



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

MAR 05 1998

Refer to  
Legislative Secretary

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received by	<u>[Signature]</u>
Time	<u>4:44pm</u>
Date	<u>3.5.98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 324 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §§26210 AND 26211 TO ARTICLE 2 OF TITLE 11 OF THE GUAM CODE ANNOTATED, TO ADD A NEW CHAPTER 3A TO DIVISION 2 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO AMEND §5125 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §22101.1 TO TITLE 5 OF THE GUAM CODE ANNOTATED; TO AUTHORIZE THE COMPILER OF LAWS TO MAKE CHANGES; TO AMEND CHAPTERS 5, 6 AND 7 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO REPEAL §1103 OF CHAPTER 1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; TO AMEND §1105.1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; AND TO PROVIDE FOR A TRANSITION, RELATIVE TO ALLOWING FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS, AND TO NAME THIS AS 'THE ESKUELA-TA REFORM ACT OF 1997", which was vetoed by the Governor and subsequently overridden by the Legislature. This legislature is now designated as **Public Law No. 24-142.**

Very truly yours,

[Signature]  
Carl T. C. Gutierrez  
Governor of Guam

Attachment 00685

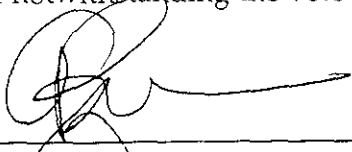
cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 3-5-98  
Time: 1:50  
[Signature]

TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

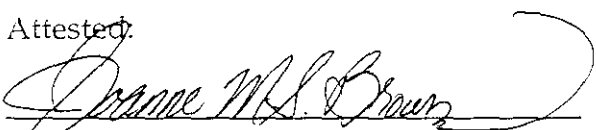
This is to certify that Substitute Bill No. 324 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO ADD NEW §§26210 AND 26211 TO ARTICLE 2 OF TITLE 11 OF THE GUAM CODE ANNOTATED, TO ADD A NEW CHAPTER 3A TO DIVISION 2 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO AMEND §5125 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §22101.1 TO TITLE 5 OF THE GUAM CODE ANNOTATED; TO AUTHORIZE THE COMPILER OF LAWS TO MAKE CHANGES; TO AMEND CHAPTERS 5, 6 AND 7 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO REPEAL §1103 OF CHAPTER 1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; TO AMEND §1105.1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; AND TO PROVIDE FOR A TRANSITION, RELATIVE TO ALLOWING FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS, AND TO NAME THIS AS "THE I ESKUELA-TA REFORM ACT OF 1997," returned without approval of the Governor, was reconsidered by the Guam Legislature and after such consideration, did agree, on the 27<sup>th</sup> day of February, 1998, to pass said bill notwithstanding the veto of the Governor by a vote of fourteen (14) members.



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ANTONIO R. UNPINGCO  
Speaker

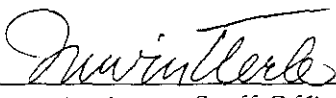
Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by the Governor this 4<sup>th</sup> day of March, 1998, at  
8:49 o'clock 9 .M.



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Assistant Staff Officer  
Governor's Office

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

**Bill No. 324 (COR)**

As substituted by the Committee on Education,  
as amended by the Committee of the Whole  
and as further substituted on the Floor  
and amended.

Introduced by:

L. F. Kasperbauer  
Mark Forbes  
J. C. Salas  
E. J. Cruz  
A. C. Blaz  
J. M.S. Brown  
A. C. Lamorena V  
Francisco P. Camacho  
M. C. Charfauros  
C. A. Leon Guerrero  
Felix P. Camacho  
E. Barrett-Anderson  
A. L.G. Santos  
A. R. Unpingco

AN ACT TO REPEAL AND REENACT CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO ADD NEW §§26210 AND 26211 TO ARTICLE 2 OF TITLE 11 OF THE GUAM CODE ANNOTATED, TO ADD A NEW CHAPTER 3A TO DIVISION 2 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO AMEND §5125 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §22101.1 TO TITLE 5 OF THE GUAM CODE ANNOTATED; TO AUTHORIZE THE COMPILER OF LAWS TO MAKE CHANGES; TO AMEND CHAPTERS 5, 6 AND 7 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO REPEAL §1103 OF

CHAPTER 1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; TO AMEND §1105.1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; AND TO PROVIDE FOR A TRANSITION, RELATIVE TO ALLOWING FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS, AND TO NAME THIS AS "THE I ESKUELA-TA REFORM ACT OF 1997."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings.** The Guam Legislature is acutely  
3 aware that a sound system of public education is essential to the future of our  
4 society and that our public schools are the foundation of our democratic way  
5 of life.

6 The Guam Legislature finds that efforts must be made to effect  
7 immediate change in our system of public education to ensure the excellence  
8 of Guam's Public Schools. Guam's school district is one (1) of nearly sixteen  
9 thousand (16,000) school districts in the United States and with a student  
10 population of approximately thirty-three thousand (33,000), ranks in the top  
11 one percent (1%) of the largest in the Nation. The size of our school district  
12 does not lend itself to such desirable characteristics of successful school  
13 districts as accountability, collaborative decision making, community  
14 involvement and timely delivery of support services, all of which are essential  
15 to an improvement in student learning and achievement.

16 It has been a long-standing and generally accepted educational  
17 philosophy that community control of schools improves educational quality.

1 Guam's highly centralized education system must be changed to allow for  
2 greater community involvement and decision making in our schools to be  
3 more responsive to demands for accountability, educational excellence and  
4 the most efficient utilization of available resources.

5       **Section 2. Legislative Intent.**     The Guam Legislature recognizes  
6 that the children and the youth of Guam are its future and its most precious  
7 resource. It is the intent of the Guam Legislature that Guam's system of  
8 public education shall provide maximum educational and training  
9 opportunities to these developing citizens as they are guided toward their full  
10 potential. The Guam Legislature is in agreement with the recommendations  
11 contained in the Guam Comprehensive Education Improvement Plan,  
12 otherwise known as Goals 2000 which calls for system-wide reform. Goals  
13 2000 makes the emphatic statement that "excellence cannot be remote  
14 controlled." For decades, we have attempted to do just that through our  
15 system of centralized management, supervision and control of our schools.  
16 Central government control of schools is more reminiscent of monarchic and  
17 aristocratic societies than one where educational leadership is subject to the  
18 consent of the governed. Goals 2000 was written with input from students,  
19 parents, teachers, administrators, and business and community leaders, and  
20 was approved and adopted by the Guam Board of Education. The major  
21 focus of the system-wide reform goal is decentralization. The call for  
22 decentralization is made in recognition of and encouragement for the concept  
23 of placing the primary focus of all educational decision making as close to the  
24 classroom as possible. The Guam Legislature intends to make this concept a  
25 reality through the creation of independent school district organizations that

1 are empowered to initiate and facilitate implementation of community/school  
2 based decision making and management for Guam's public schools.

3 The educational needs of a school district will be decided by the  
4 community through public servants elected as school district board members  
5 by the people of the community. Decisions about education and our schools  
6 will be made by these residents who are closest to the community and reflect  
7 the will of the people of the area. The electoral process will ensure that these  
8 "trustees" of our public schools remain accountable to the people of the  
9 community. Operating within the framework of Guam law and Island-wide  
10 policy, district school boards strike a balance between imposed standards and  
11 the unique needs of local communities.

12 **Section 3. Statement of Policy.** Strong collaborative leadership from  
13 the Administration, the Guam Legislature, education leaders and the general  
14 public is crucial to the success of the decentralization of our current education  
15 system. Quality education does not just happen. It must be caused to  
16 happen.

17 It is therefore, the policy of the government of Guam that all of its  
18 entities shall provide such support as necessary for the implementation of this  
19 Act consistent with the vision and purpose embodied herein.

20 **Section 4.** Chapter 3 of Division 2 of Title 17 of the Guam Code  
21 Annotated is hereby repealed and reenacted to read as follows:

22 **"CHAPTER 3.**

23 **ADMINISTRATION OF THE GUAM PUBLIC SCHOOL SYSTEM.**

24 **§3101. The Guam Public School System.**

25 **§3102. The Department of Education.**

- 1       §3103.     General Provisions for the Department of Education  
2                 within the Guam Public School System.
- 3       §3103.1.   Acceptance of Supplies and Services.
- 4       §3103.2.   Volunteers in Education.
- 5       §3103.3.   Career Program Counseling.
- 6       §3103.4.   Federal Grants for Educational Purposes; Administration.
- 7       §3103.5.   Apportionment and Expenditure of Federal Grants for  
8                 Educational Purposes.
- 9       §3103.6.   Where Governing Boards are Required.
- 10      §3104.     The Department of Education: Composition, Powers,  
11                 Duties.
- 12      §3104.1.   Director of Education.
- 13      §3105.     Four Local District Boards of Education, Elected Members;  
14                 District Organizations.
- 15      §3105.1.   District Boards Students Composition.
- 16      §3105.2.   Nomination for Election to the District Boards.
- 17      §3105.3.   Election Term.
- 18      §3105.4.   Vacancies on the District Boards.
- 19      §3105.5.   Officers of the District Boards.
- 20      §3105.6.   Meetings of the District Boards.
- 21      §3105.7.   Quorum and Acts of the District Boards.
- 22      §3105.8.   Compensation of District Board Members.
- 23      §3105.9.   Financial Disclosure Requirements.
- 24      §3106.     Executive Sessions of the District Boards.
- 25      §3107.     School Calendar.
- 26      §3107.1.   Release Time: Meditation Period.

- 1 §3108. United States and Guam Flags: Duty of the District  
2 Boards.
- 3 §3109. Same: Pledge of Allegiance to Flag.
- 4 §3110. Physical Fitness.
- 5 §3111. Enrichment and Compensatory Programs.
- 6 §3112. Student Fund-Raising Activities.
- 7 §3113. Gifted Students.
- 8 §3114. Same: Assessment of Students.
- 9 §3115. Same: Assessment of Program.
- 10 §3116. In-Service Training of Teachers.
- 11 §3117. Administration of School District Organizations.
- 12 §3117.1. District Superintendents of Schools.
- 13 §3117.2. Education Planning.
- 14 §3117.3. Parental Involvement in the School.
- 15 §3117.4. Delegation of Management Authority to the Schools.
- 16 §3117.5. Volunteers in Education.
- 17 §3117.6. Personnel Rules and Regulations.
- 18 §3118. Principals Council.
- 19 §3119. School Treasurer.
- 20 §3120. Administrative Provisions for the Guam Public School  
21 System.
- 22 §3120.1. Administrative Provisions for the Department of  
23 Education
- 24 §3120.2. Administrative Provisions for the School District  
25 Organizations.
- 26 §3120.3. Administrative Provisions for the Public Schools.





1           **Section 3102. The Department of Education.** There is in the  
2 Executive Branch of the government of Guam a Department of  
3 Education ('DOE') headed by a Director of Education.

4           **Section 3103. General Provisions for the Department of**  
5 **Education Within the Guam Public School System.**

6           **Section 3103.1. Acceptance of Supplies and Services.**

7 The Department of Education, with the written consent of the Governor,  
8 shall have the power and duty to accept from the United States of  
9 America, or any of its agencies, such advisory services, funds,  
10 equipment and supplies as may be made available to Guam for any of  
11 the purposes contemplated by this Chapter, and to enter into such  
12 contracts and agreements with the United States, or any of its agencies,  
13 as may be necessary, proper and convenient, not contrary to the laws of  
14 Guam. In the use and distribution of such services the Department of  
15 Education shall, to the extent practical and lawful, make them available  
16 to all students in Guam in an equitable manner.

17           **Section 3103.2. Volunteers in Education.** The Director of  
18 Education is authorized to institute a program within the Department of  
19 Education to be entitled, 'Volunteers in Education.' The Department of  
20 Education shall, by its policies, make needful rules and regulations for  
21 the utilization of said volunteers in education within the Guam Public  
22 School System with consultation from the District Boards. The  
23 Department of Education is authorized to obtain liability insurance  
24 coverage for said volunteers.

25           **Section 3103.3. Career Program Counseling.** (a) On and

1 after January 1, of every year, the Department of Education and the  
2 Director of the Department of Labor in consultation with the District  
3 Boards shall make available to secondary students continuing  
4 employment and career program counseling to furnish information  
5 relating to the employment opportunities available to students  
6 graduating from or leaving the public high schools of Guam.

7 (b) No fee, compensation or other consideration shall be  
8 charged to or received from any student utilizing such services.

9 (c) In providing such services, the Department of Education  
10 shall consult and cooperate with the Guam Employment Service.

11 **Section 3103.4. Federal Grants for Educational Purposes;**  
12 **Administration.** (a) To the extent that Federal funds require the  
13 administration of a state agency, the Department of Education may  
14 accept on behalf of Guam from any Federal agency monies which have  
15 been appropriated by act of Congress for educational purposes.

16 (b) The Department of Education, following regular educational  
17 fiscal procedure for the government of Guam, shall be the chief  
18 educational authority for administration and supervision of the  
19 expenditure of Federal appropriations described in Subsection (a) of this  
20 Section.

21 (c) The Department of Education shall develop rules,  
22 regulations and procedures for grant applications from the School  
23 District Organizations.

1           **Section 3103.5. Apportionment and Expenditure of Federal**  
2 **Grants for Educational Purposes.** (a) The Department of Education  
3 shall apportion the monies described in §3103.4.

4           (b) Monies so apportioned shall be expended by the School  
5 Districts for the purposes and in the manner set forth in the Federal  
6 grant. In the absence of Federal regulation the Department of Education  
7 shall determine the purposes and methods of expenditure in accordance  
8 with §3103.4.

9           **Section 3103.6. Where Governing Boards are Required.**

10 The Governor may, by executive order, establish such governing entities  
11 as may be required by Federal law or regulation for the administration  
12 of Federally funded programs.

13           **Section 3104. The Department of Education: Composition,**  
14 **Powers, Duties.** The Department of Education shall be comprised  
15 of the Director of Education and the personnel necessary to carry out the  
16 functions of the Department. The Department of Education shall:

17           (1) develop an annual budget to fund the Department's  
18 operations and personnel costs and submit such budget to the  
19 Guam Legislature for its review and approval;

20           (2) prepare and/or review applications, receive and  
21 distribute as appropriate Federal funds, grants and Federal  
22 contracts described in §3103.4 to the respective school Districts;

23           (3) establish and periodically review the Department's  
24 personnel policy;

1           (4) certify school administrators, teachers, instructional  
2 support and student services staff;

3           (5) assist the Districts to establish policies to promote an  
4 efficient and effective instructional and support service program  
5 for students;

6           (6) establish a comprehensive Island-wide School District  
7 information system to monitor outcomes, procedures and  
8 resources of public education; this system shall provide a measure  
9 of the achievement of students in the knowledge and skill areas  
10 specified in the common curriculum goals and performance  
11 standards;

12          (7) establish rules and regulations for the administration  
13 of the Department of Education consistent with recognized sound  
14 business and management principles pursuant to government-  
15 wide rules, regulations and public laws;

16          (8) enter into contractual agreements affecting the  
17 Department of Education;

18          (9) coordinate all interscholastic activities of the Guam  
19 Public School System, including athletic and academic events;

20          (10) review and approve plans when so required by  
21 Federal statutes;

22          (11) serve as the state educational agency for purposes of  
23 Federal statutes, policies, grants, programs and regulations;

1 (12) set Island-wide academic and performance standards  
2 and provide a minimum course of study and competency  
3 requirements for the promotion and graduation of students;

4 (13) establish, in consultation with the superintendents of  
5 schools, policies to promote an efficient and effective nutritional  
6 service program for students and periodically review such school  
7 meal programs to ensure consistency with Federal laws relating to  
8 the eligibility of Guam to participate in the school lunch program;

9 (14) cause an annual audit of the Department's financial  
10 statements to be conducted, subject to the rules and regulations of  
11 the Office of the Guam Auditor. The audit shall be completed by  
12 December 31<sup>st</sup> for each fiscal year ending September 30<sup>th</sup> of such  
13 year. Copies of the audited financial statements shall be  
14 transmitted to the Governor and the Guam Legislature within  
15 fifteen (15) days of completion, and the Department shall advise  
16 the public of the availability of such financial statements;

17 (15) assess the implementation, performance and  
18 achievement of each of the Districts with regards to its educational  
19 goals and report its findings to the Governor and the Guam  
20 Legislature no later than June 30<sup>th</sup> of each year; copies of such  
21 reports shall be made available to the public;

22 (16) recommend to the Guam Legislature changes or  
23 additions to public laws pertaining to education;

24 (17) coordinate among all School District organizations  
25 such educational mandates and programs not appropriate for

1 individual administration by each School District organization;  
2 and

3 (18) hold at least once yearly, in coordination with the  
4 School District organizations, an annual education summit  
5 meeting of educators and interested parties. The agenda for such  
6 summit meetings shall include, but not be limited to, proposals for  
7 system-wide academic and performance standards, education  
8 initiatives, and updates to the Guam Comprehensive Education  
9 Improvement Plan.

10 **Section 3104.1. Director of Education.** The Director of Education  
11 shall be the Chief Executive Officer of the Department. The Director  
12 shall be appointed by the Governor and such appointment shall be  
13 subject to confirmation by the Guam Legislature. The Director shall  
14 serve in the exempted unclassified service. In the event of the  
15 temporary absence of the Director, the Governor shall appoint an Acting  
16 Director from the staff of the Department. In the event of a vacancy in  
17 the office of Director, the Governor shall appoint an Acting Director  
18 from the staff of the Department of Education until the vacancy is filled  
19 by a permanent appointment by the Governor, subject to confirmation  
20 by the Guam Legislature. The Acting Director shall serve as Chief  
21 Executive Officer for the Department of Education for the period of time  
22 the Director is absent from duty. The Director shall:

23 (1) be the Chief Executive Officer of the Department of  
24 Education;

1           (2) enforce the policies, rules and regulations of the  
2 Department;

3           (3) prepare and submit an annual budget for the  
4 Department of Education for the Guam Legislature's consideration  
5 and approval;

6           (4) submit quarterly reports to the Governor and the  
7 Guam Legislature showing the financial and budgetary condition  
8 of the Department;

9           (5) hire employees for the Department in accordance with  
10 established criteria, assign or transfer employees for efficient and  
11 sound operations;

12           (6) supervise and coordinate the work activities of  
13 employees in the Department;

14           (7) enter into contracts on behalf of the Department in  
15 accordance with all applicable laws and regulations;

16           (8) organize the Department in such a manner as to  
17 effectively support and facilitate the work of the School District  
18 organizations; and

19           (9) perform any other duties as required.

20           **Section 3105. Four District Boards of Education, Elected**  
21 **Members; School District Organizations.** There are hereby created  
22 four (4) School District organizations, each comprised of an elected  
23 District Board of Education ('The District Board'), an Office of the  
24 Superintendent of Schools, a District Superintendent of Schools ('The  
25 Superintendent'), and such other personnel necessary for the



1 administration and operation of all school facilities within the  
 2 established Districts' boundaries. Each District Board shall be the  
 3 policy-making body for its School District organization.

4 (a) There shall be four (4) District Boards of Education. Each  
 5 District Board shall be elected by registered voters of their District in  
 6 accordance with the Guam Election laws. No elected District Board  
 7 member may be employed by the Guam Public School System.

8 (b) The election provided for in this Section shall be non-  
 9 partisan, and no political party shall directly or indirectly sponsor,  
 10 nominate or endorse any of the candidates for such office.

11 (c) There shall be the following number of elected District  
 12 Board members for the following School Districts composed of the  
 13 municipalities as set forth in the following table:

<u>Districts:</u>	<u>Municipalities:</u>	<u>No. of Elected</u>
		<u>Board Members:</u>
Distritun 'LAGU'	Dededo and Yigo	6
Distritun 'KATTAN'	Agana Heights, Barrigada, Chalan Pago-Ordot, Mongmong-Toto-Maite, Mangilao and Sinajana	6
Distritun 'LUCHAN'	Agana, Asan-Maina, Piti , and Tamuning	6
Distritun 'HAYA'	Agat, Inarajan, Merizo, Santa Rita, Talofoyo, Umatac and Yona	6

1           In addition to the six (6) elected voting members of the District  
2 Board, the District Board shall also be comprised of one (1) voting  
3 member from the student population of the District's high school and  
4 one (1) non-voting, ex-officio member from the exclusive bargaining  
5 unit representing the teachers and other members of the Union within  
6 Guam's Public School System. Each District Board, as it finds necessary,  
7 may appoint other non-voting ex-officio members to the District Board.  
8 A minimum of five (5) votes of the voting membership shall be required  
9 for appointment of a non-voting ex-officio member.

10           (d) Except for the student member, the candidate must be at  
11 least twenty-five (25) years of age, a five (5) year resident of Guam, and  
12 a resident and domiciliary of that District he/she will be representing  
13 for at least two (2) years immediately preceding the date on which the  
14 member takes office and continuing throughout the term, and shall be  
15 of good moral character and turpitude. All candidates for a District  
16 Board must be citizens of the United States.

17           (e) The six (6) candidates of each School District with the  
18 highest plurality of votes in an election shall be seated on such School  
19 District's District Board.

20           **Section 3105.1 District Boards: Student Composition.**

21           (a) The student member of each District Board shall be a student of  
22 the public high school in that District. The public high school students  
23 in each District shall elect the student member by a plurality of the votes  
24 cast. There shall be an election held in each the public high school  
25 during the month of April of each year. Such election shall be

1 supervised by each high school's principal in cooperation with the  
2 student governing body of the District's high school. Any student  
3 nominated for election to the District Board must be an intended  
4 student of the School District's high school for the following school year.

5 (b) A candidate must be nominated by a petition signed by no  
6 less than one hundred (100) students from the District's high school.  
7 The student member shall take office on June 15<sup>th</sup> of the year elected.

8 (c) Student members of the District Board must maintain at  
9 least a 2.5 grade point average.

10 (d) No student may be a candidate if under suspension or on  
11 academic probation at the time of nomination.

12 **Section 3105.2. Nomination for Election to the District Boards.**

13 Nomination of candidates for election to a District Board shall be made  
14 by petition on forms prescribed by the Election Commission and  
15 initiated by the candidate. In order for a person's name to be placed on  
16 the ballot for election to a District Board, such petition must be signed  
17 by not less than fifty (50) persons registered and domiciled to vote in  
18 that District and must be filed with the Election Commission not less  
19 than forty-five (45) days prior to the election for such members. No  
20 defect in any nominating petition presented to the Election Commission  
21 shall prevent the filing of another petition which is presented within the  
22 allowed period. Such petitions shall be maintained on file with the  
23 Commission for not less than ten (10) years.

24 **Section 3105.3. Election Term.** The members of each District  
25 Board shall be elected within their respective Districts at each General

1 Election. The terms of office of the District Board members elected  
2 pursuant to this Section shall commence on the first Tuesday in January  
3 and ending at 12 O'clock noon two (2) years later.

4 **Section 3105.4. Vacancies on the District Boards.** (a) Any  
5 vacancy occurring in any of the District Boards shall be filled by an  
6 individual appointed by the village Mayors and Vice-Mayors of that  
7 particular School District until said term expires. A vacancy in the  
8 student member board seat shall be filled for the remainder of the term  
9 by a student selected by the high school's student body association.

10 (b) Any elected District Board member may be removed from  
11 office by a petition signed in favor of a recall by at least two-thirds (2/3)  
12 of the number of persons voting in the election for such official in the  
13 last preceding general election at which such official was elected.

14 **Section 3105.5. Officers of the District Boards.** Each District  
15 Board shall elect by a majority vote of its voting membership, a  
16 Chairperson, a First Vice-Chairperson and a Second Vice-Chairperson,  
17 and such other positions which the District Board deems necessary to  
18 effectively carry out its responsibilities. The Chairperson and Vice-  
19 Chairpersons shall be selected, by a majority vote of the voting members  
20 present, from among the members who where elected at-large by the  
21 District. Such District Board officers upon election shall serve for a term  
22 of one (1) year. District Board officers shall be elected during one (1) of  
23 the District Board's meetings held in January of each year or as  
24 vacancies arise.

1           **Section 3105.6. Meetings of the District Boards.** Meetings of  
2 each District Board shall be open and held at a regular time and place  
3 each month. Special meetings may be called by the Chairperson or by  
4 the call and concurrence of three (3) voting members.

5           **Section 3105.7. Quorum and Acts of the District Boards.** A  
6 quorum for meetings of each District Board shall consist of four (4)  
7 voting members. Except as otherwise provided for within this Chapter,  
8 the concurrence of a majority of the voting members present of such  
9 District Board shall be necessary for the validity of any of its acts.

10           **Section 3105.8. Compensation of District Board Members.**  
11 District Board voting members shall be compensated at the rate of Fifty  
12 Dollars (\$50.00) per Board meeting, not to exceed One Thousand Three  
13 Hundred Dollars (\$1,300.00) per year.

14           **Section 3105.9. Financial Disclosure Requirements.**  
15 Candidates for and members of each District Board shall generally not  
16 be subject to the financial disclosure requirements of elected officials as  
17 provided for in Chapter 13 of Title 4 of the Guam Code Annotated. The  
18 voting members of each District Board shall, however, be subject to the  
19 same financial disclosure requirements applicable to other Government  
20 of Guam boards and commissions under the provisions of §13104.1 of  
21 Chapter 13 of Title 4 of the Guam Code Annotated.

22           **Section 3106. Executive Sessions of the District Boards.**  
23 Each District Board may, during regular or special meetings, hold  
24 executive sessions for the purposes of considering the appointment,  
25 employment, suspension or dismissal of a public employee of the

1 School District, or to hear complaints or charges brought against such  
2 employee by any other public officer, person or employee, unless such  
3 employee requests a public hearing. Employees shall have the right to  
4 be present during the executive session of complaints or charges  
5 brought against them and to be represented by a person(s) of his/her  
6 choosing, if such sessions are to consider disciplinary actions. The  
7 District Board may hold executive sessions for the purpose of  
8 considering matters within the scope of public employee-management  
9 relations. When the Board is in executive session, voting members and  
10 such other persons as they may direct shall be present.

11 **Section 3107. School Calendar.** Each District organization  
12 shall develop, prior to February 15<sup>th</sup> of each year, an annual school  
13 calendar that shall specify a minimum of nine hundred ninety (990)  
14 instructional hours. Each District Board shall by March 15<sup>th</sup> of each year  
15 adopt a school calendar for the upcoming school year for the School  
16 District. The school calendar shall also specify additional make-up  
17 hours for instructional time lost due to natural disasters, inclement  
18 weather and other unforeseen events causing school closure. The  
19 calendar shall also include, in addition to instructional hours, teacher  
20 workdays, parent-teacher conferences, holidays, time for School  
21 District-wide events and for other educational activities.

22 **Section 3107.1. Release Time and Meditation Period.**

23 (a) **Release Time.** Each District Organization is authorized to  
24 establish and supervise a program whereby students may be released  
25 from their regular school attendance for a period of time no greater than

1 one (1) hour each week during the school year, for the purpose of  
2 attending religious instruction outside the property and off the grounds  
3 of the government of Guam. Provided, however, that this Section in no  
4 event shall authorize the participation of the District Boards of  
5 Education, the teachers or any other employees of the government of  
6 Guam to assist or aid in any manner, directly or indirectly, the religious  
7 instruction of students, or the compulsion of students to attend religious  
8 instruction. Provided, further, that this Section shall not be construed to  
9 permit the utilization of any property of the government of Guam in  
10 any manner whatsoever, for the purpose of such religious instruction.

11 (b) **Meditation Period.** Each District Board is required to  
12 establish for each class a period of silent meditation during the first  
13 hour of each school day.

14 **Section 3108. United States and Guam Flags: Duty of The**  
15 **District Boards.** Each District Board shall provide for each public  
16 school under its control suitable flags of the United States and Guam,  
17 which shall be hoisted above each school during all-day sessions,  
18 weather permitting. Each District Board shall also provide smaller and  
19 suitable United States and Guam flags to be displayed in each  
20 schoolroom at all times during the school sessions.

21 **Section 3109. Pledge of Allegiance to the United States Flag.**  
22 It shall be the duty of each District Board to adopt and place into effect  
23 for the public schools of Guam, rules and regulations requiring  
24 students, at a suitable time during school sessions, to pledge allegiance  
25 to the United States flag and to the Nation for which it stands. Such

1 pledge shall be in the following words:

2 'I pledge allegiance to the flag of the United States of America and  
3 to the Republic for which it stands; one (1) nation under God,  
4 indivisible, with liberty and justice for all.'

5 **Section 3110. Physical Fitness.** Each District Board shall  
6 develop and implement a physical fitness program for all students in  
7 the elementary and secondary schools taking into consideration the age,  
8 sex and health condition of students. Such program may include a  
9 periodic physical fitness achievement test, and, as feasible, intramural  
10 and other athletic competition.

11 **Section 3111. Enrichment and Compensatory Programs.**  
12 Each District Board shall adopt a policy providing for enrichment and  
13 compensatory education programs to be conducted throughout each  
14 District during June, July and August of each year or during inter-  
15 sessions for schools using year-round calendars. Fees may be charged  
16 to support programs of this Section.

17 **Section 3112. Student Fund-Raising Activities.** Each  
18 District Board shall promulgate rules and regulations necessary to  
19 regulate conduct of fund-raising activities on the part of students, to  
20 safeguard the funds raised by such activities, and for the audit of such  
21 funds. Said rules and regulations shall include, but need not be limited  
22 to the following:

23 (1) the educational, recreational or cultural rationale  
24 necessary to justify the holding of any particular class of school  
25 activity;



1 (2) regulations governing qualifications of firms or  
2 persons who may do business with school classes or activities;

3 (3) regulations governing selection of school personnel  
4 who may act in an official or unofficial capacity for students;

5 (4) regulations requiring that sound business practices be  
6 used in the conduct of any school or class activity;

7 (5) all purchase contracts between vendors and class  
8 activities, sponsors or school principals shall be subject to District  
9 Board approval;

10 (6) no agreement relative to school or class activities shall  
11 exceed one (1) year in duration; and

12 (7) a requirement that an annual audit of all school and  
13 class activity funds be performed and a report filed with the  
14 District Board and the Guam Legislature.

15 **Section 3113. Gifted Students.** Each District Board shall  
16 develop a program of studies that will provide for the development of  
17 the unusual and special abilities of gifted students enrolled in the public  
18 schools of its District. For the purposes of this Chapter, *'gifted students'*  
19 shall mean students who exhibit leadership ability, artistic talent,  
20 creativity, outstanding academic ability and high intelligence.

21 **Section 3114. Same: Assessment of Students.** Each  
22 District Board shall cause to be conducted an assessment to identify  
23 gifted students within the public schools of the District. To the extent  
24 that Federal funds are involved, such assessment shall be coordinated  
25 with the Federal Programs Office of the Department of Education.

1           **Section 3115. Same: Assessment of Program.** Each  
2 District Board shall cause to be conducted a periodic assessment of the  
3 progress of the students in the gifted students program and the results  
4 of said assessment are to be used to determine whether the program  
5 should be modified.

6           **Section 3116. In-Service Training of Teachers.** Each District  
7 Board shall, subject to available resources, provide for in-service  
8 training for teachers necessary to conduct any educational programs,  
9 including, but not limited to, sabbaticals.

10           **Section 3117. Administration of School District**  
11 **Organizations.**

12           **Section 3117.1. District Superintendents of Schools.** Each  
13 District Board shall appoint for its School District organization, a  
14 Superintendent of Schools ('the Superintendent') who shall serve as  
15 Chief Executive Officer for the School District Organization ('the  
16 District'). Each Superintendent shall serve at the pleasure of the District  
17 Board in the exempted unclassified service. The qualifications shall be  
18 established by each District Board. The respective terms of office shall  
19 be set by each District Board, commencing with the date of the District  
20 Board's approval. A District Board may, by a vote of five (5) members,  
21 appoint or remove for cause its Superintendent. In the appointment of a  
22 Superintendent of Schools, each District Board is authorized to enter  
23 into an employment contract for a period not to exceed three (3) years.  
24 Such employment contract is renewable upon successful annual  
25 performance evaluations. In the event of the temporary absence of the

1 Superintendent, the Chairperson of that District Board shall appoint an  
2 Acting Superintendent from the staff of the School District  
3 Organization. In the event of a vacancy in the office of Superintendent,  
4 the Chairperson of that District Board shall appoint an Acting  
5 Superintendent from the staff of the School District organization until  
6 the vacancy is filled by the District Board. The Acting Superintendent  
7 shall serve as Chief Executive Officer for the School District for the  
8 period of time the Superintendent is absent from duty. Each  
9 Superintendent shall:

10 (a) be the Executive Secretary of that District's Board;

11 (b) enforce collective bargaining agreements and the policies,  
12 rules and regulations of the School District;

13 (c) attend all meetings of the District Board and prepare  
14 quarterly reports on the financial, administrative and academic status of  
15 the District, which shall be submitted to the Department of Education,  
16 the Guam Legislature and to the Governor of Guam;

17 (d) prepare and submit an annual budget by March 31<sup>st</sup> of each  
18 year for the District Board's consideration and approval;

19 (e) ensure that employees whose job descriptions require  
20 professional certification or professional non-educational qualifications  
21 have the required current credentials;

22 (f) plan, organize, coordinate and control all personnel  
23 functions for employees of the School District as the appointing  
24 authority for the School District;

1 (g) set performance standards for, monitor and hold  
2 accountable the principals within the School District with regards to  
3 their respective school operations and activities, including, but not  
4 limited to, the government of Guam's procurement and ethics laws;

5 (h) be responsible and accountable for all educational resources,  
6 equipment, real property and buildings within the District;

7 (i) cause an annual audit to be conducted on the financial  
8 statements of the entities of the School District organization pursuant to  
9 the provisions of §3120.6 of this Chapter;

10 (j) administer, on behalf of the School District organization in  
11 consistency with the policies established by the Department of  
12 Education, an effective and efficient nutritional meal program and  
13 establish a schedule of fees charged pupils, employees and any others  
14 who may be eligible to take meals in the school lunch program;

15 (k) report quarterly to the District Board on recommendations  
16 made by the Principals Council and School Councils;

17 (l) apply for and administer Federal grants and programs on  
18 behalf of the School District organization for cases where  
19 grant/program administration by a state agency is not required; and

20 (m) perform such other duties as the District Board may require.

21 **Section 3117.2. Education Planning.** (a) Each School District  
22 organization shall annually file with the Department of Education, and  
23 make available to the public, a report that:

24 (1) establishes District goals and priorities for improving  
25 education in the District;

1           (2) includes a plan for achieving District goals and  
2 priorities; and

3           (3) includes a means of measuring the achievement of  
4 District goals and priorities.

5           (b) Each School District organization shall make efforts to  
6 encourage students, parents, teachers and other members of the  
7 community to participate in the preparation of the report submitted  
8 under (a) of this Section.

