



**DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT**

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JON J.P. FERNANDEZ
Superintendent of Education

October 16, 2015

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

33-15-0990
Office of the Speaker
Judith T. Won Pat, Ed.D

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

Date: 10/26/15
Time: 12:05 PM
Received By: [Signature]

2015 OCT 26 PM 3:34

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 August 25, 2015 regular board meeting. The meeting was held at AsTumbo 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

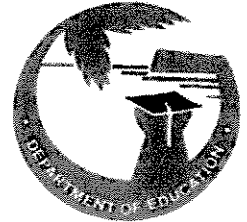
0990



PETER ALEXIS D. ADA
Chairman

GUAM EDUCATION BOARD

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LOURDES B. SAN NICOLAS
Vice-Chairperson

**Guam Education Board
REGULAR MONTHLY MEETING**

Tuesday, August 25, 2015

6 PM

AsTumbo Elementary School, Cafeteria

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

Vacant
IBOGS Representative

Audrey Perez (SSHS)
GFT Representative

Mayor, Rudy M. Matanane
MCOG Representative

EXECUTIVE SECRETARY

Jon J. P. Fernandez
GDOE Superintendent

AGENDA

- I. Meeting Call to Order
- II. Roll Call of Members
- III. Public Participation
 - Sodexo /GFS (Food Services)
 - Presentation: Imagine Guam
 - 2015 Teachers of the Year and Finalists
 - 2015 IBOGS Representative Joseph Caslla
- IV. Approval of Minutes
 - 1) Minutes of July 28, 2015 Regular Board Meeting
 - 2) Minutes of August 10, 2015 Special Meeting
- V. Receipt of Communication and Reports
 - 1) Superintendent's Report and Communication
 - 2) Head Start Program Director's Report
- VI. Unfinished Business
 - 1) NASBE Travel- October 22-24, 2015
- VII. New Business
 - 1) NASBE correspondence
 - 2) NASBE state stipend
 - 3) Above Step request for Camacho and Blas
 - 4) Board Policy 405/430/411
 - 5) GEB Responses to EFSC Financial Status Designation for April & May 2015
 - 6) Committee Reports
 - a) Executive Committee
 - b) Instructional and Academic Support Committee
 - c) Safe and Healthy Schools Committee
 - d) Organizational Efficiency and Development Committee
- VIII. Executive Session
- IX. Announcements and Adjournment



Above is the 100-year-old... Below is the 100-year-old...



Right is the 100-year-old... Below is the 100-year-old...

Farms...

temperatures that expand ocean waters and sink ice caps and glaciers. As a result, sea levels are rising up to 1 meter (3.2 feet) in this century, according to the latest scientific forecasts.

Chellamoni, a graceful, 65-year-old farming housewife in the Tamil Nadu village of Tetakudi, knows the nightmare of farming on salt-contaminated land too well.

completely barren about five years ago, after a neighboring village took up stamp farming when flooding from a nearby ocean canal salted their lands. The stamp results were never fixed properly, so their saltwater seeped into surrounding soils.

comics species, which can tolerate nearly twice the salinity of seawater, have enormous potential as a biofuel crop, with seeds containing high concentrations of oil.

The timing for an agricultural crisis due to sea rise couldn't be worse. India's poor farmers already struggle with frequent flooding, drought and soils degraded by agrochemical overuse.



Tetakudi

Advertisement for GAA (Guam Airport Authority) regarding infrastructure improvement. Title: 'IMPROVING our Infrastructure & ENHANCING GUAM's BUSINESS Investment Potential'. Subtitle: 'Terminal Building Structural Upgrade and Concourse Isolation'. Includes details on bid submission, deadline (August 25, 2015), and contact information.

Public Notice from the Guam Education Board. Title: 'PUBLIC NOTICE'. Subtitle: 'Guam Education Board REGULAR MONTHLY MEETING Tuesday, August 25, 2015 1 PM'. Agenda items include: Meeting Call to Order, Roll Call of Members, Public Participation, Approval of Minutes, Receipt of Communication and Reports, Unfinished Business, New Business, Executive Session, and Resolutions and Adjournment.



