DIVISION 2
DEPARTMENT OF EDUCATION

CHAPTER 3
DEPARTMENT OF EDUCATION

SOURCE: Chapter 3 was repealed and reenacted by P.L. 24-142:4 (Feb. 27, 1998); amended in part by P.L. 24-299 (Dec. 3, 1998) and repealed and reenacted by P.L. 26-026:3 (July 5, 2001).

2024 NOTE: Pursuant to 5 GCA § 1510, I Maga'hågan/Maga'låhen Guåhan means "Governor of Guam" and I Maga'håga/Maga'låhi means "Governor." Pursuant to 2 GCA § 1101, I Liheslaturan Guåhan/I Liheslatura means the "Guam Legislature"/"Legislature."

NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

Article 1 Administration of the Department of Education
Article 2 General Education Matters

ARTICLE 1
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§ 3101. Department of Education.

There is in the government of Guam a Department of Education (DOE).

SOURCE: Repealed and reenacted by P.L. 22-042:1 (Nov. 19, 1993), P.L. 24-142:4 (Feb. 27, 1998), P.L. 26-026:3 (July 5, 2001), amended by P.L. 30-050:2 (July 14, 2009).

NOTE: *See* 5 GCA § 3107, which provides that the Department of Education is within the executive branch.

§ 3102. Guam Education Board.

The governance of the Department of Education is vested in an education board to be known as "the Guam Education Board" (hereinafter referred to as the Board). The Board shall be composed of nine (9) members.

SOURCE: Repealed and reenacted by P.L. 30-183:1 (Aug. 25, 2010).

§ 3102.1. Duties of the Guam Education Board.

The Guam Education Board shall be responsible for all policies that govern the Department of Education (Department). The Board shall have the authority to delegate such of its powers as it may deem appropriate, but shall retain the ultimate responsibility for the exercise of its powers.

The Board, among other duties, shall perform the following in accordance with applicable law:

(a) select and appoint a Superintendent and support him/her in the discharge of his/her duties;

(b) receive, evaluate and act upon the recommendations and reports of the Superintendent;

(c) adopt an annual budget and control expenditures accordingly; review periodic financial reports and modify the budget if and when necessary;

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(d) adopt student performance standards and assessment models;

(e) ensure that the Superintendent addresses the proper administration of all mandated responsibilities;

(f) adopt attendance areas and school boundaries

(g) sue and/or defend itself in suits at law;

(h) report routine complaints and concerns related to the Department's operations directly to the Superintendent for appropriate investigation and response;

(i) have no business or pecuniary interest which will conflict with the activities of the Board;

(j) establish student discipline policy;

(k) establish a school calendar;

(l) establish graduation standards;

(m) periodically review established policies for refinement and improvement;

(n) serve as Guam's State Education Policy/Governing Board for Federal programs where such a board is required by Federal law, to include, but not be limited to, the Head Start Program;

(o) act as the approving authority on behalf of the Department for collective bargaining agreements;

(p) make recommendations to I Maga'håga/Maga'låhen Guåhan or I Liheslaturan Guåhan for changes, additions or deletions to Guam Education Laws;

(q) each newly elected or appointed Board member shall complete, during the first year of that member's first term, a training program to be prepared and offered by the University of Guam and the Department, regarding the skills and knowledge necessary to serve as a local school board member. The training program shall include:

(1) review of the Guam Code Annotated and other laws pertaining to DOE;

(2) Robert's Rules of Order;

(3) the budgeting procedures and guidelines of the government of Guam and the Department; and

(4) difference(s) between policy making and micromanagement of the affairs of the Department; and

(r) the role of the Board, as with any legislative body, is to act collectively, not individually. Any Board member shall report to I Liheslaturan Guåhan any potential or alleged violation of this Subsection. The Board shall not:

(1) interfere in or micro-manage the affairs of the Department, or schools within the Department; or

(2) involve itself with student discipline cases, unless expressly authorized by public law, and only to the extent authorized by public law.

(s) adopt a policy concerning the use of electronic security systems on school campuses, to include, but not limited to, emergency contact protocols.

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(t) to evaluate and make recommendations to promote early childhood development and literacy to parents and guardians of children from birth to eight years of age, in consultation with the Department of Public Health and Social Services.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010). Amended by P.L. 31-019:1 (Apr. 18, 2011). Subsection (s) added by P.L. 32-009:4 (Apr. 11, 2013). Subsection (t) added by P.L. 38-049:23 (Aug. 18, 2025) effective within one year upon enactment pursuant to P.L. 38-049:29.

§ 3102.2. Meetings of the Board.

Meetings of the Board shall be held once a month at a regular time and place as determined by the Board, except that special meetings may be called by the Chairman, or by a majority of the members to address emergency matters. Meetings of the Board shall be subject to the Open Government Law of Guam. Five (5) members shall constitute a quorum, and an affirmative vote of five (5) members is required for any action to be valid.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010). Amended by P.L. 31-019:4 (Apr. 18, 2011).

§ 3102.3. Composition and Terms of Office for Board Members.

The Board shall be composed and serve terms as follows:

(a) Three (3) Appointed Voting Members. I Maga'håga/Maga'låhi shall appoint, subject to the advice and consent of I Liheslaturan Guåhan, one (1) voting member from among each of the following to serve for a term of three (3) years:

(1) one (1) member who is employed in an upper level managerial position in a private business;

(2) one (1) member who is a parent of a student enrolled within the Guam Department of Education; and

(3) one (1) member who is a retired teacher or administrator of the Guam Department of Education.

(b) Six (6) Elected Voting Members. Six (6) voting members shall be elected at-large at each General Election. Each elected voting member shall serve for a term of two (2) years, commencing at 12:00 noon on the first Monday in January following their election. A candidate for the Board must be at least twenty-five (25) years old, and a resident of Guam for at least five (5) years immediately proceeding the date on which the member takes office and continuing throughout the term.

(1) Nomination of candidates must file with the Commission no later than the first Monday after a Primary Election, unless such date is a holiday, in which it shall be filed the day following the holiday, or sixty (60) days prior to a Special Election.

(2) The election provided for within this Subsection (b) shall be non-partisan, and no political party shall directly or indirectly sponsor, nominate or endorse any of the candidates for such office.

(c) Non-Voting Members. The Board shall have the following non-voting members serving a term of one (1) year:

(1) one (1) student member of the Board shall be elected by an Island-wide School Board of Governing Students. The student member shall be a junior or a senior at a public high school and maintain a grade point average of 2.5 or above; and the student member shall receive service-learning credits for the service hours on the Board; and

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(2) one (1) member appointed by the exclusive bargaining unit which represents teachers and other employees within the Department.

(d) Non-Voting Member of the Mayors' Council of Guam. One (1) member appointed by the Mayors' Council of Guam who shall serve for a term of two (2) years, or for the remaining term of the appointed Mayor, whichever is longer.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010). Subsection (c) amended by P.L. 31-019:2 (Apr. 18, 2011). Subsection (d) repealed by P.L. 31-019:3 (Apr. 18, 2011), added by P.L. 32-159:2 (May 21, 2014). Subsection (b)(1) amended by P.L. 38-136:XII:60 (Aug. 28, 2026).

2014 NOTE: Subsection (d) added by P.L. 30-183:2 (Aug. 25, 2010) stated:

(d) Non-voting members. There shall be non-voting ex officio members, serving for a term of one (1) year, as follows:

(1) One (1) member appointed by the exclusive bargaining unit which represents teachers and other employees within the Department.

This provision was repealed by P.L. 31-019:3 (Apr. 18, 2011).

§ 3102.4. Officers of the Board.

Officers of the Board shall include the Chairperson and Vice Chairperson, and such other positions which the Board deems necessary to effectively carry out its responsibilities. Such Board officers upon election shall serve for a term of one (1) year. Board officers shall be elected by a majority vote of the members of the Board during one (1) of the Board's meetings held in January of each year. Members may serve as Chairperson for multiple terms, except that no person may serve as Chairperson for more than two (2) consecutive terms at a time.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010).

§ 3102.5. Removal of Board Members.

A member of the Board may be removed by a vote of six (6) members for malfeasance in office or for persistent neglect of, or inability to discharge duties or for offenses involving moral turpitude. However, no member of the Board shall be removed from office before a written bill of particulars shall have been given to the accused and before an investigation and an open and public hearing shall have been had. Any member who removes his residence from Guam shall be deemed to have vacated his office, thereby creating a vacancy on the Board.

A member of the Board shall be automatically removed from the Guam Education Board:

(a) upon conviction of a felony;

(b) upon conviction of a misdemeanor involving the possession of a controlled substance or operation of a vehicle while under the influence of alcohol or a controlled substance; or

(c) upon conviction of a crime involving moral turpitude.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010).

§ 3102.6. Stipend for Board Members.

Members of the Board shall be paid the amount of Two Hundred Fifty Dollars ($250.00) for each day on which they attend a regular, special or executive meeting, not to exceed Five Hundred Dollars ($500.00) in any month.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010).

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§ 3102.7. Board Member Vacancies.

(a) Elected Members. Any vacancies, including initial vacancies, of elected member positions occurring on the Board shall be filled forthwith by appointment of the unsuccessful candidate who received the next highest number of votes in the Board election, provided that the individual received greater than fifty percent (50%) of the number of votes received by the declared winner of that seat. In the event that the individual declines or there is no candidate meeting the criteria provided within this Subsection, I Maga'hågan/Maga'låhen Guåhan shall appoint a member for the term or remaining term of office, subject to confirmation by I Liheslaturan Guåhan.

(b) Appointed Members. On the expiration of the term of an appointed member, or in the event of a vacancy on the Board due to resignation, death, or any other cause, I Maga'håga/Maga'låhi shall appoint another member, with the advice and consent of I Liheslatura, for a full term in the first instance, or for the remainder of the unexpired term. When there is a change of administration of the government of Guam after a gubernatorial election, no courtesy resignation shall be requested by the new administration nor offered by any member of the Board.

SOURCE: Added by P.L. 30-183:2 (Aug. 25, 2010).

§ 3103. Superintendent of Education.

The Superintendent of Education (the Superintendent) shall be the Chief Executive Officer of the internal operating organization of the Department of Education and shall be responsible for the administration of the academic and services activities thereof. The Superintendent shall be responsible for implementing the policies adopted by the Board. The Board shall appoint the Superintendent of Education by an affirmative vote of at least six (6) members. Notwithstanding any other provision of law, the employment of the Superintendent shall be by contract term of four (4) years, which contract shall contain a provision that the Superintendent's employment may only be terminated for cause, as defined in this Chapter. In the case of temporary absence of the Superintendent, the Superintendent may, after consultation with the Chairperson of the Board, appoint among any of the Associate Superintendents, or their equivalents, an acting Superintendent.

