



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 24 1997

Refer to
Legislative Secretary

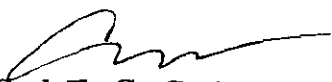
The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

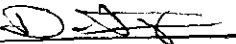
Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 388 (COR), "AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, AND ADD A NEW ITEM (8) TO §18203 OF ARTICLE 2, CHAPTER 18, BOTH OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIREMENTS FOR THE GUAM TEACHER CORPS.", which I have signed into law today as Public Law No. 24-108.

This legislation applies prospectively, and does not affect those Teacher Corps students who have already graduated, however, new graduates will have to apply their teaching skills to the public education system first, as long as vacancies exist in their teaching specialties.

Very truly yours,

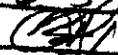

Carl T. C. Gutierrez
Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	5:28pm
Date	10-24-97

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00512

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 10-24-97
Time: 1:05
Rec'd by: 
Print Name: Charlene Deans

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

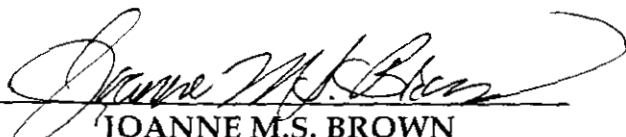
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 388 (COR), "AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, AND ADD A NEW ITEM (8) TO §18203 OF ARTICLE 2, CHAPTER 18, BOTH OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REQUIREMENTS FOR THE GUAM TEACHER CORPS," was on the 9TH day of October, 1997, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



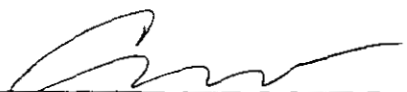
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 14th day of October, 1997, at
8:15 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-24-97

Public Law No. 24-108

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 388 (COR)

As substituted by the Committee
on Education and amended on the Floor.

Introduced by:

L. F. Kasperbauer
A. C. Blaz
J. C. Salas
E. J. Cruz
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO AMEND ITEM (f) OF §18101 OF
ARTICLE 1, CHAPTER 18, AND ADD A NEW
ITEM (8) TO §18203 OF ARTICLE 2, CHAPTER 18,
BOTH OF TITLE 17 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE
REQUIREMENTS FOR THE GUAM TEACHER
CORPS.**

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

2 **Section 1. Legislative Findings and Intent.** The Guam Legislature
3 finds that the Guam Teacher Corps program was designed to fulfill the needs
4 of Guam's public schools for certified teachers. The language of existing
5 Public Law relating to the Teacher Corps program could be construed that
6 graduates from the program can teach at any school on Guam. The Teacher
7 Corps was created and funded by the government of Guam to address a
8 continuing shortage of teachers in the Guam Public School System as a more
9 inexpensive and practical alternative to recruiting and relocating teachers
10 temporarily to Guam from other parts of the country. If Teacher Corps
11 graduates are allowed to fulfill their tuition repayment obligations by
12 teaching in any schools on Guam with out preferences to Guam's public
13 schools, the Department of Education and the Guam Public School System
14 could be left critically short of teachers and may be forced to incur additional
15 cost to recruit off-island teachers.

16 It is the intent of the Guam Legislature to ensure that the teacher staffing
17 needs of the Department of Education are met first prior to allowing Teacher
18 Corps graduates the option to teach in schools outside of the Guam Public
19 School System.

20 **Section 2.** Item (f) of §18101 of Article 1, Chapter 18 of Title 17 of the
21 Guam Code Annotated is hereby amended to read as follows:

22 "(f) Agree to practice education in a public school funded by the
23 government of Guam in areas of need upon graduation and certification
24 to practice on Guam. If no vacant teaching positions exist in such public
25 schools in his or her area(s) of certification, a Teacher Corps graduate

