

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 274-32 (COR)

Introduced by

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AN ACT AUTHORIZING THE GUAM DEPARTMENT OF EDUCATION TO IMPLEMENT A STATE PRESCHOOL PROGRAM BY ADDING A NEW SECTION 6101.1; AND TO ADJUST THE COMPULSORY AGE OF SCHOOL ATTENDANCE BY AMENDING SECTIONS 6102, 6103, 6104, 6105, 6105.1 AND 6106; AND TO ESTABLISH THE PRESCHOOL DAY AND YEAR BY ADDING A NEW SECTION 6121 ALL OF ARTICLE 1, DIVISION 2, CHAPTER 6 OF TITLE 17, GUAM CODE ANNOTATED.

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

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

3 finds that in 1957, when Russia beat the United States of America into space
4 with the success of the first artificial satellite, *Sputnik*, the US Federal
5 Government began to seriously address the overall policy of education
6 beginning with the early years. Understanding the phenomenal development
7 that occurs in the first eight (8) years of life, the federal government
8 developed and funded "Head Start," a preschool program with the goal of
9 providing high quality learning opportunities for four (4)-year-olds and their

1 families who are economically disadvantaged or who have a child with a
2 disability, to give them a head start into formal schooling. The United States
3 was intent in defending its status as a world power by investing in human
4 development from the beginning years.

5 Throughout the past five (5) decades, much research has substantiated
6 the effects of high- quality early childhood education programs. From the
7 beginning was The High Scope Educational Research Foundation, an
8 independent non-profit research, development, training and public outreach
9 organization that studied the effects of the 1960 Perry Preschool Project that
10 provided high quality learning for three to four (3-4)-year-old children. A
11 2005 follow up study found that adults at age of forty (40) who had entered
12 the preschool program had higher earnings, were more likely to hold a job,
13 had committed fewer crimes, and were more likely to have graduated from
14 high school than adults who did not attend preschool.

15 The 2002 Chicago Longitudinal Study conducted by the University of
16 Minnesota, along with a follow up 2011 study of government-funded early
17 childhood programs in Chicago, have demonstrated that for every US dollar
18 invested in high quality early childhood education, the community has a

1 minimal return of eleven dollars (\$11.00) which includes taxes on additional
2 earnings and savings in education, welfare, and crime.

3 The Federal Reserve Bank, which studies economic data, such as
4 production and employment, stresses that early childhood education delivers
5 in economic development with a return on investment at ten percent (10%),
6 and that effective education leads to lower rates of poverty, higher lifetime
7 earnings, and greater satisfaction at the job and at home. Additionally,
8 economists have reiterated the need for high quality early learning as a
9 means to bolster workforce development.

10 In 2004, “The Science of Early Childhood Development” published by
11 the Center on the Developing Child at Harvard University demonstrates how
12 early experience influences the developing brain. The basic principles of
13 neuroscience indicate that providing supportive and positive conditions for
14 early childhood development is more effective and less costly than
15 attempting to address the consequences of early adversity later.

16 In 2014, Mission: Readiness, a non partisan national security
17 organization of retired military leaders, called for smart investment in early
18 learning as a matter of national security as they struggle with high numbers

1 of potential soldiers not meeting their standards because they are too poorly
2 educated, too overweight, or have a serious criminal record.

3 Nationally, twenty eight percent (28 %) of four (4)-year-olds are
4 enrolled in state-financed preschools throughout forty (40) states. While
5 about 1.1 million (1,100,000) students across the country are enrolled in
6 federally-financed Head Start programs and others attend private preschools,
7 millions of children remain on the sidelines in unstructured early childhood
8 programs. The National Institute for Early Education Research also
9 describes elements of high quality education as well-educated teachers,
10 preferable with a bachelor’s degree and specialized training in early
11 childhood education, low child-teacher ratio, research-based curriculum
12 aligned to Kindergarten to Twelfth-grade (K-12) standards, engaged
13 families, and a focus on the whole child and family.

14 *I Liheslatura* further finds that in Guam, there has been progress and
15 there have been set-backs in early childhood education:

16 After thirty three (33) years, *I Liheslatura* updated the rules and
17 regulations for child care facilities across our island. Public Law No. 31-73
18 strengthens standards in child care facilities to ensure that environments are

1 healthy and accessible and personnel are equipped with the needed
2 competencies to best support young growing minds and their families.

3 Public Law No. 31-62, was passed by *I Liheslatura*, in an effort to
4 strengthen coordination and collaboration between all child care serving
5 agencies as this policy provides statutory authority to the Early Learning
6 Council that meets on a quarterly basis to ensure that data tracking, policy
7 development, program efforts, and the leveraging of resources occur in a
8 structured and sustainable manner.