9           (c) Each public school shall, by June 30<sup>th</sup> of each year, prepare a  
10 report on the school's performance and the performance of the school's  
11 students. The report shall be presented to parents, students and  
12 community members at a public meeting and forwarded to the  
13 Superintendent of the District.

14           (d) Each School District organization shall, by July 31<sup>st</sup> of each  
15 year, provide the Department of Education, and make available to the  
16 public, a report on the performance of each public school and public  
17 school students in the District. The report shall be entitled, 'School  
18 District Report Card to the Public,' and must be prepared on a form  
19 prescribed by the Department. The report must include:

20           (1) the percent of District students in the top and bottom  
21 quarter of standardized national achievement examinations;  
22 results under this Paragraph shall be disclosed in a manner that  
23 does not reveal the individual identities of students;

24           (2) the percent of students who are not promoted to the  
25 next grade;

1           (3) student, parent and community member comments on  
2 the school's performance;

3           (4) the annual percentage change in enrollment and the  
4 percent of enrollment change due to student transfers into and out  
5 of the District;

6           (5) attendance, retention, promotion and graduation rates;

7           (6) administrator, faculty and staff attendance rates; and

8           (7) the ways in which meaningful parent involvement in  
9 school performance was achieved.

10          (e) Each District Board, notwithstanding the provisions of  
11 Chapter 4 of Title 17 of the Guam Code Annotated, shall annually  
12 develop and approve a list of textbooks that may be used in schools  
13 within the School District.

14           **Section 3117.3. Parental Involvement in the School.**

15          (a) Each District Board, in consultation with parents, teachers  
16 and administrators, shall cause to be developed and adopt a policy to  
17 promote the involvement of parents and guardians of children enrolled  
18 in the schools within the School District, including:

19           (1) a plan for parent participation in the schools which is  
20 designed to improve parent and teacher cooperation in such areas  
21 as homework, attendance and discipline;

22           (2) procedures by which parents may learn about the  
23 course of study for their children and review learning materials;  
24 and

1           (3) procedures by which parents who object to any  
2 learning material or activity on the basis that it is harmful may  
3 withdraw their children from the activity or from the class or  
4 program in which the material is used. Objection to a learning  
5 material or activity on the basis that it is harmful includes  
6 objection to a material or activity because it questions beliefs or  
7 practices in sex, morality or religion.

8           (b) The policy adopted by each District Board pursuant to this  
9 Section may also include the following components:

10           (1) a plan by which parents will be made aware of the  
11 District's parental involvement policy and the provisions of this  
12 Section, including privacy rights and the parent's right to inspect  
13 the school district policies and curriculum;

14           (2) efforts to encourage the development of parenting  
15 skills;

16           (3) the communication to parents of techniques designed  
17 to assist the child's learning experience in the home;

18           (4) efforts to encourage access to community and support  
19 services for children and families;

20           (5) the promotion of communication between the school  
21 and parents concerning school programs and the academic  
22 progress of the parents' children;

23           (6) identifying opportunities for parents to participate in  
24 and support classroom instruction at the school;

1           (7) efforts to, with appropriate training, support parents  
2 as shared decision makers and to encourage membership on  
3 School Councils;

4           (8) the recognition of the diversity of parents and the  
5 development of guidelines that promote widespread parental  
6 participation and involvement in the school at various levels;

7           (9) the development of preparation programs and  
8 specialized courses for certificated employees and administrators  
9 that promote parental involvement; and

10          (10) the development of strategies and programmatic  
11 structures at schools to encourage and enable parents to  
12 participate actively in their children's education.

13          (c) For the purposes of this Section, '*parent*' means the parent or  
14 person who has custody or joint legal custody of the child.

15          **Section 3117.4. Delegation of Management Authority to the**  
16 **Schools.** Each District Board shall adopt a policy for the delegation by  
17 the Superintendent of Schools of any degree of managerial and  
18 administrative autonomy to school principals and their School Councils  
19 to achieve maximum operating efficiency of the schools within the  
20 District. Such policy shall provide for the designation of schools as  
21 decentralized pursuant to Chapter 3A of this Title, and may provide for  
22 the delegation of varying degrees of autonomy in preparation for a  
23 school's designation as decentralized. The policy adopted by the  
24 District Board to designate a school as a decentralized school for the



1 purposes of school-based decision making shall also address the  
2 following:

3 (a) school budget and administration, including: discretionary  
4 funds; activity and other school funds; funds for maintenance, supplies  
5 and equipment; and accounting and auditing;

6 (b) assessment of individual student progress, including testing  
7 and reporting of student progress to students, parents, the school  
8 district and the community;

9 (c) school improvement plans, including the form and function  
10 of strategic planning and its relationship to district planning;

11 (d) professional development plans developed pursuant to  
12 §3116 of this Chapter;

13 (e) parent, citizen and community participation, including the  
14 relationship of the council with other groups;

15 (f) cooperation and collaboration within the District, with other  
16 Districts and with other public and private agencies;

17 (g) requirements for waiver of District policies;

18 (h) requirements for record keeping by the School Councils; and

19 (i) a process for appealing a decision made by a School Council.

20 By November 15, 1999, each District Board shall adopt a policy for  
21 designating schools as, 'decentralized,' and for implementing school-  
22 based decision-making in the Districts, which shall include, but not to,  
23 be limited to a description of how the District's policies allow the  
24 professional staff members of a school to be involved in the decision  
25 making process as they work to meet established educational goals.

1           **Section 3117.5. Volunteers in Education.**   Each

2 Superintendent of Schools is authorized to institute a program within  
3 the School District organization to be entitled, 'Volunteers in Education.'  
4 Each District Board shall, by its policies, make needful rules and  
5 regulations for the utilization of said volunteers in education within the  
6 School District organization. Each School District organization  
7 authorized to obtain liability insurance coverage for said volunteers.

8           **Section 3117.6. Personnel Rules and Regulations.**   Each

9 School District organization shall develop personnel rules and  
10 regulations consistent with the provision of public law. Such personnel  
11 rules and regulations shall include provisions for general personnel  
12 policy, including, but not limited to, hiring policy, performance  
13 evaluations, leave policy and adverse action procedures and appeals,  
14 including appeals to the Civil Service Commission.

15           **Section 3118. Principals Councils.** Each School District  
16 **Shall have a Principals Council.** (a) All school principals within  
17 each District shall be members of the Principals Council. The purpose  
18 of the Principals Council is to advise the Superintendent regarding  
19 efficiency and effectiveness of the school instructional and support  
20 services in the District's schools.

21           (b) The Principals Council shall:

22           (1) recommend to the Superintendent appropriate  
23 regulations to promote consistent and uniform District-wide  
24 administration for all schools where appropriate;

1           (2) advise the Superintendent regarding budgeting,  
2           staffing for operations and coordination of school support  
3           services;

4           (3) participate in reform initiatives; and

5           (4) provide guidance on instructional leadership to the  
6           District.

7           (c) Each Principals Council shall establish rules of operation.

8           **Section 3119. School Treasurer.** Each school principal  
9           shall appoint from among the twelve (12) month staff, a school treasurer  
10          who shall receive deposits and disburse school funds in accordance  
11          with the provisions of this Chapter.

12          **Section 3120. Administrative Provisions for the Guam Public**  
13          **School System.** The Guam Public School System and all entities within  
14          shall conduct their activities in a manner consistent with the highest  
15          standards of ethics and accountability.

16          **Section 3120.1. Administrative Provisions for the Department**  
17          **of Education.** In the administration of its day-to-day activities, the  
18          Department of Education is authorized to set up administrative  
19          procedures under the following guidelines:

20          (a) **DOE Bank Accounts.** The Department of Education is  
21          authorized to set up bank accounts in its own name for the purpose of  
22          transacting its day-to-day business. The Director of Education may  
23          designate any employees of his or her choice as authorized signatories  
24          on bank accounts. Such bank accounts shall be dual signature accounts  
25          requiring the signature of at least two (2) employees of the Department.

1 Interest earned on any bank account shall be remitted proportionately,  
2 based on student enrollment, to each School District organization.

3 (b) **Disbursement of Funds Procedures.** All disbursements  
4 of funds from any DOE bank account shall require the approval of the  
5 Director and the certification of the availability of funds by a certifying  
6 officer designated by the Director of Education. All contracts, personnel  
7 actions and any other instrument requiring the expenditure of funds  
8 must be approved by the Director and certified as to the availability of  
9 funds by the Certifying Officer. The approval and certification of  
10 availability of funds shall conform to the provision of Title 4 of the  
11 Guam Code Annotated.

12 (c) **Accounting Records.** All accounting records and  
13 procedures shall be constructed and maintained according to Generally  
14 Accepted Accounting Principles and the rules of the Governmental  
15 Accounting Standards Board.

16 (d) **Procurement.** All procurement practices shall conform to  
17 the requirements of Chapter 5 of Title 5 of the Guam Code Annotated.

18 **Section 3120.2. Administrative Provisions for the Office of the**  
19 **Superintendent of Schools.** In the administration of its day-to-day  
20 activities, each District Board of Education may authorize the District  
21 Superintendent to set up administrative procedures under the following  
22 guidelines:

23 (a) **Office of the Superintendent of Schools Bank Accounts.**  
24 Each Office of the Superintendent of Schools in each School District  
25 organization is authorized to set up bank accounts in its own name for

1 the purpose of transacting its day-to-day business. Each District Board  
2 shall, by resolution, designate any employees of its choice as authorized  
3 signatories on bank accounts. Such bank accounts shall be dual  
4 signature accounts requiring the signature of at least two (2) employees  
5 of the Office of the Superintendent of Schools. Interest earned on any  
6 bank account shall be retained by the School District organization.

7 (b) **Disbursement of Funds Procedures.** All disbursements  
8 of funds from any Office of the Superintendent of Schools bank account  
9 shall require the approval of the District Superintendent and the  
10 certification of the availability of funds by certifying officers designated  
11 by each District Superintendent. All contracts, personnel actions and  
12 any other instrument requiring the expenditure of funds must be  
13 approved by the Superintendent and certified as to the availability of  
14 funds by the certifying officer. The approval and certification of  
15 availability of funds shall conform to the provision of Title 4 of the  
16 Guam Code Annotated. Each District Board shall cause to be developed  
17 guidelines setting forth the level of disbursement approval authority  
18 granted to the District Superintendent.

19 (c) **Accounting Records.** All accounting records and  
20 procedures shall be constructed and maintained according to Generally  
21 Accepted Accounting Principles and the rules of the Governmental  
22 Accounting Standards Board.

23 (d) **Procurement.** All procurement practices shall conform to  
24 the requirements of Chapter 5 of Title 5 of the Guam Code Annotated.

1           **Section 3120.3. Administrative Provisions for the Public**  
2 **Schools.** In the administration of its day-to-day activities, the school  
3 principals shall set up administrative procedures under the following  
4 guidelines:

5           **(a) School Bank Accounts.** Each school is authorized to set  
6 up bank accounts in its own name for the purpose of transacting its day-  
7 to-day business. Each school principal shall designate any twelve-  
8 month employees as authorized signatories on bank accounts. Each  
9 District Board shall, by resolution, provide the terms and conditions for  
10 which all schools of the School District may open bank accounts. Such  
11 bank accounts shall be dual signature accounts requiring the signature  
12 of at least two (2) employees of the school. Interest earned on any bank  
13 account shall be retained by the school. There shall be no commingling  
14 of P.L. No. 24-17 funds with other school funds.

15           **(b) Disbursement of Funds Procedures.** All disbursements  
16 of funds from any school bank account shall require the approval of the  
17 school principal and the certification of the availability of funds by  
18 certifying officers designated by each District Board. All contracts,  
19 personnel actions and any other instrument requiring the expenditure of  
20 funds must be approved by the principal and certified as to the  
21 availability of funds by the certifying officer. The approval and  
22 certification of availability of funds shall conform to the provision of  
23 Title 4 of the Guam Code Annotated. The District Superintendent shall  
24 develop guidelines setting forth the level of disbursement approval  
25 authority granted to the school principal.

1           (c) **Accounting Records.** All accounting records and  
2 procedures shall be constructed and maintained according to Generally  
3 Accepted Accounting Principles and the rules of the Governmental  
4 Accounting Standards Board.

5           (d) **Procurement.** All procurement practices shall conform to  
6 the requirements of Chapter 5 of Title 5 of the Guam Code Annotated.  
7 Each School may conduct its own procurement subject to the delegation  
8 of procurement authority from the Superintendent of Schools of the  
9 School District.

10           **Section 3120.4. Statement of Bank Accounts Required.** A  
11 statement of all bank accounts of any entity of the Guam Public School  
12 System, including student activity funds, shall be appended to the  
13 financial statements of appropriate entity to which this Section applies,  
14 to include the reconciled balances of the closing date of each fiscal  
15 period.

16           **Section 3120.5. Duty to Account for All Receipts of School**  
17 **Fees.**

18 It shall be the responsibility for each school principal to fully and  
19 adequately account for all revenues it receives from all sources,  
20 including, but not limited to, sporting event admission fees, lost text  
21 book fees, summer school tuition, and student activity fees and ensure  
22 that such monies are used in a manner consistent with public law. Each  
23 school shall maintain periodic financial statements of the sources and  
24 uses of such funds.

1           **Section 3120.6. Quarterly Un-audited and Annual Audited**  
2 **Financial Statements Required.** The Department of Education and  
3 each School District organization shall prepare quarterly financial  
4 statements in accordance with Generally Accepted Accounting  
5 Principles and shall by December 31<sup>st</sup> of each year, submit to the  
6 Governor and the Guam Legislature audited financial statements for the  
7 last fiscal year ending September 30<sup>th</sup> of the same year. Such annual  
8 financial statements shall be audited by an independent auditor  
9 consistent with the provision of Chapter 19 of Title 1 of the Guam Code  
10 Annotated.

11           **Section 3121. Employees of the Guam Public School System.**  
12 All employees of the Guam Public School System are employees of the  
13 government of Guam and entitled to the same benefits that all other  
14 government of Guam employees are entitled to including retirement,  
15 leave and medical, dental and life insurance. The provisions of the  
16 Worker's Compensation Commission and the Government Claims Act  
17 shall apply to all employees of the Guam Public Schools System.

18           **Section 3121.1. Authority of the District Boards to Create**  
19 **Positions.** Notwithstanding any other provision of law, each District  
20 Board shall have the authority to create any positions necessary to  
21 accomplish the District's Educational Goals. The qualifications for such  
22 positions shall conform to the Equal Employment Opportunity Act. Pay  
23 grades for such positions created shall be set by the Civil Service  
24 Commission subject to the provisions of Chapter 6 of Title 4 of the  
25 Guam Code Annotated. The District Board shall determine which



1 positions shall be twelve-month term positions and which positions  
2 shall be school-year term positions. In the case of school-year term  
3 employees, the District Board shall have the flexibility to determine how  
4 to equitably apply the benefits that the employees are entitled to under  
5 §3121 of this Chapter. The approval of the Governor shall not be  
6 required for any position created pursuant to this Section.

7 **Section 3122. Allocation of Budget from Funds Received**  
8 **Under Public Law No. 24-17 Among the School Districts.**

9 The balance of all Funds received under the provisions of §26208  
10 of Title 11 of the Guam Code Annotated (Public Law No. 24-17) that are  
11 not appropriated for the Department of Education's operations or  
12 allocated to the Capital Improvement Fund as provided for in §3122.1  
13 and §3122.2 of this Chapter shall be allocated to each School District  
14 based on a formula, including, but not limited to, weighted (based on  
15 the number and percentages of elementary, middle, high school and  
16 special needs students in a School District) student enrollment at the  
17 end of the prior school year. The Department of Education shall, in  
18 consultation with the School District organizations, develop such  
19 allocation formula. All Public Law Number 24-17 funds not used by a  
20 School District within a fiscal year (lapsed funds) shall remain with the  
21 School District for subsequent fiscal periods. All Public Law Number  
22 24-17 funds not used by the Department of Education within a fiscal  
23 year (lapsed funds) shall be remitted proportionately to the School  
24 Districts for subsequent fiscal periods. No more than seven and one-  
25 half percent (7.5%) of the funds received by each School District shall be

1 used for the administration of the Office of the Superintendent of  
2 Schools in each District organization.

3 **Section 3122.1. Department of Education Operations.** No  
4 more than three percent (3%) of the total Guam Public School System  
5 funds received from Public Law Number 24-17 shall be used to fund the  
6 operations of the Department of Education.

7 **Section 3122.2. Capital Improvement Fund.** There is  
8 hereby created a Capital Improvement Fund for the Guam Public School  
9 System. Five percent (5%) of the total Guam Public School System  
10 funds received from Public Law Number 24-17 shall be used for capital  
11 improvement projects to include, but not be limited to, the building of  
12 new schools, repairs and rehabilitation of facilities, and the construction  
13 of new facilities in existing schools. These funds shall be maintained  
14 separate and apart from other Guam Public School System funds.

15 **Section 3122.3. Expenditures of Capital Improvement Funds,**  
16 **Funds Appropriated Under P.L. No. 24-18.** A committee of five (5)  
17 members made up of the Director of Education and the four (4)  
18 Superintendents of Schools shall, by a majority vote of three (3)  
19 members, decide on what projects shall be funded from the Capital  
20 Improvement Fund and what priorities such projects are funded by.  
21 This committee shall take into consideration the ten (10)-year Capital  
22 Improvement Plan adopted by the Department of Education. In the  
23 event that excess funds remain in the Capital Improvement Fund after  
24 all Capital Improvement Projects are funded, the committee may decide  
25 to use the remaining funds for other education-related purposes. This

1 committee also shall, by a majority vote of three (3) members, determine  
2 what new school projects will be funded from the funds appropriated  
3 under Public Law No. 24-18 for new school construction.

4 **Section 3122.4. Prohibition Against Transfers of Funds.**

5 Notwithstanding any other provision of law, the Governor shall not use  
6 any transfer authority allowed under public law to transfer any funds  
7 out of the Department of Education or any School District organization.  
8 The Governor may, however, use any transfer authority allowed under  
9 public law to transfer funds into the Department of Education or any  
10 School District organization if necessary.

11 **Section 3122.5. Allocation of Funds Reimbursed by the Federal**  
12 **Government to Cover the Educational Costs of Certain Students.**

13 Any funds, except Compact Impact Funds, as defined by Public  
14 Law Number 24-18, reimbursed to the Guam Public School System or  
15 the Department of Education to cover the educational cost of any  
16 student, such as, but not limited to, Department of Defense dependents,  
17 shall be allocated among the various School Districts based on the  
18 School Districts student population according to the formula contained  
19 in §3122 of this Chapter.

20 **Section 3123. Attorney for the District Organizations.**

21 Each District Board may utilize an attorney to assist and represent it in  
22 all civil matters which concerns the School District. The District Board  
23 shall determine whether such appointment is a full-time unclassified  
24 employee or an independent contractor.

1           The Attorney General may, at the request of the District Board,  
2 assist the School District in all litigation in which the School District is  
3 interested; provided, that the Attorney General shall designate the  
4 attorney for the District as a Special Assistant Attorney General for such  
5 purpose.

6           **Section 3124.     No Personal Liability for Board Actions.**

7 Members of the District Boards, individually and personally, shall be  
8 immune from civil liability for the consequences of adoption and  
9 implementation of educational policies and procedures in carrying out  
10 the objectives and responsibilities contained within this Title.

11           **Section 3125.     Dress Code.**     Each District Board shall

12 develop with the exclusive bargaining unit for employees of the School  
13 District, a policy regarding a dress code and personal grooming and  
14 hygiene for its personnel, including administrators, faculty and support  
15 staff. Such policy shall reflect an appropriate degree of professionalism  
16 given the employee's position as all school personnel are role models for  
17 the school's students. Such policy shall become part of any collective  
18 bargaining agreements negotiated with the exclusive bargaining unit.

19           **Section 3126.     School District Attendance Areas.**     Each

20 Superintendent of Schools shall, by such dates as may be established by  
21 the Director of Education, conduct a survey of parents of students  
22 within his or her School District to determine which school each student  
23 will attend the following school year. Such information shall be  
24 compiled and forwarded to Director of Education to assist in  
25 establishing attendance areas system-wide. The Director of Education,

1 in consultation with each District Superintendent, shall annually  
2 establish school attendance areas until such time that sufficient numbers  
3 of schools and necessary resources exist within a School District(s)  
4 which would eliminate the need for out of School District attendance.

5 **Section 3127. Performance Incentive Program for**  
6 **Administrators and Teachers.** The Department of Education is  
7 hereby authorized to administer a Performance Incentive Program for  
8 Administrators and Teachers based on criteria, including, but not  
9 limited to, student retention, promotion and graduation rates and  
10 overall student, class and school and academic achievement. The  
11 Director of Education and the Superintendents of Schools shall jointly  
12 develop rules and regulations for this program. Such rules and  
13 regulations shall include provisions for the selection on an annual basis  
14 of a Performance Incentive Awards Committee. The Performance  
15 Incentive Program for Administrators and Teachers shall be funded by  
16 the Performance Incentive Fund created in §26210 of Title 11 of the  
17 Guam Code Annotated.”

18 **Section 5.** A new §26210 is hereby added to Article 2 of Title 11  
19 of the Guam Code Annotated to read as follows:

20 **"Section 26210. Creation of Performance Incentive Fund.**

21 There is hereby created, separate and apart from other funds of the  
22 government of Guam, a fund known as the 'Performance Incentive  
23 Fund.' This fund shall not be commingled with the General Fund and  
24 shall be kept in a separate bank account. One-half of one percent (0.5%)  
25 of all Gross Receipts Taxes collected in Guam shall be deposited in the

1 Performance Incentive Fund and shall be appropriated by the Guam  
2 Legislature to cover performance incentives for teachers and  
3 educational administrators of the Guam Public School System  
4 administered by that Department of Education. Such awards shall be  
5 used exclusively for performance incentives and shall not be used for  
6 payment of or in lieu of periodic increments. The Department of  
7 Administration shall deposit on the last day of each month a sum equal  
8 to one-half of one percent (0.5%) of all Gross Receipts Taxes collected for  
9 that month in the Performance Incentive Fund. Interest earned on such  
10 bank account shall be retained by the Fund and used only for the  
11 Performance and Incentive Program for Teachers and Administrators."

12 **Section 6.** A new §26211 is hereby added to Article 2 of Title 11  
13 of the Guam Code Annotated to read as follows:

14 **"Section 26211. Appropriation of Performance Incentive**  
15 **Fund.** The contents of the Performance Incentive Fund are  
16 appropriated to the Department of Education for the Performance  
17 Incentive Program for Administrators and Teachers under §3127 of Title  
18 17 of the Guam Code Annotated. This appropriation is continuous  
19 notwithstanding any other provision of law. The effective date of this  
20 Section shall be October 1, 1999. The Director of Administration shall  
21 transfer, on the first day of each month, all funds contained in the  
22 Performance Incentive Fund to the Department of Education."

23 **Section 7.** A new Chapter 3A is hereby added to Division 2 of  
24 Title 17 of the Guam Code Annotated to read as follows:

25 **"CHAPTER 3A.**

1 SCHOOL COUNCILS AND SCHOOL BASED MANAGEMENT.

2 Table of Contents.

3 §3A100. Legislative Intent.

4 §3A101. Purpose.

5 §3A102. School Councils:Creation.

6 §3A102a. Designation as a Decentralized School.

7 §3A103. Same: Composition.

8 §3A104. Same: Adoption of By-laws.

9 §3A105. Same: Powers, Duties and Limitations of.

10 §3A106. Same: Areas of Responsibility.

11 §3A107. Same: Compensation of Members.

12 §3A108. Same: Reports to the District Board.

13 §3A109. School Based Management Model.

14 §3A109.1. Same: Approval for Implementation by the District  
15 Board.

16 §3A109.2. Approval of Budget by the District Board.

17 §3A110. District Superintendent to Serve as Liaison.

18 §3A111. Standards of Performance for Teachers and Professional  
19 Staff.

20 §3A112. Dress Code.

21 §3A113. School Uniforms.

22 Section 3A100. Legislative Intent. It is the intent of the  
23 Guam Legislature that school based management be an integral part of  
24 the decentralization of the Guam Public School System. School District  
25 organizations are to establish a climate supportive of school based  
26 management and upon development of policy and implementation of

1 necessary training programs, proceed with the delegation of authority  
2 to and the sharing of responsibility with School Councils, Principals and  
3 School Personnel. The Guam Legislature recognizes that this system,  
4 vastly different from the centralized system presently in place, cannot  
5 be imposed nor implemented immediately. It is, however, the Guam  
6 Legislature's intent that decision making and management occur at the  
7 school level at all public schools on Guam.

8 **Section 3A101. Purpose.** The Purpose of this Chapter is to  
9 ensure that individuals who are affected by the outcome of a decision at  
10 the school site have an opportunity to provide input into the decision  
11 making process.

12 **Section 3A102. School Councils:Creation.** Each Public School  
13 shall create as its policy, advisory and priority-setting organization, a  
14 School Council also referred to herein as the 'Council.'

15 **Section 3A102a. Designation as a Decentralized School.**  
16 Each District Board may designate any school within the District as a  
17 decentralized school pursuant to the provisions of §3117.4 of Chapter 3  
18 of Title 17 of the Guam Code Annotated. Schools designated as  
19 decentralized schools shall have the site-based management authority  
20 as described in this Chapter.

21 **Section 3A103. Same: Composition.** Membership in the  
22 School Councils for all schools, except high schools, shall be as follows:  
23 two (2) parents of students attending the school selected by parents of  
24 student attending the school, two (2) members of the school faculty  
25 selected by the school's faculty, two (2) members of the school's support



1 staff selected by the school's support staff, one (1) member selected by  
2 the Guam Chamber of Commerce who is a resident of the District and  
3 who does not have any children enrolled in the school, and the school  
4 principal. For high schools, membership in the School Councils shall be  
5 as follows: two (2) parents of students attending the school selected by  
6 parents of student attending the school; two (2) members of the school  
7 faculty selected by the school's faculty; two (2) members of the school's  
8 support staff selected by the school's support staff; one (1) student  
9 member selected by the student body; one (1) member selected by the  
10 Guam Chamber of Commerce who is a resident of the District and who  
11 does not have any children enrolled in the school; and the school  
12 principal. The Principal of each school shall serve as chairperson of the  
13 Council. Parent and Chamber of Commerce representatives shall not be  
14 employees of the school or be relatives within the first degree of  
15 consanguinity of any employee of the school or reside in the same  
16 household of any employee of the school. Vacancies on the School  
17 Councils shall be filled by the respective appointing authorities.

18 **Section 3A104. Same: Adoption of By-laws.** The Principal  
19 of each school shall, in consultation with the School Council, prepare a  
20 draft of proposed by-laws to be used by the Council in its role  
21 concerning school functions. The draft shall be presented at a public  
22 hearing in which all parents and the community at large have been  
23 given notice of. The final draft of the by-laws shall be submitted, along  
24 with a report summarizing the testimony presented at the public

1 hearing, to the District Board for its final approval. Amendments to the  
2 By-laws must be approved by the District Board.

3 The by-laws of the School Council shall include the following:

4 (a) provisions for selecting its parents, faculty, support staff and  
5 student members;

6 (b) the number of members required for a quorum and the  
7 number of votes necessary to pass an action of the Council;

8 (c) a statement that all meetings, except those involving pupil  
9 discipline matters be open to the public;

10 (d) provisions for conduct and notice of meetings;

11 (e) provisions for public hearings to be consistent with public  
12 law;

13 (f) provisions for recommending changes in the by-laws for the  
14 District Board's consideration; and

15 (g) any other item necessary for the efficient and productive  
16 operations of the Council.

17 **Section 3A105. Same: Powers, Duties and Limitations Of.**

18 The powers of the School Council shall be any and all powers delegated  
19 to it by the Superintendent of Schools. The Superintendent of Schools  
20 may delegate any of its powers authorized under the provisions of  
21 Chapter 3 of Title 17 of the Guam Code Annotated, unless specifically  
22 prohibited. Each School Council of a decentralized school shall have the  
23 following powers, duties and limitations:

24 (a) After receiving notification of its designation as a  
25 decentralized school from the District Board, the School Councils

1 shall recommend to the Superintendent of Schools within the  
2 parameters of the total available funds the number of persons to  
3 be employed in each job classification at the school.

4 (b) The School Council of a decentralized school shall determine  
5 which instructional materials and student support services are  
6 needed in the school. The School Council shall have the authority  
7 to decide what textbooks are used by the School from a list of text  
8 books approved by the District Board notwithstanding the  
9 provisions of Chapter 4 of Title 17 of the Guam Code Annotated.  
10 Subject to available resources, the District Board may allocate  
11 funds to each school that is adequate to meet the school's needs  
12 related to instructional materials and school-based student  
13 support services, as determined by the School Councils. Each  
14 school may purchase such materials, including approved  
15 textbooks, and procure such services with the funds allocated by  
16 the District Board.

17 (c) The School Council of a decentralized school shall adopt a  
18 policy to be implemented by the principal in the following  
19 additional areas:

20 (1) implementation of curriculum, including needs  
21 assessment, curriculum development, alignment with system-  
22 wide standards, technology utilization and program appraisal  
23 within District Board policy;

24 (2) assignment of students to classes and programs within  
25 the school;

1 (3) determination of the schedule of the school day and  
2 week, subject to the beginning and ending times of the school day  
3 and school calendar year as established by the District Board;

4 (4) determination of use of school space;

5 (5) planning and resolution of issues regarding  
6 instructional practices;

7 (6) selection and implementation of discipline and  
8 classroom management techniques not inconsistent with public  
9 law, including responsibilities of the student, parent, teacher,  
10 counselor and principal; and

11 (7) selection of extracurricular programs and  
12 determination of policies relating to student participation based  
13 on academic qualifications and attendance requirements, program  
14 evaluation and supervision.

15 **Section 3A106. Same: Areas of Responsibility.** The  
16 School Council shall be responsible for the development of a  
17 management policy for the school. Such responsibilities shall be based  
18 on the School Based Management Model provided for by §3A109 of this  
19 Chapter.

20 **Section 3A107. Same: Compensation of Members.**  
21 Service on the School Council is voluntary and as such, no  
22 compensation shall be paid to any of its members.

23 **Section 3A108. Same: Reports to the District Board.**  
24 The School Council shall submit the following reports to the District  
25 Board: (1) quarterly un-audited and annual audited financial

1 statements; (2) a report summarizing each academic year, including  
2 pupil performance and activities, the state of the school's facilities and  
3 any other items considered important by the Council; and (3) a report  
4 on the achievements resulting from the use of the School-Based  
5 Management Model.

6 **Section 3A109. School-Based Management Model.** The  
7 School Council shall develop a School-Based Management Model. The  
8 School-Based Management Model shall include:

- 9 (a) a school mission statement;
- 10 (b) school standards for:
- 11 (1) student learning and performance;
- 12 (2) personnel performance;
- 13 (3) business practices to include finance; and
- 14 (4) building maintenance;
- 15 (c) long-term (over 5 years) and short-term (1-5 years) goals;
- 16 (d) an annual budget reflective of the school's needs and goals;
- 17 (e) standard operating procedures;
- 18 (f) an organizational chart;
- 19 (g) graduation, promotion and retention goals; and
- 20 (h) results of the school's self-evaluation for the previous twelve  
21 (12)-month period.

22 **Section 3A109.1. Same: Approval for Implementation by the**  
23 **District Board.** The District Board shall approve each school's School-  
24 Based Management Model. All schools shall be required to have a  
25 School-Based Management Model in effect by the School Year 2001-

1 2002. The District Board shall grant additional time to a school to  
2 develop its School-Based Management Model if it finds that certain  
3 circumstances warrant such an extension. Changes to a school's School-  
4 based Management Model must be approved by the District Board.

5 **Section 3A109.2. Approval of Budget by the District Board.**

6 Each school's annual operating budget shall be subject to the  
7 approval of the District Board.

8 **Section 3A110. District Superintendent to Serve as Liaison.**

9 The District Superintendent shall serve as the liaison between the  
10 various District Schools and the District Board.

11 **Section 3A111. Standards of Performance for Teachers and**  
12 **Professional Staff.** The principal of each school shall periodically  
13 monitor and evaluate the standards of performance of all teachers and  
14 other professional staff of the school. The standards of performance  
15 shall be included in the contract between each District Board and the  
16 exclusive bargaining agent for teachers and other professional staff.  
17 Standards of performance for administrators not included in the  
18 exclusive bargaining agreement shall be set by each District Board.

19 **Section 3A112. Dress Code.** The School Council shall  
20 develop a policy regarding a dress code and personal grooming and  
21 hygiene for its students. Such policy may include the use of uniforms as  
22 provided for in §3A114 of this Chapter.

23 **Section 3A113. School Uniforms.** The School Councils may  
24 develop a policy on the use of school uniforms. The choice of whether

1 or not to require the use of uniforms by students shall be the  
2 prerogative of the school subject to the approval of the School Council."

3 **Section 8.** The first paragraph of §5125 of Article 2 of Chapter 5 of Title  
4 5 of the Guam Code Annotated is hereby amended to read as follows:

5 "Section 5125. Application of this Chapter to Executive  
6 **Branch.** Every governmental body which is in the purview of the  
7 Executive Branch and including Guam Community College, the  
8 University of Guam, the Department of Education, School District  
9 organizations, the Guam Memorial Hospital and the Guam Visitor's  
10 Bureau shall be governed by Articles 1, 3, 6, 7, 10, 11 and 12 of this  
11 Chapter, except to the extent that any such governmental body or other  
12 above-named body may be exempted from the centralized procurement  
13 regime of Article 2 of this Chapter, in which event the Superintendent of  
14 each School District or Principal of a school shall be substituted  
15 wherever there is reference to the Public Policy Office or Chief  
16 Procurement Officer or Director of Public Works in Articles 4, 5, 8 and 9  
17 of Chapter 5 of Title 5 of the Guam Code Annotated."

18 **Section 9.** A new §22101.1 is hereby added to Title 5 of the Guam Code  
19 Annotated to read as follows:

20 "Section 22101.1. **Monthly Disbursements to the Guam**  
21 **Public School System's School Districts.** As Public Law Number  
22 24-17 allocates eighty-eight percent (88%) of the Gross Receipt Taxes to  
23 the Department of Education, notwithstanding any other provision of  
24 law, the Treasurer of Guam shall remit by the last day of each month,  
25 eighty-eight percent (88%) of the Gross Receipt Tax collections as

1 provided by Public Law Number 24-17. The Department of Education  
2 shall remit the appropriate amounts of such funds to the various School  
3 Districts and the Capital Improvement Fund based on the formula  
4 contained in §3122 of Title 17 of the Guam Code Annotated within five  
5 (5) working days of the receipt of the funds."

