



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

DEC 05 1998


The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
DATE:	3:15 pm
TIME:	12:07-98

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 723 (COR), "AN ACT TO AMEND P.L. NO. 24-142, RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF I *ESKUELA-TA REFORM ACT*," which was vetoed and subsequently overridden by I Liheslatura on December 3, 1998. This legislation is now designated as **Public Law No. 24-299**.

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Attachment: copy attached for signed or overridden bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

01104

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 12-7-98
Time: 3:15 pm
Received by: [Signature]
Print Name: M. [Signature]

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 723 (COR), "AN ACT TO AMEND P.L. NO. 24-142, RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF I ESKUELA-TA REFORM ACT," returned without approval of I Maga'lahaen Guahan, was reconsidered by I Liheslaturan Guahan and after such consideration, did agree, on the 3rd day of December, 1998, to pass said bill notwithstanding the veto of I Maga'lahaen Guahan by a vote of sixteen (16) members.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 4th day of December
1998, at 4:05 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

Bill No. 723 (COR)

As substituted by the Committee
on Education and as further
substituted on the Floor and amended.

Introduced by:

L. F. Kasperbauer

Mark Forbes

E. J. Cruz

F. B. Aguon, Jr.

Francisco P. Camacho

J. C. Salas

T. C. Ada

A. C. Blaz

J. M.S. Brown

Felix P. Camacho

M. C. Charfauros

W. B.S.M. Flores

A. C. Lamorena, V

C. A. Leon Guerrero

L. A. Leon Guerrero

V. C. Pangelinan

A. L.G. Santos

F. E. Santos

A. R. Unpingco

J. T. Won Pat

**AN ACT TO AMEND P.L. NO. 24-142, RELATIVE
TO EFFECTUATING THE IMPLEMENTATION OF
I ESKUELA-TA REFORM ACT.**

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

2 **Section 1.** Section 3103.1 of Chapter 3, Division 2 of Title 17 of the
3 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
4 *amended* to read as follows:

5 **"Section 3103.1. Acceptance of Supplies and Services.** The
6 Department of Education, with the written consent of *I Maga'lahaen*
7 *Guahan*, shall have the power and duty to accept from the United States
8 of America, or any of its agencies, such advisory services, funds,
9 equipment and supplies as may be made available to Guam for any of
10 the purposes contemplated by this Chapter, and to enter into such
11 contracts and agreements with the United States, or any of its agencies,
12 as may be necessary, proper and convenient, not contrary to the laws of
13 Guam. In the use and distribution of such services, the Department of
14 Education shall, to the extent practical and lawful and consistent with
15 Federal regulations, make them available to all students on Guam in an
16 equitable manner."

17 **Section 2.** Section 3103.4(c) of Chapter 3, Division 2 of Title 17 of the
18 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
19 *amended* to read as follows:

20 "(c) The Department of Education shall develop rules,
21 regulations and procedures for grant applications from the School
22 District Organizations, including procedures for withholding of funds
23 for non-compliance of Federal program requirements or any other
24 sanctions authorized by Federal laws or regulations."

1 **Section 3.** Section 3103.5(a) of Chapter 3, Division 2 of Title 17 of the
2 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
3 *amended* to read as follows:

4 “(a) The Department of Education shall apportion the monies
5 described in §3103.4, consistent with Federal regulations.”

6 **Section 4.** Sections 3104(1), (2), (15) and (17) of Chapter 3, Division 2 of
7 Title 17 of the Guam Code Annotated, as added by Public Law Number 24-
8 142, are hereby *amended* to read as follows:

9 “(1) develop an annual budget to fund the Department's
10 operations and personnel costs, including those programs *not* operated
11 by the School Districts and submit such budget to *I Liheslaturan Guahan*
12 for its review and approval;

13 (2) prepare and/or review applications, receive and distribute
14 as appropriate Federal funds, grants and Federal contracts described in
15 §3103.4 to the respective School Districts, except for the funds for
16 programs described in Item (17) of this Section;

17 (15) assess the implementation, performance and achievement of
18 each of the Districts with regards to its educational goals and report its
19 findings to *I Maga'lahaen Guahan* and *I Liheslaturan Guahan* no later than
20 September 30th of each year; copies of such reports shall be made
21 available to the public;

22 (17) coordinate among all School District Organizations such
23 educational mandates and programs *not* appropriate for individual
24 administration by each School District Organization; such programs
25 include, but are not limited to, Head Start, Special Education and related

1 services; education services for the Department of Youth Affairs and
2 GATE, and"

3 **Section 5.** Section 3105(a) of Chapter 3, Division 2 of Title 17 of the
4 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
5 *amended* to read as follows:

6 "(a) There shall be four (4) District Boards of Education. Each
7 District Board shall be elected by registered voters of their District in
8 accordance with the Guam Election laws."

9 **Section 6.** Section 3105(d) of Chapter 3, Division 2 of Title 17 Guam
10 Code Annotated, as added by Public Law Number 24-142, is hereby *amended*
11 to read as follows:

12 "(d) Except for the student member, the candidate must be at
13 least twenty-five (25) years old, a five (5) year resident of Guam and a
14 resident and domiciliary of that District he/she will be representing for
15 at least two (2) years immediately preceding the date on which the
16 member takes office and continuing throughout the term and shall be of
17 good moral character. All candidates for a District Board must be
18 citizens of the United States."

19 **Section 7.** Section 3107 of Chapter 3, Division 2 of Title 17 of the Guam
20 Code Annotated, as added by Public Law Number 24-142, is hereby *amended*
21 to read as follows:

22 "**Section 3107. School Calendar.** Each District
23 Organization shall develop, prior to February 15th of each year, an
24 annual school calendar that shall specify a minimum of nine hundred
25 ninety (990) instructional hours for middle and high schools and nine-

1 hundred (900) instructional hours for elementary schools. Each District
2 Board shall, by March 15th of each year, adopt a school calendar for the
3 upcoming school year for the School District. The school calendar shall
4 also specify additional make-up hours for instructional time lost due to
5 natural disasters, inclement weather and other unforeseen events
6 causing school closure. The calendar shall also include, in addition to
7 instructional hours, teacher workdays, parent-teacher conferences,
8 holidays, time for School District-wide events and for other educational
9 activities.”

10 **Section 8.** Section 3109 of Chapter 3, Division 2 of Title 17 of the Guam
11 Code Annotated, as added by Public Law Number 24-142, is hereby *amended*
12 to read as follows:

13 **“Section 3109. Pledge of Allegiance to the United States Flag.**

14 It shall be the duty of each District Board to adopt and place into
15 effect for the public schools of Guam, rules and regulations requiring
16 students, at a suitable time during school sessions, to pledge allegiance
17 to the United States flag and to the Nation for which it stands. Such
18 pledge shall be in the following words:

19 ‘I pledge allegiance to the flag of the United States of America and
20 to the Republic for which it stands; one nation under God,
21 indivisible, with liberty and justice for all.’

22 **(a) Non-Participation.** No pupil shall be required to
23 recite the Pledge of Allegiance *if* the pupil is opposed to such
24 recitation.”

1 **Section 9.** Section 3113 of Chapter 3, Division 2 of Title 17 of the Guam
2 Code Annotated, as added by Public Law Number 24-142, is hereby *amended*
3 to read as follows:

4 **“Section 3113. Gifted Students.** Each District Board
5 shall administer a program of studies that will provide for the
6 development of the abilities of gifted students enrolled in the public
7 schools of its District, as established by the Department of Education.
8 For the purposes of this Chapter, ‘*gifted students*’ shall mean students
9 who exhibit leadership ability, artistic talent, creativity, outstanding
10 academic ability and high intelligence.”

11 **Section 10.** Section 3114 of Chapter 3, Division 2 of Title 17 of the
12 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
13 *amended* to read as follows:

14 **“Section 3114. Same: Assessment of Students.** Each District
15 Board shall cause to be conducted an assessment to identify gifted
16 students within the public schools of the District. Such assessment shall
17 be consistent with the standards for eligibility for Gifted and Talented
18 Education Programs established by the Department of Education.”

19 **Section 11.** Section 3117.1(d) of Chapter 3, Division 2 of Title 17 of the
20 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
21 *amended* to read as follows:

22 “(d) prepare and submit an annual budget by March 31st of each
23 year for the District Board's consideration and approval, with the
24 exception of the first year of implementation during which the budget
25 shall be submitted by June 30th;”

1 **Section 12.** Section 3117.3 of Chapter 3, Division 2 of Title 17 of the
2 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
3 *amended* to read as follows:

4 **“Section 3117.3. Parental Involvement in the School.**

5 (a) Each District Board, in consultation with parents, teachers
6 and administrators, shall cause to be developed and adopt a policy to
7 promote the involvement of parents and guardians of children enrolled
8 in the schools within the School District, including:

9 (1) a plan for parent participation in the schools which is
10 designed to improve parent and teacher cooperation in such areas
11 as homework, attendance and discipline;

12 (2) procedures by which parents may learn about the
13 course of study for their children and review learning materials;
14 and

15 (3) procedures by which parents who object to any
16 learning material or activity on the basis that it is harmful may
17 withdraw their children from the activity or from the class or
18 program in which the material is used. Objection to a learning
19 material or activity on the basis that it is harmful includes
20 objection to a material or activity because it questions beliefs or
21 practices in sex, morality or religion. Such objection or
22 withdrawal procedures shall be consistent with the Individuals
23 with Disabilities Education Act (‘IDEA’) laws and regulations for
24 those students who are eligible for Special Education Services.

25 (b) The policy adopted by each District Board pursuant to this

1 Section may also include the following components:

2 (1) a plan by which parents will be made aware of the
3 District's parental involvement policy and the provisions of this
4 Section, including privacy rights and the parent's right to inspect
5 the school district policies and curriculum;

6 (2) efforts to encourage the development of parenting
7 skills;

8 (3) the communication to parents of techniques designed
9 to assist the child's learning experience in the home;

10 (4) efforts to encourage access to community and support
11 services for children and families;

12 (5) the promotion of communication between the school
13 and parents concerning school programs and the academic
14 progress of the parents' children;

15 (6) identifying opportunities for parents to participate in
16 and support classroom instruction at the school;

17 (7) efforts to, with appropriate training, support parents
18 as shared decision makers and to encourage membership on
19 school councils;

20 (8) the recognition of the diversity of parents and the
21 development of guidelines that promote widespread parental
22 participation and involvement in the school at various levels;

23 (9) the development of preparation programs and
24 specialized courses for certificated employees and administrators
25 that promote parental involvement; and

1 (10) the development of strategies and programmatic
2 structures at schools to encourage and enable parents to
3 participate actively in their children's education.

