



**DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT**

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**JON J. P. FERNANDEZ**  
Superintendent of Education

October 24, 2019

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

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: AMENDED GEB Resolution 2019-10 – Relative to Requesting the 35<sup>th</sup> Guam Legislature to Amend the Ascribed Equivalency for the 180 Instructional Days Requirement for 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 amended and approved by the board in the GEB October regular meeting conducted on October 22, 2019.

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

Senseramente,

  
JON J. P. FERNANDEZ

Attachments

cc: GEB Members  
Deputy Supt., FAS

**GUAM EDUCATION BOARD  
RESOLUTION NUMBER 2019-10**



AMENDED 10/22/19

Introduced by:

Guam Education Board Members

**RELATIVE TO REQUESTING THE GUAM LEGISLATURE TO AMEND THE ASCRIBED  
EQUIVALENCY FOR THE 180 INSTRUCTIONAL DAYS REQUIREMENT FOR 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 liaison 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), and breaks in converting the mandated 180 instructional days; the JBUCC recommended an amendment to the statute to provide: *the JBUCC suggests 180 instructional days or its equivalence are to be converted to 900 instructional hours per school year for both elementary and secondary and at a minimum, the equivalent instructional units of conversion be the same for both elementary and secondary schools, and proposed using instructional hours in the conversion which coincides with how GDOE schools currently prepares and develops their master schedules; and*

**WHEREAS**, the JBUCC has determined that having the same, at minimum, equivalent instructional units of conversion and the terminology *instructional time or instructional day* used consistently for all public school levels is critical to ensure uniformity, and efficiencies may be achieved in managing and supervising the daily 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

**GUAM EDUCATION BOARD  
RESOLUTION NO. 2019-10**

the loss of instruction may be waived in the event an emergency or natural disaster resulting in disruptions to instructional time; and

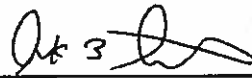
**WHEREAS**, GEB believes it would be prudent to request this amendment be expedited to ensure the adjustment be made as soon as possible; now therefore be it

**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 for 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 hãga Guåhan* and all schools.

**DULY AND REGULARLY AMENDED AND ADOPTED THIS 22 DAY OF OCTOBER, 2019.**



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**MARK MENDIOLA, Chairman  
Guam Education Board**



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**JON V. P. 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 (I) (13) OF SECTION 715 CHAPTER 7 OF TITLE 1 OF THE GUAM CODE ANNOTATED RELATIVE TO DEFINING 180 INSTRUCTIONAL DAYS EQUIVALENT FOR PUBLIC SCHOOLS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Findings and Intent.**

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

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

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

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

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

3           “(13) Nine hundred (900) instructional hours, at least one hundred eighty (180) instructional days, or its  
4 equivalence, including make-up days each school year with school year ending no later than thirty (30)  
5 days following the end of the calendared school year.

6           (A) ~~The one hundred eighty (180) instructional days are to be converted into the equivalent hours~~  
7 ~~by computing elementary school days at five (5) hours per day for a total of nine hundred~~  
8 ~~(900) hours per year, and by computing middle school and high school days at seven (7) hours~~  
9 ~~per day for a total of one thousand two hundred sixty (1,260) hours. Nine hundred (900)~~  
10 ~~instructional hours per school year for both elementary and secondary. Additionally, the~~  
11 ~~Superintendent of Education shall determine the specific make-up days and make-up hours~~  
12 ~~whenever feasible.~~

13  
14           (B) In accordance with 17 GCA §3103(g), the Superintendent is authorized to develop a standard  
15 operating procedure to determine whether and when the loss of instruction may be waived  
16 in the event an emergency or natural disaster results in disruptions to instructional time.  
17 Scheduled Easter and Christmas breaks shall not be included in makeup days or hours; and”

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

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