

*I Mina'trentai Ocho Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
286-38 (COR)	Vincent A. V. Borja	AN ACT TO <i>AMEND</i> CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.	3/11/26 2:48 p.m.						

***I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN***  
**2026 (SECOND) Regular Session**

**Bill No. 286-38 ( COR )**

Introduced by:

Vincent A.V. Borja 

**AN ACT TO *AMEND* CHAPTER 3 OF DIVISION 2, TITLE  
17, GUAM CODE ANNOTATED, RELATIVE TO THE  
COMPOSITION OF THE GUAM EDUCATION BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the people of Guam have consistently voiced the need for meaningful reform in  
4 the governance of the Guam Department of Education. Parents, educators, students,  
5 community leaders, and stakeholders across the island have expressed concern that  
6 the existing structure of the Guam Education Board does not adequately reflect the  
7 diversity of perspectives necessary to address the evolving challenges facing public  
8 education on Guam.

9 *I Liheslaturan Guåhan* further finds that effective educational governance  
10 requires direct and balanced representation from those most impacted by education  
11 policy, including classroom educators, parents actively engaged in their children's  
12 education, representatives of business and industry who understand workforce  
13 development needs, organized labor representing education employees, community  
14 members, and students who experience the education system firsthand. The absence

1 or underrepresentation of these voices undermines public trust and limits the Board’s  
2 ability to make informed, responsive, and forward-looking decisions.

3 It is the intent of *I Liheslaturan Guåhan* that this Act respond to the clear call  
4 from the community for change by restructuring the composition of the Guam  
5 Education Board to ensure broader stakeholder representation, increased  
6 accountability, and strengthened public confidence.

7 **Section 2.** § 3102. of Article 1, Chapter 3, Title 17, Guam Code Annotated  
8 is hereby *amended* to read as follows:

9 **“§ 3102. Guam Education Board.**

10 The governance of the Department of Education is vested in an  
11 education board to be known as ‘the Guam Education Board’ (hereinafter  
12 referred to as ‘the Board’). The Board shall be composed of ~~nine (9)~~ seven (7)  
13 voting members.”

14 **Section 3.** § 3102.2. of Article 1, Chapter 3, Title 17, Guam Code Annotated  
15 is hereby *amended* to read as follows:

16 **“§ 3102.2. Meetings of the Board.**

17 Meetings of the Board shall be held once a month at a regular time and  
18 place as determined by the Board, except that special meetings may be called  
19 by the Chairman, or by a majority of the members to address emergency  
20 matters. Meetings of the Board shall be subject to the Open Government Law  
21 of Guam. ~~Five (5)~~ Four (4) members shall constitute a quorum, and an  
22 affirmative vote of ~~five (5)~~ four (4) members is required for any action to be  
23 valid.”

24 **Section 4.** § 3102.3. of Article 1, Chapter 3, Title 17, Guam Code  
25 Annotated is hereby *repealed* and *reenacted* to read as follows:

26 **~~“§ 3102.3. Composition and Terms of Office for Board Members.~~**

27 ~~The Board shall be composed and serve terms as follows:~~

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

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

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

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

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

18           ~~(1) Nomination of candidates for election to the Board shall be made~~  
19 ~~by petition on forms prescribed by the Guam Election Commission~~  
20 ~~(Commission) and initiated by the candidate. In order for a candidate's name~~  
21 ~~to be placed on the ballot for election to the Board, such petition must be~~  
22 ~~signed by not less than one hundred fifty (150) persons registered to vote in~~  
23 ~~Guam and must be filed with the Commission no later than the first Monday~~  
24 ~~after a Primary Election, unless such date is a holiday, in which it shall be~~  
25 ~~filed the day following the holiday, or sixty (60) days prior to a Special~~  
26 ~~Election. No defect in any nominating petition presented to the Commission~~

1 shall prevent the filing of another petition which is presented within the  
2 allowed filing period.

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

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

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

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

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

19 **§ 3102.3. Guam Education Board Composition.**

20 The Guam Education Board shall be composed of seven (7) voting  
21 members and serve terms as follows:

22 (a) Four (4) Appointed Voting Members. *I Måga'håga /*  
23 *Maga'låhi shall appoint, subject to the advice and consent of *I**  
24 *Liheslaturan Guåhan*, one (1) voting member from each of the  
25 following categories, to serve a term of two (2) years:

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

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

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

5                   (4) one (1) member from the general public.

6                   The terms of the appointed members shall be staggered such that  
7                   two (2) term's expires each year. Any appointment made to fill a  
8                   vacancy shall be for the remainder of the unexpired term only.  
9                   Members appointed by *I Maga'håga / Maga'låhi* shall serve at the  
10                  pleasure of *I Maga'håga / Maga'låhi* and may be removed at any time,  
11                  with or without cause.

