

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
420-32 (COR) PUBLIC LAW 32-236	Judith T. Won Pat, Ed.D.	AN ACT TO APPROVE THE RULES AND REGULATIONS GOVERNING THE STANDARDS FOR PROFESSIONAL CONDUCT FOR GUAM EDUCATORS.	11/12/14 12:44 p.m.	11/13/14	Committee on Education, Public Library and Women's Affairs	11/24/14 4 p.m.	12/15/14 11:03 a.m.	Fiscal Note Request 11/18/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	12/17/2014	AN ACT TO APPROVE THE GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC) RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS; AND TO ADD A NEW § 27008.1 AND A NEW SUBSECTION (i) TO § 27008, ALL OF CHAPTER 27 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SUBPOENA AND INVESTIGATIVE POWERS OF THE GCEC.	12/21/14	6:35 p.m.	01/01/15	01/16/15	P.L. 32-236	As substituted by the Committee on Education, Public Library and Women's Affairs. LAPSED INTO LAW



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

JAN 16 2015

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

33-15-0076
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 1/20/15
Time: 11:20am
Received By: [Signature]

Dear Madame Speaker:

Attached is Bill No. 420-32 (COR), entitled, "*An Act to Approve the Guam Commission for Educator Certification (GEC) Rules and Regulations Governing the Standards of Professional Conduct for Guam Educators . . .*" which lapsed into law as **Public Law 32-236**. Together with Bill 420-32, I am additionally returning to *i Liheslaturan* the Bill's correct Exhibit, which was belatedly transmitted to me on January 9, 2015, due to a reproduction error.

Finally, also included with this transmittal is a copy of a letter to me dated December 23, 2014, from the Guam Teachers Federal (GFT). The GFT's letter raises a number of concerns that it has regarding Bill 420-32, most troubling of which is the assertion that Guam's public educators may not have been afforded an adequate opportunity to provide or submit their input on the Bill. In light of the GFT's comments, I ask *i Liheslaturan* to review Bill 420-32, and to take whatever action it believes is appropriate to ensure that all our educators and school administrators have a voice.

Senseramente,

[Signature]
EDDIE BAZA CALVO
Governor of Guam

2015 JAN 20 PM 12:23

[Signature]

0076

P.O. Box 2950 • Hagatna, Guam 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • governor.guam.gov • calendar.guam.gov

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2014 (SECOND) Regular Session

Bill No. 420-32 (COR)

As substituted by the Committee on Education,
Public Library and Women's Affairs.

Introduced By:

Judith T. Won Pat, Ed.D.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Aline A. Yamashita, Ph.D.

AN ACT TO APPROVE THE GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC) RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS; AND TO ADD A NEW § 27008.1 AND A NEW SUBSECTION (i) TO § 27008, ALL OF CHAPTER 27 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SUBPOENA AND INVESTIGATIVE POWERS OF THE GCEC.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Approval of Rules and Regulations.** The Guam Commission
3 for Educator Certification Rules and Regulations Governing the Standards of

1 Professional Conduct for Guam Educators, as contained in EXHIBIT 1 and
2 attached here, are hereby approved.

3 **Section 2.** A new § 27008.1 (Subpoena Powers) is hereby *added* to
4 Chapter 27, Division 3 of Title 17, Guam Code Annotated, to read as follows:

5 “§ 27008.1. **Subpoena Powers.** The Chairperson of the Guam
6 Commission for Educator Certification, upon his/her own initiative, upon the
7 request of any member of the Commission, or upon the request of any party
8 before the Commission, may summon in writing any person before a
9 meeting of the Commission as a witness and in a proper case, to bring with
10 him/her any book, record, or paper which may be deemed material as
11 evidence in the case. The fees for such attendance *shall* be the same as the
12 fees of witnesses before the Superior Court, *except* that if the witness is a
13 government employee no witness fees shall be given. The subpoena *shall*
14 issue in the name of the Guam Commission for Educator Certification, and
15 *shall* be directed to the person and *shall* be served in the same manner as
16 subpoenas to testify before the court. If any person or persons summoned to
17 testify shall refuse or neglect to obey said subpoena, upon petition, the court
18 may compel the attendance of such person or persons before the
19 Commission, or punish said person or persons for contempt in the same
20 manner provided by law for securing the attendance of witnesses and of their
21 punishment for neglect or refusal to attend in the Superior Court.”

22 **Section 3.** A new Subsection (i) (Investigative Powers) is hereby *added* to
23 § 27008 of Chapter 27, Division 3 of Title 17, Guam Code Annotated, to read as
24 follows:

25 “(i) investigate complaints filed with the Commission on educator
26 misconduct.”

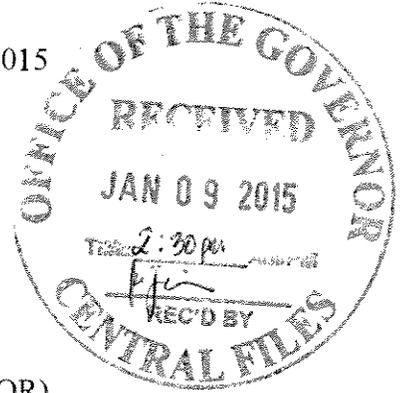
Gov
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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY-THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

January 9, 2015

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Relative to the Certification of Passage of Substitute Bill No. 420-32 (COR).

Dear *Maga'lahi* Calvo:

It has just come to my attention that the wrong Exhibit was transmitted to you for **Substitute Bill No. 420-32 (COR), "AN ACT TO APPROVE THE GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC) RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS; AND TO ADD A NEW § 27008.1 AND A NEW SUBSECTION (i) TO § 27008, ALL OF CHAPTER 27 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SUBPOENA AND INVESTIGATIVE POWERS OF THE GCEC,"** which was on the 17th day of December, 2014, duly and regularly passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan*. This error was strictly a reproduction error during transmittal. The correct Exhibit 1 for Bill 420-32 (COR) as certified passed by I Liheslaturan Guåhan is transmitted herewith, notwithstanding adjournment *sine die* of the 32nd Guam Legislature.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC)**RULES GOVERNING THE STANDARDS OF PROFESSIONAL
CONDUCT FOR GUAM EDUCATORS****1.0 Title**

- 1.01 These rules shall be known as the Guam Rules Governing the Standards of Professional Conduct for Guam Educators.

2.0 Purpose

- 2.01 The purpose of the Rules Governing the Standards of Professional Conduct for Guam Educators is to define standards of professional conduct and to outline procedures for investigations and enforcement of the Standards.
- 2.02 The professional, ethical educator contributes to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, and the greater good and individual rights. These values are the ethical premises for the Standards of professional behavior and ethical decision-making established in this *Standards of Professional Conduct for Guam Educators*. By establishing Standards of ethical conduct, this code promotes the health, safety, and general welfare of students and educators and ensures the citizens of Guam a degree of accountability within the education profession.
- 2.03 All certificated educators are subject to these rules and regulations.

3.0 Definitions

For the purposes of these rules, the following terms mean:

- 3.01 **Child** means a person under the age of 18 years.
- 3.02 **Complaint** may be filed with the Guam Commission For Educator Certification (GCEC) by any interested party within one year from the date of the alleged misconduct. If the alleged misconduct is of a continuing nature then the complaint must be filed within one year from the last date on which the conduct occurred. Complaints involving sexual abuse or exploitation of a child or student may be filed up until three years after the student reaches 18 years of age.

Complaints filed with the Guam Commission For Educator Certification must be in writing with the name, address, a statement of the complaint with the facts supporting the allegation, and must be signed by the complainant (parent, educator, superintendent, principal, interested party) and notarized.

- 3.02.1 **Conviction** includes a plea of guilty or a plea of *nolo contendere* accepted by any Court, or a finding or verdict of guilty, regardless of whether an appeal of the conviction has been sought.
- 3.03 **Discipline** shall mean any of the following:
- 3.03.1 Private reprimand
 - 3.03.2 Public reprimand
 - 3.03.3 Suspension
 - 3.03.4 Revocation
 - 3.03.5 Surrender
 - 3.03.6 Supplemental Sanctions
- 3.04 **Dispositions** are the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 3.05 **Educator** is a teacher, administrator or other education personnel who has been issued an Educator Certificate by the Guam Commission For Educator Certification.
- 3.06 **Educator Certificate** refers to the certificate issued by Guam Commission For Educator Certification.
- 3.07 **Eligible Students** are those students 18 years or older who continue to attend school at the high school level.
- 3.08 **Harassment, Intimidation, or Bullying** means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission or the education of any pupil. "Harassment, intimidation, or bullying" includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic. **Cyberbullying** means the use of any electronic communication device to harass, intimidate or bully as defined in the above Paragraph.
- 3.09 **Immoral** conduct is conduct or behavior which is contrary to commonly accepted moral or ethical standards and endangers the health, welfare, safety or education of any student.

- 3.10 **Incompetency** is a documented pattern of inadequate performance of duties or the lack of ability, legal qualifications or fitness to discharge required duties, and which endangers the health, welfare, safety or education of any student.
- 3.11 **Intemperance** is a documented loss of self-control or self-restraint, which may result from excessive conduct.
- 3.12 **Mandatory revocations** include the following:
- 3.12.1 Criminal Homicide (As defined in Title 9 Guam Code Annotated)
 - 3.12.2 Criminal Sexual Conduct (As defined in Title 9 Guam Code Annotated)
 - 3.12.3 Aggravated assault (As defined in Title 9 Guam Code Annotated)
 - 3.12.4 Kidnapping (As defined in Title 9 Guam Code Annotated)
 - 3.12.5 Solicitation of Children and Child Pornography (As defined in Title 9 Guam Code Annotated)
 - 3.12.6 Incest (As defined in Title 9 Guam Code Annotated)
 - 3.12.7 Indecent Exposure (As defined in Title 9 Guam Code Annotated)
 - 3.12.8 Stalking (As defined in Title 9 Guam Code Annotated)
 - 3.12.9 Child Abuse (Felony) (As defined in Title 9 Guam Code Annotated)
 - 3.12.10 Robbery (As defined in Title 9 Guam Code Annotated)
 - 3.12.11 Burglary (As defined in Title 9 Guam Code Annotated)
 - 3.12.12 Falsifying Official Records
 - 3.12.13 Forgery (As defined in Title 9 Guam Code Annotated)
 - 3.12.14 Theft (Felony) (As defined in Title 9 Guam Code Annotated)
 - 3.12.15 Fraud (As defined in Title 9 Guam Code Annotated)
 - 3.12.16 A Finding of INSANITY by any Federal or any Local Court
- 3.13 **Moral turpitude** includes the following:
- 3.13.1 That element of personal misconduct in the private and social duties which a person owes to his / her fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to accepted and customary rule of right and duty between two human beings and endangers the health, welfare, safety or education of any student.
 - 3.13.2 Conduct done knowingly contrary to justice, honesty or good morals and endangers the health, welfare, safety or education of any student.
 - 3.13.3 Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.
- 3.14 **Negligence** is continuing or persistent action or omission in violation of a duty that is documented.

