



GFT, AFT Local 1581
Together We Win!

Timothy Fedenko, President
Corazon Mucho, Secretary

Sanjay Sharma, Vice President
James Luian, Treasurer

Written comments as to Revised Proposed Bill 429-32; Done this 16th day of December 2014

Re. (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 and returning, for a truly Public Hearing by the Education Certification Commission, this proposed Bill ; so as to allow for the comments and observations of the “Stakeholders”, Guam’s Teachers and Administrators and Certification Holders; a group numbering in the thousands; regarding this most important piece of Legislation that directly affects their ability to earn a living and practice their profession.

The Commission’s Public Hearing took place on August 7th, 2014; when many “Stakeholders” Teachers and Administrators were off-island as The School-Year was long over, and even Summer School may have been completed. Thus the Stakeholders, those holders of a Teaching Certification who are directly impacted by these proposed Rules of Conduct and Discipline, were not able to have comment or input, and as the ones most effected they ought to have had the opportunity to do so, and the GFT asks the Senators to act and to vote to give the Educators/Stakeholders this opportunity to do so, by voting to send back the proposed Bill 420.

It is noted at the outset that a number of the GFT’s suggestions were incorporated into the revised proposed Bill 420 now before the Legislature. However, it is submitted that this does not replace the opportunity for the Island’s Educators as a whole; both Teachers and Administrators, to provide/submit their input to this most serious and important legislation; that again literally effects thousands of our people in the Education Profession.

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 individuals who merely hold a certification but are inactive or in another field, as the idea is to deal with teachers and Administrators who are interacting with schools and students; does the term “educators” state this, or is it unclear and too vague?

Page 2, at 3.02.1 It is again submitted to be improper to ignore an Appeal in the Judicial System 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, again we call your attention as to 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, and we do not want the Commission to become a 21st Century “Star Chamber”.

3.13,1 Here too, again we call your attention that there is too much vagueness as to the meaning of Community as to a Standard and the language is too broad and vague for any real understanding and clarity as to meaning.

3.19 It applies to Child by the language, but an adult can date for example a 17s year old legally; so clarify it as to a student, or in violation of Guam Law.

Page 8, Again GFT submits that 4.08.2 and 4.08.3 should be removed as they place a reporting requirement not otherwise required in Guam 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 conduct; as perceived only to that observer as to their own expected conduct; because the teacher may inform on such innocent conduct because one just might interrupt it differently and so he better inform or complain OR he or she themselves risks getting into any trouble under this language!

Page 9, 4.09.1 to .7, Again we urge that you put in the word “intentionally” as to this conduct versus it happening innocently or just by simple accident or simple negligence.

Page 10, 6.01.2 Falls into the category of being vague and turning the educational community into being one of living in and working in a hostile or intimidating one; where if you do not like someone you just report alleged or perceived misconduct, and the failure to report suspected/alleged misconduct is itself cause for discipline; so someone could report on a colleague for not reporting! 6.02.2 is the same genre and should be omitted as a cause for discipline by the Commission, as Guam Law already covers areas for not reporting as applicable and proper.

6.01.6 Again it is submitted that too many incidents could or can be classified as Misdemeanors under Guam Law. The offense level should be changed to Felony.

6.02.4 The section needs clarification as to the Community Standard; so as to clarify for all what standard of conduct is expected; what is gross immorality in conduct to one person may not reach the same standard as to another person’s perceptions; it needs clarification; are you making the Commission Guam’s Vice Squad ? Are you making the Commission the Arbiter of Guam’s Moral Standards??? The section needs a Public Hearing and revision or at least say convicted of these things in a Guam Court of Law.

6.04 Again, it is submitted that prohibiting one from being a volunteer; just because a Teaching Certification has been revoked is unnecessarily restrictive and beyond the authority of the Commission!

Page 12, 6.06.1 should be changed from Misdemeanor or “any other criminal charge” to only a Felony level charge; it is too broad and all encompassing. Again,. Too many minor items are classified as Misdemeanors, let alone any other criminal charge for one’s Professional License, and livelihood, to be at stake, and Felony Level Crimes are the more serious ones by definition under Guam Law.

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.

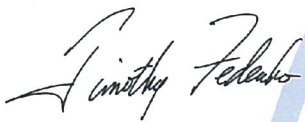
6.06.3 Has the problem concerning conflicting Jurisdiction. It should be changed to reference that Commission action only be undertaken after any Adverse Action Proceedings before the Civil Service Commission have been completed, and the Civil Service Commission's Judgment has been finalized, as otherwise you create conflicting Jurisdictions.

6.06.3 Also has the problem of not setting forth what Community Standards the Educator or Administrator is to be held to. It does not say the person has been found guilty of such conduct by a court of law; so who decides if the conduct is immoral, or unnatural or a Lascivious Act? Is it the Education Certification Commission??? And if that is how it is to be read, who are the Commission Members and what are their qualifications to judge such conduct; that can cause an Educator to lose his or her Teaching Certification ?

The proposed Bill needs further revision and input; so it is respectfully requested, on behalf of all who hold Teaching Certifications, that the proposed Bill 420 not be passed into law in its present form.

Respectfully submitted,

Guam Federation of Teachers, AFT, Local 1581



Tim Fedenko, Its President

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Vice Speaker Benjamin J.F. Cruz

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