



*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
UEFINAN IMAG'LAHI  
AGANA, GUAM 96910 U.S.A.

DEC 14 1994

The Honorable Joe T. San Agustin  
Speaker, Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 12/14  
TIME: 2:30  
RECD BY: [Signature]

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1051, which I have signed into law this date as  
Public Law 22-143.

Sincerely yours,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

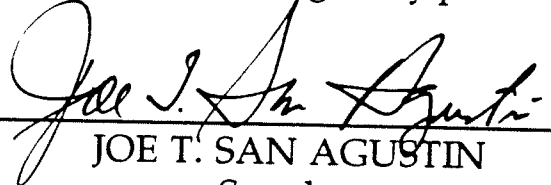
**220899**

Attachment

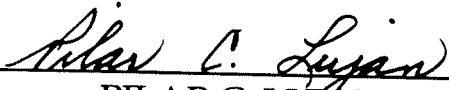
TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

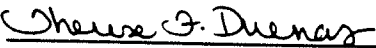
This is to certify that Substitute Bill No. 1051 (COR), "AN ACT TO INSURE THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES BY PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS, AND TO REQUIRE THAT THE DEPARTMENT OF EDUCATION WORK WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO IMPLEMENT THIS ACT," was on the 30th day of November, 1994, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

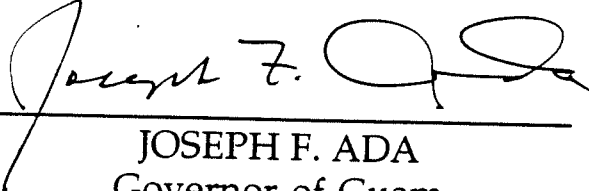
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 2nd day of December, 1994, at  
11:11 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: DEC 14 1994

Public Law No. 22-143

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

Bill No. 1051 (COR)

as substituted by the Committee on Education,  
and as further substituted on the floor

Introduced by:

M. Z. Bordallo  
T. C. Ada  
J. P. Aguon

---

E. P. Arriola  
H. D. Dierking  
C. T. C. Gutierrez  
P. C. Lujan  
T. S. Nelson  
V. C. Pangelinan  
D. Parkinson  
E. D. Reyes  
J. T. San Agustin  
F. E. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
F. P. Camacho  
M. D. A. Manibusan  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO INSURE THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES BY PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS, AND TO REQUIRE THAT THE DEPARTMENT OF EDUCATION WORK WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO IMPLEMENT THIS ACT.

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

2           **Section 1. Legislative intent.** The Legislature finds that over the past  
3 few years traffic congestion on Guam's roads has increased tremendously.  
4 This situation has at times made it difficult for children to safely cross major  
5 highways while boarding on or disembarking from school buses. The  
6 Legislature further finds that in several areas throughout the U.S. mainland  
7 busing systems have been effectively implemented that prohibit children from  
8 crossing major highways, thus requiring that buses pick-up and drop-off  
9 students on the street located closest to the bus shelters. Therefore, the  
10 Legislature believes that a more safety-conscious busing program must be  
11 established and implemented which would minimize the potential danger  
12 posed to the island's school children at pick-up and drop-off locations.

13           **Section 2. Establishment of safe bus pick-up and drop-off**  
14 **program.** The Department of Public Works Bus Operations Division shall  
15 establish a busing program which would prevent school children from  
16 crossing streets or highways wider than four (4) lanes while boarding on or  
17 disembarking from a school bus. The Department of Education shall work  
18 with the Department of Public Works Bus Operations Division to insure that  
19 a practicable busing system is established.

VOTING SHEET  
(as revised)

Bill No. 1051

11/30/94

Resolution No. \_\_\_\_\_

(Date)

Question: \_\_\_\_\_

Senators	Aye	No	Declined to Vote	Required to vote	Excused from voting	ABSENT/OUT DURING ROLL CALL
Ada, Thomas C.	✓					
AGUON, John P.	✓					
ARRIOLA, Elizabeth P.	✓					
BAMBA, George J.	✓					
BLAZ, Anthony C.	✓					
BORDALLO, Madeleine Z.	✓					
BROOKS, Doris F.	✓					
CAMACHO, Felix P.	✓					
DIERKING, Hermina D.	✓					
GUTIERREZ, Carl T. C.	✓					
LUJAN, Pilar C.	✓					
MANIBUSAN, M. D. A.	✓					
NELSON, Ted S.	✓					
PANGELINAN, Vicente C.	✓					
PARKINSON, Don	✓					
REYES, Edward D.	✓					
SAN AGUSTIN, Joe T.	✓					
SANTOS, Francis E.	✓					
SHIMIZU, David L. G.	✓					
TANAKA, Thomas V. C.	✓					
UNPINGCO, Antonio R.	✓					

TOTAL

21	0			
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**COMMITTEE ON EDUCATION**  
**TWENTY-SECOND GUAM LEGISLATURE**  
**KUMITEN IDUKASION**  
**MINA'BENTE DOS NA LIHESLATURA**

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

November 29, 1994

*Senato*

*Madeleine F. Bordallo*  
 CHAIRPERSON

COMMITTEE ON  
 EDUCATION

Sen. Thomas C. Ada  
 Vice-Chairperson

MEMBERS

Vice Speaker John P. Aguon  
 Sen. Elizabeth P. Arriola  
 Sen. Herminia D. Dierking  
 Sen. Carl T.C. Gutierrez  
 Sen. Pilar C. Lujan  
 Sen. David L.G. Shimizu  
 Sen. J. George Bamba  
 Sen. Anthony C. Blaz  
 Sen. Marilyn D.A. Manibusan  
 Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
 Ex. Officio

The Honorable Joe T. San Agustin  
 Speaker, Twenty Second Guam Legislature  
 155 Hesler Street  
 Agana, Guam 96910

Dear Speaker San Agustin:

The Committee on Education, Twenty Second Guam Legislature, to which was referred BILL NO. 1051, as substituted by the Committee on Education, "AN ACT RELATIVE TO FURTHER INSURING THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES THROUGH PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS; AND REQUIRING THAT THE DEPARTMENT OF EDUCATION WORK IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO EFFECTIVELY IMPLEMENT AND COMPLY WITH THE PROVISIONS OF THIS ACT",, does hereby recommend that the provision be favorably considered and passed by the Twenty-Second Guam Legislature.

