

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
286-38 (COR)	Vincent A. V. Borja	AN ACT TO <i>AMEND</i> CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.	3/11/26 2:48 p.m.	3/20/26	Committee on Education, Libraries and Public Broadcasting.	Request: 3/20/26 4/6/26	6/24/26 2:00 p.m.	9/16/26	



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATÑA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

September 14, 2026

The Honorable Frank F. Blas Jr.

Speaker, *I Mina'trentai Ocho Na Liheslaturan Guåhan*
163 W. Chalan Santo Papa
Hågatña, Guam, 96910

Via Honorable Vice Speaker V. Anthony Ada 
Chairman, Committee on Rules

RE: Committee Report on Bill No. 286-38 (COR)

Buenas yan Håfa Ådai Speaker,

Transmitted herewith is the Committee Report on **Bill No. 286-38 (COR)** – Vincent A.V. Borja – “AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.”

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u> </u>	TO NOT PASS
<u>5</u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN ACTIVE FILE

Best Regards,



Senator Vincent A.V. Borja

**Chairperson, Committee on Education, Libraries, and Public
Broadcasting**

I Mina'trentai Ocho na Liheslaturan Guåhan



COMMITTEE ON RULES

RECEIVED:

September 15, 2026 1:00 p.m.

Marie Crisostomo



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

COMMITTEE REPORT

BILL NO. 286-38 (COR)

Introduced by: Vincent A.V. Borja

**“AN ACT TO AMEND CHAPTER 3 OF
DIVISION 2, TITLE 17, GUAM CODE
ANNOTATED, RELATIVE TO THE
COMPOSITION OF THE GUAM
EDUCATION BOARD.”**



Office of Senator

Vincent A. V. Borja

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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

September 14, 2026

MEMORANDUM

To: All Members
Committee on Education, Libraries, and Public Broadcasting

From: Senator Vincent A.V. Borja
Chairperson, Committee on Education, Libraries, and Public
Broadcasting

Subject: Committee Report on Bill No. 286-38 (COR), As Introduced

Transmitted herewith is the Committee Report on **Bill No. 286-38 (COR)** – Vincent A.V. Borja – “AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.”

This report includes the following:

- Copy of COR Referral of Bill No. 286-38 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Written Testimony & Other Correspondence
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 286-38 (COR), *As Introduced*
- Fiscal Note

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Best Regards,

Senator Vincent A.V. Borja

**Chairperson, Committee on Education, Libraries, and Public
Broadcasting**

I Mina'trentai Ocho na Liheslaturan Guåhan



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guahan
38th Guam Legislature

March 20, 2026

To: Rennae V. C. Meno
Clerk of the Legislature

Attorney Darleen E.H. Phillips
Legislative Legal Counsel

From: Vice Speaker V. Anthony Ada 
Chairperson, Committee on Rules

Subject: Referral of Bill No. 286-38 (COR)

Håfa Adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 286-38 (COR)** - Vincent A. V. Borja. – “AN ACT TO *AMEND* CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.”

Please ensure that the subject bill is referred to the Committee on Education, Libraries, and Public Broadcasting chaired by Senator Vincent A.V. Borja. I also request that the same be copied to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





Office of Senator Borja <contact@senatorvinceborja.com>

FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026

2 messages

Office of Senator Borja <contact@senatorvinceborja.com>

Tue, Jun 16, 2026 at 8:00 AM

To: phnotice@guamlegislature.gov

June 16, 2026

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING

RE: FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026

Håfa Adai! The Committee on Education, Libraries & Public Broadcasting will conduct a Public Hearing on **Wednesday, June 24, 2026, beginning at 2:00 P.M.**, in the Public Hearing Room of the Guam Congress Building.

The Committee will hear and accept testimony on the following:

I. **Bill No. 286-38 (COR)** – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

How to Participate: Written testimony may be delivered to the Office of Senator Vincent A. V. Borja, DNA Building Suite 502, 238 Archbishop Flores Street, Hagåtña, Guam 96910, or via email to contact@senatorvinceborja.com. The Committee requests that testimonies be submitted at least forty-eight (48) hours before the scheduled hearing.

Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or by voice call at (671) 969-8423

Special Accommodations: All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). For assistance or special accommodations to fully participate in this public hearing, please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com

Watch Live/Record: The hearing will be broadcast live on local television (GTA, Channel 21, Docomo Channel 117) and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

Respectfully,

**Office of Senator Vincent A.V. Borja**Committee on Education, Libraries, & Public
Broadcasting**38th Guam Legislature**

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com

 **FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026 .pdf**
254K

Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Office of Senator Borja <contact@senatorvinceborja.com>

Tue, Jun 16, 2026 at 8:07 AM

Hafa Adai,

Hearing has been posted on the calendar.

[Quoted text hidden]

--



Edward S. Pocaigue, Jr.
Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guahan
Guam Congress Building, 1st Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

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Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
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238 ARCHBISHOP FLORES ST.
HAGATÑA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

June 16, 2026

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND
PUBLIC BROADCASTING

RE: FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026

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How to Participate: Written testimony may be delivered to the Office of Senator Vincent A. V. Borja, DNA Building, Suite 502, 238 Archbishop Flores Street, Hagåtña, Guam 96910, or via email to contact@senatorvinceborja.com. The Committee requests that testimonies be submitted at least forty-eight (48) hours before the scheduled hearing.

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Special Accommodations: All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). For assistance or special accommodations to fully participate in this public hearing, please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com

Watch Live/Record: The hearing will be broadcast live on local television (GTA, Channel 21, Docomo Channel 117) and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026

FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026

PUBLIC HEARING

 **Posted on:** 06/15/2026 01:00 PM

 **Posted by:** Caden Poblete

 **Public Hearing Date:** 06/24/2026 02:00 PM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF SENATOR VINCE BORJA (/notices?division_id=297)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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June 16, 2026

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING

RE: FIRST NOTICE OF PUBLIC HEARING – JUNE 24, 2026

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I. **Bill No. 286-38 (COR)**
([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20286-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20286-38%20(COR).pdf)) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

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Public hearing on legislation to change the composition of the Guam Education Board

Scheduled for June 24, 2026



This public notice published by
Kandit News Group

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FIRST NOTICE OF PUBLIC HEARING by Senator Vincent Borja
Published on Kandit on June 16, 2026 at 6:30 a.m. (ChST)

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Office of Senator Borja <contact@senatorvinceborja.com>

SECOND NOTICE OF PUBLIC HEARING – JUNE 24, 2026

1 message

Office of Senator Borja <contact@senatorvinceborja.com>

Mon, Jun 22, 2026 at 8:00 AM

To: phnotice@guamlegislature.gov

June 22, 2026

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

FROM: SENATOR VINCENT A. V. BORJA,
CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING

RE: SECOND NOTICE OF PUBLIC HEARING – JUNE 24, 2026

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Respectfully,

**Office of Senator Vincent A.V. Borja**Committee on Education, Libraries, & Public
Broadcasting**38th Guam Legislature**

Suite 502, DNA Bldg. 238 Archbishop Flores St.

9/3/26, 8:14 AM

senatorvinceborja.com Mail - SECOND NOTICE OF PUBLIC HEARING – JUNE 24, 2026

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com



SECOND NOTICE OF PUBLIC HEARING – JUNE 24, 2026 .pdf

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Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

June 22, 2026

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PUBLIC HEARING

 **Posted on:** 06/22/2026 08:01 AM

 **Posted by:** Caden Poblete

 **Public Hearing Date:** 06/24/2025 02:00 PM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF SENATOR VINCE BORJA (/notices?division_id=297)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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June 22, 2026

MEMORANDUM

TO: ALL SENATORS, STAKEHOLDERS, MEDIA

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CHAIRPERSON, COMMITTEE ON EDUCATION, LIBRARIES, AND PUBLIC BROADCASTING

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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20286-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20286-38%20(COR).pdf)) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

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Published on Kandit on June 22, 2026 at 6:30 a.m. (ChST)

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Office of Senator Borja <contact@senatorvinceborja.com>

Invitation to Provide Testimony for Bill 286-38 (COR)

1 message

Office of Senator Borja <contact@senatorvinceborja.com>
To: "Dr. Judith T. Won Pat (Superintendent)" <jtwonpat@gdoe.net>

Wed, Jun 10, 2026 at 8:00 AM

June 10, 2026

Dr. Judith T. Won Pat

Superintendent, Guam Department of Education

501 Mariner Ave.

Barrigada, Guam, 96913

VIA EMAIL: jtwonpat@gdoe.net**Subject: Invitation to Provide Testimony for Bill 286-38 (COR)**

Dear Dr. Won Pat,

As part of my commitment to engaging stakeholders in the legislative process, I am writing to invite your agency to participate in a public hearing regarding **Bill No. 286-38 (COR)** for **June 24th, 2026, at 2:00 P.M.**

I. [Bill No. 286-38 \(COR\)](#) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

Your agency's insights and expertise are invaluable in shaping the discussion around this important topic.

The public hearing will take place at the Guam Congress Building and will provide an opportunity for agencies, organizations, and members of the community to voice their opinions and share relevant information concerning this proposed bill.

We would like to have a representative from your agency present to provide testimony and engage with other participants. If you have any questions or require additional information, feel free to contact my office at 671-969-8423 or contact@senatorvinceborja.com.

Thank you for considering this invitation. I look forward to your positive response and to an engaging discussion on **June 24th, 2026, at 2:00 PM.**

Respectfully,



Office of Senator Vincent A.V. Borja

Committee on Education, Libraries, & Public
Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com



Invitation to Provide Testimony for Bill 286-38 (COR) - GDOE Superintendent.pdf
313K



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
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238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

June 10, 2026

Dr. Judith Won Pat

Superintendent, Guam Department of Education
501 Mariner Ave.

Barrigada, Guam, 96913

VIA EMAIL: jtwonpat@gdoe.net

Subject: Invitation to Provide Testimony for Bill 286-38 (COR)

As part of my commitment to engaging stakeholders in the legislative process, I am writing to invite your agency to participate in a public hearing regarding Bill No. 286-38 (COR) for **June 24th, 2026, at 2:00 P.M.**

I. [Bill No. 286-38 \(COR\)](#) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

Your agency's insights and expertise are invaluable in shaping the discussion around this important topic.

The public hearing will take place at the Guam Congress Building and will provide an opportunity for agencies, organizations, and members of the community to voice their opinions and share relevant information concerning this proposed bill.

We would like to have a representative from your agency present to provide testimony and engage with other participants. If you have any questions or require additional information, feel free to contact my office at 671-969-8423 or contact@senatorvinceborja.com.

Thank you for considering this invitation. I look forward to your positive response and to an engaging discussion on **June 24th, 2026, at 2:00 P.M.**

Sincerely,

Senator Vincent A. V. Borja

Committee on Education, Libraries, and Public Broadcasting

I Mina'trentai Ocho na Liheslaturan Guåhan



Office of Senator Borja <contact@senatorvinceborja.com>

Invitation to Provide Testimony for Bill 286-38 (COR)

1 message

Office of Senator Borja <contact@senatorvinceborja.com>

Wed, Jun 10, 2026 at 8:00 AM

To: [REDACTED]
Cc: Mary Okada <mary.okada@guamcc.edu>, paa@gdoe.net, fbangel@gdoe.net, [REDACTED], Angel Sablan <[REDACTED]>, cetorres@gdoe.net, magutierrez@gdoe.net, GovGuam@gmail.com

June 10, 2026

Dr. Judith Guthertz

Chairwoman, Guam Education Board

501 Mariner Ave.

Barrigada, Guam, 96913

VIA EMAIL: [REDACTED]**Subject: Invitation to Provide Testimony for Bill 286-38 (COR)**

Dear Dr. Guthertz,

As part of my commitment to engaging stakeholders in the legislative process, I am writing to invite your agency to participate in a public hearing regarding **Bill No. 286-38 (COR)** for **June 24th, 2026, at 2:00 P.M.**

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Respectfully,



Office of Senator Vincent A.V. Borja

Committee on Education, Libraries, & Public
Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com



Invitation to Provide Testimony for Bill 286-38 (COR) - GEB.pdf
316K



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

June 10, 2026

Dr. Judith Guthertz

Chairwoman, Guam Education Board
501 Mariner Ave.
Barrigada, Guam, 96913

VIA EMAIL: [REDACTED]

Subject: Invitation to Provide Testimony for Bill 286-38 (COR)

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Senator Vincent A. V. Borja

Committee on Education, Libraries, and Public Broadcasting
I Mina'trentai Ocho na Liheslaturan Guåhan

CC: Dr. Mary Okada – mary.okada@guamcc.edu
Peter Alecxis D. Ada – paa@gdoe.net
Felicitas B. Angel – fbangel@gdoe.net
Christine W. Baleto – [REDACTED]
Angel Sablan - [REDACTED]
Carl E. Torress II – cetorres@gdoe.net
Maria A. Gutierrez – magutierrez@gdoe.net
Dr. Ron L. McNinch – govguam@gmail.com



