

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

March 21, 2022

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: EXECUTIVE ORDER NO. 2022-08

Hafa Adai Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2022-08: RELATIVE TO
RESCINDING SUSPENSION OF THE HABITUAL
TRUANCY DEFINITION AND AMENDING INDOOR
SOCIAL GATHERING RESTRICTIONS**

Thank you.

Senseremente,

LESLIE A. TRAVIS

Legal Counsel

Enclosure: Executive Order No. 2022-08

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
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HAGÁTÑA, GUAM 96932
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EXECUTIVE ORDER NO. 2022-08

**RELATIVE TO RESCINDING SUSPENSION OF THE HABITUAL
TRUANCY DEFINITION AND AMENDING INDOOR SOCIAL
GATHERING RESTRICTIONS**

WHEREAS, on March 14, 2020, pursuant to the Organic Act of Guam and the laws of Guam, I declared a public health emergency in Guam due to dangers posed by the 2019 novel coronavirus (“COVID-19”); and

WHEREAS, on March 16, 2020, in Executive Order No. 2020-04, in response to the first confirmed COVID-19 cases in Guam, I implemented our island’s first orders to limit the virus’s transmission, including the closure of schools; and

WHEREAS, concurrent with the closure of schools, I ordered the suspension of the definition of habitual truancy under Guam law, and ordered that student absences due to school closures and absences connected to the transmission of COVID-19 shall not contribute to the calculation of habitual truancy; and

WHEREAS, I ordered the continued closure of schools for in-person instruction until December 29, 2020, in Executive Order No. 2020-46, when I authorized in-person instruction effective January 18, 2021. Notwithstanding the resumption of in-person instruction, I ordered that the Guam Department of Education shall provide options for remote learning, and continue to suspend the definition of habitual truancy under Guam law; and

WHEREAS, on August 27, 2021, in Executive Order No. 2021-21, in response to a surge in local COVID-19 cases and recognizing that, at the time, children under the age of twelve (12) were ineligible to receive vaccinations, I ordered a pause on in-person learning to allow the Department of Public Health and Social Services (“DPHSS”), the Physicians Advisory Group (“PAG”), leadership at public and private schools, students, parents, and other community stakeholders to engage in dialogue, and strategize the development of a comprehensive strategy to keep schools safe for our children; and

WHEREAS, in Executive Order No. 2021-21, I further ordered that the definition of habitual truancy shall be suspended, and that student absences due to school closures and absences connected to the transmission of COVID-19 shall not contribute to the calculation of habitual truancy; and

WHEREAS, on September 16, 2021, in Executive Order No. 2021-23, I authorized schools to resume in-person instruction. However, I did not rescind the suspension of the habitual truancy definition, which continued in effect until the time of this writing; and

WHEREAS, on October 29, 2021, following resumption of in-person learning at our schools, the Food and Drug Administration (“FDA”) authorized Emergency Use Authorization for the administration of the Pfizer-BioNTech vaccine to children ages 5-11; and



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WHEREAS, FDA approval of vaccines in younger children further facilitates their safe return to in-person learning, and mitigates against the spread of COVID-19 among our families; and

WHEREAS, in January 2022, our island experienced another COVID-19 surge due to the prevalence of the Omicron variant; and

WHEREAS, our island's response to the surge resulting from the Omicron variant was consistent with our island's response throughout the COVID-19 pandemic – to ensure the continued operation of our healthcare facilities without resorting to crisis standards of care, community-level restrictions were set and adjusted in response to measurable COVID-19 metrics, including daily new cases, test positivity rate, retransmission rate, and, ultimately, our vaccination rate; and

WHEREAS, on February 25, 2022, the U.S. Centers for Disease Control and Prevention ("CDC") established new metrics that monitor the transmission of COVID-19, using community-level indicators that focus on reducing medically significant illness and minimizing strain on the healthcare system; and

