DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J.P. FERNANDEZ
Superintendent of Education

February 16, 2018

GL# 34-18-1541
Speaker Benjamin J.F. Cruz

FEB 16 2018
Time: 340 [ ] AM [ ] PM File No: 34155
Received By:

Honorable Benjamin J.F. Cruz
Speaker, 34th Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

Dear Speaker Cruz:

Håfa Adai! I am submitting the Guam Education Board packet for the Regular Board meeting scheduled for Tuesday, February 20, 2018, 6 pm, at the Superintendent's Conference Room, Bldg. A, Tiyan.

Should you have any questions, please contact me at 300-1627.

Attachment
- GEB Meeting Packet

cc: File

2018 FEB 16 PM 3:59

1541

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

MARK B. MENDIOLA
Chairman

MARIA A. GUTIERREZ
Vice Chairwoman

8th Guam Education Board
REGULAR MONTHLY MEETING
Tuesday, February 20, 2018
6 PM
Superintendent's Conference Room, Building A., Tiyan

AGENDA

I. Meeting Call to Order

II. Approval of Minutes

ACTION 1. Minutes of December 12, 2017 Regular meeting

ACTION 2. Minutes of December 27, 2017 Special meeting

ACTION 3. Minutes of January 23, 2018 Regular meeting

ACTION 4. Minutes of January 26, 2018 Special meeting

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

IV. Communications

INFO 1. Superintendent's Report and Communication

V. Ex-Officio Member Reports

INFO 1. IBOGS

INFO 2. GFT

INFO 3. Mayor's Council of Guam

VI. Unfinished Business/ Committee Reports

1. Executive Committee

ACTION a. Committee Assignments/Updates

INFO b. Strategic Plan Update (Robert Crisostomo)

ACTION c. NASBE Legislative Conference Travel Approval

2. Instructional & Academic Support Committee

ACTION a. Head Start Report

3. Safe & Healthy Schools Committee

4. Organizational Efficiency and Development Committee

5. Fiscal Management

INFO/ACTION a. FY 2018 Budget Reductions

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

Banker: Guam would be highest tax jurisdiction for US banking

By Andrew Roberto
andrew@postguam.com

Sen. Dennis Rodriguez Jr.'s proposal to change the way Guam banks are taxed "would make Guam the highest tax jurisdiction for banking anywhere in the United States," and that's not good for consumers, said local banker Philip Flores.

Rodriguez proposed taxing the banking industry on qualified gross income, as one of the ways to fund the cash-strapped Guam Memorial Hospital.

Guam banks are already subject to the 4 percent gross receipts tax, but the tax is assessed on net income.

What the GMH bailout legislation, first proposed by the governor through Bill 230-34, would do is apply the tax on banks' gross revenue, rather than net income. Rodriguez further proposed recently to revise the tax system, and tax banks based on qualified gross income.

"Banks are taxed on a net basis nationwide," said Flores, chairman and president of BankPacific.

The result of the proposal from the governor, and now Rodriguez, according to Flores, would be passing on costs to consumers in the form of higher interest rates on loans and lower rates paid on savings accounts.

'A significant outlier'

Flores shared with the legislative leadership a letter from the American Bankers Association that if the proposed tax change occurred, it would make Guam's tax approach "a significant outlier, relative to the taxation of banks across the country."

"We know it's not a good idea," he said.

In his letter to Speaker Benjamin Cruz, Rodriguez referenced a recent decision by the Congress of the Philippines to begin taxing banks based on gross income.

According to the Philippine Bureau of Internal Revenue, banks are taxed on gross receipts at a rate of 5 to 7 percent.

A higher tax has meant a higher cost of borrowing in the Philippines, Philippine banking websites show. For instance, in the Philippines, a two-year car loan carries an interest rate of 14 percent, and the rate increases as the repayment terms get longer. A 10- to 20-year home loan can carry an interest rate of more than 10 percent a year in the Philippines. That's at least two or three times the rates on Guam for home loans, and three times or higher for car loans.

But according to Troy Torres, Rodriguez's senior policy adviser, a tax increase on banks does not hurt consumers.

He said taxing based on gross income "levels the playing field" for businesses already being taxed that way.

"Every other business is pitching in by paying at a gross rate," Torres said. He added, "In our current laws, netted out from the consideration of gross receipts for banks are everything from personnel expenses to marketing and advertising. If every business had that same opportunity, then I think (other businesses) would be very happy."

"There will be an even bigger advantage to consumers because banks have to be more competitive," Torres said, referring to credit unions. However, credit unions have a limit on the loans they can extend, local bankers have said.

Effect on health insurance

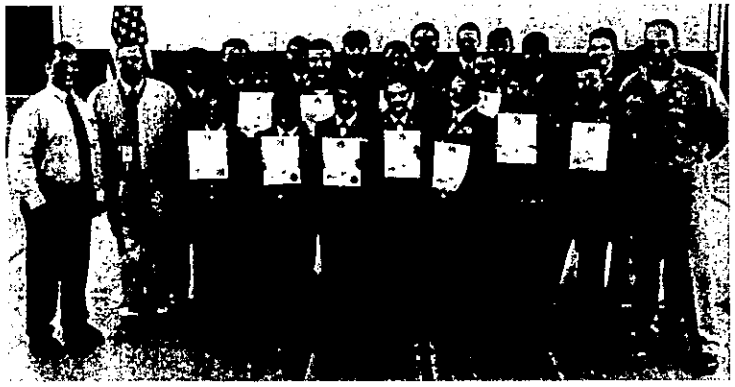
The island's health insurance industry also faces a tax increase in the proposals to bail out GMH.

"Any kind of tax is going to be passed on to consumers," said Jerry Crisostomo, plan administrator at NetCare Life & Health Insurance Co.

Crisostomo said increased health insurance costs might lead employers to avoid offering insurance altogether and that there could be an increase in the island's uninsured population.

"(Insurance company) margins are not large enough to absorb the tax," Crisostomo said.

Aguon recognizes NJROTC teams



CERTIFICATES: *Sen. Frank Aguon Jr. presented certificates to 22 students from the Guam High School Navy Junior Reserve Officers Training Corps drill and marksmanship teams. The teams participated in four competitions: the Department of Defense Education Activity (DODEA) Pacific Drill Meet and the East Region Drill Meet, both held in Japan; and the South Region Marksmanship Meet in Japan and the South Region Marksmanship Meet in South Korea. They were led by instructors Cmdr. Douglas Bowling and Chief Mark Franchino and were accompanied by designated "Team Mom" Gina Punzalan. Photo courtesy of the Office of Sen. Frank Aguon Jr.*

GOVERNMENT OF GUAM
BEFORE THE COMMISSIONER OF
BANKING & INSURANCE

Discover Property & Casualty Insurance Company
Petitioner

In the Matter of the
Application for Withdrawal and to
Permanently Discontinue the
Transaction of Insurance Business
In Guam pursuant to Title 22 GCA §15113

NOTICE OF INTENTION TO WITHDRAW

Notice is hereby given that Discover Property & Casualty Insurance Company
of One Tower Square, MS08A, Hartford, CT, USA
Intends to Withdraw and to
Permanently Discontinue the Transaction of
Insurance Business in Guam.
All persons interested in this matter should write to
The Company at the above address
Or call 860-954-5660 or the Office of
The Commissioner of Banking and Insurance
At Barrigada, Guam at 671-635-1844/5/6.

MARK S. MENDIOLA
Chairman

GUAM EDUCATION BOARD
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MARIA A. GUTIERREZ
Vice Chairwoman

PUBLIC NOTICE

8th Guam Education Board
REGULAR MONTHLY MEETING
Tuesday, February 20, 2018
6 PM
Superintendent's Conference, Building A., Tiyan

AGENDA

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

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

This advertisement was paid by GDOE local funds.

Doc. No. 34GL-18-1541.

Minutes

MARIA A. GUTIERREZ
Chairwoman

GUAM EDUCATION BOARD

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

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

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.

Chairwoman Gutierrez mentioned that there are members that will be leaving the meeting by 7 pm. The agenda under unfinished business/committee reports, 3.b. Bill No. 204-34 (COR) Simon Sanchez High School Procurement will be moved up for action right after the Superintendent's communication.

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.
Lujan, James C.
McNinch, Dr. Ronald L.
San Nicolas, Lourdes B.

Non-Voting Members:
Samelo, Ernie (SHS)- IBOGS Representative
Mandapat, Audrey P. (SSHS) - GFT Representative
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison*

**Arrived after roll call*

Absent:
Crisostomo, Robert A.- Excused

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

Seven (7) Board members were present, constituting a quorum.

II. Approval of Minutes

1. Minutes of October 17, 2017 Regular meeting

2. Minutes of October 27, 2017 Special meeting

Mr. Mendiola moved (subject to corrections), seconded by Mr. Lujan, to approve the minutes of October 17, 2017 regular meeting and October 27, 2017, special meeting. The Board voted by voice (7-0) to approve the minutes with corrections. The motion passed.

III. Public Participation

Barbara Gilman, a Physical Education and Ballroom Dance teacher at John F. Kennedy High School, opposes to granting a PE credit to those who are enrolled with the JROTC program. She believes that students who do not take a PE course will miss the opportunity to enjoy sports and acquire motor skills taught within the PE course. She thinks that PE will encourage one to lead an active a healthy lifestyle throughout their lives.

Chairwoman Gutierrez announced for the record the presence of Mayor Matanane.

Chairwoman Gutierrez stated to Ms. Gilman that the Board has not reviewed or received the document she presented tonight. She announced that committee on the Board will have a work session on December 20, 2017, 3 pm at the Superintendent's Conference Room to participate and voice concerns.

Superintendent Fernandez thanked Ms. Gilman for sharing her concerns. He mentioned that this topic was not on the agenda for discussion but it is on curriculum agenda for discussion.

Anthony Taianao, preservice teacher in training at the University of Guam (majoring in secondary Physical Education and Health) shared his concerns regarding the recent proposal to allow high school students to receive their Physical Education credits instead of taking a substitution class offered in the Department.

Jill White, a Physical Education teacher at Southern High School opposes JROTC being used as a PE credit because they don't have the same requirements.

Fred Guzman, a Physical Education and Health teacher at John F. Kennedy High School, shared that JROTC doesn't have the same curriculum as PE does. PE allows students to become more active to deter from diseases.

Mr. Lujan thanked the PE teachers for attending the Board meeting and sharing their opinions towards the credit. He mentioned that he shared with the teachers that the Board was going to discuss the issue but wasn't sure when it'll be discussed.

Superintendent Fernandez mentioned that there isn't a pending proposal nor is there any central office review.

Tom Terlaje addressed his concerns to Superintendent Fernandez and Deputy Sanchez that, at Okkodo High School, the students take JROTC for two years and it will equal one PE credit.

IV. Communications

1) Superintendent's Report and Communication

Superintendent Fernandez mentioned that he's reporting on the following highlights of the past month since the last Guam Education Board regular meeting on October 17, 2017. The report was circulated earlier to those in attendance at the November 25, 2017, scheduled meeting for which there was no quorum. In addition, he updated the report to reflect any changes since then, and those items are reflected in the underlined paragraphs.

State of Education- The Superintendent held his annual state of education presentation at Okkodo High School on Wednesday, December 6, 2017. The address focused on the efforts in 2018.

1. Rebuilding Simon Sanchez High School
2. Requesting that the US DOE consider removing the special conditions placed on GDOE
3. Proposing a business privilege tax (BPT) increase to support GDOE facilities
4. Redesigning High School
    a. Revise Goal 1 of State Strategic Plan (Graduate Outcomes)
    b. Strengthening Freshman Academies
    c. Develop clearer college and career pathways in high school
    d. Build school-business partnership to strengthen pathways
    e. Expand credit recovery
    f. Provide students with early opportunities to develop college and career options

Joint Education Board Meeting- Superintendent Fernandez thanked everyone for the attending the Joint Education Board work session held on Saturday, December 9, 2017.

The Joint Education Board met based on the following agenda: FY 2018 Budget; College & Career Readiness (Dual Enrollment Accelerated Learning Program/DEAL, Dual Credit Articulated Program of Study/DCAPS, Classroom Learning Yield Math and English Readiness/CLYMERS); High School Redesign (Middle College); Data Sharing and Transition; Setting Common Objectives for Degree/Certificate Completion; REL Pacific Workshop; Financing Educational Institutions; State Longitudinal Data System; Teacher Preparation and Certification.

Charter School Update- On Thursday, December 7, 2017, the Council met but took no action on the charter school applications. The Council decided to approach the Legislature to determine the status of pending legislation that would separate the budgets of GDOE and the charter schools and lift the cap on non-converted charter schools.

Pre-K Expansion- Superintendent Fernandez mentioned that this item is on the agenda for the Board to take action tonight.

Solar Power Purchase Agreement- GDOE met with Attorney General Barrett-Anderson to go the over the latest version of the solar power purchase agreement with the Guam Education Financing Foundation (GEFF) to install solar power at Acadao Elementary School, Liguan Elementary School, AsTumbo Middle School, and Okkodo High School. GDOE will be finalizing its determination on the financial benefit and saving for the department based on recent market conditions and will be seeking the AG's approval so that work can begin in December 2017. The timing is critical in order for GEFF to be able to take advantage of a tax credit that is set to expire at the end of the year.

GDOE provided the AG with an updated determination that it would be in the best value of the department to proceed with the Power Purchase Agreement. The rate has been renegotiated to begin at 16.3 cents per kilowatt-hour with an escalator of 1%. They're looking forward for the AG's review to be completed.

Mr. Lujan moved, seconded by Vice Chair Mendiola, to approve the Superintendent's Report and Communication.

Vice Chair Mendiola shared about the Brustein & Manesevit conference that he was able to attend on November 28- December 2, 2017. He mentioned that he had the opportunity to meet with Bill Roberti of Alvarez & Marsal and Phil Maestri, Division of Risk Management, US DOE regarding the department's special conditions.

He further mentioned that he shared with them that the department is ready to submit a request of a review of the special conditions. In the previous months, it was discussed certain conditions that have been faced in the department. The third party is willing to come in and review; however, one of the issues they want the Board to address is ensuring the sustainability of department's efforts.

Ms. San Nicolas recommended creating a plan of action and a timeline as a proposal to US DOE.

The Board voted by voice and approved the motion with a vote of (7-0.) The motion passed.

Chairwoman Gutierrez announced that under VI. Unfinished business/ committee reports, 3. Safe & Healthy Schools Committee, b. Bill No. 204-34 (COR) Simon Sanchez High School Procurement will be moved up on the agenda.

Mr. Lujan reported that a work session was held on December 5, 2017. He mentioned that he supports the bill based on Superintendent Fernandez's testimony and caveats to the legislature.

Superintendent Fernandez mentioned that, because the proposal was on the table, he said the department is willing to take the lead on the procurement and at the same time they still need to have the availability and accessibility of the other agencies, should the department need their expertise.

Chairwoman Gutierrez mentioned that she met Senator San Agustin today and told him that the Board will support the bill on the condition that the Superintendent's testimony is incorporated.

Ms. San Nicolas commented that whatever the decision is, that information be transmitted to the legislature as soon as possible.

Mr. Lujan moved, seconded by Vice Chair Mendiola, to support Bill No 204-34 (COR) Simon Sanchez High School Procurement. The Board voted by roll approved the motion with a vote of 8-0 (Yeas: Chairwoman Gutierrez, Vice Chair Mendiola, P. Ada, L. Benavente, J. Lujan, R. McNinch, and L. San Nicolas) The motion passed.

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

Superintendent Fernandez mentioned that this was forwarded to him on a legal opinion to the Division of Special Education. This will determine if it will allow the department to move forth and work with "Tele-Practice" practitioners versus the continuous struggle with personnel shortage in the department on specialized allied health positions.

This issue is how we are able to provide services to our students in need of services. What "Tele-Practice" allows is a remote therapy that is able to be provided to students from off-island providers.

The question is if it's an authorized practice as one of their conditions.

Chairwoman Gutierrez referred this to the Safe and Healthy Schools and Curriculum committee.

V. Ex-Officio Committee

1) IBOGS

Ernie Samelo reported the student exchange that was held on December 1, 2017 was huge success. He mentioned that they received positive feedback about it. He thanked Chairwoman Gutierrez for dropping by 2 schools. The students are hoping to have another event soon.

2) GFT

Mrs. Mandapat thanked Mr. Lujan for relaying her report while she was absent and mentioned that she'll wait for the update.

Mrs. Mandapat inquired about the status on the BRIP being that the deadline was on November 30, 2017. She mentioned that some teachers called and texted about the documents they need to submit or that their documents are not with personnel office. They would like to know what is the next step.

Vice Chair Mendiola mentioned that they held a work session and gave a deadline for November 30, 2017 to turn in the documents. Based on what the department has on their files along with what GFT has submitted, the Board gave the department a little more time to ensure all the documents were reviewed and corrected. He further mentioned that a work session will be scheduled some time soon.

