


MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 348(LS)

Introduced by:

L.F. Kasperbauer 

AN ACT TO AMEND §3104 OF TITLE 17 OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE
QUALIFICATIONS FOR THE SUPERINTENDENT OF
EDUCATION AND DEPUTY SUPERINTENDENT OF
EDUCATION.

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

2
3 **Section 1.** §3104 of Chapter 3 of Title 17, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5
6 "**§3104. Qualifications for the Superintendent of Education and**
7 **Deputy Superintendent of Education.** (a) The Guam Education Policy Board
8 ("Board") shall adopt the qualifications and compensation for the
9 Superintendent of Education and Deputy Superintendent of Education, or any
10 amendments thereto, provided that such qualifications must not be in conflict
11 with the minimum qualifications established in this Section. The
12 Superintendent of Education shall, at a minimum, possess the following
13 qualifications:

14
15 (1) A Master's Degree in Education, Business, Public Administration, or
16 other related field from a ~~United States accredited~~ college or university
17 accredited by a United States accrediting body recognized by the
18 Council on Higher Education Accreditation (CHEA) or its successor, or

1 an equivalent foreign university. The test of whether or not a foreign
2 degree is equivalent to degree granted by a college or university
3 accredited by a CHEA recognized accrediting body shall be based on
4 any of the following (1) such degree qualifies the degree-holder for
5 enrollment in a graduate or post-graduate program in a college or
6 university accredited by a CHEA recognized accrediting body (2) such
7 degree qualifies the degree-holder for employment in a faculty or
8 academic administrative position in a college or university accredited by
9 a CHEA recognized accrediting body or (3) the degree was conferred by
10 a foreign institution recognized by the United States Department of
11 Education at the time such degree was conferred;

12
13 (2) Five (5) years experience in the field of educational leadership,
14 public administration, management, or other related field; and

15
16 (3) Good moral character and never convicted of a felony or any crime
17 involving moral turpitude.

18
19 ~~(b) The Board shall conduct a public hearing to solicit input on its proposed~~
20 ~~qualifications and shall give five (5) days (Saturdays, Sundays, and holidays~~
21 ~~excluded) public notice, and a second public notice at least forty eight (48) hours~~
22 ~~prior to the start of the public hearing. Such notice shall be published in a~~
23 ~~newspaper of general circulation in Guam. The Board may use additional media~~
24 ~~such as radio or television to advise the public if it finds it necessary to do so. shall~~
25 ~~conduct a public hearing to solicit input on its proposed qualifications and shall~~
26 ~~give five (5) days (Saturdays, Sundays, and holidays excluded) public notice, and~~
27 ~~a second public notice at least forty eight (48) hours prior to the start of the public~~

1 hearing may add additional qualifications provided that such qualifications are
2 consistent with the *Minimum Knowledge, Abilities and Skills (KAS)* required for
3 such job and that such qualifications are not discriminatory under the provisions of
4 the Equal Employment Opportunity Act (42 U.S.C).

5
6 (c) ~~The Any additional qualifications and compensation shall be adopted within~~
7 ~~thirty (30) days of passage of this Act must be included in the published job~~
8 ~~description.~~

9
10 (d) In the event the Board decides to hire a Deputy Superintendent, the vote and
11 public hearing requirements for the adoption of both the qualifications and
12 compensation of the Deputy Superintendent, shall be identical to those of the
13 Superintendent of Education. The minimum qualifications of the Deputy
14 Superintendent shall also be identical to those of the Superintendent of Education.

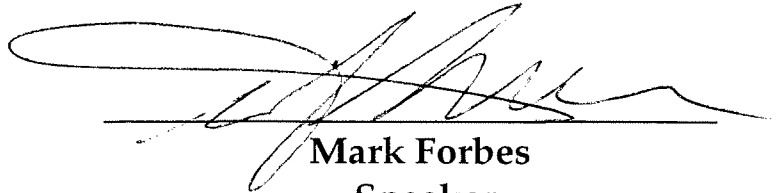
15
16 (e) In determining the salary for the Superintendent's and Deputy
17 Superintendent's position, the Board may consider for salary benchmarks, the
18 following: (1) comparable salaries for similar positions for other school districts
19 within the United States of similar size to Guam's school district in terms of
20 student enrollment, (2) the complexity, in terms of the *problem solving,*
21 *accountability and know how* criteria, of the job as compared to similar level
22 positions in other Government of Guam agencies and (3) the complexity, in terms
23 of the *problem solving, accountability and know how* criteria, of the job as
24 compared to similar level positions in other Education agencies within the
25 Government of Guam."