Votes of the Committee members were as follows:

To Pass	<u>10</u>
To Not Pass	<u>          </u>
To Abstain	<u>          </u>
To Report Out	<u>          </u>
To Place in Inactive File	<u>          </u>
Off-Island	<u>          </u>
Not Available	<u>3</u>

Respectfully Submitted,

*Madeleine F. Bordallo*  
 MADELEINE Z. BORDALLO  
 Chairperson

Enclosures

**COMMITTEE ON EDUCATION  
TWENTY-SECOND GUAM LEGISLATURE**

**SENATOR MADELEINE Z. BORDALLO  
Chairperson**

**COMMITTEE MEMBERS**

**Senator Thomas C. Ada, Vice-Chairman  
Vice-Speaker John P. Aguon  
Senator Elizabeth P. Arriola  
Senator Herminia D. Dierking  
Senator Carl T. C. Gutierrez  
Senator Pilar C. Lujan  
Senator David L. G. Shimizu  
Senator J. George Bamba  
Senator Anthony C. Blaz  
Senator Marilyn D. A. Manibusan  
Senator Thomas V. C. Tanaka**

**Speaker Joe T. San Agustin  
Ex-Officio Member**

**COMMITTEE REPORT  
ON  
BILL NO. 1051**

**(AS SUBST. BY THE COMMITTEE ON EDUCATION)**

**"AN ACT RELATIVE TO FURTHER INSURING THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES THROUGH PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS; AND REQUIRING THAT THE DEPARTMENT OF EDUCATION WORK IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO EFFECTIVELY IMPLEMENT AND COMPLY WITH THE PROVISIONS OF THIS ACT."**

The Committee on Education of the Twenty-Second Guam Legislature conducted a Public Hearing on Bill No. 1051, relative to addressing the safety of school children while they board or disembark school buses, on Monday, August 29, 1994, in the Public Hearing Room, Temporary Legislative Building,

Agana, Guam.

**COMMITTEE MEMBERS PRESENT**

Senator Madeleine Z. Bordallo, Chairperson  
Senator Thomas C. Ada, Vice-Chairman  
Senator David L. G. Shimizu  
Senator TeD S. Nelson  
Senator Herminia D. Dierking  
Senator Marilyn D. A. Manibusan

**WITNESSES PRESENT:** Tomas Paulino, Deputy Director, Department of Education; Karen Biggs, Member, Guam Parent-Teacher Association Congress; Mary A. Gutierrez, President, Guam Parent-Teacher Association Congress.

**SUMMARY OF TESTIMONY**

Tomas Paulino  
Deputy Director, Department of Education

Mr. Tomas Paulino, the Deputy Director of the Department of Education, appeared on behalf of Mr. Robert W. Klitzkie before the Committee and presented oral and written testimony on Bill No. 1051. Mr. Paulino stated that although the department appreciates the Legislature's concern for the safety of the students, they believe that the matter addressed in the proposal should be directed to the Board of Education for its consideration. Mr. Paulino also stated that the matter can be resolved through input from entities such as the Principal's Council, School Councils, DOE, and the Department of Public Works. Mr. Paulino concluded by mentioning that the matter will be forwarded to the Board of Education.

Mary A. Gutierrez  
President, Guam Parent-Teacher Association Congress

Mrs. Mary A. Gutierrez, President of the Guam Parent-Teacher Association Congress (GPTAC), presented oral and written testimony to the Committee in support of Bill No. 1051. Mrs. Gutierrez stated that the Guam



Parent-Teacher Association Congress is concerned with the safety of the children in crossing major streets and highways to get to the bus shelters, and requested that the provision include a traffic signal light in front of Chief Brodie Elementary School. Mrs. Gutierrez concluded by urging the Committee to expeditiously review and pass the proposed measure.

### **COMMITTEE FINDINGS/RECOMMENDATIONS**

The Committee on Education finds that due to the ever-increasing traffic congestion in Guam's roads, preventive measures need to be taken to insure that the danger posed to school children who must cross major and heavily travelled streets or highways to board/disembark from a school bus is minimized. One approach which has been effectively implemented in several school districts in the U. S. mainland, is a bussing system which requires that the buses pick up or drop off children on the street lane located closest to the bus shelter. Bill No. 1051, as substituted, is a pro-active measure which would address the safety of school children who must cross major streets while boarding or disembarking school buses. THEREFORE, THE COMMITTEE ON EDUCATION OF THE TWENTY-SECOND GUAM LEGISLATURE RECOMMENDS THAT BILL NO. 1051, AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION, "AN ACT RELATIVE TO FURTHER INSURING THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES THROUGH PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS; AND REQUIRING THAT THE DEPARTMENT OF EDUCATION WORK IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO EFFECTIVELY IMPLEMENT AND COMPLY WITH THE PROVISIONS OF THIS ACT", BE FAVORABLY CONSIDERED AND PASSED BY THE TWENTY-SECOND GUAM LEGISLATURE.

### **ATTACHMENTS**

1. Voting sheet on Bill No. 1051, as substituted by the Committee on Education, Twenty-Second Guam Legislature.
2. Bill No. 1051, as introduced into the Twenty-Second Guam Legislature.
3. Bill No. 1051, as substituted by the Committee on Education, Twenty

Second Guam Legislature.

4. Written testimony by Mary A. Gutierrez, President of the Guam Parent Teacher Association Congress.
5. Written testimony by Robert W. Klitzkie, Department of Education.
6. Public Hearing agenda on Bill No. 1051, conducted on Monday, August 29, 1994, in the Public Hearing Room, Temporary Legislative Building, Agana, Guam.
7. Attendance sheet on Bill No. 1051, on the Public Hearing held on Monday, August 29, 1994, in the Public Hearing Room, Temporary Legislative Building, Agana, Guam.

**TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) REGULAR SESSION**

**BILL NO. 1051**

**(AS SUBST. BY THE COMMITTEE ON EDUCATION)**

**INTRODUCED BY:**

**M. Z. BORDALLO**

**"AN ACT RELATIVE TO FURTHER INSURING THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES THROUGH PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS; AND REQUIRING THAT THE DEPARTMENT OF EDUCATION WORK IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO EFFECTIVELY IMPLEMENT AND COMPLY WITH THE PROVISIONS OF THIS ACT."**

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

**Section 1. Legislative Intent.**

The Guam Legislature finds that over the past few years traffic congestion on Guam's roads have increased tremendously. This situation has at times made it difficult for children to safely cross major highways while boarding or disembarking on school buses. The Legislature further finds that in several areas throughout the U. S. mainland bussing systems have been effectively implemented that prohibit children from crossing major highways, thus requiring that buses pick-up and drop-off students on the street lane located closest to the bus shelters. Therefore, the Guam Legislature believes that a more safety-conscious bussing program must be established and implemented

1 which would minimize the potential danger posed to our island's school children  
2 at pick-up and drop-off areas.

3  
4 **Section 2. Establishment of a Safe Bus Pick-up and Drop-off**  
5 **Program.**

6 The Department of Public Works Bus Operations Division shall hereby  
7 establish a bussing program which would prevent school children from crossing  
8 major streets or highways in excess of four (4) lanes while boarding or  
9 disembarking a school bus. The Department of Education shall work  
10 collectively with the Department of Public Works Bus Operations Division to  
11 insure that a practicable and an implementable bussing system is established.



**COMMITTEE ON EDUCATION**  
**TWENTY-SECOND GUAM LEGISLATURE**  
**KUMITEN IDUKASION**  
**MINA'BENTE DOS NA LIHESLATURA**

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

**VOTING SHEET**

**BILL NO. 1051**

(AS SUBSTITUTED BY THE COMMITTEE ON EDUCATION)

**"AN ACT RELATIVE TO FURTHER INSURING THE SAFETY OF SCHOOL CHILDREN WHO BOARD OR DISEMBARK SCHOOL BUSES THROUGH PREVENTING THE CHILDREN FROM CROSSING MAJOR STREETS AND HIGHWAYS; AND REQUIRING THAT THE DEPARTMENT OF EDUCATION WORK IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO EFFECTIVELY IMPLEMENT AND COMPLY WITH THE PROVISIONS OF THIS ACT."**

*Senator*  
**Madeleine F. Bordallo**  
 CHAIRPERSON

COMMITTEE ON  
 EDUCATION

Sen. Thomas C. Ada  
 Vice-Chairperson

MEMBERS

- Vice Speaker John P. Aguon
- Sen. Elizabeth P. Arriola
- Sen. Herminia D. Dierking
- Sen. Carl T.C. Gutierrez
- Sen. Pilar C. Lujan
- Sen. David L.G. Shimizu
- Sen. J. George Bamba
- Sen. Anthony C. Blaz
- Sen. Marilyn D.A. Manibusan
- Sen. Thomas V.C. Tanaka

Speaker Joe T. San Agustin  
 Ex. Officio

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>Madeleine F. Bordallo</i> SEN. MADELEINE Z. BORDALLO Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>T.C. Ada</i> SEN. THOMAS C. ADA Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Joe T. San Agustin</i> SPEAKER JOE T. SAN AGUSTIN (Ex-Officio Member)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE-SPEAKER JOHN P. AGUON Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Carl T.C. Gutierrez</i> SEN. CARL T.C. GUTIERREZ Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Herminia D. Dierking</i> SEN. HERMINIA D. DIERKING Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMITTEE MEMBER

TO PASS    NOT TO PASS

TO ABSTAIN

TO PLACE IN INACTIVE FILE



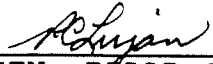
SEN. DAVID L.G. SHIMIZU  
Member

✓



SEN. ELIZABETH P. ARRIOLA  
Member

✓




SEN. PILAR C. LUJAN  
Member

✓

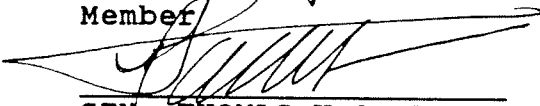
SEN. J. GEORGE BAMBA  
Member

SEN. MARILYN D.A. MANIBUSAN  
Member



SEN. ANTHONY C. BLAZ  
Member

✓



SEN. THOMAS V.C. TANAKA  
Member

✓

TWENTY SECOND GUAM LEGISLATURE  
1994 (SECOND) REGULAR SESSION

BILL NO. 1051  
INTRODUCED BY:

M. Z. BORDALLO 

"AN ACT RELATIVE TO THE ESTABLISHMENT OF  
A BUS POLICY BY THE GUAM TERRITORIAL  
BOARD OF EDUCATION WHICH WOULD FURTHER  
PROVIDE FOR THE SAFETY OF SCHOOL CHILDREN  
BY PREVENTING CHILDREN FROM CROSSING  
MAJOR STREETS/HIGHWAYS TO BOARD OR  
DISEMBARK SCHOOL BUSES; AND REQUIRING  
THAT THE DEPARTMENT OF EDUCATION WORK IN  
CONJUNCTION WITH THE DEPARTMENT OF  
PUBLIC WORKS BUS OPERATIONS DIVISION TO  
EFFECTIVELY IMPLEMENT A BUSSING SYSTEM IN  
ACCORDANCE WITH THE POLICY AND IN  
COMPLIANCE WITH THE PROVISIONS OF THIS  
ACT."

91 JUN 10 PM 3:01

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

3  
4 Section 1. Legislative Intent.