9 While the Guam Community College and the University of Guam offer
10 training programs in the latter four years – ages four to eight (4-8) - of early
11 childhood education - both institutions closed their early childhood centers
12 in the 1990s. These centers served as training grounds for teachers, high
13 quality centers for growing children, centers for family engagement, and
14 sites for potential research.

15 The Guam Department of Education strengthened its Kindergarten
16 program by fully implementing all-day Kindergarten in all elementary
17 schools by the early 1990s. As well, integrated curriculum for grades
18 Kindergarten to Third (K-3) was adopted and training for developmentally

1 appropriate practices was provided continuously. Since then, integrated
2 curriculum has been replaced by a variety of curricular programs.

3 Originally located at the University of Guam, Head Start is now a part
4 of the Guam Department of Education. Providing high quality learning to an
5 annual average of five hundred (500) four (4)-year-olds and support to their
6 families, Head Start welcomes the implementation of state preschool as they
7 believe early childhood education is needed for all of our preschoolers as a
8 way to ensure school readiness and school success.

9 The Guam Department of Education, under Part B of the Individuals
10 with Disabilities Education Act (IDEA) provides early intervention supports
11 and services to eligible children- ages three to five (3-5)- with emphasis on
12 specialized instruction in their child's natural settings. Guam Department of
13 Education welcomes the expansion of typical settings where these children
14 can be integrated.

15 The Guam Department of Education also provides Gifted and
16 Talented Education preschool programs for four (4)-year-olds identified as
17 "gifted and talented." These teachers and instructional aides will join the
18 Head Start personnel and the Part B Special Education personnel in

1 developing meaningful instructional strategies, meaningful assessment
2 strategies, and meaningful training modules for staff and family members.

3 Furthermore, *I Liheslatura*, becomes increasingly concerned by the
4 social fabric that is unraveling across our community. Annual child abuse
5 rates are reported in the thousands and adult abuse rates are reported in the
6 hundreds. Sexual violence and other crime rates are increasing, and every
7 two (2) weeks, one of our community members commits suicide. Guam's
8 unemployment rate is at eleven percent (11%) and twenty eight percent
9 (28%) of our community receives some sort of welfare assistance.
10 Additionally, Guam has the highest heart disease rate and the highest
11 gestational diabetes rate in the nation.

12 *I Liheslatura* also finds that as there is deliberation on the need and
13 development of a penitentiary to address the over-crowded facility that holds
14 seven hundred and nineteen (719) detainees and inmates, it is as equally
15 important to address the prevention of such criminal behavior.

16 *I Liheslatura* further finds that while parenting is the most important
17 job, it is the only job that does not require any training or certification.

18 Therefore, *I Liheslatura* intends to help families succeed as good
19 parents, to nurture growing minds and bodies as early as possible, to curb

1 crime, to strengthen work force development, by providing policy to ensure
2 and mandate that the Guam Department of Education phase in state
3 preschool throughout the public school system. Furthermore, by School
4 Year 2015-2016, Guam's four education regions shall have at least one (1)
5 school that provides preschool to children that are the age of four (4) by the
6 start of the school year, and by School Year 2020-2021, every elementary
7 school shall provide state preschool for every four (4) year old.

8 Additionally, *I Liheslatura*, intends to mandate that all teachers shall
9 be certified in early childhood education, to include an instructional aide,
10 who has completed basic training in early childhood education, shall be
11 assigned to each state preschool classroom. As well, there shall be a
12 maximum of eighteen (18) preschoolers in each class. The curriculum shall
13 be a research-based early childhood curriculum that is aligned to the K-12
14 curriculum.

15 **Section 2. A new § 6101.1 is hereby added to Article 1, Division 1,**
16 **Chapter 6 of Title 17, Guam Code Annotated to read:**

17 **“(a) State Preschool Program.**

18 The Superintendent (“Superintendent”) of the Guam Department of
19 Education (“GDOE”), in preparation for the opening of School Year (“SY”)

1 2015-2016, shall develop a plan for policies and procedures to implement a
2 high quality early childhood education program that starts with high quality
3 learning opportunities for four (4)-year-olds within the GDOE. The plan
4 and policies shall be approved by the Guam Education Policy Board
5 (“Board”).

