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**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
TWENTY-NINTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

April 28, 2008



The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 99(LS), 161(LS), 243(LS), 247(LS), 264(EC); and Substitute Bill Nos. 95(LS), 205(EC), 223(LS) & 226(LS) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on April 25, 2008.

Sincerely,

TINA ROSE MUNA BARNES  
Senator and Secretary of the Legislature

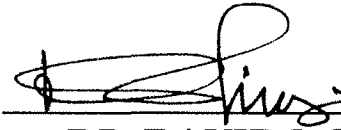
Enclosures (9)

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2008 (SECOND) Regular Session

FILE COPY

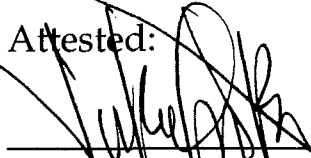
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 99 (LS), "AN ACT TO ADD A NEW CHAPTER 26, AND NEW §§5122 AND 5B105, TO TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROFESSIONAL EDUCATOR CERTIFICATION," was on the 25<sup>th</sup> day of April, 2008, duly and regularly passed.



DR. DAVID L.G. SHIMIZU  
Acting Speaker

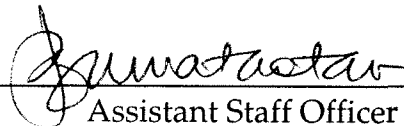
Attested:



TINA ROSE MUÑA BARNES  
Senator and Secretary of the Legislature

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This Act was received by *I Maga'lahaen Guåhan* this 28 day of April, 2008, at  
4:20 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 99 (LS)**

As amended.

Introduced by:

Committee on Calendar

By request of *I Maga'lahaen Guåhan*,  
the Governor of Guam, in accordance  
with the Organic Act of Guam.

Frank T. Ishizaki

Dr. David L.G. Shimizu

**AN ACT TO *ADD* A NEW CHAPTER 26, AND NEW §§5122  
AND 5B105, TO TITLE 17, GUAM CODE ANNOTATED,  
RELATIVE TO PROFESSIONAL EDUCATOR  
CERTIFICATION.**

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

2        **Section 1.** A new Chapter 26 is hereby *added* to Title 17, Guam Code  
3 Annotated, to read:

4                **“Chapter 26. Guam Commission for Educator Certification**  
5        **§26000. Legislative Intent.** *I Liheslaturan Guåhan* finds that the goal of  
6 Educator Certification is to determine whether those individuals responsible  
7 for the education of children are competent to perform their duties as  
8 teachers, guidance counselors *or* school administrators.

9                *I Liheslaturan Guåhan* further finds that throughout the United  
10 States, the certification *or* licensure of educators is a function that occurs at  
11 the state level and not in the local school districts that employ the educators.  
12 The common practice is for states to define the Educator Certification *or*  
13 Licensure standards by means of a Board *or* Commission to include local  
14 and federal education mandates. Such Boards *or* Commissions also will set

1 up an office(s) in the state to certify and license education professionals  
2 who qualify. These Boards *or* Commissions are also responsible for  
3 determining improper conduct by the certificate holder *or* licensee is  
4 sufficient to warrant revocation *or* suspension of such license *or* certificate.

5 It is the intent of *I Liheslaturan Guåhan* to provide a mechanism to  
6 confer professional certification for *Early Childhood to Twelfth (12<sup>th</sup>) grade*  
7 *educators* via an external entity that is separate and apart from the entities  
8 that employ such educators.

9 **§26001. Purpose.** (a) The purpose of this Chapter is to establish a system  
10 of professional development, professional standards, certification and evaluation  
11 that serves to continually improve the quality of instruction for Guam's children so  
12 that they are equipped to work and succeed in an ever-changing and increasingly  
13 complex global economy. The Guam Commission for Educator Certification is  
14 established to provide a rigorous system of certification, professional development  
15 and evaluation designed to support improved student achievement and to improve  
16 the quality of the Guam educator workforce and to improve student performance.  
17 All Guam Public School System educators must be certified and evaluated in  
18 accordance with this Chapter. The Board *shall* regulate and oversee all aspects of  
19 the certification, continuing education, and standards of conduct of public school  
20 educators.

21 (b) In proposing rules under this Subchapter, the Commission *shall* ensure  
22 that all candidates for certification *or* renewal of certification demonstrate the  
23 knowledge and skills necessary to improve the performance of Guam's diverse  
24 student population.

25 **§26002. Definition.** In this Subchapter, 'Commission' means the Guam  
26 Commission for Educator Certification.