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

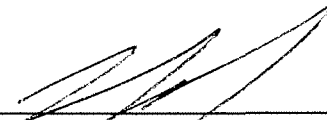
FILE COPY

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

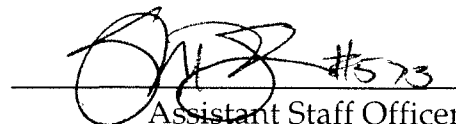
This is to certify that Substitute Bill No. 348 (LS), "AN ACT TO AMEND TITLE 17 G.C.A, CHAPTER 3, §3104(a) RELATIVE TO DEGREE QUALIFICATIONS FOR THE POSITIONS OF SUPERINTENDENT & DEPUTY SUPERINTENDENT OF THE GUAM PUBLIC SCHOOL SYSTEM & TO AMEND TITLE 17, CHAPTER 16, §16A103(a) RELATIVE TO QUALIFYING COLLEGES & UNIVERSITIES AS FOREIGN EQUIVALENTS UPON PETITION BY SUPERINTENDENT APPLICANTS," was on the 20th day of December, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at
1:30 o'clock p.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 348 (LS)

As substituted by the Committee on
Judiciary, Governmental Operations
& Reorganization and amended on the
Floor.

Introduced by:

L. F. Kasperbauer

Ray Tenorio

R. J. Respicio

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

Mark Forbes

R. Klitzkie

J. A. Lujan

A. B. Palacios, Sr.

A. R. Unpingco

J. T. Won Pat

**AN ACT TO *AMEND* TITLE 17 G.C.A, CHAPTER 3, §3104(a)
RELATIVE TO DEGREE QUALIFICATIONS FOR THE
POSITIONS OF SUPERINTENDENT & DEPUTY
SUPERINTENDENT OF THE GUAM PUBLIC SCHOOL
SYSTEM & TO *AMEND* TITLE 17, CHAPTER 16, §16A103(a)
RELATIVE TO QUALIFYING COLLEGES &
UNIVERSITIES AS FOREIGN EQUIVALENTS UPON
PETITION BY SUPERINTENDENT APPLICANTS.**

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

2 **Section 1.** Title 17 G.C.A., Chapter 3, §3104(a) is *amended* to read:

1 **"§3104. Qualifications for the Superintendent of Education and Deputy**
2 **Superintendent of Education.**

3 (a) The Guam Education Policy Board ('Board') shall adopt the
4 qualifications and compensation for the Superintendent of Education and
5 Deputy Superintendent of Education, or any amendments thereto, provided that
6 such qualifications must not be in conflict with the minimum qualifications
7 established in this Section. The Superintendent of Education shall, at a
8 minimum, possess the following qualifications:

9 (1) A Master's Degree in Education, Business, Public
10 Administration, or other related field from a college or university
11 accredited by a United States accrediting body recognized by the
12 Council on Higher Education Accreditation (CHEA) or its successor, or
13 a college or university which is the foreign equivalent of a college or
14 university accredited by a United States accrediting body recognized by
15 CHEA.

16 (2) Five (5) years experience in the field of educational
17 leadership, public administration, management, or other related field;
18 and

19 (3) Good moral character and never convicted of a felony or
20 any crime involving moral turpitude."

21 **Section 2.** Title 17 G.C.A., Chapter 16A, §16A103(a) is *amended* to read:

22 “(a) determine if a certificate issued by any state or territory of the
23 United States should be recognized and suffice for issuing a similar certificate to
24 work in the public schools in Guam. The Joint Board shall consider if (i) a state or
25 territorial certificate was granted with the minimum academic training and other
26 general regulations for the issuance of the same type of certificate on Guam, and (ii)
27 whether the laws and regulations of state or territory issuing such certificate provide

1 for similar recognition of certificates issued by the Joint Board; provided that the
2 Board of Regents, on the petition of an applicant for the position of Superintendent of
3 Education, may issue a certificate to said applicant that a college or university which
4 he attended is the foreign equivalent of a college or university accredited by a United
5 States accrediting body recognized by CHEA.”

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN
(Included in File w/ All Bills Transmitted)

S BILL NO. 348

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *(3)*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- ¹⁴15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *None*

Confirmed By: *[Signature]*

Dated: 12/30/06

FINAL REVIEW:

Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, [] OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to [])
- FILED by: _____

6

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 12/20/06

VOTING SHEET

S Bill No. 348

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>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

November 24, 2006

The Honorable Speaker Mark Forbes
155 Hesler Place
Hagatna, Guam 96910

RE: Committee Report – Bill 348 (LS)

Mr. Speaker:

Transmitted herewith for your consideration and action is the committee report on **Bill 348 (LS) AN ACT TO AMEND TITLE 17 G.C.A., CHAPTER 3, §3104(a) RELATIVE TO DEGREE QUALIFICATIONS FOR THE POSITIONS OF SUPERINTENDENT & DEPUTY SUPERINTENDENT OF THE GUAM PUBLIC SCHOOL SYSTEM & TO AMEND TITLE 17, CHAPTER 16, §16A103(a) RELATIVE TO QUALIFYING COLLEGES & UNIVERSITIES AS FOREIGN EQUIVALENTS UPON PETITION BY SUPERINTENDENT APPLICANTS**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization.

The Committee votes are as follows:

 6 TO PASS
 0 NOT TO PASS
 0 TO REPORT OUT ONLY
 0 ABSTAIN
 0 INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to my office via email at bob@bobsoffice.org or by phone at 472-9355.