Office of Senator Borja <contact@senatorvinceborja.com>

Invitation to Provide Testimony for Bill 286-38 (COR)

3 messages

Office of Senator Borja <contact@senatorvinceborja.com>

Wed, Jun 10, 2026 at 8:00 AM

To: "Timothy R. Fedenko" <tfedenko@gftunion.com>

June 10, 2026

Timothy R. Fedenko

President, Guam Federation of Teachers

P.O. Box 2301

Hagåtña, Guam 96932

VIA EMAIL: tfedenko@gftunion.com**Subject: Invitation to Provide Testimony for Bill 286-38 (COR)**

Dear Mr. Fedenko,

As part of my commitment to engaging stakeholders in the legislative process, I am writing to invite your agency to participate in a public hearing regarding **Bill No. 286-38 (COR)** for **June 24th, 2026, at 2:00 P.M.**

I. **Bill No. 286-38 (COR)** – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

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Respectfully,

**Office of Senator Vincent A.V. Borja**

Committee on Education, Libraries, & Public Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com**Invitation to Provide Testimony for Bill 286-38 (COR) - GFT President.pdf**

313K

Timothy R. Fedenko <tfedenko@gftunion.com>
To: Office of Senator Borja <contact@senatorvinceborja.com>

Wed, Jun 10, 2026 at 10:12 AM

Please send bill so I can read it

Tim Fedenko
tfedenko@gftunion.com

[Quoted text hidden]

Office of Senator Vince Borja <contact@senatorvinceborja.com>
Reply-To: Office of Senator Vince Borja <contact@senatorvinceborja.com>
To: tfedenko@gftunion.com

Wed, Jun 10, 2026 at 12:32 PM

Håfa Adai,

Sending you a copy of Bill 286-38 (COR) and its Fiscal Note. For further clarifications, please let us know.

We look forward to your presence and testimony for the Public Hearing. Thank you.

Respectfully,

**Office of Senator Vincent A.V. Borja**Committee on Education, Libraries, & Public
Broadcasting**38th Guam Legislature**

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com

[Quoted text hidden]

2 attachments

 **FN_B286-38 (COR).pdf**
1105K

 **Bill No. 286-38 (COR).pdf**
1487K



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

June 10, 2026

Timothy R. Fedenko

President, Guam Federation of Teachers

P.O. Box 2301

Hagåtña, Guam 96932

VIA EMAIL: tfedenko@gftunion.com

Subject: Invitation to Provide Testimony for Bill 286-38 (COR)

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Sincerely,

Senator Vincent A. V. Borja

Committee on Education, Libraries, and Public Broadcasting

I Mina'trentai Ocho na Liheslaturan Guåhan



Office of Senator

Vincent A. V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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TEL 671-969-8423

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

PUBLIC HEARING AGENDA
Wednesday, June 24, 2026
Guam Congress Building, Public Hearing Room

AGENDA FOR 2:00 P.M.

I. Bill No. 286-38 (COR) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

How to Participate: Written testimony may be delivered to the Office of Senator Vincent A. V. Borja, DNA Building Suite 502, 238 Archbishop Flores Street, Hagåtña Guam 96910 or via email to contact@senatorvinceborja.com. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing.

Please confirm your attendance by contacting the office of Senator Vincent A. V. Borja via email at contact@senatorvinceborja.com or via voice call at (671) 969-8423.

Special Accommodations: All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). For assistance or special accommodations to fully participate in this public hearing please contact the office of Senator Vincent A.V. Borja at (671) 969-8423 or via email at contact@senatorvinceborja.com.

Watch Live/Record: The hearing will be broadcast live on local television, (GTA, Channel 21, Docomo Channel 117), and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.



Chairperson on Education, Public Broadcasting & Libraries
Vincent A. V. Borja
I Mina'trentai Ocho Na Liheslaturan Guåhan

DNA BUILDING
SUITE 502
238 ARCHBISHOP FLORES ST.
HAGATNA, GUAM 96910
TEL 671-969-8423

PUBLIC HEARING SIGN-IN SHEET
Wednesday, June 24, 2026 – 2:00 PM
Public Hearing Room, Guam Congress Building

Bill No. 286-38 (COR) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. <i>Jorge Guam Post</i>		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
2. <i>Judi Winkler</i>		SUPPORT ☐ OPPOSE ☒	WRITTEN ☒ ORAL ☐	<i>JW</i>
3.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



Chairperson on Education, Public Broadcasting & Libraries
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PUBLIC HEARING SIGN-IN SHEET
Wednesday, June 24, 2026 – 2:00 PM
Public Hearing Room, Guam Congress Building

Bill No. 286-38 (COR) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. <i>Doris Bukilosa</i>	<i>Ret Retired DOE</i>	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☒	[REDACTED]
2. <i>Jordan Bukilosa</i>	<i>Citizen, GDOE Employee</i>	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☒	[REDACTED]
3. <i>Thom McNIIN</i>	<i>GDOE Board</i>	SUPPORT ☐ OPPOSE ☒	WRITTEN ☒ ORAL ☒	[REDACTED]
4. <i>Kenneth Obregon</i>	<i>Citizen</i>	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☒	[REDACTED]
5. <i>Daniel Somers</i>	<i>GLSC</i>	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	[REDACTED]
6. <i>Justin Gutierrez</i>	<i>gboarded</i>	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☒	[REDACTED]
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT

www.gdoe.net
501 Mariner Avenue
Barrigada, Guam 96913
Telephone: (671)472-0462/300-1547 • Fax: (671)472-5003
Email: jtwonpat@gdoe.net



JUDITH T. WON PAT, Ed.D.
Superintendent of Education

June 24, 2026

VIA E-MAIL

Office of Senator Vincent A.V. Borja
DNA Building
Suite 502
238 Archbishop Flores Street
Hagåtña, Guam 96910
Tel.: (671) 969-8423

contact@senatorvinceborja.com

Re: **WRITTEN TESTIMONY IN OPPOSITION TO BILL NO. 286-38 (COR)**

Buenas, Chairperson Borja. I submit this written public testimony in opposition to Bill No. 286-38, An Act to Amend Chapter 3 of Division 2, Title 17, Guam Code Annotated, Relative to the Composition of the Guam Education Board. I oppose this legislation because it endeavors to impose structural changes to the Board which are unethical and in violation of the Organic Act of Guam.

Notable Characteristics and Differences with Existing Law

To clarify, Bill No. 286-38 (COR) *eliminates* the public's participation in determining the Board's composition. Existing law allows the public to elect six (6) of the nine (9) voting board members. The elected members serve two-year terms. The Governor, with the advice and consent of the Legislature, appoints three (3) members, who must be one of each of the following: 1) employed in an upper-level managerial position in a private business; 2) a parent of a student enrolled within GDOE; and 3) a retired teacher or administrator of GDOE. These appointed members serve three-year terms.

Bill No. 268-38 would *reduce* the number of voting board members from nine (9) to seven (7).

All seven (7) voting members are *appointed* by the Governor (four), the Legislature (two), and the Guam Education Board (1).

Governor's Appointees: The Governor's four (4) appointees must be one of each of the following: the same three (3) criteria that is set forth in the existing law, plus a single new

criterion, i.e., a member of the general public. The Legislature retains its right to advise and consent to the Governor's four (4) appointees. The Governor's appointees' terms of service are *reduced* from the existing law's three (3) years to two (2) years.

Legislature's Appointees: The Legislature's two appointees are not limited to any categories like the Governor's are, but they must qualify by being a U.S. citizen and resident of Guam for at least five (5) years immediately preceding the term of appointment and during the term of service, not be a felon, not have been convicted of a misdemeanor involving criminal sexual conduct or a crime of moral turpitude, must possess a high school diploma or equivalent, and be at least eighteen (18) years of age at the time of appointment. *Neither* the Governor nor the Board have any right of advice and consent regarding the Legislature's two (2) appointees. The Legislature's appointees serve at the pleasure of the *Speaker* of the Legislature and may be removed with or without cause, for terms of two (2) years. In addition to voting members, the Legislature provides one (1) of the four (4) ex-officio, non-voting members of the Board. Bill 286-38 provides that the Legislature *itself* would have a non-voting member of the Board in the person of the Chairperson of the Committee on Education, or his designee. This is not provided for in the existing law. The other three (3) ex-officio, non-voting members would be the President of the Mayor's Council of Guam or his designee, the President of the Guam Federation of Teachers or his designee, and the Chairperson of IBOGS, or his/her designee. All these entities are represented by ex-officio members in existing law, but the proposed bill allows only for officers from those entities, or their designees, to be members of the Board.

Guam Education Board's Appointees: The one (1) voting member that is appointed by the Board must be a "youth representative" GDOE high school graduate between 18 and 25 years of age. The GEB voting member serves terms of one (1) year. Neither the Governor nor the Legislature have any right of advice and consent regarding the Board's one (1) appointee.

Quorum and Voting: The bill does change the *quorum* and *voting* requirements; *reducing* the number of members necessary in order for a quorum to exist, and for the Board to act, from five (5) to four (4).

Qualifications: As mentioned earlier, the Bill would lower the age to qualify for membership on the Board from twenty-five (25) to eighteen (18).

Ethical and Legal Issues with Bill 286-38

By virtue of the Organic Act, the supervision of all departments of the Government of Guam, including the Guam Department of Education, rests with the Governor of Guam. Bill 286-38 illegally infringes upon the functions of the Executive Branch.

Bill 286-38 does not limit itself to changes which would improve the execution of the existing Guam Election Board. Instead, it proposes a completely new and untested paradigm shift by not only eliminating all elected members, but by enabling the Legislature itself to

appoint voting Board members, and by authorizing the Legislature itself to have a permanent, direct seat on the Board, making it law for the Chairperson himself be a member of the Board. The ethical implications in granting such power to itself through this Legislation are clear.

However, more concerning is the fact that Bill 286-38 comprises an illegal delegation of power to the Legislature to supervise the schools. The governance of the Department of Education is vested in the Guam Education Board, pursuant to 17 GCA §3102. The Board's duties include adoption of annual budgets, reviewing of periodic financial reports, and modifications of the budget if and when necessary. 17 GCA §3102.1(c). Such inherent conflicts of interest, and the negative consequences that would follow should this legally impermissible scenario be played out, make it clear why the Organic Act *prevents* the Legislature, as a separate and independent branch of government, from exercising direct control over the Guam Education Board and GDOE. By setting up the Board as a staging ground for two separate branches of government to wield power, Bill 286-38 opens the door to the immense possibilities of each policy issue being dominated by political conflicts, and severely hampering the Board's and GDOE's ability to function.

GDOE, the Guam Education Board, and our schools, employees, and students, cannot afford to suffer the delays and dysfunction that are inherent in Bill 286-38. The novel, untested, structural overhaul being proposed in this Bill is simply *not legal or productive* to GDOE's operations. I respectfully oppose Bill No. 286-38, and ask that it be withdrawn.

Senseramente,



Judith T. Won Pat, Ed.D.
Superintendent, GDOE

KENNETH P. CHARGUALAF
118 ABAS CT. YONA, GU 96915
kpchargualaf@gmail.com
(671) 777-3100

June 24, 2026

Honorable Vince Borja
Chair, Committee on Education
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Chair Borja and Honorable Senators:

Buenas yan Håfa Adai!

I respectfully submit this testimony in support of **Bill 286-38 (COR)**, relative to the composition of the Guam Education Board. My name is **Kenneth P. Chargualaf**, originally from Inalåhan and currently residing in Windward Hills, Yona.

Based on my years of experience in public education, I believe the governance structure proposed in Bill 286-38 (COR) presents an opportunity to strengthen the Guam Education Board and enhance its ability to serve the students and families of Guam. Effective governance and broad community engagement are essential to advancing the Department's vision, improving student outcomes, and promoting efficiency and accountability throughout Guam's public school system.

Although I left the fold from the Guam Department of Education fourteen (14) years ago, the Department remains close to my heart. Having had the privilege of serving as a teacher, school principal, Associate Superintendent of Schools, and member of the Guam Education Board, I feel compelled to share my perspective and respectfully encourage thoughtful consideration of Bill 286-38 (COR), with several recommendations regarding the proposed language.

With respect to **§3102.3(a)**, the bill authorizes the Governor of Guam to appoint four (4) voting members, subject to the advice and consent of the Legislature, with appointments staggered over two (2) terms. The bill further provides for the Speaker to appoint two (2) voting members to serve two-year terms without requiring legislative advice and consent and without identifying specific position categories. In addition, the Guam Education Board would select one youth member to serve a one-year term.