5 The Guam Legislature finds that over the past few years traffic  
6 congestion on Guam's roads have increased tremendously. This situation has at  
7 times made it difficult for children to safely cross major highways while

1 boarding or disembarking on school buses. The Legislature further finds that  
2 in several areas throughout the U. S. mainland bussing systems have been  
3 effectively implemented that prohibits children from crossing major highways,  
4 thus requiring that buses pick-up and drop-off students on the street lane located  
5 closest to the bus shelters. Therefore, the Guam Legislature believes that a  
6 more safety-conscious bussing system must be established and implemented  
7 which would minimize the potential danger posed to our island's school children  
8 at pick-up and drop-off areas.

9  
10 **Section 2. Establishment of a Safety Bus Policy.**

11 The Guam Territorial Board of Education (the "Board") shall hereby  
12 establish and adopt a school bussing policy which would prevent school children  
13 from crossing major streets or highways in excess of four (4) lanes while  
14 boarding or disembarking a school bus. The Board shall adopt and implement  
15 the said policy no later than May, 1995. In the adoption of such policy, the  
16 Board shall confer with the Department of Public Works, to insure that a  
17 practicable and an implementable bussing policy and system is established.

18 Upon the adoption of the aforementioned bussing policy, the Department  
19 of Education shall work in conjunction with the Department of Public Works  
20 Bus Operations Division to promptly and effectively implement the new policy.





# Guam PTA Congress

P.O. Box 10863, Tamuning, Guam 96931

## OFFICERS

*Mary A. Gutierrez*  
President

*Roy Tsutsui*  
1st Vice President

*Frances P. Hudgens*  
2nd Vice President

*Bea Frenslar*  
Secretary

*Joyce Kaneshiro*  
Treasurer

*Bill Phillips*  
Public Relations Officer

*Auditor*

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*Phil Madarang*  
*Terry Martin*  
*Monty McDowell*  
*Al Shimkus*

August 29, 1994

**SENATOR MADELEINE Z. BORDALLO**  
Chairperson, Committee on Education  
22nd Guam Legislature  
155 Hesler St., Agana, Guam 96910

**RE: BILL NOS. 1049 AND 1051**

Dear Madam Chairperson and Members of the Committee.

At the August meeting of the Guam PTA Congress, it was unanimously voted to fully support both Bill Nos. 1049 and 1051.

We agree with the intent of Bill 1049 in establishing and designating a "Safe School Zone" throughout Guam school system for the safety and welfare of the students and school personnel.

As parents, island leaders, policy makers, educators and community-at-large, it is our duty and responsibility to provide the students of Guam a safe school zone. Our children is our most precious possession in this world.

We also support Bill 1051, as parents, we are concerned with the safety of our children in crossing major streets and highways to get to the bus shelter, especially when there are no side walks, pedestrian cross walk, or traffic light signals. We request that Bill 1051 include a traffic signal light in front of Chief Brodie Elementary School, and other public schools that are in need. If St. John, a private school could have a traffic signal light in front of the school, we feel that our public schools deserve the same.

In closing, the Guam PTA Congress strongly urged this committee for their expeditious review and passage of Bill ~~1051~~. Si Yu'os Ma'ase.

*Nos. 1049 + 1051*

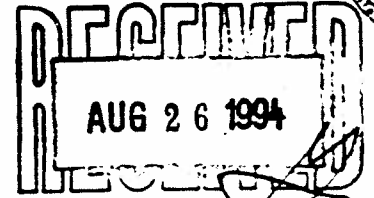
Sincerely,  
*Mary A. Gutierrez*  
Mary A. Gutierrez  
President



DEPARTMENT OF EDUCATION  
Operating the  
**GUAM PUBLIC SCHOOL SYSTEM**  
GOVERNMENT OF GUAM

P.O. Box DE  
Agana, Guam 96910  
Tel: (671) 472-8901  
FAX: (671) 472-5003

August 29, 1994



Madeleine Z. Bordallo  
Senator, 22nd Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Re: Bill No. 1049

Dear Senator Bordallo:

Thank you for the opportunity to offer testimony on Bill No. 1049 which, if enacted would establish a "Safe School Zone" and Bill No. 1051 which would establish a busing policy. As always, we appreciate the concern that the Legislature continuously exhibits towards our public school system and for the safety and well-being of our students and employees.

Our comments on the bills are as follows:

**A. Bill NO. 1049**

There is no doubt that recent events on Guam, and throughout the United States as well, have elevated the public's concern for the issue of violence in our schools. We view the Legislature's interest in the matter of firearms at schools as an excellent opportunity to engage the community in an open dialogue on this and other related subjects because we believe that the solution, and therefore the focus, for maintaining safe school campuses and for reducing teen violence rests primarily with parental and family involvement. Without family support any prohibitive legislation may be doomed to failure.

Obviously, there are no easy solutions to the growing problems plaguing our schools and the children who attend them. The problems are complex and multi-faceted. Rapid social changes, the spiraling cost of living, two-income families, and violence on TV and in the movies are just a few of the factors thought to play a role in the increasing rate of youth violence. We at the



**Commonwealth Now!**

Department of Education are convinced that the key to combating the array of problems affecting our youth lies in forging a partnership with students, parents, teachers and the community at large.

Towards this end we at DOE are working diligently on a Family- School Partnership program through which various components of our community will be called upon to play larger roles in meeting the challenges facing our children. The groundwork has already been established and implementation is beginning. We ask that before further legislation is considered that our program be given a chance to take root.

We also point out that the Board of Education has recently been asked to address the issue of firearms on campuses pursuant to an amendment, entitled the Gun-Free Schools Act, to the Elementary and Secondary Education Act of 1965 (ESEA). As a result of this legislation, any school system receiving federal funds under ESEA must immediately adopt a policy which requires "the expulsion from school for a period of not less than one year of any student who brings a firearm to school." I am enclosing a copy of the Legal Counsel's memorandum to the Board on this topic as well as correspondence from the U.S. Department of Education. Again, it might be advisable to see if this policy will adequately address the situation.