Sincerely,

Bob
Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations & Reorganization



Bob's Office

The Office of Senator Robert Klitzkie

197 Hernan Cortes Ave., Suite A-1
Hagatna, Guam 96910

(671) 472-9355 • bob@bobsoffice.org • www.bobsoffice.org

November 17, 2006

Committee on Judiciary, Governmental Operations,
& Reorganization
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 348 (LS)

Dear Members:

Transmitted herewith is the voting sheet and committee report on Bill 348 (LS) **AN ACT TO AMEND TITLE 17 G.C.A., CHAPTER 3, §3104(a) RELATIVE TO DEGREE QUALIFICATIONS FOR THE POSITIONS OF SUPERINTENDENT & DEPUTY SUPERINTENDENT OF THE GUAM PUBLIC SCHOOL SYSTEM & TO AMEND TITLE 17, CHAPTER 16, §16A103(a) RELATIVE TO QUALIFYING COLLEGES & UNIVERSITIES AS FOREIGN EQUIVALENTS UPON PETITION BY SUPERINTENDENT APPLICANTS**, as substituted by the Committee on Judiciary, Governmental Operations, and Reorganization, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Bob

Senator Robert Klitzkie, Chairman
Committee on Judiciary, Governmental Operations,
& Reorganization



Committee on Judiciary, Governmental Operations, and Reorganization

I Mina' Bente Ocho Na Liheslaturan Guahan

Bill 348 (LS) - AN ACT TO AMEND TITLE 17 G.C.A., CHAPTER 3, §3104(a) RELATIVE TO DEGREE QUALIFICATIONS FOR THE POSITIONS OF SUPERINTENDENT & DEPUTY SUPERINTENDENT OF THE GUAM PUBLIC SCHOOL SYSTEM & TO AMEND TITLE 17, CHAPTER 16, §16A103(a) RELATIVE TO QUALIFYING COLLEGES & UNIVERSITIES AS FOREIGN EQUIVALENTS UPON PETITION BY SUPERINTENDENT APPLICANTS.

*** Substitute by the Committee on Judiciary, Governmental Operations, & Reorganization**

	Signature	To Pass	Not To Pass	Report Out of Committee	Abstain	Inactive File
Senator Robert Klitzkie, Chairman		✓				
Speaker Mark Forbes, Member		✓				
Senator Jesse Lujan, Member						
Senator Adolpho Palacios, Member	11/20 ✓	✓				
Senator Larry Kasperbauer, Ph. D., Member		✗				
Senator Ray Tenorio, Member		✓				
Senator B.J. Cruz, Member		✓				

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 348 (LS)
Substitute by the Committee on
Judiciary, Governmental Operations
& Reorganization

Introduced by:

L.F. Kasperbauer

**AN ACT TO AMEND TITLE 17 G.C.A., CHAPTER 3, §3104(a)
RELATIVE TO DEGREE QUALIFICATIONS FOR THE POSITIONS OF
SUPERINTENDENT & DEPUTY SUPERINTENDENT OF THE GUAM
PUBLIC SCHOOL SYSTEM & TO AMEND TITLE 17, CHAPTER 16,
§16A103(a) RELATIVE TO QUALIFYING COLLEGES &
UNIVERSITIES AS FOREIGN EQUIVALENTS UPON PETITION BY
SUPERINTENDENT APPLICANTS.**

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

2 **Section One.** Title 17 G.C.A., Chapter 3, §3104(a) is amended to read:

3 **"§3104. Qualifications for the Superintendent of Education and Deputy Superintendent of**
4 **Education.**

5 (a) The Guam Education Policy Board ("Board") shall adopt the qualifications and
6 compensation for the Superintendent of Education and Deputy Superintendent of Education, or any
7 amendments thereto, provided that such qualifications must not be in conflict with the minimum
8 qualifications established in this Section. The Superintendent of Education shall, at a minimum,
9 possess the following qualifications:

10 (1) A Master's Degree in Education, Business, Public Administration, or other
11 related field from a ~~United States accredited~~ college or university accredited by a
12 United States accrediting body recognized by the Council on Higher Education
13 Accreditation (CHEA) or its successor, or a college or university which is the
14 foreign equivalent of a college or university accredited by a United States accrediting
15 body recognized by CHEA.

16 (2) Five (5) years experience in the field of educational leadership, public
17 administration, management, or other related field; and

1 (3) Good moral character and never convicted of a felony or any crime involving
2 moral turpitude.”

3 **Section Two.** Title 17 G.C.A., Chapter 16, § 16A103(a) to read:

4 “§ 16A103. (a) determine if a certificate issued by any state or territory of the United States
5 should be recognized and suffice for issuing a similar certificate to work in the public schools in
6 Guam. The Joint Board shall consider if (i) a state or territorial certificate was granted with the
7 minimum academic training and other general regulations for the issuance of the same type of
8 certificate on Guam, and (ii) the laws and regulations of state or territory issuing such certificate
9 provide for similar recognition of certificates issued by the Joint Board; provided that The Board of
10 Regents, on the petition of an applicant for the position of Superintendent of Education, may issue
11 its certificate to the applicant that a college or university which he attended is the foreign
12 equivalent of a college or university accredited by a United States accrediting body recognized by
13 CHEA.”