I respectfully recommend that this portion of the legislation be revisited to ensure consistency in the application of the advice and consent process for appointments made by both the Governor and the Speaker. Establishing a uniform appointment process would help promote transparency, accountability, and consistency in Board membership. I also recommend that the youth member term appointed by the GEB be a two (2) year term for consistency.

Additionally, on **page 9, §3103, line 19**, the position of **Associate Superintendent** has been removed and replaced with the title **Deputy Superintendent**. Consideration may be given to clarifying the rationale and implications of this change to ensure alignment with the Department's organizational structure and responsibilities.

Si Yu'os Ma'ase' for your continued commitment to public education and for considering this opportunity to strengthen the future of Guam's schools. I respectfully support Bill 286-38 (COR), with the minor revisions noted above, and appreciate the opportunity to provide this testimony for your consideration.

Respectfully submitted,

Kenneth P. Chargualaf



Office of Senator Borja <contact@senatorvinceborja.com>

286-38 (COR)

1 message

Vicente Taitague <vicente.taitague@mcog.guam.gov>

Tue, Jun 23, 2026 at 12:01 PM

To: "office.senatorborja@guamlegislature.gov" <office.senatorborja@guamlegislature.gov>

Cc: TALO'FO'FO' MAYOR'S OFFICE <talofomayor@gmail.com>, Madeline Martinez <[REDACTED]>, kas221912 <[REDACTED]>

For the record the residents of Talo'fo'fo' support the intent of bill 286-38 (COR)

***Best Regards,
Mayor Taitague***



Office of Senator Borja <contact@senatorvinceborja.com>

Bill 286-38

1 message

franklin champaco <franklin.champaco@mcog.guam.gov>
To: office.senatorborja@guamlegislature.gov

Tue, Jun 23, 2026 at 4:08 PM

Buenas Senator Borja

Thank you for everything that you do for our kids. I am writing to express my support for Bill 286-38 and wanted to let you know that I will try to be there tomorrow.

I don't plan on speaking, but I would like to be present to show my support.

Sinseramente,
Mayot Franklin J.Q. Champaco
440 Chalan Joseph A. Cruz Merizo, GU 96916
Office. 671 828 8312 | Cell. [REDACTED]
Email: franklin.champaco@mcog.guam.gov





Mayor Anthony P. Chargualaf, Jr.
Office: 475-2509/10/11
Email Address: inalahanmayorsoffice@gmail.com



June 23, 2026

The Honorable Vincent A.V. Borja
Chairperson, Committee on Education, Public Libraries, and Public Broadcasting
I Mina'trentai Ocho Na Liheslaturan Guåhan

RE: Support for Bill 286-38 (COR)

Håfa Adai Senator Borja,

On behalf of the residents of Inalåhan, I write in support of **Bill 286-38 (COR)** and the efforts to ensure transparency, accountability, and the continued delivery of quality educational services throughout Guam. The issues identified for review, including school closures, consolidation plans, school readiness, Special Education services, financial accountability, and the closure of J.P. Torres Success Academy, are matters of significant concern to our students, parents, educators, and village communities.

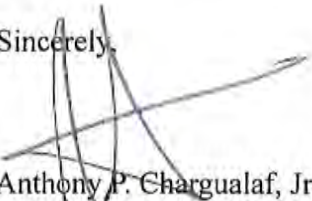
As Mayor of Inalåhan, I recognize the importance of maintaining strong educational opportunities for our youth. Schools serve as the foundation of our communities, and any decisions affecting their operations have a direct impact on students, families, and village residents. It is therefore critical that the Guam Department of Education provide clear communication, comprehensive planning, and transparent justification for any proposed closures, consolidations, or program changes.

In particular, I support efforts to ensure that students affected by the closure of educational programs receive appropriate transition services and continued access to the resources necessary to succeed academically. Additionally, I believe that a thorough review of GDOE's financial status and management practices is necessary to restore public confidence and ensure that available resources are utilized effectively for the benefit of Guam's students.

The residents of Inalåhan value educational excellence and expect transparency from the agencies entrusted with the education of our children. I commend your committee for conducting oversight on these important matters and for providing an opportunity for public participation and input.

Thank you for your leadership and commitment to ensuring that Guam's students, families, and educators receive the support they deserve. Please accept this letter as the Municipality of Inalåhan's support for Bill 286-38 (COR).

Sincerely,


Anthony P. Chargualaf, Jr.
Mayor of Inalåhan



Judith T. WonPat, Ed.D.
Superintendent of Education

JOHN F. KENNEDY HIGH SCHOOL

331 N. Marine Corps Drive
Tamuning, GU 96913
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*The mission of JFKHS is to develop our island students to
become globally primed high achievers.*



Barbara R. Adamos, Ed.D.
Principal

June 24, 2026

Honorable Vincent Borja
Chair, Committee on Education
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910

Chairperson, members of the Committee, and distinguished senators:

Thank you for the opportunity to provide testimony *in support of Bill No. 286-38 (COR)* regarding the proposed amendment to Chapter 3 of Title 17 regarding the composition of the Guam Education Board. I offer this testimony from the perspective of a school leader with more than three decades of service in Guam's public schools and with a deep commitment to stable, student-centered governance.

The intent of this legislation is clear: to strengthen representation, improve accountability, and ensure that the Board reflects the voices of those most impacted by education policy. The bill recognizes the community's desire for meaningful reform and broader stakeholder involvement.

From my experience as a school leader, the current structure of the Guam Education Board has strengths, particularly in its elected seats, which provide families and community members with a direct voice in education governance. However, the system also faces challenges. Elections do not always guarantee representation from individuals with relevant experience in education, finance, or governance, and turnover after each election cycle can disrupt continuity in long-term initiatives.

Additionally, the current structure has the tendency for operational matters to be elevated to the Board level, even when they fall within the Superintendent's administrative authority. This dynamic can lead to delays, mixed signals, and difficulty maintaining consistent implementation of school-level initiatives. Strengthening the distinction between policy governance and operational management would support more efficient and effective school operations. These realities underscore the need to examine whether the current structure fully supports stability, representation, and effective oversight for our schools.

In support of the proposed structure of Bill No. 286-38 (COR), I highlight the following:

1. The creation of a voting youth member—aged 18 to 25 and a graduate of a GDOE high school—ensures that the Board benefits from the perspective of those who recently experienced our system firsthand. This is a meaningful recognition of the importance of student voice in policy decisions.
2. The amendment establishes baseline qualifications for Board members, including residency requirements, educational attainment, and criminal background standards. These criteria help ensure that appointees bring a minimum level of readiness and responsibility to the role.

3. Staggered terms for appointed members strengthen the stability of the Guam Education Board by ensuring that not all members transition off the Board at the same time. This structure preserves institutional memory, allowing experienced members to remain in place while new appointees are integrated gradually. For a system like GDOE—where long-term planning is essential for academic improvement, facilities modernization, and federal program compliance—continuity is not just beneficial; it is foundational. Staggered terms help safeguard ongoing initiatives from disruption, support consistent oversight, and maintain the steady leadership that schools rely on to move forward.
4. Maintaining the inclusion of ex-officio members from the Legislature, the Mayors' Council, the Guam Federation of Teachers, and the Island-Wide Board of Governing Students improves communication and transparency across agencies and communities. These voices bring valuable insight into the daily realities of our schools.

While the amendment offers several promising elements, some areas warrant careful consideration to ensure the Board remains balanced, independent, and stable.

1. Under the current structure, six members are elected at-large by the people of Guam. The proposed amendment removes all elected seats. For many families, elections are their primary avenue for influencing education governance. Eliminating this pathway may reduce public trust and the sense of shared ownership in our school system.
2. Appointed members would “serve at the pleasure” of the Governor or the Speaker. While this may streamline appointments, it also introduces the possibility of rapid turnover during political transitions. Stability in governance is essential for schools, especially when implementing long-term initiatives such as curriculum reform, facilities modernization, and federal program compliance.
3. Reducing the Board from nine voting members to seven may limit the range of professional and community perspectives represented. A smaller Board can be more efficient, but it also concentrates decision-making power and limits the diversity of viewpoints.
4. The youth voting member is selected by the Board rather than by students. While the intent is positive, the process may unintentionally limit the diversity of youth representation. A more student-driven selection process could strengthen legitimacy and engagement.

If the Legislature chooses to move forward with this restructuring, I respectfully offer the following recommendations:

-
1. Consider adding minimum experience requirements in areas such as education, finance, governance, or community leadership.
 2. Clarify removal procedures to ensure due process and protect Board independence.
 3. Strengthen the youth selection process to ensure broad representation and transparency.
 4. Ensure that the transition from the current Board to the reconstituted Board is orderly and minimally disruptive to ongoing initiatives.

These adjustments would help balance the goals of representation, accountability, and stability.

Regardless of the final composition of the Board, schools need consistency in policy direction and timely decisions on personnel, resources, and facilities. Additionally, we demand a governance structure

that supports—not hinders—school operations. Our students and staff depend on a system that is steady, predictable, and focused on long-term improvement rather than short-term political shifts.

Chairman Borja, our students deserve a stable, representative, and focused governance structure for long-term improvement. This amendment presents opportunities to strengthen stakeholder involvement, but it also raises important questions about independence, continuity, and public accountability. I hope that any final version of this legislation preserves the balance between community voice, professional expertise, and stable leadership—because that balance is what allows schools to thrive.

Thank you for the opportunity to provide testimony.

Sincerely,



Barbara R. Adamos

senatorvinceborja

#19949

Ticket Details

Status	Priority	Source	Type
Open	Low	Email	
Group	Agent	Product	Reference Number
General	Caden Poblete	Office Staff	

by **RONALD L MCNINCH** on **Mon, 22 Jun at 8:45 PM** via **Email**

Input on GDOE June 24 Meetings

Dear Senator Borja,

The following is my individual board member input on the June 24 Hearing.

I will send a separate input on Bill 286 and the GCEC hearing.

Please note that I served on the national NASBE board for five years and my views are sometimes different from my peers. I have seen a long line of best practices all over the US.

Also, I hate the cold medium of email and note these points were typed with a postiive smile.

1) Your request in the morning session had several sections, some of my comments below are general in nature and others I have specific comments. I have retained the numbering used in your email.

Note many of the items requested are simple information points and do not require testimony. My points are constructive editorials in nature.

1. School Closure, Consolidation, and Decommissioning Plans

- Status of any proposed school closures
- Criteria used to evaluate schools
- Timeline for decisions and implementation
- Impact on students, employees, families, and village communities

>> The concerns on school closures are simply in the study and discussion stage at this point with the board in my opinion. Many of the items in your request are moot or simply pending further disucssion. This was in part a vestigial process from the former superintendent and his inner staff. The board did approve closing two schools under Dr. Swanson, LBJ and Brody. I did not agree with these closures

primarily because I believe every property and building space should be utilized by GDOE for GDOE approved purposes. I felt Dr. Swanson's zeal to close these two schools was not in the community interest. I was very open at the meetings about this.

- While I do not agree with school closures, I do believe in data analysis and studies on these related topics. We need data and related information to support our WASC accreditation efforts and our efforts to best balance and optimize our property and facility resources. The government of Guam simply does not handle or manage properties very well.
- In my opinion, despite the media overplays, there was no intention this year to ever close schools by the majority of the board. It wasn't even discussed at the board level until last week.
- When GDOE closes schools, the board in effect puts a "kick me" sign on its back and it invites all sorts of speculative property seekers to start lobbying across the island. Our general policy should be to never close schools, the policy should be to repurpose and continue.

2. School Year 2026–2027 Reopening Plan

- Readiness timeline
 - Classroom availability
 - Staffing and operational needs
 - Transportation, student support, and parent communication
- With the former superintendent, two years ago, I took open exception with delays in opening schools in a timely manner. I openly questioned this at board meetings with the former superintendent and internally within the board. I think I was the only board member to openly raise concerns. Parents are strongly impacted by late openings. The response from Dr. Swanson was that opening some schools and not others was not equitable. To be frank, this response was not equitable. We need to open schools on time.
 - This being said, I think Dr. Wonpat knows this point very well and is committed to opening schools on time.
-
- On a final visioning point, why do we open and close schools at all? In my view schools should operate year round and be active all the time. Some children get their only real meals at schools, this is an unfortunate fact and we should look at schools as always operating. Parents have to juggle their lives due to school breaks. Children lose learning during long breaks. No one talks about this. We should. It could be that schools can go into the play or sports mode during traditional holiday sessions. I am also in favor of 7am-6pm schools. Keep kids busy all day,

3. Facilities, Maintenance, and School Readiness

- Status of repairs and maintenance at all campuses
- Readiness of schools proposed for consolidation or transition

- Priority facilities issues
 - Procurement and contractor timelines
-
- In my view, we need to find better ways to allow parents teachers, and student volunteers to help us maintain the schools. We should use site based management.
 - Further, we need a full survey and inventory of all properties and buildings with a view to utilize and repurpose. The "close them" zeal has gone and we need to be realistic. We have closed off some schools and we didnt need to. SSHS? I was told it was partly usable.
 - **Why doesnt the Legislature fix the procurement process???? This is a total failure year in and year out. Why not just direct- build capital projects? Openly contract major projects. The secret squirrel methods have failed.**
 - **We could fix SSHS right away if there was a true political will to do so.**
 - Final point on facilities. We need to stop building concrete boxes and calling them schools. We should try alternatives. There are far cheaper and better ways to build structures so they do not require expensive airconditioning.

