** §3124 of Chapter 3 of
2 Title 17 of the Guam Code Annotated is hereby *repealed*.

3 **Section 18. Implementation Provisions.** The provisions of this Act *shall*
4 be effective immediately, *except* that members of the Board elected prior to this
5 Act *shall* serve the remainder of their terms. The election for the first members
6 elected pursuant to this Act *shall* be during the General Election in 2012.
7 Members appointed to fill vacancies of elected members prior to this Act *shall*
8 serve until the appointment and confirmation of new appointed members through
9 this Act. The Superintendent *shall* serve until the expiration of her contract.
10 Unless removed for cause within §3103.1 of this Chapter. The first members
11 appointed through this Act *shall* commence their term at 12:00 noon on the first
12 Monday in January of 2011.

13 **Section 19. Severability.** *If* any provision of this Law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity shall *not* affect other provisions or applications of this Law which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this Law are severable.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 8/13/10

VOTING SHEET

Bill No. 424-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr. /	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera//		*			
RESPICIO, Rory J.	✓				
TAITAGUE, Telo /	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14 1 _____

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

2010
 JUL - 1
 PM 2: 54
 WMA

June 30, 2010

The Honorable Rory J. Respicio
 Chairperson, Committee on Rules
I Mina' Trenta Na Liheslaturan Guahan
 155 Hesler Place
 Hagatna, Guam 96910

The Committee on Education, to which "**Bill No. 424-30 (COR) - B.J.F. Cruz** - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board" was referred, wishes to report its findings and recommendations.

Transmitted herewith for your consideration is our committee report on the above subject matter.

The voting record is as follows:

<u>6</u>	TO PASS
<u>-</u>	NOT TO PASS
<u>2</u>	TO REPORT OUT ONLY
<u>-</u>	ABSTAIN
<u>-</u>	TO PLACE IN INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and Si Yu'os ma'ase.

Judith T. Won Pat, Ed.D.
 Chairwoman
 Committee on Education

Attachments



OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

June 30, 2010

MEMORANDUM

TO: Committee Members

FROM: Chairwoman
Committee on Education

RE: **Bill No. 424-30 (COR) - B.J.F. Cruz** - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board

Transmitted herewith for your information and action is the report on "**Bill No. 424-30 (COR) - B.J.F. Cruz** - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board"

Please take the appropriate action on the voting sheet. Your attention and cooperation on this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.



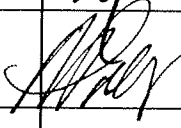
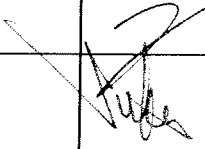

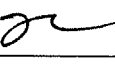


Senseramente,

Judith T. Won Pat, Ed.D.

COMMITTEE VOTING SHEET

COMMITTEE ON EDUCATION

Bill No. 424-30 (COR) - B.J.F. Cruz - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, ... all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board (As Substituted)

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	PLACE IN INACTIVE FILE
Judith T. Won Pat, Ed.D., Chairwoman		✓				
Judith P. Guthertz, Vice Chairwoman				✓		
Adolpho Palacios, Sr.		✓				
Vicente C. Pangelinan				✓		
Tina R. Muña-Barnes		✓				
Thomas C. Ada		✓				
Edward J. B. Calvo						
Ray S. Tenorio						
Frank F. Blas, Jr.		✓				
James V. Espaldon						
V. Anthony Ada		✓				



I MINA'TRENTA NA LIHESLATURAN GUÅHAN

COMMITTEE ON EDUCATION

SPEAKER JUDITH T. WON PAT, Ed.D.

CHAIRWOMAN

COMMITTEE REPORT

ON

Substitute Bill No. 424-30 (COR) - B.J.F. Cruz - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board

I. OVERVIEW

The Committee on Education held a public hearing on Tuesday, June 29, 2010 at 6:30 p.m. on Bill No. 424-30 – An act to *repeal* and *re-enact* §3102 and §3103, to *repeal* §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 *and* §3124, *and* to *add* §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 *and* §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board.

Notices for the public hearings were disseminated to all local media via facsimile and electronic mail in accordance with the requirements of the Open Government Law and are attached herein.

Senators present at the public hearing were:

Speaker Judith T. Won Pat, Committee Chairwoman
Vice Speaker Benjamin “BJ” Cruz
Senator Vicente “ben” Pangelinan
Senator V. Anthony Ada
Senator Telo Taitague
Senator Frank Aguon

II. SUMMARY OF TESTIMONY

Dr. Ron McNinch, a professor at the University of Guam School of Business and Public Administration, testified in favor of the bill. He stated that the elected school board was a noble experiment, but it is proving that it is not working. He believes that Bill 424 is a positive step in the right direction as it provides and creates a direct line of accountability. He offered several suggestions to revise the bill to include making the staggered terms simpler to understand, give the Governor the full flexibility of appointees, give direct authority to the governor and legislature for the removal of members.

Elwin Quitano testified in favor of the bill. As both a teacher and a parent he has noticed that many inadequacies that have been present have not been taken care of and all these problems could have been avoided if this bill was passed a long time ago. He believes that when a Board member does not do their jobs or is hindering the operations of the department, it is difficult to recall or remove members. He believes that going to the Governor, where the buck stops, would be a better system of providing accountability to the Department and tax payers’ funds.

Pat Nichols testified in opposition to the bill. She believes the bill is a step back in the democratic process and putting more power in the hands of the Governor is not necessarily good. She testified that maybe a hybrid system would be better as too much power and money centralized in one person is not good.

Anita Manibusan, a member of the Guam Education Policy Board, testified in opposition to the bill. She believes that the current structure of the Board is what is preventing the current Board from

doing what they need to do. She does not understand how the Board can make any real decisions when they are only a policy-making board and prevented from micromanaging or even being able to ask about the operations of the Department. She questioned why if the Legislature decided to create an elected school board for the purposes of removing politics out of education, the Legislature is introducing a bill that will put politics back into education.

Dr. Nerissa Bretania-Underwood, Superintendent of the Guam Department of Education testified in opposition to the bill stating that although many have said the elected Guam Education Policy board is a failed experiment and that the organization is flawed, she believes that it may be because the law is flawed. The board has been prohibited by law from discussing federal programs and thus failing to have the ability to hold the superintendent accountable in the area of federal programs. She informed the Committee that she believes the best system is to have the people elect the members.

Dr. Jose Cruz, a member of the Guam Education Policy Board, testified in opposition to the bill as he believes the introduction of the bill is a bad reaction to the Evergreen management audit implementation and also believes this reaction is due to the perception that the Board is not doing its job and that it is not responsive. Many have stated that the Board is intruding on the management and operations of the department of education, but because Guam law has prohibited such action Board members have not been able to do this. This observation is more perception than fact. He testified that experience with appointed board members has not been favorable and that to lure more candidates to be interested to serve on the Board, there needs to be better incentive such as what was suggested by Senator Frank Aguon to increase the stipends. He stated that if this bill is passed, he believes it will be a failure to the Guam Department of Education.

Joe San Agustin, a member of the Guam Education Policy Board, testified in opposition of the bill. Mr. San Agustin stated that a lot of the problems that are within the Department of Education are not caused by the Board, it is caused by the failure of the government. He stated that within their current structure the governor has appointed members to the Board to fill elected vacancies and he observed that it is the appointed members do not show up to the meetings.

Joann Camacho testified in favor of the bill. She stated that over the past eight years, she has observed closely what has been going on within education on the island. She applauds the elected Board members for their service and passion for education, but she believes that the current structure of the board is not of the best interest of the students and the island. She testified that she believes that it is time to re-evaluate what has been put in place and that we should be looking at models that have worked since we've pretty much tried everything. She believes that the composition of any board is important and is glad that the bill mirrors the education boards of the University of Guam and Guam Community College, educational boards on the island that have proven to work, so it is only reasonable to use the same system. Mrs. Camacho testified that the Department and the Board's consistent solutions have been to give money to the Department; they have constantly asked the Governor more money. She believes this is not a good system as the chief executive officer of the government of Guam should be able to hold every penny accountable given, but with the current structure, there is no accountability for the funds that is being given. She further stated that when things go wrong within the Department, even with federal funds, the Governor is

blamed, but cannot guarantee accountability or hold anyone accountable because he does not have authority to do so. Mrs. Camacho believes that we need a board that is balanced, such as what is written in the bill, and it would be beneficial to the community if this bill is passed.

Johnny Rivera provided written testimony in opposition to the bill (attached).

III. DISCUSSION

Vice Speaker Cruz opened his remarks by stating that the elected school board was a policy that had good intentions, but it is not working. Many do not show an interest in serving as an elected board member as this shows as there are usually more seats available than candidates running. When deciding how to try to restructure the education board, he looked to systems on the island that have worked. He believes that our boards for our institutions of higher education have proven and are proving to work. He pointed out that for example, the University of Guam's system works great as it has maintained a low risk auditee, and has hardly any problems with federal regulators.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Education finds that the organization and structure of the Guam Education Policy Board has been detrimental to the island's public education system. The Guam Department of Education has been faced with a myriad of problems that have spanned over the years creating financial problems not only for the department but for the entire government of Guam. With about 35% of the government's budget appropriated to the education entity annually, the Committee finds that it is necessary to create a board that can provide services in the best interest of our students and at the same time be fiscally responsible.

The Committee finds that since the passage of Public Law 26-26 that created the Guam Education Policy Board, whose membership composed of elected individuals, there has been constant lack of accountability with the education of our students and the management of public funds for education. *I Liheslatura's* intent in passing Public Law 26-26 was to give all Guam residents a direct choice in educational leadership and leading to control over the accountability of education. Since the creation of the Guam Education Policy Board, there has been constant confusion over the accountability of public education. The GEPB has been operating as a fourth branch of government often creating its own rules without regard to its effect on the entire government, and yet, when it finds itself in a position of hardship, *I Maga'lahaen Guahan* and *I Liheslatura* are faced with the trouble of "saving the department" often having to negate its responsibilities of other government entities under its direct control.

The Committee finds that in order to improve accountability within the education policy decision making process, a responsibility that currently falls within the Guam Education Policy Board, a strong organizational structure must be in place. The Committee is not making a policy statement that an appointed board is better equipped at being accountable over an elected board but is making a policy decision based on the proven success and accountability of the respective educational boards of the University of Guam and the Guam Community College. The Committee finds that it is in the best

interest for all stakeholders of the government to create a board for the Guam Department of Education similar to those of the University of Guam and the Guam Community College.

The Committee on Education to which Bill No. 424-30 (As Amended by the Committee on Education) – Bill No. 424-30 – An act to *repeal* and *re-enact* §3102 and §3103, to *repeal* §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to *add* §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board found within Sections 2 and 7 of the bill, finds support for the passage of the bill and hereby submits its findings and recommendations to *I Mina'Trenta Na Liheslaturan Guåhan* **TO PASS** **Substitute Bill No. 424-30.**

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

Bill No. 424-30(corr)

Introduced by:

B.J.F. Cruz



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AN ACT TO REPEAL AND RE-ENACT §3102 AND §3103, TO REPEAL §3108, §3111, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 AND §3124, AND TO ADD §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 AND §3103.1, ALL TO CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REORGANIZATION OF THE GUAM EDUCATION POLICY BOARD.

