DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

www.gdoe.net
500 Mariner Avenue
Barrigada, Guam 96913
Telephone: (671) 300-1547/1536•Fax: (671)472-5001
Email: jonfernandez@gdoe.net

JON J. P. FERNANDEZ
Superintendent of Education

June 1, 2018

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

GL# 34-18-1949

Speaker Benjamin J.F. Cruz

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

JUN 04 2018
Time: 1024 [ ] AM [ ] PM File No. ____
Received By:

2018 JUN -4 PM 12:30

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 May 22, 2018 regular board meeting. The meeting was held at Superintendent's Conference Room, Building A., Tiyan.

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

Senseramente,

JON J. P. FERNANDEZ
Superintendent of Education

Attachments

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

1949

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, May 22, 2018
6 PM
Superintendent's Conference Room, Building A., Tiyan
AGENDA

I. Meeting Call to Order

II. Approval of Minutes

ACTION 1. Minutes of April 24, 2018 Regular meeting

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

IV. Communications

INFO 1. Correspondence

INFO 2. Superintendent's Report and Communication

V. Ex-Officio Member Reports

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

VI. Unfinished Business/ Committee Reports

1. **Executive Committee**

INFO/ACTION a. Revision of Attendance Areas

INFO/ACTION b. NASBE Update/New Member Institute

2. **Instructional & Academic Support Committee**

INFO a. Head Start Report

INFO b. Accreditation Report

3. **Safe & Healthy Schools Committee**

INFO/ACTION a. Mesh Bag Policy

4. **Organizational Efficiency and Development Committee**

5. **Fiscal Management**

INFO a. Update on FY18 Budget / FY19 Budget

6. **Ad-Hoc committee on Furlough and School Year 2018-19**

VOTING MEMBERS: Mark B. Mendiola, Chairwoman, Maria A. Gutierrez, Vice Chairwoman, 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, Mark McCarthy (AHES), GFT Representative, Mayor, Rudy M. Matanane, MCOG Representative
EXECUTIVE SECRETARY: Jon J. P. Fernandez, GDOE Superintendent

VII. New Business

ACTION 1. Declaration of Financial Status Designation for December 2017 and March 2018

INFO 2. Standing Update on Simon Sanchez High School Renovation

VIII. Executive Session

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

IX. Adjournment

REWARD
STOLEN EQUIPMENT

Reaction Co. is offering a cash reward of $1,000 for information leading to the arrest of the individuals responsible for the theft of our Orange KUBOTA Generator and Black Trailer that was stolen on May 5, 2018.

Please call our office at 477-1017 or Randy Sager at 687-4896

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

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 671-300-1627 or by email: lcruz2@gdoe.net. Agenda to be available on GEB website at least 72 hours before the meeting. This advertisement was paid for by GDOE local funds.

JUDICIARY OF GUAM
GUAM JUDICIAL CENTER
120 WEST O'BRIEN DRIVE
HAGATNA, GUAM 96910
www.guamcourts.org

Request for Health Proposals(RFHP) No. 18-01

The Judiciary of Guam is accepting proposals from qualified firms to provide Group Medical and Dental Insurance for the Judiciary of Guam.

Interested and qualified firms may pick up copies of the RFHP at the Procurement Office located in the Guam Judicial Center, 1st floor, 120 West O Brien Drive Hagatna, Guam beginning **Tuesday, May 1, 2018 from 8:00 a.m. to 5:00 p.m. except holidays** or visit the Judiciary's website http://www.guamcourts.org/information/proc.html to obtain an electronic copy of the RFHP and for any periodic updates.

All proposals must be submitted to the Procurement Office no later than **2:00 p.m., (Guam Standard Time) June 6, 2018.** Late proposals will not be considered.

For more information, please contact Ms. Gloria J. Long, Procurement & Facilities Mgt. Administrator at 475-3393/3433/3175 or email gjlong@guamcourts.org and/or bcepeda@guamcourts.org

\s\ JOHN Q. LIZAMA
Administrator of the Courts

Cassidy's ASSOCIATED INSURERS



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CHAMORU CHALLENGE

A great way to learn, increase and use your Learn Chamorro Vocabulary is by doing Crossword Puzzles. Crossword puzzles provide hours of enjoyment and challenge. Share with family and friends and especially the kids and see who's been learning CHamoru With practice and patience you'll be done in no time!

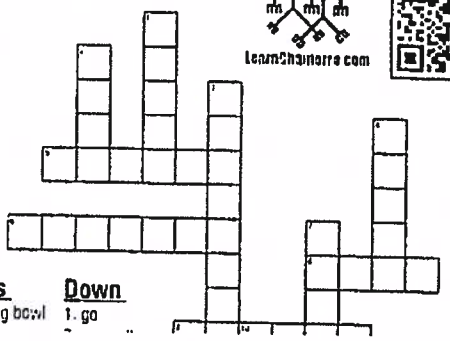
Word Search

go, mosquito, glue, goat, get down, godson, griding bowl, nurse, grapes, hat

I	R	X	Q	L	P	M	B	I	A	G	G	F	U	M
T	B	B	E	W	A	R	E	M	T	E	F	M	E	V
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H	G	C	K	X	C	V	P	F	)	N	P	L	E	P

CrossWord

LearnChamorro.com



Across
5. grinding bowl

Down
1. go

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MARIA A. GUTIERREZ
Vice Chairwoman

