

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

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NC

Bill No. 289 -30 (COR)

Introduced by:

Judith T. Won Pat, Ed.D. 

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AN ACT TO AMEND CHAPTER 7 OF TITLE 17 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
RULES AND REGULATIONS FOR THE SCHOOL  
PROPERTY OF THE DEPARTMENT OF EDUCATION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 7101 of Title 17 of the Guam Code Annotated is amended to  
3 read as follows:

4 "§ 7101. **School Property: Rules and Regulations.** The Superintendent,  
5 with Board approval, shall ~~adopt~~ recommend and implement rules and  
6 regulations for the opening of new schools, and the management,  
7 rehabilitation, utilization, disposition, and control of all school buildings,  
8 grounds, and other property real or personal, under the jurisdiction of DOE  
9 ~~school property~~ consistent with government of Guam standard property  
10 regulations. DOE is not authorized to sell or lease any school buildings or  
11 grounds under its jurisdiction with the exception as provided for in § 7102, §  
12 7104, § 7105, § 7106, and § 7107 of this Chapter. Said rules and regulations

1 shall be transmitted to *I Liheslaturan Gudhan, I Maga' lãhen Guåhan* and posted  
2 on DOE's website."

3 **Section 2.** § 7102 of Title 17 of the Guam Code Annotated is amended to  
4 read as follows:

5 "§ 7102. **Same: Other Use of.** The Superintendent Board, upon the  
6 written application of any responsible organization or group of at least seven  
7 (7) persons, may grant permission to use any school building or school  
8 ground as a community or recreation center for the entertainment and  
9 education of the People, and for the discussion of all topics tending to the  
10 development of personal character and civil welfare; provided, however, that  
11 such use shall not seriously infringe upon the necessary uses of the property  
12 for school purposes. ~~The Board shall prescribe such rules and regulations~~  
13 ~~relating to the use of school property as it may deem necessary.~~ The  
14 organization or group of persons using the property for the purposes herein  
15 authorized shall be responsible for any damage done over and above ordinary  
16 wear. Neither the government of Guam, DOE, nor the Board shall be liable for  
17 damage or injury to person or property suffered by any person resulting from  
18 a dangerous or defective condition of a school building or school ground  
19 while such person is present under permission granted by the Superintendent  
20 ~~Board~~ as authorized herein. The ~~Board~~ Superintendent may enforce a  
21 schedule of charges for the use of such school property, or ~~it~~ the  
22 Superintendent may provide such use free of charge, in its at his/her

1 discretion, if ~~it~~ the Superintendent deems the use to be sufficiently in the  
2 public interest.”

3 **Section 3.** § 7103 of Title 17 of the Guam Code Annotated is amended to  
4 read as follows:

5 “§ 7103. **Unused School Equipment: Utilization of.** (a) ~~The Board~~  
6 Superintendent is authorized to enter into agreements with non-public  
7 schools for the mutual utilization of school equipment for non-religious  
8 purposes which is not being used, or if being used, during periods of nonuse.  
9 ~~(b) The Board shall adopt rules and regulations for the mutual utilization of~~  
10 ~~school equipment.~~ ”

11 **Section 4.** § 7104 of Title 17 of the Guam Code Annotated is amended to  
12 read as follows:

13 “§ 7104. **School Facilities; Use of.** The use of school facilities by person(s)  
14 or group(s) during non-school hours is hereby authorized.

15 (a) ~~The Board~~ The Superintendent may grant permission for the use of school  
16 facilities, including the gymnasium, theater, staff development center, and  
17 other ~~GPSS-DOE~~ facilities located at ~~Tiyan, NAS or Hagatna~~. The principal, or  
18 the principal’s designee, shall arrange the scheduling of any non-school  
19 activity authorized by the ~~Board~~ Superintendent and, in addition, serve as  
20 liaison between the ~~Board~~ Superintendent and the requesting party or user  
21 group.

22 ~~(b) The Board, in collaboration with the Superintendent and the various~~  
23 ~~school principals/Tiyan facilities manager/staff development manager, shall~~

1 ~~prescribe such rules and regulations governing the use of school facilities as~~  
2 ~~it may deem necessary.~~

3 (e) (b) The Board is authorized to establish a fee schedule and charge  
4 according to such schedule for the use of school facilities.

5 (d) (c) There are hereby established revolving funds for each public school on  
6 a school-by-school basis, to be known as '*I Salappe' Facilidat*', which shall be  
7 maintained separate and apart from other funds of the government of Guam  
8 and wherein all proceeds generated from user fees collected pursuant to the  
9 provisions of this Act shall be deposited. Said accounts shall be under the  
10 custody and trust of the principal and vice-principal of the respective schools.

11 The principal and vice-principal may expend such funds for the purpose of  
12 off-setting or defraying any added cost(s) incurred by the school as a result of  
13 extraordinary community use, or for the purpose of maintaining or improving  
14 the school facilities affected by this Act. The fund shall be used to purchase  
15 small items and/or services for direct school maintenance or repairs which do  
16 not exceed the cost of Two Hundred Dollars (\$200.00) per item. The  
17 procurement of items or services costing more than Two Hundred Dollars  
18 (\$200.00) each shall require authorization of the Superintendent. Each  
19 principal shall prepare a quarterly financial status report on the fund to be  
20 transmitted to ~~the Chairperson~~ of the Board, the Superintendent, and *I*  
21 *Liheslaturan Guåhan* on or before the end of the quarter of each fiscal year.

