

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
98-37 (COR) As amended by the Committee on Education, Public Safety and the Arts.	William A. Parkinson Roy A. B. Quinata	AN ACT TO ADD A NEW CHAPTER 55 OF DIVISION 5, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ALL GUAM PUBLIC SCHOOLS TO BE ADA COMPLIANT, AND TO CITE THIS ACT THE "GUAM PUBLIC SCHOOLS ADA COMPLIANCE ACT OF 2023."	4/17/23 10:23 a.m.	4/19/23	Committee on Education, Public Safety and the Arts	Request: 4/19/23 5/2/23	9/20/23 9:00 a.m.	11/9/23 4:38 p.m.	As amended by the Committee on Education, Public Safety and the Arts
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	2/19/24	AN ACT TO ADD A NEW CHAPTER 55 OF DIVISION 5, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THAT ALL GUAM PUBLIC SCHOOLS BE ADA COMPLIANT, AND TO CITE THIS ACT AS THE "GUAM PUBLIC SCHOOLS ADA COMPLIANCE ACT OF 2023."	2/23/24	2/23/24	3/6/24	37-69	3/6/24	Received: 3/6/24 Mess and Comm. Doc. No. 37GL-24-1730	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

March 6, 2024

The Hon. 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-24-1730
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

MAR 06 2024

Time: 6:16pm
Received: [Signature]

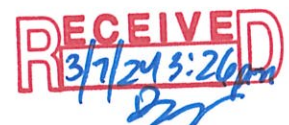
Re: Bill No. 98-37 (COR) - AN ACT TO ADD A NEW CHAPTER 55 OF DIVISION 5, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THAT ALL GUAM PUBLIC SCHOOLS BE ADA COMPLIANT, AND TO CITE THIS ACT AS THE "GUAM PUBLIC SCHOOLS ADA COMPLIANCE ACT OF 2023"

Bill No. 191-37 (COR) - AN ACT TO ADD A NEW CHAPTER 81 TO DIVISION 2 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ALL GOVERNMENT OF GUAM LEASED OFFICES TO BE ADA COMPLIANT; AND TO CITE THIS ACT AS THE "GOVERNMENT OF GUAM ADA COMPLIANCE ACT OF 2023"

Håfa Adai Madam Speaker,

Bill Nos. 98-37 (COR) and 191-37 (COR) intend to reinforce compliance with the Americans with Disabilities Act ("ADA") of 1990 and existing ADA regulations in our public schools and government-leased offices. Though I am signing these bills into law recognizing that Guam is bound by federal law and with every intent of upholding the rights of those with disabilities, I must note that implementation of its requirements will come at significant cost, and will pose complex challenges to our agencies, which the bills did not appear to take into account.

Bill No. 98-37 requires that the Guam Department of Education ("GDOE") create a comprehensive plan within 180 days of the bill's enactment to ensure full compliance with the ADA. The bill further provides that the plan must be prepared in consultation with experts who must conduct an accessibility audit. The plan must include a timeline for addressing non-compliance, a list ranking and prioritizing areas of non-compliance, detailed specifications for all construction or modifications, and training for all staff on ADA disability awareness. While GDOE did not oppose the bill, I am concerned that most of GDOE's facilities remain in disrepair and continue to await



To: Therese M. Terlaje, Speaker
Fr: Lourdes A. Leon Guerrero, Governor of Guam
Date: March 6, 2024
Re: Bill No. 98-37 (COR) and Bill No. 191-37 (COR)

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much-needed maintenance post Typhoon Mawar. Further, I am concerned by the unknown fiscal impact of this bill. As noted by the Bureau of Budget and Management Research (“BBMR”), the fiscal impact will not be evident until accessibility audits are conducted by qualified experts who will perform cost estimates for each of the public schools.

Bill No. 191-37 requires that all leased-government offices must conduct accessibility assessments and make modifications consistent with an Accessibility Compliance Plan, and authorizes the Department of Integrated Service for Individuals with Disabilities (“DISID”) to monitor and investigate complaints regarding non-compliance and recommend appropriate action to the Attorney General. I am concerned that DISID, prior to the bill’s passage, testified that they do not have adequate staff or resources to execute this mandate, and as noted by BBMR, the Legislature did not provide for an appropriation and expects that each agency will allocate funding in their current budgets to achieve compliance with Bill No. 191-37.

While my Administration continues to prioritize extending access to those with disabilities, I ask that the Legislature support affected agencies in complying with Bill Nos. 98-37 and 191-37 and the ADA, which will require significant funding and planning.

