

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 99(25)

Introduced by:
F. ISKIZAN

Committee on Calendar *[Signature]*
By request of *I Maga'lahen Guåhan*,
the Governor of Guam, in accordance
with the Organic Act of Guam, as
amended

**AN ACT TO ADD A NEW CHAPTER 26, AND NEW §§5122
AND 5B105, TO 17 G.C.A., RELATIVE TO PROFESSIONAL
EDUCATOR CERTIFICATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Chapter 26 is hereby *added* to 17 G.C.A. to read:

Chapter 26

Guam Commission for Educator Certification

§26100. Legislative Intent. *I Liheslaturan Guåhan* finds the goal of Educator Certification is to determine whether those individuals responsible for the education of children are competent to perform their duties as either teachers, guidance counselors or school administrators.

I Liheslaturan Guåhan further finds that throughout the United States, the certification or licensure of educators is a function that occurs at the state level and not in the local school districts that employ the educators. The common practice is for states to define the Educator Certification or Licensure standards by means of a

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1 board or Commission to include local and federal education mandates. Such
2 boards or Commissions also will set up an office(s) in the state to certify and
3 license education professionals who qualify. These boards or Commissions are
4 also responsible for determining improper conduct by the certificate holder or
5 licensee is sufficient to warrant revocation or suspension of such license or
6 certificate.

7 It is the intent of *I Liheslaturan Guåhan* to provide a mechanism to confer
8 professional certification for *Early Childhood to 12th grade educators* via an
9 external entity that is separate and apart from the entities that employ such
10 educators.

11
12 **§26001. Purpose.** (a) The purpose of this chapter is to establish a system
13 of professional development, professional standards, certification and evaluation
14 that serves to continually improve the quality of instruction for Guam's children so
15 that they are equipped to work and succeed in an ever-changing and increasingly
16 complex global economy. The Guam Commission for Educator Certification is
17 established to provide a rigorous system of certification, professional development
18 and evaluation designed to support improved student achievement and to improve
19 the quality of the Guam educator workforce and to improve student performance.
20 All Guam Public School System educators must be certified and evaluated in
21 accordance with this chapter. The board shall regulate and oversee all aspects of
22 the certification, continuing education, and standards of conduct of public school
23 educators.

24
25 (b) In proposing rules under this subchapter, the Commission shall ensure
26 that all candidates for certification or renewal of certification demonstrate the

1 knowledge and skills necessary to improve the performance of Guam's diverse
2 student population.

3

4 **§26002. Definition.** In this subchapter, "Commission" means The Guam
5 Commission for Educator Certification.

6

7 **§26003. Guam Commission For Educator Certification.**

8 (a) There is hereby established the Guam Commission for Educator
9 Certification, to consist of 7 voting members appointed by *I Maga Lahen Guåhan*
10 with the advice and consent of *I Liheslaturan Guåhan*, as specified in subdivisions
11 (1) to (5), inclusive. The commission shall consist of the following members:

- 12 (1) a classroom teachers employed in a public school;
- 13 (2) an administrator (principal or assistant principal) employed in a
14 public school;
- 15 (3) a guidance counselor employed in a public school
- 16 (4) two members who possess a terminal degree in the subject of
17 education from accredited college or university as used herein means
18 an institution that is accredited by a United States accrediting body
19 recognized by the Council on Higher Education Accreditation
20 (CHEA) or its successor, *or* an equivalent foreign college or
21 university; and
- 22 (5) two members appointed from the community at large.

23 (b) Appointments to the Commission shall be made without regard to the
24 race, color, disability, sex, religion, age, or national origin of the person appointed.

25 (c) A Commission member is immune from civil suit for any act performed
26 in good faith in the execution of duties as a Commission member.

1 (d) Members shall serve a term of three (3) years and may be reappointed
2 provided that the member continues to meet the employment criteria in the event
3 that such member was appointed to fill a seat on the Commission pursuant to
4 Items (1), (2) and (3) of Paragraph (a), supra.

5 (e) If a member appointed pursuant to Items (1), (2) and (3) of Paragraph
6 (a), supra, ceases to be employed as such, that member shall be considered to have
7 vacated his or her seat effective on the date that such employment was terminated.
8 If a member is absent from any four regularly scheduled meetings in any calendar
9 year, his or her office as a member of the commission shall be deemed vacant.
10 The chairperson of the commission shall forthwith notify the Governor that the
11 vacancy exists

12 (f) The Superintendent of Education or his designee, the Chairman of the
13 Guam Education Policy Board or his designee, the President of the Guam
14 Community College or his designee, and the President of the University of Guam
15 or his designee, shall serve as member ex officio without vote in proceedings of
16 the Commission.

