



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUL 26 1996

The Honorable Sonny L. Orsini  
Acting Legislative Secretary  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY		
ACKNOWLEDGMENT RECEIPT		
Received By	<u>Linne</u>	
Time	<u>11:38 am.</u>	
Date	<u>29 July 96</u>	

Dear Mr. Legislative Secretary:

Enclosed please find a copy of Governor's message and Substitute Bill No. 311 (LS), "AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL TEACHERS TO THE BOARD OF EDUCATION", which I have signed into law today as **Public Law No. 23-112.**

A copy has also been delivered to the Office of the Speaker.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachments

231384

COMMITTEE ON RULES

Rec'd by: AM Date: 7/26/96 Time: 9:30

Routing:	Date:	Sen's Ini.
_____	_____	_____
_____	_____	_____

Action: \_\_\_\_\_

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 311 (LS)  
As amended by the  
Committee on Education

Introduced by:

J. M. S. Brown  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
A. C. Blaz  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
T. S. Nelson  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO REPEAL AND REENACT §5117 OF TITLE  
17, GUAM CODE ANNOTATED, RELATIVE TO  
TRANSFERRING AUTHORITY FOR DUTY TIME FOR  
ALL TEACHERS TO THE BOARD OF EDUCATION.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2           **Section 1. Legislative Statement.** The Legislature has determined that  
3 it is the will of the people to vest the Territorial Board of Education with the

1 necessary powers, duties, and responsibilities pertinent to the operations of  
2 the Department of Education. With the creation of an elected school board  
3 there is no longer any need for the Legislature to give its stamp of approval to  
4 decisions that can be made by the elected school board. That body, like the  
5 Legislature, now answers directly to the voters of Guam. To accomplish the  
6 goal of transferring certain duties and functions from the Legislature to the  
7 elected school board the passage of this bill is necessary. Therefore, Section  
8 5117 of Title 17, Guam Code Annotated, is hereby repealed and reenacted.

9       **Section 2.** §5117 of Title 17, Guam Code Annotated, is hereby repealed  
10 and reenacted to read as follows:

11               **"5117. Duty Time.** The Board shall establish duty time for all  
12 teachers."

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 311 (LS), "AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL TEACHERS TO THE BOARD OF EDUCATION," was on the 11th day of July, 1996, duly and regularly passed.



\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16<sup>th</sup> day of July,  
1996, at 10:38 o'clock A.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 7-26-96

Public Law No. 23-112

# TWENTY-THIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

Date: 7/11/96

## VOTING SHEET

Bill No. 311

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.				✓
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C /	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 20 0 0 1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Recording Secretary

223-112

Judith Won Pat-Borja  
Senator

May 16, 1996

Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature

Via: Chairman, Committee on Rules

Dear Mr. Speaker:

Hafa Adai!

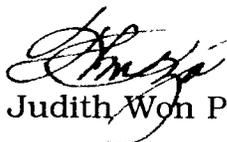
The Committee on Education, to which Bill No. 311 was referred (as amended by the Committee): "AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL TEACHERS TO THE BOARD OF EDUCATION," wishes to report its findings and recommendations for passage of Bill No.311.

The voting record is as follows:

To Do Pass	<u>11</u>
Not To Pass	<u>-0-</u>
Abstain	<u>1</u>
To Report Out Only	<u>-0-</u>

Attached are all pertinent documents for your review.

Si Yu'os Ma'ase'.

  
Judith Won Pat-Borja

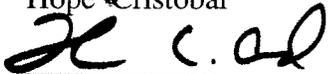
**TWENTY-THIRD GUAM LEGISLATURE**  
**COMMITTEE ON EDUCATION**

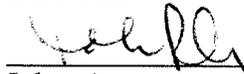
Vote Sheet on **Bill No. 311**: "An Act to Repeal and Reenact §5117 of Title 17, Guam Code Annotated, Relative to Transferring Authority for Duty Time for All Teachers to the Board of Education."

