



ANGEL R. SABLAN
Chair

GUAM EDUCATION BOARD

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

**GUAM EDUCATION BOARD
REGULAR MEETING
Tuesday, May 20, 2025
4 pm
Gallery, GDOE Building B
MINUTES**

VOTING MEMBERS

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

EX-OFFICIO MEMBERS

Segundo Garrido
IBOGS Representative

Timothy Fedenko
GFT Representative

Mayor, Peter Benavente
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 4:00 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 Alexis D.
Angel, Felicitas B.
Borja, Karlyn RCG
Guthertz, Dr. Judith
Gutierrez, Maria A.
McNinch, Dr. Ron L.

Non-Voting Members:

Fedenko, Timothy – GFT Representative
Trecepona, Iziah - IBOSG Representative (via Zoom)

Legal Counsel:

Wolff, Matthew

Absent:

Baleto, Christine W. (Excused)

Non-Voting Members:

Benavente, Peter – MCOG Representative

The Superintendent announced that eight (8) members of the Board were present, constituting a quorum.

- II. CELEBRATE SUCCESS** – The following were recognized: Merizo Martyr Memorial Elementary School retirees William Wolfey, Thelma R. Soriano, Sophie Lujan, Michael A. Guzman, Catherine Q. Castro, AsTumbo Middle School retiree Anthony C. Diaz, and Luis. P. Untalan Middle School Teacher Jorge Emmanuel.

Mr. Ada recognized Senator Vince Borja.

- III. PUBLIC PARTICIPATION** – Senator Borja declared the situation a crisis and called for immediate, unified, and decisive action. While he acknowledged collaboration with Dr. Swanson over the past few months, he emphasized it's no longer enough. He criticized the lack of urgency and accountability within the department, pointing to delays, silence, and excuses from staff, which he deemed unacceptable. He warned that unless the underlying issues are addressed, changing leadership – whether removing Dr. Swanson, abolishing the Board, or reshuffling roles won't matter as the next person will still be set up to fail. That, he said, is the harsh reality they must confront. He acknowledged Dr. Swanson's sincerity and commitment but emphasized that results came from action, not intent. He warned that if staff are delaying or ignoring important directives – especially those involving oversight or finances – they're undermining the mission and must be held accountable, or their efforts are meaningless. He also addressed the Board and told them that he has gone above and beyond to support the department, offering solutions and partnership, but now they must step up and collaborate. He urged them to end the infighting and finger-pointing, emphasizing that action, not complaints or political talk – is what's needed. He challenged them to define a clear plan, goal, and leadership, warning that without full commitment, they'll stay stuck. He expressed frustration having to repeat himself across town halls, oversight hearings, and board meetings, saying they were going in circles. He said this wasn't progress, its inertia. He stressed that time is running out and the people of Guam deserve better. His message was clear: stop the excuses and get to work.

Mr. Sablan recognized former Senator Roy Quinata, and speaker Dr. Judith Won Pat.

Mr. Ada said that he hopes the presentation by Senator Borja would be put into record.

Mr. Sablan replied that it was – it's being recorded.

Dr. Guthertz welcomed Senator Borja's remarks and expressed long-standing frustration with the department's slow progress and lack of urgency. She acknowledged the funding crisis and stressed the need for the government to plat without relying on federal aid. As a solution, she proposed temporarily placing GDOE under the administrative purview of the Guam Community College (GCC), citing alignment in missions and GCC's strong performance in administrative and financial management. She emphasized this was a personal initiative, aimed at helping the system – not attacking anyone – and said her proposal includes a resolution for legislative and executive support. She highlighted the need for a new model to improve student outcomes and operational efficiency, calling for bold, out-of-the-box thinking and immediate action.

Mr. Sablan asked Ms. Lamorena to add the matter to the next meeting's agenda under New Business. He thanked Dr. Guthertz for providing the copies and Senator Borja, acknowledging that it was well noted, and they will continue to work with him. He then called Ms. Gisela.

Gisela Guile – Ms. Guile shared that this was her first time being involved in such matters and didn't fully understand the process. She mentioned hearing that the Board wanted to fire Dr. Swanson, which she found scary. She expressed concern about working under such conditions, saying she had never heard of a job like that. She compared it to her daughter-in-law's positive

experience at WD-40, where the company emphasized learning from mistakes rather than punishing them. She expressed strong support for Dr. Swanson, impressed by his background, especially his work as a music teacher, his expertise in curriculum and instruction, and leadership. She found it hard to believe anyone would want to let him go, and she was there to show her support for him.

Mrs. Gutierrez thanked Senator Borja and recalled their earlier meeting at OHS during the JROTC competition. She mentioned asking him who was holding GDOE employees and Dr. Swanson accountable, referring to concerns about accountability, leadership, and communication. She also shared frustrations about requests not being attended to. She shared that BJ Cruz from the Office of Public Accountability requested the Board audit committee's attention due to missed audit deadlines, apologizing for involving her and Dr. Okada, but wanted them to be informed about the situation. She mentioned that even the senator's requests and the media had gone unanswered. She described the current period as the "worst years" as a Board member, noting the lack of cooperation since July 2023, despite efforts from then-chair Dr. Okada and others to guide the department. She expressed that the Board has limited power and cannot freeze positions or travel because it's federally funded, but they still have fiduciary responsibilities. She said if the legislature abolished the Board, she would be fine with it because she was motivated by the support of stakeholders like parents, teachers, and students. She highlighted the ongoing challenges: lawsuits, lack of resources, and teachers being forced to buy supplies out of their own pockets. She mentioned the lack of certified teachers and the insufficient staff at schools, with kids often left in the cafeterias. She pointed out the issues at SHS and the struggles of the Special Education (SpEd) staff at Upi Elementary School (UES). She stressed that the urgency in addressing these issues is lacking, and teachers are raising funds for student rewards. She concluded by reaffirming her loyalty to the students and staff of the public school system, particularly those working in schools rather than the central office. She thanked Senator Borja for his support and expressed her commitment to continuing the fight for the students, with her colleagues' help.

EXECUTIVE SESSION –

Mr. Ada motioned, seconded by Mrs. Angel, to go into executive session. The Board voted by voice with a vote of 8–0. The motion passed. The Board moved into executive session at 4:31 pm.

Mrs. Angel motioned, seconded by Mr. Ada to rise from executive session at 5:30 pm. The Board voted by voice with a vote of 8–0. The motion passed.

Dr. Okada motioned, seconded by Mrs. Gutierrez to allow Dr. Swanson until the COB Friday, to submit the names of hearing officers for consideration by the Board. The Board voted by voice with a vote of 8–0. The motion passed.

Mrs. Gutierrez told Dr. Swanson to take note of the deadline.

Dr. Okada requested they continue executive session on Wednesday, May 28, 2025, at 4 pm.

Mr. Ada said that gives ample time for Dr. Swanson to give feedback and likewise the Board will be able to look at those names.

Mr. Sablan announced that the meeting wouldn't end today and would continue on May 28 at 4pm. They would cover as much of the remaining agenda as possible today and return on May 28 to finish the discussion and go into executive session to address personnel matters.

