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CH. 27 GUAM COMMISSION FOR EDUCATOR CERTIFICATION

CHAPTER 27
GUAM COMMISSION FOR EDUCATOR CERTIFICATION

SOURCE: Added by P.L. 29-073:1 (May 9, 2008) as Chapter 26, §§ 26000-26026, codified as Chapter 27, §§ 27000-27026, by the Compiler pursuant to its authority granted by 1 GCA §1606.

2015 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

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§ 27000. Legislative Intent.

I Liheslaturan Guåhan finds that the goal of Educator Certification is to determine whether those individuals responsible for the education of children are competent to perform their duties as teachers, guidance counselors *or* school administrators.

I Liheslaturan Guåhan further finds that throughout the United States, the certification *or* licensure of educators is a function that occurs at the state level and not in the local school districts that employ the educators. The common practice is for states to define the Educator Certification *or* Licensure standards by means of a Board *or* Commission to include local and federal education mandates. Such Boards *or* Commissions also will set up an office(s) in the state to certify and license education professionals who qualify. These Boards *or* Commissions are also responsible for determining improper conduct by the certificate holder *or* licensee is sufficient to warrant revocation *or* suspension of such license *or* certificate.

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

§ 27001. Purpose.

(a) The purpose of this Chapter is to establish a system of professional development, professional standards, certification and evaluation that serves to continually improve the quality of instruction for Guam's children so that they are equipped to work and succeed in an ever-changing and increasingly complex global economy. The Guam Commission for Educator Certification is established to provide a rigorous system of certification, professional development and evaluation designed to support improved student achievement and to improve the quality of the Guam educator workforce and to improve student performance. All Department of Education educators must be certified and evaluated in accordance with this Chapter. The Board *shall* regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators.

(b) In proposing rules under this Subchapter, the Commission *shall* ensure that all candidates for certification *or* renewal of certification

demonstrate the knowledge and skills necessary to improve the performance of Guam's diverse student population.

§ 27002. Definition.

In this Subchapter, "Commission" means the Guam Commission for Educator Certification.

§ 27003. Guam Commission for Educator Certification.

(a) There is hereby established the Guam Commission for Educator Certification to consist of seven (7) voting members appointed by *I Maga'lahren Guåhan* with the advice and consent of *I Liheslaturan Guåhan*, as specified in subsections (1) to (5), inclusive. The Commission *shall* consist of the following members:

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

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

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

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

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(e) *If* a member is appointed pursuant to Items (1), (2) and (3) of Paragraph (a), *supra*, and ceases to be employed as such, that member *shall* be considered to have vacated his or her seat effective on the date that such employment was terminated. The Chairperson of the Commission *shall* forthwith notify *I Maga'lahi* that the vacancy exists.

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

SOURCE: Amended by P.L. 31-094:2 (Sept. 30, 2011).

§ 27004. Terms: Vacancy.

In the event of a vacancy, *I Maga'lahaen Guåhan* *shall* appoint a replacement in the same class of the member that vacated his *or* her position on the Board for a term of three (3) years.

§ 27005. Officers.

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

§ 27006. Compensation.

A Commission member *shall* receive compensation for serving on the Commission in the amount of Fifty Dollars (\$50) for each Commission meeting attended. A member is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the Commission, subject to any applicable limitation on reimbursement provided by the General Appropriations Act. The compensation of the members of the Commission who are public employees *shall* not be reduced by the agency *or* body by which they are regularly employed for any absence from service occasioned by attendance upon the business of the commission, its committees *or* subcommittees.

§ 27007. Meetings.

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

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

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

§ 27008. General Powers and Duties of the Commission.

The Commission *shall*:

- (a) supervise the executive director's performance;
- (b) approve an operating budget for the Commission and make a request to *I Liheslatura* for appropriations;
- (c) appoint members of any advisory committee to the Commission;
- (d) for each class of educator certificate, appoint an advisory committee composed of members of that class to recommend standards for that class to the Commission;
- (e) provide to its members and employees, as often as necessary, information regarding their qualifications for office *or* employment under this Chapter and their responsibilities under applicable laws relating to standards of conduct for state officers *or* employees;
- (f) develop and implement policies that clearly define the respective responsibilities of the Commission and the Commission's staff;
- (g) file annually with *I Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan Guåhan* a complete and detailed written report, in the form and within the time provided by the General Appropriations Act, accounting for all funds received and disbursed by the Commission during the preceding fiscal year; and
- (h) execute interagency contracts to perform routine administrative functions.
- (i) investigate complaints filed with the Commission on educator misconduct.

SOURCE: Added by P.L. 29-073:1 (May 9, 2008) as § 26008. Codified as § 27008 by the Compiler pursuant to authority granted by 1 GCA § 1606. Subsection (i) added by P.L. 32-236:3 (Dec. 29, 2014).

§ 27008.1. Subpoena Powers.

The Chairperson of the Guam Commission for Educator Certification, upon his/her own initiative, upon the request of any member of the Commission, or upon the request of any party before the Commission, may summon in writing any person before a meeting of the Commission as a witness and in a proper case, to bring with him/her any book, record, or paper which may be deemed material as evidence in the case. The fees for such attendance *shall* be the same as the fees of witnesses before the Superior Court, *except* that if the witness is a government employee no witness fees shall be given. The subpoena *shall* issue in the name of the Guam Commission for Educator Certification, and *shall* be directed to the person and *shall* be served in the same manner as subpoenas to testify before the court. If any person or persons summoned to testify shall refuse or neglect to obey said subpoena, upon petition, the court may compel the attendance of such person or persons before the Commission, or punish said person or persons for contempt in the same manner provided by law for securing the attendance of witnesses and of their punishment for neglect or refusal to attend in the Superior Court.

