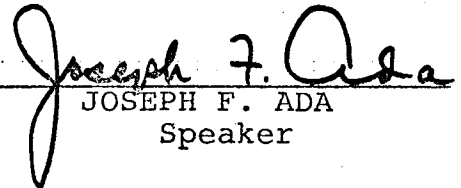


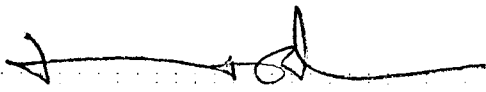
THIRTEENTH GUAM LEGISLATURE
1976 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

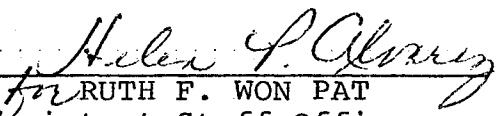
This is to certify that Bill No. 825, "An Act to add Chapter 14 A to Title XII of the Government Code to provide Educational and Training Facilities and Opportunities for all handicapped", was on the 3rd day of December, 1976, duly and regularly passed.


JOSEPH F. ADA
Speaker

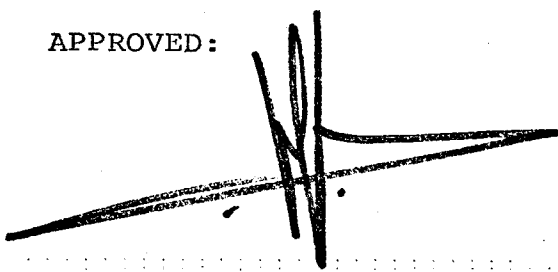
ATTESTED:


FRANK F. BLAS
Acting Legislative Secretary

This Act was received by the Governor this 9th day of December, 1976, at 2:15 o'clock 7 P.M.


for RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

DATED: December 21, 1976
11:40 AM
P.L. No. 13-207

THIRTEENTH GUAM LEGISLATURE
1976 (SECOND) Regular Session

Bill No. 825

Introduced by A. C. Ysrael

AN ACT TO ADD CHAPTER 14A TO TITLE XII
OF THE GOVERNMENT CODE TO PROVIDE
EDUCATIONAL AND TRAINING FACILITIES
AND OPPORTUNITIES FOR ALL HANDICAPPED.

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

2 Section 1. Chapter 14A is added to Title XII of the
3 Government Code to read:

4 "CHAPTER 14A

5 Educational and Training Facilities
6 and Opportunities for the Handicapped

7 Section 11980. Declaration of Public Policy. It
8 is and shall be the duty of the various branches and
9 divisions of the public school system of Guam to offer
10 free and appropriate educational and training services
11 and opportunities to all children of school age whether
12 normal, gifted, or handicapped regardless of the degree
13 of the handicap.

14 Section 11981. Purpose. (a) The purpose of this
15 part is to require that suitable special education and
16 training facilities, services, classes, and opportunities
17 be provided for all exceptional children of public
18 school age, or within the broader age limits hereinafter
19 provided.

20 (b) Handicapped children, for the purposes of
21 this and subsequent sections, include: children who
22 are classified as trainable mentally retarded or

1 educable mentally retarded, children with specific
2 learning disabilities, children who are blind, deaf
3 or hard of hearing, visually handicapped, severely
4 emotionally disturbed, children with health impairment,
5 speech and language disable children and orthopedically
6 handicapped children who require special educational
7 and/or training services, facilities and opportunities.
8 The Board of Education shall define the specific areas
9 of exceptionality.

10 (c) Children who have been identified and are
11 eligible for services in the categories described in
12 the preceding paragraph shall be not less than one
13 (1) year of age nor more than twenty-one (21) years
14 of age, subject to the rules and regulations of the
15 Board of Education and the Department of Public Health
16 and Social Services concerning the age groups of
17 children who may be reasonably taught or trained
18 together.

19 Section 11982. Identification for Special Educational
20 or Training Services Required for Exclusion from Normal
21 Classes. (a) The State Plan for Special Education will
22 assure that, to the maximum extent appropriate, handicapped
23 children (including children in public or private institu-
24 tions or other care facilities) are educated with children
25 who are not handicapped and that special classes, separate
26 schooling, or other removal of handicapped children from the
27 regular education environment occurs only when the nature or
28 severity of the handicap is such that education in regular
29 classes with the use of supplementary aids and services
30 cannot be achieved satisfactorily.

1 (b) The teacher may, upon the written consent
2 of the child's parents and/or guardian request the
3 Division of Special Education to begin the diagnostic
4 process, unless such a diagnosis or evaluation has
5 been made within the current calendar year.

6 (c) Re-evaluation of a child's progress within
7 his individualized educational plan will be required
8 every year.

9 (d) The parents and/or supervisor of special
10 education services may request a re-evaluation after six
11 (6) months of enrollment in a special education class.

12 (e) Each child identified for special educational
13 or training services shall be the subject of an
14 individualized instructional plan (IIP) to be developed
15 by the appropriate personnel. This plan shall be
16 developed by medical, psychological, educational, and
17 other concerned specialists, as required. Said IIP
18 shall outline the specific objectives to be reached
19 for by the child and shall contain a mechanism for
20 continuing re-evaluation in order to determine whether
21 the goals of said plan have been achieved.

