

TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 140, "An Act to add Chapter 15 to Title XII of the Government Code of Guam to create a Nonpublic Elementary and Secondary Education Fund to finance the purchase of secular educational services from nonpublic schools on Guam and to establish the procedures whereby such fund shall be utilized", was on the 8th day of July, 1969, duly and regularly passed.



JOAQUIN C. ARRIOLA
Speaker

ATTESTED:



JAMES T. SABLAN
Legislative Secretary

This Act was received by the Governor this 16th day
of July, 1969 at 3:50 o'clock P.M.

/s/ DENVER DICKERSON

DENVER DICKERSON
Secretary of Guam

APPROVED:

✓/s/ Carlos G. Camacho

CARLOS G. CAMACHO
Governor of Guam

DATED: AUG 15 1969

3:45 P.M.

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TENTH GUAM LEGISLATURE
1969 (FIRST) Regular Session

Bill No. 140

Introduced by J. C. Arriola

AN ACT TO ADD CHAPTER 15 TO TITLE XII OF THE GOVERNMENT CODE OF GUAM TO CREATE A NONPUBLIC ELEMENTARY AND SECONDARY EDUCATION FUND TO FINANCE THE PURCHASE OF SECULAR EDUCATIONAL SERVICES FROM NONPUBLIC SCHOOLS ON GUAM AND TO ESTABLISH THE PROCEDURES WHEREBY SUCH FUND SHALL BE UTILIZED.

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

2 Section 1. Chapter 15 is hereby added to Title XII of
3 the Government Code of Guam to read as follows:

4 "CHAPTER 15

5 Section 11990. Short Title. This Chapter shall be
6 known and may be cited as the 'Nonpublic Elementary
7 and Secondary Education Act.'

8 Section 11991. Legislative Finding; Declaration of
9 Policy. It is hereby determined and declared as a
10 matter of legislative finding:

11 (1) That a crisis in elementary and secondary
12 education exists in the Nation and in the territory
13 involving (i) the new recognition of our intellectual
14 and cultural resources as prime national assets and of
15 the national imperative now to spur the maximum
16 educational development of every young American's
17 capacity; (ii) rapidly increasing costs occasioned by
18 the rise in school population, consequent demands for
19 more teachers and facilities, new but costly demands,
20 in the endeavor for excellence, upon education gener-
21 ally; the general impact of inflation upon the economy;
22 and the struggle of the territory, commonly with many
23 other American communities, to find sources by which
24 to finance education, while also attempting to bear
25 the mounting financial burden of the many other areas
26 of modern governmental responsibility;

1 (2) That nonpublic education in Guam today, as
2 during past recent decades, bears the burden of
3 educating approximately twenty per cent of all ele-
4 mentary and secondary school pupils in the territory;
5 that the requirements of the compulsory school attend-
6 ance laws of the territory are fulfilled through
7 nonpublic education;

8 (3) That the elementary and secondary educa-
9 tion of children is today recognized as a public
10 welfare purpose; that nonpublic education, through
11 providing instruction in secular subjects, makes
12 an important contribution to the achieving of such
13 public welfare purpose; that the governmental duty
14 to support the achieving of public welfare purposes
15 in education may be in part fulfilled through
16 government's support of those purely secular educa-
17 tional objectives achieved through nonpublic educa-
18 tion;

19 (4) That freedom to choose nonpublic education,
20 meeting reasonable territorial standards, for a
21 child is a fundamental parental liberty and a basic
22 right;

23 (5) That the territory has the right and free-
24 dom, in the fulfillment of its duties, to enter into
25 contracts for the purchase of needed services with
26 persons or institutions whether public or nonpublic,
27 sectarian or nonsectarian;

28 (6) That, should a majority of parents of the
29 present nonpublic school population desire to remove
30 their children to the public schools of Guam, an
31 intolerable added financial burden to the public would

1 result, as well as school stoppages and long term
2 derangement and impairment of education in Guam;
3 that such hazard to the education of children may be
4 substantially reduced and all education in the terri-
5 tory improved through the purchase herein provided of
6 secular educational services from nonpublic schools in
7 Guam.

8 Section 11992. Definitions. The following terms when-
9 ever used or referred to in this Chapter shall have the
10 following meanings, except in those instances where the
11 context clearly indicates otherwise:

12 (1) 'Nonpublic Elementary and Secondary Educa-
13 tion Fund' shall mean the fund created by this Chap-
14 ter.

15 (2) 'Secular educational service' shall mean
16 the providing of instruction in a secular subject.

