



ANGEL R. SABLAN
Chair

GUAM EDUCATION BOARD

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MARY A.Y. OKADA, Ed.D.
Vice Chair

GUAM EDUCATION BOARD CONTINUATION OF REGULAR BOARD MEETING

Tuesday, July 29, 2025

4 pm

Gallery, GDOE Building B

MINUTES

VOTING MEMBERS

Angel R. Sablan, Chair
Mary A.Y. Okada, EdD, Vice-Chair
Peter Alecxis D. Ada
Felicitas B. Angel
Christine W. Baleto
Judith Guthertz, Dr. PA
Maria A. Gutierrez
Ron L. McNinch, PhD

EX-OFFICIO MEMBERS

Vacant
IBOGS Representative

Timothy Fedenko
GFT Representative

Mayor Brian Jess Terlaje
MCOG Representative

EXECUTIVE SECRETARY

K. Erik Swanson, Ph.D.
GDOE Superintendent

I. MEETING CALL TO ORDER

Mr. Angel Sablan, Chair, called the meeting to order at 4:01 p.m.

ROLL CALL OF MEMBERS

Dr. K. Erik Swanson, Superintendent and Executive Secretary, took the roll call. The following members were **present** for the meeting:

Voting Members:

Sablan, Angel R. – Chair
Okada, Dr. Mary A.Y. – Vice-Chair
Ada, Peter Alecxis D.
Angel, Felicitas B.
Guthertz, Dr. Judith
Gutierrez, Maria A. (via Zoom)
McNinch, Dr. Ron L.

Non-Voting Members:

Fedenko, Timothy – GFT Representative

Absent:

Baleto, Christine W. (Excused)

Non-Voting Members:

Terlaje, Brian Jess - MCOG Representative
IBOGS Representative
Legal Counsel

The Superintendent announced that six (6) members of the Board were present in person, and one (1) via Zoom, constituting a quorum.

Mrs. Angel motioned, seconded by Mr. Ada, to rise out of Executive session. The Board voted by voice with a vote of 7-0. The motion passed.

Mr. Sablan mentioned that the Board held an Executive session on Monday, July 28, 2025.

- II. **CELEBRATE SUCCESS** – Not discussed
- III. **CONSENT CALENDAR** – Not discussed
- IV. **PUBLIC PARTICIPATION**
- V. **COMMUNICATIONS** – Not discussed
- VI. **EX-OFFICIO MEMBER REPORTS** –

1. **Islandwide Board of Governing Students (IBOGS) Report** - Mrs. Gutierrez said she has already begun the process and will schedule a meeting. She explained that some students are just returning from vacation or were involved in the Palau Mini Games, so she's giving them time to settle in. By the August meeting, she expects to have IBOGS in place.
2. **Guam Federation of Teachers (GFT) Report** - Mr. Fedenko expressed concern about the upcoming school year, mentioning calls from librarians regarding the fulfillment of contracts for library technicians. He also noted that the rightsizing of schools and teacher placements has been smooth so far, and wishes good luck in the new school year.

Dr. Adamos shared that she spoke with HR Administrator Katherine Ada before the meeting and was informed that interviews for library technicians are currently being scheduled and the process is ongoing.

Mr. Sablan asked if they were also on top of teacher vacancies.

Dr. Adamos confirmed that they are actively working on staffing. She shared that the leadership academy for administrators took place from last Wednesday to today, but some principals were excused to conduct interviews for HR referrals. She said the process is ongoing, intending to interview all applicants and place them before the school year begins.

Mr. Sablan noted that the school year starts on August 7 and asked what percentage of the vacancies would be filled by then.

Dr. Adamos stated there are currently about 110 vacancies but noted they're making steady progress each week, and things are looking good.

Mr. Sablan asked Dr. Adamos to maintain communication with Mr. Fedenko to ensure everyone stays informed about their progress.

Dr. Adamos acknowledged.

3. **Mayor's Council of Guam (MCOG) Report** - Mr. Sablan announced that Mayor Benavente is no longer on the Board and has been replaced by Yona Mayor BJ Terlaje, appointed by the MCOG. He mentioned that although some people signed up for public participation, it will be skipped because this meeting is a continuation of the last one, unless members want to revisit it. He also shared that Dr. Swanson is absent due to a court hearing and will join after the court adjourns. Any agenda items involving the Superintendent will be postponed until Dr. Swanson arrives.

VII. UNFINISHED BUSINESS

1. Superintendent's Report – Mr. Sablan said Dr. Swanson was not here, so they would move on to the Executive Committee.
2. Executive Committee
 - a. National Association of State Boards of Education (NASBE) - Mrs. Gutierrez shared that she joined a NASBE Nomination Committee Zoom meeting while she was in Hawaii. Only one person was nominated for chair-elect, and Matt Donaldson from Georgia will serve as secretary-treasurer. She noted that the NASBE Annual Conference is in October, with registration closing in September. She requested that Board approvals for Board members interested in attending be done at the August meeting. She added that she will cover her airfare as a member of the Awards Committee, and believes Dr. Okada will do the same, as she is part of the Early Childhood Education State Network.

