

Office of the Adequate Education Suruhanu  
126 Ricardo J. Bordallo Governor's Complex, Adelup  
P.O. Box 2950 Hagatna, Guam 96932

Telephone: (671) 475-9130 · Fax: (671) 477-4826

Email: [educationsuruhanu@guam.gov](mailto:educationsuruhanu@guam.gov)  
Web Address: [www.guamlegislature.com](http://www.guamlegislature.com)

Dominic Terlaje  
Education Suruhanu



2:30

August 6, 2009

MEMORANDUM

TO: Superintendent of Education  
FROM: Education Suruhanu  
SUBJECT: Teacher certification

36-09-1033  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 8/24/09  
Time 4:22  
Received by J.S.

Dear Dr. Bretania-Underwood:

It has recently come to my attention that approximately 300 Guam Department of Education (GDOE) public school teachers currently assigned to teach a class for the 2009-2010 school year have either failed to renew their teaching certificate or that their teaching certificate may lapse sometime during such school year. In addition, I also understand that there are approximately 79 vacant positions in GDOE which require a certificate or license such as teachers, guidance counselors, and librarians.

P.L. 28-45 § 4 (12) requires public schools to provide among other things: 1) a certified teacher for every class; 2) certified professional administrators; 3) certified guidance counselors; 4) certified school health counselors (nurse); 4) certified allied health counselors; and 5) certified librarians. Please be advised that the law does not currently provide for any exceptions to such requirements and as such, GDOE must provide a properly certified or licensed individual at all times in each and every position previously mentioned. Failure to comply with any such requirement would result in non compliance with P.L. 28-45 § 4 (12) which could ultimately result in legal action being brought against GDOE to remedy the violation. Therefore, I strongly recommend that GDOE take immediate action to ensure that each and every position that requires a certificate or license be filled with individuals who possess the proper certificate or license.

I also recommend that GDOE in writing, inform any individual whose certificate or license is set to expire and inform any such individual of any consequences for failing to renew. Such notice should be given well in advance of the expiration of the individual's respective certificate or license. In addition, GDOE should require any such individual to provide GDOE a status report of the individual's efforts to renew or obtain their respective certificate or license. Such status should be provided to GDOE on a regular basis which would enable GDOE to prepare for any possible shortage of required certified positions before the start of any given school year and/or to prepare for any possible shortage of required certified positions during any given school year, most especially, certified teacher positions. Further, GDOE should set a deadline for any such individual to comply with their respective certificate or license requirement and act accordingly for failing to comply.

In addition, please provide my office with the following information for the school year 2009-2010:

1. The total number of certified teachers who are currently assigned to teach a class or who may be assigned to teach a class who failed to renew their teaching certificate before the start of the school year.
2. The total number of certified teachers who are currently assigned to teach a class or who may be assigned to teach a class whose certification will lapse at any time during the school year.

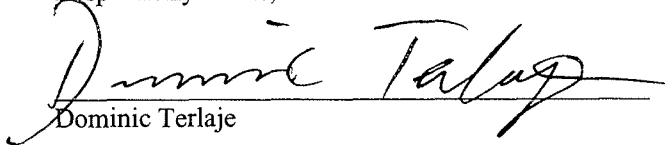
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3. The total number of individuals who are assigned to a class or who may be assigned to a class who do not possess a valid certificate to teach (school aides, substitute teachers, teachers whose certificate has expired, and/or other individuals assigned to a class where a certified teacher is not available.)
4. The total number of classes that will be without a properly certified teacher at the start of the school year. (Please include the name of each school, the class subject, and the job title of any individual who may be assigned to any such class in the place of the certified teacher.)
5. The total number of schools that will not have a properly certified professional administrator, guidance counselor, school health counselor (nurse), and/ or librarian for the beginning of the school year. (Please include the name of each school, the position without a certified individual, and the job title of any individual who may be assigned to any such position in the place of the individual required to be certified.)

For the 2009-2010 school year, please provide my office with a detailed plan for ensuring that a certified teacher will be placed in each class for any class that is currently without a certified teacher, for a class that may be without a certified teacher in the event such teacher's certificate lapses, for any certified teacher assigned to a class who may be absent from the classroom for any extended period of time, and for a certified teacher who is assigned to a class but who may take extended leave.

Please understand that when a potential violation of P.L. 28-45 is brought to my attention, my office must act accordingly to ensure that GDOE is aware of any potential violation and to ensure that GDOE is making every effort to come into compliance with the law. Your immediate response to these matters is appreciated. Please provide such information to my office within 20 days of receipt of this correspondence. If you have any questions, please do not hesitate to contact my office.

Respectfully Yours,

  
Dominic Terlaje

Cc: Honorable Speaker Judith T. Won Pat, Ed.D., 30<sup>th</sup> Guam Legislature  
Arlene Unpingco, GPSS Deputy Superintendent  
Fred Nishihira, GPSS Legal Counsel  
Chairman, Guam Education Policy Board