DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JOSEPH L.M. SANCHEZ
Acting, Superintendent of Education

2017 FEB 10 PM 1:40

February 2, 2017

Speaker Benjamin J.F. Cruz

FEB 10 2017
Time: 1111 [ ] AM [ ] PM File No. ____
Received By: ____

GL #34-17-188

The Honorable Eddie Baza Calvo
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Honorable Benjamin J. F. Cruz
Speaker
Thirty-fourth Guam Legislature
Hagåtña, Guam 96932

Dear Governor Calvo and Speaker Cruz:

Håfa Adai! Pursuant to Public Law 31-233, Section 38, *Reporting Requirements for Boards and Commissions,* attached are electronic copies of the Guam Education Board's meeting agenda, approved minutes and other documents as discussed at the September 27, 2016, special meeting. The meeting was held at Superintendent's Conference Room, Building A., Tiyan.

Should you have any questions, please contact me at 300-1547.

Senseramente,

JOSEPH L.M. SANCHEZ
Acting, Superintendent of Education

Attachment
- E-Copies of GEB Meeting Packet

cc: GEB Members
Deputy Supt., FAS
File

0188

LOURDES B. SAN NICOLAS
Chairwoman

GUAM EDUCATION BOARD
500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone Number: (671) 300-1627
Facsimile Number: (671) 472-5001
Website Address: www.gdoe.net/geb

ROSIE R. TAINATONGO
Vice-Chairperson

VOTING MEMBERS

Lourdes San Nicolas, Chair
Rosie R. Tainatongo, Vice-Chair
Peter Alecxis D. Ada
Lourdes M. Benavente
Kenneth P. Chargualaf
Charlene D. Concepcion
Jose Q. Cruz, Ed. D.
Maria A. Gutierrez
Ryan F. Torres

EX-OFFICIO MEMBERS

(Vacant)
IBOGS Representative

Audrey J. Perez (SSHS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Jon J. P. Fernandez
GDOE Superintendent

Guam Education Board
SPECIAL MEETING
Tuesday, September 27, 2016
5 pm
Superintendent's Conference, Bldg. A., Tiyan

AGENDA

I. **Meeting Call to Order**

II. **Roll Call of Members**

III. **Unfinished Business**

1) Personnel Matter

IV. **New Business**

1) Spending Priorities Plan – FY 2017

V. **Executive Session**

VI. **Adjournment**

US meeting on ocean conservation nets $5.3B in pledges

WASHINGTON (Reuters) – International participants at a high-level conference on the world's oceans pledged more than $5.3 billion for conservation and designated vast areas as protected waters, U.S. Secretary of State John Kerry said on Friday.

More than 90 countries took part in the two-day conference, the third of its kind, in an effort to galvanize attention to the dangers that pollution, climate change and over-fishing may pose to the world's oceans.

"This ocean conference, in order to protect marine eco-systems, to prevent pollution, to address the crippling impacts of climate change, has committed over $5.3 billion of money and initiatives in order to achieve those goals," Kerry said at the meeting's closing session.

Earlier, U.S. State Department spokesman John Kirby said that more than 1.3 million square miles (3.4 million square km) gained protected designation.

The United States and more than 20 countries joined on Thursday at the conference to create 40 marine sanctuaries around the world to protect the oceans from the threat of climate change and pollution. They limit commercial fishing, oil exploration and other activities that affect ocean ecosystems.



BEACH IN CHINA: *A boy plays on an algae-covered beach in Qingdao, Shandong province, China, on July 18. Reuters*

President Barack Obama also designated the first U.S. marine reserve in the Atlantic Ocean: 4,913 square miles (12,724 square km) known for underwater mountains and canyons off the coast of New England.

The announcement was part of more than 136 new initiatives unveiled during the event by countries such as Britain, Canada, Cambodia, Colombia, Costa Rica, Ecuador, France, Kuwait, Lebanon, Malaysia, Malta, Morocco, Norway, Palau, Panama, Seychelles, Sri Lanka and Thailand, as well as private charities and foundations.

Kerry, speaking to a Georgetown University audience on Friday as part of the conference, stressed the health of the world's oceans for national security and global stability.

"This is life and death. This is national security. It is international security," he said, saying nearly 50 percent of the world depends on food from the ocean and 12 percent of the world's work force relies on the ocean for their livelihood.

