# DEPARTMENT OF EDUCATION
## OFFICE OF THE SUPERINTENDENT

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**JON J. P. FERNANDEZ**
Superintendent of Education


December 22, 2017

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

GL# 34-18-1360
Speaker Benjamin J.F. Cruz

JAN 0 2 2018

Time: 1005 [✓] AM [ ] PM File No. _____
Received By: _____

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

**Dear Governor Calvo and Speaker Cruz:**

***Håfa Adai!*** Pursuant to Public Law 31-233, Section 38, *Reporting Requirements for Boards and Commissions,* attached are electronic copies of the Guam Education Board's meeting agenda, approved minutes and other documents as discussed at the October 17, 2017 regular board meeting. The meeting was held at Superintendent's Conference Room, Building A., Tiyan.

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

*Senseramente,*

**JON J. P. FERNANDEZ**
Superintendent of Education

2018 JAN -2 AM 11:38

Attachment
- E-Copies of GEB Meeting Packet

cc: GEB Members
Deputy Supt., FAS
File

1360

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 (8-0) to approve the minutes with corrections.

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 for Central Office to meet with the Officials from the Guam Shipyard who were willing to meet with high school seniors and interview those who qualify for entry-level positions but 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 as Chairman of the Board.

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 teachers 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 they're 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:

LEILANI M. B. CRUZ
Administrative Officer

Date: December 21, 2017

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

MARIA A. GUTIERREZ
GEB Chairwoman

Date: 12/28/17

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: 12/22/17