12                  (b) Two (2) Appointed Voting Members. The Speaker of *I*  
13                  *Liheslaturan Guåhan* shall appoint two (2) voting members to serve a  
14                  term of two (2) years.

15                  Members appointed by the Speaker shall serve at the pleasure of  
16                  the Speaker of *I Liheslaturan Guåhan* and may be removed at any time,  
17                  with or without cause. Appointments made under this subsection shall  
18                  not require appointment by *I Maga'håga / Maga'låhi* nor the advice  
19                  and consent of *I Liheslaturan Guåhan*.

20                  (c) One (1) voting member shall be a youth representative  
21                  between eighteen (18) and twenty-five (25) years old at the time of  
22                  appointment, and who has graduated from a Guam Department of  
23                  Education public high school.

24                  (1) The youth member shall be selected by a majority  
25                  vote of the Guam Education Board, pursuant to criteria and  
26                  procedures adopted by the Board

1                   (2) The youth member shall serve a term of one (1)  
2                   year.

3                   (3) Any vacancy occurring during the term of the youth  
4                   member shall be filled by selection of the Board of Education for  
5                   the remainder of the unexpired term.

6                   (d) Ex-Officio, Non-Voting Members.

7                   The Board shall include the following ex officio, non-voting  
8                   members, who shall serve by virtue of their office or through a  
9                   designated representative:

10                   (1) The Chairperson of the Committee on Education of  
11                   I Liheslaturan Guåhan or the Chairperson’s designee;

12                   (2) The President of the Mayor’s Council of Guam  
13                   (MCOG) or the President’s designee;

14                   (3) The President of the Guam Federation of Teachers,  
15                   or the President’s designee;

16                   (4) The Chairperson of the Island-Wide Board of  
17                   Governing Students (IBOGS) or the Chairperson’s designee”

18                   **Section 5.** A new § 3102.4. of Article 1, Chapter 3, Title 17, Guam Code  
19 Annotated is hereby *added* to read as follows:

20                   **“§ 3102.4. Qualifications of Appointed Board Members.**

21                   In order to be qualified for appointment to the Guam Education Board,  
22                   an individual shall:

23                   (a) be a citizen of the United States and a resident of Guam  
24                   for at least five (5) years immediately preceding the date of appointment  
25                   and throughout the term of service;

1                    (b) not have been convicted of a felony and not have been  
2                    convicted of a misdemeanor involving criminal sexual conduct or a  
3                    crime of moral turpitude, pursuant to 3 GCA § 6110;

4                    (c) possess a high school diploma, a General Educational  
5                    Development (GED) certificate, or an equivalent credential evidencing  
6                    completion of a general education high school program; and

7                    (d) be at least eighteen (18) years of age at the time of  
8                    appointment.

9                    **Section 6.** § 3102.4. of Article 1, Chapter 3, Title 17, Guam Code Annotated  
10 is hereby *renumbered* to read as follows:

11                    **“~~§3102.4.~~ 3102.5. Officers of the Board.**

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

20                    **Section 6.** §3102.5. of Article 1, Chapter 3, Title 17, Guam Code Annotated  
21 is hereby *renumbered* and *amended* to read as follows:

22                    **“~~§3102.5.~~ 3102.6. Removal of Board Members.**

23                    ~~A member of the Board may be removed by a vote of six (6) members~~  
24                    ~~for malfeasance in office or for persistent neglect of, or inability to discharge~~  
25                    ~~duties or for offenses involving moral turpitude. However, no member of the~~  
26                    ~~Board shall be removed from office before a written bill of particulars shall~~  
27                    ~~have been given to the accused and before an investigation and an open and~~

1 ~~public hearing shall have been had. Any member who removes his residence~~  
2 ~~from Guam shall be deemed to have vacated his office, thereby creating a~~  
3 ~~vacancy on the Board.~~

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

6 (a) upon conviction of a felony;

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

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

11 **Section 7.** § 3102.7. of Article 1, Chapter 3, Title 17, Guam Code Annotated  
12 is hereby *repealed* to read as follows:

13 ~~“§3102.7. Board Member Vacancies.~~

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

23 ~~(b) Appointed Members. On the expiration of the term of an appointed~~  
24 ~~member, or in the event of a vacancy on the Board due to resignation, death,~~  
25 ~~or any other cause, I Maga'håga/Maga'låhi shall appoint another member,~~  
26 ~~with the advice and consent of I Liheslatura, for a full term in the first~~  
27 ~~instance, or for the remainder of the unexpired term. When there is a change~~

1 of administration of the government of Guam after a gubernatorial election,  
2 no courtesy resignation shall be requested by the new administration nor  
3 offered by any member of the Board.”

