DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J.P. FERNANDEZ
Superintendent of Education

July 27, 2018

GL#34-18-2162
Speaker Benjamin J.F. Cruz

JUL 27 2018
Time: 1:36 ☐ AM ☐ PM File No. _____
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, July 31, 2018, 6 pm, in the Gallery A/B, DOE Bldg. B, Tiyan.

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

2018 JUL 27 PM 1:57

Attachment
- GEB Meeting Packet

cc: File

2162

Public Notices

GUAM EDUCATION BOARD

501 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, July 31, 2018
6 PM
Gallery A/B, Building B., Tiyan
AGENDA

I. Meeting Call to Order

II. Approval of Minutes

ACTION 1. Minutes of June 26, 2018 Regular meeting
ACTION 2. Minutes of July 10, 2018 Special meeting
ACTION 3. Minutes of July 13, 2018 Special 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 a. Charter School Update
2. **Instructional & Academic Support Committee**
   - INFO a. Head Start Report
3. **Safe & Healthy Schools Committee**
4. **Organizational Efficiency and Development Committee**
   - INFO/ACTION a. Creation of Positions – School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance)
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, Chairman, 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: Vacant, 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 May 2018

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

Airport pleased with court decision on voided contract

The A.B. Won Pat Guam International Airport Authority is pleased that a judge agreed with its request for the court to hold off enforcing his order that voided the $154 million duty-free general concession contract at the airport.

The airport stated in a news release the court's latest decision allows it to take the case directly to the Supreme Court of Guam for final review.

Judge Arthur Barcinas of the Superior Court of Guam had decided previously that the airport's contract with Lotte Duty Free violated Guam procurement law and should be voided.

Last week, the judge agreed to suspend implementation of his order – which also required the airport to restart the procurement process – while the Supreme Court decision hasn't been reached.

"We respectfully, but strongly disagree with the Superior Court's earlier order finding that GIAA violated Guam Procurement Law in the (request for proposals) process and award of the contract to Lotte Duty Free, and look forward to presenting our case on appeal," the airport stated in a news release.

> "The Lotte contract is in the best interests of Guam."
>
> – *Statement from A.B. Won Pat Guam International Airport Authority*

The Lotte contract, which has been in place for five years, so far has paid more than $70 million in revenue to GIAA, resulted in over $20 million in airport improvements and was key to the airport's ability to secure $247 million bond financing, the agency stated. Part of the borrowed money is being used for the construction of the new arrivals corridor at the airport terminal.

DFS Guam is the former concessionaire at the airport and has been fighting for years in court to invalidate the airport and Lotte's deal.

"The court's February order made no finding that airport officials acted unethically or in a biased manner," the airport agency stated. "Rather, the court voided the Lotte contract based on what GIAA believes were untimely protests by DFS that have nothing to do with whether GIAA's contract with Lotte is good for the people of Guam."

The Superior Court's order voiding the contract is potentially devastating for Guam, the airport stated, adding later if the decision prevails, it would directly cost the airport tens of millions of dollars. And those costs will be passed along to travelers for the airport to remain open, the agency stated.

"All of us at GIAA are now looking forward to speedy review of the lower court order by the Guam Supreme Court," the airport stated, adding, "The Lotte contract is in the best interests of Guam." ***(Daily Post Staff)***



CONCESSIONAIRE: *Lotte Duty Free occupies a concession space at the A.B. Won Pat International Airport terminal, as shown in March. Post file photo*

Legal battle

DFS Guam is the former concessionaire at the airport and has been fighting for years in court to invalidate the airport and Lotte Duty Free's deal.

CEBU ASSOCIATION OF GUAM

Statement of Revenues & Expenses
For the Year Ended December 31, 2017

Revenues:	
Membership Dues	9,350.00
Fellowship Activities	1,043.00
Interest earned	20.30
Total Revenues	**10,413.30**
Expenses:	
Meetings	1,750.00
Fellowship Activities	2,262.45
Religious Activities	1,823.22
Other Expenses	280.00
Total Expenses	**6,115.67**
Net Revenue (Deficit)	**4,297.63**

Statement of Condition
As of December 31, 2017

Assets	
Cash in Bank	23,901.52
Time Certificate of Deposits	22,215.37
Total Assets	**46,116.89**
Net Worth	
Beginning Balance, Jan. 1, 2017	
Special Fund	5,859.84
General Fund	13,760.91
Time Certificate of Deposits	22,198.51
Total	41,819.26
Net Revenue	4,297.63
Total Net Worth	**46,116.89**

GUAM EDUCATION BOARD

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8th Guam Education Board
REGULAR MONTHLY MEETING

Tuesday, July 31, 2018
6 PM
Gallery A/B, Building B., Tiyan

AGENDA

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

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



Minutes

GUAM EDUCATION BOARD

500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone Number: (671) 300-1627
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MARK B. MENDIOLA
Chairman

MARIA A. GUTIERREZ
Vice Chairwoman

8th GUAM EDUCATION BOARD
SPECIAL MEETING
Tuesday, June 26, 2018
6 pm
Superintendent's Conf. Rm., Bldg. A., Tiyan

MINUTES

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

VACANT
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. – Chairman
Gutierrez, Maria A – Vice Chairwoman
Ada, Peter Alecxis
Crisostomo, Robert
Lujan, James C.
McNinch, Dr. Ron L.
San Nicolas, Lourdes B.

Non-Voting Members:
Sharma, Sanjay – GFT Representative

Staff:
Stake, James - Legal Counsel

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

The Superintendent announced that seven (7) members of the Board were present, constituting a quorum.

II. Approval of Minutes

Ms. San Nicolas motioned, seconded by Mr. Lujan, to approve the May 22, 2018 regular monthly meeting meetings. The Board voted by voice with a vote of 7-0 for the motion, motion passed.

Ms. San Nicolas motioned, seconded by Mr. Lujan, to approve the June 14, 2018 special meeting minutes. The Board voted by voice with a vote of 7-0 for the motion, motion passed.

III. **Public Participation** – None.

IV. **Communications**

Correspondence

Mr. Mendiola informed the Board that he received a complaint regarding the Superintendent which was also filed with the Guam Election Commission. He noted that he received it via email from the Superintendent as the Executive Secretary to the Board. He stated that the complaint was made by Mr. Robert Klitzkie. Copies were passed out to all board members.

Ms. San Nicolas questioned if that would warrant the Board to go into executive session.

Mr. Mendiola stated that it would, but he just wanted to note that the complaint was received.

Mr. Mendiola also informed the Board that he received a notice via email that the Director of the Office of Head Start was announced.

Superintendent's Report and Communication

CURRICULUM

Charter School Update. The Guam Academy Charter School Council, at its June 14 meeting, approved the renewal of Guahan Academy Charter School's (GACS) charter, despite GACS failing to meet the requirement to attain accreditation within five years. Following the Council vote, Senator Joe San Agustin requested the Attorney General's opinion on the Council's action. GACS continues to demonstrate significant governance, financial and operational deficiencies, which has impacted its ability to drawdown funds. On June 30, GACS must officially vacate their secondary Tiyan campus property. An updated risk assessment report has been circulated to GEB members, and a draft resolution will be considered at the June 26, 2018, meeting as well. A legislative roundtable on GACS is also scheduled for June 27, 2018.

FACILITIES

Simon Sanchez High School Procurement. At the June 13 public hearing on GDOE's FY 19 Budget Request, Superintendent informed the Legislature that there was no funding available from TEFF to initiate the architecture and engineering work intended for Simon Sanchez High School. This was confirmed in correspondence with the Bureau of Budget Management and Research (BBMR), and GDOE was requested to seek a direct appropriation from the Legislature. GDOE continues to work with the Legislature to identify a source of funding. On June 25, 2018, Senator Frank Aguon introduced legislation in an attempt to assist the department with funding for Simon Sanchez High School. The bill introduced would deappropriate $1 million from the Governor's Office and send the funding to GDOE to initiate the SSHS A&E work.

Attendance Area Update. The Superintendent noted that next month, the Department would be working on a public information campaign as we get ready for the school year. He stated that information on attendance areas will be put into the quarterly newsletter and they will be working with the schools to address whether there is any information that needs to go out to their stakeholders. He noted that what they are hearing from the school principals is that they are already dealing with parents and families and they feel like they have a good handle on who the students are and are working school to school to make sure they're meeting these families. The computer operators at the elementary schools that are being affected are talking and identifying which students are affected and notifying the parents and working through the process to make the transition as efficient as possible.

Doc. No. 34GL-18-2162.

US DOE Request for Removal of Special Conditions. The Superintendent stated that he spoke to Christine Jackson and Mark Robinson earlier in the morning and stated that a Guam team anticipated going to D.C. in mid-July. July 16th and 17th are set for meetings with USDOE to get more information relative to GDOE's request for reconsideration of the special conditions. The Superintendent noted that Bill Roberti from Alvarez and Marsal, Third Party Fiduciary, was on island last week. Both he and the Chairman met with Mr. Roberti. During the meeting, they discussed the transition structure to create an internal team that would reflect and mirror the responsibilities of the Third Party. He stated that they are trying to finalize a proposal in order to present it to USDOE in July. The role of the Third Party would move into a monitoring and advisory role. He stated that the intent is to reduce the cost of their services. He noted that Phil Maestri, Director, Risk Management Services, has rotated out of Risk Management to another area of USDOE. They will get a better understanding of the changes that have occurred at USDOE and the impact of these changes in how Guam's issues will be handled..

Mr. Crisostomo questioned whether it would be more advantageous for a team from US DOE to come to Guam instead of them going to D.C. Ms. San Nicolas clarified that USDOE was supposed to come to Guam, but the travel had been cancelled.

Mr. Mendiola further clarified that in June they usually get a letter from USDOE regarding the special conditions. He stated that the last time they met with them they informed them that the letter that was received seemed like a template letter and it did not reflect the improvements that USDOE sees that the GDOE has accomplished. He stated that the key component is that when we met with the Third Party team here we asked what the framework is going to look like internally at DOE. He stated that he agrees with Mr. Crisostomo, but at the D.C. level we have the Governor, Speaker and the Congress' support, and we are trying to move as quickly as possible to let them know that we're serious at all levels of government, to include the Board. He stated that he was told by USDOE that once the received the letter, they will put together a team to come to Guam to evaluate all our processes.

The Superintendent agreed and stated that the problem is that we don't know exactly who's coming, what they are going to be reviewing and how. Prior to them coming out we want to understand the protocols. He stated that USDOE is not sure yet, but they are reaching out to the various parts of the department now that we have officially triggered the reconsideration. He stated that his understanding is that in an internal meeting that they are having will provide a better understanding of who will be involved and the parameters of their review for when DOE goes in July. The Superintendent stated that the reason they are going in July is to maintain the momentum of their discussions and to get USDOE's concurrence on some of these things because we know their travel is restricted and they haven't been able to come out here. We are also hoping to understand that they have a plan and a timeframe to come out here and get an understanding as to what it is that they will be looking at as part of their validation. He stated that they mentioned that we might get questions that have never been asked. He responded that it is important for us to know before they come out.

Mr. Crisostomo stated that he is surprised that the Department hasn't video conferenced with USDOE on a frequent basis. He stated that if they did, board members could dialogue with the team and once they come to Guam they would know their expectations. He stated that would be something that maybe board members would like to see before they come to Guam.

Mr. Mendiola stated that the big picture is the letter of conditions and what they are looking for in D.C. Once the letter is received on July 1st then we will know how to approach what occurs in D.C. or what we will do here, moving forward.

Ms. San Nicolas questioned whether there is an update on Simon Sanchez for the dispute between CoreTech and DPR.

Mr. Fernandez stated that yes, the court dismissed the case. He further stated that he is not certain if it is completed in terms of its OPA review and once they clear we will proceed to go further. The issue right now is looking at the funding issue, we may need to review that conversation. Either it is a direct appropriation in FY 18

or we have to wait and hopefully get that as part of FY 19. He stated that even if the OPA addresses that, we will still have the funding issue.

Ms. San Nicolas asked for clarification recalling Senator Terlaje's comment during a previous session, that if the Third Party's services and their costs reduced, could that money be used to create an internal team? She also asked what the Superintendent is looking at in terms of staffing for the internal team and whether they will be people from outside of the department or a combination of outside people and in-house staff? She also asked who will oversee their records and what their salary would look like?

Mr. Fernandez stated that they are working on those questions and maybe they can present that during a work session before they leave to D.C. He stated that in his conception, right now, they are looking at five members for the team with different positions such as directory and/or deputy director with three or four staff. Discussions are being had with HR and the Third Party to get a handle on the job descriptions to be able to handle the right skill set and whether they would be classified or unclassified employees. He stated that those are some of the decisions they need to make. Right now, the estimated total is about $500,000 that would involve running a version of the Tyler system as a separate system and staffing the unit. For reporting staff would report to the Superintendent, not any of the deputies but they would have that role of overseeing the financial funds internally. Details are being flushed out and any decisions that need to be made by the Board, or authorizations we be brought to the Board's attention. He stated that how we pay for it is also something that needs to be figured out, whether it needs to be funded locally or federally; we'll be doing the research.

Ms. San Nicolas questioned if the Superintendent is requesting for the Board Chair to accompany him in D.C.

Mr. Fernandez stated yes because it was very helpful to have board presence at the last meeting that was held.

Ms. San Nicolas stated that she asked for the purpose of the record because the travel was already approved at a previous meeting.