4. Special Education Services

- Staffing levels and vacancies
 - Compliance status
 - Student service delivery plans
 - Supports for students affected by school closures or transitions
-
- This is a separate area but I have always advocated and supported full support for SPED.
 - I regularly consult with parents who have certain types of children with special needs.

5. J.P. Torres Success Academy Closure

- Decision-making process and timeline
 - Student transition plan
 - Alternative education and credit recovery options
 - Services for students at Sanctuary and Department of Youth Affairs
 - Personnel and facility impacts
-
- JP Torres should have been a direct campus concept program and not a stand alone operation. The reasons for this are clear, the Success Academy was viewed as a place for problem students.
 - I support integrating this activity into points that better fit our community needs. The male to female ratio was 2:1 (rather than 1:1) and this program has a negative view in the community. Students need to be able to claim a common high school tethering to be successful on Guam. Further, GCC has good programs to support these areas.

- In my view, the law was changed a few years ago to expand school ages. In my view, if a student turns 16 and is far out of their age cohort, custom programming may be merited. Further, the adult high school and GED alternatives are good.
- Finally, under UOG policy, a young person 18 years old or older can be admitted as a "special student" and take college classes. If they complete 15 credits with a 2.0 GPA, they can be fully admitted. GCC has many programs for nontraditional students also.
- This conversation should not be about a school, it is about serving a special needs demographic of students.

6. Transition Report from Former Superintendent Dr. Kenneth Swanson to Superintendent Dr. Judith T. Won Pat

- Action items
 - Pending obligations
 - Timelines
 - Financial disclosures
 - Unresolved issues identified during the transition
-
- Why would a state level legislature even want this kind of report?
 - It is a board issue all else equal.
 - Most of this information is public.

7. GDOE Financial Status, FY 2027 Budget Preparation, and Bill No. 266-38

Current cash position and available balances

- Breakdown of lapses by fiscal year
 - Status of funds authorized or appropriated under Public Law 38-132
 - Expenditures made before and during the current administration's transition
 - Reconciliation of recent statements regarding the reported \$26 million in expenditures
 - GDOE's position on I Maga'hāga's provisions in Bill No. 266-38 relative to GDOE finances
-
- More work needs to be done on GDOE financial dynamics.
-
- This includes grant compliance and spending.
 - We do not train people in our government in general on these concerns.

8. Status of GDOE Management Audit

Current status and timeline of the management audit

- Scope of review and areas being evaluated
- Preliminary findings or concerns identified to date, if available
- Expected completion date and reporting process
- How audit findings will be used to improve operations, accountability, financial controls, and school-level services

- Why would the government spend \$400,000 on this type of report with an off island group when we have on island resources at UOG and GCC that could do it.
- Had the form contracted ever even conducted a similar major audit? I pulled their financials, it appears not. Why should Guam be an expensive guinea pig for their learning curve?
- It seems the audit was a very expensive method to simply process employee complaints. At the core of this audit focus were complaints. Why use a \$1200 per page report to address it?
- Finally, as I have mentioned elsewhere, some of the parts of this report appear to be AI hallucinations. The citations in some cases simply do not appear to exist. The report also makes fundamental conflation of district level systems and state level systems. The types of systems are very different in nature.
- In the future, audits should be done locally and as a part of total stakeholder involvement process. The financial side can be audited separately.

9. Public Communication and Restoration of Public Trust

- GDOE's plan to provide clear, consistent information
 - Communication with parents, employees, mayors, and the Legislature
 - Coordination between GDOE management and the Guam Education Board
- It is presumptive and shallow to assume that public trust needs to be restored. Public organizations, including the Legislature, should seek to uphold public trust.
 - Every public organization should communicate and methods of communication can always be improved. In the case of GDOE, we have the largest numbers and we have a complex organization, we are simply different.
 - Outside of a narrow set of points, the board should not communicate with parents, employees or others because the law structures our interactions. This is a common national standard and we need to follow it.
 - This is still a new management team with Dr. Wonpat and there are a number of transitions still taking place. As a board member, I prefer that we have a single voice with the public on board affairs. Usually this is the chair.
 - Finally, questions were made openly about the contract pay for Dr. Wonpat. I conducted the study for the pay estimate. I am a Senior Professional in Human Resources with a speciality in higher civil service matters including recruitment and hiring. Everything I have to say about pay estimates is indexed and within common practice for the HR field. AI is a poor substitute for an experienced professional on these kinds of points. I did this work pro bono as a board member and my estimate can readily stand when examined by other trained professionals.

Added Point: Adequate Education Act Issues

- At some point, the Legislature needs to amend the adequate education act and put the enforcement down to the board level rather than the courts. The judiciary is simply the wrong place to manage common issues. Perhaps the legislature can be a better place to address compliance. That being said, some of the points in the act need to be updated or removed at this point. Engrave the points in policy at the board level.

/s/ Ron McNinch



Office of Senator

Vincent A. V. Borja

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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

COMMITTEE VOTE SHEET

Bill No. 286-38 (COR) *As Introduced* – Vincent A.V. Borja – “AN ACT TO
AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE
ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM
EDUCATION BOARD”.

Committee Members	INITIAL	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Vincent A.V. Borja <i>Chairperson</i>		✓				
Senator Tina Muña Barnes <i>Vice Chairperson</i>						
Speaker Frank F. Blas, Jr. <i>Member</i>	E-VOTE 9/15/26			✓		
Vice Speaker V. Anthony Ada <i>Member</i>						
Legislative Secretary Sabrina Salas Matanane <i>Member</i>	E-VOTE 9/15/26			✓		
Senator Shelly Calvo <i>Member</i>	E-VOTE 9/15/26			✓		
Senator Christopher Duenas <i>Member</i>						
Senator Eulogio Shawn Gumataotao <i>Member</i>	E-VOTE 9/15/26			✓		
Senator Joe S. San Agustin <i>Member</i>	E-VOTE 9/15/26			✓		
Senator Chris Barnett <i>Ex-Officio Member</i>						



Office of Senator Borja <contact@senatorvinceborja.com>

URGENT REQUEST FOR EVOTE - BILL NO. 286-38 (COR)6 messages

Office of Senator Borja <contact@senatorvinceborja.com>

Tue, Sep 15, 2026 at 9:42 AM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Frank Blas Jr." <speakerblas@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

Buenas yan Håfa Adai, Honorable Committee Members,

Please see the attached Committee Report of **Bill No. 286-38 (COR) – AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.**

Please indicate your preferred action, based on the following options:

- **TO DO PASS**
- **TO NOT PASS**
- **TO REPORT OUT ONLY**
- **TO ABSTAIN**
- **TO PLACE IN INACTIVE FILE**

Please submit your response **ASAP**. Your responses will be logged into the vote sheet which will be submitted as part of the final Committee Report to the Committee on Rules.

Respectfully,

**Office of Senator Vincent A.V. Borja**

Committee on Education, Libraries, & Public
Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

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 **DRAFT CR 286-38 (COR).pdf**
18732K

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov> Tue, Sep 15, 2026 at 10:14 AM

To: Office of Senator Borja <contact@senatorvinceborja.com>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Frank Blas Jr." <speakerblas@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only

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Office of Senator Eulogio Shawn Gumataotao
Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard
38th Guam Legislature
[120 Father Duenas Avenue](#) Capitol Plaza Building, Suite 103, [Hagåtña, Guam 96910](#)
(671) 647-1409/1411

Joe S. San Agustin <senatorjoessanagustin@gmail.com> Tue, Sep 15, 2026 at 10:19 AM

To: Office of Senator Borja <contact@senatorvinceborja.com>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Frank Blas Jr." <speakerblas@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

To Report Out Only

The Office of Senator Joe S. San Agustin

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38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov> Tue, Sep 15, 2026 at 12:20 PM

To: Office of Senator Borja <contact@senatorvinceborja.com>

Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Frank Blas Jr." <speakerblas@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

Hafa adai,

To report out only. Thank you

Respectfully,

Jacqueline Munoz



Office of the People | Senator Shelly V. Calvo

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

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[Quoted text hidden]

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Tue, Sep 15, 2026 at 12:43 PM

To: Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Cc: Office of Senator Borja <contact@senatorvinceborja.com>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only



Speaker, Frank F. Blas, Jr.

I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

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Office of Legislative Secretary Senator Sabrina Salas Matanane

Tue, Sep 15, 2026 at

<office.senatorbri@guamlegislature.gov>

12:45 PM

To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Cc: Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Borja <contact@senatorvinceborja.com>, "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, Chris Duenas <senator.duenas@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only.

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COMMITTEE REPORT DIGEST

Committee on Education, Libraries and Public Broadcasting
Senator Vincent A.V. Borja, Chairman

I. OVERVIEW:

The **Committee on Education, Libraries and Public Broadcasting** convened a Public Hearing on **Bill No. 286-38 (COR)** on **Wednesday, June 24, 2026** at **2:00PM** in the Guam Congress Building's Public Hearing Room.

PUBLIC NOTICE REQUIREMENTS:

Public Hearing Notices were posted to the Government Public Notices Portal and disseminated via electronic mail to all Senators and all main media broadcasting outlets on **June 16, 2026** (5-Day Notice), and again on **June 22, 2026** (48-Hour Notice).

SENATORS PRESENT:

Vincent A.V. Borja, Chairperson
Eulogio Shawn Gumataotao, Member
Chris Barnett, *Ex Officio* Member

ORAL TESTIMONY:

Dr. Judith Guthertz, Chairwoman, Guam Education Board
Dr. Judith T. Won Pat, Superintendent, Guam Department of Education
Mr. Ron McNinch, Member, Guam Education Board
Mr. Kenneth Chargualaf, Constituent, Guam Department of Education
Ms. Doris Bokikosa, Constituent, Guam Department of Education
Ms. Jordan Bokikosa, Employee, Guam Department of Education

WRITTEN TESTIMONY:

Dr. Judith Won Pat, Superintendent, Guam Department of Education
Dr. Barbara Adamos, Principal, John F. Kennedy High School
Hon. Vicente Taitague, Mayor, Talo'fo'fo'
Ms. Doris Bokikosa, Constituent, Guam Department of Education

II. SUMMARY OF TESTIMONY & DISCUSSION:

The public hearing for **Bill 286-38 (COR)** began at **3:00 PM.**

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Hâfa Adai and Good Afternoon. The Committee on Education, Libraries and Public Broadcasting will now call this hearing back to order. We had recess earlier because of the

oversight hearing, going into 2 PM, so we allowed the GDOE panel that was here today to take their lunch, but we'll go ahead and start. The time is now **3:00 PM**.

Before we begin there are some housekeeping matters that I will briefly discuss so we can get right to work. The First Notice of this public hearing was disseminated to all senators and media outlets on **June 16, 2026** with its Second Notice disseminated on **June 22, 2026**.

Notices of this hearing were also made available on Kandit News Group, the Guam Legislature's Website, our Legislative Calendar, and the Government of Guam's Public Notice Portal.

Today's public hearing is being broadcast live on the Guam Legislature YouTube Channel, and the transcript will be filed with the Committee on Rules and be made available on the Guam Legislature website.

Today, we will be hearing testimony on:

[Bill No. 286-38 \(COR\) - AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.](#)

At this time I would like to welcome my colleagues who are joining me this afternoon, Senator Shawn Gumataotao and Senator San Agustin, who are also part of the committee.

But before we begin, I'd like to remind everyone in attendance of *I Liheslaturan Guåhan*'s general rules of conduct. Individuals testifying shall first be recognized by the Chairperson before speaking and shall state their full name for the record. Questions and testimony shall be confined to the substance or nature of today's agenda. Personal inferences to the character or motive of any senator or individual testifying are not permitted.

Pursuant to Section 11.07 of the 38th Guam Legislature's Standing Rules, a Chairperson may order the removal from a hearing of a Committee or a Subcommittee of any person who is not a Member of *I Liheslaturan Guåhan* and who fails to observe proper decorum. Any violation to this general rule of conduct will result in immediate removal from this public hearing room.

Before I do my opening, to those here to testify, please come to the panel. We have Ms. Doris Bokikosa, Jordan Bokikosa, Dr. Ron McNinch, Mr. Kenneth Chargualaf, and Dr. Judith Guthertz. I'll now do my opening.