6 **Section 10. Authorization for the Compiler of Laws to Make**  
7 **Changes to the Guam Code.**

8 The Compiler of Laws is authorized to  
9 make changes to any and all sections of the Guam Code as follows: all  
10 references in Chapter 4 of Title 17 of the Guam Code Annotated to the "Guam  
11 Board of Education," "Board" and "Board of Education" as used to define the  
12 Guam Board of Education, as defined by Chapter 3 of Title 17 of the Guam  
13 Code Annotated, as written prior to the enactment hereof, shall be replaced  
14 with District Boards of Education. The Compiler of Laws is authorized to  
15 make changes to any and all sections of the Guam Code as follows: all  
16 references in Chapters 5A, 8, 9 and 16A of Title 17 of the Guam Code  
17 Annotated and throughout the Guam Code to the "Guam Board of  
18 Education," "Board" and "Board of Education" as used to define the Guam  
19 Board of Education, as defined by Chapter 3 of Title 17 of the Guam Code  
20 Annotated, as written prior to the enactment hereof, shall be replaced with  
21 "Department of Education" except specifically provided for herein. All  
22 references in Chapter 10 of Title 17 of the Guam Code Annotated to the  
23 "Department of Education," as existing prior to the enactment hereof shall be  
24 replaced with "Office of the Superintendent of Schools."

25 **Section 11.** Chapters 5, 6 and 7 of Title 17 of the Guam Code  
Annotated are hereby amended to read as follows:



1 "CHAPTER 5.

2 TEACHING.

- 3 §5101. Teachers: Qualifications.  
4 §5102. Same: Certificates.  
5 §5103. Same: Same: Qualifications.  
6 §5104. Same: Same: Content.  
7 §5105. Same: Same: Requirement.  
8 §5106. Same: Same: Expiration.  
9 §5107. Same: Suspension and Revocation of Certificate.  
10 §5108. Same: Same: Hearing.  
11 §5109. Same: Same: Charges.  
12 §5110. Same: Same: Notice.  
13 §5111. Same: Same: Right of Accused.  
14 §5112. Same: Same: Rules of Hearing.  
15 §5113. Same: Duty.  
16 §5114. Same: Maintenance of Discipline.  
17 §5115. Same: Purpose.  
18 §5116. Para-Professional Employees and Teachers Aides.  
19 §5117. Same: Duty Hours.  
20 §5118. Assessment Program.  
21 §5119. School-Year Pay for Teachers.

22 Section 5101. Teachers: Qualifications. Persons employed  
23 in a teaching supervisory capacity in the public schools of Guam shall  
24 be permanent residents of the United States of good moral character and  
25 shall hold a qualifying certificate issued by the Director.

26 Section 5102. Same: Certificates. The Director shall

1 grant appropriate certificates:

2 (a) to holders of diplomas issued by an institution of  
3 higher learning where the applicant holder has completed a  
4 teacher training course prescribed by the Department of  
5 Education;

6 (b) to applicants who, to the satisfaction of the Director,  
7 meet the minimum qualifications prescribed by the Department of  
8 Education, pursuant to §5103.

9 **Section 5103. Same: Same: Qualifications.** The  
10 Department of Education shall prescribe by general regulation the  
11 qualifications upon which the Director may grant, certificates:

12 (a) to teach in senior high schools, four (4)-year high schools,  
13 middle schools, vocational schools, elementary schools, supplementary  
14 schools for adults and kindergartens;

15 (b) to supervise instruction and to administer schools as  
16 supervisors, principals and superintendents;

17 (c) to act as school librarians;

18 (d) to act as school attendance officers;

19 (e) to supervise the physical development of pupils; and

20 (f) to act as school health counselors.

21 **Section 5104. Same: Same: Content.** Each  
22 certificate issued shall clearly state the kind of service that it authorizes,  
23 the grades of classes, or the types of schools, in which it authorizes  
24 service, and if a teacher's certificate, the subjects it authorizes the holder  
25 to teach.

1           **Section 5105. Same: Same: Requirement.** Any  
2 person issued a Qualifying Certificate shall complete a three (3)  
3 semester credit course in Guam history or Guam culture within the first  
4 year after his certification. Failure to satisfy this requirement shall  
5 constitute sufficient cause to suspend his certification until the  
6 deficiency is corrected.

7           **Section 5106. Same: Same: Expiration.**  
8 Certificates shall expire at such time as the Department of Education, by  
9 general rule and regulation, may prescribe.

10           **Section 5107. Same: Suspension and Revocation of**  
11 **Certificate.** Certificates granted by the Director of Education may  
12 be revoked or suspended for immoral or unprofessional conduct,  
13 evident unfitness for teaching, persistent defiance of, and refusal to obey  
14 the laws and regulations which prescribe the duties of persons serving  
15 in the public school system.

16           **Section 5108. Same: Same: Hearing.** No certificate  
17 shall be revoked or suspended except upon the written request of its  
18 holder, until after a hearing before a peer review committee selected by  
19 the Director comprised of Seven (7) members of which there must be at  
20 least one (1) from each School District and then only upon the  
21 affirmative vote of at least four (4) members of the peer review  
22 committee.

23           **Section 5109. Same: Same: Charges.** All charges  
24 made against a person serving in the public school system which might  
25 lead to suspension or revocation of such person's certificate, shall be

1 presented to the Director of Education, in writing, and shall be verified  
2 under oath.

3 **Section 5110. Same: Same: Notice.** Notice of the  
4 time of hearing and a full and complete copy of the charges shall be  
5 furnished to the accused at least ten (10) days before the hearing.

6 **Section 5111. Same: Same: Right of Accused.**  
7 The accused shall be given a fair and impartial hearing and shall have  
8 the right to be represented by counsel.

9 **Section 5112. Same: Same: Rules of Hearing.**  
10 The hearing shall be governed by and conducted under the rules of the  
11 Department of Education.

12 **Section 5113. Same: Duty.** Every teacher in the  
13 public schools shall enforce the course of study, the use of duly  
14 authorized textbooks, and the rules and regulations prescribed for the  
15 schools.

16 **Section 5114. Same: Maintenance of Discipline.** Every  
17 teacher in the public schools shall hold pupils to strict account for their  
18 conduct on the school premises and during recess.

19 **Section 5115. Same: Purpose.** Each teacher shall  
20 endeavor to impress upon the minds of the pupils the principles of  
21 morality, truth, justice and patriotism; to teach them to avoid idleness,  
22 profanity and falsehood; to inculcate a due and proper respect for duly  
23 constituted authority; to instruct them in the principles of a free  
24 government; and to impress upon them a true comprehension of the  
25 rights, duties, responsibilities and dignity of American citizenship.

1           **Section 5116. Para-Professional Employees and Teachers**  
2 **Aides.** Each District Superintendent of Schools is authorized to  
3 employ para-professional employees and teachers aides to help in the  
4 supervision of instruction and administration in the public schools of  
5 the District. Each District Board, upon recommendation of its  
6 Superintendent, shall prescribe by general regulations the services to be  
7 performed by such employees and their qualifications for employment.

8           Personnel employed as para-professional employees or teachers  
9 aides shall be employees of the government of Guam, and the  
10 conditions of their employment shall be in all respects the same as other  
11 employees of the government of Guam and the School District.

12           **Section 5117. Same: Duty Hours.** Each District Board  
13 shall establish duty hours for all teachers within their School Districts.

14           **Section 5118. Assessment Program.** Each District Board shall  
15 cause to be administered annually a pre- and post-assessment program  
16 to all pupils using both national standard achievement tests based on  
17 norm criteria and criterion referenced tests and a comparative analysis  
18 made thereof in accordance with the School District's Comprehensive  
19 Accountability Plan. The purpose of such tests shall be to assist the  
20 School District in the continuing evaluation of the overall curriculum,  
21 performance of teachers and academic achievement of pupils so that the  
22 School District may take such steps as it deems warranted in order to  
23 improve the total educational climate of the School District.

24           **Section 5119. School-Year Pay for Teachers.** Persons  
25 employed as teachers and school health counselors shall, at their option,

1 be paid on either twenty-one (21) or twenty-six (26) bi-weekly payments  
2 beginning November 1, 1983.

3 CHAPTER 6.

4 PUPILS.

5 Article 1.

6 Attendance – Generally.

7 §6101. Standards.

8 §6102. Duty to Send Children to School.

9 §6103. Children who Have Reached the Age of Five (5) Years  
10 Eligible to Attend.

11 §6103.1. Policy and Procedures.

12 §6103.2. Exception for the 1997-1998 School Year.

13 §6104. Early Entrance Date; the Public Schools: Gifted  
14 Children.

15 §6105. Same: Sick Persons.

16 §6106. Same: Exclusion for Physical or Mental Disability.

17 §6107. Private Schools: Register.

18 §6108. Private Instruction.

19 §6109. Compliance of Pupils Required.

20 §6110. Liability for Injury to Property.

21 §6111. Free Medical Expenses for Injured Pupils.

22 §6112. Guaranteed Entrance to Classrooms.

23 §6113. Student Activities Money.

24 §6114. Same: Committee.

25 §6115. Student Activities Fund.

26 §6116. Student Activities Treasurer: Audit.

1        §6117.        Junior Reserve Officers Training Corps ('JROTC') Fund.

2        §6118.        Summer School Fund.

3                Section 6101.        Standards.        It shall be the duty of each  
4 District Board to adopt and place into effect for the public schools of  
5 Guam standards and standard practices regarding hours of  
6 commencement of schools and classes, recesses, lunch periods and  
7 hours of discontinuance of classes. Such standards and standard  
8 practices shall be adopted in accordance with sound educational  
9 practices with due regard for health, growth and general welfare of the  
10 pupils. Such standards so adopted shall also cause the standardization  
11 of all school policies in such a manner as to be not inconsistent with the  
12 Organic Act of Guam or with the economic means of parents.

13                Section 6102.        Duty to Send Children to School.        Any  
14 parent, guardian or other person having control or charge of any child  
15 between the ages of five (5) and sixteen (16) years, not exempted under  
16 the provisions of this Article, shall send the child to a public or private  
17 full-time day school for the full-time of which such schools are in  
18 session.

19                Each District Board, upon recommendation of its Superintendent  
20 of Schools, is authorized to establish attendance areas within their  
21 respective school Districts.

22                Any parent, guardian or other person having control or charge of  
23 any such child between the ages of five (5) and sixteen (16) years who  
24 fails to comply with the provisions of this Section, unless excused or  
25 exempted therefrom, is guilty of a violation for the first offense, and

1 subject to a fine of not more than Fifty Dollars (\$50.00). For each  
2 subsequent offense, he is guilty of a petty misdemeanor.

3 **Section 6103. Children Who Have Reached the Age of Five**  
4 **(5) Years Eligible to Attend.** Any child whose fifth (5<sup>th</sup>) birthday falls on  
5 or before the commencement date of classes may, in such year, enroll in  
6 the kindergarten of any public school within Guam which he is  
7 otherwise eligible to attend, except that any child whose fifth (5<sup>th</sup>)  
8 birthday falls within one hundred and twenty-five (125) days after the  
9 beginning date of classes on the school calendar in the attendance area  
10 where they live, and are designated to attend, may enroll in  
11 kindergarten, subject to the approval of the principal of the school  
12 pursuant to the policy mandated by Section 3 of this Act.

13 The effective date of this Section shall be the start of School Year  
14 1998-1999.

15 **Section 6103.1. Policy and Procedures.** Each School District  
16 organization shall, prior to the start of School Year 1999-2000, develop a  
17 policy and implement procedures by which children, who will have  
18 reached the age of five (5) within one hundred twenty-five (125) days  
19 after the beginning date of classes on the school calendar in the  
20 attendance area where they live, and are designated to attend and  
21 whose parents or guardians so desire, will be screened to determine  
22 readiness for school.

23 **Section 6103.2. Exception for the 1997-1998 School Year.**  
24 Notwithstanding the provisions of §6102 of this Chapter, for the School  
25 Year 1997-1998, any parent, guardian or other person having control or



1 charge of any child who will reach the age of five (5) years within one  
2 hundred twenty-five (125) days after the beginning of classes, may, at  
3 his or her option, choose not to send such child to school for that school  
4 year.

5 **Section 6104. Early Entrance Date; The Public Schools:**  
6 **Gifted Children.** Each District Board shall establish identification  
7 and enrollment policies for children who are academically gifted. The  
8 policy shall provide that a child who is academically gifted may be  
9 enrolled even though he has not reached the age required by §6103 of  
10 this Title, but not lower than age four (4) by the commencement date of  
11 classes of the year the child is enrolled.

12 **Section 6105. Same: Sick Persons.** Children whose  
13 physical or mental condition is such as to prevent or render inadvisable  
14 attendance at school or application to study, shall be exempted from the  
15 application of §6102, but each Superintendent of Schools shall require  
16 satisfactory evidence of the condition to be furnished.

17 **Section 6106. Same: Exclusion for Physical or Mental**  
18 **Disability.** Each District Board may exclude from attendance at  
19 regular school classes any child whose physical or mental disability is  
20 such as would cause his attendance to be inimical to the welfare of the  
21 other students; provided, that unless the parents or legal guardian of a  
22 child refuse to permit his examination by a qualified physician or  
23 psychiatrist, no child may be excluded from school attendance upon the  
24 basis of either physical or mental disability, unless the District Board  
25 has obtained a certified statement from a qualified physician or

1        psychiatrist that the child is so physically or mentally disabled that he is  
2        unable to benefit from school attendance and that his attendance would  
3        be inimical to the welfare of the other students.

4                **Section 6107. Private Schools: Register.** The attendance of  
5        private school pupils shall be kept by private school authorities in a  
6        register, and record of attendance shall indicate clearly every absence of  
7        the pupil from school for a half (1/2) day or more during each day that  
8        school is maintained during the year. Said register shall be available for  
9        inspection by the Director during school hours and a certified copy  
10       thereof shall be forwarded to the Department of Education and at the  
11       end of each school term.

12               **Section 6108. Private Instruction.** Children not attending a  
13       private full-time day school, and who are being instructed in study and  
14       recitation for at least three (3) hours a day for one hundred seventy (170)  
15       days each calendar year by a private tutor or other person in the several  
16       branches of study required to be taught in the public schools of Guam  
17       and in the English language, shall be exempted from attending the  
18       public schools.

19               **Section 6109. Compliance of Pupils Required.** All  
20       Guam Public School System pupils shall comply with the regulations  
21       adopted by the District Board of their attendance School Districts,  
22       pursue the required course of study and submit to the authority of the  
23       teachers of the schools.

24               **Section 6110. Liability for Injury to Property.** The parent or  
25       guardian of any pupil who willfully cuts, defaces or otherwise injures in

1 any way any property, real or personal, belonging to a school, shall be  
2 liable for all damages so caused by the pupil. The parent or guardian of  
3 a pupil shall be liable to the school for all property belonging to the  
4 school loaned to the pupil and not returned upon demand of an  
5 employee of the school authorized by each Superintendent of Schools to  
6 make the demand.

7 **Section 6111. Free Medical Expenses for Injured Pupils.** If  
8 a pupil of any of the public or private schools of Guam is injured during  
9 school hours on school property, while traveling directly between his  
10 home and school in public school buses, while participating in or  
11 attending any regularly approved, supervised activity of the school  
12 during school hours or, after school hours; if the school activity is under  
13 direct school supervision, or while traveling in public school buses to  
14 and from such school activity as a member of group which is under the  
15 school's supervision, all medical expenses incurred as a result of such  
16 injury shall be borne by each District Board, except that if the pupil is  
17 covered by health or accident insurance as will reimburse him or his  
18 parents or guardians for such medical expenses in whole or in part, then  
19 each District Board shall bear only those expenses, if any, in excess of  
20 the insurance payments made or to be made by the pupil's insurance  
21 carrier on account of such injury. In providing for such payments, each  
22 District Board is authorized to obtain insurance covering the same,  
23 which insurance coverage may be broadened to include compensation  
24 for accidental loss of life, sight or limbs.

25 **Section 6112. Guaranteed Entrance to Classrooms.** No

1 student who is regularly and legally enrolled in a school within the  
2 public school system shall be refused to be placed in a classroom for  
3 which the student is eligible, as determined by the school administrator  
4 following guidelines established by each District Board's policies.

5 **Section 6113. Student Activities Money.** Student activities  
6 money is all money raised with the approval of each District Board by  
7 the efforts of students in connection with any activities of student  
8 organizations, including without limiting the generality of the  
9 foregoing, school supply, stores, clubs, athletic activities, school plays,  
10 receipts from vending machines and other student entertainment and  
11 year books.

12 **Section 6114. Same: Committee.** (a) There shall be  
13 established a Student Activities Money Committee within each school  
14 which shall oversee the receipts and expenditures of the student  
15 activities money and shall make final approval of all expenditures in  
16 excess of One Hundred Dollars (\$100.00) from the Student Activities  
17 Fund.

18 (b) Membership on the Student Activities Money Committee  
19 shall be the following:

- 20 (1) principal of the school concerned serving as chairman;
- 21 (2) one (1) faculty staff member designated by the school  
22 faculty; and
- 23 (3) student body president, student body treasurer or a  
24 student body member designated by the school faculty.

25 **Section 6115. Student Activities Fund.** The Student

1       Activities Money Committee of any school having student activities  
2       money shall open a checking account and/or savings account in a  
3       commercial bank or savings and loan association in Guam in an account  
4       designated as the School Student Activities Fund of the school opening  
5       the account.

6               **Section 6116.     Student Activities Treasurer: Audit.**

7               (a)   The Student Activities Money Committee of any school  
8       having student activities money shall appoint a student activities  
9       treasurer of that particular school. Each student activities treasurer shall  
10      be bonded in accordance with standard government of Guam  
11      procedures.

12              (b)   Any student organization that raises money as provided by  
13      §6113, *supra*, shall promptly deliver such money to the student activity a  
14      receipt therefore, promptly deposit the money in the Student Activities  
15      Fund of such school. Disbursements from the Student Activities Fund  
16      shall be made only for the purpose for which the Fund was established,  
17      or other purposes which the student organization raising the Fund may  
18      determine. All expenditures of student activities money shall be for the  
19      enhancement of student educational or social welfare, as approved by  
20      regulations of the student organization and approved by each District  
21      Board. Disbursement of funds shall be made by the student activities  
22      treasurer as requested in writing by the student organization advisor  
23      and treasurer. The student activities treasurer and the principal of the  
24      school shall sign all withdrawals drawn against the Student Activities  
25      Fund, provided that no checks or withdrawals may be drawn against

1 the Student Activities Fund without disbursement request signed by the  
2 student organization advisor and treasurer.

3 (c) The student activities treasurer shall maintain accounts  
4 showing the balances due respective student organizations and shall  
5 maintain an accurate record of all deposits and expenditures from the  
6 Student Activities Fund and shall prepare a monthly financial statement  
7 report. Copies of this report shall be given to each Superintendent of  
8 Schools, principal and student activities sponsor. The records of the  
9 student activities treasurer shall be open to inspection at reasonable  
10 times by faculty advisors and officers of the student organizations  
11 concerned. Such records shall be maintained by the student activities  
12 treasurer in accordance with such rules and regulations.

13 (d) Each Student Activities Fund shall be audited as often as  
14 required at least annually by the Bureau of Budget and Management  
15 Research in cooperation with each School District organization's fiscal  
16 office, and a copy of the audit shall be filed with the Student Activities  
17 Money Committee and each District Board.

18 **Section 6117. Junior Reserve Officers Training Corps**  
19 **(‘JROTC’) Fund.** There is created a JROTC Fund to be maintained  
20 separate and apart from all other funds of the government. All money  
21 received by the government from the U.S. Department of Defense for  
22 the operation of the JROTC Programs shall be placed in the JROTC  
23 Fund. The Director of Education shall be the certifying officer of the  
24 Fund. The Director shall report annually to the Governor and Guam  
25 Legislature on the receipts, expenditures and balances of the Fund.







- 1 §6405. Same: Disposition.
- 2 §6406. Report to Court and Social Services.
- 3 §6407. Court Hearing.
- 4 §6408. Submission of Report.
- 5 §6409. Authority for Suspension or Expulsion of Pupils.
- 6 §6410. Student Discipline Advisory Councils.

7 **Section 6401. Definitions.** As used in this Article:

8 (1) 'Board' means each District Board as defined in Chapter 3 of  
9 this Title or the Board of Trustees of the Guam Community College.

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

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

15 (4) 'Superintendent' or 'President' refers to each  
16 Superintendent of Schools and the President of the Guam Community  
17 College, as appropriate.

18 **Section 6402. Habitual Truant.** A pupil is an habitual  
19 truant if he has been reported as a truant three (3) or more times. If any  
20 pupil is a habitual truant, the principal or Dean of his school shall  
21 request the Superintendent or the President to file a petition concerning  
22 such habitual truant in the Family Court of Guam.

23 **Section 6403. Attendance Officer.** Each Superintendent and  
24 the President shall appoint employees of the School District  
25 organization and the Guam Community College (the 'College'),

1 respectively, as attendance officers. The attendance officers, any peace  
2 officer, principal or Dean may take into custody during school hours,  
3 without warrant, any truant found away from his home and who has  
4 been reported truant.

5 **Section 6404. Same: Delivery of Truant.** The attendance  
6 officer, upon taking a truant into custody, shall deliver him promptly  
7 either to his parent or to the school which the pupil attends. If the child  
8 is an habitual truant, the attendance officer, with the concurrence of the  
9 principal or Dean of the pupil's school, shall bring the child before the  
10 Family Court.

11 **Section 6405. Same: Disposition.** The attendance officer  
12 shall promptly report to the Department or College and to the parent  
13 the disposition made by him of the truant.

14 **Section 6406. Report to Court and Social Services.** Any  
15 pupil who has once been adjudged a habitual truant, or who is again  
16 reported as a truant one (1) or more days or is late to school for thirty  
17 (30) or more minutes on one (1) or more days without excuse, shall be  
18 reported by the Superintendent, the President, or the attendance officer  
19 to the Family Court and to the Division of Social Services of the  
20 Department of Public Health and Social Services.

21 **Section 6407. Court Hearing.** If the Court, after hearing, finds  
22 that the allegations of habitual truancy are sustained by evidence, it may  
23 order that the child be detained and maintained in a school supervised  
24 by the Court for the remainder of the current school term, or it may  
25 order that the child be turned over to the custody of the Division of

1 Social Services where he shall be provided casework treatment and  
2 services.

3 **Section 6408. Submission of Report.** The attendance  
4 officer shall report monthly to the Superintendent the number and types  
5 of reports and requests made by each school in Guam pursuant to this  
6 Article and whether each school within Guam has complied with the  
7 provisions of this Article.

8 **Section 6409. Authority for Suspension or Expulsion of**  
9 **Pupils.** Each District Board shall determine by regulation the  
10 grounds for suspension or expulsion of pupils from school and the  
11 procedure whereby such suspension or expulsion is determined. Such  
12 regulation shall include grounds for suspensions or expulsions, length  
13 of suspensions, and the procedures for review of suspension or  
14 expulsion orders. In adopting the regulation establishing procedures  
15 for suspending or expelling pupils, each District Board shall follow the  
16 guidelines established therefor by the Supreme Court of the United  
17 States. Such hearings and procedures as are established by the Board  
18 pursuant to this Article shall provide any pupil against whom  
19 suspension or expulsion procedures are initiated with due process of  
20 law. Such procedures are exempt from the provisions of 5 Guam Code  
21 Annotated, Chapter 9, the Administrative Adjudication Law.

22 **Section 6410. Student Discipline Advisory Councils.** In  
23 carrying out the provision of §6409, each District Board may authorize  
24 the creation of a Student Discipline Advisory Council for each  
25 elementary and secondary school and for the College, respectively.

1 Such Councils shall be given the power to establish standards of student  
2 behavior and shall have authority to hear charges of violations of such  
3 standards and to recommend appropriate disciplinary action to the  
4 principal. The procedure for expelling pupils shall require that before  
5 expulsion, the accused pupil be given a hearing before the Student  
6 Discipline Advisory Council of his school or the College, if such exists.

## 7 CHAPTER 7.

### 8 PHYSICAL PLANT.

9 §7101. School Property: Rules and Regulations.

10 §7102. Same: Other Use of.

11 §7103. Unused School Equipment: Utilization of.

12 §7104. School Recreational Facilities.

13 §7104.1. Authorization of Commercial Advertising Leases.

14 §7104.2. Schedule of Commercial Advertising Fees.

15 §7104.3. Standard Lease Agreement for Commercial Advertising.

16 §7104.4. Interscholastic Sports Fund.

17 §7104.5. Applicability of These Provisions to School District  
18 Organizations.

19 §7105. School Property: Unauthorized Entry.

20 §7106. Same: Same.

21 §7107. Same: Posting.

22 §7108. Evaluation and Upkeep of Facilities.

#### 23 Section 7101. School Property: Rules and Regulations.

24 Each District Board shall adopt rules and regulations for the  
25 management and control of school property consistent with government  
26 of Guam standard property regulations.

1           **Section 7102. Same: Other Use of.**           The District Board,  
2           upon the written application of any responsible organization or group  
3           of at least seven (7) persons, may grant permission to use any school  
4           building or school ground as a community or recreation center for the  
5           entertainment and education of the people, and for the discussion of all  
6           topics tending to the development of personal character and civil  
7           welfare, provided, however, that such use shall not seriously infringe  
8           upon the necessary uses of the property for school purposes.

9           The District Board shall prescribe such rules and regulations  
10          relating to the use of school property as it may deem necessary. The  
11          organization or group of persons using the property for the purposes  
12          herein authorized shall be responsible for any damage done over and  
13          above ordinary wear. Neither the government of Guam nor the District  
14          Board shall be liable for damage or injury to person or property suffered  
15          by any person resulting from a dangerous or defective condition of a  
16          school building or school ground while such person is present under  
17          permission granted by the District Board as authorized herein. The  
18          District Board may enforce a schedule of charges for the use of such  
19          school property or it may provide such use free of charge, in its  
20          discretion, if it deems the use to be sufficiently in the public interest.

21          **Section 7103. Unused School Equipment: Utilization of.** (a)  
22          The District Board is authorized to enter into agreements with  
23          non-public schools for the mutual utilization of school equipment for  
24          non-religious purposes, which is not being used, or if being used,  
25          during periods of non-use.

1           (b) The District Board shall adopt rules and regulations for the  
2 mutual utilization of school equipment.

3           **Section 7104. School Recreational Facilities; Use of.** (a) Each  
4 District Board may grant permission for the use of school facilities. The  
5 principal or his/her designee shall arrange the scheduling of any non-  
6 school activity authorized by the District Board and, in addition, serve  
7 as liaison between the District Board and the requesting party or user  
8 group. Additionally, each District Board shall develop rules and  
9 regulations for the use of school facilities by other government agencies  
10 or private parties. Each District Board shall determine which facilities  
11 shall be used for emergency purposes, such as storm or fallout shelters.  
12 Each District Board may develop a fee schedule for the use of school  
13 facilities pursuant to the provisions of the Administration Adjudication  
14 Law, however, no fees shall be charged to the government of Guam for  
15 use of the facilities for emergency purposes. The Director of Education,  
16 through its designated representative, shall have the same authority  
17 vested herein this Subsection to each District Board with regards to the  
18 use of the facilities under the control of the Department of Education,  
19 including the gymnasium, theater, staff development center and other  
20 DOE facilities at Tiyan, NAS, Agana.

21           (b) Each District Board, in collaboration with the District  
22 Superintendent and the various school principals and the Director of  
23 Education/Tiyan facilities manager/staff development manager shall  
24 prescribe such rules and regulations relating to the use of their  
25 respective facilities as they may deem necessary.

1           (c) All District Boards are authorized to establish a fee schedule  
2 and charge according to such schedule for the use of school facilities.

3           (d) There are hereby established revolving funds for each public  
4 school on a school-by-school basis, to be known as, 'I Salappe Facilidat,'  
5 which shall be maintained separate and apart from other funds of the  
6 government of Guam and wherein all proceeds generated from user  
7 fees collected pursuant to the provisions of this Act shall be deposited.  
8 Said accounts shall be under the custody and trust of the principal and  
9 vice-principal of the respective schools. The principal and vice-principal  
10 may expend such funds for the purpose of off-setting or defraying any  
11 added cost(s) incurred by the school as a result of extraordinary  
12 community use, or for the purpose of maintaining or improving the  
13 school facilities affected by this Act. The Fund shall be used to purchase  
14 small items and, or services for direct school maintenance or repairs  
15 which do not exceed the cost of Two Hundred Dollars (\$200.00) per  
16 item. The procurement of items or services costing more than Two  
17 Hundred Dollars (\$200.00) each shall require authorization of the  
18 Superintendent. Each principal shall prepare a quarterly financial status  
19 report on the Fund to be transmitted to the Chairperson of the District  
20 Board, the Superintendent and the Guam Legislature on or before the  
21 end of the quarter of each fiscal year. Additionally, notwithstanding  
22 any other provision of law, each District Board is authorized to accept  
23 donations to 'I Salappe Facilidat' on behalf of any school or School  
24 District organization facility.

1           (e) Person(s) or group(s) using the public school facilities shall  
2 be liable for any damage done over and above ordinary wear and tear.  
3 Neither the government of Guam nor any Board shall be liable for  
4 damage or injury to person or property suffered by any person(s)  
5 resulting from a dangerous or defective condition of the school facilities.

6           (f) Any reservation of the facility may be canceled, by notice  
7 given thirty (30) days in advance, in the event that a school function  
8 must be conducted. Said cancellation shall be approved by the school  
9 principal.

10           **Section 7104.1. Authorization of Commercial Advertising**  
11 **Leases.** Within ninety (90) days of the enactment of this Act, the  
12 Department of Education shall review and revise all existing  
13 Department of Education rules and regulations for the management and  
14 control of school property in order to authorize the commercial leasing  
15 of advertising space at Department of Education and Tiyan sports  
16 facilities and on Department of Public Works school buses consistent  
17 with government of Guam standard property regulations. Within  
18 ninety (90) days of enactment of this Act, the Department of Education,  
19 in conjunction with the Bus Operations Division of the Department of  
20 Public Works, shall develop standard size and placement regulations for  
21 the leasing of commercial advertising space at Department of Education  
22 and Tiyan sports facilities and on Department of Public Works school  
23 buses. Immediately upon completion, the proposed revisions shall be  
24 transmitted to the Guam Board of Education ("the Board") for approval.  
25 Within thirty (30) days of receipt, the Board shall adopt the revised rules



1 and regulations with any amendments deemed necessary and  
2 appropriate.

3 **Section 7104.2. Schedule of Commercial Advertising Fees.**

4 Within ninety (90) days of the enactment of this Act, the Department of  
5 Education shall develop a schedule of fees for the commercial leasing of  
6 advertising space at Department of Education and Tiyán sports facilities  
7 and Department of Public Works school buses. Immediately upon  
8 completion, the proposed schedule of fees shall be transmitted to the  
9 Board for approval. Within thirty (30) days of receipt, the Board shall  
10 approve the schedule of fees with any amendments deemed necessary  
11 and appropriate.

12 **Section 7104.3. Standard Lease Agreement for Commercial**  
13 **Advertising.** Within ninety (90) days of the enactment of this Act,  
14 the Department of Education shall develop a standard lease agreement  
15 for commercial advertising at Department of Education and Tiyán  
16 sports facilities and on Department of Public Work school buses. Such  
17 standard lease agreement shall specify the Department of Education's  
18 rules and regulations, schedule of fees and legal liabilities for private  
19 entities seeking to advertise at Department of Education and Tiyán  
20 sports facilities and on Department of Public Works school buses. Such  
21 standard lease agreement shall specifically prohibit any advertising  
22 which promotes substances which are controlled by law or are illegal to  
23 distribute to minors, including, without limitation, alcohol,  
24 establishments selling primarily alcohol products such as bars, tobacco  
25 products, firearms, obscenity and as may be otherwise determined by

1 the Board. Immediately upon completion, the proposed standard lease  
2 agreement shall be transmitted to the Board for approval. Within thirty  
3 (30) days of receipt, the Board shall adopt the standard lease agreement  
4 with any amendments deemed necessary and appropriate.

5 **Section 7104.4. Interscholastic Sports Fund.** There is hereby  
6 created, separate and apart from all other funds of the government of  
7 Guam, a fund known as the 'Interscholastic Sports Fund' ('the Fund')  
8 into which shall be deposited all fees collected from the commercial  
9 leasing of advertising space at Department of Education and Tiyan  
10 sports facilities and on Department of Public Works school buses and  
11 other monies deemed appropriated by the Department of Education.

12 **(a) Same: Administration.** The Fund shall be administered  
13 by the Department of Education and shall not be commingled with the  
14 General Fund or any other fund of the government of Guam. The Fund  
15 shall be maintained in a separate bank account and monies deposited  
16 therein shall not be subject to the Governor's transfer authority. The  
17 Department of Education is authorized to accept for the Fund gifts,  
18 bequests, donations and other kinds of contributions for the purposes of  
19 the Fund.

20 **(b) Same: Expenditures.** Expenditures from the Fund  
21 shall be made exclusively for the purpose of supplementing the costs  
22 associated with operating the Guam Public School System  
23 interscholastic sports programs.

24 The Department of Education may transfer from the  
25 Interscholastic Sports Fund to the Department of Public Works such

1 funds as are necessary to fund in whole or in part interscholastic bus  
2 transportation.

3 (c) **Same: Forty Percent (40%) Transfer of Funds to the 'I**  
4 **Salappe Facilidat' Accounts.** The Department of Education shall transfer  
5 forty percent (40%) of the total sum of any fees, monetary gifts,  
6 donations or contributions collected or derived from the commercial  
7 leasing of any part of the facilities for advertising or other such  
8 purposes, into the 'I Salappe Facilidat' accounts of each respective  
9 elementary school. Funds transferred to the 'I Salappe Facilidat'  
10 Accounts of each respective elementary school pursuant to this  
11 Subsection, shall be expended in accordance with the provisions of  
12 §7104 of Title 17 of the Guam Code Annotated, as enacted through  
13 Public Law Number 23-67.

14 (d) **Same: Annual Financial Report.** Within sixty (60)  
15 days after the closing of each fiscal year, the administrator or authorized  
16 custodian of the Interscholastic Sports Fund shall transmit to the Guam  
17 Board of Education and the Director of the Department of Education an  
18 annual report of the expenditures of the Fund, including, but not limited  
19 to, a balance sheet, a statement of receipts and expenses, and a general  
20 description of the income sources of the Fund and the expenses thereof.

21 **Section 7104.5. Applicability of These Provisions to School**  
22 **District Organizations.** The provisions of §§7104.1, 7104.2, 7104.3  
23 and 7104.4 shall be applicable to each District Board where reference is  
24 made to the 'Guam Board of Education' and each Office of the  
25 Superintendent of School where reference is made to the 'Department of

1 Education' except with regards to the Tiyan facilities. Each District  
2 Board may make policy changes as provided herein pursuant to the  
3 provisions of the Administrative Adjudication Law.

