DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

December 12, 2017

GL# 34-17-1322
Speaker Benjamin J.F. Cruz

DEC 15 2017
Time: 213 [ ] AM [ ] PM File No. _____
Received By: _____

The Honorable Benjamin J. F. Cruz
Speaker
Thirty-fourth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

Dear Speaker Cruz,

***Håfa Adai*!** I am submitting the Guam Education Board packet for the regular Board meeting scheduled for December 12, 2017, 6 pm at Supt's Conf. Rm., Bldg. A., Tiyan.

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

Attachment

- GEB Meeting Packet

cc: File

2017 DEC 15 PM 2:18 CST

1322

Public Notices

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
Chairwoman

MARK B. MENDIOLA
Vice Chair

8th Guam Education Board
REGULAR MONTHLY MEETING
Tuesday, December 12, 2017
6 PM
Superintendent's Conference Room, Building A., Tiyan

AGENDA

I. Meeting Call to Order

II. Approval of Minutes

ACTION 1. Minutes of October 17, 2017 Regular meeting

ACTION 2. Minutes of October 27, 2017 Special meeting

III. Public Participation (BP 125.6) Time Limit 3 minutes

IV. Communications

1. Superintendent's Report and Communication

INFO 2. Request for Legal Opinion Regarding Whether Guam Law Authorizes "Tele-Practice" of

INFO Professions Licensed by the Guam Board of Allied Health Examiners.

V. Ex-Officio Member Reports

1. IBOGS
2. GFT
3. Mayor's Council of Guam

VI. Unfinished Business/ Committee Reports

1. Executive Committee

INFO a. NASBE Travel Report

INFO b. Resolution Presentation

INFO c. GEB Procedural Manual and Code of Ethics

2. Instructional & Academic Support Committee

ACTION a. Head Start Report

3. Safe & Healthy Schools Committee

INFO/ACTION/REFER a. Administration of Medicine at schools

INFO/ACTION b. Bill No. 204-34 (COR) Simon Sanchez High School Procurement

VOTING MEMBERS: Maria A. Gutierrez, Chairwoman, Mark B. Mendiola, Vice Chair, Peter Alecxis D. Ada, Lourdes M. Benavente, Robert A. Crisostomo, James C. Lujan, Ronald L. McNinch, PhD, Lourdes B. San Nicolas
EX-OFFICIO MEMBERS: Ernie Samelo (SHS), IBOGS Representative, Audrey P. Mandapat (SSHS), GFT Representative, Mayor, Rudy M. Matanane, MCOG Representative
EXECUTIVE SECRETARY: Jon J. P. Fernandez, GDOE Superintendent

4. **Organizational Efficiency and Development Committee**

5. **Fiscal Management**

INFO/ACTION a. Pre-K Expansion
INFO/ACTION b. FY 19 Budget Schedule
INFO/ACTION c. BRIP Update
INFO/ACTION d. Charter School Update

6. **Ad-Hoc committee on Board matters**

VII. New Business

INFO/ACTION a. CNMI-GUAM Teacher Certification Reciprocity
INFO/ACTION/REFER b. Calendar Committee

VIII. Executive Session

ACTION a. Travel approval for Brustein & Manasevit, PLLC's Fall Forum 2017

The Board of Education reserves the right to go into executive session during any part of the meeting. Based on the Open Govt. Law specific matters can only be discussed. (Personnel Matters, Collective Bargaining Agreement, Contracts, and Litigation).

IX. Adjournment

Report: Trump 'begging' for war with drills

SEOUL, South Korea (Bloomberg News) — North Korea said the U.S. is "begging" for a nuclear war by planning the "largest-ever" joint aerial drill with South Korea just after concluding an exercise with nuclear-powered aircraft carriers.

"Should the Korean peninsula and the world be embroiled in the crucible of nuclear war because of the reckless nuclear war mania of the U.S., the U.S. will have to accept full responsibility for it," North Korea's state-run Korean Central News Agency said Saturday, citing a statement by the Ministry of Foreign Affairs.

The statement came after Yonhap News reported that six U.S. Raptor stealth fighter planes arrived in South Korea on Saturday for a joint air drill named "Vigilant Ace" scheduled for Monday to Friday. The F-22s flew into South Korea together in a show of force, and the allies plan to stage simulated attacks on mock North Korean nuclear and missile targets, according to Yonhap.

North Korea's comments mirror a statement KCNA made last month, saying Washington is seeking to ignite a nuclear war after U.S. B-1B nuclear strategic bombers stationed in Guam flew into South Korea to stage a drill.



ASIA VISIT: *Pope Francis speaks during a news conference Saturday during his flight back to Rome from a trip to Myanmar and Bangladesh. Vincenzo Pinto/Pool/Reuters*

Pope defends stance on Rohingya

ABOARD THE PAPAL PLANE (Reuters) – Pope Francis on Saturday defended his strategy of avoiding the term "Rohingya" in Myanmar, saying he believed he got his message across to both the civilian and military leadership without shutting down dialogue.

Speaking to reporters aboard the plane returning to Rome from Bangladesh, the pontiff also indicated that he had been firm with Myanmar's military leaders in private meetings about the need for them to respect the rights of Rohingya refugees.

He also disclosed that he cried when he met a group of Rohingya refugees on Friday in Bangladesh, where he defended their rights by name in an emotional meeting.

"For me, the most important thing is that message gets through, to try to say things one step at a time and listen to the responses," he said.

"I knew that if in the official speeches I would have used that word, they would have closed the door in our faces. But (in public) I described situations, rights, said that no one should be excluded, (the right to) citizenship, in order to allow myself to go further in the private meetings," he said.

Francis did not use the word Rohingya in public while on the first leg of the trip in Myanmar. Predominantly Buddhist Myanmar does not recognize the mostly Muslim Rohingya as an ethnic group with its own identity but as illegal immigrants from Bangladesh.

Local Roman Catholic Church authorities had advised him not to say it because it could spark a backlash against Christians and other minority groups.

The pope met Myanmar's military leaders privately on Monday, shortly after his arrival in the nation's biggest city, Yangon.

The meeting had been scheduled for Thursday morning but the military pointedly asked at the last minute that it be pushed forward. The result was they saw the pope before the civilian leaders instead of the other way around, as had been planned.

GUAM EDUCATION BOARD

MARIA A. GUTIERREZ
Chairwoman

500 Mariner Avenue
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MARK B. MENDIOLA
Vice Chair

PUBLIC NOTICE

Guam Education Board
REGULAR MONTHLY MEETING
Tuesday, December 12, 2017
6 PM
Superintendent's Conference, Building A., Tiyan

AGENDA

I. Meeting Call to Order
II. Approval of Minutes
III. Public Participation
IV. Communications
V. Ex-Officio Member Reports
VI. Unfinished Business/Committee Reports
VII. New Business
VIII. Executive Session
IX. Adjournment

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 300-1627 or by email: lmbcruz@gdoe.net.
Agenda to be available on GEB Website at least 72 hours before the meeting.

This advertisement was paid by GDOE local funds.

TOKIO MARINE PACIFIC

Notice of Outstanding Medical Loss Ratio Checks

JUAN LIMTIACO
P.O. BOX 10838
TAMUNING, GU 96931

SGRO INVESTMENT COMPANY, INC
P.O. BOX AP
HAGATNA, GU 96932

ONATE OFFICE, LLC
137 MURRAY BLVD., SUITE 2B
HAGATNA, GU 96910

To claim for check, please visit us at 250 Route 4 Suite 202, Hagatna, Nanbo Guahan Building, or email to gdiaz@tokiomarinepacific.com by December 31, 2017. All unclaimed checks will be [illegible] to the Treasurer of Guam in January 2018 as required by law.

Doc. No. 34-GL-17-1822

Minutes

MARIA A. GUTIERREZ
Chairwoman

GUAM EDUCATION BOARD

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MARK B. MENDIOLA
Acting Vice Chair

8th GUAM EDUCATION BOARD
REGULAR MONTHLY MEETING
Tuesday, October 17, 2017
6 pm
Superintendent's Conference room, Building A., Tiyan

MINUTES

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

Ernie Samelo (SHS)
IBOGS Representative

Audrey P. Mandapat (SSHS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Jon J.P. Fernandez
GDOE Superintendent

I. MEETING CALL TO ORDER

Mrs. Maria A. Gutierrez, Chairwoman, called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS

Mr. Jon J. P. Fernandez, Superintendent and Executive Secretary, took the roll call. The following members were present for the meeting:

Voting Members:
Gutierrez, Maria A.- Chairwoman
Mendiola, Mark B.- Acting Vice Chair
Ada, Peter Alecxis D
Benavente, Lourdes M.
Crisostomo, Robert A.
Lujan, James C.
McNinch, Dr. Ronald L.
San Nicolas, Lourdes B. - Via video-conferencing

Non-Voting Members:
Samelo, Ernie (SHS)- IBOGS Representative

Absent:
Mandapat, Audrey P. (SSHS) - GFT Representative – Excused
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison-Off-island-Excused

Chairwoman mentioned that Mayor Matanane emailed that he is currently off-island and that the alternate is not present as well.

The DOE legal counsel, Mr. James Stake, was present for the meeting.

Eight (8) Board members were present, constituting a quorum.

II. Approval of Minutes

1. Minutes of September 21, 2017 Continuation of September 5, 2017 special meeting

Mr. Mendiola moved (subject to corrections), seconded by Mr. Lujan, to approve the minutes of September 21, 2017, Continuation of September 5, 2017, special meeting. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

2. Minutes of September 21, 2017 Regular meeting

Mr. Mendiola moved (subject to corrections), seconded by Mr. Lujan, to approve the minutes of September 21, 2017, regular Board meeting.

Ms. San Nicolas mentioned that on line 51 after J.P. Torres, if there were other schools identified, they should be identified. Superintendent Fernandez responded that there are no other schools.

Ms. San Nicolas mentioned that on line 135 to change "execute" to "executive."

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

III. Public Participation

Jennifer Berry, Teacher at Southern High School, asked the Guam Education Board to ensure that GDOE was focused on updating and ensuring the relevance of skills being taught to students, including life and career skills.

IV. Communications

1) Superintendent's Report and Communication

Superintendent Fernandez submitted a written report and discussed a few of the higlights. His report covered the following:

- GDOE Official Student Enrollment
- Guahan Academy Charter School Risk Assessment
- Upcoming parent-teacher conferences
- National Principals Month
- Research Education Lab Governing Board Meeting in Honolulu
- Update on the proposed Solar Power Purchase Agreement (GEFF)
- Simon Sanchez renovation procurement
- Headquarters water tank update
- Red ribbon week (month of October)
- Suicide prevention awareness month (September)
- FFY 2017 Consolidated Grant
- Bonus Retention and Incentives Program
- CAHA 1% law
- Textbook funding discussion
- Upcoming meetings, trainings, and events

Board members asked questions about the data for ACT Aspire/SBA results. Superintendent Fernandez mentioned that next week a work session was scheduled with the Board to go over ACT Aspire/SBA results, and the discussion would help in the effort to update state strategic plan goals and objectives.

Mr. Ada mentioned that in the middle part of May 2017, a meeting was scheduled to meet with the central office with the officials from the Guam Shipyard that was willing to meet with the seniors to interview them to see who qualified for entry positions but was informed that the meeting was cancelled. Superintendent Fernandez responded that he would look into what happened in the scheduling of the meeting. The Superintendent mentioned that they are also working Mr. Carlos Camacho and the Micronesian Housing Development Corporation on a housing program where high school seniors are gaining worksite experience and earning credit for high school graduation.

Dr. McNinch mentioned that his concerns centered on the charter school and that the Board needs to articulate our concerns to the right people.

Chairwoman Gutierrez mentioned that, last week, they had a work session and met with Amanda Blas, Chairwoman of the Guam Academy Charter School Council, and they shared their concerns. She further mentioned that there was a work session today with the Council. Unfortunately, the two charter schools were not present.

Ms. San Nicolas suggested for Mr. Crisostomo to meet with the Superintendent and Dr. Zeni Natividad to establish timelines related to the state strategic plan.

Mr. Mendiola moved, seconded by Mr. Lujan, to approve the Superintendent's Report. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

2) Letter from Peter Alecxis Ada

Mr. Mendiola congratulated Mr. Ada on his new role at Department of Youth Affairs and thanked him for serving as Chairman of the Board and guiding the Board through some rough waters. He mentioned that Mr. Ada submitted his resignation because his new position requires a lot of his attention.

Mr. Mendiola moved, seconded by Mr. Lujan, to accept Mr. Ada's resignation letter dated September 28, 2017. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

Chairwoman Gutierrez mentioned that the Board would like to present Mr. Ada with a resolution. Mr. Mendiola read GEB Resolution #2017-18 relative to commending Mr. Peter Alecxis Ada for serving as Chairman for the 8th Guam Education Board.

V. Ex-Officio Committee

1) IBOGS

Ernie Samelo mentioned that they have been working with other high schools to organize the first student exchange for school year 2017-2018. The projected date for the event is on December 1, 2017. They are currently working on the application form for the students and are hoping to have it released on the first week of November.

2) GFT

Mr. Lujan mentioned that the GFT representative Mrs. Mandapat asked him to relay her report.

He mentioned that there are clarifications/concerns that need to be made.

- Position Clarification: Teaching Coach. What are the duties and responsibilities of a Teaching Coach? How are these coaches selected?
- Position Clarification: Can elementary schools utilize their Chamorro teachers to either tutor or extend Chamorro time? There are blocks of time aside from preparatory period that could be available.
- Concern #1: Having to watch each other's (fellow teachers) students along with your class.
- Concern #2: Finding coverage when going on leave.
- Concern #3: Scheduling 'mandatory'/ 'working' lunch meetings for SPED.

Mr. Mendiola asked that the Superintendent follow-up on where are we with the collective bargaining agreement.