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

2 **Section 1.** §3102 of Chapter 3 of Title 17 of the Guam Code
3 Annotated is hereby *repealed* and *re-enacted* to read:

4 **“§3102. Guam Education Board.**

5 The governance of the Department of Education is vested in an
6 education board to be known as ‘the Guam Education Board’
7 (hereinafter referred to as ‘the Board’). The Board shall be composed
8 of nine (9) members appointed by the Governor as provided herein,
9 with the advice and consent of the Legislature.”

1 **Section 2.** §3102.1, §3102.2, §3102.3, §3102.4, §3102.4.1, §3102.5,
2 and §3102.6 are hereby *added* to Chapter 3 of Title 17 of the Guam Code
3 Annotated to read:

4 **“§3102.1. Duties of the Guam Education Board.**

5 The Guam Education Board shall have general supervision over
6 the Department of Education (hereinafter ‘Department’) and the
7 control and direction of all funds of, and appropriated to, the
8 Department subject to such restrictions as may be prescribed by law.
9 The Board shall submit an annual budget to the Legislature in the
10 manner prescribed by law. The Board shall have the authority to
11 delegate such of its powers as it may deem appropriate, but shall
12 retain the ultimate responsibility for the exercise of its powers.

13 **§3102.2. Meetings of the Board.**

14 Meetings of the Board shall be held at a regular time and place
15 as determined by the Board. Special meetings may be called by the
16 Chairman or by a majority of the members, as often as may be
17 necessary. Meetings of the Board shall be subject to the Open
18 Government Law of Guam. Six (6) members shall constitute a
19 quorum and an affirmative vote of five (5) members is required for
20 any action to be valid.

21 **§3102.3. Term of Office for Board Members.**

22 The members of the Guam Education Board shall serve a
23 staggered term of five (5) years, except for the student member who
24 shall serve a term of two (2) years. On the expiration of the term of
25 any member, or in the event of a vacancy on the Board due to
26 resignation, death, or any other cause, the Governor shall appoint
27 another member, with the advice and consent of the Legislature, for a

1 full term in the first instance, or for the remainder of the unexpired
2 term. When there is a change of administration of the government of
3 Guam after a gubernatorial election, no courtesy resignation shall be
4 requested by the new administration nor offered by any member of the
5 Board.

6 **§3102.3.1 Provision for Staggered Terms.**

7 The current members of the Board shall continue to serve until
8 the expiration of their terms. Upon passage of this act, the Governor
9 shall appoint, subject to the advice and consent of the Legislature,
10 four (4) members to serve three- (3) year terms, four- (4) members to
11 serve five- (5) year terms, and the student member to serve a two- (2)
12 year term. The preceding appointment of members, except the student
13 member, shall be for a term of five (5) years.

14 **§3102.4. Qualification and Composition of Board**
15 **Members.**

16 Board members and Board member candidates must be United
17 States citizens or permanent resident aliens domiciled in Guam for at
18 least three (3) years prior to appointment to the Board. No person
19 shall sit on the Board as a member who is an employee of the
20 Department of Education. The Guam Education Board shall be
21 composed of nine (9) members, with at least one (1) of the following:

- 22 (1) One (1) who is employed in an upper level
23 managerial position in a private business;
- 24 (2) One (1) who is selected from a list of not less than
25 three (3) nominees by the Guam Parent Teacher Association
26 Congress or its successor organization;

1 (3) One (1) who is selected from a list of not less than
2 three (3) nominees by the exclusive bargaining unit which
3 represents teachers and other employees within the Department;
4 and

5 (4) One (1) who is selected from a list of not less than
6 three (3) nominees by the Island-wide Board of Governing
7 Students. Such nominees shall be students of the Department
8 of Education. If such appointee ceases to be a student of the
9 Department of Education, his term shall expire.

10 **§3102.4.1. Officers of the Board.**

11 Officers of the Board shall include the Chairperson and Vice
12 Chairperson, and such other positions which the Board deems
13 necessary to effectively carry out its responsibilities. Such Board
14 officers upon election shall serve for a term of one (1) year. Board
15 officers shall be elected by a majority vote of the members of the
16 Board during one (1) of the Board's meetings held in January of each
17 year. Members may serve as Chairperson for multiple terms, except
18 that no person may serve as Chairperson for more than two (2)
19 consecutive terms at a time.

20 **§3102.5. Removal of Board Members.**

21 A member of the Board may be removed by a vote of five (5)
22 members for malfeasance in office or for persistent neglect of, or
23 inability to discharge duties or for offenses involving moral turpitude.
24 However, no member of the Board shall be removed from office
25 before a written bill of particulars shall have been given to the accused
26 and before an investigation and an open and public hearing shall have
27 been had. Any member who removes his residence from Guam shall

1 be deemed to have vacated his office, thereby creating a vacancy on
2 the Board.

3 A member of the Board shall be automatically removed from
4 the Guam Education Board:

5 (a) upon conviction of a felony; *or*

6 (b) upon conviction of a misdemeanor involving the
7 possession of a Controlled Substance or operation of a vehicle
8 while under the influence of alcohol or a controlled substance.

9 **§3102.6. Stipend for Board Members.**

10 Members of the Board shall be paid the amount of One
11 Hundred Dollars (\$100.00) for each day on which they attend a
12 regular, special or executive meeting, not to exceed Two Hundred
13 Dollars (\$200.00) in any month.”

14 **Section 3.** §3103 of Chapter 3 of Title 17 of the Guam Code
15 Annotated is hereby *repealed and re-enacted* to read:

16 **“§3103. Superintendent of Education.**

17 The Superintendent of Education (the Superintendent) shall be
18 the Chief Executive Officer of the internal operating organization of
19 the Department of Education and shall be responsible for the
20 administration of the academic and services activities thereof. The
21 Board shall appoint the Superintendent of Education by an affirmative
22 vote of at least six (6) members. Notwithstanding any other provision
23 of law, the employment of the Superintendent shall be by contract
24 term of four (4) years, which contract shall contain a provision that
25 the Superintendent’s employment may only be terminated for cause,
26 as defined in this Chapter. In the case of temporary absence of the
27 Superintendent, the Superintendent may, after consultation with the

1 Chairperson of the Board, appoint among any of the Associate
2 Superintendents, or their equivalents, an acting Superintendent.

3 The Superintendent shall:

4 (1) administer the day-to-day activities of the Department
5 of Education;

6 (2) enforce and implement the education policies of the
7 Board and rules and regulations of the Department;

8 (3) administer Federal funds/programs on behalf of the
9 Department;

10 (4) serve as the Department's approving authority for the
11 expenditure of funds;

12 (5) serve as the appointing authority for all personnel
13 employed by the Department;

14 (6) be the Executive Secretary of the Board in an *ex-*
15 *officio*, non-voting capacity;

16 (7) shall submit to the Board, *I Maga'lahaen Guåhan*, and
17 *I Liheslaturan Guåhan* no later than thirty (30) days following
18 the end of the fiscal year, a detailed "Annual State of Public
19 Education Report," which shall discuss the public educational
20 issues on Guam, and other subjects the Superintendent may
21 deem appropriate, and shall also submit such fiscal,
22 instructional, academic progress, and other information as may
23 be required by the Board to reflect the quality of public
24 education;

25 (8) develop and present to the people of Guam, the
26 Board, *I Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan* a

1 "School Performance Report Card" of each school, which shall
2 be given in conjunction with the Annual Report;

3 (9) to perform other duties as may be required by public
4 law to provide an adequate public educational system;

5 (10) to advise the Board on the current operations and
6 status of the public schools and on other educational matters;

7 (11) to supply the Board with such information as it may
8 require and prepare the Board to make recommendations to *I*
9 *Maga'lahaen Guåhan* and *I Liheslaturan Guåhan* for changes,
10 additions, or deletions to public law;

11 (12) prepare a feasibility/impact/cost savings analysis for
12 the Guam Education Board recommending the potential
13 privatization of existing services for the Department;

14 (14) Notwithstanding any other provision of law or
15 personnel rules and regulations, the Superintendent shall have
16 the authority to assign, detail, or transfer employees to various
17 physical locations within the Department. The Superintendent
18 shall exercise such authority only in accordance with a policy
19 adopted by the Board and shall not (1) cause a change in
20 position title or job duties, or (2) contradict the provisions of
21 any collective bargaining agreement in effect at the time of the
22 transfer nor violate any employee's rights thereunder;

23 (15) Adequate Public Education Reporting
24 Requirements. The Superintendent of Education shall submit a
25 monthly report of all funds available to the Department,
26 whether or not their resources require appropriations by *I*
27 *Liheslaturan Guåhan*. The report shall also contain a detailed

1 accounting of all expenditures of funds, relating such
2 expenditures to the criteria established in Title 1 GCA §715 and
3 the status of compliance with the Adequate Education Act. The
4 report is to be completed no later than fifteen (15) calendar days
5 after the end of each month and shall be certified by the
6 Superintendent, acknowledging compliance with Title 1 GCA
7 §715 and in meeting the objectives of §3125 of this Chapter.
8 The report shall be submitted to the Board, the Speaker of *I*
9 *Lihselaturan Guåhan*, and *I Maga'lahen Guåhan*.

10 (16) Conduct periodic assessments and management and
11 curriculum audits of the Department for the following purposes:

12 (A) To ascertain whether the System is providing
13 an adequate public education as defined by Title 1 GCA
14 §715;

15 (B) To evaluate the effectiveness of Department
16 administrators in implementing board policy and
17 directives and in fulfilling assigned objectives;

18 (C) To evaluate the effectiveness of Department
19 instructional personnel and their ability to meet
20 curriculum goals; and

21 (D) To recommend alternatives to correct systemic
22 deficiencies and to improve the ability of the Department
23 personnel to fulfill assigned objectives.

24 Said audits shall also identify and assess
25 deficiencies in the Department's organizational structure;
26 compliance with federal and local laws and with board
27 policies; physical and operational security; workflow

1 designs and management; internal controls; staffing
2 levels and competencies; management levels and
3 competencies; management practices; training standards
4 and practices; adequacy of facilities; physical plant
5 management; technical and administrative infrastructure;
6 redundancy of systems and procedures; productivity and
7 quality standards; recruitment, certification training of
8 teachers, and recruitment, training, and staff
9 development. Said audits shall be conducted at intervals
10 determined by the Board of not less than three (3) years
11 and no more than five (5) years.

12 The Guam Education Policy Board shall solicit
13 audit proposals for said audits both locally and
14 nationally. The Board shall create and maintain a list of
15 qualified auditing firms that specialize in management
16 and curriculum audits of schools and school districts. The
17 Board shall transmit Requests for Proposals to all known
18 qualified auditing firms and solicit through local and
19 national publications.

20 (17) Promulgate rules and regulations for the
21 implementation and operation of §§3127 through 3131 of
22 this Title as necessary.”

