

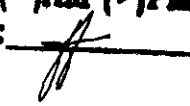


Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker
vicente (ben) c. pangelinan

FEB 09 2004

TIME: 4:12 () AM () PM
RECEIVED BY: 

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

09 FEB 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 169 (LS), "AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS TO BE KNOWN AS THE 'THE REGINA GUZMAN ANTI-BULLYING ACT OF 2003'," now designated as **Public Law 27-71**.

Sincerely yours,

FELIX P. CAMACHO
I Maga'lahaen Guåhan
Governor of Guam

Attachment: a copy of the overridden bill is attached


cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

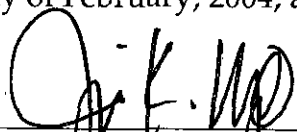
This is to certify that Substitute Bill No. 169 (LS), "AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS TO BE KNOWN AS 'THE REGINA GUZMAN ANTI-BULLYING ACT OF 2003,'" returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 4th day of February, 2004, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of Fourteen (14) Members.

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 6th day of February, 2004, at 12³⁰
o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

Public Law No. 27-71

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 169 (LS)

As substituted by the
Committee on Rules & Health,
and further substituted and amended on the Floor.

Introduced by:

C. Fernandez
J. A. Lujan
R. J. Respicio
F. B. Aguon, Jr.
T. R. Muña Barnes
J. M.S. Brown
F. R. Cunliffe
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
v. c. pangelinan
J. M. Quinata
Toni Sanford
Ray Tenorio

AN ACT TO MANDATE THE GUAM EDUCATION
POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY
PROHIBITING HARASSMENT, INTIMIDATION, OR
BULLYING AT PUBLIC SCHOOLS, TO BE KNOWN AS
"THE REGINA GUZMAN ANTI-BULLYING ACT OF 2003".

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 has found that bullying is a serious public health concern for the nation as
4 well as for our island's school-aged children. Recent research in the United
5 States and abroad has documented that bullying is a common and
6 potentially damaging form of violence among children. Not only does

1 bullying harm both its intended victims and the perpetrators, it also may
2 affect the climate of schools and, indirectly, the ability of all students to
3 learn to the best of their abilities. Moreover, the link between bullying and
4 later delinquent and criminal behavior cannot be ignored.

5 Most of the victims of bullying suffer in silence because many are
6 embarrassed or afraid to report that they are being harassed. This results
7 in serious repercussions on the child's ability to learn and may lead to
8 truancy, school violence, and other emotional, physical, and social
9 problems.

10 Although studies of comprehensive anti-bullying programs are
11 scarce in the United States, evaluation data from other countries suggest
12 that adopting a comprehensive approach to reduce bullying at school can
13 change students' behaviors and attitudes, reduce other antisocial
14 behaviors, and increase teachers' willingness to intervene.

15 Bullying is a red flag indicating risk and the need for prevention or
16 intervention. Schools should have policies in place to address these issues.
17 It is therefore the intent of *I Liheslaturan Guåhan* to mandate the Guam
18 Education Policy Board to adopt a policy prohibiting bullying,
19 intimidation, or harassment.

20 **Section 2.** A new §3112.1 is hereby *added* to Article 1 of Chapter 3
21 of Division 1 of Title 17, Guam Code Annotated, to read as follows:

22 **"§3112.1 (1)** As used in this Section:

23 (a) 'at school' means in a classroom, elsewhere on or
24 immediately adjacent to school premises, on a school bus or
25 other school-related vehicle, at an official school bus stop, or at

1 a school-sponsored activity or event whether or not it is held on
2 school premises.

3 (b) 'harassment, intimidation, or bullying' means any
4 gesture or written, verbal, or physical act that a reasonable
5 person under the circumstances should know will have the
6 effect of harming a pupil or damaging his or her property or
7 placing a pupil in reasonable fear of harm to his or her person
8 or damage to his or her property, or that has the effect of
9 insulting or demeaning any pupil or group of pupils in such a
10 way as to disrupt or interfere with the school's educational
11 mission or the education of any pupil. Harassment,
12 intimidation, or bullying includes, but is not limited to, such a
13 gesture or written, verbal, or physical act that is reasonably
14 perceived as being motivated by a pupil's religion, race, color,
15 national origin, age, sex, sexual orientation, disability, height,
16 weight, or socioeconomic status, or by any other distinguishing
17 characteristic.