- 3.14.1 Duty may be established by law, by promulgated school rules, policies or procedures, by express direction from superiors or by duties of professional responsibility.
- 3.15 **Reinstatement** is restoring the rights, privileges and authority previously suspended or revoked.
- 3.16 **Reprimand** is a written admonishment from the Guam Commission For Educator Certification to the certificate holder for his or her conduct. A private reprimand or a public reprimand does not invalidate an educator's certification but may be used against an educator in a subsequent proceeding should future conduct warrant additional discipline. The written reprimand cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the licensure file of the educator. Notice of a private reprimand shall not be communicated or released to the public. The Commission must expunge all records of an educator pertaining to a private reprimand after two (2) years, as long the offense do not reoccur. Notice of a public reprimand shall be posted on the GCEC website. In addition, the public reprimand is reported to other state jurisdictions through the NASDTEC national clearinghouse.
- 3.17 **Revocation** is the permanent invalidation of any educator certification held by the educator. Notice of a revocation shall be posted on the GCEC website. In addition, the revocation is reported to other state jurisdictions through the NASDTEC national clearinghouse
- 3.18 **Sexual abuse or exploitation** shall mean the employment, use, persuasion, inducement, enticement or coercion of a child or student to engage in or assist any other person to engage in any sexually explicit conduct or a simulation of any sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or other forms of sexual exploitation of children or students.
- 3.19 **Sexual misconduct** shall mean any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with a child or student. Such prohibited acts include, ~~but are not limited to,~~ the following:
- 3.19.1 Sexual or romantic invitations;
 - 3.19.2 Dating or soliciting dates;
 - 3.19.3 Engaging in sexualized or romantic dialogue (verbally, emails, or texting);
 - 3.19.4 Making sexually suggestive comments;

- 3.19.5 Self-disclosure or physical exposure of a sexual, romantic or erotic nature;
or
- 3.19.6 Any sexual, indecent, romantic or erotic contact with the child or student.
- 3.20 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, whether on school-campus or not or on off-island trips.
- 3.21 **Student** is any individual enrolled in a Guam school from pre-kindergarten through grade 12.
- 3.22 **Supplemental sanctions** shall mean private or public sanctions that focus on remediation or restitution, including, but not limited to, fees, prescribed coursework, evaluations, treatment plans, impaired educator programs or other corrective action plans.
- 3.23 **Surrender** shall mean the voluntary termination of a certificate whenever the surrender occurs at any time after the issuance of the certificate. Notice of a surrender shall be posted on the GCEC website. In addition, the surrender is reported to other state jurisdictions through the NASDTEC national clearinghouse
- 3.24 **Suspension** is the temporary invalidation of any educator certificate for a period of time specified by the Guam Commission For Educator Certification. The term of the certificate will remain the same. Notice of a suspension shall be posted on the GCEC website. In addition, the suspension is reported to other state jurisdictions through the NASDTEC national clearinghouse.
- 3.25 **Warning** is a written communication from the Guam Commission For Educator Certification to the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the certification file of the educator. The Commission must expunge all records of an educator pertaining to a warning after one (1) year, as long the offense does not occur. Notice of a warning shall not be communicated or released to the public.

4.0 Standards of Professional Conduct

The Standards of Professional Conduct are set forth as follows:

- 4.01 **Standard 1: Legal Compliance** - An educator shall abide by all federal and Guam laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking,

sale, or possession of a controlled substance, illegal or unauthorized drugs, or any other laws applicable to the profession.

- 4.02 **Standard 2: Conduct with Students** - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes ~~but is not limited to~~:
- 4.02.1 Committing any act of child abuse;
 - 4.02.2 Committing any act of child endangerment;
 - 4.02.3 Committing any sexual act with a student or soliciting such from a student;
 - 4.02.4 Engaging in or permitting harassment of or misconduct toward a student that would violate a federal or Guam law;
 - 4.02.5 Soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
 - 4.02.6 Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student; or
 - 4.02.7 Failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision, including ~~but not limited to~~ school grounds, school functions ~~to~~ and the educator's residence ~~or any other setting~~.
- 4.03 **Standard 3: Alcohol or Drugs** - An educator shall refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes ~~but is not limited to~~:
- 4.03.1 Being on school premises or at a school-related activity while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
 - 4.03.2 Being on school premises or at a school-related activity involving students while under the influence of, possessing, or consuming alcohol. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, off-island trips).
- 4.04 **Standard 4: Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes ~~but is not limited to~~, falsifying, misrepresenting or intentionally omitting:

- 4.04.1 Professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
 - 4.04.2 Information submitted to federal, the Guam Department of Education, DODEA (U.S. Department of Defense Education Activity), other governmental agencies and Guam private and charter schools;
 - 4.04.3 Information regarding the evaluation of students and/or personnel;
 - 4.04.4 Reasons for absences or leaves;
 - 4.04.5 Information submitted in the course of an official inquiry/investigation; and,
 - 4.04.6 Information submitted in the course of professional practice.
- 4.05 **Standard 5: Public Funds and Property** - An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes ~~but is not limited to~~ knowingly and intentionally:
- 4.05.1 Misusing public or school-related funds;
 - 4.05.2 Failing to account for funds collected from students or parents;
 - 4.05.3 Submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
 - 4.05.4 Co-mingling public or school-related funds with personal funds or checking accounts; and
 - 4.05.5 Using school property without the approval of school authorities or authorized designee.
- 4.06 **Standard 6: Remunerative Conduct** - An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes ~~but is not limited to~~:
- 4.06.1 Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by school authorities or authorized designee;
 - 4.06.2 Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
 - 4.06.3 Tutoring students assigned to the educator for remuneration unless approved by the school authority or authorized designee; and
 - 4.06.4 Coaching, instructing, promoting athletic camps, summer leagues, that involve students in an educator's school system and from whom the

educator receives remuneration unless approved by school authorities or authorized designee.

4.06.5 Conduct prohibited by Title 4 G.C.A. §15201, §15203, §15204, §15205, §15206.

4.07 **Standard 7: Confidential Information** - An educator shall comply with Guam and federal laws and school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes ~~but is not limited to~~:

4.07.1 Sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;

4.07.2 Sharing of confidential information restricted by Guam or federal law;

4.07.3 Violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or directions for the use of tests or test items; and

4.07.4 Violation of other confidentiality agreements required by Guam.

4.08 **Standard 8: Required Reports** - An educator shall file reports of a breach of one or more of the Standards of Professional Conduct for Educators, child abuse or any other required report. Unethical conduct includes ~~but is not limited to~~:

4.08.1 Failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission;

4.08.2 Failure to make a required report of a violation of one or more Standards of Professional Conduct for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner; and

4.08.3 Failure to make a required report of any violation of Guam or federal law as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: murder; voluntary manslaughter; aggravated assault; aggravated battery; kidnapping; any sexual offense; any sexual exploitation of a minor; any offense involving a controlled substance,

illegal, or unauthorized drugs; and any abuse of a student if an educator has reasonable cause to believe that a student has been abused.

4.09 **Standard 9: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Unethical conduct includes ~~but is not limited to~~

- 4.09.1 Any behavior or conduct detrimental to the health, welfare, discipline, or morals of students;
- 4.09.2 Any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position;
- 4.09.3 Knowingly and intentionally denying or impeding a colleague in the exercise or enjoyment of a professional right or privilege in being an educator;
- 4.09.4 Knowingly and intentionally distorting evaluations of colleagues;
- 4.09.5 Harassing, sexually harassing, intimidating, bullying and cyber-bullying a fellow employee;
- 4.09.6 Using coercive means or promising special treatment to influence professional decisions of colleagues; or
- 4.09.7 Threatening, coercing, or discriminating against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, regulations or standards.

4.10 **Standard 10: Testing** - An educator shall administer Guam mandated assessments fairly and ethically. Unethical conduct includes ~~but is not limited to~~:

- 4.10.1 Committing any act that breaches Test Security; and
- 4.10.2. Compromising the integrity of the assessment.

5.0 Reporting

- 5.01 Educators should be aware of legal requirements and local policies and procedures for reporting unethical conduct. Complaints filed with the Guam Commission For Educator Certification must be in writing with the name, address, a statement of the complaint with the facts supporting the allegation, and must be signed by the complainant (parent, educator, superintendent, principal, interested party) and notarized.
- 5.02 The Commission notifies school and appropriate Guam officials of all disciplinary actions.
- 5.03 The Commission will make all decisions of final disciplinary actions imposing discipline, other than a private reprimand, available to the public on-line through

the GCEC website. Suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

- 5.04 Reports will be accepted when this rules and regulations are enacted into law. Reports for prior incidences will not be addressed.

6.0 Disciplinary Action

The Guam Commission For Educator Certification; authority to discipline:

- 6.01 The Guam Commission For Educator Commission may suspend the educator certificate of any person for up to 5 years, after which time the certificate may be reinstated; may revoke the educator certificate of any person for up to 10 years, after which time the certificate holder must reapply for certification; may revoke permanently the educator certificate; or may impose any other penalty provided by law, if the person:
- 6.01.1 Obtained or attempted to obtain an educator certificate by fraudulent means.
 - 6.01.2 Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
 - 6.01.3 Has proved to be incompetent to teach or to perform duties as an employee of the school or to teach in or to operate a private school.
 - 6.01.4 Has been guilty of gross immorality or an act involving moral turpitude.
 - 6.01.5 Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.
 - 6.01.6 Has been convicted of a Misdemeanor or more serious crime.
 - 6.01.7 Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.
 - 6.01.8 Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.
 - 6.01.9 Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
 - 6.01.10 Has violated any GCEC order.

- 6.01.11 Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate.
- 6.02. The plea of guilty or *nolo contendere* in any court, the decision of guilty by any court, the forfeiture by the teaching educator certificate holder of a bond in any court of law, or the written acknowledgment, duly witnessed-of offenses listed below to the school superintendent or a private school principal shall be prima facie proof of grounds for revocation of the certificate as listed below in the absence of proof by the certificate holder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.
- 6.02.1. Obtained or attempted to obtain an educator certificate by fraudulent means.
- 6.02.2 Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
- 6.02.3 Has proved to be incompetent to teach or to perform duties as an employee of the school or to teach in or to operate a private school.
- 6.02.4 Has been guilty of gross immorality or an act involving moral turpitude.
- 6.02.5 Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.
- 6.02.6 Has been convicted of a Misdemeanor or more serious crime.
- 6.02.7 Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.
- 6.02.8 Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.
- 6.02.9 Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
- 6.02.10 Has violated any GCEC order.
- 6.02.11 Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate.