1           **§26003. Guam Commission for Educator Certification.** (a) There is  
2 hereby established the Guam Commission for Educator Certification to consist of  
3 seven (7) voting members appointed by *I Maga'lahaen Guåhan* with the advice and  
4 consent of *I Liheslaturan Guåhan*, as specified in subsections (1) to (5), inclusive.

5 The Commission *shall* consist of the following members:

6           (1) a classroom teacher employed in a public school;

7           (2) an administrator (principal or assistant principal) employed in a  
8 public school;

9           (3) a guidance counselor employed in a public school;

10          (4) two (2) members who possess a terminal degree in the subject  
11 of education from an accredited college *or* university which, as used  
12 herein, means an institution that is accredited by a United States  
13 accrediting body recognized by the Council on Higher Education  
14 Accreditation (CHEA) *or* its successor, *or* an equivalent foreign  
15 college *or* university; and

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

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

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

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

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

8 (f) The Superintendent of Education *or* his designee, the Chairman of the  
9 Guam Education Policy Board *or* his designee, the President of the Guam  
10 Community College *or* his designee, and the President of the University of Guam  
11 *or* his designee, *shall* serve as ex-officio member, without vote in proceedings of  
12 the Commission.

13 **§26004. Terms: Vacancy.** In the event of a vacancy, *I Maga'Lahen*  
14 *Guåhan shall* appoint a replacement in the same class of the member that vacated  
15 his *or* her position on the Board for a term of three (3) years.

16 **§26005. Officers.** The Commission *shall* elect one (1) of its members to  
17 serve as presiding officer for a term of two (2) years. The presiding officer is  
18 entitled to vote on all matters before the Commission. The Commission may elect  
19 other officers from among its membership.

20 **§26006. Compensation.** A Commission member *shall* receive  
21 compensation for serving on the Commission in the amount of Fifty Dollars (\$50)  
22 for each Commission meeting attended. A member is entitled to reimbursement  
23 for actual and necessary expenses incurred in performing functions as a member of  
24 the Commission, subject to any applicable limitation on reimbursement provided  
25 by the General Appropriations Act. The compensation of the members of the  
26 Commission who are public employees *shall* not be reduced by the agency *or*

1 body by which they are regularly employed for any absence from service  
2 occasioned by attendance upon the business of the commission, its committees *or*  
3 subcommittees.

4 **§26007. Meetings.** The Commission *shall* meet as it deems appropriate  
5 and necessary to accomplish its duties, but *shall* meet *no fewer than* once each  
6 quarter.

7 (a) The Commission *shall* meet *at least once* in each quarter of the  
8 calendar year.

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

11 **§26008. General Powers and Duties of the Commission.** The  
12 Commission *shall*:

13 (a) supervise the executive director's performance;

14 (b) approve an operating budget for the Commission and make a  
15 request to *I Liheslatura* for appropriations;

16 (c) appoint members of any advisory committee to the  
17 Commission;

18 (d) for each class of educator certificate, appoint an advisory  
19 committee composed of members of that class to recommend standards for  
20 that class to the Commission;

21 (e) provide to its members and employees, as often as necessary,  
22 information regarding their qualifications for office *or* employment under  
23 this Chapter and their responsibilities under applicable laws relating to  
24 standards of conduct for state officers *or* employees;

25 (f) develop and implement policies that clearly define the  
26 respective responsibilities of the Commission and the Commission's staff;

1 (g) file annually with *I Maga'lahen Guåhan* and the Speaker of *I*  
2 *Lihselaturan Guåhan* a complete and detailed written report, in the form and  
3 within the time provided by the General Appropriations Act, accounting for  
4 all funds received and disbursed by the Commission during the preceding  
5 fiscal year; and

6 (h) execute interagency contracts to perform routine administrative  
7 functions.

8 **§26009. Place of Commission Meetings.** The Chairman *shall*  
9 designate an appropriate location for each Commission meeting. Notice of  
10 such locations *shall* be given pursuant to the provisions of Title 5, GCA,  
11 Chapter 8.

12 **§26010. Emergency Meetings.** An emergency meeting of the Commission  
13 may be called by the Chairman. Notice of such meeting *shall* be communicated in  
14 the manner most likely to give the greatest amount of notice to the members:  
15 phone, facsimile, mail, *or* email. Notice to the public of emergency meetings *shall*  
16 be given pursuant to the provisions Title 5, GCA, Chapter 8.

17 **§26011. Executive Sessions.** Executive Sessions of the Commission are  
18 closed meetings which may be held only as expressly authorized by Title 5, GCA,  
19 Chapter 8. Persons who may attend and subjects that may be discussed are also  
20 described in Title 5, GCA, Chapter 8.