Mr. Lujan moved, seconded by Ms. Gutierrez, to accept the Superintendent's Report and Communication as presented. The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

V. Ex-officio Member Reports

1) GFT – Mr. Sanjay Sharma thanked the Department and the Board for pushing for funding for the full 14 points from the Legislature. He also thanked the Department for offering all the different trainings during the summer, he stated that they are valuable resources and an investment in the teachers.

   Mr. Sharma announced that GFT will be having their annual PPD Skin Test and Health Fair on Saturday, August 11th from 12 -2. TB tests are free for GFT members and their immediate family members.

   Mr. Fernandez asked if the nurses would be administering the TB tests.

   Mr. Sharma replied that they would be.

   Mr. Fernandez stated that he had received a request from Vince Leon Guerrero who mentioned the need for nurses to assist the hospital and asked if our nurses were available.

   Mr. Sharma stated that they may be the same nurses. Usually they would have Guam Community College and their nursing students to come in with their oversite to assist but this year, they may not be available so GFT asked DOE school nurses to assist.

   Mr. Ada stated that he would be willing to include DYA's nurses if necessary, but to be told in advance.

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

Doc. No. 34GL-18-2162.

VI. Unfinished Business

1) Executive Committee

a) Superintendent's Evaluation – Mr. Mendiola stated that they held the Board retreat and they asked Dr. Ron McNinch to take the lead on putting that presentation together.

Dr. McNinch presented info for the Superintendent's Evaluation process and method.

Ms. San Nicolas commented that this is long overdue and that they need to move fast and not delay the evaluation any longer.

Mr. Mendiola agreed.

Mr. Crisostomo commented that he had mentioned it before and restated that they didn't make the expectations known to the Superintendent, what the criteria he would be evaluated on were, and he doesn't think that that would be fair to the Superintendent to get anything less than satisfactory.

Mr. Fernandez commented that, however the Board decides to move forward, what needs to happen is something be presented to him in writing so that he can give approval because the evaluation has to be in agreed upon by both parties.

Dr. McNinch stated that he would send the Chairman the draft.

The Chairman stated that he would transmit to the board members.

b) Board's Self Evaluation – Mr. Mendiola stated that a document was provided to the Board members where everyone agreed to it but he recommended to do it concurrently with the Superintendent's Evaluation.

c) Charter School Update – Because of the lengthy discussion on this topic, item was moved to the end of the agenda.

d) NASBE Report/Invoice

Ms. Gutierrez informed the board that they received the invoice for their NASBE membership which is renewed every year. She informed them that the way NASBE's fiscal year is set up, is different from our Government's fiscal year. She stated that the membership dues have not been raised. She noted that the dues are due on July 1st but in the past she informed NASBE that our fiscal year doesn't start until October and funding isn't released until then and they have been very accommodating with that. She noted that in the previous years they have added five thousand to the professional development fund to make it ten thousand because of the airfares, hotel accommodations and registrations. She stated that she discussed it with the Chair that they need to look at other means of funding so that the Superintendent doesn't need to utilize Indirect Costs to fund board travel. She explained that Dr. McNinch is part of the New Member Institute and when he attends conferences the Department has to shoulder the amount that is not covered by NASBE. She clarified that Professional Development does not cover his stipend, it strictly covers travel, hotel accommodations and registration. She stated that there is only one thousand dollars left in the Professional Development account and there is a a 60th anniversary for NASBE event and some board members are apart of the NASBE committee who will be attending. She noted that in the funding for the Board, there is funding for an attorney but they don't know whether the new board that comes in will want to hire an attorney for the Board. The Budget Committee will have to decide if professional development account will be raised or not.

Mr. Ada stated that it has been clear that this past fiscal year, we have been placed with budget cuts in every sense of the word, to include the possibility and threat of a furlough. 2019 is unknown and we don't know what to expect. He stated that they have been members for a long time, he commended Ms. Gutierrez for doing a marvelous job representing them and being the liaison. They have also been blessed to have their own representative, Dr. McNinch. He continued to state that cuts are expected to come up, we don't know how much, frankly speaking, though others might disagree, but we have to do our due diligence to show that we will do cuts, even at the very top of the Board of Education. With modern technology to day and science, there are a lot of meetings that can be attended through video conferencing. He stated that he believes that there is no need to send anybody to these conferences and to show that they will make cuts too. He stated that they will already have the region director of the Pacific, present, and that is a major accomplishment within itself. He stated that he would like the record to show that he is hoping and praying that the Board will collectively consider participating via videoconference rather than traveling because the money could go to some of the classrooms. Everything that is being said in that meeting can be said through videoconference and that whoever attends the videoconference can participate in it. He restated that he hopes the Board considers not attending so that they can show the children and the stakeholders that the Board will also make cuts.

Mr. Mendiola stated that they are a part of the professional organization of NASBE, when members came on board he was supposed to attend the new member conference but he went to the general conference because he was nominated to be a regional director. He stated that he thinks the importance of this conference is that it is the only professional development that our board members are able to stay on top of what's trending in the U.S. and when you have a lot of federal grants and issues he would like for the Board to be at the table. He stated that he understands Mr. Ada's point and that they have to be frugal with their spending but if they have the means and the Board has made the necessary cuts to assist the Department. He feels that they've exhibited that through some of the Board's action in terms of funding. He stated that he would like to look at the dollar figure and see whether it's a split investment on the Board. The next election that comes up, if that's the case we should separate from NASBE until our finances can face out. He assured Mr. Ada that they will discuss further and if there is a way they can find resources, whether receiving donations of support or other means, but he is not willing to give up on it yet.

Mr. Lujan noted that when he attended last year's New Member Conference it was very enlightening and feels that because they are hundreds of miles away he feels that they should show their physical presence when they can. He continued to share his sentiments on how he feels that it is important for them to physically attend the conference.

Ms. Gutierrez noted that she was recently given the opportunity to attend a conference and receive some funding from NASBE but opted out and attended via teleconference at 3 o'clock in the morning. She noted that during the discussion, the former Chairman Mr. Jay Borf, there are changes in the way that the Board of Directors will be chosen which will happen in October at the 60th anniversary of NASBE. She stated that one of the conditions when you are appointed to be a committee member is that you are able to participate twice via tele-conference but during the National Conference the committee member needs to be present because of the discussion on the floor and the voters call.

Ms. San Nicolas stated that the Pacific Islands are very underrepresented and they asked Dr. McNinch, the representative of the New Member's Institute, to really push for the issue for the Pacific Islands to have a voice in the decision making. She emphasized to Dr. McNinch to please put the issue so that the Pacific Islands are represented.

Mr. Mendiola responded to Mr. Ada that he would refer this issue to the Budget and Finance Committee and they could look at the finances to see if it could be supported or not. The recommendation from the committee will come back to the Board as to how they will proceed.

Dr. McNinch then presented this trip report. He stated that he went to the NASBE meeting, traveling through American Samoa. He recruited the American Samoan Government to ask them to participate with NASBE and he spoke to a number of education officials as well as members of the Rotary Club. He also met with Department of Education officials in American Samoa and discussed the Dual Credit Program that they just started. He explained that the program allows high school students to also earn college credits. He stated that he thinks that it is a good opportunity for Guam to start discussing middle college or dual credit programs. He also met with some people from the congressional awards and stated that he would like to promote the program in the schools.

Dr. McNinch recommended to the Superintendent and the Chairman that whenever they meet with the Federal Government, they should wear an island print shirt because it clicks with them.

Dr. McNinch stated that he respects both Mr. Ada and Ms. Gutierrez and realizes the hard work both of them have put into the board and that he feels that all Board members should attend the conference in Denver. He said that it is a great ambassador opportunity for them and a great selling point for them. He stated that President Chris, due to illness is having to cycle out, there were a lot of executive sessions at the NASBE meeting relative to those changes. He wasn't able to talk about it until all the announcements were made but all the arrangements were to bring in Robert as the President and inform all their donors that everything is stable and nothing bad was happening. He stated that NASBE has a lot of plans, they did shrink their board down, the board shrank by a third. He informed the Board that his position that he currently holds in NASBE was erased, after October of next year his position won't exist anymore. In order for us to have people to vote for them on the board they have to be present to lobby for them.

2) Instructional & Academic Support Committee

Head Start Report – Ms. Schroeder informed the Board that her program received their grant award for next year, last week. They received the full amount of the award. She also informed the Board that there is now an official Head Start Director in D.C.

Mr. Mendiola asked Ms. Schroeder what the status was on the grant that was approved by the GEB last week.

Ms. Schroeder responded that she submitted the grant on Saturday and the only the pending was a copy of the minutes that would be approved tonight. She also noted that she hasn't heard any news about the program improvement grant yet.

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 7-0. The motion passed.

3) Fiscal Management

a) Update on FY18 /FY19 Budget – Mr. Mendiola stated the FY 19 budget was presented at the legislature. He stated that they stuck to the 14 points and they would just have to wait and see what the Legislature is going to do. He noted that he would like the Superintendent and his management team to look at the spending priorities of the Department and the Board may have to change their position and protect the classroom as much as possible. He noted that they needed to get all their partners around the able and continue to push for the funding for our FY 19 budget.

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

VII. New Business

1) Declaration of Financial Status Designation for April 2018 - Ms. Taitano stated that the EFSC issued a notice to the Board, stating that the Department is in a Code C Watch based on the object category 290-Miscellaneous which was due to some one time costs related to some penalties and settlements. She

stated that they are going to work with the EFSC to adjust their projections so that this deficit will correct itself.

Ms. Gutierrez moved, seconded by Mr. Lujan, for the approval of Resolution 2018-10 Relative to approving the Corrective Financial Recovery Plan Prepared in response to the Code C-Watch issued by the Education Financial Supervisory Commission for the Month of April 2018. The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

2) Board Attendance Policy

Mr. Lujan moved, seconded by Dr. McNinch, for the approval to amend the policy on attendance for off island and on island for the board members to read that board members who may have fallen ill may call in as well as members who are leaving to include the whole day when they are off island and return on island.

Dr. McNinch stated that we have modern technology and that it is a fairly reasonable policy. As long as the member states why they are having to call in, it should explain it to the public.

Mr. Mendiola acknowledged that the topic was not on the agenda but that the issue had been brought up in the past. The Board took a two minute break to pull up the existing policy.

Mr. Ada stated that he understands but why not put it on the agenda for the next meeting and possibly have a work session prior to the meeting. He stated that they don't want anyone to say why was this thrown in during a meeting when it wasn't on the agenda.

Mr. Mendiola stated that based on Robert's Rules of Order, any Board member can make a motion to approve or introduce anything under new business during the meeting. He recognized that Mr. Lujan made a motion and now we're going to take a look at this because he's making an amendment to an existing policy.

Mr. Fernandez stated that he understands and he thinks that the Board has discussed ways to make it easier to participate and he thinks it's a good idea but he pointed out that we do have a Board Policy 125.13 that does establish those rules. He stated that with any amendment, they have the opportunity to review it and maybe after the Charter School resolution address the amendment so there isn't any conflicting will of the Board.

Ms. San Nicolas recommended that the Executive Committee meet to address the issue.

Mr. Mendiola asked for a five minute break to take a look and then have a discussion and if it warrants that the Board is not in support then he'll forward to the committee if need be, if not, and the Board is comfortable then they will take action.

Mr. Lujan clarified that he brought it up because they have had instances where they were lacking board members and that there was a meeting in November that was cancelled because of it.

Ms. San Nicolas also recollected that there was a meeting where she was unable to attend because she couldn't be out in the sun but she was willing to participate another way but respected the policy.

Upon return of the break Mr. Lujan withdrew his motion to make a new motion.

Mr. Lujan withdrew his motion with no objection.

Mr. Lujan moved, seconded by Dr. McNinch, to amend Board Policy 125.13 to "The Board recognized and supports the need to consider alternative methods of participation of voting members during regular and

special meetings. Therefore, in accordance with all applicable laws and regulations, the Board approves the participation of members ~~that are off-island~~ by video and/or tele-conferencing communication. Participation during regular and special meetings by video and/or tele-conferencing communication shall constitute official attendance as it applies to: 1) Establish quorum, 2) Voting on motions, 3) Compensation as established. ~~Board members that anticipate being off-island for a regular and/or special meeting shall, prior to departure, arrange through the Executive Secretary the following: 1)Validation of travel dates, 2) Training on video and/or tele-conferencing communication to be used, 3) Test run of video and/or tele-conferencing communication to be used.~~ The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

Charter School Update – Mr. Mendiola stated that all Board members should've received a copy of the resolution. He stated the resolution was crafted at the request of the Budget and Finance Committee members to basically put out to the community our risk assessment report that was conducting by our Internal Audit Office.

Ms. Gutierrez moved, seconded by Mr. Lujan, to approve the Guam Education Board Resolution 2018-11 Resolution to request that the 34th Guam Legislature separate the budgets of the Guam Department of Education from the Charter Schools and remove the requirement for the Guam Department of Education to validate Charter School invoices or, in the alternative, provide the Guam Education Board approval authority and oversight over Charter Schools and the Guam Academy Charter School Council. The Board voted by voice and approved the motion with a vote of 7-0. The motion passed.

Ms. Gutierrez read a portion of the resolution into the record.

Mr. Mendiola pointed out that the Chairwoman of the Guam Academy Charter School Council's name should be written out in the resolution.

Mr. Ada questioned whether the Department had a Safety Officer and stated that he understood that the hiring freeze from the executive branch was lifted. He was informed that the Department did not currently have a Safety Officer. Mr. Ada stated that he thought safety was one of the critical things of the Department.