4 (c) For the purposes of this Section, 'parent' means the parent or
5 person who has custody or joint legal custody of the child. For
6 Federally funded programs that have their own definition of parent,
7 those definitions shall prevail."

8 **Section 13.** Section 3117.4(f) of Chapter 3, Division 2 of Title 17 of the
9 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
10 *amended* to read as follows:

11 “(f) cooperation and collaboration within the District, with other
12 Districts and with other public and private agencies and the Department
13 of Education;”

14 **Section 14.** Section 3117.5 of Chapter 3, Division 2 of Title 17 of the
15 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
16 *amended* to read as follows:

17 “**Section 3117.5. Volunteers in Education.** Each
18 Superintendent of Schools is authorized to institute a program within
19 the School District organization to be entitled, 'Volunteers in Education.'
20 Each District Board shall, by its policies, make needful rules and
21 regulations for the utilization of said volunteers in education within the
22 School District Organization. Each School District Organization is
23 authorized to obtain liability insurance coverage for said volunteers.”

1 **Section 15.** Section 3120.3(a) of Chapter 3, Division 2 of Title 17 of the
2 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
3 *amended* to read as follows:

4 “(a) **School Bank Accounts.** Each school is authorized to set
5 up bank accounts in its own name for the purpose of transacting its day-
6 to-day business. Each school principal shall designate any twelve (12) -
7 month employees to include the identified school treasurer as
8 authorized signatories on bank accounts. Each District Board shall, by
9 resolution, provide the terms and conditions for which all schools of the
10 School District may open bank accounts. Such bank accounts shall be
11 dual signature accounts requiring the signature of at least two (2)
12 employees of the school. Interest earned on any bank account shall be
13 retained by the school. There shall be no commingling of Public Law
14 Number 24-17 funds with other school funds. The school district is
15 authorized to obtain Bonding Insurance for signatories of *all* Districts
16 and School Accounts.”

17 **Section 16.** Section 3121 of Chapter 3, Division 2 of Title 17 of the
18 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
19 *amended* to read as follows:

20 “**Section 3121. Employees of the Guam Public School System.**

21 All employees of the Guam Public School System are employees
22 of the government of Guam and entitled to the same benefits that all
23 other government of Guam employees are entitled to, including
24 retirement, sick leave, medical, dental and life insurance and annual
25 leave for twelve-month (12-month) employees. The provisions of the

1 Worker's Compensation Commission and the Government Claims Act
2 shall apply to all employees of the Guam Public School System."

3 **Section 17.** Section 3122 of Chapter 3, Division 2 of Title 17 of the
4 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
5 *amended* to read as follows:

6 **"Section 3122. Allocation of Budget from Funds Received**
7 **Under Public Law No. 24-17 Among the School Districts.** The
8 balance of all Funds received under the provisions of §26208 of Title 11
9 of the Guam Code Annotated, Public Law Number 24-17, that are *not*
10 appropriated for the Department of Education's operations as provided
11 for in §3122.1 of this Chapter or specified in §§3104(9) and (17) shall be
12 allocated to each School District based on a formula, including, but not
13 limited to, weighted (based on the number and percentages of
14 elementary, middle, high school and special needs students in a School
15 District) student enrollment on October 1st of each year. The
16 Department of Education shall, in consultation with the School District
17 Organizations, develop such allocation formula. Fifty percent (50%) of
18 the Public Law Number 24-17 funds not used by a School District within
19 a fiscal year (lapsed funds) shall remain with the School District for
20 subsequent fiscal periods for its operations, except personnel services.
21 Fifty percent (50%) of the Public Law Number 24-17 funds not used by
22 the School District within a fiscal year (lapsed funds) shall be remitted
23 to the Capital Improvement Fund for that school district. No more than
24 seven and one-half percent (7.5%) of the funds received by each School

1 District shall be used for the administration of the Office of the
2 Superintendent of Schools in each District Organization.”

3 **Section 18.** Section 3122.1 of Chapter 3, Division 2 of Title 17 of the
4 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
5 *amended* to read as follows:

6 **“Section 3122.1. Department of Education Operations.** No
7 more than three percent (3%) of the total Guam Public School System
8 funds received from Public Law Number 24-17 shall be used to fund the
9 operations of the Department of Education. Those Programs that are
10 Federally funded, funded by separate appropriations other than the
11 School Operations Fund, or funded by any of the School Districts shall
12 *not* be considered as part of the three percent (3%) limitation of this
13 Section. The Department of Education may, in consultation with each
14 District Superintendent, retain a portion of funds allocated the School
15 Districts by §3122 of this Chapter for services provided on behalf of each
16 School District pursuant to the provisions of §§3104(9) and (17) of Title
17 17 of the Guam Code Annotated. Such funds shall *not* be commingled
18 with any other funds of the Department. The expenditures of such
19 funds shall be controlled by an annual budget to be approved by a
20 majority vote of three (3) members of a committee of five (5) members
21 made up of the Director of Education and the four (4) Superintendents
22 of Schools.”

23 **Section 19.** Section 3122.5 of Chapter 3, Division 2 of Title 17 of the
24 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
25 *amended* to read as follows:

1 **“Section 3122.5. Allocation of Funds Reimbursed by the**
2 **Federal Government to Cover the Educational Costs of Certain**
3 **Students.** Any funds, except Compact Impact Funds, as defined by
4 Public Law Number 24-18, reimbursed to the Guam Public School
5 System or the Department of Education to cover the educational cost of
6 any student, such as, but not limited to, Department of Defense
7 dependents, shall be allocated among the various School Districts based
8 on the Federal grant requirements.”

9 **Section 20.** Section 3127 of Chapter 3, Division 2 of Title 17 of the
10 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
11 *amended* to read as follows:

12 **“Section 3127. Performance Incentive Program for Teachers,**
13 **Support Staff and Administrators.** The Department of Education
14 is hereby authorized to administer a Performance Incentive Program for
15 Teachers, Support Staff and Administrators based on criteria, including,
16 but not limited to, student retention, promotion and graduation rates
17 and overall student, class and school and academic achievement. The
18 Director of Education and the Superintendents of Schools shall jointly
19 develop rules and regulations for this program. Such rules and
20 regulations shall include provisions for the selection on an annual basis
21 of a Performance Incentive Awards Committee. The Performance
22 Incentive Program for Teachers, Support Staff and Administrators shall
23 be funded by the Performance Incentive Fund created in §26210 of Title
24 11 of the Guam Code Annotated.”

1 **Section 21.** Section 26210 of Article 2 of Title 11 of the Guam Code
2 Annotated, as added by Public Law Number 24-142, is hereby *amended* to read
3 as follows:

4 **“Section 26210. Creation of Performance Incentive Fund.**

5 There is hereby created, separate and apart from other funds of the
6 government of Guam, a fund known as the ‘Performance Incentive Fund.’
7 This Fund shall *not* be commingled with the General Fund and shall be
8 kept in a separate bank account. One-half of one percent (0.5%) of all
9 Gross Receipts Taxes collected on Guam shall be deposited in the
10 Performance Incentive Fund, and shall be appropriated by *I Liheslaturan*
11 *Guahan* to cover performance incentives for teachers, support staff and
12 educational administrators of the Guam Public School System
13 administered by the Department of Education. Such awards shall be used
14 exclusively for performance incentives, and shall *not* be used for payment
15 of or in lieu of periodic increments. The Department of Administration
16 shall deposit on the last day of each month a sum equal to one-half of one
17 percent (0.5%) of all Gross Receipts Taxes collected for that month in the
18 Performance Incentive Fund. Interest earned on such bank account shall
19 be retained by the Fund and used only for the Performance and Incentive
20 Program for Teachers, Support Staff and Administrators.”

21 **Section 22.** Section 26211 of Article 2 of Title 11 of the Guam Code
22 Annotated, as added by Public Law Number 24-142, is hereby *amended* to read
23 as follows:

24 **“Section 26211. Appropriation of Performance Incentive Fund.**

1 The contents of the Performance Incentive Fund are appropriated to the
2 Department of Education for the Performance Incentive Program for
3 Administrators, support staff and teachers under §3127 of Title 17 of the
4 Guam Code Annotated. This appropriation is continuous,
5 notwithstanding any other provision of law. The effective date of this
6 Section shall be on October 1, 1999. The Director of Administration
7 shall transfer, on the first day of each month, all funds contained in the
8 Performance Incentive Fund to the Department of Education.”

9 **Section 23.** Section 3A103 of Chapter 3A, Division 2 of Title 17 of the
10 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
11 *amended* to read as follows:

12 **“Section 3A103. Same: Composition.** Membership in the
13 School Councils for all schools, *except* high schools, shall be as follows:
14 two (2) parents of students attending the school selected by parents of
15 student attending the school, two (2) members of the school faculty
16 selected by the school’s faculty, two (2) members of the school's support
17 staff selected by the school’s support staff, one (1) member selected by
18 the Guam Chamber of Commerce who is a resident of the District and
19 who does *not* have any children enrolled in the school, and the school
20 principal. For high schools membership in the School Councils shall be
21 as follows: two (2) parents of students attending the school selected by
22 parents of students attending the school; two (2) members of the school
23 faculty selected by the school’s faculty; two (2) members of the school's
24 support staff selected by the school’s support staff; one (1) student
25 member selected by the student body; one (1) member selected by the

1 Guam Chamber of Commerce who is a resident of the District and the
2 school principal. The Principal of each school shall serve as chairperson
3 of the Council. The member selected by the Guam Chamber of
4 Commerce need *not* be a member of the Guam Chamber of Commerce.
5 In the event a member is *not* appointed within thirty (30) days of a
6 vacancy by the Guam Chamber of Commerce, the other members shall
7 appoint a member who is employed in the private sector, preferably in a
8 managerial position, to serve on the School Council. Vacancies on the
9 School Councils shall be filled by the respective appointing authorities.”

