DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

www.gdoe.net
500 Mariner Avenue
Barrigada, Guam 96913
Telephone: (671) 300-1547/1536•Fax: (671)472-5001
Email: jonfernandez@gdoe.net

JON J. P. FERNANDEZ
Superintendent of Education

April 1, 2017

GL#34-17-367
Speaker Benjamin J.F. Cruz

APR 06 2017
Time: 2:12 [ ] AM [ ] PM File No. _____
Received By: _____

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

2017 APR -6 PM 3:02

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 February 17, 2017 special meeting. The meeting was held at Superintendent's Conference Room, Bldg. A., Tiyan.

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

Senseramente,

JON J. P. FERNANDEZ
Superintendent of Education

Attachment
- E-Copies of GEB Meeting Packet

cc: GEB Members
Deputy Supt., FAS
File

0367

PETER ALECXIS D. ADA
Chairman

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

MARIA A. GUTIERREZ
Vice Chair

VOTING MEMBERS

Peter Alecxis D. Ada, Chairman
Maria A. Gutierrez, Vice Chair
Lourdes M. Benavente
James C. Lujan
Ron L. McNinch, PhD
Mark B. Mendiola
Lourdes B. San Nicolas

EX-OFFICIO MEMBERS

(Vacant)
IBOGS Representative

Franklin R. Perez (AIJMS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Joseph L. M. Sanchez
Acting, GDOE Superintendent

Guam Education Board
SPECIAL MEETING
Friday, February 17, 2017
9 am
Superintendent's Conference Room, Tiyan

AGENDA

I. **Meeting Call to Order**

II. **Roll Call of Members**

III. **Executive Session**

IV. **New Business**

1) Rescind Board's action taken on October 3, 2016

V. **Announcements & Adjournment**

EM Recreation Club of Guam

Financial Statements

For the year ended December 31, 2016

STATEMENT OF FINANCIAL POSITION

ASSETS		
Cash in Bank	$	1,329.33
Total Assets	$	1,329.33
LIABILITIES & NET ASSETS		
Net Assets, Unrestricted	$	1,329.33
Total Liabilities & Net Assets	$	1,329.33

STATEMENT OF ACTIVITIES

REVENUES		
Contributions	$	16,066.80
Membership Dues		792.50
Total Revenues	$	16,859.30
EXPENSES		
Program Expenses	$	15,107.47
Other Expenses		422.50
Total Expenses	$	15,529.97
Change in Net Assets, 12/31/16	$	1,329.33

Certified True and Correct by: **Eden Mercado - Treasurer**

Guam Memorial Hospital Authority
Aturidått Espetåt Mimunåt Guåhan
850 Gov. Carlos Camacho Road
Tamuning, Guam 96913

REQUEST FOR PROPOSAL

GMHA RFP No. 001-2017

Guam Memorial Hospital Authority is soliciting proposals to provide a review of its overall revenue, reimbursement and operational processes.

Submission Time: 3:00 p.m.

All proposals must be sealed and submitted to the Materials Management Department by February 27, 2017.

For procurement opportunities, please visit our public information page at www.gmha.org.

/s/ Peter John D. Camacho, M.P.H.
Hospital Administrator/CEO

This advertisement was paid for with government funds.

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Peter Alecxis D. Ada, Chairman
MARIA A. GUTIERREZ, Vice Chair

PUBLIC NOTICE

Guam Education Board
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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.

TRUMP RHETORIC continued from page 7

island's economy, regional security threats and the ongoing quest for decolonization, Bevacqua related President Trump's stance on foreign policy as well as his relations with Guam's neighboring nations to potentially dangerous consequences that island residents should be aware and cautious of, he said.

"This doesn't affect people in Montana or Arkansas, but we're on the edge of Asia, we're the tip of America's spear," Bevaqcua said. "It puts us into a lot of danger not thinking about the consequences of his words or actions. Those of us on Guam have to take this very seriously because the more reckless his rhetoric is the closer he pushes us into danger."

Referencing Trump's proposed policies and signed executive orders that Bevaqcua says "continue to rock the country," he said that Trump's unraveling of economic and military alliances and aggressive moves toward China are cause for Guam resident's worry over how the rest of the president's term might affect the island.

"We haven't had a president like this in any of our lives who represents a danger because they're not taking the consequences seriously," Bevacqua said. "A lot of what we see with Trump antagonizing China is him not having a coherent policy of how to engage with China and other countries. This is going to impact Guam very directly because we are in the range of the missiles that China has."

'You can never get too much education'

UOG senior Stasia Yoshida was glad to hear that Independent Guåhan was hosting another Trump teach-in. She explained that many college students including herself don't usually take the time to educate themselves on the impact of certain national affairs, but that events like the Trump Check-In allowed her to keep up to date.