23 **Section 4.** §3103.1 is hereby *added* to Chapter 3 of Title 17 of the
24 Guam Code Annotated to read:

25 **“§3103.1. Termination of Superintendent.**

26 (a) Only the following constitute cause for the discharge of the
27 Superintendent or Deputy Superintendent:

1 (1) Failure to meet performance standards as defined by a
2 performance evaluation outline established and adopted by the
3 Board;

4 (2) Holding financial interests that conflict with the
5 conscientious performance of his or her duties;

6 (3) Engaging in financial transactions using confidential
7 or non-public Department information or allowing the improper
8 use of such information to further any private interests;

9 (4) except as permitted by statute or regulation, the
10 solicitation or acceptance of any item of value from any person
11 or entity seeking official action from, doing business with, or
12 conducting activities regulated by the Department, or from
13 persons whose interest may be substantially affected by the
14 performance or nonperformance of the Superintendent's duties,
15 or the duties of the Department;

16 (5) Knowingly making commitments or promises of any
17 kind purporting to bind the Department except as permitted by
18 law;

19 (6) Use of his or her official position for private gain or
20 that of others;

21 (7) Failure to disclose waste, abuse, and corruption to the
22 appropriate authorities;

23 (8) Failure to respect the rights and privacy of others and
24 the use of his or her official position, authority, or other means
25 to injure another person for personal reasons or malicious
26 purposes;

1 (9) Fraud or misrepresentation in securing his or her
2 appointment;

3 (10) Refusal or failure to perform duties and
4 responsibilities as defined by law;

5 (11) Unlawful use, possession, or sale of illicit drugs and
6 alcohol;

7 (12) Criminal acts involving moral turpitude;

8 (13) Political activity prohibited by law;

9 (14) Misuse, misappropriation, or theft of government
10 property or funds;

11 (15) Prohibited acts of discrimination, including sexual
12 harassment; or

13 (16) Abandonment of his or her position.”

14 **Section 5. Attorney for the Board.** §3108 of Chapter 3 of Title 17 of
15 the Guam Code Annotated is hereby *repealed*.

16 **Section 6. Guam Education Policy Board.** §3111 of Chapter 3 of
17 Title 17 of the Guam Code Annotated is hereby *repealed*.

18 **Section 7. Provisions for Staggered Terms.** §3111.1 of Chapter 3 of
19 Title 17 of the Guam Code Annotated is hereby *repealed*.

20 **Section 8. Duties and Responsibilities of the Guam Education**
21 **Policy Board.** §3112 of Chapter 3 of Title 17 of the Guam Code Annotated
22 is hereby *repealed*.

23 **Section 9. Elected Members.** §3113 of Chapter 3 of Title 17 of the
24 Guam Code Annotated is hereby *repealed*.

25 **Section 10. Nomination for Election to the Board.** §3114 of
26 Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

1 **Section 11. First Election: Terms.** §3115 of Chapter 3 of Title 17 of
2 the Guam Code Annotated is hereby *repealed*.

3 **Section 12. Repeal of Temporary Governance by *I Maga'lahen***
4 ***Guåhan*.** §3116 of Chapter 3 of Title 17 of the Guam Code Annotated is
5 hereby *repealed*.

6 **Section 13. Vacancies.** §3117 of Chapter 3 of Title 17 of the Guam
7 Code Annotated is hereby *repealed*.

8 **Section 14. Severability as to Districting Formula.** §3118 of
9 Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

10 **Section 15. Officers of the Board.** §3119 of Chapter 3 of Title 17 of
11 the Guam Code Annotated is hereby *repealed*.

12 **Section 16. Budget.** §3120 of Chapter 3 of Title 17 of the Guam
13 Code Annotated is hereby *repealed*.

14 **Section 17. Superintendent and Deputy Superintendent not part**
15 **of Cabinet.** §3123 of Chapter 3 of Title 17 of the Guam Code Annotated is
16 hereby *repealed*.

17 **Section 18. Removal of Elected Board Members.** §3124 of Chapter
18 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

19 **Section 19. Implementation Provisions.** The provisions of this Act
20 shall be effective immediately, *except* that members of the Board elected
21 prior to this Act may serve the remainder of their terms. Upon passage of
22 this Act, the Governor may begin appointing members to the Board, subject
23 to the advice and consent of *I Liheslaturan Guåhan*. The first members
24 appointed through this Act shall commence their term at 12:00 noon on the
25 first Monday in January of 2011.

26 **Section 20. Severability.** If any provision of this Law or its
27 application to any person or circumstance is found to be invalid or contrary

1 to law, such invalidity shall not affect other provisions or applications of this
2 Law which can be given effect without the invalid provisions or application,
3 and to this end the provisions of this Law are severable.
4
5

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

Bill No. 424-30 (COR)
As Substituted by the Committee
on Education

Introduced by:

B.J.F. Cruz

**AN ACT TO REPEAL AND RE-ENACT §3102 AND §3103,
TO REPEAL §3108, §3111, §3111.1, §3112, §3113, §3114,
§3115, §3116, §3117, §3118, §3119, §3120, §3123 AND
§3124, AND TO ADD §3102.1, §3102.2, §3102.3, §3102.3.1,
§3102.4, §3102.4.1, §3102.5, §3102.6 AND §3103.1, ALL TO
CHAPTER 3 OF TITLE 17 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE
REORGANIZATION OF THE GUAM EDUCATION
POLICY BOARD.**

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

2 **Section 1.** §3102 of Chapter 3 of Title 17 of the Guam Code
3 Annotated is hereby *repealed* and *re-enacted* to read:

4 **“§3102. Guam Education Board.**

5 The governance of the Department of Education is vested in an
6 education board to be known as ‘the Guam Education Board’
7 (hereinafter referred to as ‘the Board’). The Board shall be composed
8 of nine (9) members appointed by the Governor as provided herein,
9 with the advice and consent of the Legislature.”

1 **Section 2.** §3102.1, §3102.2, §3102.3, §3102.4, §3102.4.1, §3102.5,
2 and §3102.6 are hereby *added* to Chapter 3 of Title 17 of the Guam Code
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8 Department subject to such restrictions as may be prescribed by law.
9 The Board shall submit an annual budget to the Legislature in the
10 manner prescribed by law. The Board shall have the authority to
11 delegate such of its powers as it may deem appropriate, but shall
12 retain the ultimate responsibility for the exercise of its powers.

13 **§3102.2. Meetings of the Board.**

14 Meetings of the Board shall be held at a regular time and place
15 as determined by the Board. Special meetings may be called by the
16 Chairman or by a majority of the members, as often as may be
17 necessary. Meetings of the Board shall be subject to the Open
18 Government Law of Guam. Six (6) members shall constitute a
19 quorum and an affirmative vote of five (5) members is required for
20 any action to be valid.

21 **§3102.3. Term of Office for Board Members.**

22 The members of the Guam Education Board shall serve a
23 staggered term of ~~five (5)~~ four (4) years, except for the student
24 member who shall serve a term of ~~two (2)~~ one (1) years. On the
25 expiration of the term of any member, or in the event of a vacancy on
26 the Board due to resignation, death, or any other cause, the Governor
27 shall appoint another member, with the advice and consent of the

1 Legislature, for a full term in the first instance, or for the remainder of
2 the unexpired term. When there is a change of administration of the
3 government of Guam after a gubernatorial election, no courtesy
4 resignation shall be requested by the new administration nor offered
5 by any member of the Board.

6 **§3102.3.1 Provision for Staggered Terms.**

7 The current members of the Board, including those serving a
8 term of four (4) years since taking office in January 2009, shall
9 continue to serve until the expiration of their terms. Upon passage of
10 this act, the Governor ~~shall~~ may begin appointing, subject to the
11 advice and consent of the Legislature, ~~four (4) members to serve~~
12 ~~three (3) year terms, four (4) members to serve five (5) year terms,~~
13 and the student member to serve a ~~two (2)~~ one (1) year term. The
14 preceding appointment of members, except the student member, shall
15 be for a term of ~~five (5)~~ four (4) years.

16 **§3102.4. Qualification and Composition of Board**
17 **Members.**

18 Board members and Board member candidates must be United
19 States citizens or permanent resident aliens domiciled in Guam for at
20 least three (3) years prior to appointment to the Board. No person
21 shall sit on the Board as a member who is an employee of the
22 Department of Education. The Guam Education Board shall be
23 composed of nine (9) members, with at least one (1) of the following:

- 24 (1) One (1) who is employed in an upper level
25 managerial position in a private business;

1 (2) One (1) who is selected from a list of not less than
2 three (3) nominees by the Guam Parent Teacher Association
3 Congress or its successor organization;

4 (3) One (1) who is selected from a list of not less than
5 three (3) nominees by the exclusive bargaining unit which
6 represents teachers and other employees within the Department;
7 and

8 (4) One (1) who is selected from a list of not less than
9 three (3) nominees by the Island-wide Board of Governing
10 Students. Such nominees shall be students of the Department
11 of Education. If such appointee ceases to be a student of the
12 Department of Education, his term shall expire.

13 **§3102.4.1. Officers of the Board.**

14 Officers of the Board shall include the Chairperson and Vice
15 Chairperson, and such other positions which the Board deems
16 necessary to effectively carry out its responsibilities. Such Board
17 officers upon election shall serve for a term of one (1) year. Board
18 officers shall be elected by a majority vote of the members of the
19 Board during one (1) of the Board's meetings held in January of each
20 year. Members may serve as Chairperson for multiple terms, except
21 that no person may serve as Chairperson for more than two (2)
22 consecutive terms at a time.

23 **§3102.5. Removal of Board Members.**

24 A member of the Board may be removed by a vote of ~~five (5)~~
25 six (6) members for malfeasance in office or for persistent neglect of,
26 or inability to discharge duties or for offenses involving moral
27 turpitude. However, no member of the Board shall be removed from

1 office before a written bill of particulars shall have been given to the
2 accused and before an investigation and an open and public hearing
3 shall have been had. Any member who removes his residence from
4 Guam shall be deemed to have vacated his office, thereby creating a
5 vacancy on the Board.

6 A member of the Board shall be automatically removed from
7 the Guam Education Board:

8 (a) upon conviction of a felony; *or*

9 (b) upon conviction of a misdemeanor involving the
10 possession of a Controlled Substance or operation of a vehicle
11 while under the influence of alcohol or a controlled substance.

12 **§3102.6. Stipend for Board Members.**

13 Members of the Board shall be paid the amount of One
14 Hundred Dollars (\$100.00) for each day on which they attend a
15 regular, special or executive meeting, not to exceed Two Hundred
16 Dollars (\$200.00) in any month.”

17 **Section 3.** §3103 of Chapter 3 of Title 17 of the Guam Code
18 Annotated is hereby *repealed and re-enacted* to read:

19 **“§3103. Superintendent of Education.**

20 The Superintendent of Education (the Superintendent) shall be
21 the Chief Executive Officer of the internal operating organization of
22 the Department of Education and shall be responsible for the
23 administration of the academic and services activities thereof. The
24 Board shall appoint the Superintendent of Education by an affirmative
25 vote of at least six (6) members. Notwithstanding any other provision
26 of law, the employment of the Superintendent shall be by contract
27 term of four (4) years, which contract shall contain a provision that

1 the Superintendent's employment may only be terminated for cause,
2 as defined in this Chapter. In the case of temporary absence of the
3 Superintendent, the Superintendent may, after consultation with the
4 Chairperson of the Board, appoint among any of the Associate
5 Superintendents, or their equivalents, an acting Superintendent.

