



Office of the Speaker
Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

Ufisinan I Etmás Ge'belo'Gi Liheslaturan Guåhan
 32ND Guam Legislature
I Mina' Trentai Dos Na Liheslaturan Guåhan
 155 HESLER PLACE HAGÁTÑA, GUAM 96910

COMMISSIONER

GUAM COMMISSION ON
 DECOLONIZATION

GUAM FIRST
 COMMISSION

PRESIDENT

ASSOCIATION OF
 PACIFIC ISLAND
 LEGISLATURES
 (APIIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
 EDUCATION
 AND LEARNING
 (PREL)

**LEGISLATIVE
 REPRESENTATIVE**

PACIFIC ISLAND
 DEVELOPMENT BANK
 (PIDB)

FESTIVAL OF THE
 PACIFIC ARTS
 (FESTPAC)

December 12, 2014

The Honorable Rory J. Respicio
 Chairperson
 Committee on Rules
I Mina' Trentai Dos Na Liheslaturan Guaham
 32nd Guam Legislature
 155 Hesler Place
 Hagatna, Guam 96910

RE: Committee Report on Bill No. 420-32 (COR), as substituted

Dear Chairperson Respicio:

Transmitted herewith is the Committee Report on Bill No. 420-32 (COR), as substituted An act to approve rules and regulations governing the standards for professional conduct for Guam educators Introduced by Speaker Judith T. Won Pat, Ed.D.

Committee votes are as follows:

- 1 TO DO PASS
- 0 TO NOT PASS
- 6 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Senseramente,

Judith T. Won Pat, Ed.D.
 Chairperson

Every day I wake up and tell myself I am so blessed. Thank you sweet baby Jesus. I am most thankful and humble to have this life I live. Family-Friends-Bestcoworkers-DaChuck group on whatsapp (you know who you are) Lol
 Peace and love, forever and ever, amen.

2014 DEC 15 AM 11:03 AM



Office of the Speaker
Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

Ufisinan I Etmås Ge'helo'Gi Liheslaturan Guåhan
32ND Guam Legislature
I Mina' Trentai Dos Na Liheslaturan Guåhan
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PACIFIC ARTS
(FESTPAC)

COMMITTEE REPORT ON

**BILL NO. 420-32 (COR), AS SUBSISTUTED - AN ACT TO
APPROVE RULES AND REGULATIONS GOVERNING THE
STANDARDS FOR PROFESSIONAL CONDUCT FOR
GUAM EDUCATORS.**

INTRODUCED BY SPEAKER JUDITH T. WON PAT, ED.D.



Office of the Speaker
Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

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 DEVELOPMENT BANK
 (PIDB)

FESTIVAL OF THE
 PACIFIC ARTS
 (FESTPAC)

December 12, 2014

MEMORANDUM

TO: All Members

**FROM: Speaker Judith T. Won Pat, Ed.D.
 Committee on Education, Public Library and Women's Affairs**

SUBJECT: Committee Report on Bill No. 420-32 (COR), as substituted

Transmitted herewith for your consideration is the Committee Report on Bill No. 420-32 (COR), as substituted An act to approve rules and regulations governing the standards for professional conduct for Guam educators. Introduced by Speaker Judith T. Won Pat Ed.D.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 420-32 (COR)
- Substitute Bill 420-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 420-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

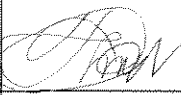





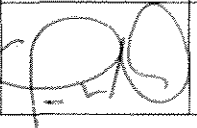
Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Senseramente,

Judith T. Won Pat, Ed.D.
 Chairperson

COMMITTEE VOTING SHEET
COMMITTEE ON EDUCATION, PUBLIC LIBRARY AND WOMEN'S AFFAIRS

420-32 (COR), as substituted An act to approve rules and regulations governing the standards for professional conduct for Guam educators

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Judith T. Won Pat, Ed.D., Chairperson		12-13-14 ✓				
Aline A. Yamashita, Ph.D. Vice Chairperson				12/12/14 ✓		
Frank B. Aguon, Jr.	 12/12/14					
Tina R. Muna-Barnes						
Rory J. Respicio				12-12-14 ✓		
Dennis G. Rodriguez, Jr.				12/12 ✓		
Michael F.Q. San Nicolas				12/12/14 ✓		
V. Anthony Ada				12/12/ ✓		

Committee Report Digest

I. OVERVIEW

The Committee on Education, Public Library and Women's Affairs convened a public hearing on, Monday, November 24, 2014 at 6:20 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration was Bill No. 420-32 (COR) - An act to approve rules and regulations governing the standards for professional conduct for Guam educators. Introduced by Speaker Judith T. Won Pat, Ed.D.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on November 17, 2014 (5 days notice), and November 24, 2014 (48 hours notice) via email. Copies of the hearing notices are appended to the report.

Senators Present

Speaker Judith T. Won Pat, Ed.D., Chairperson

Senator Aline Yamashita, Ph.D. Vice Chairperson

Appearing before the Committee

Mr. Robert Malay

Ms. Lea Santos

Ms. Mary Nolte

Attorney Daniel Sommerfleck

Ms. Darlene Stremmelaar

Ms. Barbara Janssen

Ms. Sanjay Sharma

Mr. Michael Bailey

Ms. Jennifer Berry

Ms. Rebecca North

Dr. Jose Cruz
Dr. Elisabeth Rosario
Mr. George Freeze

Written Testimony Only

Dr. Gayle Hendricks
Ms. Lynn P. Perez
Mr. Sanjay Sharma (submitted additional testimony after the public hearing)

II. SUMMARY OF TESTIMONY AND DISCUSSION

- **Speaker Judith T. Won Pat Ed.D.** apologized for the delay as there was a round table discussion earlier that took longer than expected. Speaker announced that the testimonies of two Bills: Bill No. 420-32 (COR) An act to approve rules and regulations governing the standards for professional conduct for Guam educators and Bill No. 421-32 (COR) An act to approve amendments to Chapter 8, Title 5A, Guam Administrative Rules and Regulations. Speaker also mentioned that proper and adequate notices were given: 5 days notice was sent on Wednesday Nov. 17, 2014 and 48 hours notice was sent on Nov. 22, 2014.

- **Speaker Won Pat Ed.D.** stated that all testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery at the Speaker's office; Speaker's mailbox at reproduction room of the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589.

- **Speaker Won Pat Ed.D.** thanked her colleague and Vice Chair, Senator Yamshita for her attendance.

- **Speaker Won Pat Ed.D.** mentioned that one of her staff told her that people were confused as to what bill to sign up for. Speaker also did a recap, that Bill 420 is an act to approve rules and regulations governing the standards for professional conduct of educators. Also, that Bill 421 deals with the certification of teachers and

professionals and that Bill 421 is an amendment to a particular law already in statute--- Chapter 8, Title 5A, Guam Administrative Rules and Regulations. She lastly mentioned that if your name is called up, and it's not the particular bill to testify then it is quite all right.

- **Speaker Won Pat Ed.D.** called up Mr. Robert Malay, Mary Nolte, Attorney Daniel Sommerfleck, and Darlene Stremmelaar to testify.

- **Mr. Robert Malay** thanked Speaker and Vice Chair Senator Yamashita for the opportunity to provide some input regarding Bill 420. He mentioned that he is the Deputy Superintendent for the Guam Department of Education. He mentioned that he has disseminated the 2 proposed bills to a number of his staff and central office to see what the impacts are going to be for the employees. He also mentioned that there is already an established set of rules and regulations which do include employee conduct and consequences inclusive of timelines that need to be met or be adhering to; any misconduct to include all of our employees (teachers, guidance counselors, nurses, teachers, and support staff of all sorts including our school administrators). He stated, "So without taking much of your time we are here today to hear some of the other impacts/input and we have brought some of our staff from the Human Resources division to be here as well. And then what we want to do is see if these 2 systems jive with one another. I know there is already an employee misconduct procedure that exists. In regards to timelines, we want to make sure that they are not conflicting with what is being proposed in these bills for GCEC. We want to make sure our employees are given a fair opportunity to represent themselves and make sure that their due process is not taken away from them which we have afforded them with our personnel rules and regulations. So we haven't taken an official position. But we will take an official position and submit that to you in written testimony as soon as we get input that we hear tonight. We will circle the wagon and get down with our team to give an official response at a later date."