22 Section 11983. Special Education Teachers, Classes,
23 Materials, Opportunities, Day Schools, Hospital Classes and
24 Home Instruction. The Board of Education shall, subject
25 to the limitations hereinafter specified, provide appropriate
26 special education teachers, aides, materials, and opportuni-
27 ties for all children diagnosed, in accordance with
28 applicable federal law, as needing special education, so that
29 such children shall be kept in normal school classes unless
30 the nature and severity of handicap requires the establishment

1 and maintenance of special classes. For the same purpose,
2 transportation shall be provided, as necessary, and the
3 removal of all architectural and other barriers including
4 the use of certified interpreters for the deaf and
5 transcribers and readers for the blind for blind students.

6 Whenever the best educational or training results can
7 be obtained by assembling special services for any of the
8 several types of children specified in Section 11981, the
9 Board of Education shall establish and maintain such special
10 educational services and/or training facilities and/or classes
11 for such children. Adjacent and nearby schools as well as
12 other departments and agencies of the government shall pool
13 their resources with the Department of Education for this
14 purpose.

15 Section 11984. Payment of Extra Cost of Instruction,
16 Education or Training of Handicapped and Other Exceptional
17 Children. (a) Whether the handicapped children certified
18 as needing or requiring the special educational or training
19 services as provided in Section 11982 are served in regular
20 classes, special classes, day schools, hospital classes, or
21 in their homes, each school is hereby authorized to include
22 in its program cost the salaries, according to the Official
23 Guam Teachers Salary Schedule, of each special education
24 teacher, therapist, and/or teacher's aide who is qualified
25 according to the requirements of the Board of Education and
26 who is engaged in the teaching or training, exclusively, of
27 handicapped who are eligible to receive such education or
28 training as specified herein and according to the rules and
29 regulations of the Board of Education.

30 (b) The allotment of teachers as hereinabove

1 These services shall be rendered under such rules and
2 regulations as the Department of Education may adopt.

3 Section 11985. Qualifications of Supervisors, Teachers,
4 Therapists, and Aides. No person shall be employed as
5 director, supervisor, therapist, teacher, or aide who does
6 not hold a valid degree or certificate as provided by law
7 or unless he has had such special training as the Board of
8 Education may require.

9 Section 11986. Purchase of Services. The Department
10 of Education may, with the consent and approval of the
11 Board of Education, contract with the Department of Public
12 Health and Social Services and Guam Memorial Hospital, or
13 approved private schools, facilities, or contractors for the
14 rendition of special educational and training services,
15 physical and occupational therapy, speech therapy and
16 auditory training, on the job training, or distributive
17 education to particular handicapped children when for valid
18 reasons it is not feasible or desirable for the Board of
19 Education to itself serve the particular child or children
20 to the same extent. This shall not relieve the Board of
21 Education or the Department of Education of its obligation
22 or supervision. In such event that the Board of Education is
23 authorized to pay tuition or training costs not to exceed
24 the average gross cost per educable student in the school
25 plus the pro rata part of the allotment provided above for
26 serving pupils requiring special education, training, or
27 opportunities. The time of payment may be determined by
28 contract.

29 No pupil shall be eligible for funds for contract
30 services under this Act unless he has been diagnosed

1 and evaluated as eligible to enroll in an appropriate
2 special education class or facility if such were
3 available in his school, following procedures put forth
4 in Section 11982.

5 Section 11987. Administration of Chapter. The entire
6 provisions of this Chapter shall be administered by the
7 Department of Education with the approval of the Board of
8 Education; and the Board of Education shall promulgate such
9 rules and regulations as it may deem necessary for the
10 proper administration of this Chapter.

11 The Board of Education shall prescribe the standards
12 and approve the conditions under which the facilities are
13 furnished or services purchased. The Director of the
14 Department of Education shall be responsible for administering
15 the same.

16 Section 11988. Cooperation With Other Agencies: gifts
17 or donations. School agencies are required to cooperate with
18 other agencies within the Territory, both public and private,
19 that are interested in working toward the education or
20 training or the alleviation of the handicaps or handicapped
21 children and other exceptional children, and said educational
22 agencies are authorized to accept gifts or donations, or
23 aid from such private agencies.

24 Section 11989. Advisory Committee. As Advisory
25 Committee composed of fifteen (15), or more persons
26 representing parents of handicapped children, consumer
27 groups, educators and the professionals involved shall be
28 appointed by the Board of Education to study and review the
29 activities of the existing Special Education programs to
30 determine if they are performing satisfactorily.

1 Section 11990. Names, Facts and Opinions to be
2 Furnished the Board of Education and the Department of
3 Education. It shall be the duty of all government agencies
4 offering services to handicapped children to provide
5 to the Department of Education or its designated competent
6 authorities, names, facts and opinions pertinent to the
7 proper educational or training placement of handicapped or
8 other exceptional children who are enrolled or who
9 expect to enroll in the public schools, and to advise
10 other volunteer agencies by the Board of Education of
11 those facts concerning any exceptional child in need
12 of the services provided by that agency.

13 The facts and opinions pertinent to the proper
14 education or training of handicapped and other exceptional
15 children shall so far as practicable be used in order to
16 provide services to children to enable them to remain in
17 the mainstream of education to the greatest degree that is
18 practical."