DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

www.gdoe.net
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JON J. P. FERNANDEZ
Superintendent of Education

October 1, 2018

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

Honorable Therese M. Terlaje
Acting Speaker
Thirty-Fourth Guam Legislature
Hagåtña, Guam 96932

Vice Speaker Therese M. Terlaje
34GL-18-2371
OCT 02 2018
Time: 10:14 AM
Received by: JG

Dear Governor Calvo and Acting Speaker Terlaje:

Håfa Adai! Pursuant to Public Law 31-233, Section 38, *Reporting Requirements for Boards and Commissions,* attached are copies of the Guam Education Board's meeting agenda, approved minutes and other documents as discussed at the September 25, 2018 regular board meeting. The meeting was held in the Gallery A/B, DOE Building B, Tiyan.

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

Senseramente,

JON J. P. FERNANDEZ
Superintendent of Education

RCVD OCT -2 AM 11:10

Attachments

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

2371

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, September 25, 2018
6 PM
Gallery A/B, Building B., Tiyan
AGENDA

I. Meeting Call to Order

II. Approval of Minutes

ACTION 1. Minutes of August 29, 2018 Regular Meeting

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

IV. Communications

INFO 1. Correspondence

INFO 2. Superintendent's Report and Communication

V. Ex-Officio Member Reports

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

VI. Unfinished Business/ Committee Reports

1. **Executive Committee**

ACTION a. NASBE Annual Conference Travel Approval

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 – Chief Auditor (GDOE) and Auditor IV (GDOE)

INFO b. Board Policy 903.200 – Nepotism

5. **Fiscal Management**

INFO a. Update on FY18 Budget / FY19 Budget

INFO i. FY19 Spending Plan/Supplemental 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: Hacie San Jose (SSHS) - 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 June and July 2018
2. Board Policy 125.3 – Distribution of Board Meetings Materials
3. Board Policy 130 – Board Work Sessions
4. Board Policy 210.1 – Administrative Personnel Compensation and Contracts

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

CURRENCY EXCHANGE RATES Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

On Sept. 17, $1 was worth:

54.330 PHP₱	111.98 JPY¥	1,128.77 KRW₩	30.807 TWD NT$	6.8708 CNY¥	1.3970 AUD A$	0.8596 EUR €

South Korea's largest wireless provider invests in IT&E

By Jamie Ward
jamie@postguam.com

South Korea's largest telecom has entered the Guam market, and for consumers, that means they will soon see the island's telecommunications sector further compete to offer one of the fastest wireless online connections through 5G technology.

At a press conference Monday at the Sheraton Laguna Guam Resort, telecommunications provider IT&E announced South Korea's largest mobile operator SK Telecom has made a $33 million investment into IT&E, making it the company's second-largest shareholder.

SK Telecom is the largest mobile operator in Korea by revenue and number of subscribers, and is a subsidiary of SK Holdings Group, which had revenues of more than $84 billion in 2017, making it the second-largest conglomerate in South Korea. SK Telecom has been ranked by Forbes as the world's 21st largest telecom business in the world in 2017.

With South Koreans now making up the majority of visitors in Guam's tourism market, the move is meant to not only improve the Korean tourist experience on Guam and in the Northern Marianas, but to also have a positive effect on the region's economy by bringing a company of SK Telecom's size and economic reach.

"Given the accelerating trend of Korean tourists into Guam and Saipan, outpacing those from all other countries, this investment bodes well for IT&E and SK Telecom's customers to service the requirements both ways," Chief Executive Officer Jose Ricardo Delgado, of Citadel Pacific Ltd., said in a written statement. Citadel Pacific is the parent company of IT&E.

The move will mean that starting next month, packages will be rolling out for IT&E and SK Telecom subscribers to use communications services at domestic or reduced rates when they travel to either South Korea or Guam, Saipan, Tinian and Rota.

For IT&E consumers, the partnership with SK also means 5G technology – the next-generation wireless network – should hit the region in 2019.



PARTNERSHIP: *IT&E CEO Jim Oehlerking talks about the partnership with South Korea's SK Telecom, and what it will mean for Guam and the Marlana Islands at a press conference Monday at the Sheraton Laguna Guam Resort in Tamuning.*
David Castro/The Guam Daily Post

Transformative technology

Being stronger and faster than its predecessor 4G, the new platform will provide a foundation to build things from smart transportation to high-definition virtual reality, and will mean, according to IT&E, that subscribers can work, play, share and browse on their devices with faster data and internet in more areas.