Mr. Fernandez stated that the central office freeze for the Department was still in place but that they were looking at hiring for the upcoming school year. He noted that back, when they had moved forward to hired the School Safety Officer, the individual that was selected had to go off for medical purposes and then we froze all positions and we didn't hire. He stated that they needed to get a status update from the individual.

VIII. Executive Session

The Board moved into Executive Session at 7:26 pm.
The Board returned to Public Session at 8:02 pm.

IX. Announcements and Adjournment

Mr. Ada moved, seconded by all to adjourn the meeting. The motion passed.

Mendiola moved to adjourn the meeting at 8:03 p.m.

MINUTES SUBMITTED BY:

_____ **Date:** _____

CHRISTIE L. SAN NICOLAS
Acting Administrative Officer

Doc. No. 34GL-18-2162.

MINUTES OF JUNE 26, 2018 REGULAR BOARD MEETING:

( ) Approved as submitted

( ) Approved subject to corrections

( ) Other: _____

_____

MARK B. MENDIOLA
GEB Chairman

Date: _____

_____

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: _____

GUAM EDUCATION BOARD

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Website Address: www.gdoe.net/geb

MARK B. MENDIOLA
Chairman

MARIA A. GUTIERREZ
Vice Chairwoman

8th GUAM EDUCATION BOARD
SPECIAL MEETING
Tuesday, July 10, 2018
4 pm
Gallery A/B, Bldg. Bs., Tiyan

MINUTES

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

VACANT
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 4:00 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. – Chairman
Gutierrez, Maria A – Vice Chairwoman
Ada, Peter Alecxis
Lujan, James C.
McNinch, Dr. Ron L.
San Nicolas, Lourdes B.

Non-Voting Members:
McCarthy, Mark D. - GFT Representative

Staff:
Stake, James - Legal Counsel

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

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

Mr. Ada moved, seconded by Mr. Lujan, to move item one under new business – Personnel Matters to the end of the agenda. The Board voted by voice and approved the motion with a vote of 6-0. The motion passed.

II. New Business

1) Creation of Positions – School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance)

Ms. Gutierrez noted that during the work a packet was provided to all present and was now being provided to all board members. She explained that this topic is a creation for a new position, she noted that provided was the chronology time line for the creation of these positions. The Superintendent submitted his request to the Chairman on June 29, 2018. She expressed that she has seen how the School Attendance Officers do their jobs and noted that they don't only take attendance or monitor truancy, but many other duties. She stated that she feels that the Attendance Officers are performing above and beyond their duties listed on the job description for their positions. She noted that they attend trainings that are not required, she thanked Mr. Anderson for providing his staff with the training that they need. She recalled that during the 7th Guam Education Board's time, the attendance officers provided security to the Guam Education Board because they had received many threats from the public. She stated that unfortunately at that time, they were doing those duties without compensation and thanks to the Chris, the Superintendent and Taling Taitano, they were able to receive the compensation due to them.

Ms. Gutierrez moved, seconded by Mr. Lujan, for the approval of the Superintendent's request, received on June 29, 2018, Petition for creation of position of the School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance).

Mr. Fernandez noted that during the work session the discussion was that, in the review of our School Attendance Officer's duties and responsibilities, we felt that there was a need to update and upgrade the position in terms of what the employees are actually doing and their day-to-day responsibilities. He stated that the Department does not have the ability to amend positions but we can create new positions if is it justified. We have to go through this process with the Board and, as noted in the chronology, there are further steps that have to be taken before this can be a final decision by the Board. After the Board renders its guidance and action tonight, if it is to move forward, we will still have to go through a public hearing to make this a reality. He stated for public consumption that because the creation of these officers, the job title is now School Resource Officer (Attendance). He noted that they received questions from the media asking what this would mean for School Resource Officers. He informed those had inquired and the Board that what we're doing in this process as we address the current duties and responsibilities of the School Attendance Officers we're looking at also the direction that we need to head in terms of supporting our schools to a stronger School Resource Officer Program. Right now we have been outsourcing that to the judiciary and while we have seen a good partnership emerge from that initiative we do know that there are limitations and constraints in regards to our current practice. He also noted that they are looking internally as to whether or not they can build internal capacity for School Resource Officers given our employees and positions in our department. This is a step towards addressing our current needs with our attendance officers today and it's a next step towards to determining how we adequate support our schools with regard to additional safety, security with employees, most especially at our secondary schools. He explained that we are not scrapping the program and we haven't made a final decision on what the School Resource Officer Program will look like but this is a step towards building capacity to provide more support, more training and to exercise more departmental control over how that program is going to be shaped moving forward.

Mr. Christopher Anderson thanked the Board for their support and commitment to reconcile the long standing discrepancy between the School Attendance Officer job description and the subsequent changes in Guam Law that have identified them as Special Deputy Marshalls since 2010. In attendance were Nadine Calvo (Acting SAO Supervisor), John San Nicolas, Geraldine Tajalle, John Meno, Ryan Aguigui, Brandy Martinez, Cera Taguata and Ryan Mantanona. He noted that others not in attendance were on leave that day. Mr. Anderson explained that in the course of carrying out their daily duties and responsibilities there are three objectives that the SAOs strive to accomplish, 1) motivate students to attend school proactive monitoring, informal counseling and identifying impediments to attendance, 2) enforce the truancy statutes by identifying individual truants and reporting them to court, as mandated by law and 3) decreasing the student drop-out rate through school and court level interventions. He stated that as discussed during the work session, Public Laws 30-137 which established the SAOs as Special Deputy Marshalls and Public Law 32-232 which created the Police Officer's Standards in Training (POST

Doc. No. 34GL-18-2162.

Commission), both laws assigned additional law enforcement duties that evolved the scope of SAO training requirements and work out for the last eight (8) years. To function as Special Deputy Marshalls, all eleven (11) SAOs have had to complete and retrain every two (2) years. The training enable them to process for the Judiciary of Guam, conduct field operations, apprehend truants and when court ordered, remand truants to DYA. Mr. Anderson went into more detail, which was also discussed during the work session. Mr. Anderson noted that the Board's decision this afternoon to move forward with the establishment of a School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance) positions will go far to substantiate the hard work that all SAOs have been performing for the last eight years without additional compensation. He stated that he and the entire SAO team fully endorse HR's recommendation to establish the two positions discussed and to adjust their paygrades from letter H to J with a starting salary of $31,076 per annum and a paygrade from I to L with a starting salary of $37,100 per annum respectively. He gave special thanks to the HR division under the leadership of Antonette Muna Santos and Ramon Lizama who have work closely and collaboratively with the SAO team and the division since 2015 to complete the preliminary studies necessary for them to be there today.

Ms. San Nicolas commented that she has nothing but praise and appreciation for these men and women. She further spoke about her positive experiences working with the SAOs over the past years and stated that she is very supportive of this group and she hoped that her colleagues would offer the same support.

Mr. Ada questioned, referencing discussion during the work session, whether home visits are also done at night by the SAOs.

Mr. Anderson responded that home visits for the most part are done during duty hours however they have had some instances when they've had to conduct home visits in the evening.

Mr. Ada asked the frequency and mentioned that maybe they should be entitled to night differential.

Mr. Anderson responded that he didn't have information regarding the frequency off hand but also noted in regards to night differential, that in the past the Superintendent has granted the SAOs night differential when needed.

Mr. Lujan noted that he is in favor of the creation of positions because they are a big help to school authorities. He also noted that he is worried about the existing job that the SAOs have with regards to all the different hats they are wearing. He commented that he agreed with Mr. Ada in that those types of matters should be scrutinized and be sure that they are compensated for their time and safety. He also noted the need to look into officer fatigue because of all the duties they have and set into place an evaluation system so that they don't ruin their health.

Dr. McNinch commented that recently the Legislature, without limited input from this Board, raised the school age from 16 to 18. He asked if there was a cost assessment done on how much it'll cost for School Resource Officers to handle that part of the mission now that they have to go after every 16, 17 and 18 year old.

Mr. Anderson responded that no they have not done a cost analysis to determine what that is but they anticipate that it would be quite significant.

Dr. McNinch also commented that he is familiar with the POST and asked if our SAOs carry guns or weapons.

Mr. Anderson responded, that no, they don't.

Dr. McNinch commented to the Board that they should have a healthy discussion about this, if they are going to put SROs to protect our children, they should fully equipped to do so.

Ms. Gutierrez noted that during the work session they did show the board members the weapons that they do carry when they are at the school.

Mr. Mendiola noted that one of Board's key focus is safety, so he didn't feel that they would get any push back on supporting safe schools.

Mr. Anderson gave examples of how dedicated the SAOs are. He noted that they have purchased their own uniforms and have spent money to participate in wellness groups, amongst other things.

Ms. Gutierrez commented that the Department should look into that because other law enforcement agencies give their officers stipends to purchase uniforms. She also commented that DOE should look into applying for the grant that the JOG currently applies for so that we have more control in regards to the SROs.

Mr. Mendiola asked the Superintendent to take a look into that option and report back to the Board on his findings.

Mr. Ada noted that DYA pays their officers $350 a year for their uniforms. He also offered the Superintendent the use of DYA's PT field for DOE at no cost.

Ms. Gutierrez went through the chronology time line and the next steps to be taken.

Ms. Gutierrez moved to amend the motion, seconded by Mr. Lujan, for the approval of the Superintendent's request, received on June 29, 2018, Petition for creation of position of the School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance) to include the chronology time line so that the Department follows the timeline in which they would make the announcements and the Board is authorizing the announcement to have a public hearing. The Board voted by voice to amend the motion and approved the motion for the amendment with a vote of 6-0. The motion passed.

Ms. Gutierrez moved, seconded by Mr. Lujan, for the approval of the Superintendent's request, received on June 29, 2018, Petition for creation of position of the School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance) to include the chronology time line so that the Department follows the timeline in which they would make the announcements and the Board is authorizing the announcement to have a public hearing. The Board voted by voice to the motion and approved the motion with a vote of 6-0. The motion passed.

Ms. Gutierrez addressed the Superintendent and stated that if they start the posting tomorrow, it would end on the 25th and then they would be able to hold the public hearing right after.

Mr. Mendiola also addressed the Superintendent to place this item on the agenda of the next meeting.

2) Personnel Matters – Mr. Mendiola announced that they would be addressing a complaint filed by petitioner, Robert Klitzkie. Mr. Klitzkie filed a complaint with the Guam Election Commission pursuant to the 4GCA § 8104 and petitioned to the Guam Education Board pursuant to 48 USC § 1423K1. He stated that since this is a personnel matter regarding the Superintendent, he needed a motion to enter into executive session.

Mr. Lujan moved, seconded by Ms. Gutierrez, to move into executive session. The Board voted by voice to amend the motion and approved the motion for the amendment with a vote of 6-0. The motion passed.

Doc. No. 34GL-18-2162.

Mr. Mendiola requested that legal counsel stay behind and dismissed all other parties present. Mr. Mendiola also informed the Superintendent that he may want to excuse himself as well, so they can deal with this issue. The Superintendent also excuse himself from the executive session.

III. Executive Session

The Board moved into Executive Session at 4:37 pm to discuss the complaint filed against the Superintendent. All members and ex-officio members present participated in the Executive Session.

Mr. Lujan moved, seconded by Ms. Gutierrez, to move out of executive session. The Board voted by voice to amend the motion and approved the motion for the amendment with a vote of 6-0. The motion passed.

The Board returned to Public Session at 5:12 pm.

Ms. Gutierrez moved, seconded by Mr. Lujan, to accept the July 10, 2018 decision of the Guam Election Commission regarding Superintendent Jon Fernandez and concur with their conclusion that the Superintendent did not violate the Guam Election Law and that no disciplinary action will be taken against the Superintendent and he is exonerated from the complaint to the Guam Education Board. The Board voted by voice through roll call with a vote of 6-0. The motion passed.

Chairman Mendiola, took 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
Ada, Peter Alecxis	Yes
Lujan, James C.	Yes
McNinch, Dr. Ron L.	Yes
San Nicolas, Lourdes B.	Yes

IV. Announcements and Adjournment

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

Mendiola moved to adjourn the meeting at 5:14 p.m.

MINUTES SUBMITTED BY:

_____ **Date:** _____

CHRISTIE L. SAN NICOLAS
Acting Administrative Officer

MINUTES OF JULY 10, 2018 SPECIAL 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:** _____

Doc. No. 34GL-18-2162.

GUAM EDUCATION BOARD

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MARK B. MENDIOLA
Chairman

MARIA A. GUTIERREZ
Vice Chairwoman

8th GUAM EDUCATION BOARD
SPECIAL MEETING
Friday, July 13, 2018
2 pm
Gallery A/B, Bldg. B., Tiyan

MINUTES

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

VACANT
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 2:00 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. – Chairman
Gutierrez, Maria A – Vice Chairwoman
Ada, Peter Alecxis
McNinch, Dr. Ron L.
San Nicolas, Lourdes B.

Non-Voting Members:
McCarthy, Mark D. - GFT Representative

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

The Superintendent announced that five (5) members of the Board were present, constituting a quorum.

II. New Business

1) Head Start Training and Technical Assistance Grant – Ms. San Nicolas stated that on July 10th there was a work session for the first draft of the grant application for the Guam Head Start Program Supplemental Training and Technical Assistance. At that time, members were present and provided input. She noted that the changes that Head Start Director, Ms. Schroeder made to the draft was a result of the Board's input during the work session. Ms. San Nicolas noted that on the first page, second paragraph, starting with line two, it states that Region 9 usually specifies the attendee recommendations when the training agenda is finalized. She noted that in the past, we have always been very fortunate that training such as this one, allows parents to be part of the group to attend the training. Ms. San Nicolas also pointed out a section at the end of page two referencing the matching funds of the $7,500.

