



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

24 JUL 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 339(EC), "AN ACT AMEND §§ 3103 AND 3112, OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO TERMINATION OF THE SUPERINTENDENT OF EDUCATION AND THE DUTIES OF THE GUAM EDUCATION POLICY BOARD," which I signed into law on July 20, 2006, as Public Law 28-143.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES

Date: 7/24/06

Time: 3:45 PM

Rec'd by: ESP

Print Name: ESP

28-06-0975

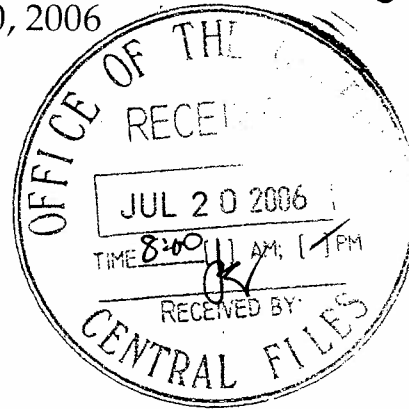
Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 3:36 Date: 7-27-06



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

July 20, 2006

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



Central Files

*8:00 pm
7/20/06*

*Pauline
gunataota*

Dear *Maga'lahi* Camacho:

Transmitted herewith is Substitute Bill No. 339(EC), which was passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on July 20, 2006.

Sincerely,

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosure (1)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

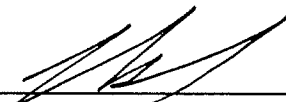
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 339 (EC), "AN ACT TO AMEND §§3103 AND 3112 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO TERMINATION OF THE SUPERINTENDENT OF EDUCATION AND THE DUTIES OF THE GUAM EDUCATION POLICY BOARD," was on the 20th day of July, 2006, duly and regularly passed.



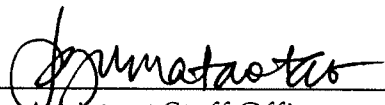
Mark Forbes
Speaker

Attested:



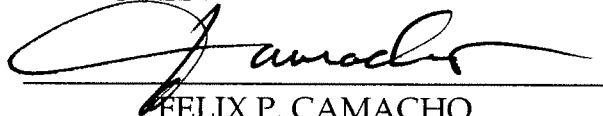
Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 20 day of July, 2006, at 8:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

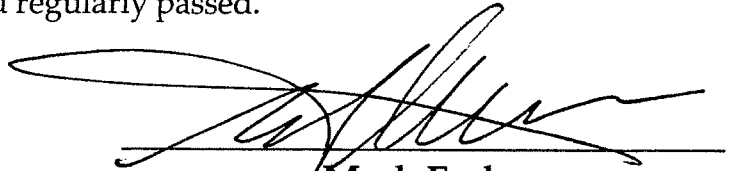
Date: 20 July 2006

Public Law No. 28-143

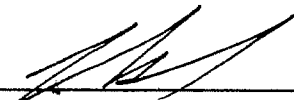
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

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

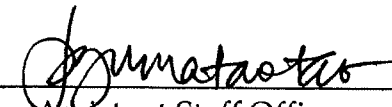
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Mark Forbes
Speaker


Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

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8:00 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office


APPROVED:


FELIX P. CAMACHO
I Maga'lahren Guåhan

Office of the Speaker
Ed Pocaigue
7/20/06
9:04 PM

Date: 20 July 2006

Public Law No. 28-143

rec'd by Sec'y Ed J.B. Calvo

9:20 PM
July 20, 2006

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 339 (EC)

As substituted and amended
on the Floor.

Introduced by:

L. F. Kasperbauer

Mark Forbes

Ray Tenorio

J. T. Won Pat

F. B. Aguon, Jr.

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

R. Klitzkie

J. A. Lujan

A. B. Palacios, Sr.

R. J. Respicio

A. R. Unpingco

**AN ACT TO *AMEND* §§3103 AND 3112 OF TITLE 17 GUAM
CODE ANNOTATED RELATIVE TO TERMINATION OF THE
SUPERINTENDENT OF EDUCATION AND THE DUTIES OF
THE GUAM EDUCATION POLICY BOARD.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §3103 of Title 17 Guam Code Annotated is hereby *amended*
to read:

“§3103. Superintendent and Deputy Superintendent of Education. The
Superintendent of Education (Superintendent) shall be the Chief Executive
Officer of the Guam Public School System (GPSS). The Superintendent shall be
appointed by the Board. Notwithstanding any other provision of law, the
employment of the Superintendent shall be by contract for a term of three (3)

1 years, which contract shall contain a provision that the Superintendent's
2 employment may only be terminated for *cause*, as defined herein.

3 Termination of the Superintendent shall require an affirmative vote of six
4 (6) Board members. Upon passage of a resolution for termination, the
5 Chairperson of the Board shall notify the Superintendent of the Board's action in
6 writing and shall expressly state the grounds for termination in said notification.
7 When the Board serves said notice, the Superintendent shall be on administrative
8 leave until he is either reinstated or terminated and GPSS shall be administered
9 by an acting Superintendent appointed by the Board Chairperson. The
10 Superintendent will then be permitted to meet with the Board, in executive
11 session, within three (3) working days after service of the notification, to
12 informally discuss the termination. If the Board decides to proceed with
13 termination, the Superintendent shall have the right to a full and public hearing
14 on the matter within seven (7) days after the Board's decision, during which
15 hearing full disclosure of the cause for termination shall be made, and during
16 which, at the request of the Superintendent, full testimony shall be received from
17 the public. In any case, the Superintendent shall have the right to make a full and
18 complete presentation of his personal testimony at such hearing.

19 *Only* the following constitute cause for the discharge of the Superintendent:

- 20 (a) holding financial interests that conflict with the conscientious
21 performance of his duties;
- 22 (b) engaging in financial transactions using confidential or non-
23 public GPSS information or allowing the improper use of such
24 information to further any private interests;
- 25 (c) *except* as permitted by statute or regulation, the solicitation or
26 acceptance of any item of value from any person or entity
27 seeking official action from, doing business with, or conducting

1 activities regulated by GPSS, or from persons whose interest may
2 be substantially affected by the performance or non-performance
3 of the Superintendent's duties, or the duties of GPSS;

- 4 (d) knowingly making commitments or promises of any kind
5 purporting to bind GPSS except as permitted by law;
- 6 (e) use of his official position for his private gain or that of others;
- 7 (f) failure to disclose waste, abuse and corruption to the appropriate
8 authorities;
- 9 (g) failure to respect the rights and privacy of others and the use of
10 his official position, authority or other means to injure another
11 person for personal reasons or malicious purposes;
- 12 (h) fraud or misrepresentation in securing his appointment;
- 13 (i) refusal or failure to perform duties and responsibilities as defined
14 by law;
- 15 (j) unlawful use, possession or sale of illicit drugs and alcohol;
- 16 (k) criminal acts involving moral turpitude;
- 17 (l) political activity prohibited by law;
- 18 (m) misuse, misappropriation or theft of government property or
19 funds;
- 20 (n) prohibited acts of discrimination, including sexual harassment; or
21 (o) abandonment of his position.