Dr. Okada shared that she attended the New Member Institute, where a new initiative involves electing a representative from the institute to serve on the Board. Dr. Kim Lewis from Maryland was chosen as their representative, and one of the new things they're doing is electing a new member from the New Member Institute to serve on the Board. Dr. Kim Lewis from Maryland was selected as the Board's representative, and a project will be assigned to all participants in the upcoming months.

- b. Actions Taken Since the Last Board Meeting – Not discussed
- c. Appointment of Search Committee – Mr. Sablan mentioned that the committee's role is to recommend qualities and criteria for the new Superintendent, not necessarily select one. They will review applications and propose potential candidates. He also stated that the committee will hold a work session to establish the necessary criteria for the search and asked for volunteers to lead the committee.

Mrs. Gutierrez mentioned she had been on the search committee with Dr. Okada and Mrs. Angel, and suggested reviewing the previous process and moving forward from there. She emphasized the importance of identifying any conflicts of interest, especially if someone knows an applicant personally. She expressed a desire to avoid repeating issues from last year's interviews or ensure members recuse themselves if necessary.

Mr. Sablan clarified that the search committee's role is to establish criteria for the future Superintendent, not to review applicants. He emphasized that they are still at the stage of defining what they want in GDOE's future superintendent. He requested three people to join the committee.

Mr. Ada asked if he could nominate.

Mr. Sablan said sure.

Mrs. Gutierrez volunteered.

Mr. Ada asked if there were only 3.

Mr. Sablan said only 3 because it's for the criteria only.

Mr. Ada nominated Dr. McNinch. Dr. McNinch accepted.

Mr. Ada nominated Dr. Okada. Dr. Okada declined.

Mr. Ada nominated Dr. Guthertz. Dr. Guthertz declined.

Mr. Ada nominated Mrs. Angel. Mrs. Angel accepted.

Mr. Sablan explained that the search committee, consisting of Dr. McNinch, Mrs. Gutierrez, and Mrs. Angel, will work together to develop criteria for the new Superintendent. They need to present it to the Board soon, as there's a tight timeline: one month to finalize the criteria and then publicize it to attract applicants. With Dr. Swanson's last day scheduled for the end of December, the plan is to appoint an acting Superintendent at least 60 days before his departure. This will allow for a smoother transition and avoid the issues faced when Dr. Swanson took over without a proper handover. The acting Superintendent will work alongside Dr. Swanson to ensure continuity in GDOE operations.

3. Instructional & Academic Support Committee

- a. July Head Start Report - Mr. Alan Cruz, on behalf of Ms. Angelina Lape, read their report into the record.

Mr. Sablan asked if Head Start was fully staffed.

Mr. Cruz replied that they were not fully staffed yet, but they are actively working on it, continuing interviews and collaborating with HR. He mentioned some staff took part in the job fair at Liguán Elementary School, and the process is ongoing.

Mr. Sablan asked if there was a student waiting list.

Mr. Cruz explained that they were having difficulty enrolling students at some school sites. In those cases, staff usually go door-to-door in certain villages to meet enrollment targets. He noted that northern schools typically have strong enrollment, central schools meet minimum numbers, but southern centers often require more outreach efforts.

Mr. Sablan inquired whether a new location had been found for the students who were previously attending CBMES.

Mr. Cruz responded that the Head Start program had set up a full-day classroom at TAMES with all necessary testing completed. A second, half-day classroom was established at Juan M. Guerrero Elementary School due to its large student population.

Mr. Sablan asked whether the playground equipment at CBMES belonged to Head Start. If it did, he suggested it should be relocated to another school that has a Head Start program.

Mr. Cruz said a playground was installed years ago in the lower field area, but he needs to verify if it's still usable or has been moved. He mentioned that one playground from PCLES was relocated to another school. He noted that most schools, like TAMES, have new playgrounds installed. Their current playground contract is nearly finished, and they recently inspected the site with the contractor to ensure proper completion before final approval.

Mr. Sablan inquired if the contract included fencing.

Mr. Cruz said yes, there may be a few small things in between because the fencing may be done on their end, but fencing was completed in the past.

Mr. Fedenko asked if the fencing was only around the playground, not the whole school.

Mr. Cruz said yes and assured that any issues would be addressed.

Mr. Sablan said the fencing around the school remains an unresolved issue that is still at GSA, but noted that F&M is proactively repairing fences independently, even without a formal contract or a purchase order.

4. Safe & Healthy Schools Committee

- a. Facilities & Maintenance – Not discussed
- b. BP 406 Student Cell Phone Use on School Campus - Mr. Ada explained that a letter dated July 11, 2025, from the acting Deputy Superintendent (Dr. Adamos) addressed cellphone use in schools. He referenced how a school in Los Angeles banned cellphones entirely, while other districts are still undecided. For GODE, the recommendation - signed by Dr. Swanson - is to prohibit cell phone use during instructional hours unless explicitly allowed by the teacher for class purposes. Violations will follow established disciplinary procedures. Students will be allowed to use phones during lunch and between classes.