Hafa Adai. I want to thank everybody here today and those watching for this public hearing on Bill 286-38. Thank you to my colleagues, the GDOE leadership, members of the Guam

Education Board, educators, parents, students, and members of the community who are here to provide testimony.

Bill 286 did not come from one meeting, one complaint, or one political moment. This bill came from the community. Over the past year, through town halls, oversight hearings, roundtables, school visits, community meetings across Guam, we have heard the same concerns again and again. Parents are frustrated by the lack of answers, teachers feel unheard, unsupported, and in some cases afraid to speak openly.

School administrators are trying to keep campuses running while dealing with policies that do not always match the reality on the ground, and students are asking for what every child deserves: a safe classroom, a qualified teacher, working facilities, and a school system that puts them first. What we heard was not one isolated concern, it was a pattern. People are asking for accountability, they're asking for better communication, they're asking for who is responsible when things go wrong, and they're asking whether the Guam Education Board, as currently structured, is working the way it should.

This is what Bill 286 is about. For the last few years, we've seen the administration say it has no power over education. At the same time, we've heard the board, or we've had a board that for the most part allowed management to figure it out on its own. That structure has left too much room for confusion, finger pointing, and delay. Bill 286, we're hoping, changes that. The bill moves away from the current hybrid model and creates an appointed Guam Education Board. And under this proposal, the governor has a role, the legislature has a role, and students have a role.

Public education is too important to be governed without clear responsibility. When schools are struggling, when facilities are failing, when audits are delayed, when teachers and parents are not being heard, and when students are affected, the people of Guam deserve to know who is responsible. As an appointed structure, an appointed structure creates a clearer line of accountability. If a board member is appointed, then the appointing authority is responsible for that appointment. If that member is not following the law, not doing the work, or not serving students, there's a clearer process to address that.

This is not about taking the people out of the process. It's about making sure the people know who is responsible. Bill 286 also gives the structure needed to bring all of the government approaches to education. GDOE cannot solve every problem alone. Facilities, procurement, finance, public safety, public health, workforce development, and student services all require coordination across government. This bill holds political leaders accountable for education, not just in words, but in structure.

Students are not just affected by the school system, they're a part of it. We should not only ask adults to speak about what students experience. We should give students a voice somehow, or to someone who has recently lived it. Bill 286 includes a student member who recently graduated from a Guam public high school, and that matters. The voice that belongs, this is a voice that needs to be at the table. Recently, I completed a practicum class focused on education, governance, and from that work, I studied different models across the United States, including how appointments, accountability, public participation, and student voice can be structured. That work and that research reinforced what had already been heard from the community. If we want real reform, we have to look at the structure.

We cannot keep asking the same system to produce different results without examining who makes decisions, how those decisions are made, and who is responsible for when outcomes do not improve. We also have to address the management and curriculum audit required under Public Law 37-44. The law required GDOE to initiate its first management and curriculum audit since 2009. This was supposed to be a service review of governance, finance, human resources, facilities, technology, school safety operations, and instruction. The FY 2024 Audit released by the Office of Public Accountability identified low trust and fractured relationships between the Guam Education Board, GDOE leadership, and GDOE staff. That should concern all of us.

A school system cannot work when the people governing it do not have trust with the people running it. It cannot improve when the relationship between the board, the superintendent, leadership, and staff is broken. And it cannot deliver better outcomes for students when governance itself becomes part of the problem. The audit called for stronger professional development, measurable performance metrics, and clearer boundaries between the board and the superintendent. Those are important recommendations. But the larger issue is this.

The audit was completed, its findings were discussed, and the legislature and the people of Guam still have not received what the law required. Public Law 37-44 was not passed so another report could sit on a shelf. It was not passed so findings could be discussed behind closed doors selectively referenced in public. It was passed because this community needed transparency. It was passed because our education system needed an honest assessment. and it was passed because accountability means more than completing an audit. It means releasing it, acting on it, and implementing corrective action.

On May 27, 2026, I wrote to the chairwoman to firmly express concern and seek immediate clarification regarding the board's failure to comply with Public Law 37-44. At the February 4, 2026 oversight hearing, the board indicated there were issues we wanted to clarify before the draft audit could be released publicly. Clarification may be appropriate in some cases, but clarification cannot become an excuse for a delay. As of June 24, 2026, 141 days have passed since that oversight hearing. One hundred forty-one days since the audit was publicly

acknowledged, 141 days since findings and concerns from the audit were openly discussed, and 141 days and the legislature has still not received the report by law.

Bill 286 is part of a response to a governance structure that has not acted with the urgency, transparency, or accountability this moment requires. The Office of Public Accountability has raised serious and repeated concerns within GDOE. We have seen high risk status, repeat audit findings, internal control weaknesses, and missed opportunities to use federal resources for critical services. We have also heard directly from the community about retaliation, poor communication, compliance issues, unclear responsibility, and lack of trust.

These are not separate issues. When an audit identifies low trust, fractured relationships, unclear boundaries, and weak accountability, and when that same audit still has not been probably transmitted and made available to the people, this legislature has a responsibility to examine the structure of the board itself. This is why Bill 286 moves away from the hybrid model and creates an appointed Guam Education Board. It gives the government a role, the legislature a role, and it gives the Guam recent public high school graduate a seat at the table. Public education requires leadership. It also requires oversight.

This bill is not about attacking anybody. It's about strengthening institutions, making sure no board, agency, or office is above accountability, and it's about creating a governance structure that is transparent, responsive, lawful, and centered on students. The people of Guam have spoken through town halls, hearing school visits, conversations, and testimony. They have asked for accountability. They have asked for clarity, and they have asked for a structure that works. The management audit has given us a warning. The board's delay has given us another. The community has given us its testimony. Now the question is whether or not we're willing to act.

This is an opportunity to move from frustration to reform, an opportunity to rebuild trust, and an opportunity to create a board structure that is more accountable, more responsive, and more connected to the people it serves. We look forward to hearing from everybody today, and to receiving the continued input from our community. Thank you for being here today.

And for testimonies, for those here to testify today, we'll go ahead and start with Ms. Doris Bokikosa.

[\[START OF TESTIMONIES FOR BILL 286-38\] \[12:55\]](#)

MS. DORIS BOKIKOSA, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

Good afternoon, Senator Borja, Chairman of the Committee on Education. My name is Doris Bokikosa. I'm going to ask if I can go ahead and let Mr. Chargualaf go first. If that's okay.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Absolutely. But before we go, let me recognize my colleague who just joined us, Senator Chris Barnett. Thank you for being here.

Mr. Chargualaf, you may proceed.

MR. KENNETH CHARGUALAF, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

Good afternoon. Honorable Vince Borja, Chairman of the Committee on Education, and Senator Shawn Gumataotao, and Senator Chris Barnett. Thank you for giving me the opportunity to come before you and discuss some of my own perspective regarding Bill 286-38.

I respectfully submit this testimony in support of Bill 286-38 relative to the composition of the Guam Education Board. My name is Kenneth P. Chargualaf, originally from Inalajan, and currently residing in Windward Hills. Based on my years of experience in public education, I believe the governance structure proposed in Bill 286-38 presents an opportunity to strengthen the Guam Education Board and enhance its ability to serve the students and families of Guam.

Effective governance and broad community engagement are essential to advancing the department's vision, improving student outcomes, and promoting efficiency and accountability throughout the Guam public school system. Although I left the fold from the Guam Department of Education 14 years ago, the department remains close to my heart. Having had the privilege of serving as a teacher, school principal, associate superintendent of schools, and member of the Guam Education Board, I feel compelled to share my perspective and respectfully encourage thoughtful consideration of Bill 286-38 with several recommendations regarding the proposed language.

With respect to §3102.3 (a), the bill authorizes the Governor of Guam to appoint four voting members subject to the advice and consent of the legislature, with the appointment's target over two terms. The bill further provides the speaker to appoint two voting members to serve two-year terms without requiring legislative advice and consent and without identifying specific position categories. In addition, the Guam Education Board will select one youth member to serve a one-year term.

I respectfully recommend that this portion of the legislation be revisited to ensure consistency in the application of the advice and consent process for appointments made by both the governor and the speaker. Establishing a uniform appointment process will help promote transparency, accountability, and consistency in the board membership. Although the proposed bill authorizes the Guam Education Board to appoint a youth representative between the ages of 18 and 25 who has graduated from the Guam Department of Education public high school, this requirement may

be viewed as narrowly defining youth representation and could raise concerns about inclusivity or perceived discrimination.

It is also important to recognize that there is already an island-wide board of governing students serving as *ex officio* members, representing students currently within the Guam Department of Education system. In light of these considerations, I recommend that a mayor representative from the Mayor's Council of Guam be included as a voting member of the board. Each mayor represents their respective village and serves as a direct voice for the constituents across the island. Their participation will ensure broader island-wide representation that reflects the full spectrum of community perspectives rather than limiting representation to narrowly defined subgroups.

This approach will strengthen inclusivity by embracing island-wide governance, ensuring that the board reflects the diversity of Guam's communities as a whole. Additionally, on page 9, §3103, line 19, the position of an associate superintendent has been statutorily replaced with the title "Deputy superintendent." Consideration may be given to clarifying the rational implications of this change to ensure alignment with the Guam Department's organizational structure and responsibilities.

Thank you for your continued commitment to public education, for considering this opportunity to strengthen the future of Guam schools. I respectfully support Bill 286-38 with minor revisions noted above and appreciate the opportunity to provide this testimony for consideration. Thank you so much.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you, Mr. Chargualaf. Ms. Doris, if you'd like to go.

MS. DORIS BOKIKOSA, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

Thank you, Senator Borja, Senator Gumataotao, and Senator Barnett.

Thank you for the opportunity to come before the committee to also be in favor or show my support for Bill 286-38, with some concerns, of course. Initially, when I read the proposal, my first concern was appointments. Of course, the concern is that this is just going to create a committee of loyalists to add a loop or loyalists to the legislature.

However, in reading the position descriptions, I am very grateful because I too have suggested in a town hall meeting that we really should look at the composition and where these individuals are coming from, their expertise or their knowledge in order to serve on the board appropriately. So I do thank the committee and commend them for taking that into consideration. There is one

area that I was, that kind of stood out for me, the third position, which is one member who is a retired teacher or administrator of the Guam Department of Education.

I totally agree with that. However, having served for the Department of Education, working with the department for over 34 years as a support staff in middle management level, I'd like to see that possibility. And the only reason why I'm asking for that consideration is, yes, a teacher definitely gives perspectives on challenges and how support can be given directly to the students in that classroom instruction. Yes, a school administrator oversees the operations, but a middle management support staff is very knowledgeable on the processes that are going on within the department. Everything from hiring to payroll to procurement to fixed assets and those kinds of challenges, you know, a board member or some decisions going on at the board level don't necessarily have that expertise or knowledge or understanding of the processes. I think that could be considered. Of course, it's as far as either teacher or administrator. It would be greatly appreciated.

I know that there is a position there for a non-voting member for the union. And it was kind of explained to me at some point that, you know, that's where the representation of a support staff would come from. But I have to point out, having worked for the department for 34 plus years, I was not a member of the union of GFT. So who is truly represented there? Is it just their members that are being represented? I'd like to see, you know, others that may have some insight on how the department works, also represented on the board.

Another concern I had, that's all in the positions, just really then the fact that those who are appointed by the governor and the legislature, it talks about they can be removed at the pleasure of either, whoever was the appointing party. My concern is this, again, years and years of having some board members who have gone above and beyond their duties and may have acted inappropriately to employees at the department, support staff all the way up to management. There really was no structure in place to remove these individuals in this situation here at the proposal. Who would those concerns be taken to? Would it be taken directly to the governor if there were continued issues with inappropriate behavior of board members? Is it taken to the speaker for their two appointees? Again, there's no real structure of how to remove them. And I don't want to be a negative nancy. I want to have some reassurance that should this structure go into place, if there is still the possibility or the instance of inappropriate behaviors occurring, how can the employees, the parents, the community make some kind of recommendation to have that person removed? So adjust some kind of language there.

And I think that is really the only thing I am concerned about it. Otherwise, I am totally in support. I truly appreciate the committee's efforts in listening to town hall meetings and the concerns. I did read parts of that report and felt that it really did capture what I was experiencing

throughout all my years at the Department of Education. So I am really grateful. And again, I am in total support of this bill. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you, Ms. Bokikosa. Jordan.

MR. JORDAN BOKIKOSA, EMPLOYEE, GUAM DEPARTMENT OF EDUCATION:

Senators, I also would like to sort of turn towards the other people here on the panel, just because, of course, in a sense, they're more of ranking members. So I prefer if our ranking members over here on this side can please go first. Okay. They forced me to do it. Okay.

