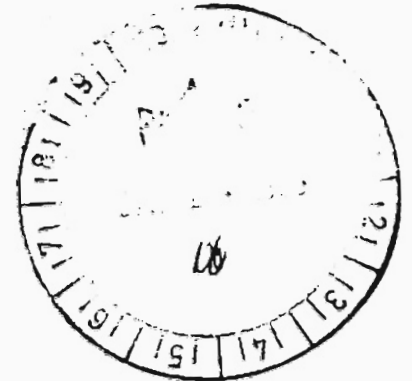




Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

JAN 23 1990



The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 891, which I have signed into law this date as Public Law No. 20-126.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank F. Blas".

FRANK F. BLAS
Governor of Guam
Acting

Attachment

200671

RECEIVED JAN 24 1990



TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 891 (COR), "AN ACT TO AMEND §4104 AND SUBSECTIONS (c) AND (g) OF §4106 OF TITLE 17, GUAM CODE ANNOTATED, TO REGULATE THE PROCUREMENT OF TEXTBOOKS FOR PUBLIC AND PRIVATE SCHOOLS," was on the 4th day of January, 1990, duly and regularly passed.



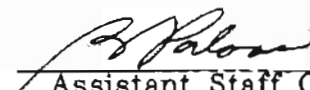
JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 12 day of Jan., 1990,
at 6:00 o'clock p.m.



Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: January 23 1990

Public Law No. 20-128

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 891 (COR)
As substituted by Committee
on Rules on 1/3/90.

Introduced by:

F. J. A. Quitugua
J. P. Aguon
C. T. C. Gutierrez

T. S. Nelson
M. D. A. Manibusan
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
P. C. Lujan
G. Mailloux
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. R. Santos
J. G. Bamba
D. F. Brooks
E. R. Duenas
E. M. Espaldon
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND §4104 AND SUBSECTIONS
(c) AND (g) OF §4106 OF TITLE 17, GUAM
CODE ANNOTATED, TO REGULATE THE
PROCUREMENT OF TEXTBOOKS FOR PUBLIC
AND PRIVATE SCHOOLS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. §4104 of Title 17, Guam Code Annotated, is hereby
3 amended to read:

4 "§4104. Standards for Curriculum and Textbook Adoption.

5 In order to ensure that the students of Guam's public and private
6 schools receive adequate textbooks according to their varying
7 scholastic abilities, the following curriculum and textbook adoption
8 standards are prescribed:

1 (a) The Territorial Board of Education (the "Board") shall
2 adopt policies on the curricular needs of the school system,
3 taking into account:

- 4 1. The varying scholastic abilities of students;
- 5 2. The varying vocational interests of students upon
6 completing secondary education; and
- 7 3. The changing societal expectations of education.

8 The Board shall adopt policies pertaining to the review,
9 adoption and procurement of instructional materials, equipment
10 and supplies including textbooks and related materials for use by
11 all students attending school in Guam.

12 (b) The Board shall not delegate or negotiate the
13 responsibility conferred in subsection (a) of this section unless:

- 14 1. The delegation of this duty is for expert or
15 professional work activities leading up to and in preparation
16 for the adoption of a multiple listing of textbooks; or
- 17 2. The delegation of this duty is for expert or
18 professional work activities leading up to curriculum
19 adoption; or
- 20 3. Duties are specified by law to be shared.

21 (c) The Board shall establish a standing committee of the
22 Board called the Textbook Selection Committee (the "Committee"),
23 which shall be chaired by a member of the Board appointed by
24 the chairperson of the Board, and shall consist of four (4)
25 additional members, who may or may not be members of the
26 Board, appointed by the chairperson of the Committee. The
27 chairperson shall make appointments from both the public and the
28 private school sectors. The Board shall also establish two
29 subcommittees, one of which shall be composed of educators from
30 the public schools and the other of educators from the private
31 schools. Each subcommittee shall examine textbooks and make
32 recommendations thereon to the Committee, which will then make
33 recommendations for adoption or disapproval of the proposals to
34 the Board. Textbooks and other instructional materials adopted

1 for each grade and subject field shall come from a multiple listing
2 to meet the varying ability levels of elementary and secondary
3 students in the territory. The Board shall also establish a
4 textbook adoption calendar setting forth the subjects or courses
5 for each grade level that are to be selected and ordered each
6 year, on a rotation basis, not to exceed five (5) years of
7 continuous use for any one (1) textbook, and the critical dates to
8 be met each year. In addition, the Board shall establish a similar
9 but separate calendar for the textbook ordering process which
10 will ensure that new and replacement textbooks are available in
11 the classroom for the opening of school each year.

12 (d) It shall be the duty of the Committee to:

13 1. Establish the criteria for the selection of texts for
14 use by students attending public and private schools in
15 Guam and ensure that such criteria are met;

16 2. Review the curriculum changes and textbook
17 adoption proposals submitted to it by the subcommittees, and
18 make recommendations to the Board to adopt or disapprove
19 proposals of the subcommittees, and state the reasons
20 therefor;

21 3. Review the list of textbooks requested by the
22 public and private schools for the next school year to ensure
23 that the textbooks were selected from the multiple listing of
24 textbooks adopted by the Board;

25 4. Recommend to the Board the amount of advance
26 appropriation necessary to purchase the textbooks; and

27 5. Ensure that the textbook adoption calendar and the
28 textbook ordering calendar established by the Board are
29 adhered to.

30 (e) No school official or member of any committee or
31 subcommittee created by the Board shall accept any emolument,
32 money, or other valuable thing, or any inducement to directly or
33 indirectly introduce, recommend, vote for, or otherwise influence
34 the adoption or purchase of any textbooks or other instructional

1 materials. Anyone who violates any of these prohibitions shall be
2 guilty of a misdemeanor and shall be removed from the position
3 occupied.