Mrs. Gutierrez asked Mr. Sablan if Mr. Ada was making a motion.

Mr. Sablan recommended that the policy be reviewed by the Policy Review Committee, which would evaluate it and then provide a recommendation to the Board.

Mrs. Gutierrez explained that she wanted to see if anyone seconded the motion first, so they could move into discussion, at which point she would address the policy.

Mr. Ada motioned, seconded by Dr. Guthertz, to send Board Policy 406 to the Policy Review Committee for review.

Mrs. Gutierrez expressed concern that the SOP is being changed before the Board Policy is officially approved. She emphasized that Board Policy supersedes the SOP and that the Superintendent is responsible for developing the SOP. She noted that student orientations are already happening and stressed the importance of informing middle and high school students and parents about the upcoming changes to the Board Policy and SOP on

cellphones. She wants to avoid confusion or backlash from parents and ensure transparency during orientation, pointing out that informed parents may question the amended policy.

Dr. Adamos explained that regarding BP 406 (amended in 2012), the main concern was with item #1, which currently allows student cellphone use only if it's both part of academic instruction and for students with specific needs. Her committee recommends changing "and" to "or". She explained that the current wording only permits cellphone use for students with specific needs, such as IEPs. She noted that the SOP has already been updated based on this interpretation, but the committee understood that Board approval is still needed for the change in the Board Policy.

Mr. Ada said the Policy Committee will consider the input and report it at the next Board meeting. He added that, given the timing, he hopes Dr. Adamos can inform principals that changes to cellphone procedures and policies are forthcoming, and it would be best to begin implementing them right away.

Dr. Adamos explained that the Student Services Division reviewed all SOP and Board Policy updates that govern their division. Principals have already been informed of the SOP amendments, and the Education Technology Use Policy User Agreement is sent home for parents to review, sign, and return. This agreement must be on file for teachers before they can permit students to use their cellphones.

Mrs. Gutierrez expressed concern that the Board Policy had not yet been amended. She said that without updating the policy first, the Board could appear as though it doesn't know what it's doing since the SOP was already completed, but the governing Board Policy still needs to be changed.

Mr. Sablan stated that the Board could take action on the proposed policy change if members present agreed with Member Ada's proposal and Dr. Adamos' recommendations to add the word "or" to a sentence in the policy. If approved, the policy would take effect now and be officially ratified by the Board in August.

Mr. Sablan addressed Mrs. Gutierrez's concern, stating that the current policy does not reflect her and Dr. Adamos' recommendations. He suggested they could proceed with a motion for the policy change to take effect at this meeting and ratify it at the next meeting.

Mr. Ada motioned, seconded by Mrs. Angel, to accept Dr. Adamos' recommendation to change the word "and" to "or" on Board Policy 406, and ratified by the Policy Committee. The Board voted by voice with a vote of 7-0. The motion passed.

Mr. Sablan acknowledged the concern that the Board Policy hadn't been approved yet, but clarified that they are approving it in the current meeting and will ratify it at the next meeting

Mrs. Gutierrez said she had no issue with the policy since she was part of the team that drafted it.

Mr. Sablan asked Ms. Lamorena to ensure it's on the August agenda. He requested that the policy recommendation to change "and" to "or" be incorporated, and that all the school leaders be informed that the Board Policy will take effect on the first day of school.

Dr. Adamos acknowledged.

Mr. Sablan asked Mr. Ada if he had any information on the elevators in the schools.

Mr. Ada said no. He mentioned he was asked about it earlier, suggested that Facilities & Maintenance might have the information, and confirmed that Southern High School has one.

F&M Manager Jimmy Pangelinan responded that elevators are located at Southern High School, two units at Tamuning, and another unit at Southern. He said they are working on the remaining elevators and plan to issue an Invitation for Bid (IFB) this year.

Mr. Sablan asked how many schools have elevators.

Capital Improvement Projects Program Coordinator Nik Cruz said 7 schools have elevators.

Mr. Pangelinan added that there were 18 elevators in total.

Mr. Ada said he visited Southern High School three years ago, and the elevator remains unrepaired. He questioned the delay, emphasizing that students who need elevator access should be able to reach their classrooms. He mentioned a principal's response that classes are moved to the first floor instead, and asked why install an elevator if it won't be properly maintained.

Mr. Cruz said that while they can't speak for past actions, many elevators only needed minor repairs after an assessment, but some require full replacement. He wasn't sure if funding issues delayed full modernization or maintenance. He noted Southern High and two elevators at TAMES recently got permits. He said Mr. Pangelinan has a plan to update all elevators, and currently, only one elevator is known to need full replacement; the rest mostly need minor fixes.

Mr. Ada asked if there was funding for the elevators.

Mr. Pangelinan said that was why they were here, to ask the Board. He said they have a plan.

Mr. Ada expressed concern, noting that school starts in less than two weeks, and this should have been addressed back in March.