8th GUAM EDUCATION BOARD
REGULAR MONTHLY MEETING
Tuesday, April 24, 2018
6 pm
Superintendent's Conf. Rm., Bldg. 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
Ron L. McNinch, PhD
Lourdes B. San Nicolas

EX-OFFICIO MEMBERS

Ernie Samelo (SHS)
IBOGS Representative

Mark D. McCarthy (AHES)
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:
Mendiola, Mark B. – Chair
Gutierrez, Maria A. – Vice-Chairwoman
Ada, Peter Alecxis
Lujan, James C.
McNinch, Dr. Ron L.
San Nicolas, Lourdes

Non-Voting Members:
Samelo, Ernie (SHS) – IBOGS Representative
McCarthy, Mark (AHES) – GFT Representative

Legal Counsel:
Nasis, Jesse

Absent:
Benavente, Lourdes – Excused
Crisostomo, Robert – Excused
Matanane, Rudy M. – Yigo Mayor and MCOG education liaison - Excused

The Superintendent announced that six (6) members of the Board were present, constituting a quorum.

Mr. Mendiola informed everyone that the Superintendent spent most of the day at the Legislature discussing Simon Sanchez High School Bill 204-34 proffered by Senator Frank Aguon to move the procurement process to the Department of Education.

II. Approval of Minutes

Ms. San Nicolas motioned, seconded by Dr. McNinch to approve the minutes of March 27, 2018. The Board voted by voice with a vote of 6-0 for the motion, motion passed.

III. **Public Participation – Ms. Begona Flores, Principal, Okkodo High School**

Ms. Flores informed the Board that she came to the meeting on behalf of the students, faculty, staff, leadership team and admin team of Okkodo High School to share some notes on the most recent WASC Accreditation team visit. She stated that she was very pleased with the report and would like to publically thank Mr. Chris Anderson and Ms. Lou San Nicolas for joining them during the visit and exit review. She stated that the process went well and she was pleased with the report. She also mentioned that they gave her a draft electronic report but was told by the Chair of the team that he would be going back to them to give them the official report in about a week. She wanted to let them know that the Superintendent will also receive the official report from WASC. She mentioned that the visiting team was very professional and knew ahead of time what they were looking for because OHS sent their report to them for review. She thanked the Department and the Board for all the support that her school receives.

Mr. Mendiola thanked Ms. Flores for sharing and congratulated her Mock Trial team.

Ms. San Nicolas addressed Ms. Flores and informed her that she will be giving a thorough report at next month's meeting. She stated that she was just waiting for Tiyan High School's visit to be completed and asked Ms. Flores if she could give an overview on the remarks of the visit. She continued to address Ms. Flores asking her if she could mention what the WASC team commended or areas that need attention and support from the Board and the Superintendent's Office.

Ms. Flores stated that she would give a brief overview in a few sentences and as soon as she receives the official report she will afford each of them a copy. She stated that the Chair and the Committee Members repeated celebrate, celebrate, you have all the reasons to celebrate! She stated that the team said that Okkodo is a flagship. She stated that she was impressed at the word they used to describe what they saw.

Ms. Gutierrez commented that the Mock Trial students worked very hard to prepare for their off island trip and were just lacking $6,000 dollars. She noted that a donor came to donate the $6,000 and the accreditation team was there to see the event. Ms. Gutierrez noted that the Municipal Council of the Dededo Mayor donated $5,000 and CoreTech heard that the team was short $6,000 and ended up donating the $6,000. Ms. Gutierrez noted that the children were so happy that they were crying. She also noted that the Mock Trial team would be leaving on May 7th to represent not only Okkodo High School, but Guam as well. Ms. Gutierrez also recognized Ms. San Nicolas and Mr. Mendiola for their donation to the Mock Trial Team.

The Superintendent noted that he is looking forward to seeing the report and that he is very happy to hear positive news and he stated that he just wanted to alert the Board that one of the challenges is that Ms. Flores is operating with one assistant principal. He stated that due to the budgetary situation we've tried to hold tight on the administrator positions but we are sharing them. He continued to state that Ms. Rita Flores, Assistant Principal for Okkodo High School is currently covering for Astumbo Middle School. He noted that it's not just Okkodo, but there are other schools that are doing their best, working with the teachers and really going through accreditation and they're doing so with less resources than we would prefer. He stated, as we go through the budget, we'll keep that in mind heading into the next school year. Mr. Fernandez commended Ms. Flores and all the other schools that are working to continue with the effort despite the challenges you face.

IV. **Communications**

1) Letter to the Chairman from the Superintendent – The Chairman inform everyone that he instructed the board secretary that whenever communication is addressed to him that it be included in the board packet and that he would like to start that practice. Any communication he receives internally or externally will be included in the packets.

2) Oversight Hearing – Mr. Mendiola informed everyone that the Chairman of Education is calling for an oversite hearing on May 2, 2018 at 5 pm. He stated that Senator San Agustin wants to focus on three areas that deal with student behavior within our school system. Mr. Mendiola noted that he asked the Superintendent to electronically share with the all the board members the policies that would be a part of the oversite hearing, so that in the event that they go down to the Legislature they will be able to refer to the policies that we have in place.

Ms. San Nicolas questioned why won't it be a round table discussion instead of an oversight hearing? She stated that at a round table discussion we would have allowed the Department to provide data, give an explanation and to enlighten what is happening in the Department, how the data is collected, where the data comes from and most importantly, what interventions are being provided by the Department to overcome those issues.