4 **Section 7105. School Property: Unauthorized Entry.**

5 Every person entering any campus maintained by a School District shall  
6 immediately proceed to the administrative office of the school located  
7 on that campus and announce his purpose for being on campus to the  
8 principal of that school or designee. The principal or his designee may  
9 grant any person written authority to remain on campus for a specific  
10 period of time and for a specific purpose, or the principal or his  
11 designee may order the person to immediately leave the campus. Any  
12 person found on a school campus without the written permission  
13 provided for in this Section, shall be guilty of a misdemeanor and is  
14 punishable by imprisonment not exceeding thirty (30) days, or by a fine  
15 not exceeding Three Hundred Dollars (\$300.00) or both such fine and  
16 imprisonment; provided, that this Section shall not apply to the  
17 following:

18 (1) students enrolled at the particular school campus who  
19 are in good standing and not the subject of an order of suspension  
20 or expulsion;

21 (2) teachers and staff of the particular school campus;

22 (3) peace officers; and

23 (4) such other persons as the District Board by rule or  
24 regulation shall permit.

25 **Section 7106. Same: Same.** Every person who at any time

1 enters any school campus maintained by a School with the intent of  
2 entering into a fight with any person or causing disruption on said  
3 school campus is guilty of a misdemeanor and punishable by a fine of  
4 Three Hundred Dollars (\$300.00) or by imprisonment for not more than  
5 thirty (30) days, or both.

6 **Section 7107. Same: Posting.** The District Board shall  
7 cause to be posted at the entrance or entrances of every school campus  
8 signs which set out in a conspicuous manner §§7105 and 7106 of this  
9 Chapter. The District Board shall see to it that said signs shall continue  
10 to be maintained in a readable condition.

11 **Section 7108. Evaluation and Upkeep of Facilities.**

12 (a) The Superintendent of Schools of each School District is  
13 authorized to enter into one (1) or more contracts with one (1) or more  
14 architectural and engineering firms to provide the following services to  
15 the School District;

16 (1) evaluating and reporting on the conditions of School  
17 District plant facilities;

18 (2) preparing architectural and engineering plans for  
19 repairs, renovations, improvements, demolition and construction  
20 of plant facilities;

21 (3) assisting in the procurement by the School District, of  
22 architectural and engineering services and construction services,  
23 through preparation of requests for proposals and scope of  
24 services documents, evaluation of designs, review of construction  
25 documents, and co-ordination of compliance of construction

1 documents with all applicable laws, rules and regulations;

2 (4) performing construction management services for  
3 construction projects undertaken; and

4 (5) providing consultation on prices of architectural and  
5 engineering services and construction.

6 (b) Each Superintendent of Schools may solicit requests for  
7 proposals and enter into one (1) or more contracts for the procurement  
8 of architectural, engineering and construction management services for  
9 the School District organization, and for construction contracts in excess  
10 of One Million Dollars (\$1,000,000), one (1) or more contracts for value  
11 engineers, School District organization's legal counsel.

12 (c) Nothing herein shall be construed as exempting the School  
13 District organization from the government of Guam procurement laws  
14 as they pertain to the School District."

15 **Section 12.** Section 1103 of Chapter 1 of Title 17 of the Guam Code  
16 Annotated is hereby repealed.

17 **Section 13.** Section 1105.1 of Title 17 of the Guam Code Annotated is  
18 hereby amended to read as follows:

19 "Section 1105.1. Same: Naming of. The District Boards  
20 of Education are authorized to designate by appropriate name the  
21 public schools within their respective School Districts. Any name of any  
22 public school in effect at the time of the enactment of this Section shall  
23 continue in effect until a new name is assigned by the District Board."

24 **Section 14. Transition.**

25 "(1) **Installation of First Boards of Education.**

1                   **(a) Election and Seating of the First District Boards.**

2                   The election of the first District Boards of Education shall take place  
3                   during the 1998 General Election. Such members elected during  
4                   this election shall be seated within forty-eight (48) hours following  
5                   certification of the election results.

6                   **(b) Interim Governing Board for the Department of  
7                   Education.**

8                   There is hereby created an Interim Governing  
9                   Board ('Interim Board') for the Department of Education to be  
10                  comprised of such members of the Guam Board of Education in  
11                  place immediately preceding passage of this Act who may serve on  
12                  the Interim Board at their option. If such member is elected to a  
13                  District Board of Education, such member is authorized to hold  
14                  both offices concurrently. If such member opts not to serve on the  
15                  Interim Board or if a vacancy otherwise exists on the Interim Board,  
16                  the Governor shall, by appointment, fill such vacancy. Vacancies in  
17                  non-voting, ex-officio positions shall be filled by the respective  
18                  appointing authorities for such ex-officio positions. Appointments  
19                  to the Interim Board shall not require the advice and consent of the  
20                  Guam Legislature. The interim Governing Board shall have all  
21                  duties and responsibilities granted to the Guam Board of Education  
22                  pursuant to Public Law Number 22-42 for a period of one (1) year  
23                  subsequent to the enactment of this Act after which time the  
24                  Interim Board shall cease to exist. Only voting members on the  
25                  Guam Board of Education, as provided for in Public Law Number  
22-42, and any person appointed by the Governor to fill a position

1           vacated by a voting member on the Guam Board of Education  
2           shall be voting members on the interim Board. All voting  
3           members shall receive a stipend of Fifty Dollars (\$50.00) per  
4           meeting not to exceed One Thousand Three Hundred Dollars  
5           (\$1,300.00) per member.

6           **(2) Transition.**       The interim Board shall cause to be  
7           developed and implemented within one (1) year of the enactment of this  
8           Act, a transition plan to effectuate the provisions of this Act. Upon the  
9           seating of the District Board Members, such transition procedures shall  
10          be done in consultation with the District Boards. The transition plan  
11          shall provide for, but not be limited to:

12                 (a) The orderly transition of the administration of all  
13                 public schools to their respective School District organizations.

14                 (b) The development of initial staffing patterns for the  
15                 Department of Education and the Offices of Superintendent of  
16                 Schools consistent with the intent of this Act and which reflect  
17                 optimum operating efficiency system-wide.

18                 (c) **Preference Given to DOE Employees.** Qualified  
19                 classified, non-probationary status employees of the Department  
20                 of Education who are employed by the Department of Education  
21                 at the time of the enactment of this Act shall be given first  
22                 preference for positions created on the staffing pattern in Item (b)  
23                 of this Section.

24                 (d) **Placement of Other DOE Employees.** All classified,  
25                 non-probationary status employees of the Department of



1 Education who are employed by the Department of Education at  
2 the time of the enactment of this Act, who are not hired as a result  
3 of (c) above shall be retained by the Guam Public School System.  
4 Such employees shall be placed, to the extent possible and  
5 practical, in positions of comparable pay and duties. The position  
6 of any employee who is retained as a result of this Section whose  
7 position is not part of the staffing patterns described in (b) above,  
8 shall be eliminated by attrition once the incumbent vacates such  
9 position.

10 (e) The disposition of all Department of Education offices,  
11 programs, facilities and inventory.

12 (f) A means for the Director of Education to conduct  
13 training and briefing sessions for District Board Members on  
14 programs, policies and operations of the Guam Public School  
15 System with emphasis on the Guam Comprehensive Education  
16 Improvement Plan (Goals 2000).

17 (g) A means for the Director of Education to conduct  
18 training and briefing sessions for District Board Members on the  
19 provision of all collective bargaining agreements in effect at the  
20 time of enactment of this Act.

21 (h) Support for the District Boards in preparation for the  
22 assumption of their duties within the District organizations.

23 (i) Any additions or amendments to public law that may  
24 be necessary for the optimum and efficient operation of the Guam  
25 Public School System.

1 expressly mentioned and authorized to the Guam Board of Education by  
2 such contracts. All items mutually consented to by an exclusive  
3 bargaining unit and a District Board in the renegotiations of any  
4 collective bargaining contract shall be valid and binding on the such  
5 District Board's School District organization and the exclusive bargaining  
6 unit.

7 **(5) First Meeting of Each District Board.** The Director of  
8 Education shall preside over the first meeting of each District Board  
9 until the voting members of such Board elect a chairperson. The  
10 election of a chairperson shall be the first order of business at such first  
11 meetings of each District Board. Upon election of a chairperson, the role  
12 of the Director of Education as presiding officer shall cease. Each  
13 District Board shall also at such first meeting, elect its other officers  
14 pursuant to the provisions of this Act.

15 **(6) Special Provisions for Federal Programs.** The Department  
16 of Education shall, to the extent possible and practical, transfer to the  
17 School District organizations personnel engaged in providing services  
18 under Federally funded programs. The Department of Education shall,  
19 as necessary, enter into agreements with each Superintendent of Schools  
20 for joint supervision of such personnel. Funds shall be allocated to each  
21 School District organization to fund salaries and benefits, supplies and  
22 equipment for such personnel and services. Notwithstanding the  
23 timeframe for transition established by this Act, the Department of  
24 Education shall maintain general control and supervision of Federally  
25 funded programs pending the establishment of guidelines by which

1           **(3) Allocation of Funds for the Remainder of the School Year.**

2           Such transition plan shall include a practical and equitable allocation of  
3           funds to the Department of Education and the School District  
4           organizations. The allocation of funds for the Department of Education  
5           shall be consistent with §3122.1 of Title 17 of the Guam Code Annotated,  
6           however, for the school year in effect upon implementation of the  
7           transition plan, the allocation of funds among the School District  
8           organizations shall be determined based on the needs to complete such  
9           school year as effectively and efficiently as possible.

10           **(4) Exclusive Bargaining Agreements to Remain in Effect.**

11           Any collective bargaining contracts with the exclusive bargaining unit for  
12           employees of the Guam Public School System shall remain in effect until  
13           the expiration of such contracts. The Department of Education, each  
14           School District organization, each District Board of Education and the  
15           interim Governing Board for the Department of Education shall adhere to  
16           the terms and provisions of such contracts. The status of the existing  
17           exclusive bargaining unit on such contracts shall continue to be governed  
18           by the provisions of Chapter 10 of Title 4 of the Guam Code Annotated  
19           (Public Employees Management Relations Act – PEMRA). Nothing  
20           within this Act shall be construed, implied or interpreted to alter the  
21           status of such contracts. If any contract negotiations or renegotiations  
22           may take place as provided for in such contracts and the provisions of  
23           Chapter 10 of Title 4 of the Guam Code Annotated (Public Employees  
24           Management Relations Act – PEMRA), each District Board shall negotiate  
25           on behalf of the School District any provisions of the contract that were

1 School District organizations may be allocated funds pursuant to  
2 §3103.4 of Title 17 of the Guam Code Annotated. The Department of  
3 Education is authorized to maintain such personnel positions as are  
4 necessary to provide specialized services system-wide.”

5 **Section 15. Severability.** In the event that any part of this Act is  
6 found to be inorganic, unconstitutional, or contrary to public law, all parts not  
7 so found shall remain valid.



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

DEC 05 1997

Refer to  
Legislative Secretary

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>4:58pm</u>
Date	<u>12.5.97</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 324 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §§26210 AND 26211 TO ARTICLE 2 OF TITLE 11 OF THE GUAM CODE ANNOTATED, TO ADD A NEW CHAPTER 3A TO DIVISION 2 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO AMEND §5125 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §22101.1 TO TITLE 5 OF THE GUAM CODE ANNOTATED; TO AUTHORIZE THE COMPILER OF LAWS TO MAKE CHANGES; TO AMEND CHAPTERS 5, 6 AND 7 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO REPEAL §1103 OF CHAPTER 1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; TO AMEND §1105.1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; AND TO PROVIDE FOR A TRANSITION, RELATIVE TO ALLOWING FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS, AND TO NAME THIS AS "THE ESKUELA-TA REFORM ACT OF 1997.", which I have vetoed.

This bill represents good intentions. The stated purpose is to allow for greater community involvement and decision making in Guam's public education system by decentralizing. Public Law No. No, 22-42, creating the elected board of education, also contained good intentions. Its stated purpose was to grant the people of Guam greater influence in the island's public educational system through the establishment of an elected board of education.

00572

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 12-5-97  
Time: 1630  
Rec'd by: [Signature]  
Print Name: Charlene Duenas


Both of these bills have focused a great deal of attention on our island's school system. Goals 2000, a community-based group dedicated to improving our island's school system, has also worked for 2 years during 1995 and 1996 and produced a comprehensive plan to improve our school system. The Goals 2000 plan, adopted by the Guam Board of Education, was also incorporated into the Governor's initiative, Vision 2001.

It is granted that Guam's public school system needs intensive, community-driven improvement so that our children can receive the best education that we can possibly give to them. This process, while getting off to a rocky start, is now beginning to pick up steam through the improvements now permeating the school system as a result of Public Law No. 22-42 and the Goals 2000/Vision 2001 initiative.

I believe in decentralization of top-heavy management. I also believe that the creation of 4 separate school districts that also have 4 separate elected boards will tend to fragment, rather than decentralize, the delivery of education. This fragmentation will make it more difficult for school personnel to focus solely on education and our children.

I have become impressed with the continuous and diligent effort of the current school personnel in improving our public school system. Everyone is aware of the difficult uphill battle that our community has ahead of us to make our children leaders in the Pacific. I have faith that the Goals 2000/Vision 2001 directives, now being implemented, will produce results of which our island can be proud.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

00572

Attachment


cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

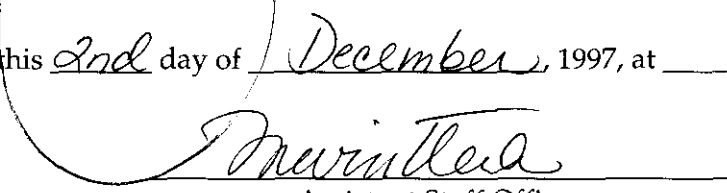
TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

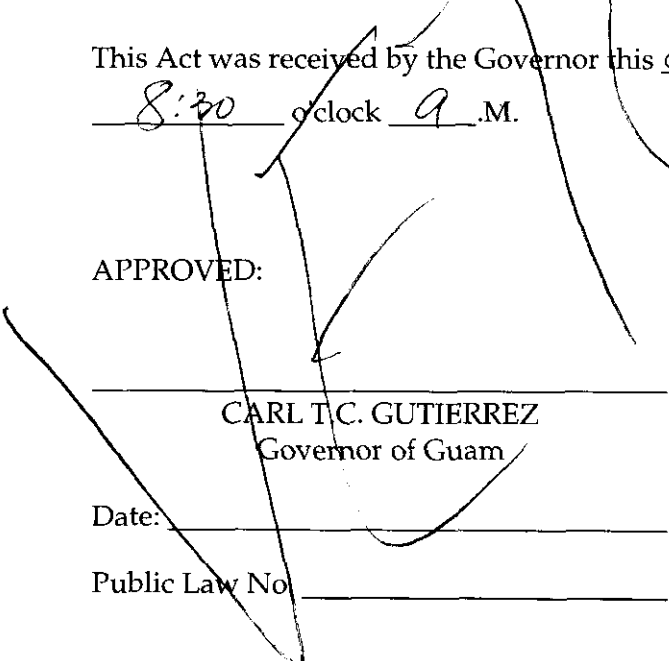
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 324 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO ADD NEW §§26210 AND 26211 TO ARTICLE 2 OF TITLE 11 OF THE GUAM CODE ANNOTATED, TO ADD A NEW CHAPTER 3A TO DIVISION 2 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO AMEND §5125 OF CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, TO ADD A NEW §22101.1 TO TITLE 5 OF THE GUAM CODE ANNOTATED; TO AUTHORIZE THE COMPILER OF LAWS TO MAKE CHANGES; TO AMEND CHAPTERS 5, 6 AND 7 OF TITLE 17 OF THE GUAM CODE ANNOTATED, TO REPEAL §1103 OF CHAPTER 1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; TO AMEND §1105.1 OF TITLE 17 OF THE GUAM CODE ANNOTATED; AND TO PROVIDE FOR A TRANSITION, RELATIVE TO ALLOWING FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS, AND TO NAME THIS AS "THE I ESKUELA-TA REFORM ACT OF 1997," was on the 21<sup>st</sup> day of November, 1997, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:  
  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by the Governor this 2nd day of December, 1997, at 8:30 o'clock 9 .M.  
  
Assistant Staff Officer  
Governor's Office

APPROVED:  
  
CARL T.C. GUTIERREZ  
Governor of Guam

Date: \_\_\_\_\_  
Public Law No. \_\_\_\_\_

PL 24-142



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

215-A Chalan Kanoa, Suite 106-F Telephone (671) 475-KIDS  
Ada's Professional & Commercial Center Fax (671) 475-2000  
Agaña, Guam 96910 e-mail lk4kids@ite.net

Senator  
**Lawrence F. Kasperbauer**  
Chairman

September 29, 1997

Senator  
**John C. Salas**  
Vice Chairman

The Honorable Antonio R. Unpingco  
Speaker, 24<sup>th</sup> Guam Legislature  
Agaña, Guam

Speaker  
**Antonio R. Unpingco**  
Ex-Officio

via: Committee on Rules

Senator  
**Thomas C. Ada**  
Member

Dear Mr. Speaker:

Senator  
**Frank B. Aguon**  
Member

The Committee on Education, to which was referred **Bill No. 324**: "AN ACT TO ALLOW FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS THROUGH THE REPEAL AND RE-ENACTMENT OF CHAPTER 3 OF TITLE 17 GCA, THE ADDITION OF A NEW CHAPTER 3A OF TITLE 17, GCA, THE AMENDMENT OF §1105.1 AND CHAPTERS 5, 6, & 7 OF TITLE 17, GCA, THE AMENDMENT OF §5125 OF TITLE 5, GCA, THE ADDITION OF §22101.1 TO TITLE 5, GCA AND THE REPEAL OF §1103 OF TITLE 17, GCA. THIS ACT WILL BE KNOWN AS "THE ESKUELA-TA REFORM ACT OF 1997" herein reports back the recommendation **TO DO PASS as substituted by the Committee on Education.**

Senator  
**Elizabeth Barrett-Anderson**  
Member

Vice Speaker  
**Anthony C. Blaz**  
Member

Votes of the committee members are as follows:

Senator  
**Joanne M.S. Brown**  
Member

  9   To Pass

Senator  
**Felix P. Camacho**  
Member

  0   Not To Pass

Senator  
**Edwardo J. Cruz**  
Member

  0   To The Inactive File

Senator  
**Mark Forbes**  
Member

  0   Abstained

  0   Off-Island

Senator  
**Angel L.G. Santos**  
Member

  4   Not Available

Sincerely,

LAWRENCE F. KASPERBAUER, Ph.D.

Senator  
**Judith Won Pat-Borja**  
Member

Attachments





TWENTY-FOUR GUAM LEGISLATURE  
COMMITTEE ON EDUCATION

215-A Chalan to Papa, Suite 106-F Telephone (671) 475-KIDS  
Ada's Professional & Commercial Center Fax (671) 475-2000  
Agaña, Guam 96910 e-mail lk4kids@ite.net

Senator  
**Lawrence F. Kasperbauer**  
Chairman

September 25, 1997

Senator  
**John C. Salas**  
Vice Chairman

**TO: All Members  
Committee on Education**

Speaker  
**Antonio R. Unpingco**  
Ex-Officio

**FROM: Chairman**

**SUBJ: Voting Sheet**

Senator  
**Thomas C. Ada**  
Member

Transmitted herewith is the voting sheet and committee report for **Bill No. 324**: "AN ACT TO ALLOW FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS THROUGH THE REPEAL AND RE-ENACTMENT OF CHAPTER 3 OF TITLE 17 GCA, THE ADDITION OF A NEW CHAPTER 3A OF TITLE 17, GCA, THE AMENDMENT OF §1105.1 AND CHAPTERS 5, 6, & 7 OF TITLE 17, GCA, THE AMENDMENT OF §5125 OF TITLE 5, GCA, THE ADDITION OF §22101.1 TO TITLE 5, GCA AND THE REPEAL OF §1103 OF TITLE 17, GCA. THIS ACT WILL BE KNOWN AS 'THE ESKUELA-TA REFORM ACT OF 1997'" as substituted by the Committee on Education.

Senator  
**Frank B. Aguon**  
Member

Senator  
**Elizabeth Barrett-Anderson**  
Member

Vice Speaker  
**Anthony C. Blaz**  
Member

Your attention to this matter is greatly appreciated.

Senator  
**Joanne M.S. Brown**  
Member

Sincerely,

Senator  
**Felix P. Camacho**  
Member

LAWRENCE F. KASPERBAUER, Ph.D.

Senator  
**Edward J. Cruz**  
Member

Attachments

Senator  
**Mark Forbes**  
Member

Senator  
**Angel L.G. Santos**  
Member

Senator  
**Judith Won Pat-Borja**  
Member

**COMMITTEE ON EDUCATION**  
**TWENTY-FOURTH GUAM LEGISLATURE**  
 155 Hesler Street, Agana, Guam 96910

**Chairman: Senator Lawrence F. Kasperbauer    Vice Chairman: Senator John C. Salas**  
**Ex-Officio Member: Speaker Antonio R. Unpingco**

**VOTING SHEET ON:**

**Bill No. 324: "AN ACT TO ALLOW FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS THROUGH THE REPEAL AND RE-ENACTMENT OF CHAPTER 3 OF TITLE 17 GCA, THE ADDITION OF A NEW CHAPTER 3A OF TITLE 17, GCA, THE AMENDMENT OF §1105.1 AND CHAPTERS 5, 6, & 7 OF TITLE 17, GCA, THE AMENDMENT OF §5125 OF TITLE 5, GCA, THE ADDITION OF §22101.1 TO TITLE 5, GCA AND THE REPEAL OF §1103 OF TITLE 17, GCA. THIS ACT WILL BE KNOWN AS 'THE ESKUELA-TA REFORM ACT OF 1997'" as substituted by the Committee on Education.**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Lawrence F. Kasperbauer <i>Chairman</i>	<u>LFK</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. John C. Salas <i>Vice-Chairman</i>	<u>Salas</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Spkr. Antonio R. Unpingco <i>Ex-Officio Member</i>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. Thomas C. Ada <i>Member</i>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. Frank B. Aguon, Jr. <i>Member</i>	<u>[Signature]</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. Elizabeth Barrett-Anderson <i>Member</i>	<u>[Signature]</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. Anthony C. Blaz <i>Member</i>	<u>[Signature]</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. Joanne M.S. Brown <i>Member</i>	<u>[Signature]</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Sen. Felix P. Camacho <i>Member</i>	<u>[Signature]</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>

Sen. Eduardo J. Cruz  
*Member*





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Sen. Mark Forbes  
*Member*





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Sen. Angel L.G. Santos  
*Member*

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Sen. Judith Won Pat-Borja  
*Member*

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**Twenty-Fourth Guam Legislature**  
**Committee on Education**  
**Senator Lawrence F. Kasperbauer, Chairperson**

**Committee Report**  
**On**  
**Bill No. 324**

Bill No. 324: AN ACT TO ALLOW FOR GREATER COMMUNITY INVOLVEMENT AND DECISION MAKING IN GUAM'S PUBLIC EDUCATION SYSTEM BY DECENTRALIZING THE ADMINISTRATION OF OUR CURRENT SCHOOL SYSTEM AND CREATING LOCAL DISTRICTS THROUGH THE REPEAL AND RE-ENACTMENT OF CHAPTER 3 OF TITLE 17 OF THE GUAM CODE ANNOTATED, THE ADDITION OF A NEW CHAPTER 3A OF TITLE 17, GUAM CODE ANNOTATED, THE AMENDMENT OF §1105.1 AND CHAPTERS 5, 6, AND 7 OF TITLE 17, GUAM CODE ANNOTATED, THE AMENDMENT OF §5125 OF TITLE 5, GUAM CODE ANNOTATED, THE ADDITION OF §22101.1 TO TITLE 5, GUAM CODE ANNOTATED AND THE REPEAL OF §1103 OF TITLE 17, GUAM CODE ANNOTATED. THIS ACT SHALL BE KNOWN AS "THE ESKUELA-TA REFORM ACT OF 1997."

## **I. OVERVIEW**

The Committee on Education held a public hearing on Thursday, August 15, 1997 at 4:00 p.m. at the Legislative Public Hearing Room. Public Notice of the hearing was announced in the August 10<sup>th</sup> & 15<sup>th</sup>, 1997 issue of the Pacific Daily News.

**Committee Members Present:**

Senator Lawrence F. Kasperbauer, Chairperson  
Senator Joanne M.S. Brown, Member  
Senator Thomas C. Ada, Member  
Senator Frank Blas Aguon, Jr., Member

**Other Senators Present:**

Senator Francisco P. Camacho  
Senator William B.S.M. Flores

### Providing Testimony on the Bill:

Dr. Katherine B. Aguon, Former DOE Director, **written**  
Ms. Barbara Blas, Vice President, GFT, **oral**  
Hon. Nonito C. Blas, Mayor of the Village of Mangilao, **oral/written**  
Mr. John T. Burch, President, GFT; **oral/written**  
Dr. Kenneth L. Carriveau, Superintendent of Catholic Schools, **written**  
Mr. Art De Oro **oral/written**  
Dr. Joseph L. De Torres, Chief of Staff, Office of Sen. Judith Won Pat-Borja, **oral/written**  
Ms. Mary Gutierrez, Member, Territorial Board of Education & Guam PTA Congress, **oral**  
Ms. Chris Lizama, GWHS PTSAA, **written**  
Hon. Mark K. "Paps" Martinez, Member, Territorial Board of Education, **oral/written**  
Ms. Rosa Palomo, Chairperson, Goals 2000 Panel, **oral**  
Mr. Luis M. Paulino, **oral/written**  
Mr. Ignacio "Ike" C. Santos **oral/written**  
Mr. Roland L.G. Taimanglo, Director of Education, **oral/written**  
Dr. Richard G. Tennessen, **written**

## **II. Summary of Testimony**

**Honorable Mark "Paps" Martinez**, member, Territorial Board of Education presented testimony in full support of Bill No. 324. Mr. Martinez stated that the major problems with DOE are that it is too big, too centralized with "one board and one director having too much power" and that Bill No. 324's proposal to create school districts would address these problems.

Mr. Martinez also offered amendments to the bill relative to the election of board members, terms of Superintendents and board members, separation of powers between the Island Board and the Districts and effective dates.

**Richard G. Tennessen, Ed.D.** transmitted written testimony in advance of the hearing. Dr. Tennessen prefaced his comments by stating that they are based on forty-two years as an educator on Guam in both direct instructional and leadership positions in Guam's public and private schools, Guam Community College and the University of Guam. Dr. Tennessen states his opposition to Bills 70, 120, 260 and 231 and his support of Bill No. 324 with a recommendation for a minor amendment. The major strengths of Bill No. 324, according to Dr. Tennessen, are:

1. Creation of an Island Board and Director to perform "state" functions as in almost all states in the U.S.
2. Having one agency certify teachers that is separate from the employing agency.
3. Having federal funds administration at the Island "state" level.
4. The creation of school districts from the "monstrous bureaucracy" that are responsible to the people in the districts.
5. Educational decisions will be closer to those that are most affected.
6. The proposed system is similar to one that Dr. Tennessen advocated 24 years ago in an article published in the Guam Recorder (copy attached).

**Mr. Art De Oro**, parent of public school students and a product of Guam public schools, presented testimony in support of Bill No. 324. Mr. De Oro cited low test scores, financial problems, the state of disrepair of our schools, lack of accountability, and the opening of DOD schools as an indictment of our current educational system and indications of the need for sweeping reform. He stated that the current leadership of DOE has lost sight of their true purpose and should not be allowed to attempt only internal reform measures. Mr. De Oro likened the rebuilding of education to that of Upi Elementary. Being no longer safe for students, the existing structures must be torn down and the school redesigned and built anew. So too with our current system, according to Mr. De Oro.

Mr. De Oro recommends the incorporation of the best parts of Bills 70, 120, 231 and 260 into Bill No. 324 which he considers the best vehicle for education reform on Guam. He did, however, express his opposition to an elected Director and Deputy Director and mandatory site-based management of schools by year 2002.

Mr. De Oro stated that the enactment of legislation giving DOE a dedicated revenue source, along with the provisions of Bill No. 324 have provided him with a more optimistic outlook for education on Guam. There exists, according to Mr. De Oro, a demand for quality education and, unlike the military, the people of Guam cannot, if dissatisfied with the current system, start one of their own.

**Mr. John T. Burch**, President, Guam Federation of Teachers presented testimony supporting the concept of Bill No. 324 but reserved GFT's position on the bill pending further discussion with the bill's author. He did, however, express concern over the potential for additional bureaucracy and lack of provision for GFT representation on the Island Board.

(Note: A meeting was subsequently held whereat Union concerns were addressed.)

**Mr. Ignacio "Ike" C. Santos** presented testimony in support of Bill No. 324. Mr. Santos commended the author for providing a foundation for educational improvement and urged support for the measure by members of the Legislature. Concerns raised by Mr. Santos included the need to clarify Youth Congress representation, the role of the Island Board as a "governing body" versus a "policy-making body," and allowing unsuccessful candidates for public office to run for a District Board seat after losing a primary election. Mr. Santos also foresees potential problems in district representation of out of district students. He further recommended that capital improvements be funded according to a "Ten Year Facilities and Maintenance Plan" or another standard to preclude personal interests from affecting needed improvements.

**Mr. Joseph L. De Torres, Ph.D.**, Chief of Staff to Senator Judith Won Pat-Borja, presented testimony on the provisions of Bill No. 324 detailing his perceived shortcomings of specific sections of the bill and his general sentiment that the bill lacks the essence of true educational reform.

(Note: As Dr. De Torres' testimony is lengthy and fairly comprehensive, the reader is requested to refer to the attached copy of his written presentation for the particulars of his comments and concerns.)

**Mr. Luis M. Paulino** of Inarajan submitted testimony on his position regarding all education reform measures being heard on 8/15/97. Mr. Paulino stated that he did not support Bills 324, 120, 70, 231 and 236. While he acknowledged the various problems stemming from the management of the Department of Education, Mr. Paulino stated that the system should see improvement now that the TBOE is no longer embroiled in legal battles over control of the

department. Mr. Paulino's testimony indicates that he believes that DOE should be allowed to improve without external mandates.

**Honorable Nonito C. Blas**, Mayor of Mangilao, submitted testimony in support of all education reform bills on the agenda during the 8/15/97 hearing. Mayor Blas stated that he represented the Mangilao Municipal Planning Council and the people of Mangilao in supporting Bills 324, 120, 70, 231 and 236. Mayor Blas also stated the need for construction of additional elementary and middle schools in Mangilao.

**Mr. Roland Taimanglo**, Director of the Department of Education submitted testimony encompassing DOE's position on Bills 120, 70, 231, 260 and 324. Except for Bill No. 70, which the Department supports, Mr. Taimanglo stated that DOE is opposed to all the other bills as being unnecessary. Mr. Taimanglo stated that the issues of restructuring and reform addressed in these bills are currently being addressed by DOE according to the Comprehensive Education Improvement Plan.

Mr. Taimanglo informed the Committee of ongoing and successful programs not mandated by external directive. He stated that the Department needs time to effect reform and restructure and that DOE would be "distracted by governance changes and/or requirements."

**Kenneth L. Carriveau, Ph.D.**, Superintendent of Catholic Schools, presented neutral testimony on Bill No. 324 and limited his comments to impact such legislation would have on Catholic Schools. Specifically Dr. Carriveau was concerned over curriculum and textbook adoption and auxiliary services. Citing *Agostini vs. Felton*, where the U.S. Supreme Court lifted the ban on providing auxiliary services in private schools, Dr. Carriveau recommended statutory revisions that would allow such.

**Ms. Chris Lizama**, President of the George Washington High School Parent-Teacher-Student-Alumni Association, presented testimony outlining concerns and questions about the provisions of Bill No. 324. Ms. Lizama acknowledges the need for DOE to re-evaluate its structure but raised the concern that the drastic and immediate changes called for in Bill No. 324 may be required without regard to the Comprehensive Education Improvement Plan (Goals 2000). She recommends that efforts be made to study the affects to the system and that DOE input be incorporated into the bill. Other concerns raised by Ms. Lizama involve:

- 1) The need to incorporate the Interscholastic Sports Fund into the bill.
- 2) The need to clarify responsibility for curriculum development and implementation.
- 3) Possible overlap of personnel responsibilities between District Boards and Superintendents.
- 4) The status of schools not designated as decentralized.

**Katherine B. Aguon, Ph.D.**, Acting Executive Director, CHI Planning Group and Retired University of Guam Professor, submitted written testimony endorsing the passage of Bill No. 324.

Dr. Aguon notes that the creation of school districts was first advocated by the late Dr. Antonio Yamashita but that the common viewpoint at the time was that the school system was still of manageable size. Dr. Aguon submits that, today, "...the one-district system has become extremely complicated and too large to manage and operate."

Dr. Aguon stated that she chaired the Goals 2000 Committee on System-wide Reform, which Committee worked toward a means to create school districts. While the approved Plan designated "regions" and not districts, the school district concept gained wide acceptance throughout the Plan's development and approval process, according to Dr. Aguon.

Dr. Aguon submits that decentralization must include "legal authority" for the administration of the school districts apart from a central office. She also states her preference for educational mandates over policy pronouncements. This would preclude reversion of policies due to philosophical differences of new administrations as has occurred in the past.

Specific comments and recommendations Dr. Aguon make involve:

1. The need for specific language for school composition within districts.
2. Endorsement of the funding allocation plan in the bill.
3. A recommendation that personnel administration be a function of the Island Board.
4. Recommendation that the DOE Federal Programs Administrator be consulted prior to assessment of students for enrichment and compensatory programs.
5. Recommendation that school councils be advisory.
6. Recommendation that creation of personnel positions be a function of the Island Board.
7. Support for the creation of the Capital Improvement Committee.
8. Support for keeping the provision of existing law for a meditation period.

**Ms. Barbara Blas**, Vice President, Guam Federation of Teachers, testified orally on Bill No. 324. Ms. Blas mentioned her keen interest in sight-based management and expressed her support for this concept. She also supports the intention of the bill, however feels that there are some aspects lacking. Ms. Blas specifically mentioned the representative of the Union on the Island Wide Board. GFT would like to be able to negotiate a single contract for working conditions and have that apply island wide as they do now. Blas also voiced that it is imperative that the GFT be represented on the district boards because the Union provides valuable information to the boards of education regarding what their contracts are about. Ms. Blas believes that the GFT should have five Union representatives; one on the Island Board and one on every District Board. She is also concerned with the compliance of the contract once it is negotiated at the school council level.