"I don't have time to sit down and collect my own research; this was a more tangible way of being informed so that I'll have a more general sense of what is going on with the whole Trump presidency," Yoshida said. "It's important to have these kinds of conversations and to talk about these things, the more education that is presented the better and you can never get too much education."

According to Bevaqcua, after hosting at least six teach-ins since last year, Independent Guåhan is aiming to host monthly teach-ins on different island issues throughout the year in response to community demand and feedback.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

RUI, JASON
dba: DONG JIA GUAM DISTRIBUTOR

has applied for a Class: 3 Wholesaler Alcoholic Beverage License said premises being marked as Lot: 1152-5-NEW-1 Unit 5B01 Sunny Bldg. Maite.

DEPARTMENT OF EDUCATION
DIVISION OF SPECIAL EDUCATION
www.gdoe.net
500 Mariner Avenue, Barrigada, Guam 96913
Telephone: (671) 300-1322 or 2295 • Email: sped@gdoe.net

JOSEPH L.M. SANCHEZ, Superintendent of Education, Acting
YOLANDA S. GABRIEL, Assistant Superintendent, SpEd

PUBLIC ANNOUNCEMENT

Guam Department of Education (DOE) through the Division of Special Education will be submitting for funding by May 12, 2017, the Guam Annual State Application for federal grant Part B of the Individuals with Disabilities Education Act (IDEA) as amended in 2004 for Federal Fiscal Year 2017 to the U.S. Department of Education (USDOE). Pursuant to the USDOE grant application instructions, and public participation requirements as set forth in 34 CFR §300.165 Public Participation and §441(b) (7) of the General Education Provision Act (GEPA) 20 U.S.C. 1232d (b) (7), DOE is publicly disseminating and making available the grant application for a 60-day period of review. In addition, there will be a 30-day period for public comment as outlined below:

(60) Day Public Availability Period	**February 15, 2017 to April 14, 2017**
(30) Day Public Comment Period	**March 9, 2017 to April 7, 2017**

Beginning February 15, 2017, interested parties may visit the Department's website at http://www.gdoe.net. Click on Annual State Application under Part B Federal FY2017 for an electronic copy; or on the Division of Special Education website at www.gdoe.net (Click on GDOE Links; under Division Links, click on Special Education) to download the grant application. Hard copies of the grant application will also be available for pickup on the dates above and for the duration of the public availability period at the Division of Special Education's Administrative Office located at Chief Brodie Memorial Elementary School, Room 1, from 8:00 AM - 5:00 PM, Monday through Friday, except on legal holidays . For special accommodations or alternate formats of the Grant application, please contact the Division at (671) 300-1322. Beginning March 9, 2017, persons interested in providing public comment to the grant application may submit their comments in writing during the (30) day Public Comment Period to the Assistant Superintendent of Special Education utilizing the following methods:

- Hand-delivered comments to the Division of Special Education's Administrative Office address listed above.
- Email comments to: **Yolanda S. Gabriel**, Assistant Superintendent, Special Education at ysgabriel@gdoe.net

Mail comments to:
Attention: Assistant Superintendent, Special Education
500 Mariner Avenue
Barrigada, Guam 96913

This advertisement was paid for with 100% federal funds from Part B of the Individuals with Disabilities Education Act

Doc. No. 34GL-17-0367.

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9 am
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Chairman Ada recognized the Honorable Senator Joe San Agustin, former member and Chairman of the Guam Education Board, and Attorney General Elizabeth Barrett-Anderson, Deputy Attorney General Kenneth Orcutt, Fred Nishihira, Janice Camacho, and George Castro.

MINUTES

I. MEETING CALL TO ORDER

Mr. Peter Alecxis Ada, Chairman, called the meeting to order at 9:06 a.m.

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:
Ada, Peter Alecxis D. - Chairman
Gutierrez, Maria A.- Vice Chair
Benavente, Lourdes M.- via Skype
Lujan, James C.
McNinch- Dr. Ron L.
Mendiola, Mark B.
San Nicolas, Lourdes B.

Non-Voting Members:
None

Absent:
Perez, Franklin (AIJMS) - GFT Representative- Excused
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison

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

Chairman Ada also recognized Eric Palacios, Governor's Liaison.

The Acting Superintendent announced that there is a quorum. *(By law, five voting members constitute a quorum. Seven (7) voting members were present for this meeting.)*

Deputy Attorney General, Kenneth Orcutt from the Office of the Attorney General of Guam read the following statements:

There are statutory requirements in connection with an executive session.

1. The meeting may only be closed upon written recommendation with the attorney to hold executive session for purposes of discussing pending litigation in a confidential and privileged setting. It is Attorney Orcutt's written recommendation to go into executive session.

   "I Kenneth Orcutt, Deputy Attorney General, from the Office of the Attorney General, representing the Defendant, Guam Education Board on February 17, 2017, on the recommendation of the Attorney of the Board held an executive session for the purpose of the Board discussing legal strategies relating to Mr. Jon J. P. Fernandez. v. Guam Education Board."