4 (f) The Board shall select and adopt a multiple list of
5 textbooks for use by elementary and secondary grades. The list
6 of textbooks shall be based on the recommendations of the
7 subcommittees established pursuant to subsections (c) and (d) of
8 this section. The list shall consist of textbooks for each subject
9 matter or course that address the varying scholastic abilities of
10 students in Guam's schools. The Board shall act on the
11 recommendation of the subcommittees and Committee within thirty
12 (30) days after submission.

13 (g) It is the policy of the Board that no public funds shall
14 be expended to purchase religious or sectarian books, or books
15 used for religious or sectarian purposes."

16 Section 2. Subsection (c) of §4106 of Title 17, Guam Code Annotated
17 is hereby amended to read:

18 "(c) The pro rata share for public schools and for private
19 schools of the total budgetary allocation for textbooks for each school
20 year shall be an equitable amount based upon the total enrollment of
21 students in kindergarten through the 12th grade (grades K-12) of
22 both the public and private schools. The amount apportioned for
23 private school students shall be the ratio of the total enrollment of
24 students in grades K-12 in both public and private schools for the
25 school year in which the textbooks are to be used, to the enrollment
26 of students in grades K-12 in private schools for that school year.
27 The amount to be apportioned for public school students shall be
28 calculated in the same manner using the enrollment of students in
29 public schools."

30 Section 3. Subsection (g) of §4106 of Title 17, Guam Code Annotated,
31 is hereby amended to read:

32 "(g) The Board shall adopt policies by means of rules if
33 necessary with respect to the collection of fines from public and
34 private school students and the disbursement of funds as authorized in

1 §4107 of this Chapter no later than March 15, 1990. The Board shall
2 report the total amount of fines collected to the Legislature no later
3 than June 30 of each year."

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 891

Date: 1/4/90

Resolution No. _____

QUESTION: _____

| | <u>AYE</u> | <u>NAY</u> | <u>NOT VOTING</u> | <u>ABSENT</u> |
|--------------------|------------|------------|-------------------|---------------|
| J. P. Aguon | ✓ | | | |
| E. P. Arriola | ✓ | | | |
| J. G. Bamba | ✓ | | | |
| M. Z. Bordallo | ✓ | | | |
| D. F. Brooks | ✓ | | | |
| H. D. Dierking | ✓ | | | |
| E. R. Duenas | ✓ | | | |
| E. M. Espaldon | ✓ | | | |
| C. T. C. Gutierrez | ✓ | | | |
| P. C. Lujan | ✓ | | | |
| G. Mailloux | ✓ | | | |
| M. D. A. Manibusan | | | | ✓ |
| T. S. Nelson | ✓ | | | |
| D. Parkinson | ✓ | | | |
| F. J. A. Quitugua | ✓ | | | |
| E. D. Reyes | ✓ | | | |
| M. C. Ruth | ✓ | | | |
| J. T. San Agustin | ✓ | | | |
| F. R. Santos | ✓ | | | |
| T. V. C. Tanaka | ✓ | | | |
| A. R. Unpingco | ✓ | | | |

20

1

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Introduced

Bill No. 891(COR)

Introduced by:

F. J. A. Quitugua
J. P. Aguon
C. T. C. Gutierrez

AUG 24 '89

AN ACT TO AMEND §4104 AND SUBSECTIONS
(c) AND (g) OF §4106 OF TITLE 17, GUAM
CODE ANNOTATED, ON PROCUREMENT OF
TEXTBOOKS FOR PUBLIC AND PRIVATE
SCHOOLS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. §4104 of Title 17, Guam Code Annotated, is hereby
3 amended to read:

4 "§4104. Standards for Curriculum and Textbook Adoption.

5 In order to ensure [insure] that the students of Guam's public
6 and private schools receive adequate textbooks according to their
7 varying scholastic abilities, the following curriculum and textbook
8 adoption standards are prescribed:

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

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

16 The Board shall adopt policies pertaining to the review,
17 [and] adoption and procurement of instructional materials,
18 equipment and supplies including textbooks and related materials
19 for use by all students attending school in Guam.

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

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

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

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

8 (c) The Board shall establish a standing committee of the
9 Board called the Textbook Selection Committee (the "Committee"),
10 which shall be chaired by a member of the Board appointed by
11 the chairperson of the Board, and shall consist of four (4)
12 additional members, who may or may not be members of the
13 Board, appointed by the chairperson of the Committee. The
14 chairperson shall make appointments from both the public and the
15 private school sectors. The Board shall also establish two
16 subcommittees, one of which shall be composed of educators from
17 the public schools and the other [shall be composed] of educators
18 from the private schools. Each subcommittee shall examine
19 textbooks and make recommendations thereon to the Committee,
20 which will then make recommendations for adoption[,] or
21 disapproval of the proposals [and on] to the Board. Textbooks
22 and other instructional materials adopted for each grade and
23 subject field shall come from a multiple listing to meet the varying
24 ability levels of elementary and secondary students in the
25 territory. The Board shall also establish a textbook adoption
26 calendar setting forth the subjects or courses for each grade
27 level that are to be selected and ordered each year, on a rotation
28 basis, not to exceed five (5) years of continuous use for any one
29 (1) textbook, and the critical dates to be met each year. In
30 addition, the Board shall establish a similar but separate calendar
31 for the textbook ordering process which will ensure that new and
32 replacement textbooks are available in the classroom for the
33 opening of school each year.