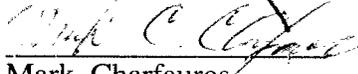
COMMITTEE MEMBER	TO DO PASS	NOT TO PASS	ABSTAIN	TO REPORT OUT ONLY
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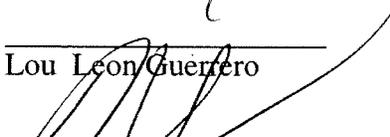
  
Judith Won Pat-Borja

  
Hope Cristobal

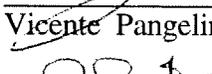
  
Tom Ada

  
John Aguon

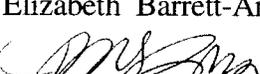
  
Mark Charfauros

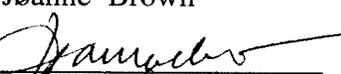
  
Lou Leon Guerrero     *Do we need to register in the policy?*

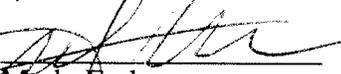
Ted Nelson

  
Vicente Pangelinan

  
Angel Santos

  
Elizabeth Barrett-Anderson

  
Joanne Brown

  
Felix Camacho

  
Mark Forbes

**Twenty-Third Guam Legislature  
Committee on Education**

**Committee Report on Bill No. 311**

**“An Act to Repeal and Reenact §5117 of Title 17, Guam Code Annotated, Relative to Transferring Authority for Duty Time for All Teachers to the Board of Education.”**

**Prepared by:  
Committee on Education  
Senator Judith Won Pat-Borja, Chairperson**

**Publicly Heard:  
March 27, 1996 -- 2:00 PM  
Public Hearing Room  
Temporary Legislature Building  
155 Hesler St., Agana, Guam**

## **I. Introduction**

The Committee on Education of the Twenty-Third Guam Legislature conducted a public hearing on **Bill No. 311** on March 27, 1996, 2:00 PM at the Legislature's Public Hearing Room, Temporary Legislature Building, 155 Hesler St., Agana, Guam.

The record of Committee members in attendance is as follows:

### **Committee on Education**

#### **Senators:**

<b>Judith Won Pat-Borja</b>	<b>Chairperson</b>
<b>Ted Nelson</b>	<b>Member</b>
<b>Tom Ada</b>	<b>Member</b>
<b>Lou Leon Guerrero</b>	<b>Member</b>
<b>Joanne Brown</b>	<b>Member</b>
<b>Mark Forbes</b>	<b>Member</b>
<b>Ben Pangelinan</b>	<b>Member</b>
<b>Sonny Orsini</b>	<b>Member</b>

**Bill No. 311** was referred to the Committee on Education as the primary Legislative Committee.

## **II. Testimony & Input on Bill No. 311**

Persons appearing to testify before the Committee:

Mark "Paps" Martinez (Territorial Board of Education), Mary Gutierrez (Guam Parent-Teacher Association Congress), Dr. Joseph DeTorres (Department of Education), Dorothy Pocaigue (Guam Federation of Teachers).

## **A. Written Testimony**

Mary Gutierrez, Dr. Joseph DeTorres, and Dorothy Pocaigue all submitted written testimony on Bill No. 311 (see appendage).

Mary Gutierrez, representing the Guam Parent-Teacher Association Congress as its current president, felt that the current language contained in §5117 of Title 17 was sufficiently “appropriate and consistent with the collective bargaining agreements negotiated between the Territorial Board of Education and the Guam Federation of Teachers.” Ms. Gutierrez was of the opinion that the passage of the bill was unnecessary.

Although applauding the bill’s intent, Dr. Joseph DeTorres, Director of the Department of Education, emphasized the fact that the “Territorial Board of Education does not need the Legislature to assist in the discharge of its related duties and obligations.” For purposes of clarity and continuity, however, Dr. DeTorres recommended that any proposed revision of §5117 should include the following language: *Duty Time*. “*The Board shall establish duty time for all teachers which shall be consistent with collective bargaining agreements negotiated in accordance with Public Law 9-240 (Public Employee Management Relations Act.)*”

Dorothy Pocaigue, representing the Guam Federation of Teachers, was supportive of the bill with the following modification: “*...The Board shall, through negotiations, establish duty time for all teachers.*”

## **B. Oral Testimony**

Mark “Paps” Martinez submitted the only oral testimony on Bill No. 311.

Citing the intent of the bill as a positive step for education, Board of Education member Mark “Paps” Martinez stated that it would allow schools greater flexibility in scheduling. He expressed difficulty, however, in accepting what he perceived as seemingly contradictory statements and actions on the part of the bill’s sponsor relative to the role of the Board of Education and the author’s position on related educational issues in the past.