21 **§26012. Agendas.** The Chairman and the Executive Director determine the  
22 agenda for a Commission meeting. Final approval of the agenda lies with the  
23 Commission Chairman. Commission members should receive the agenda and  
24 supporting materials for an upcoming meeting at least ten (10) calendar days prior  
25 to the meeting when possible.



1 In the event the agenda and/or supporting materials cannot be delivered at  
2 least ten (10) calendar days prior to the meeting, the Executive Director *shall*  
3 notify the Commission as to the reason why. The Commission Chairman will  
4 timely provide other Commission members the reason for removing an agenda  
5 item after it has been posted.

6 **§26013. Quorum and Carrying Actions of the Commissions.** A quorum  
7 *shall* consist of four (4) voting members. Actions of the Commission *shall* be  
8 carried by a vote of *not less than* four (4) voting members.

9 **§26014. Signature Authority for Commission Disciplinary Orders.** The  
10 Chairman may sign on behalf of a majority of the Commission a decision *or* order  
11 issued in a disciplinary case relating to Commission disciplinary proceedings,  
12 including enforcement of the educator's code of ethics. Members of the majority,  
13 however, retain discretion to sign any decision *or* order.

14 **§26015. Communications.** The Chairman and the Executive Director  
15 officially represent the Commission in communicating agency policy and  
16 procedures. This provision does *not* prohibit other Commission members from  
17 commenting publicly about the Commission in their individual capacities *or*  
18 expressing their personal opinions.

19 **§26016. Rules: Fees.** (a) The Commission may adopt rules as necessary  
20 for its own procedures.

21 (b) The Commission *shall* propose rules that:

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

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

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

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

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

8                   (6) provide for special *or* restricted certification of  
9 educators, as needed;

10                  (7) provide for disciplinary proceedings, including the  
11 suspension *or* revocation of an educator certificate,

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

14                  (9) provide for continuing education requirements.

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

17           The Guam Commission for Educator Certification *shall* promulgate  
18 Administrative Rules and Regulations consistent with the provisions of Title 5,  
19 GCA, Chapter 9. Such Rules and Regulations may be revised as needed consistent  
20 with the provisions of Title 5, GCA, Chapter 9.

21           **§26017. Relationships with the Public.** The Commission *shall* develop  
22 and periodically review policies regarding the following:

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

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

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

13           **§26019. Relationship of the Commission to the Executive Director**  
14 **Introduction.** The Commission primarily employs the Executive Director to  
15 implement Commission policies and to hire and supervise other staff. Although  
16 the relationship between the Executive Director and individual Commission  
17 members is collegial, the relationship of the Commission to the Executive Director  
18 is hierarchical. The Executive Director is accountable only to the Commission as  
19 a whole, and not from individual Commission members.

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

- 22           (a) establish major visionary guiding policies and principles;
- 23           (b) establish the mission and goals that define the end results the  
24 Commission wants to achieve;
- 25           (c) serve as a link between the agency and state policymakers;
- 26           (d) accept accountability for decisions and actions;

1 (e) establish an effective relationship with the Executive Director  
2 and direct him *or* her with one (1) voice;

3 (f) maintain objectivity in reviewing facts in the process of making  
4 decisions; act in the best interests of the schoolchildren and their parents,  
5 the education profession and the public; and

6 (g) review the General Operating Policies and Procedures on an  
7 annual basis at the first (1<sup>st</sup>) meeting of the first (1<sup>st</sup>) quarter of each year.

8 **The Executive Director.** The powers and duties of the Executive Director  
9 include the following:

10 (a) performing duties as assigned by the Commission *or* specified  
11 by law;

12 (b) administering and enforcing all laws and rules implemented by  
13 the Commission;

14 (c) issuing the certificates authorized under 17 GCA Chapter 5B.

15 (d) hiring and dismissing Commission employees;

16 (e) serving as the Commission's Secretary in an *ex-officio*  
17 capacity;

18 (f) maintaining the vital records of the Commission;

19 (g) developing, issuing, and implementing workplace policies; and

20 (h) ensuring that new Commission members are given an  
21 orientation on the activities of Commission and that this be done, where  
22 possible, prior to the new member's first (1<sup>st</sup>) Commission meeting.

23 The Executive Director may designate other staff to aid in these  
24 functions. In exercising these powers and duties, the Executive Director  
25 *shall*:

1 (a) be accountable to the full Commission for achievement of  
2 policies;

3 (b) be open to all points of view and learning;

4 (c) provide all material information relevant to Commission  
5 decision-making;

6 (d) lead the Commission and its staff;

7 (e) implement Commission policies through specific objectives  
8 and strategies;

9 (f) consider multiple points of view expressed by Commission  
10 staff and persons outside the Commission as needed to facilitate fully  
11 informed Commission decisions; and

12 (g) update the Commission at a minimum of every other week, and  
13 at any other time essential information should be provided.