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 348 (LS)

Introduced by:

L.F. Kasperbauer

**AN ACT TO *AMEND* §3104 OF TITLE 17 OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE
QUALIFICATIONS FOR THE SUPERINTENDENT OF
EDUCATION AND DEPUTY SUPERINTENDENT OF
EDUCATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §3104 of Chapter 3 of Title 17, Guam Code Annotated, is hereby
amended to read as follows:

**"§3104. Qualifications for the Superintendent of Education and
Deputy Superintendent of Education.** (a) The Guam Education Policy Board
("Board") shall adopt the qualifications and compensation for the
Superintendent of Education and Deputy Superintendent of Education, or any
amendments thereto, provided that such qualifications must not be in conflict
with the minimum qualifications established in this Section. The
Superintendent of Education shall, at a minimum, possess the following
qualifications:

(1) A Master's Degree in Education, Business, Public Administration, or
other related field from a ~~United States accredited~~ college or university
accredited by a United States accrediting body recognized by the
Council on Higher Education Accreditation (CHEA) or its successor, or

1 an equivalent foreign university. The test of whether or not a foreign
2 degree is equivalent to degree granted by a college or university
3 accredited by a CHEA recognized accrediting body shall be based on
4 any of the following (1) such degree qualifies the degree-holder for
5 enrollment in a graduate or post-graduate program in a college or
6 university accredited by a CHEA recognized accrediting body (2) such
7 degree qualifies the degree-holder for employment in a faculty or
8 academic administrative position in a college or university accredited by
9 a CHEA recognized accrediting body or (3) the degree was conferred by
10 a foreign institution recognized by the United States Department of
11 Education at the time such degree was conferred;

12
13 (2) Five (5) years experience in the field of educational leadership,
14 public administration, management, or other related field; and

15
16 (3) Good moral character and never convicted of a felony or any crime
17 involving moral turpitude.

18
19 ~~(b) The Board shall conduct a public hearing to solicit input on its proposed~~
20 ~~qualifications and shall give five (5) days (Saturdays, Sundays, and holidays~~
21 ~~excluded) public notice, and a second public notice at least forty eight (48) hours~~
22 ~~prior to the start of the public hearing. Such notice shall be published in a~~
23 ~~newspaper of general circulation in Guam. The Board may use additional media~~
24 ~~such as radio or television to advise the public if it finds it necessary to do so. shall~~
25 ~~conduct a public hearing to solicit input on its proposed qualifications and shall~~
26 ~~give five (5) days (Saturdays, Sundays, and holidays excluded) public notice, and~~
27 ~~a second public notice at least forty eight (48) hours prior to the start of the public~~

1 ~~hearing~~ may add additional qualifications provided that such qualifications are
2 consistent with the *Minimum Knowledge, Abilities and Skills* (KAS) required for
3 such job and that such qualifications are not discriminatory under the provisions of
4 the Equal Employment Opportunity Act (42 U.S.C).

5
6 (c) ~~The~~ Any additional qualifications and compensation shall be adopted within
7 thirty (30) days of passage of this Act must be included in the published job
8 description.

9
10 (d) In the event the Board decides to hire a Deputy Superintendent, the vote and
11 public hearing requirements for the adoption of both the qualifications and
12 compensation of the Deputy Superintendent, shall be identical to those of the
13 Superintendent of Education. The minimum qualifications of the Deputy
14 Superintendent shall also be identical to those of the Superintendent of Education.

15
16 (e) In determining the salary for the Superintendent's and Deputy
17 Superintendent's position, the Board may consider for salary benchmarks, the
18 following: (1) comparable salaries for similar positions for other school districts
19 within the United States of similar size to Guam's school district in terms of
20 student enrollment, (2) the complexity, in terms of the *problem solving,*
21 *accountability and know how* criteria, of the job as compared to similar level
22 positions in other Government of Guam agencies and (3) the complexity, in terms
23 of the *problem solving, accountability and know how* criteria, of the job as
24 compared to similar level positions in other Education agencies within the
25 Government of Guam."

I. Overview

The Committee on Judiciary, Governmental Operations, and Reorganization held a public hearing on Bill 348 (LS) on October 4, 2006 at 9:00am in the Guam Legislature public hearing room in Hagatna, Guam. Notice of public hearing was disseminated throughout all local media.