- 6.03 The revocation by the Guam Commission For Educator Certification of an educator certificate of any person automatically revokes any and all Guam educator certificates held by that person.
- 6.03.1 An educator certificate that has been suspended under this section is not automatically reinstated at the end of the suspension period. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application and by meeting the certification requirements of GCEC at the time of the application for the new certificate.
- 6.03.2 A person whose educator certificate has been revoked under this section may apply for a new certificate at the expiration of that period of ineligibility fixed by GCEC by meeting the current certification requirements at the time of the application for the new certificate.
- 6.04 An individual whose license has been revoked or suspended shall not serve as a volunteer, a coach, or be employed as an educator, paraprofessional, aide, substitute teacher, or in any other position directly related to student supervision, during the period of his or her revocation or suspension.
- 6.05 The reinstatement of an educator certificate shall comply with Appendix B.
- 6.06 ~~The GDOE, Catholic School, and DODEA superintendents, or any Guam school principal~~ All Guam school superintendents, administrators and principals are encouraged to report to GCEC the name of any certified educator:
- 6.06.1 Who has been convicted of, or who has pled *nolo contendere* to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;
- 6.06.2 Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation as delineated in 3.12 or suspension;
- 6.06.3 Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.
- 6.07 Any certified administrator / principal who knowingly fails to report to GCEC a teacher, paraprofessional, or other educator who has been accused of misconduct for unethical behavior will forfeit his / her administration certification from GCEC for a period to time determined by the Commission based on the severity of the unethical behavior.
- 7.0 Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations and Appeals**

- 7.01 In considering and investigating complaints brought before it, GCEC shall follow the procedures set forth in *Appendix A* to these rules, which are hereby fully incorporated into these rules as if fully set forth herein.
- 7.02 In the case of an appeal, GCEC shall follow the procedures set forth in 5 GCA Ch. 9 Article 2 related to hearings.

8.0 Power of Subpoena

- 8.01 In all investigations and disciplinary proceedings, the Commission is authorized to issue subpoenas as provided for by law to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidentiary material. Petitions for the issuance of subpoenas shall be filed with the hearing officer, if one has been appointed.

9.0 Severability Clause

- 9.01 If any provision of this rules and regulations or the application of any provision to any person or circumstance, is held invalid or determined to be contrary to federal or other laws governing the certification educators, the remainder of the rules and regulations shall be given effect without the invalid provision or application.

**Procedures for the Investigative Process and
Final Determination of Alleged Ethics Violations**

1. Complaint Received by GCEC:

- a. A notarized written *complaint* will be deemed a request to investigate, when filed with the Secretary of the Commission (Executive Director). All complaints made shall include the following: the name and address of the complainant and the accused, and a statement of the complaint with facts supporting the allegation.
- b. The Ethics Review Sub-Committee (hereinafter referred to as the "Sub-Committee"), composed of voting members of the Commission as identified by the Chairperson, determines whether to investigate, within five (5) working days upon receipt of complaint by the Executive Director.
- c. When appropriate, GCEC will provide a copy of the complaint to the school administrator where the educator is employed.
- d. A letter to complainant about disposition of complaint may be sent via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server.
- e. A letter may be sent to appropriate school administrator (at the discretion of the Executive Director), if necessary, about disposition of complaint via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server.
- f. The following will automatically go to the Ethics Review Sub-committee to open an investigation:
 - i. An affirmative answer concerning criminal or ethical violations on an application.
 - ii. Confirmation from the Guam Police Department or the FBI, regarding criminal convictions.

2. Investigation Initiated by GCEC

- a. If the Ethics Review Subcommittee determines that an investigation is warranted, a letter will be sent to the educator requesting additional information/statement. This letter will be sent via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server. This letter will notify the educator of the hearing date which will be at least sixty (60) calendar days from the date of receipt.
- b. An investigation will be conducted by the Ethics Officer of the Ethics Review Subcommittee's determination to proceed.
- c. An investigative summary will be sent to the Ethics Review Sub-Committee within seven (7) calendars of completion of investigation.

3. Proposed Action or Hearing

- a. "Notice of Proposed Action Letter" notifying the educator of the proposed GCEC action and the reason for the proposed action (which will be based on the investigation) will be sent within twenty-one (21) calendar days of hearing date.
- b. The educator may consent to the proposed action or may avail themselves of the scheduled hearing before the Ethics Review Sub-Committee of GCEC.
- c. If an educator consents to the proposed action, they must do so in writing, transmitted to the GCEC (as indicated in the "Notice of Proposed Action Letter"), within ten (10) calendar days of receipt of the "Notice of Proposed Action Letter."
- d. If an educator does not attend the scheduled hearing, the subcommittee will continue the process and the proposed action becomes a final decision confirmed by GCEC.

4. Evidentiary Hearing Procedures of the GCEC Ethics Review Sub-Committee

- a. The educator shall be notified in writing of the deadline by which the educator must submit items to the Ethics Review Sub-committee for consideration. The educator shall be notified via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server.
- b. The GCEC Ethics Officer and the educator (or his/her attorney) shall present their cases to the Ethics Review Sub-committee.
- c. Each party will have the opportunity, should it so choose, to make an opening statement. The statement shall be no longer than fifteen (15) minutes in length. The

chairperson of the Ethics Review Sub-committee may grant additional time to either or both parties, if necessary.

- d. Any written documents, photographs or any other items of evidence may be presented to the Ethics Review Sub-committee with the permission of the Chairperson. The items of evidence shall be marked as either "GCEC Exhibit Number 1(et seq.)" or "Educator's Exhibit Number 1 (et seq.)." After an item of evidence has been allowed to be presented to the hearing Ethics Review Sub-committee by the Chairperson, the introducing party shall give copies to all Ethics Review Sub-committee members and one (1) copy for GCEC's records.
- e. After one party has questioned a witness, the other party shall have the same opportunity. All witnesses shall testify under oath.
- f. Members of the Ethics Review Sub-Committee shall also have the opportunity to ask questions of any witness or any party.
- g. While the scope of each party's presentation ultimately lies within the chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.
- h. After the educator has made a closing statement, which shall be no longer than fifteen (15) minutes, or waived the opportunity for the same, the GCEC Ethics Officer shall have up to fifteen (15) minutes to make his/her closing statement, if desired. The chairperson of the Ethics Review Sub-committee may grant additional time to either or both parties, if necessary.
- i. The entire Evidentiary Hearing shall not exceed eight (8) hours. The chairperson of the Ethics Review Sub-committee may grant additional time, if necessary.
- j. After closing statements have been made, or the opportunity to make them has been waived, the Ethics Review Sub-Committee may orally announce its decision. Alternatively, the Ethics Review Sub-Committee may take the case under advisement and render a written decision at a later time.
- k. A written decision reflecting the hearing Ethics Review Sub-committee's final decision and recommendation shall be promptly prepared for the signature of the Ethics Review Sub-committee chair. A copy of the decision and recommendation shall be timely transmitted to the educator through a certified letter, and the GCEC chairperson.
- l. The educator shall have fifteen (15) calendar days from the receipt of the decision and recommendation to appeal the Ethics Review Sub-committee's decision to the GCEC chair. Should the educator not file an appeal within the previously-referenced time period, the decision of the Ethics Review Sub-committee shall become non-appealable.

Procedures for the Reinstatement of Educator Certificates

1. **Guidelines for Consideration of Certification Restoration Applications**
Before an application is considered, the applicant must prove that the cause no longer exists. Restoration of a suspended or revoked certificate is considered on a case by case basis. The burden of proof rests with the applicant. To show that the “cause no longer exists,” an applicant must show why certification should be restored despite the misconduct that resulted in the disciplinary action. An applicant must provide evidence of rehabilitation and fitness to perform the duties authorized by the certificate sought.

GCEC may consider the following in reviewing restoration applications

- a. Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel
- b. Details of the offense(s) which led to the disciplinary action:
 - i. The relationship between the offense and the duties and responsibilities of the education profession.
 - ii. Likelihood of recurrence as shown, for example, by lack of remorse or lack of rehabilitative motivation or potential.
- c. Attempted concealment of misconduct
- d. Prior misconduct of a similar or related nature
- e. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
 - i. Participation in counseling, self-help support groups, community service
 - ii. Gainful employment outside of the education field subsequent to the conduct; and
 - iii. Family and community support as shown, for example, through affidavits or letters of character from leaders of organizations, including religious groups.
- f. Fitness for practice as an educator:
 - i. Continuing education since the discipline was imposed;
 - ii. Opportunities of employment for educational positions.
- g. Any other relevant factors.

2. Reinstatement of Suspended Certificates

- a. Six (6) weeks prior to the expiration of the suspension, the educator may apply to have a suspended educator certificate reinstated. However, no reinstatement will be effective until expiration of the suspension period.
- b. An application for reinstatement of a suspended educator certificate must include:
 - i. An application form for reinstatement
 - ii. A notarized affidavit from the applicant, together with requisite and additional documentation sufficient to establish convincingly that all terms and conditions of the suspension have been met satisfactorily and fulfilled.
- c. The Ethics Officer shall review the application and evidence and then make a recommendation to the Executive Director.
- d. If the Executive Director is satisfied that the terms and conditions have been met successfully, the Executive Director will recommend reinstatement of the suspended certificate to the Commission, which will make a decision at the next meeting.
- e. If the Executive Director is not satisfied the terms and conditions have been met, the Director will make a recommendation to the Commission in executive session to deny reinstatement of the license.
- f. Before taking action on the Executive Director's recommendation, the Commission may schedule a meeting between the educator and the Commission.
- g. If the Commission denies the reinstatement, the Executive Director will provide a copy of the denial to the educator and notice of right to a hearing.
- h. If a suspension of a certificate occurs, the reinstatement must be considered under the current educator requirements.

3. Reinstatement of Revoked Certificate

- a. Any revocation for conviction for crimes listed in 3.12 is permanent and the educator certificate is not eligible for reinstatement.
- b. Application for reinstatement of an educator certificate revoked for any reason other than those cited in 3.12 may be submitted at any time after the period of revocation has expired.
- c. The burden will be on the educator to establish fitness for reinstatement.
- d. The application for reinstatement must include:
 - i. An application form for reinstatement

ii. A personal notarized affidavit attesting that:

1. All the conditions of the order for revocation have been met
2. That the educator has not violated any laws on Guam, including ethical violations related to certification

iii. A police clearance and court clearance.

- e. Any additional documentation, sufficient to establish convincingly that the educator possesses all of the qualifications required for reinstatement of certification. Letters of recommendations from educator colleagues are insufficient alone to establish fitness for reinstatement of certification following a revocation. The educator must provide evidence regarding what proactive steps have been taken to ensure to the Commission that the conduct that resulted in the revocation is highly unlikely to occur again.
- f. Following review of the application for reinstatement pursuant to this section, the Ethics Officer will make a recommendation to the Executive Director.
- g. The Executive Director will make a recommendation to the Commission regarding whether to approve or deny the application.
- h. All decisions to reinstate a revoked certificate will be made by the Commission.
- i. It is entirely at the Commission's discretion whether an educator may meet with the Commission under these circumstances.
- j. This subsection does not grant a right to any applicant to appear before the Commission prior to the Commission's consideration of the application for reinstatement following a revocation.
- k. If the Commission denies the application for reinstatement, the Executive Director will provide a copy of the recommendation of denial to the educator and a notice of right to a hearing.

4. Surrender of Educator Certification

- a. An educator may voluntarily surrender a Guam Educator Certificate prior to its expiration date if the Commission finds that such action is in the best interest of the public.
- b. The surrender of a certificate will not stay an investigation or possible future commission action against the educator.