Hafa Adai Senators, Senator Borja, Chairman, Senator Barnett, former Chairman, Senator Gumataotao, thank you for the opportunity that you're holding this public hearing regarding this bill.

It is unfortunate that really there isn't a little bit more of an attendance here. But of course, maybe some current employees may not necessarily be willing to come out. We don't know. That could always be part of it. But just for full disclosure, I am a current employee of the Department of Education. I am here on my own time. These opinions are 100% my own. They don't reflect anything in terms of GDOE management, GDE as an organization or the board or anything like that. I speak only for myself as an individual citizen.

With regard to the proposal, of course, on the sign-up sheet, they have the option to say support or oppose. I feel like in its current form, I don't know necessarily whether I'm fully on one side or the other. I think that there are, of course, some technical questions from my side that I'm thinking of. But also, as has been mentioned by the previous two speakers, I think that there is room for adjustments. There's room for strengthening certain positions and complete additions of other provisions. I'll try to not go off on too many tangents.

So just starting from the top, I think the first question I have in terms of this proposal as it's written is the same thing that came up in terms of who are the appointees. I strongly advocate, same thing, not just because we share the same last name, but because I truly feel that with the current breakup of the members, I don't know necessarily that a retired teacher or principal necessarily has the same viewpoint or is advocating for the same things as, for example, a more recently retired central office staff or something like that. This is not to sort of pit the two against each other. "Oh, is it the schools versus central office?" I think that both sides need representation in terms of what is the work that they're doing and who is advocating for them. It's the same sort of question that comes from what was brought up in terms of the GFT. There is a question of, yes, the GFT represents employees, but the question comes, what is the priority of

GFT? If the priority of GFT is the implementation of the Collective Bargaining Agreement, then that has next to nothing to do with GDOE central office employees.

So really, if it came pushed a shove in terms of budget of a prioritization, of course, similar to how previous superintendent and the current superintendent are sort of breaking up the money, the prioritization is always going to be “we'll try to prioritize the school staff,” but to what extent is that to the detriment of the central office divisions and our ability to sort of continue to do our work? So that's one area where I think having that consideration for whether it be an additional one member or maybe switching out one category for another category, that be taken into account.

For the youth representative, because it was just brought up, for me, I think I generally understand the thought process behind why we want to have youth representation, because of course, it's 18 to 25. So they've been recently in the department, they should have some recent recollections of the sort of issues they had. This process was slow, how do we sort of implement policies to improve that process? So for me, I think that there is value in having an 18 to 25 who has specifically recently graduated from GDOE. So I'm not going to disagree with the former chair of the board, but I think that there's a good reason to leave it there.

Second question, moving on, it's the same thing as sort of in terms of the appointing authorities. So for me personally, I don't have a horse in the race in terms of, for example, prior board members from other commissions who were, you know, ostentatiously removed from their commission memberships, right? We've had it, you know, whether it's CLTC, other areas, right? So for me, when I see at the pleasure of, you know, whether it be the governor or the speaker, I think that there's a little bit of concern because, you know, we don't necessarily want it to be all about politics or like what happens if the appointed member disagrees or, you know, votes a certain way that the governor or the speaker don't like. And then now we're going to say, “oh, because you've voted a different way, I'm going to remove you.” So, you know, I think that perhaps if there was a way that we could, of course, you know, we want the legislature and the governor to both, you know, be involved, but not necessarily let it be at the pleasure of them, you know, let them make the selection, let the legislature do, you know, the advice and consent process, you know, even for the speaker because, you know, I don't know necessarily that the person appointed by the speaker and, you know, how, what's the utility of making the person selected by the speaker go through the appointment process when it's the speaker who's selecting them, right?

So there's questions on that, of course, but I think that there's more value in having them undergo the public hearing process, regardless of whether it's the, the governor or the legislature. And then for removal, rather than let it be at the pleasure of, and, you know, it's just, “I sign a letter and say, sorry, I don't like you anymore. I'm cutting you off.” I think there would be value in

making it something that's a little bit more comprehensive. So I'm thinking, you know, would it be possible for us to sort of set up a scenario where, you know, we do removal by petition, for example. And I think that this is sort of the strongest, you know, voicing of public discontent, right? If we can, you know, say you have to meet a certain number of petition signatures to then, you know, establish a recall vote. You know, of course, this is sort of novel in the sense that we don't often have recall votes on Guam, but, you know, I think that this would be sort of the most appropriate way to sort of depoliticize and, you know, ensure that, you know, if we're actually going to have complaints coming up against in, you know, whether it's an individual board member or multiple board members, let this be the sort of criteria for what determines whether they've done such an injustice or they've, you know, gone so far straight from public opinion, you know.

So I don't think it's, you know, necessarily has to be like something at the level of GEC where we're talking about a hundred signatures and you're good to go. You know, let's, let's make it, you know, a moderate amount of signatures where, you know, it actually requires a decent amount of work and a decent amount of people to agree that, "yes, we don't agree with what this board, our appointee is doing. We agree with trying to remove them."

That's it for that start. Moving down, of course, there is now sort of a technical question. So in the breakout of the appointing timeframe, right? So it says that we're going to appoint each of these people for two-year terms and then at the end of the bill, it says that it's going to be effective upon the end of a certain term for certain, you know, board members, current board members.

So the question here becomes that there are certain members who are appointed, who are three-year terms. So the question is, how would it work in terms of lining up when that board member's term ends and the start of this new system? Because I think that there may be some overlap. So in a technical sense, you know, there might need to be some review of that to determine if it actually lines up to make sure that it actually is actionable. So that's the one thing I would say on that.

Outside of that area, just because, you know, I think this will be my last point, just because it kind of extends a little bit beyond, I don't know if it would be ruled germane if you were to try to adjust it. But there is, you know, this is now my perspective as a current employee, you know, in terms of GDOE, you know, the department versus the board's opinions, right, is I think that there needs to be some clarity in terms of what are the roles of the board versus the superintendent.

And the reason why I bring this up is because, you know, of course there's always this sort of fight between, there was always not, you know, not necessarily, you know, I think, you know, now the, you know, GDOE management and the board are, are relatively friendly, you know,

they're, they're trying to maintain good relationships, which I think can be seen as an improvement for some. Some others may, you know, not see it necessarily as so good. But just in terms of really delineating, you know, what is micromanaging? What are operational duties? What are, you know, sort of these areas where we're saying the superintendent has authority?

You know, one of the major issues that comes to mind, right, is that, you know, the board has a responsibility to approve and amend the GDOE budget as needed. You know, that's coming straight from 17 GCA. There is a question then, of course, in each annual appropriation bill, the superintendent is given budgetary transfer authority. So there is a question now, a question now of, "Okay, so wait a minute. If the superintendent has budgetary transfer authority, then what does it mean for the board's responsibility to amend the budget? If there is no more budget amendment necessary because the superintendent has transfer authority, does that then trump it?" There's this question of what is the spending plan and does the superintendent have sort of the flexibility to make changes as needed? And then that's sort of something there. So I think perhaps a more in-depth look into what are the actual responsibilities and how do we delineate what is a board function, what is policy versus what is operational matters.

And of course, this is not necessarily to slight the board because, of course, I think based on all of the different meetings that I've listened to since Dr. Guthertz has come in, I feel that I see Dr. Guthertz has a lot of love for our students, our children, and a lot of love for the department to really see us succeed. But I think that it just needs to be really delineated because at this point, there's a lot of overlap in terms of what the board is making sure the superintendent is doing a good job versus the board is now trying to influence what operational decisions the superintendent is making. So this then sort of gets into the question of, "Okay, so if the superintendent is making decisions that don't align with board opinions or opinions of certain board members or opinion of the board as a whole, now we get into the issue of, okay, so the board selects the superintendent and has the authority to fire the superintendent." What operational flexibility is there really? Because at the end of the day, the superintendent is hired and fired by the board.

So I think that that's also another area where I think that it would be beneficial for us to review because it's the same thing. If we can hire a superintendent, that's perfectly fine by me. Same thing appointing board members, perfectly fine. But I think in terms of removal of a superintendent or removal of board members, that's where I think we should maximize public input and let the public be the one to determine. Are we discontent with the superintendent? Are we discontent with a board? And let that be the determining factor. So all that being said, I appreciate, again, the opportunity to speak on matters.

I hope that the ideas can be considered and given a fair shake. And I think that it wouldn't be bad to even have further public hearings because I think that we really need more people to give their

opinions on this instead of rushing into changing it because we want to remove it from being elected and just make it appointed. So I think that this kind of proposal is of such magnitude that it deserves a lot more input than just those who are just showing up. You know, I think we need to really put it out there and say, you know, we need to hear what people want. All right. Thank you very much.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you, Mr. Bokikosa. Dr. Guthertz.

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

And I'd also like to commend those who are former educators and leaders at the Department of Education for being here and also our current employees. Mr. Jordan here, he's a wonderful person. He does a great job in our financial area at GDOE. And thank you for being willing to give your thoughts. Dr. McNinch is here as well.

You know, it's interesting, senators, that we are here to talk about a proposed model change for the Board of Education. And I have a lot of experience with the previous boards of education. I was first appointed a member of the Department of Education's Board of Education during the governorship of Paul Calvo. I had just come back from graduate school and Governor Calvo asked me to please sit on the board and he appointed me and I was confirmed by the legislature. And then later on, the legislature passed a different board law establishing an elected school board for the Department of Education. And I ran and I won a position on that board. And that was during the superintendent Gloria Nelson's time. And maybe halfway through our term, then Governor Ada decided that the Organic Act did not allow for an elected school board. Because the law at that time, the Organic Act, the Congressional Law,¹ said that the Governor of Guam was responsible for public education, public safety, and public health. So he challenged the organicness of the elected school board and he won his case. And we were subsequently dismissed as members of the school board.

I'll never forget it. Former Lieutenant Governor Frank Blas came to one of our school board meetings and he brought the police officers with him to remove us from the Department of Education building. It was quite a scene. It was extremely interesting at that time. So then the senators were quite upset with that happening. And so they petitioned Congress to amend the Organic Act to allow the people of Guam to decide how they wanted to administer and lead in terms of boardsmanship the Department of Education.

And Congress responded and they amended the Organic Act to say that the people of Guam will decide how to administer their public school system. And the legislature representing the people of Guam passed the elected school board law that's currently in place. Again, I participated in that election and I won and served on the board at that time.

And then we are here again today. And I give that background to you to let you know that we've tried different models on the island. And I'm very happy, senator, that you participated in some activity to learn more about different education models. No model is perfect. And my personal perspective is I'd like to see improvements. And if it means that we forgo the elected board because the school system would work better with an appointed board, I don't object to that at all. I do not object to that. I want what's best for the children of Guam and Guam's future.

In the current board system, and I've been on the board about a year and a half, there are some deficiencies. And there are times, Mrs. Bokikosa is correct, that it creates a little confusion as to who does what. However, my interpretation of what we do as a board is we have our monthly meetings. We handle the agenda together with the superintendent. We set the agenda. And we vote on those matters that require board consideration. And I have to say the board is very careful in how they vote. They're very independent members there. And they try to choose the best course of action for the school system. The board has board committees. The board committees meet. And they take up various agenda items for the board committees that relate to departmental activities. And we have a curriculum committee. We have the school calendar committee. We have a policy committee. We have the finance committee.

So various committees of the board. And the board members give their input and their suggestions. But we don't vote on anything because we don't vote in committees. We vote only during board meetings on different things. But we try to give guidance to the school system as best we can.

Now, you brought up the issue in your comments. I listened carefully to your comments, Senator Borja. For me, sitting here and hearing that, of course, it's very sad for me because most of your comments were very negative, to be frank with you. And you may have a basis and you feel strongly about certain things. And I respect that. But I do want to say that there's more good than bad at DOE and on the school board. No one on the school board would intentionally try to hurt our school system, our students, or our educational goals. We are very different from each other. I try not to interfere in things I know I should not be involved with. I don't overstep my duties as a board member or as chair. I always work through the superintendent if there's a problem or issue that comes up and what's brought to my attention. I share it with the superintendent and I ask you to look into the issue because it's an operational, usually an operational kind of issue. If it's an informal complaint, if someone says something to me at a function and I want the superintendent to know there's a concern about this, I will let her know and I ask her to please look into it. I don't tell her what to do or how to handle it. I just provide the information. I don't micromanage. I have not personally seen board members micromanage.

I don't spend a lot of time at the schools primarily because I do not want to be accused of interfering with school operations. I will go to school when it's an honorific kind of situation, a graduation, an event. When I'm invited for a school function, I will visit the school but I will never go to school to direct them as to what they should do and shouldn't do. I'm hoping that the other school board members act the same way. I cannot speak for them but I do want to clarify that.