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REGULAR MONTHLY MEETING

Tuesday, August 25, 2015

6 PM

AsTumbo Elementary School, Cafeteria

MINUTES

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

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
Chargualaf, Kenneth P.
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*

Absent:

Benavente, Lourdes M. - Member
Concepcion, Charlene D. - Member
Perez, Audrey (SSHS) - GFT Representative

**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. Seven (7) voting members were present for this meeting.)

III. Public Participation -

- Sodexo / GFS (Food Services)

Michael Schnitger, District Manager for Sodexo Services Guam prepared a short presentation about Sodexo Services taking partnership with Global Food Services to provide food services for 37 GDOE schools.

The Chairman asked if they are using nine (9) sites for preparing meals. Michael Schnitger concurred.

The Chairman asked whether Sodexo was responsible for the equipment that Sodexo is utilizing in the school kitchen. Michael Schnitger responded that it's their responsibility.

Clifford Guzman from Global Food Services reported that they put out 2 million meals a year and they provide services at DODEA School. Their goal is to work with Sodexo Services on trying to bridge the gaps.

Chairman Ada asked whether, in the January menu preparation, Sodexo is planning to include food for Gupot Chamorro.

He also mentioned that by the January menu preparation that they are prepared to include for Gupot Chamorro.

Mrs. Gutierrez mentioned that she had the opportunity to visit the school cafeterias. Her biggest concern is the menu and the portions of all the food categories. The schools should be consistent with the portions.

Mrs. Gutierrez requested for a work session on food services.

Chairman Ada Thanked Sodexo/ GFS for their presentation.

- **Presentation: Imagine Guam**

Mr. Troy Torres, Special Assistant to Governor Calvo, gave a brief overview of the "Imagine Guam" Program. The Imagine Guam program is to provide for a long-term plan for the island of Guam. Superintendent Fernandez is appointed to develop the education blue print as part of the initiative.

GEB members asked questions regarding the initiative and suggested increasing and suggested increasing community input.

The Superintendent mentioned that they were notified today of the appointment for both him and Deputy Superintendent Joe Sanchez to help with the coordination of the education blue print and take into account of all the input that's going to be received by the public.

He pointed out Ms. San Nicolas's comment on how we can leverage the input of our students, our teachers, and our stakeholders to make sure that the education blueprint reflects the community values.

Ms. San Nicolas commented that she assumed that the Strategic Goals as a basis to help develop the blueprint. She mentioned that it has to be because that's our framework.

- **2015 Teachers of the Year and Finalists**

The Board presented certificates of recognition to following below:
2015 Teacher of Year, Melanie Blas from Simon Sanchez High School. Six (6) Finalists: Kimberly Pangelinan from Simon Sanchez High School, Charlene Gumataotao from L.B.J. Elementary School, Patricia Leigh Anub from F.B.L.G. Middle School, Deanne Norberg from Jose Rios Middle School, David Nelson from George Washington High School, and Bobbie Babauta from JM Guerrero Elementary School (not present.)
Pictures were taken.

- **2015 IBOGS Representatives Joseph Casila**

The Board presented a certificate of recognition to Joseph Casila from George Washington High School who served as an Island Wide Board of Governing Students (IBOGS.)
Pictures were taken.

Derrick Santos, Principal at AsTumbo Elementary School presented his proposal before the board to be considered for fiscal year 2015-2016 budget. He mentioned that since the opening of the school in 1997, only half of the classroom equipment was purchased. He requested with the approval, the school community of AsTumbo Elementary School would like to utilize 100% of the funding identified for custodial services for the sole purpose of purchasing much needed equipment and furniture for the classrooms and offices, in return the faculty and staff has agreed to maintain the cleanliness of their respective classrooms, restrooms, and every room in the school premises to ensure that they meet public health requirements. The funds will also be used to purchase cleaning supplies for the daily maintenance throughout the year and deep cleaning in the summer.

Gloria Frias, Kindergarten teacher at AsTumbo Elementary School mentioned that she's been a teacher since the opening of school. She pointed out the carpets in her classroom has not been changed since the opening of the school and that teachers use their money to get their carpets cleaned as well as purchasing manipulatives and materials needed to create a fun, learning, and interactive environment. She's requesting for funds to purchase white boards, carpets, tables, and manipulatives. She feels that as long as it benefits the student's we are all in full support of what it takes to give our students the best education possible.

Solange Prudente, GATE teacher at AsTumbo Elementary School mentioned that though the custodial funding wouldn't answer all our problems or meet all our goals, it will definitely move them closer to a more meaningful educational experience that is reflective of our vision and mission.

