DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

www.gdoe.net
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JON J. P. FERNANDEZ
Superintendent of Education

April 1, 2017

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

GL# 3417-369
Speaker Benjamin J.F. Cruz

APR 0 5 2017
Time: 2:13 AM / PM
Received By:

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 March 7, 2017 special meeting. The meeting was held at C. L. Taitano Elementary School, Cafeteria.

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

0369

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
Tuesday, March 7, 2017
4 pm
C. L. Taitano Elementary School, Cafeteria

AGENDA

I. **Meeting Call to Order**

II. **Roll Call of Members**

III. **Unfinished Business**

1) Board Union Contract

IV. **New Business**

1) 2017 NASBE Chairman/Legislative committee conference
2) Revisit Superintendent's employment contractual agreement

V. **Executive Session**

VI. **Announcements & Adjournment**

Democrats pick Perez to lead party against Trump

By Justin Mitchell
Reuters

ATLANTA - U.S. Democrats elected former Labor Secretary Tom Perez as chairman on Saturday, choosing a veteran of the Obama administration to lead the daunting task of rebuilding the party and heading the opposition to Republican President Donald Trump.

Members of the Democratic National Committee, the administrative and fundraising arm of the party, picked Perez on the second round of voting over U.S. Representative Keith Ellison, a liberal from Minnesota.

Following one of the most crowded and competitive party leadership elections in decades, Perez faces a challenge in unifying and rejuvenating a party still reeling from the Nov. 8 loss of Democratic presidential candidate Hillary Clinton. He immediately made Ellison his deputy.

After losing the presidency and failing to recapture majorities in Congress, party leaders are anxious to channel the growing grassroots resistance to Trump into political support for Democrats at all levels of government across the country.

"We are suffering from a crisis of confidence, a crisis of relevance," Perez, a favorite of former Obama administration officials, told DNC members. He promised to lead the fight against Trump and change the DNC's culture to make it a more grassroots operation.

Strong challenge from Ellison

Perez, the son of Dominican immigrants who was considered a potential running mate for Clinton, overcame a strong challenge from Ellison and prevailed on a 235-200 second-round vote. Ellison, who is the first Muslim elected to the U.S. Congress, was backed by liberal leader U.S. Senator Bernie Sanders of Vermont.

The showdown between candidates backed by the establishment and progressive wings of the party echoed the bitter 2016 primary between Clinton and Sanders, a rift Democrats will try to put behind them as they turn their focus to fighting Trump.

Those divisions persisted through the months-long race for chair, as many in the party's liberal wing were suspicious of Perez's ties to the establishment and some Democrats raised questions about possible anti-Semitism in Ellison's past.

Some Ellison supporters chanted "Not big money, party for the people" after the result was announced.

But both Perez and Ellison moved quickly to bring the rival factions together. At Perez's urging, the DNC suspended the rules after the vote and appointed Ellison the deputy chairman of the party.

"I am asking you to give everything you've got to support Chairman Perez," Ellison told DNC members after the vote. "We don't have the luxury, folks, to walk out of this room divided."



Tom Perez

Perez is the secretary of labor. Before that, he served as assistant attorney general for civil rights. He was the director of the Office of Civil Rights in the Department of Health and Human Services under President Clinton and Maryland's secretary of labor, licensing and regulation.

Source: Department of Labor Graphic: TNS

'Trump's nightmare

Perez said the party would come together.

"We are one family, and I know we will leave here united today," Perez said. "A united Democratic Party is not only our best hope, it is Donald Trump's nightmare."

Trump took a dig at Perez and Democrats in a tweet offering his congratulations on the election.

"I could not be happier for him, or for the Republican Party!" Trump said.

Perez and Ellison wore each other's campaign buttons and stood shoulder-to-shoulder at a news conference after the vote. Perez said the two had talked "for some time" about teaming up, and Ellison said they had "good synergy."

"We need to do more to collaborate with our partners in the progressive movement," Perez said, adding he and Ellison would look for ways to "channel this incredible momentum" in the protests against Trump and against Republican efforts to repeal President Barack Obama's healthcare plan.