3) Mayors' Council of Guam- None

VI. Unfinished Business/Committee Reports

1) Executive Committee

Mr. Mendiola mentioned the executive committee had the opportunity to have a work session and met with the Guam Academy Charter School Council Chairwoman Amanda Blas. Today, at a Charter School Council work session, Mr. Mendiola and Mrs. Gutierrez attended and continued their discussion regarding the concern about charter schools.

He added that Senator San Agustin has proposed legislation to address some of the issues within the charter schools council law. The committee's recommendation is delinking the Department of Education from the charter schools. The oversight should be with the Council, which approves their charters.

Mr. Crisostomo stated that he thought the position as a Board was to sever the charter schools from the department. He does not want a relationship with the charter schools. The department has enough problems and does not need a distraction of another school siphoning money out of the department's already limited resources.

Mr. Mendiola clarified that the department should delink in terms of finance.

Mr. Lujan stated that he is not in favor of the charter school.

Mr. Lujan moved, seconded by Mr. Crisostomo, to request the legislature to completely separate the Guam Department of Education from the Charter schools budget.

Chairwoman Gutierrez mentioned that the executive committee will be having a work session to take a position and provide a testimony for the hearing. She has not heard any date on the public hearing for the

two (2) bills and from there the Board can take a position. She asked if the Board would like to go with the motion or have an executive committee work session and make the position known with a testimony.

Dr. McNinch asked if the Superintendent is responsible for the charter schools since the law made the Board responsible fiduciary to charter schools? Superintendent Fernandez responded that they have partial responsibility. The law requires the Department of Education review and validate the expenditures of the charter schools. He mentioned that, that is the reason the audit office reviews the request to draw down funds, reviews their invoices, sends a validation memo to the Department of Administration (DOA) and then DOA will release the funds based on their review.

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

2) Instructional & Academic Support Committee

a. Head Start Report

Mrs. Schroeder updated the Board with the following below.

- Region IX approved the request to extend the liquidation period to November 24, 2017, to complete the playground-resurfacing project.
- Danya International who does the federal review for Head Start will not be having any federal reviews this year but they expect to have reviews next year.

Mr. Lujan moved, seconded by Mr. Mendiola, to accept the Head Start Report. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

3) Safe & Healthy Schools Committee

a. Simon Sanchez High School Resolution

Mr. Lujan mentioned that the Simon Sanchez High resolution to seek the Attorney General's help on the procurement of SSHS was no longer needed, given that there was a cancellation and protest.

Mr. Lujan moved, seconded by Mr. Mendiola, to stay on that resolution until the next Board meeting.

Superintendent Fernandez thanked the Board for their patience on SSHS. He mentioned that on his report it shows that the department has been working on the reissuance of the IFB and working with DPW and GEDA to reissue the procurement for the solicitation. He further mentioned that there was a protest filed yesterday at the Office of Public Accountability by Core Tech, and for that reason, all activities are stayed until further notice. He added that this will give the Board time to intervene or respond to the progress.

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

4) Organizational Efficiency and Development Committee

a. Pay Compensation Issue/Pay Disparity Review

Chairwoman Gutierrez reported that at the last work session there was a recommendation to prepare a resolution to the Guam Legislature relative to addressing the pay disparities with the Guam Department of Education.

Mr. Mendiola moved, seconded by Mr. Lujan, to approve resolution 2017-21 relative to addressing the pay disparities with the Guam Department of Education.

Mr. Mendiola mentioned that when the CWA headed by DOA the GDOE did not play a major role being that they are the largest government agency.

The reason for this resolution is to ask the legislature to review this issue thoroughly because it needs their attention. Especially, when it deals with potential additional funding that the department is going to seek from them regarding making sure there is equity within the department.

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

5) Fiscal Management

a. BRIP review

Mr. Mendiola mentioned that his last request was that the Superintendent provide the Board a report by the October 31, 2017. He further mentioned that Superintendent Fernandez and his team were able to provide all the information needed. He further mentioned that a work session is scheduled for Monday, October 23, 2017, 1:30 pm at the Superintendent's Conference Room, Building A., Tiyan.

Mr. Lujan asked if the work session is only for the Board members. Vice Chair Mendiola responded that it's open.

Mr. Lujan asked what if the public school teachers want to attend.

Superintendent Fernandez mentioned that they will be informing the GFT who sent in correspondence today. He further mentioned that there's another group of teachers that will be informed as well who are not with the GFT but who raised the same issues. It's an open work session.

Mr. Lujan stated that there are some teachers that will ask why the work session scheduled at a time when they're still at work.

Mr. Mendiola responded that he scheduled a work session so that the Board members can review it thoroughly and if there is request to hold another work session for the teacher's on another date, they can do that as well.

6) Collective Bargaining Committee

Chairwoman Gutierrez mentioned that the AG has not responded to the latest on the Board Union Contract.

VII. New Business

a. Resolution for Peter Alecxis Ada and Lourdes San Nicolas

Chairwoman Gutierrez mentioned that Mr. Ada received his resolution. Ms. San Nicolas will be back on island November 22, 2017 to receive her resolution.

b. Declaration of Financial Status Designation for July and August 2017.

Mr. Mendiola mentioned that in the packet there is a resolution for the Code C-watch for the department. He further mentioned that on August 31, 2017 and September 28, 2017 the Education Financial Supervisory Commission issued Declarations of Financial Status Designations (FSD) for the month of July and August 2017. A Code C-watch has been issued for budget object category 363 telephone for both periods and budget modifications were issued to resolve C-watch designations. He noted that GDOE is stable for all categories.

Mr. Mendiola moved, seconded by Mr. Lujan, to approve resolution 2017-17 for the C-watch designation for the month of July and August 2017.

Superintendent Fernandez reported that he, Mr. Mendiola, and Deputy Superintendent Taitano will be meeting with Christine Baleto from Department of Administration (DOA). He will give a better update after their meeting as to how they're closing out FY 2017. He mentioned that there was $3.6 million dollars outstanding in terms of what was released from the allotments. He further mentioned that they are still asking for the textbook appropriations, Salape Principat, and TEFF. Mrs. Baleto mentioned that she will have information and updates on those items. In addition, they will plan FY 2018.

Mr. Mendiola mentioned that the Speaker of the Legislature will be calling for an oversight on the funding for public education, including UOG, GCC, and DOE.

Mr. Crisostomo asked Mr. Mendiola what is the status on the third party fiduciary and his trip with the Superintendent. Mr. Mendiola responded that initially it was a 3 million dollar payment that the department pays every year but this year it was reduced by $500,000 so it is at $2.5 million now. He mentioned that the Superintendent was supposed to get back to the Board seeking review from the Department of Education and USDOE. He further mentioned that it is still on their radar.

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

c. SAO Job Title and Standard

Chairwoman Gutierrez reported that there is petition for amendment of job standards for School Attendance Officer and Attendance Officer Supervisor. She mentioned that she discussed this with the Superintendent that there has to be some legal advice from the department's legal counsel to research to see if the Board has the authority to amend job standards and assign new

pay grades because this is apart of the Competitive Wage Act (CWA) She further mentioned that they can have a work session but the Board needs something in writing saying the Board has the authority.

Superintendent Fernandez responded that Deputy Superintendent Taitano and Attorney Jesse Nasis will clarify what authority is or what the steps are.

d. Bill 190-34

e. Bill 191-34

Chairwoman Gutierrez reported that they had a work session but were not able to cover both bills. The executive committee scheduled another work session on October 24, 2017. Chairwoman Gutierrez asked if any of the Board members are not able to attend the work session to email their input.

Chairwoman Gutierrez mentioned that this item will be referred to the committee.

f. Bussing

Chairwoman Gutierrez mentioned that there was a concern from the Head Start Council regarding bussing.

She shared a couple of concerns regarding preferential treatment with charter school students versus public school students, DPW has their bus route and the school has their bus route, and the student's getting home at a later time.

She's requesting for a work session with bus operations because their blaming the Superintendent's policy of where the bus shelters are supposed to be located.

g. Meal Pricing for Adults

Mr. Lujan reported that on September 25, 2017 the Safe and Healthy Schools committee held a work session to discuss meal pricing for adults and children who are not students of GDOE schools. He mentioned that dropping these meals prices will enable staff, parents, and siblings to eat at the schools and making it convenient for teachers and school personnel to eat on campus and allowing families to eat together during breakfast and lunch.

He further mentioned that the proposed prices are the same for not much higher than those charged by the food service management contract, given that most schools do not keep a change fund.

Mr. Lujan moved, seconded by Mr. Mendiola, to adopt the following prices. $ 2.75 for breakfast, .75 for milk (adults and children who are not GDOE students), $5.50 for lunch (adults), and $4.50 (children who are not GDOE students).

Mr. Lujan stated that they had a work session with in house school cafeteria and Sodexo and they went through pricing. He mentioned that the cost is comparable because they measured the cost of the food and labor. He commented that the lunch was extended to employees-teachers and staff.

Mr. Crisostomo asked if students eat free breakfast and lunch, what is a non-student?

Mr. Lujan responded that non-students are students who are not projected into the budget, like siblings of students or exchange students.

Mr. Crisostomo asked what the student price is, are these student and non-student prices? He stated that he does not understand why they have a policy if they are going to pay the same price, student and non-student. He asked if this is the adult pricing that they are addressing.

Deputy Superintendent Taitano responded right now it is ala carte because they are not students, they are not allowed to serve lunch so this is going to allow an avenue to serve lunch to these kids. Mr. Lujan stated that this is a motion to allow adults and visiting students to eat lunch. He mentioned that lunch is prepared for the number of students who attend the school.

Deputy Superintendent Cruz explained that if a school principal knows that a student from another public school is visiting the school, the principal will notify the cafeteria staff that there is an increase of students for lunch. She stated that if there is a fieldtrip, students get their lunch boxed to take the lunch with them.

Chairwoman Gutierrez commented that when parents visit their children and bring their younger children to school they want to eat the cafeteria food. She mentioned that the price an adult will pay $5.50, but the portions are the same as what the students receive.

Mr. Lujan mentioned that when students go on a fieldtrip, they get their lunch to go. He stated that there are projections prior to having the lunch cooked. He commented that they are going to approve the adults and guests to eat with students in the cafeteria.

Deputy Superintendent Cruz commented that there are lunch clerks to do lunch counts. She stated that the numbers are submitted to the superintendent on a monthly basis.

Chairwoman Gutierrez mentioned that the menu is different from what Sodexo serves. She stated that the food is vacuum-packed. She also mentioned that they asked Sodexo not to serve cheese pizza for breakfast. She suggested that they need an assessment and evaluation on cafeteria menu because they do not know how much they are wasting. She commented that UOG had a study on food and nutrition, but she has not seen the report and heard that it was not a good report.

Superintendent Fernandez asked Deputy Superintendent Taitano when the contract expires for Sodexo. Deputy Superintendent Taitano responded that they just signed the contract recently.

Superintendent Fernandez stated that they do offer more options for students. He commented that he likes DOE run cafeteria, but the cost is higher than Sodexo.

Chairwoman Gutierrez stated that it is useless if they pay less for Sodexo, but students waste the food.

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

h. Drug-Free Workplace Policy

Superintendent mentioned that they have been implementing their canine searches. He stated that they wanted to review the existing policies and the latest policy was in 1998.

Deputy Superintendent Cruz stated that the members of the committee are administrators from elementary, middle and high schools, Margaret Cruz (EEO), Jesse Nasis (legal), and HR. She mentioned that their first meeting was on October 5 and they do have an existing drug free workplace program, which was written in 1998. She commented that they called Department of Administration and the latest drug free workplace program was written in 1995. She stated that they are cross checking what they have on the DOA policy versus what they have on the DOE policy. She commented that DOE mirrored the DOA policy. She mentioned that they are in the process of reviewing because times have changed such as canine sweeps there are things that they are doing that are being implemented and that's why the AG's opinion regarding random drug sweep. She stated that that is something they are addressing and working with legal to ensure that they are following laws and policies relative to the implementation of the drug free workplace program.

Superintendent Fernandez clarified that they do not do random drug testing, they do reasonable suspicion drug testing according to their existing policies and procedures that is with the assistance with the canine units. He stated that they do not do random drug testing and they do not counter the AG's opinion, but it does reiterate the standard that is being used and the issue is test-designated positions. He mentioned that they need to review who is covered in the test-designated positions as it applies to DOE.

Deputy Superintendent Cruz stated that DOA's policy is since 1995 and they have yet to find an agency that has a more recent drug free workplace program operating procedures. She commented that DOE may be the agency to develop the newest policy. She mentioned that it will take a lot of discussion with the AG's office and with legal to ensure they are following law.

Mr. Crisostomo stated that DOE should lead the development of the drug free workplace program.

Chairwoman Gutierrez advised Deputy Superintendent Cruz to check with GCC and UOG if they can follow their policy.

i. Election of Officers

Mr. Mendiola stated that the former chairman stepping down and the vice chair assuming the role of chairperson. He mentioned that based on the Board policy, there is a vacancy for vice chair of the Board and there needs to be a nomination and election for the vice chair position, and in January there will be an election of officers.

Mr. Ada moved, seconded by Mr. Lujan, nominated Mark Mendiola to fill the position as vice chair.

Dr. McNinch moved, seconded by Mr. Lujan, to close the nominations.

Mr. Mendiola accepted the nomination.

The Board voted by roll call and approved the motion with a vote of 8-0 (Yeas: P. Ada, L. Benavente, R. Crisostomo, M. Gutierrez, J. Lujan, R. McNinch, M. Mendiola, and L. San Nicolas. The motion passed.

Chairwoman Gutierrez stated that Mr. Mendiola did not get a report from the AG; however, there is a hearing on October 19, 2017.

Mr. Mendiola stated that he briefed the Board about the hearing at the District Court.

VIII. Executive Session- None

IX. Adjournment

Mr. Ada moved to adjourn the meeting at 8:25 pm.