The European Union has committed to hold a similar conference next year, followed by Indonesia in 2018 and Norway in 2019, Kerry said.

Study: Protection of Amazon's biodiversity could fuel 'fourth industrial revolution'

RIO DE JANEIRO (Thomson Reuters Foundation) – The Amazon rainforest holds the biological keys to kick-start a "fourth industrial revolution" if its biodiversity is protected, said a study published on Friday.

New digital technologies such a 3D printing and quantum computing create the potential for the Amazon's unique plants to drive major advances in medicine and engineering, said the study by Brazilian scientists.

"Leveraging the Amazon's vast biomimetic and biodiversity assets, we can aspire to develop revolutionary innovations in multiple fields," said Juan Carlos Castilla-Rubio, one of the study's authors and chairman of Space Time Ventures, a Brazilian technology company.

Ancient forests can yield cutting-edge tech

"For example, a long-lasting foam produced by a species of frog has inspired the creation of new technologies for capturing carbon dioxide from the atmosphere."

Amazon plants could also lead to breakthroughs in antiseptics, anti-wrinkle creams, gynecological medicines and anti-inflammatory drugs if they are coupled with new technologies, said the study published in the Proceedings of the National Academy of Sciences.

If we cut down 40%, the rest may die off too

Deforestation and climate change are threatening to turn the world's largest tropical forest into dry savannah land, destroying its biological promise, said the study.

If more than 40 percent of the forest is cleared, the resulting "savannization" process could become irreversible, said the study.

Currently about 20 percent of the Amazon basin rainforest has been cut down, said Castilla-Rubio.

"If business as usual continues, the Amazon will transform into savannah ... this has massive consequences," he told the Thomson Reuters Foundation.

Brazil has reduced the rate of illegal deforestation by nearly 80 percent in the last decade, the study said, meaning there is still time to stop the rainforest from becoming savannah land.

NOTIFICATION FROM THE SUPREME COURT OF GUAM'S COMMITTEE ON JUDICIAL DISCIPLINE AND SPECIAL COURT REGARDING JUDICIAL DISCIPLINARY ENFORCEMENT

Pursuant to the Supreme Court of Guam's Rules for Judicial Disciplinary Enforcement and for the protection of the public and the administration of justice, the Committee on Judicial Discipline administers the investigatory function of the judicial discipline and incapacity system and the Special Court administers the adjudicatory function of the system. For information about the Judicial Discipline System you may contact Disciplinary Counsel at 475-3167. Matters before the Committee are strictly confidential, with certain limited exceptions. The addresses and telephone numbers for the Committee and Special Court are as follows:

COMMITTEE ON JUDICIAL DISCIPLINE
Chairman John T. Gorman, Esq.
c/o Bruce Bradley, Disciplinary Counsel
Supreme Court of Guam, Guam Judicial Center
120 W. O'Brien Drive
Hagatna, Guam 96910
Telephone: (671) 475-3167

SPECIAL COURT
Chairman Edward Manibusan
c/o Geraldine Cepeda, Commission Counsel
Supreme Court of Guam, Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910
Telephone: (671) 477-7623

This notice was paid for by the Supreme Court of Guam.

GUAM EDUCATION BOARD
500 Mariner Avenue
Barrigada, Guam 96913-1688
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Website: www.gdoe.net/geb

PUBLIC NOTICE

Guam Education Board
SPECIAL MEETING
Tuesday, September 27, 2016
5:00 p.m.
Superintendent's Conference Room, Building A, Tiyan

AGENDA

I. Meeting Call to Order
II. Roll Call of Members
III. Unfinished Business
1) Personnel Matter
IV. New Business
1) Spending Priorities Plan -FY 2017
V. Executive Session
VI. Adjournment

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 300-1627 or by email. lmbcruz@gdoe.net.

This advertisement was paid by GDOE local funds.

Doc. No. 34GL-17-0188.

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Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Joseph L. M. Sanchez
Acting GDOE Superintendent

GUAM EDUCATION BOARD
SPECIAL MEETING
Tuesday, September 27, 2016
5 pm
Superintendent's Conference Room, Bldg. A., Tiyan

MINUTES

I. MEETING CALL TO ORDER

Ms. Lourdes B. San Nicolas, Chairwoman, called the meeting to order at 5:05 pm.