There are already a number of existing laws which if aggressively publicized and strictly enforced could achieve the same goals sought in Bill No. 1051. These include 9 GCA §§ 19.20 (aggravated assault), 19.30 (assault), 19.40 (reckless conduct), 19.50 (terroristic conduct), 80.37 (deadly weapons used in felonies), and various provisions of 10 GCA chapter 60 pertaining specifically to firearms. Greater awareness of these laws could have a deterrent effect.

Finally, we note a few technical problems with the bill as proposed which include:

1. For the sake of consistency, should the Legislature wish to go forward with legislation on this matter, perhaps it should fall under 10 GCA rather than 17 GCA since the former is aimed specifically at gun control and criminal sanctions while the latter is primarily for educational policy making and reform.

2. The language in § 47002 a) and b) make provisions for felonies but fails to state the degree of felony.

3. In § 47002 b) and d) there is mention of "a minor who is less than 18 years old". Minors are by definition less than 18 years old so such language is redundant.

4. Section 47002 e) is confusing and possibly contradictory.

a. Subsection (i) seemingly provides a loophole by reducing the potential criminal penalties for outsiders who bring weapons onto our campuses. Frequently outsiders pose the greatest threat to school security and consequently greater efforts should be made to keep them from coming onto the campuses.

b. Section 47002 e) begins with the language, "Notwithstanding subsection (b) of this Section, it shall be a misdemeanor rather than a felony for any person to possess or carry, whether openly or concealed . . ." (Emphasis added). However, § 47002 (ii) states the exception "The firearm is not concealed." (Emphasis added). These provisions appear to be contradict each other and are therefore confusing.

c. Subsection (iv) reduces the penalty if "[t]he person does not brandish, exhibit, or display the firearm in any careless, angry, or threatening manner." This section could actually penalize schools for detecting weapons before there is an opportunity to use them. If, for example, school officials are given reliable information that a student is armed and, as a result, the suspected student is searched and a gun found, then assuming that the student has not yet had an opportunity to "brandish, exhibit, or display the firearm in any careless, angry, or threatening manner" they would only face a misdemeanor charge even if they came to school determined to inflict serious harm. The same could also be said of §47002(iii).


We ask that the Legislature support our efforts to address this and other challenging issues through appropriate Board policies and the implementation of our Family Partnership Program. Through greater community support we firmly believe that we can solve many of these long-standing problems.

## **B. Bill NO. 1051**

Although we greatly appreciate the Legislature's concern for the safety of our students, in the true spirit of Public Law 22-42 we believe that this matter should be referred to the Board of Education for its consideration and

action. Undoubtedly through appropriate Board action, following input from the Principals' Council and the School Councils, and a Memorandum of Understanding between DOE and Department of Public Works (DPW), this matter can be resolved. This will allow greater flexibility to meet the changing conditions and needs of student busing. I will take the liberty of forwarding your proposed legislation to the Board and request that its members work with DPW to address the issue of busing safety.

Again, we thank you for the opportunity to testify on these important topics and appreciate your continued support for public education.


  
ROBERT KUTZKIE  
Director of Education

**WILLIAM D. PESCH**  
**ATTORNEY-AT-LAW**  
c/o The Beehive  
173 Aspinall Avenue/201-202-E  
Agana, Guam 96910  
Telephone: (671)472-8472  
Fax: (671)472-5555

August 18, 1994

**MEMORANDUM**

To: Board of Education

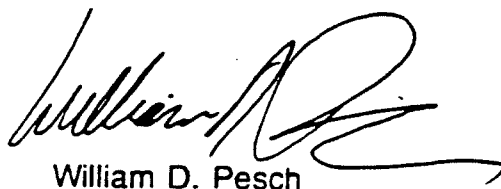
Via: Executive Secretary 

From: Legal Counsel

Subject: Federal Gun-Free Schools Act

For your information, please find attached an August 1, 1994, letter from the Assistant Secretary, U.S. Department of Education concerning the March 31, 1994, amendment to the Elementary and Secondary Education Act of 1965 (ESEA) to include the Gun-Free Schools Act. As you can see from the letter, under this new legislation "as a condition of receiving any assistance under the ESEA, a local educational agency (LEA) must have in effect a policy requiring the expulsion from school for a period of not less than one year of any student who brings a firearm to school." It is further recommended that the policy should have some flexibility by allowing the Director to modify the expiration on a case-by-case basis. This would be especially important if the offending student's behavior is related to a disability recognized under the Individuals with Disabilities Education Act or the Rehabilitation Act. Automatic expulsion of a student could trigger off a violation of one of these laws.

In response to the Assistant Secretary's letter, I suggest that you consider amending Board Policy 425, Dangerous Weapons. I am attaching my recommended change to this policy. Would you please refer this matter to the appropriate committee for review. Please call me should you have any questions.

  
William D. Pesch

**DRAFT**

**Descriptor Term:**

**Descriptor Code:** 425  
**Issued Date:** 08/07/79

**DANGEROUS WEAPONS**

**Rescinds:** JCDC  
**Issued:** 03/29/78

**BOARD POLICY**

Any student, while at a school site or riding on a school bus, or while waiting for a school bus, is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means -

- (A) any explosive, incendiary, or poison gas -
  - (i) bomb.
  - (ii) grenade,
  - (iii) rocket having a propellant charge of more than four ounces,
  - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce,
  - (v) mine, or
  - (vi) device similar to any of the devices described in the preceding clauses;
- (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and
- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in (A) or (B) and from which a destructive device may be readily assembled.

ADOPTED: Board of Education 03/04/75

AMENDED: 07/05/88; \_\_\_\_\_

**GUIDANCE CONCERNING STATE AND LOCAL  
RESPONSIBILITIES UNDER THE  
GUN-FREE SCHOOLS ACT OF 1994**

This guidance is to provide you with information concerning State and local responsibilities under the Gun-Free Schools Act, which was enacted on March 31, 1994 as part of the Goals 2000: Educate America Act. The Gun-Free Schools Act amends the current Elementary and Secondary Education Act of 1965 (20 USC 2701 et seq.) (ESEA). A copy of the new legislation is attached for your information.