Pamela Villaneva, 3rd teacher at AsTumbo Elementary School mentioned that she has taught her students duties of helping up keep their classrooms (sweeping,

light moping, and picking up trash to keep their leaning environment) She's requesting to help with funding to be able to purchase desk, chairs, chalk board, and promethean board to provide our students more access to technology.

Ms. San Nicolas asked Mr. Santos when he submitted your proposal. Mr. Santos responded that he submitted the proposal in January 2015. She asked if he ever received a written response and Mr. Santos responded that he not had received a response.

She commended the faculty and Mr. Santos for being creative and seeing how they could meet the needs of the students.

Mr. Chargualaf asked whether the teachers and staff supported of this proposal. Mr. Santos responded that yes, the teacher, staff, and parents were very supportive.

Mr. Santos thanked the Superintendent for helping remove all the surveyed equipment and other debris that had been at their school for the last 10 years.

The Superintendent mentioned that Mr. Santos has brought the custodial issue up in a couple of instances and that while he not had provided a written response, they had spoken about this issue several times. He looks forward to the boards ideas for how to address the situation.

Mrs. Tainatongo applauded Mr. Santos, teachers, and parents for coming up with ideas on how to get the money to purchase equipment to enhance the teaching and learning of our students.

Dr. Cruz commented that he's touched with the teachers and what they have done and he would like to donate his stipend for this month to AsTumbo Elementary School.

Mr. Torres commented that he's inspired by the leadership to keep the school safe and running. He is requesting for a work session to identify ways to refund the schools for their expenses.

The board took a 5 minute break 7:12 pm and resumed at 7:17 pm.

Mrs. Gutierrez requested to move, under new business, item number 3, above step recruitment request for the speech and language pathologist, right after the approval of the minutes.

There was no objection.

IV. Approval of Minutes

- 1) Minutes of July 28, 2015 Regular Board Meeting
- 2) Minutes of August 10, 2015 Special Meeting

Dr. Cruz mentioned that the history of the board is that corrections have never been subject to review by the board. He would like to ensure that the corrections that are so added are reflected in the minutes.

Mr. Chargualaf requested to add on Lines 388-390: "Mold & Mildew, rodent infestation, weaken classroom floors due to waterlogged and may not hold the weight of students, exposed outlets, leaking roofs, awnings falling apart and loosely hanging and pose a hazard to students, rusted railings at GWHS with the potential to give way with weight of students."

The Superintendent reported that subject in question is a summary and Mr. Chargualaf is requesting for a verbatim or a more detailed account of his discussion.

Mr. Chargualaf mentioned that he's been bringing this matter up at work sessions and Regular meetings.

Mrs. Tainatongo moved subject to corrections, seconded by Mr. Chargualaf, to approve the Minutes of July 28, 2015, Regular Board Meeting and Minutes of August 10, 2015 Special Meeting. The Board voted by voice and approved the motion with a vote of 7 – 0.

Above Step request for Camacho and Blas

Mrs. Gutierrez reported that a request for Above Step request for Michelle Camacho and Elizabeth Blas was submitted to the Chairman and the Members of the Board on August 21, 2015, from the Superintendent Office.

She mentioned that they had a work session on August 7, 2015, and several questions were raised. In October 29, 2013, a request was submitted to the Board under the Chairmanship of Dr. Cruz regarding an above Step request for Elizabeth Blas, 2 days later after the Board approved the request, and the Superintendent informed the Board verbally that Ms. Blas declined the position. Mrs. Gutierrez requested for confirmation on accepting the position from Blas given what had happened in 2013.

The Chairman responded that he'd rather ask Ms. Antonette Santos from HR.

Ms. Santos responded that she's not in the position to answer for Ms. Blas as to why she declined the position in 2013, but did acknowledge that Ms. Blas is here this evening and could answer your question. She went on and explained that both Ms. Camacho and Ms. Blas submitted a letter of recommendation of their interest of the position.

Ms. Blas responded that yes, the GEB has her assurance that she will stay committed to the position.

Mrs. Gutierrez made a motion to approve the at above step request for Speech and Language Pathologist at Grade N / Step 4, \$50,328 per annum subject to availability of funds.

The Chairman asked whether the above-step is as a result of the Department's inability to recruit sufficient people to meet that need.