IV. COMMUNICATIONS – Dr. Swanson shared that they received a letter from the US Department of Education and communications in reference to President Trump’s “skinny budget” and shared its contents.

Mr. Sablan asked if they had received any communications from US DOE Principal Deputy Assistant Secretary Hayley B. Sanson regarding changes to the appeals process and time frame, noting that it is no longer 30 days.

Dr. Swanson confirmed they received communications and have 30 days to respond. He mentioned they were preparing a response and had consulted with the Governor’s office, the congressman and the Bruman Group about additional language they need to put in the response. He stated that the response would be submitted this week, hopefully by tomorrow, or at the latest by Thursday.

Mr. Sablan said that the three requests for reconsideration sent to the US DOE were all denied. He noted that previously they had been informed they could appeal within 30 days if they were denied but now the deadline is May 24th. He emphasized the need to meet that timeline for the appeal.

Dr. Okada acknowledged the denial of the three requests to reconsider and then asked about the status of the remaining 91 projects, inquiring if there were a total of 94 projects.

Deputy Paul replied that over \$5 million in ARP bills were paid last week, and they are currently preparing reimbursement requests for those payments. However, these are not part of the group of 91 requests – these are about 7 or 8 bills, including \$1 million each for CoreTech, J&B Modern Tech, and Northern Construction.

Mr. Sablan stated that for the denials issued by the US DOE, they have only until May 24th – four days from now – to file an appeal. He also inquired about the status of the remaining requests that have not yet been submitted to the US DOE, asking whether there is a deadline for those or if the submission window is still open.

Deputy Paul explained that the May 11th letter is the Secretary of Education’s response to states that filed a lawsuit. It mentions a 14-day liquidation period, as per the judge’s order, which leads to the May 24th deadline. He clarified that the original letter specified 30 days, and the department is being cautious, aiming to submit the three requests before May 24th. He emphasized that his interpretation ties the letter to the lawsuit response.

Dr. Okada asked Deputy Paul about the first three requests, clarifying that they had asked for approval of \$106 million that hadn’t been paid yet. She noted that this is a process to approve the project, not necessarily for reimbursement.

Deputy Paul replied that those are not for reimbursement; they are to allow the department to continue the projects.

Dr. Okada inquired if the process for the remaining 91 projects is the same as the initial ones, where the project needs to be approved separately from the reimbursement process.

Deputy Paul explained that all projects are paid first and then reimbursed. They need to meet with Dr. Swanson and the other deputies to review the remaining 91 projects and determine which ones are unnecessary, as some have already reached a zero balance. He asked Dr. Okada if he had answered her question.

Dr. Okada explained that there are two processes. The first is to approve the \$106 million project, which hasn't been paid for yet. She explained that the remaining 91 projects need to be approved before they can process payments and receive reimbursements.

Deputy Paul stated that the projects were approved before the obligation period ended in September last year. These were like the delivery of supplies, which were paused. The decision to continue or halt them needs to be made, and the vendor must be notified accordingly.

Dr. Okada acknowledged.

Safe & Healthy Schools Committee - Mr. Ada announced that he will call a special meeting to address student cell phone use during instructional hours. He emphasized that phones shouldn't simply be kept in backpacks and that misuse may require stricter measures.

Mr. Sablan said it has to become a Board policy:

Mrs. Gutierrez asked Mr. Ada if he was referring to cellphones.

Mr. Ada shared that it was reported that students have been using cellphones during class to contact others inappropriately within the school. As a result, he wants to discuss this issue with the Board, IBOGS, and parents, emphasizing the need for a collaborative effort involving stakeholders, not just the Board.

Mrs. Gutierrez acknowledged the existing cell phone policy for students under the 400s but agreed with Mr. Ada that it needs to be revisited. She also pointed out the need for a similar policy for school employees, noting that she's seen a school aide posting on Facebook during work hours. She informed her colleagues that several states have already banned cellphones and emphasized that while there's a student policy, employees also need to be addressed in the discussion.

Mr. Ada said that it's the responsibility of the administration, the principals to handle that issue. His main concern, however, is students having exposed cell phones during class.

Mrs. Gutierrez advised Dr. Swanson to instruct his deputies to speak with the principals, as she was aware of a school aide posting during work hours. She also mentioned that an article from the previous week was not favorable.

Mr. Sablan suggested that Mr. Ada organize and announce his committee meeting, allowing stakeholders to attend and provide input. He also mentioned that Mr. Ada could excuse himself from the meeting whenever he wanted to.

V. EX-OFFICIO MEMBER REPORTS

- 1) Islandwide Board of Governing Students (IBOGS) Report – IBOGS Representative Iziah Trecepona read his report for the record.

Mr. Sablan thanked Iziah and said he looks forward to next year's IBOGS under the leadership and tutelage of Mrs. Gutierrez.

Mrs. Gutierrez expressed pride in the SY24-25 IBOGS, highlighting that they attend meetings without pay, unlike the Guam Youth Congress, and handle everything independently. She mentioned that some members even had to have their parents drive

them to central office. She praised their work, particularly their contributions to the school conference at OHS, which they organized on their own. She said she put a lot of pressure because she wanted them to be the best. She noted that former IBOGS members are now leaders at UOG and other colleges. As their advisor, she's proud of their achievements and looks forward to the new IBOGS. She shared that two members would be returning and thanked the Board for allowing them to participate. She also expressed gratitude for Izaiah's leadership and pride in his upcoming graduation with Southern High School's Class of 2025.

- 2) Guam Federation of Teachers (GFT) Report – Mr. Fedenko shared that he has witnessed 19 Superintendents during his time with the department. He listed the Superintendents and their terms, noting that some were appointed by governors, while others were removed by the School Board. He emphasized that the issues facing the department didn't develop overnight and would likely worsen with current challenges. He warned that funding would be scarce, and things could become "really ugly." He agreed with Senator Borja that everyone needs to work together, expressing concerns about changing leadership mid-crisis, which could further set the department back. He pointed out that the lack of consistent leadership led to the US DOE temporarily withholding \$3.1 million in federal funding. Although he doesn't have a vote and is unaware of what happens in executive sessions, he urged the Board to proceed cautiously during this delicate time for the Department of Education.

Mr. Ada reminded the Board that during a visit from the US DOE, they identified the Superintendent's revolving door as one of Guam's biggest problem.

Mr. Fedenko agreed with the need for consistency in leadership, noting that he's seen positive change, like a new principal who engaged with staff to offer support. He emphasized that GDEO has faced years of poor conditions, including a lack of basic resources, but the focus should remain on student safety and health. He shared that his father, an educator, remarked that prison conditions were better than the schools. While he supported Mrs. Gutierrez's point on cellphones, he reminder her that it is a collective bargaining issue for support staff, not just a policy matter. He praised the efforts of the teachers and staff who have achieved great things with limited resources, citing the Festival of Arts as an example of their dedication. He also acknowledged the importance of arts education, social-emotional stability for students, and the need for more counselors, especially to address issues like suicide. He recognized that progress takes time and compared GDOE to a slower-moving ship compared to GCC. He encouraged everyone to stay the course and thanked teachers and support staff for their hard work. He encouraged teachers to enjoy their summer and not to worry. He also told support staff to take a breather while preparing for school and working hard. He mentioned that many teachers would be retiring this year and emphasized the need for proper planning. He also stressed the importance of teacher placements being finalized by the end of the school year to avoid confusion.

