

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

Bill No. 102(VS)

Introduced by:

J. T. Won Pat  
*J. T. Won Pat*

**AN ACT TO ADD NEW ARTICLE 3, CHAPTER 3,  
DIVISION 4, TITLE 17 OF THE GUAM CODE  
ANNOTATED, RELATIVE TO THE  
ESTABLISHMENT OF SCHOOL COMMUNITY  
BASED MANAGEMENT.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1 A new Article 3, Chapter 3, Division 4, Title 17 of the Guam  
3 Code Annotated is hereby added to read:

4 "Article 3

5 School Community Based Management

6 §3301. Short Title.

7 §3302. Statement of Purpose.

8 §3303. Mandate to Implement School Community Based Management.

9 §3304. Implementation Dates.

10 §3305. School Council Establishment.

11 §3306. School Council Membership.

12 §3307. Training.

13 §3308. Functions of School Councils.

1 **§3309. Powers of School Councils.**

2 **§3310. School Councils Bylaws.**

3 **§3311. Dissolution of School Councils.**

4 **§3312. Re-establishment of School Councils.**

5 **§3313. Waiver.**

6 **§3301. Short Title.** This Act may be cited as “The School Community  
7 Based Management Act of 2005”.

8 **§ 3302. Statement of Purpose.** *I Liheslaturan Guåhan* recognizes the  
9 need to improve communication and participation of parents and the  
10 community in the administration and operation of public schools. It is critical  
11 that parents and community members play an active role in the education of  
12 their children. Studies have shown that parental involvement is an essential  
13 element in effective education. It is, therefore, the intent of this *I Liheslaturan*  
14 *Guåhan* to ensure that individuals who are affected by the outcome of a  
15 decision at the school level to share in the decision making process by  
16 establishing “School Community Based Management” in Guam’s public  
17 school system.

18 **§3303. Mandate to Implement School Community Based**  
19 **Management.** The Superintendent shall develop for implementation, and the  
20 Guam Education Policy Board shall adopt a plan and a process whereby all  
21 public schools will eventually function within the system known as School  
22 Community Based Management, including criteria and procedures permitting  
23 schools to participate in establishing School Councils within their campuses.

24 **§3304. Implementation Dates.** By September 1, 2005, each public  
25 school may choose to implement School Community Based Management. By

1 September 1, 2008, each public school shall have implemented School  
2 Community Based Management.

3 **§3305. School Councils Establishment.** Each public school shall create a  
4 school council to assist the school principal with school based decision  
5 making and to involve parents in the decision of their children's education.

6 **§3306. School Councils Membership.** (a) Unless otherwise specified,  
7 each school council shall establish policies governing the school council's  
8 composition, election, operation and vacancies. The school council shall  
9 consist of the following members:

10 (1) Parents or guardians of students enrolled in school elected by parents  
11 or guardians of the school's students;

12 (2) Teachers elected by teachers of the school;

13 (3) School support staff elected by school support staff of the school;

14 (4) Community members appointed by the school council;

15 (5) Student members, if the school is a high school, elected by the  
16 student body of the school; and

17 (6) School Principal.

18 (b) The Guam Education Policy Board shall determine the initial number of  
19 school council members. Thereafter, the school council shall determine the  
20 number of members.

21 (c) The number of teachers and parents or guardians of students enrolled at  
22 the school shall be equal. Teachers and parents or guardians of students  
23 enrolled at the school shall constitute a majority of the school council  
24 members.

- 1 (d) Written nominations shall be accepted by the principal from members  
2 within the electing body prior to the actual voting meeting.
- 3 It shall be the responsibility of the principal to provide ballots to be used in  
4 the election of parents or guardians, teachers, school staff and students to the  
5 school council. The Principal shall give seven (7) days notice of the public  
6 meeting where the initial members of the groups shall be elected, clearly  
7 stating its purpose, time and place. The notice shall be posted at the school  
8 administrative office and three (3) other locations at the school site, at the  
9 Mayor's office within the school's attendance area, and shall be given to  
10 students for delivery to their parents or guardians.
- 11 (e) Members of the school council shall serve for a term of (2) two years,  
12 except for the student member shall serve for a term of one (1) year.
- 13 (f) The principal shall serve as chairperson of the school council.
- 14 (g) A parent or guardian member shall not be an employee of the Department  
15 of Education, nor shall the parent or guardian member be a Guam Education  
16 Policy Board member or a Guam Education Policy board member's spouse.
- 17 (h) A community member must be at least twenty-one (21) years old, reside at  
18 least two (2) years within the school's attendance area and not have a child  
19 enrolled in the school. A community member shall not be an employee of the  
20 Department of Education, nor shall the community member be a Guam  
21 Education Policy Board member or a Guam Education Policy Board member's  
22 spouse.
- 23 (i) Members of the school council shall not receive any compensation for their  
24 services as school council members.

1           **§3307. Training.** The Guam Education Policy Board shall provide a  
2 training program to assist schools in forming a school council and to assist  
3 school council members in the performance of their duties. Such program  
4 shall address the organization of councils, their purpose and responsibilities,  
5 applicable laws, rules, regulations and meeting procedures.