Mrs. Gutierrez responded that this position as always been a hard to fill. She mentioned that GDOE is competing with CNMI Public System and other social services.

The Chairman's concern is the consistency. We need to make sure that we are consistent with the hard to fill vacancies.

Mr. Chargualaf seconded that motion. He thanked Mrs. Camacho and Ms. Blas for reconsidering to return to the DOE. He explained the importance of the position and also thanked Ms. Yolanda Gabriel and Antonette Santos for going out there and making an aggressive recruitment.

Mrs. Gutierrez moved, seconded by Mr. Chargualaf, to approve Above Step request for Camacho and Blas. The Board voted by voice and approved the motion with a vote of 7 – 0.

V. Receipt of Communication and Reports

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 congratulated both Ms. Camacho and Blas.

The Superintendent recognized that they sent a lot of time in August getting ready for Schools to open and we did not have the work session that would normally be scheduled prior Superintendent's report. We do have draft response that we will submit in writing for everyone's review. He mentioned that he spoke to the Chair and Vice Chair about the right approach for handling the Superintendent's report.

The Superintendent pointed out again that they were focused on the opening of Schools and did a lot of work with the Board to monitor progress. He mentioned tropical storm Goni and some of the water issues affected the opening of the schools. On the first day 38 of 41 schools were opened, except for F.B. Leon Guerrero, Inarajan Middle School, and Inarajan Elementary School. Thankfully GDOE was we able to open all 41 schools on the second day and welcome back the students, families, and teachers back to their schools. We also had central staff out at the schools on the opening days, as well as the board members, Mayors', Elected Officials, Deputies, and the Superintendent.

- **Teacher Vacancies-** There's a total of 5 vacancies in the Elementary level; 3 in the classrooms, 1 librarian, and 1 counselor.

There are also 20 vacancies in the Secondary Level; 13 in the classroom and 7 non-instructional.

- **SOP for coverage of classrooms-** All schools will provide a contingency plan to be able to cover classes that are vacant until such time as we're able to place an applicant in that position.
- **Boardsmanship Training-** the Superintendent congratulated the board members who attended the boardsmanship training at UOG. There are two (2) questions that have come out of this training.
 1. A letter from the chair to the Attorney General will be focusing on distinguishing and clarifying the roles of board legal counsel as well as the Department legal counsel. That was a question that was raised and discussed. So the outcome from the boardsmanship training was to have clarification prior to the training to legal counsel hire.
 2. Discussion of outstanding legal mandates. He asked and communicated with our legal counsel with DOE to start that review all the current statues, all the outstanding legal mandates that are on the books.
- **Board Retreat-** is scheduled for Saturday, September 12, 2015. He'll work with the Chairman and Vice Chair on the agenda and assume that the board members will submit their ideas as well for consideration.
- **FY 2016 Budget-** the GEB had an opportunity to review the FY 2016 Budget that was passed by the legislature. Last year, the amount that was appropriated \$274 million. If the budget stands as is \$237.9 million which is modestly increasing in our previous budget. Addition to that there is an expected one time source of revenue from the refinancing of two bond series that will yield for the Department an estimated \$13 million dollars.
- **10 million RFP-** we expect the \$10 million RFP to move towards completion. GDOE is working very closely with Vince Leon Guerrero, DPW, GEDA, and the Attorney General's Office.
- **Collective Bargaining-** Superintendent spoke to the Chair of Collective Bargaining and Tim Fendenko. Their plan is to recommence negotiation in September.

The Chairman mentioned that he spoke with a few of the board members. Starting at the September regular meeting; an hour before the meeting the board will meet with the Superintendent to go over the minutes of what is to be expected to be presented that day.

Questions and concerns raised by the Board members (Mrs. Tainatongo, Dr. Cruz, Ms. San Nicolas, and Mr. Chargualaf), with regard to the Superintendent's report, include but not limited to the following:

Mrs. Tainatongo asked for an update with the Third Party Fiduciary. The Superintendent responded that in the packet has the report relative to the latest update based on our CCAP as well as the Transition Plan. We are all jointly

working with this transition plan and USDOE, Christine Jackson and Mark Robinson (Risk Management), are expected to be visiting us early November.

Mrs. Taintongo appreciates how detailed the data is with regard to what has been completed, pending, and updated, but also would like to know how much more time will we need to be under the Third Party Fiduciary. The Superintendent responded we are working together on this plan that has a very set time frame and there are activities that you can see that are further along than others. We want to push the question to US ED and ask how do we step third party into a monitoring position.