10 **Section 24.** Section 3A105(c) of Chapter 3A, Division 2 of Title 17 of
11 the Guam Code Annotated, as added by Public Law Number 24-142, is
12 hereby *amended* to read as follows:

13 “(c) The School Council of a decentralized school shall adopt a
14 policy to be implemented by the principal in the following additional
15 areas:

16 (1) implementation of curriculum, including needs
17 assessment, curriculum development, alignment with system-
18 wide standards, technology utilization and program evaluation
19 within District Board policy;

20 (2) assignment of students to classes and programs within
21 the school consistent with §3104(17) of this Chapter;

22 (3) determination of the schedule of the school day and
23 week, subject to the beginning and ending times of the school day
24 and school calendar year, as established by the District Board;

25 (4) determination of use of school space, consistent with

1 §3104(17) of this Chapter;

2 (5) planning and resolution of issues regarding
3 instructional practices;

4 (6) selection and implementation of discipline and
5 classroom management techniques and programs *not* inconsistent
6 with public law, including responsibilities of the student, parent,
7 teacher, counselor and principal; and

8 (7) selection of extracurricular programs and
9 determination of policies relating to student participation based
10 on academic qualifications and attendance requirements, program
11 evaluation and supervision.”

12 **Section 25.** Section 3A110 of Chapter 3A, Division 2 of Title 17 of the
13 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
14 *amended* to read as follows:

15 **“Section 3A110. District Superintendent to Serve as Liaison.**

16 The District Superintendent shall serve as the liaison between the
17 various District Schools and the District Board, Head Start and special
18 programs.”

19 **Section 26.** Section 3A111 of Chapter 3A, Division 2 of Title 17 of the
20 Guam Code Annotated, as added by Public Law Number 24-142, is hereby
21 *amended* to read as follows:

22 **“Section 3A111. Standards of Performance for Teachers**
23 **and Professional Staff.** The principal of each school, *except* as
24 otherwise negotiated, shall periodically monitor and evaluate the
25 standards of performance for all teachers and other professional staff of

1 the school. The standards of performance shall be included in any
2 contract between each District Board and/or special programs, and any
3 exclusive bargaining agent for teachers and other professional staff.
4 Standards of performance for administrators not included in any
5 exclusive bargaining agreement shall be set by each District Board.”

6 **Section 27.** Section 5125 of Article 2 of Title 5 of the Guam Code
7 Annotated, as amended by Public Law Number 24-142, is hereby *amended* to
8 read as follows:

9 “**Section 5125. Application of this Chapter to Executive**
10 **Branch.** Every governmental body which is in the purview of the
11 Executive Branch, including the Guam Community College, the
12 University of Guam, the Department of Education, the School District
13 Organizations, the Guam Memorial Hospital and the Guam Visitor's
14 Bureau, shall be governed by Articles 1, 3, 6, 7, 10, 11 and 12 of this
15 Chapter, *except* to the extent that any such governmental body, or other
16 above-named body, may be exempted from the centralized procurement
17 regime of Article 2 of this Chapter, in which event the Superintendent of
18 each School District, principal of a school, Program Director of Head
19 Start or the Director of each such governmental body or above-named
20 body, shall be substituted wherever there is reference to the Public
21 Policy Office or Chief Procurement Officer or the Director of Public
22 Works in Articles 4, 5, 8 and 9 of Chapter 5 of Title 5 of the Guam Code
23 Annotated.”

24 **Section 28.** Section 5103 of Title 17 of the Guam Code Annotated, as
25 amended by Public Law Number 24-142, is hereby *amended* to read as follows:

1 (a) to teach in senior high schools, four (4)-year high schools,
2 middle schools, vocational schools, elementary schools, supplementary
3 schools for adults, kindergartens and Head Start;

4 (b) to supervise instruction and to administer schools as
5 supervisors, principals and superintendents;

6 (c) to act as school librarians;

7 (d) to act as school attendance officers;

8 (e) to supervise the physical development of pupils;

9 (f) to act as school health counselors; and

10 (g) to teach special education and to provide related services to
11 special education students.”

12 **Section 29.** Section 5114 of Chapter 5, Division 2 of Title 17 of the
13 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
14 *amended* to read as follows:

15 **“Section 5114. Same: Maintenance of Discipline.** Every
16 teacher in the public schools shall hold pupils to strict account for their
17 conduct at all times while on the school premises.”

18 **Section 30.** Section 5116 of Chapter 5, Division 2 of Title 17 of the
19 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
20 *amended* to read as follows:

21 **“Section 5116. Para-Professional Employees and Teachers**
22 **Aides.** Each District Superintendent of Schools is authorized to
23 employ para-professional employees and teachers aides to help in the
24 supervision of instruction and administration in the public schools of
25 the District. Each District Board, upon recommendation of its

1 Superintendent, shall prescribe by general regulations the services to be
2 performed by such employees and their qualifications for employment.

3 Personnel employed as para-professional employees, teachers
4 aides or cafeteria workers shall be employees of the government of
5 Guam, and the conditions of their employment shall be on a contractual
6 basis for all employees hired after February 28, 1999."

7 **Section 31.** Section 5119 of Chapter 5, Division 2 of Title 17 of the
8 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
9 *amended* to read as follows:

10 "Section 5119. **School Year Pay for Teachers.** Persons
11 employed as teachers and school health counselors shall, at their option,
12 be paid on either twenty-one (21) or twenty-six (26) bi-weekly
13 payments."

14 **Section 32.** Section 6103.2 of Chapter 6, Division 2 of Title 17 of the
15 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
16 *repealed*.

17 **Section 33.** Section 6105 of Chapter 6, Division 2 of Title 17 of the
18 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
19 *amended* to read as follows:

20 "Section 6105. **Same: Sick Persons.** Children whose physical
21 or mental condition is such as to prevent or render inadvisable
22 attendance at school or application to study, shall be exempted from the
23 application of §6102, but each Superintendent of Schools shall require
24 satisfactory evidence of the condition to be furnished. This Section may
25 not be used to exclude a student with a disability from attendance at a

1 public school if an Individualized Education Plan (“IEP”) Committee
2 determined that school attendance was necessary for the student with a
3 disability to receive a free, appropriate public education.”

4 **Section 34.** Section 6106 of Chapter 6, Division 2 of Title 17 of the
5 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
6 *repealed*.

7 **Section 35.** Section 6107 of Chapter 6, Division 2 of Title 17 of the
8 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
9 *repealed*.

10 **Section 36.** Section 6109 of Chapter 6, Division 2 of Title 17 of the
11 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
12 *amended* to read as follows:

13 **“Section 6109. Compliance of Pupils Required.** All Guam
14 Public School System pupils shall comply with the regulations adopted
15 by the District Board of their attendance School Districts, pursue the
16 required course of study and submit to the authority of the teachers and
17 other professionals of the schools.”

18 **Section 37.** Section 6110 of Chapter 6, Division 2 of Title 17 of the
19 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
20 *amended* to read as follows:

21 **“Section 6110. Liability for Injury to Property.** The parent or
22 guardian of any pupil who willfully cuts, defaces or otherwise injures in
23 any way any property, real or personal, belonging to a school or the
24 Department of Education, shall be liable for all damages so caused by
25 the pupil. The parent or guardian of a pupil shall be liable to the school

1 for all property belonging to the school loaned to the pupil and *not*
2 returned upon demand of an employee of the school authorized by each
3 Superintendent of Schools to make the demand."

4 **Section 38.** Section 6111 of Title 17 of Chapter 6, Division 2 of the
5 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
6 *amended* to read as follows:

7 "Section 6111. **Medical Expenses for Injured Pupils.** If a
8 pupil of any of the public or private schools of Guam is injured during
9 school hours on Guam Public School System property, while traveling
10 directly between his home and school in public school buses, while
11 participating in or attending any regularly approved, supervised
12 activity of the public school during school hours or, after school hours;
13 if the school activity is under direct public school supervision, or while
14 traveling in public school buses to and from such school activity as a
15 member of group which is under the school's supervision; all medical
16 expenses incurred as a result of such injury shall be covered pursuant to
17 the provisions of the Government Claims Act, *except* that if the pupil is
18 covered by health or accident insurance as will reimburse him or his
19 parents or guardians for such medical expenses in whole or in part, then
20 such claims can be covered only for those expenses, *if any*, in excess of
21 the insurance payments made or to be made by the pupil's insurance
22 carrier on account of such injury."

23 **Section 39.** Section 6301 of Chapter 6, Division 2 of Title 17 of the
24 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
25 *amended* to read as follows:

1 **“Section 6301. Definitions.** As used in this Article:

2 (a) ‘*Auxiliary services*’ means:

3 (1) the supply for use by pupils attending non-public
4 schools such standardized tests and scoring services as are in use
5 in the public schools;

6 (2) the provision of speech and hearing diagnostic
7 services to pupils attending non-public school. Such services may
8 be provided in the non-public school attended by the pupil
9 receiving the service;

10 (3) the provision of diagnostic psychological services to
11 pupils attending non-public schools; such services may be
12 provided in the school attended by the pupil receiving the service;

13 (4) the provision of therapeutic, psychological and speech
14 and hearing services to pupils attending non-public schools, such
15 services may be made available by the Director of Education;

16 (5) the provision of guidance and counseling services to
17 pupils attending non-public school, such services may be made
18 available by each Superintendent of Schools for the non-public
19 schools within their respective School Districts;

20 (6) the provision of remedial services to pupils attending
21 non-public schools, such services may be made available by the
22 Director of Education; and

23 (7) the provision of programs for children with disabilities
24 attending non-public schools, such services may be made
25 available by the Director of Education.

1 (b) 'Non-public school' means a nonprofit school, other than a
2 public school or Department of Defense ('DOD') school within Guam,
3 wherein a resident of Guam may legally fulfill the compulsory school
4 attendance requirements of this Title. Auxiliary Services may be
5 provided to DOD schools *if* Federal funds are received specifically for
6 such services."