17
18 **§26004. Terms; Vacancy.** In the event of a vacancy, *I Maga Lahen*
19 *Guåhan* shall appoint a replacement in the same class of the member that vacated
20 his or her position on the board for a term of three (3) years.

21
22 **§26005. Officers.** The Commission shall elect one of its members to serve
23 as presiding officer for a term of two years. The presiding officer is entitled to
24 vote on all matters before the Commission. The Commission may elect other
25 officers from among its membership.

26

1 **§26006. Compensation.** A Commission member shall receive
2 compensation for serving on the Commission in the amount of Fifty Dollars (\$50)
3 for each Commission meeting attended. A member is entitled to reimbursement
4 for actual and necessary expenses incurred in performing functions as a member of
5 the Commission, subject to any applicable limitation on reimbursement provided
6 by the General Appropriations Act. The compensation of the members of the
7 commission who are public employees shall not be reduced by the agency or body
8 by which they are regularly employed for any absence from service occasioned by
9 attendance upon the business of the commission, its committees or subcommittees.

10
11 **§26007. Meetings.** The commission shall meet as it deems appropriate and
12 necessary to accomplish its duties, but shall meet no fewer than once each quarter.

13 (a) The Commission shall meet at least once in each quarter of the calendar
14 year.

15 (b) The Commission may meet at other times at the call of the presiding
16 officer or as provided by the rules of the Commission.

17
18 **§26008. General Powers and Duties of the Commission.** The
19 Commission shall:

- 20 (1) supervise the executive director's performance;
- 21 (2) approve an operating budget for the Commission and make a
22 request to *I Liheslaturan* for appropriations;
- 23 (3) appoint members of any advisory committee to the Commission;
- 24 (4) for each class of educator certificate, appoint an advisory
25 committee composed of members of that class to recommend standards for that
26 class to the Commission;

1 (5) provide to its members and employees, as often as necessary,
2 information regarding their qualifications for office or employment under this
3 chapter and their responsibilities under applicable laws relating to standards of
4 conduct for state officers or employees;

5 (6) develop and implement policies that clearly define the respective
6 responsibilities of the Commission and the Commission's staff;

7 (7) file annually with the *I Maga Lahen Guâhan* and the Speaker of *I*
8 *Lihe slaturan Guâhan* a complete and detailed written report, in the form and
9 within the time provided by the General Appropriations Act, accounting for all
10 funds received and disbursed by the Commission during the preceding fiscal year;
11 and

12 (8) execute interagency contracts to perform routine administrative
13 functions.

14
15 **§26009. Place of Commission Meetings.** The Chairman shall designate an
16 appropriate location for each Commission meeting. Notice of such locations shall
17 be given pursuant to the provisions of 5 G.C.A. Chapter 10.

18
19 **§26010. Emergency Meetings.** An Emergency Meeting of the Commission
20 may be called by the Chairman. Notice of such meeting shall be communicated in
21 the manner most likely to give the greatest amount of notice to the members:
22 phone, facsimile, mail, or email. Notice to the public of emergency meetings shall
23 be given pursuant to the provisions 5 G.C.A. Chapter 10.

24
25 **§26011. Executive Sessions.** Executive Sessions of the Commission are
26 closed meetings which may be held only as expressly authorized by 5 G.C.A.

1 Chapter 10. Persons who may attend and subjects that may be discussed are also
2 described in 5 G.C.A. Chapter 10.

3
4 **§26012. Agendas.** The Chairman and the Executive Director determine the
5 agenda for a Commission meeting. Final approval of the agenda lies with the
6 Commission Chairman. Commission members should receive the agenda and
7 supporting materials for an upcoming meeting at least ten calendar days before the
8 meeting when possible.

9 In the event the agenda and/or supporting materials cannot be delivered at
10 least 10 calendar days prior to the meeting the executive director shall notify the
11 Commission as to the reason why. The Commission Chairman will timely provide
12 other Commission members the reason for removing an agenda item after it has
13 been posted.

14
15 **§26013. Quorum and Carrying Actions of the Commissions.** A quorum
16 shall consist of four (4) voting members. Actions of the Commission shall be
17 carried by a vote of not less than four (4) voting members.

18
19 **§26014. Signature Authority for Commission Disciplinary Orders.** The
20 Chairman may sign on behalf of a majority of the Commission a decision or order
21 issued in a disciplinary case relating to Commission disciplinary proceedings,
22 including enforcement of the educator's code of ethics. Members of the majority,
23 however, retain discretion to sign any decision or order.

