


MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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Bill No. 293 (EC)

Introduced by:

FT Ishizaki 

AN ACT TO REPEAL AND RE-ENACT §3103, §3111, AND §3113 AND TO REPEAL §3111.1 AND §3115, ALL OF CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REORGANIZATION OF THE GUAM EDUCATION POLICY BOARD.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §3103 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
3 *repealed* and *re-enacted* to read:

4 "§3103. Superintendent of Education.

5 The Superintendent of Education (the *Superintendent*) shall be the Chief
6 Executive Officer of the Guam Public School System. The Superintendent shall be
7 appointed by the Governor from a list of not less than three (3) nominees
8 recommended by the Board. The appointment of the Superintendent shall be
9 subject to the confirmation by *I Liheslaturan Guåhan* and shall be for a term of five
10 (5) years. Pending such confirmation, the position of Superintendent will be held in
11 an acting capacity by gubernatorial appointment.

12 In the case of temporary absence of the Superintendent, the Governor may
13 appoint an acting Superintendent. In the event of the termination, resignation,
14 incapacitation, or death of the Superintendent, the Board shall within sixty (60) days
15 submit a list of not less than three (3) nominees to the Governor for appointment.

16 The Superintendent shall:

- 1 (a) administer to the day-to-day activities of the Guam Public School System;
- 2 (b) enforce and implement the education policies of the Board;
- 3 (c) administer federal funds/programs on behalf of GPSS;
- 4 (d) serve as the approving authority for the expenditure of funds of GPSS;
- 5 (e) serve as the appointing authority for all personnel employed by GPSS;
- 6 (f) be the executive Secretary of the Board in an ex-officio, non-voting
- 7 capacity; and
- 8 (g) serve as GPSS's liaison with the Board, the Governor, and the
- 9 Legislature."

10 **Section 2.** §3111 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
11 *repealed and re-enacted* to read:

12 **"§3111. Guam Education Policy Board.**

13 There is hereby created a Guam Education Policy Board (*Board*). The Board
14 *shall* consist of nine (9) members as follows:

- 15 (a) **Four (4) Appointed Voting Members.** The Governor *shall* appoint one (1) voting
16 member from among each of the following for a three- (3-)year term, *except* that
17 the voting member pursuant to subsection (4) of this section *shall* serve a term of
18 two (2) years:
 - 19 (1) One (1) who is employed in an upper level managerial position in a private
20 business;
 - 21 (2) One (1) who is selected from a list of not less than three (3) nominees by the
22 Guam Parent Teacher Association Congress or its successor organization;
 - 23 (3) One (1) who is selected from a list of not less than three (3) nominees by the
24 exclusive bargaining unit which represents teachers and other employees
25 within GPSS; and
 - 26 (4) One (1) who is selected from a list of not less than three (3) nominees by the
27 Island-wide Board of Governing Students. Such nominees *shall* be students

1 of the Guam Public School System. If such appointee ceases to be a student of
2 the Guam Public School System, his term shall expire.

3 Appointed voting members shall be subject to the advice and consent of *I*
4 *Liheslaturan Guåhan*.

5 (b) **Five (5) District-Elected Voting Members.** Five (5) voting members *shall* be
6 elected through district-wide elections at each General Election. Each Elected
7 Voting member shall be elected to serve a term of two (2) years, commencing at
8 12:00 noon on the first Monday in January following their election.
9 Notwithstanding any other provision of law, *except* for the member selected
10 through §3111(a)(3), unclassified and contracted employees of the Executive,
11 Judicial, and Legislative Branches and all employees of the Guam Public School
12 System are *not* eligible to run. The candidates must be at least twenty-five (25)
13 years old, and at least two (2) year resident of Guam, and a resident and
14 domiciliary in that District the candidate will be representing for at least two (2)
15 years immediately preceding the date on which the members takes office and
16 continuing throughout the term. All members of the Board must be citizens of
17 the United States of America.

18 (c) **Votes Needed for Action.** Unless expressly provided for elsewhere by public
19 law, actions of the Board are carried by a majority vote of members present.

20 (d) **Quorum.** A quorum for meetings of the Board *shall* consist of six (6) voting
21 members.”

22 **Section 3.** §3111.1 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
23 *repealed*.

24 **Section 4.** §3113 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
25 *repealed* and *re-enacted* to read:

26 “§3113. **Same: Elected Members.**

- 1 (a) Five (5) elected members of the Board *shall* be elected by District (Title 3, Guam
 2 Code Annotated); provided, that candidates for such election shall be
 3 nominated only as provided in §3114 of this Chapter.
- 4 (b) The election provided for in this Section *shall* be non-partisan, and no political
 5 party shall directly or indirectly sponsor, nominate or endorse any of the
 6 candidates for such office.
- 7 (c) There shall be the following number of elected Board members for the following
 8 districts composed of the municipalities as set out in the following table:
 9

Number of Board District: Municipalities	Members
Distritun 'LAGU': Dededo and Yigo	Two (2)
Distritun 'KATTAN': Barrigada, Chalan Pago-Ordot, Maniglao, and Mongmong-Toto-Maite	One (1)
Distritun 'LUCHAN': Agana Heights, Asan-Maina, Hagåtña, Piti, Sinajana, and Tamuning	One (1)
Distritun 'HAYA': Agat, Inarajan, Merizo, Santa Rita, Talofofo, Umatac, and Yona	One (1)

10 "

11 **Section 5.** §3115 of Chapter 3 of Title 17 of the Guam Code Annotated is hereby
 12 *repealed.*

13 **Section 6. Implementation Provisions.** The provisions of this Act *shall* be effective
 14 immediately with the election of Board members pursuant to this Act taking place at the
 15 next General Election. Members of the Board elected subsequent to this Act *shall* serve
 16 until the remainder of their terms has expired. Upon passage of this Act, the Governor
 17 *may* begin appointing members to the Board, subject to the advice and consent of *I*
 18 *Liheslaturan Guåhan*. The first members appointed and elected through this Act shall
 19 commence their term at 12:00 noon on the first Monday in January of 2009. The Governor,
 20 as authorized by Section 1 of this Act, *shall* appoint the Superintendent immediately

1 following a vacancy in such position.

2 **Section 7. Severability.** *If* any provision of this Law or its application to any
3 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*
4 affect other provisions or applications of this Law which can be given effect without the
5 invalid provisions or application, and to this end the provisions of this Law are severable.