


FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 195, "An Act to add Chapter V-B to Title XII; repeal Sections 11406, 11407, 11409 and 11410; amend Section 11408 of the Government Code and to amend Section 252 of the Code of Civil Procedure to define pupil truancy and to provide for suspension and expulsion of pupils and for other purposes", was on the 6th day of July, 1977, duly and regularly passed.




JOSEPH F. ADA
Speaker

ATTESTED:



FRANK P. BLAS
Acting Legislative Secretary

This Act was received by the Governor this 12th day of
July, 1977 at 9:15 o'clock A.M.



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

APPROVED:

/s/ RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor of Guam

DATED: July 23, 1977
7:00 A.M.

Public Law No. 14-55

FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

Bill No. 195
As Substituted by the
Committee on Education

Introduced by

K. B. Aguon
B. D. Ada
J. F. Ada
F. F. Blas
E. M. Calvo
E. T. Charfauros
E. R. Duenas
J. R. Duenas
E. M. Espaldon
C. T.C. Gutierrez
A. M. Palomo
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F. J. Quitugua
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F. R. Santos
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T. V.C. Tanaka
J. H. Underwood
A. R. Unpingco

AN ACT TO ADD CHAPTER V-B TO TITLE XII;
REPEAL SECTIONS 11406, 11407, 11409 AND
11410; AMEND SECTION 11408 OF
THE GOVERNMENT CODE AND TO AMEND SECTION
252 OF THE CODE OF CIVIL PROCEDURE TO
DEFINE PUPIL TRUANCY AND TO PROVIDE FOR
SUSPENSION AND EXPULSION OF PUPILS AND
FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter V-B is added to Title XII of the
3 Government Code to read:

4 "CHAPTER V-B

5 Pupil Truancy, Suspension and Expulsion

6 Section 11460. Definitions. As used in this
7 Chapter:

8 (1) 'Board' means the Board of Education.

9 (2) 'Parent' means the parent, guardian or
10 other person who has the custody or responsibility for
11 the care of a child.

12 (3) 'Truant' means a pupil found to be absent
13 from school without a reasonable and bona fide excuse
14 from a parent for more than three (3) days during any
15 school year.

1 Section 11461. Habitual Truant. A pupil is an
2 habitual truant if he has been reported as a truant
3 three or more times. If any pupil is an habitual
4 truant, the principal of his school shall request the
5 Director to file a petition concerning such habitual
6 truant in the Juvenile Court of Guam.

7 Section 11462. Attendance Officer. The Director
8 shall appoint an employee of the Department of Education
9 (the 'Department') as attendance officer. The
10 attendance officer, any peace officer or principal may
11 take into custody during school hours, without warrant,
12 any truant found away from his home and who has been
13 reported truant.

14 Section 11463. Same: Delivery of Truant. The
15 attendance officer upon taking a truant into custody,
16 shall deliver him promptly either to his parent or to
17 the school from which the pupil attends. If the child
18 is an habitual truant, the attendance officer, with the
19 concurrence of the principal of the pupil's school,
20 shall bring the child before the Juvenile Court.

21 Section 11464. Same: Disposition. The attendance
22 officer shall promptly report to the Department and to
23 the parent the disposition made by him of the truant.

24 Section 11465. Report to Court and Social Services.
25 Any pupil who has once been adjudged an habitual truant
26 or who is again reported as a truant one or more days
27 or is late to school for thirty or more minutes on one
28 or more days without excuse, shall be reported by the
29 Director or the attendance officer to the Juvenile
30 Court and to the Division of Social Services of the
31 Department of Public Health and Social Services.

1 Section 11466. Court Hearing. If the Court after
2 hearing, finds that the allegations of habitual truancy
3 are sustained by evidence, it may order that the child
4 be detained and maintained in a school supervised by
5 the Court for the remainder of the current school term,
6 or it may order that the child be turned over to the
7 custody of the Division of Social Services where he
8 shall be provided casework treatment and services.

9 Section 11467. Submission of Report. The
10 attendance officer shall report monthly to the Director
11 the number and types of reports and requests made by
12 each school in Guam pursuant to this Chapter and
13 whether each school within Guam has complied with the
14 provisions of this Chapter.

15 Section 11468. Authority for Suspension or
16 Expulsion of Pupil. The Board shall determine by
17 regulation the grounds for suspension or expulsion of
18 pupils from school and the procedure whereby such
19 suspension or expulsion is determined. Such regulation
20 shall include grounds for suspensions or expulsions,
21 length of suspensions, and the procedures for review of
22 suspension or expulsion orders. In adopting the
23 regulation establishing procedures for suspending or
24 expelling pupils, the Board shall follow the guidelines
25 established therefor by the Supreme Court of the United
26 States. Such hearings and procedures as are established
27 by the Board pursuant to this Chapter shall provide any
28 pupil against whom suspension or expulsion procedures
29 are initiated with due process of law. Such procedures

1 are exempt from the provisions of Chapter II of Title
2 XXV (the Administrative Adjudication Act) of this Code.

3 Section 11469. Student Discipline Advisory
4 Councils. In carrying out the provision of Section 11468,
5 the Board may authorize the creation of a Student
6 Discipline Advisory Council for each elementary and
7 secondary school. Such Councils shall be given the power
8 to establish standards of student behavior and shall have
9 authority to hear charges of violation of such standards
10 and to recommend appropriate disciplinary action to
11 the principal. The procedure for expelling pupils shall
12 require that before expulsion, the accused pupil be
13 given a hearing before the Student Discipline Advisory
14 Council of his school, if such exists."

15 Section 2. Item (5) is added to Subsection (a) of
16 Section 252 of the Code of Civil Procedure to read:

17 "(5) A 'truant' as defined in Section 11461 (3)
18 of the Government Code."

19 Section 3. Sections 11406, 11407, 11409 and 11410 of
20 the Government Code are repealed.

21 Section 4. Section 11408 of the Government Code is
22 amended to read:

23 "Section 11408. Liability for Injury to Property.
24 The parent or guardian of any pupil who wilfully cuts,
25 defaces, or otherwise injures in any way any property,
26 real or personal, belonging to a school, shall be
27 liable for all damages so caused by the pupil. The
28 parent or guardian of a pupil shall be liable to the
29 school for all property belonging to the school loaned
30 to the pupil and not returned upon demand of an employee
31 of the school authorized by the Director to make the
32 demand."