Doc. No. 34GL-18-2162.

Ms. Schroeder clarified that the grant was 80% federal and 20% locally funded. Within Head Start's local budget she has adequate funds, it does not affect her funds. The grant states that DOE, the grantee is also supporting the program with at least a 20% match. She noted that part of the discussion during Tuesday's work session was that they also get a $200,000 waiver on our matching funds. The basic grant that she applied for and received already, the matching was over $700,000 and with the $200,000 waiver, they usually apply to extra grants when they offer grants to us. She stated that it would not affect the benefits, it's just on paper, DOE as the grantee has enough funds to support the program.

Ms. Gutierrez asked who would attend the training.

Ms. Schroeder clarified that it is determined by Region IX.

Ms. Gutierrez asked whether Ms. Schroeder would provide input on who should go.

Ms. Schroeder clarified that the only input that she provides is stating what kind of training they want and then Region 9 makes the final determination.

Ms. Gutierrez asked if she will determine who will attend the training after the approval comes back.

Ms. Schroeder responded yes.

Ms. Gutierrez recommended using the lowest fare and possibly have people share rooms so that more people can attend the training. She emphasized the need for parents and teachers to attend the training.

Ms. Schroeder clarified that one of the challenges that they have is when they do purchase their airline tickets, they encumber the highest fare and once the ticket was purchased they find out if the fare was lower. She also informed that they do share rooms if possible.

Mr. Mendiola stated that Ms. Gutierrez is making the point to maximize their travel.

Ms. Schroeder stated that they do maximize as much as possible.

Ms. San Nicolas moved, seconded by Dr. McNinch, for the approval of the grant application for the Guam Head Start Program Supplemental Training and Technical Assistance. The Board voted by voice and approved the motion with a vote of 5-0. The motion passed.

2) BBMR Circular 18-07, Revised FY2019 General Fund Levels – Option #3 – Mr. Mendiola referenced the circular that was transmitted to the Board by the Superintendent. He stated that the circular that came from BBMR gave to option levels of the cuts. He noted that there was a repeal on the tax law that was recently passed. Mr. Mendiola stated that the BBMR Circular basically gave the DOE and other agencies that are tacked on to the General Fund, the pro rata share of what it is going to look like. Additionally, on the Option 3, there was a request for us to provide input on Option 3 which would bring our appropriation level to $160 million from the General Fund.

Ms. Gutierrez, seconded by Dr. McNinch, for the approval of the GEB Resolution 2018-012 to strongly urge the 34th Guam Legislature to prioritize education funding in the Fiscal Year 2019 Appropriations Act to ensure that the Guam Department of Education is able to meet the mandates of the Adequate Education Act for our students, families and employees. The Board voted by voice and approved the motion with a vote of 5-0. The motion passed.

Ms. Gutierrez read a portion of Resolution 2018-12 into the record.

Mr. Mendiola informed the public that they held a work session that addressed this resolution. The resolution highlights what has led us to this point. He stated that this has come back to the table because of the repeal on the Tax Law. He noted in the "be it resolved" in the resolution, there are some serious issues and implications with respect to how the DOE is going to operate. He stated that our agency has about 4,000 employees and 31,000 students, in addition as part of our budget equation, we also have charter school oversight through the Superintendent's Office, but not through our Board. In addition to that, there are also some legislative mandates that have been placed on the Department recently, which changes the dynamics of the procurement responsibility and building of Simon Sanchez High School.

Mr. Mendiola informed the body that he invited a guest, Mr. Jay Rojas, Administrator of the Guam Economic Development Authority to discuss the cost for procurement with respect to Simon Sanchez.

Mr. Rojas spoke to the resolution to the point that the Department is looking at some of the options they would have to undergo and looking at the budget for Fiscal Year 2019. He stated that in discussions with the Chairman and how this resolution involves Simon Sanchez High School, he needed to inform the Board that the recent act by the legislature for the repeal of the sales tax does have even great implications of how Guam is seen in the market when it comes to bonds and financing. He stated that, in the context of Simon Sanchez, in the event that the rating agencies do end up downgrading the general obligation bonds, we're going to be looking at a higher interest rates for financing. He stated that we need a resolution that says that it does not matter what solution is there, as long as a solution is made. That is what we need to find, a solution that is made and stuck with a little more permanency for us to be able to recover from the instability.

Ms. Gutierrez emphasized that we have our Simon Sanchez stakeholders that have been waiting and asked what he can do from his office so that the Simon Sanchez community will no longer be put in this panic or disappointment. She continued to emphasize the importance of putting education first and Simon Sanchez being made a priority.

Mr. Rojas responded that his office has been involved with the Simon Sanchez procurement from the beginning. He stated that his office is there from a financing standpoint to offer whomever the stakeholders or bidders, an opportunity to be able to go out and get some financing. He stated that if GEDA actually goes out and helps to get the financing they can offer triple times exempt bonds that the Private Sector cannot. He stated that once we get over this procurement hurdle, GEDA is ready, willing and able to take it to the next level. Mr. Rojas also noted that the funding source is secure, there are no issues with funding.

Mr. Mendiola stated that the point they are trying to make is that the longer we wait, the potential for it to cost more for the people of Guam is greater. He stated that will the fiscal crisis that is going on, he does not want Simon Sanchez to get lost in the translation of what the priorities are.

Ms. San Nicolas asked Mr. Rojas if he is monitoring the money market on a consistent basis.

He responded that yes, he is. He went on to explain some issues that the Port was having and stated that you can't really invest in a community that doesn't have the stability of government leadership and revenue sources.

Ms. San Nicolas stated that she respectfully requests an update of Mr. Rojas' findings on a regular basis to the Chairman and the Superintendent.

Mr. Mendiola stated that Mr. Rojas will communicate with the Superintendent.

Ms. San Nicolas expressed the need to address the issues at Simon Sanchez and asked Mr. Rojas to please help us.

Mr. Fernandez reminded everyone that when the law was passed for DOE to take over procurement, the matter was still in court, because of the legal situation we were unable to move forward. His understanding was that Judge Bordallo dismissed the case and we are trying to confirm whether a written decision has been provided. The decision with the court places the issue back with the Office of Public Accountability and we are trying to confirm if the OPA is going to dismiss it and we will not be able to move forward until that matter is resolved. He informed that they continue to get a status on that issue and once it is resolved, we will be ready to move forward. The Superintendent informed that Board that as they deal with the issues they would keep the Board informed.

Ms. Gutierrez requested for a report on the matter at the July 31 meeting.

Mr. Ada stated that he read over the draft of the resolution and commented that it really bothers him that we are putting everybody in jeopardy, from the schools and the staff. He mentioned that he overheard about the possibility of a furlough, and if you have a husband and wife working for the Department you got hit twice. He stated, but at the same token, they have, as the Board the responsibility to let the people of Guam know ahead of time and not wait until the eleventh hour.

Ms. Gutierrez also emphasized her unhappiness of the conditions and financial issues that the Department is having to deal with and also that the students, faculty and staff that will suffer from it.

Mr. Fernandez stated that the resolution expresses the Board's concern and request to the Legislature because the ball is in the Legislature's court at this point to approve the FY19 Appropriations Act to ensure that our lawmakers do their best to minimize any harm to the education system and to prioritize funding for education. He stated that we need to know how much funding is going to be available. As we're heading into discussion with the Legislature, option 3 is a 30% cut in our general fund revenues. Mr. Fernandez recalled Dr. Underwood's statement saying it's not going to be just disruptive, it's going to fundamentally cripple certain aspects of our education system. He stated that they did have an opportunity to speak to the Speaker of the Legislature and he introduced a budget for consideration (Bill 323-34) and under his scenario is that the education for the impact of the general fund for the education department is about a 5.9% reduction which is about 13 million dollars. He continued to explain that as we go forward we're trying to figure out between the 5.9% reduction, where exactly are we going to be as a Department and Government in terms of the revenue that is going to come in and the prioritization of spending. He stated that what they're arguing for here, is that as every election official has told him in their conversations is that education is at the top and so if education is at the top, we expect to see a funding level that reflects that.

Ms. San Nicolas asked the Superintendent if he was anticipating enrolling 840 students from the charter school and accommodating them and what the budget impact would look like if so.

Mr. Fernandez responded that the Attorney General had not issued an opinion yet but she indicated earlier that day that her opinion is forth coming very soon. He stated that we are not sure where she will end up. Also, in the budget that Speaker Cruz presented, we are well aware of the provision regarding charter schools, he has provided no funding for Guahan Academy Charter School, he has funded ilearn Academy at the existing level and the Science is Fund Charter School for middle school at about 300 or so students. Basically we have been preparing in the event that we have to take some role and absorb these students back. As of the most recent count Guahan had 880 students enrolled and already we know because they are trying to get back to the 740 cap there is going to be 140 students that will have to be absorbed somewhere. We have already been advising our administrators to be on the look out for students who are trying to re-enroll in our public schools and make sure that we're facilitating it so that it is easy for them to re-enroll. With regard to the 740 that will depend on the AG's opinion as well as whether they're going to get funding after October 1st. Right now, those scenarios, we're trying to prepare for all the possible situations. He stated that we do have a small team of administrators and staff that have already geared up

in the event of any scenario. What we're trying to do is ensure that if there are students and families who are concerned about the situation and want to come back to DOE, that we are able to inform them on what they need to do to re-enroll. He further stated that we've appointed Stacey Sahagon, Principal of Liguan to be the point of contact in the event that we need to work with the students and families.

Mr. Mendiola noted that they had a conversation with the Speaker and the Committee Chair, Senator San Agustin that whatever reduction the Department gets, that the charter schools will also bear some of that burden.

Ms. Gutierrez emphasized the need for all division heads and administrators to explain the resolution to the employees so that no panic is caused.

Ms. San Nicolas commented that she is happy that the resolution states that the Superintendent is going to make sure that input from employees, students and all stakeholders will be taken into consideration.

Mr. Mendiola commented that this has been a very trying time for the Budget and Finance Committee. He thanked the GFT for being present at the work session and providing input. He commented that we have a lot of stakeholders out in the community and this is going to get as real as it gets. He asked that the community to really look at what is going on down at the Legislature because as the Superintendent said, the ball is in their court. They are the appropriations body and whatever funding that they decide to give the Department will indicate whether or not they truly support education like they profess to. He stated that he knows there is a lot of frustration going around the table and he knows that the livelihood of our employees are at stake and there are other options that he knows the Superintendent will continue to have dialogue. He thanked the Superintendent for going out to the community to provide input. He stated that he wanted to make it very clear to everyone that the only spokesperson for the DOE or his designee is the Superintendent of Education and for any spokesperson for the Board is the Chairman of the Board.

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, with reservations
Ada, Peter Alecxis	Yes
McNinch, Dr. Ron L.	Yes
San Nicolas, Lourdes B.	Yes

III. Announcements and Adjournment

Mr. Mendiola noted that everyone received a copy of the formal response to Mr. Robert Klitzkie's complaint and he asked that it be transmitted.

Mr. Mendiola also noted that he announced that they are traveling to Washington D.C. and they have meetings set up. He stated that they are in coordination with Congresswoman Bordallo and USDOE and they are asking the Congresswoman to set high level meetings with them. They are asking to meet with the Secretary of Education and the Deputy to address some of the changes and challenges that are before us with USDOE. He noted that they will be returning back on island on the 21st.

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

Mendiola moved to adjourn the meeting at 2:58 p.m.

MINUTES SUBMITTED BY:

_____ **Date:** _____

CHRISTIE L. SAN NICOLAS
Acting Administrative Officer

MINUTES OF JULY 13, 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:** _____

Communications

MADELEINE Z. BORDALLO
GUAM

ARMED SERVICES COMMITTEE
RANKING MEMBER, SUBCOMMITTEE ON READINESS
SUBCOMMITTEE ON SEAPOWER AND PROJECTION FORCES

NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON INDIAN, INSULAR, AND ALASKA NATIVE AFFAIRS
SUBCOMMITTEE ON WATER, POWER AND OCEANS

Congress of the United States
House of Representatives

WASHINGTON, D.C. OFFICE:
2441 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–1188
FAX: (202) 226–0341

DISTRICT OFFICE:
120 FATHER DUENAS AVENUE
SUITE 107
HAGÅTÑA, GUAM 96910
(671) 477–4272
FAX: (671) 477–2587

http://www.house.gov/bordallo

July 18, 2018

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

The Honorable Frank Brogan
Assistant Secretary of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary DeVos and Assistant Secretary Frank Brogan:

Thank you for accommodating my request and meeting today with leadership from the Guam Department of Education and the Guam Education Board, regarding the specific conditions Guam is required to meet in order to receive federal funding from the U.S. Department of Education. Your personal attention to this important issue for Guam students is much appreciated.

As discussed during the meeting, the Guam Department of Education (GDOE) has been designated as a "high-risk grantee" since 2003 with special/specific conditions imposed by the U.S. Department of Education to prevent future mismanagement of federal funding. In 2010, the Guam Department of Education was required to contract a third-party fiduciary agent to conduct annual audits and oversee financial management of federal grants, in order to continue to receive funding from the U.S. Department of Education. Retaining this third-party fiduciary at local expense diverts millions of Guam Department of Education dollars, which could be put to better use in our classrooms.