7 **Section 40.** Section 6302 of Chapter 6, Division 2 of Title 17 of the
8 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
9 *amended* to read as follows:

10 "Section 6302. Program of Auxiliary Services. Students
11 attending non-public schools may be furnished a program of auxiliary
12 services, *if* such services are available to pupils attending the public
13 schools. Such service shall be of the same quality as that provided
14 public school pupils. Auxiliary services related to Special Education
15 shall be administered in a manner consistent with Guam and Federal
16 laws, rules and regulations for Special Education Services."

17 **Section 41.** Section 6401(3) of Chapter 6, Division 2 of Title 17 of the
18 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
19 *amended* to read as follows:

20 "(3) 'Truant' means a pupil found to be absent from school
21 without a reasonable and bona fide excuse from a parent."

22 **Section 42.** Section 6402 of Title 17 of the Guam Code Annotated, as
23 amended by Public Law Number 24-142, is hereby *amended* to read as follows:

24 "Section 6402. Habitual Truant. A pupil is a habitual
25 truant if he has incurred twelve (12) or more unexcused absences in a

1 school year, and is of compulsory attendance age. If any pupil is a
2 habitual truant, the principal or Dean of his school shall request the
3 Superintendent or the President to file a petition concerning such
4 habitual truant in the Family Court of the Superior Court of Guam."

5 **Section 43.** Section 6406 of Chapter 6, Division 2 of Title 17 of the
6 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
7 *amended* to read as follows:

8 **"Section 6406. Report to Court and Social Services.** Any
9 pupil who has once been adjudged a habitual truant, or who is again
10 reported as a truant one (1) or more days, or is late to school for thirty
11 (30) or more minutes on one (1) or more days without excuse, shall be
12 reported by the Superintendent, the President or the attendance officer
13 to the Family Court."

14 **Section 44.** Section 6409 of Chapter 6, Division 2 of Title 17 of the
15 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
16 *amended* to read as follows:

17 **"Section 6409. Authority for Suspension or Expulsion of**
18 **Pupils.** Each District Board shall determine by regulation the
19 grounds for suspension or expulsion of pupils from school, and the
20 procedure whereby such suspension or expulsion is determined. Such
21 regulation shall include grounds for suspensions or expulsions, length
22 of suspensions and the procedures for review of suspension or
23 expulsion orders. In adopting the regulation establishing procedures
24 for suspending or expelling pupils, each District Board shall follow the
25 guidelines established therefor by local and Federal laws and

1 regulations. Such hearings and procedures as are established by the
2 Board pursuant to this Article shall provide any pupil against whom
3 suspension or expulsion procedures are initiated with due process of
4 law. Such procedures are exempt from the provisions of Chapter 9 of
5 Title 5 of the Guam Code Annotated, *Administrative Adjudication Law.*"

6 **Section 45.** Section 7104(a) of Chapter 6, Division 2 of Title 17 of the
7 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
8 *amended* to read as follows:

9 **"Section 7104. School Recreational Facilities; Use of.**

10 (a) Each principal may grant permission for the use of school
11 facilities. The principal or his/her designee shall arrange the scheduling
12 of any non-school activity. Additionally, each District Board shall
13 develop rules and regulations for the use of school facilities by other
14 government agencies or private parties. Each District Board shall
15 determine which facilities shall be used for emergency purposes, such
16 as storm or fallout shelters. Each District Board may develop a fee
17 schedule for the use of school facilities pursuant to the provisions of the
18 Administrative Adjudication Law; however, no fees shall be charged to
19 the government of Guam for use of the facilities for emergency
20 purposes. The Director of Education, through its designated
21 representative, shall have the same authority vested herein this
22 Subsection to each District Board with regards to the use of the facilities
23 under the control of the Department of Education, including the
24 gymnasium, theater, staff development center and other DOE facilities
25 at Tiyan, NAS, Agana."

1 **Section 46.** Section 7104.4(c) of Chapter 7, Division 2 of Title 17 of the
2 Guam Code Annotated, as amended by Public Law Number 24-142, is hereby
3 *repealed and reenacted* to read as follows:

4 “(c) **Same: Distribution of the Interscholastic Sports Fund.**

5 Elementary schools may participate in the solicitation of commercial
6 advertising in their respective schools as provided through the
7 Interscholastic Sports Fund Act. However, because the interscholastic
8 sports program exists in the middle and high school levels only, the
9 elementary school that solicits and receives monies for commercial
10 advertising shall deposit all funds into the Interscholastic Sports Fund.
11 The Department of Education shall transfer forty percent (40%) of the
12 total sum of any fees, monetary gifts, donations or contributions
13 collected or derived from the commercial leasing of any part of the
14 facilities for advertising, or other such purposes of an elementary
15 school, into the ‘*I Salappe Facilidat*’ account of that respective elementary
16 school. The remaining sixty percent (60%) will remain in the
17 Interscholastic Sports Fund to support interscholastic sports programs.
18 Funds transferred to the ‘*I Salappe Facilidat*’ accounts of a respective
19 elementary school pursuant to this Subsection, shall be expended in
20 accordance with the provisions of §7104 of Title 17 of the Guam Code
21 Annotated, as enacted through Public Law Number 23-67. The
22 distribution of advertising funds for both middle and high schools will
23 be as follows: sixty percent (60%) will remain in the Interscholastic
24 Sports Fund and forty percent (40%) will be retained at the school for its
25 respective sports programs. Any advertising funds collected for the

1 Tiyan Facility or the Staff Development Center, behind George
2 Washington High School in Mangilao, will be distributed as follows:
3 sixty percent (60%) to the Interscholastic Sports Fund and forty percent
4 (40%) for maintenance of those facilities.”

5 **Section 47.** Section 3122.2 of Chapter 3, Division 2 of Title 17 of the
6 Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

7 **“Section 3122.2. New Schools and Capital Improvements.**

8 Monies from the Capital Improvement Fund created by §26212 of Title
9 11 of the Guam Code Annotated shall be used for capital improvement
10 projects to include, but not be limited to, the building of new schools,
11 repairs and rehabilitation of facilities, and the construction of new
12 facilities in existing schools, and the planning and design of each. These
13 funds shall be maintained separate and apart from other Guam Public
14 School System funds. Revenues of the Capital Improvement Fund may
15 be used to service a debt on a bond, loan or other debenture for the
16 purpose of design and/or construction of new schools, or renovation of
17 existing schools, subject to the restrictions of Public Law Number 24-222
18 and the provisions of §50103(k) of Title 12 of the Guam Code
19 Annotated. New schools may also be built using the Build-Lease-
20 Transfer option in Item (b) of this Section. Expenditures and Priorities
21 for the use of the Capital Improvement Fund shall be determined by the
22 Committee as prescribed by §3122.3 of this Chapter.

23 New schools may be constructed by using either one of the
24 following methods, or a combination of both methods:

1 (a) **Direct Financing.** '*Direct Financing*' is the use of a loan,
2 bond or other form of debenture to finance the planning, design and
3 construction of the school facility; or

4 (b) **Build-Lease-Transfer.** '*Build-Lease-Transfer*' is the use
5 of a third-party developer who will: (1) finance the planning, design
6 and construction of a school; (2) lease the school to the Guam Public
7 School System for a specified term; and (3) transfer title to the school
8 facility at the end of the lease period. Schools constructed using the
9 Build-Lease-Transfer method shall be constructed on any property of
10 the Guam Public School System, or an entity of the Guam Public School
11 System in which the Guam Public School System or entity of the Guam
12 Public School System has title to or has administrative jurisdiction over
13 such property."

14 **Section 48.** Section 26212 of Article 2 of Title 11 of the Guam Code
15 Annotated is hereby *added* to read as follows:

16 "**Section 26212. Capital Improvement Fund.** There is hereby
17 created, separate and apart from other funds of the government of
18 Guam, a fund known as the 'Capital Improvement Fund' for the Guam
19 Public School System. This Fund shall not be commingled with the
20 General Fund and shall be kept in a separate bank account. Effective
21 January 1, 2000, four percent (4%) of all Gross Receipts Taxes collected
22 on Guam shall be deposited in the Capital Improvement Fund. The
23 monies in the Capital Improvement Fund shall be used in a manner
24 consistent with the provision of §3122.2 of Title 17 of the Guam Code
25 Annotated for the planning, design and construction of new schools,

1 education facilities and collateral equipment. The Department of
2 Administration shall deposit on the last day of each month a sum equal
3 to four percent (4.0%) of all Gross Receipts Taxes collected for that
4 month in the Capital Improvement Fund. Interest earned on such bank
5 account shall be retained by the Capital Improvement Fund and used
6 only for purposes authorized herein."

7 **Section 49.** Section 26213 is hereby *added* to Article 2, Chapter 26,
8 Division 2 of Title 11 of the Guam Code Annotated to read as follows:

9 **"Section 26213. Appropriation of Capital Improvement Fund.**

10 The contents of the Capital Improvement Fund are appropriated to the
11 Guam Public School System for the purposes authorized in §3122.2 of
12 Title 17 of the Guam Code Annotated. This appropriation is continuous
13 notwithstanding any other provision of law. This Section shall be
14 effective upon enactment, subject to the provisions of §26214 of this
15 Chapter. The Director of Administration shall transfer, on the first day
16 of each month, all funds contained in the Capital Improvement Fund to
17 the Department of Education."

18 **Section 50.** Section 26214 is hereby *added* to Article 2, Chapter 72 of
19 Title 11 of the Guam Code Annotated to read as follows:

20 **"Section 26214. Immediate Construction of New Schools.**

21 The Director of Education utilizing Capital Improvement Funds,
22 notwithstanding the authority of the Interim Governing Board and the
23 provisions of §3122.3 of Title 17 of the Guam Code Annotated, shall,
24 immediately upon enactment of this Section, cause planning and design.
25 On January 1, 2000 begin construction of (1) a high school in Distritun

1 Lagu at a cost *not* to exceed the sum of Twenty Million Dollars
2 (\$20,000,000); (2) a middle school in Distritun Luchan at a cost *not* to
3 exceed the sum of Twelve Million Dollars (\$12,000,000); and (3) an
4 elementary school in Distritun Kattan at a cost *not* to exceed the sum of
5 Seven Million Dollars (\$7,000,000). Such schools shall be completed and
6 ready for occupancy on June 30, 2000. The Director of Education is
7 authorized to use the direct financing or Build-Lease-Transfer options as
8 defined in §3122.2 of Title 17 of the Guam Code Annotated.”

