

MINA' TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) Regular Session

Bill No. 161-31 (COV)

Introduced by:

B.J.F. Cruz



**AN ACT TO AMEND 17 GCA § 27003; RELATIVE TO THE
REMOVAL OF MEMBERS OF THE GUAM COMMISSION
OF EDUCATOR CERTIFICATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guahan finds that 5 GCA § 43106 states, "Unless the provisions of law governing the removal from a particular board or commission are to the contrary, the unexcused absences of a member of a board or commission from three consecutive regular meetings of the board or commission shall constitute a cause for removal of the member from the board or commission, and the Governor may thereupon remove such a member from the board or commission."

I Liheslatura finds the Guam Commission for Educator Certification (GCEC) was created by Public Law 29-073, which also provided for a provision governing the removal of members from that Commission. 17 GCA § 27003(e), as added by Public Law 29-073, states "(If a member is absent from any four (4) regularly scheduled meetings in any calendar year, his or her office as a member of the Commission shall be deemed vacant."

I Liheslatura further finds that while 5 GCA § 43106 permits the Guam Commission for Educator Certification enabling legislation provide its own

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1 provision for the removal of members based on four absences from regular
2 meetings, there is a gross disparity between the treatment of members of the GCEC
3 and members of other boards and commissions in that regard. GCEC members are
4 subject to removal after four absences, whereas members of most other boards and
5 commissions are deemed to have provided cause for removal by the Governor after
6 three unexcused and *consecutive* absences.

7 It is the intent of *I Liheslatura* to end this disparity by amending 17 GCA §
8 27003 so that the Guam Commission for Educator Certification is then fully
9 subject to the same law governing the removal from office for absences applied to
10 all boards and commissions government-wide.

11 **Section 2.** 17 GCA § 27003 is hereby *amended* to read:

12 **“§ 27003. Guam Commission for Educator Certification.**

13 (a) There is hereby established the Guam Commission for Educator
14 Certification to consist of seven (7) voting members appointed by *I*
15 *Maga’lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*,
16 as specified in subsections (1) to (5), inclusive. The Commission shall
17 consist of the following members:

- 18 (1) a classroom teacher employed in a public school;
- 19 (2) an administrator (principal or assistant principal) employed
20 in a public school;
- 21 (3) a guidance counselor employed in a public school;
- 22 (4) two (2) members who possess a terminal degree in the
23 subject of education from an accredited college or university which,
24 as used herein, means an institution that is accredited by a United
25 States accrediting body recognized by the Council on Higher
26 Education Accreditation (CHEA) or its successor, or an equivalent
27 foreign college or university; and

1 (5) two (2) members appointed from the community at large.

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

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

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

11 (e) If a member is appointed pursuant to Items (1), (2) and (3) of
12 Paragraph (a), supra, and ceases to be employed as such, that member shall
13 be considered to have vacated his or her seat effective on the date that such
14 employment was terminated. ~~If a member is absent from any four (4)~~
15 ~~regularly scheduled meetings in any calendar year, his or her office as a~~
16 ~~member of the Commission shall be deemed vacant.~~ The Chairperson of the
17 Commission shall forthwith notify *I Maga'lahi* that the vacancy exists

18 (f) The Superintendent of Education or his designee, the Chairman of
19 the Guam Education Policy Board or his designee, the President of the
20 Guam Community College or his designee, and the President of the
21 University of Guam or his designee, shall serve as ex-officio member,
22 without vote in proceedings of the Commission.”