17 (3) 'Secular subject' shall mean any course
18 which is presented in the curricula of the public
19 schools of Guam and shall not include any subject
20 matter expressing religious teaching, or the morals
21 or forms of worship of any sect.

22 (4) 'Nonpublic school' shall mean any school,
23 other than a public school, within Guam, wherein a
24 resident of Guam may legally fulfill the compulsory
25 school attendance requirements of law.

26 (5) 'Purchase secular educational service'
27 shall mean the purchase by the Director of Education
28 from a nonpublic school, pursuant to contract, of
29 secular educational service at the reasonable cost
30 thereof.

31 (6) 'Reasonable cost' shall mean the actual cost

1 to a nonpublic school of providing a secular educa-
2 tional service and shall be deemed to include solely
3 the cost pertaining thereto of teachers' salaries,
4 textbooks and instructional materials.

5 Section 11993. Nonpublic Elementary and Secondary
6 Fund. There is hereby created for the special purpose
7 of this Chapter a Nonpublic Elementary and Secondary
8 Education Fund dedicated to the particular use of pur-
9 chasing secular educational service consisting of courses
10 solely in the following subjects: mathematics, modern
11 foreign languages, physical science, and physical educa-
12 tion, provided, however, that as a condition for payment
13 by the Director of Education for secular educational
14 service rendered hereunder, the Director of Education
15 shall establish that (i) solely textbooks and other
16 instructional materials approved by the Department of
17 Education shall have been employed in the instruction
18 rendered; (ii) a satisfactory level of pupil performance
19 in standardized tests approved by the Department of
20 Education, shall have been attained; (iii) after five
21 years following the effective date of this Chapter, the
22 secular educational service for which reimbursement is
23 sought was rendered by teachers holding certification
24 approved by the Department of Education as equal to the
25 standards of this territory for teachers in the public
26 schools: Provided, however, that any such service rendered
27 by a teacher who, at the effective date of this Chapter,
28 was a full time teacher in a nonpublic school, shall be
29 deemed to meet this condition.

30 Section 11994. Administration. The administration
31 of this Act shall be under the direction of the Director

1 of Education, who shall establish rules and regulations
2 pertaining thereto, make contracts of every name and
3 number, and execute all instruments necessary or conve-
4 nient for the purchase of secular educational service here-
5 under. All expenses incurred in connection with the
6 administration of this Chapter shall be paid solely out
7 of the Nonpublic Elementary and Secondary Education Fund
8 and no money raised for the support of the public schools
9 of Guam shall be used in connection with the adminis-
10 tration of this Chapter.

11 Section 11995. Moneys for Fund. There is hereby
12 authorized to be appropriated the sum of Two Hundred
13 Thousand Dollars (\$200,000) as the initial contribution
14 to the Nonpublic Elementary and Secondary Education Fund.

15 Section 11996. Reimbursement Procedures. (a) Re-
16 quests for reimbursement in payment for the purchase of
17 secular educational service hereunder shall be made on
18 such forms and under such conditions as the Director of
19 Education shall prescribe. Any nonpublic school seeking
20 such reimbursement shall maintain such accounting proce-
21 dures, including maintenance of separate funds and accounts
22 pertaining to the cost of secular educational service, as
23 to establish that it actually expended in support of such
24 service an amount of money equal to the amount of money
25 sought in reimbursement. Such accounts shall be subject
26 to audit by the government of Guam. Reimbursement payments
27 shall be made by the Director in four equal installments
28 payable on the first day of September, December, March and
29 June of the school term following the school term in which
30 the secular educational service was rendered.

31 (b) Reimbursements for any fiscal year for the

1 purchase of secular educational service hereunder shall
2 not exceed the total amount of the moneys which were
3 actually paid into the Nonpublic Elementary and Se-
4 condary Education Fund in that fiscal year.

5 (c) In the event that, in any fiscal year, the
6 total amount of moneys which were actually paid into
7 the Nonpublic Elementary and Secondary Education Fund
8 shall be insufficient to pay the total amount of
9 validated requests hereunder in reimbursement for that
10 year, reimbursements shall be made in that proportion
11 which the total amount of such requests bears to the
12 total amount of moneys in the Nonpublic Elementary
13 and Secondary Education Fund.

14 Section 11997. Severability. If a part of this
15 Chapter is invalid, all valid parts that are severable
16 from the invalid part remain in effect. If a part of this
17 Chapter is invalid in one or more of its applications,
18 the part remains in effect in all valid applications that
19 are severable from the invalid applications."

20 Section 2. Effective Date. This Act shall take effect

21 July 1, 1969.