6 The Superintendent shall:

7 (1) administer the day-to-day activities of the Department
8 of Education;

9 (2) enforce and implement the education policies of the
10 Board and rules and regulations of the Department;

11 (3) administer Federal funds/programs on behalf of the
12 Department;

13 (4) serve as the Department's approving authority for the
14 expenditure of funds;

15 (5) serve as the appointing authority for all personnel
16 employed by the Department;

17 (6) be the Executive Secretary of the Board in an *ex-*
18 *officio*, non-voting capacity;

19 (7) shall submit to the Board, *I Maga'lahaen Guåhan*, and
20 *I Liheslaturan Guåhan* no later than thirty (30) days following
21 the end of the fiscal year, a detailed "Annual State of Public
22 Education Report," which shall discuss the public educational
23 issues on Guam, and other subjects the Superintendent may
24 deem appropriate, and shall also submit such fiscal,
25 instructional, academic progress, and other information as may
26 be required by the Board to reflect the quality of public
27 education;

1 (8) develop and present to the people of Guam, the
2 Board, *I Maga'lahen Guåhan*, and *I Liheslaturan Guåhan* a
3 “School Performance Report Card” of each school, which shall
4 be given in conjunction with the Annual Report;

5 (9) to perform other duties as may be required by public
6 law to provide an adequate public educational system;

7 (10) to advise the Board on the current operations and
8 status of the public schools and on other educational matters;

9 (11) to supply the Board with such information as it may
10 require and prepare the Board to make recommendations to *I*
11 *Maga'lahen Guåhan* and *I Liheslaturan Guåhan* for changes,
12 additions, or deletions to public law;

13 (12) prepare a feasibility/impact/cost savings analysis for
14 the Guam Education Board recommending the potential
15 privatization of existing services for the Department;

16 (14) Notwithstanding any other provision of law or
17 personnel rules and regulations, the Superintendent shall have
18 the authority to assign, detail, or transfer employees to various
19 physical locations within the Department. The Superintendent
20 shall exercise such authority only in accordance with a policy
21 adopted by the Board and shall not (1) cause a change in
22 position title or job duties, or (2) contradict the provisions of
23 any collective bargaining agreement in effect at the time of the
24 transfer nor violate any employee's rights thereunder;

25 (15) Adequate Public Education Reporting
26 Requirements. The Superintendent of Education shall submit a
27 monthly report of all funds available to the Department,

1 whether or not their resources require appropriations by *I*
2 *Liheslaturan Guåhan*. The report shall also contain a detailed
3 accounting of all expenditures of funds, relating such
4 expenditures to the criteria established in Title 1 GCA §715 and
5 the status of compliance with the Adequate Education Act. The
6 report is to be completed no later than fifteen (15) calendar days
7 after the end of each month and shall be certified by the
8 Superintendent, acknowledging compliance with Title 1 GCA
9 §715 and in meeting the objectives of §3125 of this Chapter.
10 The report shall be submitted to the Board, the Speaker of *I*
11 *Liheslaturan Guåhan*, and *I Maga'lahen Guåhan*.

12 (16) Conduct periodic assessments and management and
13 curriculum audits of the Department for the following purposes:

14 (A) To ascertain whether the System is providing
15 an adequate public education as defined by Title 1 GCA
16 §715;

17 (B) To evaluate the effectiveness of Department
18 administrators in implementing board policy and
19 directives and in fulfilling assigned objectives;

20 (C) To evaluate the effectiveness of Department
21 instructional personnel and their ability to meet
22 curriculum goals; and

23 (D) To recommend alternatives to correct systemic
24 deficiencies and to improve the ability of the Department
25 personnel to fulfill assigned objectives.

26 Said audits shall also identify and assess
27 deficiencies in the Department's organizational structure;

1 compliance with federal and local laws and with board
2 policies; physical and operational security; workflow
3 designs and management; internal controls; staffing
4 levels and competencies; management levels and
5 competencies; management practices; training standards
6 and practices; adequacy of facilities; physical plant
7 management; technical and administrative infrastructure;
8 redundancy of systems and procedures; productivity and
9 quality standards; recruitment, certification training of
10 teachers, and recruitment, training, and staff
11 development. Said audits shall be conducted at intervals
12 determined by the Board of not less than three (3) years
13 and no more than five (5) years.

14 The Guam Education Policy Board shall solicit
15 audit proposals for said audits both locally and
16 nationally. The Board shall create and maintain a list of
17 qualified auditing firms that specialize in management
18 and curriculum audits of schools and school districts. The
19 Board shall transmit Requests for Proposals to all known
20 qualified auditing firms and solicit through local and
21 national publications.

22 (17) Promulgate rules and regulations for the
23 implementation and operation of §§3127 through 3131 of
24 this Title as necessary.”

25 **Section 4.** §3103.1 is hereby *added* to Chapter 3 of Title 17 of the
26 Guam Code Annotated to read:

27 **“§3103.1. Termination of Superintendent.**

1 (a) Only the following constitute cause for the discharge of the
2 Superintendent or Deputy Superintendent:

3 (1) Failure to meet performance standards as defined by a
4 performance evaluation outline established and adopted by the
5 Board;

6 (2) Holding financial interests that conflict with the
7 conscientious performance of his or her duties;

8 (3) Engaging in financial transactions using confidential
9 or non-public Department information or allowing the improper
10 use of such information to further any private interests;

11 (4) except as permitted by statute or regulation, the
12 solicitation or acceptance of any item of value from any person
13 or entity seeking official action from, doing business with, or
14 conducting activities regulated by the Department, or from
15 persons whose interest may be substantially affected by the
16 performance or nonperformance of the Superintendent's duties,
17 or the duties of the Department;

18 (5) Knowingly making commitments or promises of any
19 kind purporting to bind the Department except as permitted by
20 law;

21 (6) Use of his or her official position for private gain or
22 that of others;

23 (7) Failure to disclose waste, abuse, and corruption to the
24 appropriate authorities;

25 (8) Failure to respect the rights and privacy of others and
26 the use of his or her official position, authority, or other means

1 to injure another person for personal reasons or malicious
2 purposes;

3 (9) Fraud or misrepresentation in securing his or her
4 appointment;

5 (10) Refusal or failure to perform duties and
6 responsibilities as defined by law;

7 (11) Unlawful use, possession, or sale of illicit drugs and
8 alcohol;

9 (12) Criminal acts involving moral turpitude;

10 (13) Political activity prohibited by law;

11 (14) Misuse, misappropriation, or theft of government
12 property or funds;

13 (15) Prohibited acts of discrimination, including sexual
14 harassment; or

15 (16) Abandonment of his or her position.”

16 **Section 5. Attorney for the Board.** §3108 of Chapter 3 of Title 17 of
17 the Guam Code Annotated is hereby *repealed*.

18 **Section 6. Guam Education Policy Board.** §3111 of Chapter 3 of
19 Title 17 of the Guam Code Annotated is hereby *repealed*.

20 **Section 7. Provisions for Staggered Terms.** §3111.1 of Chapter 3 of
21 Title 17 of the Guam Code Annotated is hereby *repealed*.

22 **Section 8. Duties and Responsibilities of the Guam Education**
23 **Policy Board.** §3112 of Chapter 3 of Title 17 of the Guam Code Annotated
24 is hereby *repealed*.

25 **Section 9. Elected Members.** §3113 of Chapter 3 of Title 17 of the
26 Guam Code Annotated is hereby *repealed*.

1 **Section 10. Nomination for Election to the Board.** §3114 of
2 Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

3 **Section 11. First Election: Terms.** §3115 of Chapter 3 of Title 17 of
4 the Guam Code Annotated is hereby *repealed*.

5 **Section 12. Repeal of Temporary Governance by *I Maga'lahen***
6 ***Guåhan*.** §3116 of Chapter 3 of Title 17 of the Guam Code Annotated is
7 hereby *repealed*.

8 **Section 13. Vacancies.** §3117 of Chapter 3 of Title 17 of the Guam
9 Code Annotated is hereby *repealed*.

10 **Section 14. Severability as to Districting Formula.** §3118 of
11 Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

12 **Section 15. Officers of the Board.** §3119 of Chapter 3 of Title 17 of
13 the Guam Code Annotated is hereby *repealed*.

14 **Section 16. Budget.** §3120 of Chapter 3 of Title 17 of the Guam
15 Code Annotated is hereby *repealed*.

16 **Section 17. Superintendent and Deputy Superintendent not part**
17 **of Cabinet.** §3123 of Chapter 3 of Title 17 of the Guam Code Annotated is
18 hereby *repealed*.

19 **Section 18. Removal of Elected Board Members.** §3124 of Chapter
20 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

21 **Section 19. Implementation Provisions.** The provisions of this Act
22 shall be effective immediately, *except* that members of the Board elected
23 prior to this Act may serve the remainder of their terms. Upon passage of
24 this Act, the Governor may begin appointing members to the Board, subject
25 to the advice and consent of *I Liheslaturan Guåhan*. The first members
26 appointed through this Act shall commence their term at 12:00 noon on the
27 first Monday in January of 2011.

1 **Section 20. Severability.** If any provision of this Law or its
2 application to any person or circumstance is found to be invalid or contrary
3 to law, such invalidity shall not affect other provisions or applications of this
4 Law which can be given effect without the invalid provisions or application,
5 and to this end the provisions of this Law are severable.

6

7

Testimony on Bill 424 – 30 (cor)
Jose Q. Cruz, Ed.D.
Luchan District
Guam Education Policy Board
June 29, 2010

My name is Dr. Jose Quinene Cruz, Luchan District's elected representative to the Guam Education Policy Board. The Guam Education Policy Board has not convened to decide on a position on Bill 424 relative to having the nine member Board be appointed by the Governor with the advise and consent of the Legislature. I come as elected representative of the Luchan District opposing the major intent of the Bill, that of appointment by the Governor with advise and consent appropriately.

I believe the impetus for the Bill is in reaction to the cost of educating our students in Guam and the seeming lack of action to the Evergreen Audit.

I submit that our proposed 2011 Budget appears too much but not if one examines the Board's responsibility to fund mandated policies especially the Adequate Education Act and the intrusions of the Legislature and the Governor to appropriations passed and authorized by law and then swiped for other obligations. The latter actions have caused us to come before the Legislature asking for supplemental requests. In the past years we have submitted higher budget amounts but not without scrutiny and "mark ups" or reduction altogether.

In regard to the Evergreen Audit, the Board has asked the Superintendent to submit her recommendations for appropriate action. As of today, there are recommendations that are broken down with actions labeled pending and on-going. I will acknowledge that we are somewhat slow in action and come across as doing nothing. Our Board minutes which have addressed our concerns about the Audit findings are publicly posted in our website and can be read altogether.

