

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
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WMM

Introduced by:

A.A. YAMASHITA, PhD *ay*

AN ACT TO ADD A NEW CHAPTER 14 TO DIVISION 2 OF TITLE 17, GUAM CODE ANNOTATED, TO REQUIRE THE GUAM DEPARTMENT OF EDUCATION TO CONTINUALLY UPDATE A 10-YEAR CAPITAL IMPROVEMENT PROJECT PLAN AND TO IDENTIFY FUNDING SOURCES FOR THE PROJECTS; AND, CITING THIS ACT AS THE “TEACHING AND LEARNING COMMUNITIES ACT.”

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

2 **Section 1. Findings and Intent.** *I Liheslaturan Guahan* finds that
3 the last Guam Department of Education 10-Year Capital Improvement
4 Project Plan created in June 1999, implemented through the years of 2000-
5 2010 has since expired, and there are no mechanisms in place to ensure that
6 plans are updated or continuously reviewed for adequacy, based on
7 conditions of facilities and changes in population.

8 *I Liheslatura* finds that the majority of GDOE schools face a
9 multitude of pressing issues including the need for maintenance and
10 preventive maintenance to allow for the accommodation of increasing school
11 enrollments, and to provide safe effective teaching and learning
12 environments.

13 Through the “Teaching and Learning Communities Act,” *I*
14 *Liheslatura* intends to provide public policy that will require GDOE to
15 continually maintain current 10-Year Capital Improvement Project Plans

1 with measures for review, benchmarks and milestones, and options for
2 funding.

3 **Section 2. Teaching and Learning Communities Act.** *A new*
4 chapter 14 to Division 2 of Title 17, Guam Code Annotated, is added to
5 read:

6 **“CHAPTER 14**
7 **TEACHING AND LEARNING COMMUNITIES ACT**

8 **§ 14101. Purpose.**

9 **§ 14102. Short Title.**

10 **§ 14103. Definitions.**

11 **§ 14103. Ten-Year Capital Improvement Project Plans.**

12 **§ 14104. Reporting Requirements.**

13
14 **§ 14101. Purpose.**

15 The purpose of the Guam Department of Education 10-Year Capital
16 Improvement Project Plan is to provide:

- 17 a.) a management tool and a guide to identify the most practical and
18 economical means of providing safe teaching and learning
19 environments;
- 20 b.) justification and guidance in preparing annual Capital
21 Improvement Project design and construction budgets;
- 22 c.) an outline for anticipated changes in terms of major facilities,
23 population needs and associated demands; and,
- 24 d.) indicators of future facilities costs for financial planning and
25 decision making.

26 **§ 14102. Short Title.** This Chapter may be cited as the “Teaching and
27 Learning Communities Act.”

28 **§ 14103. Definitions.** As used in this Chapter words are defined to mean:

- 1 a.) “Board” means the Guam Education Board.
- 2 b.) “Superintendent” means the Superintendent of Education of the
- 3 government of Guam.
- 4 c.) “CIP” means Capitol Improvement Project(s).
- 5 d.) “Plan” means a 10-Year Capital Improvement Project Plan.
- 6 e.) “Properties” means all lands belonging to the Department of
- 7 Education of the government of Guam.
- 8 f.) “Facilities” means all government of Guam Department of
- 9 Education public schools, non-instructional administrative support
- 10 buildings and relative structures.

11 **§ 14104. Ten-Year Capital Improvement Project Plans.**

12 The GDOE Superintendent shall prepare a 10-Year Capital
13 Improvement Project Plan that will be subject to Guam Education Board
14 approval.

15 1) **Plan provisions.** The Plan shall include as a basis, but is not limited to:

- 16 a.) An inventory of GDOE properties and facilities, which will include
- 17 at a minimum:
 - 18 i. each building/athletic field of individual school campuses
 - 19 and dates built;
 - 20 ii. the gross square footage of each building/athletic field on
 - 21 the school campus;
 - 22 iii. the dates that each building/athletic field was last
 - 23 renovated, repaired or improved;
 - 24 iv. whether or not copies of building plans are available and
 - 25 their location; and copies or location of registered maps
 - 26 of and title to each school campus.

27 b.) An assessment of needs to include at a minimum:

- i. an assessment as to the adequacy of the square footage for the school population/size;
- ii. an assessment as to the adequacy of the associated facilities, including – but not limited to— classrooms and instructional rooms, the common dining facility, library, restrooms, gymnasium and auxiliary facilities, auditorium, parking lot, hallways, covered walkways, administrative offices, and instructional support facilities; and,
- iii. an assessment of security of GDOE properties and facilities and energy-efficiency measures, to include an evaluation of cost effectiveness.

c.) Review and assessment of attendance areas: enrollment data and source of data.

d.) A list of projected capital improvement projects.

e.) Proposed annual budgets for capital improvement projects that will include a cost analysis that will include, at a minimum, projected cost comparisons for the demolition and rebuilding of facilities versus measures to rehabilitate and renovate; and projected expense for the construction of eco-friendly facilities and/or for the purchase of equipment/items to make facilities more energy efficient.

2) Review process. The Plan will undergo a review process as follows:

a.) The Plan shall be updated annually and the Superintendent and Board will determine whether significant revisions are required, based on available information.

b.) The Superintendent and Board shall implement a mid-range planning process every five (5) years and begin the planning phase for the next Plan in the final year of the current Plan, such that an updated

1 10-year Plan will be ready for implementation at the beginning of the
2 next 10-year cycle.

3 c.) The Plan will include provisions for all DOE Facilities to have
4 security monitoring and maintenance as part of contracts with
5 developers for buildings/facilities constructed under a build- lease and
6 lease-back contract.

7 **3) Implementation.** The GDOE 10-Year CIP Plan shall be implemented at
8 the start of each new decade.

9 **4) Reporting.** The GDOE shall transmit to *I Maga Lahen Guahan*, the
10 Governor of Guam, and the Speaker of *I Liheslaturan Guahan* a copy of
11 each 10-Year CIP Plan a year prior to implementation, and annual updates.

12 **Section 3. Funding Sources.** Notwithstanding any other provision of law,
13 funding to support the GDOE CIP may come from any or all of the
14 following sources, but is not limited to:

15 a) Leaseback Financing allowable pursuant to “*The Education*
16 *Facilities Construction Initiative Act of 2001*”; and,

17 b) Support Financing Vehicles such as the US Housing and Urban
18 Development Community Development Block Grant and US
19 Department of Education Qualified Zone Academy Bonds.