II. ROLL CALL OF MEMBERS

Mr. Joseph L. M. Sanchez, Acting Superintendent and Executive Secretary, took the roll call. The following members were **present** for the meeting:

Voting Members:
San Nicolas, Lourdes B. –Chairwoman
Tainatongo, Rosie R.- Vice Chairperson
Ada, Peter Alecxis D. – Tele-conference
Benavente, Lourdes M.
Chargualaf, Kenneth P.
Concepcion, Charlene D.- *
Cruz, Dr. Jose Q.
Gutierrez, Maria A.
Torres, Ryan F.

* Arrived after roll call

Non-Voting Members:
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison

Absent:
Perez, Audrey (SSHS) - GFT Representative
IBOGs representative

The GEB Legal Counsel, Mr. Gary Gumataotao was present for the meeting.

The Superintendent announced that there is a quorum. *(By law, five voting members constitute a quorum. Nine (9) voting members were present for this meeting.)*

III. Unfinished Business

1) Personnel Matter

Chairwoman San Nicolas announced that this item would be discussed in Executive Session.

At Mr. Chargualaf's request to make a statement before moving on to New Business, Chairwoman San Nicolas allowed him to proceed. Mr. Chargualaf made the following statement:

"Good afternoon ladies and gentlemen, colleagues,

I believe that the task we have before us today is monumental, complex, and potentially far-reaching. We cannot take it lightly nor act hastily when reviewing and deliberating on the content of this report and then ultimately deciding on a course of action. The position of the Superintendent of Education is highly revered in our community as this professional is entrusted with the lives and futures of over 30,000 students on a daily basis. This requires us to act and make responsible decisions as it affects the education of our Guam public school students.

I have considered and thought deeply about the concerns raised by Mrs. Gladys Cruz and the Citizens for Fairness in Public Education. Rightfully so, they have noted that I have a personal relationship with the complainants. Though it may be true that I am the *Pari'* of Mr. Eleuterio Mesa, it has no bearing for me in this case.

In fact, I have demonstrated to my colleagues in Executive Session how my previous supervisory administrative actions over the years with Mr. Mesa prove that I can be impartial when rendering a decision placing the interest of the students ahead from of any personal relationship.

Additionally, after reading this report thoroughly, I believe very strongly that I would be derelict in my duties as a Board member if I recused myself from deliberations or even voting on ~~this~~ the matter, especially in knowing that the noted conflict of interest is unfounded.

Furthermore, there are eight (8) other Board members who also have this same report and the same evidence in front of them. All of them have their minds of their own and if they feel that my contributions are due to any conflict of interest, then they have a choice to ignore my input.

These deliberations in executive session and hopefully, this report will become public in six (6) months or less so that this entire community can be privy to the evidence and information within. It will be recorded and put on the record during the executive session. At that time, we can make a final judgement as to whether or not my supposed conflict of interest is at the heart of my comments.

With that said, I would like to inform the Board that I will not be recusing myself from the deliberations and voting on this matter.

Furthermore, to dispel any appearance of perceived conflicts of interests, partiality, unfairness or subjectivity pertaining to any party or anyone on this Board, I would like to move that our deliberations be made in public and that this report be released for the public consumption and comment. At the very least, both the complainants and the accused should also have a copy of this report!

I believe that Gladys Cruz's assertion is correct and that fairness is what is needed in this investigation and our deliberations. Well, transparency is the center of fairness. It is not I, or we, as board members who will determine the foundations and the framework of our deliberations and ultimately our decision. It will be the findings of the investigation themselves that are contained in this report that will set the tone and disclose the conduct of the Department's day to day operation and how we care and treat our students and employees of the Guam Department of Education.

My dear colleagues, let's embrace the fundamental principle of transparency and make this report public. Thank you, Madam Chair."

On Mr. Chargualaf's motion to have the Board deliberations be made in public and that the report be released for the public consumption and comment, there was no second to the motion. The motion failed as per consultation with the GEB legal counsel.

Chairwoman San Nicolas reminded the Board that they are not above the law. She stated that there are laws governing how personnel matters are handled and these matters have to be handled through an Executive Session. Further, the Board has to adhere to the law and as this is a personnel matter -there will be no further public discussion.

IV. New Business

1) Spending Priorities Plan- FY 2017

Deputy Superintendent Taling Taitano referred to the Board packet containing the transmittal memo from the Acting Superintendent of Education, as well as, GEB Resolution 2016-14.

