DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

July 17, 2019

The Honorable Lou A. Leon Guerrero
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910

35GL-19-0757
Speaker Tina Rose Muña Barnes

JUL 18 2019
Time 8:40 (X)AM ( )PM
Received By: Alex

2019 JUL 18 AM 9:03

Honorable Tina Muña Barnes
Speaker
Thirty-Fifth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Honorable Telena C. Nelson
Vice-Speaker and Chair
Committee on Education, Air Transportation, and Statistics, Research, and Planning
Thirty-Fifth Guam Legislature
173 Aspinall Avenue,
Suite 202A Ada Plaza Center
Hagatna, Guam 96910

Re: GEB Resolution 2019-10 – Relative to Requesting the 35th Guam Legislature to Amend Public Law 34-105 to Clarify the Requirement for Instructional Time in Guam Department of Education Elementary and Secondary Public Schools

Dear Governor Leon Guerrero, Speaker Barnes, and Senator Nelson:

Håfa Adai! I am transmitting the attached Guam Education Board (GEB) Resolution 2019-10 as approved by the board in the GEB July regular meeting conducted on July 17, 2019.

Should you have any questions, please contact me at 300-1547.

Senseramente,

JON J. P. FERNANDEZ

Attachments

cc: GEB Members
Deputy Supt., FAS

0757

GUAM EDUCATION BOARD
RESOLUTION NUMBER 2019-10

Introduced by: Guam Education Board Members

RELATIVE TO REQUESTING THE 35TH GUAM LEGISLATURE TO AMEND PUBLIC LAW 34-105 TO CLARIFY THE REQUIREMENT FOR INSTRUCTIONAL TIME IN GUAM DEPARTMENT OF EDUCATION ELEMENTARY AND SECONDARY PUBLIC SCHOOLS

WHEREAS, pursuant to Subsections 3102.1 (k) and (p) Chapter 3 of Title 17 of the Guam Code Annotated, the Guam Education Board (GEB) is charged with establishing a school calendar and is authorized to make recommendations to the Governor of Guam or to the Guam Legislature for changes, additions or deletions to Guam Education Laws; and

WHEREAS, the Joint Board Union Calendar Committee (JBUCC), comprised of school administrators, Guam Federation of Teachers designees and representatives, GDOE Payroll Officer, Program Director of Head Start, deputy superintendents, and a GEB member, who serves in a liason capacity, was established and tasked to review all issues related to the school calendar and to provide pertinent reports and recommendations to the Superintendent for approval and transmittal for GEB action; and

WHEREAS, under Section 715(l)13 et. al of Title 1 of the Guam Code Annotated, Guam Public Schools are required to provide at least 180 instructional days, or its equivalence, each school year; and, as amended on June 5, 2018 under PL 34-105, to use separate equivalent hours (5 hours for elementary and 7 hours for secondary) in computing what constitutes a school day for purposes of facilitating make up days coinciding with the actual amount of instructional time lost; and

WHEREAS, on March 18, 2019 the JBUCC advised the Superintendent the amendment as written and contained in PL 34-105 in effect, creates discrepancies between elementary and secondary schools and inconsistencies of including or excluding meals (breakfast and lunch) as well as breaks in converting the mandated 180 instructional days and further recommended an amendment to the statute to require, at a minimum, that the equivalent instructional units of conversion be the same for both elementary and secondary schools, and further proposed using instructional minutes in the conversion which coincides with how GDOE schools currently prepare and develop their master schedules; and

GUAM EDUCATION BOARD
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WHEREAS, the JBUCC has determined that having the same, at a minimum, equivalent instructional units of conversion for all public school levels is critical to ensure uniformity and efficiencies may be achieved in managing and supervising the day to day operations of all 41 schools at all levels, ranging from the maximization and assignment of personnel, scheduling of classroom instruction, school activities, and school based services (food services, custodial, facilities maintenance, and others); and

WHEREAS, the JBUCC has determined the statute may also be strengthened in requiring the Superintendent to develop a standard operating procedure to determine whether and when the loss of instruction may be waived in the event an emergency or natural disaster resulting in disruptions to instructional time; and

WHEREAS, GEB believes it would be prudent to request this amendment be expedited to ensure the adjustment be made prior to the opening of School Year 2019-20; now therefore be it

RESOLVED, the Guam Education Board does hereby exercise its authority under Subsection 3102.1 (p) of Title 17 of the Guam Code Annotated to approve and transmit the attached request for review by *I Mina'Trentai Cinco Na Liheslaturan Guåhan* to amend Section 715(l)13 of Title 1 of the Guam Code Annotated; and