In today's Marianas Variety, the overall comments seem to be that the Board is intruding in the management and operations of the Department of Education. I can unequivocally say that this is not true. If anything we have been manipulated by the Governor and this Legislature especially in regard to Federal Programs. Guam law has prohibited us from interfering yet I see no oversight by the Legislature or the Governor to appropriately act. Reports have been submitted but no feedback has ever been given to date. When the Superintendent proposed to furlough federally funded employees we cautioned prudent if not persuasive attempts and lobbying. We appreciated the response which has prevented the furloughs. There continues to be a perception of Board intrusion but it is more perception than fact. However, we as a Board have noticed slow and not too focused information being delivered to the Board so that appropriate policy decisions may be arrived at. We are continuing to ask and insist on substantive information or data when items are proposed to the Board for action.

My experience in appointments to the Board has been disappointing. There is a lack of daring by members of our community to rise up to the challenge. However, there appears to be a lure to serving on the Board when Senator Frank Aguon proposed a larger stipend than the present \$75.00 per meeting allowance. I submit that Bill 424 seems to recognize this as possible lure to serving in the Board. I still feel that if one is not thick skinned for the children of Guam in putting oneself in the public eye, appointments will not work.

Electing Board members has not been received well by our community too. So why am I insisting on an elected Board? The years of serving on the Board especially staggered and increased tenure appear to give more positive regard to those serving. It appears to validate what is called Homan's law. That is, sustained or longer term interaction reduces intimidation and increases positive regard. This I can vouch with our present Board membership.

Finally, the overall provision of Bill 424-30 still gives the same responsibility to the Board as in an elected position. The only major difference is that of appointment by the Governor and the increase of stipend allowance. Without much thought and an impetuous reaction to policy development, I believe we will have failed in improving our Guam Department of Education.

Thank you for listening to my thoughts and I'll be glad to continue the dialogue altogether.

I will transmit my position via email in practice of going green in Guam.

/s/ Jose Quinene Cruz

June 29, 2010

Madam Chairwoman and Members of the Legislature,

I am here to oppose the repeal of the elected school board. In my opinion, we must stop with this appointed board, elected board issue. It appears it will never end. In this bill, you are giving power to an appointed board. Why don't you just empower the current Board?

According to PDN, the current Board has failed to enact the Evergreen Audit. This is the rationale for proposing this legislation. However, need I remind you that the current law forbids the current Board to interfere in operations and only allows them to supervise one person- the Superintendent, who has blamed the school Board with this failure? Is that statement true? Who is responsible for making the plan of action? The current Board cannot interfere with operations.

I have seen too much legislative interference with the Department of Education. I cite these two areas:

1. Interscholastic sports- One person fouls out and the whole program is taken out of the DOE.
2. Certification- One person is accused of something and once again, the Legislature removes it from the DOE. As a result of this, teachers who have met certification requirements were given letters of reprimand earlier this year, which were later withdrawn.

Recently, the GPD had their share of problems. Was there any move by this august body to pull GPD apart? I did not see any such action.

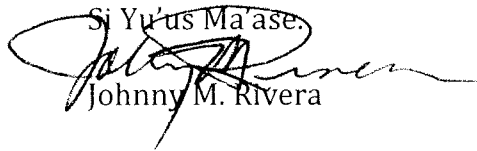
I would like to make some recommendations as a former Board member:

1. Give the members of the Board the same powers as a State Board of Education.
2. Give them stipends that are equal to the Public Utilities Board (to promote interest in running for the Board.)
3. Change the qualifications if you wish for the make-up of the Board in terms of education and background.
4. By legislation, require the Board to come up with their own Standard Operating Procedures, Code of Conduct, etc.
5. Elections for the Board, while currently staggered, should never occur during a gubernatorial election.

You say, "Let the people elect the man (Governor.) I say, "Let the people elect the Board and the Governor."

I use to not be in favor of an elected Board, but I am frustrated in what appears to be wishywashyness. This problem has gone on long enough. You planted this tree, now, let it grow and stop cutting it down. Prune it, fertilize it, and do not destroy it.

Lastly, let me say that with all the accusations of instability, passage of this legislation, goes to show that we still don't know what we want.

Si Yu'us Ma'ase.

Johnny M. Rivera



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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June 21, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 424-30(COR) through 426-30(COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 424-30(COR) through 426-30(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 JUN 22 AM 11: 58

I Mina'Trema Na Liheslaturan Guåhån
Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B424-30 (COR)	B.J.F. Cruz	An act to <i>repeal</i> and <i>re-enact</i> §3102 and §3103, to <i>repeal</i> §3108, §3111, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to <i>add</i> §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board.	6/18/10 4:31 p.m.	6/21/10	Committee on Education			
B425-30 (COR)	B. J. F. Cruz, R. J. Respicio	An act to <i>repeal</i> and <i>reenact</i> § 30101 and to <i>repeal</i> § 30101.1, both of Chapter 30, Division 3 of Title 5 of the Guam Code Annotated, and to <i>amend</i> § 6112 of Chapter 6 of Title 3 of the Guam Code Annotated, relative to the selection of the Attorney General.	6/18/10 4:46 p.m.	6/21/10	Committee on Public Safety, Law Enforcement, and Senior Citizens			



OFFICE OF THE SPEAKER

I MINA' TRENTA NA LIHESLATURAN GUÅHAN | 30th GUAM LEGISLATURE

JUDITH T. WON PAT, Ed.D.

June 22, 2010

MEMORANDUM

To: All Senators

RE: **NOTICE OF PUBLIC HEARING – First Notice**

The **Committee on Education** has scheduled a public hearing for 6:30 p.m., Tuesday, June 29, 2010 in the Public Hearing Room of the Guam Legislature Building on the following:

Tuesday, June 29, 2010 – 6:30 p.m.

PUBLIC HEARING

Bill No. 424-30 (COR) - B.J.F. Cruz - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board

Testimonies can be submitted in advance to the Office of Speaker Judith T. Won Pat, Ed.D. through email at mark@judiwonpat.com or through facsimile at 472-3589. Copies of the bills/appointment packets are available at www.guamlegislature.com.

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Mark Duarte at 472-3586/7 or by email at mark@judiwonpat.com.

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OFFICE OF THE SPEAKER
I MINA' TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

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002	997	671 4773982	11:20:21 p.m. 06-22-2010	00:00:09	1/1	1	EC	HS	CP28800
003	997	671 472 7663	11:20:21 p.m. 06-22-2010	00:00:08	1/1	1	EC	HS	CP28800
004	997	6714776411	11:20:21 p.m. 06-22-2010	00:00:21	1/1	1	EC	HS	CP14400
005	997	6482007	11:20:21 p.m. 06-22-2010	00:00:11	1/1	1	EC	HS	CP28800
006	997	4770793	11:20:21 p.m. 06-22-2010	00:00:00	0/1	1	--	HS	FA
007	997	+6714773079	11:20:21 p.m. 06-22-2010	00:00:22	1/1	1	EC	HS	CP14400

Broadcast Report

Date/Time 06-22-2010 11:38:43 p.m. Transmit Header Text
Local ID 1 4723510 Local Name 1 GUAM LEGISLATURE
Local ID 2 Local Name 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
008	997	6716379870	11:20:21 p.m. 06-22-2010	00:00:10	1/1	1	EC	HS	CP31200

Abbreviations:

HS: Host send PL: Polled local MP: Mailbox print TU: Terminated by user
HR: Host receive PR: Polled remote CP: Completed TS: Terminated by system G3: Group 3
WS: Waiting send MS: Mailbox save FA: Fail RP: Report EC: Error Correct

Broadcast Report

Date/Time	06-22-2010	11:31:56 p.m.	Transmit Header Text	
Local ID 1	4723510		Local Name 1	GUAM LEGISLATURE
Local ID 2			Local Name 2	

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Document size : 8.5"x11"



OFFICE OF THE SPEAKER
I MINA' TRENTA NA LINEBLATURAN GUAMAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

June 22, 2010

MEMORANDUM

To: All Senators
 RE: **NOTICE OF PUBLIC HEARING - First Notice**

The Committee on Education has scheduled a public hearing for 6:30 p.m., Tuesday, June 29, 2010 in the Public Hearing Room of the Guam Legislature Building on the following:

Tuesday, June 29, 2010 - 6:30 p.m.

PUBLIC HEARING

Bill No. 424-38 (COR) - B.J.F. Cruz - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board

Testimonies can be submitted in advance to the Office of Speaker Judith T. Won Pat, Ed.D. through email at mark@judwonpat.com or through facsimile at 472-3589. Copies of the bi-appointment packets are available at www.guamlegislature.com.

The Guam Legislature complies with provisions of the American with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Mark Duarte at 472-3586/7 or by email at mark@judwonpat.com.

cc: Executive Director
 Protocol
 Legislative Clerk
 All Members

*1st Notice
 Notice
 Senators*

Total Pages Scanned : 1 Total Pages Confirmed : 11

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	996	477 2522	11:19:40 p.m. 06-22-2010	00:00:09	1/1	1	EC	HS	CP31200
002	996	9691497	11:19:40 p.m. 06-22-2010	00:00:00	0/1	1	G3	HS	FA
003	996	6714791329	11:19:40 p.m. 06-22-2010	00:00:09	1/1	1	EC	HS	CP28800
004	996	9698357	11:19:40 p.m. 06-22-2010	00:00:00	0/1	1	--	HS	FA
005	996	4772240	11:19:40 p.m. 06-22-2010	00:00:10	1/1	1	EC	HS	CP28800
006	996	473 4238	11:19:40 p.m. 06-22-2010	00:00:13	1/1	1	EC	HS	CP28800
007	996	671 472 5022	11:19:40 p.m. 06-22-2010	00:00:21	1/1	1	EC	HS	CP14400

Broadcast Report

Date/Time 06-22-2010 11:32:02 p.m. Transmit Header Text
Local ID 1 4723510 Local Name 1 GUAM LEGISLATURE
Local ID 2 Local Name 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
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009	996	6714733303	11:19:40 p.m. 06-22-2010	00:00:09	1/1	1	EC	HS	CP28800
010	996	4772240	11:19:40 p.m. 06-22-2010	00:00:08	1/1	1	EC	HS	CP28800
011	996	4752000	11:19:40 p.m. 06-22-2010	00:00:08	1/1	1	EC	HS	CP28800
012	996	111	11:19:40 p.m. 06-22-2010	00:00:09	1/1	1	EC	HS	CP26400
013	996	4722528	11:19:40 p.m. 06-22-2010	00:00:08	1/1	1	EC	HS	CP33600

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct

Mark A. Duarte

From: Mark A. Duarte [duarte671@gmail.com]
Sent: Tuesday, June 22, 2010 11:04 PM
To: 'Mark A. Duarte'; 'hottips@kuam.com'; 'mvariety@pticom.com'; 'news@guampdn.com'; 'news@spbg Guam.com'; 'clynt@spbg Guam.com'; 'dcrisostomo@guampdn.com'; 'dmgeorge@guampdn.com'; 'dtamondong@guampdn.com'; 'gdumat-ol@guampdn.com'; 'gerry@mvguam.com'; 'jason@kuam.com'; 'jesselujan27@yahoo.com'; 'john@kuam.com'; 'jtyquiengco@spbg Guam.com'; 'kevin@spbg Guam.com'; 'kstonews@ite.net'; 'marvic@mvguam.com'; 'mindy@kuam.com'; 'nick.delgado@kuam.com'; 'parroyo@k57.com'; 'rgibson@k57.com'; 'ricknauta@hitradio100.com'; 'sabrina@kuam.com'; 'scoop@guamnewsfactor.com'; 'slimtiaco@guampdn.com'; 'thebigshow@k57.com'; 'therese@mvguam.com'; 'zita@mvguam.com'; 'bill phillips'; 'Elaine Tajalle'; 'therese@mvguam.com'
Cc: 'mduarte1972@gmail.com'
Subject: Committee on Education - Notice of Public Hearing - First Notice
Attachments: PUBLIC HEARING FIRST NOTICE-62910 Bill 424.pdf

Hafa Adai Media,

The Committee on Education will be holding a public hearing on Tuesday, June 29, 2010 at 6:30 p.m.