Senators present:

Senator Robert Klitzkie, chairman
Senator Adolpho Palacios, member
Senator Ray Tenorio, member
Senator B.J. Cruz, member
Senator Larry Kasperbauer, member
Senator Joanne Brown

II. Summary of testimony

Dr. Judi Guthertz presented oral testimony in her personal capacity in support of Bill 348 (LS). She shared her experience of being offered the position of superintendent of education for the Guam Public School System before being informed that her degrees, which were obtained from foreign institutions, were found not acceptable for meeting the qualifications for superintendent. Dr. Guthertz recommended that the Government of Guam develop a general policy that recognizes the educational achievements awarded from foreign institutions to those wishing to apply for a government job on Guam. She also suggested referencing the University of Guam as the reviewing agency to ensure that the educational claims from a foreign university are equivalent to US standards. She added that overall the measure properly presents a mechanism to address foreign degrees.

III. Findings & recommendations: Bill No 348 (LS)

The committee finds that Bill No. 348 (LS) will allow individuals that received degrees from foreign educational institutions to qualify for the position of Superintendent of Education for the Guam Public School System if such institutions meet standards that are equivalent to accredited United States institutions. By allowing applicants with foreign credentials to qualify for the position of superintendent, the Guam Education Policy Board can look forward to a larger, more diverse applicant pool. The committee further finds that the University of Guam, specifically the Board of Regents, is the appropriate entity to determine foreign equivalency.

The Committee recommends a substitute bill to allow for the following:

- (1) To allow individuals applying for the positions of superintendent or deputy superintendent of the Guam Public School System to meet the degree qualification with degrees obtained from a college or university which is the foreign equivalent of a college or university accredited by a United States accrediting body recognized by CHEA.
- (2) To allow individuals applying for the position of superintendent of the Guam Public School System to petition the University of Guam's Board of Regents to certify a degree from a college or university which is the foreign equivalent of a college or university accredited by a United States accrediting body recognized by CHEA.

The committee does hereby submit its findings and recommendations to **DO PASS** Bill 348 (LS), AN ACT TO AMEND TITLE 17 G.C.A., CHAPTER 3, §3104(a) RELATIVE TO DEGREE QUALIFICATIONS FOR THE POSITIONS OF SUPERINTENDENT & DEPUTY SUPERINTENDENT OF THE GUAM PUBLIC SCHOOL SYSTEM & TO AMEND TITLE 17, CHAPTER 16, §16A103(a) RELATIVE TO QUALIFYING COLLEGES & UNIVERSITIES AS FOREIGN EQUIVALENTS UPON PETITION BY SUPERINTENDENT APPLICANTS, as substituted by the Committee on Judiciary, Governmental Operations, & Reorganization.

I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

MINUTES

[Prepared by: Audreya Punzalan *10/11/2006]

Date: October 4, 2006

Location: Guam Legislature – Public hearing room
155 Hesler Street Hagatna, Guam

Called to order by Senator Robert Klitzkie, chairman, at 9:00am

Public hearing agenda: Bill 331 (LS), Bill 340 (EC), Bill 348 (EC), Bill 353 (EC), Bill 357 (LS)

Public hearing called to order at 9:00am.

Senators present:

Senator Robert Klitzkie, chairman
Senator Adolpho Palacios, member
Senator Ray Tenorio, member
Senator B.J. Cruz, member
Senator Larry Kasperbauer, member
Senator Joanne Brown

Bill 331(LS), An Act To Repeal Section 6 Of Chapter V (Administrative Provisions) Of Public Law 28-068 And To Make The Provisions Of This Act Retroactive To September 30, 2005, heard at 9:02 am

- No individuals presented oral or written testimony

Bill 340 (EC), An Act To Amend §3104 (A) Of Chapter 3 Of Title 17 Guam Code Annotated Relative To The Qualifications Of The Superintendent Of Education, heard at 9:03am

- No individuals presented oral or written testimony

Bill 348 (EC), An Act To Amend §3104 Of Title 17 Of The Guam Code Annotated, Relative To The Qualifications For The Superintendent Of Education And Deputy Superintendent Of Education, heard at 9:03am

- Judith Gutherz, presented oral testimony in her personal capacity, in support of Bill 348 (EC) at 9:42am. (Gutherz not present when chairman heard bill at 9:03am, committee entertained Gutherz testimony after Bill 353).

* Questions and comments presented to the panel by Senator Ray Tenorio, Senator Adolpho Palacios, Senator Larry Kasperbauer, and Senator Robert Klitzkie.

Bill 353 (EC), An Act To Repeal Title 11 G.C.A., Division 1, Chapter 1, § 1106, Item (D) And To Add A New Title 11 G.C.A., Division 1, Chapter 1, § 1106.1 Relative To Creating The Office Of The Principal Guam Territorial Income Tax Attorney, heard at 9:05am

- Steven Cohen, member of the Guam Bar Association, presented written and oral testimony in support Bill 353 (EC) at 9:05am.
- George Bamba, chief of staff for the governor's office, presented oral testimony in favor of Bill 535 (EC) at 9:06am. Mr. Bamba stated that he would be submitting written testimony at a later date.
- Art Ilagan, director of Revenue and Taxation, testified in favor of Bill 353 (EC) at 9:15am.
- John Camacho, deputy director of Revenue and Taxation, testified in favor of Bill 353 (EC) at 9:20am
- Veronica Quan, administrator of Technical Research at the Department of Revenue and Taxation, testified in favor of Bill 353 (EC) at 9:36am.
- Andy Giordano presented oral testimony on Bill 353 (EC) at 9:37am.
- Edward Cruz presented oral and written testimony in favor of Bill 353 (EC) at 9:38am.
- * Comments and questions presented to the panel by Senator Robert Klitzkie, Senator Adolpho Palacios, Senator B.J. Cruz, and Senator Ray Tenorio.

