



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

04 FEB 2009

2009 FEB - 5 PM 12:05
e1m

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is **Bill No. 390(LS)**, "AN ACT TO *RE-ENACT* CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE "COUNCIL ON POST-SECONDARY INSTITUTION CERTIFICATION"" which was signed into law on January 30, 2009 as **Public Law 29-155**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

30-09-0215
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/05/09
Time 10:30
Received by [Signature]

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

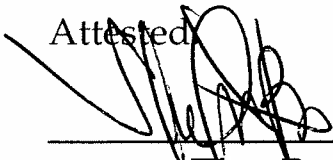
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 390 (LS)**, "AN ACT TO *RE-ENACT* CHAPTER 44 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF THE "COUNCIL ON POST-SECONDARY INSTITUTION CERTIFICATION," was on the 30th day of December, 2008, duly and regularly passed.



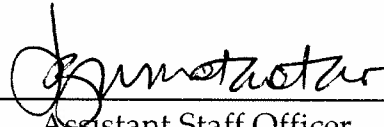
Judith T. Won Pat, Ed. D.
Speaker

Attested



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at
3:10 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 JAN 2009

Public Law No. 29-155

- 1 **§44103. Exemptions.**
- 2 **§44104. Council on Post-secondary Institution Certification.**
- 3 **§44105. Private Post-secondary Institutions: Certification.**
- 4 **§44105.1. Private Post-secondary Institutions: Certification Period,**
- 5 **Renewal.**
- 6 **§44105.2. Private Post-secondary Institutions: Institutional Closure.**
- 7 **§44106. Fair Consumer Practice.**
- 8 **§44107. Violations and Penalties.**
- 9 **§44108. Severability.**

10 **§44101. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
11 that there are several private postsecondary institutions that have been established
12 on the island. *I Liheslatura* recognizes that educational credential serves several
13 purposes to which employers rely upon in judging such person’s qualifications for
14 employment and for educators to assess the adequacy of such person’s preparation
15 for the pursuit of further education. An important tool in the process of providing
16 a substantial and adequate education has been removed by a previous legislature.
17 It is, further found that the need for educational services is so great that it cannot be
18 met by tax-supported institutions alone. The contribution of educational
19 institutions is needed for the growth of our island as a progressive community.
20 This can be best achieved by protecting the integrity of degrees and diplomas
21 issued by educational institutions on our island through an evaluation of minimum
22 education requirements.

23 It is the intent of *I Liheslatura* to encourage privately supported education,
24 as well as to protect the integrity of degrees and diplomas conferred by privately-
25 and publicly-supported education institutions. *I Liheslatura* further intends to
26 prohibit the granting of false or misleading educational credentials and to prohibit
27 misleading literature, advertising, solicitation, *or* representations by private post-

1 secondary institutions *or* their agents.

2 **§44102. Definitions.**

3 As used in this Chapter, the following terms apply:

4 (a) *Accreditation* means accredited status awarded to an institution
5 by an accrediting agency *or* association that is recognized by
6 the United States Department of Education and that has
7 standards comparable to the minimum standards required to
8 operate an educational institution at that level in this Territory.

9 (b) *Agent* means any person who, at a place away from the
10 principal school premises *or* site of instruction, whose primary
11 task is to serve as a paid recruiter, while owning an interest in,
12 employed by *or* representing for remuneration *or* other
13 consideration a private post-secondary educational institution
14 offers *or* attempts to secure enrollment of any person within the
15 Territory of Guam and accepts application fees *or* admission
16 fees for education in an institution.

17 (c) *Avocational* means a course *or* program the objective of which
18 is *not* occupational, but is *only* for personal enrichment *or*
19 enjoyment. To be classified as avocational, a program must:

20 (1) Prior to enrollment, provide to each enrollee, and maintain a
21 record copy of, a written statement that includes the
22 following *or* substantially similar language: “This program
23 is not designed *or* intended to qualify its participants and
24 graduates for employment. It is *solely* for the avocation,
25 personal enrichment, and enjoyment of its participants.”

26 (2) Not make any other verbal *or* written statement that negates
27 the required written statement by stating *or* implying that

1 people who enroll in *or* complete the program have a more
2 substantial likelihood of obtaining employment in the field
3 to which the training pertains than people who do *not*.

4 (d) *Council* means the Council on Post-secondary Institution
5 Certification established by §44104 of this Chapter.

