



**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF THE SUPERINTENDENT**

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Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

2009 SEP -8 AM 9:52 AM

September 08, 2009

The Honorable Judith Won Pat, Ed.D
Speaker, 30th Guam Legislature
155 Hesler Place
Hagatna, Guam 96932

RE: GEPB Resolution Number 2009-10, Relative to FY2009 Supplemental Request

Dear Speaker Won Pat:

Hafa Adai! Attached please find the aforementioned Resolution passed by the Guam Education Policy Board on Monday, September 07, 2009. The Department of Education is requesting a supplemental budget to ensure compliance with the "Every Child is Entitled to an Adequate Education Act" as required by PL 28-45.

Your attention to this matter is greatly appreciated. If you have any further questions, please contact me at 300-1547.

Sincerely,

Nerissa Bretania Underwood, Ph.D.

Attachment

Cc: Chairman and Members, GEPB
Dep Supt, FAS
Legal Counsel

30-09-1078

Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 9/8/09
Time: 8:10
Received by: [Signature]

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**GUAM EDUCATION POLICY BOARD
RESOLUTION NUMBER 2009-10**



Introduced by:

Guam Education Policy Board Members

RELATIVE TO FY2009 SUPPLEMENTAL REQUEST

WHEREAS, the Government of Guam is responsible for the provision of an adequate education as established in the Organic Act of Guam, 48 USCA, § 1421(g)(b); and

WHEREAS, the Guam Code Annotated defines an *adequate education* in terms of 15 basic educational assurances that the government must provide to the students of the public school, (1 GCA §715); and

WHEREAS, at a minimum the Government of Guam must provide a certified teacher for each classroom, a certified administrator, a certified counselor and a certified librarian at each school; and

WHEREAS, in addition to providing qualified personnel the Government of Guam is required to provide a textbook for each student, basic utilities such as power and water to the schools and that education must be provided in a safe and healthy facility; and

WHEREAS, the Guam Education Policy Board was mandated to approve a budget that meets the mandates that were established by the *Every Child is Entitled to an Adequate Education Act*, (17 GCA §3112(a)(17)); and

WHEREAS, to meet the mandate of law the Guam Education Policy Board required each school to submit a budget that met the 15 points defined in 1 GCA §715; and

WHEREAS, the Guam Education Policy Board held multiple work sessions and went through each school budget to ensure compliance with the 15 points at the minimal cost possible; and

WHEREAS, on April 24, 2008 Board Resolution 2008-08 was passed requesting a FY 2009 budget in the amount of \$263,048,293.00; and

WHEREAS, the Guam Department of Education received a total of \$189,753,771.00 million dollars a difference of \$73,294,522.00 million dollars or about 27% less than requested; and

WHEREAS, on April 29, 2009 the Guam Educational Policy Board passed Board Resolution 2009-06 requesting a supplemental budget of \$13,061,549.00 for the remainder of FY 2009; and

WHEREAS, on August 7, 2009 the Guam Education Policy Board passed a motion to request a supplemental budget of \$8,626,371.31; and

WHEREAS, on August 14, 2009 the Acting Governor committed to releasing \$1,400,000.00 to fund the child nutrition program for August and September 2009 and to date the Governor has released a total of \$900,000.00; and

WHEREAS, on September 4, 2009, the Governor signed Bill 58 into law giving the Department \$2,200,000.00 to fund the breakfast and lunch program for the remainder of FY2009; and

WHEREAS, Public Law 30-55 provides \$2,200,000.00 thereby negatively impacting the approved capital improvement projects for much needed repairs at the schools; and

**GUAM EDUCATION POLICY BOARD
RESOLUTION NUMBER 2009-10**

Page 2 of 3

WHEREAS, the Guam Education Policy Board finds that the Department of Education must continue to operate without compromising the mandates of the *Every Child is Entitled to an Adequate Education Act*; and

WHEREAS, the Superintendent has informed the Guam Education Policy Board that without a supplemental budget the Department is projected to run out of funds by September 11, 2009 and have no choice but to shut down; and

WHEREAS, Bill 224 is pending before I Mina Trenta Na Liheslaturan Guahan and if passed the remainder of the CIP proceeds will be used to fund the operations of the Department for the remainder of FY 2009; and

WHEREAS, the Guam Education Policy Board appreciates the action of the Legislature to adequately fund the Guam Department of Education; however, the Guam Education Policy Board objects to funding the FY2009 shortfall at the expense of the CIP proceeds; and

WHEREAS, the CIP proceeds are reserved for projects that address citations and violations of health and safety codes of the Guam Fire Department, the Guam Environmental Protection Agency and the Department of Public Health and Social Services; and

WHEREAS, in particular the following school projects will be adversely impacted if not implemented:

1. Oceanview Middle School gymnasium
2. Oceabvew Middle School construction management
3. FBLG roof repair and electrical upgrade
4. Untalan Middle School gymnasium
5. Untalan Middle School construction management
6. Southern High School gymnasium air conditioning system
7. Fire Alarm System all schools
8. Air Condition package units (5 schools)
9. Oceanview Middle School Bdlg A
10. GWHS gymnasuim; and

WHEREAS, the Guam Education Policy Board concludes that these projects are necessary to provide an adequate education, and to be in compliance with the Organic Act; and

WHEREAS, without funds to address the enforcement agencies citations the Schools will continue to be in violation and may eventually be shut down for health and safety violations; and

NOW THEREFORE BE IT RESOLVED, that the Guam Education Policy Board does not support the use of CIP bond proceeds to fund the Departmental operations for the remainder of FY 2009 as proposed by Bill 224; and

BE IT FURTHER RESOLVED, in lieu of using the bond proceeds identified for CIP projects that the Governor direct the Department of Administration to reimburse the Department of Education the sum of \$1,264,708.00 for retirement payments that were made by the Department of Education on behalf of the Department of Administration; and

BE IT FURTHER RESOLVED, in lieu of using the bond proceeds identified for CIP projects that the Governor immediately repay the Territorial Education Facilities Fund the sum of \$4,076,640.00 as required by Chapter V, Section 33 of Public Law 29-113; and

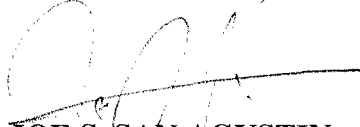
BE IT FURTHER RESOLVED, that the Guam Education Policy Board request that the Legislature immediately address the shortfall for FY2009 to avoid a shutdown of the Department; and

BE IT FURTHER RESOLVED, that this Resolution be transmitted to the Governor of Guam and I Mina Trenta Na Liheslaturan Guahan; and


**GUAM EDUCATION POLICY BOARD
RESOLUTION NUMBER 2009-10**

Page 3 of 3

**BE IT FURTHER RESOLVED, THAT THE GUAM EDUCATION POLICY BOARD
DULY AND REGULARLY ADOPTS RESOLUTION NUMBER 2009-10 ON THIS 7th DAY
OF SEPTEMBER, 2009.**



JOE S. SAN AGUSTIN
Chairman



NERISSA BRETANIA UNDERWOOD, PH.D.
Executive Secretary