



I MINA' TRENTI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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Bill No 229-31 (cor)

Introduced by:

J. T. Won Pat, Ed.D. 
V. A. Ada 

**AN ACT TO ADD SECTION 6101.1 OF TITLE 17 GUAM
CODE ANNOTATED RELATIVE TO STUDENTS' BILL
OF RIGHTS AND RESPONSIBILITIES.**

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

2 **Section 1.** A new Section 6101.1 is added to Title 17 Guam Code Annotated to
3 read as follows:

4 **“§6101.1. Students' Bill of Rights and Responsibilities.** The primary
5 function of schools is to nurture the educative process of students and to equip them
6 constructively to meet the challenges of the future. If we, the students of Guam
7 Department of Education system, are to become citizens trained in the democratic
8 process, we should be provided full opportunity to inquire, to question, and to
9 exchange ideas. Our rights and responsibilities, then, are analogous to those of an
10 adult citizen.

11 **(a) Constitutional Rights.** All students shall enjoy rights guaranteed by the
12 Constitution of the United States. Students shall be governed by all laws of Guam.
13 Moreover, students shall respect all rules, policies, and regulations of the Department
14 of Education (DOE) and of respective schools.

1 **(b) Academic Responsibilities.** Students shall have the responsibility to learn,
2 and to respect the rights of others to learn. Students shall also respect the rights of
3 others to teach.

4 **(c) Freedom of Expression and Communication.** Students shall have the right
5 to hear and express publicly, various points of view on subjects without fear of
6 reprisal or penalty. However, students recognize the rights of others and the
7 limitations imposed by the laws of libel, slander, obscenity and incitement to riot.

8 **(d) Involvement of Student in the Decision-Making Process.** Students shall
9 have the right to be involved in the decision-making process that affects the
10 educational system.

11 **(e) Freedom of Assembly and Right to Petition.** Students shall have the right
12 to assemble peaceably. Students shall have the right to “petition” the government for
13 redress of grievance.

14 **(f) Freedom of Association.** Students shall have the right to organize clubs or
15 associations within the school as provided in the policies of DOE.

16 **(g) Student Discipline.** Students have the right to due process.

17 **(h) Right to Privacy.** Students have the right to privacy as provided in,
18 Subsection (e) and Subsection (n) of Section 4121b of the Organic Act of Guam.

19 **(i) Instruction and Administration.** Students have the right to be concerned
20 about teachers selected to instruct them and administrators who supervise the schools
21 and educational system they attend. To this end, they should be given an opportunity
22 to express their opinions concerning the instruction they receive from teachers and the
23 administration of Guam’s Public Schools, recognizing that the evaluation of teachers
24 and administrators rests with the appropriate supervisor established by collective
25 bargaining contracts, the policies and regulations of DOE, and the laws of Guam.

26 **(j) Miscellaneous.** Students shall have access to all statutes, rules, policies and
27 regulations to which they are subjected. Copies of these and the Student Bill of Rights

1 and Responsibilities shall be available for inspection either in the principal's office or
2 in some designated location convenient to all and the DOE's website.

3 **(k) Student Protection.** Students and their parents or guardians (hereinafter
4 referred to as "Student Victims") shall be free to file complaints with DOE regarding
5 the action's or conduct of any employee, Contractor, or other individual or individuals
6 assorted with DOE without the fear of intimidation, reprisals, or harassment. In
7 furtherance of this objective the Superintendent shall promulgate Student Victim
8 Protection Program Rules within ninety (90) days of the passage of this Act into law.
9 The Student Victim Protection Program Rules shall be consistent with the following
10 ideals:

11 **(1.) Victim's Right to Receive Notices.** Student Victims shall be
12 informed of their right to receive notices and the procedure to receive notices. Student
13 Victims shall have the right to request to receive notices.

14 **(2.) Basic Bill of Rights for Student Victims.** Student Victims shall have
15 the following rights:

16 **(a)** To be immediately informed on the final disposition or of major
17 developments in their complaint, unless it would jeopardize an investigation. The
18 Student Victim shall be notified before the individual or individuals complained about
19 is allowed back to the school where the student is located.

20 **(b)** To receive protection from intimidation, threats or harm from the
21 individual or individuals complained about.

22 **(c)** To be informed if the individual or individuals complained about
23 violates any additional law rules or regulations of Guam or DOE before there is a final
24 disposition on the complaint.

25 **(d)** To be immediately enrolled counseling service to assisting the
26 student in dealing with the individual or individuals complained about.

1 (e) To be free from intimidation threats, or harm during from
2 individual or individuals complained about during any investigations or hearings on
3 the complaint. To be informed of major developments in the complaint.

4 (f) To testify as to the actions of the individual or individuals
5 complained about and to be accompanied by a parent or guardian during any time
6 testimony is given.

7 (g) Upon written request, witnesses of a complaint shall be provided
8 the same protections afforded.

9 (h) The right to be treated with fairness and respect for their
10 dignity and privacy throughout the complaint process.

11 **(3.) Responsibility for Rights and Services.** Failure of employees of
12 DOE to comply with this section or the rules promulgated by this section shall be a
13 basis for disciplinary action including termination if the individual's disregard of this
14 sections or the rules promulgated by this section is deemed willful.

15 **(4.) Chapter to Benefit Victim not Offenders.** The rights set out in this
16 Section are strictly for the benefit of student victims and witnesses and not to benefit
17 individual or individuals complained about.

18 **(5.) Privacy of Student Victim.** The privacy of the student should be
19 preserved to the greatest extent of the law.

20 **(6.) Appeal.** Upon the request of a Student Victim, the school shall
21 notify the student victim of the following:

22 (a) That the individual or individuals complained about filed an
23 appeal of the final decision.

24 (b) Whether the individual or individuals complained will return to
25 the school where the student is located during the appeal.

26 (c) The time and place of any appeal proceedings and any changes
27 in the time or place of those proceedings.

1 (d) The result of the appeal.

2 (7.) **Notice of Final Disposition of Complaint.**

3 The Student Victim shall immediately be notified of the final disposition of the case
4 and notify the victim, in writing, of the final disposition of the case.

5 (8.) **Severability.** *If any of the provisions of this law, or the application*
6 *thereof to any person or circumstance, are held invalid, such invalidity shall not affect*
7 *any other provision or application of this law which can be given effect.”*