3) Mayors' Council of Guam

Mayor Matanane mentioned that the problem with the grass cutting at Southern High School was discussede during the council meeting last week. He further mentioned that Mayor Alvarez is requesting to meet in this setting so that he can let the Board know what is really happening.

Chairwoman Gutierrez mentioned that she went to the "student exchange" at Southern High School. She asked how many times the grass gets cut being the mayor has only 3 schools. The principal said that he was told that the mayor was supposed to cut it twice a month.

She added that she gets calls regarding grass cutting.

She mentioned to Mayor Matanane that the Board would like to meet with the Mayors' Council as a whole regarding bus shelters at the school.

Vice Chair Mendiola asked the Superintendent to schedule a meeting with DPW, Mayors' Council, and the Board to discuss the duties and responsibilities.

VI. Unfinished Business/Committee Reports

1) Executive Committee

a. NASBE Travel Report

Chairwoman Gutierrez mentioned that all Board members who attended the NASBE conference will have to submit a travel report that will be placed on GEB website.

She shared that when she attended the business meeting as the voting delegate, she raised an issue on amending the by-laws. She asked NASBE for full consideration that a Pacific Region representative be included to give Guam and the CNMI an opportunity to be on the Board of Directors.

She mentioned that they have tried to run for "Board of Directors" but were outnumbered.

She further mentioned that she conducted a research "National State Board" which is another organization with 49 states. She added that they do have a Pacific Region representative.

b. Resolution Presentation

Chairwoman Gutierrez mentioned that this resolution will be presented to Ms. Lourdes B. San Nicolas, Board member at the Special Meeting scheduled on Wednesday, December 27, 2017.

c. GEB Procedural Manual and Code of Ethics

Ms. San Nicolas mentioned that she asked for this item to put on the agenda because there has been a lot of time and effort with Chris Anderson, and former Board member Kenneth Chargualaf, and the Superintendent. She further mentioned that she attended several work sessions and she feels that

this is long overdue and it needs to be put in place. She would like to be transparent with the public on how they function as Board members.

She asked Dr. McNinch for an update on the GEB Procedural Manual and Code of Ethics. Dr. McNinch responded that he reviewed the document and did some editing. One of the problem with the current document is he's trying to do a redacting and editing process.

He recommended adopting a whole new set based on the old one simply because doing the old rule/ new rule will take too long. He mentioned that many of the items in the current procedural manual are reflected in the different statutes.

Chairwoman Gutierrez asked Dr. McNinch to schedule a work session so the Board can move forward. Dr. McNinch responded that he will talk to the Superintendent about scheduling a work session.

2) Instructional & Academic Support Committee

a. Head Start Report

Mrs. Schroeder announced that they received an extension for the payment of the playground equipment that was a 2nd request since the contractor had difficulty with the port. The extension is until the 19th of December 2017, and the final report to the Office of Head Start will be due January 30, 2018.

She mentioned that a request was for Region IX to dispose of the 2 vehicles, which was approved and would cost $5,000. (1999 Mazda Portege and 2003 ford pickup truck with 160,000 miles).

Mrs. Schroeder mentioned that they had a work session with the policy council to discuss the request to transfer funds from personnel to purchase a new cargo truck and curriculum materials. She further mentioned that the policy council has already approved and forwards the recommendation to the Board.

Ms. San Nicolas moved, seconded by Mr. Lujan, to approve the Head Start Directors report and to approve the request to revise the current budget to purchase a vehicle and updated curriculum sets. The Board voted by voice and approved the motion with a vote of (7-0.) The motion passed.

3) Safe & Healthy Schools Committee

a. Administration of Medicine at schools

Mr. Lujan mentioned that they had a work session on December 5, 2017 for Bill No. 204-34 (COR) and Administration of Medicine at schools, which is a

draft bill, by Senator Torres. After much discussion, they decided to support it upon the recommendation of the Superintendent.

Superintendent Fernandez mentioned that he met with Senator Mary Torres along with Julietta Quinene. They discussed including Epinephrine (EpiPen) and other short list of emergency medications. He further mentioned that the idea is to train and allow non-medically certified personnel in an emergency situation to administer the medication.

Superintendent Fernandez mentioned that the legislation hasn't been formally introduced; when it is he will advise the Board of the managements recommendation and see if the Board would like to take a position at that time.

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

This item was moved up on the agenda.

4) Organizational Efficiency and Development Committee

5) Fiscal Management

a. Pre-K Expansion

Superintendent stated that he had the updated resolution that includes the actual schools that are being proposed for expansion. He mentioned that he had a work session with Mr. Joe Sanchez and Mrs. Eloise Sanchez to go over the resolution. He named the four schools that they will propose for school year 2018. They are Maria Ulloa Elementary, Inarajan Elementary, Agana Heights Elementary and P.C. Lujan Elementary. He commented that the total of pre-k students will be 144 students every year and it will prepare students for kindergarten. He stated that based on the Board's discussion prior to the resolution being presented, they were concerned about ensuring that they fill the gaps in the community as well as the need to work with schools that have available classrooms. He mentioned that Agana Heights was the only school that did not have an existing classroom, but they will work on demolishing and building a classroom. He commented that if the Board grants the approval they can start quickly to get the classroom ready for the start of 2018-2019.

Mr. Mendiola made a motion to approve the resolution 2017- relative to supporting the expansion of the pilot pre-kindergarten program within the Guam Department of Education.

Chairwoman asked about D.L. Perez not being included. Superintendent Fernandez explained that he thought that the committee had decided not to

include D.L. Perez at the work session but apologized if there was a misunderstanding.

Superintendent commented that the construction of the last 4 classrooms cost around $500, 000 because they did not take into consideration the cost of the new construction rather they looked at the location. He stated that this time around they looked at schools that did not need significant work besides Agana Heights.

Ms. San Nicolas asked if the department received additional funding for the expansion or if there was a reprogramming of personnel to support the expansion.

Superintendent responded that the department can spend up to $1 million according to Speaker BJ Cruz to support expansion. He stated that they are open to discussions, but he was concerned that if they are going to open 2018 they need to move forward.

Mayor Matanane asked if they took into consideration the buildup.

Mr. Sanchez responded that they didn't look at the buildup in particular, but they did look into the population that was the biggest factor. He explained that the issue that they were considering was one per region. He further stated that if they want to remove the per region and choose in terms of population, they can do that.

Chairwoman asked if there can be more than 4.

Mr. Sanchez stated yes, but it is a funding issue.

Mr. Lujan moved, seconded by Ms. Benavente, to amend the motion to include D. L. Perez Elementary School provided the assessment of the Superintendent and subject to the availability of funds. The Board voted by voice and approved the motion with a vote of (7-0.) The motion passed.

b. FY 19 Budget Schedule

Vice Chair Mendiola mentioned that the work sessions are scheduled for January 3-5, 2018 to review the budget as proposed by the Department of Education.

c. BRIP Update

This item was moved up on the agenda.

d. Charter School Update

Chairwoman Gutierrez mentioned that she received an email from the speaker's office regarding Bill No. 191-34 (LS) Public Hearing on Monday, December 18, 2017, 2 pm at the Guam Congress Building.

Vice Chair Mendiola mentioned that the Board took a position and sent a letter to the legislature asking them to consider separating our duties and responsibilities. He further mentioned that he received a copy of the proposed legislation and he has reservations regarding some of the language of the legislation.

He added that GDOE's level of funding in which is requested is always decreased but the funding for the charter schools is never decreased.

Ms. San Nicolas suggested to hold a work session, digest the information, go before the legislature, and let them where we stand.

Vice Chair Mendiola requested to schedule a work session on December 15, 2017, 3 pm to discuss this matter. An invitation will be sent to Senator San Agustin and any of his colleagues that would like to attend.

Vice Chair Mendiola requested that under executive session, a. Travel approval for Brustein & Manasevit, PLLC's Fall Forum 2017, be moved up to fiscal management. He mentioned that this item was on the previous agenda for the regular Board meeting that was cancelled due to no quorum. He requested the Boards support to ratify an action when he took his trip with Superintendent Fernandez.

Mr. Lujan moved, seconded by Ms. Benavente, to approve Vice Chair Mendiola's trip to Brustein & Manasevit, PLLC's Fall Forum on November 28 to December 4, 2017. The Board voted by voice and approved the motion with a vote of (7-0.) The motion passed.

6) Ad-Hoc committee on Board matters

Vice Chair Mendiola asked to move this item to executive session and dispose on the matters in new business.

VII. New Business

a. CNMI-GUAM Teacher Certification Reciprocity

Superintendent Fernandez mentioned that he wanted raise this issue to address situations that he sees in the department in order to address recruitment and retention of experienced teachers.

Dr. McNinch commented that the teacher certification office should be a domain of governance for the Department of Education.

b. Calendar Committee

Superintendent Fernandez mentioned that under the collective bargaining agreement. The Superintendent as well as the President of the GFT are to appoint members of a joint board committee to set the school calendar. The school calendar will be for SY 2018-2019 and 2019-2020. He further mentioned that in the past the Board appoints a liaison to work with the committee to provide input and guidance as needed.

He added that once we get the GFT appointees and the Board's liaison, the department will schedule meetings in January or February 2018. According to Board Policy 321, the Board should be able to approve a calendar for the coming years by the February regular meeting.

Chairwoman Gutierrez mentioned that because both Ms. Benavente and Ms. San Nicolas have served on the calendar committee, she would like to appoint both the liaisons for the Guam Education Board.

Both members agreed to serve on the calendar committee.

Ms. San Nicolas asked that Mrs. Catherine Schroeder serve on the calendar committee because of the nature of the Head Start Program.

Mr. Lujan moved, seconded by Vice Chair Mendiola, to approve the appoints of Ms. Lourdes Benavente and Ms. Lourdes San Nicolas to serve on the calendar committee. The Board voted by voice and approved the motion with a vote of (7-0.) The motion passed.

VIII. Executive Session

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

This item was moved up on the agenda.

Vice Chair Mendiola moved, seconded Ms. Benavente, to move into executive session.

The Board moved into Executive Session 7:42 p.m.

The Board at 9:22 p.m. went into Public session

Chairwoman Gutierrez mentioned that the Ad-Hoc committee will make their report on December 27, 2017, Special meeting.

Dr. McNinch commented that if the same committee is going to be processing both complaints virtually then he would like to respectfully recuse himself from the Ad-Hoc committee.

Chairwoman Gutierrez accepted his request. She mentioned that the Ad-Hoc committee now consists on Lourdes San Nicolas, Robert Crisostomo, and Peter Alecxis Ada. She added that the committee will look into the complaint filed by Barry Mead on

November 16, 2017 and received by the Board on November 29, 2017 about Dr. Ron McNinch. She asked the committee to include this in their reporting for the December 27, 2017 special meeting.

Chairwoman Gutierrez mentioned that she spoke with the Superintendent regarding the Board retreat to be scheduled on January 13th or 20th, the discussion would be regarding Strategic Planning and the Superintendent's evaluation performance.

Chairwoman Gutierrez reminded the Board of the honorary diploma presentation for Rita LG Cruz Carr Camacho, Ricardo M. Camacho, and Teresita Agualo Lujan Aquino scheduled on Sunday, December 17, 2017 at the Micronesia Ballroom Hilton Hotel.

IX. Adjournment

Vice Chair Mendiola moved to adjourn the meeting at 9:28 pm.

MINUTES SUBMITTED BY:

_____ Date: _____

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF December 12, 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

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

MARK B. MENDIOLA
Vice Chair

8th GUAM EDUCATION BOARD
SPECIAL MEETING
Wednesday, December 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.

II. Unfinished Business

1) Ad Hoc Committee on Board Matters

Chairwoman Gutierrez announced that this item will be moved down to executive session and also that Vice Chair Mendiola has something to report.

2) Resolution Presentation

Vice Chair Mendiola read the resolution. The Board presented a resolution relative to commending Lourdes San Nicolas for her service as chairwoman of the 7th Guam Education Board.

3) FY 19 Budget and Schedule

Vice Chair Mendiola mentioned that the budget schedule was placed in the board packet. The work sessions are scheduled on January 4, 5, & 8, 2018. He requested that 72 hours prior to the meeting for the Deputy Superintendent Taitano, her team, and the Superintendent submit a draft copy of the budget to the Board for their review and if they have questions, they would submit via email.

Mr. Crisostomo asked if there are any plans on inviting charter schools to be a part of the budget discussion because they give them money. He believes it will be a great time to lay down the parameters on the use of the funds that charter schools are getting. He stated that he knows that the Board is not the oversight, but they do receive money from the Department of Education and it is only fair that they come before the Board or the committee and answer some of the questions they may have. He commented that they should give the charter schools the questions two weeks before they come in to build transparency and break down the barrier that has been created with last year's debacle on the budget.

Vice Chair Mendiola stated that the Board can invite them, but it doesn't mean that they will show up. He commented that they will invite all the charter schools to come in and give their budget presentations. He further mentioned that by law they have to submit by a certain time.

Superintendent stated that in the past the Board has decided that they cannot adjust their budget. He mentioned that they haven't always submitted their budget in a timely fashion to the Board. Usually, the Board doesn't get it until right before they approve the DOE budget. He commented that this year, they informed Amanda Blas that she should inform the Charter School Council to submit their budget by close of business January 3, 2018 to DOE in time for their work session.

Vice Chair Mendiola suggested to have a work session on the 8th with all the divisions. He stated that they will also allot time for the Charter School Council to come and be present at the meeting. If they opt not to attend the meeting it's really up to them. He stated that in the past they submitted their budget after DOE had their documents prepared for the legislature and Amanda is aware of this. He mentioned that they can only push the issue for the charter schools to submit it, but they can have a press release prior to the meeting so the public knows that they are trying to engage with them.

Lujan stated that this is a good time to validate or document their work in progress with them. He mentioned that being proactive is very important.

4) BRIP update

Vice Chairman commented that they have done a thorough chronological history on the entire BRIP process. He mentioned that he would like to present a draft copy of what they have and the options they were given. He stated that the Board should digest it because it is lengthy, but it also has information about certified employees that should be kept confidential until it is discussed at the next board meeting. He suggested to have a work session before the next board meeting to make recommendations to the committee on

to proceed with the BRIP. He mentioned that it has been a work in progress document and is comfortable presenting it to the Board knowing that we didn't have enough time for Deputy Taitano and her team to give the Board information to consider before they make a decision.

He added that the Board wanted to make sure that all the teachers had an opportunity to at least provide documentation to show that they did apply and to allow for validation of the information from the Personnel Office. November 30, 2017, was the deadline to submit in any documents. He mentioned that letters were sent to the teachers that were identified through personnel office and as of November 30th they received a couple, which are included in the Board packet.

III. New Business

1. NASBE Committee Appointment

Chairwoman Gutierrez announced that every year NASBE sends out an email to Board members who are interested in serving in committees. She mentioned that NASBE before would send an interest form for those members who were interested in finance and budget committee and audit but they narrowed it down to "Governmental Affairs Committee" and " Public Education Positions." She added that, during the conference, she along with Ms. Benavente submitted their interest. She mentioned that she asked Vice Chair Mendiola and Ms. San Nicolas if they submitted their interest form but they didn't.

She asked if there are any members interest in serving in the "Governmental Affairs Committee" and "Public Education Positions"

Ms. San Nicolas moved, seconded Vice Chair Mendiola for the sake of continuity that Lourdes Benavente continues to serve for the Governmental Affairs Committee (GAC) and Chairwoman Gutierrez to continue her role in Public Education Positions (PEP).

Dr. McNinch moved to close the nominations.

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

Chairwoman Gutierrez mentioned that she along with Ms. Benavente will be joining Dr. McNinch at the Legislative Conference.

2. Board Retreat

Chairwoman Gutierrez mentioned that she discussed the dates for the Board retreat with the Superintendent. She asked the Board if they were available on January 13, 2018 and either AM or PM. She asked that the members work with Lani Cruz on their availability. It will be held at the Superintendent's Conference room.

IV. Executive Session-

The Board moved into Executive Session 6:32 p.m.
The Board at 7:16 p.m. went into Public session.

Mr. Crisostomo commented that the Ad-Hoc Committee recommends that the ethic complaints against Mr. Lujan and Dr. McNinch be forwarded to AG's office for an opinion.

Mr. Crisostomo moved, seconded Ms. San Nicolas, that the Ad-Hoc committee recommended that both the ethical complaints against Mr. Lujan and Dr. McNinch be forwarded to the AG's office for an opinion. The Board voted by roll call and approved the motion with a vote of 5-1 (2 abstained) (Yeas: M. Gutierrez, P. Ada, L. Benavente, R. Crisostomo, and L. San Nicolas. Nays: Vice Chair Mendiola Abstained: J. Lujan and R. McNinch). The motion passed.

