



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT

Rcv'd by: WKL

Print Name & Initial

Time: 3:40

Date: 6-11-05

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

13 JUN 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Office of the Speaker

MARK FORBES

Date: 6/13/05

Time: 1:00 pm

Rec'd by: Emy

Print Name: Emy
28-057 C242

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1 (LS), "AN ACT TO ADD NEW ITEMS 11, 12, 13, 14 AND 15, TO 1 G.C.A. § 715; TO AMEND 5 G.C.A. § 1302; TO AMEND 5 G.C.A. § 1303; TO AMEND 5 G.C.A. § 3101; TO AMEND 5 G.C.A. § 3107; TO AMEND 5 G.C.A. § 4109; TO AMEND 5 G.C.A. § 20203; TO ADD NEW § 1116 TO 19 G.C.A.; TO ADD NEW § 7116.1 TO 7 G.C.A.; TO AMEND § 11311 OF 7 G.C.A.; TO ADD NEW §12108.1 TO 7 GCA; TO AMEND 7 GCA § 20302; TO ADD NEW §26603.1 TO 7 GCA; TO AMEND 17 GCA §3103(j); TO AMEND 17 GCA § 3112(a)(14); TO AMEND TITLE 17 GCA §3218; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; RELATIVE TO THE DUTIES AND RESPONSIBILITIES OF BBMR, THE MANAGEMENT OF ALLOTMENTS, THE DEPARTMENT OF ADMINISTRATION, PROGRAM EXECUTION, THE DUTIES OF THE DIRECTOR OF ADMINISTRATION, LIMITATIONS OF ACTIONS, STANDING TO DUE, INJUNCTIONS, ATTORNEYS FEES, SUIT BY MINORS, AND THE DUTIES OF THE SUPERINTENDENT AND THE GEPB; TO ENACT THE EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT," which I have signed into law on June 6, 2005 as **Public Law 28-45**.

With the establishment of the elected policy board, the Governor is no longer afforded direct supervision and control over the Department of Education. However, since being in office, education has been a priority with the Administration. At the onset, we have dedicated millions of dollars in Compact-Impact funding to education, proposed the Municipal Lease Program that will construct four new schools and pledged \$6.1 million in Compact-Impact funds for this purpose, created the Adopt Because We Care Program, a public-private partnership that raises funds for the improvement of our facilities and established the School Recovery Task Force Program that prepares the public schools for the new school year.

This legislation prioritizes education by consolidating existing laws into one Act and providing a venue for which aggrieved students can find redress. Even though the Organic Act requires the government of Guam to provide an adequate education, the legislature is conveniently silent on the legislature's accountability to provide an adequate education.

I am confident however that this legislature will exercise due diligence and provide the tools necessary to ensure an adequate education. It will no longer inflate projected revenues for political purposes. It will instead establish projected revenues based on real cash so that our public school system could adequately address the mandates of this measure.

Further, the Legislature will ensure through legislation that the Department of Education is able to recruit certified teachers, professional administrators, certified guidance counselors, certified school health counselors, and certified allied health professionals. I am certain that the Department of Education and public officials will be able to meet the mandates required with focused legislation that does not merely set policy but provides resources.

In closing, please note the following technical amendments:

Section 7 seeks to add a new 17 G.C.A. § 3103(o), however, 17 G.C.A. § 3103(o) exists.

Section 8 seeks to add a new 17 G.C.A. § 3218, however, 17 G.C.A. § 3218 exists.

Section 12 seeks to amend 5 G.C.A. § 20203, however, it should be 5 G.C.A. § 22203.

Section 22 seeks to add 17 G.C.A. § 3210, however, 17 G.C.A. § 3210 exists.

Sinseru yan Magåhet,



FELIX P. CAMACHO

I Maga'låhen Guåhan

Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo, Senator and Legislative Secretary



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

May 25, 2005

The Honorable Felix P. Camacho
I Maga'laken Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 71(EC), 81(EC) and 145(LS); and Substitute Bill Nos. 1(LS), 38(EC), 64(EC), 76(EC) and 118(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on May 20, 2005.

Sincerely,

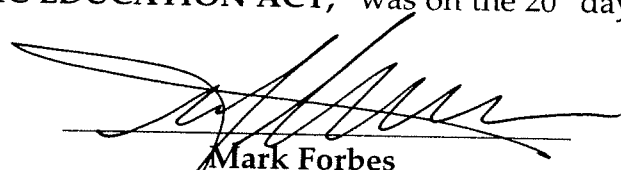
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (8)

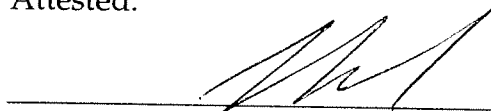
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

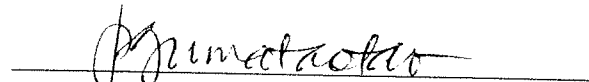
This is to certify that Substitute Bill No. 1 (LS), "AN ACT TO ADD NEW ITEMS 11, 12, 13, 14 AND 15, TO 1 GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5 GCA §3101; TO AMEND 5 GCA §3107; TO AMEND 5 GCA §4109; TO AMEND 5 GCA §20203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116.1 TO 7 GCA; TO AMEND §11311 OF 7 GCA; TO ADD NEW §12108.1 TO 7 GCA; TO AMEND 7 GCA §20302; TO ADD NEW §26603.1 TO 7 GCA; TO AMEND 17 GCA §3103 (j); TO AMEND 17 GCA §3112(a) (14); TO AMEND TITLE 17 GCA §3218; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; RELATIVE TO THE DUTIES AND RESPONSIBILITIES OF BBMR, THE MANAGEMENT OF ALLOTMENTS, THE DEPARTMENT OF ADMINISTRATION, PROGRAM EXECUTION, THE DUTIES OF THE DIRECTOR OF ADMINISTRATION, LIMITATIONS OF ACTIONS, STANDING TO SUE, INJUNCTIONS, ATTORNEYS FEES, SUIT BY MINORS, AND THE DUTIES OF THE SUPERINTENDENT AND THE GEPB; TO ENACT THE EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT," was on the 20th day of May, 2005, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 25 day of May, 2005,
at 4:10 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: June 6, 2005

Public Law No. 28-45

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 1 (LS)

As substituted by the Committee on
Education & Community Development,
and amended on the Floor.

Introduced by:

R. Klitzkie
L. F. Kasperbauer
Mark Forbes
J. M.S. Brown
J. A. Lujan
Ray Tenorio
Edward J.B. Calvo
A. R. Unpingco
Mike Cruz
F. B. Aguon, Jr.
B. J.F. Cruz
L. A. Leon Guerrero
A. B. Palacios
R. J. Respicio
J. T. Won Pat

**AN ACT TO ADD NEW ITEMS 11, 12, 13, 14 AND 15, TO 1
GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA
§1303; TO AMEND 5 GCA §3101; TO AMEND 5 GCA §3107;
TO AMEND 5 GCA §4109; TO AMEND 5 GCA §20203; TO
ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116.1 TO 7
GCA; TO AMEND §11311 OF 7 GCA; TO ADD NEW §12108.1
TO 7 GCA; TO AMEND 7 GCA §20302; TO ADD NEW
§26603.1 TO 7 GCA; TO AMEND 17 GCA §3103 (j); TO
AMEND 17 GCA §3112(a) (14); TO AMEND TITLE 17 GCA
§3218; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW
§15136 TO 20 GCA PART 4; RELATIVE TO THE DUTIES
AND RESPONSIBILITIES OF BBMR, THE MANAGEMENT
OF ALLOTMENTS, THE DEPARTMENT OF**

ADMINISTRATION, PROGRAM EXECUTION, THE DUTIES OF THE DIRECTOR OF ADMINISTRATION, LIMITATIONS OF ACTIONS, STANDING TO SUE, INJUNCTIONS, ATTORNEYS FEES, SUIT BY MINORS, AND THE DUTIES OF THE SUPERINTENDENT AND THE GEPB; TO ENACT THE EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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Section 1. Short title.

Section 2. Declaration of Policy.

Section 3. Statement of Legislative Findings and Purpose.

Section 4. *Adds* new items 11, 12, 13, and 14 to 1 GCA §715, Definitions.

Section 5. *Amends* 5 GCA §1302, Duties and Responsibilities of BBMR.

Section 6. *Amends* 5 GCA §1303, Management of Allotments.

Section 7. *Amends* 17 GCA §3103, Adequate Public Education Reporting Requirements.

Section 8. *Amends* 17 GCA §3218, Responsibility of Accountable Officers.

Section 9. *Amends* 5 GCA §3101, Department of Administration.

Section 10. *Amends* 5 GCA §3107, Guam Public School System.

Section 11. *Amends* 5 GCA §4109, Program Execution.

Section 12. *Amends* 5 GCA §20203, Duties of Director of Administration.

Section 13. Department of Education Appropriation.