Mr. Ada left at 5:58 pm.

- 3) Mayor's Council of Guam (MCOG) Report – Not discussed

VI. UNFINISHED BUSINESS –

- 1) Superintendent's Report – Dr. Swanson gave updates on the following items in his report.

- a. JFKHS/SSHS Double Session Status Report – Mr. Sablan mentioned that in the last Board meeting, the Board approved maintaining the status quo. He added that the Principals were expected to submit plans to mitigate instructional loss.

Dr. Swanson confirmed that it was correct.

The Principals confirmed they were present.

Mr. Sablan stated that the report should be submitted to the committee first before being presented to the Board. He suggested coordinating with Dr. Adamos and thanked everyone for the report, expressing anticipation for hearing it.

Mrs. Gutierrez expressed concern after reading in the newspaper that some schools might go online, asking if there were enough laptops and MiFis for students. She expressed surprise that recommendations weren't brought to the Board first but were instead shared in the media, emphasizing that 17 GCA requires the Board to be informed.

Dr. Swanson asked Mrs. Gutierrez if she was referring to summer school.

Dr. Adamos said that because of the refurbishment projects, some of the schools are resorting to online learning. The schools will take care of the use of the device. Because they don't want to hinder the work of CoreTech to get through the campus refurbishment, they want to get through this as quickly as possible, and so some schools are choosing to be in person and some are choosing to be online. She said they don't have MiFi devices but when the students are signing up for summer school, they're informed that it's going to be online and if it's a hardship, then the school will make the accommodations through hard copy packets.

Mrs. Gutierrez asked whether schools opening for in-person learning will be providing meals.

Dr. Adamos replies yes.

Mrs. Gutierrez asked about meal provisions for students who are learning online.

Dr. Adamos said no.

Mrs. Gutierrez asked if that was fair.

Dr. Adamos said no but assured that they will work on it and address the issue.

Mrs. Gutierrez asked if a grab and go meal option will be available for parents to pick up for students learning online.

Dr. Adamos said they have to check if it's allowable.

Mrs. Gutierrez expressed that it's unfair, as students who will be doing online learning won't be provided with meals, which she viewed as discriminatory.

Mr. Sablan asked Dr. Adamos if instructional time was still being provided to schools undergoing refurbishments.

Dr. Adamos explained that there was a lot of coordination with Nik Cruz and CoreTech regarding the refurbishment work. Principals were informed that some students could be moved away from the work areas, given the short duration of summer school. Some schools chose to combine with others to minimize disruption, but the key condition was ensuring that students needing credit recovery or ESY services would still receive instruction.

Dr. Okada referenced Dr. Swanson's report, which mentioned a pause notice issued to vendors working on ARP-funded projects, including the AC contract and small project vendors. She then asked Dr. Adamos if the refurbishment work is continuing despite the pause and inquired about what exactly is being refurbished and where the funding is coming from.

Dr. Adamos explained that the planning was based on the information available at the time. She acknowledged that if the work is indeed paused, they wouldn't need to reconsider and adjust their program offerings.

Dr. Okada asked if she had been informed by Dr. Swanson about the pause being communicated to the vendors.

Dr. Adamos clarified that Dr. Swanson initially stated the work would be paused, but CoreTech had expressed willingness to continue. However, it was confirmed this week that the pause was to be implemented. She also mentioned that she has not yet met with principals or made adjustments to the summer school arrangements.

Mrs., Gutierrez asked if there was a School Readiness Meeting this morning.

Dr. Adamos said they did.

Mrs. Gutierrez asked if Dr. Swanson had not informed them about the contents of his report.

Dr. Adamos said that he was not present at this morning's meeting.

Dr. Naholowaa said the matter was still under discussion.

Dr. Guthertz emphasized that according to government regulations, a pause is necessary as public funds cannot be spent without money in the bank or secured grant funding. Even if CoreTech agreed to proceed and wait for reimbursement, there are serious liabilities involved. She supported Dr. Swanson's intent but stressed the importance of clear communication and finalizing the plan, noting that frozen funds cannot be used unless alternative funds are found.

Dr. Swanson explained that a letter was sent to all vendors last week to pause ARP-funded work due to the funding issues mentioned by Dr. Guthertz. For schools undergoing refurbishment, they were instructed to find logical stopping points, secure the areas, and ensure materials and equipment are safeguarded until a final decision is made on how to proceed.

Mr. Sablan asked if it would affect the opening of the schools.

Dr. Swanson stated that schools are operational and will be ready to open on time. While each campus is at different stages of refurbishment, such as GWHS being nearly finished and Oceanview Middle School just starting, the goal is to ensure safety and complete the necessary work.

Mr. Sablan clarified with Dr. Adamos that Mrs. Gutierrez attended the decommissioning of Chief Brodie Memorial Elementary School (CMBES) where teachers approached her and told they had no knowledge of where they were going. He asked Dr. Adamos to respond.

Dr. Adamos explained that HR has met with teachers at CBMES and LBJES, and there is a ripple effect from transfer requests. Principals are working on staffing patterns, indicating who's transferring, who's limited-term, and who won't be returning, and submitting their request to fill forms. These requests are being certified by the budget office, but delays have occurred with some principals. Principals are being advised to maximize staffing in anticipation of next year's enrollment. For example, some CBMES teachers prefer to transfer to LES or JMGES, while others are waiting for vacancies at other schools. HR is verifying the lists before they can be published, as Mr. Fedenko has requested. She also mentioned that HR Administrator Katherine Ada informed her that Dolores Faisao (D'Mer) is finalizing the list which ties in with the upcoming job fair on June 20. Teachers displaced by the decommissioning will have priority, followed by those requesting transfers. HR is in close contact with teachers, even those off-island, and is working to finalize and announce positions at the job fair.

Mrs. Gutierrez asked if the CBMES teachers who are not transferring to LES or JMGES would have to attend the job fair.

Dr. Adamos said no.

Mrs. Gutierrez asked why it was taking so long for the principals to know the job vacancies at their schools, noting that the school year is ending soon.

Dr. Adamos said they will be ending either Wednesday, Thursday or Friday.

Mrs. Gutierrez asked where employees will go – the computer operator, the Administrative Assistant (AA).

Dr. Adamos explained that they are working on placing the staff like the AA, the computer operator, nurse, librarian based on available openings. For example, if there's a computer operator position at HBPES, the displaced computer operator from LBJES or CBMES will fill the vacancy based on seniority. She

clarified that principals won't have the chance to interview for these positions, as the displaced staff member must be given priority for the vacant role.