V. Adjournment

Mr. Mendiola moved, seconded by Ms. Benavente to adjourn the meeting at 7:29 pm.

MINUTES SUBMITTED BY:

_____ Date: _____

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF DECEMBER 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: _____

GUAM EDUCATION BOARD

500 Mariner Avenue
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MARIA A. GUTIERREZ
Chairwoman

MARK B. MENDIOLA
Vice Chair

8th GUAM EDUCATION BOARD
REGULAR MONTHLY MEETING
Tuesday, January 23, 2018
6 pm
Superintendent's Conf. Rm., Bldg. A., Tiyan

MINUTES

VOTING MEMBERS

Maria A. Gutierrez, Chair
Mark B. Mendiola, Vice Chair
Peter Alecxis D. Ada
Lourdes M. Benavente
James C. Lujan
Ron 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
Benavente, Lourdes M.
Crisostomo, Robert
Lujan, James C. **(Tele-conference)**
McNinch, Dr. Ron L.
San Nicolas, Lourdes B.

Non-Voting Members:
Samelo, Ernie (SHS)- IBOGS Representative
Mandapat, Audrey P. (SSHS) - GFT Representative
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison

Legal Counsel:
Stake, James

The Superintendent announced that all members of the Board were present.

The Chairwoman announced that there would be a change in the agenda stating that
1) Ad-hoc Committee on Board members would be moved to the executive session
2) Election of Officers would be moved down to the end of New Business
3) Reaffirmation of Collective Bargaining Agreement, would be moved to after the Executive Session.

II. Approval of Minutes

The Chairwoman asked Ms. Lou San Nicolas if she was able to review the minutes for the December 12, 2017 and December 27, 2017 special meeting. Ms. San Nicolas stated that she did not get the minutes prior to the distribution and after reading the minutes she found many errors and would like to be given the time to sit down with Ms. Lani Cruz and go over the corrections that need to be made.

Ms. San Nicolas motioned to table the minutes of December 12, 2017 and the minutes of December 27, 2017 until the next meeting,

Mrs. Gutierrez noted that Ms. San Nicolas called in to be excused on the December 27 meeting but was marked unexcused and stated that it should be changed to excused.

The Board voted by voice with a vote of 8-0 for the motion, motioned passed to table the approval of the minutes for the December 12 and December 27 meetings.

III. Public Participation - None.

IV. Communications

1) Superintendent's Report and Communication
In addition to his written report to the Board, the Superintendent provided highlights and updates.

Curriculum –

Charter School Update – Superintendent Fernandez mentioned that there would be a Charter School Council meeting tomorrow. During the meeting, the Charter School Council is supposed to move their budgets forward to the Superintendent and the Board of Education for inclusion in the FY 2019 budget.

Scheduled action for the Guam Education Board (GEB) to approve the budget is January 26, 2018 during the Special Meeting. Mr. Fernandez stated that it is important that the Department and the GEB have the opportunity to review and comment on the Charter School budget.

Mr. Crisostomo commented that it should be made clear to the Charter School that with the current conditions and upcoming budget shortfalls that they not expect to receive $6,500 per student.

Mr. Fernandez responded that they are aware and the Charter School Council has made it clear to the three charter schools (Guahan Academy, ilearn and Science is Fun Academy) that they should not be moving forward without the appropriation coming through.

Mr. Fernandez stated that it would be useful for the Charter School Council to put forward its position at the meeting tomorrow and it would give the opportunity for the Board to state its position as well.

Mr. Mendiola stated that when the Board and GDOE presents its budget, to include the Charter School Budget, it would be an opportune time to push the issue of separating the two budgets.

Mr. Mendiola also brought up his concerns with the possible litigation issue that the Charter Schools may experience from the contractors. He also wanted to ensure there were no issues that would point back to GDOE. Reiterating that it is important that we are following our rules and regulations.

Mr. Fernandez clarified that GDOE does not have authority to withhold or grant funds from the Charter School Council and that we do not have a contract with the Charter School Council. The Superintendent stated that he recognizes Mr. Mendiola's concerns and that he would explore this issue further with Legal Council and the Attorney General.

Mr. Ada questioned why the Charter School Council gives their budget to the GEB and the Superintendent when neither can make changes to their budget. Mr. Fernandez clarified that the law created the process and suggested that the GEB make it clear in the resolution how the GEB would like the budgets to be separated when it is presented to the Legislature.

Mr. Mendiola agreed that emphasizing the need to separate the budgets is important and states that the GEB will not include the Charter School Council in the resolution presented to the Legislature.

Mr. Crisostomo commented that we need clarification on what will happen if one of the charter schools close and have outstanding liabilities.

Mrs. Gutierrez brought up her concerns on the cap of enrollment for the charter schools and questioned why their enrollment projection is higher when there was no change in law. Mrs. Gutierrez stated that this issue needed to be brought up to the Legislature. She also shares her concerns of the Charter School Council's inability to meet with the subcommittee.

Fiscal Management – Superintendent Fernandez mentioned that the Federal shutdown has been resolved until February 8 and assured the Board that the Department is in contact with the federal agencies and is reviewing guidance that has been issued to our agency.

Mr. Fernandez stated that the consensus is that if there is a shutdown, we should be okay for up to 6 weeks. If there is not a consensus and there is another shut down, we will have to look at the potential impact. He also clarified that the shutdown would not necessarily shut down a campus but it could impact certain services that we provide that are being funded by the federal government.

High Risk Situation – Superintendent Fernandez states that the Department is working on a draft letter to request reconsideration on our special conditions. Mr. Fernandez stated that the draft is substantially complete and we are currently working to complete the validation of our activities under the Comprehensive Correction Action Plan (CCAP). The Department was invited to submit draft letters to USDOE in the event that we want preliminary input, we will be submitting our draft letter. Once USDOE provides input, we will proceed with the preparation of a formal letter.

Mr. Fernandez mentioned that the Department has put out a Request for Information to solicit input from potential partners. The input would allow the Department to define the scope that would eventually become a Request for Proposal for consulting services.

Mr. Mendiola expressed his agreement with the Superintendent's sentiments.

Mr. Crisostomo expressed his concern as to why the Department did not pick up a transition consultant sooner and commented that maybe the Department would have been able to get out of the situation sooner if we had.

The Superintendent clarified what the process has been and all the necessary steps the Department has taken and is currently taking to improve the process within the Department. He also clarified that during the last two visits with USDOE they stated that the Superintendent has the authority to request reconsideration but that we had better be absolutely certain that the Department is ready and able to meet the standard. However, if not, USDOE could impose more special conditions based

on their findin[illegible] The Superintendent stated that we want[illegible] be sure that we are confident and comfortable making that request.

Mr. Lujan moved, seconded by Ms. Benavente, to accept the Superintendent's Report and Communication as presented. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

2) Disposition Status of Marbo 80 acres Parcel of Land

Mr. Crisostomo attended a meeting at Adelup called by GWA to meet with the Governor's Legal Counsel to discuss the disposition status of the marble 80 acres parcel of land owned by the GDOE. The land was conveyed by USDOE to the GDOE with the conditions that the sole intent for the land was to build a northern high school and to provide a yearly update on the status.

The USDOE has threatened the involuntary conveyance of the land back to GSA. Mr. Crisostomo mentioned that he recently did a complete history of what happened and why we were not able to build a northern high school on the land. GDOE has three more years on the agreement but USDOE is not willing to wait three more years.

Mr. Crisostomo pointed out that the land has been identified to be used for the Marine relocation and is to be used as a training area. Although the Department of Defense (DOD) is not in the picture, Mr. Crisostomo is sure that the DOD is putting pressure on USDOE to re-convey the land. Mr. Crisostomo then mentioned GWA's concern with re-conveying the land and not having access to the three wells that were built there.

Mr. Crisostomo stated that he no longer believes that we have the option to keep the land. Mr. Crisostomo ensured GWA that we would expedite the re-conveyance of the property with the conditions that we will not be held liable for cleaning up any contaminants on the land and that GDOE has every intention to request for 60 acres parcel of land for the sole purpose of building a vocational technical school.

Mr. Crisostomo stated that DOE needs to begin working with Mary Okada to draft a plan and the GDOE needs to look into funding for the building of the vocational school.

Mr. Ada asked for clarification on the location of the 60-acre lot that Mr. Crisostomo was referring to. It was clarified that the lot is located across the Guam Home Center. Mr. Crisostomo then went into details regarding the military and the net negative agreement.

Mr. Fernandez stated that we know the plan for what we need to do but the issue for us is assembling the group. If we are going to partner with GCC and anybody else, we need their full participation. The strategic direction from the Governor's Office and the Military Buildup side is also key to help us negotiate with the various agencies that will be involved. Mr. Fernandez stated that we need the guidance to make sure that we are talking to the right people in the Federal Government.

Mr. Crisostomo mentioned that at some point he and the Superintendent might need to go to Washington to seal the deal.

3) Update on request to Attorney General (AG)

Mrs. Gutierrez informed the Board that she received a response from the AG and provided a copy of her letter dated January 17, 2018 to the AG thanking her for her response.

4) Meeting with the Mayor's Council

Mrs. Gutierrez, Mr. Mendiola and other Members of the Board attended a meeting with the Mayor's Council on issues that were raised regarding ground maintenance. Mr. Mendiola emphasized the need to clarify the definition of "ground maintenance", so that administrators of the school's know what they may expect from the mayor's office.

V. Ex-officio Member Reports

1) GFT – Audrey Mandapat requested clarification regarding the BRIP that was discussed during the previous meeting. Mr. Mendiola provided the update that was discussed at the last meeting.

2) Mayor's Council of Guam – No report but Mayor Matanane mentioned the success of adding a bus stop in Yigo.

Mrs. Gutierrez asked Mr. Matanane if he could provide a report at the next meeting on the bus shelters in other villages and expressed her concerns about other villages where students do not have bus shelters. She also inquired about who determines where the bus shelters would be built.

Mr. Ada stated that when driving through Sunset Boulevard he sees two concrete bus stops that are not being used and further mentioned that other locations would be able to make use of the concrete bus stop.

Mr. Matanane mentioned that he has been asking Chuck Ada, the General Manager of the airport, for the bus stop so that he can utilize it in Yigo.

Mr. Crisostomo acknowledged Mr. Matanane's efforts in placing the bus stop at Gil Breeze and paving the road in the area.

VI. Unfinished Business

1) Instructional and Academic Support Committee

Ms. San Nicolas mentioned that she would like to share something after Ms. Schroeder reports on Head Start.

a) Head Start Program Director's Report

Ms. Schroeder stated that the last couple of days have been filled with memos from the Office of Headstart and would like to provide updates on the changes of Headstart.

Ms. Schroeder stated that one of the major changes is the timeline for Headstart to expand the Headstart classroom by 1,020 hours and that by 2019 they were supposed to have 50% of their sites extend their school days. That has been cancelled because the Feds have not figured out how to fund the extra hours and that particular item has been waived. Programs can still go forward with extending the school hours but it is no longer a requirement for Headstart to have 14 other centers extended their hours by 2019. The other item Ms. Schroeder received was the federal poverty guidelines; they are ready to look at enrolling children next year. Ms. Schroeder also stated that another letter she received is probably moot now because it had to do with what was going to happen due to the government shutdown. The Headstart Program is looking at letting the various programs know if there will be any monetary issues but they are on hold until February 28. The word is, no news is good news, if the Headstart Program does not hear from the Office of Headstart then their funds our fine.

Mr. Ada stated that he heard on Fox News that schools were not to be affected by the Government shut down.

Ms. Schroeder clarified that the Office of Headstart was affected by the shutdown.

Mrs. Gutierrez asked Ms. Schroeder what the Asan building was being used for. Ms. Schroeder clarified that it was primarily a parent resource room and storage and that the space was previously used for training. Ms. Schroeder said that she just recently learned that the Asan building was used as a program classroom for Headstart in the past but that the program has been weening themselves away from that site.

Mrs. Gutierrez suggested that if the space is primarily used for storage, the program should work on utilizing the GDOE warehouse to store its items.

Ms. Schroeder commented that they are currently working on moving their items to the warehouse. She also clarified that the Mayor's Office has always had access to the space when they needed it.

Mr. Fernandez mentioned that in the past DOE has had to be a referee between the Mayor's office and Headstart. He stated that the issue is that Headstart improved the facility using Headstart funds but the Mayor's offices does not have the funds to improve other parts of the building. DOE is looking into accommodating some of the Headstart activities with the opening of the new building but he will assist with the communication with the Mayor.

Ms. Schroeder mentioned that she would like to continue co-sharing the space with the Mayor in the event that meetings needed to be held down south. Mr. Fernandez suggested that an agreement be put in writing in a Memorandum of Understanding (MOU) with the Mayor. In the event that the Mayor changes, Headstart would have an existing MOU in place.

Mr. Matanane stated that he could try to negotiate with the Mayor of Asan to accommodate the kids.

Ms. Schroeder stated that the Mayor's Office had been very good to the Headstart Program so when it came up at the parent meeting, she was surprised. However, she thinks that if they just sat down and talked with the Mayor's Office and work it out they would be able to co-share the space.

Ms. San Nicolas mentioned that the Mayor appeared before the Joint Council on January 17 but there was no quorum. She also questioned what the funding source was that built the classroom but Ms. Schroeder did not know. Ms. San Nicolas clarified that the Mayor did clarify that Headstart could use the space for the Monthly Joint Council Meeting.

Ms. San Nicolas stated that she was concerned about the grant application that is due April 1 and invited everyone to the January 24 at 3 pm the work session. The work session is intended for parents to give input on the grant application. The second meeting for the parent group will be held on February 7, 2018. February 21, 2018 is the monthly Joint Council Meeting at Asan. March 6 would be a work session with Headstart and staff to review the grant application and by March 13 the grant application will hopefully receive approval by the Chairwoman and the Superintendent.

Mrs. Gutierrez clarified to Ms. Schroeder that the timeline provided by Ms. San Nicolas is so that there is sufficient time to review all grant documents to submit the application.

Ms. Schroeder mentioned that the only issue they have had with the grant is the Board minutes. Stating that if the minutes are done and approved earlier than usual, they would be able to submit the application in a timelier manner.

Mrs. Gutierrez stated that we will try to do what we can do and although Ms. Schroeder and her staff will not be on island we will send the minutes to her through Ms. San Nicolas.

Ms. Schroeder then stated that even though she is off island if she can get a copy of it she would be able to plug it into the system and be ready to submit it.

Mr. Fernandez addressed Ms. Schroeder as well all other federal grants, stating that we need to be communicating, monitor budgets and make sure that everyone is kept apprised on the issues of federal grants.

Ms. Schroeder informed everyone that when she received the funding notice she normally informs the Board Chairwoman shortly after.

Ms. San Nicolas moved, seconded by Ms. Benavente, to accept the Head Start Program Director's Report. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

2) Safe & Healthy Schools Committee

Mr. Lujan mentioned (via teleconference to Leilani Cruz) that it was regarding busing and grass cutting, which was already mentioned by the Mayor.

3) Organizational Efficiency and Development Committee

Dr. Mc Ninch mentioned the Board Retreat in a couple of weeks and the fact that we are just starting up a new year and several board members will be off island around March but that he's hoping to wrap it up by May. He stated that the Board needed to schedule a couple of meetings and just need to make a consensus on the schedule (maybe via email) to do that. One key thing Dr. Mc Ninch expressed it that the manual should not be done by a sub-committee but by all board members. He suggested possibly having a mini-retreat meeting where they would go through the points and then have a deciding meeting at the end.

Mrs. Gutierrez requested that Dr. Mc Ninch high light his changes and send it to Lani so that she can send it to all board members.

Dr. Mc Ninch agreed.

4) Fiscal Management

a) FY 19 Budget

Mr. Mendiola requested that this topic be moved to the special meeting on Friday, January 26, 2018, to allow the Superintendent more time to address some of the issues with respect to the budget. Mr. Mendiola stated that with the Trump tax cut we are anticipating a forty-eight million dollar short fall, government wide. The department is going to have to figure out how the cut is

going to affect the department. GDOE is looking at about twenty dollars being cut from the department, which will force us to take a hard look at our priorities.

Mr. Crisostomo commented that we know the budget decrease is coming but we have not entertained the possibility of stream lining schools, downsizing or consolidating schools. He said it is inevitable, we cannot continue to run forty-one schools, four charter schools and keep decreasing our budget. He recommended that the Board start entertaining closures and not wait until the last minute to tell people and the kids that are affected.

Mr. Mendiola acknowledged Mr. Crisostomo's recommendation and agreed that we need to start looking into the possibilities while keeping the public informed.