Please see attached notice.

Mark A. Duarte, MPA
Sr. Policy Analyst

I Mina'trenta Na Liheslaturan Guahan | 30th Guam Legislature
155 Hesler Place | Hagatna, Guam 96910

Tel.: 671-472-3586-8 | Fax: 671-472-3589

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To: 'B.J.F. Cruz'; 'Tom@SenatorAda.org'; 'senatortonyada@guamlegislature.org'; 'aguon4guam@gmail.com'; 'frank.blasjr@gmail.com'; 'sencalvo@gmail.com'; 'senjim@ite.net'; 'senatorjudiguthertz@gmail.com'; 'tinamunabarnes@gmail.com'; 'senabpalacios@gmail.com'; 'senbenp@guam.net'; 'roryforguam@gmail.com'; 'ray@raytenorio.com'; 'senortelo@gmail.com'; 'tterlaje@guam.net'; 'Pat Santos'; 'mduarte1972@gmail.com'
Cc: 'fterlaje@guamlegislature.org'; 'rennae@guamlegislature.org'; 'yong@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'mcarlson@ite.net'; 'roberto.phil@gmail.com'; 'director@gec.guam.gov'; 'epgogue@hotmail.com'; 'jamespcastro@gmail.com'; 'mark sayama'; 'patrickcepeda@hotmail.com'; 'dcchaco@yahoo.com'; 'fbtorres@yahoo.com'; 'mark@judiwonpat.com'; 'phillipsguam@gmail.com'; 'phillips-guam@excite.com'; 'elainevtll@gmail.com'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'derick hills'; 'chris.budasi@guamlegislature.org'; 'Sahara J Defensor'; 'yong@guamlegislature.org'; 'Tom Camacho'; 'jcamacho@senatorada.org'; 'Cyrus@SenatorAda.org'; 'ajsunga@senatorada.org'; 'Nicole Santos'; 'lizama.frances@gmail.com'; 'fsudo.lizama@yahoo.com'; 'feaburgos@gmail.com'; 'maya@guamlegislature.org'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'Ron'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'tterlaje@guam.net'; 'Sahara J Defensor'
Subject: Committee on Education - Notice of Public Hearing - First Notice
Attachments: PUBLIC HEARING FIRST NOTICE-62910 Bill 424.pdf

Hafa Adai Senators,

The Committee on Education will be holding a public hearing on Tuesday, June 29, 2010 at 6:30 p.m.

Please see attached memo.

mark

Mark A. Duarte, MPA
Sr. Policy Analyst

I Mina'trenta Na Liheslaturan Guahan | 30th Guam Legislature
155 Hesler Place | Hagatna, Guam 96910

Tel.: 671-472-3586-8 | Fax: 671-472-3589

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OFFICE OF THE SPEAKER

I MINA' TRENTA NA LIHESLATURAN GUÅHAN | 30th GUAM LEGISLATURE

JUDITH T. WON PAT, Ed.D.

June 26, 2010

MEMORANDUM

To: All Senators

RE: **NOTICE OF PUBLIC HEARING – Second Notice**

The **Committee on Education** has scheduled a public hearing for 6:30 p.m., Tuesday, June 29, 2010 in the Public Hearing Room of the Guam Legislature Building on the following:

Tuesday, June 29, 2010 – 6:30 p.m.

PUBLIC HEARING

Bill No. 424-30 (COR) - B.J.F. Cruz - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board

Testimonies can be submitted in advance to the Office of Speaker Judith T. Won Pat, Ed.D. through email at mark@judiwonpat.com or through facsimile at 472-3589. Copies of the bills/appointment packets are available at www.quamlegislature.com.

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cc: Executive Director
Protocol
Legislative Clerk
All Media

Mark A. Duarte

From: Mark A. Duarte [duarte671@gmail.com]
Sent: Saturday, June 26, 2010 4:33 PM
To: 'Mark A. Duarte'; 'hottips@kuam.com'; 'mvariety@pticom.com'; 'news@guampdn.com'; 'news@spbg Guam.com'; 'clynt@spbg Guam.com'; 'dcrisostomo@guampdn.com'; 'dmgeorge@guampdn.com'; 'dtamondong@guampdn.com'; 'gdumat-ol@guampdn.com'; 'gerry@mvguam.com'; 'jason@kuam.com'; 'jesselujan27@yahoo.com'; 'john@kuam.com'; 'jtyquiengco@spbg Guam.com'; 'kevin@spbg Guam.com'; 'kstonews@ite.net'; 'marvic@mvguam.com'; 'mindy@kuam.com'; 'nick.delgado@kuam.com'; 'parroyo@k57.com'; 'rgibson@k57.com'; 'ricknauta@hitradio100.com'; 'sabrina@kuam.com'; 'scoop@guamnewsfactor.com'; 'slimtiaco@guampdn.com'; 'thebigshow@k57.com'; 'therese@mvguam.com'; 'zita@mvguam.com'
Cc: 'mduarte1972@gmail.com'
Subject: Committee on Education - Notice of Public Hearing - Second Notice
Attachments: PUBLIC HEARING SECOND NOTICE-62910 Bill 424.pdf

Hafa Adai Media,

Just a reminder, Bill 424 (appointed school board) will be heard this Tuesday, June 29, 2010 at 6:30 p.m. at the Guam Legislature Public Hearing Room.

Please see attached notice.

Mark A. Duarte, MPA
Sr. Policy Analyst

I Mina'trenta Na Liheslaturan Guahan | 30th Guam Legislature
155 Hesler Place | Hagatna, Guam 96910

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Mark A. Duarte

Subject: Committee on Education - Notice of Public Hearing - Second Notice
Attachments: PUBLIC HEARING SECOND NOTICE-62910 Bill 424.pdf

From: Mark A. Duarte [duarte671@gmail.com]

Sent: Sunday, June 27, 2010 9:14 AM

To: 'B.J.F. Cruz'; 'Tom@SenatorAda.org'; 'senatortonyada@guamlegislature.org'; 'aguon4guam@gmail.com'; 'frank.blasjr@gmail.com'; 'sencalvo@gmail.com'; 'senjim@ite.net'; 'senatorjudiguthertz@gmail.com'; 'tinamunabarnes@gmail.com'; 'senabpalacios@gmail.com'; 'senbenp@guam.net'; 'roryforguam@gmail.com'; 'ray@raytenorio.com'; 'senatortelo@gmail.com'; 'tterlaje@guam.net'; 'Pat Santos'; 'mduarte1972@gmail.com'

Cc: 'tterlaje@guamlegislature.org'; 'rennae@guamlegislature.org'; 'yong@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'mcarlson@ite.net'; 'roberto.phil@gmail.com'; 'director@gec.guam.gov'; 'epgogue@hotmail.com'; 'jamespcastro@gmail.com'; 'mark sayama'; 'patrickcepeda@hotmail.com'; 'dcchaco@yahoo.com'; 'fbtorres@yahoo.com'; 'mark@judiwonpat.com'; 'phillipsguam@gmail.com'; 'phillips-guam@excite.com'; 'elainevtll@gmail.com'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'derick hills'; 'chris.budasi@guamlegislature.org'; 'Sahara J Defensor'; 'yong@guamlegislature.org'; 'Tom Camacho'; 'jcamacho@senatorada.org'; 'Cyrus@SenatorAda.org'; 'ajsunga@senatorada.org'; 'Nicole Santos'; 'lizama.frances@gmail.com'; 'fsudo.lizama@yahoo.com'; 'feaburgos@gmail.com'; 'maya@guamlegislature.org'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'Ron'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'tterlaje@guam.net'; 'Sahara J Defensor'

Subject: Committee on Education - Notice of Public Hearing - Second Notice

REMINDER

Hafa Adai Senators,

The Committee on Education will be holding a public hearing on Tuesday, June 29, 2010 at 6:30 p.m.

Please see attached memo.

mark

Mark A. Duarte, MPA
Sr. Policy Analyst

I Mina'trenta Na Liheslaturan Guahan | 30th Guam Legislature
155 Hesler Place | Hagatna, Guam 96910

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Cc: 'fterlaje@guamlegislature.org'; 'rennae@guamlegislature.org'; 'yong@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'mcarlson@ite.net'; 'roberto.phil@gmail.com'; 'director@gec.guam.gov'; 'epgogue@hotmail.com'; 'jamespcastro@gmail.com'; 'mark sayama'; 'patrickcepeda@hotmail.com'; 'dcchaco@yahoo.com'; 'fbtorres@yahoo.com'; 'mark@judiwonpat.com'; 'phillipsguam@gmail.com'; 'phillips-guam@excite.com'; 'elainevtll@gmail.com'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'derick hills'; 'chris.budasi@guamlegislature.org'; 'Sahara J Defensor'; 'yong@guamlegislature.org'; 'Tom Camacho'; 'jcamacho@senatorada.org'; 'Cyrus@SenatorAda.org'; 'ajsunga@senatorada.org'; 'Nicole Santos'; 'lizama.frances@gmail.com'; 'fsudo.lizama@yahoo.com'; 'feaburgos@gmail.com'; 'maya@guamlegislature.org'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'Ron'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'tterlaje@guam.net'; 'Sahara J Defensor'
Subject: Committee on Education - Notice of Public Hearing - Second Notice
Attachments: PUBLIC HEARING SECOND NOTICE-62910 Bill 424.pdf

REMINDER

Hafa Adai Senators,

The Committee on Education will be holding a public hearing on Tuesday, June 29, 2010 at 6:30 p.m.

Please see attached memo.

mark

Mark A. Duarte, MPA
Sr. Policy Analyst

I Mina'trenta Na Liheslaturan Guahan | 30th Guam Legislature
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OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

COMMITTEE ON EDUCATION
PUBLIC HEARING AGENDA
Tuesday, June 29, 2010 – 6:30 P.M.

BILLS FOR PUBLIC HEARING

Bill No. 424-30 (COR) - B.J.F. Cruz - An act to repeal and re-enact §3102 and §3103, to repeal §3108, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 and §3124, and to add §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 and §3103.1, all to Chapter 3 of Title 17 of the Guam Code Annotated, relative to the reorganization of the Guam Education Policy Board.



Should GEPB elections cease to exist?

Posted: Jun 29, 2010 3:46 PM

Updated: Jun 29, 2010 7:03 PM



by [Michele Catahay](#)

Guam - A public hearing is scheduled to be held this evening on a bill that would do away with elections for members of the Guam Education Policy Board. Instead, it calls on the governor of Guam to appoint them, with confirmation by the Legislature.