Dr. Cruz commented that the question that Mrs. Taintongo is asking more specifically transition with the Third Party Fiduciary on page 4. He appreciates the completion risk key to understanding our progress.

The Chairman announced that there's meeting regarding the agenda for the Board Retreat 4 pm on Thursday, August 27, 2015 and Special Meeting scheduled for 12 pm on Wednesday, September 2, 2015.

Mr. Chargualaf mentioned that he did research on the Superintendent's Communication and Report and since it's part of the agenda and Board did not formally take action to use the work session in place of the regular board meeting; he's proposing that we continue the Q & A when it comes to that topic, but he also mentioned that he likes the idea that the board will be meeting 1 (one) hour before the regular board meeting that way they flush out all the operational matters there and then items that require some public discussion because the Superintendent's Communication and Report's is framed around the 5 (five) board goals. Public Policy- it requires that the report be public. He also mentioned that the duties of the board that we received the Superintendent's Report evaluate and act upon recommendations and reports of the Superintendent. He would like to move forward in having the communication and report during the regular board meeting at the same time he also likes the idea of having a work session to flush out all the operational issues.

The Superintendent responded to put requests for legal counsel.

Mr. Chargualaf responded that he has it with him and he mentioned that he asked the same question from the last board meeting.

The Chairman responded that he was advised by Legal Counsel that we can accept it.

Mr. Chargualaf responded that this board has not acted on suspending the Superintendent's Communication and Report and have a work session to take the place of this part on the board agenda item because the board did not officially take action. He mentioned that they have statutory obligation to discuss the Superintendent's Communication and Report. We do not need to take action because he should make a motion to continue discussing the items under the Superintendent's Communication and Report. We need to make a motion because they have not acted as a body to suspend.

Ms. San Nicolas responded that it's important that questions and concerns are documented; otherwise, we have nothing to fend for ourselves. In a work session nothing is formalized in writing and no action is taken, unless, we formalize in writing like prepare minutes to substantiate to the Superintendent's Report. She sees the importance of documenting the questions and concerns.

The Chairman responded that he'll make sure it's recorded, but only the portion of the Superintendent's report.

Mr. Chargualaf commented that there are several teaching vacant positions. He referred to the student enrollment going down from 31,000 to 28,000, that's 3,000 students less and because there's 3,000 students less that we should have those extra bodies floating out there. He also mentioned that he's sure if they maximize the student schedule to find out the where the overages are so that we can move those bodies to where the schools need to fill the position.

He mentioned with regard to ACT Aspire SBA he would like to have a frame of reference. He's requesting to have a reference point whether there's growth or are they using 2014/ 2015 as the base line year because the two scores are incompatible and cannot interface.

Dr. Cruz had a comment and the Chairman asked that they let Mr. Chargualaf finish his questions and concerns.

Mr. Chargualaf mentioned that he has 32 questions.

Dr. Cruz moved that they do not discuss that because they're going to a work session. He asked if they're having duplicate work sessions.

Mr. Chargualaf responded to the Chairman that he's been formally and informally had conversations with him regarding this specific issue. He asked can we have work sessions before the regular board meeting so that we can flush out all these issues before it comes to the board. He mentioned that he submitted his questions for the July 28th meeting the following day and till this day he has not received nor have they held a work session.

The Chairman commented that the school year opening and the obligations are to first open the schools and we can come later.

Mr. Chargualaf commented that he went to a lot of schools and he's making school visits and the same time he's still making time for this important work. He mentioned that he spends a lot of time in reviewing the documents; he's attended the boardsmanship training among others; he's attended 99.9% of all board work sessions, training or board meetings. He commented that he agrees that they need to open the schools but also they need to commit because this is critical role that they play and he takes the role as a member of this body very seriously in making major improvement in the educational system. So he asks that they follow the protocol and the items that are approved and are in the agenda being discussed. They are several questions regarding the State Strategic Plan (SSP)

they're 5 objectives that we're not responding to. There has to be information, strategies, actions, practices or data to measure what exactly we are doing as a Department to address that specific objective because those specific objectives would eventually meet the major objective and the goal. As board members we need to review the document, the content and are there any areas there that requires action from the board. He also mentioned that he ask questions regarding the budget, FY 16, account payables, financial statements, 100 million CIP bond, DOI ABC, and EFSC. Those are very important information that he believes that this body be privy to discuss those items.

