

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
**THIRTY-THIRD GUAM LEGISLATURE**

October 26, 2015

**VIA E-MAIL:**

[jonfernandez@ydoe.net](mailto:jonfernandez@ydoe.net)

**Dr. Jon Fernandez**  
Superintendent  
Guam Department of Education  
500 Mariner Avenue  
Barrigada, Guam 96913

Dear Superintendent Fernandez:

In talking to teachers in the public school system recently, it was brought to my attention that the amount of time required of teachers to be on site at their schools during a school day has been significantly increased for elementary and high schools and possibly for some of the middle schools as well. My understanding is that daily time at the schools for elementary teachers has increased by 28 minutes and by 15 minutes for high schools. Purportedly, this is being done in order to complete the school year before the 2016 FESTPAC, so that some of the school facilities will be made available for this purpose. Furthermore, it has been expressed to me that although the school year may be ended seven days earlier than normal and teachers have been working increased daily hours to make up for the shorter school year, they will still be expected to work for those additional seven days after the students have been sent off for summer vacation. To some it appears their workload has therefore been increased by seven days without commensurate compensation.

I would be grateful for your clarification as to whether this is an accurate assessment of this situation and your authority for implementing these changes in the work schedule. I raise the issue of your authority because supposedly DOE officials have cited Public Law 33-31 as the authority for making these changes. As you know, this statute principally addressed the issue of Christmas and Easter Breaks but did not change the requirement of 180 instructional days per school year aside from incorporating DOE's suggested amendment adding "or its equivalence." Although the Legislature concurred with your suggested amendment, it was to grant DOE with flexibility with respect to instructional days. There was no discussion of contracting or expanding the workload of the public school system teachers. If in fact, you are using statutory authority other than Public Law 33-31, I would appreciate that clarification as well.

Thank you for your kind attention to this matter. I earnestly look forward to your response. *Si Yu'os Ma'ase!*

Very truly yours,

A handwritten signature in cursive script that reads "Rory J. Respicio".

**Rory J. Respicio**

**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
**THIRTY-THIRD GUAM LEGISLATURE**

January 26, 2016

**VIA E-MAIL:**

[jonfernandez@gdoe.net](mailto:jonfernandez@gdoe.net)

**Dr. Jon Fernandez**  
Superintendent  
Guam Department of Education  
500 Mariner Avenue  
Barrigada, Guam 96913

Dear Superintendent Fernandez:

*Hafa Adai!* This is in reference to my October 26, 2015 letter regarding adjustments to school hours purportedly for FESTPAC. To reiterate, I have been advised that the amount of work hours required for elementary and high schools and possibly for some of the middle schools, has significantly increased. Reportedly, this is being done to end the school year seven days earlier in order to free up facilities for FESTPAC. The increase in hours worked is apparently being imposed while at the same time, requiring teachers to continue to work the 7 days that have been freed up in the school year for FESTPAC. It would seem therefore that the workload has been increased for teachers by 7 days without commensurate compensation.

To date, I have not received your clarification of this situation or a citation for your authority to implement such a regime on public school teachers. This remains though a matter of serious concern to myself and many teachers in the public school system.

I would be most grateful therefore for your expeditious response to my inquiry. *Si Yu'os Ma'ase!*

Very truly yours,

A handwritten signature in cursive script that reads "Rory J. Respicio".

**Rory J. Respicio**

**Attachment:** 10-26-2015 Letter to Dr. Jon Fernandez from Senator Rory J. Respicio



# DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

www.gdoe.net  
500 Mariner Avenue  
Barrigada, Guam 96913  
Telephone: (671) 300-1547/1536 • Fax: (671) 472-5001  
Email: jonfernandez@gdoe.net



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

February 18, 2016

Honorable Rory J. Respicio  
Majority Leader  
Senator, 33<sup>rd</sup> Guam Legislature  
155 Hesler Place  
Hagatna, Guam 96910

Dear Senator Respicio,

In your letters of October 26, 2015 and January 26, 2016, you sought clarification on the authority that is being used to implement changes in teacher work schedules during the current school year (SY 15-16). You indicated that GDOE officials had been citing Public Law 33-31 as the authority for making such changes. We subsequently met on February 3, 2016, to discuss this matter and to provide more clarity regarding your concerns. Public Law 33-31 requires that the Guam Department of Education (GDOE) provide a minimum of 180 instructional days, or its equivalence, including make-up days, each school year and requires that make-up days not take place during scheduled Christmas or Easter breaks. As you indicated in our conversation, it does not reference a requirement to adjust teacher work schedules.