The Gun-Free Schools Act (Act) states that, as a condition of receiving any assistance under the ESEA, a local educational agency (LEA) must have in effect a policy requiring the expulsion from school for a period of not less than one year of any student who brings a firearm to school, except that the LEA's chief administering officer may modify the expulsion requirement on a case-by-case basis. The Department interprets this provision to permit LEAs to discipline students with disabilities in accordance with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act (Section 504), and thereby maintain eligibility for Federal financial assistance.

The following questions and answers have been prepared to assist State educational agencies (SEAs) and LEAs in implementing these new requirements.

- Q. When does the Gun-Free Schools Act take effect?
- A. The requirements of the Gun-Free Schools Act took effect on March 31, 1994.
- Q. What does the Gun-Free Schools Act require?
- A. The Gun-Free Schools Act requires that LEAs, as a condition of receiving ESEA funds: (1) implement a specific discipline policy applicable to students who bring weapons (see the definition of "weapon" in the answer below) to school; (2) provide to the SEA an assurance that the policy is in effect; and (3) submit to the SEA specific reporting information on discipline imposed under the policy.

Policy

The Act states that no ESEA assistance may be provided to any LEA unless that LEA has in effect a discipline policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought



a weapon to a school under the jurisdiction of the LEA. The Act states, however, that the LEA's policy may allow the chief administering officer of the LEA to modify the expulsion requirement on a case-by-case basis.

### Assurance

An LEA is required to include, in each application to the SEA for assistance under the ESEA, an assurance that the required policy is in effect.

### Reporting

An LEA is required to include, in each application to the SEA for assistance under the ESEA, a description of the circumstances surrounding any expulsions imposed under the policy, including --

- (1) the name of the school concerned;
- (2) the number of students expelled from the school; and
- (3) the type of weapons concerned.

Q. How is the term "weapon" defined?

A. For the purposes of the Gun-Free Schools Act, a "weapon" means a firearm as defined in Section 921 of Title 18 of the United States Code. (A copy of this provision is also attached.)

Q. What is meant by the term "expulsion"?

A. The term "expulsion" is not defined by the Act. However, the legislative history of the Act indicates that, at a minimum, expulsion means removal from the regular school program at the location where the violation occurred.

Q. How does the new legislation affect existing disciplinary policies required under the Drug-Free Schools and Communities Act?

A. The requirements of the Gun-Free Schools Act are consistent with the disciplinary policies required under the Drug-Free Schools and Communities Act (DFSCA). All LEAs that receive financial assistance under any Federal program are already required, under Section 5145 of the DFSCA, to have in effect a disciplinary policy that contains a range of sanctions, including expulsion. The DFSCA and regulations at 34 CFR Part 86 (Drug-Free Schools and Campuses) require that the policy and sanctions be applicable to all students. The Gun-Free

Schools Act establishes as a condition of receipt of funds under the ESEA a minimum disciplinary sanction that must be imposed against a student who brings a firearm to school -- i.e., expulsion for at least one year, subject to case-by-case modifications.

Q. Does the Gun-Free Schools Act alter a school district's obligations under the Federal civil rights laws?

A. No. The Gun-Free Schools Act does not amend or create an exception to Federal civil rights laws. In implementing the Gun-Free Schools Act, school districts must comply with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of race, color, or national origin), Title IX of the Education Amendments of 1972 (prohibiting discrimination on the basis of gender), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (prohibiting discrimination on the basis of disability), and the Age Discrimination Act of 1975 (prohibiting discrimination on the basis of age).

Q. Do the requirements of the Gun-Free Schools Act conflict with requirements that apply to students with disabilities?

A. No. Compliance with the Gun-Free Schools Act may be achieved consistently with the requirements that apply to students with disabilities as long as discipline of such students is determined on a case-by-case basis in accordance with the disability laws. Students with disabilities may be expelled for behavior unrelated to their disabilities as long as the procedural safeguards required by IDEA and Section 504 are followed. Under Section 504, the determination of whether the child's behavior is caused by the disability, however, must be determined through a reevaluation by individuals personally familiar with the child and knowledgeable about special education. In addition, the IDEA requires that educational services must continue, although they may be provided in another setting, for students with disabilities who are properly expelled.

If it is determined that the student's action in bringing a firearm to school is related to the student's disability, IDEA and Section 504 do not permit the LEA to expel the student. However, under IDEA and Section 504, a student with a disability may be suspended for up to ten days, which permits the LEA to address any immediate threat to the student or the safety of others. LEAs may also seek a court order to remove a student who is considered to be dangerous. In addition, the child's placement may be changed, in accordance with the

procedures under those laws, if it is determined that, in light of the behavior, the child's placement is not appropriate.

Q. Does the Act require LEAs to amend applications for ESEA funds that have already been awarded?

A. No. Although the legislation took effect on March 31, 1994, the assurance required under the Act need not be submitted until an LEA files with the SEA its first application for ESEA funds after that date. However, the SEA may require that the assurance be filed earlier.

Q. When must an LEA revise its disciplinary policies?

A. The Secretary believes that Congress intended that the required policy be implemented immediately. Thus, as a condition of receiving ESEA funds, an LEA must undertake good faith efforts to revise its disciplinary policies immediately unless it already has in effect a policy that meets the new requirements.

Q. What if the revised policy cannot be fully implemented at this time due to conflicting State or local laws, administrative impediments, or other unique circumstances?

A. Receipt of ESEA funds is conditioned upon compliance with the requirements of the Gun-Free Schools Act. The Secretary recognizes that there may be circumstances that adversely affect an LEA's ability to implement fully a discipline policy that meets these requirements. Therefore, an LEA may submit to the SEA the assurance required by the Act if the LEA has:

(1) made a good faith effort to begin promptly the process of implementing a policy that complies with the Act; and

(2) developed a plan to complete the implementation process as soon as possible.

In situations where a conflicting State law prevents full implementation of the required policy, SEAs may accept an LEA's assurance if the SEA determines that the appropriate State officials are making good faith efforts to bring about the revision of the State legislation.