For these reasons, I sign Bill No. 98-37 (COR) and Bill No. 191-37 (COR) into law as **Public Law 37-69 and Public Law 37-70**, respectively.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

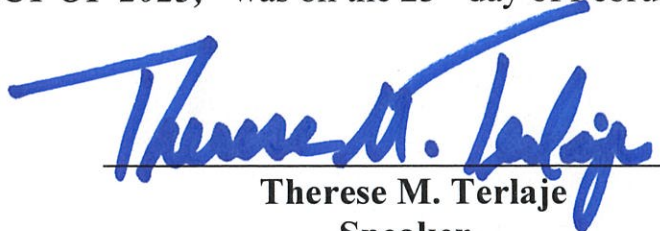
Enclosure(s): Bill No. 98-37 (COR) nka P.L. 37-69; Bill No. 191-37 (COR) nka P.L. 37-70

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

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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


This is to certify that **Bill No. 98-37 (COR)**, "AN ACT TO **ADD A NEW CHAPTER 55 OF DIVISION 5, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THAT ALL GUAM PUBLIC SCHOOLS BE ADA COMPLIANT, AND TO CITE THIS ACT AS THE "GUAM PUBLIC SCHOOLS ADA COMPLIANCE ACT OF 2023,"** was on the 23rd day of February 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

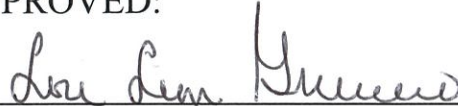
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23RD day of FEB,
2024, at 649 o'clock P.M.

 #756
Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/6/2024

Public Law No. 37-69

2024-2085
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Jessica Dyadsco
Date: 2/27/24 Time: 11:32AM

- 1 § 55101. Short Title.
- 2 § 55102. Legislative Findings and Intent.
- 3 § 55103. Definitions.
- 4 § 55104. Implementation of ADA Compliance Plan.
- 5 § 55105. Accessibility Training and Education.
- 6 § 55106. Reporting and Accountability.
- 7 § 55107. Conflicts with the ADA, IDEA, or any other Federal Law.

8 **§ 55101. Short Title.**

9 This Act shall be known as the “*Guam Public Schools ADA Compliance*
10 *Act of 2023.*”

11 **§ 55102. Legislative Findings and Intent.**

12 *I Liheslaturan Guåhan* finds that accessibility is a fundamental right for
13 all individuals, including students with disabilities, in order to ensure equal
14 access to educational opportunities. *I Liheslatura* further finds that most
15 public schools in Guam are not compliant with the accessibility requirements
16 of the Americans with Disabilities Act (ADA) and its amendments, resulting
17 in barriers to access and inclusion for students with disabilities.

18 The purpose of this Act is to establish a comprehensive framework to
19 ensure that all public schools in Guam are fully compliant with the
20 accessibility requirements of the ADA, and to promote inclusive and
21 accessible educational environments for all students.

22 **§ 55103. Definitions.**

23 As used in this Chapter:

24 (a) *ADA* means the Americans with Disabilities Act of 1990,
25 as amended.

26 (b) *Public schools* means all public schools in Guam,
27 including primary, middle, and high schools.

1 **§ 55104. Implementation of ADA Compliance Plan.**

2 (a) Within one hundred eighty (180) days of the enactment of this
3 Act, the Guam Department of Education (GDOE) shall develop and
4 implement a comprehensive plan to ensure that all public schools in Guam are
5 fully compliant with the accessibility requirements of the ADA. The plan shall
6 include, but not be limited to, the following:

7 (1) a thorough accessibility audit of all public schools in
8 Guam conducted by qualified accessibility experts to identify areas of
9 non-compliance;

10 (2) a timeline for addressing identified areas of non-
11 compliance, including prioritization based on severity and urgency;

12 (3) detailed specifications for modifications and
13 improvements necessary to achieve ADA compliance, including
14 architectural modifications, installation of accessibility features and
15 equipment, and training for school staff on ADA requirements and
16 disability awareness;

17 (4) a plan for ongoing monitoring and reporting on progress
18 towards ADA compliance, including regular progress updates, to *I*
19 *Liheslaturan Guåhan* (the Guam Legislature) and the public; and

20 (5) a plan for ensuring that any new construction or renovation
21 of public schools in Guam shall comply with the accessibility
22 requirements of the ADA and other applicable federal and local
23 accessibility standards.

24 (b) The GDOE shall allocate adequate financial resources to
25 implement the ADA compliance plan, which may include seeking federal
26 grants, partnerships with local or federal agencies, American Rescue Plan
27 funds, and other funding sources.

1 **§ 55105. Accessibility Training and Education.**

2 (a) The GDOE shall provide regular training and education for all
3 school staff, including teachers, administrators, and support staff, on ADA
4 requirements, disability awareness, and best practices for promoting inclusive
5 and accessible educational environments.

6 (b) The GDOE shall collaborate with disability advocacy
7 organizations and experts in the field of accessibility to develop and
8 implement training programs for school staff, as well as educational materials
9 and resources for students and parents on disability awareness and inclusion.

10 **§ 55106. Reporting and Accountability.**

11 (a) The GDOE shall provide regular progress reports to *I*
12 *Liheslaturan Guåhan* (the Guam Legislature) and the public on the
13 implementation of the ADA compliance plan, including updates on the status
14 of accessibility audits, modifications and improvements made, and progress
15 towards achieving full ADA compliance in all public schools in Guam.

16 **§ 55107. Conflicts with the ADA, the IDEA, or any other Federal Law.**

17 Any provision of this Chapter that is found to be in conflict with the
18 Americans with Disabilities Act, the Individuals with Disabilities Education
19 Act, or any other federal law, rule or regulation is void.”

20 **Section 2. Effective Date.** This Act shall be effective upon enactment.