In response to concerns raised by those who testified, the bill's author, Senator Joanne Brown, clarified that while current law does not allow the Board enough flexibility to provide adequate staff development and other professional training programs deemed essential by the Department of Education, this problem could be resolved by affording the Board greater flexibility through such legislation. Committee Chair Senator Judith Won Pat-Borja concurred that the bill was a step in the right direction.

### III. COMMITTEE FINDINGS

The Committee finds that there is general support for the bill's passage with the recommended modifications submitted by the Department of Education and the Guam Federation of Teachers.

### IV. COMMITTEE RECOMMENDATIONS

The Committee on Education has completed its review and deliberation on Bill No. 311, and does hereby recommend to the Twenty-Third Guam Legislature **"To Do Pass"** said measure: **"An Act to Repeal and Reenact §5117 of Title 17, Guam Code Annotated, Relative to Transferring Authority for Duty Time for All Teachers to the Board of Education."**

### V. APPENDAGE

- 1) Witness sign-in sheet.
- 2) Public Hearing Notice (PDN/March 26, 1996).
- 3) Bill No. 311.
- 4) Written testimonies from:

\* Mary Gutierrez, President, Parent-Teacher Association Congress

\* Dr. Joseph DeTorres, Director, Department of Education

\* Dorothy Pocaigue, Representative, Guam Federation of Teachers

**TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) REGULAR SESSION**

**Bill No. 311 (LS)  
(As Amended by the Committee on Education)**

**Introduced by:**

**J.M.S. Brown**

**“AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17,  
GUAM CODE ANNOTATED, RELATIVE TO  
TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL  
TEACHERS TO THE BOARD OF EDUCATION”**

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

**2**

**3 Section 1. Legislative Statement. The Legislature has determined that it is the will**  
**4 of the people to vest the Territorial Board of Education with the necessary powers, duties,**  
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**6 creation of an elected school board there is no longer any need for the Legislature to give**  
**7 its stamp of approval to decisions that can be made by the elected school board. That**  
**8 body, like the Legislature, now answers directly to the voters of Guam. To accomplish the**  
**9 goal of transferring certain duties and functions from the Legislature to the elected school**  
**10 board the passage of this bill is necessary. Therefore, Section 5117 of Title 17, Guam Code**  
**11 Annotated, is hereby repealed and reenacted.**

**12 Section 2. Section 5117 of Title 17, Guam Code Annotated, is hereby repealed and**  
**13 reenacted to read as follows:**

**14 “5117. Duty Time. The Board shall establish duty time for all teachers which shall be**  
**15 consistent with collective bargaining agreements negotiated in accordance with Public Law**  
**16 9-240 (Public Employment Management Relations Act).”**



# NOTICE OF PUBLIC HEARING



## SENATOR WON PAT-BORJA, CHAIRPERSON COMMITTEE ON EDUCATION

### 2:00 PM AGENDA

**APPOINTMENTS OF MEMBERSHIP TO THE  
DEPARTMENT OF VOCATIONAL REHABILITATION,  
BOARD OF CONTROL;**

**MR. FRANCISCO R. PEREZ JR. & DR. JOSE M. TORRES**

**BILL NO. 100 -- AN ACT TO ADD A NEW CHAPTER 47 TO TITLE 17, GUAM CODE ANNOTATED, ESTABLISHING AND DESIGNATING SAFE SCHOOLS; PROHIBITING THE POSSESSION, USE, OR TRANSPORT OF FIREARMS AND WEAPONS, OF ANY KIND, IN OR NEAR SUCH SPECIFIED ZONES; PROVIDING FOR THE SAFETY, HEALTH, AND WELFARE OF SCHOOL CHILDREN AND PERSONNEL; IMPOSING AN EXPULSION POLICY OF NO LESS THAN ONE YEAR FOR ANY STUDENT(S) OR INDIVIDUAL(S) DETERMINED TO HAVE POSSESSED, USED, OR TRANSPORTED A WEAPON TO SCHOOL, PURSUANT TO THE FEDERAL "GUN-FREE SCHOOL ACT OF 1994." THIS NEW LEGISLATION SHALL HEREBY BE KNOWN AS THE "SAFE SCHOOL ZONES ACT OF 1995." (BY S.L. ORSINI)**

**BILL NO. 503 -- AN ACT TO ADD A NEW CHAPTER 10 TO TITLE 17, GUAM CODE ANNOTATED, TO ESTABLISH THE SCHOOL AUTONOMY PROGRAM AND ESTABLISHING A NEW METHODOLOGY FOR APPROPRIATING FUNDS TO SCHOOLS FOR THE PURPOSE OF IMPROVING EDUCATION IN THE TERRITORY OF GUAM. (BY M. FORBES)**