- **Speaker Won Pat Ed.D.** thanked Mr. Malay for his testimony. And mentioned that he has not taken a position of the bill. Speaker also mentioned that she is going to be something different and called up Ms. Lea Santos, Executive Director Guam Education Certification Commission to talk more about Bill 420.

- **Ms. Lea Santos** talked about Bill 420 and her testimony is appended to the committee report.

- **Speaker Won Pat Ed.D.** asked, “Ms. Santos can you provide to us the process as to how you these rules were put together?”

- **Ms. Lea Santos** mentioned that the certification is a 2 part: the 1st part is issuing a certificate; the 2nd part is the whole education misconduct. She also stated, “The NCATE is working on one to be used nationally. Every state is trying to come up with the same profile. From the moment in 2011, they approved the rules and regulations to issue a teaching certificate. The commission members told me we have to work on the other side of the fence. In other words, we were only working on the issuing, which is only half of the work. Now they want me to work on the other half which is the education misconduct. So I took it from other jurisdictions. In all cases the person- somebody has to file a complaint, it is very clear. They have to go to a process. In our case, I already spoke to the AG’s office we will use an attorney. The AG’s office will do an investigation, not us. Assuming person A, someone files a complaint, we will go to the AG, the AG will assign a lawyer, a lawyer that we will pay for, because they are short handed. But they will do the investigations for free for us. All investigations will be done by the AG’s office. The lawyer will be the hearing officer, and we will go through the process that is in Exhibit 1. There are specific timelines we will adhere to the timeline, and then come up with a revocation or suspension. I think some people fear that this is going to be used by a principal to harass a teacher, which is not going to happen. Certain members will sit on the ethics committee and decide whether a case has merit or no merit for us to proceed with the process.”

- **Speaker Won Pat Ed.D.** stated, “ So what you are saying then, originally is that the first half it is to make sure that to that all the teachers are qualified to be issued a license or certificate to teach. And then the second half is to make sure that if there is an alleged illegal activity/misconduct then the commission has the authority to revoke a license so they won’t take that license elsewhere to teach.”

- **Speaker Won Pat Ed.D.** called up Mary Nolte to testify .

- **Ms. Mary Nolte** thanked Speaker for allowing her to testify. She mentioned that she is a teacher at Okkodo High School. She represents her school and her

colleagues. She mentioned that she is for the changes and new proposed conduct and standards of Bill 420. She also mentioned that she attended the public hearing on August 7th and she mentioned that she was the only educator there in which she was disappointed because they could have provided input for these new rules and standards. She mentioned that we all have to be accountable and that if one alleges another that they have to have backup and proof of evidence and we have to identify what the misconduct is. She also mentioned that if a person alleges another that there should be criteria that they need to follow; and that if one falsely accuse that they should have consequences as well, that should be something to consider. She mentioned that administrators as well as teachers should all be accounted for all alleged conducts or behavior that is illegal.

- **Speaker Won Pat Ed.D.** called up Daniel Sommerfleck to testify.

- **Attorney Daniel Sommerfleck** is not in favor of this bill. He mentioned that he is an attorney here on island. He was concerned about the effects of this bill. He stated, "He doesn't care about teachers going off island who should be terminated; he cares about teachers that are here on island teaching our kids." He mentions, "So if the only reason for this bill is to attract teachers going off island, I am even more against it." He stated, "That he is against this bill for a number of reasons. Because it doesn't define and it doesn't make clear when you can get hammered. And this is what this is talking about hammering teachers and taking away their livelihood. If they lose their license they cannot teach. There are a number of contradictions on this bill one of them is that they cannot be in a school anymore. I do not know how losing a teaching certificate and a person issuing a teaching certification have the authority to tell a teacher that he or she cannot be in a school campus. The Guam Department of Education can do that, but I do not know how a certification board can do that. That is one of the biggest problem I have with this bill, is that when a teacher loses a certification that he or she cannot be a paraprofessional in a campus. If someone is drinking on the job they should be fired, there is no gray zone about that. That is why we have a personnel policy and a personnel office to handle that, a lot of this is a redundancy. And the question becomes are we creating a separate agency to oversee an agency and giving this agency such vague powers that they can do whatever they want. They don't like you they do not like the way you dress or your religion. Anyone can make a complaint, any individual and then what is the burden? Once the complaint is

made, investigated, and the arguments are presented; the investigator becomes the prosecutor and hearing officer. As what I understand, the AG's office will do the investigations, and the lawyer will be the hearing officer. So the prosecutor is also the hearing officer, so he presents his case to himself. Then there is no burden. Is it beyond a reasonable doubt, like a criminal case? Is it by a preponderance of evidence? Is it by substantial evidence? Is it by clear and convincing evidence? It doesn't say it anywhere. So makes the decision as to what standard you are even up against? Who makes that decision? The hearing officer, the board, the commission? I think it said the commission. And then what is the rule? Is it like the rule that the civil service commission has? And then we have the standards of professional conduct. The section- knowingly and intentionally denying or impeding, a colleague in the exercise or enjoyment of professional rights or privileges of being an educator. No, you cannot borrow my TV? You just inhibited my rights as an educator! I don't care if it's your TV! You are inhibiting, you are knowingly and intentionally denying or impeding me as a colleague in the exercise or enjoyment of professional rights or privileges of being an educator. I signed up for the TV first, but you are more important. Because I want to show this, and you want to do that, you are impeding my education and now I am in front of the commission in threat that I am going to lose my license and livelihood. That is just an example of one of the concerns that I see. I don't see difficulty; if you allow me to go the second bill in saying teachers do not receive a satisfactory evaluation from the department. This could be separated, give them that power. If they are not satisfactory employees and the department says they are not satisfactory. In the policy, in the law that is being put forward they have taken out that you don't even have the chance for a Performance Teacher Evaluation Performance. Once you get an unsatisfactory you are terminated. You should put it back that you get the rights of a PTEP before you get terminated. I guess that's why I am here, I am an attorney covered by ethics if I violate and if I get in trouble, I would lose my license thus my livelihood. That is the reality of this bill that if I impede some educator I can lose my license and it goes in front of the committee and its investigated by the same person who is a hearing officer with no standards of who needs to prove what to make determinations so that I lose my license. That to me is not a fair deck, and that is why I am here."

- **Speaker Won Pat Ed.D.** asked, “So you do you think that there should be an ethics to govern educators?”

- **Attorney Daniel Sommerfleck** to govern educators there should be an administrator and the Guam Department of Education.

- **Speaker Won Pat Ed.D.** mentioned when the law has taken out that part and allowed a separate body to handle issuance of a certificate. And you’re right it was for D.O.E and D.O. E can also revoke that license. By law, now it has been delegated to an independent commission to handle such where they can issue and revoke a certificate. Are you saying now that they cannot revoke a certificate?

- **Attorney Daniel Sommerfleck** I am saying the authority that they should have would be to revoke a licensee to where the department has found the employee to have unsatisfactory work. Most of the stuff in here that is of substance that already controls employees is already in the personnel policies. And if it’s already in our personnel policy and that is the department’s job then why are we putting another body in place? Let the department determine, after each year they determine whether a person is unsatisfactory they are removed, if an employees is arrested-convicted of a crime they are required by law to report that to their employer. I see a number of pitfalls in going down this course and expanding it. If I were to expand the power of the certification office I would change the law that certification office determines what the passing scores of the Praxis. So that our certification office actually controls how many teachers are coming in to our system, and how many coming out of our system based on scores and our demands of the system. And it is my understanding that the standards are higher than most jurisdictions for teachers to get in.

- **Speaker Won Pat Ed.D.** It is the same now; the scores are all the same, nationally.

- **Attorney Daniel Sommerfleck** so to answer your question, do I support this Bill, no I don’t. I think that this is going to lead to many complaints, as this process goes forward. This bill is filled with vagueness and these regulations aren’t going to pass constitutional muster. But most importantly it already exists in D.O.E. This is going to cost us a fortune. To regulate attorneys and judges we have an ethical prosecutor to handle that, but to regulate all teachers (2000), so I am going to guess

that you are going to need about 3 or 4 staff to handle complaints and the process that goes with it.

