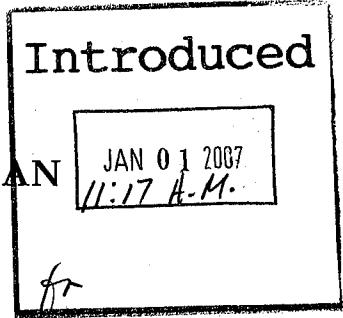


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MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session



Bill No. 9 (LS)

Introduced by:

J. T. Won Pat *JT*

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

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BE IT ENACTED BY THE PEOPLE OF GUAM:

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

"Article 3

School Community Based Management

§3301. Short Title.

§3302. Statement of Purpose.

§3303. Mandate to Implement School Community Based Management.

§3304. Implementation Dates.

§3305. Establishment of School Councils.

§3306. Membership of School Councils.

§3307. Training.

§3308. Functions of School Councils.

- 1 **§3309. Powers of School Councils.**
- 2 **§3310. School Council By-laws.**
- 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 2008”.

8 **§ 3302. Statement of Purpose.** It is the intent of *I Liheslaturan Guåhan* to
9 create public schools that are responsive to the needs of its students by means
10 of increasing school autonomy by reallocating some decision making
11 authority from the central office to the schools. This form of governance is
12 called School Community Based Management this allows those closest to the
13 schools, such as school principals, teachers, parents, school staff, students and
14 community members to participate in making educational decisions about
15 their schools

16 **§3303. Mandate to Implement School Community Based**
17 **Management.** The Superintendent shall develop for implementation, and the
18 Guam Education Policy Board shall adopt a plan and a process whereby all
19 public schools will eventually function within the system known as School
20 Community Based Management, including criteria and procedures permitting
21 schools to participate in establishing school councils within their campuses.

22 **§3304. Implementation Dates.** By September 1, 2008, each public
23 school may elect to implement School Community Based Management. By
24 September 1, 2012, all public schools within the Guam Public School System
25 shall have implemented School Community Based Management.

1 **§3305. Establishment of School Councils.** Each public school shall have
2 a school council to assist the school principal with school based decision
3 making and to provide parents with the opportunity for greater involvement
4 in their children's education.

5 **§3306. Membership of School Councils.** (a) Unless otherwise specified,
6 each school council shall establish policies governing the school council's
7 composition, election, operation and vacancies. The school council shall
8 consist of the following members:

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

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

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

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

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

16 (6) School principal.

17 (b) The Guam Education Policy Board shall determine the initial number of
18 school council members. One (1) year after the establishment of school
19 council, the school council shall have the authority to determine the number
20 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 school principal from
2 members within the electing body prior to the actual voting meeting. It shall
3 be the responsibility of the school principal to provide ballots to be used in the
4 election of parents or guardians, teachers, school staff and students to the
5 school council. The school principal shall give seven (7) days notice of the
6 public meeting where the initial members of the groups shall be elected,
7 clearly stating its purpose, time and place. The notice shall be posted at the
8 school administrative office and three (3) other locations at the school site, at
9 the 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 two (2) years,
12 except for the student member shall serve for a term of one (1) year.

13 (f) The school principal shall serve as chairperson of the school council.

14 (g) A parent or guardian member shall not be an employee of the Guam
15 Public School System or a member of the Guam Education Policy Board.

16 (h) A community member must be at least twenty-one (21) years old, reside at
17 least two (2) years within the school's attendance area and not have a child
18 enrolled in the school. A community member shall not be an employee of the
19 Department of Education or a member of the Guam Education Policy Board.

20 (i) Members of the school council shall not be compensated for their services.

21 **§3307. Training.** The Guam Education Policy Board shall provide a
22 training program to assist schools in establishing a school council and to assist
23 school council members in the performance of their duties. Such program
24 shall address the organization of councils, their purpose and responsibilities,
25 applicable laws, rules, regulations and meeting procedures.

1 **§3308. Functions of School Councils.**

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

3 (1) To determine the school policies within the frameworks of
4 Guam Statutes, Board Polices and Collective Bargaining
5 Agreement;

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

7 (3) To make recommendations in relation to reports made by the
8 principal;

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

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

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

15 (7) Any other function the Guam Education Policy Board
16 determines.

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

20 **§3309. Powers of School Councils.**

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

22 (1) To approve the school budget;

23 (2) To implement the school curriculum based on Guam
24 Education Policy Board policy;

25 (3) To review school textbooks and instructional materials;

1 (4) To establish a school codes for conduct and dress;

2 (5) To approve professional training days, subject to the school

3 Calendar year approved by the Guam Education Policy Board;

4 (6) To approve community use of school facilities;

5 (7) To develop a school improvement plan; that lays out objectives

6 for three (3) year period and reviews and revise the plan annually

7 to accomplish the achievement objectives established for the

8 school; and

9 (8) To approve the school's annual accountability report; and

10 (9) To implement extracurricular activities in the school including

11 determination of policies relating to student participation based

12 on academic evaluation and attendance requirements.

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

16 (c) The school principal shall have the authority to set aside any
17 decision made by the school council if the principal determines it to be in the
18 best interests of the school; provided that the school principal notifies in
19 writing to each school council member. If the school council opposes a
20 decision of the school principal, an appeal shall first be brought to the
21 Superintendent for resolution and, if necessary, to the Guam Education Policy
22 Board.

23 **§3310. School Council By-laws.** Each school council shall adopt the
24 by-laws and guidelines included herein and such additional by-laws and

1 guidelines as it deems appropriate to conduct the business of the council. The
2 by-laws must establish procedures for the following:

3 (a) Requiring a quorum to be present before a vote may be taken by the
4 school council. A majority of the membership of the council constitutes a
5 quorum.

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

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

11 (d) Replacing any member who has three (3) consecutive unexcused
12 absences from council meetings scheduled according to the procedures in the
13 bylaws.

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

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

20 (g) The school council shall submit the school council by-laws for Guam
21 Education Policy Board approval.

22 **§3311. Dissolution of School Councils.** The Superintendent may
23 request the Guam Education Policy Board to dissolve a school council if one of
24 the following negative conditions prevails:

25 (a) Fraudulent, criminal or unethical behavior;

- 1 (b) Internal dissension affecting morale at the school;
- 2 (c) Refusal to follow the policies of the Guam Education Policy Board
- 3 or to carry out school council responsibilities in accordance with
- 4 Guam Statutes and Collective Bargaining Agreement;
- 5 (d) Disruption of the educational climate; and
- 6 (e) Unresolved dispute between the school council and the principal.

7 **§3312. Re-establishment of School Councils.** The school principal

8 shall take all reasonable steps to re-establish a school council, if the school

9 council is dissolved in accordance with this Act.

10 **§3313. Waiver.** School councils may request a waiver of the Guam

11 Education Policy Board policies and the Collective Bargaining Agreements.

12 Waiver requests must be submitted in writing to the Superintendent. The

13 Superintendent will submit the waiver request and his/her recommendation

14 within five (5) days to the Guam Education Policy Board for final approval.

15 Policy waiver requests will be considered based on the district's mission

16 statement, philosophy, Guam Education Policy Board adopted goals and

17 effective schooling tenets. The Guam Education Policy Board shall address the

18 waiver within thirty (30) days after being notified in writing by the

19 Superintendent."

20 **Section 2. Severability.** If any of the provisions of this Act or the

21 application thereof to any person or circumstance is held invalid, such

22 invalidity shall not affect any other provision or application of this Act which

23 can be given effect without the invalid provision or application, and to this

24 end the provisions of this Act are severable.