6 (e) *Degree* means any academic degree *or* honorary degree *or* title
7 of any designation, mark, appellation, series of letters *or* words
8 such as, but *not limited to*, associate, bachelor, master, doctor *or*
9 fellow which signified, purports *or* is generally taken to signify
10 satisfactory completion of the requirements of an academic,
11 educational, technological *or* professional program of study
12 beyond the secondary school level *or* is an honorary title
13 conferred for recognition of some meritorious achievement.

14 (f) *Diploma* means any diploma, certificate, transcript, document
15 *or* other writing which indicates enrollment in *or* completion of
16 a course of study other than a degree.

17 (g) *Education or education services* includes, but is *not limited to*,
18 any class, course *or* program of training, instruction *or* study.

19 (h) *In-service, continuing education, or professional development*
20 means training provided by:

21 (1) A trade *or* professional association *or* a group of
22 employers in the same *or* related business who offer training
23 and provide only professional development programs to bona
24 fide employees *or* contractors of an employer who is a member
25 of the association *or* employers who qualify for membership;

26 (2) A labor union *or* group of labor unions that offer
27 training to and trains only those persons who are dues-paying

1 members of the participating labor union;

2 (3) An independent contractor engaged by the labor
3 union *or* group of labor unions, by written contract, to provide
4 the training on its behalf exclusively to those who are selected
5 by the labor union *or* group of labor unions that engaged the
6 contractor and who are dues-paying members of that union; *or*

7 (4) A person *or* entity offering only continuing
8 education programs to persons who engage in an occupation *or*
9 profession whose practitioners are subject to licensure,
10 certification, *or* registration by a state agency that recognizes
11 the programs for continuing education purposes and provides a
12 written statement of the recognition.

13 (i) *Out-of-territory college/university or out-of-territory school*
14 means any private post-secondary educational institution where
15 the place of instruction, the legal place of residence, *or* the
16 place of evaluation of instruction or work by correspondence *or*
17 distance education is *not* within the legal boundaries of this
18 Territory.

19 (j) *To offer* includes, in addition to its usual meanings, advertising,
20 publicizing, soliciting *or* encouraging any person, directly *or*
21 indirectly, in any form, to perform the act described.

22 (k) *To operate an educational institution, or like term,* means to
23 establish, keep, *or* maintain any facility *or* location in this
24 Territory where, from *or* through which services are offered *or*
25 educational degrees *or* diplomas are offered *or* granted.

26 (l) *Private Pos-secondary Institution or institution* means any
27 nonpublic post-secondary non-collegiate educational institution,

1 association, corporation, person, partnership, *or* organization of
2 any type from the United States or from abroad which:

3 (1) Offers to provide or provides any complete,
4 *or* substantially complete, post-secondary program of
5 instruction through the student's personal attendance; in
6 the presence of an instructor; in a classroom, clinical, *or*
7 other practicum setting; *or* through correspondence *or*
8 other distance education;

9 (2) Represents, directly *or* by implication, that
10 the instruction will qualify the student for employment in
11 an occupation for which a degree is *not* required in order
12 to practice in this Territory;

13 (3) Receives remuneration from the student *or*
14 any other source based on the enrollment of a student *or*
15 the number of students enrolled; *or*

16 (4) Offers to award *or* awards a diploma,
17 regardless of whether it conducts instruction *or* receives
18 remuneration.

19 **§44103. Exemptions.**

20 The following education and educational institutions are *exempted*
21 from the provisions of this Chapter:

22 (a) Education *solely* vocational *or* recreational in nature, as
23 determined by the Council;

24 (b) A nonprofit institution owned, controlled and operated and
25 maintained by a bona fide church or religious denomination, *if*
26 such education is limited to instructions in the principles of that
27 church *or* denomination *or* to courses offered for the purpose of

1 training the adherents of such church *or* denomination in the
2 care of the sick in accordance with its religious tenets and the
3 diploma *or* degree is limited to evidence of completion of that
4 education, and the meritorious recognition upon which any
5 honorary degree is conferred is limited to the principles of that
6 church *or* denomination.

7 (c) Post-secondary education institutions established, operated and
8 governed by the government of Guam.

9 (d) Education sponsored by a bona fide trade, business,
10 professional *or* fraternal organization which is recognized by
11 the Council as being *solely* for that organization's membership
12 and offered at no charge for the persons taking the course.

13 (e) Institutions exclusively offering instruction at any *or* all levels
14 from preschool through twelfth (12th) grade.

