



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUN 11 2002

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200  
130 Aspinal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 290 (COR) "AN ACT TO AMEND CHAPTERS 5 AND 6, AND TO REPEAL ARTICLE 2 OF CHAPTER 6, ALL OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE 'NON-GOVERNANCE/ADMINISTRATIVE PROVISIONS' ENACTED BY P.L. NOS. 24-142 AND 24-299," which I have signed into law as **Public Law No. 26-104**.

Very truly yours,

Carl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

Attachments: original bill for vetoed legislation or  
copy of bill for signed or overridden legislation  
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco  
Speaker

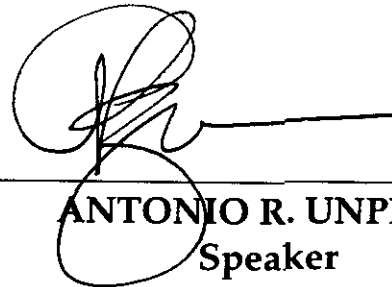
0822

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>SE</u>
Time	<u>2:45 pm.</u>
Date	<u>06/12/02</u>

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 290 (COR), "AN ACT TO AMEND CHAPTERS 5 AND 6, AND TO REPEAL ARTICLE 2 OF CHAPTER 6, ALL OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE 'NON-GOVERNANCE/ADMINISTRATIVE PROVISIONS' ENACTED BY P.L. NOS. 24-142 AND 24-299," was on the 17<sup>th</sup> day of May, 2002, duly and regularly passed.



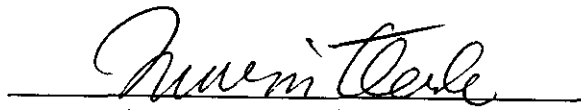
ANTONIO R. UNPINGCO  
Speaker

Attested:



Lawrence F. Kasperbauer  
Vice-Speaker/Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 3rd day of June, 2002,  
at 4:25 o'clock P.M.



Assistant Staff Officer  
*Maga'laha's Office*

APPROVED:



CARL T. C. GUTIERREZ  
*I Maga'lahaen Guåhan*

Date: 6-11-02

Public Law No. 26-104

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By _____
Time _____
Date _____

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

**Bill No. 290 (COR)**

As substituted by the  
Committee on Education.

Introduced by:

L. F. Kasperbauer

J. T. Won Pat

F. B. Aguon, Jr.

J. F. Ada

T. C. Ada

J. M.S. Brown

E. B. Calvo

F. P. Camacho

M. C. Charfauros

Mark Forbes

L. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

A. L.G. Santos

A. R. Unpingco

**AN ACT TO AMEND CHAPTERS 5 AND 6, AND TO  
REPEAL ARTICLE 2 OF CHAPTER 6, ALL OF TITLE  
17 OF THE GUAM CODE ANNOTATED, RELATIVE  
TO RESTORING THE "NON-  
GOVERNANCE/ADMINISTRATIVE PROVISIONS"  
ENACTED BY P.L. NOS. 24-142 AND 24-299.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 finds that the Superior Court of Guam's declaration of *I Eskuela-ta Reform Act*

1 (Public Law Numbers 24-142 and 24-299) as Unconstitutional in its entirety  
2 repealed not only governance / administrative sections of the law relating to  
3 Guam's public education system, but all other reform issues enacted by its  
4 passage. The subsequent enactment of Public Law Number 26-26 was  
5 intended to address *only* the single subject of the Department of Education's  
6 ("DOE's") governance and administration, and went no further in addressing  
7 the items repealed by the Superior Court of Guam's declaration.

8 *I Liheslaturan Guåhan* further finds that most of the non-governance  
9 provisions enacted by *I Eskuela-ta Reform Act* received bi-partisan support and  
10 should be reenacted.

11 It is the intent of *I Eskuela-ta Reform Act* to reenact the non-governance  
12 related provisions of *I Eskuela-ta Reform Act*, as enacted by Public Law  
13 Numbers 24-142 and 24-299.

14 **Section 2.** Chapter 5 of Division 1 of Title 17 of the Guam Code  
15 Annotated is hereby *amended* to read as follows:

16 **"CHAPTER 5.**

17 **TEACHING.**

18 **Section 5101. Teachers: Qualifications.** Persons employed  
19 in a teaching supervisory capacity in the public schools of Guam shall  
20 be permanent residents of the United States of good moral character,  
21 and shall hold a qualifying certificate issued by the Superintendent.

22 **Section 5102. Same: Certificates.** The Superintendent shall  
23 grant appropriate certificates:

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

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

8 **Section 5103. Same: Same: Qualifications.** The Department  
9 of Education shall prescribe by general regulation the qualifications  
10 upon which the certificates may be granted:

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

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

16 (c) to act as school librarians;

17 (d) to act as school attendance officers; *and*

18 (e) to supervise the physical development of pupils.

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

23 **Section 5105. Same: Same: Requirement.** Any person issued  
24 a Qualifying Certificate shall complete a three (3) semester credit course

1 in Guam history, or Guam culture, within the first year *after* the person's  
2 certification. Failure to satisfy this requirement shall constitute  
3 sufficient cause to suspend that person's certification until the  
4 deficiency is corrected.

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

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

14 **Section 5108. Same: Same: Hearing.** No certificate shall  
15 be revoked or suspended, *except* upon the written request of its holder,  
16 until after a hearing before the Board, and then only upon the  
17 affirmative vote of at least four (4) members of the peer review  
18 committee.

19 **Section 5109. Same: Same: Charges.** All charges made  
20 against a person serving in the public school system which might lead  
21 to suspension or revocation of such person's certificate, shall be  
22 presented to the Superintendent, in writing, and shall be verified under  
23 oath.

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

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

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

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

13          **Section 5114. Same: Maintenance of Discipline.** Every  
14 teacher in the public schools shall hold pupils to strict account for their  
15 conduct while on the school premises and when on authorized off-  
16 campus school activities.

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

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

8           Personnel employed by the government of Guam as para-  
9 professional employees, teachers' aides or cafeteria workers shall be  
10 employees of the government of Guam, and the conditions of their  
11 employment shall be in all respects the same as other employees of the  
12 government of Guam, Department of Education.

13           **Section 5117. Same: Duty Hours.** The Board shall establish  
14 duty hours for all teachers.

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



1           **Section 5119. School-Year Pay for Teachers.** Persons  
2 employed as teachers and school health counselors shall, at their option,  
3 be paid on either twenty-one (21) or twenty-six (26) bi-weekly payments  
4 beginning on November 1, 1983."

5           **Section 3.** Article 1 of Chapter 6, Division 1 of Title 17 of the Guam  
6 Code Annotated is hereby *amended* to read as follows:

7   **"CHAPTER 6.**

8   **PUPILS.**

9   **Article 1.**

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

20           **Section 6102. Duty to Send Children to School.** Any parent,  
21 guardian or other person having control or charge of any child who is *at*  
22 *least* five (5) years of age and has *not* reached the age of sixteen (16)  
23 years, *not* exempted under the provisions of this Article, shall send the  
24 child to a public or private full-time day school for the full-time of

1 which such schools are in session, *except* that the starting date of school  
2 for children five (5) years of age shall be determined by the provisions  
3 of §§ 6103 and 6107 of this Article.

4 The Superintendent is authorized to establish attendance areas.  
5 Any parent, guardian or other person having control or charge of any  
6 such child who is *at least* five (5) years of age, and has *not* reached the  
7 age of sixteen (16) years, who fails to comply with the provisions of this  
8 Section, *unless* excused or exempted therefrom, is guilty of a violation  
9 for the first offense, and subject to a fine of *not more than* Fifty Dollars  
10 (\$50.00). For each subsequent offense, the person is guilty of a petty  
11 misdemeanor.