Deputy Superintendent Taitano reported that FY17 Budget Act was signed into law as Public Law 33-185. On September 15, 2016, the Board met in a working session to review the proposed Spending Priority Plan based on the Budget Act. The FY17 GDOE appropriation is $240, 867,771. Of that amount, $8,060,000 is set aside for the Charter Schools and $633,936 is set aside to repair school sports facilities. She pointed out that the FY17 appropriation is $89 million less than the budget approved and requested by the Board. Ms. Taitano indicated that as part of the packet is a spending plan that was put together and pointed out that on the third page of the Resolution 2016.14, it breakdowns down the $232,807,771 into the 14 points.

Mrs. Gutierrez stated that back on January 22, 2016, the Board submitted the proposed budget to the Legislature. Those documents included the Assistant Associate Superintendent position at the pay rage of E11-1 at $67,881. She noted the email sent out to the Board for the work session on September 15, 2016 did not include the position of the Assistant Associate Superintendent. However, the email that was sent out on September 22, 2016, included the position on Schedule F, "Fiscal Year 2017 Proposed Spending Plan, Personnel Summary by Position Title". The Schedule shows an amount of $95,057 for the Assistant Associate Superintendent position. Mrs. Gutierrez stated that neither the Board nor the Department of Education was given the mandate to perform a reassignment of pay range and that because this a classified position the only Department with this authority by law is the Department of Administration.

Mrs. Gutierrez voiced her concern regarding the pay range pay plan used for the Assistant Associate Superintendent position. She cautioned that the Guam Education Board does not have the authority to reassign the pay range and also expressed her dismay on the salary amount given the fiscal challenges of the Department that prevented employees from receiving their merit bonuses and schools operating with insufficient number of staff.

Mr. Chargualaf, offering an explanation for the salary amount, mentioned that this past fiscal year, the Board formally adopted the Assistant Associate Superintendent position. This position, before CWA (Competitive Wage Act), was assigned pay grade RT, the same pay grade as the High School Principals. When the CWA took effect, they reclassified both the High School Principals, as well as, the Assistant Associate Superintendent position with the same pay grade.

Deputy Superintendent Taitano clarified that the report, Personnel Summary by Position Title, reflected both the salaries of $65,000 in salaries, plus the government's share of benefits such as retirement and FICA .

Mrs. Gutierrez commented that she was not satisfied with Deputy Superintendent Taitano's explanation and questioned why this information was not reflected in the January budget submission to the Legislature. Chairwoman San Nicolas requested that the Acting Superintendent ensure that this issue is clarified and a copy of the 2016 fiscal budget approved by the Governor be provided to the Board.

Chairwoman San Nicolas stated that the narrative submitted to the Legislature during the budget hearing indicated two new attorney positions. She reported that she recalls in the initial discussion during the preparation FY 2017, that the Department only indicated one. The Chair would like to have the number of attorneys clarified. In addition, she asked for a copy of the Budget Law.

Deputy Superintendent Taitano stated that the budget law was shared with the Board via email. She will make the hard copies of the Department of Education budget available.

Chairwoman San Nicolas requested a work session to understand and digest the information on the budget law governing the Department of Education.

Deputy Superintendent Taitano informed the Board that the fiscal year ends on Friday and DOE would need to have the budget set up with BBMR and DOA to get its funding.

Mr. Torres stated that he wants to make sure that Deputy Superintendent Taitano explain the consequences of delaying the approval of the priority plan so that the Board will fully understand. He asked if the document can be reconciled on the issue of the salary reflected in the January budget submission and reissued so that the Board can make an immediate decision before they conclude the Board special meeting tonight.

Mr. Chargualaf stated that the fiscal year ends this Friday; he is asking the Board to adopt the spending priority plan and discuss any adjustments at the work session.

Mr. Chargualaf moved to adopt the spending priority plan for the Guam Department of Education for FY 2017. Dr. Cruz seconded the motion.

Mrs. Gutierrez said that until she is provided clarification on the Assistant Associate Superintendent's $95,057 salary, she would not support the spending plan.

Acting Superintendent Sanchez asked if it was possible to have someone amend the motion considering that there are questions on the two items (two Attorneys and Assistant Associate Superintendent). He suggested to the Board that the spending plan be passed subject to the resolution of the two items pending a work session. He further stated that if the Board would like to keep the positions, they can approve the items at the next Board meeting. He said they can hold the hiring of the two positions until final approval from the Board.