Mrs. Gutierrez asked what's going to happen to the CBMES support staff if there weren't any vacancies.

Dr. Adamos assured that no one will lose their job. She explained that some employees retiring and they are being temporarily placed in a holding area until retirement is confirmed. If needed, displaced staff like a computer operator could be put at FSAIS, pending approval from Dr. Swanson.

Mrs. Gutierrez expressed disappointment, stating that since the Board approved the decommissioning, the focus should have been on CBMES. She mentioned hearing that LBJES had a decommissioning the day before and its teachers were being transferred to Tamuning Elementary School (TAMES). She added that she was asked to give remarks on Thursday and plans to share what she was told, emphasizing the need to provide CBMES staff with clear guidance and assurance.

Dr. Adamos explained that some staff want to transfer as a group, but not all can be accommodated at LES due to space limitations. She reiterated that no one will lose their job and HR will eventually place them.

Mr. Sablan asked if Dr. Adamos was coordinating with HR.

Dr. Adamos said she was working with them to ensure it happens.

Mr. Sablan said they just want to ensure the teachers, staff, and employees that somebody is watching out for them.

Dr. Adamos said yes.

Mr. Sablan said hopefully Mr. Fedenko gets the assignments by Friday.

Dr. Adamos said Mr. Fedenko keeps in touch with her and she replies back when she can.

Mr. Fedenko acknowledged that they've been working well together, but mistakes were made in the process. He mentioned that if more schools will be closed, they will have a clearer flow chart. He explained that the contract allows certain employees to have the first opportunity for available positions. He suggested that all open positions – such as those for teachers, school aides, and clerks – should be presented to the teachers at LBJES and CBMES. This would allow principals to fill vacancies from a pool of teachers and school aides who are short in various positions across schools. He noted that the process didn't have a buffer like voluntary transfers, where principals must approve or deny requests.

Mr. Sablan said she's working with the GFT regarding instructional law, so they can report to her, and she in turn will report to the Board.

Dr. Adamos said they had requested for a work session but were told to include the principals in the meeting, so she was unclear about the preferred order. . She explained that, based on the questions from the last meeting and the documentation submitted, they would prefer a work session to present the proposed options.

Mr. Sablan told Dr. Adamos to have the work session, make any necessary adjustments to their report, and then present it at the next meeting.

Dr. Adamos asked if they could have a work session with the curriculum committee or if he wanted them to present it at the Board meeting. She said she will work with Administrative Officer Kathleen Lamorena to schedule the work session.

Mr. Sablan thanked Dr. Adamos for her hard work, saying they can't thank her enough.

- b. FEMA Project Status Report – Mrs. Gutierrez asked if the department planned to hire an engineer for the two-story building project, expressing concern about whether it would include an elevator and who was conducting the assessments. She questions if it would be handled as on-the-job training, noting that they currently can't even provide a functioning elevator to schools. She also inquired about the cost of the project.

Dr. Swanson responded that they don't have a cost estimate yet, but emphasized that the cost will be significantly lower than what it would be if they had to build multiple classrooms across the street. He mentioned that the approved budget for that project was \$21 million.

Mrs. Gutierrez asked if he was saying the temporary classrooms at SSHS are no longer going to happen.

Dr. Swanson clarified that that was not what he was saying.

Mr. Sablan said Dr. Naholowaa will respond.

Dr. Naholowaa shared that an assessment was conducted at the Guam Housing property for the temporary classrooms, but it was deemed not feasible by the team, which included members from the Guam Recovery Office and Facilities and Maintenance. The plan to place the classrooms at FBLGMS remains in place, with assurances that \$20 million is available, though they haven't yet discussed this with FEMA's Robert Fenton. She clarified that the elevator issue was resolved and if a two-story classroom is built, a lift, not an elevator, will be used. Additionally, due to space limitations at FBLGMS, they cannot replicate the design used at Hopwood. Both properties were assessed, and they are now awaiting the meeting with Mr. Fenton. However, they don't have the \$20 million to front the costs.

Mrs. Gutierrez inquired whether the individuals leading the assessments were certified.

Dr. Naholowaa said she was not sure if they're referring to the classrooms but clarified they are ready for occupancy. She explained that only the property was assessed, not the building, because the classrooms are already ready for occupancy and includes the tables, the chairs, the lifts, everything.

Mrs. Gutierrez asked what kind of lift she was talking about.

Dr. Naholowaa said she's not sure if she's seen the lift at a United Airlines lounge which helps wheelchair users go up and down. She explained that the lift for the temporary classrooms is similar- meant only to temporarily assist students with disabilities in accessing the second floor. A permanent elevator is not feasible due to the temporary nature of the classrooms.

Mrs. Gutierrez asked if Simon Sanchez High School would be given additional aides to supervise the list, noting that someone should be present when students use it. She questioned whether GDOE would provide enough aides and asked how many would be assigned.

Dr. Naholowaa asked if she was referring to FBLGMS or SSHS.

Mrs. Gutierrez pointed out that it should be at SSHS, since Dr. Swanson's report specifically referred to the SSHS Temporary classroom project.

Mrs. Gutierrez asked if they received a copy of Dr. Swanson's report. She stressed the importance of communication and planning. She stressed that the lift requires support staff to be present at all times.

Dr. Naholowaa said she understands the concern but noted they don't have a final plan yet and are still working on securing funding.

Mrs. Gutierrez said when is the plan. She said taya plan, leche flan only.

Dr. Naholowaa said they already submitted the temporary plan for the temporary classrooms.

Mrs. Gutierrez asked if the 2 story is like the building that I-Learn used to occupy.

Dr. Naholowaa said she's never seen I-Learn's facility.

CIP Program Coordinator Nik Cruz said he's never seen I-Learn's facility.

Mrs. Gutierrez asked where his expertise was in this area.

Mr. Cruz asked Mrs. Gutierrez what her question was.

Mrs. Gutierrez asked about the appearance of the two-story building and inquired about the type of lift being installed, noting there won't be an elevator.

Mr. Cruz explained there are different types of lifts. The one that Dr. Naholowaa mentioned is a chair lift that moves straight along the stairs not a regular elevator. For vertical access like at SHS, there's a key requiring adult supervision for students to use the elevator, and he assumes the chair lift will have the same requirement.

Mrs. Gutierrez expressed concern that if SSHS does not have enough school aides to monitor the lift, parents might sue the Board for failing to provide proper guidance. She said she wants to avoid being sued and will hold them responsible since they are accountable.

Dr. Okada asked Dr. Swanson about the timeline for the temporary classroom project compared to the construction timeline for SSHS.

Dr. Swanson replied that construction is expected to start between August and September and take 24 months, aiming to open for the 2027-2028 school year. He added that the temporary buildings can be installed and ready for use within 90 days.

Dr. Okada asked 90 days from when.

Dr. Swanson replied that the timeline is 90 days from the start, depending on funding availability.

Dr. Okada said they need to determine if it's worthwhile to proceed, given the 2027 academic year timeline, and whether there is enough time to develop a plan for the modular classrooms.

