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CHAPTER 6
PUPILS

SOURCE: This Chapter was repealed and reenacted in its entirety by P.L. 26:26:3; and again by P.L. 26-104:3.

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education. References to Guam Public School System have been changed to Department of Education pursuant to P.L. 30-050:3.

- Article 1. Pupils Generally.
- Article 2. School for the Deaf and Blind.
- Article 3. Auxiliary Services.
- Article 4. Pupil Truancy, Suspension and Expulsion.
- Article 5. Common Sense in Medicating Students Law.

ARTICLE 1
PUPILS GENERALLY

- § 6101. Standards.
- § 6102. Duty to Send Children to School.
- § 6103. Children who Have Reached the Age of Five (5) Years Eligible to Attend.
- § 6104. Policy and Procedures.
- § 6105.1. Sunset Provision Underage Screening and Enrollment.
- § 6106. Option to Use Last Day of the Month as the Starting Date to Determine Minimum Enrollment Age for Children.
- § 6107. Early Entrance Date; Public Schools: Gifted Children.
- § 6108. Same: Sick Persons.
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- § 6112. Free Medical Expenses for Injured Pupils.
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- § 6118. Junior Reserve Officers Training Corps ('JROTC') Fund.

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- § 6119 Summer School Fund.
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§ 6101. Standards.

It shall be the duty of the Board to adopt and place into effect for the public schools of Guam standards and standard practices regarding hours of commencement of schools and classes, recesses, lunch periods and hours of discontinuance of classes. Such standards and standard practices shall be adopted in accordance with sound educational practices with due regard for health, growth and general welfare of the pupils. Such standards so adopted shall also cause the standardization of all school policies in such a manner as to be not inconsistent with the Organic Act of Guam or with the economic means of parents.

§ 6102. Duty to Send Children to School.

Any parent, guardian or other person having control or charge of any child who is at least five (5) years of age and has not reached the age of sixteen (16) years, not exempted under the provisions of this Article, shall send the child to a public or private full-time day school for the full-time of which such schools are in session, except that the starting date of school for children five (5) years of age shall be determined by the provisions of §§ 6103 and 6107 of this Article. The Superintendent is authorized to establish attendance areas. Any parent, guardian or other person having control or charge of any such child who is at least five (5) years of age, and has not reached the age of sixteen (16) years, who fails to comply with the provisions of this Section, unless excused or exempted therefrom, is guilty of a violation for the first offense, and subject to a fine of not more than Fifty Dollars (\$50.00). For each subsequent offense, the person is guilty of a petty misdemeanor.

§ 6103. Children who Have Reached the Age of Five (5) Years Eligible to Attend.

Any child whose fifth birthday falls on or before the commencement date of classes may, in such year, enroll in the kindergarten of any public school within Guam which the child is otherwise eligible to attend, except that any child whose fifth birthday falls within one hundred twenty-five (125) days after the beginning date of classes on the school calendar in the attendance area where they live, and are designated to attend, may enroll in kindergarten, subject to the approval of the principal of the school pursuant

to the policy mandated by §§ 6104 and 6105 of this Act.

The effective date of this Section shall be the start of School Year 1998-1999.

§ 6104. Policy and Procedures.

The Department of Education shall, prior to the start of School Year 1998-1999, develop a policy and implement procedures by which children, who will have reached the age of five (5) within one hundred twenty-five (125) days after the beginning date of classes on the school calendar in the attendance area where they live and are designated to attend, and whose parents or guardians so desire, will be screened to determine readiness for school.

§ 6105. Exception for the 1997-1998 School Year.

Notwithstanding the provisions of § 6102 of this Chapter, for the School Year 1997-1998, any parent, guardian or other person having control or charge of any child who will reach the age of five (5) years within one hundred twenty-five (125) days after the beginning of classes, may, at that person's option, choose not to send such child to school for that school year.

§ 6105.1. Sunset Provision Underage Screening and Enrollment.