**BILL NO. 311 -- AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL TEACHERS TO THE BOARD OF EDUCATION. (BY J.M.S. BROWN)**

**BILL NO. 359 -- AN ACT TO REPEAL AND REENACT 17 GCA, CHAPTER 15, ARTICLE 3, SECTION §15301 AND TO AMEND SECTION §15302 SUBSECTION (b), RELATIVE TO REFORMING THE GOVERNMENT OF GUAM MERIT SCHOLARSHIP PROGRAM. (BY H. A. CRISTOBAL)**

---

**DATE: WEDNESDAY, MARCH 27, 1996**

**TIME: 2:00 PM**

**PLACE: LEGISLATURE PUBLIC HEARING RM.  
155 HESLER ST., AGANA, GUAM 96910**

***THE COMMITTEE ENCOURAGES YOUR INPUT***



Local 1581  
American Federation of Teachers

# GUAM FEDERATION OF TEACHERS

P.O. Box 2301, Agana, Guam 96910 • Tel: (671) 734-4391/92/93 • Fax: (671) 734-8085

March 27, 1996

## TESTIMONY ON BILL 311:

The Guam Federation of Teachers supports Bill 311 with modification. That modification being:

"...The Board shall, through negotiations, establish duty time for all teachers."



Para i Minaolek Famagu'on-ta

**Guam PTA Congress**

P.O. Box 10863

Tamuning, Guam 96931

Tel: 637-5835/475-1313

March 27, 1996

**SENATOR JUDITH WON PAT-BORJA**

Chairperson

Committee on Education

Twenty-Third Guam Legislature

Agana, Guam 96910

RE: **BILL NO. 311** "An Act to repeal and reenact §5117 of Title 17, GCA, relative to transferring authority for duty time for all teachers to the Board of Education."

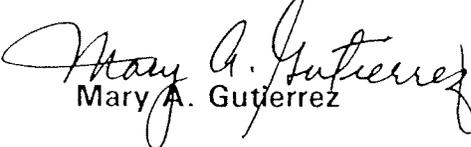
Madam Chairperson and Honorable Members of the Committee on Education:

Hafa Adai, I am Mary A. Gutierrez, President of the Guam Parent-Teacher Association Congress. I am here this afternoon on behalf of the members of the Guam PTA Congress to present our testimony on Bill No. 311. Thank you for the opportunity.

The Guam PTA Congress do not support Bill No. 311 to repeal and reenact the existing §5117 of Title 17, GCA.

The Guam PTA Congress feels that the current language of §5117 of Title 17, GCA is appropriate and consistent with the collective bargaining agreements negotiated between the Territorial Board of Education and Guam Federation of Teachers.

Si Yu'os Ma'ase.

  
Mary A. Gutierrez

**Officers:**

**President:** Mary Gutierrez  
**1st VP:** Rolly Zabala  
**2nd VP:** Art De Oro  
**Secretary:** Cheryl Wahl

**Treasurer:** Terri Martin  
**PRO:** Geraldine Flores  
**Auditor:** Rudy Borja

**Board of Directors:**

David Explana  
Ben Fernster  
Frances Hudgens  
Wills Kyle

Doris Quitugua  
Benny San Nicolas  
Pat San Nicolas  
Ren San Nicolas

Felix Santos  
Ben Servino  
Roy Trutsui



# OFFICE OF THE DIRECTOR

DEPARTMENT OF EDUCATION  
GOVERNMENT OF GUAM  
P.O. BOX DE  
AGANA, GUAM 96910  
TEL: (671) 475-0457  
FAX: (671) 472-5003



JOSEPH L. DeTORRES, Ph.D  
Director of Education

March 27, 1996

WILFRED G. AFLAGU  
Deputy Director

Honorable Judith Won Pat-Borja  
Chairperson  
Committee on Education  
Twenty-Third Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

**Re: Bill Nos. 100, 311, 359, and 503**

Dear Madam Chairperson:

On behalf of the Territorial Board of Education, and the Guam Department of Education, I thank you for allowing myself, and members of the public, the opportunity to provide testimony on Bills 100, 311, 359, and 503.

