



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

MAY 10 2013

32-13-399

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date: 5/10/13  
Time: 4:22 PM  
Received by: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 58-32 (COR) "AN ACT TO AMEND §§6602 AND 6603; TO RE-CODIFY §6603 AS §6121; AND TO ADD A NEW §6703, ALL OF CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROTECTION OF STUDENT INFORMATION" which I signed into law on May 10, 2013 as Public Law 32-029.

*Senseramente,*

EDDIE BAZA CALVO

Attachment: copy of Bill

2013 MAY 13 AM 8:10

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

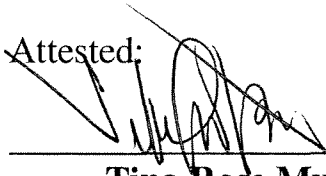
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 58-32 (COR)**, "AN ACT TO AMEND §§6602 AND 6603; TO RE-CODIFY §6603 AS §6121; AND TO ADD A NEW §6703, ALL OF CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROTECTION OF STUDENT INFORMATION", was on the 30<sup>th</sup> day of April, 2013, duly and regularly passed.



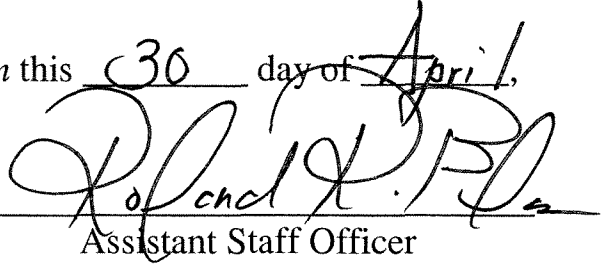
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



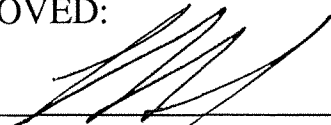
**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 30 day of April, 2013, at 2:00 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



**EDWARD J.B. CALVO**  
*I Maga'lahaen Guåhan*

Date: MAY 10 2013

Public Law No. 32-029

*I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
**2013 (FIRST) Regular Session**

**Bill No. 58-32 (COR)**

As substituted by  
the Committee on Education,  
Public Library and Women's Affairs;  
and amended on the Floor.

Introduced by:

V. Anthony Ada  
T. C. Ada  
Frank B. Aguon, Jr.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§6602 AND 6603; TO RE-CODIFY §6603 AS §6121; AND TO ADD A NEW §6703, ALL OF CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROTECTION OF STUDENT INFORMATION.**

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

2           **Section 1.** §6602 of Article 6 of Chapter 6 of Title 17, Guam Code Annotated,  
3 is *amended* to read:

4                   “§ 6602. Restrictions.

1 (a) *Unless* a government entity or school receives prior written  
2 informed consent from a minor's or student's parent or legal guardian, and  
3 provides for a copy of the document to be administered to be available for  
4 viewing at convenient locations and time periods, the government entity or  
5 school *shall not* administer to a minor or student any written academic or  
6 nonacademic survey, assessment, analysis, or evaluation, which reveals  
7 information concerning:

8 (1) political affiliations;

9 (2) mental and psychological (medical) problems potentially  
10 embarrassing to the student or the student's family;

11 (3) sexual behavior and attitudes;

12 (4) illegal, anti-social, and self-incriminating behavior;

13 (5) appraisals of other individuals with whom a respondent has a  
14 close family relationship;

15 (6) legally recognized, privileged, or analogous relationships,  
16 such as those of lawyers, physicians, and ministers;

17 (7) income, other than that required by law to determine  
18 eligibility for participation in a program or for receiving financial  
19 assistance under a program; or

20 (8) social security number.

21 (b) The government entity or school *shall* request prior written  
22 informed consent *at least* two (2) weeks prior to the administration of the  
23 survey, assessment, analysis, or evaluation.

24 (c) A minor or student *shall not* participate in any survey, assessment,  
25 analysis, or evaluation that concerns the issues listed in Subsection (a) of this  
26 Section *unless* the government entity or school district has obtained prior written  
27 informed consent from that minor's or student's parent or legal guardian.

1 (d) The following notice *shall* be prominently displayed on the first  
2 page of any survey as defined in Subsection (a) of this Section:

3 “*Notice: If you are younger than eighteen (18) years of age and a*  
4 *student in a public school, you should not complete this survey unless your*  
5 *parent or legal guardian has given their written permission for you to do so.*”

6 (e) This Section *shall not* apply to a survey, assessment, analysis, or  
7 evaluation that does *not* identify the taker of such survey, assessment, analysis,  
8 or evaluation.

9 (f) This Section *shall not* apply to a survey, assessment, analysis, or  
10 evaluation administered for the purpose of gathering information related to  
11 bullying, violations of school conduct or the *Criminal and Corrections Code*,  
12 the immediate health or safety of students or school staff, or conducted pursuant  
13 to federal law or regulation.”

14 **Section 2.** §6603 of Article 6 of Chapter 6 of Title 17, Guam Code Annotated,  
15 is *re-codified* as §6121 of Article 1 of Chapter 6 of Title 17, Guam Code Annotated,  
16 and is *amended* to read as follows:

17 “**§ 6121. Restrictions on Release of Directory Information.**

18 (a) A government entity or school *shall not* release the date of birth,  
19 addresses, email addresses and phone numbers of a minor student without the  
20 consent of the minor student's parent or legal guardian, *except* to allow  
21 emergency medical personnel to contact the student's parent or guardian in cases  
22 of medical emergencies, or as provided by (b), *infra*. A government entity or  
23 school *shall not* release the date of birth, addresses, email addresses or phone  
24 numbers of an adult student without the consent of the student, *except* to allow  
25 emergency medical personnel to contact the student's next of kin in cases of  
26 medical emergencies, or as provided by (b), *infra*. All other directory  
27 information *not* subject to parental or student consent by this paragraph may be

1 released subject to the provisions of 20 U.S.C. §1232g (Family Educational  
2 Rights and Privacy Act -FERPA).

3 (b) A government entity or school may release all directory  
4 information to law enforcement, public safety and child protective agencies,  
5 provided they are released pursuant to the provisions of 20 U.S.C. §1232g  
6 (Family Educational Rights and Privacy Act - FERPA).

7 (c) For purposes of this Section, *supra*, *directory information* shall  
8 have the same meaning as 20 U.S.C. 1232g(a)(5)(A).

9 (d) Nothing in this Section is intended to quash the release of any  
10 information required by a valid court order.”

11 **Section 3.** A new §6703 is *added* to Article 7 of Chapter 6 of Title 17, Guam  
12 Code Annotated, to read:

13 **“§ 6703. Exemption for IDEA Surveys.**

14 Any surveys that are conducted pursuant to the provisions of 20 U.S.C.  
15 §1400 (Individual with Disabilities Education Act - IDEA) or its successors are  
16 exempt from the provisions of this Article.”