MINUTES SUBMITTED BY:

_____ Date: _____
LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF October 17, 2017 REGULAR BOARD MEETING:
( ) Approved as submitted
( ) Approved subject to corrections
( ) Other: _____

_____ _____
MARIA A. GUTIERREZ
GEB Chairwoman

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: _____ Date: _____

MARIA A. GUTIERREZ
Chairwoman

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MARK B. MENDIOLA
Vice Chair

8th GUAM EDUCATION BOARD
SPECIAL MEETING
Friday, October 27, 2017
6 pm
Superintendent's Conference Room, Building A., Tiyan

MINUTES

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

Ernie Samelo (SHS)
IBOGS Representative

Audrey P. Mandapat (SSHS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Jon J.P. Fernandez
GDOE Superintendent

I. MEETING CALL TO ORDER

Mrs. Maria A. Gutierrez, Chairwoman, called the meeting to order at 6:00 p.m.

ROLL CALL OF MEMBERS

Mr. Jon J. P. Fernandez, Superintendent and Executive Secretary, took the roll call. The following members were present for the meeting:

Voting Members:
Gutierrez, Maria A.- Chairwoman
Mendiola, Mark B.- Vice Chair
Ada, Peter Alecxis D.
Benavente, Lourdes M.
Crisostomo, Robert A.
Lujan, James C.
McNinch, Dr. Ronald L.
San Nicolas, Lourdes B.

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

Absent:
Mandapat, Audrey P. (SSHS) - GFT Representative – Excused
Samelo, Ernie (SHS)- IBOGS Representative- Excused

**Arrived after roll call*

Eight (8) Board members were present, constituting a quorum.

Vice Chair Mendiola stated for the record that a representative for the IBOGS and Mayor's Council were present at the work session.

II. New Business

a. Personnel Matters

Vice Chair Mendiola acknowledged the presence of Deputy Attorney Orcutt and Deputy Attorney Fred Nishihira.

Mr. Orcutt, Deputy of the Litigation Division for the Office of the Attorney General of Guam, introduced himself and his colleague, Mr. Nishihira, Deputy of the Consumer Division for the Office of the Attorney General of Guam.

He stated that he delivered a proposed settlement resolving the litigation brought by Mr. Fernandez against the Board and against individuals in their official capacity. He recommended that the Board approve the settlement and if they approve the settlement there are certain contingencies that have to be made under the settlement agreement. He further mentioned that one of those is that the Guam Legislature would have to approve the settlement within 45 days after submission to the Legislature or. under Guam law, the settlement will be deemed disapproved.

He mentioned that the first signatory on the proposed settlement would be this Board. He commented in order to have full settlement of this matter, submitted to the Legislature, and is subject to the approval of the Attorney General of Guam and the Governor of Guam. He stated that if the Board decides to approve this propose settlement, they do not foresee any problem with the Attorney General or the Governor adding their signatures to the agreement. He mentioned that he believes that Mr. Fernandez will have no disagreement with the proposed settlement.

He stated that under the proposed settlement are the terms that the Government of Guam will pay $60,000 to reimburse Mr. Fernandez for attorney's fees and also has a provision in the settlement agreement that will require their cooperation in joining Mr. Fernandez in trying to seek to have a court order to expunge one the reports that were submitted as part of the evidence in the preliminary junction hearing before the District Court of Guam.

He stated that there are other parties in this lawsuit who have been sued in their individual capacity, the proposed settlement agreement does not deal with those claims and to his understanding, and they are working on disposing of those claims through a separate settlement agreement.

He continued that the proposal before the Board would resolve the litigation between Mr. Fernandez and the Board as legal entity and also the individually named Board members former and passed were sued in their official capacity which under the law is treated also as a lawsuit against the Government of Guam as opposed to a lawsuit against the individual actually named.

Vice Chair Mendiola moved, seconded Mr. Lujan, approve the settlement agreement, Jon Fernandez vs. Guam Education Board District Court civil case CV-1600080.

Mr. Crisostomo asked about the 45 days the Legislature has to approve the settlement and timing is critical. He continued that this refers only to the Board and will be resolved for the Board only. The individual members have to pursue their own resolution. He assumed, therefore, that the Board no longer has a link with any action associated with the lawsuit. Deputy Orcutt responded correct, if the matter goes through and the Legislature approves; another option is that the Legislature can simply amend the law or repeal it.

Mr. Crisostomo s[illegible] that he was concerned and stated that he [illegible]ooking at the worst-case scenario and the Legislature fails to approve, where are they at that point? Deputy Orcutt stated that the lawsuit is reactivated and it would move forward in the usual course of litigation, the court will set a trial date and go forward.

Deputy Orcutt responded that the litigation is reactivated and they can still try to resolve the case, but if the Legislature does not approve payment of any money that is not going to be on the table as part of a possible resolution of the matter.

Vice Chair Mendiola commented that they had 60 day notice status hearing to have the Board consider his settlement agreement. He stated that they met during the settlement agreement discussion about the issue where they have to go through the legislative process. He commented that he met with the speaker of the legislature at the request of the Board to let him know that there will be a proposal forthcoming, and the Speaker said that the Legislature will not be able to act until they have this document. He stated that after the Board approves the settlement and gets the other signatures to send down to the Legislature, a cover letter will highlight that there is a 45-day window during which they would need to take action. He stated that the Legislature goes into session on a monthly basis.

Mr. Crisostomo stated that they are asking for an authorization from the Legislature because the authorization to pay the settlement is not in the law. He stated that they have $60,000 sitting in the Board account to hire a lawyer. The Senators might bring up the question where will the money come from because the government is strapped already. He mentioned that they might say that there is $60,000 sitting in your account and they give authorization to take it out of your account.

Deputy Orcutt responded that the Guam Code Annotated 1820 requires the approval of the Guam Legislature or a specific appropriation for that client. The legislature has a choice and once they do that then you are authorized to pay the settlement. He further stated that one of the ways the settlement could work if you got that approval is you could enter into a judgement of $60,000. Mr. Fernandez would have to collect from that judgement. He commented that the settlement requires payment before dismissal of the case.

Mr. Ada asked that the money must be appropriated to the Board of Education not to the Department of Education specifically to the Board. If the Board should approve the settlement, it does not include the others who were sued in their individual capacity.

Deputy Orcutt stated that the individual defendants have their own attorney and they are seeking to resolve the claims through their attorneys. He continued that there is no global settlement and that a settlement document involving a government agency is a public document and there may be tactical reasons the attorneys represented the individual defendants may not want to be a part of the global settlement here.

Dr. McNinch suggested to hand the settlement to the Guam Legislature and move on to serve the young people and children of this island.

Ms. San Nicolas stated that they were talking about two different groups and Deputy Orcutt is dealing with the Board as a whole. She commented that the Board should not worry about the other parties.

Deputy Orcutt stated that the document still needs the signature of the Attorney General, Mr. Fernandez, and his attorney. He suggested that the Board give him the original and he will submit it to Mr. Fernandez's attorney and when it is signed, then he will route it to the Attorney General and the Governor.

The Board voted by ( ) call and approved the motion with a vote of ( ) (Yeas: M. Gutierrez, M. Mendiola, P. Ada, L. Benavente, R. Crisostomo, J. Lujan, R. McNinch, and L. San Nicolas). The motion passed.

III. Unfinished Business

a. BRIP

Vice Chair Mendiola stated that finance subcommittee met about the BRIP issue and they allowed the department more time to look at the teacher list and to provide categories of those affected by BRIP.

He commented that the last Board meeting he made a motion to address the issue of the deadline and he did it. He mentioned that they are going to give the department the opportunity to come back to the Board with actual dollar figures and other information that was requested by the committee. He further stated that once that is completed he will make a recommendation to the Board for action. He commented that this is moving along and they are progressing with input from stakeholders and committee members.

Mr. Ada recommended holding the next session after school hours to allow teachers to participate.

Vice Chair Mendiola mentioned that the next work session will invite those who are affected by BRIP to participate.

b. Bill 190-34 & 191-34

Vice Chair Mendiola stated that there was an executive meeting that pertains to Bill 190-34 that pertains to make up of the Board, voting members versus non-voting members and some changes in the legislation.

He mentioned that he had a discussion with one of the Board members, had an opportunity to speak with 4 IBOGS representatives, Mayor Matanane and a representative from GFT were also present. He stated that they decided to give representative bodies the opportunity to gather information and data and to prop for their thoughts on the bill. He mentioned that when it comes to DOE, he will ask the superintendent if there are issues on the bill based on technical questions of the bill that need to be answered especially when it deals with students. He commented that the mayors' representative on the Board has a constituency that he has to answer to and the time is sometimes not conducive to some of the activities that occur. He commented that they had a good discussion and when the hearing does come out they can render a testimony either for or against and that the superintendent will offer comments and reviewed by the Board then he will make the presentation on behalf of the Board to the Legislature. He mentioned if there are any issues or concerns to send an email and it will be incorporated into the testimony for the Legislature.

Mr. Ada stated that he was not sure about the quorum number. The quorum calls for five and should be increased by a set number.

Chairwoman Gutierrez responded that the bill is not clear and that was one of the discussions. She continued that is why during the testimony they need to ask

because it does not address the quor[illegible] She stated that the bill needs a lot of cleaning and the superintendent will be preparing the testimony. She suggested sending in their input so it will be in black and white.

Vice Chair Mendiola responded that there are a lot issues with the mechanics of how the bill is going to work. He mentioned that as a Board, they will send information to the superintendent to capture what they all have stated to include in the testimony.

Vice Chair Mendiola stated that in regards to bill 191, the Board is adamant about separating and that is the position they instructed the Superintendent to take. The Bill tries to put more responsibility on the department. He mentioned that they asked superintendent to strongly word a document that if they are going to give an oversight to give a complete oversight if not, then separate us and provide the funding source for the charter schools to operate so they can provide the services to their students. He stated that there was a round table discussion on Monday and two Board members were present to state the position of the Board. He commented that one of the issues is that they are tied to them because of the budget yet they have no oversight if there are issues with their spending of the funds. He asked who has the ultimate responsibility to call charter schools to answer some questions. He stated that they have the superintendent who will continue to support them, but they have to have a clear deviation. He mentioned that the superintendent has to deal with 41 schools then he has to cut away to deal with the charter schools.

Mr. Crisostomo stated that they are tied to the charter schools. If the Board decides to pass a policy directing the superintendent not to issue any funds to the charter schools until reconciliation of previous expenditures is done. He asked if that will fix the problem immediately until they can get resolution on the law whether they take full oversight or complete severance to severe the relationship with charter schools. He mentioned that the policy on the Board can direct the superintendent not to comply with the disbursement of funds to charter schools because of questionable expenditures. He commented that the Board has to do their due diligence in protecting the department and they only they can do is a policy. He stated to have the Board direct the superintendent not to disburse any funds and let the legal people figure that out.

Dr. McNinch commented that he wants to break away from charter schools. He stated that charter schools are resource on the rest of the Department of Education and those are unaccounted for costs. He mentioned that every time the superintendent has to waste his time dealing with school board drama from the charter schools that is time that 30,000 young people are denied the primary leader of their organization's attention. He stated that it is unfair to the Board, to the superintendent and school children.

Chairwoman Gutierrez stated she was bothered when she was reading the bill on sections 4 and 5 where clerical and administrative support to include the executive director. She disagreed and stated that they should take the budget out of the two charter schools and pay for clerical support and executive director. She stated that they do not have control or authority over the charter schools and that is what the proposed bill is showing.

Mr. Ada noticed a pattern that they submitted a payment and have unresolved billing that needs to be rectified. He stated that they should stop them now and direct the superintendent because the Board is responsible for the budget and should take action.

Mr. Crisostomo stated that the Board should take action and create a policy directing the superintendent to not act anymore on requisitions or request for money or funds from the Department of Education until prior reconciliation is completed from any expenditures from prior months. He mentioned that the Superintendent will not disperse any additional funds if any of the charter schools have outstanding unreconciled expenditures. He commented that the department is going to be held liable because funds come from the department; therefore, the Board becomes culpable.

Mr. Crisostomo moved, seconded Mr. Ada, for the Board to develop a policy that will direct the Superintendent to cease payment of funds that are not validated to the charter schools.

McNinch stated that he agrees, but another approach is to declare a fiscal emergency related to how finances are being handled. He commented that if the Board declares fiscal emergency and they want immediate action from the right people that might be easier to explain and sell to the public.

Superintendent Fernandez stated that the laws set out parameters on how charter schools are funded. He mentioned that it does not put them in the role of dispersing funds it actually only puts them in the role of validating funds. He commented that funds are already set aside by the Department of Administration. He stated that DOA will not disperse cash until GDOE completes the process of validation. He suggested that the Board communicate with the OPA, the Attorney General, or Governor's Office. He stated that the department and the internal audit office is not validating any expenses that cannot be supported by documentation and evidence of compliance with applicable laws and regulations.

Mayor Matanane stated that he represents the students at charter school. He commented that they think about the kids, talk, and find out a better way to solve this problem.

Vice Chair Mendiola commented that resources are taken from the other 41 schools and those school children are being short changed as well. He agrees with the motion and they need to make sure that they do things accordance to the law and to ensure the school continues to operate.

Superintendent Fernandez stated that this issue is directly related to students. He mentioned that if the students from charter schools want to have a charter school to go to, they have to have charter schools that are able to be financially sustainable. The issues that have been identified put the charter school at risk. He commented that if they want to see them to succeed at all, they need to be assured that they have are stable and sustainable financially.

Ms. San Nicolas suggested that when Crisostomo appears at the round table that the message is clearly stated that this Board of Education wants to sever financial responsibilities from the charter schools.

The Board voted by roll call and approved the motion with a vote of 8-0 (Yeas: M. Gutierrez, M. Mendiola, P. Ada, L. Benavente, R. Crisostomo, J. Lujan, R. McNinch, and L. San Nicolas). The motion passed.

