

Ken



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

January 5, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-1220
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 1/5/12
Time 3:40 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 264-31 (COR), "AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO EDUCATION AND TRAINING FACILITIES AND OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES", which I signed into law on January 4, 2012 as Public Law 31-158.

Senseramente,

EDDIE BAZA CALVO

2012 JAN -5 PM 4:27

Attachment: copy of Bill

1220

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

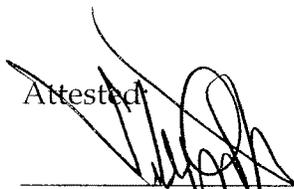
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 264-31 (COR), "AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO EDUCATION AND TRAINING FACILITIES AND OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES", was on the 22nd day of December, 2011, 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 23rd day of Dec, 2011, at 10:35 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date:

JAN 04 2012

Public Law No. 31-158

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 264-31 (COR)

Introduced by:

Aline A. Yamashita, Ph.D.

T. C. Ada

V. Anthony Ada

F. F. Blas, Jr.

B. J.F. Cruz

Chris M. Dueñas

Judith P. Guthertz, DPA

Sam Mabini, Ph.D.

T. R. Muña Barnes

Adolpho B. Palacios, Sr.

v. c. pangelinan

R. J. Respicio

Dennis G. Rodriguez, Jr.

M. Silva Taijeron

Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* CHAPTER 9, DIVISION 2 OF
TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO
EDUCATION AND TRAINING FACILITIES AND
OPPORTUNITIES FOR INDIVIDUALS WITH
DISABILITIES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 intends to correct the language in Chapter 9, Division 2 of Title 17, Guam Code
4 Annotated to ensure that local statutes are in compliance with the federal mandates
5 of the Individuals with Disabilities Education Act (IDEA), and to reflect current
6 language usage when referring to persons with disabilities.

1 paragraphs (b, c, d) are subject to the policies of the Guam Education Board
2 (Board).

3 (b) The term *children with disabilities* means those children
4 evaluated in accordance with the requirements of IDEA as having an
5 intellectual disability, a hearing impairment including deafness, a speech or
6 language impairment, a visual impairment including blindness, emotional
7 disabilities, an orthopedic impairment, autism, traumatic brain injury, and
8 other health impairment, a specific learning disability, deaf-blindness, or a
9 multiple disabilities, and who because of that impairment needs special
10 education and related services. For students ages eighteen (18) to twenty-
11 one (21), the Board *shall* promulgate policies that are aligned with current
12 policies on the education for all students.

13 (c) The term *infant or toddler with a disability* means an infant or
14 toddler with a disability under three (3) years of age who needs early
15 intervention services because they are experiencing developmental delays or
16 have a diagnosed physical or mental condition that has a high probability of
17 resulting in developmental delay. This includes infants or toddlers under
18 three (3) years of age who are at risk of having substantial developmental
19 delays, as measured by appropriate diagnostic instruments and procedures,
20 if early intervention services are *not* provided.

21 (d) For individuals ages three (3) through five (5), the term
22 *children with disabilities* means those children who are experiencing
23 developmental delays, as defined by the Board and as measured by
24 appropriate diagnostic instruments and procedures, in one (1) or more of the
25 following areas: physical development, cognitive development,
26 communication development, social or emotional development, or adaptive

1 development, and for that reason, these children need special education and
2 related services.

3 (e) *Department* means the Department of Education.

4 (f) *Board* means the Guam Education Board.

5 (g) *FAPE* means Free Appropriate Public Education.

6 (h) *IEP* means Individualized Education Program.

7 (i) *IDEA* means Individuals with Disabilities Education Act.

8 (j) *Parent* for purpose of IDEA means:

9 (1) a guardian generally authorized to act as the child's
10 parent, or authorized to make educational decisions for the child, (but
11 *not* the local government if the child is a ward of the government);

12 (2) a person acting in the place of a biological or adoptive
13 parent (such as grandparent or stepparent, or other relative with
14 whom the child lives, or a person who is legally responsible for the
15 child's welfare);

16 (3) a surrogate parent who has been appointed in accordance
17 with IDEA;

18 (4) a foster parent of a child (unless a foster parent is
19 prohibited by State law from serving as a parent); or

20 (5) a biological or adoptive parent of a child.

21 **§ 9103. Child Find.**

22 (a) The continuing IDEA Part "B" eligibility documents for
23 Special Education will ensure that all children residing on Guam, including
24 children with disabilities attending private schools, regardless of the
25 severity of their disabilities, and who are in need of special education and
26 related services, are identified, located and evaluated, and a practical

1 method is developed and implemented to determine which children with
2 disabilities are currently receiving needed special education and related
3 services. This also applies to highly mobile children with disabilities (such
4 as migrant and homeless children, and wards of the government) and
5 children suspected of being a child with a disability, as defined in this Act,
6 and in need of special education, even though they are advancing from
7 grade to grade. The policies and procedures for referral, evaluation,
8 eligibility, or placement and the provision of FAPE *shall* be established by
9 the Board through required continuing eligibility documents under Part “B”
10 of IDEA, and its amendments, and the Handbook for the Delivery of Special
11 Education services.

12 (b) Referral. Pursuant to IDEA, children suspected of having a
13 disability and who are in need of special education and related services are
14 to be referred for an evaluation.

15 (c) In any procedure related to the identification, evaluation, or
16 educational placement of the child or the provision of a free appropriate
17 public education to the child, the Department of Education *shall* comply
18 with those procedures stated in IDEA, its amendments, and implementing
19 regulations. These include evaluation procedures, the development and
20 implementation of an Individualized Education Program (IEP),
21 determination of placement in the least restrictive environment, and the
22 provision of a free appropriate public education.

23 (d) For individuals with disabilities from birth through age two (2),
24 an Individualized Family Services Plan will:

25 (1) be developed by a multidisciplinary team (involved in
26 the provision of early intervention services), including the parents;

1 (2) be based on a multidisciplinary assessment of the unique
2 strengths and needs of the infant or toddler, and the identification of
3 services appropriate to meet such needs; and

4 (3) be based on a family-directed assessment of the
5 resources, priorities, and concerns of the family, and the identification
6 of the support and services necessary to enhance the family's capacity
7 to meet the developmental needs of the infant or toddler with a
8 disability.

9 **§ 9104. Special Education Teachers, Classes, Materials,**
10 **Opportunities, Day Schools, Hospital Classes and Home Instruction.**

11 The Department of Education *shall*, subject to the limitations
12 specified in this Chapter, ensure appropriate special education teachers,
13 aides, and materials for all children identified in accordance with IDEA as
14 needing special education and related services, so that such children *shall* be
15 provided instruction in the least restrictive environment, and the
16 establishment and maintenance of special classes occurs *only* when the
17 nature and severity of the disability of a child is such that education in
18 regular classes with the use of supplementary aids and services *cannot* be
19 achieved satisfactorily. In addition, the Department of Education *shall* (i)
20 provide for the proper training and development of special education
21 teachers, aides and staff to ensure continued quality special education
22 services; (ii) ensure that appropriate educational materials and supplies are
23 furnished; and (iii) ensure that appropriate educational facilities are
24 provided to ensure the provision of a free appropriate public education, as
25 set forth in this Chapter. Such classrooms *shall* be located in an appropriate
26 area within a school campus, given specific needs such as proximity to the

1 special transportation pick-up and drop-off point, proximity to the nurse's
2 office, and the like. Such classrooms, when specifically built for or utilized
3 by children with disabilities, *shall not* be reassigned for any other
4 educational program needs, *unless* this reassignment is to relocate the
5 children with disabilities to another appropriate classroom.

