

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
98-37 (COR)	William A. Parkinson Roy A. B. Quinata	AN ACT TO ADD A NEW CHAPTER 55 OF DIVISION 5, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ALL GUAM PUBLIC SCHOOLS TO BE ADA COMPLIANT, AND TO CITE THIS ACT THE "GUAM PUBLIC SCHOOLS ADA COMPLIANCE ACT OF 2023. "	4/17/23 10:23 a.m.	4/19/23	Committee on Education, Public Safety and the Arts	Request: 4/19/23 5/2/23			



COMMITTEE ON RULES

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

May 2, 2023

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

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

Subject: **Fiscal Note for Bill No. 98-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 98-37 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 98-37 (COR)**

AN ACT TO ADD A NEW CHAPTER 55 OF DIVISION 5, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ALL GUAM PUBLIC SCHOOLS TO BE ADA COMPLIANT, AND TO CITE THIS ACT THE "GUAM PUBLIC SCHOOLS ADA COMPLIANCE ACT OF 2023."

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Education (GDOE)	Dept./Agency Head: Judith Won Pat, Ed.D., Acting Superintendent
Department's General Fund (GF) appropriation(s) to date:	205,318,855
Department's Other Fund (Specify) appropriation(s) to date: Guam Educational Facilities Fund (\$12,838,487); Public School Library Resources Fund (\$686,994); Healthy Futures Fund (\$891,754); School Lunch/Child Nutritional Meal Reimbursement Fund (\$12,504,000); Limited Gaming Fund (\$380,225)	27,301,460
	232,620,315

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance		\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund	\$0	1/	\$0	\$0	\$0	\$0
Special Fund	\$0	1/	\$0	\$0	\$0	\$0
Total	\$0	1/	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /X/ No
If Yes, see attachment 1/
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? // Yes /X/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /X/ No
Is there a federal mandate to establish the program/agency? // Yes /X/ No
- Will the enactment of this Bill require new physical facilities? /X/ Yes // No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes // No
/X/ Requested agency comments not received by due date // Other:

Analyst: William P. Taitingfong Date: 4/28/23 Director: Lester L. Carlson, Jr., Director Date: **MAY 01 2023**

Footnotes:
1/ See attached comments on Bill 98-37 (COR).

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 98-37 (COR)

The proposed Bill 98-37 (COR) is an act to *add* a new Chapter 55 of Division 5, Title 17, Guam Code Annotated, relative to mandating all Guam public schools to be ADA compliant, and to cite this act the “*Guam Public Schools ADA Compliance Act of 2023*”.

According to the legislative intent of Bill 98-37 (COR), most public schools in Guam are not compliant with the accessibility requirements of the Americans with Disabilities Act (ADA) and its amendments, resulting in barriers to access and inclusion for students with disabilities. The purpose of the Act is to establish a comprehensive framework to ensure all public schools in Guam are fully compliant with the accessibility requirements of the ADA, and to promote inclusive and accessible educational environments for all students.

The Act will require that within 180 days of the enactment, the Guam Department of Education (GDOE) develop and implement a comprehensive plan to ensure all public schools are fully ADA compliant. The plan shall include 1) a thorough accessibility audit, conducted by qualified accessibility experts to identify areas of non-compliance of all public schools, 2) a timeline for addressing identified areas of non-compliance, including prioritization based on severity and urgency, 3) a detailed specifications for modifications and improvements necessary to achieve ADA compliance, 4) a plan for ongoing monitoring and reporting on progress towards ADA compliance, and 5) a plan for ensuring that any new construction or renovation of public schools in Guam comply with accessibility requirements of the ADA.

The GDOE shall allocate adequate financial resources to implement the ADA compliance plan which may include seeking federal grants, partnerships with local or federal agencies, American Rescue Plan (ARP) funds, and other funding sources.

It should be noted that the Bureau had sought input on the proposed Bill 98-37 (COR) from the GDOE on April 19, 2023 and has not received any official comments as of the date of this fiscal note.

The Bureau does anticipate that Bill 98-37 (COR) poses a financial impact to GDOE in terms of obtaining contractual services through requests for proposals from qualified accessibility experts to provide for the assessment of all GDOE public schools and facilities. However, the Bureau is unable to provide an estimated cost impact at this time as such costs are dependent on the accessibility audits to be completed by these qualified accessibility experts and the respective cost estimates for each of the public schools and facilities to perform the modification and improvements necessary to be fully ADA compliant.

Although Bill 98-37 (COR) does not provide for a specific appropriation to fund such purpose, the Bill does provide authorization to GDOE to allocate adequate financial resources to include federal grants like ARP funds and other funding sources. As such, this could include the recent \$20 Million appropriation to GDOE for the repair and maintenance of school infrastructure and grounds pursuant to Public Law 37-5.