The Superintendent shall:

(a) administer the day-to-day activities of the Department of Education;

(b) enforce and implement the education policies of the Board and rules and regulations of the Department;

(c) administer federal funds/programs on behalf of the Department;

(d) serve as the Department's approving authority for the expenditure of funds;

(e) serve as the appointing authority for all personnel employed by the Department;

(f) be the Executive Secretary of the Board in an ex-officio, non-voting capacity;

(g) shall submit to the Board, I Maga'hågan/Maga'låhen Guåhan, and I Liheslaturan Guåhan, no later than thirty (30) days following the end of the fiscal year, a detailed "Annual State of Public Education Report," which shall discuss the public educational issues on Guam, and other subjects the Superintendent may deem appropriate, and shall also submit such fiscal, instructional, academic progress, and other information as may be required by the Board to reflect the quality of public education;

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(h) develop and present to the people of Guam, the Board, I Maga'hågan/Maga'låhen Guåhan, and I Liheslaturan Guåhan a "School Performance Report Card" of each school, which shall be given in conjunction with the Annual Report;

(i) to perform other duties as may be required by public law to provide an adequate public educational system;

(j) to advise the Board on the current operations and status of the public schools and on other educational matters;

(k) to supply the Board with such information as it may require and prepare the Board to make recommendations to I Maga'hågan/Maga'låhen Guåhan and I Liheslaturan Guåhan for changes, additions, or deletions to public law;

(l) prepare a feasibility/impact/cost savings analysis for the Guam Education Board recommending the potential privatization of existing services for the Department.

(m) With the concurrence of the Board and subject to the availability of funds, have the authority to hire maintenance, custodial/janitorial, and cafeteria personnel.

(n) Notwithstanding any other provision of law or personnel rules and regulations, the Superintendent shall have the authority to assign, detail, or transfer employees to various physical locations within the Department. The Superintendent shall exercise such authority only in accordance with a policy adopted by the Board and shall not (1) cause a change in position title or job duties, or (2) contradict the provisions of any collective bargaining agreement in effect at the time of the transfer nor violate any employee's rights thereunder;

(o) Adequate Public Education Reporting Requirements. The Superintendent of Education shall submit a monthly budget status report of all local and federal funds available to the Department, whether or not their resources require appropriations by I Liheslaturan Guåhan. The monthly budget status report shall be designed by the Educational Financial Supervisory Commission and at a minimum contain all appropriations, transfers and adjustments, revised appropriations, expenditures to date, outstanding encumbrances and unencumbered balances. The data for the monthly budget status report shall be provided no later than fifteen (15) calendar days after the end of each month, and be used by the Educational Financial Supervisory Commission for its monthly Financial Status Designation Reports. The Educational Financial Supervisory Commission shall design an Adequate Public Education Report to reorganize the expenditures in the monthly budget status report to the criteria established in 1 GCA § 715, and the status of compliance with the Adequate Education Act. The Monthly Budget Status report and Adequate Public Education reports are to be completed no later than twenty five (25) calendar days after the end of each month and shall be certified by the Superintendent, acknowledging compliance or non-compliance with 1 GCA § 715 and in meeting the objectives of § 3125 of this Chapter. The reports shall be submitted to the Board, the Speaker of I Liheslaturan Guåhan, and I Maga'hågan/Maga'låhen Guåhan.

(p) Conduct periodic management and curriculum audits of the Department of Education for the following purposes:

(1) to ascertain whether the Department is providing an adequate public education as defined in Title 1 GCA § 715;

(2) to evaluate the effectiveness of DOE administrators in implementing board policy and in fulfilling assigned objectives;

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(3) to evaluate the effectiveness of DOE instructional personnel and their ability to meet curriculum goals;

(4) to recommend alternatives to correct systemic deficiencies and to improve the ability of DOE personnel to fulfill assigned objectives;

(5) to evaluate board policies, practices and directives, and recommend, if necessary, corrections and revisions necessary to improve the quality of public education; and

(6) to audit a broad range of management functions, such as the following: decision-making and evaluation processes, policy-making, resource allocation, communication procedures, and goal setting and verification. The audit can also examine the school system's work environment, improvement process, and relationship with the community.

Said audits shall also identify and assess deficiencies in the DOE organizational structure; compliance with federal and local laws, and with board policies; physical and operational security; workflow designs and management; internal controls; staffing levels and competencies; management levels and competencies; management practices; training standards and practices; adequacy of facilities; physical plant management; technical and administrative infrastructure; redundancy of systems and procedures; productivity and quality standards; recruitment, certification and training of teachers; and recruitment, training and staff development. Said audits shall be conducted at intervals determined by the Guam Education Board of not more than five (5) years. Each audit shall also include a report and evaluation on the degree of success that the Department of Education has achieved in implementing the recommendations and correcting the deficiencies identified in the immediate prior audit.

The GDOE Superintendent shall transmit, within forty-five (45) days upon receipt, any audit conducted pursuant to this Act to the Guam Education Board members. Within ninety (90) days of receipt of such audit findings, the Guam Education Board members shall, in a regularly scheduled board meeting held in compliance with the Open Government Law, vote to accept or reject the audit findings, and shall take any necessary actions for the disposition thereof.

The Department shall post on its website and transmit to the Speaker of I Liheslaturan Guåhan and the Chairperson of the Legislative Committee of Education the disposition and plan of action of the audit findings.

(q) Promulgate rules and regulations for the implementation and operation of §§ 3127 through 3131 of this Title as necessary.

(r) All reports of the Superintendent of Education to the Guam Education Board that are required by public law, the Guam Administrative Rules and Regulations, or Guam Education Board Policy, as a condition of receipt of grants-in-aid, as a condition of contract, or at the request of the Guam Education Board, shall be posted on the Guam Department of Education website within five (5) days after the report is officially transmitted to the Board, except for those reports that are confidential pursuant to public law. Board packets from each board meeting shall also be posted on the Guam Department of Education website within five (5) days after each board meeting. Confidential information contained in any report or board packet that contains public information shall be redacted prior to the report being posted on the website.

SOURCE: GC § 11102 entitled "Board." Repealed, reenacted and renamed "Territorial Board of Education" by P.L. 22-042:6 (Nov. 19, 1993). Repealed, reenacted and renamed "General Provisions for the Department of Education within the Guam Public School System" by P.L. 24-142:4 (Feb. 27, 1998). Repealed, reenacted and renamed "Superintendent of Education" by P.L. 26-026:3 (July 5, 2001). Subsection (l) added by P.L. 27-032:4 (Oct. 31, 2003). Subsection (l) amended and subsection (n) added by P.L. 27-106:VI:24 and:43 (Sept. 30, 2004). Subsection (l) amended by P.L. 27-107:21 (Oct. 1, 2004). Subsection (n) repealed and reenacted by P.L. 28-026:1 (Apr. 21, 2005). Subsection (o) added by P.L. 28-045:7, 20 (June 6, 2005). Amended by P.L. 28-143:1 (July 20, 2006). Subsection (p) added by

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P.L. 28-149:II:VI:10 (Sept. 30, 2006). Subsection (q) added by P.L. 28-183:4 (Jan. 29, 2007). Subsections (o) and (q) amended by P.L. 29-019:VI:83 and :84 (Sept. 29, 2007). Subsection (b) amended by P.L. 29-038:1 (Oct. 25, 2007). Repealed and reenacted by P.L. 30-183:3 (Aug. 25, 2010). Subsection (m) added by P.L. 31-015:1 (Apr. 18, 2011). Subsection (o) amended by P.L. 31-075:15 (Aug. 4, 2011). Subsection (p) amended by P.L. 31-091:1 (Sept. 30, 2011) and P.L. 37-044:2 (Nov. 10, 2023). Subsection (r) added by P.L. 37-139:1 (Dec. 28, 2024).

2024 NOTE: The Source annotation has been edited to include historical sources that repealed and reenacted the entire section. Annotations in past publications that referred to former numbering of subsections are no longer relevant and have been omitted. The Source annotation has been updated to reflect amendments based on the provision as currently published.

2023 NOTE: Pursuant to P.L. 37-044:3 (Nov. 10, 2023), the amendment to section 3103(p) is effective Fiscal Year 2024, as follows:

> "The scope of the first management audit is for Fiscal Year 2024, and the first audit shall be funded in the Fiscal Year 2025 budget. The anticipated completion date is June 30, 2025."

2012 NOTE: In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections beginning with "Numbers" to "Lowercase Letters" and "Uppercase Letters" to "Numbers" in this section.

COMMENT: Amendments by P.L. 28-143:1 (July 20, 2006) included duplicate letter sequencing of subsections. Therefore, the Compiler assigned sequential subsection designations to clarify and harmonize the section.

§ 3103.1. Termination of Superintendent.

(a) Only the following constitute cause for the discharge of the Superintendent or Deputy Superintendent:

(1) Failure to meet performance standards as defined by a performance evaluation outline established and adopted by the Board;

(2) Holding financial interests that conflict with the conscientious performance of his or her duties;

(3) Engaging in financial transactions using confidential or non-public Department information or allowing the improper use of such information to further any private interests;

(4) except as permitted by statute or regulation, the solicitation or acceptance of any item of value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the Department, or from persons whose interest may be substantially affected by the performance or nonperformance of the Superintendent's duties, or the duties of the Department;

(5) Knowingly making commitments or promises of any kind purporting to bind the Department except as permitted by law;

(6) Use of his or her official position for private gain or that of others;

(7) Failure to disclose waste, abuse, and corruption to the appropriate authorities;

(8) Failure to respect the rights and privacy of others and the use of his or her official position, authority, or other means to injure another person for personal reasons or malicious purposes;

(9) Fraud or misrepresentation in securing his or her appointment;

(10) Refusal or failure to perform duties and responsibilities as defined by law;

(11) Unlawful use, possession, or sale of illicit drugs and alcohol;

(12) Criminal acts involving moral turpitude;

(13) Political activity prohibited by law;

(14) Misuse, misappropriation, or theft of government property or funds;

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(15) Prohibited acts of discrimination, including sexual harassment; or

(16) Abandonment of his or her position.

SOURCE: Added by P.L. 30-183:4 (Aug. 25, 2010).

§ 3104. Qualifications for the Superintendent of Education and Deputy Superintendent of Education.