9 **Section 51.** Section 3126 of Chapter 3, Division 2 of Title 17 of the
10 Guam Code Annotated is hereby *repealed and re-enacted* to read as follows:

11 **“Section 3126. School District Attendance Areas.**

12 The attendance areas for students residing in a School District
13 shall be the schools in that School District. If a School District lacks
14 sufficient schools in its School District boundaries to accommodate any
15 of its students, such School District may enter into memoranda of
16 understanding with one (1) or more School Districts to provide for the
17 education of its students only until such time that sufficient schools are
18 built. The funding for such students attending school in another School
19 District shall be allocated to the School District in which such students
20 are attending classes pursuant to the provisions of §3122 of Title 17 of
21 the Guam Code Annotated, that allocates funds to School Districts
22 based on weighted student enrollment. No School District may deny
23 any student from another School District affected by such memoranda
24 of understanding any rights, benefits or privileges entitled to students

1 residing in the School District on the basis of a student’s School District
2 of Residency.”

3 **Section 52.** Section 3126.1 of Chapter 3, Division 2 of Title 17 of the
4 Guam Code Annotated is hereby *added* to read as follows:

5 **“Section 3126.1. Open Enrollment.** All public schools on
6 Guam shall be subject to open enrollment on a space available basis.
7 Students residing in a School District and students attending a school in
8 a school District as a result of a memorandum of understanding shall be
9 accommodated prior to allowing enrollment from out of District
10 students. Students opting to attend school outside of the School District
11 shall *not* be entitled to busing from the home to a school.”



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO

Date: Oct. 16, 1998

Time: 11:20 am

Rec'd by: [Signature]

Print Name: P. Roberto

OCT 16 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guáhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1:58 pm</u>
Date	<u>10-16-98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 723 (COR), "AN ACT TO AMEND P.L. NO. 24-142, RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF *ESKUELA-TA REFORM ACT*", which I have vetoed.

The reason that this legislation is vetoed is the same reason that Bill No. 324 which became Public Law No. 24-142 was vetoed on December 5, 1997. This legislation contains amendments to Public Law No. 24-142, but the amendments still do not address the fragmented, chaotic reorganization that is now taking place within our educational system under 4 separate elected school boards. The amendments do not address the improvement of the educational achievement of our children, who need this aspect of their education addressed immediately and in a most serious way. In fact, a section-by-section inspection of the amendments made in this legislation reveals that most of the amendments are cosmetic in nature and not essential. Many of the items can be accomplished without statutory amendments, yet other important matters, such as funding accountability, is not adequately addressed.

Although both the Guam Board of Education and the Executive Branch are in favor of the decentralization of our educational system, Bill No. 324, now overridden as Public Law No. 24-142, was not the vehicle to accomplish this effectively. Chaotic business management is apparent in this structure. Educational reform should provide educational professionals relief from

01068

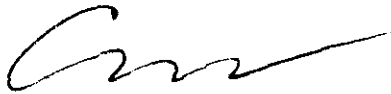
the constant distractions of an ineffective business organization, so that all resources available can be concentrated and focused on the children.

The lack of competition apparent in the turn-out of candidates who filed to run for the 4 separate school districts indicates that 4 separate elected boards of education form an unwieldy structure for governing our school system. Bare minimums for membership on elected boards do not provide the level of community involvement needed to make a serious difference in our educational system.

The Goals 2000 community-based group met for 2 years and produced a plan which was adopted by the Guam Board of Education and incorporated in the Governor's initiative, Vision 2001. This plan was being implemented in the school system at the point in time when Public Law No. 24-142 was passed.

The educational reform produced by I Liheslaturan Guåhan neglects to focus on reform for the purpose of student achievement. Achievement of our children is the priority. A chaotic and fragmented system, supported by a declining financial base in this downturn in our economy, will not be able to adequately lift our children's achievement to the level it must be to compete with others in our Asian economic environment.

Very truly yours,



Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Attachment: copy attached for signed bill
 original attached for vetoed bill


cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

01068

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

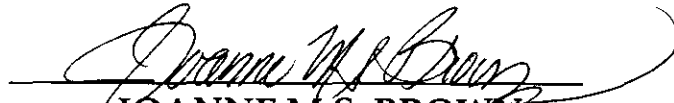
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 723 (COR), "AN ACT TO AMEND P.L. NO. 24-142, RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF I ESKUELA-TA REFORM ACT," was on the 2nd day of October, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker


Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by I Maga'lahaen Guahan this 6th day of October, 1998,
at 8:40 o'clock 9.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

24-299



TWENTY-FOURTH GUAM LEGISLATURE
COMMITTEE ON EDUCATION

215-A Chalan Saipao, Suite 106-F
Arla's Professional & Commercial Center
Agaña, Guam 96910

Telephone (671) 475-KIDS
Fax (671) 475-2000
e-mail lk4kids@ite.net

Senator
Lawrence F. Kasperbauer
Chairman

September 11, 1998

Senator
John C. Salas
Vice Chairman

The Honorable Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agaña, Guam

Speaker
Antonio R. Unpingco
Ex-Officio

Senator
Thomas C. Ada
Member

via: Committee on Rules

Senator
Frank B. Aguon
Member

Dear Mr. Speaker:

Senator
Elizabeth Barrett-Anderson
Member

The Committee on Education to which was referred **Bill No. 723**: "AN ACT TO AMEND SECTIONS OF P.L. 24-142 RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF I ESKUELA-TA REFORM ACT," herein reports back with the recommendation **TO DO PASS Substitute Bill No. 723**.

Vice Speaker
Anthony C. Blaz
Member

Votes of the committee members are as follows:

Senator
Joanne M.S. Brown
Member

9 To Pass

Senator
Felix P. Camacho
Member

_____ Not To Pass

Senator
Frank P. Camacho
Member

_____ To The Inactive File

Senator
Edwardo J. Cruz
Member

_____ Abstained

Senator
Mark Forbes
Member

Sincerely,

Senator
Angel L.G. Santos
Member

LAWRENCE F. KASPERBAUER

Attachments

Senator
Judith Won Pat-Borja
Member



TWENTY-FOURTH GUAM LEGISLATURE
COMMITTEE ON EDUCATION

215-A Chalan Saipapa, Suite 106-F
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Agaña, Guam 9 910

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Fax (671) **475-2000**
e-mail **lk4kids@ite.net**

Senator
**Lawrence F.
Kasperbauer**
Chairman

Senator
**John C.
Salas**
Vice Chairman

Speaker
**Antonio R.
Unpingco**
Ex-Officio

Senator
**Thomas C.
Ada**
Member

Senator
**Frank B.
Aguon**
Member

Senator
**Elizabeth
Barrett-
Anderson**
Member

Vice Speaker
**Anthony C.
Blaz**
Member

Senator
**Joanne M.S.
Brown**
Member

Senator
**Felix P.
Camacho**
Member

Senator
**Frank P.
Camacho**
Member

Senator
**Edwardo J.
Cruz**
Member

Senator
**Mark
Forbes**
Member

Senator
**Angel L.G.
Santos**
Member

Senator
**Judith
Won Pat-
Borja**
Member

September 11, 1998

**TO: All Members
Committee on Education**

FROM: Chairman

SUBJ: Voting Sheet

Transmitted herewith is the voting sheet and committee report for **Substitute Bill No. 723:**
"AN ACT TO AMEND SECTIONS OF P.L. 24-142 RELATIVE TO EFFECTUATING
THE IMPLEMENTATION OF I ESKUELA-TA REFORM ACT."

Your attention to this matter is greatly appreciated.

Sincerely,


LAWRENCE F. KASPERBAUER

Attachments

COMMITTEE ON EDUCATION
TWENTY-FOURTH GUAM LEGISLATURE
 155 Hesler Street, Agana, Guam 96910

Chairman: Senator Lawrence F. Kasperbauer Vice Chairman: Senator John C. Salas
Ex-Officio Member: Speaker Antonio R. Unpingco

VOTING SHEET ON:

Substitute Bill No. 723: "AN ACT TO AMEND SECTIONS OF P.L. 24-142 RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF I ESKUELA-TA REFORM ACT."

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Lawrence F. Kasperbauer <i>Chairman</i>	<i>Lgk</i>	X			
Sen. John C. Salas <i>Vice-Chairman</i>	<i>JS</i>	✓			
Spkr. Antonio R. Unpingco <i>Ex-Officio Member</i>	<i>AU</i>	✓	<i>To report out only</i>		
Sen. Thomas C. Ada <i>Member</i>	<i>TC</i>	✓			
Sen. Frank B. Aguon, Jr. <i>Member</i>	<i>FBA</i> <i>9/11/94</i>	✓			
Sen. Anthony C. Blaz <i>Member</i>	<i>ACB</i>	✓			
Sen. Joanne M.S. Brown <i>Member</i>	<i>JB</i>	✓			
Sen. Felix P. Camacho <i>Member</i>	<i>FC</i>	✓	<i>to Report out only</i>		
Sen. Francisco P. Camacho <i>Member</i>	<i>FC</i>	✓			
Sen. Edwardo J. Cruz <i>Member</i>	<i>EJC</i>	✓			
Sen. Mark Forbes <i>Member</i>	<i>MF</i>	✓			
Sen. Angel L.G. Santos <i>Member</i>					
Sen. Judith Won Pat <i>Member</i>					

MINA' BENTE KUÁTRO NA LIHESLATURAN GUÅHAN
Committee on Education
Senator Lawrence F. Kasperbauer, Chairperson

Committee Report
on

Bill No. 723 (COR): AN ACT TO AMEND SECTIONS OF PUBLIC LAW 24-142 RELATIVE TO EFFECTUATING THE IMPLEMENTATION OF I ESKUELA-TA REFORM ACT.

I. OVERVIEW

The Committee on Education held a public hearing on Monday, August 24, 1998 at 3:30 p.m. at the Legislative Public Hearing Room. Public Notice of the hearing was announced in the August 17th, 22nd, 23rd, and 24th issue of the Pacific Daily News.