Appropriate documentation must be maintained to demonstrate, upon request, the adequacy of efforts to implement fully the required policy.

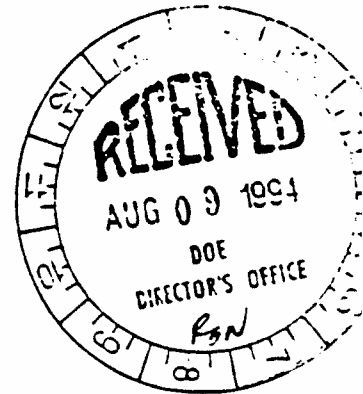


UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

August 1, 1994



Mr. Robert Klitzkie  
Director of Education  
Department of Education  
Post Office Box DE  
Agana, GM 96910

Dear Mr. Klitzkie:

On March 31, 1994, the Elementary and Secondary Education Act of 1965 (ESEA) was amended to include the Gun-Free Schools Act. A copy of the new legislation is enclosed, as well as a series of questions and answers developed by this Department to provide assistance in implementing the new requirements.


The Gun-Free Schools Act contains requirements that will affect State and local educational agencies. Specifically, the Gun-Free Schools Act states that, as a condition of receiving any assistance under the ESEA, a local educational agency (LEA) must have in effect a policy requiring the expulsion from school for a period of not less than one year of any student who brings a firearm to school.

This Department strongly supports efforts to eliminate violence in our Nation's schools. As you know, one of the National Education Goals calls for all schools to be safe, disciplined, and alcohol and drug free by the year 2000. We have, however, been informed that there may be cases in which existing State statutory provisions concerning expulsion of students appear to conflict with the Gun-Free Schools Act requirements. In developing our guidance, we have attempted to address this issue, as well as other issues LEAs might encounter in complying with the Gun-Free Schools Act. In that continued receipt of ESEA funds is conditioned upon compliance with the Gun-Free Schools Act requirements, you may wish to review your State statutes at the earliest opportunity and advise this office of any apparent conflicts. We are prepared to work with you to develop a framework for resolving any conflicts.

Page 2 - Mr. Robert Klitzkie

If you need additional guidance or have an apparent conflict to report, please contact William Modzeleski of my staff at (202) 260-3954.

Sincerely,

A handwritten signature in cursive script that reads "Thomas W. Payzant". The signature is written in dark ink and is positioned above the typed name.

Thomas W. Payzant

Enclosure

## PART B—GUN-FREE SCHOOLS

### SEC. 1031. SHORT TITLE.

This part may be cited as the "Gun-Free Schools Act of 1994".

### SEC. 1032. GUN-FREE REQUIREMENTS IN ELEMENTARY AND SECONDARY SCHOOLS.

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

- (1) by redesignating title X as title IX;
- (2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and
- (3) by inserting after title VII the following new title:

## "TITLE VIII—GUN-FREE SCHOOLS

### "SEC. 8001. GUN-FREE REQUIREMENTS.

#### "(a) REQUIREMENTS.—

"(1) IN GENERAL.—No assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of the agency except such policy may allow the chief administering officer of the agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

"(b) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (a), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school;

and

"(C) the types of weapons concerned."

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Red Cross, fraudulent wearing or display of sign of, see section 706 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

CHAPTER 44—FIREARMS

Sec.	Definitions.
921.	Unlawful acts.
922.	Licensing.
923.	Penalties.
924.	Exceptions: Relief from disabilities.
925.	Rules and regulations.
926.	Interstate transportation of firearms.
926A.	Effect on State law.
927.	Separability clause. <sup>1</sup>
928.	Use of restricted ammunition.
929.	Possession of firearms and dangerous weapons in Federal facilities.
930.	

AMENDMENTS

- 1988—Pub. L. 100-690, title VI, § 6215(b), Nov. 18, 1988, 102 Stat. 4362, added item 930.
- 1986—Pub. L. 99-308, § 107(b), May 19, 1986, 100 Stat. 460, added item 926A.
- 1984—Pub. L. 98-473, title II, § 1006(b), Oct. 12, 1984, 98 Stat. 2139, added item 929.
- 1968—Pub. L. 90-618, title I, § 102, Oct. 22, 1968, 82 Stat. 1214, reenacted chapter analysis without change.
- Pub. L. 90-351, title IV, § 902, June 19, 1968, 82 Stat. 226, added chapter 44 and items 921 to 928.

CROSS REFERENCES

Unlawful possession or receipt of firearms, see title VII of Pub. L. 90-351, June 19, 1968, 82 Stat. 236, set out in the Appendix to this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 922 of this title; title 26 section 4182; title 42 section 3795.

§ 921. Definitions

(a) As used in this chapter—

(1) The term "person" and the term "whoever" include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term "interstate or foreign commerce" includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or

(D) any destructive device. Such term does not include an antique firearm.

(4) The term "destructive device" means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may readily be converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting a device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, though originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 48 or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either in a fixed length chamber or in a telescoped multi-chamber construction, which will discharge a number of ball shot or a single projectile with each single pull of the trigger.

(6) The term "short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon modified has an overall length of less than twenty-six inches.

(7) The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term "short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified,

<sup>1</sup> So in original. Does not conform to section catchline.

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# TWENTY-SECOND GUAM LEGISLATURE

SENATOR MADELEINE Z. BORDALLO

CHAIRPERSON

COMMITTEE ON EDUCATION

155 Hesler Street • Agaña, Guam 96910 • Tel: (671) 472-3581/2/3 • Fax: (671) 472-3585

Public Hearing Room

Temporary Legislative Building, Agaña

Monday, August 29, 1994

MINA'BENTE DOS NA  
LIHESLATURA

Senador

*Madeleine Z. Bordallo*

GE'HILO

KUMITEN IDUKASION

MEMBER

COMMITTEE ON HEALTH,  
ECOLOGY AND WELFARE

COMMITTEE ON YOUTH,  
SENIOR CITIZENS AND  
CULTURAL AFFAIRS

COMMITTEE ON JUDICIARY  
AND CRIMINAL JUSTICE

COMMITTEE ON  
ELECTRICAL POWER, AND  
CONSUMER PROTECTION

COMMITTEE ON WATER  
UTILITIES AND  
ELECTRONIC  
COMMUNICATIONS

COMMITTEE ON TOURISM  
AND TRANSPORTATION

## PUBLIC HEARING

9:00 a.m.