(a) The Guam Education Policy Board (Board) shall adopt the qualifications and compensation for the Superintendent of Education and Deputy Superintendent of Education, or any amendments thereto, provided that such qualifications must not be in conflict with the minimum qualifications established in this Section. The Superintendent of Education shall, at a minimum, possess the following qualifications:

(1) A Master's Degree in Education, Business, Public Administration, or other related field from a college or university accredited by a United States accrediting body recognized by the Council on Higher Education Accreditation (CHEA) or its successor, or an equivalent foreign university. A foreign degree is equivalent to a degree granted by a college or university accredited by a CHEA recognized accrediting body when any of the following applies:

(A) such degree qualifies the degree-holder for enrollment in a graduate or post-graduate program in a college or university accredited by a CHEA recognized accrediting body;

(B) such degree qualifies the degree-holder for employment in a faculty or academic administrative position in a college or university accredited by a CHEA recognized accrediting body; or

(C) the degree was conferred by a foreign institution recognized by the United States Department of Education at the time such degree was conferred;

(2) Five (5) years' experience in the field of educational leadership, public administration management, or other related field; and

(3) Good moral character and never convicted of a felony or any crime involving moral turpitude.

(b) The Board may add additional qualifications provided that such qualifications are consistent with the Minimum Knowledge, Abilities and Skills (KAS) required for such job and do not violate the Equal Employment Opportunity Act (42 U.S.C.). Any additional qualifications must be included in the published job description.

(c) If the Board hires a Deputy Superintendent, it shall use the same voting and public hearing procedures for adoption of the positions qualifications and compensation as it uses for the position of Superintendent. The minimum qualifications of the Deputy Superintendent shall be identical to those for the Superintendent.

(d) In determining the salary of the Superintendent and Deputy Superintendent, the Board may consider:

(1) salaries for similar positions in other United States school districts that have a similar number of students;

(2) the complexity, in terms of problem solving, accountability and expertise of the job compared to positions of a similar level in other government agencies; and

(3) the complexity, in terms of the problem solving, accountability and expertise of the job compared to positions of a similar level in other education agencies within the government of Guam.

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SOURCE: Repealed and reenacted by P.L. 27-008:1 (April 26, 2003). Amended by P.L. 29-019:VI:66 (Sept. 29, 2007).

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 3105. Collection of Data and Production of School Performance Reports by Superintendent; Criteria for Grading Schools.

(a) The Superintendent shall collect data and produce annual school performance reports containing information on student performance, student behavior and school characteristics.

(b) [No text]

(1) In consultation with representatives of parents, teachers and school administrators, the Board shall adopt, by rule, criteria for grading schools. Such criteria shall take into account both overall performance and improvement in performance. A five (5) member evaluation team shall be appointed by the Board to assess every school. The Board shall appoint one (1) member from each of the four (4) school board election districts, and the fifth member shall be appointed from the Island-wide Parent Teacher Organization. The grades shall include classifications for exceptional performance, strong performance, satisfactory performance, low performance and unacceptable performance.

(2) The grades received by a school shall be included in the Annual State of Public Education Report.

(3) If a school is within the low performance or unacceptable performance classification in any category, the school shall file a school improvement plan with the Superintendent and with the Board.

(c) The Superintendent shall notify the public and the media, and post on the Department of Education's website, no later than thirty (30) days following the end of the fiscal year. The school performance reports shall be available at schools and the DOE's offices. The Superintendent shall also include notice that copies of school improvement plans can be obtained from the schools and the DOE.

2023 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

§ 3106. School Performance Report Card.

(a) No later than thirty (30) days following at the end of each fiscal year, the Superintendent shall issue a School Performance Report Card on the state of the public schools and progress toward achieving their goals and mission.

(b) The purpose of the School Performance Report Card is to monitor trends among schools and progress toward achieving the goals stated in the mission statement. The report on the state of the public schools shall be designed to:

(1) allow educators and the community to determine and share successful and unsuccessful school programs;

(2) allow educators to sustain support for reforms demonstrated to be successful;

(3) recognize schools for their progress and achievements; and

(4) facilitate the use of educational resources and innovations in the most effective manner.

(5) The report shall contain, but need not be limited to:

(A) demographic information on public school children in the community;

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(B) information pertaining to student achievement, including Guam-wide assessment data, graduation rates and dropout rates, including progress toward achieving the education benchmarks established by the Board;

(C) information pertaining to special program offerings;

(D) information pertaining to the characteristics of the school and school staff, including certification and assignment of teachers and the experience of the staff;

(E) budget information, including source and disposition of school operating funds and salary data;

(F) examples of exemplary programs, proven practices, programs designed to reduce costs or other innovations in education being developed by the schools that show improved student learning; and

(G) such other information as the Superintendent and the Board deems necessary.

(c) In the second and subsequent years that the report is issued, the report shall include a comparison between the current and previous data, and an analysis of trends in public education.

2023 NOTE: Subsection designation (c) added pursuant to the authority of 1 GCA §1606.

2013 NOTE: Numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme in accordance to 1 GCA § 1606.

§ 3107. Establishment of Educational Goals and Performance Standards.

The Board shall develop and periodically assess educational goals and performance standards.

§ 3108. Attorney for the Board.

[Repealed.]

SOURCE: Added by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 29-041:1 (Oct. 26, 2007). Repealed by P.L. 30-183:5 (Aug. 25, 2010). Enacted by P.L. 31-040:4 (May 16, 2011). Repealed by P.L. 30-183:5 (Aug. 25, 2010).

§ 3109. Attorney for the Department of Education.

The Superintendent may employ an attorney(s) to assist and represent it in all matters that concern the DOE.

§ 3110. Special Assistant Attorney General.

The Attorney General shall assist the Board or the DOE in all litigation in which the Board or the DOE is interested; provided, that the Attorney General shall designate the attorney for the Board or the DOE as a Special Assistant Attorney General for such purpose at no cost to the Board or to the DOE.

§ 3111. Guam Education Policy Board.

[Repealed.]

SOURCE: Added by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 29-041:2 (Oct. 26, 2007). Repealed by P.L. 30-183:6 (Aug. 25, 2010).

§ 3111.1. Provision for Staggered Elections.

[Repealed.]

SOURCE: Added by P.L. 29-041:6 (Oct. 26, 2007). Amended by P.L. 29-113:VI:66 (Sept. 30, 2008). Repealed by P.L. 30-183:7 (Aug. 25, 2010).

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§ 3112. Same: Duties and Responsibilities.

[Repealed.]

SOURCE: Subsection (a)(16) added by P.L. 27-032:5. (Oct. 31, 2003). Subsection (a)(16)(d) added by P.L. 27-106:VI:41 (Sept. 30, 2004). Subsection (a)(17) added by P.L. 28-010:3 (Mar. 9, 2005) as (a)(16) and renumbered by Compiler. Subsection (a)(14) amended by P.L. 28-045:21 (June 6, 2005). Amended by P.L. 28-143:2 (July 20, 2006). Subsection (a)(15) amended by P.L. 28-150:V:64 (Sept. 30, 2006). Amended by P.L. 30-164:3 (July 16, 2010). Repealed by P.L. 30-183:8 (Aug. 25, 2010).

§ 3112.1. Same: Policy Against Bullying.

(a) As used in this Section:

(1) "At school" means in a classroom, elsewhere on or within school fences or at a school-sponsored activity or event whether or not it is held on school premises.

(2) "Harassment, intimidation, or bullying" means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission or the education of any pupil. "Harassment, intimidation, or bullying" includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.

(3) "Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully as defined in the above Subsection (2).

(b) The Guam Education Board (Board) shall adopt a policy prohibiting "harassment, intimidation, or bullying" and "cyberbullying" at school. The content of the policy shall be determined by the Board but shall contain at least the components in Subsection (c). The policy shall be adopted through a process that includes representation of parents or guardians, pupils, teachers, staff, administrators, volunteers, and community representatives.

(c) The policy shall include at least each of the following components:

(1) A statement prohibiting "harassment, intimidation, or bullying" and "cyberbullying" of a pupil.

(2) A definition of "harassment, intimidation, or bullying" and "cyberbullying" that includes at least the acts described in the definition in this Section.

(3) A description of the type of behavior expected from each pupil.

(4) Consequences and appropriate remedial action for a person who commits an act of "harassment, intimidation, or bullying" and "cyberbullying".

(5) A procedure for reporting an act of "harassment, intimidation, or bullying" and "cyberbullying", including a provision that permits a person to report an act of "harassment, intimidation, or bullying" and "cyberbullying" anonymously. However, this Subsection shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation.

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(7) The range of ways in which a school will respond once an incident of "harassment, intimidation, or bullying" and "cyberbullying" is identified.

(8) A statement that prohibits reprisal or retaliation against any person who reports an act of "harassment, intimidation, or bullying" and "cyberbullying", and the consequences and appropriate remedial action for a person who engages in that type of reprisal or retaliation.

(9) Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of "harassment, intimidation, or bullying" and "cyberbullying".

(10) A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored activities.

(11) A school employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of "harassment, intimidation, or bullying" and "cyberbullying".

(12) A school employee or volunteer who has witnessed, or has reliable information that a pupil has been subjected to "harassment, intimidation, or bullying" and "cyberbullying", whether verbal or physical, shall report the incident to the appropriate school official designated by the Board policy.

(13) A school employee who promptly reports an incident of "harassment, intimidation, or bullying" and "cyberbullying" to the appropriate school official designated by the Board policy, and who makes this report in compliance with the procedures in the policy prohibiting "harassment, intimidation, or bullying" and "cyberbullying" is not liable for damages arising from any failure to remedy the reported incident.

(d) The Board shall adopt the policy under this Section and transmit a copy of its policy to the Superintendent of Education by June 30, 2011.

(e) The Board shall ensure that notice of the policy under this Section is included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for all schools, and in its pupil handbooks.

(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

(g) Each school shall do all of the following:

(1) provide training on the school's "harassment, intimidation, or bullying" and "cyberbullying" policies to the school community and volunteers who have significant contact with pupils; and

(2) develop a process for discussing the "harassment, intimidation, or bullying" and "cyberbullying" policy with pupils as part of the curriculum.

(h) A school shall incorporate information regarding its policy against "harassment, intimidation, or bullying" and "cyberbullying" into its employee training program.

(i) This Section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This Section does not create or alter any tort liability.

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(j) The Board shall establish rules for appropriate disciplinary action for the Department of Education personnel who do not comply with the policy prohibiting "harassment, intimidation, or bullying" and "cyberbullying".

