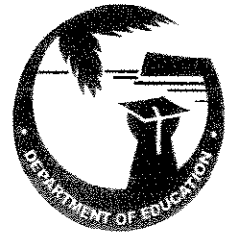




**DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT**

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**JON J.P. FERNANDEZ**  
Superintendent of Education

September 23, 2015

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

33-15-0893  
Office of the Speaker  
Judith T. Won Pat, Ed.D

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Thirty-third Guam Legislature  
Hagåtña, Guam 96932

Date: 9-29-15  
Time: 11:51 AM  
Received By: JM

2015 SEP 29 PM 4:51

**Dear Governor Calvo and Speaker Won Pat:**

***Håfa Adai!*** Pursuant to Public Law 31-233, Section 38, *Reporting Requirements for Boards and Commissions*, attached are electronic copies of the Guam Education Board's meeting agenda, approved minutes and other documents as discussed at the July 28, 2015 regular board meeting. The meeting was held at Price Elementary School, Cafeteria.

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

*Senseramente,*

**JON J.P. FERNANDEZ**  
Superintendent of Education

Attachment

- E-Copies of GEB Meeting Packet

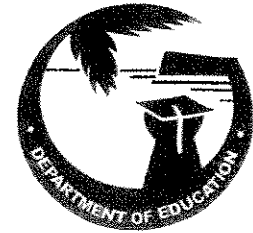
cc: GEB Members  
Deputy Supt., FAS  
File

0893



# GUAM EDUCATION BOARD

500 Mariner Avenue  
Barrigada, Guam 96913-1608  
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**PETER ALEXIS D. ADA**  
Chairman

**LOURDES B. SAN NICOLAS**  
Vice-Chairperson

## VOTING MEMBERS

Peter Alexis D. Ada, Chair  
Lourdes B. San Nicolas, Vice-Chair  
Lourdes M. Benavente  
Kenneth P. Chargualaf  
Charlene D. Concepcion  
Jose Q. Cruz, Ed. D.  
Maria A. Gutierrez  
Rosie R. Tainatongo  
Ryan F. Torres

## EX-OFFICIO MEMBERS

(Vacant)  
IBOGS Representative  
  
Audrey J. Perez (SSHS)  
GFT Representative  
  
Mayor, Rudy M. Matanane  
MCOG Representative

## EXECUTIVE SECRETARY

Jon J. P. Fernandez  
GDOE Superintendent

**REGULAR MONTHLY MEETING**  
**Tuesday, July 28, 2015**  
**6 PM**  
**Price Elementary School, Cafeteria**

## **MINUTES**

### **I. MEETING CALL TO ORDER**

Mr. Peter Alexis D. Ada, Chairman, called the meeting to order at 6:00 PM.

### **II. 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:***

Ada, Peter Alexis D.- Chairman  
San Nicolas, Lourdes B. - Vice-Chairperson (tele-conference/go to meeting)  
Benavente, Lourdes M.  
Chargualaf, Kenneth P.  
Concepcion, Charlene D.  
Cruz, Dr. Jose Q.  
Gutierrez, Maria A.  
Tainatongo, Rosie R.  
Torres, Ryan F. \*

#### ***Non-Voting Members:***

Matanane, Rudy M. - Yigo Mayor and MCOG education liaison  
(Ms. Doris Terlaje (OMS) will be representing on behalf of Ms. Perez.)

*\*Arrived after roll call*

The GDOE legal counsel, Mr. Jesse N. Nasis was present for the meeting.

The Superintendent announced that there is a quorum. (By law, five voting members constitute a quorum. Nine (9) voting members were present for this meeting.)

### **III. Public Participation - None**

### **IV. Approval of Minutes**

1) Minutes of June 30, 2015 Regular Board Meeting

Mrs. Gutierrez moved that June 30, 2015 minutes be approved with corrections. She mentioned that in minutes, Administrative Officer, Leilani Cruz wasn't able to hear clearly because of the acoustic problem at L.P.Untalan Middle School.

Dr. Cruz mentioned that on page 4 of 8. It mentioned that the Board Members will receive a copy of the rules and regulations from NASBE, but hasn't received anything to date.

On page 5, Dr. Cruz asked about the appointment of Mr. Anderson by the Superintendent. He's wondering how this was different from the appointment of the former deputies that were reviewed by a committee of the department. He pointed out that the deputy is a heartbeat away from being Superintendent and that appeared to him that it needs the board's approval and Mr. Anderson was appointed but he doesn't know what the appointment means. He wants to know how long his appointment is for.