15 (f) Any post-secondary educational course *or* program of study
16 offered by an institution of higher education at a United States
17 military post *or* reservation when that course *or* program is
18 open *only* to military personnel, their dependents, *or* civilians
19 employed by that military post *or* reservation.

20 (g) Tutorial instruction delivered and designed to supplement
21 regular classes for students enrolled in any public *or* private
22 school *or* to prepare an individual for an examination for
23 professional practice *or* higher education.

24 **§44104. Council on Post-secondary Institution Certification.**

25 (a) **Establishment, Powers and Duties.** There is within the government
26 of Guam the Council on Post-secondary Institution Certification that
27 *shall* authorize the granting of diplomas and degrees by any private,

1 nonpublic post-secondary institution operating on Guam. The
2 Council *shall* exercise independently all powers, duties, and functions
3 prescribed by law. The Council *shall* function in matters concerning
4 independent post-secondary institutions in consumer protection,
5 program improvement, and certification for private post-secondary
6 institutions prescribed in this Chapter. The Council *shall*:

- 7 (1) Establish minimum criteria including quality of education,
8 ethical and business practices, health and safety and fiscal
9 responsibility, which applicants for authorization to offer *or*
10 operate education services *or* grant degrees *or* diplomas as a
11 post-secondary education institution *or* for an agent's
12 certification, *shall* meet before such authorization *or*
13 certification may be issued, and to continue such authorization
14 *or* certification in effect. Criteria to be developed hereunder
15 *shall* be such as will effectuate the purposes of this Chapter, but
16 will *not* unreasonably hinder legitimate education innovation.
- 17 (2) Establish rules for the approval of modified *or* additional
18 programs, degrees, and locations.
- 19 (3) Receive, investigate, and act upon applications for authorization
20 *or* approval to operate educational institution and application
21 for agent's permit.
- 22 (4) Inform private post-secondary institutions operating in the
23 Territory of Guam of laws adopted by *I Liheslaturan Guåhan*,
24 and rules and regulations adopted by the Council and of their
25 responsibility to follow those laws and rules and regulations.
- 26 (5) Establish procedures for receiving and responding to
27 complaints from students, faculty, and others concerning

1 institutions *or* programs under the purview of the Council, and
2 keep records of such complaints in order to determine the
3 frequency and nature of complaints with respect to specific
4 institutions of higher education.

5 (6) Establish procedures and criterion for application by means of
6 certification.

7 (7) Establish procedures for conducting periodical assessments on
8 each certified institution to determine *if* such is in compliance
9 with this Chapter. The Council may extend an annual *or*
10 provisional certification *if* a good faith effort has been made by
11 the institution. The Council *shall* determine what constitutes
12 compliance *or* a good faith effort and *may* adopt rules to
13 administer this provision.

14 (8) Develop minimum standards by which to evaluate institutions
15 for certification. These standards must include, at least the
16 institution's name, financial stability, purpose, administrative
17 organization, admission and recruitment, education programs
18 and curricula, retention, completion, career placement, faculty,
19 learning resources, student personnel services, physical plant
20 and facilities, publications, and disclosure statements about the
21 status of the institution with respect to professional certification
22 and licensure. The Council *may* adopt rules to ensure that
23 institutions certified under this Chapter meet these standards in
24 ways that are appropriate to achieve the stated intent of this
25 Chapter, including provisions for nontraditional *or* distance
26 education programs and delivery.

27 (9) Establish rules to ensure the protection of students, including

1 rules establishing fair consumer practices pursuant to §44106 of
2 this Chapter.

3 (10) Establish rules to protect students from the detriment caused by
4 certified institutions that cease operation without providing for
5 proper completion of student training *or* for the appropriate
6 refund of student fees. Rules may be established to exercise
7 control over student records upon closure of a certified
8 institution *if* the institution *does not* provide an orderly closure.

9 (11) Recognize an institution based on the institution's highest
10 educational offering and *shall* adopt rules for certification that
11 include reporting requirements for each level of certification.

12 (12) Serve as a central body for collecting and distributing current
13 information regarding institutions certified by the Council.

14 (13) Make rules for its own governance.

15 All rules, regulations, and fees established by the Council as
16 necessary to implement the provisions of this Chapter *shall* be subject
17 to Chapter 9 of Title 5 of the Guam Code Annotated (the
18 Administrative Adjudication Law). The Council in its entirety is
19 subject to all laws applicable on Guam to include, Chapters 8 and 10
20 of Title 5 of the Guam Code Annotated (the Open Government Law
21 and the Freedom of Information Act Law, respectively).

