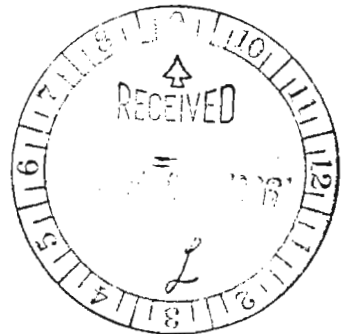
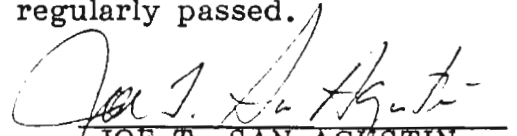


EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session



CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

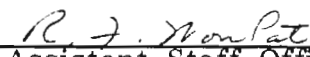
This is to certify that Substitute Bill No. 39 (LS), "AN ACT TO REPEAL AND REENACT 17 GCA §§4104 AND 4106 RELATIVE TO TEXTBOOKS," was on the 29th day of November, 1985, duly and regularly passed.


JOE T. SAN AGUSTIN
Acting Speaker

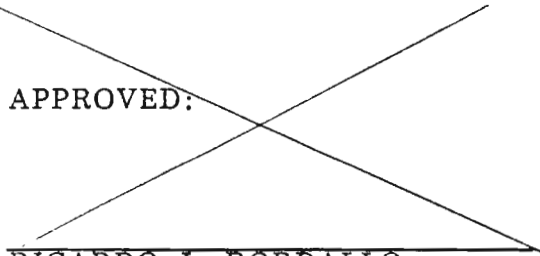
Attested:


ELIZABETH P. ARRIOLA
Senator and Legislative Secretary

This Act was received by the Governor this 3rd day of December, 1985, at 4:10 o'clock P.m.


Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam
Became Law without Governor's signature
Date: December 15, 1985

Public Law No. 18-23

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 39 (LS)
Substitute by Committee
on Education

Introduced by:

F. J. Quitugua
F. R. Santos
A. C. Lamorena III

C. T. C. Gutierrez
M. D. A. Manibusan
J. M. Rivera
P. C. Lujan

AN ACT TO REPEAL AND REENACT 17 GCA §§4104
AND 4106 RELATIVE TO TEXTBOOKS.

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

2 Section 1. 17 GCA §4104 is repealed and reenacted to read:

3 "§4104. Standards for Curriculum and Textbook Adoption. In
4 order to insure that the students of Guam's public and private schools
5 receive adequate textbooks according to their varying scholastic
6 abilities, the following curriculum and textbook adoption standards are
7 prescribed:

8 (a) The Territorial Board of Education shall adopt policies on the
9 curricular needs of the school system taking into account:

- 10 1. the varying scholastic abilities of students; and
11 2. the varying vocational interests of students upon
12 completing secondary education; and
13 3. the changing societal expectations of education.

14 The Board shall adopt policies pertaining to the review and
15 adoption of instructional materials, equipment and supplies including
16 textbooks and related materials for use by students attending school in
17 Guam.

18 (b) The Board shall not delegate or negotiate the responsibility
19 conferred in Subsection (a) of this Section unless:

1 1. the delegation of this duty is for expert or professional
2 work activities leading up to and in preparation for the adoption
3 of a multiple listing of textbooks; or

4 2. the delegation of this duty is for expert or professional
5 work activities leading up to curriculum adoption; or

6 3. duties are specified by law to be shared.

7 (c) The Board shall establish two subcommittees, one of which
8 shall be composed of educators from the public schools and the other
9 shall be composed of educators from the private schools. Each
10 committee shall examine textbooks and make recommendations thereon to
11 the Textbook Selection Committee and on to the Board. Textbooks and
12 other instructional materials adopted for each grade and subject field
13 shall come from a multiple listing to meet the varying ability levels of
14 elementary and secondary students in the territory.

15 (d) No school official or member of any committee created by the
16 Board shall accept any emolument, money, or other valuable thing, or
17 any inducement to directly or indirectly introduce, recommend, vote
18 for, or otherwise influence the adoption or purchase of any textbooks
19 or other instructional materials. Anyone who violates any of these
20 prohibitions shall be guilty of a misdemeanor and shall be removed
21 from the position occupied.

22 (e) The Territorial Board of Education shall select and adopt a
23 multiple list of textbooks for use by elementary and secondary grades.
24 The list of textbooks shall be based on the recommendations of the
25 subcommittees established pursuant to Subsection (c) of this Section.
26 The list shall consist of textbooks for each subject matter or course
27 that address the varying scholastic ability of students in Guam's
28 schools. No book shall be used for religious or sectarian purposes.
29 The Board shall act on the recommendation of the subcommittees and
30 Textbook Selection Committee thirty (30) days after submission."

