

**17 GCA EDUCATION
CH. 7 PHYSICAL PLANT**

**CHAPTER 7
PHYSICAL PLANT**

SOURCE: This Article was repealed and reenacted in its entirety by P.L. 26-26:3.

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.

- § 7101. School Property: Rules and Regulations.
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- § 7105. Authorization of Commercial Advertising Leases.
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- § 7114. Effective Date.
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- § 7119. Standards for Air Conditioning Systems Funded Herein.

§ 7101. School Property: Rules and Regulations.

The Board shall adopt rules and regulations for the management and control of school property consistent with government of Guam standard property regulations.

§ 7102. Same: Other Use of.

The Board, upon the written application of any responsible organization or group of at least seven (7) persons, may grant permission to use any school building or school ground as a community or recreation

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center for the entertainment and education of the People, and for the discussion of all topics tending to the development of personal character and civil welfare; provided, however, that such use shall not seriously infringe upon the necessary uses of the property for school purposes.

The Board shall prescribe such rules and regulations relating to the use of school property as it may deem necessary. The organization or group of persons using the property for the purposes herein authorized shall be responsible for any damage done over and above ordinary wear. Neither the government of Guam nor the Board shall be liable for damage or injury to person or property suffered by any person resulting from a dangerous or defective condition of a school building or school ground while such person is present under permission granted by the Board as authorized herein. The Board may enforce a schedule of charges for the use of such school property, or it may provide such use free of charge, in its discretion, if it deems the use to be sufficiently in the public interest.

§ 7103. Unused School Equipment: Utilization of.

(a) The Board is authorized to enter into agreements with non-public schools for the mutual utilization of school equipment for non-religious purposes which is not being used, or if being used, during periods of non-use.

(b) The Board shall adopt rules and regulations for the mutual utilization of school equipment.

§ 7104. School Facilities; Use of.

The use of school facilities by person(s) or group(s) during non-school hours is hereby authorized.

(a) The Board may grant permission for the use of school facilities, including the gymnasium, theater, staff development center, and other Department facilities located at Tiyan, NAS or Hagatna. The principal, or the principal's designee, shall arrange the scheduling of any non-school activity authorized by the Board and, in addition, serve as liaison between the Board and the requesting party or user group.

(b) The Board, in collaboration with the Superintendent and the various school principals/Tiyan facilities manager/staff development manager, shall prescribe such rules and regulations governing the use of school facilities as it may deem necessary.

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(c) The Board is authorized to establish a fee schedule and charge according to such schedule for the use of school facilities.

(d) There are hereby established revolving funds for each public school on a school-by-school basis, to be known as 'I Salappe' Facilitat,' which shall be maintained separate and apart from other funds of the government of Guam and wherein all proceeds generated from user fees collected pursuant to the provisions of this Act shall be deposited. Said accounts shall be under the custody and trust of the principal and vice-principal of the respective schools.

The principal and vice-principal may expend such funds for the purpose of off-setting or defraying any added cost(s) incurred by the school as a result of extraordinary community use, or for the purpose of maintaining or improving the school facilities affected by this Act. The fund shall be used to purchase small items and/or services for direct school maintenance or repairs which do not exceed the cost of Two Hundred Dollars (\$200.00) per item.

The procurement of items or services costing more than Two Hundred Dollars (\$200.00) each shall require authorization of the Superintendent. Each principal shall prepare a quarterly financial status report on the fund to be transmitted to the Chairperson of the Board, the Superintendent, and I Liheslaturan Guåhan on or before the end of the quarter of each fiscal year. Additionally, notwithstanding any other provision of law, the Board is authorized to accept donations to 'I Salappe' Facilitat' on behalf of any school or Department facility.

(e) Person(s) or group(s) using the public school facilities shall be liable for any damage done over and above ordinary wear and tear. Neither the government of Guam nor the Board shall be liable for damage or injury to person or property suffered by any person(s) resulting from a dangerous or defective condition of the school recreational facilities.

(f) Any reservation of the facility may be cancelled, by notice given thirty (30) days in advance, in the event that a school function must be conducted. Said cancellation shall be approved by the school principal.

§ 7105. Authorization of Commercial Advertising Leases.

Within ninety (90) days of the enactment of this Chapter, the Department shall review and revise all existing Department rules and regulations for the management and control of school property in order to authorize the commercial leasing of advertising space at Department and

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Tiyan sports facilities and on Department of Public Works' school buses, consistent with government of Guam standard property regulations.

Within ninety (90) days of enactment of this Chapter, the Department of Education, in conjunction with the Bus Operations Division of the Department of Public Works, shall develop standard size and placement regulations for the leasing of commercial advertising space at Department and Tiyan sports facilities and on Department of Public Works' school buses. Immediately upon completion, the proposed revisions shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall adopt the revised rules and regulations with any amendments deemed necessary and appropriate.

