




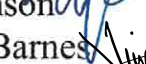



*I Mina'trentai Siette Na Lihelaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
48-37 (COR)	Jesse A. Lujan Joanne Brown Sabina Flores Perez William A. Parkinson Tina Rose Muña Barnes Dwayne T. D. San Nicolas Frank Blas Jr.	AN ACT TO ADD A NEW §21106 TO CHAPTER 21, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE CONSISTENT ONLINE POSTING OF REPORTS FOR EVERY SCHOOL INSPECTION CONDUCTED, ON A DEDICATED GOVERNMENT WEBSITE.	2/16/23 11:55 a.m.						

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 48-37 (COR)**

Introduced by:

Jesse A. Lujan   
 Joanne Brown   
 Sabina Flores Perez   
 William A. Parkinson   
 Tina Rose Muña Barnes   
 Dwayne T. D. San Nicolas   
 Frank F. Blas Jr. 

**AN ACT TO ADD A NEW §21106 TO CHAPTER 21, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE CONSISTENT ONLINE POSTING OF REPORTS FOR EVERY SCHOOL INSPECTION CONDUCTED, ON A DEDICATED GOVERNMENT WEBSITE.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that there isn't one central location for school inspection reports to be viewed and accessed by the public. Due to the lack of timeliness and inconsistency, the Guam Department of Education School inspections are disconcerting. Creating accessibility to school inspection reports via a dedicated website will improve accountability and reinforce compliance. Pursuant to Title 10 Guam Code Annotated, Division 2, Chapter 21, §21102 the Department of Public Health and Social Services (DPHSS) was granted the authority to establish rules and regulations governing all schools concerning health and safety standards and in doing so carry

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1 out the provisions of Chapter 25, Title 10 Guam Code Annotated. In July of 2019,  
2 DPHSS passed “The Rules and Regulations for School Building Sanitation.”

3 *I Liheslaturan Guåhan* further finds that with the poor past grades of school  
4 inspections conducted between 2019 and 2023, it is clear that more must be done to  
5 aid in the enforcement of the “Rules and Regulations for School Building  
6 Sanitation.” The families of Guam deserve better. The education of our children in  
7 Guam are vital to the success and sustainability of our island. As the social and  
8 economic welfare of our island depend on the training and instruction of Guam  
9 children, it should be in the Government’s best interest to ensure that the conditions  
10 of such training and instruction are acceptable and adequate to foster the right  
11 learning environment for each and every child. The Organic Act demands such an  
12 educational environment of the Guam Public School Educational System.

13 *I Liheslaturan Guåhan* further finds that schools in the Guam Public School  
14 system have not met the standard that is set in the Organic Act and in the Adequate  
15 Education Act. With the state of the public schools being deemed inadequate relating  
16 to the safety of our institutional facilities, sanitation and maintenance, and certified  
17 instructors in each classroom, the need for accountability and transparency within  
18 the DPHSS and GDOE administrative rules and regulations has never been greater.  
19 Therefore, it is the intent of this legislation to address these issues by mandating all  
20 and every school inspection conducted to be reported and posted on a central  
21 Government website to be created and established for public viewing and tracking  
22 of all inspections, with reports, and the progress on each issue to be audited by the  
23 general public. The provision within this legislation defines categories of online  
24 reporting to include the categories of “permitting documents, grounds, building,  
25 ventilation, lighting, plumbing, water supply, handwashing facilities, showers, toilet  
26 facilities, garbage and refuse disposal, food protection, safety, and existing  
27 facilities,” as designated in the “Rules and Regulations for School Building

1 Sanitation.” In addition to the previously stated categories, this legislation requires  
2 inclusion of the categories: “Accessibility and Accommodations,” and “Certified  
3 Instructors” to the online reporting of school inspections. The speed and manner of  
4 said reports shall be timely and forthcoming in the nature of updates, progress, and  
5 announcements.