22 In the case of temporary absence of the Superintendent, the Superintendent
23 may, after consultation with the Chairperson of the Board, appoint among any of
24 the Associate Superintendents, or their equivalents, an acting Superintendent.
25 The Superintendent shall:

- 26 (a) administer the day-to-day activities of the Guam Public School
27 System;

- 1 (b) enforce and implement the education policies of the Board and
2 rules and regulations of the GPSS;
- 3 (c) administer Federal funds/programs on behalf of the GPSS;
- 4 (d) serve as the GPSS' approving authority for the expenditure of
5 funds;
- 6 (e) serve as the appointing authority for all personnel employed by
7 the GPSS;
- 8 (f) be the Executive Secretary of the Board in an ex-officio, non-
9 voting capacity;
- 10 (g) shall submit to the Board, *I Maga'lahren Guåhan* and *I*
11 *Liheslaturan Guåhan* no later than thirty (30) days following the
12 end of the fiscal year, a detailed "Annual State of Public
13 Education Report," which shall discuss the public educational
14 issues on Guam, and other subjects the Superintendent may deem
15 appropriate, and shall also submit such fiscal, instructional,
16 academic progress and other information as may be required by
17 the Board to reflect the quality of public education;
- 18 (h) develop and present to the people of Guam, the Board, *I*
19 *Maga'lahren Guåhan* and *I Liheslaturan Guåhan* a "School
20 Performance Report Card" of each school, which shall be given
21 in conjunction with the Annual Report;
- 22 (i) to perform other duties as may be required by public law to
23 provide an adequate public educational system;
- 24 (j) to advise the Board on the current operations and status of the
25 public schools and on other educational matters;
- 26 (k) to supply the Board with such information as it may require and
27 prepare the Board to make recommendations to *I Maga'lahren*

1 *Guåhan* and *I Liheslaturan Guåhan* for changes, additions or
2 deletions to public law;

3 (l) report to *I Liheslaturan Guåhan* any potential or alleged
4 violation of §3112(b);

5 (m) prepare a feasibility/impact/cost savings analysis for the Guam
6 Education Policy Board recommending the potential
7 privatization of existing services for the Guam Public School
8 System;

9 (n) Notwithstanding any other provision of law or personnel rules
10 and regulations, the Superintendent shall have the authority to
11 assign, detail or transfer employees to various physical locations
12 within the Guam Public School System. The Superintendent shall
13 exercise such authority only in accordance with a policy adopted
14 by the Board and shall *not* (1) cause a change in position title or
15 job duties, or (2) contradict the provisions of any collective
16 bargaining agreement in effect at the time of the transfer nor
17 violate any employee's rights thereunder;

18 (o) Adequate Public Education Reporting Requirements. The
19 Superintendent of Education shall submit a monthly report of all
20 funds available to the Department, whether or not their resources
21 require appropriations by *I Liheslaturan Guåhan*. The report shall
22 also contain a detailed accounting of all expenditures of funds
23 relating such expenditures to the criteria established in 1 GCA
24 §715. The report is to be completed *no later than* fifteen (15)
25 calendar days after the end of each month and shall be certified
26 by the Superintendent acknowledging compliance with 1 GCA
27 §715 and in meeting with the objectives of §3125 of this Chapter.

1 The report shall be submitted to the Guam Education Policy
2 Board, the Speaker of I Liheslaturan Guåhan and I Maga'laha
3 Guåhan. Failure to comply with this Section and the criteria of an
4 adequate public education shall subject the Superintendent to
5 civil liability as provided in 7 GCA §20302."

6 **Section 2.** §3112 of Title 17 Guam Code Annotated is hereby *amended*
7 to read:

8 **“§3112. Same: Duties and Responsibilities.**

9 (a) The duties and responsibilities of the Guam Education
10 Policy Board shall include, unless prohibited by subsection (b)
11 hereof, the following:

12 (1) establish curriculum goals and policy;

13 (2) establish student performance standards and a
14 mechanism for standardized assessment of each student based
15 upon the adopted standards;

16 (3) establish policy for interscholastic sports;

17 (4) establish and approve a textbook list;

18 (5) establish student discipline policy;

19 (6) establish a school calendar;

20 (7) establish graduation standards;

21 (8) periodically review established policies for
22 refinement and improvement;

23 (9) serve as Guam's State Education
24 Policy/Governing Board for Federal programs where such a
25 board is required by Federal Law to include, but not be
26 limited to, the Head Start Program; the Guam Education
27 Policy Board shall have *no* involvement with federal

1 programs that do not require a governing board except that all
2 federal grant applications must be presented to the board at
3 least fifteen (15) days prior to final transmittal to the federal
4 government. In the event of an emergency, the Board may
5 reduce or waive said fifteen (15) day presentation
6 requirement;

7 (10) make recommendations to *I Maga'lahaen Guåhan*
8 and *I Liheslaturan Guåhan* for changes, additions or deletions
9 to public law;

10 (11) approve or revoke a school's decentralization
11 status for purposes of school-based management;

12 (12) act as the approving authority on behalf of the
13 GPSS for collective bargaining agreements;

14 (13) establish rates and fees necessary for programs,
15 including, but not limited to, the school lunch program;

16 (14) perform other duties and responsibilities as
17 required by public law to provide an adequate public
18 educational system;

19 (15) establish a professional training and development
20 program for its members. This program, once developed and
21 implemented, will make it mandatory that all Board members
22 participate for the purpose of improving, expanding and
23 refining their individual and collective policymaking skills.
24 Some specific areas that will be covered by such a
25 professional training and development program are: (a) Title
26 17, Guam Code Annotated; (b) Roberts Rules of Order; (c)
27 Guam Public School System / government of Guam budgeting

