DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

March 1, 2018

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

GCH 34-18-1604
Speaker Benjamin J.F. Cruz

MAR 0 2 2018
Time: 9:31 [ ] AM [ ] PM File No. 34-1608
Received By: [illegible]

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

Dear Governor Calvo and Speaker Cruz:

Håfa Adai! Pursuant to Public Law 31-233, Section 38, *Reporting Requirements for Boards and Commissions,* attached are copies of the Guam Education Board's meeting agenda, approved minutes and other documents as discussed at the January 26, 2018 special meeting. The meeting was held at Superintendent's Conference Room, Building A., Tiyan.

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

Senseramente,

JON J. P. FERNANDEZ
Superintendent of Education

2018 MAR -2 AM 10:35

Attachments

cc: Chairman and Members, Guam Education Board
Deputy Supt., FAS
File

1604

MARIA A. GUTIERREZ
Chairwoman

UAM 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

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

Guam Education Board
Special Meeting
Friday, January 26, 2018
6 pm
Superintendent's Conference Room, Building A., Tiyan

AGENDA

I. **Meeting Call to Order**

II. **Roll Call of Members**

III. **Unfinished Business**

1. Ad Hoc Committee on Board Matters
2. SY 2018-2019 and SY 2019-2020 Calendars

IV. **New Business**

1. Approval for FY 19 Budget

V. **Executive Session**

VI. **Adjournment**

Jurors' misuse of social media discussed

By Louella Losinio
louella@postguam.com

With social media use in the mainstream, the question of curbing jurors' use of social media across the different platforms was raised during a session at the 2018 American College of Trial Lawyers Workshop for Judges and Lawyers.

The Pacific Judicial Council held the first of a three-day workshop Wednesday at the Hilton Guam Resort & Spa in Tumon.

Judge Karen S. Townsend of the Montana 4th Judicial District Court said, "This is a significant problem."

During the workshop, Townsend held a presentation titled "Managing a High-Profile Case."

According to Townsend, prospective jurors in her court are informed of the potential disruptions social media may cause during a jury trial.

"I explain to them how many cases across the country have had to be retried because they had found that jurors have done social media," Townsend said. "We don't want to waste their own time by coming to court and having to do all of these and have the case go over. They don't want to waste taxpayers' money by having to have the case retried."



OPENING REMARKS: Chuuk State Supreme Court Chief Justice Camilla Nokot delivers opening remarks at the 2018 American College of Trial Lawyers Workshop for Judges and Lawyers on Wednesday at the Hilton Guam Resort & Spa. Photos by David Castro/The Guam Daily Post



TOWNSEND: Judge Karen S. Townsend of the Montana 4th Judicial District Court waits to deliver her presentation, "Managing a High-Profile Case," at the 2018 American College of Trial Lawyers Workshop for Judges and Lawyers on Wednesday at the Hilton Guam Resort & Spa.

'It is a big issue'

Attorney Mickey Pohl, of the law firm Jones Day in Pittsburgh, Pennsylvania, said, "Most states or districts now have good written procedures about social media."

However, Pohl said he has been surprised about the responses from potential jurors when informed about the social media restrictions.

"When they are told, 'Don't go on Facebook,' 'don't do independent research' and everything – a lot of jurors, especially the young ones, will say, 'I don't think I can go all day without getting on my cellphone,'" he said.

"In every jury trial that I have had lately, it is a big issue working with the court to have rules for jurors about social media," Pohl said.

According to Chief Judge Frances Tydingco-Gatewood of the District Court of Guam, the 9th U.S. Circuit Court of Appeals has strict instructions to jurors regarding social media use.

Tydingco-Gatewood said a juror was held in contempt and placed in jail for violation of these strict regulations during a very high-profile case.

First collaboration

Justice F. Philip Carbullido of the Supreme Court of Guam, and chairman of the Pacific Judicial Council, said the event marks the first collaboration between the council and the American College of Trial Lawyers.

Carbullido said some of the speakers will tackle topics relating to broad principles of constitutional law, search-and-seizure procedures, case management and handling the courtroom.

"The content is to try to be a very practical training for our judges in terms of their daily responsibilities," Carbullido said.

Carbullido said 35 judges attended Wednesday's session. The member jurisdictions of the Pacific Judicial Council include American Samoa, Chuuk, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia National Court, Guam, Kosrae, the Republic of Palau, Pohnpei and Yap.

Government, faith leaders gather for prayers

Several senators from the 34th Guam Legislature, Gov. Eddie Calvo, Lt. Gov. Ray Tenorio, Speaker Benjamin Cruz and Chief Justice Katherine Maraman joined religious leaders for a legislative prayer breakfast yesterday.

The Archdiocese of Guam and the Guam Ministerial Association joined the government officials in prayers.

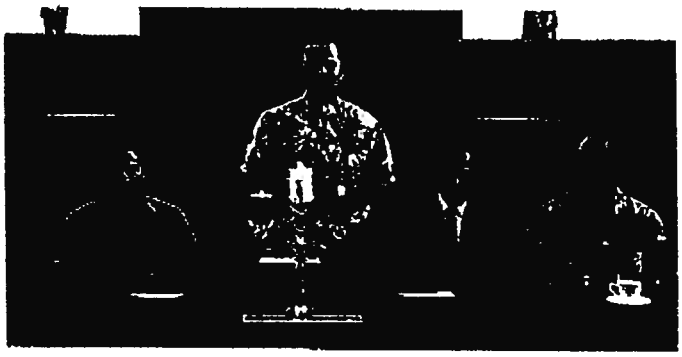
Cruz gave welcoming remarks, followed by prayers led by Coadjutor Archbishop Michael Byrnes and a candle-lighting ceremony represented by all three branches of the local government. Pastor Rob Puckett of Calvary Baptist Church offered the benediction.

Sen. Dennis Rodriguez Jr., who is running for governor, gave the closing remarks.

"With the new year, I wanted to call for a prayer breakfast with elected and faith-based leaders so that we may focus on biblical principles, governance, and policymaking ... hopefully leaving with a greater sense of purpose and renewed spirit to work for the betterment of our island," Rodriguez said.

(Daily Post Staff)

PRAYER BREAKFAST: *From left, Gov. Eddie Calvo, Sen. Dennis Rodriguez Jr., Speaker Benjamin Cruz and Lt. Gov. Ray Tenorio attend a legislative prayer breakfast yesterday at the Guam Congress Building. Rodriguez and Tenorio are running for governor under the Democratic and Republican parties, respectively. Photo courtesy of Rodriguez's office*



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MARIA A. GUTIERREZ, Chairwoman
MARK B. MENDIOLA, Vice-Chair

Guam Education Board

Special Meeting
Friday, January 26, 2018
6 pm
Superintendent's Conference Room, Building A, Tiyan

AGENDA

I. Meeting Call to Order
II. Roll Call of Members
III. Unfinished Business
  1. Ad Hoc Committee on Board Matters
  2. SY 2018-2019 and SY 2019-2020 Calendars
IV. New Business
  1. Approval for FY 19 Budget
V. Executive Session
VI. Adjournment

MARK B. MENDIOLA
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MARIA A. GUTIERREZ
Vice Chairwoman

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

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
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MCOG Representative

EXECUTIVE SECRETARY

Jon J.P. Fernandez
GDOE Superintendent

MINUTES

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 what 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 L.	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:

FOR: _____ Date: February 21, 2018

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: 2/27/18

JON J.P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: 2/07/18