Mr. Fernandez stated that we have received official notification and the instructions from BBMR is for all agencies to develop suggestions for reductions. Because GDOE is 40% of the general fund, we anticipate that we will be 40% of the total anticipated loss. Another option would be to suggest revenue enhancements, so we either cut or find ways to generate revenue that would make sense to support our operations.

Mr. Mendiola acknowledged that they needed to start looking at it as a Board and put the Superintendent to task to getting his team together to help them make that determination.

Dr. Mc Ninch suggested that DOE make a packet for each of our schools and apply to the Charter School Council so that we can get preferential treatment for our students.

b) Declaration of financial Status Designation for September, October, and November 2017

Mr. Mendiola pointed out that in everyone's board packet there was a resolution relative to approving the Corrective Financial Recovery Plan prepared in response to the C-Watch issued by the Education Financial Supervisory Commission (EFSC) for the Months of October and November 2018. Mr. Mendiola gave a brief description of the meeting he attended with the EFSC.

Mr. Matanane commented that maybe we could lobby with the Legislature and see what they can do for us. They say that Education is one of the most important things on their agenda, this is the time to lobby and convince the Legislature to give us a break.

Mr. Lujan commented that we need to be aggressive and take charge of what we are going to do, we need to move fast and quick with whatever direction we are going to take to the Legislature and the Governor's Office. He shared the same sentiments as Dr. Mc Ninch regarding the special treatment of the Charter schools and stated that whatever we do, we need to stand strong and not back down.

Mr. Fernandez clarified that he believes Mr. Lujan was trying to say was that whatever action we do, we need to engage with the Legislature and the Governor's Office and stand strong in whatever our suggestion is, whether it is for cuts or for maintaining the funding for our schools.

Mr. Crisostomo commented that he wanted everyone to know, since the Governor's office is being brought up, that the Governor has made his priorities known in their meetings. The Governor's biggest concern issue is public safety. He went on to state that education would not take a front seat to Public Safety or Public Health.

Mrs. Gutierrez commented that she is sure that the Committee on Education Chair's representative would relay the information to Mr. San Agustin.

Mr. Mendiola moved, seconded by Mr. Crisostomo to accept the Resolution to approving the corrective financial recovery plan prepared in response to the code C-Watch issued by the EFSC for the months of October and November 2018. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

VII. New Business

1) Superintendent's Evaluation

Mrs. Gutierrez appointed the sub-committee - Dr. Mc Ninch, Ms. San Nicolas, Ms. Benavente and herself, Chairwoman Maria Gutierrez and requested approval. Mrs. Gutierrez acknowledged that the evaluation is between the Superintendent and the Board and the Superintendent and the Board have to agree with whatever system is used.

Mr. Mendiola moved, seconded by Ms. San Nicolas to accept the appointment of Dr. Mc Ninch, Ms. San Nicolas, Ms. Benavente and Mrs. Gutierrez as the members for the Superintendent's Evaluation Committee. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

Mr. Crisostomo questioned when the evaluation period would be. Mrs. Gutierrez clarified that it would be beginning March 2017.

Mr. Crisostomo asked the Board to put the committee together and commented that the Superintendent has been flying blind without guidance, true guidance on what he would be evaluated on. He further went on to comment that the Board could not evaluate him this cycle, because he was never given parameters, goals and objectives or even point their fingers a certain direction. Mr. Crisostomo also stated that if any Board member were to give the Superintendent a derogatory evaluation, they would be wrong. The Superintendent should only get a passing or above because he was not given due notice of what he would be evaluated on and recommended that he be given the parameters, evaluate him on the coming year and give him a pass for this year.

Mrs. Gutierrez acknowledged Mr. Crisostomo's comments and stated that now that the AdHoc Committee has been approved they will work diligently to get it done.

Ms. San Nicolas commented that whatever the evaluation tool is, it would not be implemented without the Superintendent's approval.

Mr. Crisostomo continued to get clarification on when the Superintendent would be evaluated. It was clarified that it would not be for the current period – March 2017 – March 2018.

Mr. Lujan agreed with Mr. Crisostomo that it would be unfair to evaluate the Superintendent without an evaluation tool in place yet.

Mrs. Gutierrez stated that the members of the committee would meet with the Superintendent and begin the process.

2) Guam History

Mr. Sanchez recalled the summer of last year in which the Board voted to realign the high school graduation requirements and adopted the middle school Guam History courses. During that time, it was discussed that if a student were to take Guam History in middle school would it fulfill the legal requirement that requires students to take Guam History in a secondary school. After researching, they determined that it did in fact fulfill the requirement because the law only required students to take one year of Guam History in a secondary school. During further discussion of high school requirements the question was then brought that if Guam History was taken during middle school would it be necessary for students to take it in high school.

Mr. Sanchez went on to explain that after the policy was passed, administrators brought it to his attention, the discussions that they were having with their Guam History teachers. The Guam History teachers felt that we shouldn't be able to waive the course in high school because, even though students take the course in middle school, when they take it in high school it is one of the few courses that covers local and current history. Teachers felt that students need to have and maintain the course that focuses on current events, local politics and local issues. Teachers also pointed out that other courses such as World History, World Geography and U.S. History are taken in both middle school and high school.

Mr. Sanchez stated that these issues were discussed with the Board Curriculum Committee Members, the principals, the teachers and with the IBOGS members. All were in agreement that Guam History remain a high school graduation requirement because it adds value to the student's experience, whether or not they take the class in elementary school. The committee agreed to move it forward for the Board's consideration.

Ms. Benavente moved, seconded by Mr. Mendiola to reaffirm Guam History as a High School graduation requirement for all high school students pursuant to Board Policy 351.4 even if the student had already taken the course in middle school. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

Ms. Benavente commented that the Curriculum Report was in the Board packet and if anyone has any questions to let her or Ms. San Nicolas or Mr. Sanchez know. She points out that the last page of the report states that the proposed next GEB Curriculum work session was supposed to be on February 6 but it has been changed to Thursday, February 8 at 3 pm, a notice will be sent out.

3) SY Calendar for 2018-2019 & SY 2019-2020

Deputy Superintendent, Erika Cruz went over the schedule of meetings that took place for the Calendar Committee to come to the final drafts of the calendars. Ms. Cruz mentioned that at the last meeting on January 22, Administrator of Astumbo Elementary School, Mr. Derrick Santos recommended that Parent Teacher Conferences (PTC) be moved from 1st and 3rd quarter to 1st and 2nd quarter. She also mentioned that administrators were polled and majority of them agreed to move the PTCs to 1st and 2nd quarter.

Mr. Crisostomo questioned what the rationale was behind this decision.

Ms. Cruz clarified that it was not the recommendation to move the PTCs for secondary because of grades for high school credit but the rationale for elementary was that they wanted to meet with

parents soone. They agreed that 3rd quarter PTC in March too late to provide intervention for the students and to work closely with teachers, parents and administrators.

Mr. Crisostomo questioned whether there was something in place in the Board Union Contract that prevented the schools to have more than two PTCs and whether it was not palatable to the teachers.

Ms. Cruz stated that it was what was agreed upon with management and GFT and that parents and teachers are able to meet any time and not just during PTC.

Mr. Mendiola commented on how much he appreciates the ability to access to Power School to view his children's grades and encouraged that parents be pushed to use power school because it is such a great tool.

Ms. Cruz explained several different ways that parents are encouraged to utilize Power School.

Mr. Crisostomo asked for data on how many parents utilize Power School.

Ms. Taling commented that the information could be provided to him.

Mr. Crisostomo commented that he keeps asking for data and not receiving it. He mentioned that he still has not been assigned anyone to work with for the Strategic Plan or the Middle College Plan. He stated that he cannot do it by himself and he will not do it by himself.

Mrs. Gutierrez tells the Superintendent to take notes because Mr. Crisostomo has been bringing up these issues up.

She goes on to explain that the reason the data is not in the report is because the Superintendent cut down his report but he should have it in the next report.

Ms. Benavente stated that action on the calendars would be done on Friday during the Special Meeting.

4) Reaffirmation of Attendance Areas Update

Mrs. Gutierrez emphasized that it is important for the mayors to be involved in the reaffirmation of attendance areas. She mentioned how Mr. Lujan asked to move the meeting up from March to February because parents and stakeholders need to be involved.

Deputy Cruz mentioned that the committee meets every Thursday at 1 pm at Untalan Middle School.

Mr. Ada mentioned that there was a concern about Sinajana and Agana Heights that was brought to his attention. He requested for Ms. Cruz to look into C. L. Taitano Elementary and Agana Heights Elementary and the fact that sections of the villages go to one school when they seem to be closer to the other school.

Mrs. Gutierrez mentioned that Mayor Hoffman had also brought up the same concerns. She also questioned whether the attendance areas were being worked for all school levels or just elementary.

Deputy Cruz responded that all were being worked on.

5) Election of Officers

Nominations of Chairman

Mrs. Gutierrez nominated Mr. Mark Mendiola as Chair.
Ms. Benavente seconded the nomination.

Mr. Ada moved to close the nominations. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

The Board voted by voice and approved the motion for Mr. Mendiola to be Chairman with a vote of 8-0. The motion passed.

Mrs. Gutierrez thanked everyone for their cooperation and assistance for the time she was Chairwoman.

Chairman Mendiola thanked everyone and stated that he looks forward to a great 2018 and that there are a lot of challenges but the Board will be cohesive and work closely with the Superintendent.

Nominations of Vice Chair

Ms. San Nicolas nominated Mrs. Gutierrez as Vice Chair.
Ms. Benavente seconded the nomination.

Dr. Mc Ninch moved to close the nominations. The Board voted by voice and approved the motion with a vote of 8-0. The motion passed.

The Board voted by voice and approved the motion for Mrs. Gutierrez to be Vice Chairwoman with a vote of 8-0. The motion passed.

VIII. Executive Session

The Board moved into Executive Session at 8:12 pm.

The Board moved into Executive Session at 8:28 pm.

Ms. San Nicolas moved, seconded by Mrs. Gutierrez, to reaffirm the Collective Bargaining Agreement as a result of the Board's actions on September 21, 2017.

Mr. Jon J. P. Fernandez, Superintendent and Executive Secretary, took the roll call for voting purposes. The following members were **present and voted** for the motion:

Voting Members:	**Vote:**
Mendiola, Mark B. – Chairman	Yes
Gutierrez, Maria A. - Vice Chair	Yes
Benavente, Lourdes M.	Yes
Crisostomo, Robert	Yes
Lujan, James C. (Tele-conference)	Recused himself from voting
McNinch, Dr. Ron L.	Yes
San Nicolas, Lourdes B.	Yes

The Board voted by voice and approved the motion with a vote of 6. Mr. Ada was absent for voting and Mr. Lujan recused himself. The motion passed.

IX. Announcements and Adjournment

Chairman reminded the Board of the Special Meeting that is scheduled for Friday, January 26, 2018. Discussion will include the budget and the calendar. He mentioned that there is a Budget work session tomorrow from 9 – 12.

Mr. Mendiola moved to adjourn the meeting at 8:28 pm.

MINUTES SUBMITTED BY:

_____ **Date:** _____

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF JANUARY 23, 2018 REGULAR BOARD MEETING:
( ) Approved as submitted
( ) Approved subject to corrections
( ) Other: _____

_____ _____

MARK B. MENDIOLA
GEB Chairman

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: _____ **Date:** _____

DRAFT

MARK B. MENDIOLA
Chairman

GUAM EDUCATION BOARD

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

MARIA A. GUTIERREZ
Vice Chairwoman

8th GUAM EDUCATION BOARD
SPECIAL MEETING
Friday, January 26, 2018
6 pm
Superintendent's Conference Room, Building A., Tiyan

MINUTES

VOTING MEMBERS

Mark B. Mendiola, Chairman
Maria A. Gutierrez, 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

Mr. Mark B. Mendiola, Chairman, 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.
Lujan, James C. (Tele-conference)
McNinch, Dr. Ronald L.
San Nicolas, Lourdes B.

Non-Voting Members:
Sharma, Sanjay – GFT Representative

Legal Counsel:
Jesse Nasis*

Absent:
Crisostomo, Robert A. – Board Member - Excused
Mandapat, Audrey P. (SSHS) – GFT Representative - Unexcused
Samelo, Ernie (SHS)- IBOGS Representative – Excused
Matanane, Rudy M. - Yigo Mayor and MCOG education liaison - Unexcused

Seven (7) Board members were present, constituting a quorum.

II. Unfinished Business
1) Ad Hoc Committee on Board Matters

Chairman Mendiola tabled discussion until a full board is present.

2) SY 2018-2019 and SY 2019-2020 Calendars

Ms. Benavente moved, seconded Vice Chair Gutierrez to approve School Year Calendar 2018-2019 and School Year Calendar 2019-2020.

Deputy Superintendent Erika Cruz briefly went over the schedule of meetings that were held in which the Calendar Committee finalized the SY 2018-2019 and SY 2019-2020 Calendars. She mentioned that the major change in the calendars was that Parent Teacher Conferences (PTC) would be held during first and second quarter for elementary schools only and that secondary schools will continue to have PTCs during first and third quarter.

Mr. Mendiola questioned if the committee received stakeholder input and who exactly was involved.

Ms. Cruz stated that elementary school administrators were polled and they worked with Mr. Sanjay Sharma from GFT. Ms. Cruz also stated that she indicated to Mr. Sharma that there were two proposals that the Committee wanted to add on to the calendar:

1. Tentative graduation dates for the high schools
2. Parent teacher conferences for first and second quarter instead of first and third quarter

Ms. Cruz explained that GFT had no issues with their proposals except that they wanted to keep secondary PTCs at first and third quarter because grades are determined through semesters.

Mr. Fernandez offered clarification that in the Collective Bargaining Agreement there is a provision that allows for joint committees. The Calendar Committee is one area where a joint board – union committee was established. The committee was appointed by the Superintendent and a liaison was appointed by the Board. Mr. Fernandez stated that this mechanism is what we will continue to use for this and other issues. Mr. Sharma also appointed his representatives from the union who met with our representatives to complete the calendars.

Mr. Sharma stated that, usually with the calendars going to 173 days of classes with students as opposed to what we had before, which was 180 days, the Union would raise issues that they would have fewer days and less time with the students. However, the Union does see the importance of having profession development days, especially since there is a timeline put in place to have Standards Based Grading go into effect.

Mr. Mendiola questioned if there is cushion for natural disasters.

Mrs. Cruz responded that there is one make up day, the day after Thanksgiving, and any professional development day could be used if schools had to make up a day. She clarified that the elementary schools would be the ones most affected because the middle and high schools far exceed the Carnegie units required far as the number of instructional hours needed. There are no issues with secondary schools (with the exception of Southern High School); however the elementary schools would use either the day after Thanksgiving or a professional development day to make up the days if there is a natural disaster or water outage.

The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

Mr. Ada questioned at what time is the decision made for high school to make up the full school day or a certain amount of hours.

Mr. Fernandez stated that if a school is in session until after lunch, the day would not need to be made up. If schools are forced to close before lunch, it would be evaluated on how whether a makeup day is needed.

Revote: The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

III. New Business

1) Approval of FY 19 Budget

Mr. Mendiola asked the board members that the discussion be tailored toward the resolution, in terms of discussion of the budget. Mr. Mendiola pointed out that we did receive official communication from the Chairperson for the Guahan Charter School Council regarding the charter schools' budgets.

Mr. Ada asked if the resolution in the packet was for the Department of Education's budget. Mr. Mendiola responded that it was. Mr. Ada stated that yesterday GDOE received notification to start cutting down the the budget based on the revenue shortfall for the government of Guam. Mr. Mendiola responded that we did not make any cuts in the current document but later down the line we will have to work on cutting the budget once we are given guidance with the reduction.

Mrs. Gutierrez moved, seconded by Ms. Benavente, to approve Resolution 2018-02 relative to the Fiscal Year 2019 Annual Budget request for the Guam Department of Education.

Mr. Mendiola read the draft for Resolution 2018-02.

Mr. Ada stated that he has no problems with the resolution but questioned if all charter schools submitted their budget.

Both Mr. Mendiola and Mrs. Gutierrez clarified that all charter schools did in fact submit a budget.

Dr. McNinch commented that he would like to ask our leaders to please love our children in our public schools as much as they appear to love these charter schools.

Mr. Mendiola commented that one of the reasons why we worded the resolution the way we did is because of the discussions that have taken place and our objections to having the charter schools included in our budget. He went on to say that he felt that one way to send a message and be very clear that we have 41 schools to operate, a different mission from the charter schools, but they are all our kids and the hard decisions need to be made down at the legislature. He continued stating that the one thing that we really want to ensure is that the major cuts that are coming down are shared by everybody across the board and not just the Department of Education, and that the charter schools share that burden as well.

Dr. McNinch added whether it was the Guam Department of Education that was responsible for the education of all our young children or the charter schools?

