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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

15 MAY 2008

2008 MAY 19 AM 9:30

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 99(LS), "AN ACT TO ADD A NEW CHAPTER 26, AND NEW §§5122 AND 5b105, TO TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROFESSIONAL EDUCATOR CERTIFICATION" which I signed into law on May 9, 2008 as Public Law 29-73.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

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

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

29-08-0393
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 5/15/08
Time 4:21
Received by [Signature]

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

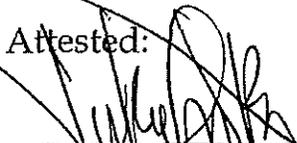
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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



DR. DAVID L.G. SHIMIZU
Acting Speaker

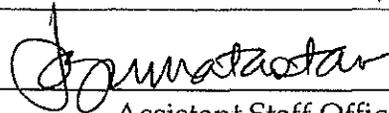
Attested:



TINA ROSE MUÑA BARNES
Senator and Secretary of the Legislature

.....

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



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 9 MAY 2008

Public Law No. 29-73

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

Bill No. 99 (LS)
As amended.

Introduced by:

Committee on Calendar
By request of *I Maga'lahaen Guåhan*,
the Governor of Guam, in accordance
with the Organic Act of Guam.
Frank T. Ishizaki
Dr. David L.G. Shimizu

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

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

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

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

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

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

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

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

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

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

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

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

- 6 (1) a classroom teacher employed in a public school;
- 7 (2) an administrator (principal or assistant principal) employed in a
8 public school;
- 9 (3) a guidance counselor employed in a public school;
- 10 (4) two (2) members who possess a terminal degree in the subject
11 of education from an accredited college *or* university which, as used
12 herein, means an institution that is accredited by a United States
13 accrediting body recognized by the Council on Higher Education
14 Accreditation (CHEA) *or* its successor, *or* an equivalent foreign
15 college *or* university; and
- 16 (5) two (2) members appointed from the community at large.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (9) provide for continuing education requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (d) hiring and dismissing Commission employees;

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

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

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

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

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

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

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

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

6 (d) lead the Commission and its staff;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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