12 **Section 6103. Children who Have Reached the Age of Five (5)**  
13 **Years Eligible to Attend.** Any child whose fifth birthday falls on or  
14 before the commencement date of classes may, in such year, enroll in  
15 the kindergarten of any public school within Guam which the child is  
16 otherwise eligible to attend, *except* that any child whose fifth birthday  
17 falls within one hundred twenty-five (125) days after the beginning date  
18 of classes on the school calendar in the attendance area where they live,  
19 and are designated to attend, may enroll in kindergarten, *subject* to the  
20 approval of the principal of the school pursuant to the policy mandated  
21 by §§ 6104 and 6105 of this Act.

22 The effective date of this Section shall be the start of School Year  
23 1998-1999.

1           **Section 6104. Policy and Procedures.**       The Department of  
2 Education shall, *prior* to the start of School Year 1998-1999, develop a  
3 policy and implement procedures by which children, who will have  
4 reached the age of five (5) within one hundred twenty-five (125) days  
5 after the beginning date of classes on the school calendar in the  
6 attendance area where they live and are designated to attend, and  
7 whose parents or guardians so desire, will be screened to determine  
8 readiness for school.

9           **Section 6105. Exception for the 1997-1998 School Year.**  
10 Notwithstanding the provisions of § 6102 of this Chapter, for the School  
11 Year 1997-1998, any parent, guardian or other person having control or  
12 charge of any child who will reach the age of five (5) years within one  
13 hundred twenty-five (125) days after the beginning of classes, may, at  
14 that person's option, choose *not* to send such child to school for that  
15 school year.

16           **Section 6105.1. Sunset Provision Underage Screening and**  
17 **Enrollment.**       Notwithstanding the provisions of §§ 6103 and 6104,  
18 beginning with the School Year 2002 – 2003, all students must be *at least*  
19 five (5) years of age by July 31 of each year for enrollment in  
20 kindergarten for that school year. The Department of Education shall  
21 announce the starting date for schools *at least* one hundred eighty (180)  
22 days in advance of the starting date. There shall be no further screening  
23 for underage enrollment in kindergarten after the School Year 2001 -  
24 2002.

1           **Section 6106. Option to Use Last Day of the Month as the**  
2 **Starting Date to Determine *Minimum* Enrollment Age for Children.**  
3 Notwithstanding the provisions of § 6103 of this Chapter regarding the  
4 beginning date of classes for each school, the Interim Governing Board  
5 and the District Boards may use the last day of the month in which  
6 classes begin for determining the *minimum* age a child shall attend  
7 school in cases where the beginning date of classes in the school  
8 calendar is advanced to an earlier starting date to accommodate special  
9 events or programs. After the School Year 1998-1999, *at least* three (3)  
10 months' notice shall be given of any changes to advance the beginning  
11 date of classes in the school calendar, to include which date will be used  
12 in determining the *minimum* enrollment age that children shall attend  
13 classes.

14           **Section 6107. Early Entrance Date; Public Schools: Gifted**  
15 **Children.** The Board shall establish identification and enrollment  
16 policies for children who are academically gifted. The policy shall  
17 provide that a child who is academically gifted may be enrolled even  
18 though the child has *not* reached the age required by § 6103 of this Title,  
19 but *not* lower than age four (4) by the end of the month that classes  
20 actually commence of the year the child is enrolled.

21           **Section 6108. Same: Sick Persons.** Children whose physical  
22 or mental condition is such as to prevent or render inadvisable  
23 attendance at school or application to study, shall be exempted from the

1 application of § 6102, but the Superintendent shall require satisfactory  
2 evidence of the condition to be furnished.

3 **Section 6109. Private Instruction.** Children *not* attending a  
4 private full-time day school, and who are being instructed in study and  
5 recitation for *at least* three (3) hours a day for one hundred seventy (170)  
6 days each calendar year by a private tutor or other person in the several  
7 branches of study required to be taught in the public schools of Guam  
8 and in the English language, shall be exempted from attending the  
9 public schools.

10 **Section 6110. Compliance of Pupils Required.** All pupils  
11 shall comply with the regulations adopted by the Board, pursue the  
12 required course of study and submit to the authority of the teachers of  
13 the schools and other professionals of the schools.

14 **Section 6111. Liability for Injury to Property.** The parent or  
15 guardian of any pupil who willfully cuts, defaces or otherwise injures in  
16 any way any property, real or personal, belonging to a school or the  
17 Department of Education, shall be liable for all damages so caused by  
18 the pupil. The parent or guardian of a pupil shall be liable to the school  
19 for all property belonging to the school loaned to the pupil and *not*  
20 returned upon demand of an employee of the school authorized by the  
21 Superintendent to make the demand.

22 **Section 6112. Medical Expenses for Injured Pupils.** *If* a pupil  
23 of any of the public or private schools of Guam is injured during school  
24 hours on school property, while traveling directly between the pupil's

1 home and school in public school buses, while participating in or  
2 attending any regularly approved, supervised activity of the school  
3 during school hours, or, after school hours, *if* the school activity is under  
4 direct school supervision, or while traveling in public school buses to  
5 and from such school activity as a member of group which is under the  
6 school's supervision, all medical expenses incurred as a result of such  
7 injury shall be covered pursuant to the provisions of the Government  
8 Claims Act, *except* that *if* the pupil is covered by health or accident  
9 insurance as will reimburse the pupil, or the pupil's parents or  
10 guardians, for such medical expenses in whole or in part, then such  
11 claims can be covered *only* for those expenses, if any, in excess of the  
12 insurance payments made or to be made by the pupil's insurance carrier  
13 on account of such injury.

14 **Section 6113. Guaranteed Entrance to Classrooms.** No  
15 student who is regularly and legally enrolled in a school within the  
16 public school system shall be refused to be placed in a classroom for  
17 which the student is eligible, as determined by the school administrator  
18 following guidelines established by Board policies.

19 **Section 6114. Student Activities Money.** Student activities  
20 money is all money raised with the approval of the Board by the efforts  
21 of students in connection with any activities of student organizations,  
22 including without limiting the generality of the foregoing, school  
23 supply, stores, clubs, athletic activities, school plays, receipts from  
24 vending machines and other student entertainment and yearbooks.

1           **Section 6115.    Same: Committee.**

2           (a)    There shall be established a Student Activities Money  
3           Committee within each school which shall oversee the receipts  
4           and expenditures of the student activities money, and shall make  
5           final approval of all expenditures in excess of One Hundred  
6           Dollars (\$100.00) from the Student Activities Fund.

7           (b)    Membership on the Student Activities Money  
8           Committee shall be the following:

9                   (1)   Principal of the school concerned serving as  
10                  Chairman;

11                  (2)   one (1) faculty staff member designated by the  
12                  school faculty; *and*

13                  (3)   student body president, student body treasurer  
14                  or a student body member designated by the school faculty.

15           **Section 6116.    Student Activities Fund.** The Student Activities  
16           Money Committee of any school having student activities money shall  
17           open a checking account and/or savings account in a commercial bank  
18           or savings and loan association on Guam in an account designated as  
19           the '*School Student Activities Fund*' ('Fund') of the school opening the  
20           account.

21           **Section 6117.    Student Activities Treasurer: Audit.**

22           (a)    The Student Activities Money Committee of any  
23           school having student activities money shall appoint a student  
24           activities treasurer of that particular school. Each student

1 activities treasurer shall be bonded in accordance with standard  
2 government of Guam procedures.

3 (b) Any student organization that raises money as  
4 provided by § 6114, *supra*, shall promptly deliver such money to  
5 the student activity a receipt therefore, promptly deposit the  
6 money into the Student Activities Fund of such school.  
7 Disbursements from the Student Activities Fund shall be made  
8 *only* for the purpose for which the Fund was established, or other  
9 purposes which the student organization raising the fund may  
10 determine. All expenditures of student activities money shall be  
11 for the enhancement of student educational or social welfare, as  
12 approved by regulations of the student organization and  
13 approved by the Superintendent. Disbursement of funds shall be  
14 made by the student activities treasurer as requested in writing by  
15 the student organization advisor and treasurer. The student  
16 activities treasurer and the principal of the school shall sign all  
17 withdrawals drawn against the Student Activities Fund; *provided*,  
18 that no checks or withdrawals may be drawn against the Student  
19 Activities Fund without a disbursement request signed by the  
20 student organization advisor and treasurer.