IV. Executive Session-

The Board took at 5-minute break

The Board moved into Executive Session 7:02 p.m.

The Board at 7:28 p.m. went into Public session.

Vice Chair Mendiola moved, seconded Ms. Benavente, to rise out of executive session. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

Vice Chair Mendiola moved, seconded by Ms. Benavente, to create a Ad-hoc Committee to address Board matters.

Chairwoman Gutierrez stated that the Board policy states that the chair can appoint a special committee or Ad-hoc committee. She asked for volunteers. Mr. Crisostomo, Dr. McNinch, Ms. San Nicolas, and Mr. Ada volunteered.

The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

V. Adjournment

Mr. Mendiola moved to adjourn the meeting at 7:31 pm.

MINUTES SUBMITTED BY:

_____ Date: _____

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF OCTOBER 27, 2017 SPECIAL MEETING:
( ) Approved as submitted
( ) Approved subject to corrections
( ) Other: _____

_____ _____

MARIA A. GUTIERREZ
GEB Chairwoman

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: _____ Date: _____

Communications

Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913

RECEIVED
NOV 09 2017
GUAM EDUCATION BOARD
TIME 12:52 INITIAL

November 9, 2017

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OPINION MEMORANDUM **Ref: DPHSS 17-0531**

TO: Chair, Guam Board of Allied Health Examiners

FROM: Attorney General

SUBJECT: **Request for Legal Opinion Regarding Whether Guam Law Authorizes "Tele-Practice" of Professions Licensed by the Guam Board of Allied Health Examiners.**

This Office is in receipt of your request for a legal opinion on the question whether Guam law authorizes "tele-practice" of professions licensed by the Guam Board of Allied Health Examiners (GBAHE).

Discussion

With advancements in telecommunications technology more and more health professions around the nation are offering their services remotely, that is, outside the actual presence of the patient, whereas traditionally the patient and practitioner are in immediate physical proximity to one another. The Guam Board of Allied Health Examiners has requested a legal opinion from our Office on the question whether the "tele-practice" of any of the health professions regulated by the Board is authorized by law, and if so, whether the Board is authorized to promulgate rules and regulations governing the "tele-practice" of any of the professions subject to its jurisdiction. The question assumes that the practitioner is licensed by the Board, but is not on-island to render professional services face-to-face.

In its request the GBAHE notes two places in Title 10 Chapter 12, Guam Code Annotated that specifically mention tele-practice of a health profession. First, the Physicians Practice Act specifically excepts the practice of telemedicine from the requirements of licensure if the off-island physician is "providing consultation to a Guam licensed physician through the use of telemedicine technology," and provided certain conditions are met, *see* 10 GCA § 12202(b)(8). Second, the Guam Board of Examiners for Pharmacy's enabling legislation addresses the practice of telepharmacy, *see* 10 GCA § 12621. However, there is no profession regulated by the Guam Board of Allied Health Examiners under Article 8, Chapter 12, Title 10 where licensees are expressly authorized to engage with patients at a distance via telecommunications and information technologies. We believe that the presence of two express references to "tele-practice" in Title 10 Chapter 12 involving two discrete professions, and its absence from the rest of Chapter 12 influences the analysis.

COPY FOR YOUR INFORMATION

Applying the maxim *expressio unius est exclusio alterius* – the expression of one is the exclusion of all others – the question here is whether in the absence of specific statutory authorization for "tele-practice" of any profession regulated by the Board in Article 8, Title 10 Chapter 12, Guam Code Annotated, it is nonetheless permitted under Guam law.

The Supreme Court has "often noted that when 'Congress includes particular language in one section of a statute but omits it in another' [the Court presumes] that Congress intended a difference in meaning." *Loughrin v. United States*, 573 U.S. ___, ____, 134 S.Ct. 2384, 2390 (2014) (quoting *Russello v. United States*, 464 U.S. 16, 23 (1983)); *accord, Sebelius v. Cloer*, 569 U.S. 369, 378 (2013) ("We have long held that where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.") (quotation marks and citation omitted); and *Henson v. Santander Consumer USA, Inc.*, 582 U.S. ____, 137 S.Ct. 1718, 1723 (2017) ("And, usually at least, when we're engaged in the business of interpreting statutes we presume differences in language like this convey differences in meaning."). *Compare, Rinehart v. Rinehart*, 2000 Guam 14 ¶ 12 ("The fact that some Guam laws provide for telephonic testimony implies that Guam lawmakers would have included it in the testimonial rules if they truly desired it."). The references to telemedicine and telepharmacy in the articles governing physicians and pharmacists, and its absence elsewhere in any statutes regulating other health professionals, suggests that the Legislature did not intend to authorize "tele-practice" in the Allied Health professions.

On the other hand, Guam law provides that "[a] practitioner located in another state practicing within the state by electronic or other means without a license issued by the Board shall be deemed guilty of a felonious offense." 10 GCA § 12823(d). That suggests at least by negative implication that the Legislature was more than well aware of the practice of an allied health profession by electronic or other means, and that it did intend to authorize the tele-practice of allied health professions. Although we question the use of the second "state" in the part that reads "within the state" above where the phrase "within Guam" would have been more appropriate it nonetheless appears that the Legislature was cognizant of tele-practice of allied health professions, and the only limitation on it was that practitioners who engaged in the practice by electronic or other means from another jurisdiction must be licensed, else they are guilty of a felony.

Section 12823(d) was part of an overhaul of the Guam Allied Health Practice Act of 1998, P.L. 24-329 (Bill No. 695) (Dec. 31, 1998), which Governor Carl Gutierrez originally vetoed but whose veto was overridden by the Guam Legislature. There is no other legislative history readily available on P.L. 24-329. Nevertheless, subsections 12823(a)-(d) of the Allied Health Practice Act appear to be copied from the Physicians Practice Act, P.L. 24-208 (May 13, 1998), for they are nearly identical to 10 GCA § 12214(a)-(d). Whereas the Allied Health Practice Act substitutes "practice of an allied health profession" for "practice of medicine," § 12214(d) of the Physicians Practice Act is only slightly different. It states: "A physician located in another state practicing within the state by electronic or other means without a license, full, special purpose or otherwise, issued by the Board shall be deemed guilty of a felonious offense." *Id.* (italics added).

As noted, although there is no legislative history explaining what precisely the Legislature was thinking when it amended the Physician's Practice Act, other than that it was updating and modernizing it in keeping with recommendations from national organizations, the language of both acts compels us to conclude that the Legislature did, in fact, consider tele-medicine and the tele-practice of the allied health professions in May and December of 1998, and that telemedicine and tele-practice of the allied health professions are, in fact, recognized if not expressly authorized by Guam law.

That does not, however, end the inquiry. We note by way of further illustration that whereas tele-practice of allied health professions may be authorized, the terms "direct supervision" and "indirect supervision" in the definitions section of Article 8 Chapter 12 of Title 10 Guam Code Annotated limit supervision of allied health professional to that which is either "on the premises" or "on island."

> Supervision shall be one of the following:
>
> (A) Direct supervision shall mean supervision whereby a licensee diagnoses the condition to be treated, approves the work to be performed *and remains on the premises while the procedures are being performed.*
>
> (B) Indirect supervision shall mean supervision whereby a licensee authorizes the procedures which are being carried out, but need not be present on the premises when the authorized procedures are being performed. *The licensee must be available on Island by telecommunications.*

10 GCA 10 GCA § 12802(b)(11) (emphasis in italics added).*

We note also that physicians assistants are specifically required to be supervised by physicians who in turn must be either physically available on the premises or available *on island* by telecommunications. *See*, 10 GCA § 121601(d) ("Supervision means providing guidance of the services performed by the physician assistant. A supervising physician may be physically on the premises where the physician assistant is practicing, or be available on Island by telecommunication.").

///

*The Code appears to provide an exception to the definitions of direct and indirect supervision for "those fully licensed to practice allied health in another jurisdiction of the United States who briefly render emergency treatment, or briefly provide critical services at the specific lawful direction of an institution or Federal agency that assumes full responsibility for that treatment or service." 10 GCA § 12802(b)(11)(C)(vi)." However, although that sentence does appear in the original bill as a subsection (C) to the definitions of supervision under § 12802(b)(11), we believe that to be a scrivener's error, and that what was intended was for that sentence to be a standalone subsection (12) under § 12802(b).

And just recently in the field of speech-language pathology the Legislature has defined direct (initial) supervision to mean "supervision whereby a licensed Speech-language Pathologist diagnoses the condition to be treated, disseminates the therapy information to the SLPA-B [bachelor level speech-language pathology assistant], *and remains on the premises* while the procedures are being performed by an SLPA-B." Public Law 34-48, § 2 (Oct. 13, 2017), to be

codified at 10 GCA § 121801(f) (emphasis added). Indirect supervision is defined to mean "supervision whereby a licensed SLP [speech-language pathologist] authorizes the procedures that are being carried out, but need not be present on the premises when the authorized procedures are being performed by a SLPA-M. *The licensee must be available on island by telecommunications.*" *Id.* (emphasis added). It is clear then that whereas off-island tele-practice by a licensed speech-language pathologist may be authorized, supervision of a bachelor level speech-language assistant must be on-island.

It thus appears to us that if direct supervision means physically "on the premises" where the procedures or services are to be performed, and indirect supervision requires that the licensee "must be available *on island* by telecommunications," then the law does not authorize off-island supervision via tele-practice of any of the allied health professions. While tele-practice of the various allied health professions may be recognized by the Legislature, off-island supervision is not, even if the off-island practitioner is licensed by the Board. This is so because under any definition of the term, whether direct or indirect, supervision must be on-island.

Conclusion

While it appears that the Guam Legislature intended to permit the "tele-practice" of the various health professions licensed and regulated by the Guam Board of Allied Health Examiners pursuant to Article 8, Chapter 12, Title 10 of Guam Code Annotated, it also appears that supervision of any persons engaged in any of the health professions regulated by the GBAHE must be by persons physically located on-island.

We trust we have sufficiently addressed your inquiry. For further information concerning this matter, please use the reference number shown above.

Sincerely,

ELIZABETH BARRETT-ANDERSON
Attorney General

cc: Superintendent, GDOE
Chairperson, GEB
Senator Joe S. San Agustin

Ex-Officio Members Reports

GFT, AFT Local 1581
Together We Win!

Sanjay Sharma, President **Timothy Fedenko**, Vice President
Corazon Mucho, Secretary **James Lujan**, Treasurer

November 22, 2017
To: Guam Education Board Members
Subject: Ex-Officio GFT Report

Clarifications/Concerns (If not answered at the last GEB Meeting):

- Position Clarification: Teaching Coach. What are the duties and responsibilities of a Teaching Coach? How are these coaches selected?
- Position Clarification: Can elementary schools utilize their Chamorro teachers to either tutor or extend Chamorro time? There are blocks of time aside from preparatory period that could be available.
- Concern # 1: Matriculation- having to watch each other's (fellow teachers) students along with your class.
- Concern # 2: Finding coverage when going on leave
- Concern # 3: Scheduling 'mandatory'/'working' lunch meetings for SPED

Following Up:

- BRIP- Deadline of November 30th- What documents do candidates need to submit? Contingency for Lost/Misplaced Documents?

Audrey P. Mandapat
DOE Union Chair/ Ex-Officio GFT Representative
Guam Federation of Teachers
AFT Local 1581, AFl-CIO

Unfinished Business/Committee Reports

Addendum to Head Start Director's Report: November 22, 2017

Request for approval: Revision of Current Budget to purchase a vehicle and updated curriculum kits

Last week the program discussed proposals for use of personnel cost savings with Shirley Karrer, region IX Program Specialist and the Head Start Policy Council.

Proposal for use of Personnel cost savings: estimate: $140,000: vacant positions

1. Purchase a new vehicle to replace the 2003 truck and the 1999 Protégé sedan. Estimated cost $40,000- $50,000 (Cargo truck).

2. Purchase the 6th edition of Curriculum with expanded resources for the non duration classrooms with expanded resources.

   Curriculum updates: $3,149/kit The base cost would be $62,980 plus shipping and other expenses bidders add to the packet. The estimate is between $90,000 - $105,000. (Last year 7 sets cost the program $35,000) For the full day classrooms the program already updated the curriculum components. There are 20 centers who are using the 5th edition. The program needs to provide for all sites as there have been enhancements in the new addition.

   i. Science and technology, Social Studies, and the Arts.
   ii. expanded supplements to assist with lesson planning and ongoing individual assessments:
      1. e-books with discussion cards
      2. Intentional teaching cards
      3. Activities during transitions
      4. Non fiction books
      5. Family activities

Required Steps:

Once the steps listed below are completed the program is to submit request to change our line item budget (Budget Revision): Supplemental Grant Request

Approval obtained from the Policy Council on November 15, 2017

1. Vehicle: Estimated cost $40,000- $50,000 (Cargo truck)
   i. Obtain current price quotations: Currently being done.
   ii. Request approval from region IX to dispose of the property either via survey or trade in for new vehicle. **Request sent**
      iii. Obtain approvals from Governing Bodies:
         1. **Approval obtained from the Policy Council on November 15,2017**

2. Curriculum updates: $3,149/kit The base cost would be $62,980 plus shipping and other expenses bidders add to the packet. The estimate is between $90,000 - $105,000. (Last year 7 sets cost the program $35,000)

Department of Education
Office of the Superintendent
Date: 11/20/17 Time: 4:50pm
Rec'd By: Print Name Signature

Jon J. P. Fernandez
Superintendent of Education

GUAM HEAD START PROGRAM
DEPARTMENT OF EDUCATION
500 Mariner Avenue; Office E2
Barrigada, Guam 96913
Tel: (671) 300-1603/0604
Fax: (671) 477-1535
www.gdoe.net/headstart

Catherine M. Schroeder
Program Director, Head Start

Guam Head Start Program
Program Director's Report
November 2017

In accordance with Section 642 (d)(2) of the Head Start School Readiness Act of 2007 (P.L. 110-134), the DOE Guam Head Start Program is required to report specific information to the Guam Education Board and the Guam Head Start Policy Council on a monthly basis.