- **Ms. Darlene Stremmelaar** provided testimony and her testimony is appended to the committee report.

- **Speaker Won Pat Ed.D.** called up the next set of individuals to testify; Barbara Janssen, Sanjay Sharma, Michael Bailey and Jennifer Berry.

- **Ms. Barbara Janssen** mentioned that after reading the bill that she felt that there will be abuse because the bill is very subjective. She stated, "Thinking that if someone has a vendetta against someone that you can be vulnerable. Because a lot of it has to do with an inception of some negative or wrong doing. It is a little too vague for a person to found guilty of something. And I can see it too where we have a group of students trying to go against a teacher just because they wanted to. Another is alcohol, of course it is not acceptable to drink during working hours, but almost seems as if it is when you're an employee at GDOE, and of course during your personal time you can't go out and have a beer or a glass of wine. Also on facebook if you post a picture of champagne or beer. This is just a sample of one with alcohol, if someone disapproves. Like if someone doesn't like the way you look, personality, sometimes students misconstrue things about one thing. And that concerns me that a perception of one may ruin or take away your livelihood. We need to be clear about what is allowed and what is not allowed so there is no gray area."

- **Mr. Sanjay Sharma** is not in favor of Bill 420; his written testimony is appended to this committee report.

- **Mr. Michael Bailey** mentioned that he is a teacher at Southern High and he is not in favor of Bill 420. He requested that this bill go back to the committee and it should not move forward. He also mentioned we already have protection from the commission. I represent teachers. The problem that we have here is that it is just too vague.

- **Ms. Jennifer Berry** stated, "I think when we talk about the Attorney General, the AG is overloaded and has already prioritized cases. As teachers, this is our livelihood. Any once can accuse us of anything, and we have to prove our

innocence. So if this is under the AG and the AG has already prioritized extreme cases while my own is not that extreme and at the bottom of the pile; this taken place, will I be able to work? So that consideration of the law needs to be looked at. Right now, we have something in place in GDOE. So right now there is already a system in place, so that I can have my salary until I am proven guilty. But how is this is going to be laid out for the teachers under the system which is not clear to me? And the process can take a long time, for the AG to respond to me, so if I am going to put my life in hold how am I going to survive?"

- **Speaker Won Pat** Ed.D. called up Rebecca North and Dr. Jose Cruz to testify.

- **Ms. Rebecca North** mentioned that she is an educator at Marcial A. Sablan Elementary School. She is to support and oppose this bill in this current state. She stated, "There should be a mechanism to revoke and there are many places that are too vague. And discussions to decide what are good morals. If you have a common law that are not good morals. So are we going to have someone living together who is not married considered immoral? People with the same sex preference too can be seen as immoral. So there are a lot of things; another is a he said she said issue. It is very vague and it's hard to say and I don't know how to resolve. But I do know there needs to be some way for a certificate to be revoke: if found guilty of sexual harassment, immoral act of the students, unprofessional to be found guilty in a court of law, are examples of when one should be removed. It needs to be very clear. If I get accused of something do I get a lawyer to prove my innocence?"

- **Dr. Jose Cruz** thanked Speaker for allowing him to state a position. He is here as a professional educator and not as a chair of the board, because the board has yet to view the bill. He mentions the title, Guam educators he thinks of a teacher, a principal, and an administrator at the central office- those are all educators and those are not defined. He stated, "This bill looks like it's only for teachers. The conduct that is being proposed that is in Section 4 has 6 items of conduct. The first conduct is legal compliance, what is the legal compliance that you have to be certified? Legal compliance means that we have to abide by all federal Guam laws and statutes. Guam laws and statutes are standard. The conduct for students again this is not, principals are educators but they do not teach students." He is being critical, of bill 420 to be outside of what the essence of the bill really for standards

for professional conduct for Guam Educators. He also stated, "It doesn't even have the definition portion. You can only infer to its continuing notion about teaching and teachers. Those conduct you can go all the way. Maybe conduct 4 for all educators. If you submitted information to DoDEa, you are going be out of jurisdiction. In the board we have a code of ethics, which was passed 7 or 8 years ago. We all oblige for confidentiality information. Conduct 7 is covered by other laws. Conduct 8 required reports. The professional conduct is over the place. The professional conduct is the most focused, but it fails to give us an essence. Professional conduct is to be truthful and no to demean. I find it holiday pay for lawyers." He also mentioned that Bill 420 needs to be focused on the Section 4 Standards for professional conduct for Guam Educators.

- **Dr. Elisabeth Rosario** provided testimony; she is in favor of Bill 420-32. She mentioned that we need policy that will be in place that shows the community that educators represent their profession at their very best. She stated, "Educators are professionals who must be held accountable for their actions while on duty. We have often time witnessed ineffective teachers who only receive a reprimand because of some indiscretion or some ethical violation. Only to be brought back, not knowing what the administrative action was. What Mr. Malay has brought up about already having standards for professional conduct, they're in place but the commission is the one that issues the certificate and the commission is the only one that can revoke the certificates for the educators. So that is all the commission is asking is that if the educator had some sort of misconduct that there is the revocation. Also alcohol was only highlighted for school sponsored events. It is not to limit us educators. We should not be aggressive. This bill encompasses teachers and administrators, so it's everybody that has been issued a certificate."

- **Mr. George Freeze** mentioned it is very interesting, but he is thinking about retired teachers and how will it affect the retired teachers. He asked, "So how will this bill affect retired employees?"

- **Speaker Won Pat Ed.D.** asked to the Commission, could any behavior as a retiree, be used against him as a retiree? She answered, "It would only be relevant if you were to come in and apply for a new certificate."

- **Speaker Won Pat Ed.D.** mentioned that Lynne Perez sent a written testimony ; and her testimony is against Bill No. 420.

- **Speaker Won Pat, Ed.D.** concluded the public hearing.

III. FINDING AND RECOMMENDATIONS

The Committee on Education, Public Library and Woman's Affairs hereby reports out **Bill No. 420-32 (COR), as substituted** with the recommendation

TO REPORT OUT ONLY

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

Bill No. 420-32 (COR)

Introduced By:

Judith T. Won Pat, Ed.D. 

2014 Nov 10 10:30 AM
PAVED

**AN ACT TO APPROVE THE RULES AND REGULATIONS
GOVERNING THE STANDARDS FOR PROFESSIONAL
CONDUCT FOR GUAM EDUCATORS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Approval of Rules and Regulations. The Rules and Regulations
Governing the Standards for Professional Conduct for Guam Educators as
contained in Exhibit 1 and attached here are hereby approved.

**Section 2. To add a new Subsection 27008.1 to Chapter 27, Division 3 of
17 Guam Code Annotated. Subpoena Powers.**

The Chairperson of the Guam Commission For Educator Certification, upon
his / her own initiative, upon the request of any member of the Commission, or
upon the request of any party before the Commission, may summon in writing any

1 person before a meeting of the Commission as a witness and in a proper case, to
2 bring with him / her any book, record, or paper which may be deemed material as
3 evidence in the case. The fees for such attendance shall be the same as the fees of
4 witnesses before the Superior Court, except that if the witness is a government
5 employee no witness fees shall be given. The subpoena shall issue in the name of
6 the Guam Commission For Educator Certification, and shall be directed to the
7 person and shall be served in the same manner as subpoenas and testify before the
8 court. If any person or persons summoned to testify shall refuse or neglect to obey
9 said subpoena, upon petition, the court may compel the attendance of such persons
10 or persons before the Commission, or punish said person or persons for contempt
11 in the same manner provided by law for securing the attendance of witnesses of
12 their punishment for neglect or refusal to attend in the Superior Court.

13 **Section 3. To add a new Subsection 27008 (i) to Chapter 27, Division 3**
14 **of 17 Guam Code Annotated. Investigative Powers.**

15 (i) Investigate complaints filed with the Commission on educator
16 misconduct.

17

18

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 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 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.

- 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. 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.
- 3.17 **Revocation** is the permanent invalidation of any educator certification held by the educator.
- 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.
- 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.
- 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.