31 Section 2. 17 GCA §4106 is repealed and reenacted to read:

32 "§4106. Free Use of Textbooks. (a) The Board shall provide
33 for the use in public elementary and secondary schools of Guam
34 without charge.

1 (b) The Board shall provide for use of adopted textbooks to
2 students in private elementary and secondary schools in Guam without
3 charge. Textbooks for use shall be requested by the school for the
4 students and shall be selected from the multiple adoptions approved by
5 the Textbook Selection Committee and the Territorial Board of
6 Education.

7 (c) The textbook-student ratio for textbooks used by the
8 students of private schools shall not exceed the textbook-student ratio
9 for textbooks used by the students of public schools where such
10 textbooks are provided for by the adoptions of the Board.

11 (d) The Board may sell such textbooks to any students wishing
12 to purchase them.

13 (e) The term 'Textbook' as used in this Section shall include
14 exercise books commonly known as workbooks.

15 (f) Students, or their parents, guardians or other persons
16 having control or charge over them, shall be responsible for all books
17 loaned to them, ordinary wear and tear excepted, and the Board may
18 adopt reasonable rules and regulations pertaining thereto and assess
19 charges, not exceeding replacement cost, for any book which is lost,
20 destroyed or otherwise damaged.

21 (g) The Board shall adopt policies with respect to the collection,
22 and disbursement of funds collected from public and private school
23 students as authorized in Section 4107 of this Chapter. The Board
24 shall report the total amount of fines collected to the Legislature no
25 later than June 30 of each year."

26 Section 3. Subsection (c) of 16 GCA §7123 is amended to read:

27 "(c) Color and design. A personalized license plates shall be
28 the same color and design as regular passenger vehicle, commercial
29 vehicle or trailer license plates, and shall consist of numbers or
30 letters, or any combination thereof not exceeding seven (7) positions
31 provided that there are no conflicts with existing passenger,
32 commercial, trailer, motorcycle or special license plates series or with
33 the provisions of §§7121 and 7122."

1 Section 4. If any provision of this Act or the application of this Act
2 is held unconstitutional, it shall not affect the validity of the other
3 applications or provisions thereof.

EIGHTEENTH GUAM LEGISLATURE

(P.L. 18 23)

ROLL CALL SHEET

Bill No.: _____

DATE: 11/29/85

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
* H. D. Dierking				✓
E. R. Duenas				
C. T. C. Gutierrez	✓			
F. J. Gutierrez				
A. C. Lamorena III	✓			
P. C. Lujan	✓			
M. D. A. Manibusan	✓			

* T. S. Nelson				
D. Parkinson	✓			
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

* out during

17

3



Franklin J. Arceo Quitugua

CHAIRMAN, COMMITTEE ON EDUCATION
EIGHTEENTH GUAM LEGISLATURE

P.O. Box CB-1, Agana, Guam 96910 • Tel: 472-3408/9, 477-9182

MEMBERS: *Senators E.P. Arriola, E.R. Duenas, H.D. Dierking, A.C. Lamorena III,*

T.S. Nelson, J.T. San Agustin, F.R. Santos, A.R. Unpingco

Committee Coordinator: *Ms. Ignacia T. Tajalle*

August 21, 1985

The Honorable C. T. C. Gutierrez
Speaker, Eighteenth Guam Legislature
P. O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Education to which was referred **Bill No. 39** as substituted by the Committee on Education, "**AN ACT TO REPEAL AND REENACT 17 GCA §§4104 AND 4106 RELATIVE TO TEXTBOOKS,**" has had the same under consideration and now wishes to report back the recommendations to do pass as substituted by the Committee on Education.

Votes on the above recommendation are as follows:

To Pass 6 Not to Pass 0
To Report Out Only 3 To Place in Inactive File 0
Off-Island 1

A copy of the Committee's report and pertinent documents are enclosed for your reference and information.

Sincerely,


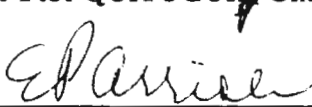
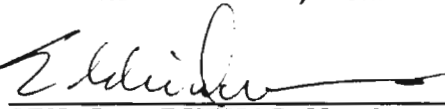

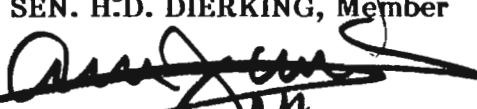

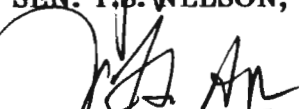
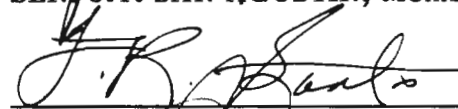

FRANKLIN J. A. QUITUGUA

FJAQ/ecv

Enclosures

VOTE SHEET OF THE
 COMMITTEE ON EDUCATION ON
 SUBSTITUTE BILL NO. 39

AN ACT TO REPEAL AND REENACT 17 GCA
 §§4104 AND 4106 RELATIVE TO TEXTBOOKS.