(k) "harassment, intimidation, or bullying" and "cyberbullying" are CRIMINAL IN NATURE and any of these actions can constitute a criminal offense that is chargeable under Guam law.

SOURCE: Added by P.L. 27-071:2 (Feb. 4, 2004). Amended by P.L. 31-009:9 (Mar. 9, 2011).

§ 3112.2. Safe Schools Program: School Crime Stoppers.

The Guam Education Board (Board) shall adopt a policy to address crimes being committed within the Guam Department of Education (GDOE) schools. The Board shall implement crime-prevention efforts found successful in other jurisdictions and implement such policies.

The policy shall include, but is not limited to, the following:

(a) School Safety Coordinator. Each school shall identify a School Safety Coordinator (an administrator or school counselor) who will be responsible for overseeing the Program for individual GDOE schools.

(b) School Crime Stoppers Coordinator. The Guam Police Department Chief of Police will assign an employee of the Guam Police Department to serve as the School Crime Stoppers Coordinator to work with GDOE School Safety Coordinators, and to serve as liaison to Guam Crime Stoppers, Inc. and the Guam Police Department.

(1) The School Crime Stoppers Coordinator will be responsible for organizing awareness and education events for students, and the broader community, with the Guam Police Department, the Guam Crime Stoppers, the Office of the Attorney General, the Mayors' Council of Guam, and other relative agencies and organizations, as well as training events for administrators, faculty, staff, school parent organizations and families.

(2) Partnership with Guam Crime Stoppers, Inc. The Board shall explore options of developing a partnership with Guam Crime Stoppers, Inc. to identify the School Crime Stoppers Program needs, such as securing phone services, the possible implementation of procedures for online web tips for the reporting of crimes that occur on GDOE campuses, and other related needs.

(3) The School Crime Stoppers Coordinator will forward reports of tips and calls that have led to arrests for crimes to the Guam Crime Stoppers Board of Directors for disposition, in accordance with the organization's current procedures. For infractions or instances where the event is not a criminal activity, the School Safety Coordinator and the School Crime Stopper Coordinator will determine, or make a referral for, the appropriate disciplinary action, or make a referral to the appropriate entity.

(4) The School Crime Stoppers Coordinator and the School Safety Coordinators shall coordinate with the Guam Crime Stoppers, Inc., and make recommendations for policy relative to fundraising efforts to support the School Crime Stoppers program. Said recommendations shall be presented to the GDOE Board and Superintendent of Education for consideration and subsequent development of policy.

(c) Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.

(1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.

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(2) The data shall be published quarterly for public review on the Guam Department of Education website.

(d) Both the School Safety Coordinators and the School Crime Stopper Coordinator will be responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the coordinators shall forward it to the appropriate authorities for disposition.

(e) Implementation. The Program shall be implemented in all Guam Department of Education schools.

SOURCE: Added by P.L. 31-100:2 (Sept. 30, 2011).

§ 3113. Same: Elected Members.

[Repealed.]

SOURCE: Repealed by P.L. 30-183:9 (Aug. 25, 2010).

§ 3114. Nomination for Election to the Board.

[Repealed.]

SOURCE: Repealed and reenacted by P.L. 26-129:1 (Sept. 13, 2002) in time for the 2002 election. Repealed by P.L. 30-183:10 (Aug. 25, 2010).

§ 3115. Same: Term of Office of Elected Members.

[Repealed.]

SOURCE: Added by P.L. 26-026:3 (July 5, 2001). Amended by P.L. P.L. 28-150:V:37 and 38 (Sept. 30, 2006) and P.L. 29-041:3 (Oct. 26, 2007). Repealed by P.L. 30-183:11 (Aug. 25, 2010).

§ 3116. Same: Repeal of Temporary Governance by I Maga'hågan/Maga'låhen Guåhan.

[Repealed.]

SOURCE: Repealed by P.L. 30-183:12 (Aug. 25, 2010).

§ 3117. Same: Vacancies.

[Repealed.]

SOURCE: Amended by P.L. 28-068:II:I:25 (Sept. 30, 2005), P.L. 28-150:V:36 and 38 (Sept. 30, 2006). Subsection (a) amended by P.L. 29-041:4 (Oct. 26, 2007). Repealed by P.L. 30-183:13 (Aug. 25, 2010).

§ 3118. Same: Severability as to Districting Formula.

[Repealed.]

SOURCE: Repealed by P.L. 30-183:14 (Aug. 25, 2010).

§ 3119. Same: Officers of the Board.

[Repealed.]

SOURCE: Added by P.L. 26-026:3 (July 5, 2001). Amended by P.L. 29-041:5 (Oct. 26, 2007). Repealed by P.L. 30-183:15 (Aug. 25, 2010).

§ 3120. Same: Stipend.

[Repealed.]

SOURCE: Repealed by P.L. 30-183:16 (Aug. 25, 2010).

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§ 3121. Budget.

The Superintendent of Education shall prepare the DOE fiscal year budget, giving the highest priority to budgetary items that directly affect teaching and learning. The Board shall approve the proposed budget and its funding priorities by resolution. The budget request for the non-personnel categories of each and every decentralized school shall be submitted as a separate line-item. After Board approval, the Superintendent shall submit the proposed DOE fiscal year budget to I Liheslaturan Guåhan, and a courtesy copy to I Maga'hågan/Maga'låhen Guåhan, no later than the thirtieth (30th) day of January. The budget shall be in the format of the Budget Call issued by the Bureau of Budget and Management Research and shall describe DOE's budget requests to federal agencies for federal grant awards by object classification and by grant, including each grant's staffing pattern, both current and proposed, and such information as may be requested by I Liheslaturan Guåhan.

SOURCE: Amended by 28-010:4 (Mar. 9, 2005); P.L. 28-068:II:I:23 (Sept. 30, 2005); and P.L. 29-019:VI:78 (Sept. 29, 2007).

§ 3122. Collective Bargaining Agreement.

The Board shall appoint a negotiating team to handle negotiations between the DOE and any exclusive bargaining unit representing teachers and other support staff for collective bargaining agreements. The Board shall have the authority to render final approval on behalf of the DOE for such agreements.

§ 3123. Superintendent and Deputy Superintendent Not Part of I Maga'hågan/Maga'låhen Guåhan's Cabinet.

[Repealed.]

SOURCE: Repealed by P.L. 31-021:1 (Apr. 18, 2011).

§ 3124. Removal of Elected Board Members.

[Repealed.]

SOURCE: Repealed by P.L. 30-183:17 (Aug. 25, 2010).

§ 3125. Chief Financial Officer.

(a) Unclassified Deputy Superintendent(s) Appointment. The Superintendent shall reserve the right to select unclassified Deputy Superintendent(s) as his management team with full management responsibility and authority as delegated unto him or her by the Superintendent. Such unclassified Deputy Superintendent(s) appointees may number from one (1) but shall not exceed four (4), unless otherwise approved by the Guam Education Policy Board. The unclassified Deputy Superintendent(s) appointed positions shall cover, but not be limited to:

(1) Deputy Superintendent, Finance and Administrative Services;

(2) Deputy Superintendent, Assessment and Accountability;

(3) Deputy Superintendent, Curriculum and Instructional Improvement;

(4) Deputy Superintendent, Educational Support and Community Learning.

(b) Unclassified Status. Notwithstanding any other provision of law, members of the management team may be selected through direct appointment or through contractual arrangement and may be terminated at will and without cause. Sole authority for selection and termination of management team personnel rests with the Superintendent of Education.

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(c) Compensation. Notwithstanding any other provision of law, personnel from the Department of Education who are selected as a management team member shall receive compensation at no more than the maximum salary established for the Superintendent of DOE.

(d) Qualifications. The Superintendent shall establish qualifications demonstrating quantifiable criteria to define the skills required for each of the positions, which qualifications shall be subject to approval by the Board.

(e) Elimination of Positions at Department of Education.

(1) Elimination of Deputy Superintendent Position. The position of Deputy Superintendent of Education in the Department of Education is hereby eliminated.

(2) Elimination of Chief Financial Officer Position. The position of Chief Financial Officer in the Department of Education is hereby eliminated.

(3) Elimination of Associate Superintendent Positions. The position of Associate Superintendent in the Department of Education is hereby eliminated.

(f) Evaluation of Management Team. The Superintendent of Education shall conduct a semi-annual evaluation of his management team and shall post the results of the evaluation on the DOE website.

(g) Effective Date. This provision of law shall take effect on September 1, 2008.

SOURCE: Added by P.L. 27-117:2 (Dec. 2, 2004). Amended by P.L. 28-068:II:I:24 (Sept. 30, 2005). Repealed and reenacted by P.L. 29-102:4 (July 22, 2008).

§ 3126. Adequate Public Educational System Objectives.

(a) The basic objectives of an adequate public educational system are:

(1) That parents or guardians are full partners with educators in the education of their children.

(2) That students are encouraged and challenged to reach their educational potential.

(3) That students are motivated and encouraged to remain in school until they've earned their high school diplomas.

(4) That the curriculum adequately prepares students to succeed in their future endeavors.

(5) That students are prepared to be active participants in the community through an understanding of our island and national heritage, cultural and family values, and an appreciation for the freedoms afforded all citizens of our democratic form of government.

(6) That qualified education professionals are hired and retained in our schools.

(7) That students perform at or above national and international academic standards.

(8) That school campuses are safe and conducive to student learning.

(9) That educators' teaching methods and knowledge of subject matter are continually improved and re-enforced.

(10) That technology will be implemented and used to increase the effectiveness of student learning, instructional management, staff development, and administration.

(11) that curricula be consistent with the "No Child Left Behind Act" or successor legislation that would allow students to achieve Literacy goals established by the Guam Education Policy Board.

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(b) It is the duty and responsibility of the government of Guam to provide the resources to the Department of Education that are necessary to meet the basic objectives of an adequate public education as declared herein.

SOURCE: Added as § 3125 by P.L. 28-019:2 (Mar. 17, 2005), renumbered by the Compiler pursuant to 1 GCA § 1606. Subsection (a)(11) added by P.L. 29-058:1 (Apr. 4, 2008).

§ 3127. Definitions.

As used in Title 4 GCA § 8121 (a) and §§ 3127 through 3131 of this Title:

(a) "Certified Employee" means an employee who holds a position defined in 1 GCA § 715 (l), subitem (1) through (5) and (11), who is "certified" as that term is defined in 1 GCA § 715 (m).