Mr. Mendiola stated that he did mention that and also stated that he would communicate that with the senator. He stated that he would ask the senator to consider holding a round table and then perhaps we could bring more people around the table who have the expertise and could possibly answer a lot of the questions that he may have. Usually at an oversite it is usually the Superintendent and the board members are included in that because it is a policy issue that he is asking us to address. Mr. Mendiola addressed Ms. Delos Reyes, a staff member from Senator San Agustin's Office and informed her that we would get official communication from the Superintendent asking for that consideration. Mr. Mendiola stated that the oversigte won't be for a couple of weeks so they would continue the dialogue.

Mr. Mendiola mentioned that there is a slight change to the agenda and that he would like to recognize Mr. Lujan who would make an amendment to the agenda.

Mr. Lujan moved, seconded by Ms. Gutierrez, to amend the agenda to include the Teacher of the Year Resolution. The Board voted by voice and approved the motion with a vote of 6-0. The motion passed.

Mr. Mendiola informed everyone that Ms. Gutierrez and their colleagues that were able to attend announced the Teacher of the Year. The Foundation for Public Education worked on this event and they worked through the vetting process of Teacher of the Year. He asked the Superintendent to put a resolution together so that the board could formally recognize the Teacher of the Year. Mr. Mendiola asked the GFT Representative to read the resolution in to the record.

Mr. Mark McCarthy read Resolution 2018-007 into the record.

Mr. Ada questioned the possibility of including language in the resolution that states that the principal of the school would also receive a copy of the resolution.

Ms. Gutierrez moved, seconded by Mr. Lujan, to approve the Resolution 2018-007 Relative to Commending and Congratulating GDOE 2018 Teacher of the Year, Jonah Mari Gumataotao. The Board voted by voice and approved the motion with a vote of 6-0. The motion passed.

Mr. Mendiola asked Mr. Ada to proceed with his question.

Mr. Ada stated that the resolution is well written but he would like to see that a copy of the resolution be provided to the principal of the school to which Ms. Gumataotao is teaching.

Ms. Gutierrez also recommended that since the Foundation for Public Education is responsible for the Teacher of the Year event, they should also receive a copy of the resolution.

Mr. Mendiola agreed.

There was no objection to the recommended changes.

3) Superintendent's Report and Communication

Charter School Council – The Superintendent stated that there have been repeated Charter School Council meetings for the past couple of weeks to go over the renewal application for Guahan Academy Charter School (GACS). There have been many questions that have been raised, due to the concerns that our Internal Audit Office (IAO) raised and the inability for the office to recommend validations of their expenditures. The most recent issues are relative to the procurement of renovation services at their Tiyan, secondary campus. GACS contracted with Rex International to renovate that campus but due to questions about the procurement of those services, the IAO has recommended that we not validate, pending more information to justify those expenditures. What seemed to have incurred since then is that GACS, either through a loan or utilizing a line of credit, it appears that they have made payments to Rex International and are asking for us to approve the repayment of their line of credit or loan. Even though that seems like a different mechanism, it is based on the same procurement issues that were identified, so the IAO has held the same positions that those expenditures cannot be validated. Right now we have that issue and we know that GACS has filed its application for renewal and we also know that there have been questions raised about their accreditation status given the correspondence that WASC sent to GACS and was shared with the Charter School Council. The correspondence seems to indicate that their accreditation candidacy might be at risk. The Superintendent informed the Board that there has been a Special Council Meeting called on Friday, April 27, 2018 at 3 pm and stated that the Council meetings that were called while they were off island indicated that they were looking forward and requiring the attendance of the Superintendent and the Chief Internal Auditor. He stated that it is his understanding that the Council is looking toward the Department of Education to continue to shed light on various concerns and issues that have been identified. He stated that he wanted to bring it to the board's attention because from his position we don't need to be debating back and forth what these issues are, we've provided and shed light on these issues and we look forward to the Council and the Legislature, or any other partners to do their due diligence to take action where necessary to address and correct the issues. He also noted that he was recently informed that Senator San Agustin has scheduled a Charter School oversite in Mid-May.

Bill 204-34 – Mr. Fernandez informed the Board that he spent most of the day clarifying the position of the Department on Bill 204-34. He stated that the bill is sponsored by Senator San Agustin and Senator Aguon and it would give DOE the procurement authority over Simon Sanchez High School. He stated that he defended the position that the Department is willing and ready to take on the responsibility. Mr. Fernandez stated that he and Randy Romero were there all day to answer questions but they have not completed the questions and will be returning back to the legislature to complete the questions and answers.

Reassignment of Attendance Areas – Mr. Fernandez thanked all the board members who were able to make it to the Town Hall meetings involving the reassignment of attendance areas. He stated that there is a committee who presented the proposed attendance area changes, the committee has worked with the Board and the Mayors to get input. The committee is now in the middle of the attendance area village meetings. He encouraged all the board members to attend or view the meetings online just to listen in on the input so that when it comes to the attention for the board's consideration and action they are caught up and well informed as to what some of that community input might be. Mr. Fernandez stated that he thinks it is a very transparent process that we are undertaking and a lot of work that's gone into it. He thanked all the board members who have been involved in the process.