Guam Education Policy Board members are currently elected by constituents based in four districts: Kattan, Luchan, Lagu and Haya. While it's been this way for the past eight years, Vice-Speaker B.J. Cruz wants that to change. Cruz introduced Bill 424, which would require members to be appointed by the governor and confirmed by the Guam Legislature.

Former board chairperson Joe San Agustin says the Guam Legislature had a problem with that system when members were appointed back then. He says the biggest issue was political interference, saying, "One time, Judi Guthertz wanted to pass a bill to give the Guam Education Policy Board governing authority. That failed. Now, okay, you don't want to give the elected board members, elected by the people of Guam in their respective districts, governing authority, but you're willing to give the appointing authority? Why even have a board? It's either you have one, or you don't," he proposed.

San Agustin says if the board is appointed, the governor should just appoint the superintendent.

In the meantime, Department of Education Superintendent Dr. Nerissa Bretania Underwood says while she's in favor of a system that works, she says she still has hope for the current one, telling KUAM News, "I do believe in democracy. The elected board is a structure that is actually reflects our democratic government where you have representatives from your constituents. I have an appreciation for that. It's not a perfect system, but I do believe that we do know the areas that need to be strengthen and we need to work on that. I don't want the board to go back to being completely under the governor's control at this point."

Bretania Underwood says it is expected that the board and DOE will have their differences, but she remains confident that issues can be ironed out. "I think that it's very important to draw the distinction," she explained. "In order for them to make sound policies, they need to be provided with accurate information about the operations and the implementation of that policy and the impact on the district."

The education committee will hear public comments at 6:30 this evening at the Legislature's Public Hearing Room.



June 21, 2010

Bill: Let governor appoint board

*By Amritha Alladi
Pacific Daily News*

The legislative vice speaker has introduced two bills that would restore the governor's power to appoint the island's school board members and attorney general.

Vice Speaker Benjamin Cruz on Friday introduced Bills 424 and 425, which would allow for the education board and attorney general positions to be filled by gubernatorial appointment.

The school board seats and AG position are currently elected. The governor used to appoint those positions until the elected school board was created in 2001 and the elected attorney general created in 1999, according to Pacific Daily News files.

Cruz has "never supported the idea of electing a school board, nor electing the Attorney General," he said in a press release issued yesterday. But he said he was prompted finally to introduce the two bills after a recent budget hearing for the Department of Education.

He said there's about a \$70 million discrepancy between what the governor has allotted and what DOE has requested for the upcoming fiscal year.

"It's making it impossible to balance the budget," he said. "I finally lost it the other day and realized it was time to do something about it."

He said it was unacceptable that the Guam Education Policy Board has yet to act on the 200 recommendations provided in an independent management audit conducted by external auditor Evergreen Solutions. One of the recommendations was the need to eliminate 18 assistant principal positions. Cruz said he discovered only eight of the positions have been removed

"What have we implemented?" he asked.

Evergreen Solutions last year presented DOE a list of recommendations to make the agency's operations more efficient, Cruz said. When he recently asked DOE Superintendent Nerissa Bretania Underwood on the status of DOE's adoption of those recommendations, Cruz said Underwood told him that she was waiting on the school board to hold a series of roundtables on the matter. Adopting the audit's recommendations could help DOE save millions of dollars, Cruz stressed.

Underwood couldn't be reached for comment yesterday.

"I don't know if it's omission or commission, but whatever it is, it's unacceptable," he said, referring to the board's slow response to the audit's recommendations.

School board member Joe San Agustin yesterday said the board is waiting on Underwood for a schedule to implement the audit recommendations.

He said the intent of an elected board was to remove "politics" from the system.

San Agustin, who is running for senator, said that what the education policy board needs is more governing control over the school system. The current policy board is prohibited by law from involving

itself in the operational management of the Department of Education.

Elected AG

Meanwhile, Cruz said he wrote Bill 425 to restore the appointed attorney general because it's a good time to introduce such legislation.

"The attorney general should be someone who is accountable, maintains the logic of legal theory and is judicious in the use of limited resources," said Cruz, a former chief justice for the Guam Supreme Court.

"The appointment of (former Public Guardian) John Weisenberger as attorney general was an excellent move by the administration and shows that our elected governor should maintain discretion in the decision to fill such offices," he said.

Gov. Felix Camacho appointed Weisenberger acting attorney general on Friday to fill the vacancy left by Alicia Limtiaco, who today officially becomes the first woman Chamorro to serve as U.S. Attorney for Guam and the Commonwealth of the Northern Mariana Islands.

Cruz Bill Would Restore Governor's Appointment Power for AG and School Board

*Last Updated on Monday, 21 June 2010 19:47
Written by David Macaluso
Monday, 21 June 2010 16:55*



Guam - Guam News

Guam - Vice Speaker Benjamin Cruz has introduced two bills that would restore the governor's power to appoint the attorney general and the school board members.

One measure would change the name of the school policy board back to simply the school board and give the governor the power to appoint its members. Just like the governor used to do. Senator Cruz says he would like to see the new board modeled on the board for the University of Guam. According to Cruz, over the past 16 years it hasn't worked. There either hasn't been enough people running for a position or the board does not understand where the policy goes into the administration and micro management."

Cruz says for over the past 7 months he has asked the policy board about 200 recommendations provided by Evergreen Solutions, an independent external auditor. According to Cruz, Evergreen suggested ways to help DOE to save over 30 million dollars for the 2011 Fiscal Year.

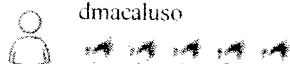
Cruz says he is frustrated with DOE because the policy board is requesting \$80 million more for the 2011 fiscal year than what the governor has set a side for the department. According to Cruz about 45 percent of the budget goes to DOE and its important that the governor has central control over the department.

The second bill Cruz introduced would also give the governor the power to appoint the attorney general.

It was a timely break. The governor made an excellent excellent choice in naming John Weisenberger as acting attorney general. He probably is the most ethical man I have ever met and he understands his responsibility to do the right thing. The governor has shown, if given a chance he can make an excellent choice. So I'd like to return that power to whoever is going to be the next governor."

Cruz says he was never in favor of electing an Attorney General and this is a perfect time to introduce this bill.

Written by :



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

Bill No. 424-30(corr)

Introduced by:

B.J.F. Cruz



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AN ACT TO REPEAL AND RE-ENACT §3102 AND §3103, TO REPEAL §3108, §3111, §3111.1, §3112, §3113, §3114, §3115, §3116, §3117, §3118, §3119, §3120, §3123 AND §3124, AND TO ADD §3102.1, §3102.2, §3102.3, §3102.3.1, §3102.4, §3102.4.1, §3102.5, §3102.6 AND §3103.1, ALL TO CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REORGANIZATION OF THE GUAM EDUCATION POLICY BOARD.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §3102 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed* and *re-enacted* to read:

“§3102. Guam Education Board.

The governance of the Department of Education is vested in an education board to be known as ‘the Guam Education Board’ (hereinafter referred to as ‘the Board’). The Board shall be composed of nine (9) members appointed by the Governor as provided herein, with the advice and consent of the Legislature.”

1 **Section 2.** §3102.1, §3102.2, §3102.3, §3102.4, §3102.4.1, §3102.5,
2 and §3102.6 are hereby *added* to Chapter 3 of Title 17 of the Guam Code
3 Annotated to read:

4 **“§3102.1. Duties of the Guam Education Board.**

5 The Guam Education Board shall have general supervision over
6 the Department of Education (hereinafter ‘Department’) and the
7 control and direction of all funds of, and appropriated to, the
8 Department subject to such restrictions as may be prescribed by law.
9 The Board shall submit an annual budget to the Legislature in the
10 manner prescribed by law. The Board shall have the authority to
11 delegate such of its powers as it may deem appropriate, but shall
12 retain the ultimate responsibility for the exercise of its powers.

13 **§3102.2. Meetings of the Board.**

14 Meetings of the Board shall be held at a regular time and place
15 as determined by the Board. Special meetings may be called by the
16 Chairman or by a majority of the members, as often as may be
17 necessary. Meetings of the Board shall be subject to the Open
18 Government Law of Guam. Six (6) members shall constitute a
19 quorum and an affirmative vote of five (5) members is required for
20 any action to be valid.

21 **§3102.3. Term of Office for Board Members.**

22 The members of the Guam Education Board shall serve a
23 staggered term of five (5) years, except for the student member who
24 shall serve a term of two (2) years. On the expiration of the term of
25 any member, or in the event of a vacancy on the Board due to
26 resignation, death, or any other cause, the Governor shall appoint
27 another member, with the advice and consent of the Legislature, for a

1 full term in the first instance, or for the remainder of the unexpired
2 term. When there is a change of administration of the government of
3 Guam after a gubernatorial election, no courtesy resignation shall be
4 requested by the new administration nor offered by any member of the
5 Board.

6 **§3102.3.1 Provision for Staggered Terms.**

7 The current members of the Board shall continue to serve until
8 the expiration of their terms. Upon passage of this act, the Governor
9 shall appoint, subject to the advice and consent of the Legislature,
10 four (4) members to serve three- (3) year terms, four- (4) members to
11 serve five- (5) year terms, and the student member to serve a two- (2)
12 year term. The preceding appointment of members, except the student
13 member, shall be for a term of five (5) years.

14 **§3102.4. Qualification and Composition of Board**
15 **Members.**

16 Board members and Board member candidates must be United
17 States citizens or permanent resident aliens domiciled in Guam for at
18 least three (3) years prior to appointment to the Board. No person
19 shall sit on the Board as a member who is an employee of the
20 Department of Education. The Guam Education Board shall be
21 composed of nine (9) members, with at least one (1) of the following:

22 (1) One (1) who is employed in an upper level
23 managerial position in a private business;

24 (2) One (1) who is selected from a list of not less than
25 three (3) nominees by the Guam Parent Teacher Association
26 Congress or its successor organization;

1 (3) One (1) who is selected from a list of not less than
2 three (3) nominees by the exclusive bargaining unit which
3 represents teachers and other employees within the Department;
4 and

5 (4) One (1) who is selected from a list of not less than
6 three (3) nominees by the Island-wide Board of Governing
7 Students. Such nominees shall be students of the Department
8 of Education. If such appointee ceases to be a student of the
9 Department of Education, his term shall expire.

10 **§3102.4.1. Officers of the Board.**

11 Officers of the Board shall include the Chairperson and Vice
12 Chairperson, and such other positions which the Board deems
13 necessary to effectively carry out its responsibilities. Such Board
14 officers upon election shall serve for a term of one (1) year. Board
15 officers shall be elected by a majority vote of the members of the
16 Board during one (1) of the Board's meetings held in January of each
17 year. Members may serve as Chairperson for multiple terms, except
18 that no person may serve as Chairperson for more than two (2)
19 consecutive terms at a time.