Section 14. *Adds* new §7116.1 to 7 GCA, Expedited Schedule of Discovery.

- 1 **Section 15.** *Amends §11311 of 7 GCA, Limitation of Actions.*
- 2 **Section 16.** *Adds new §12108.1 to 7 GCA, Standing to Sue.*
- 3 **Section 17.** *Amends 7 GCA §20302, Injunctions.*
- 4 **Section 18.** *Adds new §26603.1 to 7 GCA, Attorney's fees.*
- 5 **Section 19.** *Amends §1116 of 19 GCA, Minors May Sue.*
- 6 **Section 20.** *Amends 17 GCA §3103(j), Duties of the Superintendent.*
- 7 **Section 21.** *Amends 17 GCA §3112(a)(14), Duties and Responsibilities of*
8 *the Guam Education Policy Board.*
- 9 **Section 22.** *Adds new §3210 to 17 GCA, Construction with Other Laws.*
- 10 **Section 23.** *Transitional provisions and effective dates.*
- 11 **Section 24.** *Adds new §15136 is added to 20 GCA part 4, Every Child is*
12 *Entitled to an Adequate Public Education.*
- 13 **Section 25.** *Health and Safety.*

14 **Section 1.** *Short title. This Act may be cited as the "Every Child is*
15 *Entitled to an Adequate Public Education Act".*

16 **Section 2.** *Declaration of Policy. I Liheslaturan Guåhan declares that*
17 *the education of our children is the top priority of our government. The*
18 *resources of the government must first be directed toward providing an*
19 *adequate public educational system.*

20 **Section 3.** *Statement of Legislative Findings and Purpose. I*
21 *Liheslatura (the Legislature) finds that the Organic Act requires the*
22 *government of Guam to provide an adequate system of public education. The*
23 *Organic Act Bill of Rights mandates compulsory education for children*
24 *between six (6) and sixteen (16). The interplay of these provisions creates a*

1 right to an adequate public education for children that is analogous to a
2 constitutional civil right.

3 This Act recognizes that civil right and gives school children access to
4 the courts to vindicate that right with the parent of a child empowered to
5 conduct litigation on behalf of the child.

6 While the term 'Adequate Public Education' is not easily defined, *I*
7 *Liheslaturan* finds that a working definition dealing with the physical aspects
8 of the educational process is necessary to secure and protect at least the
9 minimal right of children to an adequate education and to the end has defined
10 that term.

11 Since the Organic Act assigns the responsibility of providing an
12 adequate public educational system to the entire government and all
13 government officials, the scope of the Act is government-wide.

14 **Section 4. Definitions. New items 11, 12, 13, 14, and 15 are *added* to**
15 **1 GCA §715 to read:**

16 "11. '*Adequate Public Educational System*' means a system of public
17 schools that provides an adequate public education to public school
18 students.

19 12. '*Adequate public education*' means public schools which at the
20 minimum provide:

- 21 a) a certified teacher for every class in a ratio established
22 by relevant collective bargaining agreements;
23 b) certified professional administrators;
24 c) certified guidance counselors;
25 d) certified school health counselors;

- e) certified allied health professionals;
- f) air conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78°F.;
- g) potable water sufficient to provide each student a daily ration of drinking and washing water;
- h) a reliable supply of electricity;
- i) proper sanitation to include flushable toilets, clean restrooms, dining areas and classrooms;
- j) adopted and required textbooks and workbooks issued to each public school student for the classes in which he or she is enrolled;
- k) libraries, which meet the standards of the American Association of School Librarians, at each school, operated by certified librarians;
- l) a healthful, safe, sanitary learning environment;
- m) at least one hundred eighty (180) instructional days each school year with school years ending *no later than* thirty (30) days following the end of the calendared school year; and
- n) regular, timely school bus transportation to and from the school for his attendance area as established by 17 GCA §6102 for every child in accordance with policies adopted by the Education Policy Board.

1 13. In item 12., above, '*certified*' means that a person holds at least
2 the first level of professional certificate issued in accordance with
3 standards at least as stringent as those in place on the day this Section is
4 effective, for the position he or she holds.

5 14. '*Public school*' means a facility established, maintained or
6 operated pursuant to §29 (b) of the Organic Act, as amended.

7 15. '*Public school student*' means a child who is required to attend
8 school by Title 48 U.S.C. Section 1421b.(r) or 17 GCA §6102 who is
9 enrolled in a public school and has not been expelled."

10 **Section 5. Duties and Responsibilities of BBMR. 5 GCA §1302 is**
11 **hereby *amended* to read:**

12 **"§1302. Duties and Responsibilities of the Bureau.** In addition
13 to the duties and responsibilities prescribed for the Bureau by any other
14 provision of law, the Bureau shall also have the following duties and
15 responsibilities:

16 **(a)** Conduct necessary operational planning and
17 management research and studies to ensure that effective
18 planning and management methods are utilized by departments
19 and agencies of the government of Guam and otherwise to ensure
20 that each public school student receives an adequate public
21 education;

22 **(b)** Subject to the approval of *I Maga'lahi* (the Governor),
23 prescribe a budget calendar for the guidance of all executive
24 agencies and a system of quarterly allotments to insure that

1 appropriations and non-appropriated funds are *not* exhausted
2 beyond the fiscal period for which such appropriations and funds
3 are made available; provided that such budget calendar and
4 quarterly allotments are proportionately calculated so as to ensure
5 that every public school student receives an adequate public
6 education;

7 (c) To institute a system of form control; and

8 (d) Perform such other duties and responsibilities as may be
9 prescribed by *I Maga'lahi* (the Governor) or by law."

10 **Section 6. Management of Allotments.** 5 GCA §1303 is hereby
11 *amended to read:*

12 "§1303. **Management of Allotments.** In the release of monthly or
13 quarterly allotments by the Bureau of Budget & Management Research
14 from appropriation acts, the Director thereof shall base such allotments
15 on anticipated cash receipts so that the obligations incurred pursuant to
16 such release of periodic allotments shall have sufficient cash for their
17 payment, provided that sufficient cash shall always be released to the
18 Guam Public School System to provide an adequate public education to
19 every public school student."

20 **Section 7. A new item (o) is hereby *added* to §3103 of Article 1 of**
21 **Chapter 3 of Title 17 of the Guam Code Annotated.**

22 "(o) **Adequate Public Education Reporting Requirements.** The
23 Superintendent of the Department of Education shall submit a monthly
24 report of all funds available to the Department, whether or not their

resources require appropriations by *I Liheslaturan Guåhan*. The report shall also contain a detailed accounting of all expenditures of funds relating such expenditures to the criteria established in 1 GCA §715. The report is to be completed *no later than* fifteen (15) calendar days after the end of each month and shall be certified by the Superintendent acknowledging compliance with 1 GCA §715 and in meeting with the objectives of §3125 of this Chapter. The report shall be submitted to the Guam Education Policy Board, the Speaker of *I Liheslaturan Guåhan* and *I Maga'lahaen Guåhan*. Failure to comply with this Section and the criteria of an adequate public education shall subject the Superintendent to civil liability as provided in 7 GCA §20302."

Section 8. A new §3218 is hereby *added* to Article 2 of Chapter 3 of Title 17 of the Guam Code Annotated.

"§3218. Responsibility of Accountable Officers. The provisions contained within Chapter 14 of Title 4 GCA shall apply to any employee of the Department of Education, who by reason of his employment, is considered an accountable officer, and it shall be unlawful for that employee to fraudulently, wastefully or improperly disburse funds or authorize the expenditure of funds not in compliance with criterion established within 1 GCA §715 or in meeting the objectives of 17 GCA §3125 in providing an adequate public education to every public school student."

1 **Section 9. Department of Administration.** 5 GCA §3101 is hereby
2 *amended to read:*

3 “§3101. **Department of Administration.** There is within the
4 Executive Branch of the government of Guam a Department of
5 Administration. The Director of Administration is the head of the
6 Department of Administration. The Director of Administration is
7 appointed by *I Maga’lahi* (the Governor) with the advice and consent of *I*
8 *Liheslatura* (the Legislature). Except for private parking facilities, and for
9 parking facilities maintained and operated by the A. B. Won Pat
10 International Airport Authority Guam, DOA shall have exclusive
11 franchise within the government of Guam for the collection of fees for
12 the furnishing of public parking within Guam. It is the duty of the
13 Director of Administration to support an adequate public educational
14 system as required by Section 29(b) of the Organic Act, as amended.”

15 **Section 10. Guam Public School System.** 5 GCA §3107 is hereby
16 *amended to read:*

17 “§3107. **Guam Public School System.** There is within the
18 Executive Branch of the government of Guam a Guam Public School
19 System. It is the mission of the Guam Public School System and the
20 duty of all public officials of the Executive Branch of the government of
21 Guam to provide an adequate public educational system as required by
22 Section 29(b) of the Organic Act, as amended, and to that end provide an
23 adequate public education for all public school students as those terms
24 are defined at 1 GCA §715; and to effectuate an increase in the

1 percentage of the students at Level 3, which demonstrates solid
2 academic performance as measured by SAT 10, by at least five percent
3 (5%) each grade level per year until the Guam Education Policy Board's
4 adopted goal of ninety percent (90%) at Level 3 in ten (10) years is
5 reached."