1 (d) It shall be the duty of the Committee to:

2 1. Establish the criteria for the selection of texts for
3 use by students attending public and private schools in
4 Guam and ensure that such criteria are met;

5 2. Review the curriculum changes and textbook
6 adoption proposals submitted to it by the subcommittees, and
7 to make recommendations to the Board to adopt or disapprove
8 proposals of the subcommittees, and state the reasons
9 therefor;

10 3. Review the list of textbooks requested by the
11 public and private schools for the next school year to ensure
12 that the textbooks were selected from the multiple listing of
13 textbooks adopted by the Board;

14 4. Recommend to the Board the amount of advance
15 appropriation necessary to purchase the textbooks; and

16 5. Ensure that the textbook adoption calendar and the
17 textbook ordering calendar established by the Board are
18 adhered to.

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

27 (f) [(e)] The [Territorial] Board [of Education] shall select
28 and adopt a multiple list of textbooks for use by elementary and
29 secondary grades. The list of textbooks shall be based on the
30 recommendations of the subcommittees established pursuant to
31 Subsections (c) and (d) of this Section. The list shall consist of
32 textbooks for each subject matter or course that address the
33 varying scholastic abilit[y]ies of students in Guam's schools. [No
34 book shall be used for religious or sectarian purposes.] The

1 Board shall act on the recommendation of the subcommittees and
2 [Textbook Selection] Committee within thirty (30) days after
3 submission.

4 (g) It is the policy of the Board that no public funds shall
5 be expended to purchase religious or sectarian books, or books
6 used for religious or sectarian purposes."

7 Section 2. Subsection (c) of §4106 of Title 17, Guam Code Annotated
8 is hereby amended to read:

9 "(c) [The textbook-student ratio for textbooks used by the
10 students of private schools shall not exceed the textbook-student ratio
11 for textbooks used by the students of public schools where such
12 textbooks are provided for by the adoptions of the Board.] The pro
13 rata share for public schools and for private schools of the total
14 budgetary allocation for textbooks for each school year shall be an
15 equitable amount based upon the total enrollment of students in
16 kindergarten through the 12th grade (grades K-12) of both the public
17 and private schools. The amount apportioned for private school
18 students shall be the ratio of the total enrollment of students in
19 grades K-12 in both public and private schools for the school year in
20 which the textbooks are to be used, to the enrollment of students in
21 grades K-12 in private schools for that school year. The amount to be
22 apportioned for public school students shall be calculated in the same
23 manner using the enrollment of students in public schools."

24 Section 3. Subsection (g) of §4106 of Title 17, Guam Code Annotated,
25 is hereby amended to read:

26 "(g) The Board shall adopt policies by means of rules if
27 necessary with respect to the collection of fines[, and disbursement of
28 fund] from public and private school students and the disbursement of
29 funds as authorized in Section 4107 of this Chapter no later than
30 March 15, 1990. The Board shall report the total amount of fines
31 collected to the Legislature no later than June 30 of each year."



SENATOR FRANKLIN J. ARCEO QUITUGUA

CHAIRMAN, COMMITTEE ON EDUCATION
TWENTIETH GUAM LEGISLATURE

Member of the Committees on Ways & Means; Rules; Energy, Utilities & Consumer Protection and Tourism & Transportation

December 28, 1989

The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Speaker San Agustin:

The Committee on Education and the Committee on Ways and Means to which was referred Bill No. 891, "AN ACT TO AMEND §4104 AND SUBSECTIONS (c) AND (g) OF §4106 OF TITLE 17, GUAM CODE ANNOTATED, ON PROCUREMENT OF TEXTBOOKS FOR PUBLIC AND PRIVATE SCHOOLS," have had the same under consideration and now wish to report their findings and recommendations.

The Committee on Education voting record of the bill is as follows:

| | |
|---------------------------|----------|
| To Do Pass | <u>9</u> |
| Not to Pass | <u>0</u> |
| To Report Out Only | <u>0</u> |
| To Place in Inactive File | <u>0</u> |
| Absent | <u>0</u> |

The Committee on Ways and Means voting record of the bill is as follows:

| | |
|---------------------------|-----------|
| To Do Pass | <u>10</u> |
| Not to Pass | <u>0</u> |
| To Report Out Only | <u>0</u> |
| To Place in Inactive File | <u>0</u> |
| Absent | <u>1</u> |

A copy of the report and all pertinent documents are enclosed for your information.

Sincerely,

FRANKLIN J.A. QUITUGUA

Enclosures

CARL T.C. GUTIERREZ
Chairman, Committee on
Ways and Means

Twentieth Guam Legislature
Committee on Ways & Means
Voting Sheet

BILL NO: 891

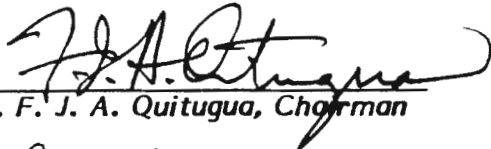

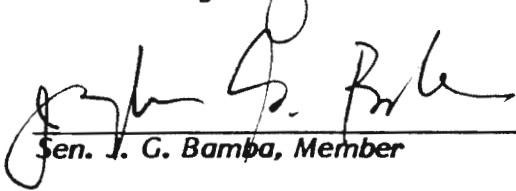
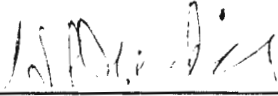