The Superintendent responded that the reference you're making to the minutes appointing Mr. Anderson is to replace Mr. Robert Malay on the Negotiating committee for the Collective Bargaining Agreement. Mrs. Tainatongo moved to approved making Mr. Anderson part of that committee and that was the action that the board took in reference to the collective bargaining agreement. The negotiating committee is the committee that would sit down with the GFT to commence the collective bargaining negotiations this year.

Dr. Cruz responded further that the members of the negotiating team are appointed by the board.

The Superintendent concurred and mentioned that the board took action to appoint Mr. Anderson to sit on that committee. The board had earlier approved the committee and what is asked is that, due to the departure of Mr. Robert Malay, Mr. Anderson will then take his place on the committee. This is all subject to board action.

Dr. Cruz responded that he's concerned about the board action and the board action was slipped in without a clear awareness of what we're doing. The appointment of the negotiating team is subject to the approval of the board and there was never any discussion.

The Superintendent responded that he made a recommendation to the board through Mrs. Tainatongo who is chairing the board's negotiations. It was through Mrs. Tainatongo making a motion to appoint Mr. Anderson to negotiating committee to replace Mr. Malay. It was her motion that was approved by the board at the June 30, 2015, meeting.

Dr. Cruz commented that he's not satisfied with the response. He mentioned that the Mr. Malay was appointed by the board.

The Superintendent responded that Mr. Malay was appointed by the Superintendent.

Dr. Cruz responded that negotiating team was approved by the board. The Superintendent concurred and pointed out that the board made a motion and approved Mr. Anderson to replace Mr. Malay due to his departure from the Department.

Mr. Chargualaf asked for clarification on an agenda item. Part of the board's agenda item is the Superintendent's communication and reports. In lieu of the unofficially agreed to the Superintendent's Communication and Reports discussed at work session, following a regular board meeting, are responses required to be entered into the board's minutes as part of the official board's agenda?

The Chairman asked for the legal counsel's guidance. He clarified that a work session is an open discussion and doesn't necessarily have to be entered into the minutes. The Superintendent responded that the board meeting was adjourned and therefore the work session could not be part of the minutes.

Mr. Chargualaf responded that's why he's asking for clarification since the board has decided to forego the item on the agenda and move into a work session. The guidance is to generate questions, give to the Superintendent, and the Superintendent will provide written responses.

Mr. Chargualaf proposed to hold a monthly board work session on the day of the board meeting to discuss the Superintendent's communication and reports rather than holding it 3 or 4 meetings thereafter.

The Chairman responded that he'll be discussing that with the board.

Mrs. Gutierrez requested for a roll call on approval for the minutes.

Dr. Cruz asked for a point of order. He asked are we incorporating the comments by the board because the approval of minutes is approved, but there were corrections and Mrs. Gutierrez agreed that minutes would be subject to corrections.

The Superintendent responded that based on the discussion on the minutes, Dr. Cruz referred us to page 4 of 8, where he was referring to the communication that had been received by only one person that he did not receive the communication himself.

The Superintendent responded on the question regarding the clarification of what happened on the appointment for Mr. Christopher Anderson to replace Mr. Robert Malay. The clarification is that the board took action to approve Mr. Christopher Anderson to replace Mr. Robert Malay on the negotiating committee and his understanding is that it still stands and there's no issue on that.

The chairman concurred.

The Superintendent responded to the question that Mr. Chargualaf raised about whether or not a work session to discuss the Superintendent's report would be included in the minutes. His recommendation would be that they not be included in the minutes because it did not take place in the board meeting. The board meeting is to reflect an official board meeting and the board meeting was called to order and was also adjourned. The Superintendent's report was discussed in a work session. The minutes are supposed to reflect the board official meetings and actions. As a legal matter, it's not required to be included and he suggested that we look at the matter and check if there's something that needs to be included in the future.

Dr. Cruz responded to the Superintendent that it was requested by you for the members to submit questions and you'll review, act, and respond is subject to what was done in the board. He suggested that it be inserted into the minutes for information to what happened because the minutes are the only document we have in regard to action of the board.

The Chairman asked legal counsel to advise on this matter and get back to him. The question whether work session discussion is incorporated into the minutes.

