

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

Bill No. **47 (EC)**

Introduced by

R.J. Respicio  
M. Forbes  
T.R. Muña Barnes

**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.**

*edm*

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

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

4           **"§3104. Qualifications for the Superintendent of Education**  
5 **and Deputy Superintendent of Education.** (a) The Guam Education  
6 Policy Board ("Board") shall adopt the qualifications and  
7 compensation for the Superintendent of Education and Deputy  
8 Superintendent of Education, or any amendments thereto, provided  
9 that such qualifications must not be in conflict with the minimum  
10 qualifications established in this Section. The Superintendent of  
11 Education shall, at a minimum, possess the following qualifications:

12                   (1) A Master's Degree in Education, Business, Public  
13 Administration, or other related field from a ~~United States~~  
14 ~~accredited~~ college or university accredited by a United States

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

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

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

21 (b) ~~The Board shall conduct a public hearing to solicit input on~~

1 ~~its proposed qualifications and shall give five (5) days (Saturdays,~~  
2 ~~Sundays, and holidays excluded) public notice, and a second public~~  
3 ~~notice at least forty eight (48) hours prior to the start of the public~~  
4 ~~hearing. Such notice shall be published in a newspaper of general~~  
5 ~~circulation in Guam. The Board may use additional media such as~~  
6 ~~radio or television to advise the public if it finds it necessary to do so.~~  
7 ~~shall conduct a public hearing to solicit input on its proposed~~  
8 ~~qualifications and shall give five (5) days (Saturdays, Sundays, and~~  
9 ~~holidays excluded) public notice, and a second public notice at least~~  
10 ~~forty eight (48) hours prior to the start of the public hearing may add~~  
11 ~~additional qualifications provided that such qualifications are~~  
12 ~~consistent with the *Minimum Knowledge, Abilities and Skills* (KAS)~~  
13 ~~required for such job and that such qualifications are not~~  
14 ~~discriminatory under the provisions of the Equal Employment~~  
15 ~~Opportunity Act (42 U.S.C).~~

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

19 (d) In the event the Board decides to hire a Deputy  
20 Superintendent, the vote and public hearing requirements for the  
21 adoption of both the qualifications and compensation of the Deputy

1 Superintendent, shall be identical to those of the Superintendent of  
2 Education. The minimum qualifications of the Deputy  
3 Superintendent shall also be identical to those of the Superintendent  
4 of Education.

5 (e) In determining the salary for the Superintendent's and  
6 Deputy Superintendent's position, the Board may consider for salary  
7 benchmarks, the following: (1) comparable salaries for similar  
8 positions for other school districts within the United States of similar  
9 size to Guam's school district in terms of student enrollment, (2) the  
10 complexity, in terms of the *problem solving, accountability and know how*  
11 criteria, of the job as compared to similar level positions in other  
12 Government of Guam agencies and (3) the complexity, in terms of the  
13 *problem solving, accountability and know how* criteria, of the job as  
14 compared to similar level positions in other Education agencies  
15 within the Government of Guam."

o