1 may teach in a private school on Guam towards meeting his or her
2 Teacher Corps scholarship repayment obligations. The Guam Public
3 School System and the Guam Community College shall certify that no
4 vacancies in the Teacher Corps graduate's area(s) of certification exist
5 prior to allowing private school employment. The length of
6 commitment of service to Guam shall be the total number of years that
7 the student has received the scholarship and financial assistance. Only
8 teaching service in public schools funded by the government of Guam
9 and/or Guam private schools licensed by the government of Guam
10 shall be credited for repayment of the Teacher Corps scholarship. Those
11 Teacher Corps graduates who were allowed to teach in licensed private
12 schools on Guam shall accept employment with the Guam Public School
13 System should a position in their area(s) of certification become
14 available at the start of each school year until such time that their
15 scholarship is repaid. The student further agrees that, in the event of
16 refusal to fulfill this obligation, the student shall repay the government
17 of Guam an amount equal to the balance of the total monthly
18 allowances paid to the student which have not been already satisfied
19 through service or payment, including tuition, stipends and the actual
20 cost to the government of textbooks and supplies."

21 **Section 3.** A new Item (8) is hereby added to §18203 of Article 2,
22 Chapter 18 of Title 17 of the Guam Code Annotated to read as follows:

23 "(8) The Department of Education and the Guam Community
24 College shall provide annually a list of teaching areas within the Guam
25 public schools in which there exist a critical need for additional teachers,

1 based on its abilities to recruit in that field. The Council shall select and
2 award the scholarships of the Guam Teacher Corps program based on
3 priorities established in such list of critical need.”

PL24-108



TWENTY-FOURTH GUAM LEGISLATURE
COMMITTEE ON EDUCATION

215 A Chalan Santa Papa, Suite 106-F Telephone (671) 475-KIDS
Ada's Professional & Commercial Center Fax (671) 475-2000
Agaña, Guam 96910 e-mail lk4kids@ite.net

Senator
Lawrence F. Kasperbauer
Chairman

September 29, 1997

Senator
John C. Salas
Vice Chairman

The Honorable Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agaña, Guam

Speaker
Antonio R. Unpingco
Ex Officio

via: Committee on Rules

Senator
Thomas C. Ada
Member

Dear Mr. Speaker:

Senator
Frank B. Aguon
Member

The Committee on Education, to which was referred **Bill No. 388**: "AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, GUAM CODE ANNOTATED REQUIREMENTS FOR THE GUAM TEACHER CORPS," herein reports back the recommendation **TO DO PASS** as substituted by the Committee on Education.

Senator
Elizabeth Barrett-Anderson
Member

Votes of the committee members are as follows:

Vice Speaker
Anthony C. Blaz
Member

10 ~~9~~ To Pass

_____ Not To Pass

Senator
Joanne M.S. Brown
Member

_____ To The Inactive File

_____ Abstained

Senator
Felix P. Camacho
Member

_____ Off-Island

_____ Not Available

Senator
Edwardo J. Cruz
Member

Sincerely,

Senator
Mark Forbes
Member

LAWRENCE F. KASPERBAUER, Ph.D.

Senator
Angel L.G. Santos
Member

Attachments

Senator
Judith Won Pat-Borja
Member



TWENTY-FOURTH GUAM LEGISLATURE
COMMITTEE ON EDUCATION

215 A Chalan Santo Papa, Suite 106-F
Ada's Professional & Commercial Center
Agaña, Guam 96910

Telephone (671) 475-KIDS
Fax (671) 475-2000
e-mail lk4kids@ite.net

September 29, 1997

Senator
**Lawrence F.
Kasperbauer**
Chairman

Senator
**John C.
Salas**
Vice Chairman

Speaker
**Antonio R.
Unpingco**
Ex-Officio

Senator
**Thomas C.
Ada**
Member

Senator
**Frank B.
Aguon**
Member

Senator
**Elizabeth
Barrett-
Anderson**
Member

Vice Speaker
**Anthony C.
Blaz**
Member

Senator
**Joanne M.S.
Brown**
Member

Senator
**Felix P.
Camacho**
Member

Senator
**Edwardo J.
Cruz**
Member

Senator
**Mark
Forbes**
Member

Senator
**Angel L.G.
Santos**
Member

Senator
**Judith
Won Pat-
Borja**
Member

**TO: All Members
Committee on Education**

FROM: Chairman

SUBJ: Voting Sheet

Transmitted herewith is the voting sheet and committee report for **Bill No. 388: "AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, GUAM CODE ANNOTATED REQUIREMENTS FOR THE GUAM TEACHER CORPS," as substituted by the Committee on Education.**

Your attention to this matter is greatly appreciated.