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 SEN. F.J. QUITUGUA, Chairman	✓			
 SEN. E.P. ARRIOLA, Member	✓			
 SEN. E.R. DUENAS, Member			✓	
 SEN. H.D. DIERKING, Member	✓			
 SEN. A.C. LAMORENA, Member			+	
 SEN. T.S. NELSON, Member			✓	
 SEN. J.T. SAN AGUSTIN, Member	✓			
 SEN. F.R. SANTOS, Member	✓			
 SEN. A.R. UNPINGCO, Member	✓			

DEPARTMENT OF REVENUE & TAXATION

GOVERNMENT OF GUAM

855 WEST MARINE DRIVE
AGANA GUAM 96910
TEL: (671) 477-1040 TELEX: 721-0218 GOV GUAM



DAVE J. SANTOS
DIRECTOR

MICHELE B. SANTOS
DEPUTY DIRECTOR

NOV 15 1985

CHIEF OF POLICE
TAX COMMISSIONER
FINANCIAL COMMISSIONER
QUINCY LOAN COMMISSIONER
INDUSTRIAL COMMISSIONER
REAL ESTATE COMMISSIONER
AIR ADMINISTRATOR
SECURITIES ADMINISTRATOR
TCC ADMINISTRATOR

Honorable Frank R. Santos
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Senator Santos:

As per our telephone conversation, enclosed is draft language amending certain sections of Title 16 of the Guam Code Annotated relative to license plates.

We are requesting amendments to the existing statutes to provide for front and rear plates for all motor vehicles. In addition, we would like to expand the number of digits for personalized plates from six (6) to seven (7).

Enclosed is a study made by the Ohio Association of Chiefs of Police which substantiates the need for a two-plate system.

With respect to personalized plate expansion, six to seven spaces will allow the Department to better market sales of personalized plates which in effect provides as an anti-theft measure since most car thieves will be reluctant to steal cars with a name on it rather than letters or numbers.

In terms of cost, we have been assured from prospective bidders that the additional license plate for the front will be more cost effective.

License plates presently cost \$1.75 and are of poor quality. The new plates will cost a minimum of \$2.40 for both front and rear and are guaranteed to last five years.

As a last note, since we will be bidding the 1986 plates within a few days, we request that the amendments proposed be attached as a rider to the next bill passed by the Legislature.

Any help you can give on this issue will be really appreciated.

Sincerely yours,

DAVE J. SANTOS

Enclosure

REPORT OF THE
COMMITTEE ON EDUCATION
ON THE BILLS LISTED BELOW.

Bill No. 21 - An Act Relative to the Free Use of Textbooks in the Private Schools.

Introduced by: Speaker C. T. C. Gutierrez

Bill No. 102 - An Act Relative to the Free Use of Textbooks in the Private Schools.

Introduced by: Senator A. C. Lamorena III

Bill No. 118 - An Act Relative to the Free Use of Textbooks in the Private Schools.

Introduced by: Senators, E. R. Duenas, J. M. Rivera, M.D.A. Manibusan, et al

Bill No. 39 - An Act to Repeal and Reenact 17 GCA §4104 Relative to Textbook Adoption.

Introduced by: Senators F. J. A. Quitugua, A. C. Lamorena III and F. R. Santos

PREFACE

The Committee on Education conducted a public hearing simultaneously on all of the four (4) bills listed above since the substance of all four (4) proposed legislations are basically similar. The public hearing was conducted in the morning and continued into the afternoon on Thursday, February 7, 1985 in the Legislative Session Hall. Committee members present were as follows:

Senator Franklin J. Quitugua, Chairman
Senator Elizabeth P. Arriola, Member
Senator Eddie R. Duenas, Member
Senator Herminia D. Dierking, Member
Senator Alberto C. Lamorena III, Member
Senator Ted. S. Nelson, Member,
Senator Joe T. San Agustin, Member
Senator Francisco R. Santos, Member

BACKGROUND

Testimonies heard during the hearing were as follows:

1. Dr. Ione Wolf, Deputy Director of Education

Dr. Wolf testified on behalf of the Department of Education and read a prepared statement dated February 5, 1985 signed by Ms. Gloria B. Nelson, Director of Education. According to the testimony, the three bills (Bills nos. 21, 102, and 118) are almost identical in wording and their purpose is to provide textbooks to private schools without charge, a practice which has been followed by DOE for a number of years.

The Department of Education endorses passage of one of the three bills with the addition of the word "adopted" in Section 4106(b). As proposed, the paragraph would read as follows:

"The Board shall provide for use of private elementary and secondary schools of Guam without charge, such adopted textbooks as requested."

On Bill No. 39, the Department of Education presented a separate testimony, also dated February 5th and also signed by Mr. Gloria B. Nelson, Director of Education.