Committee Members Present:

Senator Lawrence F. Kasperbauer, Chairperson
Senator John C. Salas, Vice Chairperson
Senator Frank B. Aguon, Jr., Member
Senator Francisco P. Camacho, Member
Senator Angel L.G. Santos, Member
Senator Judith Won Pat, Member

Other Senators Present:

Senator Alberto A.C. Lamorena V
Senator Vicente C. Pangelinan
Senator Francis E. Santos

Providing Testimony on the Bill:

Mr. Mark K. "Paps" Martinez, Member Interim Governing Board (written/oral)
Mr. Roland L.G. Taimanglo, Director of Education (written)
Ms. Veronica Garrido, Program Director, Guam Head Start program (written/oral)
Mr. Luis Martinez, DOE (oral)

Mr. Vincent & Mrs. Maria Leon Guerrero, Private Citizens
(written/oral)
Mr. Jose C. Nangauta, Private Citizen, (oral)
Ms. Majorie Raess, Principal, Ordot/Chalan-Pago Elementary
School.

II. Testimony

Mr. Mark K. “Paps” Martinez, Member Interim Governing Board. Mr. Martinez testified on behalf of the Interim Governing Board. He suggested that the provisions regarding Auxiliary Services exclude Department of Defense (DOD) Schools.

Mr. Roland L.G. Taimanglo, Director of Education. Mr. Taimanglo testified that the Legislature should re-enact all laws repealed or affected by Public Law 24-142 believing that the new law will create many complex problems. Notwithstanding his objection to the new law, Mr. Taimanglo recommended that proposed amendments that DOE earlier submitted to the Committee on Education and those recommended by the transition team and divisions of DOE be incorporated in the Bill.

Ms. Veronica Garrido, Program Director, Guam Head Start program. Ms. Garrido testified that the Head Start Program should be administered by DOE (as opposed to individual School Districts) but its funding should not be tied to the 3% limitation.

Mr. Luis Martinez, DOE. Mr. Martinez read the Director of Education’s testimony.

Mr. Vincent & Mrs. Maria Leon Guerrero, Private Citizens. Mr. Vince Leon Guerrero, Associate Superintendent of Special Education presented oral and written testimony as a private citizen. He suggested that P.L. 24-142 be repealed and that additional public hearings be held throughout Guam on the proposed amendments contained in the Bill.

Mr. Jose C. Nangauta, Private Citizen. Mr. Nangauta testified that the Legislature should repeal P.L. 24-142.

Ms. Marjorie Raess, Principal of Ordot/Chalan-Pago Elementary School. Ms. Raess testified that Bill 723 has a direct impact on instructional

hours and that the bill will give children more time in class which in turn will help with their academic needs.

III. Findings and Recommendation

The Committee on Education finds that, mainly as a result of the transition process, certain technical amendments should be made to provisions of law added by P.L. 24-142. The Committee further finds that many technical amendments to provisions of law not addressed by the provisions of P.L. 24-142 should also be addressed. The Committee has take testimony offered at the public hearing and from meetings with the transition team in developing a substitute version of Bill No. 723

It is the recommendation of the Committee on Education that Bill No. 723 (COR) As Substituted by the Committee on Education be reported out with the recommendation **TO DO PASS**

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR F7

Bill Number: 723 Date Received: August 4, 1998
 Amendatory Bill: Yes Date Reviewed: September 14, 1998
 Department/Agency Affected: Education
 Department/Agency Head: Roland L.G. Fainanglo
 Total FY Appropriation to Date: 88% of GRT pursuant to P.L. 24-17
 Bill Title (preamble): An act to amend sections of Public Law 24-142 relative to effectuating the implementation of I Eskuela-ta Reform Act.

Change in Law: Yes

Bill's Impact on Present Program Funding:

Increase _____ Decrease X Reallocation _____ No Change _____

Bill is for:

Operations X Capital Improvement _____ Other _____

FINANCIAL PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Education		1/	

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER	1/					
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? IF NO, ADD'L AMOUNT REQUIRED \$

AGENCY/PERSON/DATE CONTACTED:

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER	1/					
TOTAL						

ANALYST Dina P. Chock DATE 9/14/98 DIRECTOR Joseph E. Rivera, Acting DATE SEP 14 1998

FOOTNOTE(S):

Bill No. 723 is proposing to amend various sections of P.L. 24-142 in regards to the I Eskuela-Ta Reform Act. For the most part, the amendments are administrative in nature to include adding in federal programs, federal regulations/requirements where applicable, other programs such as Headstart and other special programs, change of dates and other amendments. Prior fiscal notes on Bill No. 324 and 394 (see attached) should be referenced as it relates to the "I Eskuela-Ta Reform Act." Also, to the Interscholastic Sports Fund and the "I Salapang Pambata." Note that it was mentioned on both Bills that DOE now operates under the "DOE School Operations Fund." Therefore, it is assumed at this time that all costs resulting from the implementation of the Law (P.L. 24-142) will be absorbed by this Fund.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 324 Date Received: Aug. 25 1997
 Amendatory Bill: Yes Date Reviewed: Aug. 26, 1997
 Department/Agency Affected: Education
 Department/Agency Head: Roland Taimanglo
 Total FY Appropriation to Date: \$83,226,301

Bill Title (preamble): An act to decentralize the Administration of the current school system and creating local districts through the repeal and reenactment of Chapter 3 of Title 17, GCA. To add a new Chapter 3A of Title 17, GCA. To amend chapters 5, 6, and 7 of Title 17, GCA. To amend subsection 5125 of Title 5, GCA. To repeal subsection of 1103 of Title 17, GCA. The act shall be known as "The Escuela-IA Reform Act of 1997."

Change in Law: Yes

Bill's Impact on Present Program Funding:

Increase _____ Decrease X Reallocation _____ No Change _____

Bill is for:

Operations X Capital Improvement _____ Other _____

FINANCIAL PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Education		//	

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER	//					
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A - IF NO, ADD'L AMOUNT REQUIRED \$ _____

AGENCY/PERSON/DATE CONTACTED: Liz/Guam Election Commission/8/28/97

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER	//					
TOTAL						

ANALYST *Dina P. Chock*

DATE 8/29

DIRECTOR *Joseph El Rivera, Acting*

DATE SEP 05 1997

FOOTNOTE(S):

The Bill's intent is to promote greater community involvement and decision making in Guam's Public Educational System by creating independent school districts organizations. Also, to establish school base management as part of the decentralization goal of the Guam Public School System. Obviously, a fiscal impact will be realized for the operations of the Guam Public School System and to accomplish the goals set out in this Bill. However, it should be noted that pursuant to P.L. 24-17, the Department of Education (DOE) now operates under its School Operations Fund (88% of Gross Receipt Taxes) separate from the General Fund. The Bill also makes some limitations out of the funding received from P.L. 24-17 on how much should be budgeted for school operations, for capital improvement projects, etc. It also determines the budget for the District Boards. As such, listed below are some of the proposals that will assist in the determination of this impact.

-It establishes for four (4) School District Organizations each comprised of an elected District Board of Education, a District Superintendent of Schools and other personnel as required. There shall be six (6) elected voting Board members, one (1) voting member from the student population of the District's high school and one (1) non-voting ex-officio member representing the teachers and other members of the Union. It proposes that each voting member receive \$75 per Board meeting (note that subsection 43103 of Title 5, GCA on Uniform Compensation for Boards and Commissions sets the rate at \$50/mtg not to exceed \$100/mnth for stipends). As such, this impact, as a result of stipends, would be dependent on the no. of meetings held within the year.

-It repeals and reenacts subsection 3103 of Title 17, GCA and creates the Island Board of Education in which one (1) voting member from each school district is appointed by the Governor, two (2) voting members shall be appointed by the Speaker of the Guam Legislature and one (1) shall be a High School Student from the GPSS. It proposes that members receive a stipend of \$75 per meeting not to exceed \$1,050 per year (please see earlier note on stipends as per subsection 43103 of Title 5, GCA).

-It proposes that three percent (3%) of the total Guam Public School System funds received from Public Law 24-17 (88% of gross receipts tax) be used for the operations of DOE. As such, based on the forecasted GRT for FY 1998, DOE should receive approximately \$162 million and 3% of this is approximately \$4.8 million. However, it should be noted that subsection 3122.3 of this Bill sets up a committee in which by a majority vote of three (3) may increase the budget of DOE beyond the limits of the proposed three percent (3%).

-It proposes that five percent (5%) of the total funds received from P.L. 24-17 be used for capital improvement projects (CIP) to include the building of new schools, repairs of facilities, and the construction of new facilities within existing schools. As such, five percent (5%) of DOE's allocation based on the forecasted GRT for FY 1998 is approximately \$8.1 million.

-It proposes that the balance of all funds received from P.L. 24-17 that are not used for DOE's operations and CIP shall be proportionately allocated to each school District based on student enrollment at the end of the school year. Additionally, all lapsed funds not used within a fiscal year shall remain with the District for subsequent fiscal years. Finally, no more than 7.5% of the funds received by each school district shall be used for the administration of the District Organizations.

-It proposes a special election for the election of the District Board members. The Bill proposes to save money for this election by authorizing the Election Commission to conduct the voting over a week long period at each village's mayoral office over a minimum period of five (5) days inclusive of a Saturday, using mayoral staff members who have been duly deputized by the Commission. The Election Commission, at this time, is unable to give an estimate as more information is needed from the Mayors Office, to include staff, the number of hours a day the election will be held, etc.

Please note that some aspects of this Bill are administrative in nature whereby rules and regulations, duties and responsibilities are defined. Also, amendments are made to several Chapters under Title 17 in consideration of the District Boards, Island Board of Education, Superintendent of the School Districts, etc. as proposed in this Bill.