1 procedures and guidelines; (d) government of Guam code of
2 ethics and conflicts of interests codes; (e) difference(s)
3 between policymaking administration; (f) Board/staff
4 relations; (g) Board media relations; and (h) conflict
5 resolution-staff, parents, students, community, colleagues,
6 etc.;

7 (16) Privatization of GPSS services or operations
8 must be authorized by the Board and executed by:

9 (A) directing the Superintendent of Education
10 to issue a Request for Proposal (RFP) or an Invitation
11 for Bid (IFB) for the privatization of services within the
12 Guam Public School System and implementing the
13 privatization of services within the budgeted allocation
14 level approved by the Board;

15 (B) the issuance of an RFP or an IFB and the
16 award thereof shall be in conformance with all
17 applicable procurement laws and regulations of Guam;

18 (C) the disposition of any employee of the
19 GPSS, affected or displaced by such action, shall follow
20 all applicable laws and regulations of Guam; and

21 (D) For all Guam Public School System
22 privatized food services, cafeterias, or cafeteria
23 services, contractors operating GPSS cafeterias and
24 food services shall comply with 5 G.C.A. §5001(e) and
25 Chapter 68 of Title 5, Guam Code Annotated, relative
26 to the procurement of local products, in place and stead
27 of the Guam Public School System. The Guam Public

1 School System shall require compliance with these
2 provisions as part of its contracts for privatization
3 subsequent to the enactment of this Subsection.

4 (17) Review and approve by Board resolution the
5 spending priorities as outlined in the fiscal year budget for the
6 GPSS.

7 (b) The Board shall *not* collectively or individually:

8 (1) exert influence in the hiring, transfer,
9 discipline or termination of any employee of the GPSS,
10 unless expressly authorized by public law;

11 (2) interfere in or micro-manage the affairs of the
12 GPSS or schools within the GPSS;

13 (3) involve itself with student discipline cases,
14 unless expressly authorized by public law, and only to
15 the extent authorized by public law;

16 (4) involve itself in *operational* matters related to
17 the *administration* of federal funds and federal grants.

18 Any Board member shall report to *I Liheslaturan Guåhan* any
19 potential or alleged violation of this Subsection (b).”

20 **Section 3.** §43201, Article 2 of Chapter 43 of 5 G.C.A. is hereby *amended*
21 to read as follows:

22 **“Article 2**

23 **§43201. Definitions.** For purposes of this Article only: *Agency,*
24 *instrumentality,* or *entity* shall mean the Guam Power Authority, the Guam
25 Waterworks Authority, the Guam Telephone Authority, the Guam Housing
26 Corporation, the Guam Housing and Urban Renewal Authority, the Public
27 Defender Service Corporation, the Jose D. Leon Guerrero Commercial Port, the

1 A.B. Won Pat International Airport Authority, Guam, the Guam Economic
2 Development and Commerce Authority, the Civil Service Commission, the
3 Department of Chamorro Affairs, the Chamorro Land Trust Commission, the
4 Ancestral Lands Commission, the Guam Memorial Hospital Authority, the Guam
5 Educational Telecommunications Corporation, the Guam Council on the Arts and
6 Humanities, the Guam Visitors Bureau, the Guam Environmental Protection
7 Agency, the Guam Election Commission, and the Government of Guam
8 Retirement Fund.

9 *Governing Board* shall mean the Consolidated Commission on Utilities, Board of
10 Directors, council, commission, or board with the statutory authority to select the chief
11 executive of the agency, instrumentality, or entity for which it determines policy. *Chief*
12 *Executive* shall mean the Senior Manager who heads an agency including, but not
13 limited to, the Director, Executive Director, General Manager, President, Hospital
14 Administrator, or Administrator.”



I MINA ' BENTE OCHO NA LIHESLATURAN GUÅHAN
Ufisinan I Mäs Ge'hilo Gi Liheslaturan Guåhan

MARK FORBES

Chairperson, Committee on General & Omnibus Matters

Speaker

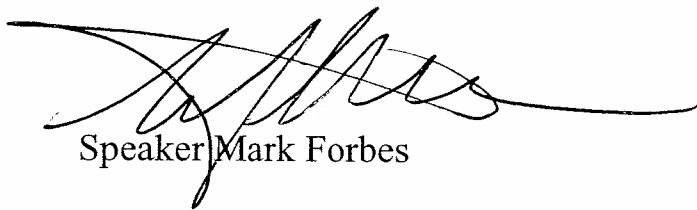
Chairperson, Executive Committee

Office of the Speaker

July 20, 2006

The Honorable Larry F. Kasperbauer
Chairperson
Committee on Education and Community Development
I Mina 'Bente Ocho Na Liheslaturan Guåhan
155 Hesler Street
Hagatna, Guam 96910

Hafa Adai! Pursuant to the authority vested in me under Section 7.01 of Rule VII of *I Mina 'Bente Ocho Na Liheslaturan Guåhan's* Standing Rules, I hereby waive the public hearing requirements and those prescribed under 5 GCA, Sections 8107 and 8108, as exempted by my authority as Speaker of *I Liheslaturan Guåhan* for Bill No. 339(EC) "AN ACT TO AMEND §§ 3103, 3112, OF 17G.C.A. AND ARTICLE 2 OF CHAPTER 43 OF 5G.C.A. ANNOTATED RELATIVE TO TERMINATION OF THE SUPERINTENDENT OF EDUCATION AND THE DUTIES OF THE GUAM EDUCATION POLICY BOARD."



Speaker Mark Forbes



Twenty-Eighth
Guam Legislature

July 20, 2006

PARLIAMENTARIAN

Vice Chair
Finance,
Taxation &
Commerce

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Vice Chair
Criminal Justice,
Public Safety,
Youth &
Foreign Affairs

Dear Mr. Speaker:

Vice Chair
Tourism,
Maritime,
Military &
Veterans Affairs

Pursuant to Section 7.01 of Rule VII of the Standing Rules of *I Mina' Bente Ocho na Liheslaturan Guåhan*, I respectfully request that the public hearing requirement and those requirements prescribed under 5 GCA, §8102 and §8108, be waived for Bill No. 339 (EC): AN ACT TO AMEND §§ 3103, 3112, OF 17G.C.A. AND ARTICLE 2 OF CHAPTER 43 OF 5G.C.A. ANNOTATED RELATIVE TO TERMINATION OF THE SUPERINTENDENT OF EDUCATION AND THE DUTIES OF THE GUAM EDUCATION POLICY BOARD.