6 **§ 9105. Administration of the Chapter.** This Chapter *shall* be
7 administered by the Superintendent of Education, and the Board *shall*
8 promulgate such rules and regulations as it may deem necessary for the
9 proper administration of this Chapter. The Board *shall* prescribe the
10 standards under which facilities are furnished or services purchased. The
11 Superintendent of Education *shall* be responsible for administering such
12 standards and conditions.

13 **§ 9106. Cooperation with Other Agencies. Gifts and**
14 **Donations.** The Division of Special Education, and other school agencies,
15 are required to cooperate with other agencies within Guam, both public and
16 private, that are interested in working toward the education or training of
17 children with disabilities. Educational agencies are authorized to accept
18 gifts, donations, or aid from such private agencies.

19 **§ 9107. Advisory Panel.** The Superintendent of Education *shall*
20 establish and maintain an advisory panel on disabilities. Membership and
21 roles of the panel *shall* comply with the requirements outlined in IDEA, its
22 amendments, and implementing regulations. The members of the Advisory
23 Panel *shall* be appointed by the Superintendent.”

24 **Section 3. Severability.** *If* any provision of this Law or its application to
25 any person or circumstance is found to be invalid or contrary to law, such
26 invalidity shall *not* affect other provisions or applications of this Law which can

1 be given effect without the invalid provisions or application, and to this end the
2 provisions of this Law are severable.

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I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 12/22/11

VOTING SHEET

Bill No. 264-31(COR)

Resolution No. _____

Question: _____

| NAME | YEAS | NAYS | NOT VOTING/ ABSTAINED | OUT DURING ROLL CALL | ABSENT |
|-----------------------------------|------|------|--------------------------|-------------------------|--------|
| ADA, Thomas C. | ✓ | | | | |
| ADA, V. Anthony | ✓ | | | | |
| BLAS, Frank F., Jr. | ✓ | | | | |
| CRUZ, Benjamin J. F. | ✓ | | | | |
| DUENAS, Christopher M. | ✓ | | | | |
| GUTHERTZ, Judith Paulette | ✓ | | | | |
| MABINI, Sam | ✓ | | | | |
| MUNA-BARNES, Tina Rose | ✓ | | | | |
| PALACIOS, Adolpho Borja, Sr. | ✓ | | | | |
| PANGELINAN, vicente (ben) cabrera | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| RODRIGUEZ, Dennis G., Jr. | ✓ | | | | |
| SILVA TAIJERON, Mana | ✓ | | | | |
| WON PAT, Judith T. | ✓ | | | | |
| YAMASHITA, Aline A. | ✓ | | | | |

TOTAL

15
0
0
0
0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

GUAM FIRST
COMMISSION

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

December 13, 2011

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

RE: Committee Report on Bill No. 264-31 (COR)

Dear Chairman Respicio:

Transmitted herewith is the Committee Report on Bill No. 264-31 (COR) – “An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability,” sponsored by Senator Aline A. Yamashita, Ph.D. which was referred to the Committee on Education and Public Libraries.

Committee votes are as follows:

| | |
|----------|---------------------------|
| <u>8</u> | TO DO PASS |
| <u>0</u> | TO NOT PASS |
| <u>0</u> | TO REPORT OUT ONLY |
| <u>0</u> | TO ABSTAIN |
| <u>0</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*.

Vicente C. Pangelinan
Acting Chairperson
Committee on Education

attachments

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OFFICE OF THE SPEAKER

JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

GUAM FIRST
COMMISSION

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

LEGISLATIVE REPRESENTATIVE

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

COMMITTEE REPORT

on

Bill No. 264-31(COR)

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Sponsored by Senator Aline A. Yamashita, Ph.D.



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

December 9, 2011

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

MEMORANDUM

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

To: ALL MEMBERS
Committee on Education and Public Libraries

GUAM FIRST
COMMISSION

From: Speaker Judith T. Won Pat, Ed.D. 
Committee Chairperson

Subject: Committee report on Bill No. 264-31 (COR)

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

Transmitted herewith for your consideration is the Committee Report on Bill No. 264-31 (COR) – “An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability,” sponsored by Aline A. Yamashita, Ph.D.

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

This report includes the following:

Committee Voting Sheet
Committee Report Digest
Copy of Bill No. 264-31 (COR)
Public Hearing Sign-in Sheet
Fiscal Note
Copy of COR Referral of Bill No. 264-31 (COR)
Notices of Public Hearing

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

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

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

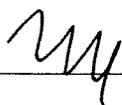
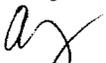
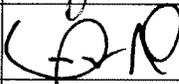
Si Yu'os ma'ase!

attachments

COMMITTEE VOTING SHEET
COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

Bill No. 264-31 (COR) – Aline A. Yamashita, Ph.D.

“An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.”

| | SIGNATURE | TO PASS | NOT TO PASS | TO REPORT OUT ONLY | ABSTAIN DUE TO POTENTIAL CONFLICT | TO PLACE IN INACTIVE FILE |
|--|---|----------|-------------|--------------------|-----------------------------------|---------------------------|
| Judith T. Won Pat, Ed.D., Chairperson |  | 12/24/11 | | | | |
| Judith P. Guthertz, DPA, Vice Chairperson |  | 12/12/11 | | | | |
| Tina R. Muna-Barnes Vice Chairperson | | | | | | |
| Vicente C. Pangelinan Vice Chairperson |  | ✓ | | | | |
| Thomas C. Ada | | | | | | |
| Adolpho B. Palacios, Sr. |  | 12/12/11 | | | | |
| Frank F. Blas, Jr. |  | 12/13/11 | | | | |
| Aline A. Yamashita, Ph.D. |  | 12/13/11 | | | | |
| V. Anthony Ada |  | 12/13/11 | | | | |
| Sam Mabini, Ph.D. |  | 12/13/11 | | | | |



OFFICE OF THE SPEAKER

JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Education and Public Libraries convened a public hearing on November 22, 2011 at 2:00 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 264-31 (COR) - "An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability."

Public Notice Requirements

Notices were disseminated via fax or email to all Senators on November 12 and November 15, 2011 (5-Day Notice) and all main media broadcasting outlets on November 11, and November 14, 2011 (5-Day Notice) and again to all Senators and all main media broadcasting outlets on November 19, 2011 (48-Hour Notice).

Senators Present

Speaker Judith T. Won Pat, Ed.D.
Senator Adolpho B. Palacios, Sr.
Senator Aline A. Yamashita, Ph.D.