Sanders issued a statement congratulating Perez and urging changes at the DNC.

"It is imperative that Tom understands that the same-old, same-old is not working," Sanders said. "We must open the doors of the party to working people and young people in a way that has never been done before."

The election offered the DNC a fresh start after last year's forced resignation of chairwoman Debbie Wasserman Schultz, who stepped aside when the release of hacked emails appeared to show DNC officials trying to help Clinton defeat Sanders in the primaries.

Both Perez and Ellison have pledged to focus on a bottom-up reconstruction of the party, which has lost hundreds of statehouse seats under Obama and faces an uphill task in trying to reclaim majorities in Congress in next year's midterm elections.

PUBLIC NOTICE

The Guam Council on the Arts and Humanities Agency will hold its Regular Board Meeting on Tuesday, March 7, 2017 at 3:00 pm at the CAHA Office, 1st Floor, Terlaje Professional Building in Hagatna.

Persons requiring special accommodations should contact the GCAHA Office at 300-1204-8 or fax at 300-1209.

"Paid with government funds by Guam CAHA"

GUAM EDUCATION BOARD

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Peter Alecxis D. Ada, Chairman

MARIA A. GUTTERREZ, Vice Chair

PUBLIC NOTICE

Guam Education Board
SPECIAL MEETING
Tuesday, March 7, 2017
4 pm
C.L.Taitano Elementary School, Cafeteria

AGENDA

I. **Meeting Call to Order**
II. **Roll Call of Members**
III. **Unfinished Business**
1) Board Union Contract
IV. **New Business**
1) 2017 NASBE Chairman/Legislative committee conference.
2) Revisit Superintendent's employment contractual agreement
V. **Executive Session**
VI. **Announcements and 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.

PORT OF GUAM

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ATURIDAT I PUETTON GUAHAN
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Website: www.portguam.com

Eddie Baza Calvo, Governor of Guam
Ray Tenorio, Lieutenant Governor

NOTICE TO THE GENERAL PUBLIC

The Port Authority of Guam (PAG) wishes to advise its tenants of our intent to file a petition with the Public Utilities Commission (PUC), which may result in a 10% increase in rental rates. Public Law 30-19 directs that Port Authority of Guam (PAG) Board of Directors at a minimum, once every three (3) years to set lease rates at a ten percent (10%) increase over the previously charged rate, or the amount determined by recent assessment, whichever is greater. In this instance, the assessment determined that the current fees are priced above market. The Board of Directors approved staff recommendation to defer to the PUC on the matter of implementation of the additional 10% as called for in PL 30-19.

After the filing is made, the Public Utilities Commission will review the petition with its supporting documentation and schedule a time for the rate case to be presented to PUC commissioners. During this time, the public will be given an opportunity to provide testimony to the Commission on three different hearing dates throughout the island. PUC will notify the public of the specific dates upon which the hearings will be scheduled. The notice of the proposed rate requested by PAG may also be viewed at the Port Authority's Administration Office or on its website at-http: //www.portguam.com. Any public or customer comments concerning the rate adjustment may be submitted to the P AG at the address indicated above or via email at tariff@portguam.com.

/s/JOANNE M.S. BROWN
General Manager

PORT AUTHORITY OF GUAM LEASE RATES

Tye of Space	Current Rate	Proposed Change	Propose New Rate	Difference
Office	1.79	10%	1.97	0.18
Warehouse	0.84	10%	0.92	0.08
Open Space	0.51	10%	0.56	0.05

PETER ALECXIS D. ADA
Chairman

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GUAM EDUCATION BOARD
SPECIAL MEETING
Tuesday, March 7, 2017
4 pm
C. L. Taitano Elementary School, Cafeteria

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Joseph L. M. Sanchez
Acting, GDOE Superintendent

Chairman Ada thanked the Principal, Mrs. Corina Paulino and staff of C. L. Taitano Elementary School for hosting the Board Meeting. He welcomed Mr. Daniel Blas, Chief of Staff of Senator Joe San Agustin.