Mr. Mendiola agreed and stated that it was relayed to the Legislative Education Chair that we were not a part of the Charter School's budget process but we did sit down with our department and we came up with a sound budget.

Ms. San Nicolas commented that we should reinforce our position that the charter schools and the Guam Department of Education have separate budgets and to reinforce it in our resolution and to include that information in the cover letter of our budget.

Mr. Mendiola agreed and requested that all board members sign off on the cover letter so that it can show a unified position.

Ms. San Nicolas recommended to Mr. Mendiola that when he testifies in front of the legislature he emphasize that we are not only talking about a separate budget but also that our resources are being used, the Superintendent's time is being used to review and look through documents and provide input. She stated that our auditor is also used when we have forty-one schools of our own to take care of. Not only is it very time consuming, but it is depriving the Superintendent's time and the auditor's time to provide assistance to the charter schools. If they want to put that in their budget to request for an auditor, they should.

Mr. Mendiola agreed and stated that it would be prudent on the Legislature's part to hold an oversight hearing and call the Charter School Council to justify their budget.

Mr. Lujan commented that our campaign started last summer. When we were approached about the issues on our budget with the charter schools, we made our consensus and our feelings about the charter schools versus the Guam public schools.

Mrs. Gutierrez pointed out page 4 from line 106 to 111, that it clearly stated that we do not endorse, nor approve the charter school budget that is being transmitted. Mrs. Gutierrez stated that she did speak to the Superintendent and the Chair about the recommendation that Senator San Agustin made, which was to clearly state in our cover letter that the charter school budget is attached because it has to be submitted with the Department of Education's budget but we did not approve it.

Mr. Ada questioned how many children, by law, is the charter school allowed to accept.

Mr. Fernandez stated that currently in the last budget it was 740 for Guahan Academy Charter School and 500 for iLearn but in the new packet the numbers have gone up because of the two new schools.

Mr. Ada stated that he is isolating his question to Guahan because on the news while he was heading to the meeting, it was being reported that they were requesting for 830 students. He continued, that was his problem, because the legislature only authorized 740 and questioned where their funding was going to come from for the difference.

Mr. Mendiola stated that the increase was approved by the Council and that is the reason why we have to be clear when presenting our budget to the Legislature. He commented that he believes that there is a subcommittee on the charter schools and they have to get themselves around this issue because when you look at the law, it is a violation, which puts the department in a position. He restated that when the budget is presented he will make it clear that he is only testifying on GDOE's budget and not the charter school budget.

Mr. Ada stated that it puts us in a quandary because why are we submitting and approved budget when there are 110 more students than was approved.

Mr. Mendiola commented that the Board has no real authority and based on the law, we are just supposed to transmit the charter school budget. What we are doing here, is making it clear in our resolution to the legislature that we can not continue to plan our budget if we do not now the factors that come in to play with the charter schools.

Mr. Jon J. P. Fernandez, Superintendent and Executive Secretary, took the roll call for voting purposes. The following members were **present and voted** for the motion:

Voting Members:	**Vote:**
Ada, Peter Alecxis	Yes
Benavente, Lourdes M.	Yes
Lujan, James C. (Tele-conference)	Yes

McNinch, Dr. Ron	Yes
San Nicolas, Lourdes B.	Yes
Gutierrez, Maria A. – Vice Chair	Yes
Mendiola, Mark B. – Chairman	Yes

The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

Mr. Mendiola asked the Superintendent and his team to prepare the cover letter for the Board, taking in all the discussion that took place during the meeting to include the changes that were pointed out. Once that is completed, he asked that the Superintendent add the signature blocks of all the board members that are her on island be forwarded the opportunity to sign off on that document. Mr. Mendiola stated that he would be more than happy to deliver the document himself.

IV. Adjournment

Mrs. Gutierrez moved, seconded by Ms. Benavente to adjourn the meeting at 6:39 pm.

MINUTES SUBMITTED BY:

_____ Date: _____

LEILANI M. B. CRUZ
Administrative Officer

MINUTES OF JANUARY 26, 2018 SPECIAL MEETING:
( ) Approved as submitted
( ) Approved subject to corrections
( ) Other: _____

_____

MARK B. MENDIOLA
GEB Chairman

Date: _____

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: _____

Communications

Ex-Officio Member Report

Doc. No. 34GL-18-1541.

Unfinished Business/Committee Reports

Descriptor Term:	Descriptor Code:	Issued Date:
COMMITTEES	115	08/22/17
	Rescind:	Issued:
	110	

Board Policy

Standing Committees

The Guam Education Board shall through the Chairman have the following Standing Committees:

- Executive
- Instructional and Academic Support
- Safe and Healthy Schools
- Organizational Efficiency and Development
- Fiscal Management

Executive Committee

The Executive Committee shall be comprised of the Chairman, Vice-Chairman and the members serving as Chairpersons of the respective Standing Committees.

Special Committees

The Chairman may create, with the consent of the Board, any special committee (including Ad Hoc and Liaison Committees).

The tenure of the special committee shall be at the completion of their assigned task or at the pleasure of the Board.

Membership and Voting

The Chairman shall appoint, with the consent of the Board, the members of each special committee. No special committee shall contain more than four (4) voting members of the Board. The Chairman may appoint with the consent of the Board, persons other than Board members to serve on the special committees. Any such non-Board member of a special committee may or may not have voting privileges on the special committee, as determined at the time of his appointment to the special committee. The members of each special committee shall select the special committee chairman.

NASBE | National Association of State Boards of Education

Legislative Conference 2018: Schedule at a Glance

Legislative Conference 2018: Schedule at a Glance

Far too often, political or partisan differences become a roadblock to achieving better student outcomes and ensuring that all students thrive in school, work, and life. Our students deserve education leaders who honestly address our most persistent and challenging issues and view them as opportunities to relentlessly pursue excellent, equitable, and innovative solutions. This year's Legislative Conference will cover such topics as building state capacity to advance equity and excellence, preparing students to succeed in the future workplace, advancing equitable student-based funding systems, and supporting our great teachers and other school leaders.

The goals of this year's Legislative Conference are:

- Explore and promote the role of the state board to hold firm to equity and excellence in education.
- Advocate for state leadership under ESSA to move beyond the plan.
- Develop skills to lead toward common goals of excellence and equity for every student.

Note: Below is a working schedule for the Legislative Conference. Check this space for schedule and programming updates.

Sunday, March 4

8:00 am – 5:00 pm – Registration

8:30 am – 12:00 pm – NASBE Board of Directors Member Orientation – New Board Member Orientation

12:00 pm – 4:30 pm – NASBE Board of Directors Meeting

1:00 pm – 4:00 pm – NASBE Government Affairs Committee Meeting

4:45 pm – First shuttle bus leaves Loews Madison Hotel for the Capital Hilton. Buses will depart at 4:45, 5:00, and 5:15 pm.

5:00 pm – 6:00 pm – Opening Reception with CCSSO

6:00 pm – 8:00 pm – Opening Dinner (Evening Keynote: Doris Kearns Goodwin, presidential historian, public speaker and Pulitzer Prize-winning author)

8:00 – 8:30 pm – Member Meet and Greet

8:45 pm – Last shuttle bus leaves Capital Hilton for Madison Hotel.

Monday, March 5

7:00 am – 5:00 pm – Registration

7:30 am – 8:15 am – Networking Breakfast

8:30 am – 9:30 am – Opening General Session: Welcome by NASBE Board of Directors Chair John Kelly and NASBE President and CEO Kristen Amundson.

This session will also include remarks from Jason Botel, Principal Deputy Assistant Secretary, U.S. Department of Education, on the Every Student Succeeds Act (ESSA) and other administration priorities.

9:30 am – 10:45 am – General Session: *Insights and Lessons Learned from Former White House Education Advisors*

10:45 am – 11:00 am – Break

11:00 am – 12:15 pm – Concurrent Sessions:

NASBE | National Association of State Boards of Education

Legislative Conference 2018: Conference Sessions

Legislative Conference 2018: Conference Sessions

Watch this space for details about this year's conference sessions.

This year's conference theme is "Bridging the Divide." Far too often, political or partisan differences become a roadblock to achieving better student outcomes and ensuring that all students thrive in school, work, and life. Our students deserve education leaders who honestly address our most persistent and challenging issues and view them as opportunities to relentlessly pursue excellent, equitable, and innovative solutions.

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- Advocate for state leadership under ESSA to move beyond the plan.
- Develop skills to lead toward common goals of excellence and equity for every student.

General Session: Insights and Lessons Learned from Former White House Education Advisors

This general session aims to provide an insider's look into federal policy-making for state board members. The panel discussion will cover such topics as ways state leaders can inform and shape education policy, strategies to build bipartisan consensus, and lessons-learned on implementation of previous Elementary and Secondary Education Act reauthorizations.

(Panelists: Andrew Rotherham, White House Domestic Policy Council (President William J. Clinton); John Bailey, White House Domestic Policy Council (President George W. Bush); Roberto Rodriguez, White House Domestic Policy Council (President Barack Obama), Moderator: Lauren Camera, Education Reporter, U.S. News)

Concurrent Session: Preparing Today's Students for Tomorrow's Jobs

What are the skills that students will need to succeed in a changing economy? The session will explore labor market trends and highlight relevant research findings and practical experiences of state board members engaged in workforce development.

(Panelists: Ryan Reyna, Senior Associate, Education Strategy Group; Amar Kumar, Senior Vice President, Office of the Chief Education Advisor, Pearson Education; Moderator: Sandy Boyd, Chief Operating Officer, Achieve)

Concurrent Session: Working with Governors and Legislators: Tips and Strategies

The concurrent session will cover tips and strategies for state boards to effectively engage with governors, legislators, and their staffs. This session aims to empower boards with practical advice on working collaboratively with their counterparts in state government to achieve a shared vision for education.

(Panelists: Matt Jordan, Director of Strategic Initiatives, Education Commission of the States (ECS); Stephen Parker, Legislative Director, Education & Workforce Committee, Office of Government Relations, National Governor's Association (NGA); Moderator: Daarel Burnette II, State Education Reporter, Education Week)

Concurrent Session: Principal Leadership in Early Childhood Education

States are increasingly focused on the importance of the early years, and have recognized that principal leadership is essential to supporting great instruction for our youngest children. This session will highlight the skills and knowledge principals need to provide

instructional leadership for teachers of young children, and the systems states are putting in place to cultivate and support those principals.

(Panelists: Joseph Cullen, Principal of Pinebrook Elementary, Newark, NJ; Elizabeth Alves, Tennessee Department of Education; Moderator: Elliot Regenstein, Partner, Foresight Law and Policy Advisors)

Concurrent Session: Diving Deeper into Teacher Shortage Data: Implications for Teacher Preparation Programs

This session aims to explore the topic of teacher shortages currently trending on state board of education agendas, empower board members with questions to ask to delve deeper into this data, and identify ways to strengthen a pipeline of diverse, high-quality teachers for our students. The panel discussion will highlight relevant research findings, recent state actions, and implications for teacher preparation programs.

(Panelists: Kate Walsh, President, National Council on Teacher Quality; Denise Pearson, Vice President of Academic Affairs and Equity Initiatives, SHEEO; Moderator: Donna Johnson, Executive Director, Delaware State Board of Education)

General Session: Building State Capacity to Advance Equity

This general session will explore ways state board members can develop the capacity of state and local agencies to address our persistent opportunity and achievement gaps. The panel discussion will cover such topics as opportunities under the Every Student Succeeds Act, engaging with community organizations, and empowering leaders to honestly address our most persistent and challenging issues.

(Panelists: Lillian Lowery, Vice President for P-12 Policy and Practice, The Education Trust; Ross Wiener, Vice President of Aspen Institute and Executive Director of Education and Society Program; Eric Thomas, Georgia Chief Turnaround Officer; Moderator: Kristen Amundson, President and CEO, NASBE)

General Session: Advancing Equitable School Funding

This general session aims to empower state boards with knowledge and key questions to consider in fostering a more equitable distribution of resources among out schools. The session will cover such topics as ESSA's fiscal transparency requirement, ways states can use this information to engage in honest conversations about inequities and explore resource strategies that improve school performance.

(Presenter: Karen Hawley Miles, Chief Executive Officer and President, Education Resource Strategies)

Contact NASBE

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Jon J. P. Fernandez
Superintendent of Education

Catherine M. Schroeder
Program Director, Head Start

Guam Head Start Program
Program Director's Report
February 2018

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 January 31, 2018 the program expended and encumbered 46.42%of its budget. The program is waiting for the approval of the budget revision.

Enrollment Information / Reports: (Attachment B)

The attendance for January was 87.29%which is up from December's 86.37% Year to date attendance has met the 85% enrollment objective. The program is currently analyzing absences and the impact on child outcomes

The program currently has 50 children with a disability in the classroom in January which brings our current enrollment below the 10% requirement.

Meal Report: (Attachment C) January report

Program Information: (Attachment D)

Federal Budget and Grant Application: The program has begun joint meetings with stakeholders to review the grant and develop the budget for the next year.

Attendance: As of the end of January 31% of our children did not meet the 85% attendance rate or the year. This is an improvement over the 41% reported last month.

Registration for next school year begins in March. Families currently on the late registration call log and wait lists are being called and given appointments. Registration will be available at the Power of Play outreach events and the Annual Head Start Fitness Fair. A copy of the registration requirements and registration sites is attached.

Asan Senior, Youth, and Head Start Parent resource Center. The program received notice to return the space to the Mayor by March 1. Parents may still utilize the facility for meetings. We are working with the Mayor to meet this deadline.

Doc. No. 34GL-18-1541.

Selection Criteria: The draft proposal is attached for review. The criteria is based on the community assessment and the eligibility criteria as noted in 45 CFR 1302.12 Subpart A.

Extended Duration Classroom proposal. The program management is looking to extend hours in at least one site: Maria Ulloa has two classrooms. One is currently a full day classroom. The program would like to make the 2nd classroom full day for uniformity at that district site.

Region IX Annual Hawai'i/ Outer Pacific Training. The key topics will be data driven decision making and the Pyramid Model Practice Based Coaching. The team going is HS management and the 4 in house mentor coaches.

Communications: Office of Head Start

There have been no program instructions or information since the last GEB meeting.

Program Calendar and Announcements: February 20 – March 31, 2018

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

Date	Event
February 21	Policy Council Meeting: 6:30 – 8:30 Asan Senior, Youth and Head Start Parent Resource Room: discussion: grant and budget
March 6	Joint work session with the GEB and PC: review the draft grant in preparation for approval at the March 13 special meeting.
March 10	Annual Fitness Fair: Dededo Sports Complex: 9am – 1 pm
March 13	GEB Special Meeting
March 17 – 25	Annual Region IX Hawai'i/ Outer Pacific Training: San Francisco

Request: Approval to extend the hours at the Maria Ulloa II classroom for next school year. Draft documents of the grant proposal will be provided prior to meetings for review.

