






I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
117-37 (COR)	Joe S. San Agustin Roy A. B. Quinata Dwayne T. D. San Nicolas William A. Parkinson Tina Rose Muña Barnes	AN ACT TO AMEND §3102.1 OF CHAPTER 3, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE DUTIES OF THE GUAM EDUCATION BOARD.	5/12/23 3:47 p.m.						

IMINA 'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 117-37 (COR)

Introduced by:

Joe S. San Agustin 
Roy A.B. Quinata 
Dwayne T.D. San Nicolas 
William A. Parkinson 
Tina Rose Muña Barnes 

**AN ACT TO AMEND §3102.1 OF CHAPTER 3, TITLE 7,
GUAM CODE ANNOTATED RELATIVE TO THE DUTIES OF
THE GUAM EDUCATION BOARD.**

BE IT ENACTED BY THE PEOPLE OF GUAM.

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that with the reorganization of the Guam Education Board in 2011 as a Policy driven Board caused many issues to surface in the Guam Department of Education. In the last years, Guam Department of Education has faced multiple issues with Operations, Federal Grants, and Capital Improvement Projects to include repair and maintenance of Guam Public Schools.

I Liheslaturan Guåhan finds the role of the Guam Education Board in Guam statute is, “to be responsible for all policies that govern the Department of Education (hereinafter “Department”),” which means the board approves policies and Budget/Appropriation of the Department but does not have the power to interfere with the affairs of the Department. The policy-driven duties of the Board prevent Board members from properly addressing issues of Operations, Federal Grants, and Capital Improvement Projects, which reflects mismanagement of the Department.

1 Furthermore, *I Liheslaturan Guåhan* finds that if such Guam Education Board is
2 reorganized to allow them to have general supervision of the Department, the Board will
3 be a governing board to ensure that the Department meets its goals to provide adequate
4 public education to every child in Guam.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to reorganize the Guam
6 Education Board from being responsible for all policies that govern the Department to
7 having general supervision over the Guam Department of Education.

8 **Section 2.** §3102.1 of Chapter 3, Title 17 Guam Code Annotated is hereby *amended*
9 to read:

10 “**§ 3102.1. Duties of the Guam Education Board.**

11 The Guam Education Board *shall* have general supervision over the Department of
12 Education (hereinafter “Department”) and the control and directions of all funds of, and
13 appropriated to, the Department subject to such restrictions as may be prescribed by law.
14 The Board shall submit an annual budget to *I Liheslatura* in the manner prescribed by
15 law. The Board shall have the authority to delegate such of its powers as it may deem
16 appropriate, but shall retain the ultimate responsibility for the exercise of powers. ~~be~~
17 ~~responsible for all policies that govern the Department of Education (hereinafter~~
18 ~~“Department”). The Board shall have the authority to delegate such of its powers as it~~
19 ~~may deem appropriate, but shall retain the ultimate responsibility for the exercise of its~~
20 ~~powers.~~

21 The Board, among other duties, shall perform the following in accordance with
22 applicable law:

- 23 (a) select and appoint a Superintendent and support him/her in the discharge of
24 his/her duties;
- 25 (b) receive, evaluate and act upon the recommendations and reports of the
26 Superintendent;

- 1 (c) adopt an annual budget and control expenditures accordingly; review periodic
2 financial reports and modify the budget if and when necessary;
- 3 (d) adopt student performance standards and assessment models;
- 4 (e) ensure that the Superintendent addresses the proper administration of all
5 mandated responsibilities;
- 6 (f) adopt attendance areas and school boundaries;
- 7 (g) sue and/or defend itself in suits at law;
- 8 (h) report routine complaints and concerns related to the Department's operations
9 directly to the Superintendent for appropriate investigation and response;
- 10 (i) have no business or pecuniary interest which will conflict with the activities of
11 the Board;
- 12 (j) establish student discipline policy;
- 13 (k) establish a school calendar;
- 14 (l) establish graduation standards;
- 15 (m) periodically review established policies for refinement and improvement; (n)
16 serve as Guam's State Education Policy/Governing Board for Federal programs
17 where such a board is required by Federal law, to include, but not be limited to, the
18 Head Start Program;
- 19 (o) act as the approving authority on behalf of the Department for collective
20 bargaining agreements;
- 21 (p) make recommendations to *I Maga'hagan Guåhan* or *I Liheslaturan Guåhan*
22 for changes, additions or deletions to Guam Education Laws;
- 23 (q) each newly elected or appointed Board member shall complete, during the first
24 year of that member's first term, a training program to be prepared and offered by
25 the University of Guam and the Department, regarding the skills and knowledge
26 necessary to serve as a local school board member. The training program shall
27 include:

1 (1) review of the Guam Code Annotated and other laws pertaining to DOE;
2 (2) Roberts Rules of Order;
3 (3) the budgeting procedures and guidelines of the government of Guam
4 and the Department; and

5 (4) difference(s) between policy making and micromanagement of the
6 affairs of the Department; and

7 (r) the role of the Board, as with any legislative body, is to act collectively, not
8 individually. Any Board member shall report to *I Liheslaturan Guåhan* any
9 potential or alleged violation of this Subsection. The Board shall not:

10 ~~(1) interfere in or micro-manage the affairs of the Department, or schools~~
11 ~~within the Department; or~~

12 ~~(12)~~ involve itself with student discipline cases, unless expressly authorized
13 by public law, and only to the extent authorized by public law.

14 (s) adopt a policy concerning the use of electronic security systems on school
15 campuses, to include, but not limited to, emergency contact protocols.

16 **Section 2. Effective Date.** This Act shall be effective immediately upon enactment.