



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

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

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

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.

Senator Edward J.B. Calvo SECRETARY OF THE LEGISLATURE ACKNOWLEDGEMENT RECEIPT	
Rec'd by: <u>W. K. K.</u>	Print Name & Initial
Time: <u>3:10</u>	Date: <u>6-11-05</u>

13 JUN 2005

Office of the Speaker

MARK FORBES

Date: 6/13/05

Time: 1:00 pm

Rec'd by: Empy

Print Name: F. Amchocho
28-057 C 242

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:

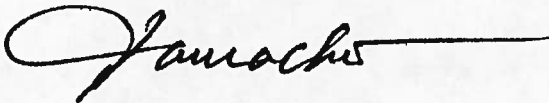
Section 7 seeks to add a new 17 G.C.A. § 3103(o), however, 17 G.C.A. § 3103(o) exists.

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.

Sins eru yan Magâhet,



FELIX P. CAMACHO
I Maga'lâhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

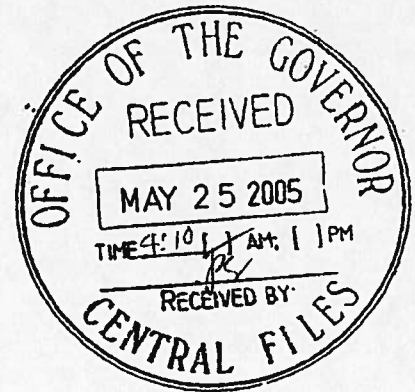
cc: The Honorable Eddie Baza Calvo, Senator and Legislative Secretary



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'lahen 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,

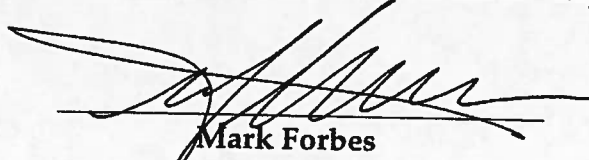
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (8)


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

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

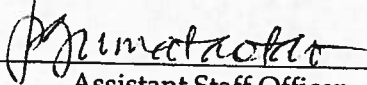
This is to certify that Substitute Bill No. 1 (LS), "AN ACT TO ADD NEW ITEMS 11, 12, 13, 14 AND 15, TO 1 GCA §715; TO AMEND 5 GCA §1302; TO AMEND 5 GCA §1303; TO AMEND 5 GCA §3101; TO AMEND 5 GCA §3107; TO AMEND 5 GCA §4109; TO AMEND 5 GCA §20203; TO ADD NEW §1116 TO 19 GCA; TO ADD NEW §7116.1 TO 7 GCA; 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'lahaen Guáhan this 25 day of May, 2005,
at 4:10 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guáhan

Date: June 6, 2005

Public Law No. 28-45

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN
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**

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