

MINA' BENTE NUEBI NA LIHESLATURAN GUAHAN
2007 (FIRST) Regular Session

Bill No. 107 (EC)

Introduced by:

J.P. GUTHERTZ



AN ACT TO AMEND §§ 3103, 3108, 3111, 3115, 3119, AND
3120; AND TO ADD A NEW §3111.1, ALL OF CHAPTER 3
OF TITLE 17 GUAM CODE ANNOTATED; AND TO
AMEND §4104 (c) OF CHAPTER 4 OF TITLE 17 GUAM
CODE ANNOTATED, RELATIVE TO THE GUAM
PUBLIC SCHOOL SYSTEM.

APPROVED BY THE HOUSE OF REPRESENTATIVES
JANUARY 11, 2007



1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Subitem (b) of §3103 of Chapter 3 of Title 17 Guam Code Annotated
3 is amended to read:

4 “(b) Only the following constitute cause for the discharge of the
5 Superintendent:

6 (1) holding financial interests that conflict with the
7 conscientious performance of his duties;

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

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

1 (4) knowingly making commitments or promises of any kind
2 purporting to bind GPSS except as permitted by law;

3 (5) use of his official position for his private gain or that of
4 others;

5 (6) failure to disclose waste, abuse and corruption to the
6 appropriate authorities;

7 (7) failure to respect the rights and privacy of others and the
8 use of his official position, authority or other means to injure
9 another person for personal reasons or malicious purposes;

10 (8) fraud or misrepresentation in securing his appointment;

11 (9) refusal or failure to perform duties and responsibilities as
12 defined by law;

13 (10) **conviction of** unlawful use, possession or sale of illicit
14 drugs and alcohol;

15 (11) **conviction of** criminal acts involving moral turpitude;

16 (12) political activity prohibited by law;

17 (13) **conviction of** misuse, misappropriation or theft of
18 government property or funds;

19 (14) prohibited acts of discrimination, including sexual
20 harassment; or

21 (15) abandonment of his position.”

22 **Section 2. §3108 of Chapter 3 of Title 17 Guam Code Annotated is *amended to***
23 **read:**

24 **“§3108. Attorney for the Board.** The Board **is authorized and** may employ
25 an attorney to assist and represent it **during any meetings and** in all civil

1 matters. The Board ~~may~~ **shall** set the terms and conditions for employment of the
2 attorney or law firm. The Board shall determine whether the appointment is a
3 full-time, unclassified employee or an independent consultant. The Board ~~may is~~
4 **authorized to** expend funds for hiring an attorney or procuring legal services.”

5 **Section 3. §3111 of Chapter 3 of Title 17 Guam Code Annotated is amended to**
6 **read:**

7 “**§3111. Guam Education Policy Board.** There is hereby created a Guam
8 Education Policy Board (*Board*). The Board shall consist of at least eleven (11)
9 members as follows:

10 (a) Nine (9) District Elected Voting Members. Nine (9) members of
11 the Board shall be elected through district-wide elections ~~at each~~ **in a**
12 General Election ~~for a term of two (2) years~~ **and in the manner described**
13 **in §3111.1.** Notwithstanding any other provision of law, except for the
14 student member and non-voting members, unclassified and contracted
15 employees of the Executive and Legislative Branches and all employees of
16 the Guam Public School System are not eligible to run **or serve**. The
17 candidates must be at least twenty-five (25) years old, an at least two (2)
18 year resident of Guam, and a resident and domiciliary in that District the
19 candidate will be representing for at least two (2) years immediately
20 preceding the date on which the member takes office and continuing
21 throughout the term. All candidates for the Board must be citizens of the
22 United States of America.

23 (b) One (1) Student Non-Voting Member. One (1) student member
24 of the Board shall be elected by the Island-wide Board of Governing
25 Students.

1 (c) Appointed Non-Voting Member. The Board shall appoint one
2 (1) non-voting member from a list of not less than three (3) nominees by
3 the exclusive bargaining unit which represents teachers and other
4 employees in the GPSS. The non-voting member shall serve a term of one
5 (1) year.