Mr. Pangelinan explained that the challenge lies in managing numerous priorities, such as school re-inspection. He said every completed task leads to new priorities, and while they're doing their best to adjust by splitting the team,

procurement remains a major issue. He emphasized it's not the fault of Procurement, legal counsel, or the end users. They are working on a process with Dr. Swanson, Dr. Naholowaa, and Supply Management Administrator Carmen Charfauros to receive their GL account earlier, as currently they don't get it until November, December, or even January - delaying any work from starting.

Mr. Ada told Mr. Pangelinan and Mr. Cruz that they must prioritize servicing special needs students and persistently follow up with Procurement or Dr. Swanson's office until issues are resolved. He believes they have failed these children.

Mr. Pangelinan said due to ongoing litigation, he would wait to share details later, but assured the Board that progress is being made. He's optimistic this year's procurement will improve, and noted that CIP and F&M have plans in place ready to be executed. He joked about his English and noted they're working to release their budget with DFAS once approved.

Mr. Ada told Mr. Pangelinan to go to Dr. Swanson's office every day.

Mr. Pangelinan joked that's where he lives with Nik.

Mr. Ada said that if they get sick and tired, they'll give in to him.

Dr. Okada asked if it was included if it was included as a line item in the FY 26 Budget Request.

Deputy Paul said the item might have been a priority during earlier development, possibly included in the ARP request for payroll reimbursement. However, he needs to double-check as it may not have been included in the FY26 budget.

Dr. Okada stated that once the FY26 Budget is approved by the legislature (expected August 31) and transmitted to the governor, the spending priorities must be identified and submitted for the Board's approval before October 1.

Deputy Paul acknowledged.

Mrs. Gutierrez asked if the two-story schools - MU Lujan, PC Lujan, Marcial Sablan Elementary School, VSA Benavente Middle School, and George Washington High School - have elevators.

Mr. Cruz replied that out of the schools she mentioned, only GWHS has an elevator.

Mrs. Gutierrez noted that the schools she mentioned are two-story buildings and asked whether those schools are without elevators.

Mr. Cruz said that was correct.

Mrs. Gutierrez asked whether students with special needs are being deprived of access to upper floors in schools that lack elevators. She pointed out that FES is similar to MULES, PCLES, and MASES, suggesting that these schools either do not have elevators.

Mr. Cruz responded that FES does have an elevator and offered to provide the Board members with an inventory list of all school elevators if needed.

Mrs. Gutierrez expressed disappointment that the information wasn't ready for the Board. She noted that with School Readiness efforts underway, especially for Simon Sanchez High School, there should already be an inventory of which two-story schools have elevators.

Mr. Pangelinan said they have the list, but they didn't have it on them.

Dr. Okada requested that while focusing on elevators, they also review the department's inventory to identify schools that don't meet ADA requirements overall, so they can address all issues and determine the necessary funding for compliance.

Mr. Cruz said an ARP-funded ADA audit was done by Siemens, but payment delays caused Siemens to pause the project around March. He has a draft of half the report and needs the northern schools' portion. Once Siemens is paid, the audit can resume.

Dr. Guthertz asked how much was owed to Siemens.

Mr. Cruz replied that it was \$1.9 million.

Dr. Naholowaa stated that the schools were old and that they are only now beginning to address the issues related to them.

Deputy Paul said they received two Siemens invoices via GPA through a Memorandum of Agreement, and these will be included in their next ARP reimbursement submission planned for next week.

Dr. Guthertz emphasized the need for a centralized, up-to-date data system within the department to track all activities and transactions. She expressed frustration over the lack of readily available information, citing issues like elevator locations and lawsuits involving GDOE. She stressed that having real-time data would allow the Board members to be better informed and prepared. She also cautioned against investing in elevator systems that aren't durable, referencing past failed installations at GDOE. She urged that establishing a comprehensive data system should be a top priority for the Board.

Mrs. Gutierrez stressed the importance of having a dashboard, noting she has been requesting it for over two years. She emphasized that it's needed for all aspects of the department's operations and expressed frustration that GDOE management appears to be ignoring the request. She hopes a dashboard will finally be presented at the next meeting.

Mr. Sablan asked Dr. Naholowaa if a dashboard could be ready for the next meeting.

Dr. McNinch questioned why an audit is necessary to determine ADA compliance, noting it should be a standard process. He asked if the high cost of the audit was due to additional factors like needed repairs, and why a basic compliance check would be so expensive.

Mr. Cruz explained that the ADA audit was mandated by Public Law and included more than just ADA compliance. It also covered a full facility index audit, lighting and window audits, and detailed snapshots of every facility under the department.

Dr. McNinch asked if it was bid out.

Mr. Cruz replied that it wasn't; it was through an MOA with GPA.

Dr. Guthertz asked if they weren't paid a part of the money.

Mr. Cruz replied that GPA wasn't; it was through an MOA.

Dr. McNinch asked if GPA paid for the audit.

Mr. Cruz replied that GDOE paid Siemens through GPA through the ARP funds.

Dr. Guthertz asked if they wouldn't do the rest of the audit until they're paid the other half.