- c. Where the Commission has grounds for disciplinary action against an educator and the educator offers to surrender the teaching certificate, the Executive Director shall require the educator to stipulate to pertinent facts and to the revocation or suspension of the certificate as a condition of the Commission's acceptance of the surrender of the certificate. All stipulated settlement agreements are subject to the Commission's approval.
- d. If the Commission and the educator cannot agree on a stipulation, the Commission will proceed with disciplinary proceedings.



GFT, AFT Local 1581
Together We Win!

Timothy Fedenko, President
Corazon Mucho, Secretary

Sanjay Sharma, Vice President
James Lujan, Treasurer

December 23, 2014

Honorable Eddie Baza Calvo
Governor of Guam
R.J. Bordallo Governor's Complex
P.O. Box 2950
Hagatna, Guam 96932

Subject: Request to Veto Bill 420-32 - (An Act to approve the Rules and Regulations Governing the Standards for Professional Conduct for Guam Educators.)

Dear Governor Calvo:

Buenas yan Háfa Adai!!! The following are respectfully submitted to you as the Governor of Guam for your consideration regarding Vetoing Bill 420-32, and recommending its return; for a truly Public Hearing,, to the Education Certification Commission. This Veto and return recommendation would then allow for the comments and observations of the "Stakeholders", Guam's Teachers and Administrators and Certification Holders; a group numbering in the thousands; to be received by the Commission regarding this most important piece of Legislation; that directly affects their ability to earn a living and practice their profession.

The Commission's Public Hearing took place on August 7th, 2014; when many "Stakeholders" Teachers and Administrators were off-island as The School-Year was long over, and even Summer School may have been completed. Thus the Stakeholders, those holders of a Teaching Certification who are directly impacted by these proposed Rules of Conduct and Discipline, were not able to have comment or input, and as the ones most effected they ought to have had the opportunity to do so, and the GFT asks the Governor to Veto the Bill, and to thus give the Educators/Stakeholders this opportunity to be heard on these Rules of Conduct and Discipline that apply to them!

It is noted at the outset that a number of the GFT's suggestions were incorporated into the revised Bill 420-32. However, it is submitted that this does not replace the opportunity for the Island's Educators as a whole; both Teachers and Administrators, to provide/submit their input to this most serious and important law; that again literally effects thousands of our people in the Education Profession.

The foregoing being said please consider/review the following specifics:

Page 1, at 2.03, It should apply to all certified teachers; who are actively teaching and not to individuals who merely hold a certification but are inactive or in another field, as the idea is to deal with teachers and Administrators who are interacting with schools and students; does the term "educators" state this, or is it unclear and too vague?

Page 1 of 3

Page 2, at 3.02.1 It is again submitted to be improper to ignore an Appeal in the Judicial System that is ongoing, because the legal system does make errors and it is the function of the Appellate System to correct them, the teacher may be re-assigned etc. but the certification should not be adversely effected until the Justice/legal system has had the opportunity to fully perform its function and the Appellate Process is an integral part of it.

Page 2, 3.09 Here, again we call your attention as to what Community are we referring to as to Standards and there is no reference to reasonable here when we are trying to judge or test the conduct against a Standard; it is just too vague in its language, and we do not want the Commission to become a 21st Century "Star Chamber".

3.13,1 Here too, again we call your attention that there is too much vagueness as to the meaning of Community as to a Standard and the language is too broad and vague for any real understanding and clarity as to meaning.

3.19 It applies to Child by the language, but an adult can date for example a 17s year old legally; so clarify it as to a student, or in violation of Guam Law.

Page 8, Again GFT submits that 4.08.2 and 4.08.3 should be removed as they place a reporting requirement not otherwise required in Guam law to inform and a failure to do so is misconduct. It should be limited to requirements to inform under law such as child abuse, and not make teachers spies and informers on each other for some innocent, but perhaps questionable conduct; as perceived only to that observer as to their own expected conduct; because the teacher may inform on such innocent conduct because one just might interrupt it differently and so he better inform or complain OR he or she themselves risks getting into any trouble under this language!

Page 9, 4.09.1 to .7, Again we urge that you put in the word "intentionally" as to this conduct versus it happening innocently or just by simple accident or simple negligence.

Page 10, 6.01.2 Falls into the category of being vague and turning the educational community into being one of living in and working in a hostile or intimidating one; where if you do not like someone you just report alleged or perceived misconduct, and the failure to report suspected/alleged misconduct is itself cause for discipline; so someone could report on a colleague for not reporting! 6.02.2 is the same genre and should be omitted as a cause for discipline by the Commission, as Guam Law already covers areas for not reporting as applicable and proper.

6.01.6 Again it is submitted that too many incidents could or can be classified as Misdemeanors under Guam Law. The offense level should be changed to Felony.

6.02.4 The section needs clarification as to the Community Standard; so as to clarify for all what standard of conduct is expected; what is gross immorality in conduct to one person may not reach the same standard as to another person's perceptions; it needs clarification; are you making the Commission Guam's Vice Squad ? Are you making the Commission the Arbiter of Guam's Moral Standards??? The section needs a Public Hearing and revision or at least say convicted of these things in a Guam Court of Law.

6.04 Again, it is submitted that prohibiting one from being a volunteer; just because a Teaching

Certification has been revoked is unnecessarily restrictive and beyond the authority of the Commission!

Page 12, 6.06.1 should be changed from Misdemeanor or "any other criminal charge" to only a Felony level charge; it is too broad and all encompassing. Again,. Too many minor items are classified as Misdemeanors, let alone any other criminal charge for one's Professional License, and livelihood, to be at stake, and Felony Level Crimes are the more serious ones by definition under Guam Law.

6.06.2 With all the various grounds for suspension or revocation this section makes all liable for not reporting who knows what. Some items like child abuse etc. yes, that is Guam Law, but this section is wide open and undefined as to what to report to turn-in your colleague.

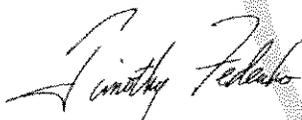
6.06.3 Has the problem concerning conflicting Jurisdiction. It should be changed to reference that Commission action only be undertaken after any Adverse Action Proceedings before the Civil Service Commission have been completed, and the Civil Service Commission's Judgment has been finalized, as otherwise you create conflicting Jurisdictions.

6.06.3 Also has the problem of not setting forth what Community Standards the Educator or Administrator is to be held to. It does not say the person has been found guilty of such conduct by a court of law; so who decides if the conduct is immoral, or unnatural or a Lascivious Act? Is it the Education Certification Commission??? And if that is how it is to be read, who are the Commission Members and what are their qualifications to judge such conduct; that can cause an Educator to lose his or her Teaching Certification ?

Bill 420-32 needs further revision and input; so it is respectfully requested, on behalf of all who hold Teaching Certifications, that Bill 420-32 be vetoed, and not be signed into law in its present form.

GFT is submitting herewith signed petitions urging your veto of Bill 420-32 and returning it to allow the "Stakeholder" to provide their input in a true Public Hearing.

Respectfully submitted,



Timothy Fedenko
President

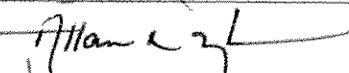
PETITION TO URGE GOVERNOR CALVO TO VETO BILL 420-32 ON EDUCATOR PROFESSIONAL CONDUCT

We, the undersigned, urge Governor Eddie Calvo to veto Bill 420-32 regarding Educator Professional Conduct. We respectfully recommend that Bill 420-32 be returned to the Guam Commission for Education Certification for a true Public Hearing to allow input from its stakeholders - Guam's Public School Teachers, Administrators and Certification Holders.

PRINT	SIGNATURE	DATE	CONTACT INFO
Michael Bailey		19 Dec 2014	828 8783
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Carl Frandster		19 Dec 14	
Philip Patricia		19 Dec. 14	
YVONNE TAM		12-19-14	365-0576
ROBERT YOUNG		12/19/14	997-3467
JOEY NEFA		12/19/14	565 2845
Kayoleo Keshima		12/19/14	685-6934
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Tom HARPER		19 Dec	477-4011
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J. Gallego		12/19/14	729-1512 H)
David Dingcong		12/19/14	687-5611
	Sharon Rivora	12/19/14	300-4867
Rose F. Castro		12/19/14	300-4956

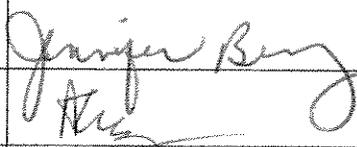
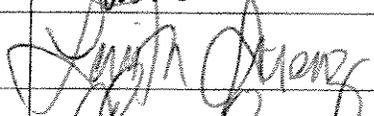
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Ana Sgambelluri		12/19/14	727-2167
Dolores T. Anderson		12/19/14	887-9461
Maria Elisa Reyes		12-19-14	300-4861
Michelle Sakaba		12-19-14	565-2238 x5954
ALLAN ZIEGLER		12-19-14	482-1274
Melissa LoMenas		12/19/14	788-6158
John Kitcher		12/19/14	479-2112
Bonifacio Caracay		12/19/14	479-2103
Brian Chazacalt		12/19/14	479-2103
Joseph DeArmas		12/19/14	483-3332
Leona Agnon		12/19/14	300-4995
Charissa Manibasan		12/19/14	789-2655
Doreen Bamba		12/19/14	479-2103
Victor Snyder		12/19/14	487-1614
Joyce Soa		12/19/14	588-9662

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PRINT	SIGNATURE	DATE	CONTACT INFO
Raymond Mantanona		12/19/14	688-7595
Barbara Ann Rosario		12/19/14	688-2416
Jennifer Berry		12/19/14	483-6161
Anita Cruz		12/19/14	300-4871
Erwin Mambusan		12/19/14	300-4060
Lenith Atienza		12/19/14	787-9280
Christina San Nicolas		12/19/14	482-9749
Strell De Vera		12/19/14	487-0407
Sharon River		12/19/14	300-4867
Jason Acfake		22 DEC 14	482-2227
Connie Mallada		12/22/14	565-6261
Lenith Atienza		12/22/14	787-9280
BRIAN HOWARD		12/22/14	479-2102
Christian Camacho		12/22/14	689-1119
Leodith Abinales		12/22/14	487-0781
Connie Aballe		12/22/14	929-1863

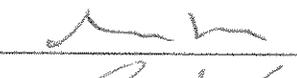
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PRINT	SIGNATURE	DATE	CONTACT INFO
Santos, Frances Y		12/19/2014	653-2313
Sanchez, Hester		12/19/2014	653-2313
FLORES, Arlene Mae		12/19/2014	653-2313
Baynum Andri		12-19-14	653-2313
Aguon, Patrick		12-19-14	653-6167
Roberto, Barbara		12.19.14	653-2313
Riva, Josephine		12-19-14	653-2313
Mesa, John J.		12-19-14	300-3517
Oliveros, Sharon		12/19/14	653-3518
Vanessa Quintanilla		12/19/14	653-2313
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Madeline Gomez		12/19/14	300-3531
Juanito P. Serrano		12/19/14	301-3531
Aguino, Rita		12/19/14	488-77482
Abaf, Batsch		12/19/14	653-3113