Ms. Blas felt that the phrase "all policies of School Councils shall comply with existing collective bargaining agreements, should be included. The GFT would also like to see that when typhoons strike, that classrooms are not used as shelters. Cafeterias, gymnasiums and larger rooms may be used, but they would like to see classrooms excluded from this section. It was indicated by both President Burch and vice President Blas that the GFT would like to meet with the Committee to discuss further concerns and any amendments that they may have to Bill No. 324. (meeting was subsequently held to address the Union's concerns).

**Ms. Mary Gutierrez**, President, Guam Parent Teacher Association Congress, decided in her oral testimony to reserve their opinion on the bill until the Congress had the opportunity to meet and discuss Bill No. 324 in its entirety. She indicated that a majority of the officers are off-island and that many officers of the PTA of the individual schools must be elected as the new school year begins. Therefore, the Congress has not had the opportunity to really discuss this bill at any great length with its members. Ms. Gutierrez further stated that she would like to meet with the Committee so that the PTA Congress could discuss their concerns and any



recommendations that they may have regarding Bill No. 324. (meeting was subsequently held to address the concerns of the PTA Congress).

**Ms. Rosa Palomo**, Chairperson, Goals 2000 Panel, in her oral testimony, stated that the education reform bills are an off-shoot of the Comprehensive Education Improvement Plan. Her entire testimony focused on the Comprehensive Education Improvement Plan and did not speak specifically about any of the bills. Ms. Palomo touched on why the Comprehensive Plan decided to use the term *Regions* as opposed to *Districts*. She stated that Guam is a very small, land mass body and the use of the term district is not very appropriate. When you speak of a single district with regions however, we are still one body but it will allow for better management. This idea is what is being referred to as *decentralization* in Bill No. 324. Ms. Palomo emphasized the time, dedication and commitment from the Panel to come up with this Comprehensive Plan. She encouraged that the Plan, which took over two years to establish, not be thrown out, but that it implemented.

### **III. Findings and Recommendation**

The Committee on Education finds that the general sentiment of those who provided comments on Bill No. 324 is that systemic reform is a necessary precedent to educational excellence in our public schools. The point of departure is the manner that and the degree to which reform is to be effected. Bill No. 324 has spurred debate on a range of issues apropos to the education of our children. If enacted, the debate will, no doubt, continue.

Comments both in support and in opposition to Bill No. 324 received by the Committee were all based on genuine desire to do what is right for our children. Indeed, many of the recommendations offered since the bill's introduction have been incorporated. And while the Committee realizes that the measure is not perfect and may not address every reform issue, it does provide the basis for credible, workable systemic restructure. As such, the Committee on Education, to which was referred Bill No. 324, after careful consideration of public response and upon due revision of the bill as introduced, herein submits its findings and recommendations **TO DO PASS Bill No. 324 as substituted by the Committee on Education.**

*August 15, 1997*

**Today's government meetings**

*Friday*

Friday

**24TH GUAM LEGISLATURE COM-MITTEE ON EDUCATION: Public hearing**

on education reform measures at 4 p.m.

at the Legislature's public hearing room.

(Sen. Lawrence F. Kasperbauer, chair-

man) Bill no. 324: an act to allow for the

greater community involvement and de-

cision making in Guam's public education

system by decentralizing the administra-

tion of our current school system and cre-

ating local districts through the repeal and

re-enactment of Chapter 3 of Title 17 of the

GCA, the addition of a new Chapter 3A

make-up days due to natural disasters or

inclement weather; to establish a budget

process for the department whereby such

budget is submitted directly to the Legis-

lature; to instruct the board to establish

5125 of Title 5, GCA, the addition of Sec-

tion 22101.1 to Title 5, GCA, and the re-

peal of Section 1103 of Title 17, GCA,

which act shall be known as the Eskuela-

ta Reform Act of 1997. Bill no. 120: an act

to grant the people of Guam greater in-

fluence in the island's public educational

system through establishment of an elect-

ed Territorial Board of Education, an elec-

ted superintendent and deputy superin-

tendent of education, district advisory

councils, and establish the opportunity

for the people of Guam to remove those

previously elected; to repeal and reenact

Sections 3101, 3102, 3103, 3104, 3105,

3106, 3107, 3108, 3110, 3111, 3112,

3113, 3114, 3115, 3116, and 3120 of Ti-

tle 17, GCA; to add new Sections 3103.2,

3117, 3118, and 3119 hereto; to instruct

Education members in allowing for an at-

large election; clarifying the responsibil-

ities of the Board of Education as a pol-

ity-making body; encouraging the board

to place greater emphasis in providing

quality education within the classroom en-

vironment, promoting greater parental

participation in the education of their chil-

dren, and providing for additional edu-

cation and training programs for upward

mobility purposes for our island's school

administrators, teachers, and personnel;

and recognizing and extending the sup-

port of the Guam Legislature in the for-

mulation and implementation of education

Goals 2000; through the repeal and reen-

actment of Sections 3102, 3103, 3104,

3107, 3110, and 3111, and the repeal of

Section 3112 all of Chapter 3, Title 17,

GCA. Bill no. 231: an act to revise the

composition of the Territorial Board of Ed-

ucation by amending Sections 3102.1,

3103(a), 3104, 3106, 3107, 3108, 3110,

3113, and 3115 of Chapter 3, Title 17,

GCA. Bill no. 260: an act adding a new

Chapter 10 to Division 2, Department of

Education, Title 17, GCA, to create formal

learning communities in Guam's public

school system to be known as teaching

learning centers (TLCs), and to restructur-

ing significant decision-making authority

to the schools. This act formally recog-

nizes the importance of, and the neces-

sary involvement by, the six segments of

each school's community - principals,

teachers, support staff, parents, students,

and community members, giving them

greater flexibility and responsibility for de-

veloping individual school visions, edu-

cational goals and objectives, programs,

and school improvement initiatives that

meet the learning needs of Guam's chil-

dren. Notwithstanding the past efforts and

intent of the Education Department and

the Territorial Board of Education to es-

ablish a site-based management

at Harmon Loop Elementary School, this

act formally establishes the teaching-team-

ing centers model as the school/commu-

nity-based management system for

each of the 35 public schools on Guam.

Each school will be known as teaching-

learning centers, and each school commu-

nity will be organized in congruence

with the process outlined herein. The pub-

lic is welcome to attend and participate.

Please contact the office of Sen. Kasper-

bauer at 475-5437, or e-mail at

kiddsd@telnor.net for more information. Tes-

timony may be faxed to 475-2000.

**PORT AUTHORITY OF GUAM**

**BOARD OF DIRECTORS: Management**

working session to review materials for

oversight hearing until completion at 10

a.m. at the Port's board conference room,

Cabras Island, Piti.

**Fiscal**

**Note**

**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**BBMR-F7**

Bill Number: 324 Date Received: AUG. 28 1997  
 Amendatory Bill: Yes Date Reviewed: AUG. 28 1997  
 Department/Agency Affected: Education  
 Department/Agency Head: Roland Taimango  
 Total FY Appropriation to Date: \$83,228,301

Bill Title (preamble): *An act to decentralize the Administration of the current school system and creating local districts through the repeal and reenactment of Chapter 3 of Title 17, GCA. To add a new Chapter 3A of Title 17, GCA. To amend chapters 5, 6, and 7 of Title 17, GCA. To amend subsection 5125 of Title 8, GCA. To repeal subsection of 1103 of Title 17, GCA. The act shall be known as "The Eskuela-TA Reform Act of 1997."*

Change in Law: Yes

**Bill's Impact on Present Program Funding:**

Increase \_\_\_\_\_ Decrease X Reallocation \_\_\_\_\_ No Change \_\_\_\_\_

**Bill is for:**

Operations X Capital Improvement \_\_\_\_\_ Other \_\_\_\_\_

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Education		//	

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER	//					
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A - IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
 AGENCY/PERSON/DATE CONTACTED: //z/Guam Election Commission/8/28/97

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER	//					
TOTAL						

ANALYST Dina P. Chock DATE 8/29 DIRECTOR Joseph E. Rivera, Acting DATE SEP 05 1997  
 FOOTNOTE(S): \_\_\_\_\_

The Bill's intent is to promote greater community involvement and decision making in Guam's Public Educational System by creating independent school districts organizations. Also, to establish school base management as part of the decentralization goal of the Guam Public School System. Obviously, a fiscal impact will be realized for the operations of the Guam Public School System and to accomplish the goals set out in this Bill. However, it should be noted that pursuant to P.L. 24-17, the Department of Education (DOE) now operates under its School Operations Fund (88% of Gross Receipt Taxes) separate from the General Fund. The Bill also makes some limitations out of the funding received from P.L. 24-17 on how much should be budgeted for school operations, for capital improvement projects, etc. It also determines the budget for the District Boards. As such, listed below are some of the proposals that will assist in the determination of this impact.

-It establishes for four (4) School District Organizations each comprised of an elected District Board of Education, a District Superintendent of Schools and other personnel as required. There shall be six (6) elected voting Board members, one (1) voting member from the student population of the District's high school and one (1) non-voting ex-officio member representing the teachers and other members of the Union. It proposes that each voting member receive \$75 per Board meeting (note that subsection 43103 of Title 5, GCA on Uniform Compensation for Boards and Commissions sets the rate at \$50/mtg not to exceed \$100/mnth for stipends). As such, this impact, as a result of stipends, would be dependent on the no. of meetings held within the year.

-It repeals and reenacts subsection 3103 of Title 17, GCA and creates the Island Board of Education in which one (1) voting member from each school district is appointed by the Governor, two (2) voting members shall be appointed by the Speaker of the Guam Legislature and one (1) shall be a High School Student from the GPSS. It proposes that members receive a stipend of \$75 per meeting not to exceed \$1,050 per year (please see earlier note on stipends as per subsection 43103 of Title 5, GCA).

-It proposes that three percent (3%) of the total Guam Public School System funds received from Public Law 24-17 (88% of gross receipts tax) be used for the operations of DOE. As such, based on the forecasted GRT for FY 1988, DOE should receive approximately \$162 million and 3% of this is approximately \$4.8 million. However, it should be noted that subsection 3122.3 of this Bill sets up a committee in which by a majority vote of three (3), may increase the budget of DOE beyond the limits of the proposed three percent (3%).

-It proposes that five percent (5%) of the total funds received from P.L. 24-17 be used for capital improvement projects (CIP) to include the building of new schools, repairs of facilities, and the construction of new facilities within existing schools. As such, five percent (5%) of DOE's allocation based on the forecasted GRT for FY 1988 is approximately \$8.1 million.

-It proposes that the balance of all funds received from P.L. 24-17 that are not used for DOE's operations and CIP shall be proportionately allocated to each school District based on student enrollment at the end of the school year. Additionally, all lapsed funds not used within a fiscal year shall remain with the District for subsequent fiscal years. Finally, no more than 7.5% of the funds received by each school district shall be used for the administration of the District Organizations.

-It proposes a special election for the election of the District Board members. The Bill proposes to save money for this election by authorizing the Election Commission to conduct the voting over a week long period at each village's mayoral office over a minimum period of five (5) days inclusive of a Saturday, using mayoral staff members who have been duly deputized by the Commission. The Election Commission, at this time, is unable to give an estimate as more information is needed from the Mayors Office, to include staff, the number of hours a day the election will be held, etc.

Please note that some aspects of this Bill are administrative in nature whereby rules and regulations, duties and responsibilities are defined. Also, amendments are made to several Chapters under Title 17 in consideration of the District Boards, Island Board of Education, Superintendent of the School Districts, etc. as proposed in this Bill.

**Public Hearing**

**Sign-in Sheets**

# COMMITTEE ON EDUCATION

TWENTY FOURTH GUAM LEGISLATURE

## PUBLIC HEARING

Friday, August 15, 1997

4:00 P.M.

①/4

### BILL NO. 324

#### Witness Sign-In Sheet

NAME: ADDRESS:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
MARK PAPA MARTINEZ	MEMBER BO of ED		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Luis P. A. 100		828-8947		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
NONITO C. BLAS	MAYOR	734-7103		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Poland Rimangli	DOE	4750461	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

# Witness Sign-In Sheet

**BILL NO. 324**

②/4

NAME ADDRESS:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
<i>[Signature]</i>	GFT	735-4390	✓	✓	—	—
<i>Earl Blas</i>	GFT	734-4398	✓			
<i>Kenneth L Carriven</i>	CATHOLIC SCHOOLS	472-6116		✓	NEUTRAL	
<i>de Detorres</i>	Sen. Won Pat - Barja	472-3444		✓		
<i>Art De Oro</i>	self	475-0333	✓	✓	✓	



# Witness Sign-In Sheet

## BILL NO. 324

3/4

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
Rosa Palomo						
P.O. Box 909 Agaña, Guam 96932	UOG / self Goals 2000	735-2815	✓			

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
Mike Santos						
P.O. Box 12936 San Juan	Self	475-0616		/	/	

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST





**Copies of  
Written  
Testimony  
Received**



# Guam Federation of Teachers

AFT Local 1581 P.O. Box 2301 Agana, GU 96932 ☎ (671) 735-4390/1 © 734-8085 E-Mail gft@iftech.net

October 2, 1997

Senator Lawrence F. Kasperbauer, Ph.D.  
Chairman  
Committee on Education  
Twenty-Fourth Guam Legislature  
215-A Chalan Santo Papa, Suite 104-F  
Ada's Commercial & Professional Center  
Agana, Guam 96910

Re: Bill No. 324

Dear Senator Kasperbauer:

The Guam Federation of Teachers endorses the amended version of Bill 324. After much review, we feel that by placing education back in the hands of the community, this legislation will establish a much needed solution to the education problems that have plagued our school system. Problems which have left our teachers short on classroom supplies and support services for many years.

Although the complexity of this legislation caused us to envision the creation of a bureaucratic nightmare at first; today, we are convinced it will actually cut through the bureaucratic red tape which delays the receipt of supplies and support services in the classroom. We feel the whole point of this legislation is to maximize the educational opportunities in our public school system. Because of this we have reconsidered our initial position on Bill 324 and we now give it our full support.

We are aware passage of this legislation will mean we will have to negotiate separate contracts with each of the school districts. A task we do not relish; but a task we are willing to carry out for the improvement of education on Guam.

We have attempted to work with the management of the Department of Education over the years to implement some of the ideas presented in this legislation. Their response has been slow if not opposed to these ideas.

The only time we have seen any action on their part is when legislation like this is proposed which forces them to implement the idea or lose control over its implementation. Often times, they have not been entirely truthful in their presentations to the legislature in order to convince the legislature not to pass legislation like this.

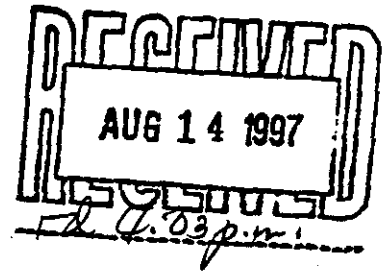
I realize submitting our position on legislation this late is out of the ordinary, but the Guam Federation of Teachers is convinced this legislation will improve our educational system on Guam.

Sincerely,

A handwritten signature in black ink, appearing to read 'JTB' followed by a flourish.

John T. Burch  
President, GFT

August 15, 1997



Senator Lawrence F. Kasperbauer  
Chairman, Committee on Education  
24th Guam Legislature  
Agana, Guam 96910

Dear Chairman Kasperbauer and Members of the Committee:

Bill 324 is a great piece of legislation which, in my opinion, will bring immense benefits to the students, the community, and all persons who are committed to educational excellence. The late Dr. Antonio Yamashita, a noted educator and pioneer, was the first to advocate the creation of school districts on Guam. However, at the time, most felt that the system was still small enough to address its problems effectively. Today, the one-district system has become extremely complicated and too large to manage and operate.

As one of the representatives of the Governor to the Goals 2000 Panel, I chaired the Committee on System-Wide Reform, Goal 9. The Committee consisted of members from all walks of life - administrators, businessmen, military officials, teachers, university professors, an attorney, and Board of Education members. The Committee worked many weeks to design a structure that will facilitate the creation of school districts. (Somehow, the Committee preferred regional designations instead of districts.) The plan was approved by the Goals 2000 Panel and was then sent to the Board of Education for final approval. Upon approval of the Board, the plan (along with other plans of Goals 2000) was presented to the public at a half-day session at the Hyatt Hotel. Again, there was wide representation from parents, teachers, businessmen, students, military officials, mayors, DOE administrators and principals. Most of those who attended the presentation of the System-wide Reform Committee agreed that the District Plan is an excellent reform and some suggestions were made in terms of implementation strategy. As a matter of information, the Governor's Vision 2001 Plan also endorses the district plan.

I truly believe that Bill 324 is the appropriate vehicle to effectuate the creation of school districts. It will decentralize the **legal authority** of the administration to the school districts. It is one thing to allow decision-making at the school level while legal authority rests in the central office. Educational mandates are preferable to policy pronouncements. Throughout the years, attempts were made by various boards and directors to implement changes administratively through board policies, but whenever a change of administration occurs, things revert back to the way it was because of philosophical differences.

I fully endorse passage of Bill 324. However, I would like the Committee to review some of my comments and recommendations on parts of the Bill.

1. The organization of school districts in terms of school composition is not mentioned in the Bill. I believe that you had in mind a district for each of the high schools. It would be necessary to put in language that will assure an ideal and adequate population for each of the school districts.

2. Since the Island Board will consist of representatives from each of the school district boards by appointments of the Governor, perhaps there is no need for legislative consent since they will already have been elected at the district levels. I like the idea of the Island Board of Education meeting only 4 times. However, travel expenses should be given to **district board members** since they will be the educational policy makers for school programs, instructional technology, and school operations.

I endorse the idea of allocating specific percentage of funds from PL 24-17. This is the only way to ensure that funds go where they should-besides, funds should not remain with Central since the district level boards will be the final authority on district expenditures.

3. What is the reason for the word **defense** on page 20, line 11?

4. **Section 3105.8** - add travel allowance.

5. **Section 3106** - gives appointment, employment, suspension, and dismissal to the district boards. This may conflict with the duties of the Island Board to hire personnel based on qualification and certification. I believe this should be a function of the Island Board to ensure policy uniformity in employment process based on qualification, certification, and legality of suspension and dismissal. Leaving this responsibility to school districts, especially the council as you have in the Bill, will open possibilities for favoritism and corruption. Principals, however, should interview and recommend hiring based on information from Island Board.

6. **Section 3011** - Enrichment and compensatory programs should first be coordinated with the Federal Programs Administrator in the "State" Department to find available federal funds for allowable programs before assessing students. As a matter of fact, these programs (especially for those students left out of gifted programs for one reason or another) are so vital that local funds can supplement federal funds rather than charging students.

7. If you remember, "Site-Based Management" was implemented on a trial basis because of the one-district bureaucratic organization we called Department of Education. I honestly believe that the benefits of site-based plan should be changed to advisory. Members of the councils reflect the community voice and desires. Besides the functions, again, appear to be in conflict with those of the district boards, and Island Board. There are too many hands in the pudding! The members of the councils are accountable to no one. Who is to take action against them for misuse and abuse of functions? Only employees can be held accountable. Anyway, these functions are already with the district superintendents and boards. The decentralizing plan is sufficient to accomplish the objectives of Site-Based Management. I believe that the Bill endorses the concept of Site-Based Management and calls for its integration in the plan (p.27).

8. Creation of positions should rests with the Island Board based on requests from the district boards. Besides, creation of positions are reviewed by the Civil Service Commission under the Organic Art of Guam. The authority of district boards to create positions may conflict with the Island Board's authority and Civil Service Commission.



9. The creation of the Capital Improvement Committee with members from the district levels is very significant and very much needed.

10. **Section 3117.4** - While decentralization and school councils are necessary in a one-district bureaucratic organization, the merits and benefits of the plan are already provided for in the district plan.

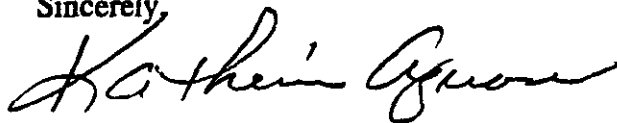
11. **Section 6101** - Standards should be the Island-Board's responsibility.

12. Most of the other sections of the Bill have been mandated and are changed to reflect the school district plan.

By the way, I am very pleased that prayers, religion and meditation programs, are included in the Bill. I strongly feel that **values in education** should return to the classroom.

Thank you for allowing me to comment on Bill 234.

Sincerely,



Katherine B. Aguon, PhD  
Acting Executive Director, CHI Planning Group  
University of Guam Professor, Retired

Box 8077  
Tamuning, Guam 96931  
August 12, 1997

Senator Lawrence F. Kasperbauer, Chairman  
Committee on Education  
Twenty-Fourth Guam Legislature  
215 A Chalan Santa Papa, Suite 106F  
Agana, Guam 96910

Dear Senator Kasperbauer and Committee Members:

Thank you for the opportunity to express my views on certain pending legislation relating to education which is scheduled for a public hearing on August 15, 1997. I am Dr. Richard G. Tennessee a retired educator. My comments are based on my forty-two years experience with the educational scene on Guam during which time I have been a public school teacher, vice-principal, junior and senior high school principal, Superintendent of Schools, Acting Director of Education, Assistant Professor and Dean of the College of Education of the University of Guam, Assistant Headmaster of St. John's School and member and Chairman of the Board of Trustees of Guam Community College.

My comments, although brief, will be indicative of my support or lack of it for the various pieces of legislation.

Bill 120: This Bill is an example of the "tinkering" which the Legislature has been involved in for some time now. Although it leaves in place the current monstrous bureaucracy, that is not my main objection to the bill. While I have no objection to the election of the School Board, I am adamantly opposed to the election of the Superintendent and Deputy Superintendent. The PRIME responsibility of a Board of Education is the selection of the educational leader. The Superintendent is an EMPLOYEE of the Board. To have both the Board and the Superintendent elected creates the likelihood of an impossible situation since neither is responsible to the other. Also, there is no mention of the qualifications of the Superintendent and Deputy Superintendent. Can anyone be elected to the positions?

Bill 70: This is an even greater example of the "tinkering" process. It changes nothing other than to revamp the election process of the Board. I am opposed to it.

Bill 231: I do not have a copy of this Bill but from the title it appears to be similar to Bill 70 and my comments are the same. I am opposed to it.

Bill 260: Since this Bill has the same sponsors as Bill 120, I wonder if it is in place of Bill 120 or intended as a supplement. In either case I am opposed to it on the basis that this is another example of the Legislature trying to be the Board of Education. The Legislature keeps talking about getting politics out of education and letting the Department run its affairs; then it proceeds to tell the Board and the Department how to run the Department.

**Bill 324:** This is a Bill which should receive serious consideration. The major strengths of this Bill are the following:

1. It creates a Island Director of Education and Island Board of Education to perform the "state" educational functions performed by similar boards in almost every state.

2. It separates certification of teachers from the employing agency--no longer will the same agency certify and employ teachers.

3. Bill 324 recognizes that administration of Federal funds should be at the "state" level--again, it separates the writing and approval of Federal projects from one agency; this has long been a weakness under the current system.

4. It breaks up the current monstrous bureaucracy into manageable units responsible directly to the citizens of each district.

5. It places educational decisions much closer to those affected.

6. The Bill proposes to establish an educational system very similar to the one which I proposed in an article in the GUAM RECORDER (April-June 1973). While that article is some 24 years old, the contents are as current as they were then.

While I heartily support Bill 324, I would propose these changes:

Delete Sections 3107.1 Meditation Period and Section 3109 Pledge of Allegiance. While these are noble ideas, don't cloud the debate of an excellent Bill with an emotional side issues. Worldwide experience has shown that you cannot successfully legislate these areas.

Thank you for whatever consideration you may give my remarks.

Sincerely,



Richard G. Tennessen, Ed.D.

# Needed Local Control of Public Education

By RICHARD G. TENNESSEN

*Guam Recorder*

*April-June, 1973*



TOP: Diversity of national and racial origin is a prime characteristic of Guam's student population

CENTER: A wide variety of extra-curricular activities are available.

BOTTOM: Instructional media of varying types is widely available and a typical part of the instructional process.

One of every three persons living in the Territory of Guam is a student. The largest percentage attend one of the public schools operated as a part of the Department of Education of the Government of Guam. The casual observer would note the existence of public schools virtually identical to those existing throughout the United States mainland. Indeed, hundreds of students transfer each year to and from mainland schools with adjustment problems usually no greater than those caused by a transfer between mainland schools.

## I. THE STRUCTURE OF PUBLIC EDUCATION

The existence of a kindergarten program as the first step in a typical K-6, 7-9, 10-12 organizational pattern, familiar teaching methods and materials, a broad variety of extra-curricular activities, and compulsory attendance laws would serve as sufficient evidence to the casual observer that a typical American School system operates in Guam. In many respects this is true. The quality of education available in Guam schools compares favorably with many, and exceeds some, areas of the mainland.

However, to the person who wishes to become more deeply involved with the educational process, significant differences between the Guam Public Schools and a typical mainland district soon become obvious. Most of the differences relate to the manner in which education is organized and controlled, rather than to the educational process of the classroom. However, the effects of these differences have significant importance to the educational process and climate.

To understand these differences, a brief examination of American educational philosophy and operating practice is necessary. With the United States Constitution silent on the matter of education, the states have assumed the authority and responsibility for the educational process within their respective jurisdictions and have developed quality educational systems throughout the United States. While there are variances in the manner and amounts of state aid, compulsory attendance laws, teacher certification requirements and other statewide laws or policies, there is considerable uniformity as to how education is organized and administered.

At the heart of this uniformity is the concept of local control of schools -- a basic tenet of American education.

national educational philosophy or system, local school boards elected by the voters of the district act as the governing authority of local school districts and are the prime determinant of the nature of the country's educational endeavor.

\* Thousands of these local boards of education operate independently throughout the United States making educational decisions directly relating to and influenced by the local community which they serve. While there is influence and regulation through state agencies and laws, higher educational institutions, regional accrediting associations, the United States Office of Education and Federal legislation, the primary decision-making power resides with the local school district as represented by its board of education.

+ With few exceptions these local boards of education are elected by the resident voters of the school district and are primarily responsible to them. Consequently, the people of the school district have a direct voice, through the elections of the board of education members, in the educational policies and practices implemented in the schools which their children attend. Additionally, as determined by state law, many issues such as the sale of bonds for school construction and certain budget increases must be submitted to a vote of the people of the district before implementation. Citizens in these districts have the opportunity

children are exposed.

Historically, such has not been the case on Guam nor do the present residents of Guam have any meaningful opportunity to directly participate in the decision-making process of education. Local control of education within the moral context of the phrase has only recently been possible on Guam and has been developed only to a very limited extent. The possibility of having local control of schools was not extended to Guam until the Organic Act of Guam was passed by the United States Congress and signed into law by President Harry S. Truman in 1950. Until that time, the existence, extent, and direction of education of the Island had been at the whim of various governing or religious authorities.

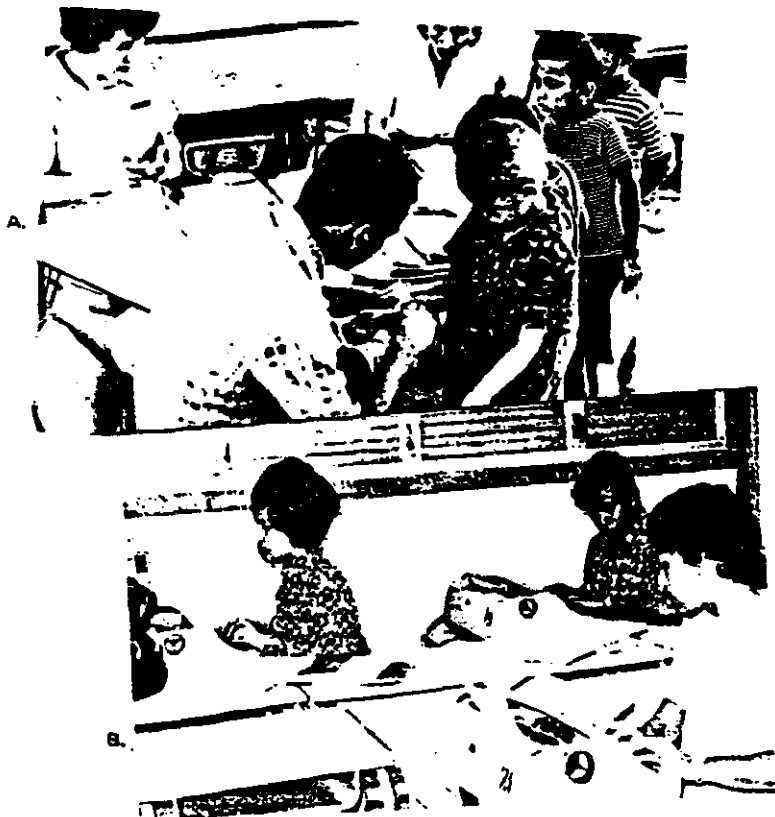
## II. THE HISTORICAL DEVELOPMENT OF PUBLIC EDUCATION

Formal education in the Territory dates to 1669 when Father Sanvitores established the College of San Juan de Letran in Agaña.<sup>2</sup> Despite this early beginning, educational opportunities during the years of Spanish rule were extremely limited. When available through either the auspices of the Spanish government or the Catholic Church, educational opportunities were provided for the purpose which best suited the establishing authority. During the years of Spanish rule no system of compulsory education was established nor was any significant attempt made by

education for the majority of the Island's residents.

With the advent of the American administration in 1898 following the Treaty of Paris, considerable improvement in educational opportunity resulted. Over a period of years more schools were built and a system of compulsory education was established at the elementary level. Secondary schools in limited number also became available. However, even at the onset of World War II, elementary education through the 8th grade was the maximum available to the general population of Guam. For those fortunate enough to have the opportunity to attend secondary schools, there was virtually no education beyond the 12th grade level available on the Island. Despite a significant improvement over the educational opportunities available during the Spanish administration, the educational opportunities provided by the American administration prior to World War II left much to be desired.

Whatever gains had been made since 1898 were quickly eliminated with the occupation of Guam by the Japanese in 1941. The military occupation of the Japanese marked the immediate termination of formal education for the residents of the Island. While the Japanese, despite being involved in a far-flung war, were quick to establish schools, the extent and the purpose of education was again under the control of a foreign nation and in a language



- A. Health services, such as tuberculin testing, are available in cooperation with the Department of Public Health.
- B. Typing is one of the business subjects available as part of the elective program of the secondary schools.
- C. Work in small groups is a typical approach used in the elementary schools.

against their will), the newly-opened Japanese schools required tremendous adjustments to a new language, teaching methods, and objectives since Japanese language training and indoctrination were given priority.

In 1944, the reoccupation of the Island by the American forces terminated the Japanese-controlled educational period, but the resultant destruction of the Island's physical facilities including its school buildings caused tremendous problems for those desiring an education. The lack of school facilities, compounded by an almost total absence of books, supplies and equipment, made the teaching and learning most difficult. Adding to the problem were a shortage of qualified teachers and a backlog of students whose education had been delayed more than three years by the War.

In the intervening years to 1950, the Naval government in cooperation with local officials took tremendous strides toward the establishment of a comprehensive elementary and secondary educational system comparable to the typical American pattern. However, that effort, while considerable, was not sufficient to provide the quality and extent of education enjoyed by other American communities on the continental United States. More important was the passage of the Organic Act in 1950 which established a civilian government with the three traditional branches of Government--Executive, Legislative, and Judicial. Although the Organic Act did not provide local control, it established a civilian government which is a necessary prerequisite.

In 1952, the Guam Legislature enacted the Educational Law of the Territory which created a Territorial Board of Education consisting of five resident members and two non-resident advisory members--one each from the Air Force and the Navy (since enlarged to seven members and an indefinite number of advisory members selected by the appointed members). With the establishment of the Territorial Board of Education, the Island, for the first time in its history, had a school board with specific authority. While it is true that advisory boards of education operated during the years 1938 and 1940 and again between 1946 and 1950, they had no power to carry out any of their decisions.<sup>3</sup> Especially significant was the fact that, of those on the first post-Organic Act Board of Education, it was now the resident of Guam who had

### III. THE GOVERNOR'S AUTHORITY OVER EDUCATION

To believe, however, that local control of schools came to Guam with the establishment of the Territorial Board of Education would be erroneous. Significant limitations on the Board's authority existed; while some of these have been corrected, the majority still remain.

The first of these limitations was inherent in the working of the Organic Act. While the Act did establish a civilian government, the Governor was appointed by the President of the United States until 1970 when people of the Island elected their own governor for the first time. Therefore, during the years of 1950 to 1970, the chief executive of Guam was directly appointed by and answerable to the President of the United States and the Department of the Interior. Guam had a civilian governor but for the twenty-year period following the Organic Act, he was directly answerable to Federal officials and not the people of the Island.

The full significance of this presidential appointment in relation to local control of the schools may best be understood by an examination of certain specific language of the Organic Act. While the Act made possible for the first time the enactment of laws relating to education by duly elected representatives of the people, Section 29b of the Act has had a profound effect upon the entire direction of educational development in the Territory. It reads, "The Governor shall provide an adequate public educational system on Guam, and to that end shall establish, maintain, and operate public schools at such places in Guam as may be necessary." Contrast this language of the Organic Act with the following excerpts from state constitutions:

"The general assembly shall by appropriate legislation, provide for an efficient system of common schools throughout the state.<sup>4</sup>

The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this state may receive a good common school education.<sup>5</sup>

The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the Legislature to establish a general and uniform system of public schools.<sup>6</sup> The wording of these three state constitutions is typical of the

than in the Governor's office. Why the Organic Act contains the precise wording relative to the Governor's responsibility for education may never be known. However, that language is certainly consistent with the historical tradition of the Island - a tradition of the control of education on Guam being in the hands of a single individual, more specifically the Governor or a designee acting on his behalf.

Numerous historical references to the concentration and exercise of power by the governor or his designate appear in A Complete History of Guam by Carano and Sanchez:

"The Governor, like Spanish governors before him, was in complete charge of all governmental affairs; he exercised all executive, legislative and judicial authority. He soon came to fill the following positions...inspector of the schools.

The Department of Education was headed by the Governor. Throughout most of the period of Naval administration, Guam's schools were under the complete control of the Governor. He formulated school policies, made key appointments, and decided how all the funds were to be spent.

Immediately following the re-establishment of Naval government, the Department of Education was headed by a Navy Chaplain. He was assisted by a Guamanian Superintendent of Schools. The Governor, however, as Director of Education, established school policy, decided how all money was to be spent and selected key personnel."<sup>7</sup>

Thus, despite the prevailing concept of local control of education throughout the United States, the writers of the Organic Act, wittingly or unwittingly, codified a prevailing historical practice which places severe limitations on the development of meaningful participation by the average citizen in the conduct of the schools.

