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Felix P. Camacho Governor

Michael W. Cruz, M.D. Lieutenant Governor

15 MAY 2008

2008 MAY 19

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

Dear Speaker Won Pat:

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

Sinseru yan Magåhet,

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

Attachment: copy of Bill

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

29-08-0393 Office of the Speaker Judith T. Won Pat. Ed. D. Date. Time Received by

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

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

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

DR. DAVID L.G. SHIMIZU

**Acting Speaker** 

**TINA ROSE MUÑA BARNES** Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this  $\mathcal{N}$  day of  $\mathcal{M}$ , 2008, at

Assistant Staff Officer Maga'lahi's Office

4.20 o'clock P.M.

FELIX P. CAMACHO I Maga'lahen Guåhan

AY Dots Date: Public Law No. 29-73

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

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#### Bill No. 99 (LS)

As amended.

Introduced by:

Committee on Calendar

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

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

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

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

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

*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.

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

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

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

1 §26003. Guam Commission for Educator Certification. (a) There is hereby established the Guam Commission for Educator Certification to consist of 2 3 seven (7) voting members appointed by *I Maga'lahen Guåhan* with the advice and consent of I Liheslaturan Guåhan, as specified in subsections (1) to (5), inclusive. 4 5 The Commission *shall* consist of the following members: 6 (1)a classroom teacher employed in a public school; an administrator (principal or assistant principal) employed in a 7 (2)public school; 8 9 (3)a guidance counselor employed in a public school; two (2) members who possess a terminal degree in the subject 10 (4)11 of education from an accredited college or university which, as used 12 herein, means an institution that is accredited by a United States 13 accrediting body recognized by the Council on Higher Education Accreditation (CHEA) or its successor, or an equivalent foreign 14 15 college or university; and 16 two (2) members appointed from the community at large. (5)17 (b)Appointments to the Commission *shall* be made without regard to the race, color, disability, sex, religion, age, or national origin of the person 18appointed. 19 20A Commission member is immune from civil suit for any act (c)21 performed in good faith in the execution of duties as a Commission member. 22 (d)Members shall serve a term of three (3) years and may be 23

reappointed, provided that the member continues to meet the employment criteria
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.

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

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

§26004. Terms: Vacancy. In the event of a vacancy, *I Maga'Lahen 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.

§26005. 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.

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

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.

§26007. 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.

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

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

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(a) supervise the executive director's performance;

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

16 (c) appoint members of any advisory committee to the17 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;

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

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

§26009. 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.

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

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

§26012. 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.

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

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

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

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

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

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

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

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

1 specify the period for which each class of educator (3)2 certificate is valid; 3 (4)specify the requirements for the issuance and renewal of 4 an educator certificate; 5 (5)provide for the issuance of an educator certificate to a 6 person who holds a similar certificate issued by another state or foreign country, 7 8 (6)provide for special or restricted certification of 9 educators, as needed: 10 provide for disciplinary proceedings, including the (7)11 suspension or revocation of an educator certificate, 12 (8)provide for the adoption, amendment, and enforcement 13 of an educator's code of ethics; and 14 (9) provide for continuing education requirements. 15 (c)The Commission *shall* propose a rule adopting a fee for the issuance 16 and maintenance of an educator certificate. 17 The Guam Commission for Educator Certification shall promulgate Administrative Rules and Regulations consistent with the provisions of Title 5, 18 GCA, Chapter 9. Such Rules and Regulations may be revised as needed consistent 19 20 with the provisions of Title 5, GCA, Chapter 9. 21 §26017. Relationships with the Public. The Commission shall develop and periodically review policies regarding the following: 22 23 Policies and procedures for stakeholder input on rule (a) 24 development. 25 Policies and procedures on accepting public testimony. (b)

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

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

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

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(a) establish major visionary guiding policies and principles;

(b) establish the mission and goals that define the end results the
Commission wants to achieve;

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(c) serve as a link between the agency and state policymakers;

26 (d) accept accountability for decisions and actions;

1 (e) establish an effective relationship with the Executive Director 2 and direct him *or* her with one (1) voice; 3 (f) maintain objectivity in reviewing facts in the process of making 4 decisions; act in the best interests of the schoolchildren and their parents, 5 the education profession and the public; and review the General Operating Policies and Procedures on an 6 (g) 7 annual basis at the first  $(1^{st})$  meeting of the first  $(1^{st})$  quarter of each year. 8 The Executive Director. The powers and duties of the Executive Director include the following: 9 10 performing duties as assigned by the Commission or specified (a) by law; 11 12 administering and enforcing all laws and rules implemented by (b)13 the Commission; 14 (c) issuing the certificates authorized under 17 GCA Chapter 5B. 15 hiring and dismissing Commission employees; (d)16 (e) serving as the Commission's Secretary in an ex-officio 17 capacity; 18(f)maintaining the vital records of the Commission; developing, issuing, and implementing workplace policies; and 19 (g) 20 (h) ensuring that new Commission members are given an 21 orientation on the activities of Commission and that this be done, where possible, prior to the new member's first (1<sup>st</sup>) Commission meeting. 22 23 The Executive Director may designate other staff to aid in these functions. In exercising these powers and duties, the Executive Director 24 25 shall:

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

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

- 4 (c) provide all material information relevant to Commission
  5 decision-making;
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(d) lead the Commission and its staff;

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

- 9 (f) consider multiple points of view expressed by Commission 10 staff and persons outside the Commission as needed to facilitate fully 11 informed Commission decisions; and
- (g) update the Commission at a minimum of every other week, and
  at any other time essential information should be provided.

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

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

§26022. 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.

24 §26023. Office Space. The Commission is authorized to lease office space
25 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.

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§26024. 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.

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

§26026. 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."

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

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

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

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

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

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

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

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

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

20 (b) The physical location of the Guam Commission for Educator21 Certification.

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

23 Section 7. Transition: Guam Educator Certification Commission 24 Funding for the Remainder of Fiscal Year 2008. *I Maga'lahen Guåhan* is 25 authorized to transfer up to Fifty Thousand Dollars (\$50,000) from any 26 appropriations for Fiscal Year 2008 that are for the current operations of the government of Guam, and not appropriated for debt service *or* encumbered by a
 contractual obligation, to the Guam Commission for Educator Certification for its
 operations for the remainder of Fiscal Year 2008. Such transfers are in addition to
 the GPSS support for Certification Personnel transferred to the Commission and
 the fees collected.

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