6 The plan shall include, but is not limited to:

7 1) the development and/or identification of early childhood
8 education curriculum that is developmentally appropriate for
9 four (4)-year-old children;

10 2) the integration of a state preschool program into elementary
11 schools beginning with phasing in one (1) state preschool
12 program by the beginning of SY 2015-2016 in each of the
13 following regional areas:

14 A) Dededo and Yigo

15 B) Barrigada, Chalan Pago-Ordot, Mangilao, and
16 Mongmong-Toto-Maite

17 C) Agana Heights, Asan-Maina, Hagatna, Piti, Sinajana and
18 Tamuning

19 D) Inarajan, Merizo, Santa Rita, Talofofo, Umatac. and
20 Yona

1 and by SY 2020-2021, all Kindergarten to Fifth (“K-5”)
2 elementary schools and Lyndon B. Johnson Elementary School
3 shall have state preschool program opportunities for all four
4 (4)-year-olds in each of the regional areas:

- 5 3) the development of a plan identifying procedures to accept
6 eligible students ages four (4) into schools commencing SY
7 2015-2016 through SY 2019-2020.
- 8 4) the development of training modules and professional
9 development plans for teachers, instructional aides, and school
10 leaders that develop the competencies needed to provide high
11 quality early learning by each position;
- 12 5) the establishment of the requirement that teachers assigned to
13 the preschool program shall be certified in early childhood
14 education;
- 15 6) the establishment of the requirement that instructional aides
16 assigned to the preschool program shall have a secondary
17 school diploma or its recognized equivalent and have met a
18 rigorous standard of quality as demonstrated through a formal
19 state or local academic assessment – knowledge of and the
20 ability to assist in instructing, reading readiness, writing

1 readiness, and mathematics readiness, early childhood
2 competencies that include human growth and development,
3 developmentally appropriate practices and working with
4 families; or must have obtained an associate's or higher degree
5 in early childhood education or other related field;

6 7) the development of a plan that integrates and aligns resources
7 and policies for early learning and development programs
8 across state agencies and maximizes participation by all
9 federally-funded early learning programs and includes all
10 federally-funded early learning programs in state preschool
11 program and policy development;

12 8) the development of a plan that describes parent involvement
13 and family engagement strategies aimed to strengthen their
14 child's school-related competencies, including literacy and
15 social-emotional development, diversity, family literacy,
16 discipline, stress management, healthy habits, blended families
17 and other training topics that will strengthen parenting skills
18 which will heighten the child's progress;

1 9) the development of a budget to implement the state preschool
2 program that will be submitted via the Board to *I Liheslatura*
3 for approval and appropriation ;

4 10) an inventory of needed and available resources, to include, but
5 not limited to teachers, instructional aides, classroom space,
6 developmentally appropriate furniture, and instructional resources;

7 11) a plan to integrate families and community stakeholders into the
8 processes of planning, development, design of programs,
9 provision of resources, training, teacher and administrator
10 evaluations of a preschool program; and,

11 12) a plan to strengthen transition from early intervention/special
12 education to state preschool or Head Start or Gifted and Talented
13 Education (GATE) Preschool to Kindergarten, First, Second, and
14 Third grades where curriculum is articulated, assessment is
15 developmentally appropriate, families are included, training is
16 continuous and inclusive for all stakeholders engaged in working
17 with the young child and their families.

18 **(b) Implementation.**

1 1) The preschool program shall be implemented in phases beginning
2 with the selection of four (4) elementary schools for SY 2015-2016
3 based on room availability, school leadership support, teacher
4 availability, instructional aide availability and family interest. Each
5 proceeding school year, four (4) additional elementary schools per
6 regional area will implement the preschool program until all
7 elementary schools have fully implemented preschool programs for all
8 four (4)-year-olds by SY 2020-2021.

9 2) Teachers shall be certified in early childhood education.

10 3) An instructional aide, who- at a minimum- has graduated from
11 high school and who has completed basic training in early childhood
12 education, shall be assigned to each classroom.

13 4) There shall be a maximum of eighteen (18) preschoolers in each
14 class.

15 5) The curriculum shall be a research-based early childhood
16 curriculum that is aligned to the Kindergarten to Twelfth (K-12)
17 curriculum. Upon assignment to the preschool program, the teacher
18 and instructional aide shall complete training in developmentally
19 appropriate practices, working with families, unit development,

1 assessment, diversity to include cultural diversity and inclusion of
2 students with identified special needs.

3 **(c) Reporting.**

4 The Superintendent of the Guam Department of Education shall submit a
5 Report, approved by the Guam Education Policy Board, of the progress of
6 the preschool program every semester to *I Liheslatura* beginning SY 2015-
7 16.”

8 **Section 3. Sections 6102, 6103, 6104, 6105, 6105.1 and 6106 of Article**
9 **1, Division 1, Chapter 6 of Title 17, Guam Code Annotated, are amended**
10 **to read:**

11 “§ 6102. Duty to Send Children to School.