Dr. Naholowaa replied that if they get the funding in June, they can have the classrooms ready for occupancy by December.

Dr. Okada asked if that included the whole procurement process.

Mr. Cruz explained that the temporary facility project is currently in a "grey area" because they need to secure \$20 million upfront, which they don't have. He mentioned that they are pushing as hard as they can to move the project forward, but are unsure where the funding will come from. He referenced Dr. Naholowaa's suggestion of a possible meeting or grant to help cover the costs, but reiterated that the situation remains uncertain.

Dr. Okada advised Dr. Swanson that the department should reassess its priorities due to the looming debt from unreimbursed federal funds and ongoing spending, especially on refurbishments. She stressed the need to focus on essential projects, like the FEMA-funded temporary classrooms, and avoid spreading resources too thin. Dr. Okada warned that if the department doesn't find funding, GovGuam will be responsible for the debt, impacting everyone on Guam, both public employees and private citizens. She emphasized that a clear financial plan is necessary before proceeding with any further projects.

Dr. Naholowaa said they have sent the project aside Governor's office keeps saying there's no funding to front it. However, at the same time, the Guam

Recovery Office is asking what the department is doing, given that there's \$20 million available. She said they are simply doing their due diligence.

Dr. Okada emphasized the importance of balancing existing contracts with new ones, given the financial implications for Guam's residents. She pointed out the department's fiscal responsibility and warned against accepting funds they may not be able to repay, as it could lead to ongoing financial issues. She expressed concern about the uncertainty of federal reimbursements and the risk of legal disputes if the department continues without a clear funding plan. She stressed the need for a fiscal plan to ensure cash flow and to determine who will bridge the funding gap until FEMA comes through. Ultimately she urged the department to prioritize existing contracts and avoid further financial strain until a solid funding source is identified.

Dr. Naholowaa replied that each time they receive inquiries from the Guam Recovery Office, they will put them aside. She explained they're just trying to close the loop, as the office keeps emailing and asking if the department is still pursuing it.

Dr. Okada clarified that she wasn't telling them to set it aside, but rather to come together and determine what the department plans to do with all its projects.

Dr. Swanson said they would take care of it.

Mr. Sablan said that's on record.

- c. FBLG Renovation Status Report – Dr. Naholowaa said they need to meet with Dr. Swanson to decide whether to pause the project, noting there's an expectation for it to be completed by December.

Mr. Sablan asked if work was still ongoing, and given Dr. Swanson's anticipated pause, inquired about when the work would actually stop.

Mr. Cruz said that once Dr. Swanson's letter is issued, they'll need to stop work as soon as possible. For FBLGMS and CoreTech, he noted that FBLGMS can be halted more quickly since it's vacant – they just need to secure the supplies and materials. However, CoreTech must finish certain tasks, like completing the restrooms, before stopping work.

Mr. Sablan stated that if the project is paused, meeting the December completion deadline would no longer be possible - unless something miraculous happens with the pending appeals.

- d. Mold Mitigation/Fencing Status Report – Facilities and Maintenance (F&M) Manager Jimmy Pangelinan said they requested the funding back from GSA, but GSA responded that they would proceed with the fencing and mold mitigation as planned. He added that GSA had sent an email confirming this decision.

Mr. Sablan asked whether the scope of work was acceptable to them.

Mr. Pangelinan said that was correct. He said they accepted the fencing measurements, which matched what they had expected from the earlier walkthrough. He added that there was a slight change regarding mold mitigation – they would first conduct air quality control, and only if needed, provide a plan for mold mitigation afterward.

Mr. Sablan asked if they planned on releasing all of this while school is out.

Mr. Pangelinan said that they're close to releasing the two contracts to the vendors.

- e. Dashboard Status Report – FSAIS Data Processing Manager Louticia Sahagon said she and Student Support Services Program Coordinator Teresita Naputi were going to present an interim dashboard developed using the PowerSchool student information system called PowerSchool Analytics. She noted that some of the data captured in it would meet certain dashboard requirements.

Mrs. Gutierrez asked when Ms. Sahagon started working on the dashboard, specifically if she had been working on it since last year, as the Board had been requesting it since July 2023. She said they have not heard anything then all of a sudden they both appear. She expressed frustration that the Board did not receive any information until recently, and now they were being told it would be an interim solution. She recalled asking Dr. Swanson about the dashboard earlier, who had mentioned that RPE was working on it, but now she was surprised to see Ms. Sahagon and Ms. Naputi. She asked why it took so long for the dashboard to be developed.

Ms. Sahagon explained that the dashboard was interim because the project they are working on is a replacement for Tyler Pulse, which captured discipline information and linked it to the financial management system. This allowed principals to see data like employment leaves. She clarified that Tyler Pulse drove the discipline data, which was linked to student information, and that's why they are presenting the dashboard.

Ms. Naputi explained that after Tyler Pulse was phased out, they needed to find a new way to present discipline data. She mentioned that the data previously came from Tyler Pulse, which included dashboards. To address this, they chose the Analytics Insights program. Dr. Zenaida Natividad, the RPE Administrator, was working on the Guam One Stop Data Village (GOSDV). She said that based on the feedback from the last Board meeting, GOSDV could meet the Board's needs for discipline, behavior, attendance, academic, and enrollment data. She and Ms. Sahagon were present to showcase a dashboard that may fulfill these requirements and offer to generate any specific information the Board needs.

Mrs. Gutierrez said she doesn't need the dashboard presented at this meeting and emphasized that it should include facilities and maintenance, discipline, and student achievement data. She mentioned that the Board was recently asked for input on what should be on the dashboard, but doubts the department knows the priorities or what a dashboard really is. She feels it's too late to review it now and expressed frustration that despite media reports claiming student achievement is rising, the ASPER (Annual State of Public

Education Report) report shows otherwise. She said the Board is often accused of micromanaging, but questioned where the real achievement is, quoting former Board member Robert Crisostomo, who said the needle on student achievement has not moved. She requested a copy of the dashboard instead of a presentation, stating she won't review it on the spot. She criticized the ASPER report as unclear and distinct from the dashboard. She asked Mr. Sablan that Ms. Sahagon and Ms. Naputi to submit their presentation and suggested a work session where every division involved can explain the dashboard. She reiterated her request as a Board member and questioned if this is what the department is teaching students.

Mr. Sablan asked if there were any objections to having Ms. Sahagon and Ms. Naputi submit their presentation to the Board in a written report format.

Dr. Swanson said they'll attend to that.

Mr. Sablan thanked Ms. Sahagon and Ms. Naputi for their work on developing and preparing the dashboard.

- f. Management and Curriculum Audit Status Report – Mrs. Gutierrez explained that the report was a result of Public Law from the 37th Legislature. She then acknowledged former Senator Roy Quinata. She emphasized that the law must be completed by June 30, 2025, and is a legal mandate, not just a Board Policy. She warned that violating the law could have consequences and noted this was included in the FY25 budget. She said there's a problem with the department looking at the due date. She expressed concern about the department's progress and described the situation as another failure.