Financial(s): (Attachment A)

As of October 31, 2017 the program expended and encumbered 26.83% of its budget.

The program is proposing to use projected cost savings under personnel for the purchase of a new truck for the program. The current Pickup truck was purchased in 2003 and at 14 years old it is getting costly to maintain. The program is looking at an enclosed utility type vehicle. Final approval for this purchase would come from the Regional office as the cost exceeds $25,000.

The program is also considering for safety purposes surveying the 1999 vehicle and thereby decreasing the number of vehicles from 5 to 4.

Enrollment Information / Reports: (Attachment B)

The attendance for October was 84.09 %which is an improvement from the 81.48% in September.

The program currently has 52 children with a disability attending class.

Meal Report: (Attachment C: October Report)

Program Information: (Attachment D)

Staffing:

The program is interviewing for 2 full time aide positions, one (1) Community Program Aide (CPA) 1 (F), and one (1) Community Program Aide II (L funding). The applicant recommended for a CPA 1 position in March is currently being processed.

Department of Education
Office of the Superintendent
Date: 11/16/17 Time:
Rec'd By: 111601
Print Name Signature

Playground Padding Project:

The contractors received the shipment of surfacing material and should complete the project within the time frames approved by Region IX.

Policy Council:

The new Policy Council Chairperson is Joseph Aquino from C. L. Taitano 1 Head Start. He comes to this position with prior experience when he was a HS parent in the late 90's. The Vice Chair is last year's Chairperson: Christine Quitugua from Adacao Head Start. The first official meeting was well attended. The PC approved continuing to request new Head Start Aide positions in the local budget as the program moves toward full day HS by 2021.

Federal Budget and Grant Application:

The program will begin meetings with stakeholders to review progress to date and development the budget for the next grant year, which is the last year of this 5 year grant cycle.

Child Development and Health

Using the criteria of Widely Held Expectations for our curriculum, which compares assessment data describing children's knowledge, skills, and abilities for their age the fall findings are:

Domain	Below Expectations	Meeting Expectations	Exceeding Expectations
Social Emotional Development	49.81%	48.67%	1.52%
Physical Development (Gross and Fine Motor)	42.18%	56.44%	0.38%
Language Development	52.65%	47.35%	0%
Cognitive Development	54.73%	45,08%	0.19%
Literacy	58.33%	41.48%	0.19%
Mathematics	67.99%	31.63%	0.38%

CLASS results: CLassroom Assessment Scoring System looks at Teacher Child Interactions and is evidence based, and the approaches are imbedded in the performance standards. The results are attached. Overall the program meets the 2016 national average. Each classroom was observed and areas for professional development are being addressed.

Professional Development: During the week of October 23 two Region IX Early Childhood Specialists provided training and technical Assistance to our teaching staff. They addressed challenging behaviors and intervention strategies based on the Early Childhood Pyramid Model (similar to the PBIS pyramid). In addition they visited classrooms where the program and staff had identified behavioral challenges in the classroom.

Family/Community Partnerships

Registration is ongoing.

Head Start Awareness Month was a success. Seventy five families attended the parent Conference.

Community Partnerships: Program staff continue to be active participants with the Early Childhood Community projects and committees.

Communications: Office of Head Start (Attachment E)

The program received notice from the Federal Monitoring Company that the program is currently not scheduled for review this year. The program has the monitoring guidance packets and is currently reviewing and ensuring we have all the required documents ready for next school year.

Program Calendar and Announcements: November 1 – December 31.

Members of the Guam Education Board and DOE Management Team are welcome to attend all Head Start activities.

Date	Event
November 15	National Education Support Staff Day.
November 15	Policy Council Meeting: 6:30 – 8:30 Asan Senior, Youth and Head Start Parent Resource Room
November 27	Grantee Management Meeting: Head Start Conference Room Invitations forthcoming.
December 20	Policy Council Meeting: 6:30 – 8:30 Asan Senior, Youth and Head Start Parent Resource Room

Request: The program is requesting approval to request the purchase of a new vehicle to replace the pickup truck which is 14 years old, and to survey the 18 year old Protégé.

Submitted, November 13, 2017

CMSchroeder

Catherine M. Schroeder: Program Director

11.16.17

Joseph L. M. Sanchez: Deputy Superintendent of C&II

11/17/17

Jon J.P. Fernandez: Superintendent of Education

Row Labels	Sum of ORIGINAL APPROP	Sum of REVISED BUDGET	Sum of YTD EXPENDED	Sum of MTD EXPENDED	Sum of ENCUMBRANCE/ REQ	Sum of AVAILABLE BUDGET	% USED	% AVAILABLE
17								
32010								
0111 Full time salary	1,739,971.00	1,739,971.00	449,290.62	114,455.50	-	1,290,680.38	25.82%	74.18%
0113 substitutes	2,100.00	2,100.00	-	-	-	2,100.00	0.00%	100.00%
0114 Limited term salary	247,696.00	247,696.00	102,505.84	38,329.72	-	145,190.16	41.38%	58.62%
0121 Benefits	779,635.00	790,320.00	205,390.03	55,802.17	-	584,929.97	25.99%	74.01%
0222 Mileage	6,800.00	6,800.00	136.42	-	-	6,663.58	2.01%	97.99%
0230 Contractual	76,443.00	76,443.00	11,726.95	-	15,255.06	49,460.99	35.30%	64.70%
0240 Supplies	74,900.00	89,912.00	1,037.82	-	7,196.85	81,677.33	9.16%	90.84%
0250 Equipment	9,000.00	9,000.00	2,645.00	-	2,900.00	3,455.00	61.61%	38.39%
0290 Misc. reimburse parents	500.00	500.00	-	-	-	500.00	0.00%	100.00%
0710 Indirect cost Rate	19,187.00	19,187.00	-	-	-	19,187.00	0.00%	100.00%
32010 Total	**2,956,232.00**	**2,981,929.00**	**772,732.68**	**208,587.39**	**25,351.91**	**2,183,844.41**	**26.76%**	**73.24%**
32030								
0221 Off island mileagge	20,000.00	45,000.00	15,651.69	8,903.10	-	29,348.31	34.78%	65.22%
0222 Mileage	1,600.00	1,600.00	137.50	-	-	1,462.50	8.59%	91.41%
0230 Contractual	23,000.00	23,000.00	595.00	-	4,730.00	17,675.00	23.15%	76.85%
0240 Supplies	1,394.00	1,394.00	-	-	-	1,394.00	0.00%	100.00%
32030 Total	**45,994.00**	**70,994.00**	**16,384.19**	**8,903.10**	**4,730.00**	**49,879.81**	**29.74%**	**70.26%**
17 Total	**3,002,226.00**	**3,052,923.00**	**789,116.87**	**217,490.49**	**30,081.91**	**2,233,724.22**	**26.83%**	**73.17%**



09CH9160 - GUAM PUBLIC SCHOOL SYSTEM

End-Of-Month Enrollment - October 2017

[redacted]

Head Start

	Operated this month	*Last day of services provided*	*All clases/options in session*	*Reported Enrollment*	*Funded Enrollment*	*Status*
	Yes	Oct 31, 2017	Yes	534	534	Reported
Initially Reported:	On 11/01/2017 by Enrico Pegarido					
Last Updated:	On 11/01/2017 02:34:56 AM, EST by Enrico Pegarido					
Grantee Comments:	Total Enrolled in Class: 527 Total Vacancies Within 30 Days: 7 Total Vacancies Over 30 Days: 0 Total Vacancies Replaced After 30 Days: 1					

Guam Head Start Program

2301 - Average Daily Attendance

Program Term: HS Program Year 52, Enrollment Status: Enrolled Attendance Date: 10/2/2017 - 10/31/2017

Guam Head Start Program

	Attendance Records			Operating Days	ADA [1]	Funded Enrollment		Actual Enrollment	
	Present [5]	Absent [6]	Neither [7]			Count	% Attendance	Count [2]	% Attendance [3]
Adacao Elementary School	338	42	0	20.00 (avg)	16.90	19	88.95%	19.00	88.95%
Astumbo Elementary School	349	50	0	20.00 (avg)	17.45	20	87.25%	19.95	87.47%
C.L.Taitano Elementary School	671	129	0	20.00 (avg)	33.55	40	83.88%	40.00	83.88%
Carbullido Elementary School	620	160	0	20.00 (avg)	31.00	39	79.49%	39.00	79.49%
Chief Brodie Elementary School	597	148	0	20.00 (avg)	29.85	40	74.63%	37.25	80.13%
D.L.Perez Elementary School	590	137	0	20.00 (avg)	29.50	40	73.75%	36.35	81.16%
Finegayan Elementary	359	41	0	20.00 (avg)	17.95	20	89.75%	20.00	89.75%
H.S.Truman Elementary School	314	81	0	20.00 (avg)	15.70	20	78.50%	19.75	79.49%
Inarajan Elementary School	358	42	0	20.00 (avg)	17.90	20	89.50%	20.00	89.50%
J.M.Guerrero Elementary School	299	81	0	20.00 (avg)	14.95	20	74.75%	19.00	78.68%
M.Sablan Elementary School	342	58	0	20.00 (avg)	17.10	20	85.50%	20.00	85.50%
M.U.Lujan Elementary School	346	46	0	20.00 (avg)	17.30	20	86.50%	19.60	88.27%
M.Ulloa Elementary School	677	123	0	20.00 (avg)	33.85	40	84.63%	40.00	84.63%
Machananao Elementary School	339	52	0	20.00 (avg)	16.95	20	84.75%	19.55	86.70%
Merizo Martyrs Elementary School	338	46	0	20.00 (avg)	16.90	20	84.50%	19.20	88.02%
P.C.Lujan Elementary School	293	87	0	20.00 (avg)	14.65	20	73.25%	19.00	77.11%
Price Elementary School	692	66	0	20.00 (avg)	34.60	39	88.72%	37.90	91.29%
Talofofo Elementary School	306	54	0	20.00 (avg)	15.30	18	85.00%	18.00	85.00%
Upi Elementary School	352	48	0	20.00 (avg)	17.60	20	88.00%	20.00	88.00%
Wettengel Elementary School	591	169	0	20.00 (avg)	29.55	39	75.77%	38.00	77.76%
Guam Head Start Program	8,771	1,660	0	20.00 (avg)	438.55	534	82.13%	521.55	84.09%
Report Totals	8,771	1,660	0	20.00 (avg)	438.55	534	82.13%	521.55	84.09%

1. ADA for each clasroom is the sum of statuses selected to count as 'Present' on the setup screen divided by the Operating Days for that classroom.
2. Actual Enrollment Count for each classroom is the sum of the Present and Absent columns divided by the Operating Days
3. Percent Attendance is the Present count divided by the sum of Present and Absent Count
4. Site totals for ADA, Funded Enrollment Count, and Actual Enrollment count are the sum of that count for each of the site's classrooms.
5. Statuses counted as Present: Present(P), Tardy(T), Left Early(LE), Tardy and Left Early(TLE)
6. Statuses counted as Absent: Absent(A), Excused(E), Unexcused(U)
7. Statuses counted as Neither: No Class (-), Best Interest Day (B), Not Scheduled (N)

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GOVERNMENT OF GUAM
GUAM DEPARTMENT OF EDUCATION
STATE AGENCY FOR CHILD NUTRITION & FOOD DISTRIBUTION PROGRAMS
FEDERAL PROGRAMS DIVISION
THE CHILD AND ADULT FOOD CARE PROGRAM (CACFP)
FISCAL YEAR 2017/2018

MONTHLY SUMMARY OF MEAL ACTIVITY & REIMBURSEMENTS

*OCTOBER 2017

SCHOOL	BREAKFAST		SNACKS		LUNCH		TOTAL MEAL REIMBURSEMENT AMOUNT	CASH-IN-LIEU		GRAND TOTAL (REIMBURSEMENT)
	MEALS SERVED	REIMB AMOUNT	MEALS SERVED	REIMB AMOUNT	MEALS SERVED	REIMB AMOUNT		MEALS SERVED	REIMB AMOUNT	
	@ 1.75		@ 0.88		@ 3.23			@ 0.2325		
MARCIAL SABLAN ELEM	333	582.75	334	293.92	340	1,098.20	1,974.87	340	79.05	$ 2,053.92
JP CARBULLIDO ELEM	337	589.75	283	249.04	620	2,002.60	2,841.39	620	144.15	$ 2,985.54
CL TAITANO ELEM	664	1,162.00	336	295.68	663	2,141.49	3,599.17	663	154.15	$ 3,753.32
FINEGAYAN ELEM	358	626.50	359	315.92	359	1,159.57	2,101.99	359	83.47	$ 2,185.46
HS TRUMAN ELEM	291	509.25		-	304	981.92	1,491.17	304	70.68	$ 1,561.85
JM GUERRERO ELEM	311	544.25	312	274.56	312	1,007.76	1,826.57	312	72.54	$ 1,899.11
INARAJAN ELEM	358	626.50		-	358	1,156.34	1,782.84	358	83.24	$ 1,866.08
MA ULLOA ELEM	676	1,183.00	333	293.04	677	2,186.71	3,662.75	677	157.40	$ 3,820.15
MU LUJAN ELEM	345	603.75	342	300.96	344	1,111.12	2,015.83	344	79.98	$ 2,095.81
MERIZO ELEM	340	595.00		-	340	1,098.20	1,693.20	340	79.05	$ 1,772.25
PC LUJAN ELEM	293	512.75		-	293	946.39	1,459.14	293	68.12	$ 1,527.26
HB PRICE ELEM	348	609.00	335	294.80	690	2,228.70	3,132.50	690	160.43	$ 3,292.93
TALAFOFO ELEM	306	535.50		-	302	975.46	1,510.96	302	70.22	$ 1,581.18
UPI ELEM	352	616.00		-	351	1,133.73	1,749.73	351	81.61	$ 1,831.34
WETTENGEL ELEM	314	549.50	277	243.76	585	1,889.55	2,682.81	585	136.01	$ 2,818.82
DL PEREZ ELEM	606	1,060.50		-	604	1,950.92	3,011.42	604	140.43	$ 3,151.85
CHIEF BRODIE ELEM	598	1,046.50	311	273.68	605	1,954.15	3,274.33	605	140.66	$ 3,414.99
ASTUMBO ELEM	349	610.75		-	348	1,124.04	1,734.79	348	80.91	$ 1,815.70
MACHANAO ELEM	346	605.50		-	346	1,117.58	1,723.08	346	80.45	$ 1,803.53
LIGUAN ELEM		-					-	0	0.00	$ -
ADACAO ELEM	337	589.75		-	334	1,078.82	1,668.57	334	77.66	$ 1,746.23
		-		-						
TOTAL	7,862	$ 13,758.50	3,222	$ 2,835.36	8,775	$ 28,343.25	$ 44,937.11	8,727	2,040.19	$ 46,977.32