Notwithstanding the provisions of §§ 6103 and 6104, beginning with the School Year 2002 - 2003, all students must be at least five (5) years of age by July 31 of each year for enrollment in kindergarten for that school year. The Department of Education shall announce the starting date for schools at least one hundred eighty (180) days in advance of the starting date. There shall be no further screening for underage enrollment in kindergarten after the School Year 2001 -2002.

§ 6106. Option to Use Last Day of the Month as the Starting Date to Determine Minimum Enrollment Age for Children.

Notwithstanding the provisions of § 6103 of this Chapter regarding the beginning date of classes for each school, the Interim Governing Board and the District Boards may use the last day of the month in which classes begin for determining the minimum age a child shall attend school in cases where the beginning date of classes in the school calendar is advanced to an earlier starting date to accommodate special events or programs. After the School Year 1998-1999, at least three (3) months' notice shall be given of any changes to advance the beginning date of classes in the school calendar, to include which date will be used in determining the minimum enrollment age

that children shall attend classes.

§ 6107. Early Entrance Date; Public Schools: Gifted Children.

The Board shall establish identification and enrollment policies for children who are academically gifted. The policy shall provide that a child who is academically gifted may be enrolled even though the child has not reached the age required by § 6103 of this Title, but not lower than age four (4) by the end of the month that classes actually commence of the year the child is enrolled.

§ 6108. Same: Sick Persons.

Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study, shall be exempted from the application of § 6102, but the Superintendent shall require satisfactory evidence of the condition to be furnished.

§ 6109. Private Instruction.

Children not attending a private full-time day school, and who are being instructed in study and recitation for at least three (3) hours a day for one hundred seventy (170) days each calendar year by a private tutor or other person in the several branches of study required to be taught in the public schools of Guam and in the English language, shall be exempted from attending the public schools.

§ 6110. Compliance of Pupils Required.

All pupils shall comply with the regulations adopted by the Board, pursue the required course of study and submit to the authority of the teachers of the schools and other professionals of the schools.

§ 6111. Liability for Injury to Property.

The parent or guardian of any pupil who willfully cuts, defaces or otherwise injures in any way any property, real or personal, belonging to a school or the Department of Education, shall be liable for all damages so caused by the pupil. The parent or guardian of a pupil shall be liable to the school for all property belonging to the school loaned to the pupil and not returned upon demand of an employee of the school authorized by the Superintendent to make the demand.

§ 6112. Medical Expenses for Injured Pupils.

If a pupil of any of the public or private schools of Guam is injured during school hours on school property, while traveling directly between the

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pupil's home and school in public school buses, while participating in or attending any regularly approved, supervised activity of the school during school hours, or, after school hours, if the school activity is under direct school supervision, or while traveling in public school buses to and from such school activity as a member of group which is under the school's supervision, all medical expenses incurred as a result of such injury shall be covered pursuant to the provisions of the Government Claims Act, except that if the pupil is covered by health or accident insurance as will reimburse the pupil, or the pupil's parents or guardians, for such medical expenses in whole or in part, then such claims can be covered only for those expenses, if any, in excess of the insurance payments made or to be made by the pupil's insurance carrier on account of such injury.

§ 6113. Guaranteed Entrance to Classrooms.

No student who is regularly and legally enrolled in a school within the Department of Education shall be refused to be placed in a classroom for which the student is eligible, as determined by the school administrator following guidelines established by the Board's policies.

No person wishing to attend school, who has reached that person's sixteenth (16th) birthday and has not reached that person's twentieth (20th) birthday, may be denied admission to a public school on the basis of age.

SOURCE: Repealed/reenacted by P.L. 26-130:6. Amended by P.L. 28-99 (Feb. 7, 2006).

§ 6114. Student Activities Money.

Student activities money is all money raised with the approval of the Board by the efforts of students in connection with any activities of student organizations, including without limiting the generality of the foregoing, school supply, stores, clubs, athletic activities, school plays, receipts from vending machines and other student entertainment and yearbooks.

§ 6115. Same: Committee.

