

# Board session to discuss performance

By Jose Q. Cruz

One of the most important contributions that all of us must do is to partner and support agencies that help persons with disabilities. The Guam Department of Education's Division of Special Education may be considered as the lead agency for students with disabilities, including children from birth to age 21, and maybe later.

A very good opportunity exists now since the division is reviewing its annual performance report that must be submitted to the U.S. Department of Education. The performance review includes quality items or services that must be rated in terms of accomplishment and an accompanying statement of activities for improvement.

An example to be reported on is the availability of an Individual Education Plan, or IEP.

*Those who may be interested in knowing or participating in the discussion of the annual performance report may come to the Guam Education Board work session scheduled for Feb. 6 at the Federal Programs Office.*

Guidelines are provided of how this activity or expectation should be done. Another related expectation for evidence of performance is ensuring that applicants or referrals are acted on within a 45-day timeline. Further, the quality performance report includes an explanation of the activity or task, a quantifiable or percent of accomplishment information, a comparison to

national performance for comparison purposes, a statement or statements for improvement and others.

Those who may be interested in knowing or participating in the discussion of the annual performance report may come to the Guam Education Board work session scheduled for Feb. 6 at the Federal Programs Office, or by calling Joyce Kaneshiro, the board's administrative officer, at 300-1627.

I end with a call for solidarity in remembering Lydia P. Grigley, who died recently. She was a special education teacher at the Agat Oceanview Middle School. People have praised her vigor and vitality in serving Guam's special needs students.

*Jose Q. Cruz is the Luchan representative on the Guam Education Board.*

# SUNDAY FORUM

The Pacific Daily News invites readers to join us in discussing some of the hot topics in the news.

**▲ Sunday: Should Island lawmakers continue to rezone property via legislation?**

If you have some insight on this topic or want to join the discussion, we want to hear from you.

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▲ Fax: 477-3079

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## Submit a letter

We welcome your comments on editorials, columns and other topics in the Pacific Daily News about subjects important to you.

▲ Only submissions that include name, address, village of residence and day and evening phone numbers, and that are verified by the Pacific Daily News can be considered for publication.

▲ Letters with facts or statements that can't be substantiated will not be published. The burden of substantiation will be on the letter writer.

▲ Mailed letters must include a return address on the envelope.

▲ Letters must be previously unpublished, including on the Internet.

▲ Letters to the editor of 300 or fewer words have the best chance of being published. Opinion and editorial columns of 550 or fewer words have the best chance of being published. Limited to one published letter a month.

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▲ Send letters by email to voice@guampdn.com; fax to 477-3079; or mail to Voice of the People, Box DN, Hagåtña, Guam 96932.

▲ Opinions expressed by letter writers and columnists are their own and do not necessarily reflect those of the Pacific Daily News.

▲ For more information, call Duane George at 479-0415.

# Too many children dealt an injustice by DOE

By Felix Aguon

For many years, education on Guam has been on a downhill spiral. I am truly saddened by all of the things that have happened over the course of the last few decades.

Many people who are involved with making evaluations of students when they are young should be taken out to a tree tied up and horse-whipped. There are countless kids who have been given labels by those trained to care for and evaluate them.

When a kids finds out from other that he

has been designated as ADHD or with a learning disability, the kids, for the entire course of their school experience, have been pushed aside from everybody else. I have met many kids who have been damaged by those working in DOE as the so-called experts and somehow I have been able to turn them around just by having a conversation with them. I tell them that they were given an injustice by DOE that has been with them for so many years.

DOE needs to stop with these dumb evaluations and make sure the children will have a valuable school experience, rather than given



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an excuse for life after the education department is through with them. How many people could have been spared miserable lives resulting from unfair opinions put out by those who could care less about them and their futures?

*Felix Aguon lives in Quezon City but is in Guam for a while longer.*

# Most welcome legal challenge to plebiscite

By Philip Dauterman

The legal challenge by Arnold "Dave" Davis to the Chamorro-only plebiscite appears at first glance to be based solely on "equal protection" grounds. But it's also based upon the legitimate powers of government — in Guam's case, those powers conferred upon GovGuam by Congress.

