



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

March 20, 2023

To: **Joaquin 'Quin' P. Taitague**
Substitute Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Bill No. 29-37 (COR), As substituted and further Amended by the Committee on Health, Land, Justice, and Culture for processing.**

Håfa Adai yan Biba Guåhan!

Attached is **Bill No. 29-37 (COR), As substituted and further Amended by the Committee on Health, Land, Justice, and Culture** to be processed and posted on the legislature website for public accessibility.



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

Bill No. 29- 37 (COR)

As Substituted and further Amended by the Committee on
Health, Land, Justice, and Culture

Introduced by:

Chris Barnett
Sabina F. Perez
Therese M. Terlaje
Roy A.B. Quinata
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Frank Blas, Jr.
Thomas Fisher
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**AN ACT TO *RENUMBER* AND *AMEND* § 4721 ENTITLED
“VARIANCE” AND TO *ADD* A NEW SUBSECTION (b)
TO § 4719, ALL OF DIVISION 1, ARTICLE 7, CHAPTER
4, TITLE 26 OF GUAM ADMINISTRATIVE RULES AND
REGULATIONS, RELATIVE TO UPDATING
SANITATION REGULATIONS TO PROMOTE HEALTH
AND SAFETY OF GUAM DEPARTMENT OF
EDUCATION PUBLIC SCHOOLS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 finds that current sanitation rules and regulations pertaining to schools exempt

1 existing schools from coming into full compliance until June of 2024, which is five
2 years after its adoption.

3 *I Liheslatura* further finds that four years after the enactment of these rules
4 and regulations, numerous schools require immediate corrective action for building
5 facilities, ventilation, plumbing, restrooms, garbage and recycling disposal, food
6 protection, environmental health, and other safety issues. To prolong the safety
7 compliance of our schools for an additional seventeen months would be a grave
8 disservice to our public school children and faculty.

9 *I Liheslatura* further finds that expediting the date of compliance with the
10 Rules and Regulations for School Building Sanitation will catalyze the Department
11 of Public Health and Social Services to conduct immediate assessments of the
12 corrective actions needed to address potential Imminent Health Hazards and ensure
13 compliance with the requirements necessary to retain Sanitary Permits for the
14 operation of our schools.

15 *I Liheslatura* finds that the bottom line is our students do not deserve to go to
16 schools that do not meet basic public health and safety standards and requirements.
17 Additionally, the difficult circumstances facing the school system requires going
18 above and beyond the "adequate education" promised to our public school
19 stakeholders.

20 *I Liheslatura* further finds saving our schools is an all hands on deck issue that
21 requires a community effort and government-wide coordination and support. *I*
22 *Liheslatura* stands by ready and willing to support our schools.

23 *I Liheslatura Guåhan* intends to update regulations to ensure public schools
24 come into full compliance immediately to protect the health and safety of our
25 school community and the community at large.

26 **Section 2.** A new subsection (b) is added to § 4719 of Division 1, Article 7,
27 Chapter 4, Title 26 of Guam Administrative Rules and Regulations, to read:

1 **“ § 4719. Existing Facilities.**

2 School facilities in existence at the time that these regulations take
3 effect shall be given five years from the date that these rules become effective
4 to come into full compliance with the requirements of these rules unless a
5 school facility or operator files a written statement of exception with the
6 Director and receives a variance as provided in § ~~4721~~ 4722.

7 (b) Guam Department of Education (GDOE) Public school facilities
8 shall come into full compliance by the start of School Year 2023-2024 with
9 the requirements of these rules unless a public school facility or operator files
10 a written statement of exception with the Director and receives a variance as
11 provided in § 4722.”

12 **Section 3.** § 4721 of Division 1, Article 7, Chapter 4, Title 26 of Guam
13 Administrative Rules and Regulations is hereby *renumbered* and *amended* to read:

14 **“ § ~~4721~~ 4722. Variance.**

15 In the event that a school or an operator is unable to comply with certain
16 requirements of these rules and regulations, upon a showing of good cause
17 which is not the result of negligence or malfeasance and if corrective action
18 is in progress, the Director may grant a variance from the requirements of a
19 particular rule by making a written determination. Before a variance from a
20 requirement of these rules is approved, the school or the operator shall
21 ~~first~~ submit a written statement of the proposed variance from the requirement
22 citing the relevant rule section numbers. The written statement shall include
23 an alternate plan to address the potential public health hazards and nuisances
24 under the relevant rule sections. The Director, not his/her representative, is
25 delegated the authority to approve such variance.

1 (a) A variance shall not be issued to a GDOE public school if failure to
2 comply with Article 7 Chapter 26 of these Rules and Regulations will result
3 in the suspension of the Sanitary permit of a GDOE public school.

4 **(b) Reporting Requirement for GDOE Public Schools.**

5 The Director shall submit a report on the 5th day of each month, of all
6 written requests for variances submitted by a GDOE public school or operator
7 and received by DPHSS, whether such variances were approved or denied, to
8 the Guam Education Board and *I Liheslaturan Guåhan*. These monthly
9 reports shall be categorized by school or operator and shall cover the
10 preceding month.”

11 **Section 4. Immediate Site Inspections of GDOE Public School**
12 **Facilities.** The Guam Department of Education shall conduct immediate site
13 inspections of all public schools to assess and monitor corrective action to meet
14 compliance_ with these rules and regulations. The assessment and report of the
15 corrective actions for each public school, and Inspection and Grading Reports
16 conducted pursuant to § 4720 of Chapter 4, Division 1 26 GAR shall be submitted
17 monthly to the Guam Education Board, *I Magahågan Guåhan*, and *I Liheslaturan*
18 *Guåhan*. DPHSS shall conduct site inspections before the issuance or renewal of
19 sanitary permits for schools before the start of School Year 2023-2024 and the start
20 of every school year thereafter.

21 **Section 5. Compliance Timeline.** Compliance shall be met by the start of
22 School Year 2023-2024.

23 **Section 6. Additional Resources to Obtain Compliance.** *I Maga'hågan*
24 *Guåhan* may transfer personnel and other resources from, but not limited to, the
25 Department of Public Works to assist with preparing procurement related scope of
26 work preparation, repairs or other actions deemed necessary to obtain GDOE public
27 school compliance with sanitary permit requirements. *I Maga'hågan Guåhan* may

1 use federal funds or unaudited surplus revenues from FY 2023 to assist with
2 procurement and compliance efforts. All GDOE public school facilities shall utilize
3 the Community-Supported School Maintenance Program provided by the
4 Department of Public Health and Social Services, to assist schools with utilizing
5 community resources to assist with improving school maintenance.

6 **Section 7. Effective Date.** This act shall be effective upon enactment.

7 **Section 8. Severability.** If any provision of this Act or its application to any
8 person or circumstance is found to be invalid or inorganic, such invalidity shall not
9 affect other provisions or applications of this Act that can be given effect without
10 the invalid provision or application, and to this end the provisions of this Act are
11 severable.