12 Commencing in SY 2020-2021, Any parent, guardian or other person
13 having control or charge of any child who is at least ~~five (5)~~ four (4) years of
14 age and has not reached the age of sixteen (16) years, not exempted under
15 the provisions of this Article, shall send the child to a public or private full-
16 time day school for the full-time of which such schools are in session, except
17 that the starting date of school for children five (5) years of age shall be
18 determined by the provisions of §§ 6103 and 6107 of this Article. The

1 Superintendent is authorized to establish attendance areas. Any parent,
2 guardian or other person having control or charge of any such child who is at
3 least ~~five (5)~~ (four) 4 years of age, and has not reached the age of sixteen
4 (16) years, who fails to comply with the provisions of this Section, unless
5 excused or exempted from, is guilty of a violation for the first offense, and
6 subject to a fine of not more than Fifty Dollars (\$50.00). For each
7 subsequent offense, the person is guilty of a petty misdemeanor.

8 § 6103. Children Eligible to Attend.

9 Any child whose fourth birthday falls on or before the commencement
10 dates of classes may, in such year, enroll in a preschool program of any
11 public school within Guam which the child is otherwise eligible to attend.

12 Any child whose fifth birthday falls on or before the commencement date
13 of classes may, in such year, enroll in the kindergarten of any public school
14 within Guam which the child is otherwise eligible to attend, except that any
15 child whose fifth birthday falls within one hundred twenty-five (125) days
16 after the beginning date of classes on the school calendar in the attendance
17 area where they live, and are designated to attend, may enroll in
18 kindergarten, subject to the approval of the principal of the school pursuant
19 to the policy mandated by §§ 6104 and 6105 of this Act.

1 The effective date of this Section shall be the start of School Year ~~1998-~~
2 ~~1999~~ 2015-2016.

3 § 6104. Policy and Procedures.

4 The Department of Education shall, prior to the start of School Year
5 ~~1998-1999~~ 2015-2016, develop a policy and implement procedures by which
6 children, who will have reached the age of ~~five (5)~~ four (4) within one
7 hundred twenty-five (125) days after the beginning date of classes on the
8 school calendar in the attendance area where they live and are designated to
9 attend, and whose parents or guardians so desire, will be screened to
10 determine readiness for school.

11 ~~§ 6105. Exception for the 1997-1998 School Year.~~

12 ~~Notwithstanding the provisions of § 6102 of this Chapter, for the~~
13 ~~School Year 1997-1998, any parent, guardian or other person having control~~
14 ~~or charge of any child who will reach the age of five (5) years within one~~
15 ~~hundred twenty five (125) days after the beginning of classes, may, at that~~
16 ~~person's option, choose not to send such child to school for that school year.~~

17 § ~~6105.1.~~ 6105 Sunset Provision Underage Screening and Enrollment.

18 Notwithstanding the provisions of §§ 6103 and 6104, beginning with the
19 School Year 2002 - 2003, all students must be at least five (5) years of age

1 by July 31 of each year for enrollment in kindergarten for that school year,
2 and beginning in the School Year 2015-2016, students must be at least four
3 (4) years of age by July 31 of each school year for enrollment in preschool
4 for that school year. The Department of Education shall announce the
5 starting date for schools at least one hundred eighty (180) days in advance of
6 the starting date.

7 § 6106. Option to Use Last Day of the Month as the Starting Date to
8 Determine Minimum Enrollment Age for Children.

9 Notwithstanding the provisions of § 6103 of this Chapter regarding
10 the beginning date of classes for each school, the Guam Education Policy
11 Board may use the last day of the month in which classes begin for
12 determining the minimum age a child shall attend school in cases where the
13 beginning date of classes in the school calendar is advanced to an earlier
14 starting date to accommodate special events or programs. ~~After the School~~
15 ~~Year 1998-1999, a~~ At least three (3) months' notice shall be given of any
16 changes to advance the beginning date of classes in the school calendar, to
17 include which date will be used in determining the minimum enrollment age
18 that children shall attend classes."

19 **Section 4. A new Section 6121 is hereby added to Article 1, Division 1,**
20 **Chapter 6 of Title 17, Guam Code Annotated to read:**

1 **“§ 6121. Preschool Day and Year.**

2 The length of a school day for the preschool grade of a school shall be
3 the same length of time as the school day for the elementary grades (first
4 through fifth grades) of such school. The length of a school year for the
5 preschool grade of a school shall be the same length of time (instructional
6 days/hours) as the school year for the elementary grades (first through fifth
7 grades) of such school.”

8 **Section 4. Effective Date.** This Act shall become effective upon
9 enactment.

10 **Section 5. Severability.** If any of the provisions of this law or its
11 application to any person or circumstance is found to be invalid or contrary
12 to law, such invalidity shall not affect other provisions or applications of this
13 law which can be given effect without the invalid provisions or application,
14 and to this end the provisions of this law are severable.