Chairwoman San Nicolas stated because the budget is a lump sum appropriation, the Superintendent can operate on the premise that he has the authority to transfer funds from personnel to operations.

Mrs. Gutierrez again expressed her concern about the Assistant Associate Superintendent position. She asked if HR was consulted about whether changes to the salary can be made. She reiterated that the Guam Education Board does not have the authority to make changes to the salary without making a request to the Department of Administration.

Mr. Ada asked Deputy Superintendent Taitano what impact the $12.9 million shortfall in the budget would have on DOE programs or the Department's ability to adhere to all of its requirements. Deputy Superintendent Taitano responded that it would slow down rehiring of vacated positions, delay contractual obligations and impact the Department's ability to provide sufficient funding for the Maintenance Division. She further clarified that personnel payments are generally prioritized and, therefore, would not be impacted.

Mr. Chargualaf thanked the Board members for providing valuable input and meaningful discussions on the proposed spending plan and invited them to the upcoming work sessions.

An amended motion was made by Mr. Torres to delay the approval of the Resolution for the FY 2017 spending priority plan until Deputy Superintendent Taitano provides the Board the requested information prior to the end of the Board meeting. Vice Chair Tainatongo seconded the motion. The Board voted by roll call 7-2 in favor of the motion (Yays: P. Ada, L. Benavente, C. Concepcion, M. Gutierrez, Chairwoman San Nicolas, Vice Chair Tainatongo, and R. Torres. Nays: K. Chargualaf and Dr. J. Cruz). The motion passed.

(The Board went into executive session at 5:52 p.m. and had a short work session before calling the meeting back into public session.)

Mr. Torres reported that in a short work session, Deputy Superintendent Taitano provided documents to clarify and confirm that the Assistant Associate Superintendent's salary is $67,881 plus benefits of $27,354.

Mr. Torres moved to approve the FY 2017 spending priorities plan of the Department of Education budget. Mr. Chargualaf seconded the motion.

Mrs. Gutierrez mentioned that her concern about representing the true salary of the Assistant Associate Superintendent was addressed.

Dr. Cruz requested that the information on the website and the document containing the salary are the same.

Mr. Torres pointed out that the email communication of September 22, 2016 sent to the Board members showed the $95,057.00 salary, but after clarification by Deputy Superintendent Taitano, the salary should reflect $67,881.00. He stressed the need to make sure that the document listing the salary of the Assistant Associate Superintendent is $67,881, not including benefits, and that the information be included in the website.

The Board voted by roll call 9-0 in favor of the motion (Yays: Chairwoman San Nicolas, Vice Chair Tainatongo, P. Ada, L. Benavente, K. Chargualaf, C. Concepcion, Dr. Cruz, M. Gutierrez, and R. Torres). The motion passed.

V. Executive Session

The Board moved into Executive Session at 5:52 p.m.

The Board at 10:01 p.m. went back into Public session.

Mrs. Concepcion moved to recess the Executive Session until Monday, October 3, 2016, 5:00 p.m. at the Superintendent's Conference Room. Vice Chair Tainatongo seconded the motion.

Mrs. Gutierrez asked Chairwoman San Nicolas to explain to the public why the Board is in recess.

Chairwoman San Nicolas explained that the Board still has questions that need to be answered by GEB Legal Counsel Mr. Gumataotao and discussions still need to take place before any action is taken on the status of Superintendent of Education, Mr. Fernandez.

The Board voted by roll call 9-0 in favor of the motion (Yays: Chairwoman San Nicolas, Vice Chair Tainatongo, P. Ada, L. Benavente, K. Chargualaf, C. Concepcion, Dr. Cruz, M. Gutierrez, and R. Torres). The motion passed.

Chairwoman San Nicolas announced that the Board is on recess until Monday, October 3, 2016, 5:00 p.m. at the Superintendent's Conference Room.

VI. Adjournment

MINUTES SUBMITTED BY:

Date: 12/27/16

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF September 27, 2016 SPECIAL MEETING:
( ) Approved as submitted
(X) Approved subject to corrections (Ref: GEB Reg. mtg. December 27, 2016, at GWHS Cafeteria)
( ) Other: _____

LOURDES B. SAN NICOLAS
GEB Chairwoman

Date: 12/27/16

JOSEPH L. M. SANCHEZ
Acting Executive Secretary/GDOE Superintendent

Date: 1/11/17