USDOE/USDOI – The Superintendent stated that there have been good conversation with the U.S. Department of Education and the U.S. Department of Interior as recently as this past week, while they were off island and on Monday at Southern High. There are a lot of opportunities with the federal agencies that we're looking forward to taking advantage of, including funding for the Department and hopefully funding for not just curriculum and instructional improvement but also for our facilities. He stated that we would

brief later in more detail as needed or at a work session, our efforts to get out of high risk and removing the special conditions placed on our education federal funds.

Mr. Ada asked the Superintendent asked for clarification regarding GACS and Mr. Cooper-Nurse's position on being unable to validate numerous issues with GACS. He questioned how many times the IAO was unable to validate the requests made by GACS. He mentioned hearing about a meeting that was held overnight at a hotel by GACS and again asked how many requests were unable to be validated.

Mr. Fernandez stated, speaking from his memory, with no documents in front of him, over the history of our interactions with GACS, some of the expenses that have not been approved, like the retreat that was held at the Dusitani. He also mentioned that there are two contracts for independent contractors who are working with GACS that had issues raised regarding the contracts based on procurement laws, those matters are trying to be resolved. He stated that there was an earlier issue relative to the lease/purchase of the property at Tiyan which he believed has been resolved simply because the school has been served an eviction notice to leave at the end of June. He stated that he believed that matter was resolved in a settlement between the charter school and the land lord. The other large issue was the renovation work that was done between one and one and a half million dollars of work that was being contracted for. He stated that he believed those were the three major issues.

Mr. Ada asked what the total costs were of those three issues.

Mr. Fernandez stated that he didn't know if he could provide that information right now but essentially, based off of what the auditor informed him, last year when GACS received the funding for 740 students they exhausted about 99% of that just to operate the school. He stated that knowing that they have more students than that, at this stage, we expect that they would need those funds to operate that school.

Mr. Ada asked whether our funding was being held hostage.

Mr. Fernandez stated no, they were not.

Mr. Fernandez continued, that the additional obligations we're concerned with. He stated, we're trying to pull ourselves out of this situation by saying let us not be involved, stop taking the funding from DOE and let the Charter Schools handle their own situation. He continued to state that we are getting to a particular point in time where we have to basically say that this is the information we provide and it really is incumbent on the council, which he sits on, or the Legislature or other parties to take action. We seem to be in the position of simply informing the community but there has not been a resolution to the matter yet.

Mr. Ada asked the Superintendent what seems to be the problem about having the Legislature separate the budget between DOE and Charter Schools.

Mr. Fernandez stated that there is a pending bill that Senator San Agustin put forward to do that as well as to try and strengthen the Council. He stated there was a hearing that they tried to give input on a full separation budgetarily and operationally, but right now legislation has not moved forward.

Ms. San Nicolas stated that she knows that this is a charter school but she's deeply concerned of the students who are ready to graduate and are seeking admission into the mainland or college. She continued to state that she just hopes that in their transcripts they would at least indicate "conditional" as a status for their accreditation so that these students who are trying to get into a university will be admitted. She stated that she believed that this issue jeopardizes their opportunity to go off island.

Ms. San Nicolas stated that she understands that the US DOI did not provide anything in writing.

Mr. Mendiola clarified that no, he hadn't received anything in writing.

Ms. San Nicolas questioned, given the urgency of getting the Department out of high risk, what is the timeline to provide USDOE with all kinds of validations so that they can support our request to get out of it?

Mr. Mendiola noted that under new business on the agenda, under fiscal management, there is a report on the USDOE meeting and we can address her question then.

Dr. McNinch stated that we are moving for a separation from the charter school so he termed it a divorce, we want a divorce and we should make it loud and clear to the public that we want to be separated. He then questioned that the charter school turned its paperwork into DOE, we said that there were procurement problems, and then there's a side arrangement that was made outside of the normal process to fund these things?

Mr. Mendiola replied that it is correct and that is where the dilemma is. He stated that is part of the validation process because it is still public funds, they still have to abide by the procurement rules and regulations. He stated that the charter school is in the opinion that they don't have to follow the procurement process. The challenge is what is the role of the Board of Education and the Superintendent as it pertains to charter schools? As it seems right now based on the law, it seems like it is pretty much just a pass through and either we validate it or we don't. He stated, that's the line that the IAO and the Superintendent is holding, that we have to hold them to the same standard because it is public funds, until we are told otherwise, he doesn't think the Superintendent or the IAO will put their signature on a request for Department of Administration to release funds to the charter schools. He stated that Senator San Agustin is well aware of that, Ms. Gutierrez and Mr. Lujan can all attest that we have been down there at the public hearings with the same sentiments of having a divorce. He stated that they have asked about receiving a clear direction of responsibility, and if they are not going to give it to us, then strip us of the responsibilities that is put on us because we have to educate 31,000 students. He stated that they have stated their case numerous times and that it is before the Legislature.

Dr. McNinch questioned that if there are legal or ethical concerns about a public agency or public entity doing things, when there's a fiduciary point within the organization, who regulates them?

Mr. Mendiola stated that based on the law, the Charter Council is the one that approves their charter, they also look at the law based on what their requirements are in order to maintain their status as a charter school. He continued, when it raises the question of fiduciary duties and responsibilities, maybe we should instruct the Superintendent to write a letter to the OPA. He commented that he believed the OPA was aware of these issues since the issue has been very public. He agreed with Dr. McNinch in his question of who has oversite of the charter schools. He stated that the Board doesn't have true oversite of the charter school dilemma and mentioned that there is another charter school but it has actually been in compliance.