Dr. McNinch asked if it was mandated by Guam law.

Mr. Cruz said yes, it was mandated by Public Law.

Mr. Pangelinan said it was a mandate from the legislature.

Dr. Guthertz asked whether the legislature provided any support to GDOE, emphasizing that there should be no more unfunded mandates.

Mr. Sablan stated that there are too many unfunded mandates and too many requests.

Dr. McNinch emphasized that basic mold mitigation and ADA compliance are fundamental issues, not complex structural ones, and should be tasks the department can address deliberately.

Mr. Sablan said that's why the dashboard is important, so if a Board member sees that something is askew and not being worked on, they can ask what's going on at the meeting.

Mr. Pangelinan explained that the issue didn't arise suddenly and that they are actively working on it, similar to how they addressed water leaks. He said they

have a list and are coordinating with GWA, which requires payment for using their personnel. While progress is slow, he emphasized they are moving forward with dedication and will continue doing what's necessary.

Dr. Guthertz expressed strong concerns about the over-privatization of services within GDOE. She emphasized that the department should have the internal capacity-staff, resources, and funding to manage its own needs, similar to UOG and GCC, which only outsource major structural projects. She criticized how past laws and political influences have limited GDOE's autonomy, calling for an end to forced reliance on outside vendors. She urged greater advocacy for equipping the department to operate independently and efficiently, stressing that the department can hold its people accountable if properly supported. She requested that her statement be officially recorded and heard publicly.

5. Policy Review & Strategic Planning Committee – Dr. Guthertz stated that a work session on her proposal had not been held yet because they were waiting for Dr. Okada to return.

Mr. Sablan said they will table this until she returns.

6. Fiscal Management Committee – Dr. Okada informed the Board that the Aging Accounts Payable Report, included in their packet, shows as of July 8, 2025, the department owes \$440,000 from the local budget and \$36.9 million from federal funds. She explained that the majority of the federal amount - about \$24 million- is for refurbishing 12 schools under CoreTech. The department has been submitting reimbursement requests to the federal government, with \$9 million already received and another \$9 million submitted. As reimbursements are processed, vendor payments tied to ARP should decrease, though expenses will continue as work progresses.

Deputy Paul explained that they are preparing the next set of reimbursement documents, which must first be cleared by IAO. Once IAO clears the current round and they receive the reimbursement from the previous cycle, they will immediately submit the next batch.

Mr. Sablan asked if they received a response within 48 hours.

Deputy Paul said the turnaround hasn't been that great.

Mr. Sablan said that with the first reimbursement, Northern was fully paid.

Deputy clarified that their whole contract wasn't paid - it was any invoice they received while they were on pause.

Mr. Sablan said their completion date, although they were paid, has moved.

Deputy Paul replied that he wouldn't know the date on that and called on Mr. Cruz.

Mr. Sablan said they initially expected FBLGMS to be completed by December, but now it's delayed to January due to a pause in funding and contractors not ordering materials. He then asked Mr. Cruz for an updated completion date.

Mr. Cruz said the project completion is expected around March. There was a delay because there was a pause, and the contractor couldn't buy materials. The department

paid them \$2 million last week. He noted that some equipment and supplies, especially off-island items like collateral and cafeteria equipment, still need to be procured.

Mr. Sablan said they are looking at not opening FBLGMS at all this SY25-26. He said March is practically the end of the school year. He said tied to this is the temporary classrooms to be built using FEMA funding, and the Guam Housing site adjacent to FBLGMS will temporarily - 20 classrooms so they can tie it with the use of SSHS so they can try to end the double sessions. He said it looks like it won't happen as planned.

Mr. Cruz said he said he can't speak for the other two phases of the project, but for Northern Construction, other than their issue with their workers at the beginning of the year. He said they still need to fund the change order # 2 if that's still possible. He said once the change order gets approved, the timeline does get extended, that's why he said March.

Dr. Okada asked if they had or have not put out the bid for the collateral equipment.

Mr. Cruz replied that the collateral bid has not been put out yet.

Dr. Okada stated that on Dr. Swanson's report, all the discussion regarding Northern and FBLGMS throughout this whole pause was that the project was not on pause. She said it's the Board packet that it's not subject to the work stop order, but Mr. Cruz was telling the Board that because of the delay.

Mr. Cruz said there was a delay in payment.

Dr. Naholowaa said that Dr. Swanson sent a letter to the vendors about the pause because of payment. She said that's why their moving target now was March instead of December.

Dr. Okada replied that they'll ask Dr. Swanson when he gets here; she was just reading it off his report.

Dr. Naholowaa said they had sent out a letter to CoreTech.

Dr. Okada said she understood, but she's reading off the documents Dr. Swanson gave the Board, so they'll just wait for him to come.

Dr. Naholowaa shared that the temporary classrooms are still in progress and are regularly discussed in weekly Wednesday meetings. She said MOAs need to be established between GDOE and DPW, and between GDOE and Guam Housing, and all the procurement will be handled by DPW. They are processing the collateral equipment for temporary classrooms and expect more updates in the next meeting.

