

MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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Bill No. 143 (COR)

Introduced by:

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AN ACT TO ADD A NEW §3133 TO CHAPTER 3 OF TITLE
17 OF THE GUAM CODE ANNOTATED, RELATIVE TO
PERFORMANCE-BASED CONTRACTS FOR SCHOOL
PRINCIPALS AND ASSISTANT PRINCIPALS WITHIN
THE GUAM PUBLIC SCHOOL SYSTEM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §3133 is hereby added to Chapter 3 of Title 17 of the
Guam Code Annotated to read as follows:

**“§3133. Performance-Based Contracts for School Principals and
Assistant Principals.** (a) Notwithstanding any other provision of law, the
Superintendent shall implement a performance-based contract system for the
purpose of obtaining school principals or assistant principals within the Guam
Public School System.

(b) The term of the performance-based contracts shall be the following:

(1) First year school principal or assistant principal. The initial contract
shall be a term of one (1) year. The first ninety (90) days of an initial contract is
a probationary period. During the probationary period, the school principal or
assistant principal may be dismissed without cause.

1 (2) Second year school principal or assistant principal. After the end of
2 the term of the initial contract, the school principal or assistant principal
3 whose contract has been renewed shall be appointed to a second year term.

4 (3) Three (3) year term school principal or assistant principal. After the
5 end of the term of the second year contract, the school principal or assistant
6 principal whose contract has been renewed shall be appointed to a three (3)
7 year term contract and shall be renewable on a triennial basis thereafter.

8 **(c)** The Superintendent shall be responsible for establishing minimum
9 performance standards for school principals and assistant principal and shall
10 incorporate the standards into the performance contract. At minimum the
11 performance-based contracts for school principals and assistant principal shall
12 be linked to student performance and academic improvement attributable to
13 the responsibilities and duties of the school principal and assistant principal.

14 **(d)** No performance-based contract shall be extended or rolled-over prior to
15 its scheduled expiration unless all the performance and improvement goals
16 contained in the contract have been met.

17 **(e)** At least sixty (60) days prior to the expiration of the performance-based
18 contract, the Superintendent shall give notice in writing of either renewal of
19 the performance-based contract or of refusal to renew performance-based
20 contract. Any performance-based contract renewed in this manner shall be for
21 term of one (1) year, unless the affected school principal or assistant principal
22 has been employed on contractual basis for three (3) years, the renewed
23 performance-based contract shall be a term of three (3) years. Any school

1 principal or assistant principal who receives notice of renewal or who does
2 not receive notice of renewal or refusal to renew the performance-based
3 contract at least sixty (60) days before the contract expiration shall accept or
4 reject the contract in writing on or before a date thirty (30) days prior to the
5 contract expiration.

6 **(f)** Prior to giving notice of refusal to renew the contract of any school
7 principal or assistant principal described under this section, the
8 Superintendent shall give the school principal or assistant principal
9 preliminary notice in writing at least ninety (90) days prior to the expiration of
10 such performance-based contract that the Superintendent is considering non-
11 renewal of the contract, and that if such school principal or assistant principal
12 files a written request with the Superintendent within seven (7) days after
13 receiving such notice, the school principal or assistant principal has the right
14 to a private conference before the Superintendent prior to being given written
15 notice of refusal to renew the contract. The school principal or assistant
16 principal may request with the Superintendent for an additional private
17 conference not later than ten (10) days after the initial private conference with
18 the Superintendent before being given written notice of refusal to renew the
19 contract. The preliminary notice required must include the Superintendent's
20 reasons for considering a decision not to renew.

21 **(g)** Assistant principals applying for and selected as a school principal shall be
22 considered as new appointees and shall be treated as first year school
23 principal.

1 **(h)** Certified teachers in the Guam Public School System who accepts a
2 performance based contract to be a school principal or assistant principal
3 under this section may retain the right to return to her or his teaching position
4 at the same step and grade prior to accepting the position of school principal
5 or assistant principal.

6 **(i)** The performance-based contract may be terminated during its term by:

7 (1) Mutual agreement;

8 (2) Permanent disability (inability to perform essential job functions with or
9 without reasonable accommodation);

10 (3) Discharge for cause; or

11 (4) Death"

12 **Section 2. Effective Date.** This act shall take effect immediately at the
13 end of the 2009-2010 school year.