Each year, I work hard to secure Congressional appropriations for education programs that benefit Guam and the other territories. As such, I share the U.S. Department of Education's commitment to ensuring that these federal funds are managed properly and used as intended to improve public education for Guam students. In the June 27 letter outlining the specific conditions for fiscal year 2018, your Department acknowledged the "progress that GDOE has made to address its financial management of Department funds." GDOE has indeed made significant progress in recent years, which is why the Superintendent submitted a formal request for the U.S. Department of Education to reconsider the specific conditions this past May.

I fully support GDOE's request and urge the U.S. Department of Education to provide a clear course or expected timeline for this reconsideration process, as required by federal regulations. I respectfully request that you respond to the following questions:

- Does the U.S. Department of Education have the legal authority to modify or rescind specific conditions imposed on the Guam Department of Education, prior to conclusion of the reconsideration process?

Doc. No. 34GL-18-2162.

- Which individual at the U.S. Department of Education has final approval over the reconsideration process, including certifying its findings or recommendations?

- Which branch of the U.S. Department of Education is leading the reconsideration process? There have been questions as to the specific roles of the Risk Management Service, Office of the Chief Financial Officer, Office of the Inspector General, and Office of the General Counsel in this process.

- Can you please outline the anticipated milestones for the reconsideration process and when the Department expects to complete each milestone, understanding that those dates may change?

- Once completed, will the reconsideration process provide:

    - A full accounting for the Guam Department of Education's compliance with each of the specific conditions and what additional controls, if any, GDOE must implement to come into full compliance with those conditions?

    - A detailed timeline for lifting or modifying the specific conditions, if justified by the reconsideration's findings, or recommendations that such special conditions be lifted or modified?

    - Recommendations for what additional measures the Guam Department of Education must undertake to finally shed its "high-risk grantee" designation?

- Lastly, is the U.S. Department of Education willing to consider transferring select responsibilities from the third-party fiduciary to the Guam Department of Education, before the reconsideration process is completed?

I hope that your Department will make every effort to complete the reconsideration process in an efficient and timely manner, as specified by federal regulation. I also hope that the U.S. Department of Education will work to remove unnecessary burdens placed on the Guam Department of Education, in recognition of their demonstrated progress and capacity to assume more responsibilities from the third-party fiduciary.

In my view, the U.S. Department of Education should embrace this opportunity to use the Guam Department of Education as a case study of successful turnaround. This would allow the Administration to achieve a result that has eluded two previous presidencies: restoring full local control and management of federal funding, as Congress always intended.

Thank you for your leadership at the U.S. Department of Education and consideration. I look forward to reviewing your responses.

Sincerely,

Madeleine Z. Bordallo

MADELEINE Z. BORDALLO
Member of Congress

CC: Superintendent Jon Fernandez, Guam Department of Education
Chairman Mark B. Mendiola, Guam Education Board

Doc. No. 34GL-18-2162.

Ex-Officio Member Report

Unfinished Business/Committee Reports

Jon J. P. Fernandez
Superintendent of Education

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

Catherine M. Schroeder
Program Director, Head Start

Guam Head Start Program
Program Director's Report
July 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 June 30, 2018 financial statement the program expended and encumbered 93.53 % of the budget.

The program received the COLA grant award on July 23 for the full amount of $77,530.

ERSEA (Eligibility, Recruitment, Selection, Enrollment, Attendance)

The program currently has 631 children currently eligible and registered for the program inclusive of children returning to the program.

Selection based on the criteria approved in March is scheduled to be completed first week of August. Phone calls and letters will be sent to the parents of children selected to be enrolled.

Meal Report: Not applicable at this time

Program Information:

Grant Amendments: The program is awaiting the awarding of the Training and Technical Assistance Grant (Hawaii Outer Pacific Training). There has been no update on Program Improvement Grant availability of funds.

Staffing: The program has 2 local vacancies: School Health Counselor and Community Program Aide I (CPA 1). The former CPA 1 was promoted to a CPA II which is federally funded.

Department of Education
Office of the Superintendent
Date: 7/24/18 Time:
Rec'd By: [illegible] 8072406
Print Name Signature

Federal vacancies: 2 Substitute teachers, 6 Head Start Aides, Program Coordinator I.

Action Item: Professional Development: The program will be hosting a Creative Curriculum Trainer for a week in November. The program has upgraded to the 6th edition of this curriculum with the online assessments, instructional supports, and data collection. The trainer will focus on Curriculum fidelity with the new edition of the curriculum and using assessment data to improve individualization for all students. During the week of November 5 – 9, when she is here, the program is looking at a calendar change to maximize her training:

- Tuesday November 6: Professional Development Day for DOE – all teaching staff training.
- Monday, Wednesday, and Thursday: The plan is for small group training for 3 of the 5 days. Every center will have one additional training day. Assignments are pending.
    - The half day centers are required operate a minimum of 160 days as per the Performance Standards: We have 168 days in the calendar. Therefore we would like to schedule 1 day each for continued training.
    - The full day centers meet the 1020 instructional hours using the 168 day calendar. Operating 6.2 hours per day computes to an extra 20 hours of instructional time. Therefore giving them 1 extra day of staff development will not impact the number of instructional hours.
- Friday: The Assistant Director / Education Services, the Head Start Mentor Coaches, and program managers / coordinators will focus on Professional development supports and follow up on curriculum fidelity and monitoring.

Communications: Office of Head Start:

The program received the COLA grant award.

Program Calendar and Announcements: June 18 – September 14

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

Date	Event
August 15	Policy Council Meeting: venue to be announced.
August 17 & 20	Parent Child Day and Assessments
August 21	First Day of Class
September 10	No Class: Child Assessments and Home Visits

Action Request: Approval to adjust the Head Start Calendar during the week of November 5 for professional development provided by our Curriculum provider.

Note: The Program Director is planning to be off island from August 20 to September 11.

Submitted: July 23, 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 Grants								
17								
32010								
0111 FTE	1,739,971.00	1,554,446.00	1,441,935.45	194,817.54	-	112,510.55	92.76%	7.24%
0113 Substitute	2,100.00	2,100.00	-	-	-	2,100.00	0.00%	100.00%
0114 LTE	247,696.00	363,696.00	360,117.15	49,172.41	-	3,578.85	99.02%	0.98%
0121 Benefits	779,635.00	708,680.00	664,588.32	88,594.46	-	44,091.68	93.78%	6.22%
0222 Mileage	6,800.00	6,800.00	3,210.46	101.91	-	3,589.54	47.21%	52.79%
0230 Contractual	76,443.00	76,337.31	51,927.46	4,741.50	18,199.80	6,210.05	91.86%	8.14%
0240 Supplies	74,900.00	168,890.00	147,038.93	103,218.35	19,444.09	2,406.98	98.57%	1.43%
0250 Equipment	9,000.00	34,542.69	23,697.19	8,777.20	3,500.00	7,345.50	78.74%	21.26%
0290 Misc. Parent reimburse	500.00	500.00	34.50	-	-	465.50	6.90%	93.10%
0450 Capital	46,500.00	46,750.00	-	-	46,750.00	-	100.00%	0.00%
0710 Indirect Cost Rate	19,187.00	19,187.00	19,187.00	19,187.00	-	-	100.00%	0.00%
32010 Total	**3,002,732.00**	**2,981,929.00**	**2,711,736.46**	**468,610.37**	**87,893.89**	**182,298.65**	93.89%	6.11%
T/TA Grant								
32030								
0221 Off Island travel	20,000.00	45,000.00	42,895.94	-	-	2,104.06	95.32%	4.68%
0222 Mileage	1,600.00	677.19	533.47	185.85	-	143.72	78.78%	21.22%
0230 Contractual	23,000.00	22,050.00	15,520.00	5,835.00	1,400.00	5,130.00	76.73%	23.27%
0240 supplies	1,394.00	3,266.81	2,889.17	2,387.42	227.84	149.80	95.41%	4.59%
32030 Total	**45,994.00**	**70,994.00**	**61,838.58**	**8,408.27**	**1,627.84**	**7,527.58**	89.40%	10.60%
17 Total	**3,048,726.00**	**3,052,923.00**	**2,773,575.04**	**477,018.64**	**89,521.73**	**189,826.23**	93.78%	6.22%

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
NOTICE OF AWARD

SAI NUMBER:

PMS DOCUMENT NUMBER:

1. AWARDING OFFICE:	2. ASSISTANCE TYPE:	3. AWARD NO.:	4. AMEND. NO.
Office of Head Start	Discretionary Grant	09CH9160-05-01	1

5. TYPE OF AWARD:	6. TYPE OF ACTION:	7. AWARD AUTHORITY:
Service	Supplement	42 USC 9801 ET SEQ.

8. BUDGET PERIOD:	9. PROJECT PERIOD:	10. CAT NO.:
07/01/2018 THRU 06/30/2019	07/01/2014 THRU 06/30/2019	93.600

11. RECIPIENT ORGANIZATION:

GUAM DEPARTMENT OF EDUCATION
500 Mariner Ave
Barrigada, GU 96913-1608
Grantee Authorizing Official: Mark Mendiola , Chairman, Guam Education Board

12. PROJECT / PROGRAM TITLE:

Head Start

13. COUNTY:	14. CONGR. DIST:	15. PRINCIPAL INVESTIGATOR OR PROGRAM DIRECTOR:
Guam	00	Catherine Schroeder

16. APPROVED BUDGET:

Personnel	$	1,995,413.00
Fringe Benefits	$	792,280.00
Travel	$	22,000.00
Equipment	$	19,557.00
Supplies	$	96,710.00
Contractual	$	77,730.00
Facilities/Construction	$	0.00
Other	$	101,763.00
Direct Costs	$	3,105,453.00
Indirect Costs At % of $	$	0.00
In Kind Contributions	$	0.00
Total Approved Budget	$	**3,105,453.00**

17. AWARD COMPUTATION:

A. NON-FEDERAL SHARE	$	576,364.00	15.65%
B. FEDERAL SHARE	$	3,105,453.00	84.35%

18. FEDERAL SHARE COMPUTATION:

A. TOTAL FEDERAL SHARE	$	3,105,453.00
B. UNOBLIGATED BALANCE FEDERAL SHARE	$	94,747.00
C. FED. SHARE AWARDED THIS BUDGET PERIOD	$	2,933,176.00

19. AMOUNT AWARDED THIS ACTION:	$	77,530.00
20. FEDERAL $ AWARDED THIS PROJECT PERIOD:	$	14,140,645.60

21. AUTHORIZED TREATMENT OF PROGRAM INCOME:

Additional Costs

22. APPLICANT EIN:	23. PAYEE EIN:	24. OBJECT CLASS:
660491518	1660491518A2	41.51

25. FINANCIAL INFORMATION:

DUNS 855023255

ORGN	DOCUMENT NO.	APPROPRIATION	CAN NO.	NEW AMT.	UNOBLIG.	NONFED %
	09CH916005	75-18-1536	8-G094122	$77,530.00		

26. REMARKS: (Continued on separate sheets)

27. SIGNATURE - ACF GRANTS OFFICER	DATE:	28. SIGNATURE(S) CERTIFYING FUND AVAILABILITY	
Clinton A Mcgrane	07/18/2018	Mr. Omar Barrett	07/16/2018

29. SIGNATURE AND TITLE - PROGRAM OFFICIAL(S)	DATE:
Ms. Jan Y Len - Regional Program Manager, Office of He	07/17/2018

DGCM-3-785 (Rev. 86)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
NOTICE OF AWARD

SAI NUMBER:

PMS DOCUMENT NUMBER:

1. AWARDING OFFICE:	2. ASSISTANCE TYPE:	3. AWARD NO.:	4. AMEND. NO.
Office of Head Start	Discretionary Grant	09CH9160-05-01	1

5. TYPE OF AWARD:	6. TYPE OF ACTION:	7. AWARD AUTHORITY:
Service	Supplement	42 USC 9801 ET SEQ.

8. BUDGET PERIOD:	9. PROJECT PERIOD:	10. CAT NO.:
07/01/2018 THRU 06/30/2019	07/01/2014 THRU 06/30/2019	93.600

11. RECIPIENT ORGANIZATION:

GUAM PUBLIC SCHOOL SYSTEM

STANDARD TERMS

1. Paid by DHHS Payment Management System (PMS), see attached for payment information.This award is subject to the requirements of the HHS Grants Policy Statement (HHS GPS) thatare applicable to you based on your recipient type and the purpose of this award.

   This includes requirements in Parts I and II (available at http://www.hhs.gov/grants/grants/policies-regulations/index.html of the HHS GPS. Although consistent with the HHS GPS, any applicable statutory or regulatory requirements, including 45 CFR Part 75, directly apply to this award apart from any coverage in the HHS GPS.This award is subject to requirements or limitations in any applicable Appropriations Act.This award is subject to the requirements of Section 106 (g) of the trafficking VictimsProtection Act of 2000, as amended (22 U.S.C. 7104).For the full text of the award term, go to http://www.acf.hhs.gov/discretionary-post-award-requirements.
   This award is subject to the Federal Financial Accountability and Transparency Act (FFATA or Transparency) of 2006 subaward and executive compensation reporting requirements.For the full text of the award term, go to http://www.acf.hhs.gov/discretionary-post-award-requirements.This award is subject to requirements as set forth in 2 CFR 25.110 Central Contractor Registration (CCR) and DATA Universal Number System (DUNS). For full text go to http://www.acf.hhs.gov/discretionary-post-award-requirements.

   Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS awarding agency, with a copy to the HHS Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuityviolations potentially affecting the federal award. Subrecipients must disclose, in a timelymanner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violationspotentially affecting the federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:
   The Administration for Children for Children and FamiliesU.S. Department of Health and Human ServicesOffice of Grants ManagementATTN: Grants Management Specialist330 C Street, SW., Switzer Building Corridor 3200 Washington, DC 20201 AND
   U.S. Department of Health and Human ServicesOffice of Inspector GeneralATTN: Mandatory Grant Disclosures, Intake Coordinator330 Independence Avenue, SW, Cohen BuildingRoom 5527Washington, DC 20201Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or Email: MandatoryGranteeDisclosures@oig.hhs.gov
   Failure to make required disclosures can result in any of the remedies described in 45 CFR75.371 Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180& 376 and 31 U.S.C. 3321).

   This award is subject to the requirements as set forth in 45 CFR Part 87. This award is subject to HHS regulations codified at 45 CFR Chapter XIII, Parts 1301, 1302, 1303, 1304 and 1305. Attached are terms and conditions, reporting requirements, and payment instructions. Initial expenditure of funds by the grantee constitutes acceptance of this award.

AWARD ATTACHMENTS

GUAM PUBLIC SCHOOL SYSTEM 09CH9160-05-01

1. remarks

26. REMARKS (Continued from previous page)

This grant action awards supplemental funds for the cost-of-living adjustment increase for the Head Start program for Fiscal Year 2018.

Head Start population: 534 children.

Designated Head Start service area: Territory of Guam

Approved program options: Center-based.

-Guam Head Start Program

Application for Supplemental Funding

COLA (Cost-Of-Living Adjustment) for Head Start Program: FY 2018-2019

Program Narrative

The Guam Department of Education (GDOE) is the grantee for the Guam Head Start Program and operates as both the State Education Agency (SEA) and the Local Education Agency (LEA) which oversees the unified school district. All staff of the Guam Head Start Program are considered Government of Guam employees regardless of their funding source and subject to the wage scale for Government of Guam employees to include incremental pay raises.

Contracted by the Government of Guam, the Hay Group submitted the results of their comprehensive study of the existing unified pay plan in 2010. This project reviewed job descriptions for the entire Government of Guam, consolidated jobs within particular classifications based on the scope of work involved, did comparisons to other entities within the Government of Guam and other jurisdictions, and made recommendations to update the unified pay schedule based on national averages.

In 2014, the Government of Guam implemented the revised Unified Pay Plan as developed by the Hay Group. Thus, all staff of the Guam Head Start Program receive the same salaries and benefits as all other Government of Guam employees in similar positions. The base salary for staff is aligned with that of similar positions within the Government of Guam as established by public law. The program, therefore, is unable to adjust base salaries for staff. This aligns with Section 653 of the Head Start Act which restricts compensation to a Head Start employee that is higher than the average rate of compensation paid for substantially comparable services in the area where the program is operating.

Doc. No. 34GL-18-2162.

All staff automatically receive the following benefits: Retirement, FICA, Death and Disability Insurance, and Life Insurance. Medical and Dental insurance is offered to all staff should they chose. Full time staff are entitled to an incremental pay raise benefit based on a satisfactory evaluation. The frequency of increments is based on their step placement within their pay grade. Thus within a two-year time span, all full-time staff with a satisfactory evaluation will have received an incremental pay raise and moved up a step in their pay grade. Increments are implemented yearly for Steps 1- 7, every 18 months for Steps 7 – 10, and every two years after Step 10. The percentage rate increase between steps averages 3%. The program in the past has applied the COLA percentage to offset the effect of incremental increases for FICA and retirement as they are a percentage of salary computation. The program will not be using this method this year.

Factors that influence the cost of goods on island.

- Being an island, a majority, if not all, supplies are imported to Guam and subject to shipping fees. Shipping rates are now averaging 25-33% and there are only two shipping companies on island. (Average shipping rate is 29%)
- The Cost of Living on Guam is estimated to be at least 17.6% higher than the average cost of living in the United States (Salary Expert.com).
- Fuel costs/surcharges: Fuel is imported from Singapore. From January 2018 to June 1 2018 the cost of gasoline increased $ 0.57 (14.7%). Utilities and shipping have a fuel surcharge as part of billing and adjustments are made throughout the year. The fuel surcharge has had an additional impact on the shipping rates. There are only two shipping companies that meet the US registration requirements. Since last year the average fuel surcharge rate increase is 8.5% (Range: 7 - 10%)

- The local procurement law, Section 5008: Policy in Favor of Local Procurement gives priority to businesses licensed on Guam and maintain an office or facility on Guam who is willing to be a contractor. This law allows up to a 15% increase in costs of items purchased from off island. A majority of our purchases for supplies and services are from local vendors. The impact has often been a local vendor will buy from a sole source provider and add up to 15% to the cost. (Example: lead screening supplies and curriculum)
- Public law 34-87 passed in March 15, 2018 increased the gross receipts tax by 0.25% ($1.00) effective through September 30, 2018. Beginning October 1, 2018 a two (2) percent sales tax would go into effect on tangible personal property and service businesses. Under Guam Code Annotated Title 11 section 26702 (c) the sales tax applies to items purchase outside of Guam

Looking at the operational costs of the basic grant plus the training and technical assistance grant the program is looking at a majority of the $229,064 non-personnel related funds being affected by the challenges of living on an island where everything is imported and a new taxes are being legislated.

Budget and Budget Justification

For this proposed COLA grant, the Guam Head Start Program is applying for the full grant amount of $ 77,530 to assist with the change in the yearly rate per employee for life insurance and Death and Disability Insurance and cost of supplies, equipment and services. The award amount reflects 2.6 percent of our Basic Grant Award of $ 2,981,929.

Increase in Benefits: $950 There currently has been no increase in the percent of salary applied to retirement. If there were to be changes, it would take effect October 1. The only items that have had a change since the staffing pattern was submitted with the 2018-2019 grant

application is the Death and Disability Insurance and Life Insurance. The Death and Disability Insurance increased by one dollar for the upcoming grant cycle. The life insurance rate increased by 9 dollars from $ 178 to $ 187. The program has a staffing pattern with 71 federal employees and 24 local employees. The total to be allotted at this point in time is $ 95 for Death and Disability insurance and $ 855 for life insurance.

Category	Federal	Local allocation	Total
Increase in the Death and Disability Insurance rate by $1	$71	$24	$95
Increase in the Life Insurance rate by $9	$639	$216	$855

Subtracting the benefit increase of $ 950, the balance of $ 76,630 will be applied to operational expenses based on the 2% sales tax, the COLA of 17.6% for the island and projected shipping costs for those items imported under supplies and equipment.

Increase in Operational Costs

The programs operational costs average 7.6% of the total grant award with the balance of 92.4% going to personnel costs. Prioritization has been the programs way of ensuring basics are provided to children and families. The application of COLA funds to shipping rates, cost of living on Guam, sales tax, and island vendor preference spending will offset operating costs allowing the program to obtain more equipment and supplies.

$19,253 (total cost minus amount already in the grant application) Equipment: In the grant $10,340 was allocated for replacement of classroom furniture and health and safety needs. Each year the program has moved funds to this category for unexpected needs. The program will apply COLA towards the 2% sales, the projected shipping rates, and the allowable 15% markup

by local vendors and subtract the original budget request which did not itemize pending circumstances for the year such as replacing air conditioners.

Breakdown of expenditures

Item	Cost Per Unit	Number of Units	Estimated Cost
Classroom tables	$229	28	$6,412
Cubbie replacement with bins	$629	5	$ 3,145
shelves: Pre-K furniture	$400	15	$6,000
Unexpected replacements (ex. Air conditioner)			$4000
Subtotal for itemized equipment			$19,557

Calculation of sales tax, shipping, and 15% vendor increase allowance

Estimated Cost	2% Sales Tax	Total	29% Shipping	Total	15% Vendor Allowance	Total
$19,557	$391	$19,948	$ 5,785	$ 25,733	$3,860	$29,593

$ 1,555 Contractual: The 2% sales tax is applied across all components both under the Basic Grant and the Training and Technical Assistance Grants.

Grant	Amount	2% Sales Tax
Basic Grant	$64,730	$ 1,295
Training and Technical Assistance	$13,000	$ 260
Total		$ 1,555

$ 475 Miscellaneous: The 2% sales tax is applied to the items listed below

Item	Amount	2% $ales $ax

Printing	$ 8,000	$ 160
Annual Audit	$ 7,750	$ 155
T/TA training	$ 8,000	$ 160
TOTAL		$475

$ 19,296 Supplies: The program will allocate funds to all supply items in the areas of health, nutrition, mental health, education disability, family activity, computer, and custodial, maintenance and administrative supplies with a focus on classroom and family supplies and activities. The overall budget for supplies originally was $95,316 under the basic grant and $1,394 under the Training and Technical Assistance grant. The thought is, if we add the 17.6% Guam COLA average that would provide additional funds for supplies. Add the 2% sales tax and then look at possible shipping rate impact on goods.

Calculations:

Supply category	**Current budget**	**17.6% Guam COLA rate**	**Subtotal**	**2 % sales tax**	**New budget**	**Increase applied to COLA grant**
Administrative	$8,000	$1,408	$9,408	$188.16	$9,596.16	$1,596.16
Child and Family Services	$58,816	$10,351.62	$69,167.62	$1,383.35	$70,550.97	$11,734.97
Computer / printer	$7,000	$1232	$8,232	$164.64	$8,396.64	$1,396.64
Maintenance / custodial	$21,500	$3,784	$25.284	$505.68	$25,789.68	$4,289.68
T/TA	$1,394	$245.34	$1639.34	$32.79	$1672.13	$278.13
Totals		**$ 17,021**	**$113,731**	**$2,275**	**$116,006**	**$19,296**

With the proposed budget of $ 116,006 for supplies, the average shipping cost at 29% for purchase

of supplies would be $ 33,642.

Summary of Distribution of COLA Funds

Category	Amount
Increase in Benefit Distribution • Death and Disability Insurance $ 95 • Life Insurance $ 855	$ 950
Increase in Operational Costs - Equipment • Purchase of additional equipment $ 19,557 • 2% Sales Tax $ 391 • 29% Shipping $ 5,785 • 15% local vendor allowable increase $ 3,860 Decreased by the amount already in budget: $10,340	$19,296
Increase in Operating Costs - 2% Sales Tax on Contractual Expenses	$ 1,555
Increase in Operating Costs - 2% Sales Tax on Miscellaneous Expenses	$ 475
Increase in Operational Costs - Supplies under Basic Grant and T/TA Grant • 17.6% Guam avg COLA rate $ 17,021 • 2% Sales Tax $2,275 • 29% Shipping $ 33,642	$ 49,938
TOTAL COLA Funds	**$75.171**
Balance towards additional increase in costs.	**$ 2,359**

$ 2,359 Balance. This balance will be applied to any changes in the grantee fiscal 2019 budget which would be effective October 1. Such changes may be reflected in the benefit percentages for retirement, increase in Life Insurance, Death and Disability Insurance, increase in shipping rates, and/or an increase in the Guam COLA calculations.

Calculations inputted into Grant Application Budget Instrument

Benefit distribution	$ 950
Miscellaneous expenses	

• 2% sales tax	$ 4,696
• 17.6% Average Guam COLA	$ 17,021
• 15% local vendor allowable increase	$ 3,860
• Shipping: 29%	$ 39,427
Balance towards additional increase in costs.	$ 2,359
Increase in Equipment expenditures	$ 9,217
total	$ 7 7,530

Non-Federal Share / Match: $19,383

The non-federal share match for these COLA funds is $ 19,383 and will be met through the locally funded personnel costs. To date, the program has applied $ 756,981 of the $1,066,821 projected costs for locally funded staff salaries and benefits under the GDOE budget proposal for October 1, 2018 – September 30, 2019. The non-federal share match specified for this COLA grant is covered by the local budget difference of what was applied to the basic and T/TA grant and the actual proposed budget.

The Guam Head Start Program is committed to providing ongoing quality services to our enrolled children and families. The addition of this supplemental COLA funding to our basic funding award will further support our services.

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

June 29, 2018

MEMORANDUM

TO: Chairman, and Members of the Guam Education Board

FROM: Superintendent of Education

SUBJECT: Petition for Creation of Positions
Re: School Resource Officer (Attendance)
School Resource Officer Supervisor (Attendance)

Buenas yan Hafa Adai! This is to request your approval to create the positions of School Resource Officer (Attendance), PG-J and School Resource Officer Supervisor (Attendance), PG-L. Copies of the proposed job standards are attached. This request is pursuant to the GEB's authority to create positions under Title 4 Guam Code Annotated. Chapter 6, § 6303(d) – Creation of Positions in the Autonomous Agencies and Public Corporations.

The proposed update/creation of positions are necessary as follows (4 GCA, Chapter 6, § 6303(d)):

(A) **Justification for the position:** On July 16, 2010, the 30th Guam Legislature enacted P.L. 30-167 which appointed school attendance officers as Special Deputy Marshals. The primary purpose of this request is to create the new positions to reflect the additional Marshal duties and responsibilities performed by attendance officers pursuant to P.L. 30-167.

(B) **The essential details concerning the creation of position:** Since enactment of the law, DOE Attendance Officers have received training and have been deputized by the courts as Special Deputy Marshals. As a result, the proposed updates identify the increased duties and responsibilities that SAO's perform for both the Department of Education and the Judiciary of Guam not included in the current SAO and AOS job standards. The additional duties are summarized as follows: the serving of legal court documents; the representation of the department on all truancy court cases; the filing of court documents when clients violate court orders; the monitoring and apprehension of truants in violation of court orders; and response to student safety issues as resource officers commensurate with law enforcement officer survival and first responder training received as certified Special Deputy Marshals.