Mr. Sablan expressed frustration over criticism from a legislator who blamed the continuation of double sessions at FBLGMS and SSHS on the Board. He defended the Board's decision, stating they had no other choice because there were no available schools to move students into. He emphasized that until Simon Sanchez High School (SSHS) and FB Leon Guerrero Middle School (FBLGMS) are completed, there's no viable solution to end the double sessions. He noted that both students and teachers surveyed preferred to continue the current arrangement, and that the Board has been doing its best under challenging circumstances. He criticized public figures who point fingers without offering real solutions, adding that the Board welcomes any viable alternatives.

Highlighted the financial challenges: SSHS requires \$167 million for construction (with possible design cutbacks due to rising costs), and FBLGMS needs an additional \$3 million in change orders due to typhoon-related damages. He stressed the importance of supporting Facilities and Maintenance staff, resources, and funding—all of which are lacking. He warned that this year's budget will likely not increase from last year and raised concern over how the department will continue covering critical costs like utilities. He questioned how Deputy Paul would cover utility costs - about \$1 million monthly - through the end of the fiscal year, and asked if the department was current on its payments. Deputy Paul said yes, the department is current.

Mr. Sablan expressed concern about shifting funds within GDOE, saying that in the end, essential areas may suffer. He praised the dedication of staff, especially Facilities and Maintenance (F&M), for ensuring schools open on time on August 7, noting that a single failed sanitary permit could have been a major setback for the department. While acknowledging ongoing issues like teacher shortages, he stressed that GDOE is actively working to address problems and needs collective support to move forward. He welcomed the recent reversal by the US Department of Education, which restored funding that had previously been withheld. This prevented the loss of 25-35% of federal funds and the potential cancellation of programs. While Dr. Swanson had indicated GDOE could manage for another year without the funds, receiving them now is a major relief, even with spending restrictions. However, he warned about the uncertainty of next year, when those funds won't be available. He pointed out that without additional support from the legislature, GODE must continue tightening its budget. If student enrollment keeps declining, the department may have to consider decommissioning more schools, as they can't justify requesting more funding with fewer students. Ultimately, he emphasized the need for balance and tough decisions ahead.

Mrs. Gutierrez requested a report on total student enrollment as of August 31st, emphasizing its importance for evaluating school utilization and considering attendance area reassignments. She noted that some schools, like THS, which was built for 2,600 students, are significantly under-enrolled, citing its current enrollment of only 963 students. She expressed concern that programs at charter schools may be drawing students away and warned against schools refusing reassignments due to territorial claims or existing programs. She asked for enrollment data from August 7th to 31st, specifically for SHS, GWHS, THS, and OHS, and expects the report before the September Board meeting. She asked Dr. Swanson to have his deputy submit this report.

Mr. Sablan asked Dr. Adamos to ensure the Board receives both the total and per-school student population numbers. He then requested Dr. Zenaida Natividad's presence to explain the Smarter Balanced Assessment.

Dr. Adamos clarified that that fell under Dr. Naholowaa.

Mr. Sablan expressed concerns about the legality surrounding SIFA's request to use the CBMES facility. He mentioned that the Board is still waiting for the Attorney General's opinion on whether it has the authority to approve such a request. Without this legal clarity or a finalized interim lease agreement, he said, the Board cannot take any action regarding SIFA's request. He also raised a critical issue - that CBMES may sit on the same leased property as JFKHS. If true, the original leaseholder would need to approve any sublease, further complicating the Board's authority. He emphasized the importance of acting legally and carefully, noting that a misstep could lead to students being displaced

again, which would be traumatic. He referenced Bill 70, which aims to give GDOE legal authority to lease its decommissioned facilities, and said the bill under review implies that GDOE may not currently have that authority. He concluded by affirming the Board's intent to do what's best for the students, including those at SIFA, but stressed that decisions must be legally sound and fair. He asked Dr. Won Pat to confirm the property status of CBMES.

Dr. Won Pat explained that she conducted extensive research on the issue and found that the original contract was based on an earlier land management plan. In the updated plan, the property was divided into 4 sections: NEW 1 (GW Wastewater), NEW 2 (CBMES), NEW 3 (JFKHS), and NEW 4 (Coban). At the time of signing, the consortium took control of the entire property. However, in discussions with the GEDA director and a CAPFA agent, she learned that CAPFA has no lease interest in CBMES - only JFKHS- and suggested submitting this in writing. The GEDA director indicated a willingness to contact CAPFA to amend the contract and release CBMES. She also noted that the Head Start classrooms at CBMES were built with GHURA federal funds and must be used strictly for classroom purposes for the duration of their use.

Mr. Sablan stated that the Board is caught between a rock and a hard place and is unable to move forward at this time.

Dr. Guthertz explained that without a definitive opinion from the Attorney General, there is uncertainty surrounding the issues related to the original contract with the consortium managing the Tumon property, where JFKHS and CBMES are located. She emphasized that the Board cannot override that contract or take action to transfer or alter the property's status due to these unresolved legal matters.