14 **§26020. Evaluation of the Executive Director.** The Commission *shall*  
15 annually evaluate the performance of the Executive Director.

16 **§26021. Applicability of this Chapter for Certification of GPSS**  
17 **Educators.** The Commission *shall* be the Educator Certification authority for all  
18 Guam Public School System Educators *no later than* the earlier of the completion  
19 of a transition period following the enactment of this Chapter *or* October 1, 2008.

20 **§26022. Funding.** The operations of the Commission *shall* be funded by  
21 appropriation of *I Liheslaturan Guåhan*. Additionally, the Commission *shall*  
22 retain all fees collected and use such fees for its operations in a manner determined  
23 by the Commission.

24 **§26023. Office Space.** The Commission is authorized to lease office space  
25 for its operations. Nothing herein *shall* prevent the Commission from leasing

1 office space within other government of Guam facilities *or* from accepting free,  
2 reduced *or* subsidized office space.

3 **§26024. Fiscal Agent.** The Commission is authorized to procure the  
4 services of another government of Guam agency to administer its accounting,  
5 payroll and financial reporting requirements.

6 **§26025. Timeliness of Action on Applications for Certification.** The  
7 Commission *shall* establish reasonable timetables for the approval *or* denial of  
8 certification applications that commence when all required valid and authentic  
9 documents are received.

10 **§26026. Prior Certification Standards.** All certification standards and  
11 requirements adopted by the Guam Education Policy Board prior to the enactment  
12 of this Chapter *shall* remain effective unless they are amended *or* repealed by the  
13 Commission in a manner consistent with the provisions of this Chapter.”

14 **Section 2.** A new §5122 is hereby *added* to Title 17, GCA, Chapter 5, to  
15 read as follows:

16 **“§5122. Applicability of this Chapter for Certification of GPSS**  
17 **Educators.** The Commission *shall* be the Educator Certification authority  
18 for all Guam Public School System Educators *no later than* the earlier of the  
19 completion of a transition period following the enactment of this Chapter *or*  
20 October 1, 2008.”

21 **Section 3.** A new §5B105 is hereby *added* to Title 17, GCA, Chapter 5B,  
22 to read as follows:

23 **“§5B105. Applicability of this Chapter for Certification of**  
24 **Reading Specialists.** The Commission *shall* be the Educator Certification  
25 authority for Reading Specialists *no later than* the earlier of the completion

1 of a transition period following the enactment of this Chapter *or* October 1,  
2 2008.”

3 **Section 4. Transition: Legislative Findings.** *I Liheslaturan Guåhan*  
4 finds that the GPSS Certification Office operates under the direct supervision of  
5 the Superintendent of Education. The staff and operations of this office are  
6 funded for Fiscal Year 2008 by appropriations to the GPSS in the General  
7 Appropriations Act enacted in Public Law 29-19.

8 **Section 5. Transition: Period.** The transition period for the transfer of  
9 Educator Certification functions from the Guam Public School System to the  
10 Guam Commission for Educator Certification *shall* begin after the date of  
11 enactment of this Act and be completed *no later than* October 1, 2008.

12 **Section 6. Transition: Process.** The Superintendent of Education *shall*  
13 cause to be created, a transition process that transfers Educator Certification  
14 functions from the Guam Public School System to the Guam Commission for  
15 Educator Certification. The plan *may* include the following:

16 (a) Support for personnel costs for those certification office  
17 personnel transferred from GPSS to the Guam Commission for Educator  
18 Certification for the remainder of Fiscal Year 2008 from funds  
19 appropriated by Public Law 29-19.

20 (b) The physical location of the Guam Commission for Educator  
21 Certification.

22 (c) Any other items that will result in a smooth transition.

23 **Section 7. Transition: Guam Educator Certification Commission**  
24 **Funding for the Remainder of Fiscal Year 2008.** *I Maga'lahen Guåhan* is  
25 authorized to transfer up to Fifty Thousand Dollars (\$50,000) from any  
26 appropriations for Fiscal Year 2008 that are for the current operations of the

1 government of Guam, and not appropriated for debt service *or* encumbered by a  
2 contractual obligation, to the Guam Commission for Educator Certification for its  
3 operations for the remainder of Fiscal Year 2008. Such transfers are in addition to  
4 the GPSS support for Certification Personnel transferred to the Commission and  
5 the fees collected.