Mr. Sablan asked if the delay was caused by Procurement.

Dr. Swanson explained that delays were due to procurement issues at two to three stages and a legal, but the process is now complete. He said the vendor was selected on April 3rd, and it took this long to finalize the contract.

2) Executive Committee

- a. National Association of State Boards of Education (NASBE) – Mrs. Gutierrez shared that they had a NASBE Meeting. She said they better start lighting candles because many of the states' requests for liquidation extensions have been denied especially for teacher development. She said GDOE better buy a case of candles and start lighting candles due to these setbacks.
 - i) NASBE 2025 Nominations – Not discussed
 - ii) New Member Institute Attendees – Mrs. Gutierrez mentioned that the event will be held in Utah, and although she has been a member for some time, this will be her first time attending. She clarified that there is no registration fee, NASBE will cover the hotel and Dr. Okada is paying for her own travel. She added that she will provide further details in the next meeting.

- 3) Instructional & Academic Support Committee – Mr. Sablan congratulated Head Start on reaching its 60th year.

Ms. Lape said this was the 60th year and the staff are putting together a committee and really celebrate it because they've gone through a lot in the past few years.

- a. May Head Start Report – Ms. Lape read her report for the records and provided updates.

Mrs. Gutierrez asked Ms. Lape where the Head Start students at CBMES will go.

Ms. Lape explained that CBMES students, including those from the TAMES/LBJES and CBMES districts, will be relocated. A classroom will be opened at JMGES and another at TAMES, and students will be placed based on their residential district.

- 4) Safe & Healthy Schools Committee
 - a. Facilities & Maintenance – Not discussed.
- 5) Policy Review & Strategic Planning Committee
 - a. Travel Policy – Mr. Sablan mentioned it wasn't ready.
- 6) Fiscal Management Committee
 - a. GDOE Financial Report
 - i) Accounts Payable Aging Report – Dr. Okada said the Finance committee met last Friday to review the financial reports, and all related questions were addressed at that time. She mentioned that if other Board members had questions, they should refer to the reports in the packet.

Mrs. Gutierrez expressed concern about Sodexo, which provides student meals with both local and federal funding, not being paid. She noted that the Sodexo manager assured her they'd continue feeding students, but it was unfair that they were not receiving payment. She asked Dr. Swanson for an explanation and whether they were waiting for Sodexo to approach the Governor's Office for help in getting paid.

DFAS Morgan Wade Paul explained that the report was from a week ago and clarified that Sodexo is no longer on the federal. He mentioned they can pay the local this week. He explained that the department has a revolving fund to pay Sodexo, requests reimbursement from USDA, and loses 25 percent of each reimbursement because USDA only reimburses the department 75 percent. He emphasized that unless money is released from DOA for food and nutrition services, the department must carefully monitor their fund. He explained that this is the reason for the delay in paying them. Once USDA funds are received, they pay Sodexo immediately, and that revolving fund is the department's only reserve for this purpose.

Mrs. Gutierrez asked about the vendors with payments overdue by 61-90 and over 90 days, inquiring when they would be paid.

Deputy Paul mentioned that he briefed the financial committee that the majority of the 50 vendors were owed a total of \$21.1 million. They are trying to pay \$5 million at a time, then seek reimbursement before paying the next \$5 million.

Mrs. Gutierrez noticed a few highlighted names on the Aging Report and asked if they were employees or vendors selling GDOE, questioning why they appeared on the report.

Deputy Paul explained that those individuals weren't selling anything to GDOE. He said the report separates vendors, but many entries are travel settlements; some may be vendors, but not many.

Mrs. Gutierrez asked if travelers upgraded themselves to Polaris or Business class and if GDOE was covering the cost, following Deputy Paul's mention of travel settlements.

Deputy Paul replied that employees are not allowed to upgrade their tickets at GDOE's expense; any upgrades must be paid for with personal funds.

Mrs. Gutierrez asked why travelers still appeared on the report and why they were seeking reimbursement from GDOE. She mentioned hearing that GDOE uses Polaris and business class for trips, then sees names requesting reimbursements.

Deputy Paul mentioned that after returning from grant training in Hawaii, he took advantage of a cheap upgrade at the gate, paid for it himself using his personal credit card, and did not claim the expense from the government.

Mrs. Gutierrez clarified she wasn't referring to Deputy Paul personally, but expressed concern about unpaid vendors, especially those agencies that benefit students. She emphasized not wanting teachers to pay out of their own pockets. She highlighted Benson, GPA, and GWA, stressing the importance of keeping these services uninterrupted. She asked for clarification on what the issue was regarding payments.

Deputy Paul explained that the issue is related to cash flow, particularly with the additional ARP bills. While they have enough money (\$5 million from DOA weekly) to cover essentials like utilities, food, and payroll, they now need to pay an extra \$5 million weekly and wait for reimbursement from ARP. He clarified that it's not that they don't want to pay vendors, but many are grants, and they are waiting for the late liquidation period to open. He mentioned providing a list of grants, invoices, and total amounts during the committee meeting.

Mrs. Gutierrez said she wasn't asking about the federal but the local.

Deputy Paul acknowledged the issue and confirmed that utilities were included in the report. He pointed out that the report was as of May 13 and mentioned he had instructed his staff to pay GBA to avoid the department being in the news again.

Mrs. Gutierrez asked if GDOE is paying for the high school graduations being held at the UOG (University of Guam) and if this also applies to middle schools.

Deputy Paul said he doesn't think it includes middle schools.

Mrs. Gutierrez mentioned that two middle schools had their graduations at UOG, while another school held theirs at the annex. She asked who was paying for the graduations that took place yesterday and today, and expressed hope that the department wouldn't be billed the same way they were billed for the hotel used.

Deputy Paul explained that the graduation at UOG was arranged through a legal procurement process, with the schools directly coordinating with UOG.

Mrs. Gutierrez said a parent had asked her about it and expressed that what benefits the two middle schools should also apply to the other middle schools.

Dr. Okada thanked Deputy Paul for their meeting last Friday and addressed misinformation regarding the Board's knowledge of finances. She referred to the G5 report Deputy Paul provided that morning, highlighting an expired amount of \$26,877,038.76 and asked how much of the department's funds had been drawn down.

Deputy Paul replied that they were waiting on CG21, CG22 Late Liquidation Request, SpEd'19, '22, and ARP SpEd. He said that the US Ed informed them that they would be allowed to open those 3 grants.

Dr. Okada asked how much had been drawn down from the grants listed in the G5 report as of April 1st

Deputy Paul asked whether it included the unexpired ones.

Dr. Okada said only the expired ones.

Deputy Paul said none of the expired funds.

Dr. Okada said that as of today, the funds are considered lost until the department submits the necessary paperwork to draw them down.

Deputy Paul said that was correct.