22 (b) The Council *may*:

23 (1) appoint standing *or* special committees to assist it in carrying
24 out its responsibilities. Committees may include members who are
25 *not* Council members *or* representatives of certified post-secondary
26 institutions.

27 (2) sue *or* be sued.

- 1 (3) advise *I Maga'lahen* and *I Liheslatura* on issues relating to
2 private post-secondary education;
- 3 (4) assist private post-secondary institutions in formulating
4 articulation agreements with public and other independent institutions.
- 5 (5) establish fees for the following:
- 6 (i) Application for Certification.
- 7 (ii) Application for Renewal of Certification.
- 8 (iii) Late fees for an institution's failure to timely submit
9 required materials.
- 10 (6) Take such legal action as it deems necessary to cause the
11 owners, directors, *or* administrators of private post-secondary
12 institutions to refrain from offering any part *or* all of such
13 educational programs which the Council *shall* have found to be
14 inadequate.
- 15 (7) Refer matters it deems appropriate to the Office of the Attorney
16 General for investigation and prosecution.

17 (c) **Membership.** The Council *shall* consist of seven (7) members who
18 are bona fide residents of the Territory of Guam. The membership
19 *shall* consist of:

- 20 (1) The President of the University of Guam, *or* his appointed
21 designee;
- 22 (2) The President of the Guam Community College, *or* his
23 appointed designee;
- 24 (3) The Superintendent of the Guam Public School System, *or* his
25 appointed designee;
- 26 (4) The Director of the Department of Labor, *or* his appointed
27 designee;

1 (5) A Chairman appointed by *I Maga'lalen Guåhan*, with the
2 advice and consent of *I Liheslaturan Guåhan*; and

3 (6) Two (2) at-large members appointed by *I Maga'lalen Guåhan*,
4 with the advice and consent of *I Liheslaturan Guåhan*, with
5 backgrounds in education and business, respectively, who are
6 *not* affiliated with any institution of higher education.

7 (i) Members appointed by *I Maga'lalen* shall serve for a
8 term of three (3) years and until their successors are
9 appointed and confirmed. Such members *shall not* be
10 required to submit courtesy resignations should there be a
11 change in administration. Should a vacancy occur before
12 the expiration of a term, *I Maga'lalen* shall appoint a
13 successor to serve the unexpired portion of the term.
14 Designees appointed by the President of the University of
15 Guam, the President of the Guam Community College,
16 the Superintendent of the Guam Public School System,
17 and/or the Director of the Department of Labor shall
18 serve a term as designated by their appointing authority.

19 (ii) Members appointed by *I Maga'lahi* shall receive a
20 stipend of Fifty Dollars (\$50) per official meeting.

21 (d) **Meetings.** The Council shall determine the time and place of Council
22 meetings which *shall not* be fewer than four (4) times in each calendar
23 year. Five (5) members shall constitute a quorum and all actions, with
24 the exception of those regarding the operating procedures of the
25 Council, shall be adopted according to the affirmative vote of the
26 majority of Members present and shall be in writing.

27 (e) **Administrative Support.** The Council shall be administratively

1 supported by the Staff of the Guam Commission for Educator
2 Certification, whose administrative office *shall* hereby be called, “*the*
3 *Guam Certification Office*”.

4 (f) **Fees.** The Council *shall* retain all fees collected and use such fees for
5 its operations. Fifty percent (50%) of its fees collected *shall* be used
6 for the administrative function of the Guam Certification Office.

7 (g) **Website.** The Council *shall* maintain a website that *shall* contain
8 rules, regulations, and fees as established and adopted by the Council
9 pursuant to this Chapter. The website *shall* also contain, but *not*
10 *limited to*, the following:

11 (i) procedure and application for certification;

12 (ii) list of applications received by the Council;

13 (iii) list of rejected applications;

14 (iv) list of all actions taken by the Council;

15 **§44105. Private Post-secondary Institutions: Certification.**

16 (a) Each private post-secondary institution operating within the Territory
17 of Guam must obtain certification from the Council.

