

**17 GCA EDUCATION
CH. 5 TEACHING**

**CHAPTER 5
TEACHING**

2015 NOTE: Certification of teachers is governed by the Guam Commission of Educator Certification, 17 GCA Chapter 27.

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education. References to Guam Public School System have been changed to Department of Education pursuant to P.L. 30-050:3.

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§ 5101. Teachers: Qualifications.

Persons employed in a teaching supervisory capacity in the public schools of Guam shall be permanent residents of the United States of good

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moral character, and shall hold a qualifying certificate issued by the Superintendent.

SOURCE: GC § 11300. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5102. Same: Certificates.

The Superintendent shall grant appropriate certificates:

(a) to holders of diplomas issued by an institution of higher learning where the applicant holder has completed a teacher training course prescribed by the Department of Education; *and*

(b) to applicants who, to the satisfaction of the Superintendent, meet the *minimum* qualifications prescribed by the Department of Education, pursuant to § 5103.

SOURCE: GC § 11301. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5103. Same: Same: Qualifications.

The Department of Education shall prescribe by general regulation the qualifications upon which the certificates may be granted:

(a) to teach in senior high schools, four (4) year high schools, middle schools, vocational schools, elementary schools, supplementary schools for adults and kindergartens;

(b) to supervise instruction and to administer schools as supervisors, principals and superintendents;

(c) to act as school librarians;

(d) to act as school attendance officers; *and*

(e) to supervise the physical development of pupils.

SOURCE: GC § 11302. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5104. Same: Same: Content.

Each certificate issued shall clearly state the kind of service that it authorizes, the grades of classes, or the types of schools, in which it

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authorizes service, and *if* a teacher's certificate, the subjects it authorizes the holder to teach.

SOURCE: GC § 11303. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5105. Same: Same: Requirement.

Any person issued a Qualifying Certificate shall complete a three (3) semester credit course in Guam history, or Guam culture, within the first year *after* the person's certification. Failure to satisfy this requirement shall constitute sufficient cause to suspend that person's certification until the deficiency is corrected.

SOURCE: GC § 11304. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5106. Same: Same: Expiration.

Certificates shall expire at such time as the Department of Education, by general rule and regulation, may prescribe.

SOURCE: GC § 11305. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5107. Same: Suspension and Revocation of Certificate.

Certificates granted by the Superintendent of Education may be revoked or suspended for immoral or unprofessional conduct, evident unfitness for teaching, persistent defiance of, and refusal to obey the laws and regulations which prescribe the duties of persons serving in the public school system.

SOURCE: GC § 11306. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5108. Same: Same: Hearing.

No certificate shall be revoked or suspended, *except* upon the written request of its holder, until after a hearing before the Board, and then only upon the affirmative vote of at least four (4) members of the peer review committee.

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SOURCE: GC § 11307. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5109. Same: Same: Charges.

All charges made against a person serving in the public school system which might lead to suspension or revocation of such person's certificate, shall be presented to the Superintendent, in writing, and shall be verified under oath.

SOURCE: GC § 11308. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5110. Same: Same: Notice.

Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused *at least* ten (10) days before the hearing.

SOURCE: GC § 11309. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5111. Same: Same: Right of Accused.

The accused shall be given a fair and impartial hearing, and shall have the right to be represented by counsel.

SOURCE: GC § 11310. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5112. Same: Same: Rules of Hearing.

The hearing shall be governed by and conducted under the rules of the Department of Education.

SOURCE: GC § 11311. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5113. Same: Duty.

Every teacher in the public schools shall enforce the course of study, the use of duly authorized textbooks, and the rules and regulations prescribed for the schools.

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SOURCE: GC § 11312. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5114. Same: Maintenance of Discipline.

Every teacher in the public schools shall hold pupils to strict account for their conduct while on the school premises and when on authorized off-campus school activities.

SOURCE: GC § 11313. Amended by 24-142:11 (Feb. 27, 1998), amended by P.L. 24-299:29 (Dec. 3, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5115. Same: Purpose.

Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice and patriotism; to teach them to avoid idleness, profanity and falsehood; to inculcate a due and proper respect for duly constituted authority; to instruct them in the principles of a free government; and to impress upon them a true comprehension of the rights, duties, responsibilities and dignity of American citizenship.

SOURCE: GC § 11314. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5116. Para-professional Employees and Teachers Aides.

The Superintendent of Education is authorized to employ para-professional employees and teachers' aides to help in the supervision of instruction and administration in the public schools of Guam. The Board, upon recommendation of the Superintendent, shall prescribe by general regulations the services to be performed by such employees and their qualifications for employment.

Personnel employed by the government of Guam as para-professional employees, teachers' aides or cafeteria workers shall be employees of the government of Guam, and the conditions of their employment shall be in all respects the same as other employees of the government of Guam, Department of Education.

SOURCE: GC § 11316. Amended by 24-142:11 (Feb. 27, 1998), amended by P.L. 24-299:30 (Dec. 3, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5117. Same: Duty Hours.

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The Board shall establish duty hours for all teachers.

SOURCE: GC § 11317. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5118. Assessment Program.