22 Additionally, notwithstanding any other provision of law, the Board is

1 authorized to accept donations to 'I Salappe' Facilidat' on behalf of any school  
2 or GPSS DOE facility.

3 (e) (d) Person(s) or group(s) using the public school facilities shall be liable for  
4 any damage done over and above ordinary wear and tear. Neither the  
5 government of Guam, DOE nor the Board shall be liable for damage or injury  
6 to person or property suffered by any person(s) resulting from a dangerous or  
7 defective condition of the school recreational facilities.

8 (f) (e) Any reservation of the facility may be cancelled, by notice given thirty  
9 (30) days in advance, in the event that a school function must be conducted.  
10 Said cancellation shall be approved by the school principal."

11 **Section 5.** § 7105 of Title 17 of the Guam Code Annotated is amended to  
12 read as follows:

13 **"§7105. Authorization of Commercial Advertising Leases.** ~~Within ninety~~  
14 ~~(90) days of the enactment of this Chapter, the GPSS shall review and revise~~  
15 ~~all existing GPSS rules and regulations for the management and control of~~  
16 ~~school property in order to~~ ‡The Superintendent is authorize to enter into a  
17 lease agreement for the commercial leasing of advertising space at GPSS  
18 DOE and Tiyan sports facilities ~~and on Department of Public Works' school~~  
19 ~~buses, consistent with government of Guam standard property regulations.~~  
20 ~~Within ninety (90) days of enactment of this Chapter, The GPSS in~~  
21 ~~conjunction with the Bus Operations Division of the Department of Public~~  
22 ~~Works, shall develop standard size and placement regulations for the leasing~~  
23 ~~of commercial advertising space at GPSS and Tiyan sports facilities and on~~

1 Department of Public Works' school buses. Immediately upon completion, the  
2 ~~proposed shall be transmitted to the Board for approval. Within thirty (30)~~  
3 ~~days of receipt, the Board shall adopt the revised rules and regulations with~~  
4 ~~any amendments deemed necessary and appropriate. "~~

5       **Section 6.** § 7106 of Title 17 of the Guam Code Annotated is amended to  
6 read as follows:

7       "**§ 7106. Schedule of Commercial Advertising Fees.** ~~Within ninety (90) days~~  
8 ~~of the enactment of this Chapter, ¶The GPSS Board shall develop a schedule of~~  
9 ~~fees for the commercial leasing of advertising space at GPSS DOE and Tiyan~~  
10 ~~sports facilities, and Department of Public Works' school buses. Immediately~~  
11 ~~upon completion, the proposed schedule of fees shall be transmitted to the~~  
12 ~~Board for approval. Within thirty (30) days of receipt, the Board shall approve~~  
13 ~~the schedule of fees with any amendments deemed necessary and~~  
14 ~~appropriate."~~

15       **Section 7.** § 7107 of Title 17 of the Guam Code Annotated is amended to  
16 read as follows:

17       "**§ 7107. Standard Lease Agreement for Commercial Advertising.**  
18 ~~Within ninety (90) days of the enactment of this Act, ¶The GPSS~~  
19 ~~Superintendent shall develop a standard lease agreement for commercial~~  
20 ~~advertising at GPSS and Tiyan sports facilities, and on Department of Public~~  
21 ~~Works' school buses. Such standard lease agreement shall specify the GPSS'~~  
22 ~~DOE's rules and regulations, schedule of fees and legal liabilities for private~~  
23 ~~entities seeking to advertise at GPSS DOE and Tiyan sports facilities, and on~~

1 ~~Department of Public Works' school buses.~~ Such standard lease agreement  
2 shall specifically prohibit any advertising which promotes substances which  
3 are controlled by law, or are illegal to distribute to minors, including, without  
4 limitation, alcohol; establishments selling primarily alcohol products, such as  
5 bars; tobacco products; firearms; obscenity and as may be otherwise  
6 determined by the Board. Immediately upon completion, the proposed  
7 standard lease agreement shall be transmitted to the Board for approval.  
8 Within thirty (30) days of receipt, the Board shall adopt the standard lease  
9 agreement with any amendments deemed necessary and appropriate.”

10 **Section 8.** § 7107 of Title 17 of the Guam Code Annotated is amended to  
11 read as follows:

12 “§ 7111. **Same: Posting.** The ~~Board~~ Superintendent shall cause to be posted  
13 at the entrance(s) of every school campus, signs which set out in a  
14 conspicuous manner §§ 7109 and 7110 of this Chapter. The ~~Board~~  
15 Superintendent shall see to it that said signs shall continue to be maintained in  
16 a readable condition.”

17 **Section 9. JFK High School Exempted.** The John F. Kennedy High  
18 School campus, located in Tumon, Guam shall be exempted from this Act and  
19 its disposition shall remain under the control of P.L. 29-114

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