(b) "Certified Augmentation Teaching Service (CATS) employee (CAT or CATS)" means a member of the Government of Guam Employees' Retirement Fund who has retired from government service but has subsequently been temporarily employed as an unclassified employee to fill a vacancy in a position defined in 1 GCA § 715(l), subitem (1) through (5) and (11), who is "certified" as that term is defined in 1 GCA § 715 (m), for the remainder of a school year or until replaced pursuant to 17 GCA § 3131.

(c) "Certified Applicant" means an applicant for a position defined in 1 GCA § 715(l), subitem (1) through (5) and (11), who is "certified" as that term is defined in 1 GCA § 715(m).

(d) "Certificate of Necessity" means a writing signed by the Superintendent confirming that the employment of a Certified Temporary Employee is necessary to fill a vacant position defined in 1 GCA § 715 (l), subitem (1) through (5) and (11), in order to comply with the Every Child is Entitled to an Adequate Public Education Act.

(e) "Every Child is Entitled to an Adequate Public Education Act" means the provisions of P.L. 28-045.

(f) "School year" means one hundred eighty (180) instructional days as that term is defined in 1 GCA § 715(l)(13).

SOURCE: Added by P.L. 28-183:5 (Jan. 29, 2007).

NOTE: Sections 3127-3131 of this Chapter were added by P.L. 28-183 (Jan. 29, 2007), "The Certified Augmentation Teacher Service (CATS) Act or the CATS Act." Section 10 of P.L. 28-183 finds that it is impracticable to employ CATS as classified employees, and Section 11 provides that No CAT may be employed after July 1, 2010.

2015 NOTE: Subsection references were altered to reflect the alpha-numeric scheme of 1 GCA § 715 pursuant to 1 GCA § 1606.

§ 3128. Eligibility for CATS Employee Status.

A former Department of Education employee who resigned or retired from a position defined in 1 GCA § 715 Item (l), (1) through (5) and (11) in good standing:

(a) who gave thirty (30) days' notice before leaving his employment, may be employed as a CATS employee, if he or she holds a current certification for the position; or

(b) prior to the effective date of this Act, may be employed as a CATS employee, if he or she holds a current certification for the position.

SOURCE: Added by P.L. 28-183:6 (Jan. 29, 2007). Amended by P.L. 29-106:3 (Aug. 22, 2008).

2015 NOTE: Subsection references were altered to reflect the alpha-numeric scheme of 1 GCA § 715 pursuant to 1 GCA § 1606.

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§ 3129. Employment of CATS Employees.

(a) The Superintendent of Education shall, to the extent possible, fill all positions defined in 1 GCA § 715 Item (l)(1) through (5) and (11), with Certified Employees.

(b) In the absence of Certified Employees the Superintendent may employ CATS. Before he or she employs a CAT the Superintendent shall issue and post on the Department of Education website a Certificate of Necessity.

SOURCE: Added by P.L. 28-183:7 (Jan. 29, 2007).

2015 NOTE: Subsection references were altered to reflect the alpha-numeric scheme of 1 GCA § 715 pursuant to 1 GCA § 1606.

§ 3130. Superintendent to Maintain Roster.

The Superintendent shall establish, keep current and post on the Department of Education website a roster of all positions required by the "Every Child is Entitled to an Adequate Public Education Act" to be filled by a Certified Employee as that term is defined by 1 GCA § 715 Item (m). The roster shall indicate which positions are vacant, which positions are filled with Certified Employees, which positions are filled with CATS and shall include the Certificate of Necessity for each CAT pursuant to Title 17 GCA § 3129 (b).

SOURCE: Added by P.L. 28-183:8 (Jan. 29, 2007).

§ 3131. Employment of Certified Applicants.

When a Certified Applicant who is available for employment for the remainder of a current school year is available to fill a position occupied by a CAT, the Superintendent shall forthwith replace the CAT with a Certified Applicant if at least ten (10) weeks remain in the current semester, otherwise at the end of the current semester.

SOURCE: Added by P.L. 28-183:9 (Jan. 29, 2007).

§ 3132. Central Office Budgeting.

(a) Department of Education (DOE) shall develop and implement Performance Based Budgeting for all Central Office Operations no later than September 30, 2009. Appropriate DOE employees shall attend all workshops and training opportunities offered by the Department of Administration regarding Performance Based Budgeting.

(b) Non-compliance of the head of Department of Education (DOE) to Subsection (a) of this Section and to deadlines as established by the Bureau of Budget and Management Research to meet the Performance Based Budgeting implementation deadline shall cause a penalty to be applied against the current salary of the head of DOE equal to a twenty percent (20%) reduction in salary. The Guam Education Policy Board shall ensure the application of this penalty.

SOURCE: Added by P.L. 29-019:VI:42 (Sept. 29, 2007). Amended by P.L. 29-113:VI:64 (Sept. 30, 2008). Subsection (b) amended by P.L. 30-055:XII:22 (Sept. 4, 2009).

§ 3133. Establishment and Composition Guam Department of Education Financial Supervisory Commission.

(a) The Guam Department of Education Financial Supervisory Commission (EFSC) shall consist of five (5) regular voting members and one (1) alternate member, who shall be allowed to cast a vote only in the event a regular voting member is absent. The EFSC shall be comprised of the following members:

(1) The Director of the Department of Administration, or designated representative, who shall be member of the Senior Management Staff;

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(2) The Director of the Bureau of Budget and Management Research, or designated representative, who shall be member of the Senior Management Staff;

(3) The Director of the Office of Finance and Budget, or designated representative;

(4) The Public Auditor, or designated representative;

(5) A parent of a child currently enrolled in a public school, appointed by the Chairperson of the Committee on Education of I Liheslaturan Guåhan, with at least five (5) years experience in the public or private sector in the management of business or financial expertise, public accounting, or similar professional activity;

(6) The General Accounting Supervisor of the Department of Administration (Alternate);

(7) The Superintendent of Education shall serve as the Executive Secretary of the EFSC in an ex-officio, nonvoting capacity; and

(8) The Deputy Superintendent of Finance of GDOE shall serve as an ex-officio member in a nonvoting capacity.

(b) EFSC Structure:

(1) The Director of the Bureau of Budget and Management Research shall serve as the Chairperson of the EFSC;

(2) The Director of the Office of Finance and Budget shall serve as the Vice Chairperson;

(3) The EFSC shall meet at least once per month using a generally accepted set of parliamentary procedures to govern meetings;

(4) Three (3) members shall constitute a quorum for the transaction of any EFSC business. In the absence of a quorum, all meetings shall be cancelled and rescheduled within three (3) working days of the cancelled meeting;

(5) Failure of the EFSC to meet in any month shall result in a Two Hundred Fifty Dollar ($250) fine for each voting member absent from an EFSC meeting. The fine shall be imposed on the absent member for every meeting missed that resulted in a lack of quorum. Such fine shall be deposited in the GDOE Interscholastic Sports Program. The fine imposed by this Subitem shall apply to an absent member for a meeting that resulted in a lack of quorum, unless the EFSC excuses such absent member pursuant to a majority vote of its members at its next meeting. The reason for the absence and the voting record shall be included in its meeting minutes and made available to the public. The EFSC shall develop guidelines on excusing absent members from meetings for unforeseen or other circumstances.

(c) EFSC Scope of Authority, Duties and Responsibilities Granted. The scope of authority, duties, and responsibilities granted in this Subsection shall be for the purpose of organizing and assembling government of Guam resources to:

(1) make recommendations on policies and practices related to the presentation and preparation of the operating budget request;

(2) make recommendations on budget request priorities;

(3) review and approve a fiscal year twelve (12)-month Expenditure Operations Plan based on the appropriation of local funds and expected funds from other sources by September 25 for the next Fiscal Year;

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(4) review and approve a fiscal year twelve (12)-month Human Resources Management Plan by September 25 for the next Fiscal Year, inclusive of merit increases, promotions and hiring that directly supports the plan outlined in (3) of this Subsection;

(5) review GDOE internal hiring policies, procedures and controls and make recommendations to the Superintendent of Education;

(6) develop financial performance indicators that produce a monthly financial status designation as outlined in Subsection (d) of this Section;

(7) review GDOE financial reports for conformity with annual budget objectives;

(8) monitor expenditures that materially exceed (or will exceed on an annualized basis) the approved budget amount for any given expense category;

(9) review and approve all contracts/expenditures in excess of One Million Dollars ($1,000,000) prior to issuance of purchase orders and bid awards to verify fund expenditures conform to the plan outlined in (3) of this Subsection;

(10) monitor all contracts and renewal dates for food service, school maintenance, office reproduction equipment, solid waste disposal and telecommunication;

(11) develop a needs assessment of the GDOE Accounting Department and recommend a training plan to the Superintendent of Education;

(12) review GDOE internal accounting procedures and controls and make recommendations to the Superintendent of Education; and

(13) review all information technology purchases and upgrades related to the financial management of GDOE and provide recommendations to the Superintendent of Education.

(d) Financial Status Designations.

(1) CODE A means Stable, indicating that the GDOE has positive variance reports in all budgeted expense categories at the time of reporting;

(2) CODE B means Warning, indicating that the GDOE has a negative variance report exceeding ten percent (10%) of the year-to-date budgeted amount in an expense category or five percent (5%) in aggregate at the time of reporting;

(3) CODE C means Watch, indicating that the GDOE has a negative variance report exceeding two percent (2%) of the approved budget amount when combining year-to-date actual and annualized projections at the time of reporting; and

(4) CODE RED indicates Emergency, whereby there is a failure to implement a corrective financial recovery plan within fifteen (15) working days of submission to EFSC as outlined in Subsection (e)(3) of this Section. An emergency may also be declared by a unanimous vote of all EFSC members should the GDOE and GEPB fail to submit a Corrective Financial Recovery Plan that is acceptable to address conditions which caused the financial status Watch designation.

(e) Financial Status Designations; Actions.

(1) CODE A – Stable. No action required;

(2) CODE B – Warning. The Superintendent of Education, in conjunction with the Deputy Superintendent of Finance, shall submit an explanation of variance within five (5) working days of an EFSC Warning to the GEPB and EFSC that explains each expenditure category above the approved budget amount as outlined in Subsection (c)(3) of this Section;

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(3) CODE C – Watch. The Superintendent of Education, in conjunction with the Deputy Superintendent of Finance, shall submit a Corrective Financial Recovery Plan to eliminate Watch conditions within twenty (20) working days of an EFSC-issued Watch to the GEPB. The GEPB shall review, modify and approve by resolution the corrective Financial Recovery Plan and submit it to the EFSC within fifteen (15) working days of receipt from the Superintendent of Education; and

(4) CODE RED – Emergency. Under an emergency declaration, EFSC may assume all or part of the decision making powers of the Superintendent of Education and the GEPB until a corrective financial recovery plan is developed, implemented and successful in alleviating the conditions which caused the financial status Watch designation.