(a) There shall be established a Student Activities Money Committee within each school which shall oversee the receipts and expenditures of the student activities money, and shall make final approval of all expenditures in excess of One Hundred Dollars (\$100.00) from the Student Activities Fund.

(b) Membership on the Student Activities Money Committee shall be the following:

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- (1) Principal of the school concerned serving as Chairman;
- (2) one (1) faculty staff member designated by the school faculty;
and
- (3) student body president, student body treasurer or a student body member designated by the school faculty.

§ 6116. Student Activities Fund.

The Student Activities Money Committee of any school having student activities money shall open a checking account and/or savings account in a commercial bank or savings and loan association on Guam in an account designated as the 'School Student Activities Fund' ('Fund') of the school opening the account.

§ 6117. Student Activities Treasurer: Audit.

(a) The Student Activities Money Committee of any school having student activities money shall appoint a student activities treasurer of that particular school. Each student activities treasurer shall be bonded in accordance with standard government of Guam procedures.

(b) Any student organization that raises money as provided by § 6114, supra, shall promptly deliver such money to the student activity a receipt therefore, promptly deposit the money into the Student Activities Fund of such school. Disbursements from the Student Activities Fund shall be made only for the purpose for which the Fund was established, or other purposes which the student organization raising the fund may determine. All expenditures of student activities money shall be for the enhancement of student educational or social welfare, as approved by regulations of the student organization and approved by the Superintendent. Disbursement of funds shall be made by the student activities treasurer as requested in writing by the student organization advisor and treasurer. The student activities treasurer and the principal of the school shall sign all withdrawals drawn against the Student Activities Fund; provided, that no checks or withdrawals may be drawn against the Student Activities Fund without a disbursement request signed by the student organization advisor and treasurer.

(c) The student activities treasurer shall maintain accounts showing the balances due respective student organizations, and shall maintain an accurate record of all deposits and expenditures from the Student Activities Fund, and shall prepare a monthly financial statement report. Copies of this

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report shall be given to the Superintendent of Education, principal and student activities sponsor. The records of the student activities treasurer shall be open to inspection at reasonable times by faculty advisors and officers of the student organizations concerned. Such records shall be maintained by the student activities treasurer in accordance with such rules and regulations.

(d) Each Student Activities Fund shall be audited as often as required at least annually or based on need by request of student organization officers/advisors or school administrators by the Bureau of Budget and Management Research in cooperation with the Department of Education Fiscal Office, and a copy of the audit shall be filed with the Student Activities Money Committee and the Board.

§ 6118. Junior Reserve Officers Training Corps (JROTC) Fund.

There is created a *Junior Reserve Officers Training Corps (JROTC) Fund* ('Fund') to be maintained separate and apart from all other funds of the government of Guam. All money received by the government from the U.S. Department of Defense for the operation of the JROTC Programs shall be placed in the JROTC Fund. The Superintendent of Education shall be the certifying officer of the Fund. The Superintendent shall report annually to the Board, I Maga'lahañ Guåhan [Governor] and I Liheslaturan Guåhan [Legislature] on the receipts, expenditures and balances of the Fund.

§ 6119. Summer School Fund. There is hereby established a Summer School Fund for the deposit of fees collected from students enrolled in the Summer School Program, and into which shall be deposited such fees to be subsequently appropriated by I Liheslaturan Guåhan [Guam Legislature] for the operation of the Summer School Program.

§ 6120. Kindergarten Day and Year.

The length of a school day for the kindergarten grade of a school shall be the same length of time as the school day for the elementary grades (first through fifth grades) of such school. The length of a school year for the kindergarten grade of a school shall be the same length of time (instructional days/hours) as the school year for the elementary grades (first through fifth grades) of such school.

ARTICLE 2
SCHOOL FOR THE DEAF AND BLIND [REPEALED]

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SOURCE: Article 2 repealed by P.L. 26-104:4.

NOTE: In the year 2001 Guam has no such schools and has not for some years. Rather, pupils in need of the services described herein are taken care of in the regular schools through individualized plans pursuant to federal and local guidelines.