MINUTES

I. MEETING CALL TO ORDER

Mr. Peter Alecxis Ada, Chairman, called the meeting to order at 4:14 pm

Chairman Ada stated that a Board member is not able to physically attend the meeting for medical reasons but would like to participate in the meeting via teleconference. The Chair asked the GEB Legal Counsel to advise the Board whether this is allowable.

Legal Counsel Gumataotao responded that Board Policy 125.13 recognizes and supports the need to consider alternative methods of participation by voting members during regular and special meetings. The Board policy goes on to refer to members being off-island. Although there is no provision for a Board member to participate via teleconference while on-island, Legal Counsel believes this is acceptable unless other Board members object.

Vice Chair Gutierrez stated that the Board previously denied requests from three (3) Board members to participate while on-island via teleconference. The Vice Chair believes the Board should be consistent. Mr. Lujan agreed that the Board should not change its interpretation of the policy at this time.

Chairman Ada stated the individual will be informed about the Board's discussion.

II. ROLL CALL OF MEMBERS

Ms. Taling M. Taitano, 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
Lujan, James C.

McNinch- Dr. Ron L.
Mendiola, Mark B.

Non-Voting Members:
Perez, Franklin (AIJMS) - GFT Representative

Absent:
Benavente, Lourdes M.- Member – Excused, Off-Island
San Nicolas, Lourdes B.- Member- Excused
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison- Excused
IBOG's Representative

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

The Acting Superintendent announced that there is a quorum. *(By law, five voting members constitute a quorum. Five (5) voting members were present for this meeting.)*

Chairman Ada recognized President of Guam Federation of Teachers, Mr. Tim Fedenko.

III. Unfinished Business

1) Board Union Contract

Mr. Mendiola moved to go into executive session. No objection.

The Board moved into Executive Session at 4:21 p.m.

Before the Board went back into public session, they took a short recess. At 5:01 p.m., the Board went back into public session.

Chairman Ada requested for Deputy Superintendent Anderson and GFT President Tim Fedenko to join him at the front of the room.

The Chair asked Deputy Anderson to provide an overview of the Department of Education's position on the Board Union Contract.

Deputy Anderson reported the team has been working for the last year and a half on the negotiations. The team estimated they spent roughly 205 hours in discussions. Deputy Anderson explained that the team worked hand in hand. Compromise was important to the success of the negotiations. He thanked Tim Fedenko for his leadership and thanked the Union team for making this happen.

Mr. Fedenko shared that the negotiating team always focused on teachers and students. Both sides agreed that "happy teachers make a happy classroom. Mr. Fedenko feels that this contract is a guide, it provides direction and helps both sides. Management and teachers have a guiding program. He hopes this new spirit of cooperation between the Board of Education and the Union radiates throughout the island. Mr. Fedenko added that the dynamics of the Board have definitely changed for the better.

Mr. Fedenko thanked Joe Sanchez, Christopher Anderson, Erika Cruz, Sophie Duenas, Jim Reyes, Yolanda Gabriel, Carla Masnayon, and James Petitte who negotiated for management. On the union side, he recognized Sanjay Sharma, Audrey Perez, Corazon Mucho, Doris Terlaje, Dr. Josephine Cruz, Stephen Willman, Betty Diaz, Craig Matthews, Anna Palacios, Melanie Nensmith, Franklin Perez, Bernice Cepeda, Patricia Leon Guerrero, Michelle Camacho, Leilani Guerrero, and the hundreds of members that

answered surveys that were issued two (2) years ago as well as the hard working GFT staff. Mr. Fedenko also thanked the stewards that passed on the message to the membership and all the members that provided input.

Lastly, Mr. Fedenko thanked Chairman Ada for helping to get this done along with Mr. James Lujan. He thanked the current Board members for setting the pace to finish the negotiations. Mr. Fedenko announced that the union unanimously voted to ratify the collective bargaining agreement on Friday.

Dr. McNinch thanked the negotiating team.