Submitted: February 13, 2018

Catherine M. Schroeder: Program Director

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

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
Basic Grant								
32010								
0111 FTE salaries	1,739,971.00	1,739,971.00	788,237.85	114,376.70	-	951,733.15	45.30%	54.70%
0113 Substitute	2,100.00	2,100.00	-	-	-	2,100.00	0.00%	100.00%
0114 PTE salaries	247,696.00	247,696.00	185,154.53	15,217.79	-	62,541.47	74.75%	25.25%
0121 Benefits	779,635.00	790,320.00	361,537.27	47,476.66	-	428,782.73	45.75%	54.25%
0222 mileage	6,800.00	6,800.00	1,717.15	405.14	-	5,082.85	25.25%	74.75%
0230 Contractual	76,443.00	71,443.00	25,840.45	6,329.00	7,921.56	37,680.99	47.26%	52.74%
0240 Supplies	74,900.00	89,912.00	9,406.36	1,761.89	6,157.29	74,348.35	17.31%	82.69%
0250 Equipment	9,000.00	14,000.00	5,719.99	-	-	8,280.01	40.86%	59.14%
0290 Misc.	500.00	500.00	17.25	17.25	-	482.75	3.45%	96.55%
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**	**1,377,630.85**	**185,584.43**	**14,078.85**	**1,590,219.30**	46.67%	53.33%
ETA Grant								
32030								
0221 Off island travel	20,000.00	45,000.00	15,680.91	-	-	29,319.09	34.85%	65.15%
0222 Mileage	1,600.00	1,600.00	150.33	-	-	1,449.67	9.40%	90.60%
0230 Contractual	23,000.00	23,000.00	5,555.00	110.00	4,000.00	13,445.00	41.54%	58.46%
0240 supplies	1,394.00	1,394.00	-	-	-	1,394.00	0.00%	100.00%
32030 Total	**45,994.00**	**70,994.00**	**21,386.24**	**110.00**	**4,000.00**	**45,607.76**	35.76%	64.24%
Grand Total	**3,002,226.00**	**3,052,923.00**	**1,399,017.09**	**185,694.43**	**18,078.85**	**1,635,827.06**	46.42%	53.58%

Doc No 3461 | 18-1741

09CH9160 - GUAM PUBLIC SCHOOL SYSTEM

End-Of-Month Enrollment - January 2018

Head Start

	Operated this month	*Last day of services provided*	*All clases/options in session*	*Reported Enrollment*	*Funded Enrollment*	*Status*
	Yes	Jan 31, 2018	Yes	534	534	Reported
Initially Reported:	On 02/01/2018 by Enrico Pegarido					
Last Updated:	On 02/01/2018 12:11:16 AM, EST by Enrico Pegarido					
Grantee Comments:	Total Enrolled in Class: 523 Total Vacancies Within 30 Days: 11 Total Vacancies Over 30 Days: 0 Total Vacancies Replaced After 30 Days: 0					

Guam Head Start Program

2301 - Average Daily Attendance

Program Term: HS Program Year 52, Enrollment Status: Enrolled Attendance Date: 1/1/2018 - 1/31/2018

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									
Adacao	281	23	0	16	17.56	19	92.43%	19.00	92.43%
Site Total	**281**	**23**	**0**	**16.00 (avg)**	**17.56**	**19**	**92.43%**	**19.00**	**92.43%**
Astumbo Elementary School									
Astumbo	284	36	0	16	17.75	20	88.75%	20.00	88.75%
Site Total	**284**	**36**	**0**	**16.00 (avg)**	**17.75**	**20**	**88.75%**	**20.00**	**88.75%**
C.L.Taitano Elementary School									
C.L.Taitano I	273	32	0	16	17.06	20	85.31%	19.06	89.51%
C.L.Taitano II	266	37	0	16	16.63	20	83.13%	18.94	87.79%
Site Total	**539**	**69**	**0**	**16.00 (avg)**	**33.68**	**40**	**84.22%**	**38.00**	**88.65%**
Carbullido Elementary School									
Carbullido I (AM)	265	52	0	16	16.56	20	82.81%	19.81	83.60%
Carbullido II (PM)	281	23	0	16	17.56	19	92.43%	19.00	92.43%
Site Total	**546**	**75**	**0**	**16.00 (avg)**	**34.12**	**39**	**87.50%**	**38.81**	**87.92%**
Chief Brodie Elementary School									
Chief Brodie I	285	19	0	16	17.81	20	89.06%	19.00	93.75%
Chief Brodie II	270	50	0	16	16.88	20	84.38%	20.00	84.38%
Site Total	**555**	**69**	**0**	**16.00 (avg)**	**34.69**	**40**	**86.72%**	**39.00**	**88.94%**
D.L.Perez Elementary School									
D.L.Perez I	277	27	0	16	17.31	20	86.56%	19.00	91.12%
D.L.Perez II	249	54	0	16	15.56	20	77.81%	18.94	82.18%
Site Total	**526**	**81**	**0**	**16.00 (avg)**	**32.87**	**40**	**82.19%**	**37.94**	**86.66%**
Finegayan Elementary									
Finegayan	298	22	0	16	18.63	20	93.13%	20.00	93.13%
Site Total	**298**	**22**	**0**	**16.00 (avg)**	**18.62**	**20**	**93.13%**	**20.00**	**93.13%**
H.S.Truman Elementary School									
Truman	257	40	0	16	16.06	20	80.31%	18.56	86.53%
Site Total	**257**	**40**	**0**	**16.00 (avg)**	**16.06**	**20**	**80.31%**	**18.56**	**86.53%**
Inarajan Elementary School									
Inarajan	276	28	0	16	17.25	20	86.25%	19.00	90.79%
Site Total	**276**	**28**	**0**	**16.00 (avg)**	**17.25**	**20**	**86.25%**	**19.00**	**90.79%**
J.M.Guerrero Elementary School									
J.M.Guerrero	285	35	0	16	17.81	20	89.06%	20.00	89.06%
Site Total	**285**	**35**	**0**	**16.00 (avg)**	**17.81**	**20**	**89.06%**	**20.00**	**89.06%**
M.Sablan Elementary School									
M.Sablan	278	42	0	16	17.38	20	86.88%	20.00	86.88%
Site Total	**278**	**42**	**0**	**16.00 (avg)**	**17.38**	**20**	**86.88%**	**20.00**	**86.88%**

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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Guam Head Start Program

2301 - Average Daily Attendance

Program Term: HS Program Year 52, Enrollment Status: Enrolled Attendance Date: 1/1/2018 - 1/31/2018

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]
M.U.Lujan Elementary School									
M.U.Lujan	280	33	0	16	17.50	20	87.50%	19.56	89.46%
Site Total	**280**	**33**	**0**	**16.00 (avg)**	**17.50**	**20**	**87.50%**	**19.56**	**89.46%**
M.Ulloa Elementary School									
M.Ulloa I	281	39	0	16	17.56	20	87.81%	20.00	87.81%
M.Ulloa II	245	43	0	16	15.31	20	76.56%	18.00	85.07%
Site Total	**526**	**82**	**0**	**16.00 (avg)**	**32.87**	**40**	**82.19%**	**38.00**	**86.51%**
Machananao Elementary School									
Machananao	293	19	0	16	18.31	20	91.56%	19.50	93.91%
Site Total	**293**	**19**	**0**	**16.00 (avg)**	**18.31**	**20**	**91.56%**	**19.50**	**93.91%**
Merizo Martyrs Elementary School									
Merizo	251	69	0	16	15.69	20	78.44%	20.00	78.44%
Site Total	**251**	**69**	**0**	**16.00 (avg)**	**15.69**	**20**	**78.44%**	**20.00**	**78.44%**
P.C.Lujan Elementary School									
P.C.Lujan	236	57	0	16	14.75	20	73.75%	18.31	80.55%
Site Total	**236**	**57**	**0**	**16.00 (avg)**	**14.75**	**20**	**73.75%**	**18.31**	**80.55%**
Price Elementary School									
Price I (AM)	273	47	0	16	17.06	20	85.31%	20.00	85.31%
Price II (PM)	251	43	0	16	15.69	19	82.57%	18.38	85.37%
Site Total	**524**	**90**	**0**	**16.00 (avg)**	**32.75**	**39**	**83.97%**	**38.38**	**85.34%**
Talofofo Elementary School									
Talofofo	230	21	0	16	14.38	18	79.86%	15.69	91.63%
Site Total	**230**	**21**	**0**	**16.00 (avg)**	**14.38**	**18**	**79.86%**	**15.69**	**91.63%**
Upi Elementary School									
Upi	276	44	0	16	17.25	20	86.25%	20.00	86.25%
Site Total	**276**	**44**	**0**	**16.00 (avg)**	**17.25**	**20**	**86.25%**	**20.00**	**86.25%**
Wettengel Elementary School									
Wettengel I (AM)	255	65	0	16	15.94	20	79.69%	20.00	79.69%
Wettengel II (PM)	240	54	0	16	15.00	19	78.95%	18.38	81.63%
Site Total	**495**	**119**	**0**	**16.00 (avg)**	**30.94**	**39**	**79.33%**	**38.38**	**80.62%**
Guam Head Start Program	**7,236**	**1,054**	**0**	**16.00 (avg)**	**452.23**	**534**	**84.69%**	**518.13**	**87.29%**
Report Totals	**7,236**	**1,054**	**0**	**16.00 (avg)**	**452.23**	**534**	**84.69%**	**518.13**	**87.29%**

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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Guam Head Start Program
500 Mariner Avenue, Barrigada, GU 96913-1608
Phone: 475-0484 • Fax: 477-1535 • Website: guamheadstart.gdoe.net

Application Information for School Year 2018 – 2019

What is the Guam Head Start Program?

Head Start is a comprehensive preschool program that provides education, health, nutrition, and social services to eligible children and their families.

Who Should Apply?

- Families that meet the income guidelines and have a child who is:
  - 5 years old (born August 1 to December 31, 2013)
  - 4 years old (born January 1 to December 31, 2014)
  - 3 years old (born January 1 to July 31, 2015)
- Families receiving TANF or SSI with an age eligible child
- Families with an age eligible child having a current IEP from GDOE's Division of Special Education

2018 Federal Income Guidelines	
Family of 1 .....$12,140	Family of 6 .....$33,740
Family of 2 .....$16,460	Family of 7 .....$38,060
Family of 3 .....$20,780	Family of 8 .....$42,380
Family of 4 .....$25,100	For families with more than 8 persons, add $4,320 for each additional person
Family of 5 .....$29,420	

Who can register a child? (Child is not required to be present)

- Household Parents
- Household Legal Guardians appointed through the court must register child

What do I need to bring? (As it applies to your family)

- Household Parents and/or Guardian's picture identification (valid driver's license, Guam ID, Passport)
- Child's Birth Certificate (original or official stamped copy)
- Immunization Card (shot record)
- Child's social security card
- Legal documents relating to guardianship, child custody or name changes such as Restraining Order; Marriage Certificate or Divorce Decree when parent's name is different from child's birth certificate or Identification Cards
- Income documents for the last 12 months:
  - Verification of earned and unearned income of Household Parents and Guardians to include but not limited to the following: 2017 W2 or Income Tax forms; check stubs from 2017-2018, Public Health Certification, Child Support, Financial Aid, Social Security benefits, GHURA Utility Reimbursements, LES for military (monthly)
  - Statement of Support for all household parents and guardians with no source of income
  - Unemployment Verification for all household parents and guardians unemployed for 6 or more months
- If child has a certified disability, copy of current IEP documents from GDOE's Division of Special Education

Where do I go?

The following is our Registration Outreach Schedule for School Year 2018-2019. After these dates, registration will be done at the Head Start Central Office by appointment only.

DEDEDO PUBLIC HEALTH CENTER
April 2-5, Mon to Thurs, 8am-4pm
April 9-12, Mon to Thurs, 8am-4pm
May 7-10, Mon to Thurs, 8am-4pm

MANGILAO PUBLIC HEALTH CENTER
April 16-19, Mon to Thurs, 8am-4pm
April 23-26, Mon to Thurs, 8am-4pm
May 14-17, Mon to Thurs, 8am-4pm

INARAJAN PUBLIC HEALTH CENTER
April 30- May3, Mon to Thurs, 8am-4pm
May 21-24, Mon to Thurs, 8am-4pm

Do you want a Head Start in registering your child for School Year 2018-2019?

Head Start Staff will also be at the following events. They will register if you have all required documents and are eligible.

- Saturday, March 10, 2018 from 9am to 1pm – Head Start Children's Fitness Fair at Guam Sports Complex, Dededo
- Saturday, March 17, 2018 from 10am to 2pm – Power of Play Outreach at Pagachao, Agat
- Saturday, March 24, 2018 from 9am to 1pm – Power of Play Outreach at Ironwood Estates, Dededo
- Monday, March 26, 2018 from 9am to 1pm – Power of Play Outreach at Toto Gardens
- Wednesday March 28, 2018 from 2pm to 6pm – Power of Play Outreach at Hemlani Apartments, Harmon
- Friday, March 30, 2018 from 1pm to 5pm – Power of Play Outreach at Gil Baza / Zero Down, Yigo
- Saturday, April 7, 2018 from 1pm to 5pm – Power of Play Islandwide Carnival at Guam Sports Complex, Dededo

Call the Head Start Central Office at 475-0484 for inquiries or special accommodations.

CLOSED ON WEEKENDS AND GOVERNMENT HOLIDAYS

Guam Head Start Program

Selection Criteria for Program Years 53 / School Years 2018-2019

❖ Categorically Eligible:		
➢ Children who are in Foster Care	80 points	_____
➢ Children who are Homeless	80 points	_____
➢ Children who are receiving Public Assistance (TANF)	60 points	_____
❖ Continued Eligibility:		
➢ Re-enrollees from previous program/school year	100 points	_____
❖ Age:		
➢ All 5-year old children born from Kindergarten Cut-Off Date to December 31	120 points	_____
➢ All 4-year old children born from January 1 to July 31	80 points	_____
➢ All 4-year old children born from August 1 to December 31	40 points	_____
➢ All 3-year olds born from January to July 31	1 points	_____
❖ Family Risk Factors (at time of Eligibility Determination):		
➢ Family Relations		
▪ Child Protective Services Involvement (excluding foster care)	5 points	_____
▪ Family Violence	5 points	_____
▪ Substance Abuse of Parent(s) or Guardian(s)	5 points	_____
▪ Incarceration of Parent(s) or Guardian(s)	4 points	_____
▪ Teen Parent (currently 20-years old or younger)	3 points	_____
▪ Deployment of Parent or Guardian - Past or Present	3 points per person	_____
▪ Parent or Guardian deceased within the past 12 months	3 points	_____
▪ Multiple Families in One House	3 points	_____
▪ Single Parent Household	3 points	_____
➢ Legal Issues		
▪ Current Guardianship or POA of HS child	3 points	_____
▪ Child being raised by someone other than parent or guardian without a POA	3 points	_____
▪ Custody Arrangements	3 points	_____
▪ Restraining Order(s)	3 points	_____
➢ Education of Parents/Guardians in Household		
▪ No High School Diploma or GED Certificate	1 point per person	_____
➢ Health and Disabilities		
▪ Child certified with a disability from SPED		
• Current IEP or IFSP	4 points	_____
• Previous IEP or IFSP	1 point	_____
▪ Child with other health or developmental impairments and receiving services from Karinu, Special Needs Clinic, Shriners, and/or GBHWC		
• Currently receiving services	3 points	_____
• Previously receiving services	1 point	_____
▪ Family member in household with a current disability or previous IEP	1 point per person	_____
▪ No medical or dental insurance	3 points	_____
❖ Income		
➢ 0 - 20% of applicable Federal Poverty Guideline	60 points	_____
➢ 21 - 40% of applicable Federal Poverty Guideline	50 points	_____
➢ 41 – 60% of applicable Federal Poverty Guideline	40 points	_____
➢ 61 - 80% of applicable Federal Poverty Guideline	30 points	_____
➢ 81 - 100% of applicable Federal Poverty Guideline	20 points	_____
➢ 101 - 130% of applicable Federal Poverty Guideline	10 points	_____
➢ 131% or more of applicable Federal Poverty Guideline (child with certified disability)	0 points	_____
➢ 131% or more of applicable Federal Poverty Guideline (child with NO certified disability)	NOT ELIGIBLE	

The Selection Criteria is annually reviewed and revised as needed by the Guam Head Start Policy Council (GHSPC) and then brought before the Guam Education Board (GEB) for approval.

The approved Selection Criteria is then implemented in accordance with policies and procedures related to Eligibility, Recruitment, Selection, Enrollment, and Attendance (ERSEA) in the Guam Head Start Program.

Approved:

MARK MENDIOLA
Guam Education Board (GEB), Chairperson

Approved:

JOSEPH AQUINO
Guam Head Start Policy Council, Chairperson

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

February 6, 2018

MEMORANDUM

TO: All GDOE Employees

FROM: Superintendent of Education

SUBJECT: Cost Containment and Austerity Measures

Hafa Adai! On January 23, 2018, the Bureau of Budget & Management Research, upon the direction of the Governor and under BBMR Circular 2018-04, announced projected General Fund revenue losses due to the federal Tax Cuts and Jobs Act of 2017, which would require pro-rata reductions in FY2018 appropriations for all agencies. For the Guam Department of Education ("GDOE"), this represents an estimated $19.6 million in cuts from our FY2018 appropriations. In line with this directive, the Department of Administration (DOA) has advised that, as early as February 2018, GDOE's weekly $3.8M cash disbursement will be adjusted between $3.6 million to $3.7 million.

I, along with my management team and budget staff, are reviewing options for reducing spending and increasing revenue for the department. I commit to you that we will be thoughtful, deliberate, and sensitive to the needs of our students and employees as we go through this process. However, the immediate need to reduce spending requires difficult decisions. As we roll out our cost containment measures today and over the coming weeks, I hope you will feel free to continue to provide your input, ideas and responses. You can email your comments to our public information officer, Ms. Isa Baza, at ijbbaza@gdoe.net.

Given our financial constraints, effective immediately, I am directing the following austerity and cost containment measures:

A. General Cost Containment Measures

1. **Delay expansion of Pre-Kindergarten.** While we have been leaders in advocating for and implementing the expansion of Pre-Kindergarten to students across the island, we are going to delay this year's expansion of Pre-K classes, which were to be located at D.L. Perez, Maria Ulloa, P.C. Lujan, Agana Heights, and Inarajan Elementary Schools at the start of School Year 2018-19. Spending related to this project is hereby placed on hold until GDOE is able to identify the necessary funding to continue with the expansion.

office positions. The S uperintendent shall periodically review and address the need to fill any vacancy, based on the critical nature and function of the position. The freeze shall not apply to federally-funded positions or school-based positions. When reviewing potential exceptions to the central office hiring freeze, the Superintendent will consider the following:

a. Whether the position is critical to the agency's operation.

b. Whether failure to fill the position will cause the agency to be unable to fill a mandate or major mission responsibility.

c. Whether the position is necessary to ensure health, safety or welfare.

d. Whether the position is mandated by local or federal law/contract.