18 (2) The Guam Education Policy Board (the 'Board') shall adopt
19 a policy prohibiting harassment, intimidation, or bullying at school.
20 The content of the policy shall be determined by the Board but shall
21 contain at least the components in Subsection (3). The policy shall be
22 adopted through a process that includes representation of parents or
23 guardians, pupils, teachers, staff, administrators, volunteers, and
24 community representatives.

1 (3) The policy shall include at least each of the following
2 components:

3 (a) A statement prohibiting harassment, intimidation,
4 or bullying of a pupil.

5 (b) A definition of harassment, intimidation, or bullying
6 that includes at least the acts described in the definition in this
7 Section.

8 (c) A description of the type of behavior expected from
9 each pupil.

10 (d) Consequences and appropriate remedial action for a
11 person who commits an act of harassment, intimidation, or
12 bullying.

13 (e) A procedure for reporting an act of harassment,
14 intimidation, or bullying, including a provision that permits a
15 person to report an act of harassment, intimidation, or bullying
16 anonymously. However, this Subsection shall *not* be construed
17 to permit formal disciplinary action solely on the basis of an
18 anonymous report.

19 (f) A procedure for prompt investigation of reports of
20 violations and complaints, identifying either the principal or
21 the principal's designee as the person responsible for the
22 investigation.

23 (g) The range of ways in which a school will respond
24 once an incident of harassment, intimidation, or bullying is
25 identified.

1 (h) A statement that prohibits reprisal or retaliation
2 against any person who reports an act of harassment,
3 intimidation, or bullying, and the consequences and
4 appropriate remedial action for a person who engages in that
5 type of reprisal or retaliation.

6 (i) Consequences and appropriate remedial action for a
7 person found to have falsely accused another as a means of
8 retaliation or as a means of harassment, intimidation, or
9 bullying.

10 (j) A statement of how the policy is to be publicized
11 including notice that the policy applies to participation in
12 school-sponsored activities.

13 (k) A school employee, pupil, or volunteer shall not
14 engage in reprisal, retaliation, or false accusation against a
15 victim, witness, or one with reliable information about an act of
16 harassment, intimidation, or bullying.

17 (l) A school employee or volunteer who has witnessed,
18 or has reliable information that a pupil has been subjected to
19 harassment, intimidation, or bullying, whether verbal or
20 physical, *shall* report the incident to the appropriate school
21 official designated by the Board policy.

22 (m) A school employee who promptly reports an
23 incident of harassment, intimidation, or bullying to the
24 appropriate school official designated by the Board policy, and
25 who makes this report in compliance with the procedures in

1 the policy prohibiting harassment, intimidation, or bullying is
2 not liable for damages arising from any failure to remedy the
3 reported incident.

4 (4) The Board shall adopt the policy under this Section and
5 transmit a copy of its policy to the Superintendent of Education by
6 February 28, 2004.

7 (5) The Board shall ensure that notice of the policy under this
8 Section is included in any publication that sets forth the
9 comprehensive rules, procedures, and standards of conduct for all
10 schools, and in its pupil handbooks.

11 (6) Public schools are required to form bullying prevention
12 task forces; implement prevention, intervention, and remediation
13 programs; and explore other initiatives that involve the school
14 community, law enforcement, assistance organizations, and
15 community members. School community is defined as parents or
16 guardians, pupils, teachers, staff, and administrators.

17 (7) Each school shall do all of the following:

18 (a) Provide training on the school's harassment,
19 intimidation, or bullying policies to the school community and
20 volunteers who have significant contact with pupils.

21 (b) Develop a process for discussing the harassment,
22 intimidation, or bullying policy with pupils as part of the
23 curriculum.

1 (8) A school shall incorporate information regarding its policy
2 against harassment, intimidation, or bullying into its employee
3 training program.

4 (9) This Section does not prevent a victim from seeking
5 redress under any other available law, either civil or criminal. This
6 Section does not create or alter any tort liability.

7 (10) The Board shall establish rules for appropriate
8 disciplinary action for the Department of Education personnel who
9 do not comply with the policy prohibiting harassment, intimidation,
10 or bullying.”

11 **Section 3.** This Act shall be known as “The *Regina Guzman Anti-*
12 *Bullying Act of 2003.*”

13 **Section 4. Severability.** *If* any provision of this Law or its
14 application to any person or circumstance is found to be invalid or
15 contrary to law, such invalidity shall *not* affect other provisions or
16 applications of this Law which can be given effect without the invalid
17 provisions or application, and to this end the provisions of this Law are
18 severable.