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 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, other governmental agencies and Guam private 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:
- 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 certificate holder of a bond in any court of law, or the written acknowledgment, duty 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 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 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.

Appendix A

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

1. Complaint Received by GCEC:

- a. A 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 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.
- 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**I. 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 or 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.



**KUMISION SETTEFIKACION PARA I MANMANIDUKA
GUAM COMMISSION FOR EDUCATOR CERTIFICATION**



Resolution No. 2014-01

RELATIVE TO APPROVING AND ADOPTING THE RULES AND REGULATIONS GOVERNING THE STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM EDUCATORS AND APPROVE AMENDMENTS TO CHAPTER 8, TITLE 5A, GUAM ADMINISTRATIVE RULES AND REGULATIONS.

BE IT RESOLVED BY THE GCEC COMMISSION MEMBERS:

WHEREAS, Subsection (f) of Section 27008 of Division 3, Chapter 27 of 17 Guam Code Annotated mandated: *(f) develop and implement policies that clearly define the respective responsibilities of the Commission and the Commission's staff;* and

WHEREAS, Public Law 31-50 approved the Administrative Rules and Regulations Relative to the Guam Commission For Educator Certification on May 16, 2011; and

WHEREAS, on August 7, 2014, the Guam Commission For Educator Certification conducted a public hearing pursuant to the Administrative Adjudication Act to add the Proposed Rules and Regulations Governing the Standards of Professional Conduct for Guam Educators, and, Proposed Amendments to Existing Rules and Regulations, 5A GAR Education, Chap. 8 Guam Commission For Educator Certification (PL 31-50); and

WHEREAS, the new Rules and Regulations and Proposed Amendments to the Existing Rules and Regulations were promulgated as a result of the public hearing; and

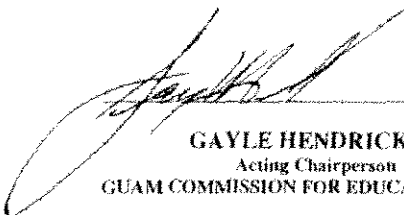
WHEREAS, the new Rules and Regulations and the Proposed Amendments to the Existing Rules and Regulations were transmitted to the Attorney General's Office, to the Department of Administration and the Guam Compiler of Law for their comments;

WHEREAS, favorable responses on the new Rules and Regulations and the Proposed Amendments to the Existing Rules and Regulations were received from the Attorney General's Office, the Department of Administration and the Guam Compiler of Law; now, therefore, be it


RESOLVED, the Guam Commission For Educator Certification approves and adopts the new Rules and Regulations Governing the Standards of Professional Conduct for Guam Educators and the Proposed Amendments to the Existing Rules and Regulations; and be it further

RESOLVED, the Chairperson certify to and the Secretary attest the adoption hereof and that a copy of this resolution is transmitted to the Legislative Secretary of the 32nd Guam Legislature.

**PASSED AND ADOPTED UNANIMOUSLY BY THE GUAM
COMMISSION FOR EDUCATOR CERTIFICATION
THIS 14th DAY OF OCTOBER, 2014.**



GAYLE HENDRICKS, Ed.D.
Acting Chairperson
GUAM COMMISSION FOR EDUCATOR CERTIFICATION



LEA SANTOS
Secretary
GUAM COMMISSION FOR EDUCATOR CERTIFICATION

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

Bill No. 420-32 (COR)

**As Substituted by the Committee
Education, Public Library and Women's
Affairs.**

Introduced By:

Judith T. Won Pat, Ed.D.

**AN ACT TO APPROVE THE RULES AND REGULATIONS
GOVERNING THE STANDARDS FOR PROFESSIONAL
CONDUCT FOR GUAM EDUCATORS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Approval of Rules and Regulations. The Rules and Regulations Governing the Standards for Professional Conduct for Guam Educators as contained in Exhibit 1 and attached here are hereby approved.

Section 2. To add a new Subsection 27008.1 to Chapter 27, Division 3 of 17 Guam Code Annotated. Subpoena Powers.

The Chairperson of the Guam Commission For Educator Certification, upon his / her own initiative, upon the request of any member of the Commission, or upon the request of any party before the Commission, may summon in writing any person before a meeting of the Commission as a witness and in a proper case, to bring with him / her any book, record, or paper which may be deemed material as

evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before the Superior Court, except that if the witness is a government employee no witness fees shall be given. The subpoena shall issue in the name of the Guam Commission For Educator Certification, and shall be directed to the person and shall be served in the same manner as subpoenas and testify before the court. If any person or persons summoned to testify shall refuse or neglect to obey said subpoena, upon petition, the court may compel the attendance of such persons or persons before the Commission, or punish said person or persons for contempt in the same manner provided by law for securing the attendance of witnesses of their punishment for neglect or refusal to attend in the Superior Court.

Section 3. To add a new Subsection 27008 (i) to Chapter 27, Division 3 of 17 Guam Code Annotated. Investigative Powers.

- (i) Investigate complaints filed with the Commission on educator misconduct.

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.

COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

SIGN-IN SHEET

PUBLIC HEARING

November 24, 2014

5:00 p.m.

Bill No. 420-32 (COR) - J.T. Won Pat, Ed.D. "An act to approve rules and regulations governing the standards for professional conduct for Guam educators".

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Robert M. ...	GDOE		Yes	Yes	300-1275	chunabuy
Mary Nolte	GDOE (okkodo H.S.)	support	no	yes	300-1870	mbird@agsoe.net
✓ Samer Black	Sell	oppose	No	yes	477 8020	
Robert Stempel	Payne	needs work	Yes	yes	488-6143	darkastrem@comcast.net
Barbara Janssen	GDOE OHS	oppose	no	yes	488-8652	bjanssen@guam.net
Sanjay Sharma	GFT	oppose	yes	yes	898-3074	webmaster@guam.net
Michael Bailey	Southern HS	oppose		✓	828 8783	bailey@guam.net

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Jennifer Berry	GDOE	oppose				
Jose A. Lora	GDOE	Partial - 70		✓	74-9705	jose.g.lora@goe.net
Rebecca North	GDOE	both		✓	565-6480	RSNorth@gdoe.net

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Georges Prest	GDOE	oppose				

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NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
GA SANC	GCEL	SUPPORT	/	/	735-2554	
Dr. Elisabeth L-Rosano	GWHS	Support		/	300-2971	

Bill No. 420-32 (COR) - J.T. Won Pat, Ed.D. "An act to approve rules and regulations governing the standards for professional conduct for Guam educators".



Written Testimony as to Proposed Bill 42032; Done this 24th of November 2014

(An Act to approve the Rules and Regulations Governing the Standards for Professional Conduct for Guam Educators.)

The following are respectfully submitted to the Speaker and Senators of the 32nd Guam Legislature for their review and consideration regarding their revising or returning, for further consideration and revision, to the GCEC this proposed Bill in accordance with the comments and observations which the GFT respectfully now submits.

The comments may seem detailed, but regrettably the Public Hearing took place on August 7th; when many Educators were off-island as The School-Year was long over, and even Summer School may have been completed; thus the Stakeholders were not really able to have comment or input, and as the ones most effected they ought to have had the opportunity to do so.

It is noted at the outset that there are areas where the vagueness of the language renders it being subject to being voided or capable of being seriously abused and misused. In addition there are areas that appear incomplete in thought and process, and need further work to be complete. It is submitted in summary, that this Bill be referred back to GCEC for an additional Public Hearing and improvement.

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 ones who merely hold a certification but are inactive or in another field, as the idea is to deal with teachers who are interacting with schools and students.

Page 2, at 3.02.1 It is submitted to be improper to ignore an appeal 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, 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.

Page 3, 3.10 Should be changed to require a "Well Documented" pattern so as to be sure there is reasonable evidence and justification to refer a teacher.

3.11 Should be changed to read a "repeated" loss and "well-documented" should be included; so it is not an isolated incident and there is documentation of what is alleged and referred.

3.13,1 Here to we have too much vagueness as to the meaning of Community as to a Standard and the language is too broad and vague for real understanding and clear meaning.