Prepared by: Elaine E. Cabrera — Date: 11.13.17
Program Coordinator I

Verified by: Cecile Olandez
Program Coordinator I

Certified by: — Date: 11/13/17
FNS Administrator

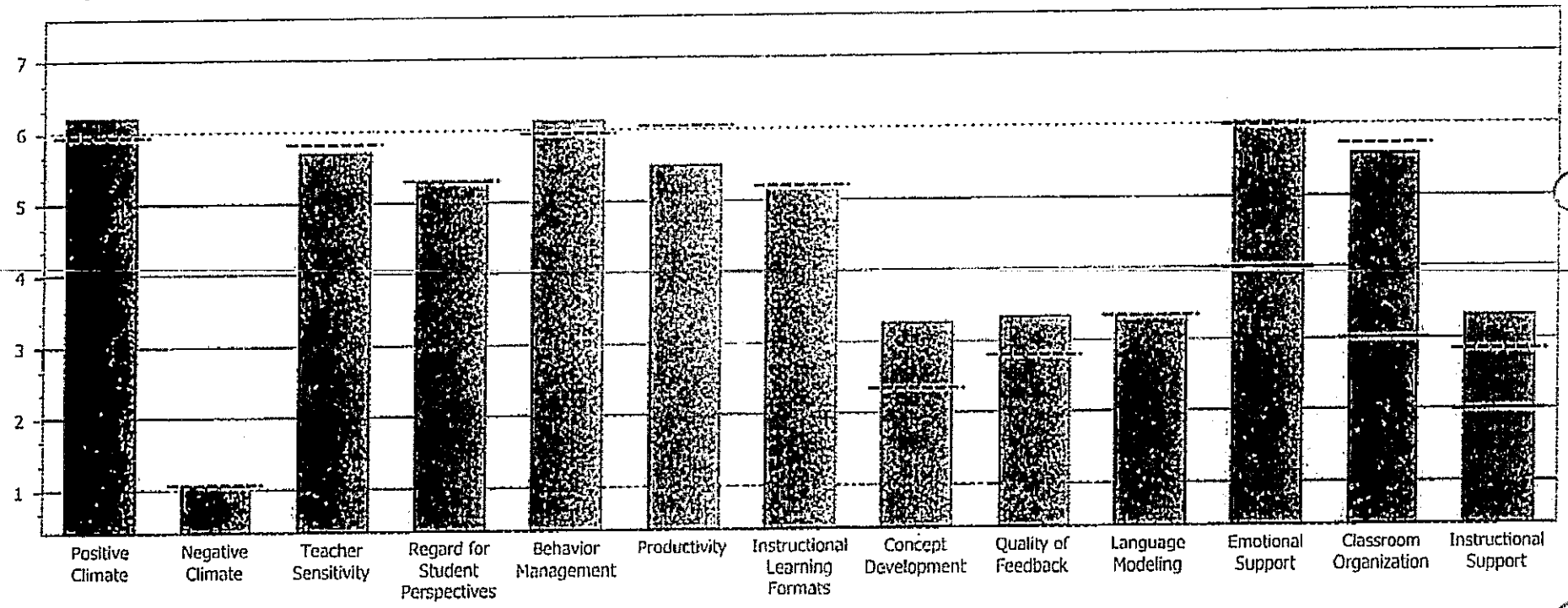
Guam Head Start Program

5630 - Pre-K CLASS® Average Score Charts

Observations occurring: 9/29/2017 - 10/31/2017

HS Program Year 52

2016 National Average - - - -
Re-competition Level ——



9/29/17 - 10/31/17

	PC	NC	TS	RSP	BM	PD	ILF	CD	QF	LM	ES	CO	IS
9/29/17 - 10/31/17	6.22	1.07	5.7	5.31	6.15	5.5	5.15	3.28	3.35	3.33	6.04	5.6	3.32

Generated with data collected via Classroom Assessment Scoring System® (CLASS®), Pianta et al © 2008 Brookes Publishing Co.

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Catherine M. Schroeder <cmschroeder@gdoe.net>

FY 2018 Monitoring

2 messages

DLH Corp <ohsmonitoring@danya.com>
Reply-To: ohsmonitoring@danya.com
To: cmschroeder@gdoe.net

Sat, Oct 14, 2017 at 7:09 AM

E

DLH

Dear Grantee,

This email is to inform you that your agency is not currently scheduled to receive a Focus Area 1, Focus Area 2, or Classroom Assessment Scoring System (CLASS®) review in Fiscal Year 2018. However, please keep in mind that the Office of Head Start reserves the right to schedule reviews at any time as the need arises.

Although you are not currently scheduled for a review, we encourage you to get acquainted with AMS 2.0 and the changes to monitoring that align with the new Head Start Performance Standards (HSPPS). A number of resources are available to support you:

- Early Childhood Learning & Knowledge Center at https://eclkc.ohs.acf.hhs.gov/federal-monitoring
- Aligned Monitoring System Virtual Expo at https://onlinexperiences.com/Launch/Event.htm?ShowKey=43448

If you have any questions, please contact DLH Danya at hsreviewplanning@danya.com.

Thank you,

DLH Danya

DLH Corp, 8737 Colesville Road, Suite 1100, Silver Spring, MD 20910

Doc. No. 34GL-17-1322

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. ___- 34 (COR)

Introduced by: Mary Camacho Torres

AN ACT TO ADD CHAPTER 9A TO TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR ADEQUATE HEALTH SERVICES IN PUBLIC SCHOOLS; TO BE KNOWN AS THE "STUDENT HEALTH SERVICES ACT."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that many students with chronic health conditions or illnesses attend Guam's schools and require medications that affect attendance or program participation. Administering these medications presents a challenge. While many schools may have a licensed nurse available, there are also schools where students have limited access to personnel trained to administer critical medications, especially in emergency situations. In the case of diabetes and seizure disorders, timely administration of medication can save a student's life. Every second counts. Due to the increasing number of students who require medication during the school day, whether in the classroom or on a field trip, school nurses sometimes need to delegate the administration of medications to nonmedical personnel such as teachers. This is especially true in emergency situations where there may not be time to summon the school nurse. While teachers and other school employees have long wanted to help, current policies and procedures have prevented them from doing so. This situation places students at risk.

Section 2. Chapter 9A, Title 17, Guam Code Annotated is added to read:

"§ 9A101. Citation.

This Chapter may be cited as the *Student Health Services Act*.

§ 9A102. Declaration of Public Policy.

I Liheslaturan Guåhan declares that students with chronic health conditions or illnesses should not be prevented from receiving critical medications in the most expedient and safe manner possible. This Chapter is intended to remove unnecessary limitations on a school's ability to delegate health services responsibility, including emergency administration of diabetes and seizure medications.

§9A103. Student Health Services.

(a) The Guam Department of Education shall provide leadership and assistance to local schools relating to student health services. The department, working in cooperation with the Department of Public Health and Social Services, shall provide, contract for services, or identify resources to improve student health services, including but not limited to the following:

(1) Standardized protocols and guidelines for health procedures to be performed by health professionals and school personnel. The protocols and guidelines shall include but not be limited to the following:

(A) The delegation of nursing functions consistent with administrative rules and regulations promulgated by the Guam Board of Nurse Examiners;

(B) Training of designated nonmedical school personnel; and

(C) Appropriate documentation and recordkeeping including, but not limited to, notification to school administrators and parents or guardians of the provision of health services by a school employee, including certification of medical necessity for health services signed

by a health care professional, and informed consent for the provision of health services by a parent or guardian.

A copy of the protocols and guidelines shall be made available to each school in Guam and shall be maintained by each school in a publicly available place;

(2) Consultation, technical assistance, and development of quality improvement measures for the Superintendent and individual public schools;

(3) Facilitation of data collection and reporting of school health services; and

(4) Information and resources that relate to the provision of school health services.

(b) The Department of Education shall establish a position to assist in carrying out the responsibilities required under subsection (a) of this Section. The position may be established with existing personnel resources, or by contract, with an individual who:

(1) Holds, at a minimum, a bachelor's degree in nursing with a master's degree in nursing or a related field from an accredited postsecondary institution; and

(2) Is a registered nurse licensed under the provisions of Chapter 12, Title 10, Guam Code Annotated.

§ 9A104. Provision of Health Services.

(a) As used in this Section:

(1) *Health services* means the provision of direct health care, including the administration of medication; the operation, maintenance, or health care through the use of medical equipment; or the administration of clinical procedures. "Health services" does not include first aid or emergency procedures.

(2) *Superintendent* means the superintendent of the Guam Department of Education.

(3) *School employee* means an employee of the public schools of Guam, not to include a Department of Defense school.

(b) Health services shall be provided, within the health care professional's current scope of practice, in a school setting by:

(1) A physician who is licensed under the provisions of Chapter 12, Title 10, Guam Code Annotated;

(2) An advanced practice registered nurse, registered nurse, or licensed practical nurse who is licensed under the provisions of Chapter 12, Title 10, Guam Code Annotated;

(3) A non-licensed health technician that has the administration of health services in his or her contract or job description as a job responsibility and who is delegated responsibility to perform the health service by a physician, advanced practice registered nurse, or registered nurse and has been trained and approved in writing by the delegating physician or delegating nurse for delegable health services; or

(4) A school employee who is delegated responsibility to perform the health service by a physician, advanced practice registered nurse, or registered nurse; and

(A) Has been trained by the delegating physician or delegating nurse for the specific health service, if that health service is one that could be delegated by the physician or nurse within his or her scope of practice; and

(B) Has been approved in writing by the delegating physician or delegating nurse. The approval shall state that the school employee consents to perform the health service when the employee does not

have the administration of health services in his or her contract or job description as a job responsibility, possesses sufficient training and skills, and has demonstrated competency to safely and effectively perform the health service. The school employee shall acknowledge receipt of training by signing the approval form. A copy of the approval form shall be maintained in the student's record and the personnel file of the school employee. A delegation to a school employee under this paragraph shall be valid only for the current school year.

(c) If no school employee has been trained and delegated responsibility to perform a health service, the Superintendent shall make any necessary arrangement for the provision of the health service to the student in order to prevent a loss of a health service from affecting the student's attendance or program participation. The Superintendent shall continue with this arrangement until appropriate school personnel are delegated the responsibility for health care under this Section.

(d) A school employee who has been properly delegated responsibility for performing a medical procedure under this section shall act as an agent of the school and be granted liability protection under the Federal Paul P. Coverdell Teacher Liability Protection Act of 2001, Pub. L. No. 107-110, unless the claimant establishes by clear and convincing evidence that harm was proximately caused by an act or omission of the school employee that constitutes negligence, willful or criminal misconduct, or a conscious, flagrant indifference to the rights and safety of the individual harmed.

(e) Nothing in this Chapter shall be construed to deny a student his or her right to attend public school and to receive public school services, or to deny, prohibit, or limit the administration of emergency first aid or emergency procedures.

§ 9A105. Emergency Administration and Self-Administration of Diabetes and Seizure Disorder Medications.

(a) The Superintendent shall have at least one (1) school employee at each school who has met the requirements of § 9A104 on duty during the entire school day, including any after school programs, to administer or assist with the self-administration of the following medication:

(1) Glucagon subcutaneously to students with diabetes who are experiencing hypoglycemia or other conditions noted in the health care practitioner's written statement under subsection (d)(2) of this section;

(2) Insulin subcutaneously, through the insulin delivery method used by the student and at the times and under the conditions noted in the health care practitioner's written statement under subsection (d)(2) of this section; and

(3) A seizure rescue medication approved by the United States Food and Drug Administration and any successor agency.

(b) For those assigned the duties under paragraph (a) of this Section, the training provided under § 9A104 shall include instruction in administering insulin and glucagon, as well as recognition of the signs and symptoms of hypoglycemia and hyperglycemia and the appropriate steps to be taken to respond to these symptoms.

(c) Any training program or guidelines adopted by any state agency for training of school personnel in the diabetes care tasks covered by this section shall be fully consistent with training programs and guidelines developed by the American Diabetes Association. Notwithstanding any Guam agency requirement or other law to the contrary, for purposes of this training a Guam school shall be permitted to use any adequate and appropriate training program or guidelines for training of school personnel in the diabetes care tasks covered under this section.

(d) Required Written Statements. Prior to administering any of the medications listed under subsection (a) of this Section to a student, the student's parent or guardian shall:

(1) Provide the school with a written authorization to administer the medication at school;

(2) Provide a written statement from the student's health care provider, which shall contain the following information:

(A) Student's name;

(B) The name and purpose of the medication;

(C) The prescribed dosage;

(D) The route of administration;

(E) The frequency that the medication may be administered; and

(F) The circumstances under which the medication may be administered; and

(3) Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy intact.