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C. Ulberano		12-19-14	653-2313
G. Pee		12-19-14	653-2313
A. Whitaker		12/19/14	653-2313
YONEX BUAS		12/19/14	653-2313
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Jeannette Mesa		12/19/14	484-5566
Joanna Payumo		12-19-14	653-2313
Monica Flis		12-19-14	482-6818
Vernon Kamiaz		12-19-14	653-2313
Audrey Perez		12/19/14	
Lucretia Hill		12/19/14	653-2313
MONICA AGUIAR		12/19/14	653-2313

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PRINT	SIGNATURE	DATE	CONTACT INFO
A. RESURRECCION	<i>A. Resurreccion</i>	12/22	487-1663
A. Flores	<i>A. Flores</i>	12/22/14	688-0360
L. Cruz	<i>L. Cruz</i>	12/22/14	488-3272
J. Aguon	<i>J. Aguon</i>	12/22/14	487-8427
K. Rico	<i>K. Rico</i>	12/22/14	988-3226
A. Das Reyes	<i>A. Das Reyes</i>	12/22/14	777-013
L. Bayonito	<i>L. Bayonito</i>	12/22/14	777-6854
G. Taimanglo	<i>G. Taimanglo</i>	12/22/14	777-4936
J. Terrel	<i>J. Terrel</i>	12/22/14	483-3103
L. CALMA	<i>L. Calma</i>	12/22/14	689-7010
B. Luant	<i>B. Luant</i>	12/22/14	488-5365
J. Quitano	<i>J. Quitano</i>	12/22/14	488-6063
G. Jones	<i>G. Jones</i>	12/22/14	888-6621
B. Alforque	<i>B. Alforque</i>	12/22/14	787-2419
J. Perez	<i>J. Perez</i>	12/22/14	707-1446
E. Paulino	<i>E. Paulino</i>	12/22/14	687-9967
R. RESTUROS	<i>R. Resturos</i>	12/22/14	688-9941

PETITION TO URGE GOVERNOR CALVO TO VETO BILL 420-32 ON EDUCATOR PROFESSIONAL CONDUCT

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PRINT	SIGNATURE	DATE	CONTACT INFO
Lailani P. Guerrero		12/22/14	929-5875
Mark Pacheco		12/22/14	487-5289
FRITZIE REYES		12/22/14	483-2704
Caroline Cordines		12/22/14	788-1436
Roy R. Ausec		12-22-14	486-0941
DOMINIC OCHUPE		22 DEC/14	788-2530
JEANETTE TAMBORA		12/22/14	788-9261
Arvin Novelo		12/22/14	483-1611
JOHNNYRE ZAOWA		12/22/14	488-2332
Camile Marquez		12/22/14	486-9297
JAMIE ZAPANTA		12/22/14	488-2867
Ryann Pagarido		12/22/14	486-0115
MARY TAITANO		22 DEC 14	488-6433
Jamie Mendoza		12/22/14	488-8664
Aubry M. Hocag		12/22/14	777-5570
Kayla S. Shoemaker		12/22/14	688-3457
Jocelyn BORTA		12/22/14	797-9959
Jennifer Santos		12/22/14	988-7012

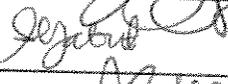
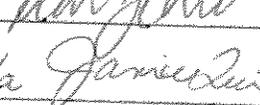
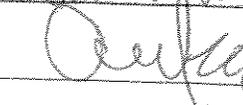
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PRINT	SIGNATURE	DATE	CONTACT INFO
Marie E. Mend	Marie E. Mend	12/22/14	828-6326
Estella Saloma	[Signature]	12/22/14	486-7412
Trinidad S. Mucke	Trinidad S. Mucke	12/22/14	486-8451
Joeselle S. Diaz	[Signature]	12/22/14	929-6973
Jeanne Claverton	Jeanne Claverton	12/22/14	686-8002
Clara Gill	[Signature]	12/22/14	505-2195
Evelyn Topasna	[Signature]	12/22/14	689-9455
Susan Unpingco	[Signature]	12/22/14	489-8799
Tutia S. Tajera	Tutia S. Tajera	12/22/14	989-9358
Amber Ritter	[Signature]	12/22/14	488-2995
Christina Sablan	[Signature]	12/22/14	489-3840

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PRINT	SIGNATURE	DATE	CONTACT INFO
Antonia S. Taitano		12/22/14	487-2256
Jolene Somera		12/22/14	480-2580
Jamie Feguogur		12/22/14	797-2679
Shirleen Yabut		12/22/14	787-7988
Laura Kho		12/22/14	653-9282
Elizabeth Tajeron		12-22-14	988-7719
Star Taitano		12/22/14	797-3528
Debra H. Deba		12/22/14	483-6637
Vaughn B. Bousa		12/22/14	488-1598
Kimberly Tavares		12/22/14	483-2015
Janice Evangelista		12/22/14	482-6094
Haani Quintana		12/22/14	998-2261
Janice Quintanilla		12/22/14	689-0673
Yolanda Rosal		12/22/14	653-0404
FEMELINE WESAWAN		12-22-14	487-6937
Anderson, PAH		12-22-14	653-0606

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PRINT	SIGNATURE	DATE	CONTACT INFO
JANADARLYN MENDOLA		12.22.14	653-2044
Roberto Arenal		12/22/14	6532111
ARLENE C. S. DIAZ		12/22/14	483-6426
DALLAS TAIGERON		12/22/14	988-7654
CHRISTIAN BALS		12/22/14	488-0763
Geraldine S. Quitano		12/22/14	477-9078
Claire MC. Santos		12.22.14	488-3337
Jeanalyn Q. Bernante		12-22-14	727-6716
Sora Corpuz		12/22/14	482-9755
Josephine Medler		12/22/14	483-2790
Cynthia Rowland		12/22/14	653-0278
Blas, Cruz		12/22/14	
Joseph Pangelinan		12/22/14	727-4041
Vivian S. Cruz		12/22/14	777-6497
Adrian R Cruz		12/22/14	
Velina B. Guichot		12/22/14	482-0162

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PRINT	SIGNATURE	DATE	CONTACT INFO
LEONORA Balajadia		12/22/2014	653-1247
GERALD W B NUCUM		12/22/14	637-1920
CHONA ESPERON		12/22/14	787-5211
Katherine L. Caguin		12/22/14	632-4792
Erna Jimenez		12/22/14	482-6570
Valerie I Biliba		12/22/14	787-1224
Dianna Hope T. West		12/22/14	483-9378
Andrina Palomo		12/22/14	687-6060
Kevin Cruz		12-22-14	777-6992
Ceria Santos		12/22/14	689-3312
Maria Blaz		12-22-14	487-3802
Kirstine C. Jones		12-22-14	483-5020
Misty Flemming		12/22/14	482-4389
Evangeline Bogro		12/22/14	689-3168
Francisco BLANCO		12/22/2014	800-5489
EAMONN SOLL		12/22/14	687-2470

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PRINT	SIGNATURE	DATE	CONTACT INFO
URTinglengos		12/19/14	482-7338
STEPHAN LUGAN		12-19-14	678-0644
Marie Arevalo		12-19-14	488-7324
Marlene Babels		12-19-14	565-2238
Francine Cruz		19 Dec 2014	565-2238
Tina Brendichu		12-19-14	565-2238
Joan Susuico		12-19-14	488-5387
Erme Sompa-		12-19-14	565-2238
Lelian Espinoza		12-19-14	689-1914
Iorena Fernandez		12/19/14	565-2238
Luis FCABER		12/19/14	HERN NO! 689-6203
Brenda Baudista		12/19/14	486-8830
Rebecca North		12-19-14	565-6480
Arceñita Arceñita Franchino		12-19-14	489-2067
Sonia Fonseca		12-19-14	685-5771
Alvin King		12-19-14	868-2902

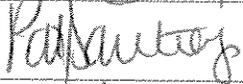
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PRINT	SIGNATURE	DATE	CONTACT INFO
ZENaida H. SANTOS	Zenaida H Santos	12/19/2014	632-1767
JOHN CARPENTER	John Carpenter	12/19/2014	472-8063
EFREN B. SANTOS	Efren B. Santos	12-19-14	898-0060
JOHANN M. OSIBG	Joselito Osibg	12-19-14	797-0910
PAMELA OSIBG	Pamela Osibg	12-19-14	472-8357
RINA PELAYO	Rinapelayo	11	487-3900
Estela Gapas	Estela Gapas	12/19/14	646-4534
Maureen Lujan	Maureen Lujan	12/19/14	632-4897
JENNIFER TORRES	Jennifer Torres	12/19/14	642-2100
JOHN M. WISE	John M. Wise	12/19/14	482-1003
Ruth Tacuyan	Ruth Tacuyan	12/19/14	649-0472
EDNA ACUNA, MD	Edna Acuna, MD	12/19/14	929-9945
Elizabeth Reed	Elizabeth Reed	12-20-14	565-3621
RICHARD REED	Richard Reed	12-20-14	565-3621
ANNIE REYES	Annie Reyes	12-22-14	488-1998
Francis Taitingfong	Francis Taitingfong	12-22-14	686-9518

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PRINT	SIGNATURE	DATE	CONTACT INFO
Katrine Bara		12/19/14	688-5730
Angela Newland		12/19/14	565-2238
Jaqueline Reyes		12/19/14	565-2238
Charlene Lobato		12/19/14	565-2238
Cheryl Cruddas		12/19/14	565-2238
Dorothy Bascon		12/19/14	565-2238
Eileen Newland		12-19-14	565-2238
Joseph Castro		12-19-14	787-9593
Krystle D. Evans		12/19/14	488-6458 (C)
Lisa Meeks		12/19/14	565-2238
Kristy Quinata		12/19/14	565-2238
Pat Santaros		12/19/14	486-7010
Michelle Sakob		12/19/14	787-5471
Amar M. V. Suro		12/19/14	565-2238
Diana Pagarido		12/19/14	565-2238
Maria McDonald		12/19/14	488-4855



FILE

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY-THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

January 9, 2015

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

lyoa
RECEIVED BY
TIME 2:30 DATE 1/9/15

Relative to the Certification of Passage of Substitute Bill No. 420-32 (COR).

Dear *Maga'lahi* Calvo:

It has just come to my attention that the wrong Exhibit was transmitted to you for Substitute Bill No. 420-32 (COR), "AN ACT TO APPROVE THE GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC) RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS; AND TO ADD A NEW § 27008.1 AND A NEW SUBSECTION (i) TO § 27008, ALL OF CHAPTER 27 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SUBPOENA AND INVESTIGATIVE POWERS OF THE GCEC," which was on the 17th day of December, 2014, duly and regularly passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan*. This error was strictly a reproduction error during transmittal. The correct Exhibit 1 for Bill 420-32 (COR) as certified passed by I Liheslaturan Guåhan is transmitted herewith, notwithstanding adjournment *sine die* of the 32nd Guam Legislature.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC)**RULES GOVERNING THE STANDARDS OF PROFESSIONAL
CONDUCT FOR GUAM EDUCATORS****1.0 Title**

- 1.01 These rules shall be known as the Guam Rules Governing the Standards of Professional Conduct for Guam Educators.