In this case, the Department of Education does not endorse passage of Bill No. 39 for the simple reason that enactment of a law cannot modify an existing contract. The contract referred to is the Board-Union Agreement currently in effect until September 1986.

Within the Agreement is a Board-Union Committee on curriculum and textbooks. Said Committee is purported to be the most active and beneficial committee within the Agreement. The Committee and its sub-committees extend far into every grade level and department within the public school system.

The Committee meets almost every week and would welcome the private schools to submit their recommendations on any curriculum item or book that is under study.

2. Mr. James T. Sablan, a Private Citizen

Mr. Sablan testified that he was against all the bills, Bill nos. 21, 102 and 118, including Bill No. 39. The first three bills have similar wordings and intent. However, Bill No. 39 has a hidden intent-to bridge the so called American principle of the separation of church and state.

Mr. Sablan went into a lengthy discussion expounding the American principle of separation of church and state, and traced its origin to the Virginia Statute of Freedom written by Thomas Jefferson. Thomas Jefferson inserted this same provision in the U.S. Constitution wherein the government has no business supporting or harming religion and, by the same token, religion shall not implore the government to do the work of the church. He suggested that the lawmakers heed the Jefferson legacy.

It became apparent that Mr. Sablan's main objection to the proposed legislations revolved around the elimination of the word "students" and replacing it with the words "elementary and secondary schools." To him, this violates the intent of the separation of church and state, is tantamount to giving direct appropriation to the schools (not to the students), violates Section 5(p) of the Organic Act and all such bills will not stand in court.

Mr. Sablan also perceived that all the bills have a hidden intent of blindfolding the people of Guam by trying to put into law wherein the private and parochial schools will have more say so and to include private school representative to sit in as a member of the Board subcommittee.

He suggested that the proposed bills are pro private schools based on the assumption that legislators and high government officials send their children to private schools. Mr. Sablan speculated, therefore, that "where your treasure is, there will be your heart."

Discussions which followed the foregoing testimonies include these topics.

- a. Possibly changing the titles of the bills by using the word "students" in place of "private schools."
- b. Parents in private schools are also taxpayers, perhaps paying double taxation.
- c. Bill No. 21, in Section 4104, appears to have the intent to take away the Director of Education's right to have input in the textbook adoption.
- d. Textbooks used in private schools must be adopted textbooks even if such a process require multiple adoption of textbooks.
- e. Textbook adoption is done by a Joint Board-Union Committee.
- f. Question arose on what happens to lost books that were purchased and given free to the schools
- g. There are no funds paid to the government for federally impacted fund for those students attending private schools.
- h. The present textbook adoption process may allow the private schools to participate and recommend but have no decision-making role.

i. There are no official parent nor student representations on the curriculum committees.

j. There are nine teacher membership appointed by GFT and nine members (usually administrators) appointed by the Director of Education on the Curriculum and Textbook Committee.

k. The Chair was quite disturbed by the position of DOE - that the present provision in law for the adoption of textbooks is working smoothly. The provision of Section 4104 restricts the authority for textbook adoption and centralizes that responsibility in one person, the Director of Education. The Chair also was concerned over the objection of DOE to Bill No. 39 because it contradicts an existing contract. The Chair believes that such an item is not a negotiable item to be placed in any Board-Union Contract. After receiving the test results of SRA, the Chair does not believe the people of Guam will continue to be satisfied with minimum standards. The word "minimum" is not acceptable to the Chair. Textbooks and curriculum are not part of working conditions and should not be a negotiable item. They are very much a part of management responsibilities.

l. "Minimum standards" is also a concern of DOE and is being addressed in the Department's Blueprint for Excellence in Education. Minimum standards is also not acceptable any more for the school system and the community.

3. Ms. Sheila Stevens, Executive Director, GFT

Ms. Stevens stated she concurred with DOE's testimony - that the committee system as it works now is the best way she has seen to get to all of the teachers and the books passed around to be reviewed by all the schools.

4. Sister Cecile M. Crisostomo, Superintendent of Catholic Schools

Sister Cecile introduced those with her at the witness stand - Rev. John Moore, Headmaster of St. John's School, Mr. James Nick, Principal of Mission Academy and Attorney Pete Perez.

Sister Cecile read her prepared testimony to the Committee. She referred to a Joint Statement formulated by the private schools sent to the senators for their study. Said joint statement expressed the deep concern for the many students in public and private schools whose learning potentials have not been duly challenged and enhanced. She seemed to attribute the lack of "more challenging textbooks and learning materials which are appropriate to their levels of achievement" as the cause, at least in part, to bored and unmotivated students, to perennial problems of disruptive behavior and loss of classroom discipline. Thus, students need to be challenged, to feel worthwhile, to build a healthy self-esteem. Their potentials need to be actualized. There is, therefore, the urgency for more challenging textbooks and learning materials which are appropriate to their levels of achievement.