The Board shall cause to be annually administered a pre- and post-assessment program to all pupils using *both* National Standard Achievement Tests based upon norm criteria and criterion referenced tests, and a comparative analysis made thereof in accordance with the Department of Education's Comprehensive Accountability Plan. The purpose of such tests shall be to assist the Department in the continuing evaluation of the overall curriculum, performance of teachers and academic achievement of pupils so that the Department may take such steps as it deems warranted in order to improve the total educational climate of Guam.

SOURCE: GC § 11318. Amended by 24-142:11 (Feb. 27, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5119. School-Year Pay for Teachers.

Persons employed as teachers and school health counselors shall, at their option, be paid on either twenty-one (21) or twenty-six (26) bi-weekly payments beginning on November 1, 1983.

SOURCE: GC § 11319. Amended by 24-142:11 (Feb. 27, 1998), amended by P.L. 24-299:31 (Dec. 3, 1998), repealed and reenacted by P.L. 26-026:3 (July 5, 2001), and amended by P.L. 26-104:2 (June 11, 2002).

§ 5120. Job Sharing.

SOURCE: Added by P.L. 21-016 (Apr. 25, 1991) as § 5124. Codified as § 5120 by the Compiler. By operation of law, this provision ceased to have effect after Academic Year 1992-93.

NOTE: This section established a job sharing pilot project for a period of two years, for Academic Year 1991-92 and Academic Year 1992-93. It further states that the Director must submit status reports to the Legislature for years 1991, 1992 and 1993 of the project's findings and recommendations. In its entirety, this provision stated:

§ 5124. (a) Job-Sharing Pilot Project. There is hereby established a two-(2) year job-sharing pilot project (the "Project") to be conducted by the Department of Education (the "Department") for the academic years 1991-92 and 1992-93; provided however, that the Department shall not implement the Project without first carefully developing appropriate plans, procedures

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and guidelines and shall initiate the Project to the extent practicable during the 1991-92 academic year. The Department shall devote no more than one hundred (100) full-time, permanent positions to job-sharing, pursuant to this section.

(b) Definition. As used in this section, "job-sharing" means the voluntary sharing of jobs by two (2) or more full-time permanent teaching employees of the Department with each teacher working one-half (1/2) of another job-sharing teacher's total number of hours required per week.

(c) Monitoring and status reports. The Department shall monitor and evaluate the Project, with particular regard to the efficacy of the job-sharing concept, and shall evaluate factors such as turnover rates, absenteeism, productivity, morale, and demographic factors, including ethnic, sex, and age composition of participants, and other pertinent data. The Director of Education (the "Director") shall also identify those factors which facilitated or made more difficult the implementation of this section. The director shall submit status reports on the Department's findings to the Legislature in 1991 and 1992, and may report on its findings and recommendations to the Legislature in 1993.

2015 NOTE: This section was originally codified from GC § 11320, entitled "*Establishment of Incentive Salary for Administrative Positions*," which was repealed by P.L. 18-032:34(d) (Apr. 24, 1986).

§ 5121. Bonuses, Rewards and Incentives Program.

Notwithstanding any other provision of law, the Department of Education is hereby authorized to create a '*Bonuses, Rewards and Incentives Program*' for the recruitment and retention of teachers, school administrators, licensed healthcare professionals, and critical positions under Special Education employed at the Department of Education. The *Bonuses, Rewards and Incentives Program* shall be consistent with the Department of Education's District Action Plan as authorized by 17 GCA § 3217 and shall be subject to the availability of funds. The criteria, rules and regulations for the *Bonuses, Rewards and Incentives Program* shall be established by the Guam Education Policy Board."

SOURCE: Added by P.L. 26-167:2 (Jan. 5, 2003). Amended by P.L. 28-085:2 (Dec. 9, 2005).

2015 NOTE: This section was originally codified from GC § 11320.1, entitled "*Administrative Salaries; Teaching Experience Required*," which was repealed by P.L. 18-032:34(d) (Apr. 24, 1986).

§ 5122. Applicability of this Chapter for Certification of DOE Educators.

The Commission *shall* be the Educator Certification authority for all Department of Education Educators *no later than* the earlier of the completion of a transition period following the enactment of this Chapter *or* October 1, 2008.

SOURCE: Added by P.L. 29-073:2 (May 9, 2008).

CROSS-REFERENCE: 17 GCA § 5102.

2015 NOTE: This section was originally codified from GC § 11320.2, entitled “*Administrative Salary; No Teaching Experience Required,*” which was repealed by P.L. 18-032:34(d) (Apr. 24, 1986).

§ 5123. Training for Substitute Teachers.

Beginning with the 2010-2011 School Year and subsequent years, all substitute teachers hired by DOE shall undergo annual training prior to being placed in any classroom. The training *shall*, at a minimum, consist of classroom management and student discipline and topics to include, but *not* limited to: Health and Safety Issues, Child Abuse, Harassment / Sexual Harassment, Relationships with Students, Confidentiality / Tort Liability, Substance Abuse, Non-discrimination, and any other topics identified by the Superintendent.

SOURCE: Added as an uncodified law by P.L. 30-054:2 (July 14, 2009). Codified by the Compiler.

2015 NOTE: This section was originally codified from GC § 11320.3, entitled “*Transfer of Personnel; Rules and Regulations,*” which was repealed by P.L. 18-032:34(d) (Apr. 24, 1986).