6 **Section 11. Program Execution.** 5 GCA §4109 is hereby *amended to*
7 **read:**

8 "§4109. Program Execution. (a) Except as limited by policy
9 decisions of *I Maga'lahi* (the Governor), appropriations by *I Liheslatura*
10 (the Legislature), and other provisions of law, the territorial agencies
11 shall have full authority for administering their program service
12 assignments, and shall be responsible for their proper management,
13 provided that *I Maga'lahi's* (the Governor's) policy decisions shall *not*
14 limit the authority of the Guam Public School System.

15 (b) Each territorial agency, (other than *I Liheslatura* (the
16 Legislature) and the courts), shall prepare an annual plan for the
17 operation of each of its assigned programs. The operations plan shall be
18 prepared in the form and content and be transmitted on the date
19 prescribed by the Bureau of Budget and Management Research.

20 (c) The Bureau of Budget and Management Research shall:

21 (1) Review each operations plan to determine that it is
22 consistent with the policy decisions of *I Maga'lahi* (the Governor)
23 and appropriations by *I Liheslatura* (the Legislature), that it reflects
24 proper planning and efficient management methods, that

1 appropriations have been made for the planned purpose and will
2 *not* be exhausted before the end of the fiscal year.

3 (2) Approve the operations plan if satisfied that it meets the
4 requirements under Paragraph (1). Otherwise the Bureau of
5 Budget and Management Research shall require revision of the
6 operations plan in whole or in part.

7 (3) Modify or withhold the planned expenditures at any time
8 during the appropriation period if the Bureau of Budget and
9 Management Research finds that such expenditures are greater
10 than those necessary to execute the programs at the level
11 authorized by *I Maga'lahi* (the Governor) and *I Liheslatura* (the
12 Legislature), or that the receipts and surpluses will be insufficient
13 to meet the authorized expenditure levels, provided that no
14 planned expenditures necessary to provide every public school
15 student an adequate public education shall be modified or
16 withheld.

17 (d) No territorial agency (except *I Liheslatura* (the Legislature) and
18 the courts), may increase the salaries of its employees, employ
19 additional employees or expend money or incur any obligations except
20 in accordance with law and with a properly approved operations plan.

21 (e) The Bureau of Budget and Management Research shall report
22 quarterly to *I Maga'lahi* (the Governor) and *I Liheslatura* (the Legislature)
23 on the operations of each territorial agency, relating actual
24 accomplishments to those planned, and modifying, if necessary, the
25 operations plan of any agency for the balance of the fiscal year."

1 **Section 12. Duties of Director of Administration.** 5 GCA §20203 is
2 hereby *amended* to read:

3 **"§20203. Duties of Director.** The Director shall, with due regard
4 for the function of the specific agencies concerned, organize and operate
5 the accounting system on a fund basis with a self-balancing set of
6 accounts, recording cash and/or other resources together with all
7 related liabilities, obligations, reserves and equities which are
8 segregated for the purpose of carrying on specific activities or attaining
9 certain objectives; establish an accounting system which provides
10 budgetary control over general governmental revenues and
11 expenditures; determine fairly and with full disclosure the financial
12 position and results of financial operations; show that all applicable
13 legal provisions have been complied with; establish various types of
14 funds as are necessary and as required by law; shall account in the
15 General Fund all financial transactions not properly accounted for in
16 another fund; shall account in the Special Revenue Funds all proceeds of
17 specific revenue sources or to finance specific activities as required by
18 law; shall account in the capital improvements funds all receipts and
19 disbursements of monies used for the acquisition of capital facilities;
20 shall account in other funds consistent with legal and operating
21 requirements; classify accounts to insure compliance with budgetary
22 provisions; provide a basis for financial and administrative control,
23 furnish data required for financial statements and provide a basis for
24 comparison with similar data for other periods, etc.; establish standards,
25 procedures and techniques for a central accounting system; conduct a

1 continuing review of all accounting operations to effect improvements
2 in accordance with current accounting practices; establish standards for
3 the preparation of financial statements and other reports as are
4 necessary; maintain all Federal grant award funds including
5 maintenance of encumbrance and expenditure; and obtain reports from
6 all departments and agencies as are required for the effective
7 administration of a central accounting system; and take all actions
8 necessary to ensure that an adequate public education is available to
9 every public school student."

10 **Section 13. Department of Education Appropriation.** *I Liheslaturan*
11 *Guåhan* shall annually appropriate from the General Fund or any other funds
12 determined to be appropriate by *I Liheslaturan Guåhan* to the Guam Public
13 School System all amounts necessary to provide an adequate public
14 educational system as required by Section 29(b) of the Organic Act, as
15 amended, and to that end provide an adequate Public Education for all Public
16 School students as those terms are defined in 1 GCA §715.

17 **Section 14. Expedited Schedule of Discovery.** A new §7116.1 is
18 hereby *added* to 7 GCA to read:

19 "§7116.1. **Expedited Schedule of Discovery.** At the first hearing
20 before the Superior Court in any action brought under the Every Child
21 is Entitled to an Adequate Public Education Act, the court may order an
22 expedited schedule of discovery and pleading, and an expedited
23 schedule and trial date for the case, if requested by any party."

1 Section 15. Limitation of Actions. §11311 of 7 GCA is hereby
2 *amended* to read:

3 “§11311. Within six (6) months, an action against an officer, or
4 officer de facto:

5 (1) to recover any goods, wares, merchandise or other property
6 seized by such officer in his official capacity as tax collector, or to
7 recover the price or value of any goods, wares, merchandise or other
8 personal property so seized, or for damages for the seizure, detention,
9 sale of or injury to any goods, wares, merchandise or other personal
10 property seized, or for damages done to any person or property in
11 making any such seizure;

12 (2) to recover stock sold for a delinquent assessment, as provided
13 in [339 of the Civil Code];

14 (3) to set aside or invalidate any action taken or performed by a
15 majority of the trustees of any corporation heretofore or hereafter
16 dissolved by operation of law, including the revivor of any such
17 corporation.

18 (4) to bring an action upon a claim by a public school student for
19 denial of an adequate public education.

20 The lack of funding or failure to release allotments shall not
21 constitute a defense to claims under this Section unless the named
22 respondent, before commencement of the claim under this Section, files
23 an action to release such funding against the responsible party
24 withholding such funds or allotments.”

1 **Section 16. Standing to Sue.** A new §12108.1 is hereby *added* to 7
2 **GCA to read:**

3 **"§12108.1. Public School Student: Standing to Sue.**

4 (a) A public school student shall have a claim and standing to sue
5 the government of Guam and any officer of the Executive Branch of the
6 government of Guam in his official capacity only for the purpose of
7 enjoining such officer from failing to provide an adequate public
8 education to that public school student but *not* for money damages.

9 (b) No action shall lie under this Section until thirty (30) days,
10 Saturdays, Sundays, and holidays excepted, after notice of the claim has
11 been filed in the manner required by 5 GCA §§ 6101, 6103(b), (c) and (d),
12 6201, 6202, 6205 and 6207 with the Attorney General and the head of the
13 department or agency against which the claim is to be made."

14 **Section 17. Injunctions.** 7 GCA §20302 is hereby *amended* to read:

15 **"§20302. When Injunction May or May Not Be Granted.** An
16 injunction may be granted in the following cases:

17 1. When it appears by the complaint that the plaintiff is entitled to
18 the relief demanded, and such relief, or any part thereof, consists in
19 restraining the commission or continuance of the act complained of,
20 either for a limited period or perpetually;

21 2. When it appears by the complaint or affidavit that the
22 commission or continuance of some act during the litigation would
23 produce waste, or great or irreparable injury, to a party to the action;

24 3. When it appears during the litigation that a party to the action is
25 doing, or threatens, or is about to do, or is procuring or suffering to be

1 done, some act in violation of the rights of another party to the action
2 respecting the subject of the action, and tending to render the judgment
3 ineffectual;

4 4. When pecuniary compensation would not afford adequate
5 relief;

6 5. Where it would be extremely difficult to ascertain the amount of
7 compensation which would afford adequate relief;

8 6. Where the restraint is necessary to prevent a multiplicity of
9 judicial proceedings;

10 7. Where the obligation arises from a trust.

11 8. Against any officer of the Executive Branch of the government
12 of Guam in his official capacity for the purpose of enjoining such officer
13 from failing to take such action as is necessary to provide an adequate
14 public education to a public school student.