FISCAL NOTE
BUR. OF BUDGET AND MANAGEMENT SEARCH

BBMR-F7

Bill Number: 394 Date Received: January 18, 1998
 Amendatory Bill: Yes Date Reviewed: January 20, 1998
 Department/Agency Affected: Education
 Department/Agency Head: Roland L.G. Taimanglo
 Total FY Appropriation to Date: 88% of GRT pursuant to P.L. 24-17

Bill Title (preamble): An act to repeal and reenact subsection (c) of section 7104.4 of Title 17, Guam Code Annotated to clarify the distribution of advertising funds and to restate the application of the Administrative Adjudication Act for the Interscholastic Sports Fund

Change in Law: An to repeal and reenact subsection (c) 7104.4 of Title 17, GCA

Bill's Impact on Present Program Funding:

Increase _____ Decrease _____ Reallocation X No Change _____

Bill is for:

Operations _____ Capital Improvement _____ Other X

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Education		//	

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER	//					
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A - IF NO, ADD'L AMOUNT REQUIRED \$ _____
 AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER	//					
TOTAL						

ANALYST Dina P. Chock DATE 1/20/98 DIRECTOR Joseph E. Rivera, Acting DATE JAN 20 1998

FOOTNOTE(S): Bill No. 394 proposes to repeal and reenact subsection (c) of section 7104.4 of Title 17, Guam Code Annotated. The Bill's primary intent is to set percentages on the amount of funds collected from the elementary, middle and high schools on commercial advertising to be deposited into the Interscholastic Sports Fund and the "I Salappe Facildal." The Bill does not pose an impact to the General Fund as these funds, like the DOE's School Operations Fund, are maintained separate and apart from the General Fund. Collections, however, from these funds should help defray cost to the DOE's Operations Fund for the purposes of interscholastic sports and for the maintenance and improvement of school facilities, especially if revenues from Gross Receipt Taxes are expected to be reduced as a result of the Super Typhoon Paka.

COMMITTEE ON EDUCATION

TWENTY FOURTH GUAM LEGISLATURE

PUBLIC HEARING

Monday, August 24, 1998

3:30 p.m.

Bill No. 723: "An act to amend sections of P.L. 24-142 relative to effectuating the implementation of I Eskuela-Ta Reform Act."

Witness Sign-In Sheet

NAME: ADDRESS:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
MARC K. Maffione PAs	BO ULEP	734-4902	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Amended	Amended
Veronica Garrido	Guam Head Start	4750484	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
DOAIS A. Datas to Audience testimony	DOE / (Administrative)	565-5838	<input checked="" type="checkbox"/>	will provide one later		<input checked="" type="checkbox"/>
John T. Barck Jr. B	GFT	735-4392	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

Witness Sign-In Sheet

Bill No. 723

NAME:	AGENCY OR INTEREST GROUP	TELEPHONE NUMBER	TESTIMONY		COMMENT	
			ORAL	WRITTEN	FOR	AGAINST
LUIS MARTINEZ	DEPT OF ED.	4750511	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to written testimony	
<i>[Signature]</i>	Self	625-1955	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
once Juan Guerrero	Parent	475-0549 (w)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	?	?
<i>Mr. Laesa</i>	OOPEL	734-2240	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	?	?
			ORAL	WRITTEN	FOR	AGAINST
			ORAL	WRITTEN	FOR	AGAINST



UAM BOARD OF EDUCATION
DEPARTMENT OF EDUCATION

P.O. Box DE, Agana, Guam 96932
Tel. (671) 734-4902/3 Fax (671) 734-4904



August 24, 1998

Honorable Lawrence F. Kasperbauer, Ph.D.
Chairman, Committee on Education
24th Guam Legislature

Re: School Board Testimony on Bill 723

Gloria B. Nelson
Chairperson

Celeste C. Babauta
Vice-Chairman

Judith P. Guthertz, Ph.D.
Public Information Officer


Members:
Mary A. Gutierrez
Mark K. Martinez
Vicente C. Mene
Jose M. Wolf, Ed.D.
Rosalda H. Zulueta

Ex-Officio Members:
Barbara Askry
Barbara Blas

Roland L.G. Talamanglo
Executive Secretary

The Board of Education on August 21, 1998 took a position against Bill 723. We are against page 16 'Auxiliary Services', subsection 4,5, and 6 state: The Department of Education shall provide the following services therapeutic, psychological, speech, hearing, guidance and counseling, and remedial to pupils attending non-public schools. This means that DOE must pay for these services for students attending DoD schools. This is what the School Board is against. We cannot afford to pay for services for DoD students. More importantly, DoD made the decision to pull out of DOE schools, therefore, DOE should pay for services to DoD school children. An appropriate amendment to this section is requested.

Thank you,


Mark K. Martinez "paps"
Board Member

cc: Board Chairperson
Members, Board of Education
Director of Education

Prepares students for life

*Our Educational Community:
Promotes excellence*

Provides support



DEPARTMENT OF EDUCATION

P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



f. 23.98

Senator Larry F. Kasperbauer, Chairperson
Committee On Education
24th Guam Legislature
Agana, Guam

Dear Senator Kasperbauer:

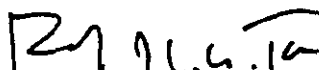
Thank you for providing the Department of Education the opportunity to testify on Bill 723, relative to amending P.L. 24-142. We join you in your efforts to improve the quality of Education on Guam.

We open our testimony on Bill 723 with the following request: Please repeal P.L. 24-142 altogether and reenact all laws pertaining to K-12 education which P.L. 24-142 repealed. We sincerely believe that, despite the good intentions behind P.L. 24-142, it will cause many complex problems, including but not limited to: increasing administrative costs because four district offices would be more expensive than one; causing confusion among parents about educational regulations as their children move from district to district, each of which can have rules different from the others; increasing the complexity of properly coordinating educational mandates which apply to all schools, etc. My staff and I would be happy to meet with you and your colleagues to discuss in detail these issues and other many reasons why we feel P.L. 24-142 should be repealed.

Notwithstanding the above, the Department of Education will follow P.L. 24-142, in either its current or amended form, to the fullest extent possible. It is in that spirit that we offer the attached proposed revisions to this law. This attachment is a complete copy of the law; our proposed additions are underlined and our proposed deletions are crossed out.

We note and appreciate that several of the proposed revisions contained in the attachment are incorporated into Bill 723. However, we feel that all of the proposed revisions contained in our attachment need to be made to P.L. 24-142 if it is to be retained.

We welcome your questions on our proposals. Thank you for your consideration of them.


Roland Taimanglo
Director of Education



Attachment

COMMONWEALTH NOW!

TESTIMONY
to the Committee on Education of the 24th Guam Legislature
August 24, 1998

Good Afternoon Honorable Senators: Senator Kasperbauer...

Introduction:

My name is Veronica Garrido and I am the Program Director of Guam Head Start.

Joining me this afternoon are the members of the Head Start Management Team: Cynthia Agbulos, Social Services Supervisor, Catherine Schroeder, Disabilities Services Manager, Marie Cruz, RN, Health Services Manager.

Aside from the Management Team, I also wish to introduce the officers of the Guam Head Start Policy Council: Annette Avellar, Chairperson, Gabriela Rivera, Vice Chairperson, Tanya Fama, Secretary, and Rhonda Afjelle, Treasurer.

There are also other Head Start Staff, Parents, Children and Friends in the audience.

We are here to address our concerns with the proposed Bill #723 (Proposed Amendments to P.L. 24-142).

Background Information of Head Start:

Head Start is a program which provides numerous services to income eligible children and families including children with disabilities. The comprehensive services provided by our program include developmentally appropriate activities in a classroom setting, home visits, various parent training, and other direct services to the children and families.

The Revised Performance Standards went into effect in January of this year. Therefore we have been working towards transitioning from the old to the new standards. Our centers (classrooms) are located in most elementary schools, at the Sinajana Community Center and at Tiyan. These centers are opened for operation depending on the needs of the communities.

The responsibility of program governance falls on the Guam Head Start Policy Council and the Interim Board of Education. In reference to P.L. 24-142, Head Start will need a governing body (Section 3103.6)

Every three years a federal team conducts a program review. Our most recent review in March 1998, documented 100% compliance.

Concerns:

Centers: Our center locations change from year to year based on the needs of the communities. When there is a major population shift of eligible families, the locations of our centers will change. Therefore the program needs the flexibility of moving the staff to best meet the needs of the families.

Program Operations: Because of the complexity of our program operations, our program cannot be delegated to operate in four (4) separate school district programs under the umbrella of Head Start.

The Teaching Staff spend up to four hours of instructional time with the children. After the children are dismissed the teaching staff prepare materials for lessons, conduct home visits, or meet with parents to address issues and concerns or to work on other projects. It is a federal regulation that there are two paid staff in every Head Start classroom.

The Social Services staff provide support services to the teaching staff as well as direct services to the families.

The remaining staff provide direct and indirect services to children, families and staff.

Program Funds: In order for our program to continue functioning, we are dependent on local and federal funds. We believe that the local funds for that program should be made available aside from the three percent (3%) set aside for the Department of Education. The current law and the proposed bill does not clearly state how our local funds will be appropriated or distributed.

Need for Services: Currently there are 318 children on the wait list who could benefit greatly from our services. Our registration process continues until February 1999, therefore consider the numbers of children who will not get the services due to limited funds and slots.

In closing we request that the proposed legislation clearly state that the local funding source for Guam Head Start will remain status quo, which means that the funds will not be commingled with district funds of the department's 3% cap.

We therefore request that you as the members of the Committee on Education consider the needs of our children and families and preserve the integrity of the Guam Head Start Program. Our children and families deserve no less.

Si Yu'os Ma'asse!



Vincent & Maria Leon Guerrero
P.O. Box 3818
Hagåtña, GU 96932

August 24, 1998

Senator Larry Kasperbauer
Chairman, Committee on Education
Twenty-Fourth Guam Legislature
155 Hesler Place,
Hagåtña, GU 96910

Dear Senator Kasperbauer:

Thank you for allowing us as parents of five children in the public schools to testify on Bill 723 (COR).

First of all, we would like to request that given the importance of P.L. 24-142, there should be at least four more public hearings scheduled, one in each of the School Districts, in addition to today's hearing. As you recall, there were more participants at the regional meetings (after the passage of P.L. 24-142) than there was at the single public hearing for Bill 324. Please give the people who prefer to testify at regionally based hearings the opportunity to be heard

In reviewing this Bill, we noted that there are no amendments to address the numerous concerns raised by parents and educators in the many hearings and meetings conducted or attended by yourself or your staff members since the passage of P.L. 24-142, namely the problem of having children who attend school in two districts and how are such parents supposed to vote for their District Board? This is not only a problem for those parents who live in Dededo and have high school-aged children in the JFK High School attendance area, but it also adversely affects us. We have children in the Distritun Kattan elementary and high schools yet we have a child in the Distritun Luchan middle school.