How much influence the language of the Organic Act had upon the members of the Guam Legislature who drafted the Education Law in 1952 is not known, but that law further strengthened the educational decision-making authority of the Governor. Adding to the mandate given him by the Organic Act to be responsible for education on the Island, and his then existing power to appoint the Director of Education,<sup>8</sup> he was given the authority by the elected Legislature to appoint members of the

Board of Education subject to their approval.

The appointment by the Governor of the Director of Education and Board of Education was a significant limitation upon the idea of local control of education. Local control implies the election of school board members by the people of the school district and the subsequent selection of the superintendent of the district by those Board members. The Superintendent is responsible to the Board and the Board is responsible to the voters of the district.

Improvement in the situation on Guam came about in 1967 with the passage of Public Law 8-71 giving the Board of Education the authority to select the Director. However, the Governor still has approval authority on the selection. If limited legally, the practical application is the fact that the Governor still plays a major role in the selection and continuing service of the Director of Education. It is extremely unlikely that the Board would make a selection of a new Director without prior consultation with the Governor as to the acceptability of the candidates. Correspondingly, the continued service of the Director must be acceptable to the Governor. If not, the Governor is in a position whereby he can ask the Board to terminate the Director's services. In the unlikely instance that the Board would refuse this request, the Governor could call for their resignation or could appoint members known to be in agreement with his views.

In theory, there exists the possibility of a maverick board member or members who would resist such tactics on the part of the Governor, but the prospect is not likely. Even more remote, should such feelings exist, is the possibility of the opposing Board member making public his opposition to the Governor. As a consequence, for all practical purposes, the Governor has the power to control both the makeup of the Board of Education and to determine who the Director of Education will be.

But is the appointment of the members of the Board of Education really a limitation on the concept of local control of Guam's schools? Governors in 34 of the 55 states and territories of our country have the authority to appoint members to the state board of education. The significant difference lies in the fact that Guam has only one Board of Education--thus the Territorial Board of Education must function in a dual role as both a "state" and as a "local" board of education. Given only

appointment of members of the Board of Education by the Governor would not infringe upon the concept of local control. State boards of education function primarily as a general regulatory and supervisory agency with local boards of education having virtually complete freedom to operate within broad state laws and regulations.

However, when moving into the realm of the local board of education, this appointment power of the Governor definitely infringes upon the concept of local control--a fact recognized by the almost universal election of boards of education by the people of the school district. It would be fallacious to assume, however, in the absence of valid research to the contrary, that the concept of local control of the schools cannot be effective simply because the Board members are appointed rather than elected. Of equal importance is the power and authority which the Board has, regardless of how it is selected.

#### IV. THE BOARD OF EDUCATION'S LIMITED POWERS

In the area of the authority vested in the Territorial Board of Education, we find another significant difference when compared to typical boards of education. The typical board of education has near-absolute power in such areas as the approval of a budget, levying of real estate taxes, hiring and firing of the superintendent, planning for construction and its funding, the operation of the school busses, the maintenance of the buildings, determining salary schedules, establishing new positions, establishing fiscal and procurement procedures, determining overall educational policies, and establishing the curriculum. In general, if a matter or an issue involves the schools, the typical board has the ultimate authority subject only to state law and public opinion. State law often requires that certain matters such as bonds for school construction or budgets with substantial increases be approved by a vote of the people. The significant fact of this is that the primary limitations of the board's authority rest with the people of the district who can stop board-planned action by a specific vote on a given issue or through removal from office at election time and not with the Governor.

If local control of education is exemplified by a Board of Education having such broad powers (disregarding for a moment how they are selected)

directly involved in the educational process, then neither the Territorial Board of Education nor the residents of Guam have the privileges and the rights which they should have in relation to the educational process. The people of Guam do vote for Governor, Lieutenant Governor and members of the Legislature, but they do not vote for school board members nor do they have any direct say in what the operational budget of the schools will be or what will be spent for school construction.

The Territorial Board of Education has extremely limited powers. It does not give final approval to the operational budget nor does it have any taxing authority. It does not have final authority over school construction, school busses, major maintenance, salary schedules, pay raises, establishment of new position titles, expenditure of funds, and many other aspects directly relating to the operation of the schools. Only within the areas of curricular content and structure and the certification of teachers does the Board have anything close to complete authority.

Where then does the authority for educational decisions lie on Guam? As we have seen, the Governor has great authority and responsibility given to him by the Organic Act and subsequent laws particularly in relation to the selection of the Board members and the Director of Education. Indirectly, the Governor also has considerable authority in that many of the powers not vested in the Board are vested in other departments of the Government of Guam. These departments as part of the Executive Branch of the Government are under the direct supervision of the Governor who appoints the Directors of each. Thus, the actions of the Departments of Public Works, Administration, Land Management and others plus the actions of the Civil Service Commission and the Bureau of Budget and Management which share much of the Board's authority are directly related to the Governor's wishes.

A typical example is the area of budgeting. The budgets of all of the departments of the Executive Branch, including that of the Department of Education, are submitted to the Bureau of Budget and Management Research. Personnel of this Bureau hold hearings with the various departments and make

recommendations to the Governor considering budgetary allocations. A decision is then reached by Governor and/or his assistants as to the amount of money which will be available to each department. Thus, the Board of Education, having approved a budget prior to the transmittal to the Bureau of Budget and Management Research now finds itself in the position of being told how much it can have to run the schools; it is then up to the Board, the Director, and his staff to trim the budget to fit the figure which has been decided at the Governor's level. The Governor's budget, after adjustments have been made by the various departments to fit the ceilings given them, is then sent to the Guam Legislature.

Since the Legislature is elected by the people, and since it enacts into law the budget of the Department of Education, does the authority which it has help contribute to the idea of local control? Election of the Legislature by the people is a step in the right direction. However, it still leaves much to be desired. This is not to deny that the Guam Legislature does not have a legitimate interest in education or that the several Guam Legislatures have been derelict in their duties. On the contrary, the various Legislatures have almost always appropriated the entire amount requested by the Governor for education. Additionally, the work of the Legislature's Committee on Education and the passage of many laws relating to education, following public hearings, indicate a deep concern and appreciation for education. However, if local control of education as typified by direct citizen participation in the selection of school board members, determination of school bond issues and operational budget levels is to be realized on Guam, additional legislation will need to be passed by the Legislature and approved by the Governor.

As presently constituted, the control structure of education is primarily centered within the purview of the Governor. Consequently, the specter of politics in education comes to the forefront. Despite the best-intentioned Governor who makes exceptional efforts not to control or direct education, this concentration of authority is conducive to political maneuvering. While it is true that any educational entity interfaces with some governmental unit and political realm, few other American school systems embody the particular set of circumstances which characterize the educational system of Guam.

The great concentration of power in

the hands of the Governor is magnified by the fact that the Government of Guam embodies state, county, and governmental powers. This single-layer governmental structure with the resultant absence of intermediate and lower-governmental entities is unusual. Adding to the possibilities for politics in education is the small geographic size of the Island. A large number of the people know the Governor personally or have at least met him on one or more occasions. Consequently, the people recognize the great power of the Governor in educational matters, and feeling a familiarity with him, often approach him or one of his assistants concerning a problem in the schools. It is not unusual for the Governors of Guam to receive in their office a group of parents who have a complaint about the schools--complaints which can and should be solved in at least one and possibly several levels lower in the governmental structure. While it is true that the Governor will normally not do anything more than listen to the parents, the fact that they were there is soon known to the Director and his staff who are told to do something about it. It is good that citizens can have such easy access to their chief executive, but such meetings can result in the Governor making clear to the Director how he thinks the problem should be settled and without consideration of long-range plans to improve the educational system on a systematic, rather than a crisis, basis.

The same situation exists in relation to the Guam Legislature. As representatives of the people they have a legitimate interest in education. Again, however, most people on Guam know at least one senator personally and in many cases all of them. Compare this to citizens in a typical school district who rarely know their own senator personally, let alone those from other congressional districts. This familiarity makes it all the easier to contact the Senators for assistance with a personal problem which again could and should be handled by one of the administrators of the Department of Education.

## V. THE DIRECTOR A WEAK EXECUTIVE

All of this potential political pressure focuses on one individual, the Director of Education. Nominally selected by the Board, but serving as a member of the Governor's cabinet, and subject to pressures from the Governor and Legislature which a typical school superintendent does not know, he is in an extremely untenable position. Much

operation of the schools is not under his control, yet he is ultimately responsible to the Board, the Legislature, and the Governor. Complicating the problem is the same dual designation existing with the Board of Education. As Director of Education he serves both as Superintendent of the Guam Public Schools and as the Chief State School Officer of the Territory. As the Chief State School Officer, the Director is responsible for the performance of these functions normally handled by the state superintendent of schools and his staff--certification of teachers, administration of Federal funds, liaison with regional and national educational agencies, supervision of private schools and other state-level educational functions. As the local superintendent of schools he is responsible for the day-to-day operation of the schools with the attendant myriad details. The net result is that, regardless of his qualifications, it is humanly impossible to do both jobs with any degree of efficiency.

Prior to 1967, there existed the position of Superintendent of Schools immediately below the Director's level. Although this system was not entirely satisfactory, it did enable the Director to function primarily at the "state" level and enabled the Superintendent to primarily be responsible for the day-to-day operations of the schools. This organization was changed on the recommendation of a group of consultants from California hired by the Board of Education. These consultants failed to recognize the significance of the state-local agency designation and recommended the elimination of the Superintendent to be replaced by two Deputy Directors--one for Instructional Services and one for Administrative Affairs. The net result has been the decisions concerning day-to-day operations previously made at the Superintendent's level are now channeled upward to the Director's level giving him inadequate time to perform either function well. In fairness to the consultants and their recommendations it should be pointed out that they made many other recommendations, mostly concerning the need for greater authority of the Board of Education which were never implemented because of the centralized concept of government which has prevailed to the present. That this organizational pattern has not been effective is evidenced by the recent approval of another reorganization by the Board of Education. Approval is pending from



the Civil Service Commission and the Governor.

Consequently, the Director of Education and the Board are able to exert little effective leadership to the educational system. They have great responsibility but little decision-making authority. In large areas affecting education they are held responsible but lack the authority which is vested in other Directors and Departments and are subject to great political pressure from the Governor and the Legislature. The Director is responsible directly to the Board but under the scrutiny of the Governor; his Board has little real power. His Department is both a state and a local agency--a virtually impossible situation.

Political pressure comes to the Director and the Board from sources other than the Governor and the Legislature. Given the realities, politics plays an important part in education: politics from both the standpoint of power plays of individuals and groups. Lacking the basic structure of education with power vested in an elected board of education and a superintendent with authority as well as responsibility, struggles for control of education appear in many forms and at many levels.

## VI. THE ROLE OF TEACHER ORGANIZATIONS

One of the major contributing factors to recent political activity by various groups was the passage of Public Law 9-240, which gave employees of the Government of Guam, including teachers, the right to bargain collectively. It is perhaps one of the more ironic facts concerning education and politics, that teacher organizations, which typically vocalize on the removal of politics from education, have always been and are increasingly political. Guam is no exception in this matter and the passage of Public Law 9-240 set into motion a series of political events which are far from being resolved.

Teacher organizations have existed for many years on Guam. The oldest, although existing at different times under various titles, is the NEA affiliate now known as the Guam State Educational Association and the Guam Classroom Teacher Association. Although increasingly more professionally orientated, the earlier NEA affiliates had a history of being primarily ineffectual and socially-oriented organizations, an image the present NEA organizations are trying hard to shed.

The now-dominant Guam Federation of Teachers came into existence in the

early 1960's primarily because a small group of contract teachers became dissatisfied with the then Guam Teachers' Organization particularly in regard to contract teachers' benefits.<sup>9</sup>

However, during their early existence neither organization made intensive efforts to become dominant or to reach large numbers of teachers. Both organizations tended to be contract-teacher dominated to the extent that a group of local resident teachers organized HITA (literally means "we or us") with membership limited to residents of the Island. This organization, however, had a very short formal existence.

Intensive recruiting efforts by the now-remaining organizations began with the passage of P.L. 9-240. The Guam Federation of Teachers, an affiliate of the American Federation of Teachers, saw the potential of this legislation and seized the opportunity. Although the election was close, what had begun less than ten years before as a minute organization with teachers primarily from one school, had now become a potent force for shaping of policy with the full backing of the law. The Guam Federation of Teachers now claims a membership of over 800 and holds a negotiated contract with the Territorial Board of Education and approved by the Governor.

Whether or not the Legislature realized the political impact of the collective bargaining legislation is not known. However, it is in the educational realm that the most far reaching implications of P.L. 9-240 have so far been unleashed. Although others such as stevedores and bus drivers have organized and negotiated contracts, the conflicts, publicity and ill-feelings which have been generated in the Department of Education far exceed all the other areas combined. The initial surface symptoms of the problem arose following the negotiation of a contract by representatives of the Board of Education, representatives of the Guam Federation of Teachers, and approval by the Governor. Principals as a whole strongly opposed the provisions of the contract feeling either that too many inroads had been made in areas within their administrative authority or that they did not have the facilities and/or personnel to carry out the provisions of the contract.

Approval of the contract by the Board and the Governor actually brought to a head a corollary struggle for control of the educational system which had been developing for several years. This is the basic struggle for power which exists

between personnel of the "central office" and the principals. While not recognized in this specific form by many people, including some in the midst of it, this struggle began in the early 1960's. At that time the Guam Public School system was a loose confederation of schools each operating basically independently of each other under the Department of Education "umbrella" and without great regulation from the Department. The central office was staffed with a handful of professional educators who coordinated certain phases of staffing and budgeting. However, each principal was basically a king in his own castle operating with a minimum of supervision and direction.

## VII. NEW CHALLENGES TO THE OLD SYSTEM

During the 1960's the addition of many positions to the Department of Education and the growing size of the system led to a distinct move to create a school system in actuality. This led to a limitation of power on the part of the principals, a move which has been resisted by both the older and the younger principals. The older principals are used to administering the school with little basic interference from the central office. The younger principals tend to be impatient with the slower working of a bureaucracy and the feeling that too much authority has been assumed by central office personnel or negotiated away to the teacher organizations at the expense of their authority. Complicating the matter is the fact that the teacher organizations have long been criticized as being contract-teacher dominated and oriented which contributes to the emotions of the matter.

Nor has the Board of Education in recent years been content with the role played by the Board during the 1950's and the early 1960's. As late as 1965 the Board did not exercise many of the very limited powers which it had. Up to that time, the Board was primarily content to function only to the extent of the matters brought before it by the Director of Education, who serves as Executive Secretary. Without a doubt the great impetus for the Board to become a more functional, active group operating to the limits of its authority and voicing a need for greater authority dates from the appointment of the late Carlos L. Taitano to the Board and his subsequent election as chairman. Up to the time of his untimely death, Taitano, assisted by some of the present Board members, brought the Board from a relatively unknown group with little

exercising the limited authority which it does have and clamoring for more. This increased activity on the part of the Board is good. However, lacking the powers of a typical board, there is the danger that the Board in its search for greater authority will move into the administrative, rather than the policy making area.

Assuming that local control of education does not exist to the full implications of the term, does this necessarily mean that Guam must follow the prevailing pattern of education within the United States as far as method of operation? This question is particularly significant today because some critics of American education say that the advantages of local control are less than they are claimed to be. Critics of local control cite the increasing mobility of the American people. Few people eventually reside where they are educated and as a consequence the critics call for a broader determination of educational policies—even to determination at the national level. State aid to local school districts and Federal aid are increasing. Traditionally those who contribute the money like to have a say in how it is spent. The property tax as a source of revenue has been criticized by such people as the late James Allen, former commissioner of education in the United States. Recently, it has been attacked through the courts in several states.

There is also the matter of the selection of the Board of Education by election rather than appointment. One of the points raised by the proponents of this idea is that removing the appointments from the Governor and Legislature would help remove politics from education. Board members would then be responsible to the electorate rather than to a specific governmental official or group. The opponents of the idea cite elections as having dubious value in relation to politics on Guam. Instead they say it would make it even more political. They cite the strong political feelings which are generated in elections on Guam and claim that an elected board of education would be even more political than it is now especially if elected on a partisan ballot. Although a non-partisan ballot is used in many districts, the common knowledge of who belongs to what party on Guam would in fact render the non-partisanship of such a ballot mere fiction.

Another matter to consider are the legitimate interests of the Governor and the Legislature. Their relationships with

problems not known to a typical Governor or Legislature. The entire public education efforts of the Territory are concentrated in one public school system. If that system fails, so do the entire public educational efforts of the entire Territory, a situation which must not be allowed to happen. The Governor and the Legislature, as a consequence, are also subjected to political pressures—from the national level and from their constituents.

One example of this pressure can be illustrated by the situation which arose following Typhoon Karen which rendered vast destruction to the physical facilities of the school system. Although the building program began under the Guam Rehabilitation Act passed by the United States Congress has today led to an outstanding quality of physical plant, such was not the case in 1965 when the results of the act had not yet become fully evident. The two academic public high schools were operating on double-session from one building; this had led to an accredited-warned status by the North Central Regional Accrediting agency because the shortened day did not meet the minimum length of school day required by North Central.

Complicating the problem with North Central was a telegram received in 1965 in response to the Board and Governor's inquiry as to the acceptability of a local resident as Director of Education, the first such nomination considered since George Washington High School was accredited in 1957. However, the telegram indicated that a "host nation" individual was not acceptable to head the school system—a situation which arose because North Central classified Guam as a dependent's school even though the Guam Public School System was operated by a civilian government in United States territory and not by the Department of Defense in a foreign country.

Although North Central's wishes were complied with and a stateside director acceptable to North Central was then chosen, the tenor of the philosophy expressed by the telegram was such that Governor Guerrero instructed the Board to make plans to switch accreditation agencies regardless of what happened after North Central's pending annual review and rating. Consequently, contracts were made with the Western Association of Schools and Colleges which did not subscribe to such a discriminatory philosophy and the two high schools are now accredited by Western.

accreditation by the Western Association due to the shortened school day, and the subsequent reaccreditation by Western following the opening of a new high school, a significant public outcry arose causing an investigation of the loss of accreditation by the Guam Legislature, a move by the Air Force to establish its own schools, an considerable concern at the national level. As a consequence, beginning in 1966 and continuing for several years thereafter, the Director of Education of the Strategic Air Command of the United States Air Force made yearly "courtesy calls" to Guam to all schools which serviced large numbers of Air Force dependents.

Given these realities of Guam, the small geographic size and the single-layer concept of government with its resultant political implications, what can be done to move toward the spirit of local control of education if not the letter of it? Let us consider the present situation. In September of 1972, there were 26,922 students enrolled in the Guam Public Schools, almost triple the 9,222 who were enrolled in 1950 when the Organic Act was enacted.

To service the educational needs of these children, the public schools operating in the Territory include 22 elementary schools, five junior high schools, two academic senior high schools, a vocational-technical senior high school, a school for retarded children, and a school for the deaf and the blind.

The "central office" of the Department of Education headed by the Director of Education functions as a service agency supporting the operation of the schools. In this capacity it recruits teachers and non-certificated personnel, certifies teachers, compile the budget, operates a Learning Resource Center, administers Federal aid, supervises the school lunch program, provides consultant services, plans for school construction, coordinates purchasing and warehousing services, and performs many other duties necessary for efficient operation of the schools. Additionally, the Department of Education operates programs for adults through a vocational rehabilitation agency, an adult basic education program, and a manpower development training program. With the Board and the Director attempting to function as dual entities—state and local—the amount of work generated for the Board and the Director is overwhelming.

As a state education agency, the Department of Education is involved closely with other state departments of education and the United States Office of Education both regional and national. As a state agency the Department is responsible for the formulation of state plans for Federal programs, for the certification of teachers, for the administration of various aid programs to the private and parochial schools from both federal and local sources. The Department as a state agency should be responsible for the formulation of overall territorial educational goals and the establishment of state accreditation procedures to supplement those of the regional accrediting agencies. Given the present structure, this is a virtually impossible task. Running a local school district of 26,000 students and over 2,000 employees is a difficult enough task without adding these extra functions.

#### VIII. PROPOSALS TO CHANGE THE PRESENT SYSTEM

To correct the administrative problems and to permit more meaningful local control of education by the people of Guam, it would seem essential that there be a division of responsibility established by law with specific responsibility and authority clearly defined. Generally any "state" function such as accreditation, certification of teachers, administration of federal aid, formulation of territorial educational goals, supervision and assistance to private and parochial schools should be the responsibility of one organization. The Director of Education should head this agency and the present Board of Education should become the Territorial Board of Education in relation to the specific functions of the new "state" agency. Given this new organization, the Director assisted by a small staff and coordinating with the Board of Education could have the time to devote to a lesser number of educational issues vital to the territory as a whole.

The remainder of the present Department of Education, after the removal of the state level personnel, should be disbanded to be replaced and absorbed by two or more educational districts. Each district should be headed by a superintendent of schools and should include at least one high school, one or more junior high schools, and several elementary schools. To simplify budgeting, the Territorial Department of Education in cooperation with the Legislature and the Governor should

establish a Territorial per pupil cost to be applied equally to each district. Having established that level of educational effort for the Territory, the funds should be in a lump sum appropriation to each district on the basis of the number of pupils in the district. Complete control of the expenditure of the funds as to purpose and amount should be left to the superintendent of that district on the basis of a budget developed by him and his staff and approved by a district (local) board of education (one for each district) which is elected by the residents of that district on the basis of a non-partisan ballot.

Each local school district should have ultimate and final authority on the disbursement of funds subject to a complete audit at the close of each fiscal year handled either by the Department of Administration of the Government of Guam or an independent auditor.

While the three districts might need to cooperate on the recruitment of personnel, all other personnel records and functions now handled by the personnel office of the present Department of Education could and should be handled at the individual school level except for the certification of teachers which would be handled by the Territorial Department of Education.

All curricular decisions, within the framework of any Territorial law requirement such as a mandatory course in the Organic Act and the broad framework of educational goals established by the Territorial Board of Education, should be left to the discretion of the professional personnel and the boards of education of the individual districts.

While the system described above will meet with much opposition by those who advocate a centralized governmental concept for Guam, changes of this type or other substantive changes in the manner in which education is organized and controlled on Guam must come about. The educational system is operating upon a basic organizational pattern and a series of laws which are over twenty years old. Historically, this is a very short time, but in relation to the status and needs of Guam in 1950 and 1973, the real difference is comparable to several hundred years in a comparable period of history in the United States.

That which is proposed is seen as a workable system which will permit the Governor, the Legislature, and the Territorial Board of Education to function effectively in the areas which

are their legitimate concern—the establishment of Territorial goals, the adherence to standards by all schools, public and private, the coordination of Guam's educational efforts with other state and national agencies, the establishment of a financial support mechanism and the overall quality of teachers.

It will also permit the local districts, governed by elective boards of education, to be flexible and adapt educational programs as needed within the broad framework established at the Territorial level. The proposed system offers an opportunity for meaningful participation of the residents of Guam in the affairs of public education.

The people of Guam as U.S. citizens are entitled to a greater voice in the operation of the public educational system. They are capable of effective participation in educational decision-making; the present organizational structure does not permit such participation. It must be changed if local control is to become a reality.

#### Footnotes

1. \* *The University of Guam is also a part of the public education system of the Territory. While not specifically covered here, much of what is said about the public schools also applies to the organization and administration of the University.*

2. *Paul Carano and Pedro Sanchez, A Complete History of Guam (1st edition, Charles E. Futtle Company, Tokyo, 1964), p. 68.*

3. *Ibid.*, p. 434-435.

4. *Constitution of the Commonwealth of Kentucky, Section 183.*

5. *Constitution of the State of Illinois, Article VIII, Section 1.*

6. *Constitution of the State of Minnesota, Article VIII, Section 1.*

7. *Carano and Sanchez, Op. cit.*, pp. 191-192, 321, 434.

8. \* *The title "Director of Education" is a part of the Government classification plan which also includes Directors of*

Director is a member of the Governor's cabinet.

9. \*\* Contract teachers are U.S. citizens recruited from the continental U.S. on a two-year contract. No additional salary is given but certain housing and transportation benefits are provided which are not received by local resident teachers.

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*Richard G. Tennessen, a long time and respected educator in the public school system of Guam, is now an Assistant Professor of Education at the University of Guam.*

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### PEOPLE WILL TALK

You may get through this world, but 'twill be very  
slow,  
If you listen to all that is said as you go;  
You'll be worried and fretted, and kept in a stew,  
For meddlesome tongues must have something to  
do,  
And people will talk.

If quiet and modest, you'll have it presumed  
That your humble position is only assumed;  
You're a wolf in sheep's clothing, or else you're a fool,  
But don't get excited--keep perfectly cool,  
For people will talk.

And then, if you show the least boldness of heart,  
Or slight inclination to take your own part,  
They will call you an upstart, conceited and vain,  
But keep straight ahead--don't stop to explain,  
For people will talk.

If threadbare your dress, or old-fashioned your hat,  
Someone will surely take notice of that,  
And hint rather strong that you can't pay your way,  
But don't get excited whatever they say,  
For people will talk.

If you dress in the fashion don't think to escape,  
For they criticise then in a different shape;  
You're ahead of your means, or your tailor's unpaid,  
But mind your own business--there's naught to be  
made,  
For people will talk.

Now the best way to do is to do as you please, as  
For your mind, if you have one, will then be at ease,  
Of course, you will meet all sorts of abuse,  
But don't think to stop them--it ain't any use,  
For people WILL talk. - *Exchange.*

*(From: Guam Recorder, September, 1926)*



# Guam Federation of Teachers

AFT Local 1581 P.O. Box 2301 Agana, GU 96932 ☎ (671) 735-4390/1 ☎ 734-8085 E-Mail gft@iftech.net

August 15, 1997

The Honorable Lawrence F. Kasperbauer, Ph.D.  
Chairman  
Committee on Education  
Twenty-Fourth Guam Legislature  
215-A Chalan Santo Papa, Suite 104-F  
Ada's Commercial & Professional Center  
Agana, Guam 96910

Re: Bill No. 324

Dear Senator Kasperbauer:

Bill 324 is currently viewed by the Guam Federation of Teachers as a noble attempt to cut through the bureaucracy of our current school system by creating local school districts. We are concerned, however, that this proposal may add to the bureaucratic mess we are forced to deal with today. Should this legislation become law we envision a bureaucratic nightmare of having to work with five boards and five administrations all within one department.

Furthermore, we are concerned that the exclusive bargaining unit for teachers and other members of the Union are not represented on the proposed Board of Education. We are an integral part of the education community and we want to be in a position where we can continue to provide input that will affect decisions about education and our schools not just at the district level but at a level that affects our school system throughout our community.

Lastly, we feel that the whole point of this legislation is to maximize the educational opportunities in our public school system. A concept that we support. However, the complexity of the bill forces us to approach this legislation with caution.

I realize that this is out of the ordinary, but the Guam Federation of Teachers Executive Council and Stewards have stated a desire to meet with you or your designee to discuss this bill further. Until then, I will reserve our position on Bill 324.

Sincerely,

John T. Burch  
President

**Testimony  
of  
Art De Oro**

**Twenty-Fourth Guam Legislature  
COMMITTEE ON EDUCATION**

**Public Hearing  
Bill No.: 120,70,231,260 & 324  
Friday, August 15, 1997  
4:00 p.m.**

Buenas Yan Saluda! It is with great pleasure that I present this testimony on the five proposed bills on reforming public education on Guam. During the past few years we have seen our public education system take a down turn for the worst. It's been 20 years since I graduated from George Washington High School, and it seems that our public education system has not improved.

We continue to have the lowest and near lowest academic achievement scores in math and reading. We continue to struggle for money to make ends meet. Our school's are old and dilapidated. Accountability of equipment, funds, and programs are questionable. The recent establishment of DODs schools by the military has to be the turning point to our downward spiral. We cannot continue to operate our education system in its present form.

It is for the same reasons that the military pulled out of our public education system that I see the need for sweeping education reform. Education officials must be prodded by the community into making the changes. During the last four years I and many other parents and community members along with our military counterparts have tried to help improve education, but at times, our assistance seemed bothersome.

Parents are not always made to feel welcome at schools. We stand unattended for minutes. Our questions and concerns are seen mainly as complaints. Our recommendations for improvement are often dismissed and go unheeded.

I have many stories and experiences to tell about our problems with education, but for the sake of time, I will not get into them, but they are nonetheless first hand accounts by a Chamorro parent that our education system is not serving the needs of the students and providing quality education on Guam.

**Take Control of Education Away from the Few**

The debate between education officials and those outside of the system is whether or not sweeping changes can be made from within DOE. I would submit that they (DOE) cannot be left with that decision. Education officials will argue that the changes they are proposing will take time and if they continue to work with this board, those changes can and will happen. My argument to that is that you've had over 30 years to make those changes why isn't education on Guam any better?

The decisions and accountability of education under the present has fallen into the hands of a few people who have built and established kingdoms and domains at schools and at DOE Central. They have operated under the guise that it is all in the name of the children from which they have built their empires. But in reality, they've forgotten who they serve, and it is to their advancement in which they continue to operate. Well, it is time to put the responsibility into the hands of the major stake holders - the community. Increased participation and a much more access into the running of the education system will provide for better education on Guam.

### **Guam's Education Reform Is Like Rebuilding Upi Elementary**

Rebuilding education is much like the rebuilding of Upi Elementary. We've seen the need for tearing it down, and it is no longer safe for students. Buildings must be torn down and an Architect has to draft new plans. The plans are reviewed and approved and go through the permitting process. Contractors then bid on the project and are chosen by their bid. Then the construction workers come in and start the building until completion.

Rebuilding of our education system will take the tearing down of our present structure and starting anew. The architect's plans are the education reform bills being presented today. I hope to see a consolidation of the five bills into one bill which will address most of the major changes needed. The education officials through their input will be in charge of construction management, and our Principals, school staff, and communities will serve as the construction workers.

### **Consolidation of Bills - Which Items Are Noteworthy**

I would like to focus on the five bills and which items from the bills should go into the comprehensive education reform bill. I like Senator Kasperbauer's name for the reform bill "Eskuelat-ta Reform Act". It is indeed our schools and this is a fitting name for the bill.

- ◆ Bill's 70 & 120 & 231. If we took the best parts from these three bills they would have to be the islandwide school board elections at large with voting representatives of students and parents and the requirements for plans covering 5, 10 and 15 years. We don't need the election of a Director and Deputy, and I doubt you will find many people to support this idea - so that should remain the same. Consolidate the best roles and guidelines for the board and you will have a solid islandwide board that continues to be elected - but with only policy-making authority.
- ◆ Bill 260 Incorporate the major tenets of this bill regarding the teaching learning centers. The TLC concept seems to be a philosophical ideal, but making it optional for school's and then mandatory by the year 2002 is not recommended. The ideals and goals presented by this bill should be incorporated into the Legislative intent for

the sweeping education reform.

- ◆ Bill 324. I've saved the best for last because it provides the most comprehensive and sweeping ideas for education reform for this island. This bill should serve as the base plan for education reform. It is focused on real change and should be the blueprint for our rebuilding plans. If you incorporate the best parts from the other bills you would have a solid foundation from which we can establish our new system.

### **We Cannot Wait Another 20 Years for Education to Change**

My pessimistic view about education on Guam has made a turn toward optimism. The passage of the revenues source bill for education from the GRT was a landmark legislation. This bill along with the consolidation of the good points from the proposed bills with Bill 324 as the base has fueled my optimism.

We have to find a new way for doing business in education. The proposed ideas under Bill 324 will provide that plan. It gives further flexibility and development of school's into the hands of the community.

Our voice will not go unheeded. We parents and our students will have someone in the councils to ensure our concerns are met. Teachers and community members will provide direct input instead of watching decisions being made without their input and approval.

Moreover, the consolidation of Bill 324 will put the running of our school's into the hands of the many and take it away from the few. This idea will not sit comfortably with those who have built their empires in education. But, if they are truly committed and live up to their cry of "I'm doing for the children", then as the Governor said when he conceded to the running of the department to the Board "we must take our eyes off the prize" - meaning our children.

I don't want to wait another 20 years to find out if our education system is better through the reform efforts made from within. Quality education, and the demand for it is not limited to the military on Guam. All our children deserve to have a good education. We simply cannot pack up and start our own school system if we are unsatisfied.





Roland L.G. Taimanglo  
Director of Education

## DEPARTMENT OF EDUCATION

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Aline A. Yamashita, Ph.D.  
Deputy Director of Education

August 15, 1997

Senator Lawrence. F. Kasperbauer, Chairman  
Committee on Education  
Twenty-Fourth Guam Legislature  
155 Hesler Place  
Agana, Guam 96910

Dear Senator Kasperbauer,

Thank you for giving us the opportunity to testify on Bill No. 120, Bill No. 70, Bill No. 231, Bill No. 260 and Bill No 324. Because all bills address ways to reform or restructure the Department of Education, we are submitting a single testimony.

Our intent this afternoon is to document that the Department of Education is currently making progress in reform and restructuring efforts as guided by current legislation and policies. It is also our intent to show that Bill No.s 120, 70, 231, 260, and 324 are unnecessary for reform effort to become reality in our department. The single component of the aforementioned bills that the Guam Territorial Board of Education (TBOE) supports is that which is proposed in Bill No. 70, for members of the TBOE to be elected at-large. Otherwise, we believe that the principal concepts of reform measures proposed in these bills are already being addressed today. Let us describe how.

Two Legislatures ago, Public Law 22-42 was passed. The intent of this bill was to allow the

COMMONWEALTH NOW!



stakeholders of education to have a greater voice in education by electing a School Board to oversee the education system and to remove control of public education from partisan politics that is inherent in the Legislative and Executive branches. Throughout the past two years, controversy has highlighted the governance of the public school system, in spite of P.L. 22-42. It has been very clear to us that the change of control and governance over public education has caused great thought and great reaction. Since the withdrawal of the three lawsuits and the judicial answers to significant questions, the Department of Education has finally entered calmer waters and has been able to focus on organizational processes and structures required to support learning opportunities for all students.

The community has drawn together and developed a Comprehensive Education Improvement Plan. This plan, also referred to as the CEIP, is formatted after the GOALS 2000 national initiative. Throughout the nation, nine goal areas have been identified as critical to address if improvement in education is to be made. These goals cover what should be learned (such as math, science, technology), required partnerships for success (family, business), professional development required, and outcomes that will determine success (graduation rates). On Guam, a covenant was signed on May 13, 1995 by Governor Gutierrez, TBOE Chair Nelson, Legislative Speaker Nelson, Legislative Education Chair Won Pat-Borja, Mayor President Lizama, Admiral Brewer, GFT President Pexa, Parent Teacher Organization President Gutierrez, and President Madarang of the Islandwide Student Governing Board. This covenant to reinvent education on Guam further reinforced the intent of the elected school board law, P.L. 22-42. Developed by a working group of 55 community members, a specific plan to address the nine goal areas was adopted by the TBOE on September 6, 1996. It took the community 16 months of continuous meetings and dialogue to determine what was needed to improve our education system. Today, many of the desired outcomes are already being addressed.

