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CH. 14 TEACHING AND LEARNING COMMUNITIES ACT  
AND FIRST GENERATION TRUST FUND INITIATIVE**

**CHAPTER 14  
TEACHING AND LEARNING COMMUNITIES ACT AND  
FIRST GENERATION TRUST FUND INITIATIVE**

**2015 NOTE:** Public Law 31-203 (May 9, 2012) added a new Chapter 14 of Title 17 GCA. Public Law 33-007 (Feb. 25, 2015) later sought to add a new Chapter 14. These two laws were designated by the Compiler as separate articles of Chapter 14, pursuant to the authority granted by 1 GCA § 1606.

- Article 1. Teaching and Learning Communities Act.
- Article 2. First Generation Trust Fund Initiative.

**ARTICLE 1  
TEACHING AND LEARNING COMMUNITIES ACT**

**SOURCE:** Entire chapter added by P.L. 31-203:2 (May 9, 2012) as a new Chapter 14 of Title 17 GCA, designated as Article 1 of Chapter 14 by the Compiler pursuant to 1 GCA § 1606.

- § 14101. Purpose.
- § 14102. Short Title.
- § 14103. Definitions.
- § 14104. Ten (10)-Year Capital improvement Project Plan.

**§ 14101. Purpose.**

The purpose of the Department of Education Ten (10) -Year Capital Improvement Project Plan is to provide:

- (a) a management tool and a guide to identify the most practical and economical means of providing safe teaching and learning environments;
- (b) justification and guidance in preparing annual capital improvement project design and construction budgets;
- (c) an outline for anticipated changes in terms of major facilities, population needs and associated demands; and
- (d) indicators of future facilities costs for financial planning and decision making.

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**§ 14102. Short Title.**

This Chapter may be cited as the “Teaching and Learning Communities Act.”

**§ 14103. Definitions.**

When used in this Chapter:

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

(b) *Superintendent* means the Superintendent of Education, the Chief Executive of the Department of Education.

(c) *CIP* means Capitol Improvement Project(s).

(d) *Plan* means a Ten (10)-Year Capital Improvement Project Plan.

(e) *Properties* means all lands under the administrative jurisdiction of the Department of Education.

(f) *Facilities* means all Department of Education schools, non-instructional administrative support buildings, athletic facilities, and related structures.

**§ 14104. Ten (10)-Year Capital Improvement Project Plan.**

The Superintendent *shall* prepare a Ten (10)-Year Capital Improvement Project Plan that *shall* be subject to Board approval.

(a) Plan Provisions. The Plan *shall* include as a basis, but is not limited to:

(1) An inventory of DOE properties and facilities, which *shall* include at a minimum:

(A) the age of the facility;

(B) the gross square footage of each facility;

(C) the quantity and quality of core instructional spaces;

(D) the quantity and quality of supplemental instructional spaces;

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(E) the adequacy of administrative and support spaces;

(F) the adequacy of the athletic facilities;

(G) the code compliance of the facility; and

(H) the dates that each facility was last renovated, repaired or improved; and whether copies of the building plans, a recorded map from the Department of Land Management and certificate of title are available for each facility.

(2) An assessment of needs, to include at a minimum:

(A) DOE's educational mission, vision, and goals;

(B) the adequacy of the square footage for the current and projected school enrollment;

(C) the quantity and quality of core instructional spaces;

(D) the quantity and quality of supplemental instructional spaces;

(E) the adequacy of administrative and support spaces;

(F) the adequacy of the athletic facilities; and

(G) the security of DOE's properties and facilities and energy-efficiency measures, to include an evaluation of cost effectiveness.

(3) A review and assessment of attendance areas, enrollment data and source of data.

(4) A list of projected capital improvement projects.

(5) Proposed annual budgets for capital improvement projects that *shall* include a cost analysis which shall include, at a minimum, projected cost comparisons for the demolition and rebuilding of facilities versus measures to

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rehabilitate and renovate; and projected expense for the construction of eco-friendly facilities and/or for the purchase of equipment/items to make facilities more energy efficient.

(b) Review Process. The Plan *shall* undergo a review process as follows:

(1) The Plan *shall* be updated annually, and the Superintendent and Board *shall* determine whether significant revisions are required, based on available information.

(2) The Plan *shall* include provisions for all DOE's facilities to have security monitoring and maintenance as part of contracts with developers for buildings/facilities constructed under a build-lease and lease-back contract.

(c) Implementation. The Ten (10)-Year CIP Plan *shall* be implemented at the start of each new decade.

(d) Reporting. The DOE *shall* transmit to *I Maga'lahañ Guåhan* (the Governor of Guam), and the Speaker of *I Liheslaturan Guåhan* a copy of each Ten (10)-Year CIP Plan, and annual updates.

(e) Funding Sources. Notwithstanding any other provision of law, funding to support the CIP may come from any or all of the following sources, but is not limited to:

(1) Leaseback Financing allowable pursuant to "*The Education Facilities Construction Initiative Act of 2001*"; and

(2) Support Financing Vehicles, such as the U.S. Housing and Urban Development Community Development Block Grant and U.S. Department of Education Qualified Zone Academy Bonds.