**ARTICLE 3
AUXILIARY SERVICES**

SOURCE: Amended by P.L. 24-142, P.L. 24-299, P.L. 26-026, Article 3. Repealed and reenacted by P.L. 26-104:5.

§ 6301. Definitions.

§ 6302. Program of Auxiliary Services.

§ 6301. Definitions.

As used in this Article:

(a) '*Auxiliary services*' means:

(1) the supply for use by pupils attending non-public schools such standardized tests and scoring services as are in use in the public schools;

(2) the provision of speech and hearing diagnostic services to pupils attending non-public school; such services may be provided in the non-public school attended by the pupil receiving the service;

(3) the provision of diagnostic psychological services to pupils attending non-public schools; such services may be provided in the school attended by the pupil receiving the service;

(4) the provision of therapeutic, psychological, and speech and hearing services to pupils attending non-public schools, such services may be made available by the Department of Education;

(5) the provision of guidance and counseling services to pupils attending non-public school, such services may be made available by the Superintendent of Schools for the non-public schools within the Department of Education;

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(6) the provision of remedial services to pupils attending non-public schools, such services may be made available by the Department of Education; and

(7) the provision of programs for children with disabilities attending non-public schools, such services may be made available by the Department of Education.

(b) ‘*Non-public school*’ means a nonprofit school, other than a public school or Department of Defense (‘DOD’) school within Guam, wherein a resident of Guam may legally fulfill the compulsory school attendance requirements of this Title. Auxiliary Services may be provided to DOD schools if Federal funds are received specifically for such services.

§ 6302. Program of Auxiliary Services.

Students attending non-public schools may be furnished a program of auxiliary services if such services are available to pupils attending the public schools. Such service shall be of the same quality as that provided public school pupils. Auxiliary services related to Special Education shall be administered in a manner consistent with Guam and Federal laws, rules and regulations for Special Education Services.

ARTICLE 4
PUPIL TRUANCY, SUSPENSION AND EXPULSION

SOURCE: Article 4 amended by P.L. 26-104:5 in the form of a total reenactment.

- § 6401. Definitions.
- § 6402. Habitual Truant.
- § 6403. Attendance Officer.
- § 6404. Same: Delivery of Truant.
- § 6405. Same: Disposition
- § 6406. Report to Court and Social Services.
- § 6407. Court Hearing.
- § 6408. Submission of Report
- § 6409. Authority for Suspension or Expulsion of Pupils.
- § 6410. Student Discipline Advisory Councils.

§ 6401. Definitions.

As used in this Article:

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(a) *'Board'* means the Guam Education Policy Board.

(b) *'Parent'* means the parent, guardian or other person who has the custody or responsibility for the care of the child.

(c) *'Truant'* means a pupil found to be absent from school without a reasonable and bona fide excuse from a parent.

(d) *'Superintendent'* refers to the Superintendent of Education.

§ 6402. Habitual Truant.

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil's school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

§ 6403. Attendance Officer.

The Superintendent shall appoint employees of the Department of Education, as attendance officers. The attendance officers, any peace officer or principal or Dean may take into custody during school hours, without warrant, any truant found away from the truant's home and who has been reported truant.

§ 6404. Same: Delivery of Truant.

The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant's parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil's school, shall bring the child before the Family Court.

§ 6405. Same: Disposition.

The attendance officer shall promptly report to the Department of Education and to the parent the disposition made by the attendance officer of the truant.

§ 6406. Report to Court and Social Services.

Any pupil who has once been adjudged a habitual truant, or who is again reported as a truant one (1) or more days, or is late to school for thirty (30) or more minutes on one (1) or more days without excuse, shall be reported by the Superintendent or the attendance officer to the Family Court.

§ 6407. Court Hearing.

If the Court, after hearing, finds that the allegations of habitual truancy are sustained by evidence, it may order that the child be detained and maintained in a school supervised by the Court for the remainder of the current school term, or it may order that the child be turned over to the custody of the Division of Social Services where the child shall be provided casework treatment and services.

§ 6408. Submission of Report.