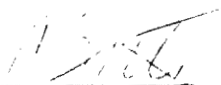


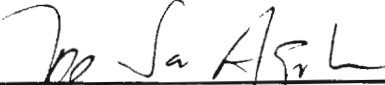
**AN ACT TO AMEND §4104 AND SUBSECTIONS
(c) AND (g) OF §4106 OF TITLE 17, GUAM CODE
ANNOTATED, ON PROCUREMENT OF TEXTBOOKS
FOR PUBLIC AND PRIVATE SCHOOLS.**

| | <u>TO PASS</u> | <u>NOT TO PASS</u> | <u>TO REPORT OUT ONLY</u> | <u>TO PLACE INACTIVE</u> |
|--|--------------------|------------------------|-------------------------------|------------------------------|
| <i>11/5/89</i> _____ Senator Carl T. C. GUTIERREZ Chairman | ✓ | | | |
| <i>W. Dierking</i> _____ Senator Herminia D. DIERKING Vice Chairman | ✓ | | | |
| <i>J.P. Aguon</i> _____ Senator John P. AGUON Member | ✓ | | | |
| <i>George Bamba</i> _____ Senator George BAMBA Member | ✓ | | | |
| <i>D. Brooks</i> _____ Senator Doris BROOKS Member | ✓ | | | |
| <i>Ernesto Espaldon</i> _____ Senator Ernesto ESPALDON Member | ✓ <i>12/29/89</i> | | | |
| <i>Marilyn Manibusan</i> _____ Senator Marilyn MANIBUSAN Member | ✓ | | | |
| <i>Ted S. Nelson</i> _____ Senator Ted S. NELSON Member | / | | | |
| <i>Don Parkinson</i> _____ Senator Don PARKINSON Member | ✓ | | | |
| <i>Franklin J. A. Quitugua</i> _____ Senator Franklin J. A. QUITUGUA Member | ✓ | | | |
| _____ Senator Martha C. RUTH | | | | |

VOTE SHEET
COMMITTEE ON EDUCATION

BILL NO. 891

AN ACT TO AMEND §4104 AND SUBSECTIONS
(c) AND (g) OF §4106 OF TITLE 17, GUAM CODE
ANNOTATED, ON PROCUREMENT OF TEXTBOOKS
FOR PUBLIC AND PRIVATE SCHOOLS.

| <u>MEMBERS</u> | <u>TO DO PASS</u> | <u>NOT TO PASS</u> | <u>TO REPORT OUT ONLY</u> | <u>TO PLACE IN INACTIVE FILE</u> |
|--|-----------------------|------------------------|-------------------------------|--------------------------------------|
|  <u>Sen. F. J. A. Quitugua, Chairman</u> | ✓ | | | |
|  <u>Sen. J. P. Aguon, Vice Chairman</u> | ✓ | | | |
|  <u>Sen. J. G. Bamba, Member</u> | ✓ | | | |
|  <u>Sen. H. D. Dierking, Member</u> | ✓ | | | |
|  <u>Sen. E. R. Duenas, Member</u> | ✓ | | | |
|  <u>Sen. C. T. C. Gutierrez, Member</u> | ✓ | | | |
|  <u>Sen. M. D. Manibusan, Member</u> | ✓ 12/28/89 | | | |
|  <u>Sen. D. Parkinson, Member</u> | ✓ | | | |
|  <u>Speaker J. T. San Agustin, Ex-Officio Member</u> | ✓ | | | |

REPORT OF THE
COMMITTEE ON EDUCATION
ON BILL NO. 891

AN ACT TO AMEND §4104 AND SUBSECTIONS (c) AND
(g) OF §4106 OF TITLE 17, GUAM CODE ANNOTATED,
ON PROCUREMENT OF TEXTBOOKS FOR PUBLIC AND
PRIVATE SCHOOLS.

PREFACE

The Committee on Education conducted a scheduled joint public hearing on Bill No. 891. The public hearing was held on Tuesday, October 31, 1989, in the Legislative Session Hall beginning at 9:00 a.m. Committee members present were as follows:

Senator Franklin J. A. Quitugua, Chairman
Senator John P. Aguon, Vice Chairman
Senator Herminia D. Dierking, Member
Senator George Bamba, Member
Senator Eddie R. Duenas, Member

BACKGROUND

Testimonies heard on Bill No. 891 were as follows:

1. Mr. Manuel Q. Cruz, Chairman, Archdiocesan Board of Education

Mr. Cruz presented written testimony in favor of the bill. He stated that private schools have not been treated equally in terms of per student ratio and textbook procurement. He expressed his concern that some textbook orders and requests have been disapproved by the Department of Education.

2. Ms. Anita Sukola, Director, Department of Education represented by Ms. Isabel Montague, Acting Deputy Director

Ms. Montague read Director Sukola's written testimony on the bill. She stated the process described in Bill 891 is already implemented. She mentioned the inclusion of textbooks on the adopted list by the private schools seems to be the problem. She further stated the process stipulated by public law will ensure the procurement and adoption policy process is followed.

3. The Reverend Canon John T. Moore, Jr., Headmaster, St. John's School

Reverend Moore read favorable testimony on the bill. He stated that if the board follows the provision of §4104, the budgetary allocation for textbooks for each school year will be based on public and private schools' validated needs, and not on a formula which apportions the allocation on the basis of students enrolled. He mentioned that he was in favor of a textbook budgetary allocation on a validated need and not on some arbitrary sum determined by formula.

4. Mr. Raymond D. Fagan, Administrator/President Temple Christian School

Mr. Fagan submitted written testimony. He stated the school requests that the bill would in no way restrict the school in meeting the individualized needs of its students.

5. Mr. Roger Wood, Principal, Harvest Christian Academy

Mr. Wood submitted written testimony. He stated the school does not have any desire or intention of changing its curriculum. He mentioned that he would like to be assured that the proposed amendment of the bill would not restrict the school in choosing its curriculum and textbooks.