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the People's Council
Vicente (Sen) C. Pangelinan

DEC 22 2003

TIME: 3:41 () AM / PM
RECEIVED BY: [Signature]

DEC 22 2003

The Honorable Vicente C. Pangelinan
Speaker
I Mina' Bente Siete Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 169 (LS), "AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS TO BE KNOWN AS 'THE REGINA GUZMAN ANTI-BULLYING ACT OF 2003,'" which I have vetoed.

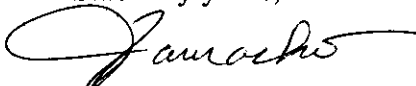
I commend the author of Bill No. 169, Senator Carmen Fernandez, and her colleagues for their sincerest attempt to curb violence in the schools. Bill No. 169 requires that the Guam Education Policy Board adopt policies to prohibit harassment, intimidation and bullying in schools. Currently, the Department of Education ("DOE") has policies and procedures in place that govern and address these acts. These policies already contain most of the points enumerated in the bill. The DOE has also established a working group comprised of education, law enforcement, and community representatives to deter violence in the schools. Since the DOE already has adopted policies prohibiting harassment, intimidation, and bullying at school, Bill No. 169 is redundant and unnecessary.

The tragic death of Miss Regina Guzman is a wake-up call, not just for our public schools, but for our entire community. As previously mentioned, the DOE has been addressing the issue and is currently revising their policies to ensure that this travesty does not occur again. But the unfortunate death of Regina goes beyond the school campus. Raising our children to be model citizens and to respect others is a focal point of the family and the community. We, as a community, need to impress upon our children that hurting others is inappropriate.

It is our duty as leaders of this community to address problems in society that cause our children to lack or have a total disregard for morality and such values that will make them law-abiding citizens when they come of age. Our main concern should be with the quality of life of the people. Improving the quality of life for families on Guam, for example, may allow parents to spend more time with their kids and for extra-curricular community activities to take the place of juvenile delinquency. Enacting laws that directly address consequences of violence among children to make parents culpable for their egregious actions sets an example that our community values responsibility and demands respect.

The bottom line is that values and morality can be helped by our legal mandates, but by no means can they simply be legislated into existence. Because I believe that the Legislature's intent was to prevent incidences such as that which caused the death of Miss Guzman from happening again, I call upon our senators to enact legislation that addresses the fundamental problems of violence in our community without micromanaging the administration of education and societal functions that government simply should not dictate.

Sincerely yours,



FELIX P. CAMACHO
I Maga'lahaen Guåhan
Governor of Guam

Attachment: original attached for vetoed bill

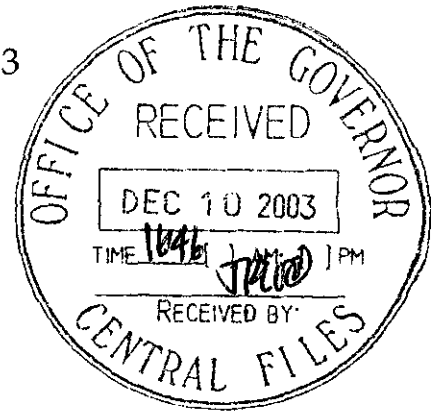
cc: The Honorable Tina Rose Muña-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

December 10, 2003

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 60(COR), 62(COR), 78(LS), 107(COR), 139(COR), 154(COR) and 182(LS), and Substitute Bill Nos. 11(COR), 23(COR), 32(COR), 66(LS), 156(COR), 169(LS) and 171(LS) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on December 6, 2003.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

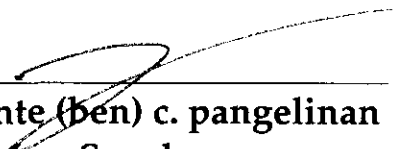
Enclosures (14)

CFI# 1203-4250

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 169 (LS), "AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS TO BE KNOWN AS 'THE REGINA GUZMAN ANTI-BULLYING ACT OF 2003'," was on the 6th day of December, 2003, duly and regularly passed.