15 An injunction cannot be granted:

16 1. To stay a judicial proceeding pending at the commencement
17 of the action in which the injunction is demanded, unless such
18 restraint is necessary to prevent a multiplicity of such
19 proceedings;

20 2. To stay proceedings in a court of the United States;

21 3. To stay proceedings in any state of the United States upon a
22 judgment of a court of that state;

23 4. To prevent the execution of a public law by officers of the law
24 for the public benefit;

- 1 5. To prevent the breach of a contract (other than a contract in
2 writing for the rendition or furnishing of personal service
3 from one to another where the minimum compensation for
4 such service is at the rate of *not less than* Three Thousand
5 Dollars (\$3,000.00) per annum, and where the promised
6 service is of a special, unique, unusual, extra-ordinary, or
7 intellectual character which gives it peculiar value the loss of
8 which cannot be reasonably or adequately compensated in
9 damages in an action at law) the performance of which would
10 not be specifically enforced; provided, however, that an
11 injunction may be granted to prevent the breach of a contract
12 entered into between any nonprofit cooperative corporation
13 or association and a member or stockholder thereof, in respect
14 to any provision regarding the sale or delivery to the
15 corporation or association of the products produced or
16 acquired by such member or stockholder;
17 6. To prevent the exercise of a public or private office, in a lawful
18 manner, by the person in possession;
19 7. To prevent an executive act or action by an authorized person;
20 8. Where a condition upon which a claim made pursuant to 7
21 GCA §12108.1(a) was based has been corrected;
22 9. Where another action based on the same claim arising under 7
23 GCA §12108.1(a) pends before the court."

1 **Section 18. Attorney's fees. A new §26603.1 is hereby *added* to 7**
2 **GCA to read:**

3 "§26603.1. In any action or proceeding to enforce a provision of the
4 Every Child is Entitled to an Adequate Public Education Act, the court,
5 in its discretion, may allow the prevailing party reasonable attorney's
6 fee as part of the costs."

7 **Section 19. Minors May Sue. §1116 of 19 GCA is amended to read:**

8 "§1116. **Minors May Sue.** (a) Except as otherwise provided by
9 Subsection (b), a minor may enforce his rights by civil action or other
10 legal proceedings, in the same manner as a person of full age, except
11 that a guardian must conduct the same.

12 (b) A parent or a legal guardian of a public school student may
13 conduct a civil action for injunctive relief, mandate, prohibition or other
14 legal remedy but not money damages on behalf of the public school
15 student to secure or maintain the public school student's right to an
16 adequate public education."

17 **Section 20. Duties of the Superintendent. 17 GCA §3103(j) is hereby**
18 ***amended* to read:**

19 "(j) to perform other duties as may be required by public law to
20 provide an adequate public educational system; and"

21 **Section 21. Duties and Responsibilities of the Guam Education**
22 **Policy Board. 17 GCA §3112(a) (14) is hereby *amended* to read:**

23 "(14) perform other duties and responsibilities as required by
24 public law to provide an adequate public educational system; and"

1 **Section 22. Construction with Other Laws.** A new §3210 is hereby
2 *added* to 17 GCA to read:

3 “§3210. **Construction with Other Laws.** Insofar as the provisions
4 of the Every Child is Entitled to an Adequate Public Education Act are
5 inconsistent with the provisions of any other law, the provisions of this
6 Act shall be controlling; and in particular but not by way of limitation,
7 except as may be provided in this Act, no provision of any law shall be
8 applicable to the government of Guam with respect to the provisions of
9 the Every Child is Entitled to an Adequate Public Education Act unless *I*
10 *Liheslatura* (the Legislature) shall specifically so state.”

11 **Section 23. Transitional provisions and effective dates.**

Effective Dates
These Sections of this Act shall be effective as set out in tabular form below:
§§ 5, 6, 7, 8, 9, 12, 13, and 25 shall be effective October 1, 2005.
§§ 14, 15, 16, 17, 18, and 19 shall be effective October 1, 2007.

12 **Section 24. Every Child is Entitled to an Adequate Public Education.**

13 A new §15136 is hereby *added* to 20 GCA part 4 to read:

14 “§15136. Every Child is Entitled to an Adequate Public
15 Education.”

16 **Section 25. Health and Safety.** The Amendments made in this Act to
17 the statute regarding Management of Allotments (5 GCA §1303) or the statute
18 regarding Program Execution (5 GCA §4109) shall *not* be interpreted to allow
19 the BBMR or DOA to reduce or withhold the allocation of appropriations for
20 the delivery of healthcare and public safety.

I MINA' BENYE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 5/20/05

VOTING SHEET

Friday

S Bill No. 1 (15)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSEN</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eddie J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Mike (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					✓ GA
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

P.L. 28-45



I Mina' Bente Ocho Na Liheslaturan Guahan
28th Guam Legislature

Sinajana Shopping Mall, Suite 16B, 777 Route 4
Sinajana, Guam 96910
Office (671) 475-5437

Senator Larry F. Kasperbauer, Ph.D.

April 27, 2005

The Honorable Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

RE: Committee Recommendation on Bill 1

Dear Speaker Forbes:

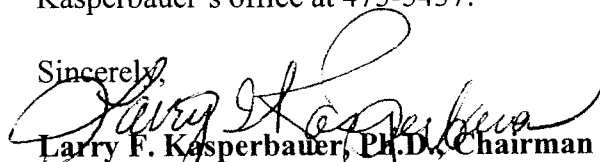
The Committee on Education & Community Development, to which was referred **BILL 1 (LS) AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116 TO 7 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT**, herein reports back with the recommendation **To DO PASS** as substituted by the committee. Votes are as Follows:

<u>10</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

A copy of the committee report and other pertinent documents are attached for your immediate reference.

Any questions on the report and the accompanying documents should be directed to Senator Kasperbauer's office at 475-5437.

Sincerely,


Larry F. Kasperbauer, Ph.D., Chairman
Committee on Education & Community Development



I Mina' Bente Ocho Na Liheslaturan Guahan
28th Guam Legislature

Sinajana Shopping Mall, Suite 16B, 777 Route 4
Sinajana, Guam 96910
Office (671) 475-5437

Senator Larry Kasperbauer

April 27, 2005

Committee on Education & Community Development
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

RE: Voting Sheet for Bill 1

Dear Members:

Transmitted herewith is the voting sheet and Committee Report on **BILL 1 (LS) AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116 TO 7 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 TO 7 GCA; TO ADD NEW §26603.1 TO 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT**, as substituted by the committee, for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,

Larry F. Kasperbauer, Ph.D., Chairperson
Committee on Education & Community Development

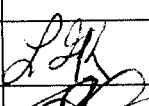
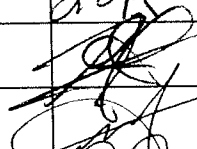
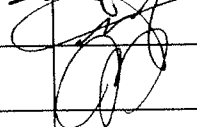
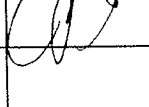
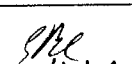

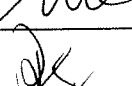
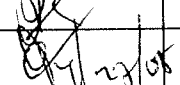
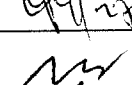
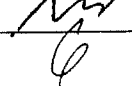
COMMITTEE ON EDUCATION & COMMUNITY DEVELOPMENT

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

BILL 1 (LS) As Substituted by the Committee on Education and Community Development

AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §7116 TO 7 GCA; TO ADD NEW §1116 TO 19 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Larry F. Kasperbauer, Chair		X				
Senator Ray Tenorio, Vice Chair		✓				
Speaker Mark Forbes, Ex-Officio		✓				
Vice Speaker Joanne Brown, Member		✓				
Senator Frank B. Aguon, Jr., Member						
Senator Edward J.B. Calvo, Member		✓				
Senator Mike Cruz, M.D., Member		✓				
Senator Robert Klitzkie, Member		✓				
Senator Jesse Lujan, Member		✓				
Senator Rory J. Respicio, Member		✓				
Senator Antonio R. Unpingco, Member		✓				
Senator Judith T. Won Pat, Member						

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 1 (LS)

Introduced by:

R. Klitzkie
L.F. Kasperbauer
Mark Forbes
J.M.S. Brown
J.A. Lujan
Ray Tenorio
E.B. Calvo
A.R. Unpingco
M. Cruz

AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116 TO 7 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT

BE IT ENACTED BY THE PEOPLE OF GUAM:

Table of Contents

- 1 Section 1. Short title.
- 2 Section 2. Declaration of Policy.
- 3 Section 3. Statement of legislative findings and purpose.
- 4 Section 4. Adds new items 11, 12, 13, and 14 to 1 GCA §715, Definitions.
- 5 Section 5. Amends 5 GCA §1302, Duties and Responsibilities of BBMR.
- 6 Section 6. Amends 5 GCA §1303, Management of Allotments.
- 7 Section 7. Amends 5GCA §3101, Department of Administration.
- 8 Section 8. Amends 5 GCA §3107, Guam Public School System.
- 9 Section 9. Amends 5 GCA §4109, Program Execution.
- 10 Section 10. Amends 5 GCA §22203, Duties of Director of Administration.
- 11 Section 11. Adds new §7116 to 7 GCA, Expedited Schedule of Discovery.
- 12 Section 12. Amends §11307 of 7 GCA, Limitation of Actions.
- 13 Section 13. Adds new §12108.1 to 7 GCA, Standing to Sue.
- 14 Section 14. Adds new section 26603.1 to 7 GCA, Attorney's fees.
- 15 Section 15. Amends §1116 of 19 GCA, Minors May Sue.
- 16 Section 16. Adds new section 26603.1 to 7 GCA, Attorney's fees.
- 17 Section 17. Amends 17 GCA § 3103 (j), Duties of the Superintendent.