Discussions following the above testimonies were as follows:

a. Senator Quitugua queried Isabel Montague regarding the Director's position on the bill. Ms. Montague replied that many changes stipulated in the bill have been adopted. She stated that the Department has a textbook adoption committee.

b. Senator Dierking asked how much money was allocated to the public and private schools. Isabel Montague stated approximately \$4 million was allocated to the public schools for newly adopted books and replacements. She mentioned approximately \$800,000 was allocated to the private schools.

c. Senator Dierking queried Ms. Montague on how the private schools' fair share is allocated. Ms. Montague replied that the private schools' share is based on their submission requests and not based on enrollment percentage ratio.

d. Mr. Manuel Cruz stated in the past, the Catholic school's submission request was based on a set dollar amount allocated to the Catholic schools.

e. Chairperson Quitugua stated the Legislature is concerned with equity in the disbursements of funds to the private and public schools. He reiterated that this has not been the case in the past.

f. Reverend Moore stated the bill validates the rules and procedures which translate into dollars. He mentioned that he has never been asked what his textbook needs are.

g. Senator Quitugua suggested that we have to further explore the problem in reference to section 4104, subsection (c) of the bill.

ANALYSIS OF BILL NO. 891

It appears that those who testified on Bill No. 891 were in favor of amending the procurement of textbooks to Guam public and private schools from random budget and enrollment based dispersion to that of need.

Manuel Cruz's testimony that private schools have been treated unequally in terms of allocation of textbooks was supported by Ms. Montague statement that while \$4 million is allocated to public schools \$300 thousand is allocated to private schools.

It should be taken into consideration that there are more students in the public schools 25,000 as compared to those in the private schools 5,000 thus validating

the grossly unequal disbursement. But by basing textbook procurement on a set monetary appropriation, an uneven distribution of books to students of equal needs will result. Public schools may end up with an over supply while private schools may have to deal with a catastrophic lack. By changing the criterion of textbook procurement for budget based allocation to that of "validated" student need assumes the possibility that every student in both public and private schools will receive his share of books properly due him.

In addition Bill 891 allows for the establishment of a textbook selection committee. Although a textbook adoption committee has been in effect in the past, the new law allows for the formation of two (2) subcommittee, one composed of public school education and the other from the private sector.

Participation of private school representatives was minimal in the past selection committee. The revised committee will allow for the increased involvement of private school educators thus special private school problems and requests can be properly addressed.

By expanding private school participation the ineffective generalized approach to the differing public and private schools' curriculum will be curbed, resulting in a more viable approach to the individual program offered by the private and public sectors.

COMMITTEE FINDINGS

The Committee finds that there is a need for revising the present law dealing with textbooks for public and private schools. The majority of those who testified were in favor of Bill 891. The Committee recommends passage of Bill 891.

EXHIBITS

- | | | | |
|---------|-----|---|--|
| EXHIBIT | "A" | - | Written testimony of Mr. Manuel Q. Cruz, Chairman, Archdiocesan Board of Education. |
| EXHIBIT | "B" | - | Written testimony of Ms. Anita Sukola, Director, Department of Education. |
| EXHIBIT | "C" | - | Written testimony of Rev. Canon John T. Moore, Jr., Headmaster, St. John's School. |
| EXHIBIT | "D" | - | Written testimony of Mr. Raymond D. Fagan, Administrator/Principal, Temple Christian School. |
| EXHIBIT | "E" | - | Written testimony of Mr. Roger Wood, Principal, Harvest Christian Academy. |

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 891

Introduced by:

F. J. A. Quitugua
J. P. Aguon
C. T. C. Gutierrez

[Handwritten signatures and initials over the names]

to amend

AN ACT TO AMEND §4104 AND SUBSECTIONS
(c) AND (g) OF §4106 OF TITLE 17, GUAM
CODE ANNOTATED, ON PROCUREMENT OF
TEXTBOOKS FOR PUBLIC AND PRIVATE
SCHOOLS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. §4104 of Title 17, Guam Code Annotated, is hereby
3 amended to read:

4 "§4104. Standards for Curriculum and Textbook Adoption.

5 In order to ensure [insure] that the students of Guam's public
6 and private schools receive adequate textbooks according to their
7 varying scholastic abilities, the following curriculum and textbook
8 adoption standards are prescribed:

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

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

16 The Board shall adopt policies pertaining to the review,
17 [and] adoption and procurement of instructional materials,
18 equipment and supplies including textbooks and related materials
19 for use by all students attending school in Guam.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

- 1. the delegation of this duty is for expert or professional work activities leading up to and in preparation for the adoption of a multiple listing of textbooks; or
- 2. the delegation of this duty is for expert or professional work activities leading up to curriculum adoption; or
- 3. duties are specified by law to be shared.

(c) The Board shall establish a standing committee of the Board called the Textbook Selection Committee (the "Committee"), which shall be chaired by a member of the Board appointed by the chairperson of the Board, and shall consist of four (4) additional members, who may or may not be members of the Board, appointed by the chairperson of the Committee. The chairperson shall make appointments from both the public and the private school sectors. The Board shall also establish two subcommittees, one of which shall be composed of educators from the public schools and the other [shall be composed] of educators from the private schools. Each subcommittee shall examine textbooks and make recommendations thereon to the Committee, which will then make recommendations for adoption[,] or disapproval of the proposals [and on] to the Board. Textbooks and other instructional materials adopted for each grade and subject field shall come from a multiple listing to meet the varying ability levels of elementary and secondary students in the territory. The Board shall also establish a textbook adoption calendar setting forth the subjects or courses for each grade level that are to be selected and ordered each year, on a rotation basis, not to exceed five (5) years of continuous use for any one (1) textbook, and the critical dates to be met each year. In addition, the Board shall establish a similar but separate calendar for the textbook ordering process which will ensure that new and replacement textbooks are available in the classroom for the opening of school each year.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(d) It shall be the duty of the Committee to:

1. Establish the criteria for the selection of texts for use by students attending public and private schools in Guam and ensure that such criteria are met;

2. Review the curriculum changes and textbook adoption proposals submitted to it by the subcommittees, and to make recommendations to the Board to adopt or disapprove proposals of the subcommittees, and state the reasons therefor;

3. Review the list of textbooks requested by the public and private schools for the next school year to ensure that the textbooks were selected from the multiple listing of textbooks adopted by the Board;

4. Recommend to the Board the amount of advance appropriation necessary to purchase the textbooks; and

5. Ensure that the textbook adoption calendar and the textbook ordering calendar established by the Board are adhered to.

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

(f) [(e)] The [Territorial] Board [of Education] shall select and adopt a multiple list of textbooks for use by elementary and secondary grades. The list of textbooks shall be based on the recommendations of the subcommittees established pursuant to Subsections (c) and (d) of this Section. The list shall consist of textbooks for each subject matter or course that address the varying scholastic abilities of students in Guam's schools. [No book shall be used for religious or sectarian purposes.] The

1 Board shall act on the recommendation of the subcommittees and
 2 [Textbook Selection] Committee within thirty (30) days after
 3 submission.

4 (g) It is the policy of the Board that no public funds shall
 5 be expended to purchase religious or sectarian books, or books
 6 used for religious or sectarian purposes."

7 Section 2. Subsection (c) of §4106 of Title 17, Guam Code Annotated
 8 is hereby amended to read:

9 "(c) [The textbook-student ratio for textbooks used by the
 10 students of private schools shall not exceed the textbook-student ratio
 11 for textbooks used by the students of public schools where such
 12 textbooks are provided for by the adoptions of the Board.] The pro
 13 rata share for public schools and for private schools of the total
 14 budgetary allocation for textbooks for each school year shall be an
 15 equitable amount based upon the total enrollment of students in
 16 kindergarten through the 12th grade (grades K-12) of both the public
 17 and private schools. The amount apportioned for private school
 18 students shall be the ratio of the total enrollment of students in
 19 grades K-12 in both public and private schools for the school year in
 20 which the textbooks are to be used, to the enrollment of students in
 21 grades K-12 in private schools for that school year. The amount to be
 22 apportioned for public school students shall be calculated in the same
 23 manner using the enrollment of students in public schools."

24 Section 3. Subsection (g) of §4106 of Title 17, Guam Code Annotated,
 25 is hereby amended to read:

26 "(g) The Board shall adopt policies by means of rules if
 27 necessary with respect to the collection of fines[, and disbursement of
 28 fund] from public and private school students and the disbursement of
 29 funds as authorized in Section 4107 of this Chapter no later than
 30 March 15, 1990. The Board shall report the total amount of fines
 31 collected to the Legislature no later than June 30 of each year."



Catholic Education Office
Cuesta San Ramon Agana, Guam 96910

472-6116

TESTIMONY BEFORE
THE COMMITTEE ON EDUCATION
BOTH GUAM LEGISLATURE
LEGISLATIVE SESSION HALL
TUESDAY, OCTOBER 31, 1989

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Manuel S. Cruz, Chairman of the Archdiocesan Board of Education. I represent fourteen (14) Catholic schools in the Archdiocese of Agana, ranging from pre-kindergarten to 12th grades. We have a total enrollment of about 5,000 students.

I am here to testify in favor of Bill No. 891, "an Act to amend § 4104 and Subsections (c) and (g) of § 4106 of Title 17, Guam Code Annotated, on procurement of textbooks for public and private schools". This Bill deals with the concerns of private schools regarding the process whereby private schools' adoption of textbooks receives approval. Senator Duitugua and his staff, as well as the other sponsors of Bill No. 891, Senator Aguon and Senator Gutierrez, are to be congratulated and commended for addressing such concerns and incorporating them in Bill No. 891.

Everyone will admit that our private schools have had some serious problematic issues with Public Law 18-23 (effective December 15, 1985) as the Department of Education understands and interprets it. Our private schools have tried in vain to insist that the provisions of the public law (in which § 4104 and § 4106 are annotated in the Guam Code), be followed. In P.L. 18-23, it was clear what role the Territorial Board of Education must play in selecting and adopting textbooks for use in both public and private schools in Guam. However, the private schools have not been treated equally in terms of per student ratio and textbook procurement. Many a textbook adoption program have been limited to artificial amounts set by the Department of Education and approved by the Legislature. Many a textbook order and request have been disapproved by the Department of Education. Surely, this was not the intent of the Legislature.

EXHIBIT "A"

It is apparent that the amendments in Bill No. 891 are intended to clarify and/or correct the deficiencies of P.L. 18-25. With these amendments the private schools can breathe a little easier knowing that the 20th Guam Legislature saw fit to address a long standing issue in the area of equity for all school children on Guam regardless of whether they attend public or private schools.

On behalf of the schools and students of the Archdiocese of Agaña, we support Bill No. 891 and urge the members of the Committee to pass it in its entirety. Thank you, Mr. Chairman and members of the Committee, for the opportunity to testify in favor of Bill No. 891.



ANITA A. SUKOLA
 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



Deputy Director

October 4, 1989

Senator Franklin J. Quitugua
 Chairman, Committee on Education
 20th Guam Legislature
 163 Chalan Santo Papa
 Agana, Guam 96910

RE: BILL #891

Dear Senator Quitugua:

Textbooks have caused headaches between the private and public school systems here on Guam for years. It is the Department of Education's hope that this issue be reconciled as soon as possible.