5. Reverend John T. Moore, Headmaster of St. John's School

Reverend Moore stated that in reviewing all four bills under consideration, Bill nos. 21, 102, 118 and 39, that the first three bills are essentially the same in wording and that he chose to look at them as the immediate solution to a problem. Bill No. 39, on the other hand, is a more enticing solution to the same problem but as pointed out in the Joint Statement, presupposes something that doesn't exist and at the same time will consume a considerable amount of time in the preparation. Reverend Moore based his objection to Bill No. 39 on his experience in 1982 when the Director of Education established a committee to resolve the problem of developing a "multiple choice approved list." Such a list does not now exist and Reverend Moore is skeptical that one will materialize in the near future, for reasons as follows:

a. DOE appears to be disinterested in such a list. DOE has chosen to disregard its own need for such a list.

b. DOE abolished the "tracking" system and the purchasing of texts and instructional materials for advanced students. So, as long as DOE maintains that a multiple adoption list is not needed, there is no incentive for them to espouse one.

c. A multiple adoption list would take into account the needs of the Guam Community College (GCC) as well as the public schools in DOE and the private schools. This would be a very big task. In addition, a question of propriety may be raised of the Territorial Board of Education approving textbooks and instructional materials for GCC which has its own governing board.

Reverend Moore concludes his testimony by reiterating that Bill Nos. 21, 102 or 118 with minor revisions will meet the immediate problem of the financial burden of parents of students attending private schools.

6. Mr. James Nick, Principal of Guam Adventist Academy

Mr. Nick concurred with Reverend Moore's statement regarding the textbooks, particularly on the number of textbooks available on the list his school can order from the adopted list.

7. Mr. Pete Perez, Private Citizen

Mr. Perez reiterated and echoed the expression made both in the Joint Statement submitted by the private schools and the presentation made by Reverend John Moore.

Mr. Perez attempted to clarify that the aid being requested is not aid being requested for Cathedral, is not aid being requested for Seventh Day Adventist. Rather, it is aid in the form of textbooks for pupils who happen to go to private schools.

With respect to the three measures, Mr. Perez observed that there is unanimity in each presentation and all the bills are almost identical. And that both sides of the aisle seem to come down to the same conclusion - that somehow, someday, they have to facilitate the lending out of books to students in private schools. As to DOE's purview over the acquisition of textbooks for pupils in private schools, they are not losing their right of procurement, they are not losing the right of review, they are not losing the prerogative of acquisition. All that they were saying was there is a problem organizationally and statutorily in terms of facilitating the request of books for students in the private schools and the reality of actually getting them. The problem under the existing statute governing textbook adoption is that the books themselves do not offer a wide enough spectrum in order to facilitate the concept of giving the students the best we can to all of our children in Guam.

The only way to facilitate that concept, at least for students, in private schools is to give that latitude to both DOE and to the private schools themselves in having discretion in the acquisition of books.

Mr. Perez, through a discussion following his testimony, emphasized the immediate need of the private schools for acquisition of books to meet their needs. He would support Section 4104 in Bill No. 39 and Section 4106 in the other three bills. This would integrate the long range solution and relief for the immediate problem.

8. Mr. Steve Miles, Science and Math Teacher, Father Duenas Memorial School

Mr. Miles testified that he had participated in textbook adoption committees but had never succeeded in getting his recommendation approved.

Discussions following the foregoing testimonies include the topics or items listed below.

a. Textbooks adopted for public schools are geared to the majority and not for the ones at both ends of the bell curve.

b. The textbooks considered best to meet the needs of public schools may not be the best textbooks for the private schools, and vice versa.

c. The textbooks ordered by the private schools, if any of three bills is passed, will be screened by the Territorial Board of Education to determine its non-secular nature.

d. Textbooks procured by the private schools which were deemed as secular in nature, the private school will reimburse the government for the purchase costs.

e. Administration for reimbursement of lost textbooks paid by students is handled somewhat differently among the private schools.

g. There is no law governing lost books in private schools.

ANALYSIS OF BILL NOS. 21, 102, 118 & 39

The first three bills are similar in wording and content and are all intended to amend Sections 4104 and 4106, 17 GCA, relative to the free use of textbooks in the private schools. They each propose to delineate the textbook adoption responsibility of the Territorial Board of Education to textbooks for use in the public schools and shall provide textbooks as requested by the private schools provided they are not for secular/religious purpose.

Bill No. 39 also proposes to amend Section 4104 by including a textbook selection subcommittee to make the recommendation to the Board, instead of by the Director of Education under the existing statute. The subcommittee membership is specified and includes representation from private schools, PTA and GCC.

COMMITTEE FINDINGS

The Committee finds that:

1. All or practically all witnesses favor the passage of any of the three bills, Bill Nos. 21, 102, and 118 with some proposed amendments. DOE proposes adding the word "adopted" before the word "textbooks" in Section 4106(b). The most substantive change proposed by the private school representative has to do with inserting the phrase "by students attending private schools in place of "in the private schools" in the title and in the text as well.