1 Section 18. Amends 17 GCA §3112(a) 14, Duties and Responsibilities of the Guam
2 Education Policy Board.

3 Section 19. Adds new §3210 to 17 GCA, Construction with Other Laws.

4 Section 20. Transitional provisions and effective dates.

5 Section 21. Adds new §15136 is added to 20 GCA part 4, Every child entitled to an
6 adequate public education.

7
8 **Section 1. Short title. This act may be cited as the Every Child is Entitled to**
9 **an Adequate Public Education Act.**

10 **Section 2. Declaration of Policy.** *I Liheslaturan* declares that the education of
11 our children is the top priority of our government. The resources of the government must
12 first be directed toward providing an adequate public educational system.

13 **Section 3. Statement of legislative findings and purpose.** The legislature finds
14 that the Organic Act requires the government of Guam to provide an adequate system of
15 public education. The Organic Act Bill of Rights mandates compulsory education for
16 children between six (6) and sixteen (16). The interplay of these provisions creates a right
17 to an adequate public education for children that is analogous to a constitutional civil
18 right.

19 This act recognizes that civil right and gives school children access to the courts
20 to vindicate that right with the parent of a child empowered to conduct litigation on
21 behalf of the child.

22 While the term adequate public education is not easily defined, the legislature
23 finds that a working definition dealing with the physical aspects of the educational
24 process is necessary to secure and protect at least the minimal right of children to an
25 adequate education and to the end has defined that term.

26 Since the Organic Act assigns the responsibility of providing an adequate public
27 educational system to the entire government and all government officials, the scope of the
28 act is government-wide.

29 **Section 4. Definitions. New items 11, 12, 13, and 14 are added to 1 GCA §715**
30 **to read:**

31 Words and Terms Defined: Significance of Words.

32 11. *Adequate public educational system* means a system of public schools that
33 provides an adequate public education to public school students.

1 12. *Adequate public education* means public schools which at the minimum
2 provide:
3 a) a certified teacher for every class in a ratio established by relevant
4 collective bargaining agreements,
5 b) certified professional administrators
6 c) a certified guidance counselor for each school
7 d) a certified school health counselor for every school
8 e) properly ventilated classrooms in which the sensible air temperature is
9 no greater than 78° F.,
10 f) a supply of potable water sufficient to provide each student a daily
11 ration of drinking and washing water,
12 g) a reliable source of electricity
13 h) proper sanitation to include flushable toilets, clean restrooms, dining
14 areas and classrooms,
15 i) adopted textbooks and workbooks issued to each public school student
16 for the classes in which he or she is enrolled,
17 j) libraries, which meet the standards of the American Association of
18 School Librarians, at each school, operated by certified librarians
19 k) a healthful, safe, sanitary learning environment
20 l) at least 180 instructional days each school year with school years
21 ending no later than June 10.
22 m) regular, timely transportation to and from the school for his attendance
23 area as established by 17 GCA §6102 for every child in accordance with
24 policies adopted by the Education Policy Board.

25 13. In 12., above, *certified* means that a person holds at least a Professional I
26 certificate issued in accordance with standards at least as stringent as those in place on
27 the day this act is effective, for the position he or she holds.

28 14. *Public school* means a facility established, maintained or operated pursuant
29 §29(b) of the Organic Act, as amended.

1 15. *Public school student* means a child who is required to attend school by
2 Section 1421b. (r) of the Organic Act or 17 GCA §6102 who is enrolled in a public
3 school and has not been expelled.

4 **Section 5. Duties and Responsibilities of BBMR. 5 GCA §1302 is amended to**
5 **read:**

6 § 1302. Duties and Responsibilities of the Bureau.

7 In addition to the duties and responsibilities prescribed for the Bureau by any
8 other provision of law, the Bureau shall also have the following duties and
9 responsibilities:

10 **(a)** Conduct necessary operational planning and management research and studies
11 to ensure that effective planning and management methods are utilized by departments
12 and agencies of the government of Guam and otherwise to ensure that each public school
13 student receives an adequate public education;

14 **(b)** Subject to the approval of the Governor, prescribe a budget calendar for the
15 guidance of all executive agencies and a system of quarterly allotments to insure that
16 appropriations and non-appropriated funds are not exhausted beyond the fiscal period for
17 which such appropriations and funds are made available; provided that such budget
18 calendar and quarterly allotments are calculated so as to ensure that every public school
19 student receives an adequate public education;

20 **(c)** To institute a system of form control; and

21 **(d)** Perform such other duties and responsibilities as may be prescribed by the
22 Governor or by law.

23 **Section 6. 5 GCA §1303 is amended to read:**

24 § 1303. Management of Allotments.

25 In the release of monthly or quarterly allotments by the Bureau of Budget &
26 Management Research from appropriation acts, the Director thereof shall base such
27 allotments on anticipated cash receipts so that the obligations incurred pursuant to such
28 release of periodic allotments shall have sufficient cash for their payment-, provided that
29 no cash may be released until sufficient cash has been released to the Guam Public
30 School System to provide an adequate public education to every public school student.

1 **Section 7. Department of Administration. 5GCA §3101 is amended to read:**

2 § 3101. Department of Administration.

3 There is within the Executive Branch of the government of Guam a Department
4 of Administration. The Director of Administration is the head of the Department of
5 Administration. The Director of Administration is appointed by the Governor with the
6 advice and consent of the Legislature. It is the duty of the Director of Administration to
7 support an adequate public educational system as required by Section 29(b) of the
8 Organic Act, as amended.

9 **Section 8. Guam Public School System. 5 GCA §3107 is amended to read:**

10 § 3107. ~~Department of Education.~~ Guam Public School System.

11 There is within the Executive Branch of the government of Guam a ~~Department~~
12 ~~of Education.~~ Guam Public School System. ~~The Director of Education is head of the~~
13 ~~Department of Education. The Director of Education is appointed by the Territorial~~
14 ~~Board of Education with the approval of the Governor and with the advice and consent of~~
15 ~~the Legislature.~~ It is the mission of the Guam Public School System and the duty of all
16 public officials of the executive branch of the government of Guam to provide an
17 adequate public educational system as required by Section 29(b) of the Organic Act, as
18 amended, and to that end provide an adequate public education for all public school
19 students as those terms are defined at 1 GCA §715.

20 **Section 9. Program Execution. 5 GCA §4109 is amended to read:**

21 § 4109. Program Execution.

22 **(a)** Except as limited by policy decisions of the Governor, appropriations by the
23 Legislature, and other provisions of law, the territorial agencies shall have full authority
24 for administering their program service assignments, and shall be responsible for their
25 proper management, provided that the governor's policy decisions shall not limit the
26 authority of the Guam Public School System.

27 **(b)** Each territorial agency, (other than the Legislature and the courts), shall
28 prepare an annual plan for the operation of each of its assigned programs. The operations
29 plan shall be prepared in the form and content and be transmitted on the date prescribed
30 by the Bureau of Budget and Management Research.

31 **(c)** The Bureau of Budget and Management Research shall:

1 (1) Review each operations plan to determine that it is consistent with the
2 policy decisions of the Governor and appropriations by the Legislature, that it reflects
3 proper planning and efficient management methods, that appropriations have been made
4 for the planned purpose and will not be exhausted before the end of the fiscal year.

5 (2) Approve the operations plan if satisfied that it meets the requirements
6 under Paragraph (1). Otherwise the Bureau of Budget and Management Research shall
7 require revision of the operations plan in whole or in part.

8 (3) Modify or withhold the planned expenditures at any time during the
9 appropriation period if the Bureau of Budget and Management Research finds that such
10 expenditures are greater than those necessary to execute the programs at the level
11 authorized by the Governor and the Legislature, or that the receipts and surpluses will be
12 insufficient to meet the authorized expenditure levels, provided that no planned
13 expenditures necessary to provide every public school student an adequate public
14 education shall be modified or withheld.

15 (d) No territorial agency (except the Legislature and the courts), may increase the
16 salaries of its employees, employ additional employees or expend money or incur any
17 obligations except in accordance with law and with a properly approved operations plan.

18 (e) The Bureau of Budget and Management Research shall report quarterly to the
19 Governor and the Legislature on the operations of each territorial agency, relating actual
20 accomplishments to those planned, and modifying, if necessary, the operations plan of
21 any agency for the balance of the fiscal year.