It has been decided that the government will provide students at private schools with textbooks. The Department of Education has no problem with that. It seems the issue of procedure is what is giving Tylenol alot of business.

A Textbook Selection Committee is in place at the Department of Education. Private school representation is included on the Textbook Selection Committee. The Joint Board-Union Curriculum/Textbook Adoption Committee works closely with the School Program Consultants and their task forces complete the adoption process, the Joint Board-Union Curriculum/Textbook Adoption Committee acts on the recommendation. The Joint Board-Union Curriculum/Textbook Adoption Committee then forwards its recommendation to the Territorial Board of Education.

From the Territorial Board of Education's action, an adopted list of textbooks results. From the adopted lists of textbooks, books are ordered for private and public schools.

Basically, the process described in Bill 891 is already in place, at least as far as the Department of Education is concerned. A problem seems to be the inclusion of textbooks on the adopted list wanted by the private schools. Perhaps the clarification that the private schools must go through a similar process as the public schools will eradicate this problem. It is understood that the private schools also have a subcommittee that facilitates its adoption process. They must appear in front of the Department of Education Textbook Selection Committee. The Textbook Selection

Committee implements the same procedure for private schools as it does for public schools. Another problem seems to be the private schools going through the textbook adoption process in a timely manner so their books can be placed on the adoption list in time for procurement.

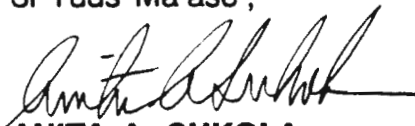
Bill 891 proposes that the Board of Education establish a textbook adoption calendar. The Curriculum and Instruction Office has developed such a calendar. The availability of personnel to facilitate curriculum development and evaluation and the availability of programs have been two problem areas that have hindered close adherence to the calendar.

Bill 891 proposes duties of a textbook selection committee. Many of these duties are presently being facilitated by the Curriculum and Instruction Office. Curriculum and Instruction staff welcomes the notion that the Textbook Selection Committee will be responsible for the described duties.

Perhaps if the private school system prefers not to follow the procedure stipulated by law, a procedure can be implemented where the private schools become directly responsible to the Guam Legislature. Would it be possible if the money allotted for textbooks for private schools be put in a separate account, and they then become solely responsible for those monies?

Bill 891 stipulates to a great extent, what is presently occurring. The idea that the process is being stipulated by public law will ensure that the process is followed. The duties and responsibilities proposed for the Textbook Selection Committee are certainly welcomed. Not only will some responsibility be lifted from the Curriculum and Instruction Office, but another layer of objectivity and validity will be lent to the textbook adoption process, a very expensive venture.

Si Yuus Ma'ase',



ANITA A. SUKOLA
Director of Education



ST. JOHN'S SCHOOL

911 Marine Drive Tumon Bay, Guam 96911 671-646-5626

25 October 1989

The Honorable Franklin J. Arceo Quitugua
Chairman, Committee on Education
Twentieth Guam Legislature
163 Chalan Santo Pago
Agana, GU 96910

Dear Senator Quitugua:

Pursuant to your letter of October 13, 1989, we accept your invitation to present testimony on Bill No. 891 - AN ACT TO AMEND §4104 AND SUBSECTIONS (c) AND (g) OF §4106 OF TITLE 17, GUAM CODE ANNOTATED, ON PROCUREMENT OF TEXTBOOKS FOR PUBLIC AND PRIVATE SCHOOLS, and offer herewith the following comments and recommendations:

The Committee on Education is to be commended for the work it has done in the revision to §4104. All of the shortcomings and confusion that issued from the original law have been clarified and a concise and orderly procedure has been established in Bill 891 that should, if followed, allow for the timely adoption and procurement of instructional materials, equipment and supplies including textbooks and related materials. We fully concur with the rewrite of this section and recommend its passage.

However, the rewrite of subsection (c) of §4106 of Title 17, Guam Code Annotated, while an improvement over the original law, still appears to be in conflict with the concept of need as established in §4104 and as advocated by DOE, the private schools and the Board. Please let me explain.

There are only three reasons why new textbooks and related instructional materials need to be ordered each year: (1) to replace those lost, worn out, or consumed, as in the case of workbooks, or (2) to provide the quantity needed when that exceeds the current inventory because of an increase in enrollment in a particular area; or (3) to introduce a newly adopted text or subject series for the first time.

Of all the reasons, number (3) involves the greatest cost and represents the majority of the procurement orders.

EXHIBIT "C"

Fortunately, §4104 of the bill sets up the machinery and makes provisions for the criteria, checks and balances needed for the Territorial Board of Education (Board) and the Legislature to exercise firm control over this part of the textbook procurement.

Number (2) is a clear cut need which carries its justification within itself. Any increase in enrollment in a given area will of necessity require a corresponding increase in the textbooks needed for that area. This usually represents a minor portion of the overall procurement orders.

Of the three, number (1) is probably the least troublesome and the least costly because it involves the least number of textbooks to be ordered and is partially covered by charging parents for lost books, provisions for which are adequately covered in Bill 891. It, too, carries its own justification because the quantity needed is based on a one-for-one replenishment of current inventory.