6           **§3308. Functions of School Councils.**

7           (a) A school council has the following functions:

8                   (1) To determine the school policies within the frameworks of  
9                   Guam Statutes, Board Polices and Collective Bargaining  
10                  Agreement;

11                  (2) To monitor the progress of the school plans and budget;

12                  (3) To make recommendations in relation to reports made by the  
13                  principal;

14                  (4) To provide a means of communication and information  
15                  between the school and the community;

16                  (5) To develop creative ways to involve parents in the schools;

17                  (6) To submit recommendations to the Superintendent and Guam  
18                  Education Policy Board on any matter relating to policy; and

19                  (7) Any other function the Guam Education Policy Board  
20                  determines.

21           (b) A school council must not perform any of its functions contrary to  
22 Guam Statutes, Guam Education Policy Board policies and Collective  
23 Bargaining Agreements.

24           **§3309. Powers of School Councils.**

25           (a) A school council has the following powers:

- 1 (1) To approve the school budget;
- 2 (2) To implement the school curriculum based on Guam
- 3 Education Policy Board policy;
- 4 (3) To review school textbooks and instructional materials;
- 5 (4) To establish a school codes for conduct and dress;
- 6 (6) To approve professional training days, subject to the school
- 7 Calendar year approved by the Guam Education Policy Board;
- 8 (8) To approve community use of school facilities;
- 9 (9) To develop a school improvement plan; that lays out objectives
- 10 for three (3) year period and reviews and revise the plan
- 11 annually to accomplish the achievement objectives established
- 12 for the school; and
- 13 (10) To approve the school's annual accountability report;
- 14 (11) To implement extracurricular activities in the school
- 15 including determination of policies relating to student
- 16 participation based on academic evaluation and attendance
- 17 requirements.

18 (b) A school council must not exercise any of its powers contrary to  
19 Guam Statutes, Guam Education Policy Board Policies and Collective  
20 Bargaining Agreements.

21 (c) The principal shall have the authority to set aside any decision made  
22 by the school council if the principal determines it to be in the best interests of  
23 the school; provided that the principal notifies in writing to each school  
24 council member. If the school council opposes a decision of the principal, an

1 appeal shall first be brought to the Superintendent for resolution and, if  
2 necessary, to the Guam Education Policy Board.

3 **§3310. School Councils Bylaws.** Each school council shall adopt the  
4 bylaws and guidelines included herein and such additional bylaws and  
5 guidelines as it deems appropriate to conduct the business of the council. The  
6 bylaws must establish procedures for the following:

7 (a) Requiring a quorum to be present before a vote may be taken by the  
8 school council. A majority of the membership of the council constitutes a  
9 quorum.

10 (b) Requiring at least five (5) days advance notice in writing to all  
11 members of the school council of any matter that is scheduled to come before  
12 the council for a vote.

13 (c) Scheduling meetings when parents, students, teachers, and members  
14 of the community can attend.

15 (d) Replacing any member who has two (2) consecutive unexcused  
16 absences from council meetings scheduled according to the procedures in the  
17 bylaws.

18 (e) The school council shall keep correct and complete books and records  
19 of account and shall also keep minutes of its proceedings and any committees  
20 having any of the authority of the school council.

21 (f) The school council shall annually review its bylaws to ensure  
22 alignment with Guam Statutes, Guam Education Policy Board Polices and  
23 Collective Bargaining Agreement.

24 (g) The school council shall submit the school council bylaws for Guam  
25 Education Policy Board approval.

1           **§3311. Dissolution of School Councils.** The Superintendent may  
2 request the Guam Education Policy Board to dissolve a school council if one of  
3 the following negative conditions prevails:

- 4           (a) Fraudulent, criminal or unethical behavior;
- 5           (b) Internal dissension affecting morale at the school;
- 6           (c) An adversarial relationships with the teachers or staff;
- 7           (d) Refusal to follow the policies of the Guam Education Policy Board  
8           or to carry out school council responsibilities in accordance with  
9           Guam Statutes and Collective Bargaining Agreement;
- 10          (e) Disruption of the educational climate; and
- 11          (f) Unresolved dispute between the school council and the principal.

12           **§3312. Re-establishment of School Councils.** The Principal shall take  
13 all reasonable steps to re-establish a school council for the school, if the school  
14 council is dissolved in accordance with this Act.

15           **§3313. Waiver.** School councils may request a waiver of the Guam  
16 Education Policy Board policies and the Collective Bargaining Agreements.  
17 Waiver requests must be submitted in writing to the Superintendent. The  
18 Superintendent will submit the waiver request and his/her recommendation  
19 within five (5) days to the Guam Education Policy Board for final approval.  
20 Policy waiver requests will be considered based on the district's mission  
21 statement, philosophy, Guam Education Policy Board adopted goals and  
22 effective schooling tenets. The Guam Education Policy Board shall address the  
23 waiver within thirty (30) days after being notified in writing by the  
24 Superintendent.”



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