3.14 Here too should be added "well documented" as to the alleged wrong and to the area of duty should be add the language that it is a "substantial violation and that it is related to Teaching.

Page 4, 3.16 The written admonishment should only remain in the file for one year and if nothing else negatively occurs; then be removed; so as to not sully permanently for a minor infraction.

3.17 The word permanent should be removed, so as to give the opportunity to re-apply later.

3.19 It applies to Child by the language, but an adult can date for example a 17s year old legally; so remove that aspect or clarify it only as to a student.

Page 5, 3.25 Likewise it should remain in the file only one year, and if nothing else negative comes-up; then remove it, give the teacher an incentive to be good and an opportunity for a good remaining career.

4.01 should have the language under Guam Law, or clarify it at the outset that all law references are to Guam Law unless specified otherwise.

4.02.4 Should have added the word proximately, to eliminate or differentiate from merely being on the scene, and the misconduct here and in 4.02.5 needs to be defined.

Page 6 4.02.7 Should be changed to specify on school grounds and under Guam Law, and the language under any other setting is too broad, and this should specify and be limited to school grounds or school functions versus outside activities and define supervision that way.

4.04 This is too vague, throughout the language used "but not limited to" is too vague and does not inform as to what conduct is included! In all such places where this language is used it needs to be removed and the conduct in question clearly defined and explained so that teachers and administrators can reasonably and fairly know and understand what conduct is expected and required, and not this undefined and unexplained wording.

4.05 And its sub-areas should all have included the word "intentionally" inserted.

4.06.4 Should be limited to the school year only.

Page 8, 4.08.2 and 4.08.3 should be removed as they place a reporting requirement not required in 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 only to that observer as to their own expected conduct because the teacher may informs on such innocent conduct because one just might interrupt it differently and so he better inform or complain OR he risks getting into any trouble under this language !

Page 9, 4.10 put in the word "intentionally" as to this conduct versus it happening innocently or just simple negligence.

Page 10, 6.01.6 Too many incidents could or can be classified as Misdemeanors under Guam Law. The offense level should be changed to Felony.

6.01.7 Should have added the word "materially" before effectiveness.

6.02.3 Should have added the words well documented regarding incompetent.

6.02.4 should have the words by a court of law regarding a finding of guilty and that it is a Final Judgment; meaning after all appeal time has passed or appeal completed.

6.04 should have volunteer removed; just because a Teaching License has been revoked should not mean one cannot volunteer to help; that is going too far

Page 12, 6.06.1 should be changed also from Misdemeanor to Felony. Too many minor items are classified as Misdemeanors for one's License to be at stake, and Felony Level Crimes are the more serious ones.

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.

Page 13, 1. A. should have = and be notarized at its end.

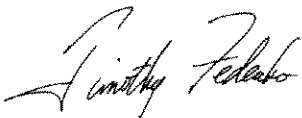
Page 14, 3. D. should have added = after its review of the allegation(s) and the proposed action. There should be at least a review even if one does not appear; just to be sure all is being done properly and is justified.

Page 15, section d. should have it stated the Rules of Evidence do not apply at these proceedings; but it should be clarified if witnesses are testifying under oath or just making statements?

I. Here it needs to be clarified what if there is an appeal In this regard are these Proceeding appealable to the Superior Court of Guam for Review; just like decisions from the Civil Service Commission; which is at least equal to this commission and CSC decisions are subject to Superior Court Review..

Respectfully submitted,

Guam Federation of Teachers, AFT, Local 1581



Tim Fedenko, Its President

Testimony of Darlene Stremmelaar
Parent and Educator
November 24, 2014
Standard 9

4.09.1 Any behavior or conduct detrimental to the health, welfare, discipline, or morals of students

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

I think this bill needs to include Parental rights in terms of their professional relationship with Administrators. For Standard 9 section 4.09.1 it talks about the behavior or conduct detrimental to the health, welfare, discipline, or moral of students.

It needs to be clear as to how parents are treated. This is very personal to me and my family because I thought that principals in any grade level were supposed to be treated with respect and vice versa. At least I thought so until August 2014, specifically the 1st week of kindergarten at a central elementary school.

This was the first time that I have experienced the abuse of power from a Principal. The act she took had nothing to do with the success of my child in school it only had to do with the fact that "She could" do it because of the position she was in and the out of district rule. The history is that my son was out of district and we wanted him to attend this central elementary school because we heard that the program would be a good thing for my son. We were told that as parents we had to attend all the meetings and functions and be supportive parents. We did what we were supposed to do. We were so excited that he was attending this central elementary school that we even bought 14 uniform shirts because we believed he would be attending this school, the next year. It just so happened that within the first week, within the first 5 days of kindergarten my son was kicked out of school because we disagreed with the Principal on a matter concerning our son.

We did not want to meet with a Vice Principal because we felt that it would not be in the best interest of our son but we did say that we would meet with the Principal and any specialist that knew what our son was going through. THIS WAS DENIED US, WE WERE TOLD THAT WE HAD TO MEET regardless of how we felt as parents. In the matter of 9 minutes we were told that we were uncooperative parents and that we had to withdraw our son.

Our kindergartner who received the color green for good behavior was kicked out from kindergarten because the Principal decided that her use and abuse of her power was more important than the welfare of my child. When she kicked out my son we as parents had to scramble to think where else we would put our son, we had to worry about if we could afford another set of uniforms because Royal Bics would not take the 14 shirts back, we had to think about how our son would deal with a new school because it took us a summer to get him used to the idea of going to a new school, we had to worry about making sure he could be with a teacher who will understand his needs and all the things that my son needs to thrive in school.

WHAT DID THE PRINCIPAL DO? WHAT DID THE PERSON IN POWER IN A LEADERSHIP ROLE HAVE TO DO? SHE DID NOTHING BUT USE HER POWER TO SHOW US PARENTS THAT WE COULD DO NOTHING.

Her actions did not take into consideration what lengths we as parents have gone through to ensure our son's education was what he needed. I can't reveal too much about my son because of his age but this is what happened. This incident was in August, the superintendent launched an investigation, but we were told we are not allowed to know the outcome if any personnel action was taken against the Principal. WE ARE NOT SATISFIED! We had to do another parental grievance so that it would be brought up to the board and only now we are trying to negotiate a time to meet with a deputy superintendent and Principal to see what can be remedied. We as parents had to provide evidence for everything that happened. We even had to state what rules or regulations were broken, this should be given to us as parents from the Department of Education, they should tell us, this is what is violated, let us help you rectify the problem but we are the ones left to prove what we know to be wrong. This has gone on since August. We as parents jump through hoops to seek justice because a Principal put herself first before the welfare of a student who was accepted into her school. Just so you know I am a teacher as well as a parent. I have been teaching for 17 years and this is just the gross realization that can happen to my child.

I am a certified teacher and on top of taking care of my duties, such as teaching, providing service learning opportunities, calling parents, working to make sure my children are supported I had to worry about my son being mistreated at another school. When my husband told the Principal that he would report this incident to the superintendent her response was, "Go ahead." There is an arrogance in this position of leadership that what they do has no consequences. There are lists and lists of rules of conduct for classroom teachers but not enough for Principals that by your bill are considered educators. That was it and this is where we are now.

My son is now at M.U. Lujan and what a blessing. The principal of M.U. Lujan and my son's teacher put our son first. They explained to us that it was a partnership and not what WE HAVE TO DO. There is a respect at this school that has not only helped my child thrive but has helped my child become star of the week. This doesn't happen because my son has uncooperative parents, it's because my son has parents who care and have administrators who care about what happens to the children that attend their school. There is no power play, there is no condescension, there is only discussion of what is best, and no egos involved, no misuse of power.

So I am asking this committee to put in parents in this bill. Parents should have the right to say look, this is wrong. There needs to be something in place that just because a Principal by the rules can do it, does it make it right, and does it make it ethical to enforce the rule? It is not the meaning of the rule that is wrong it is how the rule is being used. Is it being used to better a situation or to use, just to abuse power with no real basis? Does it consider the well-being of the student? What happened was unethical and uncalled for. I don't know how many parents have been treated this way or have chosen not to speak up because they are intimidated by the process or by the Administration but I'm speaking up on behalf of them. My child cannot do it for himself so we must say what happened so that others know it's not right.