One of these outcomes is a plan to restructure our organization. After many hours of study by the employees, a Reorganization Plan has been developed, presented and adopted by the TBOE. With Site-Based Management at each school as its visionary outcome, the education system is committed to the belief that certain functions must be consolidated, that the organization must be streamlined

and that the organization must become more effective and efficient to successfully teach all 32,000 students. Therefore, the plan incorporates the consolidation of 14 central office sections into 3 central office sections. These section will be referred to as the Office of Instruction, the Office of Human Resources, and the Office of School Business Administration. Through attrition, as well as the implementation of accountability systems, the number of central office employees will be streamlined. The plan includes the elimination of the 6 associate superintendent positions. Instead, there will be 3 assistant superintendents overseeing each of the central offices.

The schools will be grouped regionally, resulting in 4 regions as determined by the existence of 4 high schools. Sometimes referred to as the "feeder band" concept, those elementary schools that feed into particular middle schools that feed into a particular high school (all determined geographically) will compose a region. The guidance of that particular region will come from a Regional Council. The Regional Council will be composed of the school principals from the schools of that particular region. This Council will work with the 3 assistant superintendents in achieving needed outcomes to best meet the needs of the schools. Depending on the functions and the economy of scales, central office personnel may be physically reassigned to the regions. For example, the 6 plumbers, the 8 electricians and the 8 refrigeration mechanics will be divided among 4 regions and will be expected to work only within their assigned region. At the same time, the economy of scales will not allow us to create 4 payroll sections, so the payroll section is an example of an unit that will remain centralized and will not be regionalized. However, we may re-examine how Payroll may be internally reorganized to support the four regions.

Currently, the regional model is being field tested. We have been preparing for the opening of the upcoming school year utilizing the regional concept. The preliminary data indicates that school administrators have a greater sense of support, networking, and collaboration. We have begun talking to the administrators about the regional councils and have begun listening to their concerns and issues that need to be addressed if this type of empowerment is to be truly effective.

While the governance structure greatly impacts decision-making processes, the reinforcement of

priorities, and the timeliness of support services, accountability systems are critically needed to clearly define what is expected to be performed and, further, how this performance is to be assessed. Great progress is being made in another goal area and that is in the development of performance standards for students and for administrators. Currently, content and performance standards that describe what students should know and be able to do in ten core areas have been developed by teachers and community members. These standards describe the skills, values, and attitudes needed in order to be prepared for the twenty-first century. While these standards are currently before the Joint Board Union Curriculum Textbook Committee for adoption, these standards also require assessment processes to be developed. Guided by educators who have succeeded in this endeavor across the nation, teachers on island are currently developing these varied assessment procedures.

Performance standards for administrators have also been introduced to the organization. Developed by the Chief State School Officers Licensure Consortium throughout the nation during the last two years, six standards describe what should be accomplished if an administrator is to be considered an effective and efficient school administrator. These standards help principals and assistant principals ensure that student learning is at the center of all activity. The standards acknowledge the changing role of the school leader and recognize the collaborative nature of school leadership. The standards are high, designed to upgrade the quality of the profession, necessitating performance-based systems of assessment and evaluation. The standards are integrated and coherent and predicated on the concepts of access, opportunity, and empowerment for all members of the school community. Specifically, these standards are:

**Standard 1:** A school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

- Standard 2:** A school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.
- Standard 3:** A school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.
- Standard 4:** A school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.
- Standard 5:** A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.
- Standard 6:** A school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

This year, all school principals will be assessed by these standards. Board Policy 908 on Performance Evaluations will be implemented, i.e. increments, suspensions, probationary periods, dismissals will be determined by this performance system.

The Guam Teacher Performance Evaluation Program is currently before a committee that is tasked to review and revise teaching standards and its evaluation process. This system, developed by the

Guam school community under the direction of the Northwest Regional Laboratory, has been in place since 1990 and therefore needs this timely review.

Also being developed is an internal Learning Audit process that will help school communities review these standards along with effective schooling practices to help determine successes as well as areas to be strengthened. At the same time, the organization has agreed on a vision for all 36 schools to be accredited by the Western Association of Schools and Colleges (WASC), thus ensuring an external review process to add to our internal Learning Audit review process. Once our vision of full and total accreditation by WASC is achieved, we will be able to proclaim that each of our 36 schools are able to achieve the high standards as defined by national accreditation criteria.

Another significant outcome of the CEIP has been the awarded Technology Grant to the Guam school district. The Guam District has been awarded \$150,000.00 to further develop and implement a plan that will equip teachers with the needed skills to infuse technology throughout their teaching.

At the same time, the district has been seriously restructuring its secondary education program by aligning it with school-to-work principles. Appointed by Governor Gutierrez, a consortium of private sector representatives, government of Guam agencies, and educators have worked throughout the past year to develop an overall plan that addresses work force development. Entitled "The Power of Work", this product describes what must be done, by whom, to successfully meet job market demands as well as effectively prepare students for life.

Aside from the accountability on the learning side, is the accountability of finances. This Legislature passed Bill No. 62 which is now known as the 88% GRT Funding Law. Providing the Department of Education with an identified source of funding and holding us responsible for the funds received has reinforced our ability to carry out educationally sound decisions. This fiscal year, we have begun budgeting funds according to programs, similar to the highly touted Maui County program-based budget. Our Fiscal Year 1998 Budget utilizes the defined categories of the National Center for

Educational Statistics (NCES), and we have found that 49% of our total budget goes to direct instruction, 45% of the total budget goes to support services, and 6% goes to non-instructional services. The direct instruction category includes teachers of all grades and content areas as well as substitute teachers. The support services category includes guidance counselors, aides, consulting resource teachers, librarians, attendance officers, school administrators, maintenance staff, transportation staff, therapists and central office staff. The non-instructional category includes food services. Eighty-seven percent of the entire budget goes directly to schools leaving 13% for central office.

Of the central office budget, 87% goes to support services, 4% goes to direct instruction, and 9% goes to non-instructional support. By object category, 79% of the total DOE budget goes to salaries and benefits, 6% to capital outlay, 5% to contractual, 4% to utilities, 4% to supplies and materials, 1% to equipment, and 1% to miscellaneous. Compared to the national allocations, we spend 49% in direct instruction while the nation spends 61% in direct instruction. We spend 45% on support services while the nation spends 34% on support services. It is important to note that the differences between us and many school districts is that many school districts no longer provide for many support services such as guidance counselors, assistant principals, librarians, therapists, or school aides. We know that if we eliminated these support services, the percentage will grow in direct instruction. Teachers and families continue to say, however, that the support service functions contribute to successful teaching and learning.

In January 1994, Governor Joseph Ada stated that a major agenda item for our school system would be site-based management. In March 1994, Director Bob Klitzkie declared Harmon Loop Elementary a site-based managed school. After one year of being granted authority in personnel, procurement, and maintenance, Harmon Loop Elementary shared lessons to be learned in a formative evaluation study. This school community told us that they needed more training, more guidance, more support, and more time to successfully implement Site-Based Management. They shared that

they felt they were ordered to implement a reform initiative without understanding and without buying in - such an irony for site-based management. While they agree with the concept of shared decision making, they are unable to describe, to this very day, how site-based management has impacted or influenced student achievement on their campus. And, to this very day there are staff members who still feel the pain of being REQUIRED to do something without knowing HOW to do it or WHY they were doing it.

While our organizational vision upholds site-based management as an outcome for all schools, it is essential to know that simply legislating it or requiring it DOES NOT WORK. The magnitude of disharmony was greater than it needed to be at Harmon Loop with this change. The election of a site council became focused on relationships rather than representation of student and school concerns. Teachers believed site-based management meant buying doorknobs. Central office was told to stay away from Harmon Loop - functions were confusing and support was limited.

Before Mr. Klitzkie left the department a year later, he had assigned us to carry the torch of site-based management. We did. Experienced educators with site-based management came to Guam and worked with the school communities. Art and Chuck from Hawaii, and Karen from PREL spent many hours helping us develop a Guam definition of site-based management. This definition is "shared decision making by the school community focusing on effective schooling and improved student outcomes." The operational definition is "shared decision making by the school community for the purposes of planning, implementing, and evaluating the school's learning improvement plan, maintenance, personnel, and procurement". Skill building in developing facilitative leadership occurred with school teams. Processes for schools to go through as they attempt site-based management were established. Going face to face with 500 educators, several conclusions were made about site-based management. First, site-based management will make learning more successful on our campuses. Second, the community was seen as the greatest barrier to site-based



management. Third, the most beneficial aspect of site-based management was operations. Lastly, there is strong agreement that site-based management should be implemented on our campuses.

Internally then, there is buy-in to site-based management. The need to have an external force REQUIRE us to become site-based managed will be counter-productive and will not result in speeding up the training requirements or operational requirements. Most importantly, legislating site-based management will not, in and of itself, result in an increase in student achievement - it is not a magic bullet.

A critical aspect that will increase student achievement will be partnering with the community. A working relationship with the Chamber of Commerce continues to be developed. The Bank of Hawaii Teller Program is an example of this relationship. Through this program high school students interested in banking are provided the opportunity to learn at the work site while earning credit toward their high school diploma. The idea of a Territorial Business Round Table may have merit, but as you can see, the principle of this concept, that of developing dialogue and partnerships with the Business Community has occurred without legislative mandates.

Has there been progress at the department of education in defining what needs to be done to ensure high quality education for all students? Yes. From determining school sizes for all future schools, to developing performance standards, to designing an organizational picture that places schools in the center, to developing a learning audit mechanisms, to specifying how technology will be infused into instruction, to specifying how school-to-work applications will be installed, much progress has been made. These have been accomplished on top of opening a controversial high school to operational clean up issues like rats and rodents at the warehouse to unfortunate incidents like indictments and to costly and controversial issues like the DoD Contract.

What will additional reform legislation do to the organization? It is believed the intent of all proposed legislation is to create better learning opportunities for all students. We believe we are currently addressing this. What another governance change will do will throw us off again and keep us from making the steady progress that is currently being made. We are healing from 10 directors in 10 years. We are stabilizing from the changes of an elected school board. We are focused on student outcomes. There is great room for improvement but we truly believe that we are on our way. The CEIP serves as our overall plan. The priorities have been determined and now they are being supported. Our vision statement, which was developed by our families, community members and educators, serves to guide us and focus our efforts such that, "Our educational community prepares all students for life, promotes excellence and provides support."

So how can the Legislature help our department? The Legislature can examine fiscal policies that seemingly represent competing interests. For instance, we are mandated to buy locally grown produce. It is well known that locally grown fresh produce sometimes costs more than produce that can be air-freighted into Guam by wholesalers. Given our mandate to provide healthy, nutritious meals and the mandate to spend our funds wisely, we would be prudent fiscal managers to buy the cheapest produce that will allow us to provide a healthy, nutritious breakfast and lunch program. However, if it is the will of this Legislature to support our local farmers, then possibly, we need to discuss Legislation that will provide price supports to our farmers or to a farmer's cooperative, in such a way that we can purchase locally grown produce at competitive prices.

For Fiscal Year 1997, the Legislature appropriated \$7 Million to the Department of Administration for all government agencies to implement the salary increments that employees have not received based on prior fiscal year budget constraints. To date, we have not received a penny from the Department of Administration in spite of our requests for the amount of money we need to pay our

employees the increment due to them for this fiscal year. We have had to resort to dipping into our precious 88% GRT funds to pay the employees their new salary, based on the increments due to them, effective March 15, 1997. Our employees have not received the increment that was due to them for the period covering October 1, 1996 - March 14, 1997, since we have not received any funds from DOA to implement the salary increments. You could help us by passing Legislation that makes it clear that they are to transfer the \$1.7 Million that was estimated to meet the salary increment needs of DOE employees and have the Public Auditor conduct an audit to ensure that in fact the funds provided to us was used solely for this purpose.

Similarly, we have been unsuccessful in getting our textbook funds released by BBMR. According to BBMR, the reason for not releasing these funds is because the funds to be used to purchase the textbooks to be bought this school year, which is still in Fiscal Year 1997, are an advance of the Fiscal Year 1998 funds. They have informed us that the earliest possible release of these funds cannot occur until after October 1, 1997. The Legislature crafted the language of the advance appropriation, not DOE. It may be necessary for the Legislature to clarify for BBMR once and for all, the authority of the Legislature to appropriate from an advance of next year's funds so that textbooks can be ordered and procured in a current fiscal year.

As you know, we are feeling the pressure of over-crowded schools, primarily in the central and northern part of the island. The Legislature could require DOE to submit a request for Capital Projects that is based on the 10 Year Capital Projects plan that is currently at the Request for Proposal stage. Based on this 10 Year Plan, Legislation could be drafted to identify a funding source, inclusive of Bonds, for the construction of schools needed to address our shortage of smaller community schools in the central and northern parts of the island.

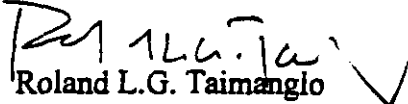
Prior to the passage of the 88% GRT Funding Law, we were receiving limited cash releases from the Bureau of Budget Management Research in Fiscal Year 1996. Due to the limited cash releases, we ended Fiscal Year 1996 without paying a number of obligations, totaling approximately \$1 Million, that we may now be forced to use our precious 88% GRT funds for instead of current year obligations. The Legislature could give us a one-time supplemental to help us take care of these past obligations so that we are using current funds for current obligations.

Finally, if the Legislature wants to become involved in historic earth-shaking reform, then allow our agency to be the guinea pig in developing a plan to break away from the old paradigm of the Civil Service Commission, with its out-dated principles of government employment and complicated rules and regulations. Work with us to develop sweeping reform of Personnel Rules and Regulations that is based on private sector principles and practices and allow us to examine the pay policies and procedures that hamper our recruitment efforts. Currently, we are having great difficulty attracting teachers to enter into school administrative positions because the only difference in pay is several hundreds of dollars per year, in exchange for switching from nine-month employment to twelve month employment. Again, if we are allowed to divorce ourselves from the current Merit System and the Civil Service Commission governance to a more private business policies and practices, we believe that we could deliver on some of the needed improvements at a much faster rate.

As you can see, we have different ideas as to our roles and as to how we can help each other. In relation to reform and restructure, please give us time. With sufficient time, you will see outcomes as envisioned in parts of the aforementioned bills as a result of internally introduced changes. We are on our way. Don't stop us. Help us. We don't need more Boards of Education guiding us. We don't need newer steps guiding us. Senator Aguon, Senator Kasperbauer, Senator Forbes, Senator Salas, Senator Cruz, Senator Blaz, Senator Flores, Senator Brown, Senator Ada, Senator Lamorena, Senator Camacho, Senator Charfauros, Senator Leon Guerrero, Senator Felix Camacho, you stated

your full support of the CEIP in Bill No. 324. Further support it by giving us the time to implement the plan. We need you to be by our side, walking next to us, and supporting us. We have 36 schools alive with 32,000 students and families and 3,800 staff members who are forging ahead in preparing all students for life, promoting excellence, and providing support. We have already participated in plan development - now, we need to get on with the program. We cannot afford to be distracted by further governance changes and/or requirements. We have Public Law 22-42 and we have the 88% GRT Funding Law. Let us utilize these existing legislation to bring further changes to fruition. The grounds are fertile, the seeds have been planted. Now, please allow us to nurture growth and enjoy the fruit of our labor.

Thank you on behalf of the students and employees of the Department of Education.

  
Roland L.G. Taimanglo

**George Washington High School Parent-Teacher-Student-Alumni Association  
c/o GWHS  
Mangilao, Guam**

August 15, 1997

Lawrence F. Kasperbauer  
Senator, 24<sup>th</sup> Guam Legislature  
Chairman, Committee on Education  
215-A Chalan Santo Papa, Suite 106-F  
Agana, Guam 96910

**Bill 324: An act to allow for greater community involvement and decision making in Guam's public education system by decentralizing the administration of our current school system and creating local districts through the repeal and re-enactment of Chapter 3 of Title 17 of the Guam Code Annotated, the addition of a new Chapter 3A of Title 17, Guam Code Annotated, the amendment of §1105.1 and Chapters 5, 6, and 7 of Title 17, Guam Code Annotated, the amendment of §5125 of Title 5, Guam Code Annotated, the additional §22101.1 to Title 5, Guam Code Annotated and the repeal of §1103 of Title 17, Guam Code Annotated. This act shall be known as "The Eskuela-ta Reform Act of 1997."**

Dear Senator Kasperbauer:

My name is Chris Lizama, President of the George Washington High School Parent-Teacher-Student-Alumni Association. For the record, I acknowledge the need for the Department of Education (DOE) to re-evaluate its structure and dissipation of responsibility down to the school level. Authorizing a School Principal to expedite the acquisition of classroom supplies and material, for example, is a prime reason why changes must be made. There are many other reasons why our current system must be improved and I am in favor of making changes to provide our children with the best possible education we can give them.

However, I have reviewed Bill 324 in its entirety and am concerned that there are many vague areas and many overlapping responsibilities which must be clarified, and many questions that remain unanswered regarding what will happen to existing programs and plans already implemented to improve standards and correct deficiencies. I agree with the intent of Bill 324 wherein the Guam Legislature is in agreement with Goals 2000 which calls for system-wide reform. However, I believe that there is still a lot of research and work that is needed to make this bill a viable and acceptable one. I question the need for drastic and immediate change of the current education system without regard for existing improvement plans such as Goals 2000. I feel that more effort must be made to study the effects of a complete and extreme change to the existing system. It would probably be

more comprehensive and more accepted if DOE input was incorporated into the language of Bill 324.

I applaud Director Roland Taimanglo and Deputy Director Aline Yamashita for their leadership of the Department of Education. They have been faced with many challenges and have borne the responsibility of getting things back into perspective. I am impressed with the progress reports of the Guam Comprehensive Educational Improvement Plan (CEIP). I believe that although we still have a long way ahead of us to bring DOE up to the highest level of excellence, I feel that the leadership is in place, and the focus established, to make it a reality.

Please note my comments on Bill 324:

**1. MISSING: Interscholastic Sports Fund (ISF).**

Bill 324 addresses the 'I Salappe Facilidat' as an alternate source of funding at the school level. This fund is to be used for small purchases under \$200 which must be directed to maintenance and repair of the school. There is also another fund that, by law, each school can access. This is the "Interscholastic Sports Fund" (ISF) which allows a school to solicit businesses to advertise on property. DOE set up the guidelines and the distribution of the advertising dollars is as follows: 40% to the school that solicited the ad to purchase sports equipment and pay for sports related activities in that school; 60% to the ISF to cover costs for interscholastic programs such as paying for bus transportation and game officials. Since there is no interscholastic program in the elementary school level, then the 40% of the ad dollars solicited by an elementary school shall be deposited into their respective 'I Salappe Facilidat' fund. I believe that the ISF should be incorporated in to this bill.

**2. UNCLEAR: Implementation of Curriculum.**

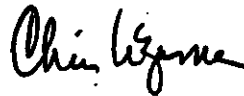
Bill 324 is not clear in its explanation of whether the school council creates its own curriculum or should it implement the Island Board's standard curriculum. Also, is any consideration being made to the fact that this responsibility will be in the hands of possibly non-qualified individuals who may sit on the Council?

**3. UNCLEAR: Powers, Duties and Limitations.**

Bill 324 states that the Superintendent will complete the hiring process of personnel decisions with input from the School Council. However, according to §3106 Executive Sessions of the District Board, each district board can consider the appointment, employment, suspension or dismissal of a public employee of the School District..etc. It appears there is an overlap of responsibilities between the Superintendent and the District Board.

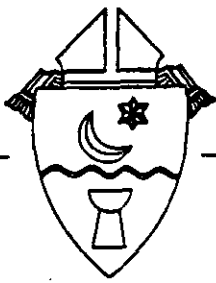
**4. QUESTION: §3A102a. Designation as a decentralized school.**  
What happens to schools that are not designated as decentralized by the district board?  
What management system would those schools follow?

I am sure that there will be many other comments, suggestions and recommendations made regarding the content of Bill 324. The few I have itemized above, however, are those which I felt should be mentioned at this time. I appreciate the opportunity to submit these comments in behalf of the GWHS PTSAA.



CHRIS LIZAMA  
105 Mansanita Court  
Sinajana, Guam 96926





# THE ARCHDIOCESE OF AGAÑA

CHANCERY OFFICE

196 B Cuesta San Ramon • Agaña, Guam 96910 • Tel: (671) 472-6116 • Fax: (671) 477-3519, 472-6044

15 August 1997

Senator Lawrence F. Kasperbauer  
Chairman, Committee on Education, 24th Guam Legislature  
Ada's Prof. & Commercial Bldg.  
Agana, Guam 96910

Dear Senator Kasperbauer:

As Superintendent of Catholic Schools, I do not have the competency to testify either for or against Bill No. 324, except to the extent that specific articles effect Catholic schools. The areas of concern include proposed implicit or explicit revisions to 17 GCA §4104--4106 (provision of textbooks to students in private schools) and §6301-6302 (provision of auxiliary services).

I can find no reference in the bill to either delete or amend 17 GCA §4104--4106 (provision of textbooks to students in private schools). I therefore assume that the existing code will remain in place. The question is, "Who will have jurisdiction over standards for curriculum and textbook adoption and who will be responsible for ordering texts for non-public school students?". The Island Board of Education? The District Boards? We would prefer to work with a single board to facilitate the ordering processes.

Since the U.S. Supreme Court's decision on 23 June 1997 *re* Agostini v. Felton reversed the 12 year old ban on the provision of auxiliary services in private schools, I am requesting that the following articles be reworded to accommodate the allowances made in that decision.

§6301(a)(4) the provision of therapeutic, psychological and speech and hearing services to pupils attending non-public schools. Such services shall be provided in a public school, in a public center or in mobile units located off the non public premises as determined by each Superintendent of Schools. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the government; the school attended by the pupil receiving the service;

§6301(a)(5) the provision of guidance and counseling services to pupils attending non-public schools. Such services shall be provided in a ~~public school, in a public center or in mobile units located off the non public premises as determined by each Superintendent of Schools. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the government;~~ the school attended by the pupil receiving the service;

§6301(a)(6) the provision of remedial services to pupils attending non-public schools. Such services shall be provided in a ~~public school, in a public center or in mobile units located off the non public premises as determined by each Superintendent of Schools. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the government;~~ the school attended by the pupil receiving the service;

§6301(a)(7) the provision of programs for the deaf, blind, emotionally disturbed, crippled and physically handicapped children attending non-public schools. Such services shall be provided in a ~~public school, in a public center or in mobile units located off the non public premises as determined by each Superintendent of Schools. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the government;~~ the school attended by the pupil receiving the service;

I trust these observations will help the Committee on Education in making a wise decision on this matter.

Sincerely,



Kenneth L. Carriveau, Ph.D.  
Superintendent of Catholic Schools

cc: Members, 24th Guam Legislature  
Archbishop of Agana  
Director, Department of Education



TERRITORIAL BOARD OF EDUCATION  
Department of Education

Mark "Paps" Martinez, Member

P.O. Box DE, Agana, Guam 96932 • Telephone: (671) 649-0634/7434 or (671) 734-4902/3 • Fax: (671) 734-4904



District 3: Tamuning • Agana Heights • Mongmong-Toto-Maite • Agana  
TESTIMONY ON BILL 324 AUGUST 15, 1997

AS ONE MEMBER OF THE SCHOOL BOARD I FULLY SUPPORT BILL 324. PLEASE INCLUDE PRIOR AND FUTURE WRITTEN DOCUMENTS I HAVE PRESENTED THIS COMMITTEE AS PART OF MY TESTIMONY. I DO NOT SUPPORT BILLS 70,120 AND 231 BECAUSE THEY CALL FOR THE SAME CONCEPT. ONE SCHOOL BOARD ONE DIRECTOR. BILL 324 CREATES 4 SCHOOL DISTRICTS, 5 SCHOOL BOARDS, 5 MAJOR SUPERVISORS AND 5 BUDGETS IN THE DEPARTMENT OF EDUCATION. DUE TO THIS I FEEL THIS BILL IS THE GREATEST LEGISLATION IN REORGANIZATION OF THE GOVERNMENT OF GUAM. IT IS THE GREATEST LEGISLATION IN EDUCATION IN THE HISTORY OF GUAM. IT HELPS TO CREATE A MAJOR SOLUTION TO DOE'S MAJOR PROBLEM. THAT IS DOE IS TOO BIG, TOO CENTRALIZED WITH ONE BOARD AND ONE DIRECTOR HAVING TOO MUCH POWER.

AVERAGE SCHOOL DISTRICT IN THE UNITED STATES: 3,000 STUDENTS  
GUAM'S ONE SCHOOL DISTRICT: 31,000 STUDENTS  
THAT IS THE PROBLEM WITH DOE.

324 AUTOMATICALLY DOES 4 MAJOR THINGS: 1) REDUCES GUAM'S SCHOOL DISTRICT SIZE BY 400% 2) DECENTRALIZES DOE; 3) GETS MORE PEOPLE INVOLVED IN THE FINAL DECISIONS MADE IN EDUCATING OUR STUDENTS; 4) GETS PEOPLE CLOSER TO THE PROBLEM, SOLUTION INVOLVED.

THERE WILL BE THOSE THAT ARE AGAINST THIS BECAUSE THERE ALWAYS ARE THOSE AGAINST CHANGE BECAUSE THEY HAVE AUTHORITY AND POWER UNDER THE PRESENT SYSTEM THAT THEY DO NOT WANT TO LET GO OF. GREAT BRITAIN'S NEW PRIME MINISTER TONY BLAIR SAID IT BEST IN HIS RECENT CAMPAIGN. "WE IN GOVERNMENT MUST ACCEPT THE FACT THAT WE HAVE THE ABILITY TO MAKE LIFE BETTER FOR EVERYONE. HOWEVER, IN ORDER TO DO SO WE MUST HAVE THE COURAGE TO MAKE CHANGE. IF ALL WE CHANGE AND IMPROVE IS OUR EDUCATIONAL SYSTEM AND EVERYTHING ELSE STAYS THE SAME THEN WE IN GOVERNMENT HAVE BEEN SUCCESSFUL." SENATORS, HAVE THE COURAGE TO MAKE THIS CHANGE THAT WILL GREATLY IMPROVE THE QUALITY OF LIFE FOR MANY. PASS BILL 324 SOON. WHO CAN BE AGAINST OUR GOVERNMENT ALLOWING MORE CITIZENS INVOLVED IN THE FINAL DECISIONS MADE IN EDUCATING 31,000 STUDENTS? THANK YOU.

TURN OVER

School Districts

Elementary  
L.D. Johnson

Tamuning Elementary

J.Q. San Miguel

Agana Heights

Secondary  
John F. Kennedy



TERRITORIAL BOARD OF EDUCATION

Department of Education

Mark "Paps" Martinez, Member

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District 3: Tamuning • Agana Heights • Mongmong-Toto-Maite • Agana

TESTIMONY ON BILL 260 August 15, 1997

THE CONCEPT OF THIS BILL IS GOOD, TO LET DECISIONS THAT EFFECT STUDENTS BE MADE AT THE SCHOOLS. HOWEVER, THE WAY IT IS SET UP, IT WILL NEVER HAPPEN. THIS IS

School Districts

BECAUSE SECTION 10104 ON PAGE 5 DEFINES THE TLC AS THE SITE BASED MANAGEMENT MODEL. SECTION 10105(c) ON

Elementary  
L.B. Johnson

PAGE 3 MAKES THE ONE TERRITORIAL BOARD OF EDUCATION

Tamuning Elementary

RESPONSIBLE FOR IMPLEMENTING THIS CONCEPT. THEY WILL

J.Q. San Miguel

NOT DO IT BECAUSE IT "TAKES THEIR POWER AWAY"

Agana Heights

TRUE CASE ON POINT. THIS BOARD OF EDUCATION HAS BEEN

Secondary  
John F. Kennedy

IN OFFICE FOR 33 MONTHS. HOW MANY SCHOOLS HAVE BEEN GRANTED AUTHORITY UNDER SITE BASE MANAGEMENT BY THIS

BOARD? NONE. ZERO. BECAUSE THEY DO NOT WANT TO GIVE

UP THEIR ~~POWER~~ <sup>POWER</sup>. THERE IS NO EXCUSE. THIS BOARD IN

OFFICE NOW IS RESPONSIBLE FOR THE BIG FAILURE OF NOT

SITE BASE MANAGEMENT OF NOT ONE SINGLE SCHOOL.

SENATORS, AS LONG AS YOU HAVE ONE CENTRAL BOARD, THEY

WILL NOT SITE BASE ANY SCHOOL. NEVER ALLOW THEM THE

AUTHORITY TO IMPLEMENT SITE BASE MANAGEMENT.

WE NEED BILL 324. BY HAVING 4 SCHOOL DISTRICTS, RIGHT

THERE IS A MAJOR STEP TOWARDS SITE BASE MANAGEMENT.

THANK YOU.

Mark K Martinez (paps)



TERRITORIAL BOARD OF EDUCATION  
Department of Education

*Mark "Paps" Martinez, Member*

P.O. Box DE, Agana, Guam 96932 • Telephone: (671) 649-0634/7434 or (671)734-4902/3 • Fax: (671)734-4904



**District 3: Tamuning • Agana Heights • Mongmong-Toto-Maite • Agana**

July 22, 1997

*File*

*Bill 324  
TBOE*

Honorable Dr. Lawrence F. Kasperbauer  
Chair, Committee on Education  
Twenty-Fourth Guam Legislature

**School Districts**

Dear Senator Kasperbauer:

Elementary

*L.B. Johnson*

*Tamuning Elementary*

*J.Q. San Miguel*

*Agana Heights*

Secondary

*John F. Kennedy*

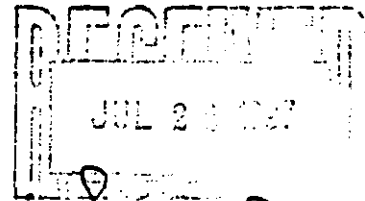
Thank You so much for introducing the bill I am in love with, four (4) school districts; bill 324. Please let me now present to you enclosed amendments I feel are needed in this historic piece of legislation. For the record even if none of these proposed amendments are incorporated into the final bill, I still fully support bill 324 since it's concept is so great.

Sincerely,

Mark K. Martinez (paps)

cc: The Honorable Mark Forbes  
Bill co-sponsors

Enclosure



*J.F.*  
*9:40 AM*



TERRITORIAL BOARD OF EDUCATION  
Department of Education

*Mark "Paps" Martinez, Member*

P.O. Box DE, Agana, Guam 96932 • Telephone: (671) 649-0634/7434 or (671)734-4902/3 • Fax: (671)734-4904



**District 3: Tamuning • Agana Heights • Mongmong-Toto-Maite • Agana**

PROPOSED AMENDMENTS TO BILL 324 (4 school districts)

**School Districts**

Elementary

*L.B. Johnson*

*Tamuning Elementary*

*J.Q. San Miguel*

*Agana Heights*

Secondary

*John F. Kennedy*

First: Do not have a special election. This concept is so great it must get off to a good start. Voter turnout in a special election is so low. You may not have enough candidates in some districts. There will be problems and confusion with both the present board and new district boards in office for awhile. Most of all the new district superintendents should be selected by the district board that is elected in the general election. Such board is the true representation of the people.

Second: The statute should place a limit on the term of the superintendents. Maybe five (5) years.

Third: All policies, rules and regulations the superintendent is to implement must be adopted by the district board, 324 does not say this. The island board's policies rules and regulations should only apply to central employees. Also, the island board should have nothing to do with the district's budget, not even to present it to the legislature.

Fourth: Make board stipends \$50 per meeting not to exceed \$100 per month. Get rid of that \$75 per meeting in 324.

Fifth: It must be clear in the legislation that only the Superintendent has the authority to hire, remove, transfer and assign all employees who work at school sites.

Sixth: It must be clear that **only** the district board has authority over final decisions on how the budget and all funds are to be spent in schools.

Seventh: This is a volunteer job. Make it four (4) year terms. To have elections every two(2) years make it staggered terms.

Eighth: Deputy Director now was placed there under a valid law that allows her to stay in office for five (5) years. Include language that the office of Deputy Director of DOE will no longer exist after November 28, 2001 or when the present incumbent leave office, whichever occurs first.



*Mark "Paps" Martinez, Member*

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**District 3: Tamuning • Agana Heights • Mongmong-Toto-Maite • Agana**

Ninth: Effective Date of this Act: This needs to be placed in the legislation. It can say: For the section concerning nominating petitions, beginning January 2, 1998. For the section concerning elections; beginning with the 1998 general election. For the section concerning appointment of Island Board; beginning the first Tuesday of January, 1999. For the section concerning the District Boards and all authority given to it and the Island Board and School Councils; beginning first Tuesday in January, 1999. All other sections of this Act take effect upon enactment of this law.

**School Districts**

Elementary  
*L.B. Johnson*

*Tamuning Elementary*

*J.Q. San Miguel*

*Agana Heights*

Secondary  
*John F. Kennedy*

Tenth: Members in office on the time of this Act. Members on the present board will stay in office until 10 a.m. on the first Tuesday, of January, 1999. This language will take care of the present one man one vote suit concerning this board.

You may have constitutional problems if you let members of the present board's term expire before the mandated statute day in public law 22-42, which was the rules of the game on the day they were elected. On the other hand Honorable Senator Kasperbauer the way 324 is written they could stay in office beyond their terms if there is a delay in the transition plan. We do not want that to ever happen. This legislation will end the existence of this present board. There will no longer be one central board that will govern all of DOE, all schools and all of central. The concept of ending this one central powerful board is great. However, they were elected under certain rules and laws, naming 17 GCA 3107. Date term expires. To be fair let them serve out their term. Let them be the only school board on island until their term expires. Thank You.