20 **§3102.5. Removal of Board Members.**

21 A member of the Board may be removed by a vote of five (5)
22 members for malfeasance in office or for persistent neglect of, or
23 inability to discharge duties or for offenses involving moral turpitude.
24 However, no member of the Board shall be removed from office
25 before a written bill of particulars shall have been given to the accused
26 and before an investigation and an open and public hearing shall have
27 been had. Any member who removes his residence from Guam shall

1 be deemed to have vacated his office, thereby creating a vacancy on
2 the Board.

3 A member of the Board shall be automatically removed from
4 the Guam Education Board:

5 (a) upon conviction of a felony; *or*

6 (b) upon conviction of a misdemeanor involving the
7 possession of a Controlled Substance or operation of a vehicle
8 while under the influence of alcohol or a controlled substance.

9 **§3102.6. Stipend for Board Members.**

10 Members of the Board shall be paid the amount of One
11 Hundred Dollars (\$100.00) for each day on which they attend a
12 regular, special or executive meeting, not to exceed Two Hundred
13 Dollars (\$200.00) in any month.”

14 **Section 3.** §3103 of Chapter 3 of Title 17 of the Guam Code
15 Annotated is hereby *repealed and re-enacted* to read:

16 **“§3103. Superintendent of Education.**

17 The Superintendent of Education (the Superintendent) shall be
18 the Chief Executive Officer of the internal operating organization of
19 the Department of Education and shall be responsible for the
20 administration of the academic and services activities thereof. The
21 Board shall appoint the Superintendent of Education by an affirmative
22 vote of at least six (6) members. Notwithstanding any other provision
23 of law, the employment of the Superintendent shall be by contract
24 term of four (4) years, which contract shall contain a provision that
25 the Superintendent’s employment may only be terminated for cause,
26 as defined in this Chapter. In the case of temporary absence of the
27 Superintendent, the Superintendent may, after consultation with the

1 Chairperson of the Board, appoint among any of the Associate
2 Superintendents, or their equivalents, an acting Superintendent.

3 The Superintendent shall:

4 (1) administer the day-to-day activities of the Department
5 of Education;

6 (2) enforce and implement the education policies of the
7 Board and rules and regulations of the Department;

8 (3) administer Federal funds/programs on behalf of the
9 Department;

10 (4) serve as the Department's approving authority for the
11 expenditure of funds;

12 (5) serve as the appointing authority for all personnel
13 employed by the Department;

14 (6) be the Executive Secretary of the Board in an *ex-*
15 *officio*, non-voting capacity;

16 (7) shall submit to the Board, *I Maga'lahaen Guåhan*, and
17 *I Liheslaturan Guåhan* no later than thirty (30) days following
18 the end of the fiscal year, a detailed "Annual State of Public
19 Education Report," which shall discuss the public educational
20 issues on Guam, and other subjects the Superintendent may
21 deem appropriate, and shall also submit such fiscal,
22 instructional, academic progress, and other information as may
23 be required by the Board to reflect the quality of public
24 education;

25 (8) develop and present to the people of Guam, the
26 Board, *I Maga'lahaen Guåhan*, and *I Liheslaturan Guåhan* a

1 "School Performance Report Card" of each school, which shall
2 be given in conjunction with the Annual Report;

3 (9) to perform other duties as may be required by public
4 law to provide an adequate public educational system;

5 (10) to advise the Board on the current operations and
6 status of the public schools and on other educational matters;

7 (11) to supply the Board with such information as it may
8 require and prepare the Board to make recommendations to *I*
9 *Maga'lahañ Guåhan* and *I Liheslaturan Guåhan* for changes,
10 additions, or deletions to public law;

11 (12) prepare a feasibility/impact/cost savings analysis for
12 the Guam Education Board recommending the potential
13 privatization of existing services for the Department;

14 (14) Notwithstanding any other provision of law or
15 personnel rules and regulations, the Superintendent shall have
16 the authority to assign, detail, or transfer employees to various
17 physical locations within the Department. The Superintendent
18 shall exercise such authority only in accordance with a policy
19 adopted by the Board and shall not (1) cause a change in
20 position title or job duties, or (2) contradict the provisions of
21 any collective bargaining agreement in effect at the time of the
22 transfer nor violate any employee's rights thereunder;

23 (15) Adequate Public Education Reporting
24 Requirements. The Superintendent of Education shall submit a
25 monthly report of all funds available to the Department,
26 whether or not their resources require appropriations by *I*
27 *Liheslaturan Guåhan*. The report shall also contain a detailed

1 accounting of all expenditures of funds, relating such
2 expenditures to the criteria established in Title 1 GCA §715 and
3 the status of compliance with the Adequate Education Act. The
4 report is to be completed no later than fifteen (15) calendar days
5 after the end of each month and shall be certified by the
6 Superintendent, acknowledging compliance with Title 1 GCA
7 §715 and in meeting the objectives of §3125 of this Chapter.
8 The report shall be submitted to the Board, the Speaker of *I*
9 *Liheslaturan Guåhan*, and *I Maga'lahen Guåhan*.

10 (16) Conduct periodic assessments and management and
11 curriculum audits of the Department for the following purposes:

12 (A) To ascertain whether the System is providing
13 an adequate public education as defined by Title 1 GCA
14 §715;

15 (B) To evaluate the effectiveness of Department
16 administrators in implementing board policy and
17 directives and in fulfilling assigned objectives;

18 (C) To evaluate the effectiveness of Department
19 instructional personnel and their ability to meet
20 curriculum goals; and

21 (D) To recommend alternatives to correct systemic
22 deficiencies and to improve the ability of the Department
23 personnel to fulfill assigned objectives.

24 Said audits shall also identify and assess
25 deficiencies in the Department's organizational structure;
26 compliance with federal and local laws and with board
27 policies; physical and operational security; workflow

1 designs and management; internal controls; staffing
2 levels and competencies; management levels and
3 competencies; management practices; training standards
4 and practices; adequacy of facilities; physical plant
5 management; technical and administrative infrastructure;
6 redundancy of systems and procedures; productivity and
7 quality standards; recruitment, certification training of
8 teachers, and recruitment, training, and staff
9 development. Said audits shall be conducted at intervals
10 determined by the Board of not less than three (3) years
11 and no more than five (5) years.

12 The Guam Education Policy Board shall solicit
13 audit proposals for said audits both locally and
14 nationally. The Board shall create and maintain a list of
15 qualified auditing firms that specialize in management
16 and curriculum audits of schools and school districts. The
17 Board shall transmit Requests for Proposals to all known
18 qualified auditing firms and solicit through local and
19 national publications.

20 (17) Promulgate rules and regulations for the
21 implementation and operation of §§3127 through 3131 of
22 this Title as necessary.”

23 **Section 4.** §3103.1 is hereby *added* to Chapter 3 of Title 17 of the
24 Guam Code Annotated to read:

25 **“§3103.1. Termination of Superintendent.**

26 (a) Only the following constitute cause for the discharge of the
27 Superintendent or Deputy Superintendent:

1 (1) Failure to meet performance standards as defined by a
2 performance evaluation outline established and adopted by the
3 Board;

4 (2) Holding financial interests that conflict with the
5 conscientious performance of his or her duties;

6 (3) Engaging in financial transactions using confidential
7 or non-public Department information or allowing the improper
8 use of such information to further any private interests;

9 (4) except as permitted by statute or regulation, the
10 solicitation or acceptance of any item of value from any person
11 or entity seeking official action from, doing business with, or
12 conducting activities regulated by the Department, or from
13 persons whose interest may be substantially affected by the
14 performance or nonperformance of the Superintendent's duties,
15 or the duties of the Department;

16 (5) Knowingly making commitments or promises of any
17 kind purporting to bind the Department except as permitted by
18 law;

19 (6) Use of his or her official position for private gain or
20 that of others;

21 (7) Failure to disclose waste, abuse, and corruption to the
22 appropriate authorities;

23 (8) Failure to respect the rights and privacy of others and
24 the use of his or her official position, authority, or other means
25 to injure another person for personal reasons or malicious
26 purposes;

1 (9) Fraud or misrepresentation in securing his or her
2 appointment;

3 (10) Refusal or failure to perform duties and
4 responsibilities as defined by law;

5 (11) Unlawful use, possession, or sale of illicit drugs and
6 alcohol;

7 (12) Criminal acts involving moral turpitude;

8 (13) Political activity prohibited by law;

9 (14) Misuse, misappropriation, or theft of government
10 property or funds;

11 (15) Prohibited acts of discrimination, including sexual
12 harassment; or

13 (16) Abandonment of his or her position.”

14 **Section 5. Attorney for the Board.** §3108 of Chapter 3 of Title 17 of
15 the Guam Code Annotated is hereby *repealed*.

16 **Section 6. Guam Education Policy Board.** §3111 of Chapter 3 of
17 Title 17 of the Guam Code Annotated is hereby *repealed*.

18 **Section 7. Provisions for Staggered Terms.** §3111.1 of Chapter 3 of
19 Title 17 of the Guam Code Annotated is hereby *repealed*.

20 **Section 8. Duties and Responsibilities of the Guam Education**
21 **Policy Board.** §3112 of Chapter 3 of Title 17 of the Guam Code Annotated
22 is hereby *repealed*.

23 **Section 9. Elected Members.** §3113 of Chapter 3 of Title 17 of the
24 Guam Code Annotated is hereby *repealed*.

25 **Section 10. Nomination for Election to the Board.** §3114 of
26 Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

1 **Section 11. First Election: Terms.** §3115 of Chapter 3 of Title 17 of
2 the Guam Code Annotated is hereby *repealed*.

3 **Section 12. Repeal of Temporary Governance by *I Maga'laha***
4 ***Guåhan*.** §3116 of Chapter 3 of Title 17 of the Guam Code Annotated is
5 hereby *repealed*.

6 **Section 13. Vacancies.** §3117 of Chapter 3 of Title 17 of the Guam
7 Code Annotated is hereby *repealed*.

8 **Section 14. Severability as to Districting Formula.** §3118 of
9 Chapter 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

10 **Section 15. Officers of the Board.** §3119 of Chapter 3 of Title 17 of
11 the Guam Code Annotated is hereby *repealed*.

12 **Section 16. Budget.** §3120 of Chapter 3 of Title 17 of the Guam
13 Code Annotated is hereby *repealed*.

14 **Section 17. Superintendent and Deputy Superintendent not part**
15 **of Cabinet.** §3123 of Chapter 3 of Title 17 of the Guam Code Annotated is
16 hereby *repealed*.

17 **Section 18. Removal of Elected Board Members.** §3124 of Chapter
18 3 of Title 17 of the Guam Code Annotated is hereby *repealed*.

19 **Section 19. Implementation Provisions.** The provisions of this Act
20 shall be effective immediately, *except* that members of the Board elected
21 prior to this Act may serve the remainder of their terms. Upon passage of
22 this Act, the Governor may begin appointing members to the Board, subject
23 to the advice and consent of *I Liheslaturan Guåhan*. The first members
24 appointed through this Act shall commence their term at 12:00 noon on the
25 first Monday in January of 2011.

26 **Section 20. Severability.** If any provision of this Law or its
27 application to any person or circumstance is found to be invalid or contrary

1 to law, such invalidity shall not affect other provisions or applications of this
2 Law which can be given effect without the invalid provisions or application,
3 and to this end the provisions of this Law are severable.

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