clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, September 25, 2020 3:08 PM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Guam Education Board Resolution 2020-07
Attachments: Transmittal of GEB Resolution 2020-07.pdf

09/25/20	1:17 PM	09/25/20	Guam Education Board Resolution 2020-07.*	Department of Education-Office of the Superintendent	35GL-20-2234

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Christie Lyn San Nicolas** <clsannicolas@gdoe.net>
Date: Fri, Sep 25, 2020 at 1:17 PM
Subject: Guam Education Board Resolution 2020-07
To: Governor's Office - Michael Weakley <michael.weakley@guam.gov>, Speaker Barnes <speaker@guamlegislature.org>, Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, <senatorjoessanagustin@gmail.com>

Cc: <officeofsenatorshelton@guamlegislature.org>, Jon Fernandez (Superintendent) <jonfernandez@gdoe.net>, budget@gdoe.net <budget@gdoe.net>, Zenaida T. Asuncion <ztasuncion@gdoe.net>

Hafa Adai,

Please see the attached transmittal of the Guam Education Board Resolution 2020-07 - Relative to Adopting the Spending Priorities and Cost Cutting Measures for the Guam Department of Education for Fiscal Year 2021. Please confirm receipt of this email. Thank you.

Respectfully,

Christie Lyn San Nicolas

Office of the Superintendent
Guam Department of Education
501 Mariner Avenue Barrigada, Guam 96913
Tel: (671)300-1627 |Email: clsannicolas@gdoe.net

Guam Department of Education

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

September 25, 2020

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtña, Guam 96910

Honorable Tina Muña Barnes
Speaker, Thirty-Fifth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Honorable Joe S. San Agustin
Chairman, Committee on General Government Operations, Appropriations, & Housing
Thirty-Fifth Guam Legislature
Ran Care Bldg., CBU 203
761 S. Marine Corps Drive
Tamuning, Guam 96931

Honorable Telena C. Nelson
Vice-Speaker and Chair
Committee on Education, Transportation, & Statistics, Research & Planning
Thirty-Fifth Guam Legislature
173 Aspinall Avenue, Suite 202A Ada Plaza Center
Hagåtña, Guam 96910

Re: GEB Resolution 2020-07 – Relative to Adopting the Spending Priorities and Cost Cutting Measures for the Guam Department of Education for Fiscal Year 2021

Dear Governor Leon Guerrero, Speaker Barnes, Senator San Agustin, and Senator Nelson:

Håfa Adai! I am transmitting the attached Guam Education Board (GEB) Resolution 2020-07 as approved by the board in the GEB September regular meeting conducted on September 24, 2020.

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

Senseramente,

JON J. P. FERNANDEZ
Superintendent of Education

Attachments
cc: GEB Members
Deputy Superintendent, FAS

GUAM EDUCATION BOARD
RESOLUTION NUMBER 2020-07

Introduced by: Guam Education Board Members

RELATIVE TO ADOPTING THE SPENDING PRIORITIES AND COST CUTTING MEASURES FOR THE GUAM DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2021

WHEREAS, the Guam Education Board used the Every Child is Entitled to an Adequate Education Act to form the basis of the FY 2021 budget; and on January 30,2020 the Guam Education Board (GEB) approved and adopted the Guam Department of Education (GDOE) FY2021 budget request (Resolution 2020-01) in the amount of $365,019,030 and transmitted the budget to *I Mina' Trentai Singko Na Liheslaturan Guåhan;* and

WHEREAS, Bill 282-35 (LS), AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2021, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS; was overridden and enacted into law on September 15, 2020 as Public Law 35-99; and

WHEREAS, Public Law 35-99 the FY2021 Budget Act appropriates the sum of Two Hundred Eight Million Five Hundred Thirty-Two Thousand Five Hundred Forty-Five Dollars ($208,532,545) to GDOE operations for FY 2021, and an additional sum of Nineteen Million Seven Hundred Forty Seven Thousand Six Hundred Twelve Dollars ($19,747,612) for debt service and lease payments for John F. Kennedy, Okkodo Expansion, Tiyan high schools and GDOE Central Offices, inclusive of annual maintenance and insurance; and

WHEREAS, Public Law 35-99 appropriates $156M less than the $365M approved and requested by the GDOE, and $15.1M in reduced operations funding compared to GDOE's FY2020 (PL 35-36) appropriations ($223M); and with GDOE's $242,091,689 projected and adjusted baseline costs for FY2021 continuing operations, the FY2021 appropriation level is $33,559,144 less than what the GEB has determined is needed to operate at current levels; and

WHEREAS, the ongoing COVID-19 pandemic has dramatically impacted the opening of School Year (SY) 2020-21 resulting in the adoption of various models of instruction: I) Online instruction; 2) Hard copy curriculum; and 3) Face to Face learning as recommended by the District School Readiness Task Force to be implemented in response to and during the island's ongoing responses to the pandemic and corresponding restrictions on school operations; and

WHEREAS, the GEB is concerned and anticipates the island-wide COVID-19 pandemic and corresponding government-wide restrictions and responses will inevitably impose cash pressures government-wide and will require constant monitoring and adjustments to GDOE FY2021 operations in personnel and essential services, equipment and supplies; and

WHEREAS, the GEB is concerned how perennial cash shortages, resulting from shortfalls in adopted General Fund and Special Fund revenue collections, in GDOE annual appropriation resulting in carrying over outstanding vendor payments has impacted GDOE's operations, and created cash pressures in vendor payables from prior year cash shortages; and

WHEREAS, Public Law 35-99, Chapter XIV authorizes the refinancing of JFKHS Certificates of Participation (Series 2010A under Chapter 58A, Division 5 Title 5GCA) and appropriates the savings realized by such refinancing of debt to GDOE for Fiscal Year 2021; and

WHEREAS, Public Law 35-99, Chapter II Part I, §2 allocates $500,000 from within GDOE's FY2021 Operations Fund appropriation towards the construction of a new Simon Sanchez High School pursuant to §58D105, Chapter 58D, 5 GCA for FY 2021 will further facilitate the project proceeding forward; and

WHEREAS, while Public Law 35-99, Chapter II §4 allocates $535,801 from within GDOE's FY 2021 appropriation from the Limited Gaming Fund pursuant to §5204(d)(3) of Chapter 5, 11 GCA relative to repairs, renovation, and construction of sports facilities and Chapter XI §10 under Miscellaneous Appropriations appropriates $1M in U.S. Department of Interior Capital Improvement Project funding; and

WHEREAS, while Public Law 35-99, does not contain an appropriation or an allotment for Salappe Principat (Principal's Fund), Interscholastic Sports and Health and Physical Education Activities, the GEB has determined and approved $756,700 shall be allocated to GDOE's 41 schools to support daily school-based operations; and

WHEREAS, Public Law 35-99, Chapter II §5 appropriates $40,000 from the Territorial Education Facilities Fund (TEFF) to GDOE to obtain and provide Alternative Dispute Resolution/Mediation Services to all public schools, and §17 allocates $385,022 from within GDOE's TEFF Operations Fund appropriation for school grounds maintenance; and

WHEREAS, Public Law 35-99, Chapter II §14 exempts GDOE from the Bureau of Budget and Management Research allotment release control (§1303, Article 3, Chapter 1, 5 GCA), and requires GDOE to transmit a drawdown schedule, detailed by fund, to the Director of Administration and the Speaker of *I Liheslaturan Guåhan*; and §15 provides to the Superintendent budgetary transfer authority in appropriations made to GDOE; and

WHEREAS, the GEB recognizes the urgency to address the projected $33.5M shortfall based on the FY2021 ($208,532,545) authorized funding level will require the Superintendent to consider and implement immediate austerity measures and budgetary cuts including: a hiring freeze, freezing detailed appointments and use of overtime; scaling back and reducing the costs of locally funded programs/activities, reducing the scale and scope of essential contracts and services; a cross-leveling of all staffing to reduce personnel; re-consideration of school bell schedules to realize cost savings; maximizing and re-programming federal funding to supplement the needs of students, teachers and classroom instruction; requesting the Governor to earmark both local and federal funding under her authority for GDOE operational offsets, wherever applicable; and requesting the Legislature for a supplemental to GDOE appropriations; and

WHEREAS, under the FY2021 ($208,532,545) authorized funding level, regardless of any austerity and cost containment measures taken and budgetary adjustments in response to the ongoing COVID-19 pandemic, GDOE will have to make hard choices affecting classroom instruction, school operations, abating the progress in lifting the department from its high risk grant status; postponing the purchase of SPED buses, the use of overtime to address emergency school facilities' needs and staff shortages, no expansion of the Pre-K Early Childhood Education program; and

WHEREAS, employing alternative energy systems, such as solar energy, may potentially generate cost savings in utility costs which can be utilized to offset GDOE budgetary shortfalls; and the enactment of PL 35-76 which granted GDOE the authority to enter into power purchase agreements (PPA) to purchase solar energy from qualified providers(s) will allow GDOE to pursue and accomplish such cost savings; and

WHEREAS, pursuant to 17 GCA §3112(17) the Guam Education Board continues to utilize the 14 points of the Every Child is Entitled to an Adequate Education Act as a basis for spending priorities; and has determined prioritization of operations and such spending shall be in the areas of curriculum, safety, and facilities;

NOW THEREFORE BE IT RESOLVED that pursuant to 17 GCA §3112(17) the Guam Education Board does hereby approve the spending priorities, in the amount of $208,532,545, as outlined below:

	MANDATE	AMOUNT
1	A certified teacher for every class in a ratio established by relevant collective bargaining agreements	104,659,323
2	Certified Professional Administrators	7,675,808
3	Certified Guidance Counselors	5,075,103
4	Certified School Health Counselors	2,925,721
5	Certified Allied Health Professionals	542,428
6	Air-conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78˚ F	1,852,855
7	Potable water sufficient to provide each student a daily ration of drinking and washing water	2,913,894
8	A reliable supply of electricity	11,922,113
9	Proper sanitation to include flushable toilets, clean restrooms, clean dining areas, and classrooms	3,137,351
*10	Adopted and required textbooks and workbooks issued to each public school student for the classes in which he/she is enrolled	1,500,000
11	Libraries, which meet the standards of the American Association of School Librarians, at each school, operated by certified librarians	3,694,308
12	A healthy, safe, sanitary learning environment	49,274,092
13	At least one hundred eighty (180) instructional days each school year with school years ending no later than thirty (30) days following the end of the calendared school year; and	12,777,131
**14	Regular; timely school bus transportation to and from the school	582,418
TOTAL		**$ 208,532,545**
*Includes private and charter schools. **Includes GDOE SPED bus drivers and excludes DPW Bus Operations.		

BE IT FURTHER RESOLVED that the Guam Education Board fully supports Public Law 28-45, §13 which states:

> "*I Liheslaturan Guåhan* shall annually appropriate from the General Fund or any other funds determined to be appropriate by *I Liheslaturan Guåhan* to the Guam Department of Education all amounts necessary to provide an adequate public educational system as required by §29(b) of the Organic Act, as amended, and to that end provide an adequate Public Education for all Public School students as those terms are defined in 1 GCA §715."

BE IT FURTHER RESOLVED, that the Guam Education Board hereby directs the Superintendent to utilize the approved spending priority in creating individual school and division budgets centered on curriculum, safety, and facilities for FY2021; and pursuant to §15 of the Public

Law 35-99, Chapter II Part I to exert transfer authority to meet and prioritize the funding needs of GDOE's school operations to adequately provide 900 instructional hours during the school year; and

BE IT FURTHER RESOLVED, the GEB hereby authorizes the Superintendent to implement austerity measures to reduce and contain costs of GDOE locally funded programs, activities, and operations, including a hiring freeze on locally funded positions if determined to be necessary;

BE IT FURTHER RESOLVED, recognizing the department is prepared to proceed with Architectural and Engineering design for the Simon Sanchez High School reconstruction project, the Superintendent shall notify the GEB of progress related to the design and the need for any policy or legislative actions required, to ensure and secure the funding resources necessary to support the construction and financing phase of the project as authorized and prescribed under §58D105, Chapter 58D, 5 GCA, Ma'kahat Act;

BE IT FURTHER RESOLVED, the GEB directs the Superintendent to pursue power purchase agreements, as authorized under PL 35-76, to purchase solar energy from qualified bidders and that any cost savings generated be utilized for GDOE operations and facilities; and

BE IT FURTHER RESOLVED, the GEB hereby authorizes the Superintendent to utilize any savings resulting from the potential decision by the U.S. Department of Education to remove or amend the special condition requiring a third-party fiduciary agent be utilized to support GDOE's plans to absorb the TPFA's functions and responsibilities internally, including the hiring of additional staff within the central office, or to provide additional support to our schools;

BE IT FURTHER RESOLVED, the GEB, in light of concerns about projected collections from the Limited Gaming Fund, directs GDOE's appropriations for sports facilities under the Limited Gaming Fund and capital improvement projects shall be prioritized to fund such related projects that will yield operational cost savings to help offset shortfalls in GDOE's FY 2021 appropriations;

BE IT FURTHER RESOLVED, the GEB will begin preparing a supplemental budget request to include funding for Interscholastic Sports and Health and Physical Activities and funding to ensure that schools and divisions have the necessary resources to fully address GDOE school operations and classroom instruction in this COVID-19 environment, and to further ensure that any available funds resulting from excess funds in the Rainy Day Fund, higher revenue collections, or new, unanticipated revenues be prioritized for GDOE based on the needs set forth above;

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Honorable Speaker Tina Muna Barnes, *I Mina' Trentai Singko Na Liheslaturan Guåhan*, the Honorable Joe S. San Agustin, Chairman of the Thirty-Fifth Guam Legislative Committee on Appropriations, Chairwoman and Acting Chairwoman the Honorable Vice-Speaker Telena Nelson and the Honorable Amanda Shelton of Thirty-Fifth Guam Legislative Committee on Education, the Honorable Governor Lou Leon Guerrero, *I Magá håga Guåhan* and all schools and divisions.

DULY AND REGULARLY ADOPTED THIS 24th DAY OF SEPTEMBER 2020.

Maria A. Gutierrez

MARIA A. GUTIERREZ, Chairwoman
Guam Education Board

JON J.P. FERNANDEZ
Executive Secretary