SOURCE: Added by P.L. 30-164:2 (July 16, 2010). Subsection (b)(5) amended by P.L. 35-017:2 (May 9, 2019).

§ 3134. Posting School Inspection Reports Online.

(a) Online Posting. With the guidance of the Office of Technology, the Guam Department of Education shall create and establish specific webpages on the official website https://gdoe.net or create a separate website dedicated solely to posting and announcing all school inspection reports and related updates pertaining to the assessment, recommendations, progress, and various other details indicated in each report. Within the central website, viewers shall have the ability to view inspection by village, by district, by school, and by the following categories identified in Subsection (e) of this Section. All inspection reports must be submitted to the Guam Department of Education Deputy Superintendent for Assessment and Accountability, or the equivalent position should this job title change, who shall post all inspection reports on the website, as well as ensure that the inspection reports are posted on the inspected school's website, within thirty (30) days of the inspection for public viewing and information gathering.

(b) Information Accessibility and Transparency. Inspection reports provide insight on the condition of the inspected property, based on a standardized observation checklist. These reports are imperative to assessing risk factors and identifying issues and areas of concern that warrant an immediate or specific course of action. The people of Guam deserve to know if the government of Guam and the Guam Department of Education are taking the appropriate steps to safeguard the public, especially when it pertains to the health, and safety of our children. Therefore, it is the purpose this legislation to comply with open government and facilitate a more transparent relationship with the families in the Department of Education by establishing a direct portal to the progress and process of maintaining Guam schools. This act mandates all inspection reports performed by the Department of Public Health and Social Services (DPHSS) inspectors to submit their inspection report to the Guam Department of Education Deputy Superintendent for Assessment and Accountability, or the equivalent position should this job title change, for posting on the official GDOE website or another website established exclusively for the purpose of posting all school inspection reports.

(c) Physical Posting. The Department shall post in a conspicuous place visible to the public, near the main entrance to the main office of the school, the official status of the school's inspection grade that indicates the status of the school, to include if the school has failed inspection or if any part is condemned.

(d) Definitions. For purposes of this Section, the following terms shall mean:

(1) "School" means an institution established for the care and education of students.

(2) "Inspection Report" means a standardized observation checklist that is used when assessing the state of the inspected school to evaluate risk factors and learning conditions.

(3) "Permitting documents" mean the construction permit and the sanitary permit for the inspected school.

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(4) "Grounds" mean the location of the inspected school and the state of the inspected school premises.

(5) "Building" means the rooms, floors, walls and ceilings, doors and windows, classroom equipment, seating, maintenance and housekeeping, as well as the design and construction of the inspected school.

(6) "Ventilation" means the natural or mechanical circulation of air available in a room or facility in the inspected school.

(7) "Lighting" means the natural or artificial light available in a room or facility in the inspected school.

(8) "Plumbing" means the structural systems that convey sewage and liquid waste from the inspected school to a public sewage system or an approved individual sewage system.

(9) "Water supply" means the water to be dispensed through drinking fountains, coolers, and cups in the inspected school.

(10) "Handwashing units" mean the stations that enable handwashing in the inspected school.

(11) "Showers" and "locker rooms" mean the rooms or facilities that enable showering and changing prior to or following athletic activities in the inspected school.

(12) "Toilet facilities" mean toilet fixtures and facilities in the inspected school.

(13) "Garbage" and "refuse disposal" mean the garbage and trash containers in the inspected school.

(14) "Food protection" means the storage, preparation, and serving facilities in the inspected school.

(15) "Safety" means first aid materials, first aid manuals, fire extinguishers, and the risk factors present, if any, pertaining to school premise structures, such as playground equipment, athletic equipment, and the like.

(16) "Existing facilities" means the facilities in existence at the time the "Rules and Regulations for School Building Sanitation" took effect.

(17) "Accessibility" and "accommodations" means modifications or adjustments in the inspected school that are made for students and individuals with disabilities, such as braille systems, wheel chair-accessible facilities, ramps, and programs to assist these students and individuals.

(18) "Certified instructors" mean instructors who hold a valid educator's certification at the time of the inspection.

(e) Online Posting Categories. This Section mandates all inspection reports written by the Department of Public Health and Social Services (DPHSS) inspectors to be submitted to the Guam Department of Education Deputy Superintendent for Assessment and Accountability, or the equivalent position should this job title change, for posting on the official GDOE website or another website established exclusively for the purpose of posting all school inspection reports.

(f) The categories to be reported online in addition to the assessment and grade given to the inspected school, include, but are not limited to:

(1) Permitting Documents; and

(2) Grounds; and

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(3) Building; and

(4) Ventilation; and

(5) Lighting; and

(6) Plumbing; and

(7) Water Supply; and

(8) Handwashing Units; and

(9) Showers and Locker Rooms; and

(10) Toilet Facilities; and

(11) Garbage and Refuse Disposal; and

(12) Food Protection; and

(13) Safety; and

(14) Existing Facilities; and

(15) Accessibility and Accommodations; and under this category the following must be posted to identify:

(A) the modifications and adjustments made by the inspected school that comply with the Americans with Disabilities Act (ADA), to ensure that students and individuals with disabilities are not hindered by barriers in environmental, academic, extracurricular, or athletic activities; and

(B) the programs facilitated by the inspected school to ensure that students and individuals with disabilities in the inspected school are provided with direct assistance in the event that the necessary modifications and adjustments are not available; and

(16) Certified Instructors

(A) under this category the following must be posted to identify:

(i) the number of certified instructors necessary so that each classroom has a certified instructor in the inspected school; and

(ii) the number of classrooms without a certified teacher in the inspected school; and

(iii) the estimated time a certified teacher shall be hired and installed in the classroom lacking a certified teacher in the inspected school.

(B) GDOE Certified Instructor Reporting. In addition to posting school inspection reports conducted on a single school, the Guam Department of Education must also create a section on the central website to include the following information regarding all schools in the Department of Education on a quarterly basis:

(i) the total number of certified instructors needed in each school so each classroom has a certified instructor teaching; and

(ii) the total number of certified instructors lacking in the Department of Education.

(g) Execution.

(1) The development and creation of the web pages referenced in this Section shall be under the authority and guidance of the Government of Guam Office of Technology.

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(2) Furthermore, this Section is in addition to the current procedure of providing a copy of the inspection report to the operator of the institutional facility, who will then transmit a copy of the report to the GDOE Deputy Superintendent for Assessment and Accountability.

(3) The Department of Integrated Services for Individuals with Disabilities (DISID) shall work with DPHSS and GDOE to conduct an assessment and report if the inspected school is in compliance with Subsection (e)(15)(A) of this Section.

(4) The GDOE Deputy Superintendent for Assessment and Accountability, or the equivalent position should this job title change, shall:

(A) review the inspected school to adhere to the requirements of Subsection (e)(16)(A)(i) of this Section; and

(B) receive the inspection reports from DPHSS, DISID, and GDOE, and subsequently carrying out the posting of each and every school inspection report in accordance with the categories listed in Subsection (e) of this Section on a designated government of Guam website and the inspected school's website within thirty (30) days of the inspection.

SOURCE: Added by P.L. 37-067:2 (Mar. 6, 2024), effective six months from the date of enactment pursuant to P.L. 37-067:4.

2024 NOTE: Reference to "Guam Public School System" replaced with "Department of Education" pursuant to P.L. 30-050:2 (July 14, 2009).

§ 3135. Authorization to Lease GDOE Property.

(a) The Guam Department of Education (GDOE) is hereby authorized to lease properties within its jurisdiction if the school cannot be utilized to alleviate double sessions. The handling of such lease agreements shall be conducted by a procurement team that shall consist of five (5) voting members as follows:

(1) The Superintendent of GDOE or a designated representative.

(2) The Chief Finance Officer or a designated representative.

(3) Three (3) members of the Guam Board of Education as selected by the Chairperson of the Board of Education.

(4) The Chief Procurement Officer of GDOE shall participate as an ex-officio member of the procurement team to provide the team with technical assistance relative to procurement laws applicable to the lease acquisition.

(b) The revenue collected from these lease agreements shall be made pursuant to regulations promulgated by Administrative Adjudication Act located in Chapter 9, Title 5. Funds received by the Guam Department of Education shall be used for maintenance, renovation, and capital improvement projects.

Lease payments shall be deposited into an account separate and apart from the General Fund and may be expended upon approval by the adoption of a resolution by the Guam Board of Education.

(c) The lease amount for any property leased under this Section shall be a minimum of ninety percent (90%) of the appraised value of the property at the time such lease is executed, except when the prospective lessee is an educational institution or instrumentality of the Government of Guam, provided that the lease for said prospective lessee requires cash payments.

(1) If the prospective lessee is an educational institution or instrumentality of the Government of Guam, the property for lease shall not be leased below sixty percent (60%) of the appraised value of the property.

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(2) If the lessee is a charter school approved to operate by the Guam Academy Charter Schools Council pursuant to § 12106 of Chapter 2, Title 17 Guam Code Annotated, or an instrumentality of the Government of Guam, lease payments may be derived from legislative appropriations or existing funds available to expend for rental payments.

(3) All property appraisals shall be made by an appraiser licensed pursuant to Chapter 30, Title 22, Guam Code Annotated.

(d) GDOE shall establish fees and regulations pursuant to the Administrative Adjudication Law found in Chapter 9, Title 5 Guam Code Annotated, for the implementation of this Section.

(e) The Board shall require lessees to prove financial ability to pay rent for the duration of the lease term, and the ability to improve and maintain to meet sanitary permit requirements. GDOE shall determine if upon termination any fixtures or other improvements shall remain or be removed and restored to original conditions.

(f) The Guam Department of Education (GDOE) is authorized to enter into commercial leases of GDOE real property where such use:

(1) does not impair current or planned instructional capacity within three (3) school years; and

(2) produces net revenue to support maintenance, renovation, and capital improvements of school facilities.

(g) "Commercial lease" means a lease to a private party for revenue generating activity, including retail, services, offices, light commercial, and campus-compatible enterprises; adult-oriented, gambling, and cannabis businesses are prohibited.

SOURCE: Added by P.L. 38-066:2 (Oct. 17, 2025).

§ 3136. Timely Payment of Employee Stipends.

(a) The Guam Department of Education shall issue payment for all earned coach, advisor, extracurricular, curriculum development, and other approved stipend no later than thirty (30) calendar days after completion of the applicable activity and submission of all requested documentation.