The attendance officer shall report monthly to the Superintendent the number and types of reports and requests made by each school on Guam pursuant to this Article, and whether each school within Guam has complied with the provisions of this Article.

§ 6409. Authority for Suspension or Expulsion of Pupils.

The Superintendent shall determine by regulation the grounds for suspension or expulsion of pupils from school, and the procedure whereby such suspension or expulsion is determined. Such regulation shall include grounds for suspensions or expulsions, length of suspensions and the procedures for review of suspension or expulsion orders. In adopting the regulation establishing procedures for suspending or expelling pupils, the Superintendent shall follow the guidelines established therefore by local and Federal laws and regulations. Such hearings and procedures as are established by the Superintendent pursuant to this Article shall provide any pupil against whom suspension or expulsion procedures are initiated with due process of law. Such procedures are exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated, Administrative Adjudication Law.

§ 6410. Student Discipline Advisory Councils.

In carrying out the provision of § 6409, the Superintendent may authorize the creation of a Student Discipline Advisory Council for each elementary and secondary school. Such Councils shall be given the power to establish standards of student behavior, and shall have authority to hear charges of violations of such standards, and to recommend appropriate disciplinary action to the principal. The procedure for expelling pupils shall require that before expulsion, the accused pupil be given a hearing before the Student Discipline Advisory Council of the student's school, if such exists.

ARTICLE 5
COMMON SENSE IN MEDICATING STUDENTS LAW

SOURCE: Article added by P.L. 30-055:XII:31 (Sept. 4, 2009).

§ 6500. Short Title.

§ 6501. Legislative Intent.

§ 6502. Limitation on Certain Practices.

§ 6503. Parental and Guardian Protection.

§ 6500. Short Title.

This Article *shall* be cited as The Common Sense in Medicating Students Law.

§ 6501. Legislative Intent.

I Liheslaturan Guåhan finds that more and more schools and school districts across the country are resorting to policies that allow non-medical school personnel to require *or* recommend that students receive controversial psychotropic medical treatment as a means to control children suspected of having behavior disorders. Such drugs include amphetamines such as Ritalin, antihypertensive drugs such as clonidine, tricyclic antidepressants, Selective Serotonin Uptake inhibitors such as Prozac, Paxil and Zoloft and neuroleptics such as Haldol and Thorazine. More and more medical studies are revealing that many of these substances have little *or no* effect in treating maladies such as ADHD and may cause severe harm to a child.

In many school districts in the United States, teachers, administrators and counselors continue to resort to extraordinary means to require parents to force-medicate their children. Such means include suspension *or* expulsion of the student *or* reporting the student's parents to municipal authorities on child abuse *or* neglect charges for refusing to subject their children to these medications. *I Liheslatura* further finds that decisions that involve the treatment of children should be a personal one between parents, their children and their children's physicians and *not* the school system.

It is the intent of *I Liheslatura* to prohibit any non-medical school personnel from recommending the use of psychotropic drugs for any child,

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and to protect parents *or* guardians who refuse to administer psychotropic drugs to their child from having said child taken into custody by the Child Protective Services Division, *unless* such refusal causes the child to be neglected *or* abused as defined by public law.

§ 6502. Limitation on Certain Practices.

The Guam Education Policy Board *shall* adopt and implement policies prohibiting any school personnel from recommending the use of psychotropic drugs for any child. The provisions of this Section *shall not* prohibit school medical staff from recommending that a child be evaluated by an appropriate medical practitioner, *or* prohibit school personnel from consulting with such practitioner with the consent of the parents *or* guardian of such child.

§ 6503. Parental and Guardian Protection.

The refusal of a parent *or* guardian having control of a child to administer *or* consent to the administration of any psychotropic drug to such child *shall not*, in and of itself, constitute grounds for the *Child Protective Services Division* of the Department of Public Health and Social Services to take such child into custody *or* for any court of competent jurisdiction to order that such child be taken into custody by the department, *unless* such refusal causes such child to be neglected *or* abused, as defined in Title 19, Guam Code Annotated, Chapter 13.