With regards to Bill No. 100, as amended by the Committee on Education, the Department of Education applauds its intent, and presents this testimony in favor of the bill. The department believes that safe school zones are needed throughout the island, especially in these times of heightened crime and offenses against persons, property, and community. Safe School Zones go a long way toward proscribing certain types of behavior, and prescribing sanctions for that behavior. It prohibits the possession, use, or transport of firearms and weapons, providing for the safety, health, and welfare of our school children and personnel, conditions clearly supported by the Board. For those who violate the provisions of the Act, expulsion is imposed for no less than one year.

Moreover, it returns the responsibility for educating minor children who violate the provisions of this bill back to parents, who must then take charge of their children's education during the time they are expelled.

Finally, Bill No. 100 requires coordination between the main governmental agencies capable of facilitating its success; namely the Guam Police Department, the Guam Judicial System, and the Department of Education.



**Commonwealth Now!**

Though the Board, and members of my staff throughout the system, share in our staunch support for this piece of legislation, we have identified areas in its text that, if revised, would imbue it with clarity and functionality.

1. The reference, throughout the text of the Bill, to severe criminal penalties, should perhaps be changed to refer to severe penalties, striking the word "criminal." References should instead be made to language which allows for imposition of a range of penalties, from school-imposed sanctions for minor offenses, up to criminal penalties which must be imposed by the courts, and enforced by the criminal justice system.
2. Resolution of the apparent contradiction in the definition of safe school zones, as it relates to the 500 feet beyond the physical limits of the school property. Clarification should be provided for private property owners within the 500 feet zone -- should there be different treatment of these people if they innocently possess weapons in their private homes or persons?
3. Clarification should be made, under the definition of "weapon," for items like small pocket knives. Should "sharpened or edged instruments" exclude pocket knives?
4. Section 47001(B) should be revisited: the part where "... such individual(s) will be held on campus, until the arrival of law enforcement representatives..." may not be possible, since we do not have a security force in the schools. Perhaps the Committee on Education could work with Department of Education and the Guam Police Department to resolve this!?
5. It was felt that parents, somehow should be held responsible for the acts/deeds of their children; that if the parents were found to be directly or indirectly linked to their child's violation of this legislation, they should bear financial and/or legal obligations along with the child. A section should be provided for this, in keeping with the intent to return parental supervision and responsibility back to parents during expulsion situations.

Finally, it is the judgment of the department, that Bill No. 100, in its intent and effect, is basically sound. With clarification, as suggested above, and with the dedicated support and coordination of the Guam Police Department, and Guam Judicial System, Bill No. 100 will assist in providing for a more stable and caring learning environment in our schools.

### **Bill No. 311**

The Department of Education applauds the intent of Bill No. 311. Since the existence and legitimacy of the Territorial Board of Education is based on the will of the people, the Territorial Board of Education does not need the legislature to assist in the discharge of its related duties and obligations.

A recommendation is made, however, for the purposes of clarity and continuity. Revision of 5117 should more properly read:

§5117. Duty Time. "The Board shall establish duty time for all teachers which shall be consistent with collective bargaining agreements negotiated in accordance with Public Law 9-240 (Public Employee Management Relations Act)."

### **Bill No. 359**

The Department of Education is in full support of Bill No. 459. It agrees with increasing the period of work assumed by the college graduate from 1-year to 5-years. It agrees with the increase of its academic standards requiring maintenance of a 3.0 grade point average, rather than a 2.5 grade point average. The Bill's language and funding commitment are applauded, as is the added period of 10-years for which the student must complete his/her 5-year working obligation.

### **Bill No 503**

It is the wish of the Department of Education to refrain from providing public testimony for this bill until a future time when more information is available. A Department of Education task force was created, earlier this year, to review and assess Department of Education's efforts at site-based management. Until the surveying is completed, the Department of Education will continue to support its individual school efforts. It will also assess the willingness of other Department of Education schools to be included in developing effective site-based management capacity. It is the current sense of the department, that the intellectual talents of those in the system will provide the necessary visionary thrust to enhance Department of Education's movement to systemwide site-based autonomy.

If there are any additional questions from the committee, I would be happy to respond should you require additional information.

With warm and personal regards, I remain

Sincerely,

  
**JOSEPH L. DeTORRES, Ph.D**  
Director of Education

cc: Members, Committee on Education  
Members, Territorial Board of Education  
Task Force  
Deputy Director  
Division Heads  
School Principals  
File

AUG 03 1995

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No.: 311 (LS)

Introduced by:

J.M.S. Brown 

**AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM  
CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY  
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