I am not in favor of Bill 420-32.

The biggest problem is that Guam Commission for Education Certification (GCEC) wants to take on the responsibility of the courts and the Civil Service Commission (CSC). The courts already have a mechanism to imprison the violators of most of the items presented within this bill. The CSC, through its legal standing, already terminates the employment of those violating some of the provisions herein. The Guam Department of Education does not hire felons and those convicted of sex crimes as determined by courts and CSC. I would rather have an employee go before the court system or CSC for violations of law.

The timelines to file a complaint against an educator do not mirror current guidelines followed by CSC. CSC provides a sixty (60) day window to submit a personnel action against an employee. The proposed timeline changes the length to a year. For sexual crimes, this proposal stipulates a filing period of up to three (3) years after a student turns eighteen (18), which does not mirror current law found in 8 GCA chapter 10. 8 GCA chapter 10 stipulates that prosecution for sex crimes on minors have no time limitations. Regardless, the employee will be terminated upon conviction due to employment terms. Having a certification removed for a felony or a sexual crime serves no purpose because that person will not be able to gain employment with their criminal record.

Another reason I am against this bill is that it will allow the termination for educators beyond what the courts and CSC have jurisdiction over. The language found in standard nine (9) is too broad and allows for certification removal based upon issues not heard at the courts or at CSC. Based upon standard 9, if I tell a colleague that there are other vocations that pay better than an educator, I can lose my certification because this this may impede the enjoyment of teaching. For reference, this is section 4.09.3. Under section 4.09.6, I can no longer offer to make a chapter test in exchange for first lab use because I am using a coercive means to influence a professional decision of a colleague. If I insist that another teacher follow my pedagogical teaching style that is in contrast with my colleague, when are

these differences considered harassment if I insist on my viewpoint? I am sure these examples sound sarcastic, but they can apply to educators once this is approved.

Teachers in other states that utilize broad language found in 4.09.1 and 4.09.2 have been coerced to give up their teaching occupation. In one example, a male teacher was terminated for showing his abdominal muscles in a television show (Jacobs, 2013). In another example, a teacher in Georgia was coerced to resign for posting pictures of herself holding an alcoholic beverage in her hand during her summer vacation (Knight, 2011). Olivia Sprauer, a teacher in Florida, was fired for modeling in a bikini. In past years, this clause prohibited homosexual teachers. Likewise, this reminds me of the working rights of educators dating back to the turn of the 20th century where teachers were not allowed to work when they were pregnant or allowed to leave the jurisdiction of the city of where they worked. I am sure times have changed, but this limits the freedom of educators and brings us back in time. With the passage of this bill, I can be terminated for things I post on social media that may not have anything to do with my teaching career. I can start up a video blog that discusses the fine quality of whiskey such as that seen on ralfy.com. Because this blog may be interpreted as promoting alcohol, I can lose my teaching license and, as a result, my teaching career. The current certification board may not see this as an issue, but future board members, upon passage of this bill, may take action on my social media posts.

The penalties do not necessarily match the crime. The revocation of an educator certificate means immediate reduction in pay or termination. For heinous crimes, the employee is imprisoned through the courts or terminated through CSC. However, 6.02.6 notes that a teacher can have their teaching certification revoked for having a misdemeanor. If I mistakenly write a bad check over \$250 but less than \$1,000 for whatever reason, then I have committed a misdemeanor. With the passage of this bill, I would have my teaching certification revoked and I would lose my job as a result. For crimes

that carry a minimum penalty and where the court system or CSC do not seek imprisonment or termination of employment, revocation of a certification means job termination and is too harsh.

I am against Bill 420-32 because felonies and other misconduct of public trust are heard by the courts and CSC. The issues in this bill that are not covered by the courts and CSC are over-reaching. Educators can be terminated for perceived crimes not otherwise heard in a court of law or CSC such as social media posts, bikini posts, summer pictures, talking to a colleague to take a higher paying job elsewhere, and misdemeanor offenses that should only carry the weight of a penalty, not job loss.

Respectfully,

 11/24/14

Sanjay H. Sharma
Vice-President
Guam Federation of Teachers

References

- Jacobs, P. (2013). Long Island teacher forced to resign after showing off abs on a reality show. Business Insider. Retrieved from <http://www.businessinsider.com/teacher-resign-showing-off-abs-princesses-long-island-2013-7>
- Knight, C. (2011). Teacher forced to resign over legal Facebook photos. Education Tech News. Retrieved from <http://educationtechnews.com/teacher-forced-to-resign-over-legal-facebook-photos/>

Senator Judy Won Pat
Speaker, 32nd Guam Legislature
155 Hessler St.
Hagåtña, Guam

Speaker Won Pat,

My name is Gayle Hendricks and I currently serve as the Vice Chairperson for the Guam Commission for Educator Certification (GCEC). However because I have not presented this to the Commission members for their approval, I am speaking as a private citizen. I wish to submit testimony in favor of Bill 420-32. This Bill gives the GCEC the authority to reprimand, suspend, or revoke a certificate the GCEC has issued. Please bear with me, as this will probably get long, but I want to justify the Bill's importance. This is an important piece as the GCEC is responsible for maintaining standards for the issuance of a certificate. Therefore, the Commission also needs the capability of removing a certificate should it become necessary. This issue is currently being addressed nationwide and one that has become critical for those given the responsibility of issuing educator certifications. Guam has been fortunate that some of the incidents reported by other jurisdictions have not, to our knowledge, occurred. This matter needs to be taken seriously. In drafting this bill, the Commission, looked to importance of maintaining the health and safety of the students while ensuring that educator's rights were protected.

Recently I returned from the national conference on certification professionalism. The last session was extremely sobering and still bothers me today. The session was on forensic interviewing of victims. The Presenter showed an interview of a eleven year old boy who had been sodomized when he was six. It was heart breaking to listen to this young man answer her questions. While the perpetrator had been charged, it was the results of the attack that made the impression. This young man, who was considered a bright, energetic, happy child, now is considered disabled because he has lost his ability to concentrate, is afraid of adults and surroundings, can not control his bowels, and does not want to go outside, let alone to school. Worse yet, his psychologist feels it will be a long time yet for him to heal. The perpetrator had done it before and was allowed back with children.

On Guam we have had incidents that have occurred and every one of those individuals maintained their certificate and most eventually returned to a classroom. This Bill allows an avenue for the permanent removal of individuals who prey on our children at schools. Let me give you just a few examples:

- 1) From off-island approved school trip, a parent found a roll of film of his 15-year-old daughter in the nude. The pictures where taken by the chaperoning teacher, who justified it as art. He was removed from teaching with an agreement that he would not ever work with kids again. Several years later, he was hired back into the

same position he was removed from. If not for the Attorney who had investigated the original incidents discovering his rehire, he would probably still be in the system.

2) Two male teachers got two of their students pregnant. The Principal's solution was to let them resign and go away. One of the two had been charged previously, but nothing had happened, he returned to the classroom and was given another opportunity to violate children.

3) A teacher was accused of inappropriate touching and removed from the school. The next year the Assistant Principal of that school was promoted to Principal, assigned to another school, and she hired the teacher onto her staff. He was AGAIN accused of the same offense and was removed. This time he left island - with his Guam Certificate still in hand!

4) An Assistant Principal accompanied a girls' team to an off-island tournament. On the morning the team was to return to Guam he was so drunk the coach and students had to pack his suitcase, assist him onto the bus and assist him onto the airplane. No repercussions, even though it was reported.

These are just cases I know of. I have heard of so many more. While a school principal, I had six teachers investigated and removed from my school for actions that were far less serious, but serious enough that their continued employment was not safe for the students. All were able to keep their certificates.

At present, the system itself continues to allow perpetrators and others who should not be around children to continue to have that access.

Please know that this Bill comes with safeguards for frivolous accusations such as requiring signed affidavits, investigations by the AG's office and Hearing Officers not connected with hiring organization. But, another important piece, we also allow for the sanctioning of people who failed to report incidents, thus allowing perpetrators to continue.