Dr. Okada reviewed the G5 report provided by Deputy Paul, which shows grants still open. She highlighted that three grants are set to expire on January 30, 2026, and must be obligated by September 30, 2025, with a liquidation and drawdown period ending by January 30, 2026. She specifically pointed out SpEd B'23, SpEd C'23 have a combined total of \$9.8 million that needs to be obligated by September 30, 2025. The CG '23 grant totals \$21, 404,048.75 also with the same September 30, 2025, deadline for obligation. She then asked for the last date to submit documents to the Procurement office for bidding.

Deputy Paul said the process should already be underway due to the time required for preparation.

Dr. Okada said the last day for bids is April 11, and she hopes that the \$21 million is already in the pipeline and that all funds will be obligated by September 30th.

Deputy Paul said he would bring in the tracker FPD used for CG23, which shows all the different procurements.

Dr. Okada said she understood and emphasized the importance of everyone being aware of the available funds and the need to act quickly to obligate them. She also noted that the OPA brought the Board into a meeting where the Public Auditor warned that GDOE's failure to submit its financial reports could impact the overall Government of Guam audit. She asked for an update on the status of submitting all required documents to Ernst & Young so GDOE's audit can begin.

Deputy Paul said they submitted the latest SEFRAD (Schedule of Federal Receivables and Deferrals) today, and if it's rejected, they have identified \$2.8 million in adjustments. Last week, the amount was \$3.7 million. If this still doesn't meet EY's requirements, they will continue reviewing grants and federal funds and submit another updated report.

Dr. Okada emphasized that GDOE is delaying the GovGuam audit, which has fiscal implications for bonds and related activities. She referenced Board Resolution 2025-01, which mandates that all lapsed funds from the FY26 appropriation be allocated for Capital Improvement Funds, specifically prioritizing campus security systems at GDOE schools. She also noted the need for all Collective Bargaining Agreement (CBA) positions to be submitted. She clarified that no locally funded positions were submitted to the Board for approval, and as a result, the internal PC IV announcement is unauthorized, not in the spending priority, and must be cancelled.

Deputy Paul said, based on his understanding, they were authorized a PC II.

Dr. Okada said the PC II was in there, but not a PC IV.

Deputy Paul said he has instructed HR to amend the job announcement to make it a PC II.

Mrs. Gutierrez stated that she had previously informed him about the adjusted staffing and emphasized that there was no such position as PC IV. She pointed out that while someone was being promoted, the schools were unable to fill essential positions like library technicians, school aides, and clerks for nurses. She highlighted that these positions were not included in the spending priorities that the Board had approved.

Deputy Paul acknowledged and reiterated that they were amending the job announcement.

Mr. Pangelinan explained that the PC IV was his request, and he wanted the Board to understand the challenges in retaining staff at GDOE. He emphasized the importance of keeping technical professionals to ensure success at the department. He pointed out that GDOE has a high turnover rate, with many skilled individuals leaving for other entities, and they're struggling to recruit essential positions like HVAC workers. He mentioned that they are forced to hire at lower maintenance worker levels due to a lack of qualified applicants. He mentioned that, as Dr. Naholowaa stated, they are collaborating with GCC to provide training for these individuals. He acknowledged the department's financial challenges but stressed the need to retain in-house talent. He asked the Board to support his request for the PCIV position, noting that there are 14 open positions, including a chief planner, PC I, and PC IV. He also mentioned he had recruited 8 trades helpers and 3 welders, but still had vacancies.

Dr. Okada responded that the process had been identified, with the department providing spending priorities and positions. She explained that if everyone started submitting requests due to staff leaving, they're going to be promoting everybody. She advised him to follow the established process.

Mr. Pangelinan said the process is there, but there should be an exception to the rule.

Dr. Okada replied that the process wasn't followed and that the position is unauthorized and unfunded.

Mr. Pangelinan said he wasn't there to argue but was simply sharing his point.

Dr. Okada stated that the established process was not followed, and the current request is denied until it is properly submitted.

Mr. Pangelinan said the request was submitted and approved by the Board chair.

Dr. Okada said it wasn't approved. The motion on the floor was that for positions locally funded were to be submitted to the Board for approval.

Mr. Pangelinan asked for suggestions on how to recruit HVAC workers, noting that it's difficult to find applicants. He highlighted that the Board had tasked them with respecting every school, and they have fulfilled that mission. He emphasized that both he and Dr. Swanson sometimes have to step in and handle tasks themselves to ensure success. He requested the Board's support, pointing out that GDOE is short-staffed, but everyone is doing their best to manage.

Dr. Okada stated that the department doesn't have the funds to make such hires. She emphasized that GDOE needs to stop digging a fiscal hole that is going to negatively impact everyone on Guam. She said that every department and agency would need to take action to dig GDOE out of its mess.

Mr. Pangelinan suggested that instead of hiring HVAC technicians, they would hire maintenance workers, which would save money. He questioned why those savings couldn't be used to pay their employees.

Dr. Okada said there's no money.

Mr. Pangelinan said that there's money budgeted for HVAC workers.

Dr. Okada instructed him to follow the proper process, avoid announcing positions that are not funded or authorized. She said they don't have the authority to fill positions that are not included in the budget.

Mr. Pangelinan said this is why GDOE is in the position it is today.

Mrs. Gutierrez stated that pre-selection goes against the merit system, emphasizing that they cannot decide in advance who will get the position.

Mr. Pangelinan stated that everyone must go through the interview process.

Mrs. Gutierrez stated that the position was restricted to GDOE.

Mr. Pangelinan said of course.

Mrs. Gutierrez stated that it wasn't open to the public.

Mr. Pangelinan asked wouldn't they want to promote from within and bring in lower-ranked individuals from the outside. He stated that this is how it should work.

Mrs. Gutierrez, that preselection goes against the merit system. She mentioned a town hall at Southern High School (SHS) where Vice Speaker Ada asked if the department had an engineer, to which the answer was no. She recommended that the deputy hire a registered engineer, not a PC IV for the department's need, who has a background in construction for CIP. She clarified that the chief planner's pay grade is Q, while engineer pay grades ranged from L to N. She mentioned that GDOE previously had an assistant from GPA with an engineering background and stressed that the department needs an engineer, not a PC IV.

Mr. Pangelinan stated that the Engineer 3 position was announced, but no one applied.

Mrs. Gutierrez stated that she had not seen the announcement for the engineer position and asked that it be shown to her. She mentioned someone had called her questioning why GDOE was promoting internally for a PC IV role. She noted that she did not recall seeing a PC IV position in the adjusted staffing pattern or spending priority. She recalled asking Deputy Paul about a PC I role, which he said was related to contracts; the grass cutting and custodial service contracts had expired because no one was managing them. She emphasized that there was never a mention of a PC IV and clarified that she remembered the list that Dr. Okada also had.

Mr. Sablan clarified that in-house selection is legal and commonly used by departments to retain employees, referring to it as a "selective factor." He explained that 2-3 meetings back, the Board had previously frozen travel and hiring, but there was no motion that every hiring and every travel had to be approved by 5 members of the Board. He further stated that it would be impractical to have the Board approve every hiring and travel due to the infrequency of meetings. He suggested that Dr. Swanson submit requests with justification to the Board chair, and since no objections were raised, this approach was agreed upon.

