

- 6.02.5 Has had an educator certificate sanctioned by revocation, suspension, or surrender in another state/jurisdiction.
  - 6.02.6 Has been convicted of a Misdemeanor or more serious crime.
  - 6.02.7 Upon investigation, has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the school.
  - 6.02.8 Has violated the Standards of Professional Conduct for the Education Profession prescribed by GCEC's Code of Ethics.
  - 6.02.9 Has otherwise violated the provisions of law, the penalty for which is the revocation of the educator certificate.
  - 6.02.10 Has violated any GCEC order.
  - 6.02.11 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.
- 6.03 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.
- 6.03.1 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.
  - 6.03.2 A person whose educator certificate has been revoked under this section may apply for a new certificate at the expiration of that period of ineligibility fixed by GCEC by meeting the current certification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.
- 6.04 An individual whose license has been revoked or suspended shall not serve as a volunteer, a coach, or be employed as an educator, paraprofessional, aide, substitute teacher, or in any other position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.
- 6.05 The reinstatement of an educator certificate shall comply with Appendix B.
- 6.06 The GDOE, Catholic School, and DODEA superintendents, or any Guam school principal are encouraged to report to GCEC the name of any certified educator:

- 6.06.1 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;
- 6.06.2 Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation or suspension;
- 6.06.3 Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.
- 6.07 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.

## **7.0 Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations and Appeals**

- 7.01 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.
- 7.02 In the case of an appeal, GCEC shall follow the procedures set forth in 5 GCA Ch. 9 Article 2 related to hearings.

## **8.0 Power of Subpoena**

- 8.01 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 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.

## **9.0 Severability Clause**

- 9.01 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.

## **Procedures for the Investigative Process and Final Determination of Alleged Ethics Violations**

### **1. Complaint Received by GCEC:**

- a. A 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 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 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 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 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.
- f. Members of the Ethics Review Sub-Committee shall also have the opportunity to ask questions of any witness or any party.
- g. 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.
- h. 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.
- i. The entire Evidentiary Hearing shall not exceed eight (8) hours. The chairperson of the Ethics Review Sub-committee may grant additional time, if necessary.
- j. 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.
- k. 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.
- l. 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 period, the decision of the Ethics Review Sub-committee shall become non-appealable.

## 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.

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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 or 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
  - 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 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 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 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.
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## Amendments to Existing Rules and Regulations

5A GAR Education  
Chapter 8 Guam Commission For Educator Certification

The following portions of the existing rules and regulations are updated with the adoption of the following sections.

1. § 8102. **Definitions.**

**(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”.**

**(ab) 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.**

**(ac) 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.**

2. § 8104. Issuance of Certificates, General.

(1) 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).**

3. § 8105. **Certificates for Teachers, General.**

(a) Temporary Teaching Certificate.

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.**

4. (c) Professional Educator Certificate.

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