Recently, a School Principal did all the appropriate reporting of a teacher who sent nude photos of herself to a student, which went out to a number of other students. Those students reported the incident to the Principal. She resigned from GDOE, but, because the Commission has no mechanism to remove the Certificate, she continues to be a Guam Certified Teacher.

I listened to the testimony presented on November 27, 2014 and what I heard was that the Commission wants to prevent teachers from having a drink on their own time - Not true. Drinking at schools and school events where students are present is objection, but it occurs. The Commission would treat this based on the seriousness of the offense and probably not an immediate revocation of a certification. A teacher could file a charge of hindrance against another teacher for taking a

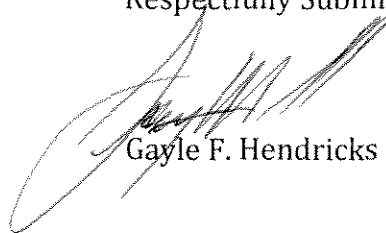
projector the first teacher was intending to use. Not true, the second teacher would have to go to the Certification Office and sign an affidavit and would mostly be investigated for frivolous submission.

Note, there will be no mechanism to go back and pursue past indiscretions, only those that happen in the future. Hopefully, with the word out that we are serious about maintaining a safe environment for our students, very few will occur.

Finally, where were all these people who object when we went through the triple A process? The Commission has not and should not operate in a vacuum. The item has been on the agenda for more than a year and a public hearing was held. One person came forward and the Commission listened to their concern and made appropriate adjustments.

Again, I urge the passage of Bill 420-32 for the health and safety of our children. I do not want Guam to face a situation like the one presented at the conference. Please, give the GCEC the duty to not only to give, but also to revoke Certificates.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Gayle F. Hendricks", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Gayle F. Hendricks



KUMISION SETTEFIKACION PARA I MANMANIDUKA
GUAM COMMISSION FOR EDUCATOR CERTIFICATION
UOG Station-SOE Room 105, Mangilao, GU 96923
Tel: (671)735-2554 Fax: (671)735-2569
www.gcec.guam.gov



November 24, 2014

Honorable Speaker Judith T. Won Pat, Ed.D
Committee on Education, Public Library and Women's Affairs
155 Hessler Place
Hagatna, GU 96910

RE: Written Testimony for Bill 420-32

Hafa Adai and Good Afternoon, Honorable Speaker Won Pat and members of the Committee.

My name is Lea Santos, the Executive Director of the Guam Commission For Educator Certification. I am pleased to appear before you today in support of Bill No. 420-32 "*AN ACT TO APPROVE RULES AND REGULATIONS GOVERNING THE STANDARDS FOR PROFESSIONAL CONDUCT FOR GUAM EDUCATORS*".

This bill sets the system for regulating the teaching profession in relation to educator misconduct. The rules and regulations define the standards of professional conduct expected for all certified educators and what steps will be taken by the Commission against educators who are found guilty of misconduct. This will allow GCEC to either sanction, reprimand, suspend and even revoke an educator's certificate who are found guilty of misconduct.

Currently, there is no mechanism that allows the commission to discipline certified educators who are allegedly guilty of misconduct. These individuals simply resign from their employer before any adverse action is taken. Consequently, they can move off island and teach in another jurisdiction with their valid Guam educator certificate.

All of us share our concern for the safety of all school children and their welfare will always be our primary concern. While GCEC is responsible for issuing the educator certificates to qualified Guam teachers, guidance counselors, librarians and administrators, the commission must also have authority to discipline and even penalize those individuals who misbehave and commit acts that are unprofessional and even illegal.

Si Yu'os Ma'ase for allowing me to provide this testimony.

Senseramente,

Lea Santos
Executive Director



Ed Pocaigue <edpocaigue@judiwonpat.com>

Fwd: Bill No 420-32 (COR)

1 message

Frank Torres <fbtorres@judiwonpat.com>

Mon, Nov 24, 2014 at 4:48 PM

To: "edpocaigue@judiwonpat.com" <edpocaigue@judiwonpat.com>

Sent from my iPad

Begin forwarded message:

From: "Lynn P. Perez" <lperez@gdoe.net>
Date: November 24, 2014 at 3:39:57 PM ChST
To: fbtorres@judiwonpat.com
Subject: Bill No 420-32 (COR)

Speaker Judith Won Pat,

I am not able to attend the Public meeting today due to the fact that I need to support my daughter at her Volleyball game. I would like to testify against this Bill because I feel it needs to be more "specific". I understand we have to be professionals during working hours and behave appropriately even afterwards but you are giving the power to students, parents and Certification Office to control our livelihood. Which seems to be unfair and unjust because we all work hard to get where we're at today. I have my Bachelor's in Secondary Education and my Master's in Special Education. Imagine, just one parent complains about me because he/she didn't like the way I teach/dress/talk etc.. Does that mean I'm terminated from a job I've worked hard for?

Set some standards that teachers, Administrators and everybody working for GDOE should follow. Then set consequences for their actions. It's too harsh and possibly unjust if you terminate a teacher/Administrator without investigating.

How about sending them to training after an incident? Why do we look at termination as our final decision? Why are teachers being picked on? Why aren't Administrators/ faculty/staff included in this?

Many people need to work on their "work ethics", it's not just teachers in general, it's actually EVERYBODY. But why are we targeting only one group of Professionals?

Please Speaker Won Pat, I understand rules and standards must be set. But please don't go through with this Bill without truly thinking things through. Everyone has struggled to get to where they're at today. From sleepless nights studying for an exam to working a part time job to pay for college. And we're still working hard to this very day with students who come from families who are less fortunate than others. Having to motivate them to see how education is important in their lives...

Each day is a challenge in life....help us make the educational system better. Please reconsider this Bill.

Have a great day!

Daniel Del Priore

From: Irish Olivares [irish@gftunion.com]
Sent: Wednesday, December 10, 2014 4:06 PM
To: Sanjay H. Sharma
Cc: 'Daniel Del Priore'; 'Tim Fedenko'; 'Doris Terlaje'; 'Audrey Perez'; Jerriann Cruz
Subject: FW: Bill 420 teacher certification

Thanks Sanjay! I have included Dan in this email with your recommendations for your meeting tomorrow.

Irish

12-12-14

From: sanjaywinnie@gmail.com [mailto:sanjaywinnie@gmail.com] **On Behalf Of** Sanjay Sharma

Sent: Wednesday, December 10, 2014 12:35 PM

To: Irish

Subject: Bill 420 teacher certification

TO: Mr. Frank Torres
 % The Speaker's Office
 Re Proposed Bill 420

Hi Irish,

As per our phone call earlier today, I will not be able to attend a meeting with the Speaker's office on this matter. I do recommend the following:

felonies, sexual crimes, and a list of misdemeanors that government employees shall face termination over. This should not be teacher specific; rather, it should encompass all employees. Laws already prohibit the hiring of felons and those charged with sexual crimes. I do not understand why teachers are held to a hire standard than other government officials (e.g. one director has several DUI charges while one count of this against a teacher will mean immediate termination. This director oversees hundreds of employees and influences more people than a teacher influences students).

If certifications are removed, the basis should focus on the allotted time frame to cover the appeal process.

The phrase "but not limited to" allows the commission to make determinations that can cover a myriad of items.

Ultimately, the goal is to remove the ability of the commission to determine what is acceptable or not. The courts and civil service need to deal with the terms of employment.

The reason for this bill, according to a room mate of one of the commission members, is to remove teachers who sleep around with students. The courts and CSC already do this. However, the cases they are describing did not go to court or CSC. Instead, the teachers quit teaching and the students involved never pressed charges. This friend of a commission member wants to decertify the teacher despite the case not being entertained at court or CSC. The proper thing to do is to make this case go to court.

As for the topic of private schools, not all their teachers are certified (i.e. they do not receive certification from this commission). These private schools also do not require a police report or court clearance for employment. If the commission were adamant of not having these horrible teachers in those private schools, then the requirements for employment should be mandated by law. Require private schools to hire individuals through a screening process inclusive of a police report, court clearance, and a teaching certificate.

Regards,
Sanjay Sharma

GFT = V.P.