Committee stood in recess from 10:00am-10:30am

Bill 357 (LS), An Act To Approve The Guam Power Authority's And The Guam Waterworks Authority's Personnel Rules And Regulations Governing The Selection, Compensation, Promotion, Performance Evaluation, Disciplinary Action, And Terms And Conditions Of Employment For Certified, Technical And Professional Personnel, heard at 10:30am

- John Benavente, general manager of the Consolidated Utility Services, presented written and oral testimony in support of Bill 357 (LS) at 10:34am.
- Anthony Camacho, staff attorney for CCU, GWA, GPA, presented written and oral testimony in support of Bill 357(LS) at 10:42am.
- * Comments and questions presented to the panel by Senator Robert Klitzkie, Senator Joanne Brown, and Senator Adolpho Palacios.

Public hearing adjourned until 9:00am on Tuesday, October 10, 2006.

Declaration Under Penalty of Perjury of Audreya J.P. Taitano

- 1.) I am employed as a Legislative Aide at the Office of Senator Robert Klitzkie.
- 2.) I was assigned the duty of disseminating a "Notice of Public Hearing" (Appendix A) to each newspaper of general circulation and all broadcasting stations which air a regular local news program within Guam.
- 3.) In such notice I included all information (Appendix A) required by the Open Government Law, Title 5 GCA Sections 8108 thru 8106.
- 4.) I e-mailed notice to all local media (Appendix B: Media E-mail Listing) on 09/27/2006 (*5 working days prior to hearing*) in accordance with 5 GCA §8108.
- 5.) I e-mailed a "Notice of Public Hearing" to all local media (Appendix B: Media E-mail Listing) on 10/02/2006 (*48 hours prior to hearing*) in accordance with 5 GCA §8108.
- 6.) I e-mailed notice to members of the Committee on Judiciary, Governmental Operations, and Reorganization on 09/27/2006 & 10/02/2006.
- 7.) I e-mailed notice to Speaker Forbes on 09/27/2006 and 10/02/2006 for posting on the Legislature's calendar, which can be accessed at the official website of the Guam Legislature (www.guamlegislature.com), in accordance with 5 GCA § 10306.
- 8.) I e-mailed a "Notice of Public Hearing" to all senators on 09/27/2006 & 10/02/2006 (cc: Clerk of the Legislature, Legislative Counsel, and Sgt-at-Arms). Bounce backs were handled accordingly.
- 9.) I caused notice on www.bobsoffice.org, website for the Committee on Judiciary, Governmental Operations, and Reorganization, on 09/27/2006 in accordance with 5 GCA § 10306.
- 10.) Copies of all e-mail notices are on file at the Office of Senator Robert Klitzkie.

Declaration Under Penalty of Perjury

6 GCA Section 306

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 17, 2006 on Guam by



Audreya J.P. Taitano (audi)

APPENDIX A: NOTICE OF PUBLIC HEARING



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

NOTICE OF PUBLIC HEARING

A public hearing will be held on **Wednesday, October 4, 2006** in the Guam Legislature's public hearing room located at **155 Hesler Place in Hagatna**. The public is invited to present oral and/or written testimony. The following bills will be heard:

9:00am

Bill 331 (LS) - An Act To Repeal Section 6 Of Chapter V (Administrative Provisions) Of Public Law 28-068 And To Make The Provisions Of This Act Retroactive To September 30, 2005.

Bill 340 (EC) - An Act To Amend §3104 (A) Of Chapter 3 Of Title 17 Guam Code Annotated Relative To The Qualifications Of The Superintendent Of Education.

Bill 348 (EC) - An Act To Amend §3104 Of Title 17 Of The Guam Code Annotated, Relative To The Qualifications For The Superintendent Of Education And Deputy Superintendent Of Education.

Bill 353 (EC) - An Act To Repeal Title 11 G.C.A., Division 1, Chapter 1, § 1106, Item (D) And To Add A New Title 11 G.C.A., Division 1, Chapter 1, § 1106.1 Relative To Creating The Office Of The Principal Guam Territorial Income Tax Attorney.

Bill 357 (EC) - An Act To Approve The Guam Power Authority's And The Guam Waterworks Authority's Personnel Rules And Regulations Governing The Selection, Compensation, Promotion, Performance Evaluation, Disciplinary Action, And Terms And Conditions Of Employment For Certified, Technical And Professional Personnel.