Committee, Chairperson
Committee, Majority Member
Committee, Minority Member

Appearing before the Committee

No Witnesses

II. SUMMARY OF TESTIMONY & DISCUSSION

Speaker Judith T. Won Pat, Ed.D. convened the public hearing to order at 8:30 a.m. and announced the agenda of the public hearing. Bill No. 264-31 (COR) was announced as one of the items on the agenda to be heard by the Committee.

- **Senator Aline A. Yamashita, Ph.D.** stated the legislation simply updates the current statute dealing with special needs. The Senator explained as time passes certain terms evolves and this legislation will update the language. The Senator gave several examples such as handicap should be referred to as individuals with disabilities and as a replacement of mental retardation, one should utilize intellectual disability. She expressed that the updating of the laws would bring clear guidance to our families and schools.

- **Speaker Won Pat, Ed.D.** agreed with Senator Yamashita, Ph.D. that there is a need to review Guam's laws and make the necessary changes.

There being no individuals present to testify, Speaker Won Pat, Ed.D. concluded the public hearing for Bill No. 264-31 (COR).

III. FINDINGS AND RECOMMENDATIONS

The Committee on Education and Public Libraries finds that Bill No. 264-31 (COR) would bring up to date the language used in Chapter 9 of Title 17 Guam Code Annotated when referring individuals with disabilities and makes certain that Guam is in compliance with the federal mandates of the Individuals with Disabilities Education Act.

The Committee on Education and Public Libraries hereby reports out Bill No. 264-31 (COR) with the recommendation TO DO PASS.

I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) REGULAR SESSION

2011 Mar 13 PM 1:56

Bill No. 264-31 (cor)

Introduced by:

A.A. Yamashita, PhD 

**AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17,
GUAM CODE ANNOTATED RELATIVE TO EDUCATION &
TRAINING FACILITIES AND OPPORTUNITIES FOR THE
INDIVIDUAL WITH A DISABILITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 intends to correct the language in Chapter 9, Division 2 of Title 17, Guam Code
4 Annotated to ensure that local statutes are in compliance with the federal mandates
5 of the Individuals with Disabilities Education Act (IDEA), and to reflect current
6 language usage when referring to persons with disabilities.

7 **Section 2.** Chapter 9 of Title 17, Guam Code Annotated, is amended to
8 read:

9 **CHAPTER 9**

10 **EDUCATION AND TRAINING FACILITIES**

11 **AND OPPORTUNITIES FOR ~~THE HANDICAPPED~~**

12 **THE INDIVIDUAL WITH A DISABILITY**

13 **§ 9101. Declaration of Public Policy.** It is and shall be the duty of the
14 various divisions and schools of the Department of Education to make available a
15 free appropriate public education to all children with disabilities residing on Guam
16 between the ages of ~~birth~~ three through twenty-one (21) (~~inclusive~~) including
17 children with disabilities who have been suspended or expelled. The Department

1 of Education shall make available early intervention services for eligible infant
2 toddlers ages birth through two. This Section and all other sections shall be in
3 conformity with the Individuals with Disabilities Education Act (“IDEA”), its
4 amendments, implementing regulations, and all other laws and regulations relating
5 to the education of children with disabilities. ~~The e~~Exception to Free Appropriate
6 Public Education (“FAPE”) shall be made for students ages eighteen (18) through
7 twenty-one (21) who, in the last educational placement prior to their incarceration
8 to an adult correction facility (a) were not actually identified as being a child with a
9 disability and (b) did not have an Individualized Education Program (“IEP”) under
10 IDEA. The purpose of this Chapter is to ensure that special education ~~or~~ and
11 related services are provided to all children with disabilities of public school
12 age, or within the broader age limits provided in this Chapter.

13 **§ 9102. Definitions.** (a) All identified children with disabilities from birth
14 through age twenty-one (21) described in the following paragraphs (b, c, d) are
15 subject to the policies of the Guam Education Policy Board (the *Board*).

16 (b) The term *children with disabilities* means those children evaluated in
17 accordance with the requirements of IDEA as having ~~mental retardation,~~ an
18 intellectual disability, a hearing impairment including deafness, a speech or
19 language impairment, a visual impairment including blindness, emotional
20 ~~disturbance,~~ disabilities, an orthopedic impairment, autism, traumatic brain injury,
21 and other health impairment, a specific learning disability, deaf-blindness, or a
22 multiple ~~disability,~~ disabilities, and who because of that impairment needs special
23 education ~~or~~ and related services. For students ages eighteen (18) to twenty-one
24 (21), the Board shall promulgate policies that are aligned with current policies on
25 the education for all students.

26 (c) The term *infant or toddler with a disability* means infant or toddler with a
27 disability under three (3) years of age who needs early intervention services

1 because they are experiencing developmental delays or have a diagnosed physical
2 or mental condition that has a high probability of resulting in developmental delay.
3 This includes infants or toddlers under three (3) years of age who are at risk of
4 having substantial developmental delays as measured by appropriate diagnostic
5 instruments and procedures if early intervention services are not provided.

6 (d) For individuals aged three (3) through five (5), the term *children with*
7 *disabilities* means those children who are experiencing developmental delays, as
8 defined by the Board and as measured by appropriate diagnostic instruments and
9 procedures, in one (1) or more of the following areas:

10 physical development, cognitive development, communication development, social
11 or emotional development, or adaptive development, and for that reason, these
12 children need special education ~~or~~ and related services.

13 (e) *Department* means the Department of Education.

14 (f) *Board* means the Guam Education Policy Board.

15 (g) *FAPE* means Free Appropriate Public Education.

16 (h) *IEP* means Individualized Education Program.

17 (i) *IDEA* means Individuals with Disabilities Education Act.

18 ~~(k)~~(j) *Parent* for purpose of IDEA means:

19 ~~a natural or adoptive parent of a child;~~

20 (1) a guardian generally authorized to act as the child's parent, or
21 authorized to make educational decisions for the child, (but not the local
22 government if the child is a ward of the government);

23 (2) a person acting in the place of a biological or adoptive parent
24 (such as grandparent or stepparent or other relative with whom the child
25 lives, or a person who is legally responsible for the child's welfare); or

26 (3) a surrogate parent who has been appointed in accordance with
27 IDEA.

1 (4) foster parent of a child (unless a foster parent is prohibited by
2 State law from serving as a parent);

3 (5) A biological or adoptive parent of a child.

4 **§ 9103. Child Find.**

5 (a) The continuing IDEA Part “B” eligibility documents for Special
6 Education will ensure that all children residing on Guam, including children with
7 disabilities attending private schools, regardless of the severity of their disabilities,
8 and who are in need of special education ~~or~~ and related services, are identified,
9 located ~~or~~ and evaluated and a practical method is developed and implemented to
10 determine which children with disabilities are currently receiving needed special
11 education ~~or~~ and related services. This also applies to highly mobile children with
12 disabilities (such as migrant and homeless children and wards of the government)
13 and children suspected of being a child with a disability as defined in this Act and
14 in need of special education, even though they are advancing from grade to grade.
15 The policies and procedures for referral, evaluation, eligibility, or placement and
16 the provision of FAPE shall be established by the Board through required
17 continuing eligibility documents under Part “B” of IDEA and its amendments, and
18 the Handbook for the Delivery of Special Education services.