Sincerely,

LAWRENCE F. KASPERBAUER, Ph.D.

Attachments

COMMITTEE ON EDUCATION
TWENTY-FOURTH GUAM LEGISLATURE
 155 Hesler Street, Agana, Guam 96910

Chairman: Senator Lawrence F. Kasperbauer Vice Chairman: Senator John C. Salas
Ex-Officio Member: Speaker Antonio R. Unpingco

VOTING SHEET ON:

Bill No. 388: "AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, GUAM CODE ANNOTATED REQUIREMENTS FOR THE GUAM TEACHER CORPS," as substituted by the Committee on Education.

<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>
Sen. Lawrence F. Kasperbauer <i>Chairman</i>	<u>LFK</u>	<u>X</u>	_____	_____	_____
Sen. John C. Salas <i>Vice-Chairman</i>	<u>JS</u>	<u>✓</u>	_____	_____	_____
Sen. Thomas C. Ada <i>Member</i>	<u>TA</u>	<u>✓</u>	_____	_____	_____
Sen. Frank B. Aguon, Jr. <i>Member</i>	<u>FBA</u>	<u>✓</u>	_____	_____	_____
Sen. Elizabeth Barrett-Anderson <i>Member</i>	<u>EB</u>	<u>✓</u>	_____	_____	_____
Sen. Anthony C. Blaz <i>Member</i>	<u>AB</u>	<u>✓</u>	_____	_____	_____
Sen. Joanne M.S. Brown <i>Member</i>	<u>JB</u>	<u>✓</u>	_____	_____	_____
Sen. Felix P. Camacho <i>Member</i>	<u>FC</u>	<u>✓</u>	_____	_____	_____
Sen. Edwardo J. Cruz <i>Member</i>	<u>EC</u>	<u>✓</u>	_____	_____	_____
Sen. Mark Forbes <i>Member</i>	<u>MF</u>	<u>✓</u>	_____	_____	_____
Sen. Angel L.G. Santos <i>Member</i>	_____	_____	_____	_____	_____
Sen. Judith Won Pat-Borja <i>Member</i>	_____	_____	_____	_____	_____
Spkr. Antonio R. Unpingco <i>Ex-Officio Member</i>	_____	_____	_____	_____	_____

COMMITTEE ON EDUCATION

COMMITTEE REPORT

Public Hearing:

The Committee on Education held a public hearing on Tuesday, September 23, 1997 at 10:17 a.m. in the Legislative Public Hearing Room on **Bill No. 388**: "AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, GUAM CODE ANNOTATED REQUIREMENTS FOR THE GUAM TEACHER CORPS." Public Notice was given in the September 19th and 23rd issue of the Pacific Daily News.

Members Present were:

Lawrence F. Kasperbauer, Chairman
John C. Salas, Vice Chairman
Thomas C. Ada
Frank B. Aguon, Jr.
Edwardo J. Cruz, MD
Judith Won Pat-Borja

Other Senators present:

Individuals Present to Testify:

1. Dr. Greg San Nicolas, Director, Guam Teacher Corps; *Written.*
2. Dr. James L. Craig, Chairman, Teacher Training Council; *Oral.*
3. Mr. Luis Reyes, Representing Director Roland Taimanglo, DOE; *Written.*

Background

Sen. Kasperbauer, *Chairman*, began the public hearing on Bill 388 by giving a brief summary of the bill. He stated that the bill's focus was on the payback requirements of the Teacher Corps program. Present law currently states that the graduate is required to teach at *schools on Guam*. The graduate would have to teach for the same number of years as they were in school for. This bill as written amends the current law and clarifies the payback requirements for the graduates. In addition, this bill will allow graduates to teach in a private school that is licensed to do business on Guam on a semester by semester basis if DOE certifies that no such vacancies exist after they graduate and are certified as teachers.

Dr. Greg C. San Nicolas, *Director, Guam Teacher Corps*, submitted written testimony in advance of the hearing **IN SUPPORT** of Bill No. 388. Dr. San Nicolas stated that during his four and a half years at the Teacher Training Council, there have been numerous problems dealing with students who have defaulted in the course of time. He stated he has witnessed some abuses in the program regarding obligations and payback. Dr. San Nicolas expresses both his personal and professional support to the amendment of P.L. 21-88. Due to the current ambiguous nature of what schools to serve in the present law and that which is stipulated in the GTC contract, graduates are able to serve their obligation through any schools that are *located on Guam*. Although students who are recruited are informed that their obligation to serve and teach should be rendered to the public schools, the current law simply states "schools on Guam" and this leaves the GTC with no legal strength to

enforce the obligation unless a suit is filed by the Council to enforce such obligation. Dr. San Nicolas further stated that once this amendment is passed and signed into law, it will clearly delineate where the graduate's service should be. It will also deter others who would consider using public funds to provide for their own personal and professional needs at the expense of the people of Guam who pay taxes to run programs such as the Guam Teacher Corps Scholarship.

Dr. Jim Craig, *Dean, College of Education and Member, Teacher Training Council* testified orally **IN FAVOR** of the bill. Dr. Craig emphasized the program's success in meeting the needs of the Department of Education. Dr. Craig submitted a copy of the Attorney General's opinion on whether or not a graduate of the Guam Teacher Corps fulfills the requirements of his contract by teaching at a Department of Defense school located on Guam. The answer from the Attorney General's office was *yes*. According to the language of the existing law, any school *on Guam* will qualify as payback.

Dr. Craig is in full support of the intent of Bill No. 388. He states that the concept of the bill will provide a prioritization process that will allow the Department of Education to be the priority of where graduates will teach.

Mr. Luis Reyes, *representing Director Roland Taimanglo, DOE*, states that the Director of Education is in full support of Bill No. 388. Mr. Taimanglo's written testimony states that it is the full intent of the Guam Teacher Corps Program to provide DOE with certified teachers after candidates complete their teacher training at the University of Guam and other institutions of higher learning. Mr. Taimanglo believes the Teacher Corps was established specifically to address the teacher shortage of the department. He also states that unless the law is amended to specifically state that the GTC was established to support the staffing needs of DOE, then the Department's goal of having all certified teachers in the Guam Public schools will be nowhere in sight.

Sen. Kasperbauer, *Chairman*, expressed his concern he had with the placement of recent graduates in the Department of Education. The Chairman stated that it has been brought to his attention that the department offered positions to graduates too late, and in order to secure a teaching position for the school year such graduates took on jobs offered to them with the Dod school. Mr. Luis Reyes, from the department responded by stating that is not the case. There were several graduates who applied with DOE who were accepted and placed into positions. These individuals then came back at a later time and declined their offer to teach with DOE.

Sen. Salas, *Vice Chairman*, inquired with Mr. Reyes on the type of contracts these individuals are signing and questioned whether their declination to teach can be looked at as a breach of contract. Mr. Reyes responded by stating that no such "contract" in the technical sense exists. That is, there are no "binding" contracts with the teachers. The first step in the process is to have the graduate apply to DOE. A referral is then made with a recommendation that the graduate be placed on the staffing pattern. Once the graduate is placed on the staffing pattern, this becomes the commitment for hire. There is no "contract" per se that binds any individual to stay with the department. The Chairman also raised the idea to Dr. Craig about pre-committing the seniors to teach at specific schools. Dr. Craig however, stated that no such pre-commitment ever took place at the GTC, but Bill No. 388 in essence makes this commitment by establishing DOE as the priority. If you then enter the program you do so with a commitment to teach with the department once graduated and certified.

Sen. Ada would like to see an amendment to the current law that will allow for an acceptable payback time. Sen. Ada is concerned that this immediate payback policy may be a little rough on a new graduate starting his or her career. This period should allow for ample time to allow the graduate to obtain a job and get settled in before he is required to begin payments.

Sen. Won Pat-Borja suggested that one way of preventing the production of too many graduates in one particular specialty is to limit the number of accepted applicants into these over flowing areas such as secondary education. The Senator suggested that the GTC amend their policy and only offer scholarships based on the critical needed areas. Mr. Reyes responded to the Senator's comment by first stating that such critical areas are

in special education, science and guidance counseling. Dr. Craig added to this discussion by stating that such areas are usually the “critically needed” areas in most educational systems throughout the U.S. usually due to the nature of the job. Areas such as special education and guidance counseling require particular types of people while the areas of science and math require a lot of preparation time. In addition, Dr. Craig felt it was not a good idea to begin limiting the recruitment into specific area just yet. According to Dr. Craig, the GTC does not have sufficient data to make any clear projections as to the needed areas and those that are overflowing.

Sen. Won Pat-Borja also raised the concern as to whether graduates who were teaching at the GCC High school were fulfilling their obligation. The issue as to whether the high school was technically a part of the Guam Public School System and if it would meet the payback requirements was raised by the Senator. According to Dr. Craig the GTC has recognized the GCC High School as part of the Guam public schools but one that is run by the College. Graduates who decided to teach at the high school would be meeting the requirements because the high school is one that is located on Guam.

Sen. Aguon stated this legislative proposal appears to be a reaction to the establishment of the Dod schools. Sen. Aguon noted that some GTC graduates have left the public school system to teach in private schools and this issue has not been previously brought up with the Council, but now that some graduates have proceeded to join the Dod schools, it has become an issue with the Council. Dr. Craig responded by stating that the numbers of graduates who have left to teach in the private schools are very small. Secondly, the law once again states that the graduate must fulfill his obligation by teaching at schools on Guam. Sen. Aguon agrees that a priority must be set up whether first priority is given to our public school and then the private schools and maybe even possibly to the Dod schools if the needs of our public and then private schools are met first.

Sen. Cruz stated that his main concern was with the ambiguous language regarding paybacks. It does not clearly state *tuition* must be paid back it simply states monthly allowances. Although it is fairly obvious that such allowances would include tuition, Senator Cruz thought it imperative that the law specifically state so in order to avoid any opportunity for such to be misconstrued. Dr. Craig responded to the Senator’s concerns by stating that the policy has been payback of all monies that were expended and that has not been contested. The Senator also questioned whether this bill is really necessary or if Dr. Craig can simply add a provision to the existing contract of the GTC. Dr. Craig stated the he believes that the bill is necessary because so long as the law states “schools on Guam” it will be difficult for GTC to violate that law. That is, graduates will continue to be able to teach at any schools on Guam and not strictly within the Guam public schools.

Sen. Francisco Camacho stated his support for this bill and the need to give the priority to the Guam Public Schools. He also mentioned that the salaries of the principals and assistant principals should be reassessed because there is not much of a difference when compare to salaries of teachers. The Senator feels that such positions should be given considerable compensation to keep the personnel in such positions motivated.

Findings and Recommendations

The Committee on Education, to which was referred **Bill No. 388**: “AN ACT TO AMEND ITEM (f) OF §18101 OF ARTICLE 1, CHAPTER 18, GUAM CODE ANNOTATED REQUIREMENTS FOR THE GUAM TEACHER CORPS,” herein submits its findings and recommendations **TO DO PASS bill no. 388 as substituted by the Committee on Education.**

TESTIMONY

Twenty Third Guam Legislature
September 19, 1997

Bill 388

Gregg C. San Nicolas, Ph.D.
Director GTC

It has been over four and a half years since I directed and administered the Guam Teacher Corps Scholarship Program. I have since retired from Government of Guam service and taken on another teaching position in another school system. Throughout the years, and under the careful and exceptionally supportive stance of the Teacher Training Council, we have managed to move the program from graduating 13 certified teachers in the Spring of 1993 to over 150 students this past Spring 1997. The numbers have been increasing every year.

This brings the total of all graduates to over 430 since the program's inception. We hope that by next year, the program will graduate an additional 100 teachers to bring the grand total to above 530 graduates from this very generous and successful scholarship program of this Government. In this way, the program can and will meet some of the most immediate professional needs of the Department of Education on Guam.

We have all been proud of our accomplishments. However, the Teacher Training Council and I have also shared numerous problems when dealing with students who have defaulted in the course of time. We have witnessed some abuses in the program regarding obligations and payback. We still have defaultees paying back despite our careful monitoring and tracking. Defaulting on contracts is nothing new to people or to this program, but it is not and should never be desirable. Obligations must be fulfilled if not paid back.

While our default rate stands at less than 3% at the current time for all the millions of dollars expended for our people in this program throughout the four and a half years of the program's existence, we believe that a no default rate is the best use of the public funds we have been allowed to administer.

This is precisely why I personally and professionally support the amendment to the PL 21-88 right now. My colleagues and I have seen in the last several weeks seven graduates of GTC join the ranks of the newly developed Department of Defense schools albeit their obligations to the Department of Education's school system. This by no means diminishes the worthiness of these individuals, but because of the ambiguous nature of what schools to serve in the present law and stipulated in their contracts, they are able to serve their obligation through these schools by an opinion rendered recently by the island's Attorney General's Office. I personal would like to support

the amendment in specifically detailing where that service should be, i.e., in the public schools of Guam.

Bill 388 is a partial answer to the teacher shortage dilemma experienced every year in the public schools. I state "partial" in this testimony simply because I am more in the mind set of developing incentive programs to keep our teachers within the system rather than to continue to provide large amounts of money to recruit. While recruiting is essential, we must also be mindful of retention. Retention is the key to reducing the turnover rate that naturally occurs within the ranks.

When this amendment is passed and signed into law, I believe it will clearly delineate where the graduate's service should be. It will deter others who would consider using public funds to provide for their own personal and professional needs at the expense of the people of Guam who pay the taxes to run programs such as the Guam Teacher Corps Scholarship.

When students are recruited into the program, they are told up front that their obligation to serve and teach should be rendered to the public schools. This is what they hear. The application clearly states that obligation. The current contract, however, only states "schools on Guam" which is the specific ambiguity. We are left with no legal strength to enforce the obligation unless a suit is filed by the Council to enforce obligation.

As I have mentioned repeatedly in the media, a contract is a contract and should be honored no matter what the opportunities are or conditions. A student's first impression is reviewed during the interview process when they are told specifically where they should serve. This is their integrity. The students who have since left to join other schools than DOE believe that because the school is physically located on Guam and that they are in fact "schools" and not other operations, their services will be met as they relate to their GTC contracts. This is an interesting twist in that we have individuals who knowingly made a decision to contract with other schools because of the numerous incentives the other system has while consciously understating their contractual agreement with the Government of Guam.

And, this is the reason why that despite the enforceability of this law in the near future, people will still decide to take on better and more gainful opportunities for themselves and their families based on incentives and other economic factors. At least for this immediate future, Bill 388 will be the solution.

In the midst of all of this, we should not diminish the importance of other school systems on Guam. We should be mindful that they too serve our children. We should remember that their parents and their relatives also pay into our local Government's tax structure and perhaps, they too, deserve some measure of service from our graduates. It is a shame that with such a good scholarship program, we cannot extend such benefits to the other school systems that serve a large number of Guam's children. It is even more a shame that we have turned this issue into an "us versus them" despite that we all are operating on the same premise - i.e., educating children on Guam. What a shame to come to this point when graduates should have had no questions where they should serve.

I believe that the program has produced many of the finest teachers on Guam. Many will realize their potentials. Still others will become educational leaders. I firmly understand that incentives are the key to this whole process. If we have been keeping a watchful eye over our teachers and providing for them that which they need to do their craft, we will not lose that many to whatever opportunities exist.

I call your attention now to the Cost of Teaching Allowance or COTA that I suggested in the PDN. A major problem in our school system is the issue of teacher materials and supplies for the students and themselves. A COTA allowance will help defray the hundreds of dollars that local teachers expend yearly to serve their students' needs in the classroom. It will reduce bureaucratic hold-ups and other disincentives the system may develop. This COTA can be prorated at the start of a teacher's first teaching assignment and then gradually diminished over the years as that teacher gains more experience. In the first year, a teacher may receive \$4,000 and then reduced every year by \$1,000. After the fifth year, a teacher is then only allowed \$500 every year thereafter to cover costs for teaching. This should be nontaxable and must be expansive enough to cover "incidental costs" of teaching within the schools of Guam. By the fifth year, the teacher is able to buy materials and supplies to cover many activities and processes in the course of their teaching activities and then reuse in the continuing teaching years. I have spoken to several teachers and they like this idea very much.

Giving teachers more autonomy is my idea of an incentive. Allowing very productive and effective teachers to build upon their professional resumes is another idea. Give teachers time off or sabbaticals to work on other creative activities to improve their teaching or their professional development. This sabbatical can be working in curriculum development (with pay), going off island to recruit (with travel expenses paid), conducting workshops and other staff development throughout the entire system (with stipends or other forms of payments) and having programs to recognize outstanding and dedicated teachers in the system. Recognition can come in the form of meritorious payments or the like.

I have seen too many teachers fall on the wayside because they have not felt the appreciation and encouragement from upper management or the central office administration. We are too busy fighting over paychecks and facilities problems rather than to concentrate and care for the very people who make the children learn. We have neglected our professional infrastructure too much that they are serving only to await their eventual retirement as they are "released" to do other more productive and creative things in our community.

We need to pay attention to their development and what they need to do the best job they have for our children. Teachers are the infrastructure of our educational system. If we do not pay attention to their needs to do their jobs, we will continue to lose them in larger numbers. By then, no law will hold back those teachers when they in fact know that there are better systems and more encouragement out there somewhere on this island. In essence, I do not blame those students who left to go to the military schools. We should not blame them. We should look into the reasons why they left. Because my dear colleagues, education is about treatment and respect. They left because they got

neither. I am saddened to leave myself simply because what the system has become. I still strongly believe that the system has good points and some bad points. We need to better the good points and bring the bad points to some workable solutions so that we retain more of our people rather than lose them to other systems. Perhaps, if we give our teachers their due respect and fair treatment, despite how attractive other systems may look, they will stay and honor not only their obligations and contracts, but they will honor their duty to the people of Guam. Thank-you for your time and attention. I look forward to continue working with you to make Guam and our educational system a better place to be.



DEPARTMENT OF EDUCATION

P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



ROLAND L.G. TAIMANGLO,
Director of Education

ALINE A. YAMASHITA, Ph.D.
Deputy Director of Education

September 23, 1997

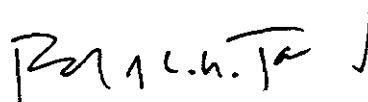
Senator Lawrence F. Kasperbauer, Ph.D
Chairman, Committee on Education
215-A Chalan Santo Papa, Suite 106-F
Ada's Commercial and Professional Center
Agana, Guam 96910

Dear Senator Kasperbauer and Members of the Committee on Education:

As the Director of Education and being directly responsible for the Department of Education operations, including having the unenviable responsibility of providing the resources to staff all of our classrooms with certified teachers, for the record, I am in full support of Bill #388 (COR).

The full intent of the Guam Teacher Corps. Program is to provide the Department of Education with certified teachers after candidates complete their teacher training at the University of Guam and other institutions of higher learning. We do not believe that the Guam Teacher Corps. was established to produce teachers for any school system that is experiencing teacher shortage other than the Department of Education. Recently, some teachers who graduated under the Guam Teacher Corps. Program elected to teach at other schools other than the Department of Education or the private schools of Guam. As a result, the Department suffered the loss of these teachers who should have been with the Department of Education. If the law is not made specifically clear on the intent of the Guam Teacher Corps. Program, and that is to support the staffing needs of the Department of Education, our goal of having all certified teachers in the Guam Public Schools will not be anywhere in sight. I, therefore, reiterate that the Department of Education fully supports Bill #388.

Sincerely,


ROLAND L.G. TAIMANGLO

COMMONWEALTH NOW!





Carl T.C. Gutierrez
Magaíahi
Governor

Charles H. Troutman
Hinirát Abugao, Akdo
Attorney General (Acting)

Madeleine Z. Bordallo
Titante Gubelnadors
Lt. Governor

Ufisinan Hinirát Abugao
Tiritorian Guáhan

Gus F. Diaz
Alkádi, Sigundo Hinirát Abugao
Chief Deputy Attorney General

Office of the Attorney General
Territory of Guam

August 27, 1997



Memorandum (Opinion)

Ref: GTC 97-0896

To: President, University of Guam

From: Attorney General, Acting *CHT*

Subject: Guam Teacher Corps Graduates Employed as Department of Defense Teachers

Hafa Adai!

We are in receipt of your memorandum dated July 29, 1997, in which you requested information regarding the following:

REQUEST: Does a Guam Teachers Corps graduate meet the requirements of his contract by teaching at a Department of Defense school, located on Guam.

ANSWER: Yes. See discussion.

STATEMENT OF FACTS:

In 1992, the 21st Guam Legislature reenacted the former "Teacher Education Scholarship and Assistance Program" as the Guam Teachers Corps (GTC). The GTC is a part of the University of Guam. The legislation provides that, upon graduation and certification, a GTC participant was required to "agree to practice education in Guam schools in areas of need", for a period of time equal to the number of years that the student received the scholarship and financial assistance from the program. In 1997, the Department of Defense (DOD), announced that it intended to establish a separate school system on Guam. As part of the establishment process for the separate school system, DOD was going to recruit on island. The President of the University of Guam is inquiring as to whether



Commonwealth Now!

Memo to President, UOG
August 27, 1997
Page 2

those individuals who are GTC participants would be able to fulfill their commitment under 17 GCA §18101(f), by teaching at a DOD school.

DISCUSSION:

17 GCA §18101(f) provides in pertinent part:

The Guam Teacher Corps shall consist of students who have declared their intention to become educators and who are enrolled in the teacher educational programs at the University of Guam.... Scholarship and financial assistance may be awarded to eligible students who meet the following criteria:

(f) Agree to practice education in Guam schools in areas of need upon graduation and certification to practice on Guam.

Emphasis added.

The statute states that scholarship and financial assistance may be awarded to eligible students who meet the criteria. One of the criteria is that they agree to practice education in Guam schools.

"As has been declared in a number of cases: Where the language is plain and admits of no more than one meaning the duty of interpretation does not arise and the rules which are to aid doubtful meanings need no discussion."

Sutherland on Statutory Construction §45.02 (5th Ed)

The statute does not provide any exemption for Guam schools. The fact that the Department of Defense schools were not in existence at the time of the passage of the law, does not in it of itself, exclude it from the law. Rather, the statute is broad and unambiguous in its construction to allow for the new school to fit under the existing statute.

Additionally, it is our understanding that the participants in this program signed contractual agreements to teach in Guam schools. Under the Organic Act of Guam, the University or the Guam legislature cannot enact laws which would impair the obligation of existing contracts. The DOD schools at this time, qualify as Guam schools and as such, any impairment would be a violation of existing contractual agreements that exist between the participants. If the Guam Legislature desires to exclude the DOD schools from participating in this program, then it must specifically state such an act.

Memo to President, UOG
August 27, 1997
Page 3

Therefore, those individuals who are participants in the GTC, may teach at the DOD schools and have such service count toward their contractual obligation under the program.

This memorandum is issued as an opinion of the Attorney General. For a faster response to any inquiry about this memorandum, please use the reference number shown.

Dangkolo Na Agradesimiento - Thank You Very Much!

OFFICE OF THE ATTORNEY GENERAL

By: *Robert H. Kono*
ROBERT H. KONO
Deputy Attorney General

COMMITTEE ON EDUCATION

TWENTY FOURTH GUAM LEGISLATURE

PUBLIC HEARING

Tuesday, September 23, 1997

10:00 A.M.

2, 4, 25, 520

BILL NO. 388:

Witness Sign-In Sheet

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
JAMES CRAIG					✓	
ADDRESS: COR-COG	UOG	735-2443	X		X	

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
MIS SU DYE						
ADDRESS: POP-DOE - Director DOE	DOE	475-0495		X	X	

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
ADDRESS:						

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
ADDRESS:						