For more information, please visit www.bobsoffice.org/judiciary.
Written testimony can be submitted via e-mail to judiciary@bobsoffice.org.
For ADA assistance, please contact the Office of Senator Robert Klitzkie at (671) 472-9355 ext. 3, or send request via email to judiciary@bobsoffice.org.

APPENDIX B: MEDIA E-MAIL LISTING

<p align="center">Notice to all media : Outlet Managers, Publishers, Producers</p>	<p align="center">Notice to all media : News Directors, Editors, Reporters</p>
<p><u>PRINT</u> Marianas Variety – Amier Younis, Ops Mgr, amier@mvguam.com Directions – Jerry Roberts, Publisher, jroberts@directionsguam.com Guam Business – Steve Nygard, Publisher, snygard@glimpses.guam.net Pacific Daily News – Government Meetings Section life@guampdn.com Marianas Business Journal – Steve Nygard, Publisher, snygard@glimpses.guam.net Guahan Magazine – Carlene Cooper-Nurse, Publisher, carlene@guahanmagazine.com Mabuhay News – Ritchie Lim, Publisher, paciwire@ite.net Mariana’s Variety – Ad Section , ads@mvguam.com</p> <p><u>TV</u> KUAM Ch. 8 – generalmanager@KUAM.com KUAM Ch. 11 – generalmanager@KUAM.com ABC 14 – David Larson, Gen Mgr, david@go14.tv KGTF – kgtf12@ite.net</p> <p><u>RADIO</u> K57 – Ray Gibson, General Mgr, rgibson@k57.com Power98 – Roque Aguon, General Mgr, raguon@power98.com 105 Rock – Albert Juan, General Mgr, ajuan@105therock.com I-94 FM – Fredalynn Mortera Hecita, fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K-StereO – Ed Poppe, General Mgr, ksto@ite.net KISH (102.9 FM) – Ed Poppe, General Mgr, ksto@ite.net Hit Radio 100 – Vince Limuaco, Sales Mgr., marketing@hitradio100.com KPRG (89.3 FM) – General Manager, kprg@guam.net Harvest Family Radio – khmg@harvestministries.net KTKB – ktkb@ktkb.com KOLG 90.0 FM – Contact, chuck@kolg.org KTWG 800 AM – Ops Mgr , Kleilani63@hotmail.com</p>	<p><u>PRINT</u> Pacific Daily News –Rindraty Limtiaco, Exec. Editor, rlimtiaco@guampdn.com Marianas Variety – Mar-Vic Cagurangan, marvic@mvguam.com Directions – Gennette Quan, Editor, editor@directionsguam.com Guam Business – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Marianas Business Journal – Maureen Maratita, Editor, mmaratita@glimpses.guam.net Guahan Magazine – Jayne Flores, Editor, jayne@guahanmagazine.com Mabuhay News – Ritchie Lim, Editor mabuhaynews@yahoo.com Mariana’s Variety – Ad Section, ads@mvguam.com</p> <p><u>TV</u> KUAM Ch.8 – Sabrina Matanane, News Dir, Sabrina@KUAM.com KUAM Ch. 11 – Sabrina Matanane, News Dir, Sabrina@KUAM.com ABC 14 News – John Anderson, News Director, jontalk@k57.com</p> <p><u>RADIO</u> I-94 FM – Fredalynn Mortera Hecita, News (Radio) fredalynn@kuam.com 610 AM – Ryan San Nicolas, ryan@kuam.com K57, Power98, 105 Rock – Patty Arroyo, News Director, parroyo@k57.com K-StereO – Jean Hudson, News Director, kstone@ite.net KISH (102.9 FM) – Jean Hudson, News Director, kstone@ite.net Hit Radio 100 – Trina San Agustin, News Director, news@hitradio100.com</p>

APPENDIX C: COMMITTEE MEMBER E-MAILS

Senator Robert Klitzkie, Chairman
 Speaker Mark Forbes, Ex-Officio
 Senator Jesse A. Lujan, Member
 Senator Larry Kasperbauer, Ph.D., Member
 Senator Ray Tenorio, Member
 Senator Benjamin J.F. Cruz, Member
 Senator Adolpho B. Palacios, Sr., Member

bob@bobsoffice.org
speakerforbes@yahoo.com
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lk4kids@ite.net
ray@raytenorio.com
cjbjcruz@ite.net
patrickcepeda@hotmail.com



I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Judiciary, Governmental Operations, & Reorganization

AGENDA

October 4, 2006
Public hearing room

9:00am

Bill 331 (LS) - An Act To Repeal Section 6 Of Chapter V (Administrative Provisions) Of Public Law 28-068 And To Make The Provisions Of This Act Retroactive To September 30, 2005.