Mr. Lujan stated that with what was heard tonight, he urges the Superintendent and the auditor not to put their signature and not to dictate their card but force them to make the decision. He commented that there are higher powers that have authority over this issue, but if the budget was set for them, lets follow our budget and our authority to validate and stick with it. Let them take it to court so that way it forces their card, we're not going to be the ones to do that, let them do it.

Ms. Gutierrez informed the Board that she attended the round table regarding the charter schools and she made it very clear that unless the law is changed, there is nothing much we can do, or change the law and just remove them. She stated that she knew the charter school was there and one of the topics mentioned by Mr. Mendiola was that DOE follows the 14 points, therefore, they should too. Someone who is very supportive of the charter schools stated that they don't have to follow the 14 points. Ms. Gutierrez commented that the Public Auditor was present and stated that because they are receiving government funding and federal funding they have to follow the law. She stated that she urged the Legislature to amend the law, remove the part where it says DOE. Ms. Gutierrez recalled being on the board when

another charter school requested to send their budget to the Legislature but the Vice Speaker at that time, now Speaker Cruz said no because they need to have a government entity that would validate their invoices. She noted that someone from the Charter School Council is now questioning the fact that the Superintendent is on the council and is stating that he should not be because he is bias. Ms. Gutierrez urged the board to attend the next round table regarding the charter schools because they need to hear what the charter schools, especially the one in trouble, is stating that we are trying to take things away from them.

Mr. Mendiola commented that this is another round table that is scheduled and maybe they could encourage Senator San Agustin to hold an oversite hearing so that the all the documentation can be brought forth by the council and the charter school that is in question.

Mr. Mendiola stated that a lot of points have been taken on the charter school issue and decided that they would put it to rest for the moment. He asked the Superintendent to draft a letter to the OPA to give an opinion on DOE's validation processes with respect to the invoices that are being called into question.

Mr. Lujan moved, seconded by Ms. Crisostomo, to accept the Superintendent's Report and Communication as presented. The Board voted by voice and approved the motion with a vote of 6-0. The motion passed.

V. Ex-officio Member Reports

1) IBOGS – Ermin Samelo reported that at the last board meeting the IBOGS representatives that attended presented the proposed board policy regarding mesh bags. He noted that on April 5th the IBOGS participated in the work session that was held with the different administrators from the schools. During the work session the IBOGS proposed the policy to the administrators and had some discussions. He stated that some points were brought up to them and now the discussion is back with the IBOGS members. He noted that the IBOGS would provide the updated policy during the next board meeting. Ermin invited the Board to the IBOGS seminar that would be held next Saturday, May 5, 2018, from 8 am – 2 pm at Okkodo High School. He also announced that they would be having a raffle at the seminar and asked for donations for the raffle. Deadline for donations is on Friday.

Mr. Mendiola commented that he would donate $50 to the cause and asked the Board members to support the IBOGS event.

2) GFT – No report.

Dr. McNinch addressed Mr. McCarthy, the newly appointed GFT Representative on the Board and welcomed him on the Board.

3) Mayor's Council of Guam – No report.

VI. Unfinished Business

1) Executive Committee

a) Revision of Attendance Areas – Ms. Gutierrez informed the Board that the committee has been working really hard and she has been working closely with them to observe what they are doing. She noted that there was a Town Hall Meeting that was held at Agueda Johnston Middle School, they expected a big crowd but continued with who ever showed up. She stated that there was really no opposition from the parents that attended. Parents made good comments and the Mayor of Ordot-Chalan Pago was in full support of the revision. She noted that last night they attended the Town Hall Meeting at Benavente Middle School. There was a good show of people, she had expected that there would be more opposition. One parent brought up their concern with the pre-AP classes only being offered at two schools. Ms. Gutierrez questioned why all middle schools aren't offering pre-AP classes and who is responsible for those programs to be implemented at the school. She commented that the

committee did a good job with explaining the boundaries. She stated that there wasn't much opposition and she felt that parents are looking at being closer to home. She noted that tomorrow the Town Hall Meeting would be held at Finegayan Elementary School and stated that there may be more opposition because there will be a lot of changes there. Ms. Gutierrez stated that when they finish on May 3, the committee will be meeting to discuss all the recommendations and concerns and then they will submit a report to the Superintendent and the Superintendent will then present it to the board during a work session. She urged all board members to attend the work session so that when the time comes for the Board to make a decision it will not be prolonged with numerous questions. She noted that we are looking to have a special meeting during the second week of May to act on the proposal. Word needs to be sent out to the parents, teachers and students about the assignment of attendance areas. She asked that when the work session is held that board members cooperate and attend so that questions can be brought up during the work session. She addressed the Superintendent and informed him that the committee members are working really hard. She noted that some committee members don't have assistant principals at their schools but they continue to work hard to ensure all areas are covered.

Mr. Mendiola mentioned the resolution from the Tamuning Mayor's Council that was received asking for a middle school be identified for a central area in Tamuning. He noted that he anticipates that the resolution would be a part of a complete packet before the work session.

Ms. Gutierrez questioned if the Board had to approve the resolution.

Mr. Mendiola responded, no. He stated that it is not a committee of the Board but rather a communication to the Board. He would like the committee that was formed by the Superintendent to review and then when it comes to the Board's committee during the work session then the Board can get into the details of what the resolution entails.