6 **Section 2.** The existing §21106, §21107, §21108, §21109, §21110, §21111,  
7 §21112, §21113, §21114, §21115, §21116, and §21117 of Chapter 21, Division 2  
8 Title 10, Guam Code Annotated are hereby renumbered as §21107, §21108, §21109,  
9 §21110, §21111, §21112, §21113, §21114, §21115, §21116, §21117, §21118,  
10 respectively.

11 **Section 3.** A new §21106 to Chapter 21, Division 2 Title 10, Guam Code  
12 Annotated is hereby added to read:

13 **“§21106. School inspection reports and assessments shall be posted on**  
14 **GDOE’s main website or a dedicated government website, as well as the**  
15 **inspected school’s website.**

16 **(a) Online Posting.** With the guidance of the Office of Technology, the Guam  
17 Department of Education shall create and establish specific webpages on the official  
18 website <https://gdoe.net> or create a separate website dedicated solely to posting and  
19 announcing all school inspection reports and related updates pertaining to the  
20 assessment, recommendations, progress, and various other details indicated in each  
21 report. Within the central website, viewers shall have the ability to view inspection  
22 by village, by district, by school, and by the following categories identified in  
23 subpart (d). All inspection reports must be submitted to the Guam Department of  
24 Education Deputy Superintendent for Assessment and Accountability, or the  
25 equivalent position should this job title change, who shall post all inspection reports  
26 on the website, as well as ensure that the inspection reports are posted on the

1 inspected school's website, within thirty (30) days of the inspection for public  
2 viewing and information gathering.

3 **(b) Information Accessibility and Transparency.** Inspection reports  
4 provide insight on the condition of the inspected property, based on a standardized  
5 observation checklist. These reports are imperative to assessing risk factors and  
6 identifying issues and areas of concern that warrant an immediate or specific course  
7 of action. The people of Guam deserve to know if the Government of Guam and the  
8 Guam Department of Education are taking the appropriate steps to safeguard the  
9 public, especially when it pertains to the health, and safety of our children.  
10 Therefore, it is the purpose this legislation to comply with open government and  
11 facilitate a more transparent relationship with the families in the Guam Public School  
12 System by establishing a direct portal to the progress and process of maintaining  
13 Guam schools. This act mandates all inspection reports performed by the  
14 Department of Public health and Social Services (DPHSS) inspectors to submit their  
15 inspection report to the Guam Department of Education Deputy Superintendent  
16 for Assessment and Accountability, or the equivalent position should this job title  
17 change, for posting on the official GDOE website or another website established  
18 exclusively for the purpose of posting all school inspection reports.

19 **(c) Definitions.** For purposes of this section, the following, terms shall mean:

- 20 1. School means an institution established for the care  
21 and education of students.
- 22 2. Inspection Report means a standardized observation  
23 checklist that is used when assessing the state of the inspected  
24 school to evaluate risk factors and learning conditions.
- 25 3. Permitting Documents mean the construction permit  
26 and the sanitary permit for the inspected school.
- 27 4. Grounds mean the location of the inspected school and

1 the state of the inspected school premises.

2 5. Building means the rooms, floors, walls and ceilings,  
3 doors and windows, classroom equipment, seating, maintenance  
4 and housekeeping, as well as the design and construction of the  
5 inspected school.

6 6. Ventilation means the natural or mechanical  
7 circulation of air available in a room or facility in the inspected  
8 school.

9 7. Lighting means the natural or artificial light available  
10 in a room or facility in the inspected school.

11 8. Plumbing means the structural systems that convey  
12 sewage and liquid waste from the inspected school to a public  
13 sewage system or an approved individual sewage system.

14 9. Water Supply means the water to be dispensed through  
15 drinking fountains, coolers, and cups in the inspected school.

16 10. Handwashing Units mean the stations that enable  
17 handwashing in the inspected school.

18 11. Showers and Locker Rooms mean the rooms or  
19 facilities that enable showering and changing prior to or  
20 following athletic activities in the inspected school.

21 12. Toilet Facilities mean toilet fixtures and facilities in  
22 the inspected school.

23 13. Garbage and Refuse Disposal mean the garbage and  
24 trash containers in the inspected school.