2. The DOE proposed amendment would still retain within the Board the final authority for adoption of textbooks used in private schools.

3. Private school representatives opposed the DOE's amendment recommendation.

4. Private schools would like to make their own selection of textbooks without going through the adoption process of DOE.

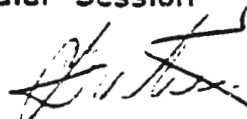
EXHIBITS

- | | | |
|-------------|---|---|
| EXHIBIT "A" | - | Testimonies of Ms. Gloria B. Nelson, Director of Education, as read to the Committee by Dr. Ione Wolf, both dated February 7, 1985. |
| EXHIBIT "B" | - | A Joint Statement of Position Representing the Catholic Schools of Guam, St. John's School and Guam Adventist Academy together with a cover letter from Sister Cecile M. Crisostomo dated February 1, 1985. |
| EXHIBIT "C" | - | Testimony of Sister Cecile M. Crisostomo, Superintendent of Catholic Schools. |
| EXHIBIT "D" | - | Testimony of Reverend John Moore, Headmaster of St. John's School. |

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 21 (COR)

Introduced by:


C. T. C. Gutierrez

AN ACT RELATIVE TO THE FREE USE OF TEXTBOOKS
IN THE PRIVATE SCHOOLS.

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

2 Section 1. Section 11203 of the Government Code (17 GCA Section
3 4104) is amended to read:

4 "§4104. Minimum Standards. The Director shall study problems
5 of textbooks and courses of study in the schools of the Territory and
6 may recommend to the Board the adoption of minimum standards for
7 courses of study in the schools of the Territory and shall also
8 recommend for adoption by the Board such textbooks for use in the
9 public schools of the Territory as will best implement such courses of
10 study."

11 Section 2. Section 11205 of the Government Code (17 GCA Section
12 4106) is repealed and reenacted to read:

13 "§4106. Free Use of Textbooks. (a) The Board shall provide
14 for the use of textbooks adopted for use in the public elementary and
15 secondary schools of Guam without charge.

16 (b) The Board shall provide for use of private elementary and
17 secondary schools of Guam without charge such textbooks as requested
18 provided that the textbooks are not for secular purposes.

19 (c) The Board may sell such textbooks to any student wishing to
20 purchase them.

21 (d) The term "textbooks" as used in this section shall include
22 exercise books commonly known as workbooks.

23 (e) Students or their parents, guardians or other persons
24 having control or charge over them shall be responsible for all books
25 loaned to them, ordinary wear and tear excepted, and the Board may

Bill No. 118145)Introduced by: E.R. Duenas
L.M. RIVERA *FM Room*
M.D.A. *Members*
*[Signature]*AN ACT RELATIVE TO THE FREE USE OF TEXTBOOKS
IN THE PRIVATE SCHOOLS.

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

Section 1. Section 11203 of the Government Code (17 GCA Section 4104) is amended to read:

"Section 4104. Minimum Standards. The Director shall study problems of textbooks and courses of study in the schools of the Territory and may recommend to the Board the adoption of minimum standards for courses of study in the schools of the Territory and shall also recommend for adoption by the Board such textbooks for use in the public schools of the Territory as will best implement such courses of study."

Section 2. Section 11205 of the Government Code (17 GCA Section 4106) is repealed and reenacted to read:

"Section 4106. Free Use of Textbooks. (a) The Board shall provide for the use of textbooks adopted for use in the public elementary and secondary schools of Guam without charge.

(b) The Board shall provide for use of private elementary and secondary schools of Guam without charge such textbooks as requested provided that the textbooks are not for religious purposes.

(c) The Board may sell such textbooks to any student wishing to purchase them.

(d) The term 'textbooks' as used in this section shall include exercise books commonly known as workbooks.

(e) Students or their parents, guardians or other persons having control or charge over them shall be responsible for all books loaned to them, ordinary wear and tear excepted, and the Board may adopt reasonable rules and regulations pertaining thereto and to assess charges, not exceeding cost, for any book which is lost, destroyed or otherwise damaged."

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 39 (LS)

Introduced by:

F. J. A. Quitugua

A. C. Lamorena III

E. R. SANTOS

AN ACT TO REPEAL AND REENACT 17 GCA §4104
RELATIVE TO TEXTBOOK ADOPTION.

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

2 Section 1. 17 GCA §4104 is repealed and reenacted to read:

3 "§4104. Standards for Textbook Adoption. (a) The Board shall
4 establish a subcommittee which shall study the problems of textbooks
5 and courses of study. The subcommittee shall be composed of nine (9)
6 members, six (6) of which shall be members of the Board and of the
7 six (6) board members, one (1) shall be the ex-officio member
8 representing private schools, one (1) shall be the President of the
9 Guam Parent Teachers Association, one (1) shall be the Director or
10 designee, and one (1) shall be the Provost of the Guam Community
11 College or designee.