4 **Section 8.** § 3103. of Article 1, Chapter 3, Title 17, Guam Code Annotated  
5 is hereby *amended* to read as follows:

6 **“§ 3103. Superintendent of Education.**

7 The Superintendent of Education (the Superintendent) shall be the  
8 Chief Executive Officer of the internal operating organization of the  
9 Department of Education and shall be responsible for the administration of  
10 the academic and services activities thereof. The Superintendent shall be  
11 responsible for implementing the policies adopted by the Board. The Board  
12 shall appoint the Superintendent of Education by an affirmative vote of at least  
13 ~~six (6)~~ five (5) members. Notwithstanding any other provision of law, the  
14 employment of the Superintendent shall be by contract term of four (4) years,  
15 which contract shall contain a provision that the Superintendent’s  
16 employment may only be terminated for cause, as defined in this Chapter. In  
17 the case of temporary absence of the Superintendent, the Superintendent may,  
18 after consultation with the Chairperson of the Board, appoint among any of  
19 the Associate Superintendents, or their equivalents, an acting Superintendent.

20 The Superintendent shall:

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

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

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

1 (d) serve as the Department’s approving authority for the  
2 expenditure of funds;

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

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

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

15 (h) develop and present to the people of Guam, the Board, *I*  
16 *Maga’hågan/Maga’låhen Guåhan*, and *I Liheslaturan Guåhan* a  
17 “School Performance Report Card” of each school, which shall be  
18 given in conjunction with the Annual Report;

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

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

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

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

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

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

16           (o)    Adequate Public Education Reporting Requirements. The  
17 Superintendent of Education shall submit a monthly budget status  
18 report of all local and federal funds available to the Department,  
19 whether or not their resources require appropriations by *I Liheslaturan*  
20 *Guåhan*. The monthly budget status report shall be designed by the  
21 Educational Financial Supervisory Commission and at a minimum  
22 contain all appropriations, transfers and adjustments, revised  
23 appropriations, expenditures to date, outstanding encumbrances and  
24 unencumbered balances. The data for the monthly budget status report  
25 shall be provided no later than fifteen (15) calendar days after the end  
26 of each month, and be used by the Educational Financial Supervisory  
27 Commission for its monthly Financial Status Designation Reports. The

1 Educational Financial Supervisory Commission shall design an  
2 Adequate Public Education Report to reorganize the expenditures in the  
3 monthly budget status report to the criteria established in 1 GCA § 715,  
4 and the status of compliance with the Adequate Education Act. The  
5 Monthly Budget Status report and Adequate Public Education reports  
6 are to be completed no later than twenty five (25) calendar days after  
7 the end of each month and shall be certified by the Superintendent,  
8 acknowledging compliance or non-compliance with 1 GCA § 715 and  
9 in meeting the objectives of § 3125 of this Chapter. The reports shall  
10 be submitted to the Board, the Speaker of *I Liheslaturan Guåhan*, and  
11 *I Maga'hågan/Maga'låhen Guåhan*.

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

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

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

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

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

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

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

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

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

1 Government Law, vote to accept or reject the audit findings, and shall  
2 take any necessary actions for the disposition thereof.

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

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

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

21 **Section 9.** § 3133(a) of Article 1, Chapter 3, Title 17, Guam Code  
22 Annotated is hereby *amended* to read as follows:

23 “(a) The Guam Department of Education Financial Supervisory  
24 Commission (EFSC) shall consist of ~~five (5)~~ four (4) regular voting members  
25 and one (1) alternate member, who shall be allowed to cast a vote only in the  
26 event a regular voting member is absent. The EFSC shall be comprised of the  
27 following members:”

1           **Section 10.** § 3203. of Article 2, Chapter 3, Title 17, Guam Code Annotated  
2 is hereby *amended* to read as follows:

3           “§ 3203.     ~~Same: Acts of the Student Board.~~

4           The concurrence of ~~five (5)~~ four (4) members of the Board shall be  
5 necessary for the validity of any of its acts.”

6           **Section 11. Transition: Protection of Existing Terms.**

7           Notwithstanding any provision of law, this Act shall take effect only  
8 upon the expiration of the terms of the members of the Guam Education Board  
9 serving as of the effective date of this Act.

10          Members of the Guam Education Board serving at the time of  
11 enactment shall continue to serve for the remainder of their current terms in  
12 accordance with existing law. Upon the expiration of such terms, the  
13 membership of the Guam Education Board shall be reconstituted in  
14 accordance with §3102.3 of Title 17, Guam Code Annotated, as amended by  
15 this Act.

16          Nothing in this Act shall be construed to alter, impair, or terminate the  
17 existing contract, tenure, or term of employment of the Superintendent of  
18 Education in effect on the date of enactment of this Act.

19          **Section 12. Severability.** If any provision of this Act or its application to any  
20 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
21 affect other provisions or applications of this Act that can be given effect without  
22 the invalid provision or application, and to this end the provisions of this Act are  
23 severable.

24          **Section 13. Effective Date.** This Act shall become effective upon enactment.