25 14. Food Protection means the storage, preparation, and  
26 serving facilities in the inspected school.

27 15. Safety means first aid materials, first aid manuals, fire

1 extinguishers, and the risk factors present, if any, pertaining to  
2 school premise structures, such as playground equipment,  
3 athletic equipment, and the like,

4 16. Existing Facilities means the facilities in existence at  
5 the time the “Rules and Regulations for School Building  
6 Sanitation” took effect.

7 17. Accessibility and Accommodations means  
8 modifications or adjustments in the inspected school that are  
9 made for students and individuals with disabilities, such as  
10 braille systems, wheel chair-accessible facilities, ramps, and  
11 programs to assist these students and individuals.

12 18. Certified Instructors mean instructors who hold a valid  
13 educator’s certification at the time of the inspection.

14 **(d) Online Posting Categories.** This act mandates all inspection reports  
15 written by the Department of Public Health and Social Service (DPHSS) inspectors  
16 to be submitted to the Guam Department of Education Deputy Superintendent for  
17 Assessment and Accountability, or the equivalent position should this job title  
18 change, for posting on the official GDOE website or another website established  
19 exclusively for the purpose of posting all school inspection reports.

20 1. **Standard Categories.** The categories to be reported online  
21 include the assessment and grade given to the inspected school including but  
22 not limited to:

- 23 a. Permitting Documents; and
- 24 b. Grounds; and
- 25 c. Building; and
- 26 d. Ventilation; and
- 27 e. Lighting; and

- f. Plumbing; and
- g. Water Supply; and
- h. Handwashing Units; and
- i. Showers and Locker Rooms; and
- j. Toilet Facilities; and
- k. Garbage and Refuse Disposal; and
- l. Food Protection; and
- m. Safety; and
- n. Existing Facilities; and
- o. Accessibility and Accommodations; and

under this category the following must be posted to identify:

1. the modifications and adjustments made by the inspected school that comply with the Americans with Disabilities Act (ADA), to ensure that students and individuals with disabilities are not hindered by barriers in environmental, academic, extracurricular, or athletic activities; and

2. the programs facilitated by the inspected school to Ensure that students and individuals with disabilities in the inspected school are provided with direct assistance in the event that the necessary modifications and adjustments are not available

p. Certified Instructors

a. under this category the following must be posted to identify:

1. the number of certified instructors necessary so



1 that each classroom has a certified instructor  
2 in the inspected school; and

3 2. The number of classrooms without a certified  
4 teacher in the inspected school; and

5 3. The estimated time a certified teacher shall be  
6 hired and installed in the classroom lacking a  
7 certified teacher in the inspected school.

8 b. GDOE Certified Instructor Reporting. In addition  
9 to posting school inspection reports conducted on a  
10 single school, the Guam Department of Education  
11 must also create a section on the central website to  
12 include the following information regarding all  
13 schools in the Guam Public School System on a  
14 quarterly basis:

15 1. the total number of certified instructors needed  
16 in each school so each classroom has a certified  
17 instructor teaching; and

18 2. the total number of certified instructors lacking  
19 in the Guam Public School System.

20 **(e) Execution.** The development, and creation of the web pages referenced in  
21 this legislation shall be under the authority and guidance of the Government of Guam  
22 Office of Technology. Furthermore, this legislation is in addition to the current  
23 procedure of providing a copy of the inspection report to the operator of the  
24 institutional facility, in which the DPHSS inspectors shall also provide a copy of the  
25 inspection report to the GDOE Deputy Superintendent for Assessment and  
26 Accountability, or the equivalent position should this job title change, who will then

1 carry out posting all and every school inspection report on the designated website  
2 and the inspected school's website within thirty (30) days of the inspection."

3 **Section 5. Severability.** If any provision of this Act or its application to any  
4 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
5 affect other provisions or applications of this Act that can be given effect without  
6 the invalid provision or application, and to this end the provisions of this Act are  
7 severable.

8 **Section 6. Effective Date.** This Act shall be effective six months from the  
9 date of enactment.