Vice Chair Gutierrez noted that she has been on the Board for many years and had left the Board in 2009. When she returned in 2013, she found the contract was put on hold. This current board takes the contract seriously. GDOE and GFT are not enemies; they need to learn how to work together. Mrs. Gutierrez further mentioned that tonight is a historic moment. After so many years of waiting, a contract between the Guam Education Board and Guam Federation of Teachers will be signed and ratified.

Mr. Lujan thanked the Board and GFT for working together collaboratively.

Chairman Ada mentioned that as Mr. Fedenko was talking he was reminded of Ricarda Bamba, a GW teacher. At church, she did not say "good morning", "good afternoon", or "good evening". Every Saturday, her only words to the Chair were "when are the teachers going to get the contract?" The Chair thanked Ms. Bamba for continually pushing the contract. In closing, the Chair thanked everyone involved and stated that the Board will take care of the teachers.

Mr. Lujan moved, seconded by Mr. Mendiola, to adopt the 2017 Collective Bargaining Agreement between the Guam Department of Education and Guam Federation of Teachers. The Board voted by roll call and approved the motion with a vote of 5-0 (Yeas: Chairman Ada, Vice Chair Gutierrez, J. Lujan, Dr. R. McNinch, and M. Mendiola). The motion passed.

Chairman Ada and Mr. Tim Fedenko signed the contract. Chairman Ada called Sanjay Sharma and Acting Superintendent Taitano to sign the contract. The Chair announced the contract will be forwarded to the Attorney General and then to the Governor of Guam for signature.

Chairman Ada announced a recess at 5:19 p.m. to allow the media to ask questions.

IV. New Business

1) 2017 NASBE Chairman/Legislative Committee Conference

Vice Chair Gutierrez reported that Chairman Ada received an email from NASBE regarding a special session for all state board chairs to participate in Washington, DC from March 19-21, 2017. NASBE has asked the Chair of the Guam Education Board attend the conference because of all the ongoing changes with the US Department of Education.

Vice Chair Gutierrez moved, seconded by Mr. Lujan, to approve the travel for the Chairman of Board to attend the NASBE conference. The Board voted by show of hands and approved the motion with a vote of 5-0. The motion passed.

2) Revisit Superintendent's Employment Contractual Agreement

The Board moved into Executive Session at 5:40 p.m.

At 6:02 p.m., the Board went back into Public Session.

Dr. McNinch mentioned the Board discussed legal fees related to Mr. Fernandez in Executive Session. Dr. McNinch noted the Board is committed in good faith to address these legal fees.

Dr. McNinch moved, seconded by Mr. Lujan, to commit as a Board to addressing legal fees not to exceed $60,000 for Mr. Jon Fernandez. The Board voted by roll call and approved the motion with a vote of 5-0 (Yeas: Chairman Ada, Vice Chair Gutierrez, J. Lujan, Dr. R. McNinch, and M. Mendiola). The motion passed.

Mr. Mendiola moved, seconded by Mr. Lujan, to approve the first amendment in the modification of Superintendent Jon Fernandez's employment agreement and to forward the modification to Mr. Fernandez for review and acceptance.

Legal Counsel Gumataotao commented that the motion lacks specificity. Since the motion is about a legal document, Attorney Gumataotao recommended that the motion be more detailed.

Mr. Mendiola requested a quick recess at 6:29 p.m. to consult with the GEB legal counsel.

The Board went back into Public session at 6:31 p.m.

Mr. Mendiola made a motion to approve the first amendment in the modification of Superintendent Jon Fernandez's employment agreement as follows:

Section 3.0 Term of Appointment: Performance Evaluation: Renewal, shall be amended and state:

Section 3.1:

This appointment shall be for a term of four (4) years from full execution of the Agreement and ending on June 28, 2021.

Section 3.2:

The Chairman and Superintendent will determine the date of each retreat as well as the retreat framework, format and agenda.

Section 3.3:

The Board shall conduct the evaluation based on a performance evaluation outline and process mutually agreed to by the Board and Superintendent.

Based on these discussions, the Board Chairperson shall provide the Superintendent with a copy of the completed evaluation form, and the Superintendent shall have the right to respond, in writing, to the Board's written evaluation.