21 (c) The student activities treasurer shall maintain  
22 accounts showing the balances due respective student  
23 organizations, and shall maintain an accurate record of all  
24 deposits and expenditures from the Student Activities Fund, and  
25 shall prepare a monthly financial statement report. Copies of this



1 report shall be given to the Superintendent of Education, principal  
2 and student activities sponsor. The records of the student  
3 activities treasurer shall be open to inspection at reasonable times  
4 by faculty advisors and officers of the student organizations  
5 concerned. Such records shall be maintained by the student  
6 activities treasurer in accordance with such rules and regulations.

7 (d) Each Student Activities Fund shall be audited as often  
8 as required *at least* annually or based on need by request of  
9 student organization officers/advisors or school administrators by  
10 the Bureau of Budget and Management Research in cooperation  
11 with the Department of Education Fiscal Office, and a copy of the  
12 audit shall be filed with the Student Activities Money Committee  
13 and the Board.

14 **Section 6118. Junior Reserve Officers Training Corps**  
15 **(‘JROTC’) Fund.** There is created a Junior Reserve Officers  
16 Training Corps (‘JROTC’) Fund (‘Fund’) to be maintained separate and  
17 apart from all other funds of the government of Guam. All money  
18 received by the government from the U.S. Department of Defense for  
19 the operation of the JROTC Programs shall be placed in the JROTC  
20 Fund. The Superintendent of Education shall be the certifying officer of  
21 the Fund. The Superintendent shall report annually to the Board, *I*  
22 *Maga’lahen Guåhan* and *I Liheslaturan Guåhan* on the receipts,  
23 expenditures and balances of the Fund.



1           (2) the provision of speech and hearing diagnostic  
2 services to pupils attending non-public school; such services  
3 may be provided in the non-public school attended by the  
4 pupil receiving the service;

5           (3) the provision of diagnostic psychological  
6 services to pupils attending non-public schools; such  
7 services may be provided in the school attended by the pupil  
8 receiving the service;

9           (4) the provision of therapeutic, psychological, and  
10 speech and hearing services to pupils attending non-public  
11 schools, such services may be made available by the  
12 Department of Education;

13           (5) the provision of guidance and counseling  
14 services to pupils attending non-public school, such services  
15 may be made available by the Superintendent of Schools for  
16 the non-public schools within the Department of Education;

17           (6) the provision of remedial services to pupils  
18 attending non-public schools, such services may be made  
19 available by the Department of Education; *and*

20           (7) the provision of programs for children with  
21 disabilities attending non-public schools, such services may  
22 be made available by the Department of Education.

23           (b) '*Non-public school*' means a nonprofit school, other than  
24 a public school or Department of Defense ('DOD') school within  
25 Guam, wherein a resident of Guam may legally fulfill the

1 compulsory school attendance requirements of this Title.  
2 Auxiliary Services may be provided to DOD schools *if* Federal  
3 funds are received specifically for such services.

4 **Section 6302. Program of Auxiliary Services.** Students  
5 attending non-public schools may be furnished a program of auxiliary  
6 services *if* such services are available to pupils attending the public  
7 schools. Such service shall be of the same quality as that provided  
8 public school pupils. Auxiliary services related to Special Education  
9 shall be administered in a manner consistent with Guam and Federal  
10 laws, rules and regulations for Special Education Services.”

11 **Section 5.** Article 4 of Chapter 6, Division 1 of Title 17 of the Guam  
12 Code Annotated is hereby *amended* to read as follows:

13 **“Article 4.**

14 **Pupil Truancy, Suspension and Expulsion.**

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

- 16 (a) ‘*Board*’ means the Guam Education Policy Board.  
17 (b) ‘*Parent*’ means the parent, guardian or other person  
18 who has the custody or responsibility for the care of the child.  
19 (c) ‘*Truant*’ means a pupil found to be absent from school  
20 without a reasonable and *bona fide* excuse from a parent.  
21 (d) ‘*Superintendent*’ refers to the Superintendent of  
22 Education.

23 **Section 6402. Habitual Truant.** A pupil is a habitual  
24 truant *if* the pupil has incurred twelve (12) or more unexcused absences

1 in a school year, and is of compulsory attendance age. *If* any pupil is a  
2 habitual truant, the principal of the pupil's school shall request the  
3 Superintendent to file a petition concerning such habitual truant in the  
4 Family Court or the Superior Court of Guam.

5 **Section 6403. Attendance Officer.** The Superintendent shall  
6 appoint employees of the Department of Education, as attendance  
7 officers. The attendance officers, any peace officer or principal or Dean  
8 may take into custody during school hours, without warrant, any truant  
9 found away from the truant's home and who has been reported truant.

10 **Section 6404. Same: Delivery of Truant.** The attendance  
11 officer, upon taking a truant into custody, shall deliver the truant  
12 promptly either to the truant's parent or to the school which the pupil  
13 attends. *If* the child is a habitual truant, the attendance officer, with the  
14 concurrence of the principal of the pupil's school, shall bring the child  
15 before the Family Court.

16 **Section 6405. Same: Disposition.** The attendance officer  
17 shall promptly report to the Department of Education and to the parent  
18 the disposition made by the attendance officer of the truant.

19 **Section 6406. Report to Court and Social Services.** Any pupil  
20 who has once been adjudged a habitual truant, or who is again reported  
21 as a truant one (1) or more days, or is late to school for thirty (30) or  
22 more minutes on one (1) or more days without excuse, shall be reported  
23 by the Superintendent or the attendance officer to the Family Court.

1           **Section 6407. Court Hearing.** *If the Court, after hearing, finds*  
2 *that the allegations of habitual truancy are sustained by evidence, it may*  
3 *order that the child be detained and maintained in a school supervised*  
4 *by the Court for the remainder of the current school term, or it may*  
5 *order that the child be turned over to the custody of the Division of*  
6 *Social Services where the child shall be provided casework treatment*  
7 *and services.*

8           **Section 6408. Submission of Report.** The attendance officer  
9 shall report monthly to the Superintendent the number and types of  
10 reports and requests made by each school on Guam pursuant to this  
11 Article, and whether each school within Guam has complied with the  
12 provisions of this Article.

13           **Section 6409. Authority for Suspension or Expulsion of**  
14 **Pupils.** The Superintendent shall determine by regulation the  
15 grounds for suspension or expulsion of pupils from school, and the  
16 procedure whereby such suspension or expulsion is determined. Such  
17 regulation shall include grounds for suspensions or expulsions, length  
18 of suspensions and the procedures for review of suspension or  
19 expulsion orders. In adopting the regulation establishing procedures  
20 for suspending or expelling pupils, the Superintendent shall follow the  
21 guidelines established therefore by local and Federal laws and  
22 regulations. Such hearings and procedures as are established by the  
23 Superintendent pursuant to this Article shall provide any pupil against  
24 whom suspension or expulsion procedures are initiated with due

*6*

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/17/02

## VOTING SHEET

Bill No. 290(COR)

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

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

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.					✓
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.					✓
WON PAT, Judith T.	✓				

TOTAL 13 0 0 0 2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



**Senator Larry F. Kasperbauer, Ph.D.**  
Vice Speaker • Chairman, Committee on Education

155 Hester Street  
Hagatna, Guam 96910

Telephone (671) 473-KIDS  
Fax (671) 473-2000  
e-mail: lk4ids@guam.net  
webpage: www.lk4ids.com



April 2, 2002

Mr. Paul Leon Guerrero  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagatna, Guam 96932

Dear Mr. Leon Guerrero:

Buenas yan hafa adai!

Pursuant to Chapter 9 of Title 2, Guam Code Annotated, I respectfully request that your office issue Fiscal Notes for the attached bill(s):

- **Bill No. 290 (COR)**

Thank you for your time and consideration to this matter.

Sincerely,

LARRY F. KASPERBAUER, Ph.D.