SOURCE: Added by P.L. 32-236:2 (Dec. 29, 2014).

§ 27009. Place of Commission Meetings.

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

§ 27010. Emergency Meetings.

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

§ 27011. Executive Sessions.

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

§ 27012. Agendas.

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

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

§ 27013. Quorum and Carrying Actions of the Commissions.

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.

§ 27014. Signature Authority for Commission Disciplinary Orders.

The Chairman may sign on behalf of a majority of the Commission a decision *or* order issued in a disciplinary case relating to Commission disciplinary proceedings, including enforcement of the educator's code of ethics. Members of the majority, however, retain discretion to sign any decision *or* order.

§ 27015. Communications.

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

§ 27016. Rules: Fees.

(a) The Commission may adopt rules as necessary for its own procedures.

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

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

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- (2) specify the classes of educator certificates to be issued, including emergency certificates;
 - (3) specify the period for which each class of educator certificate is valid;
 - (4) specify the requirements for the issuance and renewal of an educator certificate;
 - (5) provide for the issuance of an educator certificate to a person who holds a similar certificate issued by another state *or* foreign country,
 - (6) provide for special *or* restricted certification of educators, as needed;
 - (7) provide for disciplinary proceedings, including the suspension *or* revocation of an educator certificate,
 - (8) provide for the adoption, amendment, and enforcement of an educator's code of ethics; and
 - (9) provide for continuing education requirements.
- (c) The Commission *shall* propose a rule adopting a fee for the issuance and maintenance of an educator certificate.

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

§ 27017. Relationships with the Public.

The Commission *shall* develop and periodically review policies regarding the following:

- (a) Policies and procedures for stakeholder input on rule development.
- (b) Policies and procedures on accepting public testimony.

§ 27018. Executive Director and Commission Staffing.

The Commission *shall* hire an Executive Director to manage the daily operations of the Commission. Such employment may be in either,

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- (a) the unclassified service *or*
- (b) by employment contract.

The term of employment *shall not exceed* five (5) years, but may be renewed by the Commission, after expiration, for successive terms. Compensation and job qualifications *shall* be established by the Commission. The Commission *shall* create a staffing pattern for additional staff required for the operations of the Commission. The staff *shall* be classified employees hired pursuant to the merit provisions of Title 4, GCA, Chapter 4. The staff *shall* include, but *not be limited to*, those classified employees who transferred from the Department of Education Certification Office during the transition to the Commission.

§ 27019. Relationship of the Commission to the Executive Director Introduction.

(a) The Commission primarily employs the Executive Director to implement Commission policies and to hire and supervise other staff. 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 a whole, and not from individual Commission members.

(b) The Commission. In exercising its powers and duties, the Commission *shall*:

- (1) establish major visionary guiding policies and principles;
- (2) establish the mission and goals that define the end results the Commission wants to achieve;
- (3) serve as a link between the agency and state policymakers;
- (4) accept accountability for decisions and actions;
- (5) establish an effective relationship with the Executive Director and direct him *or* her with one (1) voice;
- (6) maintain objectivity in reviewing facts in the process of making decisions; act in the best interests of the schoolchildren and their parents, the education profession and the public; and

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

(c) (1) The Executive Director. The powers and duties of the Executive Director include the following:

(A) performing duties as assigned by the Commission *or* specified by law;

(B) administering and enforcing all laws and rules implemented by the Commission;

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

(D) hiring and dismissing Commission employees;

(E) serving as the Commission's Secretary in an ex-officio capacity;

(F) maintaining the vital records of the Commission;

(G) developing, issuing, and implementing workplace policies; and

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

(2) The Executive Director may designate other staff to aid in these functions. In exercising these powers and duties, the Executive Director *shall*:

(A) be accountable to the full Commission for achievement of policies;

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

(C) provide all material information relevant to Commission decision-making;

(D) lead the Commission and its staff;

(E) implement Commission policies through specific objectives and strategies;

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

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

2015 NOTE: Pursuant to the authority granted by 1 GCA § 1606, subsection designations were added and altered to adhere to the Compiler's alpha-numeric scheme.

§ 27020. Evaluation of the Executive Director.

The Commission *shall* annually evaluate the performance of the Executive Director.

§ 27021. 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.

§ 27022. Funding.

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

§ 27023. Office Space.

The Commission is authorized to lease office space for its operations. Nothing herein *shall* prevent the Commission from leasing office space within other government of Guam facilities *or* from accepting free, reduced *or* subsidized office space.

§ 27024. Fiscal Agent.

The Commission is authorized to procure the services of another government of Guam agency to administer its accounting, payroll and financial reporting requirements.

§ 27025. Timeliness of Action on Applications for Certification.

The Commission *shall* establish reasonable timetables for the approval *or* denial of certification applications that commence when all required valid and authentic documents are received.

§ 27026. Prior Certification Standards.

All certification standards and requirements adopted by the Guam Education policy board *prior* to the enactment of this Chapter *shall* remain effective *unless* they are *amended or repealed* by the Commission in a manner consistent with the provisions of this Chapter. The Guam Commission for Educator Certification *shall* adopt rules which honor unexpired teaching, guidance counselor, school librarian, and school administrator certifications issued by DOE before the effective date of the GCEC.

SOURCE: Amended by P.L. 29-113:VI:68 (Sept. 30, 2008).