19 (b) Referral. Pursuant to IDEA, children suspected of having a
20 disability and who are in need of special education ~~or~~ and related services are to be
21 referred for an evaluation.

22 (c) In any procedure related to the identification, evaluation, or educational
23 placement of the child or the provision of a free appropriate public education to the
24 child, the Department of Education shall comply with those procedures stated in
25 IDEA, its amendments, and implementing regulations. These include evaluation
26 procedures, the development and implementation of an Individualized Education

1 Program (IEP), determination of placement in the least restrictive environment,
2 and the provision of a free appropriate public education.

3 (d) For individuals with disabilities from birth through age two (2), an
4 Individualized Family Services Plan will:

5 1. Be developed by a multidisciplinary team (involved in the provision of
6 early intervention services), including the parents.

7 2. Be based on a multidisciplinary assessment of the unique strengths and
8 needs of the infant or toddler and the identification of services appropriate to meet
9 such needs.

10 3. Be based on a family-directed assessment of the resources, priorities, and
11 concerns of the family and the identification of the support and services necessary
12 to enhance the family's capacity to meet the developmental needs of the infant or
13 toddler with a disability.

14 **§ 9104. Special Education Teachers, Classes, Materials, Opportunities,**
15 **Day Schools, Hospital Classes and Home Instruction.**

16 The Department of Education shall, subject to the limitations specified in this
17 Chapter, ensure appropriate special education teachers, aides, and materials for all
18 children identified in accordance with IDEA as needing special education ~~or~~ and
19 related services, so that such children shall be provided instruction in the least
20 restrictive environment and the establishment and maintenance of special classes
21 occurs only when the nature and severity of the disability of a child is such that
22 education in regular classes with the use of supplementary aids and services cannot
23 be achieved satisfactorily. In addition, the Department of Education shall (i)
24 provide for the proper training and development of special education teachers,
25 aides and staff to ensure continued quality special education services, (ii) ensure
26 that appropriate educational materials and supplies are furnished, and (iii) ensure
27 that appropriate educational facilities are provided to ensure the provision of a free

1 appropriate public education, as set forth in this Chapter. Such classrooms shall be
2 located in an appropriate area within a school campus, given specific needs such as
3 proximity to the special transportation pick-up and drop-off point, proximity to the
4 nurses' office, and the like. Such classrooms, when specifically built for or utilized
5 by children with disabilities, shall not be reassigned for any other educational
6 program needs, unless this reassignment is to relocate the children with disabilities
7 to another appropriate classroom.

8 **§ 9105. Administration of the Chapter.** This Chapter shall be
9 administered by the Superintendent of Education and the Board shall promulgate
10 such rules and regulations as it may deem necessary for the proper administration
11 of this Chapter. The Board shall prescribe the standards under which facilities are
12 furnished or services purchased. The Superintendent of Education shall be
13 responsible for administering such standards and conditions.

14 **§ 9106. Cooperation with other Agencies. Gifts and Donations.** The
15 Division of Special Education and other school agencies are required to cooperate
16 with other agencies within Guam, both public and private, that are interested in
17 working toward the education or training of children with disabilities. Educational
18 agencies are authorized to accept gifts, donations, or aid from such private
19 agencies.

20 **§ 9107. Advisory ~~Committee.~~ Panel.** The Superintendent of Education
21 shall establish and maintain an advisory panel on disabilities. Membership and
22 roles of the panel shall comply with the requirements outlined in IDEA, its
23 amendments, and implementing regulations. The members of the Advisory Panel
24 shall be appointed by the Superintendent.

25 **Section 3. Severability.** *If* any provision of this Law or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity shall *not* affect other provisions or applications of this Law which can be

1 given effect without the invalid provisions or application, and to this end the
2 provisions of this Law are severable.

Bureau of Budget & Management Research
Fiscal Note of Bill No. 264-31 (COR)

AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO EDUCATION & TRAINING FACILITIES AND OPPORTUNITIES FOR THE INDIVIDUAL WITH A DISABILITY.

Department/Agency Appropriation Information

| | | | |
|---|--|---|--|
| Dept./Agency Affected: Guam Department of Education | | Dept./Agency Head: Narrissa Bretania-Shaffer | |
| Department's General Fund (GF) appropriation(s) to date: General Fund to Department of Education Operational Fund (DOEOF) | | 162,790,324 | |
| Department's Other Fund (Specify) appropriation(s) to date: Public Library Resource Fund (PLRF), Healthy Futures Fund (HFF), Territorial Education Facilities Fund (TEFF), School Lunch Cash Collection, SAE/Child Nutritional Reimbursement Fund, Indirect Cost Fund, Supplemental Appropriation Revenue Fund (SAR) | | 21,748,993 | |
| Total Department/Agency Appropriation(s) to date: | | \$184,539,317 | |

Fund Source Information of Proposed Appropriation

| | General Fund: | (Specify Special Fund): | Total: |
|---|---------------|-------------------------|------------|
| FY 2010 Unreserved Fund Balance | \$0 | \$0 | \$0 |
| FY 2011 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2011 Appro. (P.L. 30-196 and P.L. 31-74) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

Estimated Fiscal Impact of Bill

| | One Full Fiscal Year | For Remainder of FY 2011 (if applicable) | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|------------------------|----------------------|--|------------|------------|------------|------------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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

Analyst (s): Joe Certeza Date: 07/20/2011 Director: John A. Rios, Acting Director Date: 7/22/11

Footnotes:

The Bill has a potential fiscal impact for additional funding requirements. However, in its present form, such impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

July 14, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 

Subject: **Referral of Bills No. 263-31 and 264-31**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 263-31 (COR) and 264-31 (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 members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

2011 JUN 14 PM 2:30

I Mina' Trentai Unu Na Liheslaturan Guåhan
Bill Log Sheet
July 06, 2011
Page 1 of 1

| Bill No. | Sponsor(s) | Title | Date Introduced | Date Referred | 120 Day Deadline | Committee Referred | Public Hearing Date | Date Committee Report Filed | Status (Date) Passed? Failed? Vetoes? Overridden? Public Law? |
|-----------------|---------------------------|--|-----------------------|---------------|------------------|---|---------------------|-----------------------------|---|
| 263-31 (COR) | A. A. Yamashita, Ph.D. | AN ACT TO AMEND § 61103(D), REPEAL § 61531.1, AND AMEND §61532 ALL OF PART 4, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO PARKING REGULATIONS. | 07/13/11 1:56 p.m. | 7/14/11 | | Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land | | | |
| 264-31 (COR) | A. A. Yamashita | AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO EDUCATION & TRAINING FACILITIES AND OPPORTUNITIES FOR THE INDIVIDUAL WITH A DISABILITY. | 07/13/11 1:56 p.m. | 7/14/11 | | Committee on Education and Public Libraries | | | |



Frank Torres <fbtorres@judiwonpat.com>

Committee on Education and Public Libraries

2 messages

Frank Torres <fbtorres@judiwonpat.com>
To: phnotice@guamlegislature.org

Sat, Nov 12, 2011 at 11:34 AM

November 12, 2011

To: Members of the 31st Guam Legislature
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing – First Notice

The Committee on Education and Public Libraries will hold a public hearing on Tuesday, November 22, 2011 at the Guam Legislature's Public Hearing Room on the following items:

8:30 a.m.