Attachment



**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 290 (COR)**

**Bill Title (Preamble):**

An Act to Amend Chapters 5 and 6 of the Title 17 Guam Code Annotated Relative to Restoring the "Non-Governance" Administrative Provisions Enacted By Public Laws 24-142 and 24-299.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Education	Dept./Agency Head: Rosie Tainatongo
General Fund appropriation(s) to date:	\$142,086,297
Other Fund (specify):	Appropriation(s) to date: \$ 0
Total Department/Agency Appropriation(s) to date:	\$142,086,297

Fund Source Information of Proposed Appropriation			
	General Fund	Special Funds	Total
FY Adopted Revenues	430,892,962	49,970,750	480,863,712
Less FY Appr. To P.L. 26-35 thru 26-74	428,263,938	63,418,688	491,682,626
Sub-total	2,629,024	(13,447,938)	(10,818,914)
Less appropriation in Bill			
Total	2,629,024	(13,447,938)	(10,818,914)

Estimated Fiscal Impact of Bill						
	One full FY	For remainder of current FY (if appl.)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	N/A	N/A	N/A	N/A	N/A	N/A
Other Fund:	N/A	N/A	N/A	N/A	N/A	N/A
Total	N/A	N/A	N/A	N/A	N/A	N/A

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
If yes, see attachment.
2. Is amount appropriated adequate to fund the intent of the appropriation? / / Yes /X/ No  
If no, what is the additional amount required? \$ N/A
3. Does the Bill establish a new program/agency? / / Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? / / Yes /X/ No  
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No

/ / Requested agency comments not rec'd by due date /X/ Other: Inadequate time provided for response

Analyst: <u>Joe Certeza</u>	Date: <u>04/15/2002</u>	Director: <u>Paul D. Leon Guerrero</u>	Date: <u>4/30/02</u>
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Footnotes: See Attachment

**Bureau of Budget and Management Research  
Fiscal Note Comments to Bill 290 (COR)  
April 15, 2002**

**The intent of Bill 290 is to restore the non-governance provisions of the I Eskuela-ta Reform Act that was rule unconstititutional by the Superior Court's declaration and repealed by P.L. 26-26.**

**The fiscal impact of this bill is nominal and any administrative expenditure can be absorbed by DOE operations. No funding requirements are expected at this time.**



April 26, 2002

*done*

The Honorable Antonio R. Unpingco  
Speaker  
*I Mina Bente Sais Na Liheslaturan Guahan*  
155 Hesler Place  
Hagatna, Guam 96910

Via: Committee on Rules

*no-10 of*

Dear Speaker Unpingco:

The Committee on Education, to which was referred **Bill No. 290 (COR)**, AN ACT TO AMEND CHAPTER 5 AND 6 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO RESTORING THE "NON-GOVERNANCE" ADMINISTRATIVE PROVISIONS ENACTED BY PUBLIC LAW 24-142 AND 24-299, herein reports back with the recommendation TO DO PASS, as substituted by the committee.

Votes are as follows:

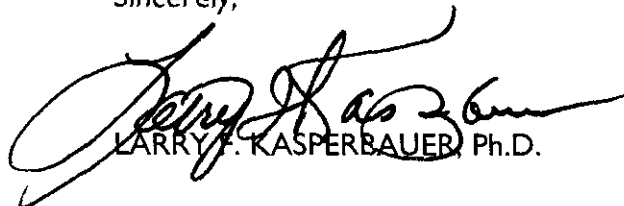
10 To Pass

\_\_\_ Not to Pass

\_\_\_ To the Inactive File

\_\_\_ Abstained

Sincerely,

  
LARRY F. KASPERBAUER, Ph.D.

Enclosures



April 26, 2002

MEMORANDUM

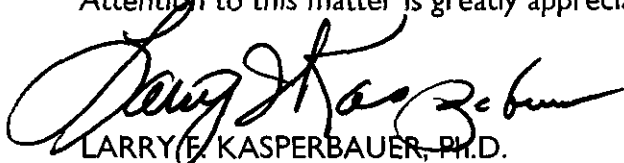
To: All Members  
Committee on Education

From: Chairman

Subject: **Voting Sheet**

Transmitted herewith are the voting sheets and Committee Report on **Substitute Bill No. 290 (COR)**, AN ACT TO AMEND CHAPTER 5 AND 6 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO RESTORING THE "NON-GOVERNANCE" ADMINISTRATIVE PROVISIONS ENACTED BY PUBLIC LAW 24-142 AND 24-299, for your review and signature.

Attention to this matter is greatly appreciated.



LARRY F. KASPERBAUER, PH.D.

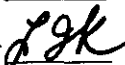
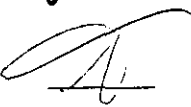


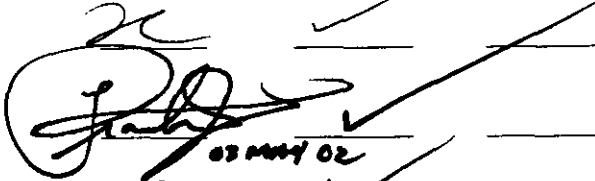





Attachments

**COMMITTEE ON EDUCATION**  
*I Mina' Bente Sais Na Libeslaturan Guåhan*  
 155 Hesler Street · Hagåtña, Guam 96910

Chairman: Vice Speaker Lawrence F. Kasperbauer Vice-Chairman: Senator Mark Forbes  
 Ex-Officio Member: Speaker Antonio R. Unpingco

*VOTING SHEET ON:*

**Substitute Bill No. 290 (COR), AN ACT TO AMEND CHAPTER 5 AND 6 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO RESTORING THE "NON-GOVERNANCE" ADMINISTRATIVE PROVISIONS ENACTED BY PUBLIC LAW 24-142 AND 24-299.**

<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>
Vice Speaker Lawrence F. Kasperbauer <i>Chairman</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Forbes <i>Vice-Chairperson</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker Antonio R. Unpingco <i>Ex-Officio</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joseph F. Ada <i>Member</i>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Thomas C. Ada <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Frank Blas Aguon, Jr. <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne M.S. Brown <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Felix P. Camacho <i>Member</i>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Charfauros <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kaleo Scott Moylan <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Vicente Pangelinan <i>Member</i>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Angel L.G. Santos <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Won Pat <i>Member</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**I MINA' BENTE SAIS NA LIHESLATURAN GUÁHAN**  
**Committee on Education**

**Vice Speaker Lawrence F. Kasperbauer, Chairperson**

**Committee Report On**

Bill No. 290 (COR): AN ACT TO AMEND CHAPTERS 5 AND 6 OF  
TITLE –17, GUAM CODE ANNOTATED RELATIVE TO  
RESTORING THE “NON-GOVERNANCE/ ADMINISTRATIVE  
PROVISIONS ENACTED BY PUBLIC LAWS 24-142 AND 24-299.

**I. OVERVIEW**

The Committee on Education held a public hearing on Friday, April 12, 2002 at 9:00 a.m. at I Liheslatura Public Hearing Room.

**Committee Members Present:**

Vice Speaker Lawrence F. Kasperbauer, Chairperson  
Senator Joanne M.S. Brown  
Senator Judith T. Won Pat

**Providing Testimony on the Bill:**

**The Department Of Education** represented by the following persons:

Ms. Rosie R. Tainatongo, Superintendent of Education  
Mr. Vince Leon Guerrero, Associate Superintendent for Special Education  
Ms. Eloise R. Sanchez, Associate Superintendent for Curriculum  
Mr. Kenneth P. Chargualaf, Associate Superintendent for Secondary Education

Mr. George Quichocho, Guam Federation of Teachers (GFT)

Ms. Elizabeth Taimanao, Acting President, Guam Federation of Teachers (GFT)

Dr. Richard Wytttenbach-Santos, UOG

**II. Testimony**

**The Department Of Education** officials testified in favor of the Bill with recommendations (see attached written testimony of Ms. Rosie R. Tainatongo, Superintendent of Education).