## AGENDA

### CONFIRMATIONS:

- I. Reappointment of Dr. Bernadita Camacho-Dungca to serve a member of the Chamorro Language Commission, to expire May 23, 1997.
- II. Reappointment of Mr. Zenon E. Belanger to serve as member of the Guam Educational Telecommunications Corporation (KGTF), Board of Trustees, to expire 06/16/98.
- III. Appointment of Mr. Jesse A. Leon Guerrero to serve as member of the University of Guam Board of Regents for six (6) year term to expire on July 27, 2000.
- IV. Appointment of Mr. Juan C. Santos to serve as a member the Guam Territorial Board of Education, to fill the unexpired term of Mr. Peter A. Ada, to expire on 03/26/98.
- V. Reappointment of Dr. Jeff D. Barcinas to serve as a member of the Chamorro Language Commission for a three (3) year term, to expire on 06/16/97.

### BILLS:

- I. Bill No. 1049  
"An Act to add a new Chapter 47, to Title 17, Guam Code Annotated, relative to establishing and designating 'Safe-School Zone' throughout Guam's schools for the safety and welfare of the school children and personnel, whereby making it a serious crime to possess or carry a firearm, explosive or dangerous weapon, or to cause, encourage or aid a minor to possess or carry a firearm, explosive, or dangerous weapon within the specified safe school zone; this provision shall hereby be designated as the 'Safe-School Zone Act of 1994'."
- II. Bill No. 1051  
"An Act relative to the establishment of a bus policy by the Guam Territorial Board of Education which would further provide for the safety of school children by preventing children from crossing major streets/highways to board or disembark school buses; and requiring the



the Department of Education work in conjunction with the Department of Public Works Bus Operations Division to effectively implement a bussing system in accordance with the policy and in compliance with the provisions of this Act."

**III. Bill No. 1129**

"An Act amending Titles 4 and 17 of the Guam Code Annotated relative to clarifying the autonomy given the University of Guam and the Guam Community College."

**OVERSIGHT HEARING  
ON THE  
DEPARTMENT OF EDUCATION**

**1:00 p.m.**

**AGENDA**

- I. School Year 1994-1995.**
  - Student Enrollment.
  - Status on New Classrooms.
  - Teacher Recruitment.
- II. Air-Conditioning of All Public Schools.**
- III. General Concerns.**

**MEMBERS OF THE GENERAL PUBLIC ARE INVITED TO ATTEND  
AND EXPRESS THEIR VIEWS.**

**COMMITTEE ON EDUCATION  
 TWENTY SECOND GUAM LEGISLATURE**

PUBLIC HEARING ROOM  
 Temporary Legislative Building, Agana  
 Monday, August 29, 1994  
 9:00 a.m.

WITNESS ATTENDANCE SHEET

BILL No. 1051

NAME (PRINT)	SIGNATURE	TESTIMONY		AGENCY/INTEREST GROUP	COMMENT	
		Written	Oral		Favor	Against
<u>NEEDS PASTOR</u>	<u>T. J. Quinn</u>	<u>X</u>				
<u>LEON Y. MORGAN</u>	<u>[Signature]</u>			<u>EDUC</u>	<u>✓</u>	
<u>MARY BRUNING</u>	<u>[Signature]</u>	<u>✓</u>			<u>✓</u>	

TWENTY SECOND GUAM LEGISLATURE  
1994 (SECOND) REGULAR SESSION

JUN 24 '94

BILL NO. 1051(COR)  
INTRODUCED BY:

M. Z. BORDALLO *MZB*

"AN ACT RELATIVE TO THE ESTABLISHMENT OF A BUS POLICY BY THE GUAM TERRITORIAL BOARD OF EDUCATION WHICH WOULD FURTHER PROVIDE FOR THE SAFETY OF SCHOOL CHILDREN BY PREVENTING CHILDREN FROM CROSSING MAJOR STREETS/HIGHWAYS TO BOARD OR DISEMBARK SCHOOL BUSES; AND REQUIRING THAT THE DEPARTMENT OF EDUCATION WORK IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC WORKS BUS OPERATIONS DIVISION TO EFFECTIVELY IMPLEMENT A BUSSING SYSTEM IN ACCORDANCE WITH THE POLICY AND IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT."

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

3  
4 Section 1. Legislative Intent.

5 The Guam Legislature finds that over the past few years traffic  
6 congestion on Guam's roads have increased tremendously. This situation has at  
7 times made it difficult for children to safely cross major highways while

1 boarding or disembarking on school buses. The Legislature further finds that  
2 in several areas throughout the U. S. mainland bussing systems have been  
3 effectively implemented that prohibits children from crossing major highways,  
4 thus requiring that buses pick-up and drop-off students on the street lane located  
5 closest to the bus shelters. Therefore, the Guam Legislature believes that a  
6 more safety-conscious bussing system must be established and implemented  
7 which would minimize the potential danger posed to our island's school children  
8 at pick-up and drop-off areas.

9  
10 **Section 2. Establishment of a Safety Bus Policy.**

11 The Guam Territorial Board of Education (the "Board") shall hereby  
12 establish and adopt a school bussing policy which would prevent school children  
13 from crossing major streets or highways in excess of four (4) lanes while  
14 boarding or disembarking a school bus. The Board shall adopt and implement  
15 the said policy no later than May, 1995. In the adoption of such policy, the  
16 Board shall confer with the Department of Public Works, to insure that a  
17 practicable and an implementable bussing policy and system is established.

18 Upon the adoption of the aforementioned bussing policy, the Department  
19 of Education shall work in conjunction with the Department of Public Works  
20 Bus Operations Division to promptly and effectively implement the new policy.