Now, in reading the bill, as was suggested, you know, I think there's probably some changes in order, right? I am concerned about senators appointing members to the school board. In terms of models, you have to go one way or the other. Either you have a fully elected board or a fully appointed board and in terms of public administration, you understand public administration. It's not common for legislative bodies to appoint people for boards and commissions. And I know we've seen a few where that's happened, GVB is one area that we see that in. There may be a couple others. But my recommendation would be that the appointing authorities should be the chief executive. In addition, I'd like to recommend that you consider looking at the current board model that we have for the Public Utility Commission and for the CCU. The CCU is an elected board, of course, but they are empowered to do what they do at GPA and GWA. The PUC is an appointed board and the members have six-year terms, which gives them that autonomy in terms of what Ms. Bokikosa was saying that we don't want to see an appointed board become a political platform. We want to see an appointed board act with independence. And you might see a better outcome if you give the board a longer tenure after they're appointed.

I don't think anyone on the PUC is beholden to any political interest in reviewing the recommendations of the Consolidated Commission on Utilities and making decisions on rates and investment, infrastructure investments by our utilities, by our airport, by the Port Authority, whoever falls under their jurisdiction. I would also suggest with great sincerity that we don't be too specific as to where the board members should come from in terms of identification with groups or representation of specified stakeholders. I'd like to give the appointing authority more freedom to make those decisions. And the reason I say that is because there's different periods in time where you may want to not have such structured appointments. You know, if we're going through serious financial difficulty in the government, we might want to have some board members that have more financial experience, more experience in dealing with funds rather than someone from the union or someone from this group or someone from that group. So you give the appointing authority more freedom to determine what is needed at this point in time in our school system so that it operates well, operates smoothly, and has the right policy makers on the board to help direct the direction of the school system, right? So that would be one of my recommendations.

And I also would suggest, and I think, again, you brought up the point that where do people go if they have a concern about the board members? The idea of having a petition to recall board

members. And we can do that right now. We don't need a law to allow that, by the way. If someone wants to start a petition and say, "we feel this board member has not been judicious in his or her responsibilities, and we, the people of Guam, represented by these 500 signatures or 1,000 signatures are petitioning that they be removed." And then you need to have a mechanism. Who's going to hear that petition? See, there's no mechanism for that. So you'd have to develop that as part of this recall movement, right?

But I would suggest that, and just like right now under the law, all of us are subject to review if we do something wrong or improper, we could be brought before the Ethics Commission, right? That includes all board members and appointed officials, elected officials, classified and classified. It doesn't matter. That's one review group if it's a question of ethics and integrity. And then we could also request perhaps a review by the Attorney General's Office if there's a board member that may have overstepped the law and how they're conducting themselves. We can ask for an independent review from that office to guide some action, but there needs to be, I would say, an external review system, rather than internal review system, if there's questions about board members performing their jobs or overstepping their bounds or doing something improper. We do have some existing entities.

We also have the Civil Service Commission that you can designate them as an additional entity to review against board members throughout the Government of Guam for overstepping their grounds. I'm sure the legislature wouldn't want to do their reviews. So you take an existing entity that has the ability to do it, to have an unbiased hearing, and then to evaluate and then to give their recommendation to the appointing authority. It should be the appointing authority that would remove a board member who's not performing their duties according to the law.

As I said, I think others may disagree with me. I'm sure Dr. McNinch may have a different perspective, but I will respect whatever law you pass, but I do ask you to please look at the necessity to ensure that as much as possible, the political element doesn't find its way into decision-making on the Board of Education. The appointment, maybe that'll happen naturally, you know, but after someone's appointed, their sole responsibility must be to the people of Guam and the children of Guam. So give them that independence, even as an appointed board, give them a longer term so that they go beyond the tenure of a legislature or the tenure of a governor. Re-evaluate whether the legislature should appoint people to the board.

I would say that also don't be too specific on which sectors of society should be pointed to the board. You know, one of the problems that governors have had in the past, and those of you that work with governors know, it's hard to get people from certain sectors to want to serve on a board, and so they don't have a person from this group there because it's hard to find someone willing to do it. It's not that easy to find people willing to serve on appointed boards and commissions.

Another thing you need to take care of is the complexity of people if you're going to continue with an elected board or a hybrid board like that. I have to tell you, it's a lot of trouble to become a candidate for the school board, and that's why you don't have a lot of people filing. Believe it or not, getting the 250 signatures is not as easy as it looks, and the question is why.

And then the other issue is the financial disclosure part. It's very cumbersome, and you know that because you can do the same thing that we have to do. And if you want to know about someone's life, who they owe money to, how much money they make, what they own, it's all there. It's all there for the world. And then I'm wondering, is that too much information? Is there a security issue there too? If people know what you own, could you be a target because all your personal financial information is there? You know, so I hope you would reconsider some of those requirements at present also, if you decide to keep an elected board.

So in general, you need to do what you feel you need to do. I can tell you that the board I'm working with is a hard-working group. We're doing our very best. The current law is not ideal. There's deficiencies. One isn't defining who does what. The other is that sometimes there's limitations on what we can do that make it harder for us to introduce the kind of reforms that are needed in the school system. We can only go so far because if we go farther, we're micromanaging. That's how it's interpreted by some of you, by some employees at the school system. And that's not a good thing. So we need to refine these things. Thank you very much.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you, Dr. Guthertz. Dr. McNinch, you may go ahead. Dr. Won Pat, will you be testifying as well, if you'd like to come to the panel. Thanks, Dr. Won Pat.

DR. JUDITH T. WON PAT, SUPERINTENDENT, GUAM DEPARTMENT OF EDUCATION:

Thank you very much, Senator. Senator Borja, Senator Gumataotao, and Senator Barnett. Well, I have to redo some typing over again, but I'm going to provide written public testimony on Bill 286-38.

And there are some notable characteristics and differences. Of course, I'd like to go ahead and share with the members here and the listening audience to clarify that Bill 286-38 (COR) eliminates the public's participation in determining the board's composition. Existing law allows the public to elect six of the nine voting members. The elected members serve two terms, two year terms. The governor, with the advice and consent of the legislature, appoints three members who must be one of each of the following. One, employed in an upper management managerial position in a private business. Two, a parent of a student enrolled within DOE. And three, a retired teacher or administrator of DOE. These appointed members serve the term for three years.

The purpose of this at the time, when former speaker Mark Forbes and I actually wrote this legislation on the composition of the board and trying to find many different possible options and making sure that when individuals are elected, they're not necessarily be able to fill any of these three in which then they are to be appointed. So Bill 286-38 will reduce the number of voting board members from nine to seven. All seven voting members are appointed by the governor, four of them, and the legislature two, and the Guam Education Board one.

The governor's appointees of four must be one of each of the following. The same three criteria that are set forth in existing law which is good, plus a single new criterion which is a member of the general public. The legislature retains its right to advise and consent to the governor's four appointees. The governor's appointed term of service is reduced from the existing law which is three years to two years.

On the legislature's appointees, two appointees are not limited to any categories like the governor's are but they must qualify to be as a U.S. citizen and resident of Guam for these five years immediately preceding the term of appointment, and during the term of service not to be a felon, not to have been convicted of a misdemeanor involving criminal sexual conduct, or a crime of moral turpitude, and then they must possess a high school diploma or equivalent and be at least 18 years of age at the time of the appointment. So neither the governor nor the board have any right of advice and consent regarding the legislature's two appointees. The legislature's appointees serve at the pleasure of the speaker of the legislature and may be removed with or without cost for terms of two years. In addition to voting members, the legislature provides one of the four *ex officio* non-voting members of the board. The bill also provides that the legislature itself would have a non-voting member of the board in the person of the chairperson of the committee on education or his designee.

This is not provided for in the existing law. The other three *ex officio* non-voting members would be the president of the mayor's council or his designee, the president of the Guam's Federation of Teachers or his designee, and the chairperson of iBox of his or her designee. All these entities are represented by *ex officio* members in existing law, but the proposed law allows only for those officers from those entities or their designees to be members of the board. The one voting member that's appointed by the board must be a youth representative, GDOE high school graduate between the age of 18 to 25. The GEB voting member serves one year term, so neither the governor nor the legislature have any right of advice and consent regarding the board's one appointee. The bill does not change the quorum or voting requirements, reducing the number of members necessary in order for quorum to exist and for the board to act from five to four.

For qualifications, as mentioned earlier, the bill would lower the age to qualify for membership on the board from 25 years of age to 18. There are some ethical and legal issues with Bill

286-38. By virtue of the Organic Act, the supervision of all departments of the Government of Guam, including the Guam Department of Education, rests with the governor of Guam.

DOE is not an autonomous agency. Bill 286-38 illegally infringes upon the functions of the executive branch. Bill 286-38 does not limit itself to changes which would improve the execution of the existing Guam Education Board. Instead, it proposes a completely new and untested paradigm shift by not only eliminating all board members but by enabling the legislature itself to appoint voting board members and by authorizing the legislature itself to have a permanent direct seat on the board, making it law for the chairperson himself or a member of the board. The ethical implications of granting such power to itself through this legislation are clear. However, more concerning is the fact that Bill 286-38 comprises an illegal delegation of power to the legislature to supervise the schools.

The governance of the Department of Education is vested in the Guam Education Board pursuant to 17 GCA, §3102. The board's duties include adoption of annual budgets, reviewing of periodic financial reports, modifications of the budget if and when necessary. The current law, 17 GCA §3102.1 (c), such inherent conflicts of interest and the negative consequences that would follow, should this legally impermissible scenario be played out made it clear why the Organic Act prevents the legislature as a separate and independent branch of government from exercising direct control over the Guam Education Board and GDOE. By setting up the board as a staging ground for two separate branches of government to wield power, Bill 286-38 opens the door to immense possibilities of each policy issue being dominated by political conflicts and severely hampering the boards and GDOE's ability to function. GDOE, the Guam Education Board, and our schools, employees, and students cannot afford to suffer the delays and dysfunction that are inherent in this bill. The novel untested structural overhaul being proposed in this bill is simply not legal or productive to GDOE's operations.

To close, and I respectfully propose, for this bill to be withdrawn or put together a group to look at the bill. And like the senator said, and I know Mr. Chargualaf said also, the three of us have been in GDOE for many years. We've seen many boards come and go, and it was a problem that the legislature in the past have always looked at, and many different options have been tried. You're never going to find one board that is going to satisfy everyone all the time, whether you want an elected board or an appointed board or a hybrid board. And to elect even the superintendent, then it becomes political. If you want politics out, I suggest you stay away from even having the superintendent being elected because that will be a popularity contest, not qualifications. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you, Dr. Won Pat. Dr. McNinch.

MR. RON MCNINCH, MEMBER, GUAM EDUCATION BOARD:

Thank you, Mr. Chairman and senators. My name is Ron McNinch. I'm an elected member of the Guam School Board. I served for six years, and as an appointed member under two different governors of two different political parties, and then I've been elected twice now and for the last four years or so. I appreciate the opportunity to give testimony today. I just want to make a couple of preface comments and say it's very hard to follow these two Judi's. I mean, they both have so many good and neat things to say. Also I wanted to point out that I noticed that this discussion really isn't about education, as much as it is about our children. And I think that our children are in all of our best interests. I think if we have an agreement on anything, I think that's a major point of agreement that these discussions are, how can we better serve our children? How can we better serve our youth?

And I just want to point out, I noticed when I came in here, there were some high school interns, Senator Borja, and they told me they're in your office. I hope all senators have interns. I think it's so wonderful to get young people out into real environments and it's a part of their learning process. And I think that the more we can do that and be mindful of that across all professions, the better. I just want to make a quick preface comment on that.

Under 17 GCA §3102.1 (p), one of the duties of the board of education is to make recommendations on policies and bills. And my points today are related to that. I'm speaking on behalf of myself. Our board hasn't articulated a position on this yet and I believe that our chair certainly will come up with a board position that's unified, and so my views today aren't necessarily reflective of anyone on the board other than myself. This particular bill, like many bills, seeks to change things and whenever you try to change things, conflict is created, resistance is created, and that's a natural part of the change and legislative process, it's to be expected. And there's nothing wrong with that, actually resistance or having a conflict can be good sometimes because it can spark action, and that's certainly a part of the public policy process. In section one of the bill there's a discussion of data or voices or information being consistently mentioned about the board and, if possible, if I could get copies of that data or those discussion points, it would help me better inform my letter which I'll write right after this particular point.

As I mentioned, I was both appointed and elected. In my experience, being an elected member has more respect from the community. People connect with you a lot more when you're elected. I do believe in at least talking about electing the superintendent, but for very long terms like 8 to 10 years, which would create stability. But again, that's just an idea. Now, I need to mention, this is a very unique moment in time. If we go back to the Guam Constitutional Convention, there was a whole section on education. I encourage everyone in these conversations to look at that. They proposed an education commission. And by the way, both Dr. Guthertz and Dr. Won Pat served on that commission. It's very rare to meet people, especially two people at one time who

served on that convention and commission. I think it's a very very unique opportunity. But I think that having an education commission aspect is something to certainly discuss.