(b) Funds appropriated for employee stipends shall be reserved exclusively for such payments and shall not be reprogrammed until all earned stipends have been satisfied.

(c) If any stipend remains unpaid beyond thirty (30) calendar days, the Superintendent shall submit a written report to the Speaker of I Liheslaturan Guåhan, the Chairperson of the Committee on Education of I Liheslaturan Guåhan, and the Public Auditor identifying:

(1) The employee category;

(2) The amount owed;

(3) The number of days overdue;

(4) The cause of the delay; and

(5) The corrective actions and anticipated payment date.

(d) The report required under §3136(c) shall continue monthly until all overdue stipends have been paid.

SOURCE: Added by P.L. 38-136:XII:57 (Aug. 28, 2026).

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ARTICLE 2
GENERAL EDUCATION MATTERS

SOURCE: This Article was enacted as Chapter 3A, "School Councils and School Based Management, by P.L. 24-142:4 (Feb. 27, 1998)." Renumbered to Article 2 by the Compiler to adhere to the Compiler's general codification scheme. Amended by P.L. 24-299 (Dec. 3, 1998). Entire Article repealed (as Chapter 3A) by P.L. 26-026:2 (July 5, 2001), and a new Article 2 added.

§ 3201. Island-wide Board of Governing Students.
§ 3202. Island-wide Board of Governing Students: Meetings of the Student Board.
§ 3203. Island-wide Board of Governing Students: Acts of the Student Board.
§ 3204. Released Time; Meditation Period.
§ 3205. United States and Guam Flags: Duty of the District Boards.
§ 3206. United States and Guam Flags: Pledge of Allegiance to Flag.
§ 3207. Local Wellness Policy.
§ 3208. Enrichment and Compensatory Programs.
§ 3209. Volunteers in Education.
§ 3210. Student Fund-Raising Activities.
§ 3211. Career Program Counseling.
§ 3212. Gifted Students.
§ 3213. Gifted Students.: Assessment of Students.
§ 3214. Gifted Students.: Assessment of Program.
§ 3215. Gifted Students.: In-service Training of Teachers.
§ 3215.1. Garnishment of Income Tax Refunds in the Event of a Default on Payment of Tuition and Fees.
§ 3216. Teacher Personal Leave.
§ 3217. Department of Education's District Action Plan.
§ 3218. School Lunch/SAE/Child Nutritional Meal Reimbursement Fund.
§ 3219. Onra I Manfåyi.
§ 3219.1. Honorary High School Diplomas for Certain Senior Citizens.
§ 3220. Construction with Other Laws.
§ 3221. Responsibility of Accountable Officers.
§ 3222. Career Information Delivery System.
§ 3223. Free Application for Federal Student Aid.

§ 3201. Island-wide Board of Governing Students.

(a) The Island-wide Board of Governing Students (the Island-wide Board), which is hereby created, shall consist of a member of the Youth Congress who shall be elected by its members, and two (2) members from each public high school elected by a plurality vote of freshmen, sophomores, juniors and seniors attending the public high schools, voting in an election held in all the public high schools on one (1) day in May of each year. Such election shall be supervised by the Superintendent in cooperation with the student governing bodies of the high schools.

(b) A candidate must be nominated by a petition signed by no less than one hundred (100) freshmen, sophomores, juniors or seniors from the public high schools.

(c) Members of the Island-wide Board must attend the schools they represent and must have and maintain at least a "2.5" grade point average.

(d) No student may be a candidate if under suspension or on academic probation at the time of nomination.

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(e) The Island-wide Board shall meet at least once a month during the school year to discuss matters relating to Guam's public education system and to make recommendations to the Board.

§ 3202. Island-wide Board of Governing Students: Meetings of the Student Board.

Meetings of the Board shall be open and held at a regular time and place each month. Special meetings may be called by the Chairperson.

2026 NOTE: Former title "Same" replaced by the Compiler with "Island-wide Board of Governing Students" for clarity.

§ 3203. Island-wide Board of Governing Students: Acts of the Student Board.

The concurrence of five (5) members of the Board shall be necessary for the validity of any of its acts.

2026 NOTE: Former title "Same" replaced by the Compiler with "Island-wide Board of Governing Students" for clarity.

§ 3204. Released Time; Meditation Period.

(a) The Board is authorized to establish and supervise a program whereby students may be released from their regular school attendance for a period of time no greater than one (1) hour each week during the school year, for the purpose of attending religious instruction outside the property and off the grounds of the government of Guam. Provided, however, that this Section in no event shall authorize the participation of the Board, the teachers or any other employees of the government of Guam to assist or aid in any manner, directly or indirectly, the religious instruction of students, or the compulsion of students to attend religious instruction. Provided, further, that this Section shall not be construed to permit the utilization of any property of the government of Guam in any manner whatsoever, for the purpose of such religious instruction.

(b) Meditation Period. The Board is required to establish for each class a period of silent meditation during the first hour of each school day.

§ 3205. United States and Guam Flags: Duty of the District Boards.

The Board shall provide for each public school suitable flags of the United States and Guam, both of which shall be hoisted at each school during all-day sessions, weather permitting. The Board shall also provide smaller and suitable United States and Guam flags to be displayed in each schoolroom at all times during the school sessions.

SOURCE: Amended by P.L. 26-094:1 (May 31, 2002).

§ 3206. United States and Guam Flags: Pledge of Allegiance to Flag.

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

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

2026 NOTE: Former title "Same" replaced by the Compiler with "United States and Guam Flags" for clarity.

§ 3207. Local Wellness Policy.

(a) In accordance with the Child Nutrition and W.I.C. Reauthorization Act of 2004 and guidelines of the Food and Nutrition Service of the United States Department of Agriculture, DOE shall establish and implement "The Local Wellness Policy" (Policy) as adopted and approved by the Board.

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The Board shall adopt a uniform Body Mass Index (BMI) standard in evaluating measurable objectives of the Policy. The Policy shall conform to the standards of the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention and the National Center for Health Statistics.

For purposes of this Section, the BMI is a calculation that uses a child's height, age, and weight to estimate how much body fat he or she has compared to population-referenced standards.

The objectives of the Policy may include, but are not limited to, the adoption of rules, regulations and training for:

(1) Nutrition, to include optimal nutrition through the School Breakfast, Lunch, and After-School-Snack Programs for student growth, development, and academic achievement;

(2) Nutrition Education in the school curriculum;

(3) Physical Fitness, which includes intramural sports, playground equipment, interscholastic sports, and other competitive athletic activities;

(4) Physical Fitness Education, which includes curriculum and physical education classes;

(b) DOE schools shall provide annual reports of each student's BMI, which shall be computed and distributed to the student's parents or legal guardians in a manner respecting the dignity and privacy of the student. The BMI report must include:

(1) a statement disclosing that the BMI is used as a screening tool and not an evaluative tool that diagnoses a student as overweight or underweight;

(2) a comprehensive analysis of consequent health problems associated with a student's BMI rating that is not within the suggested BMI range;

(3) provide references for available nutrition and physical activity health programs; and

(4) if applicable, suggest that the parent or legal guardian seek further evaluation from the student's primary physician.

(c) Evaluation of the Policy: DOE and health officials shall utilize data collected from the BMI to apply for grants; to implement accessory nutritional, health or fitness programs; to assess the general health of students; and to evaluate the implementation, objectives and performance of the Policy. DOE shall continually review the Policy and effect improvements in accordance with current nutrition, nutrition education, physical fitness, physical fitness education trends and practices. DOE shall also establish standards for the preparation of evaluative reports with such statistical data and other information as the Board may require.

SOURCE: Repealed and reenacted by P.L. 28-087:2 (Dec. 12, 2005).

§ 3208. Enrichment and Compensatory Programs.

The Board shall adopt a policy providing for enrichment and compensatory education programs to be conducted throughout Guam during June, July and August of each year. The policy may prescribe that, upon the recommendation of the appropriate school administrator, a pupil may be required to be enrolled in a class established as the result of the implementation of this Section.

§ 3209. Volunteers in Education.

The Board is authorized to institute a program within the Department of Education to be entitled, "Volunteers in Education." The Board shall, by its policies, make needful rules and regulations for the utilization of said volunteers in education within the DOE. The Board is authorized to obtain liability insurance coverage for said volunteers.

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§ 3210. Student Fund-Raising Activities.

The Board shall promulgate rules and regulations necessary to regulate conduct of fund-raising activities on the part of students, to safeguard the funds raised by such activities, and for the audit of such funds. Said rules and regulations shall include, but need not be limited to the following:

(a) the educational, recreational or cultural rationale necessary to justify the holding of any particular class of school activity;

(b) regulations governing qualifications of firms or persons who may do business with school classes or activities;

(c) regulations governing selection of school personnel who may act in an official or unofficial capacity for students;

(d) regulations requiring that sound business practices be used in the conduct of any school or class activity;

(e) all purchase contracts between vendors and class activities, sponsors or school principals shall be subject to Board approval;

(f) no agreement relative to school or class activities shall exceed one (1) year in duration; and

(g) a requirement that an annual audit of all school and class activity funds be performed and a report filed with the Board and I Liheslaturan Guåhan.

§ 3211. Career Program Counseling.

(a) On and after January 1, of every year, the Board and the Director of the Department of Labor shall make available to secondary students continuing employment and career program counseling to furnish information relating to the employment opportunities available to students graduating from or leaving the public high schools of Guam.

(b) No fee, compensation or other consideration shall be charged to, or received from, any student utilizing such services.

(c) In providing such services, the Board shall consult and cooperate with the Guam Employment Service.

§ 3212. Gifted Students.

The Board shall develop a program of studies that will provide for the development of the unusual and special abilities of gifted students enrolled in the schools of Guam. For the purposes of this Chapter, "gifted students" shall mean students who exhibit leadership ability, artistic talent, creativity, outstanding academic ability and high intelligence.

§ 3213. Gifted Students: Assessment of Students.

The Board shall cause to be conducted an assessment to identify gifted students within the schools of Guam.

2026 NOTE: Former title "Same" replaced by the Compiler with "Gifted Students" for clarity.

§ 3214. Gifted Students: Assessment of Program.

The Board shall cause to be conducted a periodic assessment of the progress of the students in the gifted students program, and the results of said assessment are to be used to determine whether the program should be modified.

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2026 NOTE: Former title "Same" replaced by the Compiler with "Gifted Students" for clarity.

§ 3215. Gifted Students: In-service Training of Teachers.