2.0 Purpose

- 2.01 The purpose of the Rules Governing the Standards of Professional Conduct for Guam Educators is to define standards of professional conduct and to outline procedures for investigations and enforcement of the Standards.
- 2.02 The professional, ethical educator contributes to the development and maintenance of a supportive student-centered learning community that values and promotes human dignity, fairness, care, and the greater good and individual rights. These values are the ethical premises for the Standards of professional behavior and ethical decision-making established in this *Standards of Professional Conduct for Guam Educators*. By establishing Standards of ethical conduct, this code promotes the health, safety, and general welfare of students and educators and ensures the citizens of Guam a degree of accountability within the education profession.
- 2.03 All certificated educators are subject to these rules and regulations.

3.0 Definitions

For the purposes of these rules, the following terms mean:

- 3.01 **Child** means a person under the age of 18 years.
- 3.02 **Complaint** may be filed with the Guam Commission For Educator Certification (GCEC) by any interested party within one year from the date of the alleged misconduct. If the alleged misconduct is of a continuing nature then the complaint must be filed within one year from the last date on which the conduct occurred. Complaints involving sexual abuse or exploitation of a child or student may be filed up until three years after the student reaches 18 years of age.

Complaints filed with the Guam Commission For Educator Certification must be in writing with the name, address, a statement of the complaint with the facts supporting the allegation, and must be signed by the complainant (parent, educator, superintendent, principal, interested party) and notarized.

- 3.02.1 **Conviction** includes a plea of guilty or a plea of *nolo contendere* accepted by any Court, or a finding or verdict of guilty, regardless of whether an appeal of the conviction has been sought.
- 3.03 **Discipline** shall mean any of the following:
- 3.03.1 Private reprimand
 - 3.03.2 Public reprimand
 - 3.03.3 Suspension
 - 3.03.4 Revocation
 - 3.03.5 Surrender
 - 3.03.6 Supplemental Sanctions
- 3.04 **Dispositions** are the values, commitments, and professional ethics that influence behaviors toward students, families, colleagues and communities and affect student learning, motivation, and development as well as the educator's own professional growth. Dispositions are guided by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.
- 3.05 **Educator** is a teacher, administrator or other education personnel who has been issued an Educator Certificate by the Guam Commission For Educator Certification.
- 3.06 **Educator Certificate** refers to the certificate issued by Guam Commission For Educator Certification.
- 3.07 **Eligible Students** are those students 18 years or older who continue to attend school at the high school level.
- 3.08 **Harassment, Intimidation, or Bullying** means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission or the education of any pupil. "Harassment, intimidation, or bullying" includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.
Cyberbullying means the use of any electronic communication device to harass, intimidate or bully as defined in the above Paragraph.
- 3.09 **Immoral** conduct is conduct or behavior which is contrary to commonly accepted moral or ethical standards and endangers the health, welfare, safety or education of any student.

- 3.10 **Incompetency** is a documented pattern of inadequate performance of duties or the lack of ability, legal qualifications or fitness to discharge required duties, and which endangers the health, welfare, safety or education of any student.
- 3.11 **Intemperance** is a documented loss of self-control or self-restraint, which may result from excessive conduct.
- 3.12 **Mandatory revocations** include the following:
- 3.12.1 Criminal Homicide (As defined in Title 9 Guam Code Annotated)
 - 3.12.2 Criminal Sexual Conduct (As defined in Title 9 Guam Code Annotated)
 - 3.12.3 Aggravated assault (As defined in Title 9 Guam Code Annotated)
 - 3.12.4 Kidnapping (As defined in Title 9 Guam Code Annotated)
 - 3.12.5 Solicitation of Children and Child Pornography (As defined in Title 9 Guam Code Annotated)
 - 3.12.6 Incest (As defined in Title 9 Guam Code Annotated)
 - 3.12.7 Indecent Exposure (As defined in Title 9 Guam Code Annotated)
 - 3.12.8 Stalking (As defined in Title 9 Guam Code Annotated)
 - 3.12.9 Child Abuse (Felony) (As defined in Title 9 Guam Code Annotated)
 - 3.12.10 Robbery (As defined in Title 9 Guam Code Annotated)
 - 3.12.11 Burglary (As defined in Title 9 Guam Code Annotated)
 - 3.12.12 Falsifying Official Records
 - 3.12.13 Forgery (As defined in Title 9 Guam Code Annotated)
 - 3.12.14 Theft (Felony) (As defined in Title 9 Guam Code Annotated)
 - 3.12.15 Fraud (As defined in Title 9 Guam Code Annotated)
 - 3.12.16 A Finding of INSANITY by any Federal or any Local Court
- 3.13 **Moral turpitude** includes the following:
- 3.13.1 That element of personal misconduct in the private and social duties which a person owes to his / her fellow human beings or to society in general, which characterizes the act done as an act of baseness, vileness or depravity, and contrary to accepted and customary rule of right and duty between two human beings and endangers the health, welfare, safety or education of any student.
 - 3.13.2 Conduct done knowingly contrary to justice, honesty or good morals and endangers the health, welfare, safety or education of any student.
 - 3.13.3 Intentional, knowing or reckless conduct causing bodily injury to another or intentional, knowing or reckless conduct which, by physical menace, puts another in fear of imminent serious bodily injury.
- 3.14 **Negligence** is continuing or persistent action or omission in violation of a duty that is documented.

- 3.14.1 Duty may be established by law, by promulgated school rules, policies or procedures, by express direction from superiors or by duties of professional responsibility.
- 3.15 **Reinstatement** is restoring the rights, privileges and authority previously suspended or revoked.
- 3.16 **Reprimand** is a written admonishment from the Guam Commission For Educator Certification to the certificate holder for his or her conduct. A private reprimand or a public reprimand does not invalidate an educator's certification but may be used against an educator in a subsequent proceeding should future conduct warrant additional discipline. The written reprimand cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the licensure file of the educator. Notice of a private reprimand shall not be communicated or released to the public. The Commission must expunge all records of an educator pertaining to a private reprimand after two (2) years, as long the offense do not reoccur. Notice of a public reprimand shall be posted on the GCEC website. In addition, the public reprimand is reported to other state jurisdictions through the NASDTEC national clearinghouse.
- 3.17 **Revocation** is the permanent invalidation of any educator certification held by the educator. Notice of a revocation shall be posted on the GCEC website. In addition, the revocation is reported to other state jurisdictions through the NASDTEC national clearinghouse
- 3.18 **Sexual abuse or exploitation** shall mean the employment, use, persuasion, inducement, enticement or coercion of a child or student to engage in or assist any other person to engage in any sexually explicit conduct or a simulation of any sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or other forms of sexual exploitation of children or students.
- 3.19 **Sexual misconduct** shall mean any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with a child or student. Such prohibited acts include, ~~but are not limited to,~~ the following:
- 3.19.1 Sexual or romantic invitations;
 - 3.19.2 Dating or soliciting dates;
 - 3.19.3 Engaging in sexualized or romantic dialogue (verbally, emails, or texting);
 - 3.19.4 Making sexually suggestive comments;

- 3.19.5 Self-disclosure or physical exposure of a sexual, romantic or erotic nature;
or
- 3.19.6 Any sexual, indecent, romantic or erotic contact with the child or student.
- 3.20 **School-sponsored activity** is any event or activity sponsored by the school or school system which includes but is not limited to athletic events, booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, whether on school-campus or not or on off-island trips.
- 3.21 **Student** is any individual enrolled in a Guam school from pre-kindergarten through grade 12.
- 3.22 **Supplemental sanctions** shall mean private or public sanctions that focus on remediation or restitution, including, but not limited to, fees, prescribed coursework, evaluations, treatment plans, impaired educator programs or other corrective action plans.
- 3.23 **Surrender** shall mean the voluntary termination of a certificate whenever the surrender occurs at any time after the issuance of the certificate. Notice of a surrender shall be posted on the GCEC website. In addition, the surrender is reported to other state jurisdictions through the NASDTEC national clearinghouse
- 3.24 **Suspension** is the temporary invalidation of any educator certificate for a period of time specified by the Guam Commission For Educator Certification. The term of the certificate will remain the same. Notice of a suspension shall be posted on the GCEC website. In addition, the suspension is reported to other state jurisdictions through the NASDTEC national clearinghouse.
- 3.25 **Warning** is a written communication from the Guam Commission For Educator Certification to the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action and shall become a permanent entry in the certification file of the educator. The Commission must expunge all records of an educator pertaining to a warning after one (1) year, as long the offense does not occur. Notice of a warning shall not be communicated or released to the public.

4.0 Standards of Professional Conduct

The Standards of Professional Conduct are set forth as follows:

- 4.01 **Standard 1: Legal Compliance** - An educator shall abide by all federal and Guam laws and statutes. Unethical conduct includes but is not limited to the commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking,

sale, or possession of a controlled substance, illegal or unauthorized drugs, or any other laws applicable to the profession.

- 4.02 **Standard 2: Conduct with Students** - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes ~~but is not limited to~~:
- 4.02.1 Committing any act of child abuse;
 - 4.02.2 Committing any act of child endangerment;
 - 4.02.3 Committing any sexual act with a student or soliciting such from a student;
 - 4.02.4 Engaging in or permitting harassment of or misconduct toward a student that would violate a federal or Guam law;
 - 4.02.5 Soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
 - 4.02.6 Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student;
or
 - 4.02.7 Failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision, including ~~but not limited~~ school grounds, school functions to ~~and~~ and the educator's residence ~~or any other setting~~.
- 4.03 **Standard 3: Alcohol or Drugs** - An educator shall refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes ~~but is not limited to~~:
- 4.03.1 Being on school premises or at a school-related activity while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
 - 4.03.2 Being on school premises or at a school-related activity involving students while under the influence of, possessing, or consuming alcohol. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum, off-island trips).
- 4.04 **Standard 4: Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes ~~but is not limited to~~, falsifying, misrepresenting or intentionally omitting:

- 4.04.1 Professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
 - 4.04.2 Information submitted to federal, the Guam Department of Education, DODEA (U.S. Department of Defense Education Activity), other governmental agencies and Guam private and charter schools;
 - 4.04.3 Information regarding the evaluation of students and/or personnel;
 - 4.04.4 Reasons for absences or leaves;
 - 4.04.5 Information submitted in the course of an official inquiry/investigation; and,
 - 4.04.6 Information submitted in the course of professional practice.
- 4.05 **Standard 5: Public Funds and Property** - An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes ~~but is not limited to~~ knowingly and intentionally:
- 4.05.1 Misusing public or school-related funds;
 - 4.05.2 Failing to account for funds collected from students or parents;
 - 4.05.3 Submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
 - 4.05.4 Co-mingling public or school-related funds with personal funds or checking accounts; and
 - 4.05.5 Using school property without the approval of school authorities or authorized designee.
- 4.06 **Standard 6: Remunerative Conduct** - An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes ~~but is not limited to~~:
- 4.06.1 Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by school authorities or authorized designee;
 - 4.06.2 Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
 - 4.06.3 Tutoring students assigned to the educator for remuneration unless approved by the school authority or authorized designee; and
 - 4.06.4 Coaching, instructing, promoting athletic camps, summer leagues, that involve students in an educator's school system and from whom the

educator receives remuneration unless approved by school authorities or authorized designee.