WHEREAS, the CDC Community Level metrics are intended to inform community actions and local decisions, including implementation and easing of restrictions, individual preventive behaviors, testing strategies, and vaccine outreach; and

WHEREAS, the CDC Community Level metrics track the following items: the cumulative 7-day new COVID-19 cases per 100,000, presently 215.2 in Guam; the 7-day new hospital admissions per 100,000, which our island currently records at 10; and the percent of staffed inpatient beds occupied by COVID-19 patients, which presently stands at 5% locally; and

WHEREAS, our island's response to the spread of COVID-19 is fortified by our robust rate of vaccination; as of the time of this writing, over 95% of our (5+) eligible population and 88% of our entire population is fully vaccinated; and

WHEREAS, over 50% of our fully vaccinated population has also received their booster shots, again among the highest rates in the country; and

WHEREAS, based on CDC Community Level metrics, Guam's level of risk remains high, but is anticipated to move to the moderate risk category in the coming days, both of which support the continued implementation of specific prevention strategies based on local factors; and

WHEREAS, our local medical experts and epidemiologists agree that current and emerging data support the continued cautious and gradual lifting of local restrictions, and

WHEREAS, as part of our phased-in approach to adjusting our restrictions based on local factors, with the advice of the PAG and the Guam National Guard Surgeon Cell, and with the concurrence of the DPHSS, it is appropriate at this time to further adjust restrictions on indoor social gatherings; and



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WHEREAS, further, in light of the continued availability of in-person learning without the need for further interruption notwithstanding the COVID-19 surges due to prevalence of the Delta and Omicron variants, it is clear that school operations during the public health emergency have stabilized; and

WHEREAS, it is safe to return to in-person learning. Our schools are equipped to address concerns related to COVID-19 and have demonstrated their ability to continue to keep our children safe through the implementation of strict mitigation measures; and

WHEREAS, while I previously suspended the definition of habitual truancy to allow time for our community to evaluate and resolve residual concerns regarding the safety of our schools during this public health emergency without subjecting our children to discipline for failure to attend school during the period of evaluation, it is time for us to move forward, allow our children to participate fully in student life and its proven benefits to their mental and physical well-being, and acknowledge that our schools are equipped with the means to keep them safe; and

WHEREAS, accordingly, with the concurrence of the DPHSS, the PAG, and the Guam National Guard Surgeon Cell, it is time to reinstate the definition of habitual truancy, and allow our schools to resume full enforcement of truancy laws; and

WHEREAS, as our island continues to be engaged in emergency response, it is important that we utilize our best available tools against COVID-19, including vaccines, therapeutics, testing, and, as always, the practice of strict personal mitigation measures.

NOW THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

1. **RESCINDING THE SUSPENSION OF THE DEFINITION OF HABITUAL TRUANCY UNDER GUAM LAW.** Effective immediately, the suspension of the definition of habitual truancy under Guam law first implemented in Section 2 of Executive Order No. 2020-04, and most recently continued in Section 1 of Executive Order No. 2021-21, and every other order suspending such definition, shall be rescinded. Schools are authorized to resume all operations and enforcement procedures for habitual truancy to the fullest extent available under Guam law.
2. **INDOOR SOCIAL GATHERINGS OR CONGREGATIONS.** A “congregation” or “social gathering” is a meeting for a common and singular purpose of more than one (1) person, where the individuals are not members of a single household. Effective immediately, social gatherings or congregations indoors shall be increased to no more than two hundred fifty (250) persons.
 - a. **PLACES OF WORSHIP.** Places of worship may continue services, ceremonies, and operations as provided in Executive Order No. 2021-16, but must strictly comply with requirements



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provided in applicable DPHSS guidance, including mask-wearing requirements.

3. **CONTINUED MASK-WEARING REQUIREMENTS.** Individuals ages two (2) years or older are required to continue wearing masks in public, subject to applicable DPHSS guidance.
4. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.
5. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect, except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 21st day of March 2022.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