The Board shall provide for in-service training for teachers necessary to conduct the program established by § 3212.

2026 NOTE: Former title "Same" replaced by the Compiler with "Gifted Students" for clarity.

§ 3215.1. Garnishment of Income Tax Refunds in the Event of a Default on Payment of Tuition and Fees.

The Department of Education may, subject to the terms and conditions of a Memorandum of Understanding with the Department of Revenue and Taxation, garnish the tax refunds due to any former or current employee who has defaulted on the payment of tuition and fees for in-services training and for which a judgment has been issued. Such garnishment shall not exceed the judgment amount.

SOURCE: Added by P.L. 27-106:VI:44 (Sept. 30, 2004).

§ 3216. Teacher Personal Leave.

(a) Beginning with the school year 2004 - 2005, educators employed by the Department of Education shall be paid unused personal leave in a lump sum at the end of each school year. The amount paid shall be determined by the collective bargaining agreement, to include any judicially compelled extension of a collective bargaining agreement between the exclusive bargaining agent for educators and the Department of Education and shall not exceed twenty-four (24) hours of such unused personal leave.

(b) In lieu of payment, educators may, at their option, transfer all unused personal leave to their sick leave account. Such election must be made not less than thirty (30) days prior to the end of the school year.

SOURCE: Repealed and reenacted by P.L. 27-136:1 (Dec. 30, 2004).

2023 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 3217. Department of Education's District Action Plan.

The Department of Education is hereby authorized to create a "District Action Plan" in support of the No Child Left Behind Act of 2001. The Department of Education's District Action Plan shall be established by policy of the Guam Education Policy Board.

SOURCE: Added by P.L. 26-167:1 (Jan. 5, 2003).

§ 3218. School Lunch/SAE/Child Nutritional Meal Reimbursement Fund.

(a) There is hereby created, within the Department of Education (DOE), a special fund called the "School Lunch/SAE/Child Nutritional Meal Reimbursement Fund", which shall be subject to legislative appropriation. All monies collected by DOE from the school lunch program, Federal Funds paid to the government of Guam for reimbursement under the National School Lunch and Breakfast Programs, and State Administrative Expense (SAE) Funds shall be deposited into said Fund and shall be administered as follows:

(b) The monies in the Fund shall be used for non-personnel operating expenses in accordance with the guidelines established for such programs.

(c) The Department of Education nutrition program shall be in full compliance with the guidelines set forth by the United States Department of Education and the United States Department of Agriculture.

(d) The School Lunch/SAE/Child Nutritional Meal Reimbursement Fund is excluded from the transfer authority of I Maga'hågan/Maga'låhen Guåhan.

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(e) The Superintendent of Education shall submit a separate report of the revenues and expenditures for each of the Fund sources to I Maga'hågan/Maga'låhen Guåhan and I Liheslaturan Guåhan within thirty (30) days of the close of each quarter of Fiscal Year 2005.

SOURCE: Added by P.L. 27:106:VI:18 (Sept. 30, 2004) as § 3217. Codified by Compiler as § 3218 because § 3217 already existed.

§ 3219. Onra I Manfåyi.

(a) The Department of Education with the cooperation of the Office of Veterans Affairs (Office) shall develop and administer a program to be known as "Onra I Manfåyi." The purpose of the Program is to award honorary high school diplomas to World War I, World War II, Korean War and Vietnam Conflict Veterans, as well as persons who served in World War II in the Guam Combat Patrol, Wake Island Defenders, Guam Militia or Civilian Scouts. The Department of Education and the Office shall jointly develop an application procedure, distribute applications and publicize the Program.

(b) The Department of Education may award an honorary high school diploma to a current or former Guam resident who:

(1) did not return to school and complete his or her education after the war; and

(2) served in the United States armed services during World War I from 1917 through 1918, World War II from 1939 through 1947, during the Korean War from 1950 to 1955, or the Vietnam Conflict from 1961 through 1975, and

(A) died in active service; or

(B) was honorably discharged.

(c) A current or former Guam resident, who did not receive a high school diploma and served during World War II in the Guam Combat Patrol, Wake Island Defenders, Guam Militia or Civilian Scouts, may receive an honorary high school diploma.

(d) If a person who would have qualified for an honorary high school diploma under this Section is deceased or incapacitated, a family member may apply for and receive the diploma on the person's behalf.

(e) The Department of Education and the Office shall jointly award the honorary high school diplomas as part of a high school graduation ceremony or as a separate ceremony to be held on or around Veterans Day.

SOURCE: Added by P.L. 28-040:2 (June 3, 2005) as section 3218. However, section 3218 was already occupied. Therefore, the section was renumbered by the Compiler to section 3219. Amended by P.L. 28-166:1 (Jan. 4, 2007).

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, lowercase letters in subsection (b)(2) were altered to adhere to the Compiler's alpha-numeric scheme.

§ 3219.1. Honorary High School Diplomas for Certain Senior Citizens.

(a) The Guam Department of Education shall award an honorary high school diploma to any current or former resident of Guam:

(1) who did not receive a high school diploma;

(2) who resided on Guam during World War II, from December 7, 1941 to September 2, 1945;

(3) who would have been eligible to attend school, but his/her education was interrupted with the occupation of Japanese enemy forces; and

(4) who did not continue his/her education after World War II in order to work and rebuild their homes and lives or assist in the care of family members.

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(b) The Guam Department of Education and the Mayors' Council of Guam shall work collaboratively to implement this Section.

(c) The Guam Department of Education may award diplomas posthumously to those otherwise qualified under Subsection (a).

SOURCE: Added by P.L. 32-115:1 (Feb. 10, 2014).

§ 3220. Construction with Other Laws.

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

SOURCE: Added by P.L. 28-045:22 (June 6, 2005) as new § 3210. Codified by Compiler as § 3220 because § 3210 already existed.

§ 3221. 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.

SOURCE: Added by P.L. 28-045:8 (June 6, 2005) as § 3218, which was already occupied. Renumbered by Compiler to § 3221, effective, October 1, 2005, in accordance with P.L. 28-045:23.

§ 3222. Career Information Delivery System.

(a) The Department of Education (DOE) shall establish a Career Information Delivery System pilot program beginning the School Year 2012-2013 for public middle school students upon enrollment to seventh (7th) or eighth (8th) grade, and to public high school students upon enrollment in ninth (9th) or tenth (10th) grade. By November 1, 2011, the Superintendent of Education (Superintendent) shall select one (1) public high school to participate in the pilot program, which shall include all the public middle schools that feeds into the public high school. The Superintendent shall submit quarterly reports to the Board of Education (Board) regarding the progress of the pilot program, and by January 9, 2015, submit a final report detailing the Superintendent's recommendations on whether the pilot program should be continued, expanded, or terminated, subject to review and approval of the Board.

(b) Development and Implementation. The first meeting shall convene no later than November 14, 2011. The Superintendent or his/her designee shall consult with the President of the Guam Community College or his/her designee and the President of the University of Guam (UOG) or his/her designee to identify and recommend the following:

(1) the appropriate Career Information Delivery System tool to be utilized;

(2) the funding and resources required to support the implementation of the Career Information Delivery System;

(3) the procedures, rules and timeline to conduct the Career Information Delivery System;

(4) the inventory reports to be generated, their purpose and rules for use by students, parents, educators, DOE counselors, DOE administrators and Department of Labor officials; and

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(5) the necessity for DOE to enter into a Memorandum of Agreement with other parties to implement the Career Information Delivery System.

(c) The Career Information Delivery System tools and procedures described in Subsection (b) of this Section shall be approved by the Superintendent.

(d) A Career Information Delivery System Committee shall be established to review the development, implementation, and the dissemination of the data from the Career Information Delivery System. The Committee shall be comprised of the following members: the Superintendent, or his/her designee as Committee chair; a school program consultant of DOE appointed by the Superintendent; the President of GCC, or his/her designee; and the President of UOG, or his/her designee.

(e) The public schools participating in the program shall establish a committee to execute the career interest inventories, and the committee shall report to the Career Information Delivery System Committee. The school principal shall appoint the following individuals to the committee: a designated representative; a Career Technical Education Counselor, or a DOE Counselor who is familiar with Career Technical Education (CTE); and a certified teacher, preferably one who is certified in CTE or who is familiar with CTE.

(f) Results and Data. DOE shall collaborate with GCC and UOG to identify supplemental data that can be collected from the career interest assessments for the planning and development use by education officials and Department of Labor officials.

(1) The results of the assessment shall provide a cluster of career interests to the student. The following shall be included in the summary of results:

(A) the cluster of career concentrations;

(B) a list of job options per cluster;

(C) a summary explaining why these careers will suit the student's interest; and

(D) guidance and counseling on education and training opportunities related to students' Career Information Delivery System.

(2) The data per age group shall reflect the different career options and the number of students who show interest in those career options. The data shall be used by GCC, UOG and DOE to determine curriculum improvements for each interest.

SOURCE: Added by P.L. 31-080:2 (Sept. 30, 2011).

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, lowercase letters in subsection (f)(1) were altered to adhere to the Compiler's alpha-numeric scheme.

§ 3223. Free Application for Federal Student Aid.

(a) Beginning with the 2025-2026 school year, and in addition to any other requirements established by law and the Guam Education Board, as a prerequisite to receiving a high school/academy charter school diploma from the Guam Department of Education (GDOE) or academy charter high school, the parent or legal guardian of each student or student if the student is at least eighteen (18) years of age, must complete and submit a Free Application for Federal Student Aid (FAFSA).

(b) A copy of the FAFSA form receipt shall be submitted to GDOE or academy charter school and the agency shall in no way require or retain any copies of the FAFSA form or confidential information disclosed on the application.

(c) Upon the request of a parent or legal guardian, GDOE or academy charter school must provide the student and their parent or legal guardian with any support or assistance necessary to complete the FAFSA

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form and shall ensure none of the confidential information shared by the parent or legal guardian is to be retained in any GDOE high school/academy charter school student records.

(d) GDOE or academy charter high school must award a high school/academy charter school diploma to a student who otherwise qualifies for a diploma but would rather opt out of the requirements of this Section if the parent or legal guardian, or student, if the student is at least eighteen (18) years of age, certifies through a declaration, signed under penalty of perjury, that he or she opts out of completing the FAFSA form.

(e) Any person who assists with the completion of the FAFSA form and who discloses confidential information to anyone other than a GDOE student and their parent or legal guardian, commits a misdemeanor.

(f) The Guam Education Board may adopt rules to implement the requirements of this Section.

SOURCE: Added by P.L. 37-093:2 (May 8, 2024).

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