All of the insular cases point to the plenary powers of Congress. And so does a prominent case cited in our Guam Code Annotated. The decision in *Rodriguez v. Gaylord* says it plainly: "Guam is an unincorporated territory, and its government has only those powers conferred upon it by Congress."

When the Davis challenge comes to court and it's crunch time, GovGuam will finally have to answer this question: What federal statute or Organic Act clause allows GovGuam to discriminate against Guam's non-Chamorro voting public?

And it's a question our attorney general evidently doesn't want to answer. Note his recent brief to dismiss the Davis case.

In his attempt to nip this suit in the bud, the AG represents the Chamorro-only plebiscite as having no legally recognizable impact. In effect, he argues that since the Chamorro-only vote is nonbinding, there's no harm. No harm, no foul.

But the Chamorro-only plebiscite is not taking place in a vacuum. There's the Decoloniza-

## PERSPECTIVE

tion Commission, the Decolonization Registry Board and the Guam Election Commission. And there's an estimated \$200,000 bill that all of Guam's taxpayers will have to ante up for.

And rest assured, if the outcome of the plebiscite pleases our local activists, they will be the first to inform the UN's Decolonization Committee. And, following past practices, they will of course represent this "non-binding" plebiscite as being "official," "government-sanctioned," and "the will of the people of Guam."

Another central issue in the Davis challenge is whether the definition of native inhabitant is based on history or is an impermissible proxy for race. The Hattori amicus curiae brief claims that the "native inhabitant" class is based on history and is neither racial nor ethnic. But it seems strange, disavowing race and ethnicity, and then in other contexts claiming that the rationale for the vote is the self-determination of a people. Thankfully, the courts will disentangle this thicket.

History often repeats itself and it might be helpful to look at a case that originated on Guam in 1982 and was settled in the Ninth Circuit. *Bunyan v. Camacho et al.* involved the Legislature's first attempt at distributing GovGuam benefits on a discriminatory basis. In this case, William Bunyan, a science teacher at

George Washington High School, challenged a Guam statute which allowed government employees to receive retirement credit for years of higher education. The kicker was, one could get the credit only if he began his higher education as a bonafide resident of Guam. Because of this latter requirement, only Chamorros could qualify for this benefit. Statesiders and Filipinos could not.

The Ninth Circuit Court held that the "equal protection" clause had been violated, that the statute in question was not "rationally related to a legitimate governmental purpose," and that GovGuam could not "create fixed permanent distinctions between classes of concededly bonafide residents."

As in the Bunyan case, when the Davis challenge winds up in Court, the government of Guam may well have to answer these two familiar questions: "What is the legitimate governmental purpose in GovGuam's creating distinct classes of residents?"; and, "What powers conferred upon it by Congress allow GovGuam to do so?"

The upcoming legal challenge may generate hard feelings in some quarters. But not for the majority of Guam residents. They will likely breathe easier and say a heartfelt "thank you" to those defending their voting rights and their rights to equal protection.

*Philip Dauterman is a resident of Barrigada.*

## VOICE OF THE PEOPLE

for sponsors of his basketball team.

I immediately thought of our youth club, which would, together with village political leaders, help fund and support the various village sports teams. Our village is blessed with a multitude of fine athletes. It is village businesses like McKraut's that have stepped up and sponsored these fine athletes, who only want to represent our village (and with) their winning ways make the statement they are

worth sponsoring and backing for all their sacrifices, sweat and commitment, which doesn't go unnoticed.

Please all village leaders and wannabe political leaders, help support and show our youth their sweat and commitment to our village is not in vain but is truly supported and recognized.

**BLAINE FLORES AFAISEN**  
Inarajan

# Leaders: Step up and support Inarajan youths

As the former founder and president of the Inarajan Youth Achievement Club, who in the past coordinated and supported many youth-related activities within my village of Inarajan, I personally felt outrage and disappointment as I overheard my nephew pleading and looking

## Thought of the Day

**"Hide not thy face from me in the day when I am in trouble; incline thine ear unto me: in the day when I call answer me speedily."**

*(Psalms 102:2)*

Dear Lord, when I am in trouble, don't hide from me; please listen to my need and answer me quickly!

*Harvest Baptist Bible College*

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