Dr. Cruz commented that he hopes that the board can put structure and a design of resolving the issues that we're now discussing.

Ms. San Nicolas suggested that they give it a try to hold a work session prior to the regular board meeting and if that doesn't work then we go right back to discussing and asking questions during a regular board meeting. She mentioned that she was examining the school staffing the vacant positions for the non-instructional were left out and previous school staffing patterns it would be noted FV for Federal Funded positions that are vacant and LV for Locally Funded positions that are vacant as well. She then further examined information on the July school staffing pattern and counted so many vacancies, but she would like to further discuss and get a response at the work session scheduled on September 4, 2015.

The Chairman publicly apologized to Member, Kenneth Chargualaf, for his behavior.

Mr. Chargualaf called for a point of order because he thought he made himself clear that the communications and report is in the agenda and they have a statutory obligation to discuss the items under the Superintendent's communication and report. If they want to forego that part of the board agenda then we need a motion to forego.

The Chairman responded that they'll continue this at the work session.

Mr. Chargualaf asked if they can have the Legal Counsel to say that the chairman has the unilateral decision to make a decision to forego.

Jesse Nasis responded that as far as if we're to move forward, he looked up Robert's Rules under Duties of the Chairman it reads: "to assist in the expediting of business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if he thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly."

To be clearer he also referred to Board Policy 105.1 Duties of the Board Officers. It specifically says, "The Chairman of the Board shall have the right to offer

resolutions and receive and acknowledge communications, petitions and requests on behalf of the board and direct that they be placed on Board's agenda or referred to the Superintendent or appropriate committee, council or commission for action or recommendations." So based on Board Policy and Robert's Rules, the Chairman can move forward.

Mr. Chargualaf responded that that's the Robert's Rules of Order and Board Policy but the law states under 17 GCA § 3102.2 - Meetings of the Board. It reads: Meetings of the Board shall be subject to the Open Government Law of Guam. Five (5) members shall constitute a quorum, and an affirmative vote of five (5) members is required for any actions to be valid. He also pointed out on 5 GCA, Chapter 8, § 8104 (b) reads: *Meeting* means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. It moves on to (c) Action taken means a collective decision made. He mentioned that a collective decision is not one board member, a chairman, since the receipt of communication and reports is apart of an agenda item. He pointed out that earlier that evening they had the above step under New Business, Item # 3, Board member Maria Gutierrez requested that item on the agenda be moved and it requires an action from the body. She moved and he seconded and they all approved to move the item up on the agenda. So if they want to suspend the "Receipt of Communication" tonight then he recommended making a motion to suspend, but to correct ourselves in the future.

Jesse Nasis responded by reading the language of the law.

Mr. Chargualaf responded that they need a form of Legal opinion. He explained that it's a plain legal language; receive, evaluate, and act upon the recommendations and reports, but it didn't say; or but recommendations. If we disagree in certain information provided by the Superintendent, maybe the board will not accept the report because they are information that may have some invalid points.

The Superintendent responded that if the board would like Legal opinion. We ask the board to put it in writing so that the Legal Counsel has a much clearer scope of review to better serve the board. He mentioned that on subsections of this law, it does say that, The Board, among other duties shall perform the following in accordance with applicable law; and in the applicable law the law sets forth of duties of response of the board and it's authority and within the Superintendent's report there are a lot of things that within the authority of the Superintendent not the board and when we report it, it's to focus of those activities within the authority because whenever we need board approval it should be set out in "Unfinished Business or "New Business" because those need board approval.

Mr. Chargualaf responded that it is in the minutes that he asked for Legal clarification on the specific item that we're discussing. He mentioned that it's on page 3 and 7 of the minutes. He continued to explain that they need to discuss that section on the agenda item because it is on the agenda. The Superintendent's Communication and Reports is framed around the 5 (five) board goals and those are mandates and public policies. They have a duty to discuss each of the goals,

the major objectives, what actions have they taken as a body and as the Superintendent actions, strategies, and practices that he has done to achieve that specific goal, major objective, or the board goals. They have a duty to monitor and evaluate the progress of the 5 (five) board goals.

The Chairman mentioned to Mr. Chargualaf that he repeated that several times.

The Chairman asked Legal Counsel that tomorrow afternoon to kindly send him a Legal opinion.