How are we going to vote for our District Boards? Do we get to vote in both districts? Do we have to choose and only vote for one District Board, as you stated was a potential option at the Dededo Middle School meeting? You stated at that same meeting that your staff members and/or attorneys were working on solutions, yet to date, we have not heard of any real solutions being disseminated.

Since you have not provided amending language, let us parents take a shot at another solution that is based on the principle of more accountability and local control. Instead of having four elected District Boards, who then hire a Superintendent, why not just simply elect the Superintendent and eliminate the elected board "middle man"? The elected Superintendent could receive guidance from an appointed or elected Island-Wide Board of Education, who would be responsible for setting standard policies that govern all four districts.

Clearly, an elected Superintendent would be responsive to the customers and constituents, namely, the parents, students, administrators, teachers, staff members, and community members. If this Superintendent did not produce, he or she will have to face the wrath of voters in their respective districts. The Superintendent will have to deal with an appointed Board of Education, who will be entertaining policy matters brought before them by the Superintendents and can develop standard policies that would ensure that no matter where a student lives or when they move, the educational policies will be consistent. More power should be given to the School Councils who really should hold the most power given the fact that it is closer to the student than an elected Board or an elected Superintendent.

The only issue not addressed by this proposal is what to do about children in two districts. I would maintain that we should go ahead and let parents vote for one or more Superintendents, if they have children in one or more Districts. After all, we get to vote for PTOs in every school that our children attend, why can't we do the same for the top administrator in charge of our children's education?

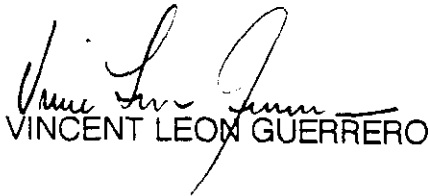
We want solutions to this problem, even if our idea is not entertained. We cannot sit under the threat of a lawsuit that may throw out a law that has just been passed. We need to get on to the business of governance of our children's education and not worry about the legality of the enabling legislation.

As a parent, we want the Board members to feel the pressure of having the potential of being held personally liable for the consequences of adoption and implementation of educational policies and procedures, we don't want them absolved of consequences if they choose to develop policies that are harmful for children, as is currently written in Section 3124. Don't think that we are exaggerating this concern. It was only decades ago that students were denied entrance into schools just because of their skin color under the educational policy that "separate but equal" schools were acceptable. Just decades ago, policies were developed and implemented that excluded students with disabilities from attending school. What is to prevent a local school board, facing drastic financial constraint, from developing and implementing a policy that says that they will charge students from the FAS to attend school?

Finally, it seems that there are many sections of this law, possibly carryover from previous laws, that deal with the private schools. Why can't the law be written so that there is a unit or division, separate from the public school system and from the new Department of Education that takes care of all the concerns of private schools? This way there will be a complete definition of the public policy related to the funds to be given to support private school education. In that light, we should eliminate the entire section on Auxiliary Services (Sections 6301 & 6302) and eliminate those parts of Section 6111 which provides for free medical expenses for private school students injured on private school property or private school authorized activity. This would also apply to the private school's share of the textbook appropriation. Then we would not be including the costs of private school educational support in the total amount budgeted or spent for public school education.

Thank you for the opportunity to provide input to the legislative process.

Sincerely,


VINCENT LEON GUERRERO


MARIA LEON GUERRERO

Mon, Aug 17, 1998 PDA

NOTICE OF PUBLIC HEARING

MINA' BENTE KUATTRO NA LIHESLATURAN GUÁHAN

COMMITTEE ON EDUCATION

Senator Lawrence F. Kasperbauer, Chairman

3:30 P.M., Monday, August 24, 1998

Liheslaturan Guáhan, Hagåtña

AGENDA

- Appointment of Mr. ~~Benigno M. Palomo~~ as a member to the Guam Public Library Board. *Postponed*
- Appointment of Mr. Gerard J.S. Baleto as a member to the University of Guam Board of Regents.
- **Bill 698** – Relative to ensuring that the Department of Education effectively recruits and retains highly qualified and experienced school administrators, and to address the issue of compensation equity between teachers and school administrators.
- **Bill 724**- Relative to authorizing the use of capital improvement funds for debt service on a bond, loan or other debenture for the purpose of design and /or construction of new schools or renovation of existing schools.
- **Bill 723**- An act to amend sections of P.L. 24-142 relative to effectuating the implementation of "I Eskuela-Ta Reform Act."

The public is invited to attend. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kasperbauer by tel. at 475-5437 or e-mail at lk4kids@uc.net. Please visit our official website at www.lk4kids.com.

Sat Aug 22, 1998

COMMISSION ON DECOLONIZATION'S INDEPENDENCE TASK FORCE: 9 a.m. Aug. 22, Governor's Cabinet conference room, RB complex, Adelup. For more information call 475-9222.

COMMITTEE ON EDUCATION: Public hearing 3:30 p.m., Aug. 24, I Liheslaturon Guahan public hearing room, Hagåtña. Reappointment of Benigno M. Palomo as member to Guam Public Library Board; Gerard J.S. Boleto as member to UOG Board of Regents; Bills 689, 724, 723. For more information call Sen. Lawrence Kasperbauer, 475-5437.

COUNCIL ON YOUTH AFFAIRS: 5:30 p.m., Aug. 25, DYA conference room, Mangilao. Pictures will be taken for ID badges. For accommodations call Al Wooten, 734-3911.

MAYORS COUNCIL OF GUAM: 10 a.m., Sept. 2, council's conference room, RB complex, Adelup.

BOARD OF EXAMINERS FOR OPTOMETRY: 8:30 a.m., Aug. 25, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyan. Agenda copies available at 1304 E. Sunset Blvd. For more information call 475-0251/2.

GUAM MASS TRANSIT: 6 p.m., Aug. 25, Transit Center conference room. For

accommodations call Ramona Perez, 475-4682 or TDD 475-4601.

GEDA BOARD OF DIRECTORS: 10 a.m., Aug. 25, Suite 216, second floor, Guam International Trade Center Bldg., 590 South Marine Drive.

CIVIL SERVICE COMMISSION: 5:30 p.m. Aug. 25, in the CSC conference room at 490 Chalan Palasyo. For information you should call 475-1300/1.

WORKER'S COMPENSATION COMMISSION: 1:30 p.m. Aug. 26, conference room, Sunny Plaza, 125 Turt Jesus Crisostomo St., Ste. 206, Tamuning. For more information call 475-0151/2.

GOVERNMENT MEETINGS

Sunday Aug 23, 1998

COMMITTEE ON EDUCATION: Public hearing 3:30 p.m., Aug. 24, I Liheslaturon Guahan public hearing room, Hagåtña. Reappointment of Benigno M. Palomo as member to Guam Public Library Board; Gerard J.S. Boleto as member to UOG Board of Regents; Bills 689, 724, 723. For more information call Sen. Lawrence Kasperbauer, 475-5437.

COUNCIL ON YOUTH AFFAIRS: 5:30 p.m., Aug. 25, DYA conference room, Mangilao. Pictures will be taken for ID badges. Those with disabilities who need special accommodations, etc., should call Al Wooten, 734-3911.

MAYORS COUNCIL OF GUAM: 10 a.m., Sept. 2, council's conference room, RB complex, Adelup.

BOARD OF EXAMINERS FOR OPTOMETRY: 8:30 a.m., Aug. 25, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyan. Agenda copies available at 1304 E. Sunset Blvd. For more information call 475-0251/2.

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GUAM MASS TRANSIT: 6 p.m., Aug. 25, Transit Center conference room. Those with disabilities who need special accommodations, etc., should call Ramona Perez, 475-4682 or TDD 475-4601.

GEDA BOARD OF DIRECTORS: 10 a.m., Aug. 25, Suite 216, second floor, Guam International Trade Center Bldg., 590 South Marine Drive.

CIVIC SERVICE COMMISSION: 5:30 p.m., Aug. 25, in the CSC conference room at 490 Chalan Palasyo. Agenda copies will be available. For information you should call 475-1300/1.

▲ See Government meetings. Page 7

GOVERNMENT MEETINGS

Monday Aug 24, 1998

COMMITTEE ON EDUCATION: Public hearing 3:30 p.m., Aug. 24, I Liheslaturon Guahan public hearing room, Hagåtña. Reappointment of Benigno M. Palomo as member to Guam Public Library Board; Gerard J.S. Boleto as member to UOG Board of Regents; Bills 689, 724, 723. For more information call Sen. Lawrence Kasperbauer, 475-5437.

COUNCIL ON YOUTH AFFAIRS: 5:30 p.m., Aug. 25, DYA conference room, Mangilao. Pictures will be taken for ID badges. Those with disabilities who need special accommodations, etc., should call Al Wooten, 734-3911.

MAYORS COUNCIL OF GUAM: 10 a.m., Sept. 2, council's conference room, RB complex, Adelup.

BOARD OF EXAMINERS FOR OPTOMETRY: 8:30 a.m., Aug. 25, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyan. Agenda copies available at 1304 E. Sunset Blvd. For more information call 475-0251/2.

GUAM MASS TRANSIT: 6 p.m., Aug. 25, Transit Center conference room. Those with disabilities who need special accommodations, etc., should call Ramona Perez, 475-4682 or TDD 475-4601.

GEDA BOARD OF DIRECTORS: 10 a.m., Aug. 25, Suite 216, second floor, Guam International Trade Center Bldg., 590 South Marine Drive.

CIVIL SERVICE COMMISSION: 5:30 p.m., Aug. 25, in the CSC conference room at 490 Chalan Palasyo. Agenda copies will be available. For information you should call 475-1300/1.

MAYORS COUNCIL OF GUAM: Special meeting 10 a.m., Aug. 26, council's conference room, RB complex, Adelup.

ENVIRONMENTAL PROTECTION AGENCY: 6 p.m., Aug. 26, conference room at RB Governor's Complex. The public is urged to attend.