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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.

2026 NOTE: Pursuant to 5 GCA § 1510, I Maga'hågan/Maga'låhen Guåhan means the "Governor of Guam" and I Maga'håga/Maga'låhi means the "Governor." Pursuant to 2 GCA § 1101, I Liheslaturan Guåhan means the "Guam Legislature" and I Liheslatura means the "Legislature."

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.

(a) 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.

(b) 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

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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.

(c) 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.

2026 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 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’hågan/Maga’låhen 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.

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(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.

(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'håga/Maga'låhi 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: Added by P.L. 29-073:1 (May 9, 2008). Amended by P.L. 31-094:2 (Sept. 30, 2011).

§ 27004. Terms: Vacancy.

In the event of a vacancy, I Maga'hågan/Maga'låhen 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.

(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;

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(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'hågan/Maga'låhen 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 as § 26008 by P.L. 29-073:1 (May 9, 2008), renumbered to § 27008 by the Compiler pursuant to authority granted by 1 GCA § 1606. Subsection (i) added by P.L. 32-236:3 (Jan. 2, 2015).

§ 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 (Jan. 2, 2015).

§ 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.

(a) 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.

(b) 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.

2026 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 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;

(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.

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(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,

- (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
- (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) [No text]

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(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;
- (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.

2026 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

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: Added by P.L. 29-073:1 (May 9, 2008). Amended by P.L. 29-113:VI:68 (Sept. 30, 2008).

§ 27027. Lifetime Teacher Certification Requirements.

(a) Minimum Qualifications. An individual shall be eligible for a Lifetime Teacher Certification upon meeting the following requirements:

- (1) Accumulation of at least twenty-five (25) years of verified, and satisfactory teaching experience in a recognized educational institution in Guam;
- (2) Possession of a valid and current certification in the relevant subject area or grade level; and
- (3) Completion of any required professional development or activities as prescribed by the Guam Commission for Educator Certification (GCEC) prior to issuance.

(b) Issuance of Lifetime Certificate.

(1) Upon verification of eligibility, the Guam Commission for Educator Certification (GCEC) shall issue a Lifetime Teacher Certification to the qualified educator. The certification shall:

- (A) Be valid for the educator's lifetime and shall not require renewal; and
- (B) Be subject to the following conditions:

- (i) Lifetime Certificate holders shall report to the GCEC every five (5) years to declare their intent to continue teaching and disclose any background check issues that may disqualify them from holding a valid license; and
- (ii) Submission of a satisfactory evaluation every five (5) years; and
- (iii) Required to participate in their school or district professional development; and
- (iv) Active participation in the Guam Teacher Evaluation Program (GTEP), including completion of all Guam Department of Education requirements for maintaining professional standards, such as annual evaluations, training sessions, professional growth planning, and fulfillment of student outcome assessments.

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(2) The Lifetime Teacher Certification shall be revoked if the holder is found to have violated the professional code of conduct or code of ethics, or if character assessments indicate disqualifying violations.

(c) Lifetime Certification Eligibility for Recently Retired Individuals. Individuals who have retired in good standing within the last ten (10) years and whose certification has since lapsed may be eligible to apply for a lifetime certification within six (6) months of the passage of this legislation.

SOURCE: Added by P.L. 38-091:2 (Dec. 20, 2025).

2026 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.