Member
General &
Omnibus Matters

I further request that Bill No. 339 (EC) be placed on the agenda of *I Mina' Bente Ocho na Liheslatura's* Special Session of July 20, 2006.

Member
Executive
Committee

Mr. Speaker, I make this request given the impending loss to our island of 37.5 million dollars in federal education funding should immediate action not be taken. I need not state the obvious specific adverse affects but the consequences of such a loss would seriously affect the health, welfare and safety of our people. A copy of the Bill is enclosed for your review.

Member
Health &
Human Services

Member
Natural Resources,
Utilities &
Micronesia Affairs

Sincerely,

Enclosure

Member
Aviation,
Immigration,
Labor &
Housing

Member
Judiciary,
Governmental
Operations, &
Reorganization



I MINA ' BENTE OCHO NA LIHESLATURAN GUÅHAN
Ufisinan I Mås Ge'hilo Gi Liheslaturan Guåhan

MARK FORBES
Speaker

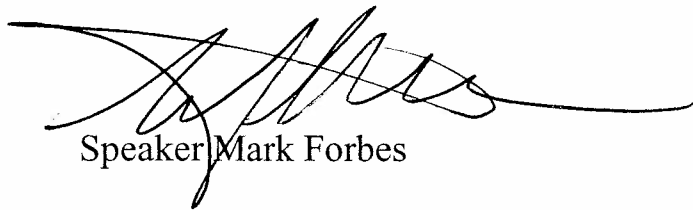
Chairperson, Committee on General & Omnibus Matters
Chairperson, Executive Committee

Office of the Speaker

July 20, 2006

The Honorable Larry F. Kasperbauer
Chairperson
Committee on Education and Community Development
I Mina 'Bente Ocho Na Liheslaturan Guåhan
155 Hesler Street
Hagatna, Guam 96910

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Speaker Mark Forbes



Twenty-Eighth
Guam Legislature

July 20, 2006

PARLIAMENTARIAN

Vice Chair
Finance,
Taxation &
Commerce

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Vice Chair
Criminal Justice,
Public Safety,
Youth &
Foreign Affairs

Dear Mr. Speaker:

Vice Chair
Tourism,
Maritime,
Military &
Veterans Affairs

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Member
General &
Omnibus Matters

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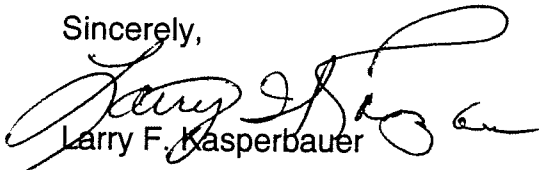
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Executive
Committee

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Member
Health &
Human Services

Member
Natural Resources,
Utilities &
Micronesia Affairs

Sincerely,



Larry F. Kasperbauer

Member
Aviation,
Immigration,
Labor &
Housing

Enclosure

Member
Judiciary,
Governmental
Operations, &
Reorganization

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 7/20/06

VOTING SHEET

without engrossment

S Bill No. 339

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert					EA
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.					

TOTAL

13 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Patricia C. ...
Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

2nd 7/20/06
3rd 7/20/06

6
7/20/06

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session**

Bill No. 339 (EC)
As substituted on the Floor.

Wk FAS
CS

Introduced by:

- 1) L.F. Kasperbauer
- 2) Mark Forbes
- 3) rayf
- 4) jtwy

AN ACT AMEND §§ 3103, 3112, OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO TERMINATION OF THE SUPERINTENDENT OF EDUCATION AND THE DUTIES OF THE GUAM EDUCATION POLICY BOARD .

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

2

3 **Section 1.** Section 3103 of Title 17, Guam Code Annotated is hereby
4 *amended* to read:

5 **§3103. Superintendent and Deputy Superintendent of Education.**

6 The Superintendent of Education (Superintendent) shall be the Chief
7 Executive Officer of the Guam Public School System. The Superintendent shall
8 be appointed by the Board. Notwithstanding any other provision of law, the
9 employment of the Superintendent shall be by contract for a term of three (3)
10 years, which contract shall contain a provision that the Superintendent's
11 employment may only be terminated for *cause*, as defined herein.

12 Termination of the Superintendent shall require an affirmative vote of Six
13 (6) Board members. Upon passage of a resolution for termination, the
14 Chairperson of the Board shall notify, in writing, the Superintendent of the
15 Board's action and shall expressly state in such notification the grounds for
16 termination. The Superintendent will then be permitted to meet with the Board.

Wk FAS
CS

Passed FA No. 1

Date: 7/20 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

➔ Bill No. 339

LFK

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add Ray T + JTWP as 3+4 sponsors.

1) LFK

2) MF

3) Ray Tenorio

4) Judy Wax Pat (JTWP)

(Below only for Clerk of Legislature's use and processing))

Date 7/20, 2006

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

LFK
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 339

A.B. Palacios

Senator Proposing Amendment

p. 1, line 16

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

On page on, after the words "grounds for termination." To add a new sentence to read:

When the Board serves said notice, the Superintendent shall be on administrative leave until he is either reinstated or terminated and GPSS shall be administered by an acting Superintendent appointed by the Board Chairperson.

(Below only for Clerk of Legislature's use and processing))

Date 7/20/06

Floor Amendment No. 7 of a total of _____ changes on above Bill.


Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____


Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur *(initial)*



Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

FA3

within three working days,

1 in executive session, to informally discuss such termination. Should the Board
 2 subsequently wish to proceed with such termination, the Superintendent shall
 3 have the right to a full and public hearing on the matter, during which full
 4 disclosure of the cause for termination shall be made, and during which, at the
 5 discretion of the Superintendent, full testimony may be received from members
 6 of the public. In any case, the Superintendent shall have the right to make a full
 7 and complete presentation of personal testimony at such hearing.