2. **Freeze on assistant principal positions.** Until further notice, there will be a freeze on hiring additional assistant principals for the remainder of School Year 2017-18.

3. **Limit overtime.** Overtime will be limited to emergency responders only, primarily employees of Facilities and Maintenance division who are called to respond to critical school maintenance needs and are required to work after regular working hours or on weekends. All requests for overtime must be approved in writing and in advance by the Superintendent.

4. **Limit compensatory time off ("CTO").** All requests for CTO are rescinded and must be re-submitted for approval in writing by the Superintendent and shall not be accumulated or banked for monetary payment. Administrators and division heads are responsible for ensuring that any CTO granted will be used in a timely manner.

5. **Freeze resignation/re-employment practice.** Until further notice, requests for reemployment will not be considered or approved if the employee's resignation from the department took place within the prior six months of the request.

6. **Freeze voluntary demotions.** Until further notice, requests for voluntary demotion will not be considered or approved.

7. **Delay reclassifications.** All pending requests for reclassification will be delayed until October 1, 2018.

8. **Limitation on promotions.** Promotions or position upgrading, other than in-house promotions resulting from the filling of a vacant or vacated school-based position, shall be frozen until further notice.

9. **Limited authority to detail employees.** The Superintendent re-asserts the authority and shall have final approval of all detailed appointments, regardless of funding

3. **Transfer available reserved revenue from real property tax collections to GDOE.** A portion of the real property tax is dedicated to the repair or renovation of Simon Sanchez High School and other schools. An annual amount of up to $8.5 million is reserved for GDOE on a yearly basis, and because the school renovation projects are not anticipated to be completed during this fiscal year, the taxes being collected should be remitted to GDOE to offset our spending cuts.

E. Future Options for Revenue Enhancement

1. **Evaluate options for Tiyan Headquarters.** While we appreciate the work and planning that has gone into the construction of the Tiyan headquarters building, which would allow for the full consolidation of GDOE central office functions in one location, we would like to evaluate whether there are other options for helping to offset the spending cuts and will work with the Governor's office to do so. We would prefer to retain the warehouses for the purpose of addressing high-risk concerns from the U.S. Department of Education regarding security for fixed assets. However, the office spaces could be made available. The options could include:

    a. **Utilize Tiyan Headquarters building, as well as other available properties at Tiyan, to house government agencies that currently lease space.** If this option is feasible, GDOE requests that the savings from the other agencies' leases offset the spending reductions that the department is being directed to absorb. Whether this is a practical or feasible is yet to be determined, but GDOE offers this solution in order to minimize the impact of spending cuts on our schools and classrooms. This would require amendments to the law that prioritizes GDOE school and administrative use as well as charter school use. It may also require amendments to the lease with Core Tech International.

    Additionally, there are two (2) buildings on the Tiyan campus that were intended to be incubator space for charter schools. Guahan Academy Charter School ("GACS") currently leases the buildings for their K-5 school. However, it is my understanding that the government lease to GACS expires this summer, and that GACS intends to move its K-5 school to its new campus. The most recent charter school applicants did not indicate a need for incubator space as their proposals already identified and incorporated school facilities that they secured on their own. These two (2) buildings should be leased to government agencies, and the lease savings again should be applied to GDOE to offset planned spending reductions.

    b. **Lease Piti properties for commercial industrial use.** Currently, due to a continuing discussion with the Governor's office and the landlord, we are unable to build out the desired office space in one of the warehouses that would enable us to fully relocate out of the Piti properties where our

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

*JANUARY 2018

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	266	465.50	274	241.12	275	888.25	1,594.87	275	63.94	$ 1,658.81
BP CARBULLIDO ELEM	298	521.50	246	216.48	546	1,763.58	2,501.56	546	126.95	$ 2,628.51
CL TAITANO ELEM	528	924.00	279	245.52	547	1,766.81	2,936.33	547	127.18	$ 3,063.51
FINEGAYAN ELEM	298	521.50	298	262.24	298	962.54	1,746.28	298	69.29	$ 1,815.57
HS TRUMAN ELEM	238	416.50		-	256	826.88	1,243.38	256	59.52	$ 1,302.90
JM GUERRERO ELEM	274	479.50	285	250.80	285	920.55	1,650.85	285	66.26	$ 1,717.11
INARAJAN ELEM	292	511.00		-	288	930.24	1,441.24	288	66.96	$ 1,508.20
MA ULLOA ELEM	538	941.50	261	229.68	542	1,750.66	2,921.84	542	126.02	$ 3,047.86
MU LUJAN ELEM	279	488.25	280	246.40	280	904.40	1,639.05	280	65.10	$ 1,704.15
MERIZO ELEM	251	439.25		-	251	810.73	1,249.98	251	58.36	$ 1,308.34
PC LUJAN ELEM	238	416.50		-	239	771.97	1,188.47	239	55.57	$ 1,244.04
HB PRICE ELEM	288	504.00	235	206.80	518	1,673.14	2,383.94	518	120.44	$ 2,504.38
TALAFOFO ELEM	234	409.50		-	233	752.59	1,162.09	233	54.17	$ 1,216.26
UPI ELEM	276	483.00		-	276	891.48	1,374.48	276	64.17	$ 1,438.65
WETTENGEL ELEM	255	446.25	240	211.20	494	1,595.62	2,253.07	494	114.86	$ 2,367.93
DL PEREZ ELEM	535	936.25		-	536	1,731.28	2,667.53	536	124.62	$ 2,792.15
CHIEF BRODIE ELEM	552	966.00	287	252.56	556	1,795.88	3,014.44	556	129.27	$ 3,143.71
ASTUMBO ELEM	284	497.00		-	283	914.09	1,411.09	283	65.80	$ 1,476.89
MACHANAO ELEM	297	519.75		-	297	959.31	1,479.06	297	69.05	$ 1,548.11
LIGUAN ELEM		-		-		-	-	0	0.00	$ -
ADACAO ELEM	281	491.75		-	275	888.25	1,380.00	275	63.94	$ 1,443.94
		-		-						
TOTAL	6,502	11,378.50	2,685	2,362.80	7,275	23,498.25	$ 37,239.55	7,275	1,691.47	$ 38,931.02

Prepared by: Cecile Olíndez — Date: 2/9/18
Program Coordinator I

Certified by: — Date: 2/9/18
FNS Administrator

Doc. No. 34GL-18-1541.

New Business

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

244-34 (COR)	B. J.F. Cruz	AN ACT TO REPEAL § 16311 OF CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED; AND TO AMEND §26602 OF CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND SECTIONS 1 AND 2 OF CHAPTER VI OF PUBLIC LAW 34-42, RELATIVE TO REPEALING THE REFERENDUM ON TAX INCREASES; AND RAISING THE GROSS RECEIPTS TAX FROM FOUR PERCENT TO FIVE PERCENT BEGINNING APRIL 1, 2018 UNTIL JANUARY 1, 2020; AND REDUCING THE FISCAL YEAR 2018 GENERAL FUND APPROPRIATIONS TO THE GUAM LEGISLATURE, THE OFFICE OF FINANCE AND BUDGET, AND THE OFFICE OF THE GOVERNOR; AND FREEZING THE COMPETITIVE WAGE ACT OF 2014 UNTIL MARCH 1, 2019; AND TO CITE THIS ACT AS THE "FISCAL STABILIZATION ACT OF 2018."	2/14/18 1:49 p.m.					

Doc. No. 34GL-18-1541.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No 2434 (COR)

Introduced by: B.J.F. Cruz

AN ACT TO REPEAL § 16311 OF CHAPTER 16, TITLE 3, GUAM CODE ANNOTATED; AND TO AMEND §26602 OF CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND SECTIONS 1 AND 2 OF CHAPTER VI OF PUBLIC LAW 34-42, RELATIVE TO REPEALING THE REFERENDUM ON TAX INCREASES; AND RAISING THE GROSS RECEIPTS TAX FROM FOUR PERCENT TO FIVE PERCENT BEGINNING APRIL 1, 2018 UNTIL JANUARY 1, 2020; AND REDUCING THE FISCAL YEAR 2018 GENERAL FUND APPROPRIATIONS TO THE GUAM LEGISLATURE, THE OFFICE OF FINANCE AND BUDGET, AND THE OFFICE OF THE GOVERNOR; AND FREEZING THE COMPETITIVE WAGE ACT OF 2014 UNTIL MARCH 1, 2019; AND TO CITE THIS ACT AS THE "FISCAL STABILIZATION ACT OF 2018."

2018 FEB 14 PM 1:49

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Referendum on Tax Increases Repealed. § 16311 of Chapter 16, Title 3 of the Guam Code Annotated is hereby *repealed*:

~~**§ 16311. Referendum on Tax Increases Required.**~~

~~Notwithstanding any other provision of law, no increase in real property tax, liquid fuel tax, business privilege tax or any locally enacted and administered tax on Guam shall go into effect without the approval of the voters of Guam in a referendum held during a general election. The manner in which a proposed tax increase shall be placed in referendum before the voters of Guam pursuant to this Section shall be as follows:~~

~~(a) I Liheslaturan Guåhan must pass, in bill form, a proposed tax increase, the effective date to be thirty (30) days after ratification by the voters of Guam in a referendum, such ratification to be certified by the Guam Election Commission. The bill must detail the amount and nature of the proposed increase and the purpose to which such proposed increase shall be applied.~~

~~(b) No more than ten (10) days after the bill is enacted into law, the full text of the law shall be transmitted to the Guam Election Commission by the Legislative Secretary of I Liheslaturan Guåhan. The Guam Election Commission shall place before the voters of Guam the question of whether the voters approve or disapprove of the proposed tax increase at the next General Election; provided, that the date of transmittal of the proposed tax increase from I Liheslaturan Guåhan to the Guam Election Commission is at least ninety (90) days prior to the date of the next General Election.~~

~~(c) The Guam Election Commission shall cause to appear in a daily periodical of mass publication on Guam a full text of the proposed tax increase to be submitted to the voters in referendum pursuant to this Section, at a date no less than thirty (30) days prior to the General Election during which the referendum shall be held. I Liheslaturan Guåhan shall make such provisions as are deemed necessary to provide the public with information necessary to arrive at an informed position with respect to the proposal.~~

~~(d) Any submission to the voters made pursuant to this Section shall be treated as an initiative for the purpose of determining the number of votes needed to ratify a proposal placed before the voters pursuant to this Section.~~

~~This Section shall not be interpreted as requiring voter ratification of a tax imposed by the government of the United States of America, provided that this Section shall apply upon de-linkage of the Guam income tax from the Federal Internal Revenue Code.~~

Section 2. Increase of the Business Privilege Tax. § 26602 of Chapter 26, Title 11 of the Guam Code Annotated is hereby amended to read:

"**§ 26202. Rates.**

The following rates shall apply in computing, assessing and collecting the business privilege tax:

(a) Tax on the business of selling tangible personal property. Upon every person engaging or continuing within Guam in the business of selling any tangible property whatsoever (not including however, bonds or other evidence of indebtedness or stocks), there shall be a tax equivalent to ~~four~~ five percent (4 5%) of gross proceeds of sales; except that on the gross proceeds of the operation of poker machines, there shall be a tax equivalent to eight percent (8%) on the gross proceeds of each machine, as determined by subtracting the winnings, pay-outs and malfunction refunds from total receipts of each machine.

(1) Provided, that gross proceeds of export sales of tangible property in foreign commerce shall not constitute a part of the measure of the tax imposed. Although not constituting a part of the measure of the tax imposed, all such sales shall be reported in the manner provided for the reporting of the tax imposed by § 26202(a).

(2) Provided, that any person engaging or continuing in business as a retailer and a wholesaler shall pay the tax required solely on the gross proceeds of sales of the retail business, and his books must be kept so as to show separately the gross proceeds of sale of each business.

(3) Provided, that a manufacturer or producer engaging in the business of selling his manufactured products at retail in Guam shall be required to make returns of the gross proceeds of such retail sales and pay the tax

imposed by this Chapter for the privilege of engaging in the business of selling such products at retail in Guam; and

(4) Provided, that a manufacturer or producer, other than a manufacturer of alcoholic beverages, engaging in the business of selling his products to manufacturers, wholesalers, or licensed retailers, or persons actually selling the products to the United States Government, shall not be required to pay the tax imposed in this Act for the privilege of selling such products at wholesale. Nor shall any such manufacturer or producer, other than a manufacturer of alcoholic beverages, be required to pay the tax imposed in this Act for the privilege of selling products for delivery to the purchaser outside of Guam. The point of delivery for a purchaser outside of Guam may be on Guam, if the product's ultimate destination or consumption is outside of Guam.

(b) (1) [Repealed.]

(2) [Repealed.]

(3) Tax upon boxing. The tax levied and assessed under Subsections (b)(1) and (b)(2) (repealed) of this Section shall not apply to boxing for which a tax equivalent to twelve percent (12%) of the gross income of such boxing business is hereby levied and assessed.

(c) Tax on service business. Upon every person engaging or continuing within Guam, in any service business or calling not otherwise specifically taxed under this Section, [there shall be] a tax equivalent to ~~four~~ five percent (4~~5~~%) of the gross income of such business.

(d) Professions. Upon every person engaging or continuing within Guam in the practice of a profession, excluding those expounding the religious doctrines

of any church, [there shall be] a tax equivalent to ~~four~~ five percent (4~~–~~5%) of the gross income of such practice.

(e) Tax on Contractors. There shall be levied, assessed and collected a tax rate of ~~four~~ five percent (4~~–~~5%) measured against the gross income of any contractor; provided, that there shall be deducted from the gross income of the taxpayer so much thereof as has been included in the gross income earned from another taxpayer who is a contractor as defined in § 26101(b) and who has already paid the tax levied under this Subsection for goods and services that include the deductible gross income of the taxpayer who is a contractor; provided, that any person claiming a deduction under this Subsection *shall* be required to show in the person's return either the name and the contractor's license number issued by the Guam Contractors License Board, or the Guam business license number, or the registration number for a professional engineer, architect or land surveyor, or the Certificate of Authorization (COA) number for a business authorized to provide engineering, architecture or land surveying services by the Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors of the person paying the tax on the amount deducted by the person.

(f) Tax on banks, banking institutions, small lenders and building and loan associations. Upon every person engaging or continuing within Guam in the business of operating any bank, banking institutions, building and loan association, small lending business, or lending institutions, there shall be a tax equivalent to ~~four~~ five percent (4~~–~~5%) of the net income received from business.

(1) Net Income. For the purpose of this Section, net income shall mean the gross income of such taxpayer received from all sources less the following deductions therefrom:

(A) Salaries or bonuses paid and other compensation from personal services.

(B) Interest or discount paid.

(C) Rents paid.

(D) Ordinary operating expenses such as supplies, utility services, insurance premiums other than for life insurance, provided that any deductible insurance expense shall be allowable only to the extent that such a premium is applicable to the tax period against which it is claimed.

(E) Loans or obligations charged off the books of the bank as losses unless charged against reserves then in existence.

(F) Losses other than loan losses, such as those occasioned by fire or other casualty, theft, embezzlement, and the like, but only to the extent not covered by insurance proceeds collected.

(G) Transfers from earnings to reserve for bad debts or other contingencies provided for.

(H) Miscellaneous direct expenses such as legal, advertising, auditing, and the like.

(I) Loss on property sold and depreciation on property owned.

(2) A person liable for the payment of taxes levied under this Section shall be required to file an annual return, and shall not be required to file monthly returns. The tax year shall be calendar year except that the taxpayer may use his annual accounting period when prior permission is obtained from the Tax Commissioner. The annual return under this Subsection shall

be filed not later than ninety (90) days following the close of the taxpayer's tax year.

(g) Dealing in foreign currency. Upon every person engaging or continuing within Guam in the business of purchasing and selling foreign money, there shall be a tax equivalent to ~~four~~ five percent (4~~-~~5%) of the gross profit of such business represented by the difference between the cost and selling price of the foreign currency measured in United States dollars.

(h) Tax on other business. Upon every person engaging or continuing within Guam in any business, trade, activity, occupation or calling not specifically included in any other provision of this Article, there shall likewise be a tax equivalent to ~~four~~ five percent (4~~-~~5%) of the gross income of such business. This Section shall apply to the gross income of persons taxable under other provisions of this Chapter but which gross income is not derived from the exercise or privilege taxable thereunder.