22 **Section 10. Duties of Director of Administration. 5 GCA §22203 is amended**
23 **to read:**

24 § 22203. Duties of Director.

25 The Director shall, with due regard for the function of the specific agencies
26 concerned, organize and operate the accounting system on a fund basis with a self-
27 balancing set of accounts, recording cash and/or other resources together with all related
28 liabilities, obligations, reserves and equities which are segregated for the purpose of
29 carrying on specific activities or attaining certain objectives; establish an accounting
30 system which provides budgetary control over general governmental revenues and
31 expenditures; determine fairly and with full disclosure the financial position and results

1 of financial operations; show that all applicable legal provisions have been complied
2 with; establish various types of funds as are necessary and as required by law; shall
3 account in the General Fund all financial transactions not properly accounted for in
4 another fund; shall account in the Special Revenue Funds all proceeds of specific revenue
5 sources or to finance specific activities as required by law; shall account in the capital
6 improvements funds all receipts and disbursements of monies used for the acquisition of
7 capital facilities; shall account in other funds consistent with legal and operating
8 requirements; classify accounts to insure compliance with budgetary provisions; provide
9 a basis for financial and administrative control, furnish data required for financial
10 statements and provide a basis for comparison with similar data for other periods, etc.;
11 establish standards, procedures and techniques for a central accounting system; conduct a
12 continuing review of all accounting operations to effect improvements in accordance with
13 current accounting practices; establish standards for the preparation of financial
14 statements and other reports as are necessary; maintain all Federal grant award funds
15 including maintenance of encumbrance and expenditure; and obtain reports from all
16 departments and agencies as are required for the effective administration of a central
17 accounting system and take all actions necessary to ensure that an adequate public
18 education is available to every public school student.

19 **Section 11. Expedited Schedule of Discovery. A new §7116 is added to**
20 **7 GCA to read:**

21 § 7116. Expedited Schedule of Discovery.

22 At the first hearing before the Superior Court in any action brought under this
23 Chapter, the court may order an expedited schedule of discovery and pleading, and an
24 expedited schedule and trial date for the case, if requested by any party.

25 **Section 12. Limitation of Actions. §11311 of 7 GCA is amended to read:**

26 § 11311. Within Six (6) Months.

27 An action against an officer, or officer de facto:

28 (1) to recover any goods, wares, merchandise or other property seized by such
29 officer in his official capacity as tax collector, or to recover the price or value of any
30 goods, wares, merchandise or other personal property so seized, or for damages for the
31 seizure, detention, sale of or injury to any goods, wares, merchandise or other personal

1 property seized, or for damages done to any person or property in making any such
2 seizure;

3 (2) to recover stock sold for a delinquent assessment, as provided in [339 of the
4 Civil Code];

5 (3) to set aside or invalidate any action taken or performed by a majority of the
6 trustees of any corporation heretofore or hereafter dissolved by operation of law,
7 including the revivor of any such corporation.

8 (4) to bring an action upon a claim by a public school student for denial of an
9 adequate public education.

10 **Section 13. Standing to Sue. A new §12108.1 is added to 7 GCA to read:**

11 §12108.1. Public school student: Standing to sue. A public school student shall
12 have a claim and standing to sue the government of Guam and any officer of the
13 Executive Branch of the government of Guam in his official capacity only for the purpose
14 of enjoining such officer from failing to provide an adequate public education to that
15 public school student but not for money damages.

16 **Section 14. Attorney's fees. A new section 26603.1 is added to 7 GCA to read:**

17 §26603.1. In any action or proceeding to enforce a provision of this Act, the court,
18 in its discretion, may allow the prevailing party reasonable attorney's fee as part of the
19 costs.

20 **Section 15. Minors May Sue. §1116 of 19 GCA is amended to read:**

21 § 1116. Minors May Sue.

22 (a) Except as otherwise provided by subsection (b), A minor may enforce his
23 rights by civil action or other legal proceedings, in the same manner as a person of full
24 age, except that a guardian must conduct the same.

25 (b) A parent of a public school student may conduct a civil action for injunctive relief,
26 mandate, prohibition or other legal remedy but not money damages on behalf of the
27 public school student to secure or maintain the public school student's right to an
28 adequate public education.

1 **Section 16. Attorney's fees.** A new section 26603.1 is added to 7 GCA to read:
2 §26603.1. In any action or proceeding to enforce a provision of this Act, the court,
3 in its discretion, may allow the prevailing party reasonable attorney's fee as part of the
4 costs.

5 **Section 17. Duties of the Superintendent.** 17 GCA§ 3103 (j) is amended to
6 read:

7 (j) to perform other duties as may be required by public law to provide an
8 adequate public educational system; and

9 **Section 18. Duties and Responsibilities of the Guam Education Policy Board.**
10 **17 GCA §3112(a) 14 is amended to read:**

11 (14) perform other duties and responsibilities as required by public law to provide
12 an adequate public educational system; and

13 **Section 19. Construction with Other Laws.** A new §3210 is added to 17 GCA
14 to read:

15 §3210. Construction with Other Laws.

16 Insofar as the provisions of the **Every Child is Entitled to an Adequate Public**
17 **Education Act** are inconsistent with the provisions of any other law, the provisions of
18 this Act shall be controlling; and in particular but not by way of limitation, except as may
19 be provided in this Act, no provision of any law, shall be applicable to the government of
20 Guam with respect to the provisions of the Adequate Public Education Act unless the
21 Legislature shall specifically so state.

22 **Section 20. Transitional provisions and effective dates.**

Effective Dates	
Sections of this act shall be effective as set out in tabular form below:	
§10 shall be effective thirty (30) days after enactment.	
§§ 5, 6, 7, 8 and 9 shall be effective October 1, 2005.	
§§ 11,12,13, 14, 15 and 16 shall be effective October 1, 2006.	

23
24 **Section 21. Every child entitled to an adequate public education.** A new
25 **§15136 is added to 20 GCA part 4 to read:**
26 §15136. Every child is entitled to an adequate public education.

I. OVERVIEW

The Committee on Education & Community Development held a public hearing on Friday, January 21, 2005 at 2:30 PM at the Guam Legislature public hearing room in Hagatna, Guam. Notice of public hearing was printed in the Pacific Daily News (see attached) and disseminated throughout all local media.

Senators present were:

Senator Larry Kasperbauer, Chairman

Senator Frank Aguon, Jr.

Vice Speaker Joanne Brown

Senator BJ Cruz

Senator Mike Cruz

Senator Robert Klitzkie

Senator Lou Leon Guerrero

Senator Jesse Lujan

Senator Adolpho Palacios

Senator Ray Tenorio

Senator Antonio Unpingco

Senator Judith Won Pat

II. SUMMARY OF TESTIMONY

The following bill was heard at the public hearing in which the following individual(s) presented oral and/or written testimonies:

BILL 1 (LS)

AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116 TO 7 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT

Senator Klitzkie's Remarks:

Senator Klitzkie described Bill 1 as starting with the customer, which in education is the student. He explained the bill as being divided into three sections: litigation, government-wide responsibility, and the definition and standards of adequate education. He detailed the efforts of Bill 1 to attain tangible basic standards in the school system and emphasized the need for the government to begin reforming education now before the current problem worsens and threatens education any further.

Oral testimony only for Bill 1 public hearing was provided by the following individual:

1. June Santos Perez, Parent & Tamuning resident

Ms. Perez presented oral testimony in favor of Bill 1. She defined Bill 1 as legislating, educating and litigating. She suggested a certified nurses assistant (CNA) for every school rather than a certified school health counselor. With the current state of the public schools on the island, Ms. Santos said "she's not asking for excellence at the moment, just adequacy." She supports doing whatever needs to be done to improve education and believes Bill 1 will take us there.

Oral & written testimony for Bill 1 public hearing was provided by the following individuals:

1. Nerissa Bretania-Schafer, Ph.D., Administrator of Research, Planning & Evaluation, Department of Education

Ms. Bretania-Schafer presented oral and written testimony in favor of Bill 1. She identified the need to start heading in a direction that will allow the government to focus on curriculum and instructional methods, rather than the problems related to the lack of minimum standards in the schools. She said Bill 1 supports the move in this direction and with it we will witness the progression towards "real education." She encouraged the 28th Guam Legislature to place Bill 1 on the session agenda and to give the bill the debate it deserves to provide every child with an adequate education.

2. Dr. Jose Q. Cruz, Chairman, Guam Educational Policy Board – Legislative Affairs Committee

Dr. Cruz presented oral and written testimony in favor of Bill 1. He addressed issues regarding certification, networking between different government agencies, and ensuring sufficient services for students. He stated that Bill 1 provides a "powerful framework" in which to provide the operational terms of adequate education. Dr. Cruz believes performance reporting after the enactment of Bill 1 will bring no objections to the drive for a more workable public school educational system.