The appointment of Ms. Asuncion P. Guerrero to serve as a member of the Guam Commission for Educator Certification.

Bill No. 248-31 (COR) - J.P. Guthertz, DPA

An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Suruhanu.

Bill No. 262-31 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / T.R. Muna-Barnes / R.J. Respicio

An act amend § 15A402 of Article 4A of Chapter 15 of Title 17 and § 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

2:00 p.m.

Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement project plan

and to identify funding sources for the projects; and, citing this act as the "Teaching and Learning Communities Act."

Bill No. 318-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Sections 3102.1 and 3103 of Chapter 3, Article 1, Title 17, Guam Code Annotated, and to repeal Section 3103.1 of Chapter 3, Article 1, Title 17, Guam Code Annotated, relative to allowing I Maga'lahren Guahan, the Governor of Guam, to appoint the Superintendent of Education.

Written Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to Speaker's office or the Mail Room of the Guam Legislature at 155 Hesler Place in Hagåtña or via email to speaker@judiwonpat.com or via facsimile to 472-3589.

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

The public hearing will be broadcasted on MCV Channel 13 or GUDTV Channel 21.

Adam Bearce <adam@guamlegislature.org> **Mon, Nov 14, 2011 at 8:21 AM**
To: Frank Torres <fbtorres@judiwonpat.com>, Yong Pak <yong@guamlegislature.org>

Hi. This is now posted.

From: Frank Torres [<mailto:fbtorres@judiwonpat.com>]
Sent: Saturday, November 12, 2011 11:34 AM
To: phnotice@guamlegislature.org
Subject: Committee on Education and Public Libraries

[Quoted text hidden]



Frank Torres <fbtorres@judiwonpat.com>

Committee on Education and Public Libraries

2 messages

Frank Torres <fbtorres@judiwonpat.com>

Tue, Nov 15, 2011 at 8:57 AM

To: phnotice@guamlegislature.org

November 15, 2011

To: Members of the 31st Guam Legislature
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing – First Notice

The Committee on Education and Public Libraries will hold a public hearing on Tuesday, November 22, 2011 at the Guam Legislature's Public Hearing Room on the following items:

8:30 a.m.

The appointment of Ms. Asuncion P. Guerrero to serve as a member of the Guam Commission for Educator Certification.

Bill No. 248-31 (COR) - J.P. Guthertz, DPA

An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Suruhanu.

Bill No. 262-31 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / T.R. Muna-Barnes / R.J. Respicio

An act amend § 15A402 of Article 4A of Chapter 15 of Title 17 and § 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

2:00 p.m.

Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement

project plan and to identify funding sources for the projects; and, citing this act as the "Teaching and Learning Communities Act."

Bill No. 318-31 (COR) - A.A. Yamashita, Ph.D.

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

The public hearing will be broadcasted on MCV Channel 13 or GUdTV Channel 21.

Adam Bearce <adam@guamlegislature.org>

Tue, Nov 15, 2011 at 9:02 AM

To: Frank Torres <fbtorres@judiwonpat.com>, Yong Pak <yong@guamlegislature.org>

Hi. Verifying this as posted.

From: Frank Torres [<mailto:fbtorres@judiwonpat.com>]

Sent: Tuesday, November 15, 2011 8:58 AM

To: phnotice@guamlegislature.org

Subject: Committee on Education and Public Libraries

[Quoted text hidden]



Frank Torres <fbtorres@judiwonpat.com>

Public Hearing Notice

2 messages

Frank Torres <fbtorres@judiwonpat.com>

Sat, Nov 19, 2011 at 11:19 AM

To: phnotice@guamlegislature.org

November 19, 2011

To: Members of the 31st Guam Legislature
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing – Second Notice

The Committee on Education and Public Libraries will hold a public hearing on Tuesday, November 22, 2011 at the Guam Legislature's Public Hearing Room on the following items:

8:30 a.m.

The appointment of Ms. Asuncion P. Guerrero to serve as a member of the Guam Commission for Educator Certification.

Bill No. 248-31 (COR) - J.P. Guthertz, DPA

An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Suruhanu.

Bill No. 262-31 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / T.R. Muna-Barnes / R.J. Respicio

An act amend § 15A402 of Article 4A of Chapter 15 of Title 17 and § 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

2:00 p.m.

Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement project plan and to identify funding sources for the projects; and, citing this act as the "Teaching and Learning Communities Act."

Bill No. 318-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Sections 3102.1 and 3103 of Chapter 3, Article 1, Title 17, Guam Code Annotated, and to repeal Section 3103.1 of Chapter 3, Article 1, Title 17, Guam Code Annotated, relative to allowing I Maga'lahaen Guahan, the Governor of Guam, to appoint the Superintendent of Education.

Written Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to Speaker's office or the Mail Room of the Guam Legislature at 155 Hesler Place in Hagåtña or via email to speaker@judiwonpat.com or via facsimile to 472-3589.

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

The public hearing will be broadcasted on MCV Channel 13 or GUdTV Channel 21.

Adam Bearce <adam@guamlegislature.org>

Mon, Nov 21, 2011 at 8:20 AM

To: Frank Torres <fbtorres@judiwonpat.com>, Yong Pak <yong@guamlegislature.org>

Hi. confirmed posted.

[Quoted text hidden]

Broadcast Report

Date/Time
Local ID 1
Local ID 2

11-11-2011
4723510

04:42:19 p.m.

Transmit Header Text

Local Name 1

GUAM LEGISLATURE

Local Name 2

*Media
11-11-11*

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR
COMMITTEE ON TOURISM,
GENERAL AFFAIRS,
HUMAN AND
RECREATION

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BUDGET,
INSURANCE, RETIREMENT
AND PENSIONS

November 11, 2011

COMMISSIONER
GUAM COMMISSION ON
DEVELOPMENT

GUAM FIRST
COMMISSIONER

To: Media
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing - First Notice

VICE PRESIDENT
ASSOCIATION OF
PUBLIC SCHOOLS
LOCAL AFFAIRS
(APSL)

9:30 a.m.
The appointment of Ms. Asuncion P. Guerrero to serve as a member of the Guam Commission for Educator Certification.

BOARD MEMBER
PUBLIC RESOURCES FOR
EDUCATION
AND TRAINING
(PREL)

Bill No. 248-31 (COR) - J.P. Gutierrez, DPA
An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Surubani.
Bill No. 262-31 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / T.R. Muna-Barnes / R.J. Resposito

**LEGISLATIVE
REPRESENTATIVE**
PUBLIC TV AND
DEVELOPMENT BANK
(PTDB)

An act amend § 15A402 of Article 4A of Chapter 15 of Title 17 and § 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

**FESTIVAL OF THE
PALMS AREA
(FENTPA)**

2:00 p.m.
Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.
An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.
Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement project plan and to identify funding sources for the projects, and, citing this act as the "Teaching and Learning Communities Act."