Mr. Torres suggested to have Mr. Chargualaf put that in writing to be sent to board and Legal Counsel so that we're all on the same page with the questions he's asking.

The Superintendent responded that these board meetings and work sessions are all open meetings. He mentioned that one of the things Ms. San Nicolas mentioned that we need to take minutes of any work sessions and that's an option of the board to make sure all recording and written minutes are available.

He also mentioned that he's happy to support the board in clarifying the Legal Duties and Responsibility and processes that are applied in this situation. He explained for the record that he produces report for the boards review on a monthly basis and he's ready, able, and willing to discuss the issues that are of concern to the board and if it's going to assist the board in assisting the Department moving forward. At this point from his personal perspective we're looking for the mechanism that works for the board. Whether it's to do it in the board meeting or a separate work session prior to the board meeting, he's open to dedicate hours in doing this and his team will follow direction to support the board. A matter for the board to decide on how best to facilitate that discussion, as a Superintendent and his team their available.

Dr. Cruz moved and seconded by Mrs. Tainatongo, to accept the Superintendent's Report. The Board voted by voice and approved the motion with a vote of 7 - 0.

2) Head Start Program Director's Report

Mrs. Schroeder reported that there have been some changes in their staffing pattern. She interviewed for the 1 (one) vacancy of a teacher she interviewed on Monday and made her recommendation. The 16 (sixteen) Head Start Aides that were recommended 5 (five) declined. The request to recruit applicants to fill these 5 (five) positions closed August 19. Once the rating is completed, the program will interview. As of today, her Licensed Practical Nurse (LPN) retired and she's short an LPN as well as a Program Manager. We're working on how to cover our 5 classrooms that are short.

She mentioned that she forwarded a letter to the Chairman and Superintendent on Friday from Danya International. They asked for a schedule of our Federal Monitoring Events. She mentioned that they'll be having an Environmental and Health & Safety event. Also, an event for classes for classroom assessment scoring system that will be happening this fiscal year.

The following year is the review of the physical, recruitment, and selection processes and assistances management. In 2018, they will determine whether we are going to be a competitive grant. The letter indicated that they'll give us 45 days' notice as to when they will show up.

She also mentioned that they're planning for the 50th Anniversary Celebration and Proclamation signing which will be begin on Friday, October 2, 2015 at the Dededo Sports Complex in Dededo.

Mrs. Gutierrez commended Mrs. Schroeder and the Superintendent for relocating the Head Start Classroom at D. L. Perez to the front side of the school.

Mrs. Gutierrez pointed out her concern on the minutes from the policy council under new business, number 2.

Mrs. Schroeder responded that the policy council spoke with the individual to have them sign a promissory note and they are now filing a police report.

The Chairman asked how many head start classrooms we have.

Mrs. Schroeder responded that they have 15 Head Start classrooms.

The Chairman responded that of those 15 schools have there been any geographically areas that have been requesting to expand so that you can accept more children.

Mrs. Schroeder responded that not at this time.

The Chairman asked if a child was to in the universal pre-k class and moves up, would the child be eligible for head start. What happens to the children that would have been eligible, but because of the lack of facility you're not able to.

Mrs. Schroeder responded that they'll register for preschool or at daycare.

The Chairman asked is there a red flag on any of our programs.

Mrs. Schroeder responded that there are some issues with environmental health stuff. We have a plan to work on the concerns.

Dr. Cruz mentioned that he continues to make a suggestion that the minutes from the previous policy council be included in the packet and that they change their letterhead to include the names of all the members.

Mrs. Schroeder responded that she notify the policy council.

Dr. Cruz moved to accept Head Start's report.

VI. Unfinished Business

1) NASBE Travel- October 22-24, 2015

The Superintendent mentioned this is on the agenda only to advise that we're heading into a new fiscal year. Therefore, another NASBE membership payment is due and along with that payment will be support for addition professional development for board members. The action of the board took approve the travel of 5 (five) members to NASBE Annual Conference in October. The 5 (five) members traveling will exhaust the funds that will be available under the Professional Development Account (PDA)

Mr. Torres recommended that 2 (members) attend on behalf of the board.