Ms. Gutierrez questioned if the Mayor's Council has received acknowledgement that the Board had received the resolution?

Mr. Mendiola questioned how the communication was received and asked the Superintendent to acknowledge the receipt of the resolution and that it be considered as part of the overall package of the Attendance Area Committee.

b) NASBE 2018 Nomination / NASBE Legislative Conference Report - Dr. McNinch stated that he appreciates all the assistance from the Board with the NASBE activities. He acknowledge that he had been elected to the National Board this past year and certainly benefited from participation with the organization. He stated that on the item on the agenda he questioned Ms. Gutierrez whether it was for the awards.

Ms. Gutierrez stated whether the Board wanted to nominate anyone under the different categories. She clarified that it is not mandatory but questioned whether the Board is going to submit a nomination. She stated that it is due May 25th and there is a special meeting where it can be included into the agenda.

Dr. McNinch noted that there is a retreat coming up and maybe they could discuss it further during the retreat.

Mr. Mendiola agreed and noted that Ms. Gutierrez has a lot of historical knowledge and through her efforts we have been recipients of some grants. He addressed Dr. McNinch and stated that he knows he's new on the Board but he believes that any resources we can get will greatly benefit our students.

Ms. Gutierrez commented that she believes that we still have $9,000 from the NASBE stipends for Deeper Learning and Mr. Sanchez should be reporting that at the next meeting because it needs to be reported to NASBE.

Dr. McNinch stated that he would provide a brief written report on the NASBE Legislative Conference but he did want to let the public and the Board know that the things NASBE is doing is very important. Two things that he took away from the legislative conference was the concept of dual credit which is related to the bridging college concept suggested by the Guam Community College. He noted that it was a concept in which a young person in high school could earn college credits at the same time. He stated that it is a national trend and something that the Board could discuss during the retreat. The other issue was school safety, student resource officer aspect. He commented that he believed it was something the Board should discuss more also.

Mr. Mendiola stated that he appreciates Dr. McNinch's comment and knows that some of our legislators are anticipating coming up with some policies. Perhaps we could share the info with our Education Committee Chairperson and the folks that are looking into the issue.

2) **Instructional & Academic Support Committee**

a) Head Start Report – Ms. Catherine Schroeder commented that she had one thing to add to the report. She stated that she spoke to the Program Specialist for Head Start this morning and that they are expecting to be awarded with a COLA grant. She wanted to alert the Board that the grant is going to have a short turn-around. They would receive the notice and would have to submit the grant application within two to three weeks. She stated that once she receives the notice she will quickly have the grant requesting a COLA and we're looking at 2.2 - 2.6 percent for COLA.

Ms. San Nicolas stated that she was very concerned about the grant application status so she met with Ms. Schroeder yesterday. Region IX is asking for more data and Ms. Schroeder has it available so she will be submitting that information. She stated that they also discussed the impact of the Trump Tax and it does not affect the Head Start funding. Ms. Schroeder also indicated that there are two federally funded Community Aide positions and with that in mind Ms. San Nicolas commented that she would like the Board to be able to continue to support the Community Aides vacant positions, to continue to reach out to families and to help the students. She noted that Head Start is a very critical age group and perhaps maybe our goal number one will be increased because of the resources that we are providing to the Head Start Program.

Mr. Lujan moved, seconded by Ms. San Nicolas, to approve the Head Start Report as presented. The Board voted by voice and approved the motion with a vote of 6-0. The motion passed.

b) Joint Calendar Committee – Ms. Gutierrez informed the Board the she attended the committee meeting on behalf of Ms. Benavente. She noted that the GFT have their team and the Department has their team that was appointed by the Superintendent. She stated that the teams are working collaboratively and believes there is a light at the end of the tunnel. She commented that the Board would wait for the report that will be signed off by GFT and the Calendar Committee Chair to be submitted to the Superintendent.

Mr. Ada commented that the goal for the Calendar Committee was to look at the possibility of delaying the opening of school to October 1st with the impending financial cutbacks of FY19. He questioned, has that changed or is it still the same notion that is being considered? He addressed the Chairman commenting that he appointed a few board members to sit on an AdHoc Committee and two of the members have met but were waiting for the inclusion of the Calendar Committee to give them some kind of an idea.

Mr. Mendiola stated that part of the financial position of the Government is based off of the tax laws that increase the BPT to 2%, assuming that the sales tax will maintain, replace that coming the new fiscal year that it will be able to provide us the resources for the FY19 budget. He stated that he would like the Board to still consider these options because we are uncertain of what that true revenue generation of tax increase will look like. He noted that the Calendar Committee is taking a look at that and that it is on the agenda for the Board Retreat. Mr. Mendiola noted that the Board would be going before the Legislature to address the FY19 budget and they will ask the Board how we are doing with our FY18 budget. Mr. Mendiola stated that these are all the pieces of the puzzle that we are going to have to put together to formulate our budget and we'll continue to monitor the cash flow that is coming into the Department of Education. He stated that he does know that if we're to extend the opening of the school year, that was part of the measures for us to meet the short fall that was imposed on us.

Mr. Ada questioned if it is still the same.

Mr. Mendiola replied stating that we have not received an official letter but we do know that the anticipated revenue coming from that will take months to realize and he wants to error on the side of caution and at least have a plan in the event that something does not pan out. He stated a lot of our teachers and staff might be on summer vacation but we want to do our due diligence and if necessary we'll exercise it.

