

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 428-31 (LS)

Introduced by:

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**AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF
TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO
PERFORMANCE-BASED CONTRACTS FOR
PRINCIPALS AND ASSISTANT PRINCIPALS.**

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

2 **Section 1.** A new §3223 is hereby *added* to Chapter 3 of Title 17 of the Guam
3 Code Annotated to read as follows:

4 **“§3223. Performance-Based Contracts for Principals and Assistant**
5 **Principals.**

6 (a) Notwithstanding any other provision of law, the Superintendent
7 *shall* have the authority to enter into a performance-based contract for the
8 purpose of obtaining a principal or assistant principal for a school.

9 (b) Performance-based contracts for principals and assistant principals
10 *shall* be for a term of three (3) years and to be reviewed annually.

11 (c) The first one hundred (100) days of the initial performance-based
12 contract is a probationary period. During the probationary period, the principal
13 or assistant principal may be dismissed without cause by the Superintendent.

14 (d) The Superintendent shall assemble a group of stakeholders which
15 shall be comprise of a retired principal, a retired assistant principal, a retired

1 teacher, a current principal, a current assistant principal, a current teacher, two
2 (2) parents of a child currently attending a public school, a member of the
3 Guam Education board (Board) and a member of the business community to
4 develop minimum standards to evaluate the performance of principals or
5 assistant principals which shall include the following:

6 (1) The Guam Administrator Standards adopted by the Guam
7 Education Board on August 8, 2007;

8 (2) Student performance and academic improvement attributed to the
9 responsibilities to the principal or assistant principal; and

10 (3) Teacher and parent input.

11 (e) The minimum standards to evaluate as described in subsection (d) in
12 this section are subject to Board approval. The evaluation of a principal must
13 be preformed by the Superintendent. The evaluation of the assistant principal
14 must be preformed by the Superintendent with the assistance of the principal.

15 (f) If, following the completion of the evaluation of a principal's or
16 assistant principal's performance, the Superintendent is of the opinion that the
17 principal or assistant principal is not performing his or her duties in a
18 satisfactory manner, the Superintendent may implement a performance
19 improvement program for the principal or assistant principal.

20 (g) The principal or assistant principal must participate in any such
21 performance improvement program in the manner required by the program.

22 (h) If the Superintendent is of the opinion that a principal's or assistant
23 principal's performance is still unsatisfactory following the completion of a
24 performance improvement program for the principal or assistant principal or
25 following the principal's or assistant principal's failure to participate in, or to
26 satisfactorily complete, such a program, the Superintendent may:

1 (1) dismiss the principal or assistant principal from the Department of
2 Education; or

3 (2) demote the principal or assistant principal to a lower position in the
4 Department of Education.

5 (i) Before taking any such action with respect to a principal or assistant
6 principal, the Superintendent must:

7 (1) notify the principal or assistant principal in writing of the proposed
8 action and the reasons for taking that action, and

9 (2) give the principal or assistant principal at least seven (7) days in
10 which to make written submissions to the Superintendent in relation to the
11 proposed action, and

12 (3) take into consideration any written submissions received from the
13 principal or assistant principal during that period.

14 (j) The Superintendent, with the assistance of the Deputy Superintendent
15 who has oversight of principals and assistant principals, *shall* implement a
16 professional development and training plan for each performance-based
17 contract principal or assistant principal that will address professional growth
18 areas and contain measurable output and benchmarks, that will be used as an
19 assessment tool to assist with the evaluations

20 (k) No later than (30) days prior to the expiration of the performance-
21 based contract of a principal or an assistant principal, the Superintendent shall
22 give written notice to the principal or assistant principal of the renewal or non-
23 renewal of his or her performance-based contract. If the Superintendent fails to
24 give written notice under this subsection the principal's or assistant principal's
25 performance-based contract is extended for twelve (12) months following the
26 expiration date of the performance-based contract.

1 (l) A principal or assistant principal may be suspended or dismissed at
2 any time during the term of performance-based contract; however, the charges
3 against him or her must be based on immorality, misconduct in office, gross
4 insubordination, willful neglect of duty, drunkenness, or being convicted or
5 found guilty of, or entering a plea of guilty to, regardless of adjudication of
6 guilt, any crime involving moral turpitude. Whenever such charges are made
7 against a principal or assistant principal, the Superintendent may suspend such
8 person without pay; but, if the charges are not sustained, he or she shall be
9 immediately reinstated, and his or her back salary shall be paid. In cases of
10 suspension, the Superintendent shall determine upon the evidence submitted
11 whether the charges have been sustained and, if the charges are sustained, shall
12 determine either to dismiss the principal or assistant principal or fix the terms
13 under which he or she may be reinstated. If the principal or assistant principal is
14 discharged, his or her performance-based contract of employment shall be
15 canceled.

16 (m) If an assistant principal with a minimum of three (3) years of
17 employment under a performance-based contract is employed as a principal, he
18 or she shall be exempted from subsection (c) of this section.

19 (n) An individual occupying the position of principal or assistant
20 principal for a minimum of two (2) years prior to the implementation of this
21 section shall be exempted from subsection (c) of this section.

22 (o) The evaluations of the principals and assistant principals shall be
23 posted on the Department of Education's website.

24 (p) This section shall take effect for the School Year 2013-2014. The
25 Superintendent may delay the implementation of this section until School Year
26 2014-2015 subject to Board approval.”