§ 7106. Schedule of Commercial Advertising Fees.

Within ninety (90) days of the enactment of this Chapter, the Department of Education shall develop a schedule of fees for the commercial leasing of advertising space at Department of Education and Tiyan sports facilities and Department of Public Works' school buses. Immediately upon completion, the proposed schedule of fees shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall approve the schedule of fees with any amendments deemed necessary and appropriate.

§ 7107. Standard Lease Agreement for Commercial Advertising.

Within ninety (90) days of the enactment of this Act, the Department of Education shall develop a standard lease agreement for commercial advertising at Department of Education and Tiyan sports facilities and on Department of Public Works' school buses. Such standard lease agreement shall specify the Department's rules and regulations, schedule of fees and legal liabilities for private entities seeking to advertise at Department of Education and Tiyan sports facilities and on Department of Public Works' school buses. Such standard lease agreement shall specifically prohibit any advertising which promotes substances which are controlled by law, or are illegal to distribute to minors, including, without limitation, alcohol; establishments selling primarily alcohol products, such as bars; tobacco products; firearms; obscenity and as may be otherwise determined by the Board. Immediately upon completion, the proposed standard lease agreement shall be transmitted to the Board for approval. Within thirty (30) days of receipt, the Board shall adopt the standard lease agreement with any amendments deemed necessary and appropriate.

§ 7108. Interscholastic Sports Fund.

There is hereby created, separate and apart from all other funds of the government of Guam, a fund known as the 'Interscholastic Sports Fund' ('Fund') into which shall be deposited all fees collected from the commercial leasing of advertising space at Department of Education and Tiyan sports facilities, and on Department of Public Works' school buses and other monies deemed appropriated by the Department of Education.

(a) Same: Administration. The Fund shall be administered by the Department of Education and shall not be commingled with the General Fund or any other fund of the government of Guam. The Fund shall be maintained in a separate bank account and monies deposited therein shall not be subject to I Maga'lahaen Guåhan's transfer authority. The Department of Education is authorized to accept for the Fund gifts, bequests, donations and other kinds of contributions for the purposes of the Fund.

(b) Same: Expenditures. Expenditures from the Fund shall be made exclusively for the purpose of supplementing the costs associated with operating the Department of Education interscholastic sports programs.

The Department of Education may transfer from the Interscholastic Sports Fund to the Department of Public Works such funds as are necessary to fund in whole or in part interscholastic bus transportation.

(c) Same: Distribution of the Interscholastic Sports Fund. Elementary schools may participate in the solicitation of commercial advertising in their respective schools as provided through the Interscholastic Sports Fund Act. However, because the interscholastic sports program exists in the middle and high school levels only, the elementary school that solicits and receives monies for commercial advertising shall deposit all funds into the Interscholastic Sports Fund. The Department of Education shall transfer forty percent (40%) of the total sum of any fees, monetary gifts, donations or contributions collected or derived from the commercial leasing of any part of the facilities for advertising, or other such purposes of an elementary school, into 'I Salappe Facilidat' account of that respective elementary school. The remaining sixty percent (60%) will remain in the Interscholastic Sports Fund to support interscholastic sports programs. Funds transferred to 'I Salappe Facilidat' accounts of a respective elementary school pursuant to this Subsection shall be expended in accordance with the provisions of 17 GCA §1704, as enacted through Public Law Number 23-67. The distribution of advertising funds for both middle

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and high schools will be as follows: sixty percent (60%) will remain in the Interscholastic Sports Fund and forty percent (40%) will be retained at the school for its respective sports programs. Any advertising funds collected for the Tiyan Facility or the Staff Development Center (behind George Washington High School in Mangilao) will be distributed as follows: sixty percent (60%) to the Interscholastic Sports Fund and forty percent (40%) for maintenance of those facilities.

(d) Same: Annual Financial Report. Within sixty (60) days after the closing of each fiscal year, the administrator or authorized custodian of the Interscholastic Sports Fund shall transmit to the Board and the Superintendent of the Department of Education an annual report of the expenditures of the Fund, including, but not limited to, a balance sheet, a statement of receipts and expenses, and a general description of the income sources of the Fund and the expenses thereof.

§ 7109. School Property: Unauthorized Entry.

Every person entering any campus maintained by the Department of Education shall immediately proceed to the administrative office of the school located on that campus and announce that person's purpose for being on campus to the principal of that school or the principal's designee. The principal, or the principal's designee, may grant any person written authority to remain on campus for a specific period of time and for a specific purpose, or the principal, or the principal's designee, may order the person to immediately leave the campus. Any person found on a school campus without the written permission provided for in this Section shall be guilty of a misdemeanor and is punishable by imprisonment not exceeding thirty (30) days, or by a fine not exceeding Three Hundred Dollars (\$300.00) or both such fine and imprisonment; provided, that this Section shall not apply to the following:

- (a) students enrolled at the particular school campus who are in good standing and not the subject of an order of suspension or expulsion;
- (b) teachers and staff of the particular school campus;
- (c) peace officers; and
- (d) such other persons as the Board by rule or regulation shall permit.