**George Quichocho** did not testify but informed the Committee that he had just seen the Bill and noted some items of concern and the GFT will be submitting written testimony.

**Ms. Elizabeth Taimanao** submitted written testimony requesting that amendments to sections of Chapter 5, Title 17 (the Chapter relating to Teachers) be made to substantive amendments be made to the sections of law that pertain to (1) Suspension and Revocation of Teaching Certificates, (2) Hearings, (3) Responsibility for maintenance and student discipline and (4) Duty hours for teachers.

**Dr. Richard Wytttenbach-Santos** requested that changes be made to the administrative provision of the Education Code (administrative provisions is not a subject nor addressed in the Bill) that would allow him and other faculty at the University of Guam to run for a seat on the Guam Education Policy Board. Dr. Wytttenbach-Santos noted that the prohibition against contractual employees of the Government of Guam from serving on the board adversely affects UOG Faculty as their employment documents with University are called 'contracts'.

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

The Committee agrees with the recommendations present by the Department of Education that are in line with the intent of the Bill. The Committee finds that although the recommendations of the GFT and Dr. Richard Wytttenbach-Santos have merit, the substantive nature of recommendations are inconsistent with the Bill's intent and may be addressed in other means that may include separate legislation upon which all concerned parties may express their opinions in a Public Hearing.

It is the recommendation of the Committee on Education that Substitute Bill No. 290 (COR) be reported out with the recommendation **TO DO PASS**.

**MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

Bill No. 290 (COR)

Introduced by:

L. F. Kasperbauer *LFK*

**AN ACT TO AMEND CHAPTERS 5 AND 6 OF TITLE 17,  
GUAM CODE ANNOTATED RELATIVE TO RESTORING  
THE "NON-GOVERNANCE/ ADMINISTRATIVE  
PROVISIONS ENACTED BY PUBLIC LAWS 24-142 AND 24-  
299.**

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

2 **Section 1. Legislative Intent:** *I Liheslaturan Guåhan* finds that the  
3 Superior Court's declaration of *I Eskuela-ta Reform Act* (Public Laws 24-142 &  
4 24-299) as Unconstitutional in its entirety repealed not only governance/  
5 administrative sections of law relating to Guam's public education system, but all  
6 other reform issues enacted by its passage. The subsequent enactment of Public  
7 Law 26-26 was intended to address only the single subject of DOE's governance  
8 and administration and went no further in addressing the items repealed by the  
9 Superior Court's declaration.

10 *I Liheslatura* further finds that most of the non-governance provisions  
11 enacted by *I Eskuela-ta Reform Act* received bi-partisan support and should be re-  
12 enacted.

13 It is the intent of *I Eskuela-ta Reform Act* to re-enact the non-governance  
14 related provisions of *I Eskuela-ta Reform Act* as enacted by Public Laws 24-142  
15 and 24-299.



1           **Section 2:** Chapter 5 of Title 17, Guam Code Annotated is hereby *amended*  
2 to read as follows:

3   **CHAPTER 5.**  
4   **TEACHING.**

5           **Section 5101. Teachers: Qualifications.** Persons employed in a teaching  
6 supervisory capacity in the public schools of Guam shall be permanent residents  
7 of the United States of good moral character, and shall hold a qualifying certificate  
8 issued by the Superintendent.

9           **Section 5102. Same: Certificates.** The Superintendent shall grant  
10 appropriate certificates:

11           (a) to holders of diplomas issued by an institution of higher learning where  
12 the applicant holder has completed a teacher training course prescribed by the  
13 ~~Board~~ Department of Education; *and*

14           (b) to applicants who, to the satisfaction of the Superintendent, meet the  
15 minimum qualifications prescribed by the ~~Board~~ Department of Education,  
16 pursuant to § 5103.

17           **Section 5103. Same: Same: Qualifications.** The ~~Board~~ Department of  
18 Education, ~~upon recommendation of the Superintendent~~, shall prescribe by general  
19 regulation the qualifications upon which the Superintendent may grant,  
20 certificates:

21           (a) to teach in senior high schools, four (4) year high schools, junior high  
22 schools, vocational schools, elementary schools, supplementary schools for adults  
23 and kindergartens;

24           (b) to supervise instruction and to administer schools as supervisors,  
25 principals and superintendents;

26           (c) to act as school librarians;

1 (d) to act as school attendance officers; *and*  
2 (e) to supervise the physical development of pupils.

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

7 **Section 5105. Same: Same: Requirement.** Any person issued a  
8 Qualifying Certificate shall complete a three (3) semester credit course in Guam  
9 history, or Guam culture, within the first year after the person's certification.  
10 Failure to satisfy this requirement shall constitute sufficient cause to suspend that  
11 person's certification until the deficiency is corrected.

12 **Section 5106. Same: Same: Expiration.** Certificates shall expire at such  
13 time as the ~~Board~~ Department of Education, by general rule and regulation, may  
14 prescribe.

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

20 **Section 5108. Same: Same: Hearing.** No certificate shall be revoked or  
21 suspended, *except* upon the written request of its holder, until after a hearing  
22 before the Board, and then *only* upon the affirmative vote of *at least* four (4)  
23 members of the ~~Board~~ peer review committee.

24 **Section 5109. Same: Same: Charges.** All charges made against a person  
25 serving in the public school system which might lead to suspension or revocation

1 of such person's certificate, shall be presented to the Board Superintendent, in  
2 writing, and shall be verified under oath.

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

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

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

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

13 **Section 5114. Same: Maintenance of Discipline.** Every teacher in the  
14 public schools shall hold pupils to strict account for their conduct while on the  
15 school premises ~~and during recess~~.

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

22 **Section 5116. Para-professional Employees and Teachers Aides.** The  
23 Superintendent of Education is authorized to employ para-professional employees  
24 and teachers aides to help in the supervision of instruction and administration in  
25 the public schools of Guam. The Board, upon recommendation of the

1 Superintendent, shall prescribe by general regulations the services to be performed  
2 by such employees and their qualifications for employment.

3 Personnel employed as para-professional employees, ~~or~~ teachers aides or  
4 cafeteria workers shall be employees of the government of Guam, and the  
5 conditions of their employment shall be in all respects the same as other  
6 employees of the government of Guam, Department of Education.

7 **Section 5117. Same: Duty Hours.** The Board shall establish duty hours  
8 for all teachers. ~~The duty hours shall be established so that a classroom teacher~~  
9 ~~shall be at that teacher's duty station at least fifteen (15) minutes prior to the~~  
10 ~~school's first period of instruction. A teacher shall remain at that teacher's duty~~  
11 ~~station until at least fifteen (15) minutes after pupils have been dismissed for the~~  
12 ~~day, except on days when teacher conferences, workshops or other non-~~  
13 ~~instructional activities are authorized by the Board. A minimum of five (5) hours~~  
14 ~~per day shall be devoted to instructing pupils. The Board may require that~~  
15 ~~additional duty hours may be allocated for meal time and for general~~  
16 ~~administrative purposes, including lesson preparation, teacher conferences, parent-~~  
17 ~~teacher conferences, workshops and other non-instructional activities, and may~~  
18 ~~authorize the additional duty hours to be performed at such place as the Board~~  
19 ~~may prescribe, but not to exceed eight (8) hours per day.~~

20 **Section 5118. Assessment Program.** The Board shall cause to be  
21 administered annually a pre- and post-assessment program to all pupils using both  
22 national standard achievement tests based on norm criteria and criterion  
23 referenced tests, and a comparative analysis made thereof in accordance with the  
24 Department of Education's Comprehensive Accountability Plan. The purpose of  
25 such tests shall be to assist the Department in the continuing evaluation of the  
26 overall curriculum, performance of teachers and academic achievement of pupils

1 so that the Department may take such steps as it deems warranted in order to

2 improve the total educational climate of Guam.

3 **Section 5119. School-Year Pay for Teachers.** Persons employed as  
4 teachers and school health counselors shall, at their option, be paid on either  
5 twenty-one (21) or twenty-six (26) bi-weekly payments beginning on November 1,  
6 1983.