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Bureau of Budget & Management Research
Fiscal Note of Bill No. 348 (EC)

Bill Title (Preamble): AN ACT TO AMEND §3104 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE QUALIFICATIONS FOR THE SUPERINTENDENT OF EDUCATION AND DEPUTY SUPERINTENDENT OF EDUCATION.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Public School System	Dept./Agency Head: Luis SN Reyes, Acting Superintendent
Department's General Fund (GF) appropriation(s) to date:	\$4,055,000
Department's Other Fund (specify): <u>Healthy Futures Fund, Territorial Education Facilities Fund, School Improvement Fund, Withholding Taxes, Interest and Penalties, School Lunch /SAE/Child Nutritional Reimbursement Fund, Every Child is Entitled to an Adequate Public Education Act Fund & Public School Resource</u> Appropriation(s) to date:	\$183,815,424
Total Department/Agency Appropriation(s) to date:	\$187,870,424

Fund Source Information of Proposed Appropriation

	General Fund:	Other (Specify): Special Funds	Total:
FY 2006 Adopted Revenues	\$435,092,898	\$99,837,093	\$534,929,991
FY Appro. to P.L. 28-146	(\$434,030,000)	(\$116,949,093)	(\$550,979,093)
Sub-total:	\$1,062,898	(\$17,112,000)	(\$16,049,102)
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$1,062,898	(\$17,112,000)	(\$16,049,102)

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$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? \$ _____
- . Does the Bill establish a new program/agency? /X/ N/A / / 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? /X/ N/A / / 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: /X/ Yes / / No
- . /X/ Requested agency comments not received by due date / / Other:

Analyst (s): Joe Certeza **Date:** 08/30/2006 **Director:** Carlos P. Bordallo **Date:** 30 2006
 Carlos P. Bordallo, BBMR

Footnote: 1/ See Attached Comments

Bureau of Budget Management and Research
 Fiscal Note Comments to Bill 348 (LS)
 08/30/2006

The intent of the bill is to ensure that the Guam Public School System (GPSS) employ a qualified and competent Superintendent and Deputy Superintendent on a year-round basis pursuant to §3104, 17GCA. This is vitally important and necessary for GPSS to meet its mission objectives and funding requirements as prescribed by federal and local mandates. As such, this bill proposes to amend the employment process of hiring a Superintendent and Deputy Superintendent by the Guam Education Policy Board relative to ensuring that the selection process is fair and impartial and conducted in the most expeditious manner. Specifically, the bill amends the following subsections of §3104: 1) Subsection (a)(1) is amended to offer individuals who obtained their Master's Degree from a foreign university an opportunity to apply for the job positions. It further provides three (3) test criterias of whether or not the degree from a foreign university is equivalent to a degree granted by a U.S. accrediting body. 2) Subsections (b) and (c) are amended to allow the Guam Education Policy Board to add additional qualifications for adoption without conducting any public hearings provided that such added qualifications are consistent with the Minimum Knowledge, Abilities, and Skills (KAS) job requirements and are not discriminatory under the provisions of the Equal Employment Opportunity Act. The adopted additional qualifications must only be included in the published job description. 3) Subsection (e) is added for the Board to consider three (3) salary benchmarks to determine salary compensation for the above positions.

The impact of this bill may be minimal in terms of additional funding requirements from the General Fund to GPSS for the Superintendent and Deputy Superintendent positions if the Board considers using the salary benchmark of comparable salaries for similar positions for other school districts within the United States. The following table presents an analysis of comparable salaries between GPSS and the United States.

School Superintendent	United States	Washington DC	Hawaii
Expected Median Salary *	\$127,786	\$136,891	\$142,231
GPSS Salary **	\$98,430	\$98,430	\$98,430
Variance Above (Below)	\$29,356	\$38,461	\$43,801
Deputy School Superintendent	United States	Washington DC	Hawaii
Expected Median Salary *	\$127,786	\$136,891	\$142,231
GPSS Salary **	\$67,150	\$67,150	\$67,150
Variance Above (Below)	\$60,636	\$69,741	\$75,081
Total Variance Above (Below)	\$89,992	\$108,202	\$118,882
* Salary Wizard Report			
** Civil Service Commission, Classification & Compensation Plan for Department/Agency Heads & Their First Assistants			

Based on the table, the total variances for potential additional salary requirements for the positions of Superintendent and Deputy Superintendent of GPSS may range from approximately \$90,000 to \$120,000. It should be noted that although this impact may be minimal to GPSS's overall \$200 million plus budget, it may be significant in terms of little or no funds for additional school programs or operational requirements.

Bureau of Budget & Management Research
Fiscal Note of Bill No. 348 (EC)

Bill Title (Preamble): AN ACT TO AMEND §3104 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE QUALIFICATIONS FOR THE SUPERINTENDENT OF EDUCATION AND DEPUTY SUPERINTENDENT OF EDUCATION.

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If Yes, see attachment / / Yes /X/ No
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If no, what is the additional amount required? \$ _____ /X/ N/A / / Yes / / No
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If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
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/X/ Requested agency comments not received by due date /X/ Yes / / No
/ / Other:

Analyst (s): Joe Certeza Date: 08/30/2006 Director: Carlos P. Bordallo Date: 08/30/2006
 Carlos P. Bordallo, BBMR

Footnote: 1/ See Attached Comments

Bureau of Budget Management and Research
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