Total Pages Scanned : 2

Total Pages Confirmed : 14

| No. | Job | Remote Station | Start Time | Duration | Pages | Line | Mode | Job Type | Results |
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| 002 | 850 | +6714773079 | <i>PON</i> 04:36:01 p.m. 11-11-2011 | 00:00:37 | 2/2 | 1 | EC | HS | CP14400 |
| 003 | 850 | 671 922 4614 | <i>PNC</i> 04:36:01 p.m. 11-11-2011 | 00:00:16 | 2/2 | 1 | EC | HS | CP31200 |
| 004 | 850 | 671-648-2007 | <i>Variety</i> 04:36:01 p.m. 11-11-2011 | 00:00:17 | 2/2 | 1 | EC | HS | CP31200 |
| 005 | 850 | 6714776411 | <i>K Street</i> 04:36:01 p.m. 11-11-2011 | 00:00:35 | 2/2 | 1 | EC | HS | CP14400 |
| 006 | 850 | 671 472 7663 | <i>Hit Radio</i> 04:36:01 p.m. 11-11-2011 | 00:00:17 | 2/2 | 1 | EC | HS | CP28800 |
| 007 | 850 | 671 4773982 | <i>K 57</i> 04:36:01 p.m. 11-11-2011 | 00:00:17 | 2/2 | 1 | EC | HS | CP28800 |

Broadcast Report

| | | | | |
|------------|------------|---------------|----------------------|------------------|
| Date/Time | 11-11-2011 | 04:42:26 p.m. | Transmit Header Text | |
| Local ID 1 | 4723510 | | Local Name 1 | GUAM LEGISLATURE |
| Local ID 2 | | | Local Name 2 | |

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: 11-14-2011 10:42:18 a.m. Transmit Header Text
 Local ID 1: 4723510 Local Name 1: GUAM LEGISLATURE
 Local ID 2: Local Name 2:

Media
 11-14-11

This document : Failed
 (reduced sample and details below)
 Document size : 8.5"x11"



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
 CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR
 COMMITTEE ON TOURISM,
 RECREATION, CULTURE,
 HERITAGE AND
 RECREATION
 COMMITTEE ON
 EDUCATION,
 ADMINISTRATION, PUBLIC
 UTILITIES, BUSINESS,
 INDUSTRY, RETIREMENT
 AND LABOR

November 11, 2011

COMMISSIONER
 GUAM COMMISSION ON
 DEVELOPMENT
 GUAM FIRST
 COMMISSIONER

To: Media
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing – First Notice

The Committee on Education and Public Libraries will hold a public hearing on Tuesday, November 22, 2011 at the Guam Legislature's Public Hearing Room on the following items:

VICE PRESIDENT
 ASSOCIATION OF
 PACIFIC ISLAND
 LEGISLATURES
 (APIIL)

8:30 a.m.

The appointment of Ms. Asuncion P. Guorro to serve as a member of the Guam Commission for Educator Certification.

BOARD MEMBER
 PACIFIC RESOURCES FOR
 EDUCATION
 AND LEARNING
 (PREL)

Bill No. 248-31 (COR) - J.P. Guthrie, DPA

An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Surabuan.

Bill No. 262-31 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / T.R. Munoz-Barnes / R.J. Respicio

LEGISLATIVE REPRESENTATIVE
 PACIFIC ISLAND
 DEVELOPMENT BANK
 (PIIDB)

An act amend § 15A402 of Article 4A of Chapter 15 of Title 17 and § 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

PANEL OF THE
 PACIFIC ARTS
 (FESTPAC)

2:00 p.m.

Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement project plan and to identify funding sources for the projects; and, citing this act as the "Teaching and Learning Communities Act."

Total Pages Scanned : 2

Total Pages Confirmed : 12

| No. | Job | Remote Station | Start Time | Duration | Pages | Line | Mode | Job Type | Results |
|-----|-----|----------------|--------------------------|----------|-------|------|------|----------|---------|
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| 002 | 853 | +6714773079 | 10:35:41 a.m. 11-14-2011 | 00:00:37 | 2/2 | 1 | EC | HS | CP14400 |
| 003 | 853 | 671 922 4614 | 10:35:41 a.m. 11-14-2011 | 00:00:15 | 2/2 | 1 | EC | HS | CP31200 |
| 004 | 853 | 671-648-2007 | 10:35:41 a.m. 11-14-2011 | 00:00:18 | 2/2 | 1 | EC | HS | CP31200 |
| 005 | 853 | 6714776411 | 10:35:41 a.m. 11-14-2011 | 00:00:35 | 2/2 | 1 | EC | HS | CP14400 |
| 006 | 853 | 671 472 7663 | 10:35:41 a.m. 11-14-2011 | 00:00:16 | 2/2 | 1 | EC | HS | CP28800 |
| 007 | 853 | 671 4773982 | 10:35:41 a.m. 11-14-2011 | 00:00:17 | 2/2 | 1 | EC | HS | CP28800 |

Broadcast Report

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Abbreviations:

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|------------------|-------------------|-------------------|--------------------------|-------------------|
| 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 |

Seva Torres
11/14/11

TIME-Version: 1.0
Received: by 10.231.56.144 with HTTP; Fri, 18 Nov 2011 17:19:33 -0800 (PST)
X-Originating-IP: [101.99.131.143]
Date: Sat, 19 Nov 2011 11:19:33 +1000
Delivered-To: rbtorres@judiwonpat.com
Message-ID: <CALpbJaY0DplU23Yi4pN0pGaW+_R3_ufy3h6-6rc7tj9gG3cCHw@mail.gmail.com>
Subject: Public Hearing Notice
From: Frank Torres <rbtorres@judiwonpat.com>
To: pnotice@guamlegislature.org
Content-Type: text/plain; charset=UTF-8
Content-Transfer-Encoding: quoted-printable

November 19, 2011

To: Members of the 31st Guam Legislature
From: Committee on Education and Public Libraries
Subject: Notice of Public Hearing =E2=80=93 Second Notice

The Committee on Education and Public Libraries will hold a public hearing on Tuesday, November 22, 2011 at the Guam Legislature=

8:30 a.m.

The appointment of Ms. Asuncion P. Guerrero to serve as a member of the Guam Commission for Educator Certification.

Bill No. 248-31 (COR) - J.P. Guthertz, DPA

An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Suruhanu.

Bill No. 262-31 (COR) - B.J.F. Cruz / J.T. Won Pat, Ed.D. / T.R. Muna-Barnes / R.J. Respicio

An act amend =C2=A7 15A402 of Article 4A of Chapter 15 of Title 17 and =C2=A7 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

2:00 p.m.

Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement project plan and to identify funding sources for the projects; and, citing this act as the "Teaching and Learning Communities Act.=E2=80=9D

Bill No. 318-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Sections 3102.1 and 3103 of Chapter 3, Article 1, Title 17, Guam Code Annotated, and to repeal Section 3103.1 of Chapter 3, Article 1, Title 17, Guam Code Annotated, relative to allowing I Maga'lshen Gushan, the Governor of Guam, to appoint the Superintendent of Education.