3. Juan P. Flores, Superintendent of Education, Department of Education

Mr. Flores presented oral and written testimony in favor of Bill 1. He stated that Bill 1 provides guidelines on which public officials can base their development, evaluation, and accountability to students and parents. He offered figures to project the cost of implementing the bill and stated the efforts and funding that will be needed for recruitment and retention of professionals. He encouraged the enactment of Bill 1 for the well-being of over 30,000 public school students.

4. J. George Bamba, Senior Advisor the Governor, Office of the Governor of Guam

Mr. Bamba provided written testimony in favor of Bill 1. He stated that “the testimony of the Department of Education is the position of the Legislative Review Committee.” He explained that the Administration shares the concern for the education of our children and is supportive in working cooperatively on the issue presented in Bill 1.

5. Mark K. “Paps” Martinez, Former Guam School Board Member

Mr. Martinez presented oral and written testimony in favor of Bill 1. He offered comparative information for the definition of adequate public education between other states and the definition offered in Bill 1. He stated that Bill 1 offers the simplest and clearest definition and responds accordingly to the educational laws as outlined in the Organic Act. He described the bill as being “historic legislation” and encouraged the Senators of the 28th Guam Legislature to move forward with passing the bill and to finally be the legislature that truly places education as a priority.

6. Ron McNinch

Mr. McNinch presented oral and written testimony in favor of Bill 1. He focused on various fallacies that may be associated with the bill and presented an argument to defend the legitimacy behind the mission for adequate education. He addressed concerns regarding the obvious of Bill 1, the backlog of litigation, and the policy being the job of the school board. Additionally, he suggested addressing personnel shortages in the area of teacher and librarian certifications.

7. Charles H. Troutman, Deputy Attorney General & Consumer Counsel

Mr. Troutman presented oral testimony in opposition of Bill 1. He stated his concern for the bill regarding the reform of the Department of Education being put in the hands of the courts, rather than the legislature. He believes the bill creates doubt as to who exactly has the responsibility for adequate public education. Mr. Troutman submitted written testimony at the hearing and on two occasions subsequent to the hearing.

Mr. Troutman submitted additional written testimony suggesting modifications to the legislation under which he would be willing to support Bill 1. Mr. Troutman's second letter concluded "...with these modifications I could support this Bill."

The third letter was prompted by a proffering of a draft of the substitute bill contained herein. That letter read in pertinent part, "I have read your substitute Bill 1, and you have taken off the hard edges that I thought could cause so much trouble. I think it will work..."

**Written testimony only for Bill 1 public hearing was
provided by the following individuals:**

**1. Suzanne T. Bell, Government Documents Librarian, University of Guam –
Learning Resources**

Ms. Bell submitted written testimony in favor of Bill 1. She focused on school library services and the fundamentals needed for extensive impact on reading skills, academic accomplishment, and the development of curious minds. She stated that Bill 1 brings the opportunity for greater information access in our schools, a necessary tool for life skills. Further, she stated the importance of the combination of school libraries and certified librarians for an educated community. She believes Bill 1 will afford our island with this opportunity.

2. Joseph P. Claveria

Mr. Claveria submitted written testimony documenting his support for Bill 1.

3. Phillip Isaac

Mr. Isaac submitted written testimony in opposition of Bill 1. He stated that he cannot support the bill until and unless it includes a provision and funding for a Student Advocate. He believes this will remedy the problem of parents or guardians proceeding with the enforcement process individually.

4. Gabriel & Kathleen Lombard

Mr. and Mrs. Lombard presented written testimony in favor of Bill 1. They label Bill 1 as being "clearly presented and intelligently formatted." They believe the bill encompasses the necessities to restore and rehabilitate the failing public educational system on Guam. They encouraged positive endorsement for Bill 1 in its respective committee.

5. Mr. Monty McDowell, Businessman

Mr. McDowell presented written testimony in favor of Bill 1. He stated that the “act recognizes providing an adequate education as a civil right and protects this right by allowing our education system customers - the students, the children of Guam - the ability to access courts for legal relief.” He said the points in Bill 1 are simple building blocks. Education should be priority number one and that is what Bill 1 does.

6. Richard Pipes

Mr. Pipes submitted written testimony documenting his support for Bill 1.

7. Oliver (Pete) Schilling, General Manager

Mr. Schilling submitted written testimony in favor of Bill 1. As a General Manager of a small business, he is able to witness first hand the lack of knowledge of public high school graduates applying for employment, ranging from poor oral and written skills to the inability to properly fill out an application. He attributed the gap between public and private school students to accountability. He believes Bill 1 addresses the issue of the accountability of our government towards the public school educational system.

8. Matt Rector, President, Guam Federation of Teachers

Mr. Rector presented written testimony on behalf of the Guam Federation of Teachers (GFT) in favor of Bill 1. The GFT commends the legislation for mapping out an accountability system for the government and for providing a guide for adequate education. The GFT suggests revising sections 15 and 16 to include an interim period to resolve issues before the matter reaches a legal forum.

III. FINDINGS & RECOMMENDATIONS

The legislature finds that the Organic Act requires the government of Guam to provide an adequate system of public education. The Organic Act Bill of Rights mandates compulsory education for children between six (6) and sixteen (16). The interplay of these provisions creates a right to an adequate public education for a child that is analogous to a constitutional civil right.

Bill 1, originally Bill 162 in the 27th Guam Legislature, recognizes that civil right and gives school children access to the courts to vindicate that right with the parent of a child empowered to conduct litigation on behalf of the child.

Since the Organic Act assigns the responsibility of providing an adequate public educational system to the entire government and all government officials, the scope of the act is government-wide. Years of mismanagement have created a public school system that is unable or unwilling to provide an adequate education. Media reports constantly

remind Guam residents of the state of its schools: non-certified, untrained teachers in crowded classrooms; unventilated classrooms that often exceed a temperature of 90 degrees; lack of potable water; lack of reliable electricity; unclean bathrooms and dining areas; lack of textbooks; substandard libraries; and less than the minimum of 180 days of instruction each year.

The adequate education of Guam's children must be a priority of the entire Government of Guam. Each department director whose responsibilities concern the operation of the Department of Education must be held accountable for providing an adequate public educational system.

While the term adequate public education is not easily defined, the legislature finds that a working definition dealing with the tangible aspects of the educational process is necessary to secure and protect at least the minimal right of children to an adequate education and to the end has defined that term. Adequate public education means public schools which at the minimum provide:

- a) a certified teacher for every class in a ratio established by relevant collective bargaining agreements,
- b) certified professional administrators,
- c) certified guidance counselors,
- d) certified school health counselors,
- e) air conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78° F.,
- f) potable water sufficient to provide each student a daily ration of drinking and washing water,
- g) a reliable supply of electricity,
- h) proper sanitation to include flushable toilets, clean restrooms, dining areas and classrooms,
- i) adopted and required textbooks and workbooks issued to each public school student for the classes in which he or she is enrolled,
- j) libraries, which meet the standards of the American Association of School Librarians, at each school, operated by certified librarians,
- k) a healthful, safe, sanitary learning environment,
- l) at least 180 instructional days each school year with school years ending no later than 30 days following the end of the calendared school year,
- m) regular, timely transportation to and from the school for his attendance area as established by 17 GCA §6102 for every child in accordance with policies adopted by the Education Policy Board.

The committee finds Bill 1 to be a necessary tool for establishing tangible standards by which the government of Guam can follow in ensuring the rehabilitation and maintenance of the public school educational system. Holding the government accountable will allow for a more productive and efficient service of education to students in public schools. The Committee finds that Bill 1 will finally address the essential role of students as the

customer, an issue that has been overlooked by the government and brought the educational environment to an unacceptable standard for our children.

It is the intent of the *I Mina'Bente Ocho Na Liheslaturan Guahan* to require government accountability and responsibility, increase parental involvement in the education of their children, and to provide the children of Guam with clean, safe and healthful learning environments in which they can further their education.

The Every Child is Entitled to an Adequate Public Education Act has gone through several iterations since its genesis in the 27th Guam Legislature as Bill 162. The final product is the substitute bill which is included in this report. The substitute bill incorporates the suggestions and criticisms directed toward the bill through its evolution. The evolutionary process is now complete.

The bill now enjoys the support of various constituencies to include the Superintendent of Education, whose testimony also represented the administration's position, the chairman of the Education Policy Board, the President of GFT, university professors, citizens-at-large and lawyers.

Philip Isaac's testimony supported the goals and purposes of the bill but withheld overall support of the bill until it includes what Isaac called "enforcement teeth."

Attorney General's Consumer Counsel, Charles Troutman, provided valuable input in the form of three letters. Mr. Troutman's first letter addressed the bill as introduced, the second provided suggested modifications.

Mr. Troutman's second letter concluded "...with these modifications I could support this Bill."