6 (d) Additional Non-voting members. The Board may add non-
7 voting, ex-officio members as needed. The terms for such ex-officio
8 members shall be determined by the Board.

9 (e) Votes needed for Action. Unless expressly provided for
10 elsewhere by public law, actions of the Board are carried by a vote of five
11 (5) voting members.

12 (f) Quorum A quorum for meetings of the Board shall consist of
13 five (5) voting members.

14 **Section 4. §3115 of Chapter 3 of Title 17 Guam Code Annotated is *amended to***
15 **read:**

16 **“§3115. Same: Term of Office of Elected Members.** The members of the
17 Board shall be elected by district at the next General Election or Special Election.
18 The terms of office of Board members elected pursuant to this Section shall
19 commence at 12:00 noon on the first Monday in January immediately following
20 the date they were elected and terminate at 11:59 a.m. on the first Monday in
21 January ~~immediately following the date of the next General Election~~ **four years**
22 **hence, except as provided in §3111.1 of this Chapter.”**

23 **Section 5. §3119 of Chapter 3 of Title 17 Guam Code Annotated is *amended to***
24 **read:**

25 **“§3119. Same: Officers of the Board.** Officers of the Board shall include

1 the Chairperson and Vice- Chairperson, and such other positions which the
2 Board deems necessary to effectively carry out its responsibilities. Such Board
3 officers upon election shall serve for a term of one (1) year. Board officers shall be
4 elected by a majority vote of the members of the Board during one (1) of the
5 Board's meetings held in ~~November~~ January of each year. ~~Members may serve~~
6 ~~as Chairperson for multiple terms, except that no person may serve as~~
7 ~~Chairperson for two (2) consecutive terms by succeeding oneself."~~

8 Section 6. §3111.1 of Chapter 3 of Title 17 Guam Code Annotated is *added to*
9 read:

10 "§3111.1 Provision for Staggered Elections. (a) Except as provided in
11 Subsection (b) of this §3111.1, each member of the Board shall be elected to
12 serve a term of four (4) years, commencing at 12 noon on the First (1st) Monday
13 in January following their election.

14 (b) At the election for members of the Board held at the General
15 Election in November 2008, and only at this election, five (5) candidates shall
16 each serve four (4) year terms, and four (4) candidates, one from each of the
17 four (4) districts, shall each serve two (2) year terms as follows:

18 1. Upon the Guam Election Commission's determination of the
19 nine (9) successful candidates, the successful candidate in each district
20 who received the lowest number of votes shall be certified to serve a
21 two (2) year term. The remaining successful candidates in each district
22 shall be certified to serve four (4) year terms."

23 Section 7. §4104 (c) of Chapter 4 of Title 17 Guam Code Annotated is *amended*
24 to read:

1 “(c) The District Boards of Education shall establish a standing committee
2 of the District Boards of Education called the Textbook Selection Committee (the
3 Committee), which shall be chaired by a member of the District Boards of
4 Education appointed by the chairperson of the District Boards of Education, and
5 shall consist of four (4) additional members, who may or may not be members of
6 the District Boards of Education, appointed by the chairperson of the Committee.
7 The chairperson shall make appointments from both the public and the private
8 school sectors. The District Boards of Education shall also establish two
9 subcommittees, one of which shall be composed of educators from the public
10 schools and the other of educators from the private schools. Each subcommittee
11 shall examine textbooks and make recommendations thereon to the Committee,
12 which will then make recommendations for adoption or disapproval of the
13 proposals to the District Boards of Education. Textbooks and other instructional
14 materials adopted for each grade and subject field shall come from a multiple
15 listing to meet the varying ability levels of elementary and secondary students in
16 the territory. The District Boards of Education shall also establish a textbook
17 adoption calendar setting forth the subjects or courses for each grade level that
18 are to be selected and ordered each year, on a rotation basis, not to exceed ~~five~~
19 ~~(5)~~ seven (7) years of continuous use for any one (1) textbook, and the critical
20 dates to be met each year. In addition, the District Boards of Education shall
21 establish a similar but separate calendar for the textbook ordering process which
22 will ensure that new and replacement textbooks are available in the classroom
23 for the opening of school each year.”