18 (b) Each certified institution is *solely* responsible for notifying the
19 Council in writing of the institution’s current mailing address and the
20 location of the institution. A certified institution’s failure to notify the
21 Council of a change of address constitutes a violation of this
22 paragraph, and *may* be disciplined by the Council. Notwithstanding
23 any other provision of law, service by regular mail to the last known
24 address of record with the Council constitutes adequate and sufficient
25 notice for any official communication to and by the Council.

26 (c) Provisional certification *shall* be granted to an applicant for initial
27 certification for a period *not to exceed* one (1) year when the Council

1 determines that the applicant is in substantial compliance with the
2 standards for certification. A provisional certification granted for
3 initial certification may be extended for up to one (1) additional year.
4 A certified institution that has undergone a substantive change, as
5 defined by rule, must be granted a provisional certificate for a period
6 of time determined by the Council, after which period the institution
7 may apply for a different status. A provisional certificate may include
8 conditions required by the Council, and all conditions must be met
9 before the institution may receive a different certification status.

10 (d) The Council *shall* ensure through an investigative process that
11 applicants for certification meet the standards as defined in rule.
12 When the investigative process is *not* completed within the time set
13 out in rule and the Council has reason to believe that the applicant
14 *does not* meet certification standards, the Council *may* issue a ninety-
15 (90-) day certification delay, which *shall* be in writing and sufficient
16 to notify the applicant of the reason for the delay.

17 (e) All materials submitted by an institution in its application for approval
18 *or* in response to a request by the Council for pertinent information
19 *shall* be subject to Chapter 10 of Title 5 of the Guam Code Annotated
20 (the Freedom of Information Act) and *shall* be available for public
21 inspection in accordance with the provisions of Guam law.

22 **§44105.1. Private Postsecondary Institutions: Certification Period,**
23 **Renewal.**

24 (a) An institution may *not* conduct a program unless specific authority is
25 granted in its certification.

26 (b) A certificate granted by the Council is *not* transferable to another
27 institution *or* to another agent, and an institution's certificate *does not*

1 transfer when the institution's ownership changes without the
2 approval of the Council.

3 (c) Should a change in ownership *or* control of a certified institution take
4 place, notification must be made to the Council prior to the change.
5 The Council *shall* adopt procedures for interim executive approval of
6 a change of ownership *or* control *if* the next scheduled meeting of the
7 Council occurs after the scheduled date of the change of ownership *or*
8 control.

9 (d) A private post-secondary institution *or* any person acting on behalf of
10 such an institution may *not* publish any advertisement soliciting
11 students *or* offering credential before the institution is duly certified
12 by the Council *or* while the institution *if* under an injunction against
13 operating, soliciting students, *or* offering and educational credential.

14 (f) The Council *shall* have the power to inspect, in a lawful manner at all
15 reasonable hours, any applicant for certification *or* certified private
16 post-secondary institution.

17 (g) A certified private post-secondary institution that seeks to expand *or*
18 modify its programs *or* degrees to be conferred *or* to add new
19 locations must seek prior approval from the Council.

20 (h) The Council may *not* grant *or* renew a certificate *unless* the institution
21 seeking the action provides the Council with a sworn statement of
22 compliance with rules regarding fair consumer practices.

23 **§44105.2. Private Post-secondary Institutions: Institutional Closings.**

24 At least thirty (30) days prior to closing an institution, its owners, directors,
25 *or* administrators *shall* notify the Council in writing of the closure of the
26 institution. An owner, director, *or* administrator who violates this provision, *or*
27 who fails to organize the orderly closure of the institution commits a misdemeanor

1 of the second degree. The Council may exercise control over student records upon
2 closure of a certified institution *if* the institution *does not* provide an orderly
3 closure.

4 The Council *may* require the institution to convey all student records to the
5 Council office *or* another location designated by the Council and *shall* make copies
6 of records available to bankruptcy trustees upon request and to the student *or* those
7 designated by the student. Confidentiality of the records *shall* be maintained to the
8 extent required by law. The Council may seek civil penalties *not to exceed* Ten
9 Thousand Dollars (\$10,000) from any owner, director, *or* administrator of an
10 institution who knowingly destroys abandons, *or* fails to convey *or* provide for the
11 safekeeping of institutional and student records.