12 (b) The subcommittee shall recommend to the Board, with the
13 assistance of teachers and administrators of the district, textbooks and
14 other instructional materials for each grade and subject field from a
15 multiple choice approved list to meet the instructional and varying
16 reading ability levels of students of the Territory. The Board may
17 involve citizens in the textbook selection process."



GLORIA B. NELSON
Director of Education

OFFICE OF THE DIRECTOR

DEPARTMENT OF EDUCATION
GOVERNMENT OF GUAM
P.O. BOX DE
AGANA, GUAM 96910
TEL.: 472-8901/2/3/4



IONE M. WOLF, Ed.D.
Deputy Director

February 5, 1985

The Honorable Franklin J. Quitugua
Chairman
Committee on Education
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Re: Bill Nos. 21, 102 and 118

Dear Senator Quitugua:

These three Bills are almost identical in wording. Their purpose is to provide textbooks to the private schools without charge, a practice which the Department of Education has been following for quite a number of years. These three Bills could gain the support of the Department of Education with the addition of one word in Section 4106(b). That is, the word "adopted" before the word "textbooks", making that paragraph read,

"The Board shall provide for use of private elementary and secondary schools of Guam without charge, such adopted textbooks as requested."

The remainder of the sentence ^{by whom?} would then be superfluous.

The differences between Bill 21 (secular purposes) and Bills 102 and 118 (religious purposes) would then be removed.

With this change, the Department of Education endorses passage of one of these three Bills.

Sincerely,


GLORIA B. NELSON

EXHIBIT "A" (1)



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Chairman
Committee on Education
Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Re: Bill No. 39

Dear Senator Quitugua:

The Department of Education does not endorse passage of Bill No. 39 for the very simple reason that enactment of a law cannot modify an existing contract.

There already exists in the present Teacher Agreement, a provision that a Joint Board-Union Committee shall review and recommend changes to curriculum and textbooks for the Department of Education. This Committee is probably the most active and beneficial committee within the scope of the Teacher Agreement. The Board puts great faith in its recommendations not only because of the membership of the actual Committee but because of the input from all of the sub-committees. These sub-committees extend into every grade level and subject department in every public school on Guam. Input is received from practically every teacher in the Department of Education.

Creation of another committee to do the same work would not be productive and could turn out to be counter productive. Present meetings of the Joint Committee welcome attendance of any one and every one at their meetings which take place almost weekly. The private schools are always welcome to submit their recommendations on any curriculum item or book that is under study.

The present Teacher Agreement will remain in effect until September 1986.

Sincerely,


GLORIA B. NELSON

F-4121T "A" (2)

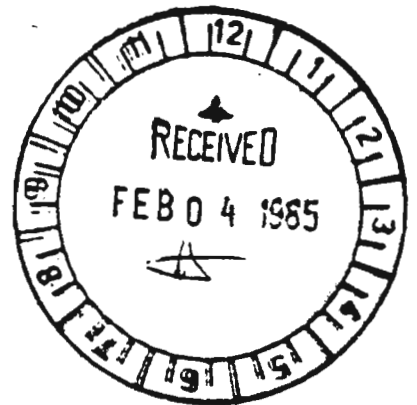


Catholic Education Office
Cuesta San Ramon Agana, Guam 96910

472-6116

February 1, 1985

Senator Franklin Quitugua
Chairman
Education Committee
18th Guam Legislature
Agana, Guam 96910



Dear Senator Quitugua,

May the Lord bless you for the work you do for Catholic education on Guam.

In my January 29th meeting with the Administrators representing St. John's School and the Guam Adventist Academy, to discuss common problems relating to textbooks and instructional materials encountered in all our private schools, we came to a common agreement that the proposed legislative measures would indeed be of great benefit to all our students in both public and private schools, in making possible greater access to academic materials which are not only appropriate to their level of achievement but are also a challenge to their learning potentials.

We would like to propose some modifications in the bills that are scheduled for hearing on February 7, 1985. For this, we request your assistance.

Attached is a copy of the ~~Joint Resolution of the Legislature Representing the Private Schools on Guam, which is scheduled for your hearing.~~

Should some further clarifications be necessary, please do not hesitate to let us know. We shall be very happy to call at your Office to discuss the matter fully.

We appreciate deeply the task you are doing for all our school children on Guam. May God bless you in abundance for the fine work you continuously do for the people of Guam.

