

I am not in favor of Bill 420-32.

The biggest problem is that Guam Commission for Education Certification (GCEC) wants to take on the responsibility of the courts and the Civil Service Commission (CSC). The courts already have a mechanism to imprison the violators of most of the items presented within this bill. The CSC, through its legal standing, already terminates the employment of those violating some of the provisions herein. The Guam Department of Education does not hire felons and those convicted of sex crimes as determined by courts and CSC. I would rather have an employee go before the court system or CSC for violations of law.

The timelines to file a complaint against an educator do not mirror current guidelines followed by CSC. CSC provides a sixty (60) day window to submit a personnel action against an employee. The proposed timeline changes the length to a year. For sexual crimes, this proposal stipulates a filing period of up to three (3) years after a student turns eighteen (18), which does not mirror current law found in 8 GCA chapter 10. 8 GCA chapter 10 stipulates that prosecution for sex crimes on minors have no time limitations. Regardless, the employee will be terminated upon conviction due to employment terms. Having a certification removed for a felony or a sexual crime serves no purpose because that person will not be able to gain employment with their criminal record.

Another reason I am against this bill is that it will allow the termination for educators beyond what the courts and CSC have jurisdiction over. The language found in standard nine (9) is too broad and allows for certification removal based upon issues not heard at the courts or at CSC. Based upon standard 9, if I tell a colleague that there are other vocations that pay better than an educator, I can lose my certification because this this may impede the enjoyment of teaching. For reference, this is section 4.09.3. Under section 4.09.6, I can no longer offer to make a chapter test in exchange for first lab use because I am using a coercive means to influence a professional decision of a colleague. If I insist that another teacher follow my pedagogical teaching style that is in contrast with my colleague, when are

these differences considered harassment if I insist on my viewpoint? I am sure these examples sound sarcastic, but they can apply to educators once this is approved.

Teachers in other states that utilize broad language found in 4.09.1 and 4.09.2 have been coerced to give up their teaching occupation. In one example, a male teacher was terminated for showing his abdominal muscles in a television show (Jacobs, 2013). In another example, a teacher in Georgia was coerced to resign for posting pictures of herself holding an alcoholic beverage in her hand during her summer vacation (Knight, 2011). Olivia Sprauer, a teacher in Florida, was fired for modeling in a bikini. In past years, this clause prohibited homosexual teachers. Likewise, this reminds me of the working rights of educators dating back to the turn of the 20th century where teachers were not allowed to work when they were pregnant or allowed to leave the jurisdiction of the city of where they worked. I am sure times have changed, but this limits the freedom of educators and brings us back in time. With the passage of this bill, I can be terminated for things I post on social media that may not have anything to do with my teaching career. I can start up a video blog that discusses the fine quality of whiskey such as that seen on ralfy.com. Because this blog may be interpreted as promoting alcohol, I can lose my teaching license and, as a result, my teaching career. The current certification board may not see this as an issue, but future board members, upon passage of this bill, may take action on my social media posts.

The penalties do not necessarily match the crime. The revocation of an educator certificate means immediate reduction in pay or termination. For heinous crimes, the employee is imprisoned through the courts or terminated through CSC. However, 6.02.6 notes that a teacher can have their teaching certification revoked for having a misdemeanor. If I mistakenly write a bad check over \$250 but less than \$1,000 for whatever reason, then I have committed a misdemeanor. With the passage of this bill, I would have my teaching certification revoked and I would lose my job as a result. For crimes

that carry a minimum penalty and where the court system or CSC do not seek imprisonment or termination of employment, revocation of a certification means job termination and is too harsh.

I am against Bill 420-32 because felonies and other misconduct of public trust are heard by the courts and CSC. The issues in this bill that are not covered by the courts and CSC are over-reaching. Educators can be terminated for perceived crimes not otherwise heard in a court of law or CSC such as social media posts, bikini posts, summer pictures, talking to a colleague to take a higher paying job elsewhere, and misdemeanor offenses that should only carry the weight of a penalty, not job loss.

Respectfully,

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References

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