vicente (ben) c. pangelinan
Speaker

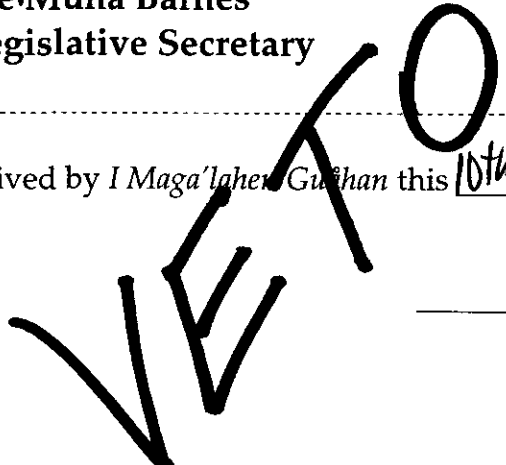
Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 10th day of December, 2003, at 4:50
o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 169 (LS)

As substituted by the
Committee on Rules & Health,
and further substituted and amended on the Floor.

Introduced by:

C. Fernandez
J. A. Lujan
R. J. Respicio
F. B. Aguon, Jr.
T. R. Muña Barnes
J. M.S. Brown
F. R. Cunliffe
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
v. c. pangelinan
J. M. Quinata
Toni Sanford
Ray Tenorio

**AN ACT TO MANDATE THE GUAM EDUCATION
POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY
PROHIBITING HARASSMENT, INTIMIDATION, OR
BULLYING AT PUBLIC SCHOOLS, TO BE KNOWN AS
"THE REGINA GUZMAN ANTI-BULLYING ACT OF 2003".**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 has found that bullying is a serious public health concern for the nation as
4 well as for our island's school-aged children. Recent research in the United
5 States and abroad has documented that bullying is a common and
6 potentially damaging form of violence among children. Not only does

1 bullying harm both its intended victims and the perpetrators, it also may
2 affect the climate of schools and, indirectly, the ability of all students to
3 learn to the best of their abilities. Moreover, the link between bullying and
4 later delinquent and criminal behavior cannot be ignored.

5 Most of the victims of bullying suffer in silence because many are
6 embarrassed or afraid to report that they are being harassed. This results
7 in serious repercussions on the child's ability to learn and may lead to
8 truancy, school violence, and other emotional, physical, and social
9 problems.

10 Although studies of comprehensive anti-bullying programs are
11 scarce in the United States, evaluation data from other countries suggest
12 that adopting a comprehensive approach to reduce bullying at school can
13 change students' behaviors and attitudes, reduce other antisocial
14 behaviors, and increase teachers' willingness to intervene.

15 Bullying is a red flag indicating risk and the need for prevention or
16 intervention. Schools should have policies in place to address these issues.
17 It is therefore the intent of *I Liheslaturan Guåhan* to mandate the Guam
18 Education Policy Board to adopt a policy prohibiting bullying,
19 intimidation, or harassment.

20 **Section 2.** A new §3112.1 is hereby *added* to Article 1 of Chapter 3
21 of Division 1 of Title 17, Guam Code Annotated, to read as follows:

22 "§3112.1 (1) As used in this Section:

23 (a) 'at school' means in a classroom, elsewhere on or
24 immediately adjacent to school premises, on a school bus or
25 other school-related vehicle, at an official school bus stop, or at

1 a school-sponsored activity or event whether or not it is held on
2 school premises.

3 (b) 'harassment, intimidation, or bullying' means any
4 gesture or written, verbal, or physical act that a reasonable
5 person under the circumstances should know will have the
6 effect of harming a pupil or damaging his or her property or
7 placing a pupil in reasonable fear of harm to his or her person
8 or damage to his or her property, or that has the effect of
9 insulting or demeaning any pupil or group of pupils in such a
10 way as to disrupt or interfere with the school's educational
11 mission or the education of any pupil. Harassment,
12 intimidation, or bullying includes, but is not limited to, such a
13 gesture or written, verbal, or physical act that is reasonably
14 perceived as being motivated by a pupil's religion, race, color,
15 national origin, age, sex, sexual orientation, disability, height,
16 weight, or socioeconomic status, or by any other distinguishing
17 characteristic.

18 (2) The Guam Education Policy Board (the 'Board') shall adopt
19 a policy prohibiting harassment, intimidation, or bullying at school.
20 The content of the policy shall be determined by the Board but shall
21 contain at least the components in Subsection (3). The policy shall be
22 adopted through a process that includes representation of parents or
23 guardians, pupils, teachers, staff, administrators, volunteers, and
24 community representatives.

1 (3) The policy shall include at least each of the following
2 components:

3 (a) A statement prohibiting harassment, intimidation,
4 or bullying of a pupil.

