



**DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT**



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Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

October 19, 2010

The Honorable Judith Won Pat, Ed.D
Speaker, 30th Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 10/19/2010
Time: 2:15 pm
Received by: [Signature]
30-10-0874

**Re: GEB Resolution No. 2010-05, Relative to the Guam Education Board
Spending Priority for Fiscal year 2011**

Dear Speaker Won Pat,

Hafa Adai! Attached please find the aforementioned Resolution passed by the Guam Education Policy Board on Monday, October 18, 2010 relative to the Guam Education Board spending priority for Fiscal Year 2011.

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

Sincerely,

Nerissa Underwood
NERISSA BRETANIA UNDERWOOD, Ph.D.
Superintendent of Education

Attachments

Cc: Chairman and Members, Guam Education Board
Governor of Guam
Deputy Superintendent, Finance & Administrative Services
Deputy Superintendent, Educational Support and Community Learning
Deputy Superintendent, Curriculum and Instructional Improvement
Legal Counsel

2010 OCT 25 AM 8:53

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**GUAM EDUCATION BOARD
RESOLUTION NUMBER 2010-05**



Introduced by:

Guam Education Board Members

**GUAM EDUCATION BOARD SPENDING
PRIORITY FOR FISCAL YEAR 2011**

WHEREAS, the Guam Education Board used the Every Child is Entitled to an Adequate Education Act to form the basis of the FY 2011 budget; and

WHEREAS, on March 31, 2010 (GEB Resolution 2010-03) the Guam Education Board approved and adopted the Guam Department of Education FY 2011 budget in the amount of \$266,828,562; and

WHEREAS, the approved budget was transmitted to *I Mina' Trenta Na Liheslaturan Guåhan* on April 01, 2010; and

WHEREAS, on September 2, 2010 the Governor signed Bill 439-30 into law creating Public Law 30-196, the FY2011 budget for the Government of Guam which appropriated \$183,882,202 to Guam Department of Education; and

WHEREAS, the personnel appropriation calculated by the Legislature in the FY 2011 budget was based on April 2010 staffing pattern which was composed of 2,967 FTEs, and

WHEREAS, the personnel appropriation calculated by the Legislature in the FY 2011 budget was reduced to reflect funding from the Education Job Fund, specifically, Public Law 30-196 Part I Section 1 states that the \$20,146,108 Education Job's Funds is to be used, "...specifically to pay wages and benefits of education employees in FY 2011."; and

WHEREAS, the personnel appropriation did not reflect the increase in health insurance benefits as contained in the contract between the Government of Guam and Selectcare signed after the FY2011 budget was passed, and

WHEREAS, the reserve imposed on the Guam Department of Education Fiscal Year 2010 budget in the amount of \$5.2 million reserve prevented the payout of the 3.5% increase in teacher salaries approved in Resolution 2009-12; and

WHEREAS, Public Law 30-196 Chapter 1 Section 2. Estimated Revenues for Fiscal Year 2011, line 30 reflects a 2% or \$3.2 million Reserve of the Guam Department of Education General Fund appropriation, thus reducing the appropriation from \$183,882,202 to \$180,641,474; and

WHEREAS, Public Law 30-196 prohibits the Superintendent of Education from transferring into Personnel Services category to cover any shortfalls; and

WHEREAS, Public Law 30-181 assigns responsibility for paying prior year Guam Power Authority obligations to the Department of Administration effective October 1, 2010 and Public Law 30-196 Section 7 appropriates \$2.4 million for the Guam Power Authority promissory note; and

WHEREAS, the US Department of Education has awarded over \$75 million American Recovery Reinvestment Act State Fiscal Stabilization Fund and over \$12 million in Rural Low Income School grants which must be obligated by September 30, 2011 and expended by December 31, 2011; and

WHEREAS, the Third Party Fiduciary Agent is charged with managing the procurement for all US Department of Education grants; and

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WHEREAS, busing for Special Education students will be funded with local funds in compliance with the Guam Department of Education's maintenance of state financial support; and

WHEREAS, the 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

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

	MANDATE	AMOUNT
1	A certified teacher for every class in a ratio established by relevant collective bargaining agreements	92,969,551
2	Certified Professional Administrators	6,661,804
3	Certified Guidance Counselors	3,600,495
4	Certified School Health Counselors	2,106,460
5	Certified Allied Health Professionals	58,232
6	Air-conditioned or properly ventilated classrooms in which the sensible air temperature is no greater than 78° F	1,022,962
7	Potable water sufficient to provide each student a daily ration of drinking and washing water	2,029,476
8	A reliable supply of electricity	12,212,294
9	Proper sanitation to include flushable toilets, clean restrooms, clean dining areas, and classrooms	2,738,457
10	Adopted and required textbooks and workbooks issued to each public school student for the classes in which he/she is enrolled	1,960,000
11	Libraries, which meet the standards of the American Association of School Librarians, at each school, operated by certified librarians	2,423,130
12	A healthy, safe, sanitary learning environment	22,645,496
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	30,213,117
14	Regular; timely school bus transportation to and from the school	0.00
TOTAL		180,641,474

BE IT FURTHER RESOLVED, that the Guam Education Board will be submitting a FY 2011 supplemental request to ensure that the students of Guam receive an adequate education; and

BE IT FURTHER RESOLVED, that effective October 01, 2010 Fiscal Year 2011 pursuant to PL 30-196 Chapter XI Miscellaneous Appropriations Section 7, the Government of Guam Competitive Wage Act of 2011, and that the Guam Education Board affirms the 3.5% pay increase for full-time certified classroom teachers, school guidance counselors and school librarians; and

BE IT FURTHER RESOLVED, the Guam Education Board requests that the Guam Legislature pass legislation to release the FY2010 reserve to fund the payment of the 3.5% increase in teacher pay authorized in Resolution 2009-12; and

BE IT FURTHER RESOLVED, the Guam Education Board requests that the Guam Legislature pass legislation to release the FY2011 reserve and allow for transfers into Personnel to fund the shortfalls related to the increase in health insurance as well as to hire staff critical to the safety of the students and ensure teachers in every classroom; and

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BE IT FURTHER RESOLVED, the Guam Education Board request the Guam Legislature to waive or exempt Guam Department of Education from Public Law 30-072 Attorney General Review process under 5 GCA Chapter 5 Section 5150 on contracts over \$500,000.00 on all US Department of Education funded procurement to prevent further delays in obligations and expenditures under these grants; and

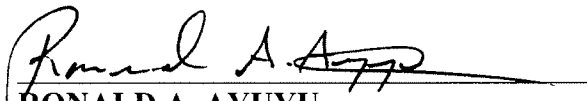
BE IT FURTHER RESOLVED, that the Guam Education Board fully supports Public Law 28-45, Section 13 which states:

“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 Public School System all amounts necessary to provide an adequate public educational system as required by Section 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 as outlined above in creating individual school budgets for FY2011; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Honorable Speaker Judith T. Won Pat, *I Mina' Trenta Na Liheslaturan Guåhan*, the Honorable Governor Felix P. Camacho, *I Magá lâhen Guåhan* and all schools.

DULY AND REGULARLY ADOPTED THIS 18th DAY OF OCTOBER, 2010.


RONALD A. AYUYU
Chairman
Guam Education Board


NERISSA BRETANIA UNDERWOOD, PH.D.
Executive Secretary