Dr. Okada mentioned that he had also stated he would share it with the vice chair, who is also on the finance committee. However, she noted that she did not see this particular one.

Mr. Sablan stated that he would submit the requests, but clarified that if they want to require 5 votes for each travel approval or hire, they should put forward a motion and secure the votes. He emphasized that the Board's mandate doesn't include taking over Dr. Swanson's operational duties. While suggestions can be made, there should be no micromanaging. He said if the Board wants to

approve every hire and travel, they need to ensure the 5 votes are in place, as discussed in previous meetings. He acknowledged that he would still send the request to the vice chair, and if she wants to deny it, he would respect the Board's decision. However, he cautioned that delaying decisions puts the department at a disadvantage, especially with the Board returning to meeting once a month.

Mr. Pangelinan clarified that it was not his intention to be disrespectful. He explained that his goal was simply to ask the Board for assistance. Now that Dr. Okada has clarified the process, he will submit the request.

Mr. Sablan said he'll give it to all the Board members, not just Dr. Okada.

Mr. Pangelinan expressed that if speaking up as a GDOE employee to improve the department was seen as inappropriate, he asked that he be forgiven. He mentioned that with 32 years of experience in the government, he understands the system and was simply asking for help. He apologized if his actions were perceived as crazy or tough, clarifying that wasn't his intention. He said it wasn't that. He said he's been with the government for 32 years. He's been through the system and understands it. He said all he was doing was asking for help.

Mrs. Gutierrez pointed out that when Dr. Okada made the motion, citing 17 GCA, action was supposed to be taken with 5 affirmative votes, but no action was taken. She noted that Dr. Swanson did submit a request to the Board, but only one vote was received. She told Dr. Swanson that he was responsible and needed to guide his team on where to go. She mentioned that when Dr. Okada was chair, he had submitted the listing for approval, but this time he lost track and didn't submit a request.

Mr. Sablan told his colleagues that if they wanted to review each travel and hiring request, they should put forward a motion. Otherwise, he reminded them that, as discussed in previous Board meetings, Dr. Swanson could submit the requests with justification. He mentioned that he had already informed the vice chair about sending the request and noted that he had made a remark on the request about funding, but didn't need to elaborate further.

Dr. Naholowaa mentioned that a significant portion of the federal funds is allocated for hiring positions, including the 150 school aides and library technicians. She asked for guidance on how to proceed with these positions, as well as the travel approved by the US DOE. She also highlighted 11 PC and 8 SPC requests, all of which are federally funded, amounting to approximately \$6 million for hiring and travel.

Mr. Sablan stated that unless the Board passes a motion requiring 5 votes for approval, he saw no objections from the last meeting. He informed her to submit the request to Dr. Swanson, who would then forward it to him, and he would send it to Dr. Okada, the finance chair, for her recommendation. He did not believe the request needed to go through a full Board meeting for approval.

Dr. Naholowaa stated that they're trying to spend the money to avoid having to return it and are seeking clarification on the matter.

Dr. Okada asked for clarification on the fiscal shortfall related to ARP funds. She noted that the aging report shows approximately \$25 million, and based on the work already completed, she would like to have that figure confirmed.

Deputy Paul stated that the invoices they received were listed in a spreadsheet provided at the finance committee meeting. They are reaching out to vendors for their statement of accounts to ensure everything is captured, but the current total stands at \$21.1 million.

Dr. Okada stated that the department needs to request the legislature to cover the dollar amount for contracts and services already completed, as GDOE currently lacks the funds. She emphasized the need for a comprehensive list soon, as the legislature's budget season was already underway, and they would have to decide who to cut to address the shortfall.

Deputy Paul acknowledged.

Mr. Sablan mentioned that the denial was received on the 3rd, and 15 states received an injunction from US Ed giving them more time to submit. He said the Legislature and the Governor's Office had asked if Guam should join the legal action with these states or file its own request separately. He asked Dr. Swanson for his opinion on whether Guam should join the group challenging the ARP denials or pursue its own separate legal action.

Dr. Swanson explained that he's been addressing the issue with colleagues at Bruman Group and in-house counsel. He shared that the guidance he received is to move forward with suing in federal court and district court, as Guam's situation is unique compared to the states. However, since it's a federal case, they must first exhaust all administrative steps before they can file in federal court. He mentioned that the legal team is preparing a filing basis and taking advice from Bruman, who has provided insights from other similar cases. At the same time, they are finalizing the submission of the appeal to exhaust the administrative process.

Mr. Sablan asked how they would fund the legal action if they chose to pursue this route.

Dr. Swanson replied that, as he understands it, the legal action would be locally funded.

Dr. McNinch suggested that they should consult with the Attorney General regarding this particular point.

Mr. Sablan said they have.

Dr. McNinch emphasized that group lawsuits can sometimes be politically motivated, rather than purely legal actions. He recommended seeking advice from the Attorney General, as it would be at no cost to the department and could assist with any necessary filings.

Mr. Sablan mentioned that the Attorney General had already provided his input, cautioning against going alone, and he knew Dr. Swanson would further discuss the matter further with his legal team. He acknowledged that they were running out of options but were exploring every opportunity to move forward. He emphasized the potential consequences for Guam if the projects aren't completed, as schools would remain in poor condition. He then asked Dr. Swanson if Bruman was on a retainer.

Dr. Swanson said no.

Mr. Sablan clarified that Bruman was not being funded by GDOE and that any legal action they pursue would require them to figure out how to fund it.

- ii) Declaration of Financial Status Designation - Not discussed
- iii) Unaudited Statement of Appropriation, Expenditures, and Encumbrances for Fiscal Year 2025 – Not discussed
- iv) Grant Status Report for Fiscal Year 2025 – Not discussed
- b. US Department of Education Specific Conditions Report – Not discussed

VII. NEW BUSINESS

VIII. EXECUTIVE SESSION

- IX. ANNOUNCEMENTS & ADJOURNMENT** - Mr. Sablan announced that the meeting would continue on Wednesday, May 28, at 4 pm, and clarified that no additional announcement was needed. He thanked Dr. Swanson, the schools, teachers, staff, and even the GFT for their efforts throughout the year. He shared that he had just told Dr. Swanson how they were dealing with the media, trying to provide information about which schools would open, inspection schedules, and now they were ready to close the schools. He mentioned that they had gone through the entire year facing these challenges and expressed his deep gratitude to everyone involved.

Dr. Okada motioned, seconded by Dr. Guthertz, to go into recess until Wednesday, May 28, 2025, 4 pm to continue with Executive Session. The Board voted by voice with a vote of 7-0. The motion passed.

The Board recessed at 7:39 p.m.

MINUTES SUBMITTED BY:


KATHLEEN LAMORENA
Administrative Officer

Date: June 12, 2025

MINUTES OF MAY 20, 2025 REGULAR MEETING:


() Approved as submitted

☒ Approved subject to corrections

() Other: _____


ANGEL R. SABLÁN
GEB Chair

Date: 6-17-25


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

Date: 6/17/25