Dr. Guthertz motioned, seconded by Mrs. Gutierrez, to defer action until and if they get satisfactory information and written legal documentation from the Attorney General that gives them the authority. The Board voted by voice with a vote of 7-0. The motion passed.

Dr. Okada clarified that the legal opinion the Board is seeking should come from their official legal counsel, which is the Attorney General.

Mr. Sablan confirmed that the Board had submitted their requests to the Attorney General for a legal opinion. He acknowledged that Dr. Okada needed to leave, wished her a safe trip, and said they would resume work on the policies when she returns.

Dr. Okada left at 5:32 pm.

Mr. Sablan announced that Dr. Swanson was on his way and noted that the SIFA Director of Planning, Compliance, and Research, along with Attorney Mike Phillips, had signed up to present to the Board. He clarified that the Board cannot take any action on SIFA's request until it receives an opinion from the Attorney General. However, if the Board agreed, they could listen to the presentation while waiting for Dr. Swanson.

None of the Board members objected.

Attorney Phillips criticized the lack of transparency and access to key information - particularly the lease - regarding SIFA's use of the CBMES facility. He emphasized that legal counsel should have promptly provided the lease to the Board, just as he did when he was

GEB's legal counsel. He questioned why SIFA would be expected to pay rent without a lease and expressed concern that misinformation or political interference was stalling progress. He noted that no one had publicly claimed that SIFA owes them money, which would be expected if such a claim were valid. He argued that the situation was being mishandled behind closed doors and that SIFA was being unfairly treated. He also explained that under Guam law, certain lease provisions - like consent not being unreasonably withheld-are automatically presumed even if not explicitly written. He suggested that the Board could resolve the issue quickly by obtaining and reviewing the lease, and proposed that SIFA would likely be willing to pay for an independent legal opinion. He stressed that delays caused by failures in due diligence were ultimately hurting students and urged the Board to act instead of being misled by those intentionally stalling the process.

Mr. Sablan clarified that GDOE is not responsible for the lease of the CBMES property - it is managed and paid for by the Governor's office through DOA, not by GDOE. He emphasized that GDOE does not have possession of the lease or make payments on it.

Attorney Phillips clarified that legal counsel had reached out to the Governor's office - not Dr. Won Pat - regarding the lease. He emphasized that Dr. Won Pat was not involved. He said they were reading the lease in front of them, and it appeared that they would not turn it over.

Mr. Sablan emphasized that the Board is committed to getting everything to avoid the risk of approving SIFA's request only to later be told by the Attorney General that they didn't have the authority to do so. He said that would be the worst-case scenario, which is why the Board wants to proceed properly.

Dr. Guthertz acknowledged Attorney Phillips' strong advocacy and agreed that, unlike in the past, the Board currently lacks dedicated legal counsel. She emphasized that this has been a concern of hers since joining the Board and that GDOE's attorneys should not serve as the Board's legal advisors, especially since disagreements between the Board and GDOE may arise. She noted she's been conducting her research and stressed the importance of acting carefully and correctly despite everyone's passion. She also observed that while many parties seem involved, it appears the Governor's office is not.

Attorney Phillips explained that during a Zoom meeting, their legal counsel had the lease, and GDOE's counsel requested that it be shared with them.

Dr. Guthertz believes the Board should have been consulted from the start to properly research and get legal opinions, ensuring they act within their authority. She feels there's a legal cloud over the contract involving JFKHS and CBMES, and acting without proper clearance would be inappropriate and risky. She's concerned about violating laws and facing legal consequences, emphasizing the need to do things correctly from the beginning. She criticizes the legislature for a lack of coordination with the Board and confusion over related bills. She suggests forming a task force early on to clear all issues before any action, but for now, she insists the Board cannot proceed.

Attorney Phillips explained that whole land issues have been a barrier for leasing some properties; this is not the case with LBJES, which is owned by the department and not leased to others, making it easier. He was surprised that some senators don't trust the Board, despite the Board consulting with various stakeholders. He noted that as a charter

school, SIFA must ask the Superintendent about available facilities, but the law doesn't require rent negotiations if a facility is available. SIFA has funds to pay rent and would bring more revenue to the department than any other tenant this year. Since the law allowing GDOE to charge rent on excess facilities hasn't passed yet, the Superintendent currently has the authority to approve facility use by charter schools without rent. However, once the law passes, tenants will be required to pay rent, and this does not depend on other laws. He emphasized that SIFA is a reliable, solvent tenant willing to pay a year's rent upfront (far above the usual one-month standard). Although the department currently can't charge rent, letting SIFA use the facility now doesn't waive future rent obligations once legislation is approved, likely by October.

Mr. Sablan stated that the issue remains unresolved and emphasized that Board members are simply seeking clear answers to the many questions that have arisen in writing. He said he's open to calling a special meeting to decide once all necessary information is received, including the Attorney General's opinion on whether a GDOE-owned facility can be used for another purpose. He noted that Dr. Swanson has no objection to another school using the facility and stressed the importance of preventing it from being left unused or vandalized. However, he cautioned that they must proceed properly to avoid future consequences. He also inquired whether any interim plans had been developed.