Mrs. Gutierrez responded that the correspondence from Robert Hull of NASBE. They applied for the stipend for 3 (three) programs on February 20, 2015, and they

If traveler is a stipend recipient, the NASBE will reimbursement up to \$4,000 for 3 stipend team to cover air-fare and lodging. She mentioned that herself and Member, Lourdes Benavente are State Liaisons for those grants.

The Chairman asked for a work session on this topic. He doesn't want to exhaust the funds all on this one trip and he doesn't want this board to be known as the "Traveling Board."

VII. New Business

1) NASBE correspondence

The Superintendent referred to the communication between the Chairman and Francis Eberly from NASBE about the possibility of a Regional meeting and the planning necessary conduct that event. They're estimating that if possible, in the Pacific their able to include American Samoa, CNMI, Federated States of Micronesia, Guam, Hawaii, the Republic of the Marshall Islands, and Republic of Palau that will be interested in seeing how they can make this happen.

The Chairman reported that he appointed Mr. Torres and to Madam Vice Chair to be the Chair and Vice Chair respectively for the Regional Conference.

2) NASBE state stipend

Mrs. Tainatongo reported that the National Association of State Boards of Education (NASBE) seeks applicants for two stipend opportunities to implement a standards-based state education system, and improve school climate and student discipline and would like to participate and apply for both stipends.

She mentioned that a work session is scheduled for Monday, August 31, 2015, 4 pm at the Superintendent's Conference Room to discuss the grant application and then on September 2, 2015, 12 noon at the Superintendent's

Conference Room they'll have a Special Meeting to take action on the two stipends.

- 3) Above Step request for Camacho and Blas

Moved to the top of the agenda

- 4) Board Policy 405/430/411

Mrs. Gutierrez mentioned that she spoke with Board member, Charlene Concepcion, Unfortunately she's unable to attend the meeting, but asked Mrs. Gutierrez to report that Board Policy 405 is waiting for a response from Legal Counsel; Board Policy 430 is ready to be adopted. Mrs. Gutierrez mentioned that she's not sure with regards to Board Policy 411, but is recommending that we table the 3 (three) Board Policies for a later date. No Objection.

- 5) GEB Response to EFSC Financial Status Designation for April & May 2015

Deputy Superintendent Taling Taitano reported that EFSC issued a Financial Status Designation (FSD) for the month of April and May 2015. They prepared budget section on all the areas that are showing watch status that was resolved. They transferred funds to resolve discrepancies within our appropriation level for this fiscal year.

Mrs. Tainatongo asked if we will have enough money to last through the fiscal year.

Mrs. Taitano responded that based on our forecasted projections, yes, we will have money to last the fiscal year.

Mr. Chargualaf mentioned that the spending priority plan that the board adopted in October was \$179 million for personnel, but in the January report and subsequent months it's showing \$177 million. He's concern is the \$14 million to address the EFSC corrective action. We have now \$163 million which limits our ability as a Department to hire adequate personnel for the schools so they can have their school aides to provide supervision and other circuital staff to meet local and federal statutes. He recommended that as a body they should go down to the Legislature and work with them to see how they could support us in giving us the minimal adequate amount to operate as a Department.

Ms. San Nicolas commented that in her observations also indicate that she sees periodically announcements of positions for central office. Personnel needs at the schools continue to be vacant, therefore there's no balance.

Mrs. Gutierrez moved, seconded by Dr. Cruz, to approve Resolution 2014-08. No objection. The Board voted by voice and approved the motion with a vote of 7 – 0.

6) Committee Reports

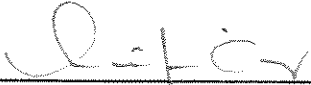
- a) Executive Committee
- b) Instructional and Academic Support Committee
- c) Safe and Healthy Schools Committee
- d) Organizational Efficiency and Development Committee
- e) Accreditation Updates

VIII. Executive Session -None

IX. Announcements and Adjournment-

Mrs. Tainatongo moved to adjourn the meeting at 9:15 pm.

MINUTES SUBMITTED BY:




LEILANI M. B. CRUZ
Administrative Officer

Date: 10/14/15

MINUTES OF August 25, 2015 REGULAR MEETING:

- Approved as submitted
- Approved subject to corrections (Ref: GEB Regular meeting September 29, 2015, at JFKHS)
- Other _____



PETER ALEXIS D. ADA
GEB Chairman

Date: 10/14/15



JON J. P. FERNANDEZ
Executive Secretary/GDOE Superintendent

Date: 10/19/15