The third letter was prompted by a draft of the substitute bill contained herein. That letter read in pertinent part, "I have read your substitute Bill 1, and you have taken off the hard edges that I thought could cause so much trouble. I think it will work..."

Given the salutary purpose of the bill and the nearly overwhelming support it enjoys in its current form, the committee has determined that Bill 1 as substituted by the committee should be enacted.

Accordingly, the Committee on Education and Community Development does hereby submit its findings and recommendation to *I Mina'Bente Ocho Na Liheslaturan Guahan*
TO PASS BILL 1 As substituted by the Committee on Education and Community Development, AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §7116 TO 7 GCA; TO ADD NEW §1116 TO 19 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210

TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT

IV. PUBLIC HEARING AGENDA

COMMITTEE ON EDUCATION AND COMMUNITY DEVELOPMENT

Senator Larry F. Kasperbauer Ph.D.
Chairman

Public Hearing
Friday, January 21, 2005 – 2:30 p.m.
I Liheslaturan Public Hearing Room

AGENDA

BILL NO. 3 (LS)

AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 18 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO EDUCATOR RECERTIFICATION. **by Senator Larry F. Kasperbauer Ph.D.**

BILL NO. 7 (LS)

AN ACT TO AMEND §7113 OF CHAPTER 7, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO SETTING MAXIMUM STUDENT ENROLLMENT LIMITS FOR SCHOOL CONSOLIDATION OR MERGERS. **by Senator Larry F. Kasperbauer Ph.D.**

BILL NO. 17 (LS)

AN ACT TO ADD A NEW §§(16) TO §3112(a) OF CHAPTER 3, ARTICLE 1 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES AND RESPONSIBILITIES OF THE GUAM EDUCATION POLICY BOARD; TO AMEND §3121 OF CHAPTER 3, ARTICLE 1 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF SPENDING PRIORITIES FOR THE GUAM PUBLIC SCHOOL SYSTEM'S FISCAL YEAR BUDGET; THIS ACT SHALL BE KNOWN AS THE "*STUDENTS FIRST ACT*". **by Senator Ray Tenorio**

BILL NO. 18 (LS)

AN ACT TO ADD, SECTION 3125, ARTICLE 1, CHAPTER 3, DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE BASIC OBJECTIVES OF AN ADEQUATE PUBLIC EDUCATIONAL SYSTEM. **by Senator Judith T. Won Pat**

BILL NO. 1 (LS)

AN ACT TO ADD NEW ITEMS 11, 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116 TO 7 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT. **by Senator Robert Klitzkie**

Committee on Education and Community Development
 I Mina' Bente Ocho na Liheslaturan Guahan
 Senator Larry F. Kasperbauer Ph.D., Chairman

Hearing on Bill No. 1
 Friday, January 21, 2005, 2:30 p.m.
 I Liheslaturan Public Hearing Room

WITNESS SIGN-IN SHEET

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
			Oral	Written	For	Against
Name: <u>Tom Dextin</u> Address: <u>240 Chap. Hill St.</u> <u>Santa Rita</u>	<u>Cancel</u>	<u>565-5465</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name: <u>J. Luni</u> Address:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name: <u>JUAN FEREZ</u> Address:	<u>PARENT</u>	<u>686-1068</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name: <u>Neeti Prakash</u> Address:	<u>GFT</u>	<u>688-2422</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name: <u>OLGA EMGUSHOV</u> Address: <u>DPHSS/MRCHC</u>	<u>Dr. pediatrician</u>	<u>635-7457</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name: <u>Joe Claveria</u> Address: <u>Sta. Rita</u>		<u>565-2040</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

JAN-24-05 13:44 FROM OFFICE OF SEN KASPERBAUER ID: 871475266

PAGE 2/3

Hearing on Bill No. 1
Friday, January 21, 2005, 2:30 p.m.
Legislature Public Hearing Room

WITNESS SIGN-IN SHEET

Name:	Agency or Interest Group (if applicable)	Telephone No.	Testimony		Comment	
Address:			Oral	Written	For	Against
Name: <u>Alvin Eugene Burdawa, Sr.</u> Address: <u>Box 3159 Hagadera</u>	<u>(Grandson of witness)</u>	<u>5165-5884</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Name: <u>William Adams MATH PLUM</u> Address: <u>Box 100 St. Louis, Mo. 64111</u>	<u>Sold</u>	<u>491-7623</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Name: <u>Orlando Thompson</u> Address: <u>CA's Office</u>	<u>RA</u>	<u>MS-3891</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Name: <u>John</u> Address:	<u>Agency or Interest Group (if applicable)</u>	<u>Telephone No.</u>	<u>Testimony</u>		<u>Comment</u>	
			Oral	Written	For	Against
Name: <u>John Flores</u> Address:	<u>Agency or Interest Group (if applicable)</u>	<u>Telephone No.</u>	<u>Testimony</u>		<u>Comment</u>	
			Oral	Written	For	Against

Committee on Education and Community Development
"Mind" Bente Ocho na Libertaduan Gubahan
 Senator Larry R. Kasperbauer Ph.D., Chairman

Hearing on **Bill No. 1**
 Friday, January 21, 2005, 2:30 p.m.
 / Libeskeluan Public Hearing Room

WITNESS SIGN-IN SHEET

Name: <u>Don McIntire</u>		Agency or Interest Group (if applicable)		Telephone No.	Testimony		Comment	
Address:		<u>Sgt</u>			Oral	Written	For	Against
					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Name: <u>Don Cuy</u>		Agency or Interest Group (if applicable)		Telephone No.	Testimony		Comment	
Address:		<u>Chen B1 950</u>			Oral	Written	For	Against
Name:		Agency or Interest Group (if applicable)		Telephone No.	Testimony		Comment	
Address:					Oral	Written	For	Against
Name:		Agency or Interest Group (if applicable)		Telephone No.	Testimony		Comment	
Address:					Oral	Written	For	Against

VI. PUBLIC HEARING NOTICES



I Mina' Bente Ocho Na Liheslaturan Guahan
Senator Larry F. Kasperbauer, Ph.D.
Chairman, Committee on Education & Community Development

155 Hesler St.
Hagåtña, Guam 96910

(671) 475-KIDS / 477-1542
Fax (671) 475-2000
e-mail lk4kids@lta.net
www.lk4kids.com

January 13, 2005

MEMORANDUM

Senator Robert Klitzkie

To: All Members
Committee on Education & Community Development

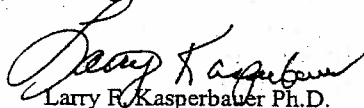
From: Chairman

Subject: Notice of Public hearing

Please be advised that the Committee on Education and Community Development will conduct a Public Hearing on Friday, January 21, 2005, beginning at 2:30 p.m. in the Legislature's Public Hearing room on the following:

- BILL NO. 3 (LS) AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 18 OF TITLE 17, GUAM CODE ANNOTATED RELATIVE TO EDUCATOR RECERTIFICATION.
- BILL NO. 7 (LS) AN ACT TO AMEND §7113 OF CHAPTER 7, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO SETTING MAXIMUM STUDENT ENROLLMENT LIMITS FOR SCHOOL CONSOLIDATION OR MERGERS.
- BILL NO. 17 (EC) AN ACT TO ADD A NEW §§(16) TO §3112(a) OF CHAPTER 3, ARTICLE 1 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES AND RESPONSIBILITIES OF THE GUAM EDUCATION POLICY BOARD; TO AMEND §3121 OF CHAPTER 3, ARTICLE 1 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF SPENDING PRIORITIES FOR THE GUAM PUBLIC SCHOOL SYSTEM'S FISCAL YEAR BUDGET; THIS ACT SHALL BE KNOWN AS THE "STUDENTS FIRST ACT".
- BILL NO. 18 (LS) AN ACT TO ADD, SECTION 3125, ARTICLE 1, CHAPTER 3, DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE BASIC OBJECTIVES OF AN ADEQUATE PUBLIC EDUCATIONAL SYSTEM.
- BILL NO. 1 (LS) AN ACT TO ADD NEW ITEMS 1), 12, 13, AND 14, TO 1GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5GCA §3101; TO AMEND 5 GCA §3107; TO AMEND GCA §4109; TO AMEND 5 GCA §22203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116 TO 7 GCA; TO AMEND §11307 OF 7 GCA; TO ADD NEW §12108.1 to 7 GCA; TO ADD NEW §26603.1 to 7 GCA; TO AMEND 17 GCA § 3103 (j); TO AMEND 17 GCA §3112(a) 14; TO ADD NEW §3210 TO 17 GCA; TO ADD NEW §15136 TO 20 GCA PART 4; TO ENACT EVERY CHILD IS ENTITLED TO AN ADEQUATE PUBLIC EDUCATION ACT

I look forward to your attendance. Should you wish to discuss any of the bills before the hearing I will be available to do so.


Larry F. Kasperbauer Ph.D.

CC: All Senators
Protocol
Audio
Office of the Clerk

Education is the Way!