§ 7110. Entry with Intent to Cause Fight.

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Every person who at any time enters any school campus maintained by the Department of Education with the intent of entering into a fight with any person or causing disruption on said school campus is guilty of a misdemeanor and punishable by a fine of Three Hundred Dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both.

§ 7111. Same: Posting.

The Board shall cause to be posted at the entrance(s) of every school campus, signs which set out in a conspicuous manner §§ 7109 and 7110 of this Chapter. The Board shall see to it that said signs shall continue to be maintained in a readable condition.

§ 7112. Evaluation and Upkeep of Facilities.

(a) The Superintendent of the Department is authorized to enter into one (1) or more contracts with one (1) or more architectural and engineering firms to provide the following services to the Department;

(1) evaluating and reporting on the conditions of Department plant facilities;

(2) preparing architectural and engineering plans for repairs, renovations, improvements, demolition and construction of plant facilities;

(3) assisting in the procurement by the Department, of architectural and engineering services, and construction services, through preparation of requests for proposals and scope of services documents, evaluation of designs, review of construction documents and coordination of compliance of construction documents with all applicable laws, rules and regulations;

(4) performing construction management services for construction projects undertaken; and

(5) providing consultation on prices of architectural and engineering services and construction.

(b) The Superintendent of the Department of Education may solicit requests for proposals and enter into one (1) or more contracts for the procurement of architectural, engineering and construction management services for the Department, and for construction contracts in excess of One Million Dollars (\$1,000,000), one (1) or more contracts for value engineers. Contracts shall be awarded on forms approved by the Attorney General.

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(c) Nothing herein shall be construed as exempting the Department from the government of Guam procurement laws as they pertain to the Department.

§ 7113. Limitations on Capacity Levels for the Construction of New Public Schools.

All public schools built on Guam *shall* be designed and constructed for student enrollment capacity limits as follows:

- (a) Elementary Schools: *not to exceed* eight hundred (800) students;
- (b) Middle Schools: *not to exceed* one thousand one hundred twenty (1,120) students; and
- (c) High Schools: *not to exceed* one thousand seven hundred (1,700) students.

The school capacity limitations of this Section *shall* apply *only* to school projects initiated after September 30, 1997. The Department may, subject to the approval of the Guam Education Policy Board, *exceed* the capacity limits set forth in this Section provided that such adjustment would *not* endanger student and employee health and safety. These provisions *shall* not apply to school campuses that are temporarily used for double sessions.

SOURCE: Amended by P.L. 28-09:1 (Mar. 9, 2005), P.L. 29-106:1 (Aug. 22, 2008).

§ 7114. Effective Date.

The school capacity limitations of § 7113 of this Chapter shall apply only to school projects initiated after the effective date of this Chapter.

NOTE: It appears that the effective date of § 7113 has been put off from that stated in that section to the effective date of P.L. 26-26, which enacted this § 7114.

§ 7115. [Repealed].

SOURCE: Added by P.L. 28-068:II:I:11 (Sept. 30, 2005). Repealed by P.L. 30-008:2 (Apr. 3, 2009).

§ 7116. [Repealed].

SOURCE: Added by P.L. 28-068:II:I:12 (Sept. 30, 2005). Repealed by P.L. 30-008:2 (Apr. 3, 2009).

§ 7117. [Repealed].

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SOURCE: Added by P.L. 28-068:II:I:13 (Sept. 30, 2005). Repealed by P.L. 30-008:2 (Apr. 3, 2009).

§7118. [Repealed].

SOURCE: Added by P.L. 28-068:II:I:17 (Sept. 30, 2005). Repealed by P.L. 30-008:2 (Apr. 3, 2009).

§ 7119. Standards for Air Conditioning Systems Funded Herein.

Any air conditioning system purchased and used by the Guam Public School System shall:

(a) Meet the comfort and air quality standards set forth for Heating, Ventilation and Air Conditioning (HV AC) equipment provided in Chapter 5 of the Federal GSA's Facilities Standards For Public Buildings Service (Revised November 2000 or later - PBS-PIOO);

(b) Have repair and replacement parts readily available within five (5) days, Saturdays, Sundays and Government of Guam holidays excepted; and

(c) Be the subject of a warranty and maintenance agreement that guarantees the system's working life for not less than five (5) years.

SOURCE: Added by P.L. 28-184:1 (Jan. 29, 2007).