(C) **An analysis of the similarities and differences between the position to be created and positions listed (pursuant to 4 GCA § 4101.1(d)):** An applicant for the School Attendance Officer today must be willing to undergo and maintain special deputy marshal and related law enforcement training, and will be required to enforce and execute court orders. An applicant for the Attendance Officer Supervisor must be currently certified as a Special Deputy Marshal and possess the necessary education and experience to supervise the goals and objectives of DOE and the courts in the enforcement and execution of court orders relating to truancy.

(D) **The position description:** The position description of the School Attendance Officer and Attendance Officer Supervisor (copies attached) reflect the additional Marshal duties and responsibilities as stated by the employee and approved by the Administrator, Student Support Services Division and the Superintendent of Education. In addition, HR staff conducted a job analysis study with the incumbent SAO's verifying and documenting the additional duties and responsibilities (refer to HR Staff Report).

(E) **The proposed pay range and demonstration of compliance with § 6301 (Compensation Policy) of this Title:** The government of Guam's Compensation Policy is administered by the Department of Administration. The Department of Administration uses the Hay Guide Chart-Profile Method for assigning pay grades and determining the relative pay and value of government of Guam positions. The current pay grade for the School Attendance Officer is PG – H, starting at $26,520 P/A. The proposed pay grade for the School Resource Officer (Attendance) is PG – J, starting at $31,076 P/A. The current pay grade for the Attendance Officer Supervisor is PG – I, starting at $28,595 P/A. The proposed pay grade for the School Resource Officer Supervisor (Attendance) is PG – L, starting at $37,100 P/A.

(F) **A fiscal note as that term is described in 2 GCA § 9101 et seq,; and any other pertinent information.** Section 9101 refers to restrictions on filling unfunded positions. Currently, DOE employs 11 attendance officers. Upon establishment of the proposed positions, the incumbent employees will undergo a re-classification review. Since the positions are new, and the incumbents are anticipated to move from a lower graded position to a higher graded position, the anticipated classification actions are promotional in nature and non-competitive due to the accretion of duties and responsibilities. The pay policy for a reclassification promotion is the same as a regular promotion action which is a two-step movement in the current grade and then slotting to the new grade closest to, but not less than. The additional personnel costs required upon reclassification for all incumbent employees is estimated to be in the amount of $46,968.60.00 P/A to include benefits.

Based on the information given and the supporting documents provided, this office requests your approval to create the School Resource Officer (Attendance) and the School Resource Officer Supervisor (Attendance) positions. Si Yu'os Ma'ase!

Respectfully,

JON J.P. FERNANDEZ

Attachments

GUAM EDUCATION BOARD
RESOLUTION NUMBER 2018-14

Introduced by: Guam Education Board Members

RELATIVE TO APPROVING THE CREATION OF POSITION PETITION FOR THE SCHOOL RESOURCE OFFICER (ATTENDANCE) AND SCHOOL RESOURCE OFFICER SUPERVISOR (ATTENDANCE) POSITIONS

WHEREAS, 4 GCA Chapter 6, § 6303 (d) Creation of Positions in the Autonomous Agencies and Public Corporations, authorizes the Superintendent to petition for creation of positions within the Department of Education subject to the approval by GEB; and

WHEREAS, 4 GCA Chapter 6, § 6303.1 Transparency and Disclosure, requires the creation of position petition be posted for public review and comments; and

WHEREAS, on June 29, 2018, the Superintendent of Education transmitted to the GEB a petition to create the positions of School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance) in the classified service; and

WHEREAS, on July 6, 2018, the Personnel Committee of the GEB held a work session to review and discuss the Superintendent's petition to create the School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance) positions; and

WHEREAS, on July 10, 2018, the GEB at its special meeting unanimously approved the Superintendent's petition to create the School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance) positions subject to compliance with transparency and disclosure requirements; and

WHEREAS, on July 31, 2018, the Superintendent provided to the GEB information that DOE complied with all administrative requirements pursuant to Public Law 28-112 and 4 GCA Chapter 6, § 6303.1 Transparency and Disclosure for the creation of position, and on that same day the

NOW THEREFORE BE IT RESOLVED, that the Guam Education Board approves the Creation of Position Petition submitted to the Board on July 31, 2018, by the Superintendent of Education; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Director, Department of Administration and to the Legislative Secretary of the 34th Legislature.

DULY AND REGULARLY ADOPTED BY THE GUAM EDUCATION BOARD ON THE 31st DAY OF JULY 2018.

MARK B. MENDIOLA
Chairman, Guam Education Board

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

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

July 26, 2018

The Honorable Benjamin J.F. Cruz
Speaker and Chairman
Committee on Appropriations and Adjudication
I Mina' Trentai Kuåttro Na Liheslaturan Guåhan
Thirty-fourth Guam Legislature
163 Chalan Santo Papa
Hagåtña, GU 96910

Re: Testimony, Bill 237-34 as Substituted & Bill 323-34

Dear Mr. Speaker:

Hafa Adai! Thank you for the opportunity to provide testimony on Bill 237-34, as Substituted by the Committee on Appropriations and Adjudication, and Bill 323-34, to enact an Appropriations or Budget Act for Fiscal Year ("FY") 2019. The Guam Department of Education ("GDOE") recognizes the fiscal realities and challenges we all face as a community in light of revenue shortfalls brought about by the federal Tax Cuts & Jobs Act ("TCJA") of 2017. However, our job is to advocate for the resources needed to support our students and families who depend on our public education system; to that end, we stand in full support of Bill 323-34, which provides the highest level of resources for GDOE amongst the options currently being debated for FY 2019.

From the onset, I, along with the Guam Education Board (GEB), believe that we have acted deliberately and transparently in working with the Legislature and Governor to address the TCJA's fiscal impacts. From our immediate action to reduce spending by $12 million in FY 2018 to our numerous discussions with our community stakeholders and elected officials regarding the impact of further reductions on our schools, we have been candid and forthright in seeking the necessary resource to protect our mission and our ability to meet the mandates set forth under the Every Child is Entitled to an Adequate Education Act, (See Public Law 28-45, enacted June 13, 2005). GEB Resolution 2018-12 (attached) underscores the gravity of our position, which is that GDOE be funded to meet our mandates and that education be prioritized among all other government spending. With preparations underway for our August 14, 2018, school opening, we strongly urge the Legislature to ensure that public education is fully funded – and that we minimize any disruption to our school year – with the passage of the FY2019 Appropriations Act.

Earlier this month, following the passage of Bill 262-34 which repealed the proposed 2% sales tax to be implemented on October 1, I received BBMR Circular 2018-07, which indicated a projected FY19 (Option 3) budget reduction of $153.1 million for the Government of Guam. This represents a $65 million reduction for GDOE, which equates to a nearly 30 percent cut from GDOE's current FY2018

appropriation. Plain and simple, a 30 percent budget reduction would be catastrophic to our students, families and employees, and we are relieved that no senator has proposed legislation endorsing this.

GDOE does note that Bills 237-34 (as substituted) and 323-34 both propose higher funding levels to GDOE than the $180 million projected in the BBMR circular, albeit at two varying funding levels as indicated in the table below:

GDOE BUDGET(S)	FY18 PL 34-42	BBMR Circular 18-07	Bill 237-34 Substituted	Bill 323-34
General Fund	225,826,664	160,656,646	195,210,475	211,375,579
TEFF	4,453,375	4,453,375	7,100,000	5,585,719
Healthy Futures Fund	891,754	891,754	891,754	891,754
Public School Libraries Resource Fund	996,946	990,039	978,236	978,236
Limited Gaming Fund	608,518	551,908	524,912	524,913
School Lunch	12,504,000	12,504,000	12,504,000	12,504,000
TOTAL	**245,281,257**	**180,047,722**	**217,209,377**	**231,860,201**

Bill 237-34 (as substituted) appropriates a $217,209,377 operations budget to GDOE, a reduction of $28 million, representing an 11.5 percent reduction compared to our FY2018 appropriation of $245 million. Bill 323-34 provides a higher funding level of $231,860,201 and a correspondingly smaller $13.4 million reduction, or a 5.5 percent reduction using the same comparison. We understand that Bill 323-34 is predicated on increasing the Business Privilege Tax rate to 5.5% beginning October 1, 2018, and we certainly recognize that this is a policy matter that the Legislature needs to decide. Our focus will be on the final level of funding that is provided to the department, and Bill 323-34, with $231.9 million set aside for GDOE, provides the most resources for our students and merits our support.

Should Bill 323-34 pass as introduced, we will still need to continue to reduce or forego spending. As you recall from earlier this year, GDOE was proactive in managing our budget and adjusting to the revenue shortfalls. We moved quickly to help shield our schools, classrooms, and employees. We managed to save $12 million by foregoing planned spending, shifting resources to core operations, extending the hiring freeze at central office. We have already calculated that a continuation of our austerity measures from FY 2018 would likely yield $10 million in savings in FY 2019, and we would need to evaluate where the remaining $3.4 million could be found. Any further reduction below this level would bring much more serious consequences as we discussed earlier this year (attached – March 12, 2018, memorandum to all GDOE employees regarding Phase II and Phase III cost containment and austerity measures).

We are grateful and support the $1 million appropriation, as proposed in both bills, to re-start the procurement to reconstruct Simon Sanchez High School. However, we believe a total of $5 million in funding will be needed to support the required architectural and engineering services and design for the

project. Perhaps a retooling of the continuing appropriation under PL 32-120 will allow GDOE access to this funding that can be targeted for this purpose.

Also of concern to our budget is the inclusion of public charter schools. We understand that provisions were made to fund iLearn Academy Charter School at 500 students and a new Science is Fun Academy at 350 students, while no funds were set aside for Guahan Academy Charter School which has been authorized to support 740 students. We have already discussed the unfair manner in which GDOE has been subsidizing students who enroll in charter schools but who did not come from GDOE (attached – October 11, 2017, press release explaining the inequitable mechanism for funding charter schools out of GDOE's budget), and to address this, we asked for a complete separation of our budget from the charters to avoid the inequitable siphoning of resources away from our children. Second, the charter schools need to also share in the budget reductions that are impacting GDOE. If GDOE has to bear a 5.5 percent cut, then charter schools should see the same level of reductions as well. Finally, if the Legislature decides to insert funding for Guahan Academy Charter School in the GDOE budget, I believe this would be an added and ill-advised reduction in our GDOE budget, bringing the total of charter school students to 1,590 and the total budget for charter schools to $10.3 million at $6,500 per student, a 30 percent increase in charter school funding from last year's $8.1 million. It would absolutely send the wrong message to our department, which is held to comply with the many different mandates set forth under local law and regulations, to see funding diverted from GDOE students to support an organization that has demonstrated significant challenges in in its finances and operations (attached – June 15, 2018, Memorandum from GDOE Chief Auditor to Superintendent). We ask again that GDOE's budget be disentangled from the budgets of the charter schools and that charter schools be funded outside of the GDOE budget.

GDOE notes and supports the provisions in both bills that authorize a GDOE FY 2019 lump-sum budget and provide GDOE with much-needed transfer authority. We also support the exemption from Bureau of Budget Management & Research's Allotment Release Control and the Governor's transfer authority. We also note that the required Department of Administration (DOA) appropriation drawdown schedules will help address cumulative effects of cash shortfalls on vendor payables. We believe each of these provisions are necessary for GDOE to address anticipated expenditure adjustments and offsets which are tied to actual revenue collection and timely cash disbursements of appropriations. I believe we have also demonstrated responsible use of this authority to manage GDOE resources effectively in the past.

GDOE also notes and understands both bills also contain a number of spending controls administrative provisions, including the imposition of a hiring freeze, effective September 1, 2018, through December 31, 2018; a freeze on salary increments; and suspension of Certification Pay Differential. As you know, GDOE has frozen almost all central office hiring for sixteen months except to fill critical positions, and we do not intend to shift from this position over the coming school year. However, we are concerned about the impact of a hiring freeze on our schools and on our ability to recruit and retain classroom teachers. A hiring freeze will prevent GDOE from filling teaching vacancies that may occur during the first half of the school year, and we anticipate a number of retirements that will happen in September. A failure to fill teaching positions will have a direct negative impact on teaching and learning. Therefore, we respectfully request that GDOE certified school-based positions be exempted from any hiring freeze; furthermore, we would ask that this exemption also include central office positions critical to address the U.S. Department of Education's special conditions and our transition from high-risk grant status.

Finally, we want to reiterate a number of initiatives proposed by our community stakeholders, including employees, students, and parents during community meetings held earlier this year. We previously shared these and other cost savings and revenue enhancement proposals with members of the Guam Legislature in February and April (attached – copies of letters dated February 13, April 4 and April 5, 2018) including:

- Authorizing the leasing of GDOE's Piti Warehouses with proceeds to be used to offset the procurement costs of textbooks instructional supplies for our classrooms.
- Authorizing the department to lease any excess GDOE properties for purposes of generating revenues, proceeds to be used to offset costs in GDOE operations.
- Changing required air conditioner warranty to industry standard.
- Transferring wastewater pumps to Guam Waterworks Authority.
- Placing all teachers on 26 pay period schedule.
- Allowing GDOE to rollover Teacher Personal Leave.
- Converting existing JROTC Directors and Instructors to contract status.
- Allowing JROTC students to use Education Mileage Program.
- Placing a moratorium on expansion of Charter Schools.

While we believe these proposals may be helpful in alleviating impending cash pressures, they may also require the consent and approval by the Governor and the Legislature. We have attached for your consideration a draft bill regarding the leasing of the Piti Warehouses (attached – draft legislation relative to establishing the GDOE Commercial Lease Fund and authorizing GDOE to lease certain real property and improvements), which is a priority for the department.

In summary, after review of the two bills on the table for consideration, we stand in support of Bill 323-34, which provides the maximum level of funding for GDOE being offered. I continue to express concerns about the impact this level of funding will have on our ability to meet requirements of the Adequate Education Act. Further reductions below this funding level would raise additional and significant concerns regarding our ability to meet our mandates, requiring the department to strongly consider the actions needed to enforce the Adequate Education Act.

Thank you once again for your consideration of GDOE's budgetary needs. Should you require any further information, please do not hesitate to contact me or Ms. Taling Taitano at 300-1556.

Senseramente,

JON J.P. FERNANDEZ

cc: Guam Education Board
Deputy Superintendent of Finance and Administration

Attachments

New Business

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

July 27, 2018

MEMORANDUM

TO: Chairman and Members, Guam Education Board

FROM: Superintendent of Education

RE: Education Financial Supervisory Commission, Declaration of Financial Status Designations, Code C-Watch, Corrective Financial Recovery Plan for 2018 Fiscal Year to Date: May 2018.

The Education Financial Supervisory Commission (EFSC) issued a Declaration of Financial Status Designation (FSD) on June 22, 2018 for the month of May 2018. While the overall designation is A-Stable, a Code C-Watch has been issued for object category 361 Power. The EFSC FSD was received by the Guam Education Board (GEB) office on July 6, 2018.

The Corrective Financial Recovery Plan (CFRP) as required by law must be provided to the Guam Education Board within twenty (20) working days of receipt of the EFSC issued Watch. The GEB shall review, modify and approve by resolution, the CFRP and submit it to the EFSC within fifteen (15) working days of receipt from the Superintendent of Education. The CFRP is provided below.

361 Power
The projected shortfall, $316,549 for the period ending May 31, 2018 is the result of $4,184,099 in estimated projections (June thru September) of power expenses based on year to date (YTD or October thru May) expenditures of $8,368,198. A budget modification will be processed to cover the projected shortfall and address the C-Watch.

A resolution (Resolution No. 2018-13) has been prepared outlining the above and is attached for review. Please let me know if you would like to discuss this matter in greater detail.

JON J.P. FERNANDEZ

Attachments

cc: Deputy Superintendent, Finance and Administrative Services

GUAM EDUCATION BOARD
RESOLUTION NUMBER 2018-13

Introduced by: **Guam Education Board Members**

RELATIVE TO APPROVING THE CORRECTIVE FINANCIAL RECOVERY PLAN PREPARED IN RESPONSE TO THE CODE C-WATCH ISSUED BY THE EDUCATION FINANCIAL SUPERVISORY COMMISSION FOR THE MONTH MAY 2018

WHEREAS, 17 GCA Chapter 3 §3133 established the Education Financial Supervisory Commission (EFSC) to develop financial performance indicators that produce a monthly financial designation status for the Guam Department of Education (GDOE); and

WHEREAS, on June 22, 2018, the EFSC issued Declaration of Financial Status Designation (FSD) for May 2018; and, while the overall designation was A-Stable, issued a Code C-Watch for budget object category 361 Power for the period ending May 31, 2018; and

WHEREAS, 17 GCA Chapter 3 §3133(d)(3) defines Code C-Watch as a negative variance report exceeding two percent (2%) of the approved budget amount when combining year-to-date actual and annualized projections at the time of reporting; and

WHEREAS, the May 2018 EFSC FSD was transmitted and received by the Guam Education Board (GEB) office on July 6, 2018; and

WHEREAS, 17 GCA Chapter 3 §3133(e)(3) requires that the GEB review, modify and approve by resolution the Corrective Financial Recovery Plan (CFRP) and submit it to the EFSC within fifteen (15) working days of receipt from the Superintendent of Education; and

WHEREAS, on July 27, 2018 the Superintendent of Education provided CFRP to the GEB to address the projected $316,549 Code C-Watch shortfall in power for the year to date period ending May 31, 2018; a budget modification will be processed to address the $316,549 projected shortfall;

NOW THEREFORE BE IT RESOLVED, that the Guam Education Board approves the Corrective Financial Recovery Plan submitted to the Board on July 16, 2018 by the Superintendent of Education; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the EFSC.

DULY AND REGULARLY ADOPTED BY THE GUAM EDUCATION BOARD ON THIS 31 DAY OF JULY 2018.

MARK B. MENDIOLA
Chairman, Guam Education Board

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

Recd by: Therese Sioco
7/6/18 12:23pm

GDOE Education Financial Supervisory Commission

JUL 06 2018

Mr. Mark B. Mendiola
Chairman
Guam Education Board
P.O. Box DE
Hagåtña, Guam 96932

RE: Declaration of Financial Status Designation

Dear Chairman Mendiola,

Please find herein the May 2018 Declaration of Financial Status Designations (FSD) by the GDOE Education Financial Supervisory Commission (EFSC).

Should you have any questions or concerns please do not hesitate to contact me at (671) 475-9412.

Sincerely,

LESTER L. CARLSON JR.
Chair
GDOE Education Financial Supervisory Commission

Cc: EFSC Members:
Artemio Hernandez, Vice-Chair, Director – Office of Finance and Budget
Yukari Hechanova, Deputy Public Auditor-Office of Public Accountability
Edward Birn, Member, Director – Department of Administration

GDOE Education Financial Supervisory Commission

Authority: 17GCA, Article 1, Chapter 3, §3133 creates the Guam Department of Education Financial Supervisory Commission (EFSC) as an independent body to assist the GDOE and the Guam Education Board (GEB) with the task of monitoring and managing all public education financial resources. The EFSC's primary role is to monitor the financial health of the GDOE by developing and supervising a financial status designation of GDOE finances.

Declaration of Financial Status Designation

Fiscal Year-to-Date: 10/1/2017 to 05/31/2018

The GDOE Education Financial Supervisory Commission pursuant to Article 1, Chapter 3, §3133(c)(6) of Title 17, Guam Code Annotated hereby issues a **CODE C – Watch** indicating that the Guam Department of Education (GDOE) has a negative variance report exceeding two percent (2%) of the approved budget amount when combining year-to-date actual and annualized projections at the time of reporting for budgetary object categories:

361 Power

Month of May 2018

The GDOE Education Financial Supervisory Commission pursuant to Article 1, Chapter 3, §3133(c)(6) of Title 17, Guam Code Annotated hereby issues a **CODE B – Warning** indicating that the GDOE has a negative variance report exceeding ten percent (10%) of the year-to-date budgeted amount in an expense category or five percent (5%) in aggregate at the time of reporting for budgetary object categories:

None

Required Action

CODE C - Watch. The Superintendent of Education, in conjunction with the Deputy Superintendent of Finance, shall submit a Corrective Financial Recovery Plan to eliminate Watch conditions within twenty (20) working days of an EFSC-issued Watch to the GEB. The GEB shall review, modify and approve by resolution the corrective Financial Recovery Plan and submit it to the EFSC within fifteen (15) working days of receipt from the Superintendent of Education.

CODE B - Warning. The Superintendent of Education, in conjunction with the Deputy Superintendent of Finance, shall submit an explanation of variance within five (5) working days of an EFSC Warning to the GEB and EFSC that explains each expenditure category above the approved budget amount as outlined in the Fiscal Year 2018 twelve (12)-month Expenditure Operations Plan.

The designations declared as defined in Article 1, Chapter 3, §3133(d) of Title 17, Guam Code Annotated were unanimously assigned on June 22, 2018. Accordingly, on behalf of the EFSC, this report is hereby submitted and filed with the **Guam Education Board Members, GDOE Superintendent, GDOE Deputy Superintendent of Finance, *I Maga'låhen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and Members of the EFSC.**

Doc. No. 34GL-18-2162.

Education Financial Supervisory Commission Fiscal Year 2018 Financial Status Designation Report

Department: Guam Department of Education
Fund: Consolidated Local Funds
Account No.: ALL

Budget Act(s): P.L. 34-42
YTD Exp.Date 5/31/2018

A	B	C	D	E	F	G	H	I	J
Account Code	Budget Act(s) Appropriations	Reserve	Allotments	GDOE YTD Expenditures	Manual Adjustment	Projected Remaining Expenditures	Projected Lapse/ (Shortfall)	CODE	Encumbrances
111 Salary	132,744,925	0	132,744,925	83,487,673	0	44,512,168	4,745,084	A-Stable	0
112 OT	80,000	0	80,000	7,116	0	3,834	69,050	A-Stable	0
113 Benefits	49,647,816	0	49,647,816	29,403,252	0	15,625,686	4,618,878	A-Stable	0
Total Personnel	182,472,741	0	182,472,741	112,898,040	0	60,141,688	9,433,013	A-Stable	0
220 Travel	17,000	0	17,000	5,457	0	2,728	8,815	A-Stable	0
230 Contract	20,451,814	0	20,451,814	14,041,280	(2,151,366)	5,944,957	2,616,943	A-Stable	5,079,824
233 Rent	0	0	0	0	0	0	0	A-Stable	0
240 Supplies	2,739,377	0	2,739,377	440,624	0	219,890	2,078,863	A-Stable	287,346
250 Equipment	2,374,008	0	2,374,008	756,658	0	378,329	1,239,021	A-Stable	6,132
270 Wkrs Comp	0	0	0	0	0	0	0	A-Stable	0
271 Drug Testing	0	0	0	0	0	0	0	A-Stable	0
290 Misc.	185,000	0	185,000	65,886	0	32,943	86,170	A-Stable	0
361 Power	12,235,748	0	12,235,748	8,368,198	0	4,184,099	(316,549)	C-Watch	0
362 Water	3,215,685	0	3,215,685	1,627,504	0	813,752	774,429	A-Stable	0
363 Telephone	261,844	0	261,844	138,520	0	69,260	54,064	A-Stable	26,715
450 Cap. Outlay	764,040	0	764,040	5,128,200	(5,128,200)	0	764,040	A-Stable	0
Total Operations	42,244,516	0	42,244,516	30,572,328	(7,279,566)	11,645,959	7,305,795	A-Stable	5,400,016
GRAND TOTAL	224,717,257	0	224,717,257	143,470,368	(7,279,566)	71,787,647	16,738,808	A-Stable	5,400,016

	Monthly Variance				Year-to-Date Variance			
Account Code	12-Month Operations BUDGET	Monthly ACTUALS	Variance	CODE	12-Month Operations BUDGET	Year-to-Date ACTUALS	Variance	CODE
111 Salary	10,183,006	10,351,408	(168,403)	A-Stable	86,522,875	83,487,673	3,035,203	A-Stable
112 OT	6,154	0	6,154	A-Stable	52,308	7,116	45,192	A-Stable
113 Benefits	3,931,447	3,709,255	222,193	A-Stable	31,805,785	29,403,252	2,402,533	A-Stable
Total Personnel	14,120,607	14,060,663	59,944	A-Stable	118,380,968	112,898,040	5,482,928	A-Stable
220 Travel	1,254	0	1,254	A-Stable	12,318	5,457	6,861	A-Stable
230 Contract	1,565,167	1,557,132	8,035	A-Stable	15,365,401	11,889,914	3,475,486	A-Stable
233 Rent	0	0	0	A-Stable	0	0	0	A-Stable
240 Supplies	216,936	44,686	172,249	A-Stable	1,852,114	440,624	1,411,491	A-Stable
250 Equipment	133,767	200	133,567	A-Stable	1,910,727	756,658	1,154,068	A-Stable
270 Wkrs Comp	0	0	0	A-Stable	0	0	0	A-Stable
271 Drug Testing	0	0	0	A-Stable	0	0	0	A-Stable
290 Misc.	15,000	1,607	13,393	A-Stable	85,000	65,886	19,114	A-Stable
361 Power	1,030,886	1,120,287	(89,401)	A-Stable	8,112,206	8,368,198	(255,992)	A-Stable
362 Water	57,586	214,668	(157,082)	B-Warning	2,852,685	1,627,504	1,225,181	A-Stable
363 Telephone	21,726	17,447	4,278	A-Stable	173,805	138,520	35,285	A-Stable
450 Cap. Outlay	0	0	0	A-Stable	381,535	0	381,535	A-Stable
Total Operations	3,042,320	2,956,027	86,294	A-Stable	30,745,790	23,292,762	7,453,028	A-Stable
GRAND TOTAL	17,162,927	17,016,689	146,238	A-Stable	149,126,758	136,190,802	12,935,956	A-Stable

Notes:

Column C - There are no Reserve amounts pursuant to P.L. 33-185
Column F - Manual Adjustments $7,279,566 related to the JFK CapFA expenditure not included in the appropriations to the GDOE in Column B.
The 12 Month Operations data excludes $20,564,000 in appropriations for Charter Schools ($8,060,000), projected Child Nutrition Reimbursement & Cash Collections ($12,504,000)

Definitions:

A-Stable: Indicating that the GDOE has positive variance reports in all budgeted expense categories at the time of reporting.
B-Warning: Indicating that the GDOE has a negative variance report exceeding ten percent (10%) of the year-to-date budgeted amount in an expense category or five percent (5%) in aggregate at the time of reporting for budgetary object categories.
C-Watch: Indicating that the GDOE has a negative variance report exceeding two percent (2%) of the approved budget amount when combining year-to-date actual and annualized projections at the time of reporting for budgetary object categories.

Executive Session