Attorney Phillips stated that a planned meeting did not occur due to a disconnection. He said GDOE was informed that they lack the authority to take any action, and noted that a certain group was strongly insisting on the matter moving forward.

Mr. Sablan said this situation underscores Dr. Guthertz's point that the Board needs its own attorney.

Mr. Ravela expressed appreciation for the Board's commitment to following proper legal procedures and doing things right from the start. He mentioned their missed opportunity to meet with Attorney Nasis despite multiple attempts and stressed their eagerness to meet regularly to resolve issues, noting that time is critical. While remaining patient, he reiterated their support for the Board and desire to be part of the solution, especially given the strain of 400 students potentially reentering the system and impacting double sessions. He emphasized they are only requesting use of a facility for one school year to address the current situation and thanked the Board and Dr. Swanson for their efforts, confirming their willingness to continue collaborating.

Mr. Sablan asked if SIFA was renting out any facilities for the students.

Mr. Ravela stated that they are actively searching for another facility, but the available options require months of renovations and don't meet their classroom capacity needs. He said LBJES is ideal because it's already retrofitted and would require minimal preparation. However, moving forward depends on the Attorney General's opinion and how any lease or usage arrangements for the facility are structured.

Mr. Sablan said everything depends on receiving the needed opinion or approval, which they hope will come soon. He joked about pushing for it if necessary. He then asked if SIFA would still retain its charter status even if it didn't operate on the first days of school.

Mr. Ravela said their school calendar is flexible, with a tentative start date of August 14 or 15, depending on how quickly they secure a facility. He noted they can still end the school

year in May, and if necessary, they can delay the start without issue. Last year, students were promoted in the first week of June, so adjusting the timeline is manageable.

Mr. Sablan said that once all documentation is in place, he believes the Board will be open to holding a special meeting to take any necessary action. However, if the Board lacks the authority to act, then SIFA will have its answer and will need to wait for the legislature to grant the authority - hopefully sooner rather than later. He also mentioned that he's been trying to meet with GDOE's legal counsel but acknowledged that their court schedule has likely caused delays, adding that they'll be in court all day tomorrow but are still looking for an opportunity to meet.

Dr. Swanson said the good news is they won't have to be in court tomorrow.

Mr. Sablan acknowledged Mrs. Gutierrez's concern and asked Dr. Swanson if GDOE legal counsel could meet with SIFA's counsel. He emphasized that the sooner this meeting happens, the sooner the Board can take action.

Mrs. Gutierrez expressed concern about two emails the Board received following SIFA's public participation on July 15th. She said the concerns raised in those emails need a response and that she feels obligated to reply. She also stated she wants to hear directly from the group that sent the emails regarding SIFA.

Mr. Sablan said it's difficult to respond to concerns from an anonymous group, though he acknowledged the issue and noted that Mr. Ada shares the same concern. He added that it's challenging to address anonymous comments.

Dr. McNinch suggested scheduling a meeting at the next convenient time, noting that it could be postponed if necessary. He said it might be beneficial to have it planned.

Mr. Sablan said that if the legal opinion is released tomorrow, they can schedule a meeting the following day. He noted that GDOE public schools open on August 7 and that staff are currently very busy.

Dr. McNinch said a special meeting could be called.

Mr. Sablan asked Attorney Phillips if special meetings require public notification.

Attorney Phillips said yes.

Mr. Sablan explained that any meeting requires a 5-day notice unless it's an emergency meeting, which doesn't require publication. He clarified the difference between an emergency and a special meeting, noting that an emergency must be declared to bypass the Open Government Law. He said they are open to either option and encouraged SIFA and Attorney Phillips to coordinate with GDOE counsel to get the necessary information so they can move forward.

Attorney Phillips asked Mr. Sablan to inform the Attorney General that there are two options being considered, as the assistant Attorney General assigned to the case may only see the original request. He emphasized the importance of ensuring the person preparing the opinion is aware of both possibilities.

Mr. Sablan clarified that their request for a legal opinion mentioned decommissioned schools in general, not specifically CBMES, but they can revise it to be more specific if needed. He also informed the Board that Dr. Swanson was present but would not read his report aloud, as it was already included in their packets and they could review and approve it at the next meeting.

VIII. NEW BUSINESS

IX. EXECUTIVE SESSION

X. ANNOUNCEMENTS & ADJOURNMENT

The Board adjourned at 6:06 p.m.

MINUTES SUBMITTED BY:



KATHLEEN LAMORENA
Administrative Officer

Date: August 13, 2025

MINUTES OF JULY 29, 2025 CONTINUATION OF REGULAR MEETING:

☒ Approved as submitted

☐ Approved subject to corrections

☐ Other: _____



ANGEL R. SABLAN
GEB Chair

Date: 8/19/25



K. ERIK SWANSON, Ph.D.
Executive Secretary/GDOE Superintendent

Date: 8/19/25