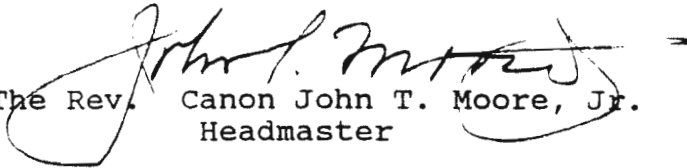
The point we are trying to make is that the concept of **quantity based on a justifiable need** is the essence of §4104 of Bill 891, a feature which we all espouse and hope to preserve, I believe. The attempt in **subsection (c) of §4106** to establish a formula to ensure that the amount of funds allocated for students in public schools is an equitable amount to that allocated to students in private schools effectively defeats the "needs" concept. In other words, if the board follows the provisions of §4104, the budgetary allocation for textbooks for each school year will be based on public and private schools validated needs, and not on a formula which apportions that allocation on the basis of student enrollment. To try to do both simultaneously is self-defeating; they are in complete opposition to one another. You have to make a choice between the two.

The reasonable choice, it would seem, is to base your textbook budgetary allocation on a validated need, not on some arbitrary sum determined by a formula, equitable though it be to public and private school students.

The whole idea of revising the textbook law was to get away from asking the legislature for a certain sum of money and then dividing that sum up in a fair way between public and private school students, ignoring in the process, the real needs of both. In our opinion §4104 is the way to go and we recommend that subsection (c) of §4106 be deleted in its entirety.

The remainder of the Bill 891 we support as written.

Thank you, Mr. Chairman, for this opportunity to state our views.


The Rev. Canon John T. Moore, Jr.
Headmaster

EMPLE CHRISTIAN SCHOOL

P.O. Box 3009
 Agana, Guam 96910
 477-9507

September 28, 1989

10/2/89

The Honorable Franklin J. Quitugua
 Senator, Twentieth Guam Legislature
 Chairman, Committee on Education
 163 Chalan Santo Papa
 Agana, Guam 96910

Dear Senator Quitugua:

Thank you for your letter dated September 21, 1989, in reference to Bill 891.

The proposed ammendment does create some concern for us in one particular area - curriculum. Since our beginning in September of 1976, Temple Christian School has utilized curriculum supplied by Accelerated Christian Education located in Lewisville, Texas. Accelerated Christian Education Inc. has been in existence since 1971. There are over 6,000 schools using this particular curriculum. The Accelerated Christian Education curriculum of individualized study is an alternative to the conventional classroom study. The parents of our students have selected this program of individualized study over other options, thus proclaiming their confidence in our curriculum and school.

Much of Temple Christian School's enrollment are students who performed poorly in the conventional classroom system, coming to us one and two years behind in the basic skills of English, Math, and Reading. We falut no one for this problem but desire the freedom to continue to help these poorly performing students to accomplish some measure of academic success. We are willing to compare our students to other students on the island through standardized testing. We have no desire or intention of changing curriculum. The tuition and school related charges that parents pay cover all Temple Christian School costs and we have no need of other curriculum adoptions as may be prescribed by a "committee" established by Bill 891.



000450

EXHIBIT "D"



We are concerned with Items 1 and 3, section 1, Subsection (d) on page 3. This appears to dictate that only textbooks/ curriculum selected from a "committee" approved list would be permitted to be used.

The Administration and Staff of Temple Christian School requests that the proposals of Bill 891 would in no way restrict us in continuing to use our established curriculum in meeting the individualized needs of our students. The testimony of our students parents would echo the same request.

Respectfully Submitted,

Raymond D. Fagan

Raymond D. Fagan,
Administrator/ Principal
TEMPLE CHRISTIAN SCHOOL

RF/cf

cc: Comittee Members



"The Fields Are White Unto Harvest"

Harvest Baptist Church

Independent and Fundamental

P. O. Box 23189
GMF, Guam 96921

John Lewis - Pastor
Church: 477-7136 / 477-6341-
Home: 632-1906

September 25, 1989

HARVEST CHRISTIAN
ACADEMY

HARVEST BAPTIST
BIBLE INSTITUTE

WORLD MISSIONS

BUS MINISTRY

YOUTH MINISTRY
PRO-TEENS
AWANA

PRISON MINISTRY

HOSPITAL MINISTRY

TRACT MINISTRY

The Honorable Franklin J. Quitugua
Senator, Guam Legislature
Chairman, Committee on Education
163 Chalan Santo Papa
Agana, Guam 96910

Dear Senator Quitugua:

Thank you for your letter of September 21. I appreciate the opportunity to respond, on behalf of Harvest Christian Academy, to Bill 891.

One possible interpretation of this proposed measure does cause us some concern. For several years, HCA has purchased the majority of its textbooks from A Beka Books located in Pensacola, Florida. This organization is widely recognized, has been in existence for nearly twenty years, and is used by over 17,000 schools worldwide. Much of the academic success of our school can be attributed to this curriculum.

Over the years HCA has given clear evidence of its position in regards to quality education on the island of Guam. We would be most willing, through standardized test scores, to compare our students academically with other students on the island, both public and private. However, we do not have any desire or intention of changing our curriculum. Neither would we wish to be bound by curriculum and textbook adoption standards prescribed by any agency.

Of particular concern are items 1 and 3 of section 1, subsection (d) page three. This would seem to indicate that only textbooks meeting certain criteria and selected from the multiple listing of approved textbooks would be allowed for use.

We would like to be assured that these proposed amendments would in no way restrict us in choosing curriculum and textbooks as we deem best for the needs of our students.

EXHIBIT "E"

We remain dedicated to the educational needs of Guam's youth. We have no problem with accountability. In a very real sense we are accountable to our parents every day. If we do not produce acceptable results they will no longer seek our services. We only wish to continue the educational process unimpeded.

If you need further clarification of our position, please feel free to contact us.

Sincerely,

HARVEST CHRISTIAN ACADEMY,

Roger Wood
ROGER WOOD,
Principal.

RW:bl

cc: Committee Members