2) Minutes of July 15, 2015 Special Meeting

Dr. Cruz asked with regards to board policy 346, about the total instructional minutes for elementary schools.

Mrs. Tainatongo responded that it's 300 minutes per day and that's based on the board policy.

Dr. Cruz questioned whether all the schools have 300 minutes?

Mrs. Tainatongo responded that all elementary schools have 300 minutes per day. The board did not act on the middle and high schools because they already have complied, but 30 minutes were added to Southern High School. That's the only amendment made for secondary. It was the elementary schools where the board added 28 minutes for the instructional days to address the new public law.

The Chairman asked for a point of clarification. The subject matter is the approval of the minutes for July 15, 2015, Special Meeting. He mentioned that everyone was present for the special session, all questions were considered, and it gave everyone an opportunity to ask an answer.

**Mrs. Tainatongo moved, seconded by Ms. Benavente, to approve the Minutes of July 15, 2015, Special Meeting. The Board voted 9-0 in favor of the motion (Accept: P. Ada, L. Benavente, K. Chargualaf, C. Concepcion, Dr. Jose Cruz, M. Gutierrez, L. San Nicolas, R. Tainatongo, and R. Torres.)**

V. Receipt of Communication and Reports

The Chairman reported that on August 4, 2015, there will be a work session to discuss school readiness.

He also mentioned that he will be working with the Superintendent to set a date for the communication and dialog with the board members that may have questions reference to his report.

1) Superintendent's Report and Communication

In addition to his written report to the Board, the Superintendent provided the highlights of his report of August 2015.

The Superintendent reported that an email was sent to the board members prior to the meeting to submit questions by the end of the week. He will schedule a work session upon receipt of those questions and will formalize a response in writing to board. He mentioned that a work session on this matter is scheduled on Tuesday, August 4, 2015, from 3 pm to 5 pm.

- **Summer school-** is in session. It ended today for Elementary and Middle and High School has an additional week and ends on August 4<sup>th</sup>. The Superintendent mentioned that Rainbow Graduation will be held on August 7<sup>th</sup> at 9 a.m. Southern High School Fine Arts auditorium.
- **DOE Fair-** will be held on August 8th, 10 am to 2 pm at Agana Shopping Center.
- **Boardsmanship Training-** is scheduled for Saturday, August 22, 2015 with UOG and facilitated by Dr. Ron McNinch.
- **Board Retreat-** is scheduled for Saturday, September 12, 2015.
- **Leadership Academy Training-** will take place on August 3<sup>rd</sup> through August 7<sup>th</sup>. He mentioned that Board members should have an invitation to participate as observers.
- **Contracts-** RFP for 100 million continues to be in progress with DPW in the lead. GDOE is participating as a partner to DPW to answer questions that have come in from prospective bidders.
- **Pre-K Contract-** GDOE is moving forward with the Pre-K program the construction of those classrooms. The contract is currently with the legal counsel for final review and is expected to move forward to meet timeframe for four (4) expanded Pre-K classrooms in October 2015.
- **Food Services Contract-** GDOE has moved a contract signed by the vendor to the Attorney General's Office. After review, it goes to the Governor.
- **Utilities Contract** – GDOE executed a power purchase agreement with GEF who is the landlord of the 4 leased schools (Okkodo HS, AsTumbo MS, Adacao ES, and Ligan ES), it is with the Attorney General's office and as soon as the AG approves it can be forwarded it to the Governor for execution.

The Superintendent mentioned that one of the recurring questions that the board has had is with regard to the State Strategic Plan (SPP) and whether or not they'll be an implementation plan or management plan to go along with it. He informed the board members who attended the work session that GDOE will have a draft management plan by the end of summer to be able to be shared with the board for input.

The Chairman asked whether there are plans from the Department just in case the construction may disrupt or impede in any of the classroom hours. The Superintendent responded that the effort was to avoid any disruption. The vendors are going to be tasked with coming up with proposals to help minimize any disruption to the school.

Dr. Cruz mentioned in regard to the fiduciary responsibilities these proposals are going forward without an overview by the board. He asked if the Governor is taking the power of the board because the boundaries have the fiduciary responsibility which is the expenditure of funds. One of the questions that come before the board is allocation versus allotment. BBMR allocates but Department of Administration gives the money. Where is that in the board fiduciary responsibilities?