From
Dan Del Priore
GFT Field Rep.
735-4390



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 420-32 (COR) – Judith T. Won Pat, Ed.D., “AN ACT TO APPROVE THE RULES AND REGULATIONS GOVERNING THE STANDARDS FOR PROFESSIONAL CONDUCT FOR GUAM EDUCATORS,”**– on November 18, 2014. COR hereby certifies that BBMR confirmed receipt of this request November 19, 2014 at 8:01 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 420-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

December 15, 2014
Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
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Speaker
Judith T.P. Won Pat, Ed.D.
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 18, 2014

VIA E-MAIL

anthony.blaz@bbmr.guam.gov

Anthony C. Blaz
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 417-32(LS) through 423-32(COR)

Hafa Adai Mr. Blaz:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Thomas C. Ada

Acting Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
417-32 (LS)	B. J. F. Cruz	AN ACT TO APPROPRIATE FUNDS FROM THE SUPPLEMENTAL APPROPRIATIONS REVENUE (SAR) FUND FOR THE PAYMENT OF GOVERNMENT OF GUAM EMPLOYEE AND LAW ENFORCEMENT PERSONNEL UNPAID OVERTIME COSTS; AND FOR OTHER PURPOSES.
418-32 (COR)	B. J. F. Cruz	AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION CONCERNING CERTIFICATION OF PEACE OFFICERS AND STANDARDS FOR EMPLOYING AGENCIES AND TRAINING INSTITUTIONS, TO BE CODIFIED UNDER A NEW CHAPTER 3 OF TITLE 27 - GUAM ADMINISTRATIVE RULES AND REGULATIONS.
419-32 (COR)	B. J. F. Cruz	AN ACT TO AMEND SECTION 2, PART I, CHAPTER II OF PUBLIC LAW 32-181, RELATIVE TO AUTHORIZING FUNDING FOR CHARTER SCHOOLS.
420-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO APPROVE THE RULES AND REGULATIONS GOVERNING THE STANDARDS FOR PROFESSIONAL CONDUCT FOR GUAM EDUCATORS.
421-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO APPROVE AMENDMENTS TO CHAPTER 8, TITLE 5A, GUAM ADMINISTRATIVE RULES AND REGULATIONS.
422-32 (COR)	Dennis G. Rodriguez, Jr	AN ACT TO PROVIDE FOR ISOLATION AND QUARANTINE PROCEDURES RELATIVE TO AN EMERGENCY DETENTION ORDER FOR THE INCUBATION PERIODS OF SEVERE COMMUNICABLE DISEASES, AS DETERMINED BY THE U.S. CENTER FOR DISEASE CONTROL, BY AMENDING SECTIONS III AND IV OF THE ISOLATION AND QUARANTINE REGULATIONS, CHAPTER 10 OF DIVISION 1, 26 GAR., AND PROVIDE FOR THE DISPOSITION OF BODIES, BY ADDING A NEW § 4502(H) AND AMENDING § 4505, BOTH OF CHAPTER 4A, 10GCA, AND TO AUTHORIZE THE SUM OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) FOR RELATED PURPOSES.
423-32 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW ITEM (18) TO § 4102(a) OF CHAPTER 4, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PERSONNEL NEEDS OF THE ATTORNEY GENERAL OF GUAM AND THE PUBLIC AUDITOR.



COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

November 13, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM


Speaker
Judith T.P. Won Pat, Ed.D.
Member

To: **Rennae Meno**
Clerk of the Legislature

Senator
Dennis G. Rodriguez, Jr.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Vice-Speaker
Benjamin J.F. Cruz
Member

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Legislative Secretary
Tina Rose Muña Barnes
Member

Subject: **Referral of Bill No. 420-32(COR)**

Senator
Frank Blas Aguon, Jr.
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 420-32(COR).

Senator
Michael F.Q. San Nicolas
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator
V. Anthony Ada
Member
MINORITY LEADER

Should you have any questions, please feel free to contact our office at 472-7679.

Senator
Aline Yamashita
Member

Si Yu'os Ma'åse!

Attachment

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)	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			



Frank Torres <fbtorres@judiwonpat.com>

Public Hearing Notice

Frank Torres <fbtorres@judiwonpat.com>

Mon, Nov 17, 2014 at 9:59 AM

To: phnotice <phnotice@guamlegislature.org>

To: Members of the 32nd Guam Legislature

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: Public Hearing Notice

The Committee on Education, Public Library and Women's Affairs will convene a public hearing on Monday, November 24, 2014 at 4:00 p.m. at the Guam Legislature Building Public Hearing Room on the following items:

- Bill No. 420-32 (COR) - J.T. Won Pat, Ed.D.

An act to approve rules and regulations governing the standards for professional conduct for Guam educators.

- Bill No. 421-32 (COR) - J.T. Won Pat, Ed.D.

An act to approve amendments to Chapter 8, Title 5A, Guam Administrative Rules and Regulations.

Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. The above mentioned legislative measures are available for review at www.guamlegislature.com.

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at edpociague@judiwonpat.com



Frank Torres <fbtorres@judiwonpat.com>

Public Hearing Notice

Frank Torres <fbtorres@judiwonpat.com>

Mon, Nov 17, 2014 at 10:04 AM

To: Betsy Brown <betsy@k57.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "editor@mvguam.com" <editor@mvguam.com>, "gdumat-ol@guampdn.com" <gdumat-ol@guampdn.com>, "gerry@mvguam.com" <gerry@mvguam.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@k57.com>, Krystal Paco <krystal@kuam.com>, "news@guampdn.com" <news@guampdn.com>, "Ngirairiki, Oyaol D" <odngirairiki@guam.gannett.com>, Alicia Perez <perezksto@gmail.com>, Sabrina Salas <sabrina@kuam.com>, "clynt@spbguam.com" <clynt@spbguam.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, Clynt Ridgell <clynt@k57.com>, Mindy Aguon <mindy@kuam.com>

To: Media

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: Public Hearing Notice

The Committee on Education, Public Library and Women's Affairs will convene a public hearing on Monday, November 24, 2014 at 4:00 p.m. at the Guam Legislature Building Public Hearing Room on the following items:

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Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. The above mentioned legislative measures are available for review at www.guamlegislature.com.

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Ed Pocaigue <edpocaigue@judiwonpat.com>

2nd Public Hearing Notice/ Change of time from 4:00 p.m. to 5:00 p.m.

1 message

Ed Pocaigue <edpocaigue@judiwonpat.com>

Fri, Nov 21, 2014 at 3:55 PM

To: phnotice@guamlegislature.org

November 22, 2014

To: Members of the 32nd Guam Legislature

From: The Office of Speaker Judith T. Won Pat, Ed.D.

Subject: 2nd Public Hearing Notice/ Change of time from 4:00 p.m. to 5:00 p.m.

The Committee on Education, Public Library and Women's Affairs will convene a public hearing on Monday, November 24, 2014 at 5:00 p.m. at the Guam Legislature Building Public Hearing Room on the following items:

- Bill No. 420-32 (COR) - J.T. Won Pat, Ed.D.

An act to approve rules and regulations governing the standards for professional conduct for Guam educators.

- Bill No. 421-32 (COR) - J.T. Won Pat, Ed.D.

An act to approve amendments to Chapter 8, Title 5A, Guam Administrative Rules and Regulations.

Testimonies should be addressed to Speaker Judith T. Won Pat, Ed.D. and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or fbtorres@judiwonpat.com or through facsimile at 472-3589. The above mentioned legislative measures are available for review at www.guamlegislature.com.

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Mr. Ed Pocaigue at 472-3586/7/8 or by email at edpocaigue@judiwonpat.com

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* Ed Pocaigue*

Legislative Assistant

Ufisinan I Etmás Ge'helo'Gi Liheslaturan Guåhan JUDITH T. WON PAT Ed.D.

Mina'trentai dos na Liheslaturan Guåhan

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COMMITTEE ON EDUCATION, PUBLIC LIBRARY, & WOMEN'S AFFAIRS

Judith T. Won Pat, Ed.D.

Speaker

Public Hearing

November 24, 2014, 5:00 p.m.

Public Hearing Room

AGENDA

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