Written Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to Speaker=E2=80=99s office or the Mail Room of the Guam Legislature at 155 Hesler Place in Hag=C3=A5t=C5=88a or via email to speaker@judiwonpat.com or via facsimile to 472-3589.

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

The public hearing will be broadcasted on MCV Channel 13 or GUDTV Channel 2=

Broadcast Report

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OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
 CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR
 COMMITTEE ON PUBLIC
 MEDICAL AFFAIRS
 (HOSPITAL AND
 RESPIRATORY)

November 19, 2011

**COMMISSIONER OF
 EDUCATION**
 APPROPRIATE FOR THE
 LEGISLATIVE, ECONOMIC,
 INSURANCE, RECREATION
 AND LAND

To: All Media
 From: Committee on Education and Public Libraries
 Subject: Notice of Public Hearing - Second Notice

COMMISSIONER
 GUAM EDUCATION
 DEVELOPMENT
 GUAM PUBLIC
 COMMISSION

The Committee on Education and Public Libraries will hold a public hearing on Tuesday, November 22, 2011 at the Guam Legislature's Public Hearing Room on the following items:

VICE PRESIDENT
 ASSEMBLY OF
 PACIFIC ISLAND
 LEGISLATURES
 (APIL)

8:30 a.m.

The appointment of Ms. Asuncion P. Guerrero to serve as a member of the Guam Commission for Educator Certification.

BOARD MEMBER
 PACIFIC RESEARCHERS FOR
 INNOVATION
 AND LEADERSHIP
 (PREF)

Bill No. 248-31 (COR) - J.P. Guertez, DPA

An act to repeal Chapter 11 of Title 17 Guam Code Annotated relative to abolishing the Office of the Adequate Education Suruhana.

**LEGISLATIVE
 REPRESENTATIVE**
 PACIFIC ISLAND
 DEVELOPMENT BANK
 (PIIB)

Bill No. 262-31 (COR) - B.J.F. Cruz / J.J. Won Pat, Ed.D. / T.R. Muna-Bornes / R.J. Respicio

An act amend § 15A402 of Article 4A of Chapter 15 of Title 17 and § 15201 of Article 2 of Chapter 15 Guam Code Annotated relative to increasing the Professional and Technical Award amount for medical students.

**PARTICIPANT OF THE
 PACIFIC ARTS
 (FESTPAC)**

2:00 p.m.

Bill No. 264-31 (COR) - A.A. Yamashita, Ph.D.

An act to amend Chapter 9, Division 2 of Title 17, Guam Code Annotated relative to education & training facilities and opportunities for the individual with a disability.

Bill No. 315-31 (COR) - A.A. Yamashita, Ph.D.

An act to add a new Chapter 14 to Division 2 of Title 17, Guam Code Annotated, to require the Guam Department of Education to continually update a 10-year capital improvement project plan and to identify funding sources for the projects; and, citing this act as the "Teaching and Learning Communities Act."

Total Pages Scanned : 2

Total Pages Confirmed : 14

| No. | Job | Remote Station | Start Time | Duration | Pages | Line | Mode | Job Type | Results |
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| 002 | 870 | +6714773079 <i>PDU</i> | 11:35:46 a.m. 11-19-2011 | 00:00:37 | 2/2 | 1 | EC | HS | CP14400 |
| 003 | 870 | 671 922 4614 <i>PNC</i> | 11:35:46 a.m. 11-19-2011 | 00:00:35 | 2/2 | 1 | EC | HS | CP14400 |
| 004 | 870 | 671-648-2007 <i>Variety</i> | 11:35:46 a.m. 11-19-2011 | 00:00:18 | 2/2 | 1 | EC | HS | CP31200 |
| 005 | 870 | 6714776411 <i>K Stordo</i> | 11:35:46 a.m. 11-19-2011 | 00:00:35 | 2/2 | 1 | EC | HS | CP14400 |
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| 007 | 870 | 671 472 7663 <i>Ht Kard...</i> | 11:35:46 a.m. 11-19-2011 | 00:00:17 | 2/2 | 1 | EC | HS | CP28800 |

Broadcast Report

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Local ID 2 Local Name 2

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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

Committee on Education and Public Libraries

Public Hearing Agenda for November 22, 2011

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An act to amend Sections 3102.1 and 3103 of Chapter 3, Article 1, Title 17, Guam Code Annotated, and to repeal Section 3103.1 of Chapter 3, Article 1, Title 17, Guam Code Annotated, relative to allowing I Maga'lahaen Guahan, the Governor of Guam, to appoint the Superintendent of Education.

Committee on Education and Public Libraries

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I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) REGULAR SESSION

2011 01 13 PM 1:56
MJM

Bill No. 264-31 (cor)

Introduced by:

A.A. Yamashita, PhD

**AN ACT TO AMEND CHAPTER 9, DIVISION 2 OF TITLE 17,
GUAM CODE ANNOTATED RELATIVE TO EDUCATION &
TRAINING FACILITIES AND OPPORTUNITIES FOR THE
INDIVIDUAL WITH A DISABILITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 intends to correct the language in Chapter 9, Division 2 of Title 17, Guam Code
4 Annotated to ensure that local statutes are in compliance with the federal mandates
5 of the Individuals with Disabilities Education Act (IDEA), and to reflect current
6 language usage when referring to persons with disabilities.

7 **Section 2.** Chapter 9 of Title 17, Guam Code Annotated, is amended to
8 read:

9 **CHAPTER 9**

10 **EDUCATION AND TRAINING FACILITIES**

11 **AND OPPORTUNITIES FOR ~~THE HANDICAPPED~~**

12 **THE INDIVIDUAL WITH A DISABILITY**

13 **§ 9101. Declaration of Public Policy.** It is and shall be the duty of the
14 various divisions and schools of the Department of Education to make available a
15 free appropriate public education to all children with disabilities residing on Guam
16 between the ages of ~~birth~~ three through twenty-one (21) (~~inclusive~~) including
17 children with disabilities who have been suspended or expelled. The Department

1 of Education shall make available early intervention services for eligible infant
2 toddlers ages birth through two. This Section and all other sections shall be in
3 conformity with the Individuals with Disabilities Education Act (“IDEA”), its
4 amendments, implementing regulations, and all other laws and regulations relating
5 to the education of children with disabilities;. The eException to Free Appropriate
6 Public Education (“FAPE”) shall be made for students ages eighteen (18) through
7 twenty-one (21) who, in the last educational placement prior to their incarceration
8 to an adult correction facility (a) were not actually identified as being a child with a
9 disability and (b) did not have an Individualized Education Program (“IEP”) under
10 IDEA. The purpose of this Chapter is to ensure that special education ~~or~~ and
11 related services are provided to all children with disabilities of public school
12 age, or within the broader age limits provided in this Chapter.

13 **§ 9102. Definitions.** (a) All identified children with disabilities from birth
14 through age twenty-one (21) described in the following paragraphs (b, c, d) are
15 subject to the policies of the Guam Education Policy Board (the *Board*).