The Superintendent responded by explaining that GDOE is following all legally required processes to get the work done. The board does have a role in it, where the budget is involved and in approving the budget for expenditure. The Superintendent has a role in managing that budget. When it comes to contracts, the contractual process is that it goes through our internal legal review, to the Superintendent for approval, to the Attorney General, and to the Governor for final execution of that contract. Through the process, GDOE has to certify that funds are available.

The Chairman responded that he hoped that GDOE was in communication with the Attorney General's Office and Vince Leon Guerrero because the vendors and principals are going to be worried whether are meals going to be served on the first day of school.

The Superintendent responded that he continued to work very closely with the administration on all matters and will do so intensely to make sure that any of the outstanding procurements are completed successfully.

Mr. Chargualaf asked if board members will be engaged in offering the agenda items to prepare for the board retreat that is scheduled for September 12, 2015.

The Superintendent responded that he'll work with the chair and vice-chair on the agenda who will work with the board to set the agenda. He mentioned that one of the items on the agenda will be the "State Strategic Plan".

Mrs. Gutierrez moved to approve the Superintendent's report of July 28, 2015.

Dr. Cruz is concerned about the report. On page 11, licensed practical nurses (LPNS) asked to review their current 12 month status versus 9 month. If the plan there is change them to 12 months that'll change the budget allocation.

The Chairman commented that he shares the same sentiments. The board needs to address this as soon as possible and needs clarification because it does impact within the budget.

Mr. Chargualaf asked for clarification on the Superintendent's report. When the board made the motion to accept the report, what is the board approving?

The Superintendent responded this has been a tradition of the board to accept the report. He was sure what the legal effect is of accepting or not accepting the Superintendent's report. It's a management report and communication from the Superintendent. He has submitted it to the board; the board doesn't need to take action on it because it reflects activities that are under the operational authority of the Superintendent. If there is a matter that requires board approval, he would separate that from the board report for consideration and action.

Mr. Chargualaf explained that there are legislative policies that play a major role in the report. He also mentioned that the 14 points is one of the legislative policies and the information provided requires boards review and action. In previous years, the board discussed the report at a formal board meeting. He's requesting for clarification from legal counsel.

The Superintendent assured the board that if there's any action that the board needs to approve, it'll be brought explicitly to the board for action and approval. He explained that nothing takes effect by accepting the Superintendent's report; there's no board action that the board is approving in accepting the Superintendent's report.

Mr. Chargualaf asked if he sees an item on the Superintendent's report that requires the board to review and discuss, does he submit those items to the chairman and the body because it requires an action?

The Chairman responded that there was an agreement that the board holds a work session and at that point if the board needs to move with further action, then it will come to the board.

**Mrs. Gutierrez moved and seconded by Ms. Benavente to accept the Superintendent's Report. The Board voted 7- 2 in favor of the motion (Accept: P. Ada, C. Concepcion, M. Gutierrez, L. San Nicolas, R. Tainatongo, and R. Torres; Oppose: Dr. J. Cruz and K. Chargualaf.)**

2) Head Start Program Director's Report

Mrs. Carmen Quenga represented Mrs. Cathy Schroeder.

She reported based on the latest expenditure reports for the grant that ended on June 30, 2015; Head Start spent 93% of the grant and that's just an estimate because GDOE does not have the most recent accounting in terms of the two recent pay periods.

Mrs. Quenga mentioned they were notified on July 9, 2015 by Program Specialist, Richard Ybarra, that the Training and Technical Assistance Supplement Grant funding is for \$25,000. Head Start requested for the grant application to be completed before the end of July. She explained that the grant funding is for our annual trip to San Francisco. The regional office sponsors a Hawaii Pacific Regional Training in San Francisco.

Dr. Cruz mentioned that he always ask to be present at the policy council meetings.



The Chairman mentioned that no board member was present at the Guam Head Start Policy Council meeting on July 15, 2015. He asked Mrs. Quenga if they informed Dr. Cruz of this meeting.

Mrs. Carmen Quenga responded that every month, it's in the report to the board and the vice chair did send an email to Dr. Cruz inviting him to the July 15<sup>th</sup> meeting.

Dr. Cruz asked if he responded to the email saying whether he can attend or not.

Mrs. Tainatongo moved and seconded by Dr. Cruz, to approve the request for \$25, 000 above the approved grant. The Board voted 8 – 1 in favor of the motion (Accept: P. Ada, L. Benavente, K. Chargualaf, C. Concepcion, M. Gutierrez, L. San Nicolas, R. Tainatongo, and R. Torres; Abstain: Dr. J. Cruz.)