In order to accommodate the Festival of the Pacific Arts ("FestPac") and to ensure that GDOE met the requirement for 180 days or its equivalence during SY 15-16, the Guam Education Board (GEB) amended the SY 15-16 school calendar to reflect the following:

- The school calendar was adjusted to reflect that the last day of classes for students would be May 20, 2016, instead of June 3, 2016.
- The duty hours for high school teachers were not impacted at all by P.L. 33-31 or FestPac, except in the case of Southern High School teachers, where the school required an additional 25 minutes to ensure the equivalent of 180 instructional days. The start and end times did change from the previous year to accommodate the bussing schedule as follows:
  - George Washington (7 a.m. to 2 p.m.)
  - John F. Kennedy (6:45 a.m. to 1:45 a.m.)
  - Okkodo (7 a.m. to 2 p.m.)
  - Simon Sanchez (7 a.m. to 2 p.m.)
  - Southern (6:50 a.m. to 1:45 p.m.)
  - Tiyan (6:45 a.m. to 1:45 a.m.)
- The duty hours for middle school teachers were not impacted by P.L. 33-31 or FestPac. The schedules for middle schools were left unchanged from SY 14-15, with the school day beginning at 8:30 a.m. and ending at 3:30 p.m.



- The duty hours for elementary school teachers were adjusted by an additional 28 minutes each day. The schedule for elementary schools this year has the school day beginning at 8:00 a.m. and ending at 2:28 p.m., instead of at 2:00 p.m. as during SY 14-15.

The authority for making the adjustments to the school day and to the duty hours of teachers rests with the Guam Education Board ("GEB") as provided for under Public Law 26-104 (Section 5117 of Title 17 Guam Code Annotated). It is this authority that allows the GEB to limit the duty hours of teachers below the eight hours for which they are paid each work day. This school year, the duty hours for all high school teachers and middle school teachers remained at seven hours, and the duty hours for elementary school teachers were set at six hours and 28 minutes, compared to six hours in prior years. Although FestPac and Public Law 33-31 were factors in the GEB's decision-making, the authority for making the adjustment to duty hours is an inherent power of the GEB and is used judiciously to promote sufficient instructional time for students, adequate opportunities for teacher preparation and collaboration, and equity amongst teachers in terms of their work day. All teachers continue to be paid on the basis of an eight-hour work day and for 210 days of work.

As I mentioned to you in our February 3, 2016, meeting, the GEB is working with the Guam Federation of Teachers ("GFT") on several fronts to address issues such as the ones that you have raised. First, when GFT raised the issue of teacher work schedules earlier this school year, we met with them immediately and jointly committed to sitting down in March 2016 to revisit the GEB's actions. Second, the Joint Calendar Committee, comprised of GDOE management and GFT representatives, is currently meeting to go over the school calendar and to approve a calendar for both SY 16-17 and SY 17-18. Finally, the GEB and GFT are in the midst of collective bargaining for a new teacher contract. I am sure that these three avenues of communication and collaboration will enable GDOE management and GFT representatives to directly review and address these issues within our respective authorities.

Again, thank you for the opportunity to clarify the misconception that Public Law 33-31 is the sole reason and the guiding authority behind the adjusted teacher work days. In fact, the GEB, in its deliberations, relied on its inherent authority, granted under Public Law 26-104, to set the duty hours of teachers. This is a responsibility that the GEB takes seriously and will continue to utilize to promote high-quality instruction for all public school students.

Senseramente,



JON J.P. FERNANDEZ

CC: Chairwoman and Members, Guam Education Board  
Chairperson, Early Learning, Juvenile Justice, Public Education  
and First Generation Initiatives Committee

RECEIVED  
215 PM 2-18-2016  
JUP P