Mr. Ada added that one of the concerns here is that many of the teachers, if schools do not open till Oct. 1, might be able to extend their vacation off island.

Ms. San Nicolas commented that we only know the projected revenues coming in to last us to the end of the fiscal year for 2018 and we are not certain how much we will receive for fiscal year 2019. She stated that she strongly recommends because we do not want to surprise our learning community that we're not going to be able to open on time. She recommended that if we send out a forewarning that this is what it could look like if we don't receive the funding that we need for FY 2019 or if we don't get the revenue that we need to operate between now and the end of September 30. She stated that we need to somehow give out some type of information so that if teachers are planning for vacation they have to think that we're not sure if we're going to open on time or delay the opening of school.

Mr. Mendiola stated that the agrees with Ms. San Nicolas on that point, so what he's going to do is ask the Superintendent to provide a report on the cash flow for the Department as it pertains to 2018. Mr. Mendiola stated that in addition to all that he mentioned he sent an email to all the board members letting them know that he wanted to hold a work session to dive into all the different areas for discussion. He noted that now that he and the Superintendent are back, they will focus on the AdHoc Committee's mission. He stated that he agrees with Ms. San Nicolas, that we have to inform our community sooner rather than later.

Mr. Lujan stated that we are not at war and he doesn't believe that we should use the Department of Education as a forefront to determine the route of the government. We still need to push forward and request for our money, that's where we need to stand on. I'm not going to push the panic button until the Governor states that he is not giving the Department money.

3) **Safe & Health Schools Committee**
   a) **Mesh Bag Policy** – Tabled till next meeting.

4) **Organizational Efficiency and Development Committee**
   a) Nepotism - Mr. Mendiola noted that he asked the Superintendent about the issue that was brought up regarding nepotism. He asked the Superintendent to brief the Board on the status.

The Superintendent stated that the committee held a work session on the policy to determine whether we were in compliance. Pursuant to that work session we were given thirty (30) days to respond back to the Board regarding the plan. Mr. Fernandez stated that they communicated with the employees involved, they identified potential violations of the policy but it is still to be determined if they are in violation. He stated that we notified any employee with potential violation and informed them that there was potential violation and gave them some remedies. For example for a teacher, we requested that they complete a transfer request voluntarily if they wish to address it in the fashion. For teachers, with the contract, if they are to transfer it should be voluntary except under exceptional circumstances. For those who are not in that category, we just put them on notice that they are in potential violation and should the violation be validated it could result in the transfer from their current site. Mr. Fernandez stated, based on that guidance he wanted to update the Board we received letters of requests for appeal and consideration. He received letters from eight (8) employees for reconsideration, prior to the Superintendent's trip to USDOE he asked legal counsel to provide guidance on those matters and requested that guidance upon his return. He stated that he received the guidance yesterday, based on that guidance he will be meeting with legal counsel to determine how best to proceed. He noted that with the Board's interest in this issue, he felt it was important to notify the employees of the potential violation but at the same time even though we don't have a formal process for this, he did allow them to request for reconsideration or appeal and to give the basis of their appeal. He stated that he would then ask legal counsel to review the request in light of current policies so that when he does render a decision he is supported by a solid interpretation of the law. Mr. Fernandez stated that he informed the board that if there are violations he would like to address it at the end of the school year or as we enter into the next school year, whether it's a transfer, but definitely we want these matters resolved by the next school year.

Mr. Lujan commented that the work session was held on February 20th and the report was supposed to be submitted on March 20th. He continued, if there is such protocol for an appeal, I can understand that, but if there are no such protocols then there must be an immediate following of the law. If the law states clearly that these parties be separated, then I think it must be done, regardless of whether it is towards the end of the school year or not. He stated that he knows there's precedence that was set many years ago, and he was a witness to it because he was a teacher, parties that were involved were actually separated because the law was clear. He stated that it's a great concern because it comes up repeatedly, personally as he's visited schools, teachers have approached him. He continued to state that the people involved with this problem approached him but he didn't give a definitive answer because it's in the operations of things. He commented lets follow the law, if the law states it clear and just go with that.

The Superintendent commented that he appreciates Mr. Lujan's comment but clarified that for example in one of the letters of reconsideration, there were matters of interpretation relative to what direct supervision means? He further explained, that it was in the context of whether it affected siblings or spouses. He stated that the question was, this is how we interpret the law and the policy around direct supervision and he wanted to make sure that when he issues a determination that we exhausted that legal advice. He stated, that he thinks Mr. Lujan is right, once we get through this, as long as he feels comfortable that we are abiding by our policy and our laws, we will take action. He commented that he just wanted to clarify that one of the biggest concerns was relative to what direct supervision meant.

Mr. Mendiola asked that Superintendent, if we were to exercise this barring the legal issues today, how disruptive would that be to the classroom and the flow of education in the schools?

Mr. Fernandez responded that right now it is a compliance matter, we want to promptly address it once we determine that there is a violation. He stated that he does think it would be disruptive, in the instance of one particular potential issue, we did get not just a formal letter of reconsideration but petitions from the school as to getting at least through the school year and support of trying to resolve

this matter without and removal of employees. The other situation is obviously we're in the middle of accreditation visits so we didn't want to disrupt those at a very critical time where we're already short staffed. He stated that he thinks we want to take a reasonable approach, but the only thing I want to talk to the board about as we complete this round, remember the reason why we know about these issues. The way we're supposed to find out about these issues is through mandatory disclosure.