7 **Section 5120. Job-Sharing Pilot Project.** There  
8 is hereby established a two (2)-year job-sharing pilot project ('project') to be  
9 conducted by the Department of Education ('Department') for the academic years  
10 1991-92 and 1992-93; provided, however, that the Department shall *not*  
11 implement the Project without first carefully developing appropriate plans,  
12 procedures and guidelines, and shall initiate the Project to the extent practicable  
13 during the 1991-92 academic year. The Department shall devote *no more than one*  
14 hundred (100) full-time, permanent positions to job-sharing, pursuant to this  
15 Section.

16 **(b) Definition.** As used in this Section, 'job sharing' means the voluntary  
17 sharing of jobs by two (2) or more full-time, permanent teaching employees of the  
18 Department, with each teacher working one-half (1/2) of another job-sharing  
19 teacher's total number of hours required per week.

20 **(c) Monitoring and Status Reports.** The Department shall monitor and  
21 evaluate the Project, with particular regard to the efficacy of the job-sharing  
22 concept, and shall evaluate factors such as turnover rates, absenteeism,  
23 productivity, morale and demographic factors, including ethnic, sex and age  
24 composition of participants, and other pertinent data. The Superintendent of  
25 Education shall also identify those factors which facilitated or made more difficult  
26 the implementation of this Section. The Superintendent shall submit status reports

1 ~~on the Department's findings to *I Liheslaturan Guåhan* in 1991 and 1992, and may~~  
2 ~~report on its findings and recommendations to *I Liheslaturan Guåhan* in 1993.~~

3  
4 **Section 3:** Article 1 of Chapter 6 of Title 17, Guam Code Annotated is  
5 hereby *amended* to read as follows:

6  
7 **CHAPTER 6.**

8 **PUPILS.**

9 **Article 1.**

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

19 **Section 6102. Duty to Send Children to School.** Any parent, guardian  
20 or other person having control or charge of any child who is *at least* five (5) years  
21 of age and has *not* reached the age of sixteen (16) years, *not* exempted under the  
22 provisions of this Article, shall send the child to a public or private full-time day  
23 school for the full-time of which such schools are in session, *except* that the  
24 starting date of school for children five (5) years of age shall be determined by the  
25 provisions of §§ 6103 and 6107 of this Article.

1           The Superintendent is authorized to establish attendance areas. Any parent,  
2 guardian or other person having control or charge of any such child who is *at least*  
3 five (5) years of age, and has *not* reached the age of sixteen (16) years, who fails  
4 to comply with the provisions of this Section, *unless* excused or exempted  
5 therefrom, is guilty of a violation for the first offense, and subject to a fine of *not*  
6 *more than* Fifty Dollars (\$50.00). For each subsequent offense, the person is  
7 guilty of a petty misdemeanor.

8           **Section 6103. Children who Have Reached the Age of Five (5)**  
9 **Years Eligible to Attend.** Any child whose fifth birthday falls on or before  
10 the commencement date of classes may, in such year, enroll in the kindergarten of  
11 any public school within Guam which the child is otherwise eligible to attend,  
12 *except* that any child whose fifth birthday falls within one hundred twenty-five  
13 (125) days after the beginning date of classes on the school calendar in the  
14 attendance area where they live, and are designated to attend, may enroll in  
15 kindergarten, *subject* to the approval of the principal of the school pursuant to the  
16 policy mandated by §§ 6104 and 6105 of this Act.

17           The effective date of this Section shall be the start of School Year 1998-  
18 1999.

19           **Section 6104. Policy and Procedures.** The Department of  
20 Education shall, *prior to* the start of School Year 1998-1999, develop a policy and  
21 implement procedures by which children, who will have reached the age of five  
22 (5) within one hundred twenty-five (125) days after the beginning date of classes  
23 on the school calendar in the attendance area where they live and are designated to  
24 attend, and whose parents or guardians so desire, will be screened to determine  
25 readiness for school.

26           **Section 6105. Exception for the 1997-1998 School Year.**

1 Notwithstanding the provisions of § 6102 of this Chapter, for the School Year  
2 1997-1998, any parent, guardian or other person having control or charge of any  
3 child who will reach the age of five (5) years within one hundred twenty-five  
4 (125) days after the beginning of classes, may, at that person's option, choose *not*  
5 to send such child to school for that school year.

6           **Section 6106.       Option to Use Last Day of the Month as the Starting**  
7 **Date to Determine Minimum Enrollment Age for Children.**

8 Notwithstanding the provisions of § 6103 of this Chapter regarding the beginning  
9 date of classes for each school, the Interim Governing Board and the District  
10 Boards may use the last day of the month in which classes begin for determining  
11 the minimum age a child shall attend school in cases where the beginning date of  
12 classes in the school calendar is advanced to an earlier starting date to  
13 accommodate special events or programs. After the School Year 1998-1999, *at*  
14 *least* three (3) months' notice shall be given of any changes to advance the  
15 beginning date of classes in the school calendar, to include which date will be  
16 used in determining the minimum enrollment age that children shall attend classes.

17           **Section 6107.       Early Entrance Date; Public Schools:   Gifted**  
18 **Children.** The Board shall establish identification and enrollment policies for  
19 children who are academically gifted. The policy shall provide that a child who is  
20 academically gifted may be enrolled even though the child has *not* reached the age  
21 required by § 6103 of this Title, but *not* lower than age four (4) by the end of the  
22 month that classes actually commence of the year the child is enrolled.

23           **Section 6108.       Same: Sick Persons.** Children whose physical or  
24 mental condition is such as to prevent or render inadvisable attendance at school  
25 or application to study, shall be exempted from the application of § 6102, but the  
26 Superintendent shall require satisfactory evidence of the condition to be furnished.



1           ~~Section 6109. — Private Schools: Register. — The attendance of private~~  
2 ~~school pupils shall be kept by private school authorities in a register, and record of~~  
3 ~~attendance shall indicate clearly every absence of the pupil from school for a one-~~  
4 ~~half (1/2) day or more during each day that school is maintained during the year.~~  
5 ~~Said register shall be available for inspection by the Superintendent during school~~  
6 ~~hours and a certified copy thereof shall be forwarded to the Department of~~  
7 ~~Education, and at the end of each school term.~~

8           **Section 6110. Private Instruction.** Children *not* attending a private  
9 full-time day school, and who are being instructed in study and recitation for *at*  
10 *least* three (3) hours a day for one hundred seventy (170) days each calendar year  
11 by a private tutor or other person in the several branches of study required to be  
12 taught in the public schools of Guam and in the English language, shall be  
13 exempted from attending the public schools.

14           **Section 6111. Compliance of Pupils Required.** All pupils shall  
15 comply with the regulations adopted by the Board, pursue the required course of  
16 study and submit to the authority of the teachers of the schools and other  
17 professionals of the schools.

18           **Section 6112. Liability for Injury to Property.** The parent or  
19 guardian of any pupil who willfully cuts, defaces or otherwise injures in any way  
20 any property, real or personal, belonging to a school or the Department of  
21 Education, shall be liable for all damages so caused by the pupil. The parent or  
22 guardian of a pupil shall be liable to the school for all property belonging to the  
23 school loaned to the pupil and *not* returned upon demand of an employee of the  
24 school authorized by the Superintendent to make the demand.

25           **Section 6113. Free Medical Expenses for Injured Pupils.** *If* a  
26 pupil of any of the public or private schools of Guam is injured during school

1 hours on school property, while traveling directly between the pupil's home and  
2 school in public school buses, while participating in or attending any regularly  
3 approved, supervised activity of the school during school hours, or, after school  
4 hours, *if* the school activity is under direct school supervision, or while traveling  
5 in public school buses to and from such school activity as a member of group  
6 which is under the school's supervision, all medical expenses incurred as a result  
7 of such injury shall be ~~borne by the Board~~ covered pursuant to the provisions of  
8 the Government Claims Act, *except that if* the pupil is covered by health or  
9 accident insurance as will reimburse the pupil or the pupil's parents or guardians  
10 for such medical expenses in whole or in part, ~~then the Board shall bear *only* those~~  
11 ~~expenses, *if any*, in excess of the insurance payments made, or to be made, by the~~  
12 ~~pupil's insurance carrier on account of such injury. In providing for such~~  
13 ~~payments, the Board is authorized to obtain insurance covering the same, which~~  
14 ~~insurance coverage may be broadened to include compensation for accidental loss~~  
15 ~~of life, sight or limbs~~ then such claims can be covered only for those expenses, *if*  
16 *any*, in excess of the insurance payments made or to be made by the pupil's  
17 insurance carrier on account of such injury.