(e) The statements required in subsection (d) of this Section shall be kept on file in the office of the school nurse or school administrator.

(f) Limitations on Liability. The Superintendent shall inform the parent or guardian of the student that the school and its employees and agents shall not incur any liability as a result of any injury sustained by the student from any reaction to any medication listed under subsection (a) of this section that a parent or guardian has authorized the school to administer to a student to treat a hypoglycemic or hyperglycemic episode or a seizure or its administration, unless the injury is the result of negligence or misconduct on behalf of the school or its employees. The parent or guardian of the student shall sign a written statement acknowledging that

the school shall incur no liability except as provided in this subsection, and the parent or guardian shall hold harmless the school and its employees against any claims made for any reaction to any medication listed under subsection (a) of this Section that a parent or guardian has authorized the school to administer to a student to treat a hypoglycemic or hyperglycemic episode or a seizure or its administration if the reaction is not due to negligence or misconduct on behalf of the school or its employees.

(g) Renewal of Permission. The permission for the administration of any of the medications listed under subsection (a) of this Section shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subsections (d) to (f) of this Section.

(h) Expiration Dates. The school nurse or school administrator shall check the expiration date monthly for each medication listed under subsection (a) of this Section that is in the possession of the school. At least one (1) month prior to the expiration date of each medication, the school nurse or school administrator shall inform the parent or guardian of the expiration date.

(i) Self-Performance of Diabetes Care Tasks. Upon the written request of the parent or guardian of the student and written authorization by the student's health care practitioner, a student with diabetes shall be permitted to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of his or her diabetes in the school setting and at school-related activities. A student shall be permitted to possess on his or her person at all times necessary supplies and equipment to perform these monitoring and treatment functions. Upon request by the parent or student, the student shall have access to a private area for performing diabetes care tasks.

(j) Equal Access. The Superintendent shall permit a student who has diabetes or a seizure disorder to attend the same school the student would attend if the student did not have diabetes or a seizure disorder. Such a student may only be transferred to a different school based on health care needs if the individualized education program team, the Section 504 team, or, if appropriate, the student's health services team, makes the determination that the student's health condition requires that the student's care be provided by a licensed health care professional at a different school. For the purpose of this determination, the teams shall include the parent or guardian. The parent or guardian may invite the student's treating physician to the team meeting and the team shall consider the physician's input, whether in person or in written form, when making this determination. This determination shall be based on individualized factors related to the student's health conditions. The Superintendent shall not prohibit a student who has diabetes or a seizure disorder from attending any school on the sole basis that:

(1) The student has diabetes or a seizure disorder;

(2) The school does not have a full-time school nurse; or

(3) The school does not have school employees who are trained in accordance with § 9A104 and assigned to provide care under this Section.

(k) Parents or guardians of students who have diabetes or a seizure disorder shall not be required or pressured by school personnel to provide care for a student with diabetes or a seizure disorder during regular school hours or during school-related activities in which the student is a participant. For the purposes of this paragraph, a participant is not a student who merely observes the activity.

(l) The requirements of subsections (a) to (k) of this Section shall apply only to schools that have a student enrolled who:

(1) Has a seizure disorder and has a seizure rescue medication approved by the United States Food and Drug Administration and any successor agency prescribed by the student's health care provider; or

(2) Has diabetes mellitus and has any of the medications listed under subsection (a) of this Section prescribed by the student's health care provider.

(m) Nothing in this Section shall be construed to require a school employee to consent to administer medications listed under subsection (a) of this Section to a student if the employee does not otherwise consent to provide the health service under § 9A104.

(n) Notwithstanding any other provision of the law to the contrary:

(1) The administration of the medications listed under subsection (a) of this Section by school employees shall not constitute the practice of nursing and shall be exempt from all applicable statutory and regulatory provisions that restrict the activities that may be delegated to or performed by a person who is not a licensed health care professional; and

(2) A licensed health care professional may provide training to or supervise school employees in the administration of the medications listed under subsection (a) of this Section."

Office of the Speaker
BENJAMIN J.F. CRUZ
I Mina'trentai Kuatro na Liheslaturan Guåhan
Committee on Appropriations and Adjudication

November 27, 2017

Transmitted via Electronic Mail
magutierrez@gdoe.net

Maria Gutierrez
Chairperson
Guam Education Board
Department of Education
P.O. Box DE
Hagatna, GU 96932

Re: Invitation for Testimony on Bill No. 204-34 (COR)

Dear Ms. Gutierrez:

Håfa Adai! Please be advised that the Committee on Appropriations and Adjudication will conduct **TWO (2)** Public Hearings on **TUESDAY, DECEMBER 05, 2017** with the following schedule:

2:30 PM **LOCATION:** Guam Legislature Public Hearing Room, Guam Congress Building

6:00 PM **LOCATION:** Simon Sanchez High School Cafeteria, Yigo

With respect to your experience and perspective, the Committee invites you to provide testimony on the following:

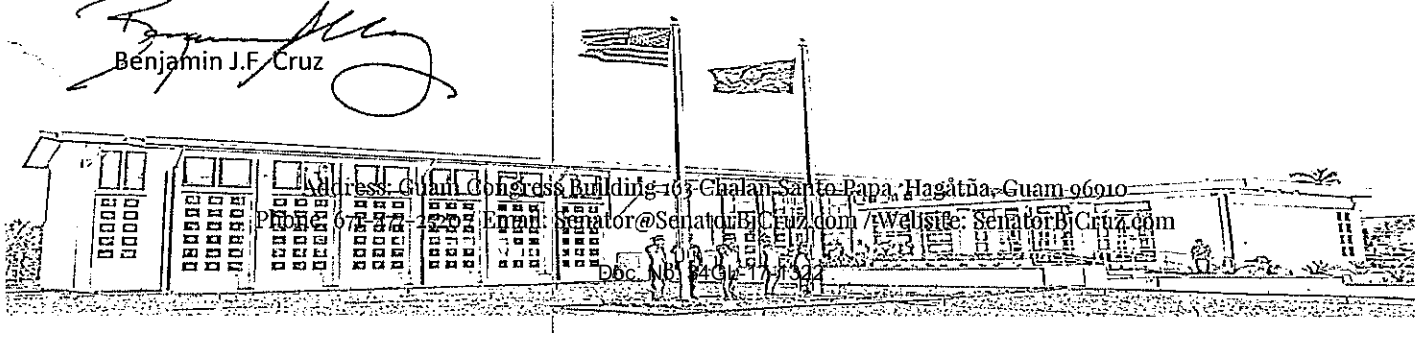
> **Bill No. 204-34 (COR) – Frank B. Aguon** – An act to *amend* §§ 58D105(a) and 58D112, and *add* a new § 58D105(e), all of chapter 58D, title 5, Guam Code Annotated, relative to designating the Guam Department of Education as the procuring entity for purposes of any solicitation respecting the construction and/or renovation of Simon Sanchez High School under a longterm lease-back.

If you wish to provide written testimony, please transmit it at least one day prior to the hearing. Testimony may be submitted to the Office of Speaker Benjamin J.F. Cruz, Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, GU 96910. It may also be sent via email to senator@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mr. Carlo J. Branch at 477-2520 or via email at carlo.branch@senatorbjcruz.com.

Respectfully,

Benjamin J.F. Cruz



Address: Guam Congress Building 163 Chalan Santo Papa, Hagåtña, Guam 96910
Phone: 671-477-2520 Email: Senator@SenatorBJCruz.com / Website: SenatorBJCruz.com

Doc. No. 1711-17-1324

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 204 **-34 (COR)**

Introduced by: FRANK B. AGUON
Joe S. San Agustin

AN ACT TO *AMEND* §§ 58D105(a) AND 58D112, AND *ADD* A NEW § 58D105(e), ALL OF CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO DESIGNATING THE GUAM DEPARTMENT OF EDUCATION AS THE PROCURING ENTITY FOR PURPOSES OF ANY SOLICITATION RESPECTING THE CONSTRUCTION AND/OR RENOVATION OF SIMON SANCHEZ HIGH SCHOOL UNDER A LONGTERM LEASE-BACK

2017 NOV -1 AM 10:09

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Organic Act of Guam mandates the government of Guam to provide *'an adequate public educational system of Guam, and to that end shall establish, maintain and operation publics schools according to the laws of Guam.'* Section 29, Organic Act of Guam. 48 USC §1421g(b). Guam law defines an adequate public educational system as one that requires an education provided in a healthy, safe and sanitary learning environment. 1 GCA §715 (k) and (l).

I Liheslaturan Guåhan further finds an immediate need to protect the substantial interest of the Territory by providing an adequate public educational system to the students, parents, and faculty of Simon Sanchez High School.

I Liheslaturan Guåhan further finds that the Governor of Guam, *I Liheslaturan Guåhan*, Guam Department of Education, the students, parents, and faculty of Simon Sanchez High School all have a genuine vested interest in the construction of Simon Sanchez High School.

I Liheslaturan Guåhan further finds that numerous attempts to change the procurement solicitation process for the construction of a new Simon Sanchez High School have been made, with the most recent attempt being Public Law 34-19. Public Law 34-19 changed the solicitation process from a Request for Proposal solicitation to a general solicitation.

I Liheslaturan Guåhan further finds that the execution of the solicitation process for the construction of a new Simon Sanchez High School by the Department of Public Works resulted in another protest.

I Liheslaturan Guåhan further finds that after numerous protests against the Department of Public Works regarding the solicitation of the construction of a new Simon Sanchez High School, it would be in the best interest of all stakeholders to designate the Guam Department of Education as the procuring entity. Furthermore, if a protest against the Guam Department of Education should arise, authorization must be granted to the Guam Department of Education, after consultation with and the written concurrence of the Attorney General or designated Deputy Attorney General, to make a written determination that the award of the contract without delay is necessary to protect substantial interests of the Territory.

It is, therefore, the intent of *I Liheslaturan Guåhan* to designate the Guam Department of Education as the procuring entity for purposes of any solicitation respecting the construction and/or renovation of Simon Sanchez High School under a longterm lease-back.

Section 2. § 58D105(a) of Chapter 58D, Title 5, Guam Code Annotated, is *amended* to read as follows:

"(a) The ~~government of Guam or an education agency~~ Guam Department of Education *shall* solicit ~~through the Department of Public Works~~, in compliance with the Guam procurement law, for the renovation or construction of the education facility under a thirty (30) year lease-back arrangement, together with insurance and maintenance of the education facility over the lease-back period, according to its ~~the~~ needs ~~of the education agency~~ and consistent with this Chapter.

(1) The solicitation *shall* specifically state the minimum specifications that will be required for a submitted proposal to be considered.

(2) The determination of responsible offerors and responsive offers *shall* be made by ~~a selection committee comprised of the Superintendent of the Department of Education, serving as Chairman, and including the Director of the Department of Public Works or Deputy Director, the Director of the Department of Land Management or Deputy Director, the Administrator of the Guam Environmental Protection Agency or Deputy Administrator, and the Administrator of the Guam Economic Development Authority or Deputy Administrator~~ the Guam Department of Education.

(3) The ~~committee~~ Guam Department of Education *shall* evaluate offerors and offers received based on the requirements set forth in the solicitation for renovation or construction of the education facility."

Section 3. The first sentence in the first paragraph of § 58D112 of Chapter 58D, Title 5, Guam Code Annotated, is *amended* to read as follows:

"Prior to undertaking the work of renovating or constructing a new Simon Sanchez High School, the Guam Economic Development Authority, ~~the Department of Public Works,~~ the Guam Department of Education, and the developer or contractor *shall* negotiate and enter into a binding construction contract to renovate or construct a new Simon Sanchez High School in

accordance with the Guam Building Code (21 GCA Ch. 67), and any other applicable requirements."

Section 4. A new § 58D105(e) is *added* to Chapter 58D of Title 5, Guam Code Annotated, to read as follows:

"(e) Notwithstanding any other provision of law, rule, or regulation, in the event of a timely protest under 5 GCA § 5425(a), or under 5 GCA § 5480(a), the Guam Department of Education *shall not* proceed further with the solicitation or with the award of the contract prior to final resolution of such protest, and any such further action is void, unless:

(1) The Department of Education, after consultation with and the written concurrence of the Attorney General or designated Deputy Attorney General, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the Territory."

Section 4. Severability. If any provision of this law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this law that can be given effect without the invalid provisions or application, and to this end the provisions of this law are severable.