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**ARTICLE 2  
FIRST GENERATION TRUST FUND INITIATIVE**

**SOURCE:** Entire chapter added by P.L. 33-007:2 (Feb. 25, 2015) as a new Chapter 14 of Title 17 GCA, designated as Article 2, Chapter 14 by the Compiler pursuant to 1 GCA § 1606.

- § 14201. Legislative Findings and Intent.
- § 14202. First Generation Trust Fund Initiative Established.
- § 14203. Creation of the First General Trust Fund.
- § 14204. Notification of Students.
- § 14205. Requirements for Eligibility.
- § 14206. Funding.
- § 14207. Evaluation.
- § 14208. Sunset Provision.
- § 14209. Transfer Authority Prohibited.
- § 14210. Reporting and Rules and Regulations.
- § 14211. Annual Audit.
- § 14212. Initiative Limitations.

**§ 14201. Legislative Findings and Intent.**

*I Liheslaturan Guåhan* finds that the trajectory of the younger generation is impacted by social and financial betterment, and that a purposeful investment in their individual future such as the establishment of a scholarship fund, known as the “First Generation Trust Fund Initiative” (Initiative), available to students in the public school system at the beginning of their ninth (9th) grade term, is a feasible component of directing our students towards the promising futures they each deserve.

*I Liheslatura* recognizes that there are existing and varied scholarship and training programs in higher education, supported by local and federal funds, that aim to provide information, services and support for those students demonstrating financial need, disability, and/or those who are first-generation eligible. While such programs are significant to supporting incoming students and sustaining student enrollment, not all provide the specific initial cost investment needed to start a college education on Guam.

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*I Liheslatura* finds that the First Generation Trust Fund Initiative is supported by a combined effort of the Guam DOE, UOG and GCC.

*I Liheslatura* further intends to establish the commitment that the success of our children is developed early on within our public education system, and that the First Generation Trust Fund Initiative provides the platform to ensure that students work towards financial self-reliance in the long-run.

**SOURCE:** Added as § 14101 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**§ 14202. First Generation Trust Fund Initiative Established.**

There is hereby established the “First Generation Trust Fund Initiative,” which *shall* be administered by the Guam Department of Education (DOE), or its designee, as an incentive program to encourage GDOE high school students to pursue post-secondary learning.

(a) The First Generation Trust Fund Initiative *shall* provide for each eligible Guam Department of Education high school graduate a Five Hundred Dollars (\$500) scholarship towards registration, enrollment, and tuition fees at the University of Guam or the Guam Community College.

(b) Scholarships under this Act *shall* begin with GDOE students graduating during School Year 2018-2019.

**SOURCE:** Added as § 14102 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**2018 NOTE:** Subsection designations added pursuant to authority by 1 GCA § 1606.

**§ 14203. Creation of the First Generation Trust Fund.**

(a) The First Generation Trust Fund (Fund) is hereby created separate and apart from all other funds of the government of Guam, and *shall* be administered by the Superintendent of the Department of Education.

(1) The Fund *shall not* be commingled with the General Fund, or any other funds of the government of Guam;

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(2) *shall* be maintained in a separate bank account in accordance with this Act; and

(3) *shall not* be subject to any transfer authority of *I Maga'lahen Guåhan* or

(A) to any inter-fund borrowing, or

(B) used for any other purpose not authorized by this Chapter.

(b) All funds appropriated, collected, or received pursuant to this Chapter *shall* be deposited in the Fund and used for the implementation of the First Generation Trust Fund Initiative.

(c) The DOE Superintendent may enter into contracts to obtain investment advice and management, and other professional services regarding the administration and investment of the Fund. All aggregated costs relative to the Fund *shall not* exceed five percent (5%) of the total portfolio.

**SOURCE:** Added as § 14103 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**2018 NOTE:** Subitem designations added in subsection (a) pursuant to authority by 1 GCA § 1606.

**2015 NOTE:** Subsection designations added to adhere to the Compiler's alpha-numeric scheme pursuant to 1 GCA § 1606.

**§ 14204. Notification of Students.**

All eligible GDOE students *shall* be notified by GDOE, at the commencement of each year and upon graduation, of the requirements necessary to avail of the provisions of this Chapter, and of the amount potentially available towards college registration, enrollment, or tuition fees.

**SOURCE:** Added as § 14104 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**§ 14205. Requirements for Eligibility.**

(a) To be eligible for a First Generation Trust Fund Initiative scholarship towards college registration, enrollment and tuition, a

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GDOE graduate must be enrolled in a GDOE public high school at the time of graduation.

(b) Any amount of the scholarship *not* paid to UOG or GCC for registration, enrollment or tuition fees *shall* remain with the Fund and *shall not* lapse.

(c) The student's scholarship award *shall* be used by the fall or spring semester after graduation from high school.

**SOURCE:** Added as § 14105 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**2018 NOTE:** Subsection designations added pursuant to authority by 1 GCA § 1606.