## VI. Unfinished Business

### 1) School Readiness

The Superintendent reported that this agenda item is to give the board a report on activities related to school readiness for the coming school year that begins on August 14 for teacher and August 17 for students. He mentioned that at the request of the board, the board is scheduling an August 4<sup>th</sup> work session from 3 to 5 pm to do another update.

The Superintendent mentioned that, every school year, GDOE's effort is open schools smoothly. He updated the board that, as of today, he, Mr. Billy Cruz, and his crew had been visiting all of the schools to monitor the progress. Any issues that would prevent opening the schools were on the radar with central office as well as the school sites.

- **Master and Student schedules**- are underway and in progress. GDOE is waiting on the completion of summer school and summer school grades before we move forward with the schedules.
- **Deep Cleaning**- GDOE has outsourced all of the custodial work to Guam Cleaning Masters, Lucky, and Maids to Order. Mr. Billy Cruz is in charge of working with the custodial vendors to make sure there's a plan to ensure that cleaning is up to GDOE's expectation in terms of progress.
- **Student Handbooks**- They're complete and will be included in the student planners that are given out every school year. The expected date for the planner is late August early September.
- **Faculty Handbooks**- Most are updating their handbook. They are expected it to be completed shortly.
- **Student Orientation**- is all scheduled. On August 6<sup>th</sup> newsletter will have the orientation schedules for all the school.
- **Teacher Work-Days**- being scheduled and agendas are being submitted for approval to Ms. Erika Cruz.
- **Maintenance**- The board will notice that there are a lot of maintenance requests. School visits are helping to prioritizing to those issues that will affect the opening of school and the classrooms.

- **Personnel Vacancies-** The referrals that are in progress reflect a grand total of 38 teacher vacancies in the elementary level and a total of 67 vacancies in the secondary level.

Mrs. Gutierrez has concerns with regard to the report dated July 17<sup>th</sup> through 23<sup>rd</sup>. She said she hopes that she'll see progress on the August 4<sup>th</sup> work session.

Mr. Chargualaf commented that there are several schools that have concerns regarding the health and safety of our students. He named a few schools that have a problem with electrical, plumbing, mold & mildew, rodent infestation, termite infestation, weakened classroom floors due to water and may not hold the weight of students, exposed outlets, leaking roofs, awnings falling apart and loosely hanging which pose a hazard to students, rusted railings at GWHS with the potential to give way with weight of students.

The Superintendent assured the board that, this is the reason he is going out to the schools to make sure that GDOE is validating and prioritizing issues that have to be addressed.

Ms. San Nicolas asked if all the schools are ADA Compliant.

The Superintendent responded that there are ADA issues that are raised to his attention to address. What he tries to do is identify those issues and look for potential solutions and resources.

## **VII. New Business**

### **1) Board Retreat**

The Superintendent reported that the retreat is scheduled for September 12, 2015.

### **2) Boardsmanship Training**

The Superintendent reported that the Boardsmanship Training is scheduled for August 22, 2015, 8 am to 5 pm at the University of Guam.

### **3) Committee Reports**

- a) Executive Committee
- b) Instructional and Academic Support Committee
- c) Safe and Healthy Schools Committee
- d) Organizational Efficiency and Development Committee
- e) Accreditation Updates

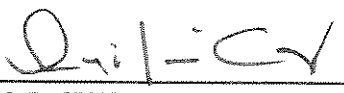
Mr. Chargualaf reported that chair of Safe and Healthy Schools wants to announce that there will be a work session for Board Policy 405 & 430 on July 30, 2015, 5 pm at the Superintendent's conference rm.

## **VIII. Executive Session -None**

IX. Announcements and Adjournment-

Mrs. Gutierrez moved to adjourn the meeting at 7:44 pm.


MINUTES SUBMITTED BY:

  
LEILANI M. B. CRUZ  
Administrative Officer


Date: 9/22/15

MINUTES OF July 28, 2015 REGULAR MEETING:

- Approved as submitted
- Approved subject to corrections (Ref: GEB mtg., August 25, 2015 @ AsTumbo Elementary School, Cafeteria)
- Other: \_\_\_\_\_

  
PETER ALECXIS D. ADA  
GEB Chairman

Date: 9/29/15

  
JON J. P. FERNANDEZ  
Executive Secretary/GDOE Superintendent

Date: 9/25/15