



GFT, AFT Local 1581
Together We Win!

*Office of the SO
11/24/14
6:10pm*

Timothy Fedenko, President
Corazon Mucho, Secretary

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Written Testimony as to Proposed Bill 420-32; Done this 24th of November 2014

(An Act to approve the Rules and Regulations Governing the Standards for Professional Conduct for Guam Educators.)

The following are respectfully submitted to the Speaker and Senators of the 32nd Guam Legislature for their review and consideration regarding their revising or returning, for further consideration and revision, to the GCEC this proposed Bill in accordance with the comments and observations which the GFT respectfully now submits.

The comments may seem detailed, but regrettably the Public Hearing took place on August 7th; when many Educators were off-island as The School-Year was long over, and even Summer School may have been completed; thus the Stakeholders were not really able to have comment or input, and as the ones most effected they ought to have had the opportunity to do so.

It is noted at the outset that there are areas where the vagueness of the language renders it being subject to being voided or capable of being seriously abused and misused. In addition there are areas that appear incomplete in thought and process, and need further work to be complete. It is submitted in summary, that this Bill be referred back to GCEC for an additional Public Hearing and improvement.

The foregoing being said please consider/review the following specifics:

Page 1, at 2.03, It should apply to all certified teachers; who are actively teaching and not to ones who merely hold a certification but are inactive or in another field, as the idea is to deal with teachers who are interacting with schools and students.

Page 2, at 3.02.1 It is submitted to be improper to ignore an appeal that is ongoing, because the legal system does make errors and it is the function of the appellate system to correct them, the teacher may be re-assigned etc. but the certification should not be adversely effected until the Justice/legal system has had the opportunity to fully perform its function and the Appellate Process is an integral part of it.

Page 2, 3.09 Here, what Community are we referring to as to Standards and there is no reference to reasonable here when we are trying to judge or test the conduct against a Standard; it is just too vague in its language.

Page 3, 3.10 Should be changed to require a "Well Documented" pattern so as to be sure there is reasonable evidence and justification to refer a teacher.

3.11 Should be changed to read a "repeated" loss and "well-documented" should be included; so it is not an isolated incident and there is documentation of what is alleged and referred.

3.13,1 Here to we have too much vagueness as to the meaning of Community as to a Standard and the language is too broad and vague for real understanding and clear meaning.

3.14 Here too should be added "well documented" as to the alleged wrong and to the area of duty should be add the language that it is a "substantial violation and that it is related to Teaching.

Page 4, 3.16 The written admonishment should only remain in the file for one year and if nothing else negatively occurs; then be removed; so as to not sully permanently for a minor infraction.

3.17 The word permanent should be removed, so as to give the opportunity to re-apply later.

3.19 It applies to Child by the language, but an adult can date for example a 17s year old legally; so remove that aspect or clarify it only as to a student.

Page 5, 3.25 Likewise it should remain in the file only one year, and if nothing else negative comes-up; then remove it, give the teacher an incentive to be good and an opportunity for a good remaining career.

4.01 should have the language under Guam Law, or clarify it at the outset that all law references are to Guam Law unless specified otherwise.

4.02.4 Should have added the word proximately, to eliminate or differentiate from merely being on the scene, and the misconduct here and in 4.02.5 needs to be defined.

Page 6 4.02.7 Should be changed to specify on school grounds and under Guam Law, and the language under any other setting is too broad, and this should specify and be limited to school grounds or school functions versus outside activities and define supervision that way.

4.04 This is too vague, throughout the language used "but not limited to" is too vague and does not inform as to what conduct is included! In all such places where this language is used it needs to be removed and the conduct in question clearly defined and explained so that teachers and administrators can reasonably and fairly know and understand what conduct is expected and required, and not this undefined and unexplained wording.

4.05 And its sub-areas should all have included the word "intentionally" inserted.

4.06.4 Should be limited to the school year only.

Page 8, 4.08.2 and 4.08.3 should be removed as they place a reporting requirement not required in law to inform and a failure to do so is misconduct. It should be limited to requirements to inform under law such as child abuse, and not make teachers spies and informers on each other for some innocent, but perhaps questionable only to that observer as to their own expected conduct because the teacher may informs on such innocent conduct because one just might interrupt it differently and so he better inform or complain OR he risks getting into any trouble under this language !

Page 9, 4.10 put in the word "intentionally" as to this conduct versus it happening innocently or just simple negligence.

Page 10, 6.01.6 Too many incidents could or can be classified as Misdemeanors under Guam Law. The offense level should be changed to Felony.

6.01.7 Should have added the word "materially" before effectiveness.

6.02.3 Should have added the words well documented regarding incompetent.

6.02.4 should have the words by a court of law regarding a finding of guilty and that it is a Final Judgment; meaning after all appeal time has passed or appeal completed.

6.04 should have volunteer removed; just because a Teaching License has been revoked should not mean one cannot volunteer to help; that is going too far

Page 12, 6.06.1 should be changed also from Misdemeanor to Felony. Too many minor items are classified as Misdemeanors for one's License to be at stake, and Felony Level Crimes are the more serious ones.

6.06.2 With all the various grounds for suspension or revocation this section makes all liable for not reporting who knows what. Some items like child abuse etc. yes, that is Guam Law, but this section is wide open and undefined as to what to report to turn-in your colleague.

Page 13, 1. A. should have = and be notarized at its end.

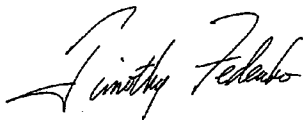
Page 14, 3. D. should have added = after its review of the allegation(s) and the proposed action. There should be at least a review even if one does not appear; just to be sure all is being done properly and is justified.

Page 15, section d. should have it stated the Rules of Evidence do not apply at these proceedings; but it should be clarified if witnesses are testifying under oath or just making statements?

I. Here it needs to be clarified what if there is an appeal In this regard are these Proceeding appealable to the Superior Court of Guam for Review; just like decisions from the Civil Service Commission; which is at least equal to this commission and CSC decisions are subject to Superior Court Review..

Respectfully submitted,

Guam Federation of Teachers, AFT, Local 1581



Tim Fedenko, Its President