12 **§44106. Fair Consumer Practices.** Every institution that is under the
13 jurisdiction of the Council *or* is *exempt* from the jurisdiction or purview of the
14 Council pursuant to §44103 of this Chapter and that either directly *or* indirectly
15 solicit for enrollment of any student *shall*:

16 (a) disclose to each prospective student a statement of the purpose of such
17 institution, its educational programs and curricula, a description of its
18 physical facilities, its status regarding certification, its fee schedule
19 and policies regarding retaining student fees *if* a student withdraws,
20 and a statement regarding the transferability of credits to and from
21 other institutions. Every institution, private and public, *shall* make the
22 required disclosures in writing at least one (1) week prior to
23 enrollment *or* collection of any tuition from the prospective student.
24 The required disclosures may be made in the institution's current
25 catalog;

26 (b) use a reliable method to assess, before accepting a student into a
27 program, the student's ability to complete successfully the course of

- 1 study for which he *or* she has applied;
- 2 (c) inform each student accurately about financial assistance and
3 obligations for repayment of loans; describe any employment
4 placement services provided and the limitations thereof; and refrain
5 from promising *or* implying guaranteed placement, market
6 availability, *or* salary amounts;
- 7 (d) provide to prospective and enrolled students accurate information
8 regarding the relationship of its programs to state certification
9 requirements for practicing related occupations and professions in
10 Guam;
- 11 (e) ensure that all advertisements are accurate and *not* misleading;
- 12 (f) publish and follow an equitable prorated refund policy for all students,
13 and follow both the federal refund guidelines for students receiving
14 federal financial assistance and the minimum refund guidelines set by
15 Council rule;
- 16 (g) follow the requirements of Guam and federal laws that require annual
17 reporting with respect to crime statistics and physical plant safety and
18 make those reports available to the public; and
- 19 (h) publish and follow procedures for handling student complaints,
20 disciplinary actions, and appeals.

21 In addition, institutions that are required to be certified by the Council *shall*
22 disclose to prospective students that additional information regarding the
23 institution may be obtained by contacting the Council on Post-secondary
24 Institution Certification.

25 **§44107. Violations and Penalties.**

- 26 (a) Each of the following acts constitutes a misdemeanor in the second
27 degree:

- 1 (2) Operating a private post-secondary institution without a valid,
2 active certificate issued pursuant to this Chapter.
- 3 (3) Obtaining *or* attempting to obtain a certificate to operate an
4 institution by fraudulent misrepresentation.
- 5 (4) Using *or* attempting to use a certificate that has been suspended
6 *or* revoked.
- 7 (5) Falsifying *or* attempting to falsify *or* destroying *or* attempting
8 to destroy school *or* other business records relating to the
9 operation of the school with the intent to defraud.
- 10 (b) Each of the following acts constitutes a misdemeanor in the third
11 degree:
- 12 (1) Knowingly concealing information relating to violations of this
13 Chapter.
- 14 (2) Willfully making any false oath *or* affirmation when required to
15 make an oath *or* affirmation pursuant to this Chapter.
- 16 (c) Each degree, diploma, certificate, program, *or* course of study offered
17 *or* conferred in violation of this Chapter *shall* constitute a separate
18 offense.
- 19 (d) A student injured by a violation of this Chapter may bring an action
20 against the owner, director, *or* administrator of a certified private
21 postsecondary institution for actual damages. A court *may*, in its
22 discretion, award reasonable attorney's fees to the prevailing plaintiff.

23 **§44108. Severability.** *If any provision of this Law or its application to any*
24 *person or circumstance is found to be invalid or contrary to law, such invalidity*
25 *shall not affect other provisions or applications of this Law which can be given*
26 *effect without the invalid provisions or application, and to this end the provisions*
27 *of this Law are severable."*

1 **Section 2.** Title 11, Guam Code Annotated, Chapter 76, §762113(d) is
2 hereby *amended* to read:

3 “(d) For post-secondary institutions which seek to offer *or* confer any
4 degree *or* diploma, that the degrees *or* diplomas offered are accredited by an
5 accrediting institution of the United States, directly *or* through an affiliated
6 institution, recognized by the United States Department of Education
7 (USDOE). Post-secondary institutions which seek to offer *or* confer any
8 degree *or* diploma and are in the process of obtaining accreditation through a
9 recognized USDOE accrediting body *or* is in the process of, *or* has received
10 accreditation from a non-sanctioned USDOE accrediting body *shall* disclose
11 its accreditation status to each student upon the start of classes. The
12 Department of Revenue and Taxation *shall not* issue any endorsements,
13 business licenses, *or* certificates of incorporation to such post-secondary
14 institutions without proper certification to operate on Guam issued by the
15 Council of Post-secondary Institution Certification.”