

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

November 10, 2023

HONORABLE THERESE M. TERLAJE,
Speaker
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Doc Type: 37GL-23-1242
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
NOV 10 2023
Time: 4:18 pm
Received: [Signature]

Re: Bill No. 113-37 (LS), "AN ACT TO AMEND § 3103(p) OF ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE GUAM DEPARTMENT OF EDUCATION MANAGEMENT AUDIT REQUIREMENTS"

Håfa Adai Madame Speaker,

Prior to enactment of Bill No. 113-37, 17 GCA § 3103(p) required the Superintendent of the Guam Department of Education ("GDOE") to conduct periodic management and curriculum assessments of GDOE for the purpose of evaluating the agency's performance in various critical areas, including implementation of board policy, effectiveness of instructional personnel, correction of systemic deficiencies, management functioning, and, ultimately, whether the agency is providing an adequate public education to our island youth.

Bill No. 113-37 seeks to amend this section to require the Superintendent to perform management and curriculum audits, instead of the previously required assessments. The Legislature believes that this distinction is meaningful, and the term "audit" more accurately captures the task the Legislature intends to assign to the Superintendent. The bill further acknowledges that the inclusion of the term "assessments" in the prior language of the law occurred by mistake – the terms were inadvertently interchanged when the bill was reported out of committee during the 31st Guam Legislature.

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11/13/23 1:58pm
[Signature]

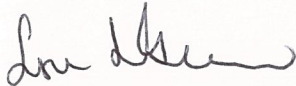
To: Therese M. Terlaje, *Speaker*, 37th Guam Legislature
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*
Date: November 10, 2023
Re: Bill No. 113-37 (LS) nka P.L. 37-44

Page 2 of 2

In statutes, words matter, and I appreciate the Legislature's actions in correcting statutory language that does not reflect legislative intent, and was not consistent with the language presented during the public hearing on the bill.

For these reasons, I am signing Bill No. 113-37 (LS) into law as **Public Law** 37-44.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

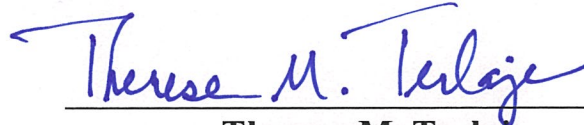
Enclosure: Bill No. 113-37 (LS) nka P.L. 37-44

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

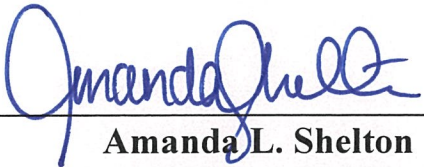
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that Bill No. 113-37 (LS), "AN ACT TO AMEND § 3103(p) OF ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE GUAM DEPARTMENT OF EDUCATION MANAGEMENT AUDIT REQUIREMENTS," was on the 31st day of October 2023, duly and regularly passed.



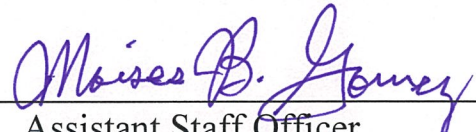
Therese M. Terlaje
Speaker

Attested:



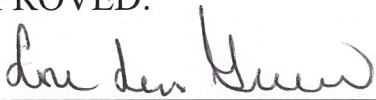
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1ST day of November 2023, at 11:33 o'clock AM.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 11/10/2023

Public Law No. 37-44

2023 - 20249
OFFICE OF THE GOVERNOR
COMPUTER FILES
Moises Gomez
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11-1-23
11:33AM

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 113-37 (LS)

As amended on the Floor.

Introduced by:

Chris Barnett
Therese M. Terlaje
Sabina Flores Perez
Telo T. Taitague
Joe S. San Agustin
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Dwayne T.D. San Nicolas
Amanda L. Shelton

**AN ACT TO AMEND § 3103(p) OF ARTICLE 1, CHAPTER
3, TITLE 17, GUAM CODE ANNOTATED, RELATIVE
TO RESTORING THE GUAM DEPARTMENT OF
EDUCATION MANAGEMENT AUDIT
REQUIREMENTS.**

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

2 **Section1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 31-91 was enacted as a result of the signing into law of Bill No.
4 150-31. The intent of the original bill included improvements on the quality of
5 managements audits by establishing reviews of Board Policy, goal setting and goal

1 achievement and reports on findings on what recommendations of prior audits were
2 or were not achieved or implemented.

3 *I Liheslatura* further finds that the last management audit was *the Evergreen*
4 *Solutions LLC* audit of 2009.

5 *I Liheslatura* further finds that the version of Bill No. 150-31 that was passed
6 by *I Mina'trentai Unu Na Liheslaturan Guåhan* and signed into law as Public Law
7 31-91 differed from the version that was introduced and the version that was reported
8 out of committee in that all references to the word “audit” were changed to
9 “assessment” and there is no record that a public hearing was ever conducted to
10 justify or support this change. This change in the management audit law may be the
11 reason why no management audits were conducted subsequent to 2009.

12 Therefore, it is the intent of *I Liheslaturan Guåhan* to restore the provisions
13 of the original management audit law that was enacted with broad-based public
14 support.

15 **Section 2.** § 3103(p) of Article 1, Chapter 3, Title 17, Guam Code
16 Annotated, is hereby *amended* to read as follows:

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

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

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

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

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

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

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

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

24 The GDOE Superintendent shall transmit, within forty-five (45) days
25 upon receipt, any audit conducted pursuant to this Act to the Guam Education
26 Board members. Within ninety (90) days of receipt of such audit findings, the
27 Guam Education Board members shall, in a regularly scheduled board

1 meeting held in compliance with the Open Government Law, vote to accept
2 or reject the audit findings, and shall take any necessary actions for the
3 disposition thereof.

4 The Department shall post on its website and transmit to the Speaker of
5 *1 Liheslaturan Guâhan* and the Chairperson of the Legislative Committee on
6 Education the disposition and plan of action of the audit findings.”

7 **Section 3. Effective Fiscal Year 2024.** The scope of the first management
8 audit is for Fiscal Year 2024, and the first audit shall be funded in the Fiscal Year
9 2025 budget. The anticipated target completion date is June 30, 2025.