(i) Insurers. Upon every person engaged or continuing within Guam in the business of an insurer, there shall be a tax at the rate of ~~four~~ five percent (4~~-~~5%) of gross income received as premium for the writing of insurance, less returned premiums and less all commissions attributable to the sale and purchase of an insurance policy or policies of the insurer paid by said insurer to agents of the same, and ~~four~~ five percent (4~~-~~5%) of any other gross income earned or derived on Guam.

(j) Tour Agencies. Upon every person engaging or continuing within Guam in the business of a tour agency or travel agency, where tourism-related services are furnished to consumers by independent vendors through arrangements made by a travel agency, or tour packager, and the gross income is divided between the provider of the services on the one hand and the travel agency or tour

packager on the other hand, a tax equivalent of ~~four~~ five percent (~~4~~ 5%) shall be imposed on each person with respect to such person's respective portion of the proceeds, and no more.

Where transient accommodations are furnished through arrangements made by a travel agency or tour packager, the gross income is divided between the provider of the transient accommodations on the one hand and the travel agency, or tour packager, on the other hand, a tax equivalent of ~~four~~ five percent (~~4~~ 5%) shall be imposed on each person with respect to such person's respective portion of the proceeds, and no more.

(1) As used in this Subsection tourism-related services shall mean dinner cruises, transportation included in a tour package, sight seeing tours, dinner shows, extravaganzas, cultural and educational facilities, and other services rendered directly to the customer or tourist.

(2) As used in this Subsection 'transient accommodations' shall mean hotel, lodging facility, or similar facility located on Guam and subject to the provisions of 11 GCA § 30101."

Section 3. Ten Percent (10%) Reduction in the Fiscal Year 2018 General Fund Appropriations to the Guam Legislature, the Office of Finance and Budget, and the Office of the Governor.

(a) Sections 1 and 2, Chapter VI of Public Law 34-42 is hereby *amended* to read:

"Section 1. Appropriation. The sum of ~~Eight Million Four Hundred Ninety-six Thousand Five Hundred Sixty-four~~ Seven Million Six Hundred Forty Six Thousand Nine Hundred Eight Dollars (**~~$8,496,564~~ 7,646,908**) is appropriated from the General Fund to *I*

Liheslaturan Guåhan (the Guam Legislature) for its operations, including personnel services, for Fiscal Year 2018.

Section 2. Appropriations to the Office of Finance and Budget. The sum of ~~Four Hundred Seventy Thousand~~ Four Hundred Twenty Three Thousand Dollars (**~~$470,000~~ 423,000**) is appropriated from the General Fund to *I Liheslaturan Guåhan* for the Office of Finance and Budget for its operations, including personnel services, for Fiscal Year 2018."

(b) Section 1(a)(1), Chapter V of Public Law 34-42 is hereby *amended* to read:

"**(1) Appropriation.** The sum of ~~Eight Million One Hundred Twenty-five Thousand Two Hundred Thirty-one~~ Seven Million Three Hundred Forty Two Thousand Nine Hundred Twenty Four Dollars (**$~~8,125,231~~ 7,342,924**) is appropriated to the Office of *I Maga'låhen Guåhan* (Governor of Guam) for its operations for Fiscal Year 2018. This sum is composed of ~~Seven Million Eight Hundred Twenty-three Thousand Sixty-seven~~ Seven Million Forty Thousand Seven Hundred Sixty Dollars (**$~~7,823,067~~ 7,040,760**) from the General Fund and Three Hundred Two Thousand One Hundred Sixty-four Dollars (**$302,164**) from the Indirect Cost Fund.

SUMMARY OF APPROPRIATION FUNDING SOURCE

GENERAL FUND	~~$7,823,067~~ 7,040,760
INDIRECT COST FUND	$302,164
TOTAL	**~~$8,125,231~~ 7,342,924**

For information purposes only:

FEDERAL MATCHING GRANTS-IN-AID	$0"

Section 4. Competitive Wage Act of 2014 Frozen. Notwithstanding any other provision of law, rule, or regulation, effective March 5, 2018, there is hereby put into effect a freeze on any and all salary increases effectuated by the enactment of the Government of Guam Competitive Wage Act of 2014, and any amendments thereto. The freeze authorized in this Section shall remain in effect through March 1, 2019, and shall be applicable to all positions within every branch of government, to include all government of Guam departments, bureaus, agencies, instrumentalities, public corporations, and/or entities or sub-entities of the executive, legislative, and judicial branches, the Mayor's Council of Guam and mayoral offices.

Section 5. Above-step Recruitment and Reclassification Moratorium. Notwithstanding any other provision of law, rule, or regulation, effective March 5, 2018, there is hereby put into effect a government-wide moratorium on reclassifications and above-step recruitment, except for teachers in the Guam Department of Education, licensed and allied health care professionals, and positions determined by the Civil Service Commission, as difficult to recruit, which shall remain in effect through March 1, 2019, and shall be applicable to all positions within every branch of the government of Guam, to include all departments, bureaus, agencies, instrumentalities, public corporations, and/or entities or sub-entities of the executive, legislative, and judicial branches, as well as the Mayor's Council of Guam and mayoral offices.

Section 6. Filling of Certain FTEs Prohibited. Notwithstanding any other provision of law, rule, or regulation, effective April 1, 2018, the filling of approved classified positions with unclassified appointments in hereby prohibited.

Section 7. Retroactive pay prohibited. The freeze authorized in Section 4 of this Act *shall* not entitle any person affected by the same to any form of monetary compensation whatsoever.

Section 8. Effective Date and Sunset. The increase to the business privilege

tax authorized by this Act *shall* take effect on April 1, 2018, and *shall* be *repealed* on January 1, 2020. The rate of Business Privilege Tax *shall* thereafter *revert* to the tax rate levied *prior* to the passage of this Act. All other Sections of this Act *shall* be effective upon enactment, unless otherwise stated.

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

245-34 (COR)	Committee on Rules	AN ACT TO REVISE THE BUSINESS PRIVILEGE TAX FROM 4% TO 6% BY AMENDING TITLE 11, DIVISION 2, CHAPTER 26, §26202; AND TO DEDICATE THE REVENUE TO BE COLLECTED FROM THE EXPANDED REVENUE STREAM TO (1) THE GUAM MEMORIAL HOSPITAL FOR ITS OPERATIONS AND MODERNIZATION, (2) THE DEPARTMENT OF EDUCATION TO FUND ITS CAPITAL NEEDS AND (3) THE GENERAL FUND OF THE GOVERNMENT OF GUAM TO ADDRESS THE TAX BASE EROSION RESULTING FROM THE PASSAGE OF THE TAX CUTS AND JOBS ACT OF 2017.	2/14/18 4:52 p.m.					

Doc. No. 34GL-18-1541.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 245 -34 (COR)

Introduced by: **Committee on Rules** (BV)

AN ACT TO REVISE THE BUSINESS PRIVILEGE TAX FROM 4% TO 6% BY AMENDING TITLE 11, DIVISION 2, CHAPTER 26, §26202; AND TO DEDICATE THE REVENUE TO BE COLLECTED FROM THE EXPANDED REVENUE STREAM TO (1) THE GUAM MEMORIAL HOSPITAL FOR ITS OPERATIONS AND MODERNIZATION, (2) THE DEPARTMENT OF EDUCATION TO FUND ITS CAPITAL NEEDS AND (3) THE GENERAL FUND OF THE GOVERNMENT OF GUAM TO ADDRESS THE TAX BASE EROSION RESULTING FROM THE PASSAGE OF THE TAX CUTS AND JOBS ACT OF 2017.

2018 FEB 14 PM 4:52

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that Guam Memorial Hospital (GMH) is underfunded operationally and is due for extensive capital improvement for its modernization and its viability. *I Liheslatura* further finds that GMH may be properly funded with an annual surplus remaining to pay for the needed capital improvements, whether new or modernized, by increasing the business privilege tax (BPT) from 4% to 6%.

It is further the intent of *I Liheslatura* to address the capital improvement needs of the Department of Education with the increase of the BPT rate as well as to address the tax base erosion caused by the passage of the Tax Cuts and Jobs Act

of 2017 by providing a portion of the BPT increase to the General Fund of the Government of Guam.

Section 2. The entire § 26202 is hereby *amended* and shall read as follows:

"**§ 26202.** Rates. The following rates shall apply in computing, assessing and collecting the business privilege tax:

(a) Tax on the business of selling tangible personal property. Upon every person engaging or continuing within Guam in the business of selling any tangible property whatsoever (not including however, bonds or other evidence of indebtedness or stocks), there shall be a tax equivalent to ~~four percent (4%)~~ six percent (6%) of gross proceeds of sales; except that on the gross proceeds of the operation of poker machines, there shall be a tax equivalent to eight percent (8%) on the gross proceeds of each machine, as determined by subtracting the winnings, pay-outs and malfunction refunds from total receipts of each machine.

(1) Provided, that gross proceeds of export sales of tangible property in foreign commerce shall not constitute a part of the measure of the tax imposed. Although not constituting a part of the measure of the tax imposed, all such sales shall be reported in the manner provided for the reporting of the tax imposed by § 26202(a).

(2) Provided, that any person engaging or continuing in business as a retailer and a wholesaler shall pay the tax required solely on the gross proceeds of sales of the retail business, and his books must be kept so as to show separately the gross proceeds of sale of each business.

(3) Provided, that a manufacturer or producer engaging in the

business of selling his manufactured products at retail in Guam shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed by this Chapter for the privilege of engaging in the business of selling such products at retail in Guam; and

(4) Provided, that a manufacturer or producer, other than a manufacturer of alcoholic beverages, engaging in the business of selling his products to manufacturers, wholesalers, or licensed retailers, or persons actually selling the products to the United States Government, shall not be required to pay the tax imposed in this Act for the privilege of selling such products at wholesale. Nor shall any such manufacturer or producer, other than a manufacturer of alcoholic beverages, be required to pay the tax imposed in this Act for the privilege of selling products for delivery to the purchaser outside of Guam. The point of delivery for a purchaser outside of Guam may be on Guam, if the product's ultimate destination or consumption is outside of Guam.

(b)

(1) [Repealed.]

(2) [Repealed.]

(3) Tax upon boxing. The tax levied and assessed under Subsections (b)(1) and (b)(2) (repealed) of this Section shall not apply to boxing for which a tax equivalent to twelve percent (12%) of the gross income of such boxing business is hereby levied and assessed.

(c) Tax on service business. Upon every person engaging or continuing within Guam, in any service business or calling not

otherwise specifically taxed under this Section, [there shall be] a tax equivalent to ~~four percent (4%)~~ six percent (6%) of the gross income of such business.

(d) Professions. Upon every person engaging or continuing within Guam in the practice of a profession, excluding those expounding the religious doctrines of any church, there shall be a tax equivalent to ~~four percent (4%)~~ six percent (6%) of the gross income of such practice

(e) Tax on Contractors. There shall be levied, assessed and collected a tax rate of ~~four percent (4%)~~ six percent (6%) measured against the gross income of any contractor; provided, that there shall be deducted from the gross income of the taxpayer so much thereof as has been included in the gross income earned from another taxpayer who is a contractor as defined in § 26101(b) and who has already paid the tax levied under this Subsection for goods and services that include the deductible gross income of the taxpayer who is a contractor; provided, that any person claiming a deduction under this Subsection shall be required to show in the person's return either the name and the contractor's license number issued by the Guam Contractors License Board, or the Guam business license number, or the registration number for a professional engineer, architect or land surveyor, or the Certificate of Authorization (COA) number for a business authorized to provide engineering, architecture or land surveying services by the Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors of the person paying the tax on the amount deducted by the person.

(f) Tax on banks, banking institutions, small lenders and building and loan associations. Upon every person engaging or

continuing within Guam in the business of operating any bank, banking institutions, building and loan association, small lending business, or lending institutions, there shall be a tax equivalent to ~~four percent (4%)~~ six percent (6%) of the net income received from business.

~~(~~1) Net Income. For the purpose of this Section, net income shall mean the gross income of such taxpayer received from all sources less the following deductions therefrom:

(A) Salaries or bonuses paid and other compensation from personal services.

(B) Interest or discount paid.

(C) Rents paid.

(D) Ordinary operating expenses such as supplies, utility services, insurance premiums other than for life insurance, provided that any deductible insurance expense shall be allowable only to the extent that such a premium is applicable to the tax period against which it is claimed.

(E) Loans or obligations charged off the books of the bank as losses unless charged against reserves then in existence. (F) Losses other than loan losses, such as those occasioned by fire or other casualty, theft, embezzlement, and the like, but only to the extent not covered by insurance proceeds collected.

(G) Transfers from earnings to reserve for bad debts or other contingencies provided for.

(H) Miscellaneous direct expenses such as legal, advertising, auditing, and the like.

(I) Loss on property sold and depreciation on property owned.

(2) A person liable for the payment of taxes levied under this Section shall be required to file an annual return and shall not be required to file monthly returns. The tax year shall be calendar year except that the taxpayer may use his annual accounting period when prior permission is obtained from the Tax Commissioner. The annual return under this Subsection shall be filed not later than ninety (90) days following the close of the taxpayer's tax year.

(g) Dealing in foreign currency. Upon every person engaging or continuing within Guam in the business of purchasing and selling foreign money, there shall be a tax equivalent to ~~four percent (4%)~~ six percent (6%) of the gross profit of such business represented by the difference between the cost and selling price of the foreign currency measured in United States dollars.

(h) Tax on other business. Upon every person engaging or continuing within Guam in any business, trade, activity, occupation or calling not specifically included in any other provision of this Article, there shall likewise be a tax equivalent to ~~four percent (4%)~~ six percent (6%) of the gross income of such business. This Section shall apply to the gross income of persons taxable under other provisions of this Chapter but which gross income is not derived from the exercise or privilege taxable thereunder.

(i) Insurers. Upon every person engaged or continuing within Guam in the business of an insurer, there shall be a tax at the rate of four percent (4%) of gross income received as premium for the writing

of insurance, less returned premiums and less all commissions attributable to the sale and purchase of an insurance policy or policies of the insurer paid by said insurer to agents of the same, and ~~four percent (4%)~~ six percent (6%) of any other gross income earned or derived on Guam.

(j) Tour Agencies. Upon every person engaging or continuing within Guam in the business of a tour agency or travel agency, where tourism-related services are furnished to consumers by independent vendors through arrangements made by a travel agency, or tour packager, and the gross income is divided between the provider of the services on the one hand and the travel agency or tour packager on the other hand, a tax equivalent of ~~four percent (4%)~~ six percent (6%) shall be imposed on each person with respect to such person's respective portion of the proceeds, and no more.

Where transient accommodations are furnished through arrangements made by a travel agency or tour packager, the gross income is divided between the provider of the transient accommodations on the one hand and the travel agency, or tour packager, on the other hand, a tax equivalent of ~~four percent (4%)~~ six percent (6%) shall be imposed on each person with respect to such person's respective portion of the proceeds, and no more.

(1) As used in this Subsection tourism-related services shall mean dinner cruises, transportation included in a tour package, sight seeing tours, dinner shows, extravaganzas, cultural and educational facilities, and other services rendered directly to the customer or tourist.

(2) As used in this Subsection 'transient accommodations' shall

mean hotel, lodging facility, or similar facility located on Guam and subject to the provisions of 11 GCA § 30101.

Section 3. Effective date of increased BPT rate; Sunset provision.

(a) The increased BPT rate of 6% *shall* be ***immediately effective and implemented*** following the enactment of this Act by *I Maga'lahen Guahan*, and it shall remain in effect for two (2) years therefrom when at the expiration of such period, 1.25 % of the increased rate of 6% representing the allocation made in Section 4 herein to the Department of Education and the General Fund shall automatically be deemed *repealed* and the BPT rate shall decrease and revert to 4.75% without any further legislative action necessary. Of the reverted 4.75% rate, 0.75% shall continue to be allocated to the Guam Memorial Hospital.

(b) During the two (2) year period when the effective BPT rate is 6%, *I Liheslatura* and the Executive Branch shall collaborate to explore and identify any and all potential government revenue streams, financing sources or grants to address the tax base erosion, including but not limited to federal government assistance or private financial lending sources.

Section 4. Use and appropriation of revenue.

The increased revenues derived from the increase of the BPT described in this Act shall be allocated accordingly:

(a) 0.75% to Guam Memorial Hospital Authority for its purposes, including but not limited to, capital investment, operational requirements or reserves.

(b) 0.25% to the Department of Education for its capital improvement needs, and

(c) 1.00% to the General Fund of the Government of Guam to address the erosion of the tax base resulting for the passage of the Tax Cuts and Jobs Act of 2017.

Section 5. Approval of Voters not Required. Notwithstanding §§ 16311 and 16312 of Title 3, Guam Code Annotated, the increase of the BPT rate authorized by this Act shall not be required to be subject to the approval of, or placed before, the voters of Guam.

Section 5. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Executive Session