**§ 14206. Funding.**

The DOE, with the local public education institutions, namely, UOG and GCC, have each committed to the Initiative and agree to invest through the following sources:

(a) One Hundred Thousand Dollars (\$100,000) *shall* be funded by the DOE and released by June 2016, and *shall* continue to be funded and released by June of each subsequent fiscal year for the *sole* purpose of supporting the Initiative's objectives;

(b) Two Hundred Fifty Thousand Dollars (\$250,000) *shall* be funded by the UOG and released by June 2016, and *shall* continue to be funded and released by June of each subsequent fiscal year for the *sole* purpose of supporting the Initiative's objectives; and

(c) Two Hundred Thousand Dollars (\$200,000) *shall* be funded by the GCC and released by June 2016, and *shall* continue to be funded and released by June of each subsequent fiscal year for the *sole* purpose of supporting the Initiative's objectives.

(d) Financial contributions may also be made to the Fund by individuals, businesses, and organizations.

(e) Any amounts from Subsections (a), (b) and (c) not already funded from non-governmental sources *shall* be funded



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from the government of Guam respective budgetary appropriations to the GDOE, UOG, or GCC.

**SOURCE:** Added as § 14106 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**§ 14207. Evaluation.**

An independent evaluation, paid for by the Fund, *shall* be conducted after the seventh (7<sup>th</sup>) year of the enactment of this Act to determine if the program has met its goals, one of which is to increase the number of GDOE graduates enrolled at the UOG and GCC.

**SOURCE:** Added as § 14107 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**§ 14208. Sunset Provision.**

The Initiative *shall* come to an end by the eighth (8<sup>th</sup>) year of its enactment *unless* new legislation is duly enacted authorizing its continuation. Any remaining funds at the sunset date *shall* be distributed accordingly to DOE, GCC and UOG based on the proportion of contributions made by each institution.

**SOURCE:** Added as § 14108 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**§ 14209. Transfer Authority Prohibited.**

Notwithstanding any other provision of law, the funds appropriated in this Act in each fiscal year *shall not* lapse and *shall* continue to be available until fully expended, and *shall not* be subject to any transfer authority of *I Maga'lahren Guåhan* or any inter-fund borrowing, or used for any other purpose.

**SOURCE:** Added as § 14109 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**§ 14210. Reporting and Rules and Regulations.**

(a) The Guam DOE *shall* submit an annual written report of the activities of the Initiative and the Fund to *I Maga'lahren Guåhan* and to the Speaker of *I Liheslaturan Guåhan*.

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(b) The DOE *shall* promulgate rules and regulations for the implementation of this Chapter within one hundred twenty (120) days of the enactment of this Act, pursuant to Chapter 9, Title 5, Guam Code Annotated, the Administrative Adjudication Law.

**SOURCE:** Added as § 14110 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**2015 NOTE:** Subsection designations added to adhere to the Compiler's alpha-numeric scheme pursuant to 1 GCA § 1606.

**§ 14211. Annual Audit.**

(a) The Office of Public Accountability (OPA) *shall* perform an annual audit of the Fund and the compliance of the GDOE with the expenditures of such funds, in accordance with the administration and exclusive purposes of this Act.

(b) The OPA *shall* prepare and provide a written report of compliance *no later than* seventy-five (75) days after the end of the fiscal year to *I Maga'lahen Guåhan* and to the Speaker of *I Liheslaturan Guåhan*.

**SOURCE:** Added as § 14111 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

**2018 NOTE:** Subsection designations added pursuant to authority by 1 GCA § 1606.

**§ 14212. Initiative Limitations.**

(a) Nothing in this Chapter *shall* be construed to waive sovereign immunity of the government of Guam in regards to this Initiative, or to:

(1) give a designated beneficiary any rights or legal interest with respect to an account;

(2) guarantee that a designated beneficiary:

(A) will be admitted to an institution of higher education; or

(B) upon admission to an institution of higher education, will be permitted to continue to attend or will receive a degree from the institution;

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(3) create residency for an individual merely because the individual is a designated beneficiary; or

(4) guarantee that amounts available pursuant to the Initiative will be sufficient to pay the full enrollment, registration or tuition expenses of a designated beneficiary.

(b) Nothing in this Chapter shall create, or be construed to create, any obligation of the Guam DOE or any agency or instrumentality of the government of Guam to guarantee for the benefit of a designated beneficiary:

(1) the rate of interest or other return on any account;

(2) the payment of interest or other return on any account;

or

(3) the repayment of the principal of any account.

(c) The DOE *shall* provide by rule that every agreement, contract, application, deposit slip, or other similar document that may be used in connection with a contribution to an account, clearly indicates that the account is *not* insured by the government of Guam, and that neither the principal deposited nor the investment return is guaranteed by the government of Guam.

(d) Nothing in this Chapter shall entitle a GDOE graduate to the cash equivalent of the scholarship award. Awards *shall* be paid directly from the Fund to UOG or GCC for enrollment, registration, and tuition fees.

**SOURCE:** Added as § 14112 by P.L. 33-007 (Feb. 5, 2015). Codified to this section by the Compiler pursuant to 1 GCA § 1606.

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