Sincerely,

Sister Cecile Marie Crisostomo, SSND

Sister Cecile Marie Crisostomo, SSND
Superintendent of Catholic Schools
Archdiocese of Agana, Guam

EJUMIT "B"

A JOINT STATEMENT OF POSITION REPRESENTING THE CATHOLIC SCHOOLS
OF GUAM, ST. JOHN'S SCHOOL AND GUAM ADVENTIST ACADEMY

A review of Supreme court decisions affecting education, public and private, shows a consistent application of principles with respect to church-state relationship in education as to what is constitutional and what is not. Several of these deal with textbooks and instructional materials. Those statutes providing secular textbooks to school children attending private sectarian schools as well as to those attending public schools have consistently been deemed constitutional. The fact that the provision of secular textbooks to all school children serves a public interest and does not benefit the private interest of church schools or of parents of parochial school students in such a way as to violate the due process law of the Fourteenth Amendment is the key to its being constitutional. The Supreme Court took note that the aid goes to parents and students rather than to the religious schools directly and therefore would not be a state establishment of religion as proscribed by the First Amendment.

It has also been upheld by the Supreme court that it is constitutional for an act to authorize the lending of secular textbooks, either directly to non-public school children or through an intermediary such as a private school. Again the key seems to be that the students are the recipients of the textbooks and instructional materials, not the private schools.

With this in mind, and in order to alleviate possible grounds for challenge of the proposed acts here under consideration, we suggest some changes in wording in Bills 21, 102 and 118, all three of which appear to have the same wording:

1. We recommend a change in the wording of the title to read: "An Act Relative To The Free Use Of Textbooks By Students Attending Private Schools" to make it clear at the outset that the textbooks are for the students, not the schools.

2. That the phrase "and other instructional materials" be inserted in the fifth line of Section 4104 after the word "textbooks". In Section 4106 the word "textbooks" is given a broader definition but as worded it only applies to that section. In order to make sure that Section 4104 shares the same broad interpretation of the word "textbook", it is deemed advisable to add the foregoing phrase for clarity. (We note that Bill 39 proposes to deal with the problem the proposed legislature seeks to solve by a different approach. We shall comment on this approach subsequently but suffice it to say here that between the two approaches we prefer that taken by Bills 21, 102 and 118 over that proposed in Bill 39 for the reason that the former seems to be the more simple and hence less complicated method of solving the problem.)

3. In Section 4106 we assume that the drafters intended in paragraphs (a) and (b) to make a distinction between the textbooks adopted for use in public schools from those which may be provided as requested by private schools. If this assumption is correct then we recommend changing paragraphs (a) by inserting the words "all students of the Territory" between the words "of" and "textbooks" in the second line of paragraph (a) and substitute the words "the Territory" for "Guam" in the third line. The reason for this change is to make it clear that the textbooks adopted for use in the public schools could also be used by students in private schools without charge. The change from "Guam" to "Territory" is merely for consistency.

4. In paragraph (b) we recommend inserting the words "students attending" between words "of" and "private" in the first line; substituting the words "the Territory" for "Guam" and inserting the word "other" between the words "such" and "textbooks" in the second line; and

and "are" in the third line. The reason is to make it clear that the bill is providing secular textbooks to students attending private schools of the territory and not to the schools themselves.

5. In paragraph (d) we recommend further elaboration of your broadening of the definition of the term "textbooks" to include also "computer educational programs of a secular matter which are commonly referred to as software". We therefore recommend the insertion of these words after the word "workbook" in the second line.

The reason is that more and more schools, both public and private, on Guam and elsewhere, are using computer programs in conjunction with textbooks (called courseware), for drills and practices in all of the major subject areas, for skill development, and for computer managed instruction. These computer programs are just as much a supplement to texts as workbooks and ought to be recognized as such.

With respect to Bill 39, if this approach were to be taken as a way of solving the current problem (which we do not recommend for the reason stated above) we suggest a rewording of paragraph (b) as follows:

"(b) The subcommittee shall recommend to the Board for approval, with the assistance of teachers and administrators of the district, a list of such textbooks and other instructional materials as meet the instructional and varying reading ability levels of students of the Territory for each grade level and subject area which shall, when approved, constitute the multiple adoption list of approved texts and other instructional materials for use in all schools, public and private."

The reason is that as presently written the paragraph appears to imply that "a multiple choice approved list" of textbooks and other instructional material exists. We interpret this to be referring to the multiple adoption list which the private schools recommended that DOE provide in

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BY STUDENTS ATTENDING PRIVATE SCHOOLS

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(b) The Board shall provide for use of students attending private elementary and secondary schools of the Territory without charge such other textbooks as requested provided that the textbooks are secular and are not for religious purposes.

(c) The Board may sell such textbooks to any student wishing to purchase them.

(d) The term 'textbooks' as used in this section shall include other instructional materials such as workbooks and computer educational programs of a secular nature commonly known as software.

(e) Students or their parents, guardians or other persons having control or charge over them shall be responsible for all books loaned to them, ordinary wear and tear excepted, and the Board may adopt reasonable rules and regulations pertaining thereto and to assess charges, not exceeding cost, for any book which is lost, destroyed or otherwise damaged."

Introduced

JAN 14 '85

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 39 (LS)

Introduced by:

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