24
25 **§26015. Communications.** The Chairman and the Executive Director
26 officially represent the Commission in communicating agency policy and

1 procedures. This provision does not prohibit other Commission members from
2 commenting publicly about the Commission in their individual capacities or
3 expressing their personal opinions.

4
5 **§ 26016. Rules; Fees.** (a) The Commission may adopt rules as necessary
6 for its own procedures.

7 (b) The Commission shall propose rules that:

8 (1) provide for the regulation of educators and the general
9 administration of this Chapter in a manner consistent with this Chapter;

10 (2) specify the classes of educator certificates to be issued, including
11 emergency certificates;

12 (3) specify the period for which each class of educator certificate is
13 valid;

14 (4) specify the requirements for the issuance and renewal of an
15 educator certificate;

16 (5) provide for the issuance of an educator certificate to a person who
17 holds a similar certificate issued by another state or foreign country,

18 (6) provide for special or restricted certification of educators, as
19 needed;

20 (7) provide for disciplinary proceedings, including the suspension or
21 revocation of an educator certificate,

22 (8) provide for the adoption, amendment, and enforcement of an
23 educator's code of ethics; and

24 (9) provide for continuing education requirements.

25 (c) The Commission shall propose a rule adopting a fee for the issuance and
26 maintenance of an educator certificate.

1 The Guam Commission for Educator Certification shall promulgate
2 Administrative Rules and Regulations consistent with the provisions of 5 G.C.A.
3 Chapter 9. Such Rules and Regulations may be revised as needed consistent with
4 the provisions of 5 G.C.A. Chapter 9.

5
6 **§26017. Relationships with the Public.** The Commission shall develop
7 and periodically review policies regarding the following:

8 (a) Policies and procedures for stakeholder input on rule development.

9 (b) Policies and procedures on accepting public testimony.

10
11 **§26018. Executive Director and Commission Staffing.** The Commission
12 shall hire an Executive Director to manage the daily operations of the
13 Commission. Such employment may be in either (1) the unclassified service or (2)
14 by employment contract. The term of employment shall not exceed five (5) years
15 but may be renewed by the Commission after expiration for successive terms.
16 Compensation and job qualifications shall be established by the Commission. The
17 Commission shall create a staffing pattern for additional staff required for the
18 operations of the Commission. The staff shall be classified employees hired
19 pursuant to the merit provisions of 4G.C.A. Chapter 4. The staff shall include, but
20 not be limited to, those classified employees who transferred from the Guam
21 Public School System Certification Office during the transition to the
22 Commission.

23
24 **§26019. Relationship of the Commission to the Executive Director**
25 **Introduction.** The Commission primarily employs the Executive Director to
26 implement Commission policies and to hire and supervise other staff. Although

1 the relationship between the Executive Director and individual Commission
2 members is collegial, the relationship of the Commission to the Executive Director
3 is hierarchical. The Executive Director is accountable only to the Commission as a
4 whole, and not from individual Commission members.

5 **The Commission.** In exercising its powers and duties, the Commission shall:

- 6 (a) establish major, visionary guiding policies and principles;
- 7 (b) establish the mission and goals that define the end results the Commission
8 wants to achieve;
- 9 (c) serve as a link between the agency and state policymakers;
- 10 (d) accept accountability for decisions and actions;
- 11 (e) establish an effective relationship with the Executive Director and direct
12 him or her with one voice;
- 13 (f) maintain objectivity in reviewing facts in the process of making decisions;
14 act in the best interests of the schoolchildren and their parents, the education
15 profession and the public; and
- 16 (g) review the General Operating Policies and Procedures on an annual basis at
17 the first meeting of the first quarter of each year.

18 **The Executive Director.** The powers and duties of the Executive Director include
19 the following:

- 20 (a) performing duties as assigned by the Commission or specified by law;
- 21 (b) administering and enforcing all laws and rules implemented by the
22 Commission;
- 23 (c) issuing the certificates authorized under Chapter 21, Subchapter B, of the
24 Education Code;
- 25 (d) hiring and dismissing Commission employees.
- 26 (e) serving as the Commission's secretary in an ex-officio capacity;

- 1 (f) maintaining the vital records of the Commission;
- 2 (g) developing, issuing, and implementing workplace policies, and
- 3 (h) ensuring that new Commission members are given an orientation to the
- 4 activities of Commission and that this be done where possible, prior to the
- 5 new members first Commission meeting.