2. In executive session, the Board can only discuss the pending litigation and nothing else.

3. An affirmative vote of the Board is necessary to go into executive session.

4. If vote is for executive session, please advise the audience that only Attorneys, court reporters, and Board members may attend such a meeting.

5. The law requires a verbatim transcript to be made by a court reporter, and the transcript is to be reduced in writing accordingly.

6. There must be public minutes made of all executive sessions, including existence of the transcript, the subject matter of the meeting (if not confidential), names of all persons attending the closed meeting, their capacities, and date and times the meeting started and closed.

6. A public agency may not vote on any matter before it during an executive session or closed meeting. All voting must be held in a public meeting and minutes shall be kept and opened to the public.

8. After an executive session, the attorney or attorneys involved must file an affidavit with the Agency, which shall be a public document, that only matters relating to litigation or pending litigation have been discussed.

Deputy Attorney General Orcutt asked if the Board would like to go into executive session. The Chairman or a Board member may make a motion to do so.

Mr. Mendiola moved, seconded by Vice Chair Gutierrez, to go into executive session. The Board voted by show of hands and approved the motion with a vote of 7-0. The motion passed.

III. Executive Session

The Board moved into executive session at 9:08 a.m.

At 10:03 a.m., the Board went on break.

The Board at 10:13 a.m. went into Public session.

IV. New Business

1) Rescind Board's action taken on October 3, 2016

Dr. McNinch moved, seconded by Mr. Lujan, to rescind the October 3, 2016 vote regarding the employment contract of Mr. Jon Fernandez. The Board voted by roll call 7-0 in favor of the motion (Yeas: P. Ada, M. Gutierrez, L. Benavente, J. Lujan, Dr. R. McNinch, M. Mendiola, and L. San Nicolas.). The motion passed.

Vice Chair Gutierrez mentioned that she would like to make a motion that would be in two parts.

Vice Chair Gutierrez moved, seconded by Mr. Lujan, not to accept the draft Title IX investigation reports dated September 20, 2016 and October 3, 2016, to include exhibits from Title IX investigation (293 pages), Travel 1 documents (21 pages), Travel 2 documents (20 pages), Travel 3 documents (29 pages) that was prepared and submitted by GEB Legal counsel. The Board voted by roll call 7-0 in favor of the motion (Yeas: P. Ada, M. Gutierrez, L. Benavente, J. Lujan, Dr. R. McNinch, M. Mendiola, and L. San Nicolas). The motion passed.

Vice Chair Gutierrez moved, seconded by Mr. Lujan, that if any of these reports are contained in Mr. Jon Fernandez's employment file that they be expunged. The Board voted by roll call 7-0 in favor of the motion (Yeas: P. Ada, M. Gutierrez, L. Benavente, J. Lujan, Dr. R. McNinch, M. Mendiola, and L. San Nicolas). The motion passed.

Mr. Mendiola moved, seconded by Mr. Lujan, to rescind the Bill of Particulars that was prepared and signed by GEB Legal counsel, which was not approved by the Board, but was served to Mr. Fernandez's Legal counsel on October 12, 2016. The Board voted by roll call 7-0 in favor of the motion (Yeas: P. Ada, M. Gutierrez, L. Benavente, J. Lujan, Dr. R. McNinch, M. Mendiola, and L. San Nicolas). The motion passed.

Mr. Mendiola moved, seconded by Mr. Lujan, to conclude the administrative leave of Mr. Fernandez and advise him to report to work on Monday, February 20, 2017. The Board voted by roll call 7-0 in favor of the motion (Yeas: P. Ada, M. Gutierrez, L. Benavente, J. Lujan, Dr. R. McNinch, M. Mendiola, and L.. San Nicolas). The motion passed.

Chairman Ada appointed the following Board members to meet with Mr. Jon J. P. Fernandez, "the sooner the better." The Board members are Dr. Ron McNinch, Vice Chair Gutierrez, Mark Mendiola, and James Lujan. All Board members appointed agreed to meet with Mr. Fernandez. Chairman Ada asked that after meeting with Mr. Fernandez the members report back to him.

Vice Chair Gutierrez asked that after this meeting is adjourned, a letter be prepared to Mr. Jon Fernandez with all the motions that were taken so that the Board members appointed can meet with him immediately.

V. Announcements & Adjournment

Mr. Lujan moved to adjourn the meeting at 10:22 a.m.

MINUTES SUBMITTED BY:

Date: 4/3/17

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF February 17, 2017 SPECIAL MEETING:

( ) Approved as submitted

( ) Approved subject to corrections

( ) Other: _____

PETER ALECXIS D. ADA
GEB Chairman

Date: 4/4/17

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

Date: 4/3/17