Section 3.5:

If the Superintendent gives timely notice of his interest in a contract extension and the Board then fails to give the Superintendent timely notice of its intent in accordance with this subsection, this contract is automatically renewed for one additional year.

Section 4.0: Salary shall be amended and state:

The Board hereby approves a salary increment equal to nine percent (9%) to be applied to the Superintendent's base salary, effective July 1, 2017; total annual salary, after applying the salary increment, shall be equal to $163,500.

Section 6.0: Paid Annual and Sick Leave, shall be amended to add and include the following language:

In the event that additional leave may be needed to meet the goals of the position for Superintendent or for other reasonable circumstances, the Superintendent may be granted administrative leave with the approval of the Chairman.

Section 9.0: Termination shall be amendment and state:

Termination, transition, succession, Board-Superintendent Relations, and Compliant Process

Section 9.1: Termination by the Board for Cause.

The Superintendent shall be entitled to a fair and impartial hearing before an independent hearing officer jointly agreed upon by the Board and Superintendent.

Section 9.2: Unilateral Termination by Superintendent.

The Superintendent may unilaterally terminate his obligations under this contract by giving the Board no less than twenty (21) days written notice, although such notice may be waived by the Board Upon termination of the contract pursuant to this section, Superintendent shall be entitled to receive twelve (12) weeks of additional pay based upon his most recent salary.

Section 9.3: Mutual Termination by Superintendent and Board.

In the event of mutual termination and upon the effective termination date agreed upon, the Superintendent shall be entitled to twenty-four (24) weeks of additional pay based on his most recent salary to be paid no later than 30 days after the termination date.

Section 9.4: Board- Superintendent Relations.

The Board shares responsibility for ensuring that the Superintendent performs at an acceptable level throughout the contract term and will utilize the quarterly retreats as well as informal counseling, as needed to ensure that the Superintendent is aware of any board concerns and suggestions for improvement.

Section 9.5: Compliant Process against and of the Superintendent.

Complaints shall be discussed in executive sessions as they involve personnel matters.

Section 9.6: Board investigation of complaint.

Should the Board decide to investigate a compliant, the board shall assign an independent third party, agreed to by both Board and Superintendent, to conduct an investigatory assessment.

Section 9.7: Mediation between the Superintendent and the Board.

Mediation may be implemented with a licensed mediator or mediation organization requiring both the Board and Mr. Fernandez to agree in writing to mediation.

All other terms of the Agreement remain unchanged.

Mr. Mendiola moved, seconded by Mr. Lujan, to approve the first amendment for the modification of Superintendent Jon Fernandez's employment agreement and to forward these modifications to Mr. Fernandez for review and acceptance.

Chairman Ada commented the new contract is the same as the original contract except for a few areas that needed to be modified. Because the Superintendent was absent for

seven (7) months, the contract will have a new start date and will be for 4 years. The complaint process in the original contract is that process intended for the removal of Board members in case there was a complaint about the Board. The Chair noted that the procedure to file a complaint against the Superintendent has been changed and clarified.

The Board voted by roll call and approved the motion with a vote of 5-0 (Yeas: Chairman Ada, Vice Chair Gutierrez, J. Lujan, Dr. R. McNinch, and M. Mendiola). The motion passed.

V. Executive Session

1st Executive Session on Board Union Contract
The Board moved into Executive Session at 4:21 p.m.
The Board at 5:01 p.m. went back into Public Session.

2nd Executive Session on Superintendent's Employment Contractual Agreement
The Board moved into Executive Session at 5:40 p.m.
The Board at 6:02 p.m. went back into Public Session.

VI. Announcements & Adjournment

Chairman Ada announced that the next Regular Board meeting will be held on Tuesday, March 28, 2017, 6 p.m. at J. P. Torres Success Academy cafeteria.

Mr. Mendiola moved to adjourn the meeting at 6:43 p.m.

MINUTES SUBMITTED BY:

Date: 4/3/17

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF March 7, 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