16 (b) The term *children with disabilities* means those children evaluated in
17 accordance with the requirements of IDEA as having ~~mental retardation,~~ an
18 intellectual disability, a hearing impairment including deafness, a speech or
19 language impairment, a visual impairment including blindness, emotional
20 ~~disturbance,~~ disabilities, an orthopedic impairment, autism, traumatic brain injury,
21 and other health impairment, a specific learning disability, deaf-blindness, or a
22 multiple ~~disability,~~ disabilities, and who because of that impairment needs special
23 education ~~or~~ and related services. For students ages eighteen (18) to twenty-one
24 (21), the Board shall promulgate policies that are aligned with current policies on
25 the education for all students.

26 (c) The term *infant or toddler with a disability* means infant or toddler with a
27 disability under three (3) years of age who needs early intervention services

1 because they are experiencing developmental delays or have a diagnosed physical
2 or mental condition that has a high probability of resulting in developmental delay.
3 This includes infants or toddlers under three (3) years of age who are at risk of
4 having substantial developmental delays as measured by appropriate diagnostic
5 instruments and procedures if early intervention services are not provided.

6 (d) For individuals aged three (3) through five (5), the term *children with*
7 *disabilities* means those children who are experiencing developmental delays, as
8 defined by the Board and as measured by appropriate diagnostic instruments and
9 procedures, in one (1) or more of the following areas:

10 physical development, cognitive development, communication development, social
11 or emotional development, or adaptive development, and for that reason, these
12 children need special education ~~or~~ and related services.

13 (e) *Department* means the Department of Education.

14 (f) *Board* means the Guam Education Policy Board.

15 (g) *FAPE* means Free Appropriate Public Education.

16 (h) *IEP* means Individualized Education Program.

17 (i) *IDEA* means Individuals with Disabilities Education Act.

18 ~~(k)-(j)~~ *Parent* for purpose of IDEA means:

19 ~~a natural or adoptive parent of a child;~~

20 (1) a guardian generally authorized to act as the child's parent, or
21 authorized to make educational decisions for the child, (but not the local
22 government if the child is a ward of the government);

23 (2) a person acting in the place of a biological or adoptive parent
24 (such as grandparent or stepparent or other relative with whom the child
25 lives, or a person who is legally responsible for the child's welfare); or

26 (3) a surrogate parent who has been appointed in accordance with
27 IDEA.

1 (4) foster parent of a child (unless a foster parent is prohibited by
2 State law from serving as a parent);

3 (5) A biological or adoptive parent of a child.

4 **§ 9103. Child Find.**

5 (a) The continuing IDEA Part “B” eligibility documents for Special
6 Education will ensure that all children residing on Guam, including children with
7 disabilities attending private schools, regardless of the severity of their disabilities,
8 and who are in need of special education ~~or~~ and related services, are identified,
9 located ~~or~~ and evaluated and a practical method is developed and implemented to
10 determine which children with disabilities are currently receiving needed special
11 education ~~or~~ and related services. This also applies to highly mobile children with
12 disabilities (such as migrant and homeless children and wards of the government)
13 and children suspected of being a child with a disability as defined in this Act and
14 in need of special education, even though they are advancing from grade to grade.
15 The policies and procedures for referral, evaluation, eligibility, or placement and
16 the provision of FAPE shall be established by the Board through required
17 continuing eligibility documents under Part “B” of IDEA and its amendments, and
18 the Handbook for the Delivery of Special Education services.

19 (b) Referral. Pursuant to IDEA, children suspected of having a
20 disability and who are in need of special education ~~or~~ and related services are to be
21 referred for an evaluation.

22 (c) In any procedure related to the identification, evaluation, or educational
23 placement of the child or the provision of a free appropriate public education to the
24 child, the Department of Education shall comply with those procedures stated in
25 IDEA, its amendments, and implementing regulations. These include evaluation
26 procedures, the development and implementation of an Individualized Education

1 Program (IEP), determination of placement in the least restrictive environment,
2 and the provision of a free appropriate public education.

3 (d) For individuals with disabilities from birth through age two (2), an
4 Individualized Family Services Plan will:

5 1. Be developed by a multidisciplinary team (involved in the provision of
6 early intervention services), including the parents.

7 2. Be based on a multidisciplinary assessment of the unique strengths and
8 needs of the infant or toddler and the identification of services appropriate to meet
9 such needs.

10 3. Be based on a family-directed assessment of the resources, priorities, and
11 concerns of the family and the identification of the support and services necessary
12 to enhance the family's capacity to meet the developmental needs of the infant or
13 toddler with a disability.

14 **§ 9104. Special Education Teachers, Classes, Materials, Opportunities,**
15 **Day Schools, Hospital Classes and Home Instruction.**

16 The Department of Education shall, subject to the limitations specified in this
17 Chapter, ensure appropriate special education teachers, aides, and materials for all
18 children identified in accordance with IDEA as needing special education ~~or~~ and
19 related services, so that such children shall be provided instruction in the least
20 restrictive environment and the establishment and maintenance of special classes
21 occurs only when the nature and severity of the disability of a child is such that
22 education in regular classes with the use of supplementary aids and services cannot
23 be achieved satisfactorily. In addition, the Department of Education shall (i)
24 provide for the proper training and development of special education teachers,
25 aides and staff to ensure continued quality special education services, (ii) ensure
26 that appropriate educational materials and supplies are furnished, and (iii) ensure
27 that appropriate educational facilities are provided to ensure the provision of a free

1 appropriate public education, as set forth in this Chapter. Such classrooms shall be
2 located in an appropriate area within a school campus, given specific needs such as
3 proximity to the special transportation pick-up and drop-off point, proximity to the
4 nurses' office, and the like. Such classrooms, when specifically built for or utilized
5 by children with disabilities, shall not be reassigned for any other educational
6 program needs, unless this reassignment is to relocate the children with disabilities
7 to another appropriate classroom.

8 **§ 9105. Administration of the Chapter.** This Chapter shall be
9 administered by the Superintendent of Education and the Board shall promulgate
10 such rules and regulations as it may deem necessary for the proper administration
11 of this Chapter. The Board shall prescribe the standards under which facilities are
12 furnished or services purchased. The Superintendent of Education shall be
13 responsible for administering such standards and conditions.

14 **§ 9106. Cooperation with other Agencies. Gifts and Donations.** The
15 Division of Special Education and other school agencies are required to cooperate
16 with other agencies within Guam, both public and private, that are interested in
17 working toward the education or training of children with disabilities. Educational
18 agencies are authorized to accept gifts, donations, or aid from such private
19 agencies.

20 **§ 9107. Advisory ~~Committee.~~ Panel.** The Superintendent of Education
21 shall establish and maintain an advisory panel on disabilities. Membership and
22 roles of the panel shall comply with the requirements outlined in IDEA, its
23 amendments, and implementing regulations. The members of the Advisory Panel
24 shall be appointed by the Superintendent.

25 **Section 3. Severability.** *If* any provision of this Law or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity shall *not* affect other provisions or applications of this Law which can be

- 1 given effect without the invalid provisions or application, and to this end the
- 2 provisions of this Law are severable.