11. Volunteer job, reduce signatures from 150 to 75



TERRITORIAL BOARD OF EDUCATION  
Department of Education

Mark "Paps" Martinez, Member

Chair, Committee on Legislation/Budget

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District 3: Tamuning • Agana Heights • Mongmong-Toto-Maite • Agana

FOR MARKUP BILL 324

p means page; L means line #

Sept 18, 1997

1. p. 8 L 1: Term of Island board members shall be for the period the appointing authority holds office.
2. p. 7 L 18 & p 17 L 4 = remove appoint non-voting member
3. p 17 L 17 change April to May
4. p 17 L 24 change 3.0 to 2.5
5. p 18 L 7 change 150 to 75
6. p 18 L 14: beginning with the General Election in 2000. Members of each district board shall serve four (4) year staggered terms. (Add either top three (3) vote getters in each district or three (3) selected by lot,) shall serve until the first Tuesday in January, 2005, the other three (3) shall serve until the first Tuesday in January, 2003 following this all elected members shall serve four (4) year terms beginning and ending the first Tuesday in January after the General Election.
- p 19 L 19 = change \$75 to \$50, Add: not to exceed \$100 per month (7)
8. p 23 L 22 Add: that are adopted by the District Board
- p 24 L 1 change March 31 to July 31 (9)
10. p 28 inbetween L 24-25 Add: Employees Contract: The Board/ Union Contract for all public school employees shall be negotiated and approved by the recognized bargaining unit for employees and on management's side each district board chair shall appoint one District Board member from that district to represent Guam's public schools. These four (4) appointed members shall represent the Board in the Board/Union contract.
11. p 70 L 24 insert January 10, 1998
12. p 71 L 1 to 5 eliminate voting in Mayor's office  
Add: For the first election only; nominating petitions must be filed with the Election Commission not less than thirty (30) days prior to the election of such members.
13. p 71 L 7 Add: members elected to the district Board shall serve until the first Tuesday, 2001.

School Districts

Elementary

L.B. Johnson

Tamuning Elementary

J.Q. San Miguel

Agana Heights

Secondary

John F. Kennedy

-1- (TURN PAGE)

Our Educational Community:

Prepares students for life

Promotes excellence

Provides support



**IGNACIO "IKE" C. SANTOS**

P. O. Box 12936  
Tamuning, Guam 96931

August 15, 1997

**HONORABLE LAWRENCE F. KASPERBAUER, Ph.D.**

Senator, Twenty-Fourth Guam Legislature  
Chairperson, Committee on Education  
215-A Chalan Santo Papa, Suite 106-F  
Ada's Professional & Commercial Center  
Agana, Guam 96910

**Dear Senator Kasperbauer:**

Hafa Adai! Thank you for providing me a copy of Bill No. 324 and other bills related to public education on Guam. As a citizen and a planner by profession, I am sincerely concerned about the state of our educational system in the area of policy guidance and administration. Foremost, I would like to commend you for taking the initiative to provide a foundation in improving the quality of public education on Guam through Bill No. 324.

In reviewing Bill No. 324, "The Eskuela-ta Reform Act of 1997.", these are my concerns:

1. In reference to student representation, a contingency plan must be in place in the event the student representative is not elected the following year to the Guam Youth Congress. As a former Youth Congress representative, members of the Guam Youth Congress are elected each year at about the beginning of each school year. In the event the student member to the Island Board is not elected into the Guam Youth Congress the following school year, is there a provision within Bill No. 324 that would ensure that a student representative is in place?

In addition, if the intent is to allow student representation for students attending public schools, Bill No. 324 must be specific as to whom the Guam Youth Congress should appoint! After all, members of the Guam Youth Congress consist of representatives from each village, as well as both public & private schools.

2. If the intent of Bill No. 324 is to allow the Director of Education and Administrators of the Department of Education to run the day-to-day operations of the public schools based on policies handed down by the Island Board, then Chapter 3 of subsection 3104 must be changed from "governing body" to "policy body." Since the word "governing body" infers direct control on the day-to-day operations (or in essence "Micro-managing") of the Department of Education. My point may seem to be a battle of semantics. However, due to the situations and experiences expressed to me by school administrators, specific words within the Bill must be concise to prevent misinterpretation on the specific role of the Island Board.

3. If the intent of Chapter 3 of subsection 3105.2 is to remove politics away from education, then a provision be included that nominating petitions for District Boards must be submitted before the primary election. This would prevent individuals seeking a political office, who lost at the primary election, from seeking a District Board seat as a political stepping stone to their hidden political agenda (i.e., someone who lost for Lieutenant Governor or Senator in the primary election would be prevented from seeking a seat in the District Board). This process would protect the system and those individuals who are truly sincere in seeking a seat as a District Board member.
4. In reference to Chapter 3, subsection 3105, there may be a misrepresentation for individuals serving in a specific district. Specifically, students from a district attending a school outside their district. For example, students residing in "Distritun Lagu" (Dededo & Yigo) that reside in Liguán Terrace, Dededo would attend Chief Brodie Elementary School in Upper Tumon located in "Distritun Luchan". Students residing in Mongmong-Toto-Maite, and Agana Heights in "Distritun Kattan" would attend Piti Middle School that is in "Distritun Luchan." This provision of the Bill may be challenged in court due to the school-attendance areas of students attending school outside their respective district.
5. In reference to Chapter 3, subsection 3122.3, a provision within Bill No. 324 should reflect priorities noted in the "Ten (10) Year Facilities and Maintenance Plan" as mandated by Public Law 22-42 or another form of standard to allow for expenditures of Capital Improvement funds. This Plan, though completed in its "Draft Stage," was never approved by the present Board of Education which sets forth the following guidelines:
  - A. How many schools are needed within the 10-year plan?
  - B. Where will these schools be located?
  - C. What grades will these schools serve?
  - D. Which students will these schools serve?
  - E. How many students will these schools accommodate?
  - F. Long Range Planning to include a Conceptual Plan pursuant to P.L. 22-18 (Reserved School Properties approved by then Director Robert Kilitzkie)
  - G. Long Range Planning Standards for school sites, locations, design of and types of specific classroom standards.
  - H. A Preventive Maintenance Plan
  - I. A Ten (10) Year Maintenance & Capital Improvement Project Plan of Action.

By allowing the Ten (10) Year Plan or another form of standard to be utilized by which the Department of Education must follow, we would remove personalities and personal interest, thereby allowing the integrity of the Plan or standard to take effect.

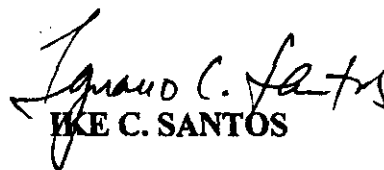
I would like to share a personal experience that would attest to this situation. I attended a meeting at the Department of Land Management. Representatives from the Office of Senator Kasperbauer, Planners from the Department of Land Management, Department of Education, and Engineers from the Department of Public works were present. The purpose of the meeting was to address the location of two (2) elementary schools to be constructed based on P.L. 24-25 and to address the overcrowding situation of schools in northern Guam. After intense discussions and site visits, it was recommended that the locations to address the student overcrowding situation at Upi, Yigo, Finegayan, Maria Ulloa, Wettengel, and Harmon Loop Elementary Schools would be to construct two elementary schools: One (1) located in Agafa Gumas; the other by the Golf Course in Dededo by Bumachacho Street and Ysengsong Street.

A week later, I was informed by the Department of Land Management that DOE's recommendation was to construct a school in Pagat, Mangilao. Imagine the disappointment of those professionals (Planners & Engineers) who attended these meetings. It appears that personal interest instead of what is best for the island was the decision to construct a school in Mangilao. Thus, it appears that the irrational decision of DOE appears to be based on personal interest. After all, which present Board of Education member resides in this area?

It is imperative that a standard, such as the "Ten Year Plan" or some form of standard, is in place to provide guidance on the manner in which the expenditures of Capital Improvement Funds are expended under this Bill.

In light of my comments mentioned, I commend you, Senator Kasperbauer, for taking the initiative to improve the quality of education on Guam. In addition, I appeal to members of the Committee on Education and members of the 24th Guam Legislature to consider the comments I have made and support Bill No. 324. The eyes of Guam are looking at the action you take. As I close, I would like to end with a saying that is found in the Jaycees Creed, "*... That Government should be of Laws, rather than of Men . . .*" My point, when you deliberate over Bill No. 324, please consider the future of our island . . . our children.

Si Yu'os Ma'ase,

  
IKE C. SANTOS

# *Senator Judith Won Pat-Borja*

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## **WRITTEN TESTIMONY ON BILL NO. 324**

August 15, 1997

Honorable Dr. Lawrence F. Kasperbauer  
Senator and Chairperson  
Committee on Education  
Twenty-Fourth Guam Legislature  
Agana, Guam 96910

Honorable Chairperson Kasperbauer and Distinguished Senators:

Buenas tades yan saluda. It is my distinct pleasure to be given the opportunity to review, along with the staff, Bill 324. This opportunity was given to us by Senator Judith Won Pat-Borja.

Prior to her leaving off-island, on a much needed break with her family, she directed us to review the document so we could present any questions in written testimony to the Committee on Education; and that our findings would be faxed to her (in the states), so she could review them and prepare for any future dialogue on the floor of the legislature in the next Session (September).

It is my hope, as Chief of Staff for the Senator, that the following comments, questions, and statements, are not taken out of context; that they are received as food for thought regarding a number of legitimate concerns.

### **Section 1. Legislative Findings (2nd Paragraph).**

It is ill-advised to reason that size alone of Guam's school district is the cause of a lack of accountability, collaborative decision making, community involvement, and timely delivery of support services. Clearly, district size is something that must be considered. But, in Guam's case, other factors have had a more direct impact on the lack of accountability, etc., i.e., consistent failure of the department to effectively manage its budget; archaic and inadequate personnel procedures; failure of the Board and Central Office to understand and accept their fundamental roles in facilitating the education of our children; failure of parents to engage directly and consistently in their children's educational program and progress; the inability of the department to garner community and governmental support in weeding out ineffective teachers/administrators; the lack of any consistent and purposive effort to improve and maintain the physical plant capacity and quality of our schools throughout the system; etc. These and other factors should be viewed as having a more detrimental impact on our children's success than district size.

### **Section 1. Legislative Findings (3rd Paragraph).**

*"Children First -- Manmofona i Famagu'on"*

It is not difficult to agree with the general sentiment of this paragraph; that the centralized system currently existing must now be changed to provide for accountability, educational excellence, and efficient utilization of available resources. What this paragraph fails to do, however, which has allowed the centralized system to prevail, is recognize the fact that **the community** has essentially condoned our department's centralized tendencies by its failure to demand from our educational leaders, a higher sense of professionalism, and to mandate that educational success and excellence be based on **student proficiency and outcomes**. This paragraph has failed to recognize that "we" – the community, the people of Guam – are our own worst enemies! We have allowed our educational system, and its leaders, to instill a sense of mediocrity in our children by demanding less than high standards in both the classroom and throughout the system.

## **Section 2. Legislative Intent.**

This first paragraph would have us believe that the focus of Goals 2000, and of systemwide reform, is to decentralize the Department of Education. While decentralization of the department would help ameliorate issues such as lack of accountability, etc., it must be accepted and appreciated throughout Guam, that the focus of Goals 2000, and its call for systemwide reform, is **academic improvement and student success**. Decentralization has been recognized as a legitimate vehicle for achieving academic improvement and student success throughout the country. Because of this, I wonder if we might be doing a disservice to the community, our children, and our present system, by creating independent school districts and their required bureaucratic support systems rather than improving the **learning environments** within our current array of schools. I also wonder how a balance will be struck within a framework of four new and competing school districts (and an overriding island board), with a budget capacity currently unable to meet **all the needs** of the department.

### **§3102. The Department of Education.**

Reconstituting the Guam Department of Education within the "executive branch" presupposes that the Governor oversees the operations of the department. This is misleading, because the department, guided by law and an elected board, operates as a stand-alone agency. Public Law 22-42, and the recent Decision and Order handed down by the Honorable Judge Frances Tydingco-Gatewood, Superior Court of Guam, determines it to be an autonomous agency.

### **§3103. Island Board of Education.**

The intent of Public Law 22-42, and validated by Judge Tydingco-Gatewood, was to create an islandwide body comprised of members separately elected by districts. This was the vehicle conceived and enacted by the legislature (for the people of Guam) to exercise direct control over the educational activities of the department, while at the same time lessening the governmental politics introduced through appointive boards. Not only does §3103(a) nullify the **will of the people** manifested in P.L. 22-42, but reintroduces Gubernatorial politics to the Board by providing for the Governor's appointment of a majority of the Board's members. The Speaker of the Guam Legislature is also allowed to appoint two members. The question issues from this arrangement: "Who is this island

board accountable to, the Governor, a political party, or the people?" "If politics was the culprit deleted from P.L. 22-42, what benefit to the system will issue from its reintroduction?"

### **§3103(b). Island Board of Education.**

§3103(b) establishes Island Board member terms at six (6) years. It seems ill-advised to allow an appointed Board to serve terms which are longer than their appointing authorities. This establishes greater political value for control of this board than the value found in any other in the entire government complement of appointed boards. This provision clearly sets up long-term political appointments for both Governors and Speakers, but fails to compel the appointees to stand before the public for proper scrutiny. There are no standards of qualification and professionalism that can be scrutinized by the public. An appointee, under this provision, would merely be required to possess the confidence or acquaintance of the Governor and Speaker. I don't believe this is what the people really are looking for.

### **§3103(b)(2). Island Board of Education.**

§3103(b)(2) prohibits high school seniors from participating on the Island Board. There isn't any reason given save for the desire that student members complete full year-long terms. Aside from patently discriminating against seniors, this provision clearly ignores the reality that seniors are often more mature than underclass students, and because of their normal senior schedules, are able, generally, to devote more time to Board business. The fact that under this provision, student Board members serve from June 15 to June 15 of the next calendar year, a senior's availability would not be adversely affected, since most senior classes graduate in mid-June (about the same time the board term ends).

### **§3103(e). Meetings.**

This provision provides that the Island Board meets on a regular meeting basis once every quarter. Is it wise, for the overseeing body of an organization with an annual budget in excess of \$160 million dollars, to meet regularly only 4-times per year?

### **§3103(g). Stipends.**

Is it wise to increase the per meeting stipend to \$75.00 when all other GovGuam boards are receiving \$50.00 per regular meeting? With the Chairperson given the flexibility to call as many special meetings as is deemed necessary, this provision does not mention any meeting limits, nor whether the \$75.00 stipend is allowed for special meetings. I wonder where the budgeting controls are in this area?

### **§3103.1. Executive Sessions of the Island Board.**

It is unclear whether executive sessions will be separate meetings of the Board, or whether they will be held in conjunction with regular Board meetings. It is not clear whether executive meetings are considered regular meetings for purposes of the payment of \$75.00 stipends.

### **§3103.2. Acceptance of Supplies and Services.**

Again, this provision calls into question the appropriateness of the Governor's "written consent" authority over the Board's ability to enter into agreements and contracts for the benefit of our children and schools. Educational affairs should be independent of political agencies or authorities. With the required written consent of the Governor, as outlined here, the Island Board possesses only a duty or responsibility to follow the dictates of the Governor, whether it is appropriate or beneficial to the educational needs of our children and our schools. There is a fiduciary relationship that should exist between a Board and its constituents -- parents and children? In this provision, that fiduciary relationship is nullified.

### **§3103.5(A). Federal Grants for Educational Purposes; Administration.**

Isn't this provision the same as §3103.2? Does it require Gubernatorial signature?

### **§3103.5(C). Federal Grants from Educational Purposes.**

If the Island Board is the "chief educational authority for administration and supervision of the expenditure of federal appropriations..." what roles do the director and central operations staff assume? Does this mean that the Island Board will require operational staff for "...administration and supervision..." apart from the director and central operations staff? Shouldn't we be careful not to create additional levels of bureaucracy, or imbue policy making entities with operational/administrative authorities and/or powers?

### **§3103.6(B). Apportionment and expenditure of federal grants from educational purposes.**

It is unclear who the "board of supervisors" are as identified on line 20, page 11. It seems that this body has approval authority over the Island Board in federal grant matters. Is this another level in GovGuam or within DOE? What is the makeup, and what role does it play -- policy making or advisory review?

### **§3104. Administration of the Department of Education.**

This initial paragraph is written such that the Island Board possesses administrative and operational powers in addition to its policy authorities. It should clearly be articulated that the Island Board functions solely as the policy development authority, while the director administers the operational affairs of the department, personnel, and programs.

Items (1) and (2), as outlined on page 12, should be rewritten. In item (1), the word "Develop" should be replaced by "Reviews and Approves." "Develop" is an action word normally associated with the administrative functions of a director or administrator.

In item (2), the word "Prepare" should be deleted. It connotes an administrative function.

### **§3104.1. Director.**

It seems good sense that if the Board wishes to remove the director, as outlined on line 14, page 14, it should be done based on cause. This statement should be included in this subsection, and cause should be clearly defined, irrespective of whether the director is an exempted unclassified employee or not. This establishes an "at arms length" relationship between the Board and director.

In the temporary absence of the director, it should be clearly stated that the Chairperson, with the concurrence of no fewer than five (5) votes of the Board, shall select an acting director from the staff of the department.

### **§3105. Four District Boards of Education, elected members; District Organizations.**

Sufficient reason has not been presented here to justify establishment of four separate school districts, their administrative support, and four separate district superintendent of schools. The establishment of these bureaucratic levels ignores the budgetary, staffing, physical plant, and political impacts they create. As earlier mentioned, the size of the district is not the only basis for such an action, especially when most island villages are less than five (5) miles from each other. The fact that there are over 16,000 school districts in the states only point to the fact that wide distances between urban centers required the creation of school districts to provide instructional services to children living in the pockets of sparsely populated rural areas found between the urban centers. These numerous districts were not created based on the size of the student populations, or the need to "break-up" large school districts. They were based on the necessity to educate "all children" located in the "out-lying unincorporated rural townships" throughout the expansive Northwestern, Midwestern, and Southwestern areas of the country. Guam is short of being 35 miles long, and is approximately 6-8 miles wide at its narrowest point. The type of structural change outlined here focuses on changing administrative entities, rather than serving the academic progress and success needs of our children. It stresses administrative oversight, span of control, and operational efficiency. The formation of new school districts is not what is needed. If the purpose of this reconstruction is to reduce the control imposed from the center, why are we now creating five centers (four new districts and one island department)? Gaining control of a burgeoning and intrusive central administration is admirable, and in an organization as large as DOE, it is advisable. But, it seems an illusion to believe that any more quality can come from a centralized system merely by chopping it up into four or five smaller parts, especially when the same players in the centralized system are leading the smaller newer units. Adding twenty-four (24) new elected officials to the mix will not ensure an improvement in educational quality unless the focus of organizational change is less on control, and more on academic content and student success.

#### **§3105.1. District Boards: Student Composition.**

It seems a great disincentive for members of the senior classes of each high school to participate in schoolwide plurality elections if their classmates are ineligible for the position in the first place. What incentive is there for a senior to vote for underclasspersons if that senior believes a fellow senior is more mature and otherwise qualified for the district



board student seat? It just doesn't seem fair to disenfranchise a group of young people simply because they become an upperclassperson. Isn't this discriminatory? I think so!

#### **§3105.4. Vacancies on the District Boards.**

I wonder if it is wise to allow vacancies on an elective Board to be filled by a runner-up candidate in the last election, or through appointment by district Mayors who themselves are political electees. Do any of Guam's elected positions allow for this type of vacancy replacement? A search of the Guam Code Annotated regulations will show that vacancies in the Governorship/Lt. Governorship, the Legislative, and the Mayorship/Vice Mayorship are not handled that way; that special elections are held to fill unexpected vacancies. This should also be the case for elective policy makers in the Department of Education. Since these officials must follow the guidelines set out by the Guam Election Commission, unexpected vacancies should be filled by special election. This allows for "the people" who voted in the first place, to once again exercise their franchise if someone is to represent them on an elective Board.

#### **§3105.8. Compensation of District Board Members.**

As discussed in §3103(g) above, it does not seem appropriate to increase the amount of compensation or stipend of voting officials from \$50.00 (current level) to \$75.00 per meeting. This provision is unclear in whether there is a limit for monthly or annual meetings. By raising the amount of compensation, the financial obligation for each school District/Island Board will be \$26,200 or \$131,000 systemwide assigned to a department component that is not directly linked to the classroom, children, or the academic program. In other words, an annual budget allocation of \$113,000, plus any travel expenses, will be taken out of the department budget for people who are not administrators, support staff, teachers, or students. In an era of fiscal austerity, is this what we really want? I don't think so! And what about the costs to be allocated for the new district superintendents over and above the department director/deputy director, and the administrative and support cadre of people that will be needed to staff four (4) new district central offices? Clearly, departmental personnel costs will creep above the 82 percent cut already assigned to personnel. Will this really improve student progress and success?

#### **§3106. Executive Sessions of the District Boards.**

As outlined in §3104.2 of this bill, only the Island Board will be able to retain legal counsel to represent it in all civil matters concerning the department. Since adverse action having to do with personnel matters takes a great amount of time from the education of our children, who will protect the new school districts from legal challenges? Will each district be allowed to retain its own legal counsel? Will the Island Board's legal counsel serve each of the four new districts? Will the districts be financially able to legally fend for themselves? Will the Island Board be financially able to defend the boards? These types of questions are key ones, especially when the matters revolve around employee behavior, action, etc. It seems logical to infer that this item in the islandwide/school district budgets will not be a small one.

#### **§3107. School Calendar.**

In relation to the current 180 instructional day school calendar, will the new 990 instructional hour calendar be sufficient to strengthen and enhance the required level of courses needed to graduate from high school? Will 5.5 instructional hours per day (990 instructional hours divided by 180 instructional days) be sufficient to challenge students to learn, or become creative, or create initiative? Will this prescribed limit affect teacher productivity, or will it invite academic indifference, and eventually mediocrity? Has the Guam Federation of Teachers been consulted?

#### **§3117.1. District Superintendent of Schools.**

I refer the reader to §3104.1 above. By reading the responsibilities of the district superintendent, one is struck by the similarities and parallels this executive bears with the department director position. On the surface, it seems that both positions duplicate each other, with minor differences barely detectable. For such a key position, the salary and benefits would be elevated to a point not too much below the director. Can the department support a director/deputy director and four new district executives (and their staffs)? The GRT just isn't consistently healthy enough to sustain such a top-heavy structure.

#### **§3117.3. Parental involvement in the school.**

By reviewing this subsection, one will realize that everything listed is very important in fully involving parents in the mainstream of their children's' educational process. The question is, "are these listed efforts realistic in view of the demands placed on families by society, local community, employment, political affiliation, social and personal relationships, religious obligations, etc.?" And what will be the next step if it becomes apparent that the listed efforts are impossible to achieve, or their achievement requires extended time for completion?

A second question is, "has this subsection been discussed with GPTAC or any particular PTO/PTA?" If not, the imposition of these efforts might create difficulties for the districts without available funding and staff to carry each effort through to completion, especially in view of the fact that the department is currently contemplating doing without school aides and other periphery staff.

#### **§3117.4. Delegation of Management Authority to the Schools.**

This subsection states that "Each District Board may delegate to any school in the District, their principals and their respective school councils..., any degree of managerial and administrative autonomy necessary to achieve maximum operating efficiency...." It seems that the role of the District Board is changed here, from policy to administrative. Policy groups are not authorized to delegate to staff. Delegation, in accordance with normally accepted management philosophy and procedure, falls within the purview of the executive officer or district superintendent. Under §3117.1 (g), (h), and (i), the district superintendent is responsible for all employees (including principals) in his/her district. By virtue of his/her executive status, and span of control, he/she can delegate – **not the District Board**. If this is so, then the District Board can only promulgate policy, and the executive must carry it out, including the delegation of any necessary degree of "managerial and administrative autonomy" to ensure a particular school successfully decentralizes.

Another concern with the language in this subsection is the implication based on the statement "Each District Board **may delegate ....**" It is true, that an elective Board has the full authority to develop policy for the district or educational system. To exercise objectivity and a sense of fairness, however, policy should be applied to every district school, not just certain ones. This means, if school-based decision making is to be a districtwide policy, then all schools should be subject to the policy. To say that the Board "may delegate" presupposes that all district schools are not viewed or treated equally. The repercussions of unequal treatment or practices could easily expose the district to legal challenges and financial risk. If, however, the policy is that the designation -- "decentralized school," must be applied to every school by a certain date, then the possible claim of discrimination will not have substance because all schools will thus be designated the same by the deadline. This should be clarified as soon as possible!

#### **§3118. Principals Councils.**

This is a very good idea! But, why should this council's Rules of Operation be "blessed" by the District Board? It seems reasonable to believe, that if the district principals desire to form a professional union of their peers, it should be up to them. What if the board denies the council's Rules of Operation? Will the council's legitimacy as a professional fellowship be devalued? I don't think so! This seems an unnecessary intrusion on the professional prerogatives of a group of seasoned educators.

#### **§3123. Attorney for the District Organizations.**

Please see the discussion contained in §3106 above.

#### **§3124. School Uniforms.**

Is it necessary for the issue of school uniforms to fall within the prerogatives of the District Board? If a truly decentralized system is to function, this type of issue should rightly fall on the school councils, without any approvals from the District Boards. Is this Board intrusion into operational areas? **YES!**

#### **§3125. No Personal Liability for Board Actions.**

In the absence of personal liability for Board actions, members of the Board, as well as the Board itself, will not be compelled to exercise sound judgment in the discharge of the people's educational business. Inasmuch as principals are currently held personally accountable for specific actions, or lack of them (particularly when it comes to handling school funds), the members of the Island and District Boards, under this bill, should likewise be held liable and accountable to those voters who voted them in. Omitting such a deterrence would allow board members to be shielded from due responsibility for their actions. What sort of message does this send to our young people; the very folks we target when we attempt to encourage a sense of responsibility for personal decisions and behavior?

### **CONCLUSION**

It is recognized, that when the desire is great to author a comprehensive piece of legislation believed to be capable of reforming a structural behemoth such as the Guam Department of Education, caution must be embraced. Diligence should be exercised to ensure that all potential parties affected by such an endeavor be interviewed, consulted with, and challenged to provide reasons and proper justification why you should cut-back in certain areas of the legislation, or clarify more precisely in others.

I reviewed this extensive document not to criticize its content, nor to denigrate its author and writer. My purpose was to determine whether it met the essential needs of our children, as often articulated by our Senator and members of the community. To this end, I will conclude that the effort undertaken in Bill 324 was both noble and conscientious. It should be noted, however, that the questions outlined above, are those we were forced to consider during the drafting of Bills 120, 231, and 260. I know I speak for Senator Judith Won Pat-Borja when I emphasize that "those questions need to be answered before the bill will truly meet muster."

It is the Senator's position, as it is mine, that any current or future comprehensive effort to reform the public education system on Guam, must first be undergirded by an impetus on student progress and success; that if the prime notion is to restructure the system based on efficiency and local control by school councils, the effort will find itself falling short. I failed to discover any real reference to **quality education**, or **student progress and success** -- the very essence of our drive to improve or "reform" our public education system.

It will be my strong recommendation to Senator Won Pat-Borja, that for educational reform to be achieved, in the future, it will serve our children best for her to join with you, Dr. Kasperbauer, in a joint effort to remake the educational system and introduce something that will clearly restore **pride** to the people of Guam, and **educational value** to our children.

Senseramente,

  
Joseph L. DeTorres, Ph.D.  
Chief of Staff

**HONORABLE LARRY KASPERBAUER, SENATOR,  
CHAIRMAN, COMMITTEE ON EDUCATION  
TWENTY-FOURTH GUAM LEGISLATURE**

**TESTIMONY IN SUPPORT OF BILLS 324, 120, 70, 231, AND 260.**

**MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE, HAPA ADAI  
AND GOOD MORNING!**

**FOR THE RECORD, MY NAME IS NONITO C. BLAS, MAYOR OF MANGILAO.**

**ON BEHALF OF THE MEMBERS OF THE MANGILAO MUNICIPAL PLANNING COUNCIL  
AND THE PEOPLE OF MANGILAO, I WOULD LIKE TO REGISTER OUR SUPPORT FOR  
THE FOLLOWING BILLS:**

**BILL NO. 120:**

**AN ACT TO GRANT THE PEOPLE OF GUAM GREATER INFLUENCE IN THE ISLAND'S PUBLIC EDUCATIONAL SYSTEM THROUGH ESTABLISHMENT OF AN ELECTED TERRITORIAL BOARD OF EDUCATION, AND ELECTED SUPERINTENDENT AND DEPUTY SUPERINTENDENT OF EDUCATION, DISTRICT ADVISORY COUNCILS, AND ESTABLISH THE OPPORTUNITY FOR THE PEOPLE OF GUAM TO REMOVE THOSE PREVIOUSLY ELECTED; TO REPEAL AND REENACT §§3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3110, 3111, 3112, 3113, 3114, 3115, 3116, AND 3120 OF TITLE 17, GUAM CODE ANNOTATED; TO ADD A NEW §§3103.2, 3117, 3118, AND 3119 THERETO; TO INSTRUCT THE BOARD AND THE SUPERINTENDENT/DEPUTY SUPERINTENDENT TO ESTABLISH EDUCATIONAL GOALS FOR THE DEPARTMENT, AND TO PROVIDE MEANS FOR THE EVALUATION OF THE DEPARTMENT OF THE DEPARTMENT'S PERFORMANCE BASED ON SUCH GOALS; TO TASK THE BOARD TO ADOPT AN ANNUAL SCHOOL CALENDAR WHICH SHALL PROVIDE FOR MAKE-UP DAYS DUE TO NATURAL DISASTERS OR INCLEMENT WEATHER; TO ESTABLISH A BUDGET PROCESS FOR THE DEPARTMENT WHEREBY SUCH BUDGET IS SUBMITTED DIRECTLY TO THE LEGISLATURE; TO INSTRUCT THE BOARD TO ESTABLISH, AND THE SUPERINTENDENT TO IMPLEMENT, EDUCATIONAL PROGRAMS WHICH ENCOURAGE STUDENTS TO COMPLETE HIGH SCHOOL, AND REDUCE THE LOCAL HIGH SCHOOL DROP OUT RATE; TO PROVIDE FOR THE PROPER PLANNING, DEVELOPMENT, AND IMPLEMENTATION FOR CONSTRUCTION, EXPANSION, RENOVATION, AND MAINTENANCE OF EDUCATIONAL BUILDINGS AND FACILITIES; AND TO CLARIFY THE RESPONSIBILITY FOR GUIDANCE AND ADMINISTRATION OF THE DEPARTMENT OF EDUCATION. THIS ACT WILL BE KNOWN AS THE GUAM PUBLIC EDUCATION OMNIBUS BILL.**

**BILL NO. 70:**

**AN ACT RELATIVE TO PROMOTING THE DIRECT INVOLVEMENT OF THE PEOPLE OF GUAM IN THE PUBLIC EDUCATION OF THEIR CHILDREN THROUGH REDEFINING THE SELECTION OF THE GUAM TERRITORIAL BOARD OF EDUCATION MEMBERS IN ALLOWING FOR AN AT-LARGE ELECTION; CLARIFYING THE RESPONSIBILITIES OF THE BOARD OF EDUCATION AS A POLICY-MAKING BODY; ENCOURAGING THE BOARD TO PLACE GREATER EMPHASIS IN PROVIDING QUALITY EDUCATION WITHIN THE CLASSROOM ENVIRONMENT, PROMOTING GREATER PARENTAL PARTICIPATION IN THE EDUCATION OF THEIR CHILDREN, AND PROVIDING FOR ADDITIONAL EDUCATION AND TRAINING PROGRAMS FOR UPWARD MOBILITY PURPOSES FOR OUR ISLAND'S SCHOOL ADMINISTRATORS, TEACHERS, AND PERSONNEL; AND RECOGNIZING AND EXTENDING THE SUPPORT OF THE GUAM LEGISLATURE IN THE FORMULATION AND IMPLEMENTATION OF EDUCATION GOALS 2000; THROUGH THE REPEAL AND REENACTMENT OF SECTIONS 3102, 3103, 3104, 3107, 3110, AND 3111, AND THE REPEAL OF SECTION 3112 ALL OF CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED.**

**BILL NO. 231:**

**AN ACT TO REVISE THE COMPOSITION OF THE TERRITORIAL BOARD OF EDUCATION BY AMENDING §3102.1, §3103(a), §3104, §3106, §3107, §3108, §3110, §3113, AND §3115 OF CHAPTER 3, TITLE 17 OF THE GUAM CODE ANNOTATED.**

My name is Mr. Luis M. Paulino.

I have mixed feelings about Bills 324, 120, 70, 231, and 236. That is why I am present to make known of my feelings about the bills.

I have come to realize also that our Educational system has not been the best runned agency of our Government. Its mission to educate the children as expected oftenly been questioned evidently by low academic achievement being low in the national level. The general management direction seems lacking at times, school building maintenance poor, procurement of materials and supplies necessary was poorly monitored or managed, power play among administrators giving very little emphasis to the educational mission, lack of money, lack of teachers, lack of this and that, have been issues that the public has been very much aware. I am also of the opinion that the series of bills before the Twenty-fourth Guam Legislature is an attempt to render solutions to the ever-existing problems facing our educational system.

Not many years ago, by law, the Board of Education members have been <sup>rather</sup> ejected. During the Board's days of infancy, it was placed on shaky position as its existence was ~~organic~~ or constitutional. I could imagine how the Board members were feeling, e.i., if they were legally constituted and had the authority as policy makers. Because of this uncertainty, the Board had to resort to judicial remedy. All those time was for time wasted and expensive sums of money were employed to resolve the legal issues involving the school Board. Those were time and money which could have been spent to supply the school with their common necessities and the time to focus attention to improving the system.

Now that the Governor of Guam has abdicated his claim over the Department of Education, I think the system should be allowed to function now given the proper setting. I am confident that the present board members have nothing more than true intention to get our educational system properly working to achieve its mission.

I personally feel that the educational system has enough educators dedicated to the learning of our children. With proper administrative support and renewed energy to achieve the educational goals, I am confident that it will soon take care of itself.


The Education Reform Measures contain good ideas which the present system is well aware of for some time. The idea of "community involvement", and "parental participation" in decision-making are seemingly like new ideas. However, the current school administration has seriously considered these elements to be part of their agenda.

I seriously think that decentralization, elected Superintendent, and Advisory Councils are ~~not~~ ingredients that will help our system. This in essence is allowing more authorities to confuse the system than it is now.

I am wholeheartedly agreeable to community involvement into the system. However, this does not need legislative action, only administrative action on the part of the Department of Education. I feel there is community participation going on now in the system.

What we need now is to allow the present system to function. The present Board of Education must seriously look into its role and allow other administrative roles to be handled by the administrators and technocrats of DOE. The system should be mindful of its mission. Overhaul its administrative and logistical functions so that delivery of services to the teachers who are depended upon for teaching the children is a reality. There is a calling for a united effort on the staff of the system for a complete understanding of the system's mission. Communication should be upgraded so that every person working at DOE knows exactly what the system is all about so that they can re-dedicate themselves to serving the Department to produce its goals rather than the self-serving attitude that at times salient to a stranger's observation.

For the sake of our educational system and benefits to our school children, I must at present do not support the introduced "Education Reform Measures for I strongly feel they will only obstruct a system that ~~is~~ is untangling itself from the wrath of pressures from internal and external forces. I believe the Legislature should support the system in ways which it will make the system effective rather than supply it with experimental laws that are readily ~~perceived~~ <sup>perceived</sup> as detriments.

  
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