Mr. Mendiola stated, with that, he just wants the Superintendent to work with his teams to ensure that if there needs to be a policy change or the application process so that this doesn't continue to occur, and so that we don't have this issue, violating our policies.

Ms. Gutierrez stated that she agrees with Mr. Lujan, it is a law, it's not only the rules and regulations, it's the law and we cannot circumvent the law. She stated that it affects morale because employees see it. She commented that if they didn't disclose it in their application that they have someone working in the department, that to her is a violation. She questioned that when an application is submitted, does HR review the application? It's a law, the law has not been changed, rules and regulations and policies can be changed but until the law is amended, nepotism is still there. She stated, now she would request that the Superintendent seek the AG's opinion before he gives any considerations.

Mr. Mendiola stated that he thinks, where the law is ambiguous the SOP or the policy that comes into play clearly defines it and he thinks that's the dilemma that we're faced with. He continued, if it's voluntary that a person says "that's my mother the principal of the school" or "that supervisor is my aunt", to what degree? The law describes a degree. He stated that he doesn't want to violate the law and he knows that the Superintendent doesn't want to violate the law, but if we're hearing complaints out there in the community about morale issues or people saying that they are being treated unfairly they have every right to grieve the party that is causing that strife with them. He commented that when someone tells him they have an issue with the principal or the supervisor, he usually tells them that there is a process in which they can grieve those individuals. He stated that often times he hears it then when a formal investigation comes out it was not the true complete story. He continued, he understands it completely, he hears about it where his wife teaches as well and we just need to wrap this up and tighten it up from the front end rather than at the back end. This is the dilemma that we're faced with, but as it pertains to the law the question is that when we find out about it, how do we address it and what are the remedies to it.

Mr. Fernandez reiterated that he is operating with legal guidance. He stated that he is not trying to do this case by case, he thinks that if we treat one situation one way, any similar situation has to be treated the same. He stated that he also wanted to make sure that we're approaching it in that manner so that it's not seeming like it targeting any particular person or school, but address the policy equally and across the board.

Mr. Mendiola requested for the Superintendent to provide to the committee a formal response to how he is going to remedy the situation.

5) The Fiscal Management

a) Update on FY18 /FY19 Budget – Mr. Mendiola stated that its basically the same info, we'll be calling for work sessions to work on the FY18 and FY19 budget, create our spending priorities, and a lot of that is anticipated and based on the tax revenue that we'll realize hopefully that the government will be able to collect enough revenue so that we can minimize the impact to our classrooms.

b) US DOE Meetings – Mr. Mendiola stated that he briefed each of the board members and the Superintendent provided his trip report. They went to the U.S. DOE, prior to going out there they met with our elected leaders, our stakeholders and also met within the Department internally. He stated that he wanted to thank Ms. Lou San Nicolas for sharing with him the document with respect to the process of how they see us getting off of high risk. He stated that they were able to meet with the

Deputy Secretary of Education and it was a very good meeting. He stated that he would like to thank our Congresswoman, our Governor and our elected leaders, the Speaker and the Education Chairperson who were able to get high level meetings an put before them where we believe we're at and that we were ready to send the letter for reconsideration of our high risk status. He stated that he wanted to point out to the board that they also went to the Consolidated Grant Training and he believes that there is going to be additional funding coming through there, potentially about 3 million dollars in terms of grants. He stated that they met with our Third Party Judiciary Agent and we're all on the same page and the agent presented a transition plan that the Superintendent and he would consider.

6) **Ad-Hoc Committee on Furlough and School Year 2018-19** – Tabled.

VII. **New Business**

1) **Part B/Part C Grant Application** – Documents were not previously provided in the board packet so Mr. Fernandez asked the Chair if Ms. Gabriel, Assistant Superintendent for Special Ed could present and answer any questions.

Ms. Gutierrez informed the board she and Ms. Benavente attended the work session, Ms. Benavente was satisfied with the discussion and so was Ms. Gutierrez.

Meeting went into a three minute recess to make necessary copies.

Mr. Lujan moved, seconded by Dr. McNinch, for the approval of the Part B and Part C Grant Application The Board voted by voice and approved the motion with a vote of 6-0. The motion passed.

Mrs. Gabriel gave a quick overview of each grant application.

VIII. **Announcements and Adjournment**

Mr. Mendiola requested that everyone attend the Attendance Area Town Hall meetings as much as possible.

Mr. Mendiola also asked for support of the Department and the Superintendent at the Legislature tomorrow.

Mr. Mendiola also reminded everyone of the upcoming graduations and the upcoming IBOGS event.

Ms. San Nicolas informed the Board that at 2 pm tomorrow the visiting accreditation team will be visiting Tiyan High School.

Ms. Gutierrez moved, seconded by Mr. Lujan to adjourn the meeting. The motion passed.

Mendiola moved to adjourn the meeting at 8:01 p.m.

MINUTES SUBMITTED BY:

Christie L. San Nicolas

CHRISTIE L. SAN NICOLAS
Acting Administrative Officer

Date: 5/22/18

MINUTES OF APRIL 24, 2018 REGULAR BOARD MEETING:

( ) Approved as submitted

( ) Approved subject to corrections

( ) Other: _____

MARK B. MENDIOLA
GEB Chairman

Date: 5/22/18

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: 5/22/18