18       **Section 6114.     Guaranteed Entrance to Classrooms.**     No student  
19 who is regularly and legally enrolled in a school within the public school system  
20 shall be refused to be placed in a classroom for which the student is eligible, as  
21 determined by the school administrator following guidelines established by Board  
22 policies.

23       **Section 6115.     Student Activities Money.**     Student activities money  
24 is all money raised with the approval of the Board by the efforts of students in  
25 connection with any activities of student organizations, including without limiting  
26 the generality of the foregoing, school supply, stores, clubs, athletic activities,

1 school plays, receipts from vending machines and other student entertainment and  
2 yearbooks.

3 **Section 6116. Same: Committee.**

4 (a) There shall be established a Student Activities Money Committee  
5 within each school which shall oversee the receipts and expenditures of the  
6 student activities money, and shall make final approval of all expenditures in  
7 excess of One Hundred Dollars (\$100.00) from the Student Activities Fund.

8 (b) Membership on the Student Activities Money Committee shall be the  
9 following:

- 10 (1) Principal of the school concerned serving as Chairman;  
11 (2) one (1) faculty staff member designated by the school faculty; *and*  
12 (3) student body president, student body treasurer or a student body  
13 member designated by the school faculty.

14 **Section 6117. Student Activities Fund.** The Student Activities  
15 Money Committee of any school having student activities money shall open a  
16 checking account and/or savings account in a commercial bank or savings and  
17 loan association on Guam in an account designated as the 'School Student  
18 Activities Fund' of the school opening the account.

19 **Section 6118. Student Activities Treasurer: Audit.**

20 (a) The Student Activities Money Committee of any school having  
21 student activities money shall appoint a student activities treasurer of that  
22 particular school. Each student activities treasurer shall be bonded in accordance  
23 with standard government of Guam procedures.

24 (b) Any student organization that raises money as provided by § 6115,  
25 *supra*, shall promptly deliver such money to the student activity a receipt  
26 therefore, promptly deposit the money into the Student Activities Fund of such

1 school. Disbursements from the Student Activities Fund shall be made *only* for the  
2 purpose for which the fund was established, or other purposes which the student  
3 organization raising the fund may determine. All expenditures of student  
4 activities money shall be for the enhancement of student educational or social  
5 welfare, as approved by regulations of the student organization and approved by  
6 the Board. Disbursement of funds shall be made by the student activities treasurer  
7 as requested in writing by the student organization advisor and treasurer. The  
8 student activities treasurer and the principal of the school shall sign all  
9 withdrawals drawn against the Student Activities Fund; *provided*, that no checks  
10 or withdrawals may be drawn against the Student Activities Fund without  
11 disbursement request signed by the student organization advisor and treasurer.

12 (c) The student activities treasurer shall maintain accounts showing the  
13 balances due respective student organizations, and shall maintain an accurate  
14 record of all deposits and expenditures from the Student Activities Fund, and shall  
15 prepare a monthly financial statement report. Copies of this report shall be given  
16 to the Superintendent of Education, principal and student activities sponsor. The  
17 records of the student activities treasurer shall be open to inspection at reasonable  
18 times by faculty advisors and officers of the student organizations concerned.  
19 Such records shall be maintained by the student activities treasurer in accordance  
20 with such rules and regulations.

21 (d) Each Student Activities Fund shall be audited as often as required *at*  
22 *least* annually by the Bureau of Budget and Management Research in cooperation  
23 with the Department of Education Fiscal Office, and a copy of the audit shall be  
24 filed with the Student Activities Money Committee and the Board.

25 **Section 6119. Junior Reserve Officers Training Corps ('JROTC') Fund.**

26 There is created a Junior Reserve Officers Training Corps ('JROTC') Fund to be

1 maintained separate and apart from all other funds of the Government. All money  
2 received by the Government from the U.S. Department of Defense for the  
3 operation of the JROTC Programs shall be placed in the JROTC Fund. The  
4 Superintendent of Education shall be the certifying officer of the fund. The  
5 Superintendent shall report annually to the Board, *I Maga'lahañ Guåhan* and *I*  
6 *Lihaslaturan Guåhan* on the receipts, expenditures and balances of the fund.

7 **Section 6120. Summer School Fund.** There is hereby established a  
8 Summer School Fund for the deposit of fees collected from students enrolled in  
9 the Summer School Program, and into which shall be deposited such fees to be  
10 subsequently appropriated by *I Lihaslaturan Guåhan* for the operation of the  
11 Summer School Program.

12 **Section 6121. Kindergarten Day and Year.** The length of a school day for  
13 the kindergarten grade of a school shall be the same length of time as the school  
14 day for the elementary grades (first through fifth grades) of such school.

15 The length of a school year for the kindergarten grade of a school shall be  
16 the same length of time (instructional days/hours) as the school year for the  
17 elementary grades (first through fifth grades) of such school.

18

19 **Section 4:** Article 2 of Chapter 6 of Title 17, Guam Code Annotated is  
20 hereby *repealed*

21 **Section 5:** Article 3 of Chapter 6 of Title 17, Guam Code Annotated is  
22 hereby *amended* to read as follows:

23

24

**“Article 3.**

25

**Auxiliary Services.**

26

**Section 6301. Definitions.** As used in this Article:

1 (a) 'Auxiliary services' means:

2 (1) the supply for use by pupils attending non-public schools such  
3 standardized tests and scoring services as are in use in the public schools;

4 ~~(2) the provision of speech and hearing diagnostic services to pupils~~  
5 ~~attending non-public school (Such services shall be provided in the non-public~~  
6 ~~school attended by the pupil receiving the service.)~~ the provision of speech and  
7 hearing diagnostic services to pupils attending non-public school. Such services  
8 may be provided in the non-public school attended by the pupil receiving the  
9 service;

10 ~~(3) the provision of diagnostic psychological services to pupils attending~~  
11 ~~non-public schools (Such services shall be provided in the school attended by the~~  
12 ~~pupil receiving the service.)~~ the provision of diagnostic psychological services to  
13 pupils attending non-public schools; such services may be provided in the school  
14 attended by the pupil receiving the service;

15 ~~(4) the provision of therapeutic, psychological, and speech and hearing~~  
16 ~~services to pupils attending non-public schools (Such services shall be provided in~~  
17 ~~a public school, in a public center or in mobile units located off of the non-public~~  
18 ~~premises, as determined by the Superintendent of Education. If such services are~~  
19 ~~provided in the public school or in public centers, transportation to and from such~~  
20 ~~facilities shall be provided by the government.)~~ the provision of therapeutic,  
21 psychological and speech and hearing services to pupils attending non-public  
22 schools, such services may be made available by the Superintendent of Education;

23 ~~(5) the provision of guidance and counseling services to pupils attending~~  
24 ~~non-public schools (Such services shall be provided in a public school, in public~~  
25 ~~centers or in mobile units located off of non-public premises, as determined by the~~  
26 ~~Superintendent of Education. If such services are provided in the public school or~~

1 ~~in public centers, transportation to and from such facilities shall be provided by~~  
2 ~~the government.)~~ the provision of guidance and counseling services to pupils  
3 attending non-public school, such services may be made available by the  
4 Superintendent of Schools for the non-public schools within the Department of  
5 Education;

6 (6) ~~the provision of remedial services to pupils attending non-public schools~~  
7 ~~(Such services shall be provided in the public school, in public centers or in~~  
8 ~~mobile units located off of the non-public premises, as determined by the~~  
9 ~~Superintendent of Education. If such services are provided in the public school or~~  
10 ~~in public centers, transportation to and from such facilities shall be provided by~~  
11 ~~the government.)~~ the provision of remedial services to pupils attending non-public  
12 schools, such services may be made available by the Director of Education; and

13 (7) ~~the provision of programs for the deaf, blind, emotionally disturbed,~~  
14 ~~crippled and physically handicapped children attending non-public schools. Such~~  
15 ~~services shall be provided in the public school or in public centers, or in mobile~~  
16 ~~units located off of the non-public premises, as determined by the Superintendent~~  
17 ~~of Education. If such services are provided in the public school or in public~~  
18 ~~centers, transportation to and from such facilities shall be provided by the~~  
19 ~~government~~ the provision of programs for children with disabilities attending non-  
20 public schools, such services may be made available by the Director of Education.

21 (b) ~~'Non-public school' means a nonprofit school, other than a public school~~  
22 ~~within Guam, wherein a resident of Guam may legally fulfill the compulsory~~  
23 ~~school attendance requirements of this Title~~ other than a public school or  
24 Department of Defense ('DOD') school within Guam, wherein a resident of Guam  
25 may legally fulfill the compulsory school attendance requirements of this Title.

1 Auxiliary Services may be provided to DOD schools if Federal funds are received  
2 specifically for such services.

3 **Section 6302. Program of Auxiliary Services.** Students attending non-  
4 public schools shall be furnished a program of auxiliary services *if* such services  
5 are available to pupils attending the public schools. ~~Such service shall be of the~~  
6 ~~same quality as that provided public school pupils~~ Such service shall be of the  
7 same quality as that provided public school pupils. Auxiliary services related to  
8 Special Education shall be administered in a manner consistent with Guam and  
9 Federal laws, rules and regulations for Special Education Services.”

10

11 **Section 5:** Article 4 of Chapter 6 of Title 17, Guam Code Annotated is  
12 hereby *amended* to read as follows:

13

14 **“Article 4.**

15 **Pupil Truancy, Suspension and Expulsion.**

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

17 (a) ‘*Board*’ means the Guam Education Policy Board or the Board of  
18 Trustees of the Guam Community College.

19 (b) ‘*Parent*’ means the parent, guardian or other person who has the custody  
20 or responsibility for the care of the child.

21 (c) ‘*Truant*’ means ~~a pupil found to be absent from school without a~~  
22 ~~reasonable and *bona fide* excuse from a parent for more than three (3) days during~~  
23 any school year pupil found to be absent from school without a reasonable and  
24 bona fide excuse from a parent.

25 (d) ‘*Superintendent*’ or ‘*President*’ refers to the Superintendent of  
26 Education and the President of the Guam Community College, as appropriate.



1           **Section 6402. Habitual Truant.**     ~~A pupil is a habitual truant if the pupil~~  
2 ~~has been reported as a truant three (3) or more times. If any pupil is a habitual~~  
3 ~~truant, the principal or Dean of the pupil's school shall request the Superintendent~~  
4 ~~or the President to file a petition concerning such habitual truant in the Family~~  
5 ~~Court of the Superior Court of Guam~~ A pupil is a habitual truant if he has incurred  
6 twelve (12) or more unexcused absences in a school year, and is of compulsory  
7 attendance age. If any pupil is a habitual truant, the principal or Dean of his school  
8 shall request the Superintendent or the President to file a petition concerning such  
9 habitual truant in the Family Court or the Superior Court of Guam.

10           **Section 6403. Attendance Officer.** The Superintendent and the President  
11 shall appoint employees of the Department of Education and the Guam  
12 Community College ('College'), respectively, as attendance officers. The  
13 attendance officers, any peace officer, principal or Dean may take into custody  
14 during school hours, without warrant, any truant found away from the truant's  
15 home and who has been reported truant.

16           **Section 6404. Same: Delivery of Truant.** The attendance officer, upon  
17 taking a truant into custody, shall deliver the truant promptly either to the truant's  
18 parent or to the school which the pupil attends. *If* the child is a habitual truant, the  
19 attendance officer, with the concurrence of the principal or Dean of the pupil's  
20 school, shall bring the child before the Family Court.

21           **Section 6405. Same: Disposition.** The attendance officer shall promptly  
22 report to the Department or College and to the parent the disposition made by the  
23 attendance officer of the truant.

24           **Section 6406. Report to Court and Social Services.** ~~Any pupil who has~~  
25 ~~once been adjudged a habitual truant, or who is again reported as a truant one (1)~~  
26 ~~or more days, or is late to school for thirty (30) or more minutes on one (1) or~~

1 ~~more days without excuse, shall be reported by the Superintendent, the President~~  
2 ~~or the attendance officer to the Family Court and to the Division of Social~~  
3 ~~Services of the Department of Public Health and Social Services~~ Any pupil who  
4 has once been adjudged a habitual truant, or who is again reported as a truant one  
5 (1) or more days, or is late to school for thirty (30) or more minutes on one (1) or  
6 more days without excuse, shall be reported by the Superintendent, the President  
7 or the attendance officer to the Family Court.

8       **Section 6407. Court Hearing.** *If the Court, after hearing, finds that the*  
9 *allegations of habitual truancy are sustained by evidence, it may order that the*  
10 *child be detained and maintained in a school supervised by the Court for the*  
11 *remainder of the current school term, or it may order that the child be turned over*  
12 *to the custody of the Division of Social Services where the child shall be provided*  
13 *casework treatment and services.*

14       **Section 6408. Submission of Report.**       The attendance officer shall  
15 report monthly to the Superintendent the number and types of reports and requests  
16 made by each school on Guam pursuant to this Article, and whether each school  
17 within Guam has complied with the provisions of this Article.

18       **Section 6409. Authority for Suspension or Expulsion of Pupils.**       The  
19 ~~Board shall determine by regulation the grounds for suspension or expulsion of~~  
20 ~~pupils from school, and the procedure whereby such suspension or expulsion is~~  
21 ~~determined. Such regulation shall include grounds for suspensions or expulsions,~~  
22 ~~length of suspensions, and the procedures for review of suspension or expulsion~~  
23 ~~orders. In adopting the regulation establishing procedures for suspending or~~  
24 ~~expelling pupils, the Board shall follow the guidelines established therefore by the~~  
25 ~~Supreme Court of the United States. Such hearings and procedures as are~~  
26 ~~established by the Board pursuant to this Article shall provide any pupil against~~

1 ~~whom suspension or expulsion procedures are initiated with due process of law.~~  
2 ~~Such procedures are exempt from the provisions of 5 G.C.A. Chapter 9,~~  
3 ~~*Administrative Adjudication Law*~~ The Board shall determine by regulation the  
4 grounds for suspension or expulsion of pupils from school, and the procedure  
5 whereby such suspension or expulsion is determined. Such regulation shall  
6 include grounds for suspensions or expulsions, length of suspensions and the  
7 procedures for review of suspension or expulsion orders. In adopting the  
8 regulation establishing procedures for suspending or expelling pupils, the Board  
9 shall follow the guidelines established therefore by local and Federal laws and  
10 regulations. Such hearings and procedures as are established by the Board  
11 pursuant to this Article shall provide any pupil against whom suspension or  
12 expulsion procedures are initiated with due process of law. Such procedures are  
13 exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated,  
14 *Administrative Adjudication Law*.

15 **Section 6410. Student Discipline Advisory Councils.** In carrying out the  
16 provision of § 6409, the Board may authorize the creation of a Student Discipline  
17 Advisory Council for each elementary and secondary school and for the College,  
18 respectively. Such Councils shall be given the power to establish standards of  
19 student behavior, and shall have authority to hear charges of violations of such  
20 standards and to recommend appropriate disciplinary action to the principal. The  
21 procedure for expelling pupils shall require that before expulsion, the accused  
22 pupil be given a hearing before the Student Discipline Advisory Council of the  
23 student's school or the College, *if* such exists.”