According to a May 2018 story in The Washington Post by San Diego-based inventor and global telecommunications leader Qualcomm, 5G technology could drive economic and entrepreneurial transformation for decades.

IT&E CEO Jim Oehlerking said what this will mean for consumers is a better user experience by having the ability in the region to have more bandwidth capabilities, which is important since data shows "an increase of 100 percent year on year, on broadband data realization," he said.

"The new technology in 5G is geared toward much higher bandwidths of data for all the future applications and a better video streaming user experience," Oehlerking said. "This is also a cost-effective approach, because 5G really delivers data speeds that are equivalent to landline and fiber optic networks, so you can get comparable data speeds without having to be tethered to a landline network."

Oehlerking referenced the 1989 film "Field of Dreams," stating, "If you build it, they will come." He said his experience shows that people will find applications and use for the new technology if you give it to them.

"You've got to be looking down the road to stay ahead of what the future requirements are, even if you can't clearly understand what they are going to be," he said. "They will always find creative ways to use the spectrum. ... When you've got this type of wireless bandwidth available, there is a lot of different applications you can utilize it for."

'Creating a bold future'

Oehlerking said SK Telecom is on the leading edge of the new 5G technology and partnering with them will provide a means to deal with the learning curve that comes with new technologies and "doing them right."

"We can leverage off what they have learned and bring that in here," he said. "It's really creating a bold future."

Another Guam telecom provider, DOCOMO PACIFIC, has previously announced it will offer 5G connection on Guam.

GUAM EDUCATION BOARD

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REGULAR MONTHLY MEETING
Tuesday, September 25, 2018
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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 Christie SN, Administrative Officer, at 671-300-1627 or by email: clsannicolas@gdoe.net.
Agenda to be available on GEB website at least 72 hours before the meeting. This advertisement was paid for

Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

Chamorro Land Trust Commission Board Meeting
Thursday, September 20, 2018, 1:00 p.m.,
Land Management Conference Room,
3rd Floor, ITC Building,
590 S. Marine Corps Drive, Tamuning

In compliance with ADA requirements, individuals requiring special accommodations, auxiliary aids or services, may call 649-5263 Ext. 400. This ad is paid by CLTC funds.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

PACIFIC PASTA LLC
OLIVE GARDEN GUAM

has applied for a Class: **4/ On-Sale General (Alcoholic Beverage License)** said premises being marked as Lot: **5093-R1-R-2-1NEW-NEW-R1NEW**

Doc No. 34GL-18-0231

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MARK B. MENDIOLA
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MARIA A. GUTIERREZ
Vice Chairwoman

8th GUAM EDUCATION BOARD
REGULAR MEETING
Wednesday, August 29, 2018
6 pm
Gallery A/B, DOE 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

Hacie San Jose (SSHS)
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.

Mr. Mendiola recognized the incoming Island-wide School Board of Governing Students (IBOGS) Chairperson, Hacie San Jose from Simon Sanchez High School.

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
Benavente, Lourdes M.
Crisostomo, Robert A.
Lujan, James C.
McNinch, Dr. Ron L.
San Nicolas, Lourdes B.

Non-Voting Members:
San Jose, Hacie – IBOGS Representative
McCarthy, Mark D. – GFT Representative
Matanane, Rudy M. – Yigo Mayor and MCOG Education Liaison

Staff:
Stake, James - Legal Counsel

The Superintendent announced that eight (8) members of the Board were present, constituting a quorum.

II. APPROVAL OF MINUTES

Ms. San Nicolas motioned, seconded by Mr. Lujan, to approve the July 31, 2018, regular monthly meeting. The Board voted by voice with a vote of 8-0 for the motion, motion passed.

III. **PUBLIC PARTICIPATION** – None.

IV. **COMMUNICATIONS**

Correspondence

Mr. Mendiola informed the Board that a letter from Mr. Robert Klitzkie was available for them in their board packet. He stated that he would like to move this topic into executive session as it discussed personnel issues.

Mr. Mendiola informed the Board that a request was sent to the Brigadier General Gentry Boswell asking for permission for DPW school busses to cut through the Air Force Base. He noted that prior to 9/11, busses were allowed to pass through the base. Unfortunately, the Brigadier General responded that they were not able to accommodate our request due to security reasons.

Superintendent's Report and Communication

Opening of School Year 2018-19. The Superintendent congratulated the administrators, teachers, staff, partners, volunteers, students and families for a smooth and successful opening of the 2018-2019 school year.

The Superintendent recognized for the record, the presence of not just Deputy Superintendents Taling Taitano and Joseph Sanchez, and new deputy, Dr. Kelly Sukola for Educational Support and Community Learning. He also informed the Board that Ms. Stacey Sahagon the new deputy superintendent for Assessment and Accountability was unable to attend the meeting. He stated that they are both in an official capacity and welcomed them both on board. The Superintendent also noted that for the past few years Leilani Cruz served as administrative officer for the Guam Education Board and has transitioned out. He also noted that over the past few weeks the position for the staff that supports the Board during the day had been posted and earlier this week he selected Christie San Nicolas. He informed the Board that she is officially on board and regularly available to them for support.

The Superintendent informed everyone that GDOE was nominated for Agency of the Year in the PDN Pika's Best of 2018. He stated for all stakeholders who want to support the GDOE as part of that campaign and are able to vote once a day until September 9th.

The Superintendent also informed everyone that the Daily Post has posted the MagPro - Annual Recognition of Employees and Agencies. He informed the Board that MagPros are recognizing a Department of the Decade and GDOE was nominated for that award. He stated that everyone is welcomed to show support for the GDOE.

Charter School Update. The Superintendent met with former Speaker Judi Won Pat, Chief Academic Officer of Guahan Academy Charter School. She has assured him that she, along with Wilfred Aflague who is the new CFO, will be working on the issues identified by the Internal Audit Office in order to avoid future issues in obtaining validation of the school's expenses. The Superintendent met with the Chief Operating Officer of the Science is Fun and Awesome (SIFA) Academy. SIFA promised to keep GDOE in the loop in terms of what they are doing and will extend an invitation when they are ready to do a presentation. They are looking to open around mid to late September. A training will be held for charter school representatives to go over the process for the coming year. We are also initiating a task force to work on a uniform funding formula for public education to be completed by December 2018.

Election Activity. The primary election was held Saturday, August 25, 2018, and 19 schools were utilized as polling sites. The GEC was invoiced for use of the facilities -- a total of $10,950 – and we worked with GEC to accommodate request for adjustment of electioneering parameters at six schools, including Agana Heights and Talofofo (where the perimeter outside the fence was brought closer to the fence) and JFK, DL Perez, Jose Rios MS, and Benavente MS where electioneering was allowed within the fence and on the school campuses to address safety concerns. The GEC passed a resolution to authorize the adjustment of electioneering parameters and sought our assistance. We will be working on similar issues relative to the general election.

Simon Sanchez High School Procurement. A total of $2.5 million in funding for the architecture and engineering work for Simon Sanchez High School has been approved. Bill 330-34 provides GDOE with $1.5 million from tax

amnesty funds, and PL 34-116, the FY 19 Appropriations Act provides an additional $1 million in the next fiscal year. We are currently awaiting the new public auditor, Speaker B.J. Cruz, to take office in order to address the pending appeal that remains with the OPA regarding SSHS. We will be preparing a request for information and a request for proposals to go out once the OPA resolves the protest.

FY 19 Budget. The Governor let lapse into law Public Law 34-116, the FY 2019 Appropriations Act. The Act results in a $15 million reduction from the FY 2018 Appropriations level for the department. A spending plan is being developed for the Board's consideration and approval at its September meeting.

FY 19 Budget Administrative Provisions. The FY19 Appropriations Act included administrative provisions that freeze hiring from September 1, 2018 through December 31, 2018 as well as freeze salary increments, merit bonuses, promotions, and reclassifications. This will impact teacher reclassifications for those who have earned an advanced degree. It will also prevent internal employees from fairly competing for vacant positions that can be filled from January to September 2019. Two bills have been subsequently passed to; (1) correct a section that would have prevented the hiring of unclassified teaching positions, (2) amend the hiring freeze to allow for hiring positions vacated by resignation, retirement, death or termination (but not through transfer or promotion). Superintendent is meeting with President of GFT to discuss overall impact on GDOE employees.

Mr. Lujan expressed his concerns regarding a freeze on increments and reclassification and the effects that it will have in the schools. He stated that many teachers have talked to him about the possibility of relocating or resigning from the Department.

Mr. Mendiola acknowledged Mr. Lujan's concerns and stated that he called a Budget and Finance Committee work session to discuss the Budget Bill that lapsed into law. He noted that they will also be discussing the issues regarding positions within the Department that are crucial for operations.

Mr. Fernandez noted that he sent out communication to employees yesterday about the status on where we are at with the budget. He noted that he does share Mr. Lujan's concerns. He also informed the Board that he would be meeting with GFT to go over issues and hear their side as well.

Mr. Ada commented that he has followed the budget carefully and noted the issue regarding the removal of funding of deputies in all departments. He asked the Superintendent if this would also affect the GDOE. Mr. Fernandez responded that he asked the Legislature the same question and was told that it would not affect the GDOE.

In regards to the custodial contract, Ms. San Nicolas asked the Superintendent if there was any particular item in the contract that the protestors are citing or if it is something that cannot be discussed at this time. Mr. Fernandez responded that there is a custodial contract that is being solicited for custodial services for the oncoming fiscal year to be awarded and implemented on October 1st. The procurement process went into play and there was a protest filed after the award and the protest had to do with the responsibility of the winning vendor. The issue is whether or not the vendor is capable in their bid on performing the services required. He stated it is at the agency level, not at the OPA yet, but the potential is that it could go to the OPA and beyond if the vendor is not satisfied. Mr. Fernandez explained that he had just learned that a second protest was filed and he's not sure on what is the basis of it. He noted that typically in these types of situations the price drives the procurement decisions but he doesn't think that is what they are challenging. He stated that they're challenging responsibility of the winning vendor. Right now, our procurement staff is looking at the issues and taking into consideration their protest. The agency would have to render a decision first. If the vendors are unsatisfied, whether they are the winning vendor or the losing vendor they do have the opportunity to appeal the decisions up to the OPA. He stated that he wanted to be clear in that we are working to repair all the schools and we may be forced to look at the option to do what Astumbo Elementary has done. We would provide supplies to the schools to work on addressing their custodial needs in the interim while the protest is being resolved. He stated that he would keep the Board informed.

Ms. San Nicolas commented that she is very happy regarding the clarification related to the Teacher Mentoring Program. She asked if there was a criteria for selection and whether training would be provided. She noted that she remembers when Project Hatsa provided intensive training from the University of California, Santa Clara which helped strengthen the teacher mentoring program. She commented that she thinks those factors are very important to consider.

Mr. Fernandez commented that the teacher mentoring program is not gone but it has to be re-tooled. He stated that the issue was the way that the model was designed and that we were unable to accomplish the full model of full time mentors. With the resources that we had and without pulling teachers out of the classroom, we were only able to support half of the amount of teachers. We ended up focusing on the third year teachers and some second year teachers depending on availability.

Ms. Benavente asked if the teachers who were being mentored were informed of what was happening with the program. She stated that some teachers have confronted her because they knew she was a mentor previously and asked her about the fact that they are on the waiting list.

Mr. Fernandez stated that we know there is an impression that there is no longer a mentoring program but we need to shift and try communicate and reach out to the teachers.

Mr. Mendiola stated that he's going to give the issue back to the committee and possibly have a Curriculum Committee work session. He noted that he may have to call a special meeting due to the budgeting issues, but he would like to address the issue regarding the mentoring program as soon as possible.

Dr. McNinch stated that almost every meeting that they have held they've come across procurement issues. He stated that he thinks they need to demand as a school board that the Legislature fix whatever it is that is wrong with the procurement process. He stated that it is very unfair to the Superintendent, our teachers, administrators and our school children to constantly see their education being hung up by a flawed procurement process.

Ms. Gutierrez stated that she is glad to hear that the election commission was given an invoice for $11,000 for the use of the school facilities for the primary election. She asked if the same schools would be used for the general election.

Mr. Fernandez responded that we anticipate that the same schools will be used. He stated that Deputy Superintendent Taitano invoiced the Guam Election Commission (GEC) and it reflects appropriate rates based on the space that was used. He responded that if they use the same schools and use them in the same way we can anticipate a similar amount to be invoiced for the general election.

Ms. Gutierrez stated that the GEC needs to be invoiced because it is a board policy. Ms. Gutierrez noted that the money that is received by the GEC is supposed to go to those schools that were used.

Mr. Fernandez commented that some of the money is supposed to cover the power expense that was incurred during that time period.

Ms. Gutierrez commented that the policy states it should go back to the school.

Mr. Mendiola asked the Superintendent to communicate with the GEC Board and their director to ensure that we have everything, the expectations in black and white. He also asked to ensure that they are aware that the principals of the school are the authority in the school. He mentioned that he read an article in the newspaper that stated that some areas were not cleaned but when the principals communicated with the GEC they were able to remove any political issues pertaining to the election.

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

V. **Ex-officio Member Reports**

IBOGS – IBOGS Chairwoman Hacie San Jose presented her report. She informed the Board of their recent events and the new IBOGS officers. She gave the Board a brief overview of the issues they wanted to address this school year.

Mr. Mendiola asked Hacie San Jose to submit a written copy of their report so that it could be attached for the next board meeting.

GFT – GFT Representative Mr. McCarthy read his report for the record. In Mr. McCarthy's report, he stated the GFT is asking that GFT dues and business expense reimbursement plans offered through GFT not be counted against an employee's limit of deductions. Currently, each employee is limited to three deductions.

Mr. Fernandez stated that we have been working with GFT internally for this initiative and we would like to see it be successful. He stated that as long as the organization is working with our business office we will try to address that and let you know.

Mr. Mendiola stated that as the Chair of the Board if in the event there is a policy request or issue we will put it on the agenda to have the necessary discussion.

Mayor's Council of Guam – Mayor's Council of Guam Representative, Mayor Rudy Matanane, stated that he pleaded with his colleagues, the mayors, to please work with the administrators at each school to ensure that everything goes smooth for the start of the school year. He mentioned that there are times when the mayors don't work well with the principals.

Mr. Ada addressed Mayor Matanane and stated that because of the heavy downpour an issue at Agana Heights Elementary School was brought to his attention. He asked the Mayor to communicate with the Mayor of Agana Heights. He stated that the school administrator can only do so much and they need the help of the mayor's office. He stated that there is a swimming pool in Agana Heights. He stated that we are now in the rainy season till probably January and implored Mr. Matanane to talk to the mayors of other schools.

Mayor Matanane responded that sometimes it is not the mayor's offices that work on those issues and another agency should be contacted for those types of issues but that he would speak to the mayors. He also stated that, as the Mayor's Representative on the Board, issues can be sent to him and he would discuss with respective mayors.

VI. **UNFINISHED BUSINESS/COMMITTEE REPORTS**

1) **Executive Committee - NASBE Annual Conference Travel Approval** – Mr. Mendiola reminded everyone of the upcoming NASBE training for board members. He noted that there is a travel approval request for board members to go to the conference.

Ms. Gutierrez asked the Superintendent for clarification on the travel restrictions. She noted that board member James Lujan in addition to three other board members, Lou Benavente, Ron McNinch and herself attend NASBE Convention. She also noted that Lou Benavente , Ron McNinch and herself are in NASBE committees and that some might say they should just participate via teleconference. She stated that teleconferencing is done during the Annual Conference. She stated that because of the amount of funding, how many can we afford to send to this annual conference? She asked for clarification on the budget law and the restriction of travel.

Mr. Fernandez responded that his understanding of the budget law is that locally funded travel is frozen; however, he believes that there is an exception for travel when the agency is a member of the organization. In this case, since the Board is a member of NASBE and pays its dues and this is a large conference, he does believe travel is allowable but he will check on the budget language.

Mr. Ada stated that he acknowledges that the Board has been a member of NASBE for a long time, however, there are a lot of restrictions on the budget. He continued to state that the teachers' increments are already being frozen and that it is painful for teachers who have worked so hard to get to a certain point. He understands that we are members of certain committees but it is also their equal responsibility to let them know that, because of financial constraints, they are unable to attend. He questioned how he would be able to face the public or the teachers with the fact that they won't get their increments but the Board is able to travel. He stated that this is this people's money. He stated that he wanted it publically noted that he opposes any travel other than the person serving in the executive committee of NASBE to attend.

Ms. San Nicolas asked the Superintendent if there were any funds that were not a part of the local funds, that has the flexibility (Mr. Superintendent) to enable the board members to attend this conference.

Mr. Fernandez stated that what he recommended to the Chairman was that the Board could identify members who are interested in attending and the Board could give approval for them to attend, subject to identification of funding. He stated that, right now, we are in the middle of just receiving our budget and the Board has to come back and approve a spending plan. There really isn't a spending plan for these funds. As we go through that discussion, we will be able to identify what resources are available and there will be a prior approval for some members to attend.

Ms. San Nicolas stated that she does not have a problem if there is a funding source available that does not tap in to local funds. She stated that she would support the travel if so. She noted she believes that in the past the Superintendent had the flexibility to tap in to those non-local funds to be used for such purposes.

Mr. Ada asked whether those same funds that Ms. San Nicolas is referring to for the Superintendent to tap on for the Board's travel could be used for increments.

Mr. Mendiola responded to Mr. Ada stating that he believes Mr. Ada has some very valid points. He stated that all the members of the Board are citizen volunteers, they spend a lot of time dealing with policy. As part of an academic organization, getting to know what is going on with the education system at a national level really affects us. He stated that we have 60 million dollars that is coming through the Department of Education in federal funds and grants, and there are also a lot of curriculum issues. We have people here who sit on these committees, and we have to look at investment also for how we operate as a board. He stated that Mr. Ada's point is well taken and we have to invest in our capacity as well, to be up to speed with what is going on.

Ms. San Nicolas stated that she believes that the budget law authorizes the Superintendent to reprogram funds from personnel to operations but not the other way around. She stated that she believes the same rule applies to federal funds. There are restrictions.

Mr. Mendiola stated that we are running out of time so he would like to entertain a motion to approve the travel based on the points that were taken in respects to the funding source. The second thing is when they come back for the next meeting, because we plan on addressing our spending plan, we'll have further discussion on that. When it's right to come to the Board for the vote he will call it.

Mr. Lujan moved, seconded by Ms. Benavente, to approve the conditional approval for the NASBE travel to the Annual Conference. The Board voted by voice with a vote of 7-1 for the motion. Mr. Ada voted no. The motion passed.

Ms. Gutierrez wanted to clarify for those who don't know, how NASBE has helped the Department and the GEB. She stated that they have received over $30,000 in stipends for grants that they have applied for. The last stipend that they received was $9,000 for differentiated learning initiatives among others. She stated

that going to NASBE conferences has helped them and they have made it known that the Guam Education Board is not a silent board. She noted that the Annual Conference is where all the different states will meet. She informed everyone that there is a deadline to register before the cost for registration goes up.

Council of Chief State School Officers (CCSSO) – Implementing Systems of Continuous Improvement Meeting – Travel Approval. Ms. Gutierrez stated that she received an invitation for her to join the team from Guam and informed everyone that the trip is fully funded and no expense will be incurred by the GDOE. The meeting will be held in Tampa, Florida on December 12-13, 2018.

Mr. Lujan moved, seconded by Ms. Benavente, to approve the travel for Ms. Maria Gutierrez to attend the Council of Chief State Officers Meeting. The Board voted by voice with a vote of 8-0 for the motion. Mr. Ada voted no. The motion passed.

2) **Instructional & Academic Support Committee** - Head Start Report – Ms. Cynthia Respicio stated that last Tuesday was Head Start's first day of school. They had a good turnout and, after a week, the students are adjusting well. She noted that she is presenting the report because Ms. Schroeder is currently off island.

Mr. Mendiola asked if there were any updates on the grants.

Ms. Respicio reported that they haven't heard back yet from Region IX regarding the COLA Grant.

She also informed the Board that the bussing issue at the duration full-day classrooms are still status quo because Mr. Frank Taitano can't guarantee that students will be sent back to the school if the parents are not there to receive them.

Mr. Fernandez noted that they received word that three schools who applied for accreditation this last year obtained initial accreditation for the period of one year. The schools include MU Lujan Elementary School, Juan M. Guerrero Elementary School and Merizo Martyrs Memorial Elementary School. Mr. Fernandez congratulated the three schools. He stated that GDOE now has 36 schools that are accredited. Three schools are up for accreditation this year and two schools the following year. He stated that, in 2020, we will be the first district to have all schools accredited by WASC, and in addition, he will be joining the Commission as a Commissioner for the Pacific starting in January.

Ms. San Nicolas stated that she is proud of our schools, they are so dedicated and focused on the whole core of student achievement. She asked what happened to the seven other schools who went through either a mid-cycle or full self-study. She asked if any report was received.

The Superintendent responded that yes, we did receive a report. He stated that everyone got their six year term. He noted that all of our teams are showing that they are experienced with the accreditation process and the visits are going a lot better. He stated that we've been getting a lot of feedback from WASC about the visits and that the schools are focused on teaching and learning. He commented that they will give the Board that information as well as information regarding the upcoming visits.

Ms. San Nicolas commented that there are some issues that central office or the Board need to address. She requested that those documents be provided to the Board in a future meeting so that they can see and be involved and participate in the problem solving. Ms. San Nicolas stated that she fully supports the Superintendent's agenda to have all the GDOE schools be accredited by the year 2020. She stated that it is aligned with Goal 1. For this school year, we have nine schools going through the process, three elementary schools will undergo the initial visit and six other schools are going through a full self-study. She commented that she believes those schools have not been engaged in any discussion regarding the possible impact of the budget on accreditation. A lot of these schools have gone beyond in their effort to prepare for the visit and prepare the report. Some schools have already received their visit dates. She stated that these schools need to be supported. She stated that the accreditation process leaves no room for

complacency, it provides a focus and a direction for school improvement and that school improvement is a continuous cycle. She stated that they need to support that agenda of the Superintendent and make that a reality that by the year 2020, all schools will be accredited.

The Board then introduced GEB Resolution 2018-15 – 2018 First Global Challenge to recognize the Guam students, mentors, and teachers who supported the recent travel to competition in Mexico City.

Mr. Lujan moved, seconded by Ms. Benavente, to approve the GEB Resolution 2018-15 – In Recognition and Profound Appreciation of the Team of Guam Student Representatives in the 2018 First Global Challenge in Mexico City. The Board voted by voice with a vote of 8-0 for the motion. The motion passed.

3) **Safe & Healthy Schools Committee** – Mr. Lujan mentioned an issue with the Special Olympics. He said he heard that there is a possibility of the event moving to a non-GDOE facility due to a failure to respond to the call. He stated that he did emphasize that GDOE needed to get more involved in the Special Olympics because more than 90 percent of the students come from GDOE. He stated that the Department needs to get more involved, not just the school. Mr. Lujan asked that the Superintend communicate with necessary personnel that the Special Olympics would be held at the school. The Superintendent stated that the Special Olympics has been held at Okkodo High School for the past couple of years and doesn't see where there is an issue but Deputy Sukola is on top of it.

4) **Organizational Efficiency and Development Committee** – Ms. Gutierrez noted that there was a work session held on July 16th regarding the creation of positions for the Chief Auditor (GDOE) and the Auditor IV (GDOE).

Mr. Franklin Cooper-Nurse, Chief Auditor for the GDOE Internal Audit Office gave testimony to support the creation of positions.

Mr. Mendiola asked Mr. Cooper-Nurse to introduce his staff.

Mr. Crisostomo commented that he fully supports this effort but also wanted to make it clear that this Board is entertaining a piecemeal proposal which creates issues of parity with employees throughout the department and their counterparts outside the community. He stated that GDOE should do a clean study and get parity with the greater community.

Mr. Lujan agreed with Mr. Crisostomo and commented that we should start reorganizing our positions and give the employees what they're due. He stated that we can't keep taking the loss because someone feels that they are going to give us less and not have any penalties because of it. He stated that we have to take charge to move in the direction that is responsible, not only to the employees but to the people that we serve, the 31,000 kids and their families.

Mr. Fernandez thanked the Board for their support and stated that he recognized the issue that is being raised. In regards to the audit office, they are very critical for what we are doing, not just for the high risk situation but throughout the Department. He stated that they raise the level of professionalism and accountability for all of us. He acknowledged Mr. Crisostomo's concern about looking in parity across the agency and Mr. Lujan's concern about how we move forward in light of the rest of the government. He asked for their support to move forward with the comment period for the auditor's position but to also recognize that we still fall within the purview of DOA's authority to set the salaries and to approve positions.

Mr. Mendiola stated that now that we are looking at the FY19 budget, we need to put that as a priority for the Finance Committee to address.

Ms. Gutierrez moved, seconded by Mr. Lujan, to approve the GEB Resolution 2018-14 – For the approval of the Superintendent's request, Petition for creation of position of the Chief Auditor (GDOE) and the Auditor IV (GDOE) 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 approve the motion with a vote of 8-0. The motion passed.

Ms. Gutierrez asked for an update on their request for a draft amendment for the Rules and Regulations regarding Nepotism.

Mr. Fernandez responded that legal counsel met with the Chairman to clarify the request. He stated that his instruction to legal counsel is for them to develop the position as suggested by the Board Chair but we recognize that the Board has not taken any official overall position. He stated that it would be up for the consideration of the Board as a whole. The issue is to make the policy more aligned with the law and that is what they are working on. During the next work session, they will present what they can.

Mr. Crisostomo stated that the law did not allow flexibility, we would have to change the law to make the attempt in the direction that we were moving in. The definition of nepotism is tied to living in the same household. He stated that by the definition of nepotism, if your mother is not living in the same house it is not nepotism. He stated that without change in the law, the Board cannot effectively implement a policy that would meet its needs to full satisfaction.

Mr. Lujan stated that the law is not clear and the intention of the Board was to clarify the law. Mr. Lujan noted that he spoke to several senators, and they are up for it as well, to clarify the law. He stated that they are asking for a resolution from us.

Mr. Mendiola stated that they were in agreement that they needed to clarify the law because it was not clear. He stated that he would give the Superintendent and legal counsel more time and he would make sure it is on the next agenda.

5) Fiscal Management
Update on FY18 /FY19 Budget – Mr. Mendiola stated that the GDOE finally has a number which puts the Department in the position to draft up our spending priorities. He noted that there are going to be some tough challenges. He stated that his proposal is for them to put up a supplemental budget to the Legislature.

Mr. Fernandez thanked the Chairman for facilitating the meetings they have been having with the DOA Director and the Chief Financial Advisor of the Governor. He stated that they have been monitoring cash flow on our year end projected level to receive the appropriation that we are expecting. They will continue to monitor the cash flow and meet with the Chief Financial Advisor to make sure that we have a commitment to ensuring that receive everything that we anticipated. He stated that they are working on a draft spending plan and they will have it available for the work session and will further refine it. The Board is required to approve a spending plan prior to the beginning of the fiscal year. He stated that they will continue to work on it so that the Board can approve the plan. Mr. Fernandez informed the Board of the letter that was sent out to all employees informing them of the effects of the new budget bills. He gave a brief description of all the impacts on GDOE. He stated that he thinks they need to go to the Legislature to address any issues or give more flexibility to GDOE given the specific types of employees we have.

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

VII. **NEW BUSINESS** - None

VIII. **EXECUTIVE SESSION**

Mr. Mendiola noted that he wanted to go into executive session to discuss the communication they received from Attorney Klitzkie. He asked the Ex-Officio members to sit in for the meeting.

Mr. Mendiola also wanted to publicly recognize the father of Ms. Universe Guam, Dr. McNinch. He congratulated Dr. McNinch and his beautiful daughter for her win.

Mr. Ada wanted to state that he was so impressed with PC Lujan and the performance of the JROTC students. He stated that they conducted themselves with a lot of class. He was concerned however that the JROTC students were told to eat at home. He asked the Superintendent to convey that they really appreciated the JROTCs participation.

Mr. Lujan moved, seconded by Ms. Benavente, 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 8-0. The motion passed.

The Board moved into Executive Session at 7:56 pm. Executive Session was attended by all eight voting board members as well as the Superintendent and legal counsel.

Mr. Lujan moved, seconded by Ms. Benavente, to move out of executive session at 8:05 pm. The Board voted by voice with a vote of 8-0 for the motion. The motion passed.

The Board returned to Public Session at 8:05 pm.

Mr. Mendiola stated that the Board made a motion to go into executive session to address the letter that was sent to the Secretary of the Board, the Superintendent, from Attorney Robert Klitzkie, dated August 5, 2018. He stated that he would entertain a motion declaring that the Board stands by its decision of its previous action, that the complaint against the Superintendent was found to have no merit and the Board stands by that decision, and there is no further action on the item.

Mr. Ada moved, seconded by Mr. Lujan, to reaffirm the decision that the Board made in response to Attorney Klitzkie's August 5th letter. The Board voted by voice with a vote of 8-0 for the motion. The motion passed.

IX. **Announcements and Adjournment**

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

Mr. Mendiola adjourned the meeting at 8:09 p.m.

MINUTES SUBMITTED BY:

Christie L. San Nicolas

CHRISTIE L. SAN NICOLAS
Administrative Officer

Date: 9/25/18

MINUTES OF AUGUST 29, 2018 REGULAR BOARD MEETING:
(X) Approved as submitted
( ) Approved subject to corrections
( ) Other: _____

MARK B. MENDIOLA
GEB Chairman

Date: 9/25/18

JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: 9/28/18