Early Childhood Education - School Profile Data

No.	District	School	Enrollment SY2017.2018	Public Prek	GATE Pre	HeadSt	Rooms	Free&Reduce (12/23/13)	ESL	SpEds	Com.Interest
1	Kattan	Acadao Elementary School	533	0	0	19	1	100%	56%	4%	
2	Luchan	Agana Heights Elementary School	400	0	0	0	0	100%	28%	4%	
3	Lagu	AsTumbo Elementary School	583	0	14	20	0	100%	48%	4%	
4	Luchan	CL Taitano Elementary School	602	0	0	40	0	100%	32%	4%	
5	Kattan	Carbullido Elementary School	492	0	14	39	0	100%	30%	12%	
6	Luchan	Chief Brodie Elementary School	329	0	0	38	0	100%	79%	3%	
7	Lagu	DL Perez Elementary School	657	0	0	40	4	100%	53%	2%	
8	Lagu	Finegayan Elementary School	849	18	0	20	4	100%	62%	2%	
9	Haya	HS Truman Elementary School	372	0	14	19	1	100%	30%	4%	
10	Haya	Inarajan Elementary School	241	0	0	20	7	100%			
11	Lagu	JM Guerrero Elementary School	711	0	0	20		100%	55%	4%	
12	Kattan	JQ San Miguel Elementary School	503	18	0	0	1	100%	N/A	3%	
13	Luchan	LBJ Elementary School	243	18	28	0	0	100%	58%	2%	
14	Lagu	Liguan Elementary School	557	0	0	0	0	100%	52%	3%	
15	Lagu	MA Ulloa Elementary School	719	0	0	40	8	100%	46%	3%	
16	Haya	MU Lujan Elementary School	601	0	14	20	6	100%	25%	3%	
17	Lagu	Machanaonao Elementary School	534	0	14	20	0	100%	56%	3%	
18	Haya	Marcial Sablan Elementary School	437	18	0	20	7	100%	45%	6%	
19	Haya	Merizo Elementary School	270	0	0	20		100%	18%	3%	
20	Kattan	Ordot Chalan Pago Elementary School	493	0	0	0	0	100%	30%	5%	
21	Kattan	PC Lujan Elementary School	387	0	0	20	4	100%	34%	8%	
22	Kattan	Price Elementary School	703	0	28	37		100%	46%	3%	
23	Haya	Talofofo Elementary School	301	0	0	18		100%	15%	5%	
24	Luchan	Tamuning Elementary School	595	0	0	0	0	100%	58%	7%	
25	Lagu	Upi Elementary School	882	0	0	20	0	100%	58%	4%	
26	Lagu	Wettengel Elementary School	701	0	0	39	1	100%*	48%	5%	
			13,695	72	126	530		*All Schools qualify for Free Lunch Program			

GUAM EDUCATION BOARD
RESOLUTION NUMBER 2017-22

Introduced by: **Guam Education Board Members**

RELATIVE TO SUPPORTING THE EXPANSION OF THE PILOT PRE-KINDERGARTEN PROGRAM WITHIN THE GUAM DEPARTMENT OF EDUCATION.

WHEREAS, quality Pre-Kindergarten Programs prepare children to do their best by nurturing their social-emotional, cognitive, and physical development; enhancing their self-confidence; and fostering a lifelong desire to learn; and

WHEREAS, ensuring access to quality Pre-Kindergarten Programs for 4-year-olds whose parents choose to send them has proven to be one of the soundest educational investments the public can make, providing demonstrated, significant, long-term savings on the costs of special education, grade retention, welfare and crime; and

WHEREAS, over the last three-years, a total of two-hundred sixteen (216) children have benefited from their participation at the four Pilot Pre-Kindergarten Programs, which aimed to support and enhance young children's learning through high-quality early experiences. The implementation of the Pilot Pre-Kindergarten Program continues to meet the strategy in Goal 1 of the State Strategic Plan, which is to "Support efforts to implement a high quality pre-kindergarten program in all of our schools to promote early learning opportunities and school readiness in all children."

WHEREAS, during July 2017, Department of Education submitted the Pilot Pre-Kindergarten Program Evaluation of its current four program to the Guam Education Board. The evaluation reflected the implementation of the program activities of SY2015-2016. The Evaluator compiled the evidence/artifacts on the Pilot Pre-Prekindergarten Program and concluded that the program was "a successful well-planned, well-managed program that is worthy to be replicated in other public elementary schools";

WHEREAS, quality preschool programs should be funded adequately in order to assure adherence to established standards of quality and to attract and keep certified Early Childhood Education professionals and compensate them at levels comparable to those in the Guam Department of Education's K-12 system; be inclusive of children with special needs; be offered in culturally, ethnically and linguistically appropriate settings; be clearly articulated with the K-12 system and programs serving younger children; be linked to full-day, to meet the needs of working families;

WHEREAS, during SY2017-2018, the Guam Department of Education will begin planning for the expansion of the Pilot Prekindergarten Program to commence in SY2018-2019. The second phase of the pilot of a full-day Pre-Kindergarten Program include an additional four elementary schools, one classroom at each school in the Haya, Kattan, Luchan and Lagu districts; and

WHEREAS, further expansion of the pre-kindergarten program must take into account the availability of other pre-kindergarten options at the schools being considered; the cost of construction, equipment and supplies; and community demand for pre-k services;

NOW, THEREFORE, BE IT RESOLVED that the Guam Education Board of the Guam Department of Education approves the expansion of four additional pre-kindergarten classrooms, one in each of the Haya, Kattan, Luchan and Lagu districts, as proposed by the Superintendent; and

BE IT FURTHER RESOLVED that the Guam Education Board will work with a broad spectrum of community members and policy makers to increase voluntary access to high-quality Prekindergarten for 4-year-olds in a variety of settings, including schools, child care centers, Head Start programs and family child care homes.

DULY AND REGULARLY ADOPTED BY THE GUAM EDUCATION BOARD ON THIS 27TH DAY OF NOVEMBER 2017.

MARK B. MENDIOLA
Acting Chairman, Guam Education Board

JON J. P. FERNANDEZ
Executive Secretary, Guam Education Board

FY 2019 BUDGET PROCESS TIMELINE

DATE	TASK	RESPONSIBILITY
September 1 & 11, 2017	Budget Committee Meets	Budget Committee Members
Wednesday, September 13, 2017	Budget Committee submits recommended updates FY 2019 Budget Guidelines to Superintendent for approval.	Budget Committee Members, Superintendent
Tuesday, September 19, 2017	Budget Call FY 2019	Superintendent
Tuesday, September 19, 2017	Posting of FY2019 Budget Guidelines on Budget Website	Budget Office
September 18-22, 2017	Submission of prospective Teacher Reclassification to Human Resources Division	Principals/Division Heads
September 18-22, 2017	Staffing Pattern Distribution with School Administrators and Division Heads	Human Resources Office Division/Principals/Division Heads
Monday, September 25, 2017	Deadline to submit public hearing date, time, and location to ESCL Office. REF: APPENDIX F.	Principals/Division Heads
October 2-October 31, 2017	Conduct Public Hearings to Solicit Stakeholder Input for FY 2019 School Budgets. USE FORMS IN APPENDIX E, Post on-line survey	Principals, Budget Office
Monday, October 23, 2017	Professional Development Day #4	
Oct 30 Elem; Nov 1 Middle;Nov 3 High	Parent – Teacher Conference Days	
Tuesday, October 31, 2017	Deadline to SUBMIT Stakeholder Input for FY2019. (Electronic Surveys)	Principals, Budget Office
Thursday, November 2, 2017	HOLIDAY – All Souls Day	
Wednesday, November 8, 2017	Deadline to SUBMIT FY 2019 Budget to Deputy Superintendent of Finance & Administration through the GDOE Budget Office.	Principals/Division Heads
Friday, November 11, 2017	HOLIDAY – Veteran's Day	
November 15-17, 2017	Schools (November 15, 16, 17) and Divisions (November 15,16, 17) Budget Presentations to the Superintendent of Education	Principals/Division Heads, Budget Office, Deputy Superintendents, Superintendent of Education
Thursday, November 23, 2017	HOLIDAY-Thanksgiving Day	
November 20-December 11, 2017	Prepare Overall FY2019 Budget Packets for submission to the Superintendent of Education & Budget Team meeting with Deputies	Budget Office
Friday, December 8, 2017	HOLIDAY – Our Lady of Camarin	
December 13-15, 2017	Elementary Schools (December 13), Secondary Schools (December 14) and Divisions (December 15) Budget Presentations to GEB	Principals/Division Heads, Budget Office, Deputy Superintendents, Superintendent of Education, GEB, Superintendent, Budget Team
Monday, December 25- January 5, 2017	HOLIDAYS – Christmas Day/ New Years Day Christmas Break	
January 3-5, 2018	GEB FY2019 Budget Work Sessions	GEB, Superintendent, Deputy Superintendent FAS, Budget Team
January 10-12, 2018	Final Budget Adjustments, Review and Certification.	Principals/Division Heads, Budget Team
Monday, January 15, 2018	HOLIDAY – Martin Luther King, Jr. Day	
Tuesday, January 23, 2018	GEB Adoption of FY 2019 Budget	GEB/Superintendent/Deputy Superintendent FAS
Tuesday, January 30, 2018	Superintendent Submits GDOE FY2019 Budget to the 34th Guam Legislature & Governor of Guam	Superintendent

New Business

Executive Session

THE FORK IN THE ROAD…
Aligning "New Flexibility" with Federal Education Grant Requirements

Brustein & Manasevit, PLLC's Fall Forum 2017

Cosmopolitan Hotel – Clark County, NV
November 29 – December 1, 2017

Tuesday, November 28, 2017

3:30 – 6:00pm Early Forum Check-In (All Attendees)

Wednesday, November 29, 2017

7:00 – 8:30am Pre-Session Registration (Pre-Session Attendees ONLY)

7:00 – 8:30 Breakfast (Pre-Session Attendees ONLY)

8:30 – 11:00 Pre-Session 1: ESSA Implementation – Now What?
Leigh Manasevit, Jennifer Mauskapf and Bonnie Graham, Brustein & Manasevit, PLLC

On July 1, 2017 the Every Student Succeeds Act (ESSA) went into effect! Since then regulations, guidance and recent changes have affected the way this law must be implemented. This pre-session will review all of the major compliance sections and discuss implementation challenges since its enactment.

8:30 – 11:00 Pre-Session 2: EDGAR – A Tutorial on Navigating 245 Pages of Federal Administrative Rules.
Michael Brustein and Steven Spillan, Brustein & Manasevit, PLLC

This is a basic level review of the grants administrative requirements under the Education Department General Administrative Regulations (EDGAR). This pre-session will provide an overall review of the specific sections of EDGAR that will be reviewed in more depth during the rest of our forum.

These are optional pre-sessions that requires separate registration (or must be included as an add-on to forum registration).

Attendees checking in for the pre-session, who are also attending the forum, will receive both the pre-session and forum materials at this time.

All pre-session attendees will receive a copy of Brustein & Manasevit's "The Administrator's Handbook on EDGAR, 3rd Ed." Therefore, onsite registration will be limited.

Brustein & Manasevit, PLLC's Fall Forum 2017

Wednesday, November 29, 2017

10:00am	**Fall Forum Check-In (All Attendees)**
1:00 – 1:30	**Introduction** Bonnie Graham, Brustein & Manasevit, PLLC
1:30 – 2:15	**How Deregulation Will Impact Compliance** Michael Brustein, Brustein & Manasevit, PLLC
2:15 – 3:15	**Legislative Panel on Funding and Policy Implementation** Steven Spillan, Emily Fridman, and Kelly Christiansen, Brustein & Manasevit, PLLC Moderated by Michael Brustein, Brustein & Manasevit, PLLC
3:15 – 3:30	**Break**
3:30 – 4:15	**How To Detect and Deter Fraud** Leigh Manasevit, Brustein & Manasevit, PLLC
4:15 – 5:00	**Understanding Supplement Not Supplant Under ESSA, IDEA, and Perkins** Bonnie Graham, Brustein & Manasevit, PLLC
5:00 – 6:30	**Networking Reception**

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Brustein & Manasevit, PLLC's Fall Forum 2017

Thursday, November 30, 2017

7:00 – 8:30 **Continental Breakfast**

8:30 – 9:15 **The Importance of Subrecipeint Monitoring**
Steven Spillan, Brustein & Manasevit, PLLC

9:15 – 10:15 **State Panel Auditing Findings and Successful Corrective Actions**
Panelists: Hector Arancibia (Los Angeles Unified School District), Lorna Claudio (Arkansas Department of Career Education), Barbara Goldsby (Colorado Department of Education), Penni Haberly (Technical College System of Georgia)
Moderated by Michael Brustein, Brustein & Manasevit, PLLC

10:15 – 10:45 Break

CONCURRENT BREAKOUT SESSIONS

	Grants Management	Postsecondary/ Perkins/AEFLA/ WIOA	ESSA Compliance	Special Education
10:45 – 12:00	***Federal Grants Management Test*** Bonnie Graham and Emily Fridman	***WIOA*** Michael Brustein and Steven Spillan	***State Ombudsmen Panel*** Panelists: Colleen Brooks (CO DOE), Cory Green (TEA), Christopher Kelly (VA DOE), Shaun Owen (GA DOE) Moderated by: Leigh Manasevit	***How to Avoid Common Due Process Complaints*** Jennifer Mauskapf and Monica Munin
12:00 – 1:30	**Lunch**			
1:30 – 2:45	***Time and Effort – From the Beginning to New Flexibility*** Steven Spillan and Megan Passafaro	***Perkins V and Federal Monitoring*** Michael Brustein	***The Community Eligibility Program Under the Current Administration*** Kelly Christiansen and Leigh Manasevit	***Allowability Hot Topics Under IDEA*** Bonnie Graham and Jennifer Castillo
2:45 – 3:15	**Break**			
	Grants Management	**ESSA Compliance**	**ESSA Compliance**	**Special Education**
3:15-4:30	***Indirect Cost Rate Development and Oversight*** Ted Mueller, Formerly of the USDE Indirect Cost Group	***Serving English Learners with Federal Funds*** Jennifer Mauskapf	***21st CCLC Programs Under ESSA*** Steven Spillan and Megan Passafaro	***How to Defend Against Section 504 Complaints*** Jennifer Castillo and Monica Munin

Brustein & Manasevit, PLLC's Fall Forum 2017

Friday, December 1, 2017

7:00 – 8:30 **Continental Breakfast**

8:30 – 9:15 **Updates and Initiatives by Risk Management Services**
Phil Maestri, Director, Risk Management Service, U.S. Department of Education
(invited)

9:15 – 9:45 **The Administration's Efforts to Reduce OCR Efforts**
Jennifer Mauskapf, Brustein & Manasevit, PLLC

9:45 – 10:00 **Break**

10:00 – 10:45 **Blending and Braiding of Federal Funds**
Leigh Manasevit, Brustein & Manasevit, PLLC

10:45 – 11:30 **How to Avoid Financial Management Pitfalls**
Bonnie Graham, Brustein & Manasevit, PLLC

11:30 – 12:00 **Questions and Answers Panel**
Brustein & Manasevit Attorneys

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