4.06.5 Conduct prohibited by Title 4 G.C.A. §15201, §15203, §15204, §15205, §15206.

4.07 **Standard 7: Confidential Information** - An educator shall comply with Guam and federal laws and school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes ~~but is not limited to:~~

4.07.1 Sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;

4.07.2 Sharing of confidential information restricted by Guam or federal law;

4.07.3 Violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or directions for the use of tests or test items; and

4.07.4 Violation of other confidentiality agreements required by Guam.

4.08 **Standard 8: Required Reports** - An educator shall file reports of a breach of one or more of the Standards of Professional Conduct for Educators, child abuse or any other required report. Unethical conduct includes ~~but is not limited to:~~

4.08.1 Failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission;

4.08.2 Failure to make a required report of a violation of one or more Standards of Professional Conduct for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner; and

4.08.3 Failure to make a required report of any violation of Guam or federal law as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: murder; voluntary manslaughter; aggravated assault; aggravated battery; kidnapping; any sexual offense; any sexual exploitation of a minor; any offense involving a controlled substance,

illegal, or unauthorized drugs; and any abuse of a student if an educator has reasonable cause to believe that a student has been abused.

- 4.09 **Standard 9: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the teaching profession. Unethical conduct includes ~~but is not limited to~~

:

- 4.09.1 Any behavior or conduct detrimental to the health, welfare, discipline, or morals of students;
- 4.09.2 Any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position;
- 4.09.3 Knowingly and intentionally denying or impeding a colleague in the exercise or enjoyment of a professional right or privilege in being an educator;
- 4.09.4 Knowingly and intentionally distorting evaluations of colleagues;
- 4.09.5 Harassing, sexually harassing, intimidating, bullying and cyber-bullying a fellow employee;
- 4.09.6 Using coercive means or promising special treatment to influence professional decisions of colleagues; or
- 4.09.7 Threatening, coercing, or discriminating against a colleague who in good faith reports or discloses to a governing agency actual or suspected violations of law, regulations or standards.

- 4.10 **Standard 10: Testing** - An educator shall administer Guam mandated assessments fairly and ethically. Unethical conduct includes ~~but is not limited to~~:

- 4.10.1 Committing any act that breaches Test Security; and
- 4.10.2. Compromising the integrity of the assessment.

5.0 Reporting

- 5.01 Educators should be aware of legal requirements and local policies and procedures for reporting unethical conduct. Complaints filed with the Guam Commission For Educator Certification must be in writing with the name, address, a statement of the complaint with the facts supporting the allegation, and must be signed by the complainant (parent, educator, superintendent, principal, interested party) and notarized.
- 5.02 The Commission notifies school and appropriate Guam officials of all disciplinary actions.
- 5.03 The Commission will make all decisions of final disciplinary actions imposing discipline, other than a private reprimand, available to the public on-line through

the GCEC website. Suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

- 5.04 Reports will be accepted when this rules and regulations are enacted into law. Reports for prior incidences will not be addressed.

6.0 Disciplinary Action

The Guam Commission For Educator Certification; authority to discipline:

- 6.01 The Guam Commission For Educator Commission may suspend the educator certificate of any person for up to 5 years, after which time the certificate may be reinstated; may revoke the educator certificate of any person for up to 10 years, after which time the certificate holder must reapply for certification; may revoke permanently the educator certificate; or may impose any other penalty provided by law, if the person:
- 6.01.1 Obtained or attempted to obtain an educator certificate by fraudulent means.
 - 6.01.2 Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
 - 6.01.3 Has proved to be incompetent to teach or to perform duties as an employee of the school or to teach in or to operate a private school.
 - 6.01.4 Has been guilty of gross immorality or an act involving moral turpitude.
 - 6.01.5 Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.
 - 6.01.6 Has been convicted of a Misdemeanor or more serious crime.
 - 6.01.7 Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.
 - 6.01.8 Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.
 - 6.01.9 Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
 - 6.01.10 Has violated any GCEC order.

- 6.01.11 Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate.
- 6.02. The plea of guilty or *nolo contendere* in any court, the decision of guilty by any court, the forfeiture by the ~~teaching~~ educator certificate holder of a bond in any court of law, or the written acknowledgment, duly witnessed-of offenses listed below to the school superintendent or a private school principal shall be prima facie proof of grounds for revocation of the certificate as listed below in the absence of proof by the certificate holder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.
- 6.02.1. Obtained or attempted to obtain an educator certificate by fraudulent means.
- 6.02.2 Knowingly failed to report actual or suspected child abuse or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
- 6.02.3 Has proved to be incompetent to teach or to perform duties as an employee of the school or to teach in or to operate a private school.
- 6.02.4 Has been guilty of gross immorality or an act involving moral turpitude.
- 6.02.5 Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.
- 6.02.6 Has been convicted of a Misdemeanor or more serious crime.
- 6.02.7 Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.
- 6.02.8 Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.
- 6.02.9 Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
- 6.02.10 Has violated any GCEC order.
- 6.02.11 Has been the subject of a court order or plea agreement in any jurisdiction which requires the certificate holder to surrender or otherwise relinquish his or her educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate.

- 6.03 The revocation by the Guam Commission For Educator Certification of an educator certificate of any person automatically revokes any and all Guam educator certificates held by that person.
- 6.03.1 An educator certificate that has been suspended under this section is not automatically reinstated at the end of the suspension period. If the certificate expired during the period of suspension, the holder of the former certificate may secure a new certificate by making application and by meeting the certification requirements of GCEC at the time of the application for the new certificate.
- 6.03.2 A person whose educator certificate has been revoked under this section may apply for a new certificate at the expiration of that period of ineligibility fixed by GCEC by meeting the current certification requirements at the time of the application for the new certificate.
- 6.04 An individual whose license has been revoked or suspended shall not serve as a volunteer, a coach, or be employed as an educator, paraprofessional, aide, substitute teacher, or in any other position directly related to student supervision, during the period of his or her revocation or suspension.
- 6.05 The reinstatement of an educator certificate shall comply with Appendix B.
- 6.06 ~~The GDOE, Catholic School, and DODEA superintendents, or any Guam school principal~~ All Guam school superintendents, administrators and principals are encouraged to report to GCEC the name of any certified educator:
- 6.06.1 Who has been convicted of, or who has pled *nolo contendere* to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;
- 6.06.2 Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation as delineated in 3.12 or suspension;
- 6.06.3 Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.
- 6.07 Any certified administrator / principal who knowingly fails to report to GCEC a teacher, paraprofessional, or other educator who has been accused of misconduct for unethical behavior will forfeit his / her administration certification from GCEC for a period to time determined by the Commission based on the severity of the unethical behavior.
- 7.0 Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations and Appeals**

7.01 In considering and investigating complaints brought before it, GCEC shall follow the procedures set forth in *Appendix A* to these rules, which are hereby fully incorporated into these rules as if fully set forth herein.

7.02 In the case of an appeal, GCEC shall follow the procedures set forth in 5 GCA Ch. 9 Article 2 related to hearings.

8.0 Power of Subpoena

8.01 In all investigations and disciplinary proceedings, the Commission is authorized to issue subpoenas as provided for by law to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidentiary material. Petitions for the issuance of subpoenas shall be filed with the hearing officer, if one has been appointed.

9.0 Severability Clause

9.01 If any provision of this rules and regulations or the application of any provision to any person or circumstance, is held invalid or determined to be contrary to federal or other laws governing the certification educators, the remainder of the rules and regulations shall be given effect without the invalid provision or application.

**Procedures for the Investigative Process and
Final Determination of Alleged Ethics Violations**

1. Complaint Received by GCEC:

- a. A notarized written *complaint* will be deemed a request to investigate, when filed with the Secretary of the Commission (Executive Director). All complaints made shall include the following: the name and address of the complainant and the accused, and a statement of the complaint with facts supporting the allegation.
- b. The Ethics Review Sub-Committee (hereinafter referred to as the "Sub-Committee"), composed of voting members of the Commission as identified by the Chairperson, determines whether to investigate, within five (5) working days upon receipt of complaint by the Executive Director.
- c. When appropriate, GCEC will provide a copy of the complaint to the school administrator where the educator is employed.
- d. A letter to complainant about disposition of complaint may be sent via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server.
- e. A letter may be sent to appropriate school administrator (at the discretion of the Executive Director), if necessary, about disposition of complaint via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server.
- f. The following will automatically go to the Ethics Review Sub-committee to open an investigation:
 - i. An affirmative answer concerning criminal or ethical violations on an application.
 - ii. Confirmation from the Guam Police Department or the FBI, regarding criminal convictions.

2. Investigation Initiated by GCEC

- a. If the Ethics Review Subcommittee determines that an investigation is warranted, a letter will be sent to the educator requesting additional information/statement. This letter will be sent via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server. This letter will notify the educator of the hearing date which will be at least sixty (60) calendar days from the date of receipt.
- b. An investigation will be conducted by the Ethics Officer of the Ethics Review Subcommittee's determination to proceed.
- c. An investigative summary will be sent to the Ethics Review Sub-Committee within seven (7) calendars of completion of investigation.

3. Proposed Action or Hearing

- a. "Notice of Proposed Action Letter" notifying the educator of the proposed GCEC action and the reason for the proposed action (which will be based on the investigation) will be sent within twenty-one (21) calendar days of hearing date.
- b. The educator may consent to the proposed action or may avail themselves of the scheduled hearing before the Ethics Review Sub-Committee of GCEC.
- c. If an educator consents to the proposed action, they must do so in writing, transmitted to the GCEC (as indicated in the "Notice of Proposed Action Letter"), within ten (10) calendar days of receipt of the "Notice of Proposed Action Letter."
- d. If an educator does not attend the scheduled hearing, the subcommittee will continue the process and the proposed action becomes a final decision confirmed by GCEC.

4. Evidentiary Hearing Procedures of the GCEC Ethics Review Sub-Committee

- a. The educator shall be notified in writing of the deadline by which the educator must submit items to the Ethics Review Sub-committee for consideration. The educator shall be notified via (1) certified mail, return receipt requested, (2) E-Mail (PDF of written letter) from the Executive Director or his/her designee with a return e-mail acknowledging receipt, (3) personal delivery by the Executive Director or his/her designee or (4) personal delivery by a licensed process server.
- b. The GCEC Ethics Officer and the educator (or his/her attorney) shall present their cases to the Ethics Review Sub-committee.
- c. Each party will have the opportunity, should it so choose, to make an opening statement. The statement shall be no longer than fifteen (15) minutes in length. The

chairperson of the Ethics Review Sub-committee may grant additional time to either or both parties, if necessary.