5 (b) A definition of harassment, intimidation, or bullying
6 that includes at least the acts described in the definition in this
7 Section.

8 (c) A description of the type of behavior expected from
9 each pupil.

10 (d) Consequences and appropriate remedial action for a
11 person who commits an act of harassment, intimidation, or
12 bullying.

13 (e) A procedure for reporting an act of harassment,
14 intimidation, or bullying, including a provision that permits a
15 person to report an act of harassment, intimidation, or bullying
16 anonymously. However, this Subsection shall *not* be construed
17 to permit formal disciplinary action solely on the basis of an
18 anonymous report.

19 (f) A procedure for prompt investigation of reports of
20 violations and complaints, identifying either the principal or
21 the principal's designee as the person responsible for the
22 investigation.

23 (g) The range of ways in which a school will respond
24 once an incident of harassment, intimidation, or bullying is
25 identified.

1 (h) A statement that prohibits reprisal or retaliation
2 against any person who reports an act of harassment,
3 intimidation, or bullying, and the consequences and
4 appropriate remedial action for a person who engages in that
5 type of reprisal or retaliation.

6 (i) Consequences and appropriate remedial action for a
7 person found to have falsely accused another as a means of
8 retaliation or as a means of harassment, intimidation, or
9 bullying.

10 (j) A statement of how the policy is to be publicized
11 including notice that the policy applies to participation in
12 school-sponsored activities.

13 (k) A school employee, pupil, or volunteer shall not
14 engage in reprisal, retaliation, or false accusation against a
15 victim, witness, or one with reliable information about an act of
16 harassment, intimidation, or bullying.

17 (l) A school employee or volunteer who has witnessed,
18 or has reliable information that a pupil has been subjected to
19 harassment, intimidation, or bullying, whether verbal or
20 physical, *shall* report the incident to the appropriate school
21 official designated by the Board policy.

22 (m) A school employee who promptly reports an
23 incident of harassment, intimidation, or bullying to the
24 appropriate school official designated by the Board policy, and
25 who makes this report in compliance with the procedures in

1 the policy prohibiting harassment, intimidation, or bullying is
2 not liable for damages arising from any failure to remedy the
3 reported incident.

4 (4) The Board shall adopt the policy under this Section and
5 transmit a copy of its policy to the Superintendent of Education by
6 February 28, 2004.

7 (5) The Board shall ensure that notice of the policy under this
8 Section is included in any publication that sets forth the
9 comprehensive rules, procedures, and standards of conduct for all
10 schools, and in its pupil handbooks.

11 (6) Public schools are required to form bullying prevention
12 task forces; implement prevention, intervention, and remediation
13 programs; and explore other initiatives that involve the school
14 community, law enforcement, assistance organizations, and
15 community members. School community is defined as parents or
16 guardians, pupils, teachers, staff, and administrators.

17 (7) Each school shall do all of the following:

18 (a) Provide training on the school's harassment,
19 intimidation, or bullying policies to the school community and
20 volunteers who have significant contact with pupils.

21 (b) Develop a process for discussing the harassment,
22 intimidation, or bullying policy with pupils as part of the
23 curriculum.

1 (8) A school shall incorporate information regarding its policy
2 against harassment, intimidation, or bullying into its employee
3 training program.

4 (9) This Section does not prevent a victim from seeking
5 redress under any other available law, either civil or criminal. This
6 Section does not create or alter any tort liability.

7 (10) The Board shall establish rules for appropriate
8 disciplinary action for the Department of Education personnel who
9 do not comply with the policy prohibiting harassment, intimidation,
10 or bullying.”

11 **Section 3.** This Act shall be known as “*The Regina Guzman Anti-*
12 *Bullying Act of 2003.*”

13 **Section 4. Severability.** *If* any provision of this Law or its
14 application to any person or circumstance is found to be invalid or
15 contrary to law, such invalidity shall *not* affect other provisions or
16 applications of this Law which can be given effect without the invalid
17 provisions or application, and to this end the provisions of this Law are
18 severable.



FILE COPY

MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

October 23, 2003

(Date)

Memorandum

To: Senator Fernandez

From: Clerk of the Legislature

Subject: Committee Report on Bill No. 169(LS)

Pursuant to Section 7.04 of Rule VII of the 27th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 169(LS), for which you are the prime sponsor.

Should you have any questions or need further information, please contact the undersigned at 472-3464/5.


PATRICIA C. SANTOS

Attachment





I M...na' Bente Siete Na Liheslaturan Guåhan
27th Guam Legislature

155 Hessler Street, Hagatña, Guam 96910 • Office (671) 472-GUAM (4826) • Fax (671) 472-4827

SENATOR CARMEN FERNANDEZ

MEMORANDUM

TO: Speaker vicente "ben" c. pangelinan

VIA: Senator Lou Leon Guerrero, Chair
Committee on Rules and Health

FROM: Sinadot Carmen Fernandez 

DATE: October 22, 2003

COMMITTEE CHAIR
• Education & Housing

COMMITTEE VICE-CHAIR
• Utilities & Land

COMMITTEE MEMBER
• Appropriation
& Budgeting, General
Government Operations,
Reorganization & Reform

• Youth & Senior Citizens,
Federal & Foreign
Affairs, Military & Veteran
Affairs, Human Resources
& Natural Resources

MAJORITY WHIP

The Committee on Education & Housing, to which was referred *Bill 169(LS): An act to mandate the Guam Education Policy Board to adopt a comprehensive policy prohibiting harassment, intimidation, or bullying at public schools*, has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

The Committee votes are as follows:

<u>4</u>	TO DO PASS
<u> </u>	NOT TO PASS
<u> </u>	ABSTAIN
<u> </u>	INACTIVE FILE
<u>1</u>	REPORT OUT

A copy of the committee report and other pertinent documents are attached for your immediate reference information.

Should you have any questions on the narrative report and the accompanying documents, please do not hesitate to call my office at 472-GUAM(4826).

Si Yu'os ma'ase.'

Attachments

RECEIVED
10/23/03



I MINA'BENTE SIETE NA LIHESLATURAN GUAHAN

**COMMITTEE ON EDUCATION & HOUSING
SENATOR CARMEN FERNANDEZ, CHAIR**

BILL 169 (LS): AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE	REPORT OUT
Carmen Fernandez, Chair		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
vicente 'ben" c. pangelinan, Vice Chair		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank B. Aguon, Jr., Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lou Leon Guerrero, Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rory J. Respicio, Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry F. Kasperbauer, Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jesse A. Lujan, Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>




I Muna' Bente Siete Na Liheslaturan Guåhan
27th Guam Legislature

155 Hessler Street, Hagåtña, Guam 96910 • Office (671) 472-GUAM (4826) • Fax (671) 472-4827

SENATOR CARMEN FERNANDEZ

MEMORANDUM

TO: Committee Members

FROM: Sinadot Carmen Fernandez, Chair 

DATE: October 22, 2003

RE: BILL 169 (LS): AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Copy of Bill 169
4. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your kind attention and cooperation in this matter is greatly appreciated.

Should you have any questions on the narrative report and the accompanying documents, please do not hesitate to call my office at 472-GUAM(4826).

Si Yu'os ma'ase.'

Attachments

COMMITTEE CHAIR

- Education & Housing

COMMITTEE VICE-CHAIR

- Utilities & Land

COMMITTEE MEMBER

- Appropriation & Budgeting, General Government Operations, Reorganization & Reform
- Youth & Senior Citizens, Federal & Foreign Affairs, Military & Veteran Affairs, Human Resources & Natural Resources

MAJORITY WHIP



I MINA'BENTE SIETE NA LIHESLATURAN GUAHAN

COMMITTEE ON EDUCATION & HOUSING

SENATOR CARMEN FERNANDEZ, CHAIR

COMMITTEE REPORT

BILL 169 (LS)

**AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD
TO ADOPT A COMPREHENSIVE POLICY PROHIBITING
HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC
SCHOOLS**

I. OVERVIEW

The Committee on Education and Housing held a public hearing on Tuesday, October 21, 2003 at 4:00 pm at the Guam Legislature Public Hearing Room in Hagatna, Guam. Notice of public hearing was printed in the Pacific Daily News (see attached) and disseminated throughout all local media.

Senators present were:

Senator Carmen Fernandez, Chair
Vice Speaker Frank B. Aguon, Committee Member
Senator Larry F. Kasperbauer, Committee Member
Senator Jesse A. Lujan, Committee Member
Senator Joann Brown
Senator Robert Klitzkie
Senator John Quinata
Senator Tina Muna-Barnes
Senator Toni Sanford
Senator Ray Tenorio

II. SUMMARY OF TESTIMONY

The following bill was heard at the public hearing in which the following individual(s) presented oral as well as written testimony:

BILL 169 (LS): AN ACT TO MANDATE THE GUAM EDUCATION POLICY BOARD TO ADOPT A COMPREHENSIVE POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING AT PUBLIC SCHOOLS

1. Mr. Juan Flores, Superintendent, Department of Education

Mr. Flores presented oral testimony regarding bill 169. Although he understands the thrust of the proposed legislation, he stated that the current Student Procedural Assistance Manual, or SPAM, already addresses most of the points that is enumerated in the bill. He also reported that the Department of Education has been working with GPD and other organizations to ensure that violence in schools are addressed properly.

2. Dr. Jose T. Nededog, Member, Guam Education Policy Board

Dr. Nededog submitted written testimony in opposition to bill 169. He states that the proposed legislation is redundant and unnecessary since the issues contained in the bill are already addressed by current rules and regulations. He cites PEMRA, the CSC Rules and Regulations, and student handbooks as being sufficient to deal with issues regarding harassment in schools.

III. FINDINGS AND RECOMMENDATION

The Committee on Education and Housing finds that the issue of bullying and harassment in public schools is a major problem both locally and nationally. While it may be evident that there are sets of rules and policies that exist within the Department of Education that addresses issues of harassment, bullying, and violence in schools, there have never been a comprehensive set of policies that take into account the entire dynamic of bullying.

The Committee further finds that there are gaps in current policy that do not address prevention and treatment. Additionally, there are no provisions in place that require comprehensive training at all levels at the Department of Education.

Policies regarding bullying and harassment cannot be reactionary and only address the issue after its occurrence, they have to seek out the problem, and should be sufficient in scope and reach so that they act as a deterrence to violent crime and bullying. They also should address the issue head on and provide for counseling for both the victim and the perpetrator. Only when a policy of that nature is implemented can we be confident that issues of bullying and harassment will be truly addressed at our public schools.

The following are descriptions of bullies and their victims. It is clear that studies undertaken by education professionals validate the complexity of the issue and that merely relegating the issue of harassment and bullying to set of rules created over a period of time may not be sufficient to address them.

Students who engage in bullying behaviors seem to have a need to feel powerful and in control. They appear to derive satisfaction from inflicting injury and suffering on others, seem to have little empathy for their victims, and often defend their actions by saying that their victims provoked them in some way. Studies indicate that bullies often come from homes where physical punishment is used, where the children are taught to strike back physically as a way to handle problems, and where parental involvement and warmth are frequently lacking. Students who regularly display bullying behaviors are generally defiant or oppositional toward adults, antisocial, and apt to break school rules. In contrast to prevailing myths, bullies appear to have little anxiety and to possess strong self-esteem. There is little evidence to support the contention that they victimize others because they feel bad about themselves. (Batsche, G. M., & Knoff, H. M. (1994). Bullies and their victims: Understanding a pervasive problem in the schools. School Psychology Review, 23(2), 165-174. EJ 490 574. / Olweus, D. (1993). Bullying at school: What we know and what we can do. Cambridge, MA: Blackwell. ED 384 437.)

Students who are victims of bullying are typically anxious, insecure, cautious, and suffer from low self-esteem, rarely defending themselves or retaliating when confronted by students who bully them. They may lack social skills and friends, and they are often socially isolated. Victims tend to be close to their parents and may have parents who can be described as overprotective. The major defining physical characteristic of victims is that they tend to be physically weaker than their peers - other physical characteristics such as weight, dress, or wearing eyeglasses do not appear to be significant factors that can be correlated with victimization. (Batsche, G. M., &

Knoff, H. M. (1994). Bullies and their victims: Understanding a pervasive problem in the schools. *School Psychology Review*, 23(2), 165-174. EJ 490 574. / Olweus, D. (1993). *Bullying at school: What we know and what we can do*. Cambridge, MA: Blackwell. ED 384 437.)

The Committee's position, as discussed above, wishes to place strong emphasis on this issue and believes that it is important enough for the Guam Legislature to address. Accordingly, the Committee on Education and Housing does hereby submit its findings and recommendation to I Mina'Bente Siete Na Liheslaturan Guahan **TO DO PASS bill 169 (LS): *An act to mandate the Guam education policy board to adopt a comprehensive policy prohibiting harassment, intimidation, or bullying at public schools.***