BE IT FURTHER RESOLVED, the Guam Education Board urges the Thirty Fifth Guam Legislature to expedite consideration of this request and the timeliness of the opening of School Year 2019-20; and

BE IT FURTHER RESOLVED, that a copy of this Resolution and the attached draft legislation be transmitted to the Honorable Speaker Tina Muna Barnes, *I Mina' Trentai Cinco Na Liheslaturan Guåhan*, the Honorable Telena Nelson, Chairwoman of the Thirty-Fifth Guam Legislative Committee on Education, the Honorable Governor Lou Leon Guerrero, *I Magá håga Guåhan* and all schools.

DULY AND REGULARLY ADOPTED THIS 16TH DAY OF JULY, 2019.

MARK MENDIOLA, Chairman
Guam Education Board

JON J.F. FERNANDEZ
Executive Secretary

I MINA'TRENTAI CINCO NA LIHESLATURAN GUÅHAN

2019 (FIRST) Regular Session

Bill No. _____

Introduced by: _____

AN ACT TO AMEND ITEMS (A) and (B) OF SUBSECTION (l) (13) OF SECTION 715 CHAPTER 7 OF TITLE 1 OF THE GUAM CODE ANNOTATED RELATIVE TO DEFINING 180 INSTRUCTIONAL DAYS EQUIVALENT FOR PUBLIC SCHOOLS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings and Intent.

Guam statute stipulates public schools provide at least 180 instructional days each school year. PL 34-105 amended the statute requiring the 180 instructional days to be converted into equivalent hours by computing elementary school days at 5 hours per day for a total of 900 hours per year, and by computing middle school and high school days at 7 hours per day for a total of 1,260 hours per year. The computation had aspired to avert excessive make-up *days* necessary to maintain the school calendar and to preclude the use of a full instructional day to make up the loss of a portion of a day. The prescribed computation, as written however, may have inadvertently given rise, to discrepant interpretations: instructional time (actual time in the classroom with a teacher) or 5 hours a day for elementary schools as opposed to instructional day (from the beginning of the first instructional period to the end of the last instructional period, inclusive of lunch and breaks or 7 hours a day) for secondary schools.

It is the intent of the Legislature to continue the mandate of at least 180 days of instruction constituting a school year for both elementary and secondary public schools, and to ascribe an acceptable equivalence for the purposes of averting excessive make-up days to maintain the school calendar.

Chapter 3 of Title 17 of the Guam Code charges the Guam Education Board with establishing the school calendar; and tasks the Superintendent of the Guam Department of Education with promulgating rules and regulations for the implementation and operations of the mandated 180 instructional days as defined in 1 GCA §715, Item (l)(13), et al. The Legislature finds under these vested authorities, the Superintendent is appropriately responsible for ensuring at least 180 instructional days is completed and determining how the loss of instructional time may be made up in accordance with the school calendar.

In order to better facilitate make-up days coinciding with the actual amount of instructional time lost, the Legislature finds employing instructional minutes represents a more definitive equivalent from which public schools may best determine and measure recovery of these losses. The Legislature also finds further amending the statute(s) to require a standard operating procedure to determine whether and when the loss of instructional minutes may be waived provides sufficient clarity in this mandate.

Section 2. Section 715 (l)(13) of Chapter 7, Title 1 of the Guam Code Annotated is hereby amended to read:

"(13) at least one hundred eighty (180) instructional days, or its equivalence, including make-up days each school year with school years ending no later than thirty (30) days following the end of the calendared school year.

(A) The one hundred eighty (180) instructional days are to be converted, at a minimum, into the equivalent ~~hours by computing elementary school days at five (5) hours~~ of 300 instructional minutes per day for a total of ~~nine hundred (900) hours per year, and by computing middle school and high school days at seven (7) hours per day for a total of one thousand two hundred sixty (1,260) hours~~ fifty-four thousand (54,000) minutes per 180 days.

(B) In accordance with 17 GCA §3103(q), the Superintendent is authorized to develop a standard operating procedure to determine whether and when the loss of instruction may be waived in the event an emergency or natural disaster results in disruptions to instructional time. Scheduled Easter and Christmas breaks *shall not* be included in makeup days or hours; and"

Section 3. Effective Date. Provisions in this Act *shall* take effect immediately upon enactment.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Draft