- d. Any written documents, photographs or any other items of evidence may be presented to the Ethics Review Sub-committee with the permission of the Chairperson. The items of evidence shall be marked as either "GCEC Exhibit Number 1 (et seq.)" or "Educator's Exhibit Number 1 (et seq.)." After an item of evidence has been allowed to be presented to the hearing Ethics Review Sub-committee by the Chairperson, the introducing party shall give copies to all Ethics Review Sub-committee members and one (1) copy for GCEC's records.
- e. After one party has questioned a witness, the other party shall have the same opportunity. All witnesses shall testify under oath.
- f. Members of the Ethics Review Sub-Committee shall also have the opportunity to ask questions of any witness or any party.
- g. While the scope of each party's presentation ultimately lies within the chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.
- h. After the educator has made a closing statement, which shall be no longer than fifteen (15) minutes, or waived the opportunity for the same, the GCEC Ethics Officer shall have up to fifteen (15) minutes to make his/her closing statement, if desired. The chairperson of the Ethics Review Sub-committee may grant additional time to either or both parties, if necessary.
- i. The entire Evidentiary Hearing shall not exceed eight (8) hours. The chairperson of the Ethics Review Sub-committee may grant additional time, if necessary.
- j. After closing statements have been made, or the opportunity to make them has been waived, the Ethics Review Sub-Committee may orally announce its decision. Alternatively, the Ethics Review Sub-Committee may take the case under advisement and render a written decision at a later time.
- k. A written decision reflecting the hearing Ethics Review Sub-committee's final decision and recommendation shall be promptly prepared for the signature of the Ethics Review Sub-committee chair. A copy of the decision and recommendation shall be timely transmitted to the educator through a certified letter, and the GCEC chairperson.
- l. The educator shall have fifteen (15) calendar days from the receipt of the decision and recommendation to appeal the Ethics Review Sub-committee's decision to the GCEC chair. Should the educator not file an appeal within the previously-referenced time period, the decision of the Ethics Review Sub-committee shall become non-appealable.

Appendix B

Procedures for the Reinstatement of Educator Certificates**1. Guidelines for Consideration of Certification Restoration Applications**

Before an application is considered, the applicant must prove that the cause no longer exists. Restoration of a suspended or revoked certificate is considered on a case by case basis. The burden of proof rests with the applicant. To show that the “cause no longer exists,” an applicant must show why certification should be restored despite the misconduct that resulted in the disciplinary action. An applicant must provide evidence of rehabilitation and fitness to perform the duties authorized by the certificate sought.

GCEC may consider the following in reviewing restoration applications

- a. Likelihood of present harm or potential for continuing harm to students, parents of students or school personnel
- b. Details of the offense(s) which led to the disciplinary action:
 - i. The relationship between the offense and the duties and responsibilities of the education profession.
 - ii. Likelihood of recurrence as shown, for example, by lack of remorse or lack of rehabilitative motivation or potential.
- c. Attempted concealment of misconduct
- d. Prior misconduct of a similar or related nature
- e. Evidence of rehabilitation relevant to the conduct that resulted in disciplinary action, such as:
 - i. Participation in counseling, self-help support groups, community service
 - ii. Gainful employment outside of the education field subsequent to the conduct; and
 - iii. Family and community support as shown, for example, through affidavits or letters of character from leaders of organizations, including religious groups.
- f. Fitness for practice as an educator:
 - i. Continuing education since the discipline was imposed;
 - ii. Opportunities of employment for educational positions:
- g. Any other relevant factors.

2. Reinstatement of Suspended Certificates

- a. Six (6) weeks prior to the expiration of the suspension, the educator may apply to have a suspended educator certificate reinstated. However, no reinstatement will be effective until expiration of the suspension period.
- b. An application for reinstatement of a suspended educator certificate must include:
 - i. An application form for reinstatement
 - ii. A notarized affidavit from the applicant, together with requisite and additional documentation sufficient to establish convincingly that all terms and conditions of the suspension have been met satisfactorily and fulfilled.
- c. The Ethics Officer shall review the application and evidence and then make a recommendation to the Executive Director.
- d. If the Executive Director is satisfied that the terms and conditions have been met successfully, the Executive Director will recommend reinstatement of the suspended certificate to the Commission, which will make a decision at the next meeting.
- e. If the Executive Director is not satisfied the terms and conditions have been met, the Director will make a recommendation to the Commission in executive session to deny reinstatement of the license.
- f. Before taking action on the Executive Director's recommendation, the Commission may schedule a meeting between the educator and the Commission.
- g. If the Commission denies the reinstatement, the Executive Director will provide a copy of the denial to the educator and notice of right to a hearing.
- h. If a suspension of a certificate occurs, the reinstatement must be considered under the current educator requirements.

3. Reinstatement of Revoked Certificate

- a. Any revocation for conviction for crimes listed in 3.12 is permanent and the educator certificate is not eligible for reinstatement.
- b. Application for reinstatement of an educator certificate revoked for any reason other than those cited in 3.12 may be submitted at any time after the period of revocation has expired.
- c. The burden will be on the educator to establish fitness for reinstatement.
- d. The application for reinstatement must include:
 - i. An application form for reinstatement

- ii. A personal notarized affidavit attesting that:
 - 1. All the conditions of the order for revocation have been met
 - 2. That the educator has not violated any laws on Guam, including ethical violations related to certification
 - iii. A police clearance and court clearance.
 - e. Any additional documentation, sufficient to establish convincingly that the educator possesses all of the qualifications required for reinstatement of certification. Letters of recommendations from educator colleagues are insufficient alone to establish fitness for reinstatement of certification following a revocation. The educator must provide evidence regarding what proactive steps have been taken to ensure to the Commission that the conduct that resulted in the revocation is highly unlikely to occur again.
 - f. Following review of the application for reinstatement pursuant to this section, the Ethics Officer will make a recommendation to the Executive Director.
 - g. The Executive Director will make a recommendation to the Commission regarding whether to approve or deny the application.
 - h. All decisions to reinstate a revoked certificate will be made by the Commission.
 - i. It is entirely at the Commission's discretion whether an educator may meet with the Commission under these circumstances.
 - j. This subsection does not grant a right to any applicant to appear before the Commission prior to the Commission's consideration of the application for reinstatement following a revocation.
 - k. If the Commission denies the application for reinstatement, the Executive Director will provide a copy of the recommendation of denial to the educator and a notice of right to a hearing.
- 4. Surrender of Educator Certification**
- a. An educator may voluntarily surrender a Guam Educator Certificate prior to its expiration date if the Commission finds that such action is in the best interest of the public.
 - b. The surrender of a certificate will not stay an investigation or possible future commission action against the educator.

- c. Where the Commission has grounds for disciplinary action against an educator and the educator offers to surrender the teaching certificate, the Executive Director shall require the educator to stipulate to pertinent facts and to the revocation or suspension of the certificate as a condition of the Commission's acceptance of the surrender of the certificate. All stipulated settlement agreements are subject to the Commission's approval.
- d. If the Commission and the educator cannot agree on a stipulation, the Commission will proceed with disciplinary proceedings.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

December 21, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Case 40, Jesse J
12/21/14
6:35 pm

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 224-32 (COR); 293-32 (COR); 306-32 (COR); 332-32 (LS); 344-32 (COR); 345-32 (COR); 376-32 (COR); 381-32 (COR); 391-32 (LS); 399-32 (COR); 400-32 (COR); 402-32 (COR); 405-32 (COR); 406-32 (COR); 412-32 (COR); 413-32 (LS); 416-32 (COR); 418-32 (COR); 419-32 (COR); 420-32 (COR); 421-32 (COR); 422-32 (COR); 423-32 (COR); 424-32 (LS); 425-32 (LS); 426-32 (COR); 427-32 (COR); 428-32 (COR); 429-32 (COR); 430-32 (COR); and 434-32 (COR), which were passed by *I Mina'Trentai Dos Na Liheslaturan Guahan* on December 17 and 19, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (31)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

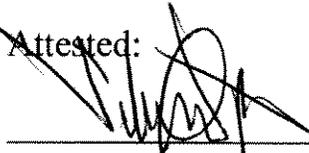
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 420-32 (COR), "AN ACT TO APPROVE THE GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC) RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS; AND TO ADD A NEW § 27008.1 AND A NEW SUBSECTION (i) TO § 27008, ALL OF CHAPTER 27 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SUBPOENA AND INVESTIGATIVE POWERS OF THE GCEC," was on the 17th day of December, 2014, duly and regularly passed.



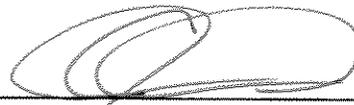
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 21 day of Dec,
2014, at
6:35 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 420-32 (COR)

As substituted by the Committee on Education,
Public Library and Women's Affairs.

Introduced By:

Judith T. Won Pat, Ed.D.

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Aline A. Yamashita, Ph.D.

AN ACT TO APPROVE THE GUAM COMMISSION FOR EDUCATOR CERTIFICATION (GCEC) RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS; AND TO ADD A NEW § 27008.1 AND A NEW SUBSECTION (i) TO § 27008, ALL OF CHAPTER 27 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO SUBPOENA AND INVESTIGATIVE POWERS OF THE GCEC.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Approval of Rules and Regulations.** The Guam Commission
3 for Educator Certification Rules and Regulations Governing the Standards of

1 Professional Conduct for Guam Educators, as contained in EXHIBIT 1 and
2 attached here, are hereby approved.

3 **Section 2.** A new § 27008.1 (Subpoena Powers) is hereby *added* to
4 Chapter 27, Division 3 of Title 17, Guam Code Annotated, to read as follows:

5 “§ 27008.1. **Subpoena Powers.** The Chairperson of the Guam
6 Commission for Educator Certification, upon his/her own initiative, upon the
7 request of any member of the Commission, or upon the request of any party
8 before the Commission, may summon in writing any person before a
9 meeting of the Commission as a witness and in a proper case, to bring with
10 him/her any book, record, or paper which may be deemed material as
11 evidence in the case. The fees for such attendance *shall* be the same as the
12 fees of witnesses before the Superior Court, *except* that if the witness is a
13 government employee no witness fees shall be given. The subpoena *shall*
14 issue in the name of the Guam Commission for Educator Certification, and
15 *shall* be directed to the person and *shall* be served in the same manner as
16 subpoenas to testify before the court. If any person or persons summoned to
17 testify shall refuse or neglect to obey said subpoena, upon petition, the court
18 may compel the attendance of such person or persons before the
19 Commission, or punish said person or persons for contempt in the same
20 manner provided by law for securing the attendance of witnesses and of their
21 punishment for neglect or refusal to attend in the Superior Court.”

22 **Section 3.** A new Subsection (i) (Investigative Powers) is hereby *added* to
23 § 27008 of Chapter 27, Division 3 of Title 17, Guam Code Annotated, to read as
24 follows:

25 “(i) investigate complaints filed with the Commission on educator
26 misconduct.”

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 420-32 (COR)

As substituted by Committee on Education, Public Library
and Women's Affairs.

Speaker Antonio R. Unipingco Legislative Session Hall

December 17, 2014

<u>NAME</u>	<u>Yea</u>	<u>Nay</u>	<u>Not Voting/ Abstained</u>	<u>Out During Roll Call</u>	<u>Absent</u>
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS		✓			
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

13

1

Yea

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass