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CH. 8 GUAM COMMISSION FOR EDUCATOR CERTIFICATION

CHAPTER 8
GUAM COMMISSION FOR EDUCATOR CERTIFICATION

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CERTIFICATION

SOURCE: Added by P.L. 31-050 (May 23, 2011).

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§ 8101. Introduction.

(a) Purpose. The purpose of adopting the rules of procedure is to ensure the proper performance of the duties of the Guam Commission for Educator Certification (hereinafter known as the Commission or GCEC) by the regulation of procedures, meetings, records, and conduct thereof.

(b) Requirements for Adoption. The adopted rules of procedure must be consistent with the Organic Act and the laws of Guam. The rules must be promulgated and approved by the Commission and they must be adopted in accordance with the Administrative Adjudication Law.

(c) Authority of Rules. Rules of procedure adopted by the Commission *shall* be binding upon persons issued certificates under Chapter 27 of Title 17, Guam Code Annotated (Public Law 29-73).

§ 8102. Definitions.

The following definitions and terms, when used in these rules and regulations, *shall* have the following meanings *unless* the context clearly indicates otherwise:

(a) *Accredited Institution* means a United States regionally accredited college or university or a foreign equivalent.

(b) *Acceptable Grades for Credit* means grades in courses to earn acceptable credit must be passing grades in accordance with the institution where the courses were taken.

(c) *GPA* refers to the acceptable Grade Point Average.

(d) *Administrator* means an educator whose primary duties involve: (1) program development, or (2) supervision or internal management of a school, school program, or school system.

(e) *Approved Program* means a program for preparation of professional educators, which is offered through an accredited institution and has been approved by the commission for professional educator certification in which the program is provided and includes a supervised student teaching/internship field experience.

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(f) *CACREP* (Council for Accreditation of Counseling and Related Education Programs) is an accrediting body for counseling and related programs.

(g) *Certification* is a license qualifying the recipient to practice as a professional educator on Guam.

(h) *Clock Hours* means actual time spent in professional development.

(i) *Commission* means the Guam Commission for Educator Certification, as established under Chapter 27 of Title 17 Guam Code Annotated (Public Law 29-73).

(j) *Course* means an instructional unit that has one (1) or more academic credits.

(k) *Continuing Education Unit* is a non-credit unit used by regionally accredited post-secondary institutions that are members of the International Association for Continuing Education and Training (IACET). Ten (10) contact hours is equivalent to one (1) CEU. The CEU credit *cannot* be used for degree credit requirements. For re-certification purposes, three (3) CEU credits will equal to one (1) semester credit.

(l) *Credential* refers to the documents that constitute evidence of training, licensure, experience, and expertise of a practitioner.

(m) *Educator* is a teacher, administrator, or support professional required by the Commission to hold a certificate.

(n) *Endorsement* is recognition of qualifications in a specialized field as indicated on the certificate.

(o) *Evaluation* indicates the most recent professional evaluation supplied by a supervisor. A satisfactory evaluation will be indicated by the evaluating entity. As of 2014, Guam Department of Education indicates “Satisfactory” with the ratings “Emerging”, “Effective” or “Highly Effective” and “Unsatisfactory” with the rating “Ineffective”.

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(p) *Executive Director* refers to the Executive Director of the Office of the Guam Commission for Educator Certification, pursuant to Chapter 27, 17GCA (Public Law 29-73).

(q) *Guam Certification Office* means the administrative office of the Guam Commission for Educator Certification, pursuant to Chapter 27, 17GCA (Public Law 29-73).

(r) *IRA* means the International Reading Association.

(s) *Mentorship* refers to a program that provides peer guidance to a new educator or administrator, and is approved by Guam Department of Education *or* an accredited institution.

(t) *NCATE* is the National Council for Accreditation of Teacher Education. It is one of the U.S. accrediting bodies for teacher education colleges and institutions. NCATE merged with TEAC (Teacher Education Accreditation Council) to form CAEP (Council for the Accreditation of Educator Preparation) on July 1, 2013 and NCATE will cease to exist by 2020

(u) *NASDTEC Interstate Agreement* means the contract sponsored by the National Association of State Directors of Teacher Education and Certification (NASDTEC) concerning reciprocal licensing of educational personnel among participating jurisdictions.

(v) *Praxis I* means the pre-professional skills test that measures basic academic skills in reading, writing, and mathematics from Educational Testing Service (ETS).

(w) *Praxis II* means a subject assessment from Educational Testing Service of knowledge in a specialty or content area.

(x) *Praxis II PLT* means an assessment of pedagogy (Principles of Learning and Teaching) from Educational Testing Service (ETS).

(y) *Professional Activities* refer to a variety of activities which meet a goal for educator improvement and professional growth, and may include college and university credits, attending

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or presenting workshops, seminars, conferences, action research, curriculum development, work experience, district or school committee work, advisorships, mentoring, presentations at conferences, publications, or work on special projects.

(z) *Professional Growth Plan* (PGP) is the component of the evaluation program completed by the educator, and approved by the site administrator. It is based on the educator performance standards, and professional activities and/or courses to fulfill the identified standards in the candidate's school/district. The Guam PGP information can be located at the websites for GCEC and the Guam Department of Education.

(aa) *Years of Experience* refers to acceptable determination for teacher or administrator length of service as per respective employment agreement.

(bb) Praxis Core Academic Skills for Educators (CORE) means the series of tests for reading, writing and, mathematics that uses technology to more accurately measure the abilities, content knowledge and critical thinking skills of the teacher candidates from the Educational Testing Service (ETS). This definition will be used in all areas throughout the Rules and Regulations that make reference to Praxis I.

(cc) Applicants who have successfully passed portions of Praxis-I and the required portions of Praxis Core to complete the series of tests may be eligible for certification.

(dd) CAEP is the Council for the Accreditation of Educator Preparation. It is the new single accrediting body for educator preparation that evolved with the consolidation of NCATE (National Council for Accreditation of Teacher Education) and TEAC (Teacher Education Accreditation Council) on July 1, 2013. This definition will be used in all areas throughout the Rules and Regulations which make reference to NCATE.

SOURCE: Added by P.L. 31-050 (May 23, 2011). Subsection (o) and (t), amended by P.L. 32-220 (Dec. 29, 2014). Subsections (ab), (ac), (ad) added by P.L. 32-220, renumbered by the Compiler to (bb), (cc), and (dd) respectively, pursuant to the authority granted by 1 GCA § 1606.

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§ 8103. Organization and Function of the Commission.

(a) Composition and Function of the Commission. The composition, duties, functions, powers and responsibilities of the Guam Commission for Educator Certification (Commission) *shall* generally be as provided and authorized in Chapter 27 of Title 17, Guam Code Annotated.

(b) Ex-Officio Members. The ex-officio members of the Commission *shall* be those identified in § 27003 of Title 17, Guam Code Annotated. Ex-officio members shall *not* vote in the proceedings of the Commission, but may introduce and discuss motions in public meetings of the Commission.

(c) Officers of the Commission. The officers of the Commission, elected by the voting members, *shall* be a Chairperson, Vice-Chairperson, and a Treasurer. The Executive Director *shall* serve as the Executive Secretary in accordance with § 27019 of Title 17, Guam Code Annotated. Each officer *shall* have duties, functions, powers and responsibilities:

(1) as prescribed for such office by law;

(2) which, by general consent and parliamentary custom, pertain to such office, consistent with the law; and

(3) as are consistent with the foregoing and which, in addition, the Commission may prescribe.

(d) Election and Term of the Chairperson of the Commission. The Chairperson *shall* be that person so designated as the presiding officer for a term of two (2) years, in accordance with § 27005 of Title 17, Guam Code Annotated. The Chairperson *shall* be elected from among the voting members of the Commission.

(e) Election and Term of Other Officers of the Commission. The Vice-Chairperson and the Treasurer *shall* be elected and *shall* serve a term in the same manner as the Chairperson.

(f) Executive Secretary. The Executive Director *shall* serve as the Executive Secretary of the Commission, appointed by the Commission in accordance with § 27018 and § 27019 of Title 17, Guam Code Annotated.

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(g) Duties of the Chairperson of the Commission. The duties of the Chairperson *shall* be to call and preside at all meetings of the Commission; to call special meetings of the Commission; to serve ex-officio as a member of all standing, designated or advisory committees of the Commission; to appoint committees and to take such other action as is consistent with these rules or the laws. The Chairperson is entitled to vote on all matters before the Commission.

(h) Duties of the Vice-Chairperson of the Commission. The duty of the Vice Chairperson *shall* be to perform the duties of the Chairperson at his or her request or in case of his or her absence or incapacity.

(i) Duties of the Treasurer of the Commission. The duties of the Treasurer *shall* be to report to the Commission on the finances of the Commission at each regular meeting of the Commission; to present an annual budget to the Commission for approval; and to perform the duties of the Chairperson in case of the absence of both the Chairperson and the Vice Chairperson.

(j) Duties of the Executive Secretary of the Commission. The Executive Secretary of the Commission *shall* serve ex-officio as a member of the Commission and have the following duties: to give notice of all regular and special meetings of the Commission and to compile and distribute the agenda for each such meeting with the notice thereof; to record the proceedings of the Commission in a book or books to be kept therefore; to preserve all documents, papers and records determined by the Commission to be a part of its official records; to conduct correspondence as directed by the Commission and to certify official documents and proceedings; and to carry out all statutory responsibilities.

(k) Executive Secretary Designees. The Executive Secretary, with the written approval of the Chairperson, may designate an employee of the Commission to carry out the duties set forth in Subsection (j) of this Section under the direction of the Executive Secretary. During the absence or incapacity of the Executive Secretary, the duties of Executive Secretary *shall* be performed by such designee and, in the absence of such designee, by such other person as may be designated by the Chairperson.

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(l) Removal of Officers and Committee Chairpersons. Four (4) affirmative votes of the Commission's membership *shall* be required for the removal of the Chairperson, the Vice Chairperson, the Treasurer or any Committee Chairperson.

(m) Committees of the Commission.

(1) Practice of the Commission. The Commission *shall* act upon matters considered, and upon recommendations made, by designated committees of the Commission, but any member may present matters to the Commission for consideration without prior reference to a committee.

(A) The Chairperson may appoint such committees of the Commission as may be deemed necessary, provided that each such committee *shall* be automatically discharged on completion of its assignment or otherwise as the Chairperson may designate.

(B) The Chairperson *shall* be a member ex-officio of each committee. Any member of the Commission may attend any meeting of any committee of the Commission.

(C) Temporary work assignments of a functional or project nature may be made by the Chairperson of the Commission to individual members of the Commission, each such assignment to terminate automatically upon the report to, and final action by the Commission on such project.

(D) Notice of all committee meetings *shall* be given to all members of the Commission. Such notice *shall* be *no less than* the minimum possible notice under the Open Government Law.

(n) Meetings of the Commission.

(1) Requirements for Public Notice. All meetings of the Commission *shall* be publicly noticed in accordance with Chapter 8 of Title 5, Guam Code Annotated, otherwise known as the Open Government Law.

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(2) Regular Meetings. The regular meetings of the Commission *shall* be held *at least* quarterly, as mandated by law. All regular meetings *shall* be held on Guam.

(3) Notice to Commission Members of Meetings. Written notice of each regular meeting of the Commission *shall* be given to each member *at least* ten (10) days prior to the date fixed for the meeting, which notice *shall* state the time and place of the meeting and, in the case of special meetings, the purpose for which it has been called.

(4) Agenda of Regular Meetings. A written agenda of matters to be considered at each regular meeting shall be determined by the Chairperson, attested by the Executive Secretary, and given to each Commission member no *less than* ten (10) days prior to the date fixed for a regular meeting. Items to be included in the agenda for the regular meeting *shall* be submitted to the Chairperson by:

(A) committees of the Commission relating to their reports;

(B) any Commission member, given to the Chairperson twelve (12) days prior to the date of the regular meeting at which consideration is desired and containing a title and/or description of the agenda items.

(C) The Commission Chairperson will provide, on a timely basis, to other Commission members reason for removing an agenda item after it has been posted, in accordance to § 27013 of Title 17, Guam Code Annotated.

(5) Special Meetings. Special meetings of the Commission may be held at any time and at any place on Guam. Special meetings may be called by the Chairperson *or* by a majority of the members then serving on the Commission by a written notice to the Executive Secretary in which the time, place and purpose of the meeting are set forth.

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(6) Quorum. A quorum *shall* consist of four (4) voting members. Actions of the Commission *shall* be carried by a vote of *not less than* four (4) voting members, in accordance with § 27013 of Title 17, Guam Code Annotated.

(7) Rules of Order. Unless otherwise specified in these rules, all meetings of the Commission *shall* be conducted in accordance with Robert's Rules of Order Revised.

(8) Action at Commission Meetings. *Except* in an emergency, the Commission *shall* take action on a matter of policy *only* when the matter has been discussed by the Commission at a previous meeting. This provision may be waived by a unanimous vote of the members present. For purposes of this Rule, an emergency *shall* first be declared by a vote of five (5) members.

(9) Public Participation Policy. It is the policy of the Commission to encourage and permit public comment on matters within the Commission's jurisdiction.

(A) General Public Comment. The Commission *shall* include general public comment as an agenda item at each regular meeting of the Commission.

(B) Comment, Not Debate. During public comment, speakers *shall* address their remarks to the Commission as a whole and *not* to individual Commission members, Commission personnel, or the audience.

(C) Recording Commission Proceedings. Members of the public may record Commission meetings while *not* under executive session with an audio or video recorder, or still or motion picture camera.

(o) Compensation and Expenses. A Commission member *shall* receive compensation for serving on the Commission in the amount of Fifty Dollars (\$50.00) for each Commission meeting attended. A member is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member

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of the Commission, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

(p) Executive Director. The Commission *shall* employ and determine the compensation of an Executive Director, who *shall* be responsible to carry out all statutory responsibilities, the administration of the policies of the Commission, and to manage the daily operations of the Commission. The Commission *shall* annually evaluate the performance of the Executive Director.

(q) Relationship of the Commission to Executive Director. Pursuant to § 27019 of Chapter 27, Title 17, Guam Code Annotated, although the relationship between the Executive Director and individual Commission members is collegial, the relationship of the Commission to the Executive Director is hierarchical. The Executive Director is accountable *only* to the Commission as whole, and *not* to individual Commission members.

(r) Employment of Personnel. The Executive Director *shall* hire other staff according to the staffing pattern approved by the Commission. Employment of persons *shall* be in accordance with § 27018 of Title 17, Guam Code Annotated.

(s) Budget. Prior to October 1st of each year, the Executive Director *shall* prepare, for approval and consideration by the Commission, a budget for the following fiscal year. Upon appropriation by the *I Liheslaturan Guåhan*, the Commission *shall* make expenditures from this budget for the purposes as stated.

(t) Accounting Procedures.

(1) Cash Receipts. A receipt *shall* be issued for all money received by the Commission. The Executive Director, or designated entity, *shall* oversee all money paid to the Commission. The Executive Director *shall* keep appropriate books on behalf of the Commission, and *shall* record in a cash receipt book a record of all money received as stated in the law.

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(2) Cash Disbursements. All cash disbursements *shall* be supported by invoices or purchase orders. All cash disbursements *shall* be recorded in the cash disbursement book.

(3) Financial Reports. Financial reports *shall* be prepared and disseminated by the Executive Director in accordance to the current applicable General Appropriations Act. A copy of each report *shall* be furnished to the Commission Treasurer on or before the next regular Commission meeting after submission.

(4) Publications of the Commission. The publications of the Commission *shall* include, but *not* be limited to:

(A) a roster showing the name of each certificate holder, which *shall* be revised annually;

(B) the complete current text of the laws, rules and regulations governing educator certification; and

(C) the Annual Report of the Commission, which *shall* be published *no later than* ninety (90) days after the end of the fiscal year.

§ 8104. Issuance of Certificates, General.

(a) Certificates, General. The Certificates issued by the Commission *shall* be those listed in these rules and regulations accompanied by their specific certification requirements and subject to the provisions of these rules and regulations.

(b) Examination of General Knowledge. All candidates for Guam Professional Educator Certification, *except* for those listed in Subsection (c) of this Section, *shall* take and pass the test of essential skills in reading, writing, and mathematics known as PRAXIS I. Applicants *shall* designate that the Guam Certification Office receive official test scores from ETS. Guam's passing scores for PRAXIS are those scores for Guam as published by ETS.

(c) Exemption from Examination of General Knowledge Requirement. Candidates for the following certificates, due to

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their unique specialization, *shall* be exempt from the Examination of General Knowledge Requirement under Subsection (b) of this Section:

(1) all Certificates for *Chamorro* Language and Culture under § 8106 of this Chapter;

(2) all certificates issued for Basic Preschool provided under § 8107 of this Chapter; and

(3) all certificates issued for Career and Technical Education under § 8108 of this Chapter;

(d) Examination of Specialization or Content Area Knowledge. Where applicable, candidates for Guam Professional Educator Certification *shall* pass an appropriate test for content area knowledge. Where *no* content area test has been approved by the Commission, Guam's content test passing score *shall* be the Praxis II test passing score adopted by the State of Hawaii or a score reflecting eighty percent (80%) pass rate of the average maximum range respectively.

(e) Examination of Pedagogical Knowledge. Candidates for Guam Professional Teacher Certification *shall* pass a test for pedagogical knowledge.

(f) Certification Validity Date. A certificate *shall* be valid from the date that the certificate is issued by the Guam Certification Office. The length of certification of that particular certificate *shall* be specified by GCEC rule, unless revoked, suspended, or extended by the Commission.

(g) Renewal of Expired Certification. Any person holding an expired Guam Professional Certification is subject to the following:

(1) if such certification expired five (5) years *or less* from the date of application for reinstatement, such person *shall* complete the requirements for recertification specified in regulations in effect during the validity period of the expired certificate; *or*

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(2) if such certification expired *more than* five (5) years from the date of application for reinstatement, such certificate *shall not* be eligible for renewal. The applicant must apply for initial certification pursuant to current requirements.

(h) Recency of Study. All applicants seeking professional certification must satisfy recency of study through one (1) of the following routes:

(1) completion of six (6) semester hours or equivalent credits in professionally related course work earned within five (5) years preceding the date of application; *or*

(2) completion of *at least* one (1) full year of acceptable school experience (teaching, administrative, or program specialist) within five (5) years preceding the date of application while working in one (1) of the fifty (50) states on a valid certificate issued by that state.

(i) Basis for Certification. College credits or degrees to be applied towards fulfilling certification requirements must be from accredited colleges or universities of the United States, or any of its administrative jurisdictions notwithstanding any provisions to the contrary contained in these rules.

(j) Transcripts. Official transcripts, furnished by the college or university, *shall* be the basis for determining the educational qualifications of an applicant for certification. Transcripts *shall* be forwarded from the university or college to the Guam Certification Office *or* by the applicant in an unopened, unaltered envelope sealed by the registrar.

(k) Continuing Education Units. Continuing Education Units (CEU) may be used for recertification. For re-certification purposes, three (3) CEU will equal to one (1) semester credit. The CEU cannot be used for degree credit requirements. For Continuing Education Units to be counted for recertification, they must be acquired from a program affiliated with a regionally accredited institution.

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(l) Holders of Degrees from NCATE-Accredited Institutions. Holders of degrees in teacher preparation awarded by an institution accredited by the National Council for Accreditation of Teacher Education (NCATE) *shall* be eligible for an Initial Educator Certificate with the addition of the requirements that are stated in § 8105 (b)(1)(A), (B), (C) and (D).

(m) Interstate Reciprocity. Individuals holding a valid state teaching credential, such as a license or certificate, may qualify for an initial Guam certificate with comparable endorsement areas provided such license is issued by a state that has signed the NASDTEC Inter-State Agreement and is a full credential without deficiencies; or holds national certification from the National Board for Professional Teaching Standards (NBPTS).

(n) Graduate of Foreign Institutions of Higher Learning. Graduates of foreign institutions of higher learning, to be granted a certificate, must meet the Professional certification requirements of this policy. The applicant's transcripts must be evaluated by an agency that is capable of determining the country's educational system where the coursework was completed. The list of agencies is available at the Guam Certification Office. A credential evaluation report, including an equivalency summary, is required. A course-by-course evaluation, including the equivalency in United States semester credit hours and United States grade equivalent, is necessary. A detailed report is required for the GCEC to be able to determine if an equivalent teacher education program has been completed.

(o) Related Work Experience. A statement signed by an appropriate authorized official of a school district or other employing agency *shall* be the basis for determining the experience qualifications of an applicant for certification.

(p) Guam History or Culture. All persons issued an educational professional certificate and who have *not* completed a three (3) semester credit course in Guam history or culture *shall* complete one (1) such course during the first year after certification. Failure to meet this requirement *shall* constitute sufficient cause to cancel the certificate until the deficiency is corrected.

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(q) Special Policy for Incumbents as of the School Year 1953-54. Holders of certificates by the Guam Department of Education as of the School Year 1953-54 *shall* be given credit for years of successful experience and for attendance at Guam Summer Institutes and normal school, provided they were of *at least* six (6) weeks duration, and were operated by the Department of Education. After that date, *only* college credits earned will be credited toward certificates.

(r) Masters Degree Equivalent for Certain Incumbents. Those incumbents of the Guam Department of Education who earned what is known as “masters degree equivalent” status under the policies of the Guam Education Policy Board between August 22, 1966 and August 8, 2007 *shall* retain such a status for certification purposes.

(s) Alternative Certification (Fast Track). Individuals participating in the concentrated course program focused on the Department of Education certification requirements known and referred to as the “Fast Track Teacher Certification Program” *shall* waive student teaching or internship teaching requirements with evidence of two (2) years of documented and verifiable teaching experience. Teaching experience *shall* be scholastic in nature and include college/university, vocational, military, business sector, or any other related area. Both years of teaching experience must indicate satisfactory performance. [*Pursuant to P.L. 29-02*].

SOURCE: Subsection (1) amended by P.L. 32-220 (Dec. 29, 2014).

§ 8105. Certificates for Teachers, General.

(a) Temporary Teaching Certificate.

(1) Minimum Qualifications. A Temporary Teaching Certificate may be issued to an applicant who presents evidence that he or she has completed a Bachelor’s degree and a passing score on Praxis-I and/or Praxis CORE.

(2) Length of Certification. The length of certification of a Temporary Teaching Certificate *shall* be two (2) years.

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(3) Renewability. A Temporary Teaching Certificate may be renewed one (1) time provided the applicant presents evidence of the following:

(A) earned twelve (12) semester hours applicable to the requirements of an Initial Educator Certificate, within the certification validity period; and

(B) satisfactory performance evaluation.

(4) Holders Issued Certificates Known as “Emergency” by the Department of Education. A holder of a certificate known as an “Emergency” teaching certificate issued under Guam Education Policy Board Policies 1000.21, 1000.22, 1000.24, 1000.25, 1000.27, 1000.144 or 1000.20(B) may be issued a Temporary Educator Certificate under § 8105(a) of this Chapter provided they meet the minimal qualifications of the Temporary Educator Certificate and met the applicable renewal requirements of the certificate issued under the respective policies of the Board. Holders of Temporary Educator Certificates issued under this Sub-rule *shall* be subject to renewal requirements of the Temporary Educator Certificate.

(b) Initial Educator Certificate.

(1) Minimum Qualifications. An Initial Educator Certificate may be issued to an applicant who presents evidence of the following:

(A) earns a degree from an approved Educator Preparation Program from an accredited college or university, or from an approved Educator Preparation Program from a recognized foreign institution of higher learning recognized by the U.S. Council for Higher Education Accreditation (CHEA) or its successors;

(B) for non-education preparation program graduates, presents evidence of successfully completing the following requirements: earns a degree from an accredited college or university; or completion of an approved program (in content area) from an accredited

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college or university; and completes educational program aligned with Guam Professional Teacher Standards;

(C) grade point average of 2.70 or higher; and

(D) successfully passes Praxis I Praxis II Principles of Learning (PLT), and Praxis II content tests.

(2) Length of Certification. The length of certification for an Initial Educator Certificate *shall* be three (3) years. The certificate holder *shall* be required to work as an Initial Educator for two (2) years in order to qualify for a Professional Educator Certificate.

(3) Renewability. An Initial Educator Certificate *shall not* be renewable.

(c) Professional Educator Certificate.

(1) Minimum Qualifications. A Professional Educator Certificate may be issued to an applicant who presents the following evidence:

(A) fulfillment of all educational requirements for the Initial Educator Certificate or the Initial Educator Chamorro Language and Culture Teaching Certificate and provides evidence of the following:

(B) completion of requirements related to Guam History or Guam Culture; and

(C) completion of sixty (60) clock hours of professional activities , to include semester hours, Continuing Education Units, or Professional Growth Plan requirements as acknowledged by administrator on-site; and

(D) satisfactory performance evaluation and

(E) completion of a one (1) year mentorship in a Guam school; and

(F) completion of two (2) years as an Initial Educator Certificate Holder.

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(2) Length of Certification. The length of certification for a Professional Educator Certificate *shall* be five (5) years.

(3) Renewability. A Professional Educator Certificate *shall* be renewable for any number of years. Within the length of certification provided herein, a person issued a Professional Educator Certificate *shall* be considered in good standing to retain such certificate by presenting evidence of the following:

(A) completion of ninety (90) clock hours of professional activities to include semester hours, Continuing Education Units, or Professional Growth Plan requirements as acknowledged by administrator on-site; and

(B) satisfactory performance evaluation.

(4) Holders of Professional I Certificates Issued by the Department of Education. Notwithstanding Subsection (c) of this Section, a Professional Educator Certificate may be issued to a holder of a valid or recently expired “Professional I” Certificate issued under Guam Education Policy Board Policies 1000.21, 1000.22, 1000.24, 1000.25 and 1000.27 who provides evidence of satisfactory teaching and ninety (90) clock hours of professional activities within the Professional I certification period.

(d) Master Educator Certificate.

(1) Minimum Qualifications. A Master Educator Certificate may be issued to an applicant who presents evidence of the following:

(A) he or she meets all educational requirements for the Initial Educator Certificate and the Professional Educator Certificate;

(B) has a minimum of at least five (5) years of satisfactory teaching experience;

(C) has earned a Master’s Degree and/or is a National Board Certified Teacher; and

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(D) satisfactory performance evaluation

(2) Length of Certification. The length of certification for a Master Educator Certificate *shall* be ten (10) years.

(3) Renewability. A Master Educator Certificate *shall* be renewable for any number of times. Within the length of certification provided herein, a person issued a Master Educator Certificate *shall* be considered in good standing to retain such certificate by presenting evidence of the following:

(A) completion of one hundred twenty (120) clock hours of professional activities, to include semester hours, Continuing Education Units, or Professional Growth Plan requirements as acknowledged by administrator on site, and

(B) satisfactory performance evaluation.

(4) Holders of Professional II Certificates Issued by the Department of Education. No Master Educator Certificate issued under this rule shall be renewed for an applicant who *does not* provide evidence of having completed a Master's degree or National Board Certified Teacher.

(e) Professional Endorsement for Specialty Areas. Educators wishing to certify in multiple content areas, or to add an additional area, are able to apply for an endorsement on their existing valid educator certificate. To qualify for an endorsement, the applicant must provide evidence of the successful completion of fifteen (15) credit hours in the field or a passing score on the Praxis II in the designated content area. There will be an additional charge for the endorsement which will last the term of the existing certificate. Specialty areas for consideration are instructional technology, visually impaired, orientation and mobility, deaf and hearing impaired, media specialist, autism spectrum disorders, emotional and behavioral disorders or other specialty teaching areas as approved by GCEC.

SOURCE: Added by P.L. 31-050 (May 23, 2011). Subsection (e) amended by P.L. 31-077:XII:29 (Sep. 11, 2011). Subsections (a), (b), (c), (d), and (e) amended by P.L. 32-220 (Dec. 29, 2014).

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§ 8106. Certificates for *Chamorro* Language and Culture Teachers.

(a) Temporary *Chamorro* Language and Culture Teaching Certificate.

(1) Minimum Qualifications. A Temporary *Chamorro* Language and Culture Teaching Certificate may be issued to an applicant who presents evidence of completing thirty (30) semester hours of college credit, to include *at least* six (6) semester hours of *Chamorro* language; and proficiency in the language as established by the *Chamorro* Studies Division of the Guam Department of Education.

(2) Length of Certification. The length of certification of the Temporary *Chamorro* Language and Culture Teaching Certificate *shall* be two (2) years.

(3) Renewability. The Temporary *Chamorro* Language and Culture Teaching Certificate may be renewed one (1) time provided that evidence of satisfactory performance evaluation and proof of having earned twelve (12) semester hours applicable to Initial Educator and/or *Chamorro* Language & Culture Teaching Certificate requirements within the certification validity period.

(b) Basic Educator *Chamorro* Language and Culture Teaching Certificate.

(1) Minimum Qualifications. Basic Educator *Chamorro* Language and Culture Teaching Certificate may be issued to an applicant who:

(A) presents evidence of completing sixty (60) semester hours of college credit to include at least twelve (12) semester hours of *Chamorro* language; *and*

(B) demonstrates proficiency in the *Chamorro* language as established by the *Chamorro* Studies Division of the Guam Department of Education.

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(2) Length of Certification. The length of certification of the Basic Educator *Chamorro* Language and Culture Teaching Certificate *shall* be two (2) years.

(3) Renewability. Basic Educator *Chamorro* Language and Culture Teaching Certificate may be renewed any number of times provided the certificate holder submits:

(A) evidence of satisfactory performance evaluation; and

(B) evidence of six (6) or more semester hours of college credit applicable to Initial Educator and/or *Chamorro* Language and Culture Teaching Certificate requirements within the validity of certificate.

(c) Initial Educator *Chamorro* Language and Culture Teaching Certificate.

(1) Minimum Qualification. The Initial Educator *Chamorro* Language and Culture Teaching Certificate may be issued to an applicant who, in addition to meeting such certificate's minimum experience and *Chamorro* Language requirements, presents evidence of completing a Bachelor's degree and fulfilling the requirements for educational credits.

(2) Length of Certification. The length of certification of the Initial Educator *Chamorro* Language and Culture Teaching Certificate *shall* be three (3) years.

(3) Renewability. The Initial Educator *Chamorro* Language and Culture Teaching Certificate is non-renewable. The holder of a *Chamorro* Language and Culture Teaching Certificate, on or before expiration date, *shall* apply for Professional Certificate as per the requirements in § 8105 (c) of this Chapter.

§ 8107. Certificates for Preschool Teachers.

(a) Basic Educator Preschool Certificate.

(1) Minimum Requirements. An associate degree in early childhood education; or an associate degree in a field related with equivalent to a major relating to early childhood

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education, with one (1) year experience teaching preschool-age children, or a baccalaureate degree or advanced degree in early childhood education, and has not taken and /or passed the PRAXIS I, or a baccalaureate or advanced degree in a related field and coursework equivalent to a major related to early childhood education and with one (1) year experience teaching preschool-aged children and has not taken and/or passed PRAXIS I.

(2) Length of Certification. The length of certification of a Basic Educator Preschool Certificate *shall* be three (3) years.

(3) Renewability. The Basic Educator Preschool Certificate may be renewed any number of times with evidence of satisfactory performance evaluation; by the administrator; and fifteen (15) clock hours of Head Start specific in-service professional development that is classroom focused and regularly evaluated by the Head Start program of the Guam Department of Education. The holder of a Basic Educator Preschool Certificate, on or before the expiration date, may apply for Initial Educator Certificate as per the requirements in § 8105 (c) of this Chapter.

SOURCE: Added by P.L. 31-050 (May 23, 2011). Subsection (a)(1) amended by P.L. 31-077:XII:30 (Sep. 11, 2011).

§ 8108. Certificates for Career and Technical Education (CTE) Teachers.

(a) Temporary Career and Technical Education (CTE) Teaching Certificate.

(1) Minimum Requirements. The Temporary CTE Teaching Certificate may be issued to an applicant who presents evidence of graduation from high school or a GED equivalence, and must have completed eight (8) years of full-time employment in a recognized trade in the area of specialty.

(2) Length of Certification. The length of certification of a Temporary CTE Teaching Certificate *shall* be two (2) years.

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(3) Renewability. The Temporary CTE Teaching Certificate may be renewed one (1) time with evidence of satisfactory performance evaluation and completion of six (6) semester hours in career and technical education.

(b) Basic Career and Technical Education Teaching Certificate.

(1) Minimum Requirements. The Basic CTE Teaching Certificate may be issued to an applicant who presents evidence of either of the following educational qualifications: completion of an Associate Degree in the area of specialty and *at least* twelve (12) semester hours of credit in CTE teaching methods, CTE curriculum, CTE Assessment, CTE philosophy and CTE laboratory management; *or*

completion of an Associate Degree in Education with at least eighteen (18) credit hours in area of specialty and twelve (12) semester hours in career and technical education.

(2) Length of Certification. The length of certification of a Basic Career and Technical Education Teaching Certificate *shall* be three (3) years.

(3) Renewability. The Basic Career and Technical Education Teaching Certificate may be renewed any number of times with evidence of satisfactory completion of at least twelve (12) semester hours towards a Bachelor's degree in Basic Career and Technical Education or in the area of specialty and satisfactory performance evaluations.

(c) Professional Career and Technical Education Teaching Certificate.

(1) Minimum Requirements. The Professional Career and Technical Education Teaching Certificate may be issued to an applicant who:

(A) presents evidence of a Bachelor's Degree in a technical area of specialty, such as Industrial Technology, Career and Technical Education, Technology Education, Industrial Arts, or Engineering,

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and including *at least* twenty four (24) semester hours in Career and Technical Education; and

(B) presents evidence of either of the following: one (1) year verifiable work related technical experience beyond the apprenticeship or learner level in the area of the technical specialty to be taught; *or* one (1) year recent successful teaching experience in the technical specialty area for which the candidate was professionally trained.

(2) Length of Certification. The length of certification of a Professional Career and Technical Education Teaching Certificate *shall* be five (5) years.

(3) Renewability. The Professional Career and Technical Education Teaching Certificate may be renewed any number of times by providing evidence of either of the following:

(A) six (6) graduate credits or six (6) professionally related undergraduate semester hours; and satisfactory performance evaluations; *or*

(B) eighteen (18) Continuing Education Units (CEU) or a combination of academic credits and CEU completed within the validity period of certificate and two hundred forty (240) hours of relevant industry experience; and satisfactory performance evaluations.

§ 8109. Certificates for Reading Specialists.

(a) Minimum Qualifications. A Reading Specialist Certificate may be issued to an applicant who presents evidence that he or she has passed the Praxis II (Reading Specialist -0300) exams assessment; completed a Master's Degree in Language and Literacy/Reading as aligned with International Reading Association (IRA) standards; completed three (3) years of successful teaching experience in the area of reading and/or language arts; and successfully earned ninety (90) semester hours of supervised internship or practicum within the Pre K – 12 levels.

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(b) Length of Certification. The length of certification of a Reading Specialist Certificate *shall* be five (5) years.

(c) Renewability. The Reading Specialist Certificate may be renewed any number of times provided the holder presents evidence of a satisfactory performance evaluation and the following within the certification validity period:

(1) earned six (6) graduate credits related to the field of literacy (i.e. reading, writing, English Second Language (ESL), linguistics) that meet state-approved standards for graduate level literacy courses; or

(2) ninety (90) clock hours of Professional Growth activities aligned with IRA standards verified by site administrator; or

(3) any combination of credits and professional activities equivalent to ninety (90) clock hours.

2012 NOTE: In maintaining the general codification scheme of the GAR the Compiler changed the hierarchy of subsections beginning with “Numbers” to “Lowercase Letters” and subsections beginning with “Uppercase Letters” to “Numbers” in this section.

§ 8110. Certificates for School Administrators.

(a) Initial Administrator Certificate.

(1) Minimum Qualifications. An Initial Administrator Certificate may be issued to an applicant who presents evidence that he or she has completed a Master’s Degree; five (5) years of full-time classroom teaching experience; completion of an approved school administration program; and a passing score on the School Leaders Licensure Assessment (SLLA). The passing score *shall* be determined by the Commission.

The approved school administration program includes skills for K-12 school level principal; and that it is aligned with the Guam School Administrator Standards; or the program is from a college or university within any of the fifty (50) states or administrative jurisdictions, and whose advance degree has been awarded by an institution accredited

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by the National Council for Accreditation of Teacher Education.

(2) Length of Certification. The length of certification for an Initial Administrator Certificate *shall* be three (3) years.

(3) Renewability. The Initial Administrator Certificate is *not* renewable.

(4) Mentorship Requirement. During the certification period and to be eligible for the Professional Administrator Certificate, the holder of an Initial Administrator Certificate *shall* provide evidence of completing a mentorship of *not less than* one (1) year, during the initial certification period, in a Guam school.

(b) Professional Administrator Certificate.

(1) Minimum Qualifications. A Professional Administrator Certificate may be issued to an applicant who presents evidence that he or she has successfully completed all Initial Administrator requirements; has completed three (3) years of school level administrative experience; presents evidence of satisfactory performance evaluation by the administrator; and has completed sixty (60) hours of professional activities.

(2) Length of Certification. The length of certification for a Professional Administrator Certificate *shall* be five (5) years.

(3) Renewability. The Professional Administrator Certificate is renewable any number of times. The applicant *shall* complete ninety (90) hours of professional growth activities; or provide a Professional Growth Plan concurred by the appropriate superintendent or immediate supervisor and/or satisfactory performance evaluation by supervisor.

(4) Special Policy for Holders of “Professional I” Certificates Issued through the Guam Department of Education. All holders of certificates known as the “Professional I” Certificate issued under the Guam Education

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Board's policy known as "1000.41 Administration and Supervision Certification" *prior to* April 21, 2009 *shall* be considered to have met the pre-requisite requirements for a Professional Administrator Certificate under these rules, *provided* they met the renewal requirements of the Board's said policy.

(c) Master Administrator Certificate.

(1) Minimum Qualifications. A Master Administrator Certificate may be issued to an applicant who presents evidence that he or she has successfully completed all Professional Administrator requirements; has completed thirty (30) graduate credits in school leadership or a related field beyond the Master's Degree; presents evidence of satisfactory performance approved by the administrator; and has completed ninety (90) hours of professional activities.

(2) Length of Certification. The length of certification for a Master Administrator Certificate *shall* be ten (10) years.

(3) Renewability. The Master Administrator Certificate is renewable any number of times. A certificate holder *shall* provide evidence of completing one hundred twenty (120) hours of professional growth activities during the certification period; and present evidence of satisfactory performance approved by the administrator.

(4) Special Policy for Holders of Master Certificates Issued through the Guam Department of Education. All holders of certificates known as the "Professional II" or "Professional III" certificate issued under the Guam Education Board's policy known as "1000.41 Administration and Supervision Certification" *prior to* April 21, 2009 *shall* be considered to have met the pre-requisite requirements for a Master Administrator Certificate under these rules, *provided* they met the renewal requirements of the Board's said policy.

§ 8111. Endorsements for School Librarians.

(a) Temporary School Librarian Endorsement.

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(1) Minimum Qualifications. A Temporary School Librarian Endorsement may be issued to an applicant who presents evidence that he or she is a certified teacher with a minimum of five (5) years of full-time teaching experience and has completed six (6) semester hours in library science.

(2) Length of Endorsement. The length of endorsement for a Temporary School Librarian Endorsement *shall* be two (2) years.

(3) Renewability. A Temporary School Librarian Endorsement may be renewed two (2) times, *provided* that evidence of satisfactory evaluations as a school librarian and an official transcript which indicates six (6) semester hours toward professional school librarian endorsement has been acquired.

(b) Professional School Librarian Endorsement.

(1) Minimum Qualifications. A Professional School Librarian Endorsement may be issued to an applicant who presents evidence that he or she is a certified teacher; has completed *at least* twenty-four (24) semester hours of library science courses aligned with American Library Association (ALA) and/or American Association of School Librarians (AASL) standards (in classification and cataloging; selection and acquisition of library materials; library/media administration; reference services; application of library automation and information access; internship or practicum) or has received a certificate of completion from a certified library science program from a regionally accredited university; presents evidence that he or she has completed five (5) years of teaching experience; and presents evidence of a satisfactory evaluation from the administrator.

(2) Length of Endorsement. The length of endorsement for a Professional School Librarian Endorsement *shall* be the same as the educator certificate held by the applicant.

(3) Renewability. A Professional School Librarian Endorsement may be renewed any number of times, provided that he or she presents evidence of satisfactory service as a

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school librarian; completion of ninety (90) hours of professional activities, to include semester hours in courses that will enhance the school librarian's work (such as courses in specific content areas, education courses, and library science courses); Continuing Education Units, or Professional Growth Plan requirements, as approved by the administrator that have been acquired within the preceding five (5) years.

SOURCE: Added by P.L. 31-050 (May 23, 2011). Subsection (b)(3) amended by P.L. 32-220 (Dec. 29, 2014).

§ 8112. Certificates for School Counselors.

(a) Temporary School Counselor Certificate.

(1) Minimum Qualifications. A Temporary School Counselor Certificate may be issued to an applicant who presents evidence that he or she has completed the following requirements:

(A) earned a Bachelor's degree from a state approved college/university in Education, Psychology, Social Work, or field related to School Counseling; and

(B) successfully passed Praxis I (PST).

(2) Length of Certification. The length of certification for a Temporary School Counselor Certificate *shall* be two (2) years.

(3) Renewability. A Temporary School Counselor Certificate *shall not* be renewable.

(4) Holders Issued Certificates Known as "Emergency" by the Department of Education. A holder of a certificate known as an "Emergency" Guidance and Counseling certificate issued under Guam Education Policy Board Policy 1000.33 may be issued a Temporary School Counselor Certificate under § 8112 (a) of this Chapter provided they meet the minimal qualifications of the Temporary School Counselor Certificate.

(b) Initial School Counselor Certificate.

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(1) Minimum Qualifications. An Initial School Counselor Certificate may be issued to an applicant who presents evidence that he or she has completed the following requirements:

(A) earned a Bachelor's degree from a state approved college/university in Education, Psychology, Social Work, or field related to School Counseling;

(B) successfully passed Praxis I (PST) *and* Praxis II (Counseling);

(C) completion of an approved graduate level program in School Counseling as aligned with CACREP Common Core Areas and School Counseling Domains; and

(D) internship in School Counseling with ninety (90) hours of University/College supervised field-based counseling experiences in K-12 settings.

(2) Length of Certification. The length of certification for an Initial School Counselor Certificate *shall* be three (3) years.

(3) Renewal Requirement. An Initial School Counselor Certificate *shall not* be renewable.

(c) Professional School Counselor Certificate.

(1) Minimum Qualifications. A Professional School Counselor Certificate may be issued to an applicant who presents evidence that he or she has completed the following requirements:

(A) earned a Master's Degree in School Counseling; *or* meets all Initial School Counselor prerequisites and have an advanced degree;

(B) successfully passed PRAXIS I (PST);

(C) two hundred (200) hours of supervised field-based experiences in K-12 settings;

(D) two (2) years satisfactory School Counseling;

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(E) a Professional Growth Plan acknowledged by a site administrator; and

(F) one (1) year of satisfactory classroom teaching, *or* three hundred sixty (360) hours of K-12 counseling related classroom teaching/sessions.

(2) Length of Certification. The length of certification for a Professional School Counselor Certificate *shall* be five (5) years.

(3) Renewal Requirement. A Professional School Counselor Certificate may be renewed with the completion of ninety (90) hours of professional counseling related activities within the five (5) year period; a Professional Growth Plan acknowledged by a site administrator; and a satisfactory performance evaluation.

(4) Holders of Professional I Guidance and Counseling Certificates Issued by the Department of Education. Notwithstanding Subsection (c) of this Section, a Professional School Counselor Certificate may be issued to a holder of a valid or recently expired "Professional I" Guidance and Counseling Certificate issued under Guam Education Policy Board Policy 1000.33 who provides evidence of satisfactory teaching and ninety (90) clock hours of professional activities within the Professional I certification period.

(d) Master School Counselor Certificate.

(1) Minimum Qualification. A Master School Counselor Certificate may be issued to an applicant who presents evidence that he or she has completed the following requirements:

(A) earned a Master's Degree in School Counseling;

(B) seven (7) years satisfactory counseling in K-12 setting;

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(C) two (2) years satisfactory classroom teaching in K-12 settings, *or* seven hundred twenty (720) hours of K-12 counseling related classroom teaching/sessions; and

(D) fifteen (15) categorical graduate credits beyond the Master's Degree in Counseling and/or related field (i.e. education, psychology, etc.).

(2) Length of Certification. The length of certification for a Master School Counselor Certificate *shall* be ten (10) years.

(3) Renewal Requirement. A Master School Counselor Certificate may be renewed upon completion of one hundred twenty (120) hours of professional counseling related activities within the ten (10) year period; a Professional Growth Plan acknowledged by a site administrator; and a satisfactory performance evaluation.

(4) Holders of Professional II Guidance and Counseling Certificates Issued by the Department of Education. A Master School Counselor Certificate may be issued to a holder of a "Professional II" Guidance and Counseling Certificate issued under Guam Education Policy Board Policy 1000.33 who provides evidence of satisfactory teaching and ninety (90) clock hours of professional activities within the Professional II certification period. No Master School Counselor Certificate issued under this rule shall be renewed for an applicant who does not provide evidence of having completed a Master's degree.

SOURCE; Subsections (a)(4), (c)(4), and (d)(4) amended by P.L. 32-220 (Dec. 29, 2014).

§ 8113. Extension on Certification.

(a) Time Extension, General. The Executive Director may grant a one (1)-time extension of *up to* one (1) year in the time validity of an educator certificate, in accordance with Subsections (b) and (c) of this Section, to provide relief from the strict application of the terms of requirements relating to educator certification renewal. However, the Executive Director *shall not*

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grant an extension under this policy for the requirements to complete a three (3) semester credit course in Guam history, or Guam Culture, within the first year after the person's certification, pursuant to § 5105 of Title 17, Guam Code Annotated. Nor shall the Executive Director grant extensions under this policy that are contrary to any other law. Any individual granted an extension under this Section *shall* complete all the requirements for recertification within the extension period.

(b) Standing Committee on Appeals. The GCEC *shall* establish a standing committee on appeals for extension of certifications. The GCEC chair *shall* appoint three (3) members to this committee.

(c) Processing of Extension Requests. All requests for extensions must be submitted in writing to the GCEC Office.

(1) If the request is within his purview, the Executive Director will act on it within five (5) working days.

(A) If recommended for approval, the Executive Director will report the action to the Standing Committee on Appeals. The approval must be countersigned by the GCEC chair.

(B) If denied, the Executive Director will provide a written explanation of the denial to the applicant. The applicant can appeal to the GCEC Standing Committee on Appeals within ten (10) working days of receipt of notice of denial.

(2) If it is *not* within the purview of the Executive Director, it will be channeled to the Appeals Committee within five (5) working days. The GCEC Administrator will forward the file (the request, the rejection notice and any other pertinent information) to the Appeals Committee. It will act on it within twenty (20) working days at the Appeals Committee meeting and provide a recommendation to the GCEC at the next regularly scheduled meeting. The Appeals Committee may request to meet with the applicant.

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(3) The GCEC will act on the recommendation of the Appeals Committee at the next regular meeting following established agenda guidelines:

(A) If denied, the educator has ten (10) working days to exercise his/her right to a final reconsideration, by providing additional documentation to the Appeals Committee via the GCEC office.

(B) At the next regularly scheduled GCEC meeting, the educator can make a five (5) minute presentation to the GCEC that includes any additional factors that have *not* been presented.

(C) If *no* additional documentation is provided, the request for reconsideration is denied.

(D) The commission will vote on the final reconsideration. The request for reconsideration *cannot* be further appealed.

(d) Reporting of Requests. All actions by either the Executive Director or the Appeals Committee on requests for extensions of certificates must be reported at the regular GCEC meetings.

(e) Length of Extensions. All approved requests will follow the established policies for length of extensions.

(f) Conditions for Extension. Every effort *shall* be made to make the request within thirty (30) calendar days of the expiration of the certificate date. The time extension provided in Subsection (a) of this Section may be granted to any individual holding an educator certificate, *if* one (1) of the conditions below applies to the certificate holder during the validity period of the certificate:

(1) The certificate holder suffered a medical condition which prevented him or her from satisfying the requirements for renewal of his or her certificate, and such individual provides written proof from a licensed physician that he or she suffered such medical condition, including the duration of the medical condition.

(2) The certificate holder has been on active duty in the military and provides his or her form DD-214 verifying dates of service preventing him or her from satisfying the requirements for renewal of his or her certificate.

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(3) Personal or immediate family member medical expenses incurred by the certificate holder which were *not* covered under a plan of health insurance caused financial hardship on the certificate holder, preventing him or her from meeting the financial requirements (i.e. tuition for courses) for certificate renewal. For purposes of this Subsection, the holder *shall* maintain, for review by the Commission, records, receipts or letters from his or her insurance company, health care provider or any other relevant entity indicating such financial hardship.

(4) A Commission administrative problem prevented the certificate holder from complying with the requirements for renewal of his or her certificate, and the Executive Director of the Commission determines that the administrative problem is adequate to justify the extension.

(5) The certificate holder has been unable to secure employment or experience relevant to a specific employment or experiential requirement for renewal of his or her certificate, and such inability has prevented him or her from satisfying such requirement. For purposes of this Subsection, the holder *shall* maintain a list of schools or school districts contacted, including dates, and a detailed written explanation thereof.

(6) The certificate holder, because of extreme hardship *or* other circumstances beyond his or her control was unable to complete the requirements for renewal of certification. For purposes of this Subsection, the Commission may require from the certificate holder evidence of the extreme hardship.

2012 NOTE: In maintaining the general codification scheme of the GAR the Compiler changed the hierarchy of subsections beginning with “Uppercase Letters” to “Numbers” in subsection (f).

§ 8114. Fees.

(a) Disposition of Fees. Fees collected for the issuance and maintenance of educator certificates *shall* be used to carry out the goals and objectives of the Guam Commission for Educator Certification, to include the daily operations of the Guam

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Certification Office. Such fees may be expended for, but *not* limited to; the following appropriation classifications: Personnel Services; Operations; Utilities; and Capital Outlay.

(b) Application Fee. Every application for a certificate hereunder *shall* be accompanied by an application fee. The application fee for review for certification *shall* be equal to the certification fee. If the applicant for initial certification fulfills all the requirements, the certification fee will be reduced by fifty percent (50%). If the applicant needs to complete additional requirements for certification, the application fee will be required upon resubmission of the application. Out-of-state application fees will incur an additional Twenty-Five Dollars (\$25.00) for evaluation. The application fee for renewal of certificates *shall* be equal to the certification fee, with *no* reduction in the certificate fee. The cost for the certificate will be Five Dollars (\$5.00) per year regardless of the length of certificate. The application fee is non-refundable.

(c) Endorsement Fee. An endorsement of a second content area may be added to an educator certificate at any time during the term of the certificate. A temporary endorsement will be added to a certificate with evidence of six (6) credit hours in the content area and a payment of a Ten Dollars (\$10.00) fee. To receive a professional endorsement, the applicant must provide evidence of successful completion of *at least* fifteen (15) credit hours in the content *or* twenty-four (24) credits in the case of library science. The professional endorsement fee will be Twenty-Five Dollars (\$25.00) and will remain with the primary certificate through any renewal, with the payment of the additional fee.

Each certificate prescribed by this Rule *shall* be as follows:

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CERTIFICATE CATEGORY	APPLICATION FEE	INITIAL CERTIFICATE	RENEWAL CERTIFICATE	LENGTH OF CERTIFICATE
Temporary	\$10.00	\$10.00	\$10.00	2 years
Initial Educator	\$15.00	\$15.00	NONE	3 years
Professional Educator	\$25.00	\$25.00	\$25.00	5 years
Master Educator	\$50.00	\$50.00	\$50.00	10 years
Temporary <i>Chamorro</i>	\$10.00	\$10.00	\$10.00	2 years
Basic Educator <i>Chamorro</i>	\$10.00	\$10.00	\$10.00	2 years
Initial Educator <i>Chamorro</i>	\$15.00	\$15.00	NONE	3 years
Basic Educator Preschool	\$15.00	\$15.00	\$15.00	3 years
Temporary CTE	\$10.00	\$10.00	\$10.00	2 years
Basic Educator CTE	\$15.00	\$15.00	\$15.00	3 years
Professional Educator CTE	\$25.00	\$25.00	\$25.00	5 years

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Reading Specialist	\$25.00	\$25.00	\$25.00	5 years
Initial Administrator	\$15.00	\$15.00	NONE	3 years
Professional Administrator	\$25.00	\$25.00	\$25.00	5 years
Master Administrator	\$50.00	\$50.00	\$50.00	10 years
Temporary Library Endorsement	\$10.00	\$10.00	\$10.00	2 years
Professional Endorsement	\$25.00	\$25.00	\$25.00	Term of Teaching Certificate
Temporary Counselor	\$10.00	\$10.00	NONE	2 years
Initial Counselor	\$15.00	\$15.00	NONE	3 years
Professional Counselor	\$25.00	\$25.00	\$25.00	5 years
Master Counselor	\$50.00	\$50.00	\$50.00	10 years
Replacement			\$10.00	

§ 8115. Disciplinary Action.

(a) Complaints. Proceedings to suspend or to revoke an individual's certificate may be initiated by any person who may press or prefer charges of immoral or unprofessional conduct, evident unfitness for teaching; evident unsatisfactory

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performance; persistent defiance of, and refusal to obey laws, these rules and regulations, or the GCEC Educator Code of Ethics.

(1) Any and all charges presented against holder of a certificate must be made in writing, and *shall* be filed with the Secretary of the Commission.

(2) All charges 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.

(3) Prior to any disciplinary action being taken, the Commission may negotiate a settlement of the charges.

(b) Summons and Complaint.

(1) In the event the Commission determines that a probable cause exists, the Legal Counsel of the Commission *shall* be requested to prepare a summons and complaint.

(2) The summons and complaint *shall* be personally served or mailed to the last known address of the individual holding a certificate *at least* thirty (30) calendar days before the date fixed for hearing. If mailed, a return receipt *shall* be requested.

(3) The summons and complaint *shall* show the time, place and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, reference to the particular section of statutes and/or rules involved, and a short and plain statement of the matters asserted. The notice of the summons and complaint *shall* indicate that at any hearing the accused individual registrant or firm holding a certificate *shall* have the right to appear in person or be represented by counsel, or both, to cross-examine witnesses in his or her or its defense and to produce evidence and witnesses of his or her or its defense. If the accused person fails or refuses to appear, the Commission may proceed to hear and determine the validity of the charges. The notice *shall* be in substantial compliance with the requirements of the laws of Guam.

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(c) Evidentiary Matters. The Commission *shall* follow the Administrative Adjudication Act on this matter.

(d) Conduct of Hearing. The Commission *shall* follow the Administrative Adjudication Act wherein the Legal Counsel *shall* hear the case and make recommendations to the Commission.

(e) Decision of the Commission. The Commission *shall* issue a decision within thirty (30) calendar days of receipt of recommendation from Legal Counsel

(f) Discipline. Upon order by the Commission in which the accused is found guilty of the charges, the Commission may issue a reprimand, suspend, or refuse to renew the individual's certificate; or revoke certification immediately. At its discretion, the Commission may stay, permanently or temporarily, the execution of its order conditioned on any provision that the Commission believes appropriate under the circumstances for the case.

§ 8116. Code of Ethics.

(a) Educators.

PRINCIPLE I: Commitment to the Students. The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfillment of the obligation to the students, the educator:

(1) *Shall* treat all students with respect and dignity.

(2) *Shall* provide students with opportunities for expansion of ideas and support their varying perspectives.

(3) *Shall* make reasonable effort to protect students from conditions harmful to learning, or to health and safety.

(4) *Shall* maintain a professional relationship with students.

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(5) *Shall* maintain confidentiality of students obtained in the course of professional service, *unless* disclosure serves a compelling professional purpose or is required by law.

(6) *Shall not* deliberately suppress or distort subject matter relevant to students' progress.

(7) *Shall not* intentionally expose students to embarrassment or disparagement.

(8) *Shall not* on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly:

(A) exclude any student from participation in any program;

(B) deny benefits to any student; or

(C) grant any advantage to any student.

PRINCIPLE II: Commitment to the Profession. The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator *shall* exert every effort to raise professional standards; to promote a climate that encourages the exercise of professional judgment; to achieve conditions that attract persons worthy of the trust to careers in education; and to assist in preventing the practice of the profession by unqualified persons. In fulfillment of the obligation to the profession, the educator:

(1) *Shall* act with integrity and treat all colleagues with respect and dignity.

(2) *Shall* maintain the positive and professional image of educators in the community.

(3) *Shall* maintain confidentiality of colleagues obtained in the course of professional service, *unless* disclosure serves a compelling professional purpose or is required by law.

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(4) *Shall not* knowingly make false or malicious statements about a colleague.

(5) *Shall not*, in an application for a professional position, deliberately make false statements or fail to disclose a material fact related to competency and qualification.

(6) *Shall not* misrepresent his/her professional qualifications.

(7) *Shall not* assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.

(8) *Shall not* knowingly make a false statement concerning the qualifications of a candidate for a professional position.

(9) *Shall not* accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

(b) Sanctions. A major violation of any of these principles *shall* subject the individual to revocation or suspension of the individual educator's certificate, or other sanctions as stipulated by law or GCEC rule.

(c) Commissioners Code of Ethics.

The Guam Commission for Educator Certification is responsible for ensuring the public that educators working in Guam's schools meet high standards. Therefore, the Commissioners confirm their commitment to this goal through high standards of behavior, recognizing the responsibility they hold to the future of the island. The Code of Ethics is the guideline for the behavior of standards of the Commissioners.

(1) Commission members *shall* maintain the integrity of their position as representatives of the Guam Commission for Educator Certification.

(2) Commission members will make every effort to be prepared, punctual, in attendance at and participate in every Commission meeting.

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(3) Commission members who are representing agencies will ensure that a representative will be designated to attend meetings; in addition, the choice of designee will be consistent to maintain continuity.

(4) Commission members will encourage the free expression of opinion by all Commission and committee members, and staff, while maintaining the confidentiality of personnel issues discussed in committee, *or* as a Commission.

(5) Commission members *shall* conduct meetings in an orderly manner, follow rules of order, and through their demeanor and words, maintain the dignity of all Commission members. In addition, any Commission member *shall* act as a spokesperson for the Commission when specifically authorized to do so.

(6) Commission members *shall* work together with a sense of collegiality and cooperation, both in their meetings as a whole, and in subcommittees.

(7) Commission members will *not* use their position on the Guam Commission for Educator Certification for personal advancement or the advancement of those known to them.

(8) Commission members will maintain a spirit of cooperation and keep open lines of communication with the Executive Director and other personnel of the Guam Commission for Educator Certification; with the Guam school system, both public and private; and with the community at-large.

(9) Commission members will keep up-to-date on issues dealing with educator certification, staff development, and current educational research, in order to render decisions based on a review of all aspects of the issues, including a balanced consideration of state and local influences.

(10) Commission members will accept and abide by the Guam laws that impact the legal and fiscal responsibilities of

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the Guam Commission for Educator Certification.

§ 8117. Reinstatement of Certification After Suspension.

(a) Petition for Reinstatement. Upon petition of an individual formerly holding a certificate, which has since been suspended, the Commission may reissue a certificate, *provided* that a majority of the members of the Commission vote in favor of such reissuance.

(b) Commission Action. The Commission, for reasons it may deem sufficient, may reissue a certificate to any person whose certificate has been suspended. Such reissuance *shall not* supersede prior Commission decisions and recommendations as to any penalty, etc., taken for disciplinary action.

(c) Conflict and Bias.

(1) A Commission Member *shall* be excused and *shall not* vote in any action, disciplinary or otherwise, *if* the Commission Member may be biased for or against a Respondent, *or* there may exist a potential conflict of interest. If a potential conflict of interest or bias exists, such determination *shall* be made by a majority vote of the remaining Commission members.

(2) *If* a Commission member has a potential conflict, that Commission member is obligated to disclose such a potential conflict.

§ 8118. Severability.

If any of the Rules and Regulations, or any part thereof, of the Commission promulgated under the provisions of the rule-making authority for government of Guam agencies are found by the courts to be invalid *for* any reason, the remainder *shall* continue in full force and effect. Each Rule and/or any portion thereof *shall* be severable.

§ 8119. Adoption and Amendment of Rules.

(a) Adoption of Rules. Rules or regulations are adopted by this Commission under the provisions of Chapter 27, 17 GCA (Public Law 29-73) governing the practice of professional

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educators in K-12 which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. They must *not* be inconsistent with the U.S. Constitution, the Organic Act or the laws of Guam and *shall* be in compliance with the Administrative Adjudication Act.

(b) Petition for Rule-Making. Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule or regulation by the Commission *shall* address a petition to the Executive Director. The container of the petition *shall* clearly bear the notation: RULE-MAKING PETITION RE: and then the subject area. The petition must contain the following information:

- (1) an indication of the subject area to which the petition is directed;
- (2) either a draft of the proposed rule, or a summary of its contents;
- (3) reasons for proposal;
- (4) effect on existing rules or orders;
- (5) any data supporting the proposal;
- (6) effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) names or a description of those most likely to be affected by the proposed rule; and
- (8) name and address of petitioner.

(c) Timelines. The Executive Director *shall* transmit the petition to the Commission within ten (10) working days after receiving the petition. The Commission *shall* make a decision on whether to grant or deny the petition within fifty (50) calendar days. This Section *shall* be carried out in accordance with § 9307 of Chapter 9, Title 5, Guam Code Annotated.

ARTICLE 2
EDUCATOR RECERTIFICATION

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SOURCE: Added by P.L. 28-075:1 (Nov. 25, 2005) codified as Article 2 in this chapter and renumbered to adhere to the Compiler's general codification scheme pursuant to authority granted by 1 GCA § 1606.

- § 8201. Purpose and Scope of Rules.
- § 8202. Administration and Organization.
- § 8203. Administration and Organization: Structured Curriculum Option.
- § 8204. Administration and Organization: Approval of Course Listing.
- § 8205. Administration and Organization: Beneficiaries of Support.
- § 8206. Administration and Organization: Benefits.
- § 8207. Administration and Organization: Eligibility.
- § 8208. Administration and Organization: Application for Support.
- § 8209. Administration and Organization: Notification of Award.
- § 8210. Administration and Organization: Construction of Contract.
- § 8211. Administration and Organization: Promissory Note.
- § 8212. Administration and Organization: Approval of Course Listing.
- § 8213. Administration and Organization: Structured Curriculum Option.
- § 8214. Administration and Organization: Approval of Course Listing.
- § 8215. Administration and Organization: Structured Curriculum Option.
- § 8216. Administration and Organization: Approval of Course Listing.

- Appendix A: Course Approval Form
- Appendix B: Application Form
- Appendix C: Student Support Agreement

§ 8201. Purpose and Scope of Rules.

(a) Purpose: It is the purpose of these rules to provide the procedure for the implementation of provisions of the Structured Curriculum Option for teacher recertification established by

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Public Law 28-02 and codified under 17 GCA, Chapter 18, Article 6.

(b) Limitations: The level and extent of support to qualified applicants under the provisions for educator recertification are subject to the availability of funds.

SOURCE: Added as Rule I - 1.0.0 and 1.1.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8202. Administration and Organization.

(a) Administration: The administration of these rules shall be the responsibility of the Yamashita Educator Corps (YEC) Council.

(b) Organization: The YEC Council shall ensure that the YEC is structured in such a way as to effectively carry out the intent of Article 6 of 17 GCA Chapter 18. The Instruments to be used for these purposes are attached as appendices. The Instruments used may be evaluated and modified as determined by the YEC Council as the Instruments are appendices and not Rules & Regulations. The YEC Council may, from time to time, add or delete instruments in the appendices without further adjudication.

SOURCE: Added as Rule II - 2.0.0 and 2.1.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8203. Administration and Organization: Structured Curriculum Option.

17 GCA § 18602 provides a Structured Curriculum Option for educators seeking financial support for recertification. Educators selected to receive support under the Structured Curriculum Option are required to complete their recertification courses in any of the following areas:

(a) courses providing reinforcement of the educator's instructional methods;

(b) courses providing reinforcement of the educator's language arts and mathematics skills;

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(c) courses providing reinforcement of the educator's teaching subjects;

(d) courses providing proficiency in the use of computers and the internet; and

(e) courses to prepare educators to address the educational needs of students with disabilities, as defined by the Individuals with Disabilities Education Act (IDEA), students whose primary language is one other than English, and the Gifted and Talented Students.

SOURCE: Added as Rule II – 2.2.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8204. Administration and Organization: Approval of Course Listing.

(a) The YEC Council shall review, approve and maintain a list of all course eligible under the Structured Curriculum Option utilizing the following additional criteria:

(1) Relation to Learning Standards;

(2) Rigor-Higher-order Thinking;

(3) Real-World Relevancy & Diversity;

(4) Student Work-Clear Performance Objectives;

(5) Assessment-Clear Criteria Reflecting Desired Levels of Accomplishment;

(b) The YEC Council may delegate to its Executive Director the authority to approve courses not on the Approved Course Listing, provided that such courses are of similar subject matter to the courses on the Approved Course Listing. The Course Review Form to be used for this purpose is attached as Appendix A.

(c) Applicants desiring to take courses, other than those pre-approved by the YEC Council, shall submit a descriptive course syllabus with the Course Review Form (Appendix A).

SOURCE: Added as Rule II – 2.3.0 to 2.3.2 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

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2021 NOTE: Appendix A was not attached to P.L. 28-075 (Nov. 25, 2005), which adopted these rules..

§ 8205. Administration and Organization: Beneficiaries of Support.

All GPSS educators required to maintain certification may receive support from this program. The Application Form to be used for this purpose is attached as Appendix B.

SOURCE: Added as Rule II – 2.4.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

2021 NOTE: Appendix B is attached to P.L. 28-075 (Nov. 25, 2005), which is available on the Guam Legislature Archive site at <https://www.guamlegislature.com/index.htm>.

§ 8206. Administration and Organization: Benefits.

Educators selecting the Structured Curriculum Option for recertification shall be entitled to the payment of tuition, books and fees by the Dr. Antonio C. Yamashita Education Corps. The allowance for books shall be based on a prorated formula based on course load relative to the amount allowed for books for fulltime students in the “Teacher Corps” component of the Dr. Antonio C. Yamashita Educator Corps. The amount of tuition and fees for courses herein shall be the lower of the actual cost of tuition and fees, or the amount of the tuition and fees for similar level courses charged by the University of Guam.

SOURCE: Added as Rule II – 2.5.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8207. Administration and Organization: Eligibility.

To be eligible the applicant must meet the following requirements:

- (a) be currently employed by the Guam Public School System as certified educator;
- (b) present an eligibility certificate from the Guam Public School System that includes the educator's present teaching concentration;
- (c) meet pre-requisite requirements for courses to be taken;

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(d) sign a statement attesting that he/she has not completed courses required for current certification through means other than the provisions of 17 GCA, Chapter 18, Article 6. Applicants who have completed courses through such other means shall have their eligibility reduced accordingly;

(e) have evidence that all admissions requirements for the Institution(s) of Instruction, at which the recertification course(s) will be taken are met. The Institution of Instruction must be a United States accredited college or university or one recognized by the Council for Higher Education Accreditation or its successors.

SOURCE: Added as Rule II – 2.6.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8208. Administration and Organization: Application for Support.

(a) Completed applications for support must be submitted no later than thirty (30) days prior to the start of the semester in which the course will be taken.

(b) The application must include the following attachments:

- (1) A Verification of Employment form from the Guam Public School System;
- (2) A copy of the applicant's current Certificate;
- (3) A copy of the admissions and acceptance document from the Institution(s) of Instruction, at which the recertification course(s) will be taken;
- (4) The Course Review Form for courses to be taken under this Article for recertification;
- (5) A certificate of eligibility as defined by 17 GCA § 18507(3).

SOURCE: Added as Rule II – 2.7.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

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§ 8209. Administration and Organization: Notification of Award.

Applicants approved for support herein shall be required to submit a notarized Student Support Agreement.

SOURCE: Added as Rule II – 2.8.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8210. Administration and Organization: Construction of Contract.

The contract (Student Support Agreement) shall include the following provisions:

(a) The YEC obligations to the recipient pursuant to these Rules and Regulations and the provisions of 17 GCA, Chapter 18, Article 6;

(b) The responsibilities of the recipient pursuant to these Rules and Regulations and the provisions of 17 GCA Chapter 18 Article 6.

The Student Support Agreement to be used for this purpose is attached as Appendix C.

SOURCE: Added as Rule II – 2.9.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

2021 NOTE: Appendix B is attached to P.L. 28-075 (Nov. 25, 2005), which is available on the Guam Legislature Archive site at <https://www.guamlegislature.com/index.htm>.

§ 8211. Administration and Organization: Promissory Note.

Each recipient shall execute a Promissory Note in favor of the YEC. Such Promissory Note shall include:

(a) A provision for the repayment of support through service credit;

(b) A provision that, in the event of termination of employment with the Guam Public School System prior to full repayment of support through service credit, the balance of the unpaid service shall be due and payable in cash on the date of such termination. Unpaid obligations shall accrue

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interest on a daily basis at an annual percentage rate of ten percent (10%) from the date of termination;

(c) A provision that, in the event an recipient fails to complete a course with a satisfactory grade, the recipient shall be required to repay to the YEC an amount equal to the cost of tuition, books, and prorated fees for the course plus interest accruing daily at an annual rate of ten percent (10%) from the date that the course started.

SOURCE: Added as Rule I - 1.0.0 and 1.1.0 by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8212. Administration and Organization: [Qualified recipients entitled to support].

Qualified recipients entitled to support pursuant to this Article who are enrolled in pre-approved courses at the University of Guam or the Guam Community College may have tuition and fees charges prepaid through accounts established by the Financial Aid Office at the University of Guam.

SOURCE: Added as Rule II – 2.10.0, untitled, by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

§ 8213. Administration and Organization: Form of Support: Reimbursement.

Those qualified recipients electing to take pre-approved courses at other recognized and accredited institutions of higher learning, aside from the University of Guam or the Guam Community College, shall receive those allowances, via a reimbursement process, upon the successful and satisfactory completion of those courses taken toward Recertification. The recipient shall submit to the YEC, receipts or vouchers for the course tuition, fees and books. The recipient shall provide to the YEC, a copy of the official transcript showing successful course completion and receipts for course tuition, fees and books.

SOURCE: Added as Rule II – 2.11.0, by P.L. 28-075:1 (Nov. 25, 2005), renumbered pursuant to the authority of 1 GCA 1606.

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§ 8214. Obligations on Recipients.

(a) Time Limitation: Recipient's shall have one calendar year from the consummation of the contract to satisfactorily complete the course(s).

(b) Deferments: The YEC Council may grant deferments for service payback and extension of the time limitation under § 8203(a), except that, unless the recipient is able to secure a full refund from an uncompleted course, no deferment may be granted for the completion of a course once the recipient has enrolled in the course.

(c) Proof of Completion of Coursework: The recipient shall be required to submit an official transcript to document the successful completion of coursework.

(d) The recipient shall remain employed in the Guam Public School System in the position for which the Recipient is seeking recertification for a period of not less than one (1) semester for every three (3) credits of support received herein.

§ 8215. Obligations on Recipients: Proof of Completion of Service Obligation.

(e) Proof of Completion of Service Obligation: The recipient shall provide proof that the service obligation has been completed. Upon validation of completion of service obligation the YEC will acknowledge in writing to the recipient the successful completion of service obligation,

§ 8216. Obligations on Recipients:

(f) Default and Forfeiture of Award: A recipient who withdraws from the pre-approved course(s) or fails to complete them with satisfactory results, or fails to comply with the regulations set by the YEC Council shall be in default of the contract and shall forfeit support under this Article. The recipient in default shall be required to re-pay any amounts expended.

(g) The recipient in default shall also be liable for any interest accrued on the outstanding balance owed. The recipient in default

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shall also pay for all cost and reasonable attorney's fees, incurred due to collections and recovery efforts.

(h) Pursuant to § 18107, the YEC Council may, subject to a Memorandum of Understanding with the Department of Revenue and Taxation, garnish the tax refunds due to any recipient of assistance and/or the recipient's co-signers who has defaulted on the repayment of such assistance. Additionally, the Guam Public School System may withhold employee separation clearance for recipients who are in a state of default upon termination of employment.

2021 NOTE: Appendix B (Application Form) and Appendix C (Student Support Agreement) were attached to P.L. 28-075 (Nov. 25, 2005), which is available on the Guam Legislature Archive site at <https://www.guamlegislature.com/index.htm>. However, Appendix A (Course Approval Form) was not attached to P.L. 28-075..

ARTICLE 3
STANDARDS OF PROFESSIONAL CONDUCT FOR GUAM
EDUCATORS

SOURCE: Added by P.L. 32-236:1 (December 17, 2014).

2021 NOTE: Subsection designations added/altered pursuant to authority granted by 1 GCA § 1606.

- § 8301. Title.
- § 8302. Purpose.
- § 8303. Definitions.
- § 8304. Standards of Professional Conduct.
- § 8305. Reporting.
- § 8306. Disciplinary Action.
- § 8307. Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations and Appeals.
- § 8308. Power of Subpoena
- § 8309. Severability Clause

Appendix A: Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations

Appendix B: Procedures for the Reinstatement of Educator

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Certificates

§ 8301. Title.

These rules shall be known as the Guam Rules Governing the Standards of Professional Conduct for Guam Educators.

§ 8302. Purpose.

(a) 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.

(b) 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.

(c) All certificated educators are subject to these rules and regulations.

§ 8303. Definitions.

For the purposes of these rules, the following terms mean:

(a) Child means a person under the age of 18 years.

(b)(1) 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.

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(2) 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.

(3) 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.

(c) 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.

(d) Discipline shall mean any of the following:

- (1) Private reprimand
- (2) Public reprimand
- (3) Suspension
- (4) Revocation
- (5) Surrender
- (6) Supplemental Sanctions

(e) 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.

(f) Educator is a teacher, administrator or other education personnel who has been issued an Educator Certificate by the Guam Commission For Educator Certification.

(g) Educator Certificate refers to the certificate issued by Guam Commission For Educator Certification.

(h) Eligible Students are those students 18 years or older who continue to attend school at the high school level.

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(i) 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.

(j) 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.

(k) 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.

(l) Intemperance is a documented loss of self-control or self-restraint, which may result from excessive conduct.

(m) Mandatory revocations include the following:

(1) Criminal Homicide (As defined in Title 9 Guam Code Annotated)

(2) Criminal Sexual Conduct (As defined in Title 9 Guam Code Annotated)

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(3) Aggravated assault (As defined in Title 9 Guam Code Annotated)

(4) Kidnapping (As defined in Title 9 Guam Code Annotated)

(5) Solicitation of Children and Child Pornography (As defined in Title 9 Guam Code Annotated)

(6) Incest (As defined in Title 9 Guam Code Annotated)

(7) Indecent Exposure (As defined in Title 9 Guam Code Annotated)

(8) Stalking (As defined in Title 9 Guam Code Annotated)

(9) Child Abuse (Felony) (As defined in Title 9 Guam Code Annotated)

(10) Robbery (As defined in Title 9 Guam Code Annotated)

(11) Burglary (As defined in Title 9 Guam Code Annotated)

(12) Falsifying Official Records

(13) Forgery (As defined in Title 9 Guam Code Annotated)

(14) Theft (Felony) (As defined in Title 9 Guam Code Annotated)

(15) Fraud (As defined in Title 9 Guam Code Annotated)

(16) A Finding of INSANITY by any Federal or any Local Court

(n) Moral turpitude includes the following:

(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

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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.

(2) Conduct done knowingly contrary to justice, honesty or good morals and endangers the health, welfare, safety or education of any student.

(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.

(o)(1) Negligence is continuing or persistent action or omission in violation of a duty that is documented.

(2) Duty may be established by law, by promulgated school rules, policies or procedures, by express direction from superiors or by duties of professional responsibility.

(p) Reinstatement is restoring the rights, privileges and authority previously suspended or revoked.

(q) Reprimand is a written admonishment from the Guam Commission For Educator Certification to the certificate holder for his or her conduct.

(1) 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.

(2) Notice of a private reprimand shall not be communicated or released to the public.

(3) 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.

(5) Notice of a public reprimand shall be posted on the GCEC website. In addition, the public reprimand is

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reported to other state jurisdictions through the NASDTEC national clearinghouse.

(r) 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.

(s) 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.

(t) 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 the following:

- (1) Sexual or romantic invitations;
- (2) Dating or soliciting dates;
- (3) Engaging in sexualized or romantic dialogue (verbally, emails, or texting);
- (4) Making sexually suggestive comments;
- (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or
- (6) Any sexual, indecent, romantic or erotic contact with the child or student.

(u) School-sponsored activity is any event or activity sponsored by the school or school system which includes but

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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.

(v) Student is any individual enrolled in a Guam school from pre-kindergarten through grade 12.

(w) 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.

(x) 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

(y) 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.

(z) 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.

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§ 8304. Standards of Professional Conduct.

The Standards of Professional Conduct are set forth as follows:

(a) 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.

(b) 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:

- (1) Committing any act of child abuse;
- (2) Committing any act of child endangerment;
- (3) Committing any sexual act with a student or soliciting such from a student;
- (4) Engaging in or permitting harassment of or misconduct toward a student that would violate a federal or Guam law;
- (5) Soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
- (6) Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student; or
- (7) Failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision, including school grounds, school functions and the educator's residence.

(c) Standard 3: Alcohol or Drugs - An educator shall refrain from the use of alcohol or illegal or unauthorized

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drugs during the course of professional practice. Unethical conduct includes:

(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

(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).

(d) Standard 4: Honesty - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes misrepresenting or intentionally omitting:

(1) Professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;

(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;

(3) Information regarding the evaluation of students and/or personnel;

(4) Reasons for absences or leaves;

(5) Information submitted in the course of an official inquiry/investigation; and,

(6) Information submitted in the course of professional practice.

(e) 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 knowingly and intentionally:

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- (1) Misusing public or school-related funds;
 - (2) Failing to account for funds collected from students or parents;
 - (3) Submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
 - (4) Co-mingling public or school-related funds with personal funds or checking accounts; and
 - (5) Using school property without the approval of school authorities or authorized designee.
- (f) 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:
- (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;
 - (2) Accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
 - (3) Tutoring students assigned to the educator for remuneration unless approved by the school authority or authorized designee; and
 - (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.
 - (5) Conduct prohibited by Title 4 GCA § 15201, § 15203, § 15204, § 15205, § 15206.

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(g) 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:

(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;

(2) Sharing of confidential information restricted by Guam or federal law;

(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) Violation of other confidentiality agreements required by Guam.

(h) 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:

(1) Failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission;

(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

(3) Failure to make a required report of any violation of Guam or federal law as soon as possible but

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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.

(i) 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:

(1) Any behavior or conduct detrimental to the health, welfare, discipline, or morals of students;

(2) Any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position;

(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) Knowingly and intentionally distorting evaluations of colleagues;

(5) Harassing, sexually harassing, intimidating, bullying and cyber-bullying a fellow employee;

(6) Using coercive means or promising special treatment to influence professional decisions of colleagues; or

(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.

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(j) Standard 10: Testing - An educator shall administer Guam mandated assessments fairly and ethically. Unethical conduct includes:

- (1) Committing any act that breaches Test Security;
- and
- (2) Compromising the integrity of the assessment.

§ 8305. Reporting.

(a) 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.

(b) The Commission notifies school and appropriate Guam officials of all disciplinary actions.

(c) 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.

(d) Reports will be accepted when this rules and regulations are enacted into law. Reports for prior incidences will not be addressed.

§ 8306. Disciplinary Action.

The Guam Commission For Educator Certification; authority to discipline:

- (a) 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

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certificate; or may impose any other penalty provided by law, if the person:

(1) Obtained or attempted to obtain an educator certificate by fraudulent means.

(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.

(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.

(4) Has been guilty of gross immorality or an act involving moral turpitude.

(5) Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.

(6) Has been convicted of a Misdemeanor or more serious crime.

(7) Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.

(8) Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.

(9) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(10) Has violated any GCEC order.

(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

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relinquishment shall be for permanent revocation of the certificate.

(b) The plea of guilty or *nolo contendere* in any court, the decision of guilty by any court, the forfeiture by the 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.

(1) Obtained or attempted to obtain an educator certificate by fraudulent means.

(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.

(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 school.

(4) Has been guilty of gross immorality or an act involving moral turpitude.

(5) Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.

(6) Has been convicted of a Misdemeanor or more serious crime.

(7) Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.

(8) Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.

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(9) Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.

(10) Has violated any GCEC order.

(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.

(c) 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.

(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.

(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.

(d) 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.

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(e) The reinstatement of an educator certificate shall comply with Appendix B.

(f) All Guam school superintendents, administrators and principals are encouraged to report to GCEC the name of any certified educator:

(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;

(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 § 8303(n) or suspension;

(3) Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

(g) 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.

§ 8307. Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations and Appeals.

(a) 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.

(b) In the case of an appeal, GCEC shall follow the procedures set forth in 5 GCA Ch. 9 Article 2 related to hearings.

§ 8308. Power of Subpoena.

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

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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.

§ 8309. Severability Clause.

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 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

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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 Sub-Committee'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

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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

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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. Members of the Ethics Review Sub-Committee shall also have the opportunity to ask questions of any witness or any party.

f. 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.

g. 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.

h. The entire Evidentiary Hearing shall not exceed eight (8) hours. The chairperson of the Ethics Review Sub-committee may grant additional time, if necessary.

i. 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.

j. 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.

k. 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

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period, the decision of the Ethics Review Sub-committee shall become non-appealable.

Appendix B

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

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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

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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

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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

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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.