6 The Executive Director may designate other staff to aid in these functions.

7 In exercising these powers and duties, the Executive Director shall:

- 8 (a) be accountable to the full Commission for achievement of policies;
- 9 (b) be open to all points of view and learning;
- 10 (c) provide all material information relevant to Commission decision-making;
- 11 (d) lead the Commission and its staff;
- 12 (e) implement Commission policies through specific objectives and strategies;
- 13 (f) consider multiple points of view expressed by Commission staff and
- 14 persons outside the Commission as needed to facilitate fully informed
- 15 Commission decisions; and
- 16 (g) update the Commission at a minimum of every other week and at any other
- 17 time essential information should be provided.

18
19 **§26020. Evaluation of the Executive Director.** The Commission shall
20 annually evaluate the performance of the Executive Director.

21
22 **§26021. Applicability of this Chapter for Certification of GPSS**
23 **Educators.** The Commission shall be the Educator Certification authority for all
24 Guam Public School System Educators no later than the earlier of the completion
25 of a transition period following the enactment of this Chapter or July 1, 2007.

1 **§26022. Funding.** The operations of the Commission shall be funded by
2 appropriation of I Liheslaturan Guåhan. Additionally, the Commission shall retain
3 all fees collected and use such fees for its operations in a manner determined by
4 the Commission.

5
6 **§26023. Office Space.** The Commission is authorized to lease office space
7 for their operations. Nothing herein shall prevent the Commission for leasing
8 office space within other government of Guam facilities or from accepting free,
9 reduced or subsidized office space.

10
11 **§26024. Fiscal Agent.** The Commission is authorized to or procure the
12 services another Government of Guam agency to administer its accounting, payroll
13 and financial reporting requirements.

14
15 **§26025. Timeliness of Action on Applications for Certification.** The
16 Commission shall establish reasonable timetables for the approval or denial of
17 certification applications that commence when all required valid and authentic
18 documents are received.

19
20 **§26026. Prior Certification Standards.** All Certification Standards and
21 requirements adopted by the Guam Education Policy Board prior to the enactment
22 of this Chapter shall remain effective unless they are amended or repealed by the
23 Commission in a manner consistent with the provision of this Chapter.

24
25 **Section 2.** A new Section 5122 is hereby added to 17 G.C.A. Chapter 5 to read
26 as follows:

1 **“§5122. Applicability of this Chapter for Certification of GPSS**
2 **Educators.** The Commission shall be the Educator Certification authority for all
3 Guam Public School System Educators no later than the earlier of the completion
4 of a transition period following the enactment of this Chapter or July 1, 2007.”

5
6 **Section 3.** A new Section 5B105 is hereby added to 17 G.C.A. Chapter 5B to
7 read as follows:

8
9 **“§5B105. Applicability of this Chapter for Certification of Reading**
10 **Specialists.** The Commission shall be the Educator Certification authority for
11 Reading Specialists no later than the earlier of the completion of a transition
12 period following the enactment of this Chapter or July 1, 2007.”

13
14 **Section 4. Transition: Legislative Findings.** *I Liheslaturan Guåhan*
15 finds the GPSS Certification Office operates under the direct supervision of the
16 Superintendent of Education. The staff and operations of this office is funded for
17 Fiscal Year 2007 by appropriations to the GPSS in the General Appropriations Act
18 enacted in Public Law 28-149.

19
20 **Section 5. Transition: Period.** The transition period for the transfer for
21 Educator Certification functions from the Guam Public School System to Guam
22 Commission for Educator Certification shall begin after the Date of Enactment of
23 this Act and be completed no later than June 30, 2007.

24
25 **Section 6. Transition: Process.** The Superintendent of Education shall
26 cause to be created, a transition process that transfers Educator Certification

1 functions from the Guam Public School System to Guam Commission for
2 Educator Certification. The plan *may* include the following:

3 (1) Support for personnel costs for those certification office personnel
4 transferred from GPSS to the Guam Commission for Educator Certification for the
5 remainder of Fiscal Year 2007 from funds appropriated by Public Law 28-149.

6 (2) The physical location of Guam Commission for Educator Certification.

7 (3) Any other items that will result in a smooth transition.
8

9 **Section 7. Transition: Guam Educator Certification Commission**
10 **Funding for the Remainder of Fiscal Year 2007.** *I Maga Lahen Guåhan* is
11 authorized to transfer up to Fifty Thousand Dollars (\$50,000) from any
12 appropriations for Fiscal Year 2007, that are for the current operations of the
13 Government of Guam and not appropriated for debt service or encumbered by a
14 contractual obligation, to the Guam Commission for Educator Certification for its
15 operations for the remainder of Fiscal Year 2007. Such transfers are in addition to
16 the GPSS support for Certification Personnel transferred to the Commission and
17 the fees collected.