8 Only violations of any of the following provisions is cause for the discharge
 9 of the Superintendent:

- 10 (a) Holding financial interests that conflict with the conscientious
 11 performance of duty.
- 12 (b) Engaging in financial transactions using confidential or non- public
 13 GPSS information or allowing the improper use of such information
 14 to further any private interests.
- 15 (c) Except as permitted by statute or regulation, the solicitation or
 16 acceptance of any item of monetary value from any person or entity
 17 seeking official action from, doing business with, or conducting
 18 activities regulated by GPSS, or from persons whose interest may
 19 be substantially affected by the performance or non performance of
 20 the Superintendents duties, or that of GPSS.
- 21 (d) Knowingly making unauthorized commitments or promises of any
 22 kind purporting to bind GPSS, except as permitted by law.
- 23 (e) Use of official position for private gain.
- 24 (f) Failure to, in good faith, disclose waste, abuse, and corruption to
 25 appropriate authorities.

Passed FA No. 4
Date: 7/20 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 339

STWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2, line 3, after "matter" insert "seven days,"
before "comma (.)"

(Below only for Clerk of Legislature's use and processing)

Date 7/20, 2006

Floor Amendment No. 4 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

- 1 (g) Failure to respect the rights and privacy of others and the use of
 2 official position, authority or other means to injure another person
 3 for personal reasons or malicious purposes.
 4 (h) Failure to refrain from the unlawful use of drugs and alcohol.
 5 (i) Fraud or misrepresentation in securing appointment.
 6 (j) Refusal or failure to perform prescribed duties and responsibilities
 7 as defined in law.
 8 (k) Unlawful use, possession, or sale of illicit drugs.
 9 (l) Criminal Acts. *involving moral turpitude*
 10 (m) Political activity prohibited by law.
 11 (n) Misuse, misappropriation or theft of government property or funds.
 12 (o) Acts of prohibited discrimination to include sexual harassment.
 13 (p) Abandonment of position.

14
 15 In the case of temporary absence of the Superintendent, the ~~Board~~
 16 *Chairperson* Superintendent *in consultation with the Chairman of the Board,* may, /appoint among any of the Associate
 17 Superintendents, or their equivalents, as an acting Superintendent. The
 18 Superintendent shall:

- 19 (a) administer to the day-to-day activities of the Guam Public School
 20 System;
 21 (b) enforce and implement the education policies of the Board and
 22 rules and regulations of the GPSS;
 23 (c) administer Federal funds/programs on behalf of the GPSS;
 24 (d) serve as the GPSS' approving authority for the expenditure of
 25 funds;
 26 (f) serve as the appointing authority for all personnel employed by
 27 the GPSS;

Passed FA No. 5
Date: 7/20 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

S Bill No. 339

J. W. O. N. P. A. T.

Senator Proposing Amendment

(Below for Senator to complete)

- Please describe proposed amendment, including where change to occur:

Page 3 line 9 item (l) add the
words " , involving Moral Turpitude"

(Below only for Clerk of Legislature's use and processing)

Date 7/20, 2006

Floor Amendment No. 5 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]

AUTHOR OF AMENDMENT

Concur *(initial)*

Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

Passed FA No. 2
Date: 7/20 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

→ Bill No. 339

M. Forber

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 3, line 16, after "may," insert "in consultation with the Chairman of the Board,"

(Below only for Clerk of Legislature's use and processing))

Date 7/20 2006

Floor Amendment No. 2 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk
____ Engrossment Staff

1 (g) be the Executive Secretary of the Board in an ex-officio, non-
2 voting capacity;

3 (h) shall submit to the Board, I Maga'lahaen Guåhan and I ✓
4 LiheSlaturan Guåhan no later than thirty (30) days following the end of the fiscal ✓
5 year, a detailed "Annual State of Public Education Report," which shall discuss
6 the public educational issues on Guam, and other subjects the Superintendent
7 may deem appropriate. The Superintendent shall also submit such fiscal,
8 instructional, academic progress and other information as may be required by the
9 Board to reflect the quality of public education.;

10 (i) develop and present to the People of Guam, the Board, I ✓
11 Maga'lahaen Guåhan and I LiheSlaturan Guåhan a "School Performance Report ✓ ✓
12 Card" of each school. It shall be given in conjunction with the Annual Report.;

13 (j) to perform other duties as may be required by public law to
14 provide an adequate public educational system; and

15 (k) to advise the Board on the current operations and status of the
16 public schools and on other educational matters;

17 (l) to supply the Board with such information as it may require and
18 prepare the Board to make recommendations to I Maga'lahaen Guåhan and I ✓ ✓
19 LiheSlaturan Guåhan for changes, additions or deletions to public law; and ✓

20 (m) report to I LiheSlaturan Guåhan any potential or alleged ✓
21 violation of § 3112(b).

22 (n) prepare a feasibility/impact/cost savings analysis for the Guam
23 Education Policy Board recommending the potential privatization of existing
24 services for the Guam Public School System.

25 (o) Notwithstanding any other provision of law or personnel rules
26 and regulations, the Superintendent shall have the authority to assign, detail or
27 transfer employees to various physical locations within the Guam Public School

1 System. The Superintendent shall exercise such authority only in accordance
2 with a policy adopted by the Board and shall not (1) cause a change in position
3 title or job duties, or (2) contradict the provisions of any collective bargaining
4 agreement in effect at the time of the transfer nor violate any employee's rights
5 thereunder.

6 (p) Adequate Public Education Reporting Requirements. The
7 Superintendent of the Guam Public School System shall submit a monthly report
8 of all funds available to the Department, whether or not their resources require
9 appropriations by I Liheslaturan Guåhan. The report shall also contain a detailed
10 accounting of all expenditures of funds relating such expenditures to the criteria
11 established in 1 GCA § 715. The report is to be completed no later than fifteen
12 (15) calendar days after the end of each month and shall be certified by the
13 Superintendent acknowledging compliance with 1 GCA § 715 and in meeting
14 with the objectives of § 3125 of this Chapter. The report shall be submitted to the
15 Guam Education Policy Board, the Speaker of I Liheslaturan Guåhan and I
16 Maga'lahaen Guåhan. Failure to comply with this Section and the criteria of an
17 adequate public education shall subject the Superintendent to civil liability as
18 provided in 7 GCA § 20302."

19
20 **Section 2.** Section 3112 of Title 17, Guam Code Annotated is hereby
21 *amended* to read:

22
23 **§ 3112. Same: Duties and Responsibilities.**

24
25 (a) The duties and responsibilities of the Guam Education Policy
26 Board shall include, unless prohibited by 17GCA: §3112(b) the following:

- 1 (1) establish curriculum goals and policy;
- 2 (2) establish student performance standards and a mechanism for
3 standardized assessment of each student based upon the adopted standards;
- 4 (3) establish policy for interscholastic sports;
- 5 (4) establish and approve a textbook list;
- 6 (5) establish student discipline policy;
- 7 (6) establish school calendar;
- 8 (7) establish graduation standards;
- 9 (8) periodically review established policies for refinement and
10 improvement;
- 11 (9) serve as Guam's State Education Policy/Governing Board for
12 Federal programs where such a board is required by Federal Law to include, but
13 not be limited to, the Head Start Program; In the event that federal programs do
14 not require a governing board, the Guam Education Policy Board shall have no
15 involvement with such federal programs but that all federal grant applications
16 must be presented to the board at least 15 days prior to transmittal. In event of
17 emergency, the Board may reduce or waive such 15 day presentation
18 requirement;
- 19 (10) make recommendations to I Maga'lahañ Guåhan and I
20 Lihaslaturan Guåhan for changes, additions or deletions to public law;
- 21 (11) approve or revoke a school's decentralization status for
22 purposes of school-based management;
- 23 (12) act as the approving authority on behalf of the GPSS for
24 collective bargaining agreements;
- 25 (13) establish rates and fees necessary for programs, including, but
26 not limited to, the school lunch program;

1 (14) perform other duties and responsibilities as required by public
2 law to provide an adequate public educational system; and

3 (15) establish a professional training and development program for
4 its members; this program once developed and implemented, will make it
5 mandatory that all Board members participate for the purpose of improving,
6 expanding and refining their individual and collective policymaking skills. Some
7 specific areas that will be covered by such a professional training and
8 development program are: (a) Title 17, Guam Code Annotated; (b) Roberts Rules
9 of Order; (c) Guam Public School System / government of Guam budgeting
10 procedures and guidelines; (d) government of Guam code of ethics and conflicts
11 of interests codes; (e) difference(s) between policymaking administration; (f)
12 Board/staff relations; (g) Board media relations; and (h) conflict resolution-staff,
13 parents, students, community, colleagues, etc.

14 (16) privatization of GPSS services or operations must be authorized
15 by the Board and executed by:

16 (a) directing the Superintendent of Education to issue a Request for
17 Proposal (RFP) or an Invitation for Bid (IFB) for the privatization of services
18 within the Guam Public School System and implementing the privatization of
19 services within the budgeted allocation level approved by the Board;

20 (b) the issuance of an RFP or an IFB and the award thereof shall be
21 in conformance with all applicable procurement laws and regulations of Guam;
22 and

23 (c) the disposition of any employee of the GPSS, affected or
24 displaced by such action, shall follow all applicable laws and regulations of
25 Guam.

26 (d) For all Guam Public School System privatized food services,
27 cafeterias, or cafeteria services, contractors operating GPSS cafeterias and food

1 services shall comply with 5GCA 5001(e) and Chapter 68 of Title 5, Guam Code
2 Annotated, relative to the procurement of local products, in place and stead of the
3 Guam Public School System. The Guam Public School System shall require
4 compliance with these provisions as part of its contracts for privatization
5 subsequent to the enactment of this Subsection.

6 (17) Review and approve by Board resolution the spending priorities
7 as outlined in the fiscal year budget for the GPSS.

8
9 (b) The Board shall not collectively or individually:

10 (1) exert influence in the hiring, transfer, discipline or termination of
11 any employee of the GPSS, unless expressly authorized by public law;

12 (2) interfere in or micro-manage the affairs of the GPSS or school
13 within the GPSS; ~~or~~

14 (3) involve itself with student discipline cases, unless expressly
15 authorized by public law, and only to the extent authorized by public law; or

16 (4) involve itself in operational matters related to the administration
17 of federal funds and federal grants.

18
19 Any Board member shall report to I Liheslaturan Guåhan any
20 potential or alleged violation of this Subsection (b).

21
22 **Section. 3.** §43201, Article 2 of Chapter 43 of 5G.C.A. is hereby *amended*
23 to read as follows:

24 **Article 2**

25 **§43201. Definitions**

26 **§43201. Definitions.** For purposes of this Article only: *Agency,*
27 *instrumentality,* or *entity* shall mean the ~~Guam Public School System,~~ the Guam

1 Power Authority, the Guam Waterworks Authority, the Guam Telephone
2 Authority, the Guam Housing Corporation, the Guam Housing and Urban
3 Renewal Authority, the Public Defender Service Corporation, the Jose D. Leon
4 Guerrero Commercial Port, the A.B. Won Pat Guam International Airport
5 Authority, the Guam Economic Development and Commerce Authority, the Civil
6 Service Commission, the Department of Chamorro Affairs, the Chamorro Land
7 Trust Commission, the Ancestral Lands Commission, the Guam Memorial
8 Hospital Authority, the Guam Educational Telecommunications Corporation, the
9 Guam Council of the Arts and Humanities, the Guam Visitors Bureau, the Guam
10 Environmental Protection Agency, the Guam Election Commission, and the
11 Government of Guam Retirement Fund.

12 *Governing Board* shall mean the Consolidated Commission on Utilities, ~~the~~
13 ~~Education Policy Board~~, Board of Directors, council, commission, or board with the
14 statutory authority to select the chief executive of the agency, instrumentality, or entity
15 for which it determines policy. *Chief Executive* shall mean the Senior Manager who
16 heads an agency including, but not limited to, the Director, Executive Director, General
17 Manager, President, Hospital Administrator, or Administrator.

Passed FA No. _____

Date: _____ Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 339

RJR

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Delete section in its entirety

(Below only for Clerk of Legislature's use and processing)

Date 7/20, 2006

Floor Amendment No. 6 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed:

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

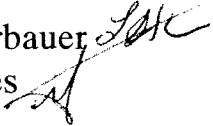
Ass't. Amend. Clerk

Engrossment Staff

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 339 (cc)

Introduced by:

L.F. Kasperbauer 
Mark Forbes

AN ACT AMEND §§ 3103, 3112, OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO TERMINATION OF THE SUPERINTENDENT OF EDUCATION AND THE DUTIES OF THE GUAM EDUCATION POLICY BOARD .

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

2

3 **Section 1.** Section 3103 of Title 17, Guam Code Annotated is hereby
4 *amended* to read:

5 **§3103. Superintendent and Deputy Superintendent of Education.**

6 The Superintendent of Education (Superintendent) shall be the Chief
7 Executive Officer of the Guam Public School System. The Superintendent shall
8 be appointed by the Board. Notwithstanding any other provision of law, the
9 employment of the Superintendent shall be by contract for a term of ~~three (3)~~
10 years four (4) years, which contract shall contain a provision that the
11 Superintendent's employment may only be terminated for *cause*, as defined
12 herein.

13 Termination of the Superintendent shall require a vote of Six (6) Board
14 members. Upon passage of a resolution for termination, the Chairperson of the
15 Board shall notify, in writing, the Superintendent of the Board's action and shall
16 expressly state in such notification the grounds for termination. The
17 Superintendent will then be permitted to meet with the Board, in executive

1 session, to informally discuss such termination. Should the Board subsequently
2 wish to proceed with such termination, the Superintendent shall have the right to
3 a full and public hearing on the matter, during which full disclosure of the cause
4 for termination shall be made, and during which, at the discretion of the
5 Superintendent, full testimony may be received from members of the public. In
6 any case, the Superintendent shall have the right to make a full and complete
7 presentation of personal testimony at such hearing.

8 Only violation of the following provisions is cause for the discharge of the
9 Superintendent:

- 10 (a) Holding financial interests that conflict with the conscientious
11 performance of duty.
- 12 (b) Engaging in financial transactions using confidential or non- public
13 GPSS information or allowing the improper use of such information
14 to further any private interests.
- 15 (c) Except as permitted by statute or regulation, the solicitation or
16 acceptance of any item of monetary value from any person or entity
17 seeking official action from, doing business with, or conducting
18 activities regulated by GPSS, or from persons whose interest may
19 be substantially affected by the performance or non performance of
20 the Superintendents duties, or that of GPSS.
- 21 (d) Knowingly making unauthorized commitments or promises of any
22 kind purporting to bind GPSS, except as permitted by law.
- 23 (e) Use of official position for private gain.
- 24 (f) Failure to, in good faith, disclose waste, abuse, and corruption to
25 appropriate authorities.

- 1 (g) Failure to respect the rights and privacy of others and the use of
2 official position, authority or other means to injure another person
3 for personal reasons or malicious purposes.
4 (h) Failure to refrain from the unlawful use of drugs and alcohol.
5 (i) Fraud or misrepresentation in securing appointment.
6 (j) Refusal or failure to perform prescribed duties and responsibilities
7 as defined in law.
8 (k) Unlawful use, possession, or sale of illicit drugs.
9 (l) Criminal Acts.
10 (m) Political activity prohibited by law.
11 (n) Misuse, misappropriation or theft of government property or funds.
12 (o) Acts of prohibited discrimination to include sexual harassment.
13 (p) Abandonment of position.

14
15 In the case of temporary absence of the Superintendent, the ~~Board~~
16 ~~Chairperson~~ Superintendent may, appoint among any of the Associate
17 Superintendents, or their equivalents, as an acting Superintendent. The
18 Superintendent shall:

- 19 (a) administer to the day-to-day activities of the Guam Public School
20 System;
21 (b) enforce and implement the education policies of the Board and
22 rules and regulations of the GPSS;
23 (c) administer Federal funds/programs on behalf of the GPSS;
24 (d) serve as the GPSS' approving authority for the expenditure of
25 funds;
26 (f) serve as the appointing authority for all personnel employed by
27 the GPSS;

1 (g) be the Executive Secretary of the Board in an ex-officio, non-
2 voting capacity;

3 (h) shall submit to the Board, I Maga'lahren Guåhan and I
4 Liheslaturan Guåhan no later than thirty (30) days following the end of the fiscal
5 year, a detailed "Annual State of Public Education Report," which shall discuss
6 the public educational issues on Guam, and other subjects the Superintendent
7 may deem appropriate. The Superintendent shall also submit such fiscal,
8 instructional, academic progress and other information as may be required by the
9 Board to reflect the quality of public education.;

10 (i) develop and present to the People of Guam, the Board, I
11 Maga'lahren Guåhan and I Liheslaturan Guåhan a "School Performance Report
12 Card" of each school. It shall be given in conjunction with the Annual Report.;

13 (j) to perform other duties as may be required by public law to
14 provide an adequate public educational system; and

15 (k) to advise the Board on the current operations and status of the
16 public schools and on other educational matters;

17 (l) to supply the Board with such information as it may require and
18 prepare the Board to make recommendations to *I Maga'lahren Guåhan* and I
19 Liheslaturan Guåhan for changes, additions or deletions to public law; and

20 (m) report to I Liheslaturan Guåhan any potential or alleged
21 violation of § 3112(b).

22 (n) prepare a feasibility/impact/cost savings analysis for the Guam
23 Education Policy Board recommending the potential privatization of existing
24 services for the Guam Public School System.

25 (o) Notwithstanding any other provision of law or personnel rules
26 and regulations, the Superintendent shall have the authority to assign, detail or
27 transfer employees to various physical locations within the Guam Public School

1 System. The Superintendent shall exercise such authority only in accordance
2 with a policy adopted by the Board and shall not (1) cause a change in position
3 title or job duties, or (2) contradict the provisions of any collective bargaining
4 agreement in effect at the time of the transfer nor violate any employee's rights
5 thereunder.

6 (p) Adequate Public Education Reporting Requirements. The
7 Superintendent of the Guam Public School System shall submit a monthly report
8 of all funds available to the Department, whether or not their resources require
9 appropriations by I Liheslaturan Guåhan. The report shall also contain a detailed
10 accounting of all expenditures of funds relating such expenditures to the criteria
11 established in 1 GCA § 715. The report is to be completed no later than fifteen
12 (15) calendar days after the end of each month and shall be certified by the
13 Superintendent acknowledging compliance with 1 GCA § 715 and in meeting
14 with the objectives of § 3125 of this Chapter. The report shall be submitted to the
15 Guam Education Policy Board, the Speaker of I Liheslaturan Guåhan and I
16 Maga'lahaen Guåhan. Failure to comply with this Section and the criteria of an
17 adequate public education shall subject the Superintendent to civil liability as
18 provided in 7 GCA § 20302."

19
20 **Section 2.** Section 3112 of Title 17, Guam Code Annotated is hereby
21 *amended* to read:

22
23 **§ 3112. Same: Duties and Responsibilities.**

24
25 (a) The duties and responsibilities of the Guam Education Policy
26 Board shall include, unless prohibited by 17GCA: §3112(b) the following:
27

- 1 (1) establish curriculum goals and policy;
- 2 (2) establish student performance standards and a mechanism for
3 standardized assessment of each student based upon the adopted standards;
- 4 (3) establish policy for interscholastic sports;
- 5 (4) establish and approve a textbook list;
- 6 (5) establish student discipline policy;
- 7 (6) establish school calendar;
- 8 (7) establish graduation standards;
- 9 (8) periodically review established policies for refinement and
10 improvement;
- 11 (9) serve as Guam's State Education Policy/Governing Board for
12 Federal programs where such a board is required by Federal Law to include, but
13 not be limited to, the Head Start Program; In the event that federal programs do
14 not require a governing board, the Guam Education Policy Board shall have no
15 involvement with such federal programs but that all federal grant applications
16 must be presented to the board at least 15 days prior to transmittal. In event of
17 emergency, the Board may reduce or waive such 15 day presentation
18 requirement;
- 19 (10) make recommendations to I Maga'lahañ Guåhan and I
20 Liheslaturan Guåhan for changes, additions or deletions to public law;
- 21 (11) approve or revoke a school's decentralization status for
22 purposes of school-based management;
- 23 (12) act as the approving authority on behalf of the GPSS for
24 collective bargaining agreements;
- 25 (13) establish rates and fees necessary for programs, including, but
26 not limited to, the school lunch program;

1 (14) perform other duties and responsibilities as required by public
2 law to provide an adequate public educational system; and

3 (15) establish a professional training and development program for
4 its members; this program once developed and implemented, will make it
5 mandatory that all Board members participate for the purpose of improving,
6 expanding and refining their individual and collective policymaking skills. Some
7 specific areas that will be covered by such a professional training and
8 development program are: (a) Title 17, Guam Code Annotated; (b) Roberts Rules
9 of Order; (c) Guam Public School System / government of Guam budgeting
10 procedures and guidelines; (d) government of Guam code of ethics and conflicts
11 of interests codes; (e) difference(s) between policymaking administration; (f)
12 Board/staff relations; (g) Board media relations; and (h) conflict resolution-staff,
13 parents, students, community, colleagues, etc.

14 (16) privatization of GPSS services or operations must be authorized
15 by the Board and executed by:

16 (a) directing the Superintendent of Education to issue a Request for
17 Proposal (RFP) or an Invitation for Bid (IFB) for the privatization of services
18 within the Guam Public School System and implementing the privatization of
19 services within the budgeted allocation level approved by the Board;

20 (b) the issuance of an RFP or an IFB and the award thereof shall be
21 in conformance with all applicable procurement laws and regulations of Guam;
22 and

23 (c) the disposition of any employee of the GPSS, affected or
24 displaced by such action, shall follow all applicable laws and regulations of
25 Guam.

26 (d) For all Guam Public School System privatized food services,
27 cafeterias, or cafeteria services, contractors operating GPSS cafeterias and food

1 services shall comply with 5GCA 5001(e) and Chapter 68 of Title 5, Guam Code
2 Annotated, relative to the procurement of local products, in place and stead of the
3 Guam Public School System. The Guam Public School System shall require
4 compliance with these provisions as part of its contracts for privatization
5 subsequent to the enactment of this Subsection.

6 (17) Review and approve by Board resolution the spending priorities
7 as outlined in the fiscal year budget for the GPSS.

8
9 (b) The Board shall not collectively or individually:

10 (1) exert influence in the hiring, transfer, discipline or termination of
11 any employee of the GPSS, unless expressly authorized by public law;

12 (2) interfere in or micro-manage the affairs of the GPSS or school
13 within the GPSS; ~~or~~

14 (3) involve itself with student discipline cases, unless expressly
15 authorized by public law, and only to the extent authorized by public law; or

16 (4) involve itself in operational matters related to the administration
17 of federal funds and federal grants.

18
19 Any Board member shall report to I Liheslaturan Guåhan any
20 potential or alleged violation of this Subsection (b).

21
22 **Section. 3.** Article 2 of Chapter 43 of 5G.C.A. is hereby *amended* to read as
23 follows:

24 **Article 2**

25 **§43201.** Definitions

26 **§43202.** Performance Reviews of Agency Heads

27 **§43203.** Publication of Performance Reviews

1 **§43201. Definitions.** For purposes of this Article only: *Agency, instrumentality,*
2 or *entity* shall mean the ~~Guam Public School System~~, the Guam Power Authority, the
3 Guam Waterworks Authority, the Guam Telephone Authority, the Guam Housing
4 Corporation, the Guam Housing and Urban Renewal Authority, the Public Defender
5 Service Corporation, the Jose D. Leon Guerrero Commercial Port, the A.B. Won Pat
6 Guam International Airport Authority, the Guam Economic Development and
7 Commerce Authority, the Civil Service Commission, the Department of Chamorro
8 Affairs, the Chamorro Land Trust Commission, the Ancestral Lands Commission, the
9 Guam Memorial Hospital Authority, the Guam Educational Telecommunications
10 Corporation, the Guam Council of the Arts and Humanities, the Guam Visitors Bureau,
11 the Guam Environmental Protection Agency, the Guam Election Commission, and the
12 Government of Guam Retirement Fund.

13 *Governing Board* shall mean the Consolidated Commission on Utilities, ~~the~~
14 ~~Education Policy Board~~, Board of Directors, council, commission, or board with the
15 statutory authority to select the chief executive of the agency, instrumentality, or entity
16 for which it determines policy. *Chief Executive* shall mean the Senior Manager who
17 heads an agency including, but not limited to, the Director, Executive Director, General
18 Manager, President, Hospital Administrator, or Administrator.

19 **§43202. Performance Reviews of Agency Heads.** The governing boards for all
20 agencies, instrumentalities, or entities shall issue performance reviews of the chief
21 executive selected for that agency, six (6) months after appointment of the said chief
22 executive and every six (6) months thereafter that the Chief Executive is retained by the
23 Governing Board. Each performance review shall document the Chief Executive's
24 performance, accomplishments, and the respective Governing Board's reasons for
25 retaining the said Chief Executive.

26 **§43203. Publication of Performance Reviews.** The performance reviews
27 required under this Act shall be made public and the availability of these reviews shall

1 be published by the respective governing boards issuing the aforementioned reviews by
2 newspaper of general circulation or by radio or television which is reasonably
3 calculated to provide notice of the facts it announces to the public at large.

4