But there's something in the earlier meeting today that Senator Barnett brought up, and he brought up the issues with FB Leon Guerrero school. I'm a big advocate myself of sightbased schools with individual school boards, where you have the parents and teachers and other major stakeholders at the school, and then they become the advocate for that school, along with the mayors, the village mayors, and they become the experts in the conditions of that school. And then the Department of Education is the central administrative function, of course, but I'm talking about in terms of school elements. And so, in a way, I've suggested taking a look at virtually making every public school site a charter school, giving the parents and teachers the ability to have that direct voice. And I think that there's something that could be said to that.

I have another couple of general suggestions about best practices, which I think would be good for the education board. And these are just ideas. I think as Dr. Guthertz mentioned, the PUC has six-year terms. I think six-year terms are great. I think if we have six-year terms, we should stagger. I think that all nine members should be elected with three elected per year. So three board members could be elected per election cycle. That'll increase the competition and reduce, you know, just only having six people run for six positions, so to speak. I think the 18-year-old should be able to run for the school board, and I think it would be a great neat opportunity to see young people get themselves elected. If you appoint young people to boards like this, they're not respected as much, and I've seen that not only on Guam kinds of boards, but also nationally. I was on the NASBY board for many years or for five years.

I'd like to talk just for a moment about the election packet. This election packet is just as complex as the packet for senators. It really is. I'd love, you know, please go take a look at this. And I'm not knocking the Guam Election Commission. They're just following the law. But I have some suggestions about applying for the election on this. I think that there shouldn't be signatures required. Just charge them a simple fee. You want to charge a fee like \$100 or \$200 to keep people from becoming vanity candidates, where they just put their name on the ballot. You want them to have some investment. The other point is rather than police clearances and court clearances and things like that, just require sworn declarations. It'll save candidates money. And also most of the people who run for these positions don't have court issues or police issues. And we have had people get elected. Matt Rector and Jonathan, where Matt Rector got elected to the legislature, lied about his criminal record. Jonathan Toves got himself elected to the Guam Education Board many years ago, lied about his criminal record. There are people who are not honest. But I think in general, for the most part in our community, we know if people have criminal records or not, or people that will at least talk about them. So that's one little point. I think requiring police clearances and court clearances is a discouragement. It makes it easier. That's my point here.

Also on the finance declaration, I agree with Dr. Guthertz. I think that there's two elements of the finance declaration. One, does a person have conflicts of interest with the government? That should be openly stated and you should swear a declaration to that. The other point is I raise zero money when I run for office. I never have, and just be able to sign a declaration on that and reduce a lot of this paperwork, because this paperwork is really putting a chilling effect on people running for these offices. In my view, you'll have a lot more people run if you adjust this a bit. Again, I'm an advocate of site-based management. I'm a big fan of it. I believe in giving parents and teachers and students real power and the ability to really be able to work on things. I think that there's some truth to that. I think that in general there's a point in this, both in this law and in the other laws about the chair. I don't think that's necessary, I don't like limits on the chair. We've had very good chairs that had to time out and it would have been great if they would have stayed because what we got in return was not up to par. I'm just being honest. We had a really good chair and then suddenly they had to leave because of the two-year limit. Then no telling who you're going to get. So, if you have a good chair and they're elected every year by the board, you want to keep them. That's my point. And by the way, I'm not knocking any individual chair, but some people can sing good karaoke and some people can sing bad karaoke. Same thing with leadership. And there you want a good leader on this board. That's what you want. And Dr. Guthertz is a very good leader, by the way. And so is Dr. Won Pat as superintendent.

I am deeply vexed and concerned about the things I've heard. I spoke to Dr. Guthertz about this, about employees feeling that they're being retaliated against or there's potential retaliation. You know, we require some public officials to go through ethics training. I think we should suggest and make available retaliation training, meaning how to mitigate and avoid retaliation for our government employees. We have a lot of protections for our government employees if they invoke them appropriately. There are ways to invoke them. And by the way, I've made numerous complaints at my government workplace here. I've always backed them up in a way that shields me from retaliation. I cite the law. I cite the whistleblower concepts. I cite whatever protective law exists, and we need our employees to know they have these protections.

And then the other point is sometimes there are resources like in the union and other places that can help. And again I know it's not a cure all, but I'm just making that as a suggestion of trying to move forward on it. We need to help people to know that these process systems exist. We usually do public trust studies. I've done a lot of them over the years. The Guam Judiciary has the highest level of public trust. They're usually between 50 and 60%. Executive branch usually hovers at about 30%. Both of those are equivalent approximately to the U.S. mainland and the states. The legislature is usually between 18 and 20%. Again, that's about average for how people view the legislature, but individual senators range from 60 down to 30%. So, it's you know, hate the legislature, love your senator, so to speak. During COVID, the Guam education system was nearly 60%. We had a very strong level of public support. The work that the

employees did to feed our children during that time was incredible and it was probably underappreciated, and the hard work that many people did to try to go through and make COVID work was probably not recognized the way we should have recognized it.

On the audit report, I love audits. I'm an auditor. I'm a fraud examiner. I love audits. I love audits, and I applaud the legislature for getting an audit report. I think audits are good and I mentioned this in other places. I prefer that it would have been done either through OPA and paying people locally for it. That's a pet peeve I have. But then the other thing is that there's a lot of stuff in that audit that probably should be discussed in a side meeting, you know, in an informal side meeting even because there's a lot of elements that really deserve discussion. And I know that sometimes doing it in a public form is a little bit difficult, but there's some important points that should be talked about. And I am concerned if part of it is as a board member, people don't tell me if they're being mistreated by another board member. It just doesn't happen because I don't get, like Dr. Guthertz, I don't get involved in the schools. I stay away from everything. If I had heard about that, I would have done exactly what the law says. I would have referred it to the chair of education and said there's been a complaint, or first I would have discussed it within the board chair, but then according to the law, you refer it to the chair of education. That's what the current law says. And I'd like to encourage all members of all boards everywhere, to read the laws that govern your organization. It'll really help a lot.

Finally, regarding removing board members, I have asked board members to step off the board when they weren't doing their job. I've done that. I've done it more than once. I'm not trying to brag about it, but there are reasons that they weren't doing very well on the board. It wasn't because they didn't have a work ethic or anything else. Sometimes they had conditions that made it difficult for them to serve. As responsible board members, we need to be able to have peers tell us very frankly if they're out of bounds. At open board meetings, I have said, "Excuse me, Mr. Chair, I think our fellow members are out of bounds here. I think this is micromanagement." I've done this openly in the board meetings, but regarding the thing about individual interactions with individual board members, I don't hear that as much. And part of it is, and by the way, part of it is maybe because I'm almost a foreigner here in some ways. I don't have family connections like a lot of other people do or things like that. So, I don't hear about things like that, but I do listen to employees when they talk to me. And I think that that's a part of it. But it is I believe that removing board members, the board itself in the current context can remove board members if there's a cause for it. There's a process for it in the statute in the law.

Senators, I'm going to write this up in a letter. I'm going to discuss it with my peers and get additional input. I greatly appreciate the views of our other board members. I don't know the gentleman at the very end, the school team. What's your name again? Jordan Bokikosa? Very impressed with that. Very good. I like finance folks.

And senators, thank you so much for allowing me the opportunity to say a few words today. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you, Dr. McNinch, and now we'll go into questions. We'll go ahead and start. I'll go ahead and start. I'll start with the comments in regards to your response to my opening, Dr. Guthertz. You know, and I'm going to say this from a place of like I have a lot of respect for you, I was your student in the BBA program, I was your student recently under the masters program. But, you know, the place that I come from, especially when it comes to the board and the advocacy um that I have, not because my wife is a school counselor or her family. This comes from a place of listening to hundreds, even before I ran for senator, it was no secret in regards to the issues at the DOE or the issues on the board. But what I think this is the conversation starter for what we need to address is the issue within the department that really most think that the board is going to address or are going to address. With my experience as the education chair over the last year and a half, every single issue that has happened, whether it be finances, assaults, you name it, not once, and I'm saying this from my experiences as a chair, and I'll leave it up to the former chair to elaborate, is that not once has the board ever stepped in publicly and say, "We take full responsibility or we will address this issue." The issue has always come before the legislature. And that's fine because our job as senators is to listen and to respond.

I think no matter how small or how big the issue is, it's our obligation to respond to our constituents. I think the big problem that I have, or that I've always had over the last year, is that it's only grown over the last year in regards to concerns, like GDOE employees not feeling and knowing that they can speak up, or they can go to board members, or board members addressing the issues that employees have raised within the department, whether it was to a senator that probably brought up in a public hearing on an oversight or through them bringing it up through their leadership. We talk about the board and why we're having this conversation. And I mean, if you think about an employee wanting to speak up to the board, I mean, at least for me, as I've been the chair, I've seen employees at a board meeting get humiliated or attacked in regards to work performance or issues within the Department of Education. So why would you expect an employee when you have that kind of culture with the board, and these are elected members that make employees feel like their opinion doesn't matter or scare employees? Again, if a board member can publicly, on the record, attack employees, why would an employee want to speak up?

I mean, we had a discussion in the last oversight hearing when we talked about the audit, and at that time there was a leaked letter that went to KUAM Island Board of Governing students speaking up against or about board members being demeaning or getting yelled at and not feeling like they're being supported by the board. And so when you say that what I had shared in the beginning was negative, that's not from me. I speak on if not hundreds of thousands of

employees at the department. And this is not to say you suck. You need to quit. I'm saying that this is a cry for help. And I'm sure these other senators, when they speak they're not speaking for themselves. I'm not speaking for me and I'm not speaking for my wife. I'm speaking for the hundreds of employees that are saying they need help. They want to be heard. They need people to care. It's not even about they need to be coddled. They just need people to care about what they need and what they want or what they need to be able to feel like they're a part of the organization. And that's all this discussion is about. And again, whether it's full governor, legislature, student, there's obviously an opportunity to change the way things are.

I think the biggest issue that we need to address, and every single one of you have said, is how we remove board members, because I feel like that is the biggest problem. We've had board members who have not done their job or have gone beyond their legal limitations, and what their responsibilities or what they can or can't do as board members. And so, you know, I hope that this discussion today is something that we, not just senators but even as board members, and I will give you kudos with the new leadership, and maybe it's a new superintendent that it's been a lot more respectful in the board meetings that we've seen. But I think despite any, I mean whoever was the superintendent, I don't think that's what brought us to where we are today. Thank you for the good, you know, the good working relationship that you have with Dr. Won Pat, and we hope that again, this goes down to the organization because that's where a lot of the push for change has come from. I didn't run for office and then decided one day that we needed to change the board structure. This came from hundreds of voices. I'm sure Senator Barnett has been here longer, has had more complaints and we need to try something. It's not working.

And so with that, my question is with everything that has gone over to the Department of Education, do you think that it is the board's responsibility or should bear the responsibility for the success or failures of the department based on the way the law allows you guys to exist?

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

There are certain things we are responsible for and we should always take responsibility for it if it's not done right.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Just for the record, what are those things that you believe that the board is responsible for?

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

Well, we're responsible for hiring the superintendent. We're responsible for approving the budget for the department and ensuring that the funding is used appropriately according to the law.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

With that there, let me ask you since you're saying that it's your responsibility to ensure that they're using the money in accordance with the law. So, with what just happened and what we talked about earlier this morning in the oversight hearing, what responsibility does the board bear in regards to some of the things that were said that may lead to legal action because of spending money that should not have been spent? Was there any oversight from the board?

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

First of all, it has to be based on mutual trust between the board and the organization itself. And there's a lot of information that's not shared with the board that we would never know, that there's been funding decisions made that are not in accordance with the laws and the rules. I mean that that's been my experience. We learn about things after the fact, not ahead. You know, I heard today and I was a little surprised. We've been hearing about commitments made in ways that are not in accordance with the law on the expenditure of funds. We only found that out after a change in leadership in the department because that information was not shared with us. Obviously, we know why. And that's not acceptable. That's not acceptable. And I think that's a reflection of the weakness of the law itself. You know, we don't have the power to interfere with management's prerogatives at the department. And that's not necessarily a bad thing. But when there's obviously inappropriate actions with respect to how money is being spent, you know, we should be informed about that by the director or administrator of the department when they learn about it.

I'm sure Dr. Won Pat had no idea when she became the interim superintendent or the acting or the permanent superintendent that this had happened at DOE. We know there were problems in terms of how federal funding was being used and reported on meeting the reporting requirements. But we didn't know that it was being used in a way that could in fact be improper, legally improper.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

But with all these things that, you know, during the last oversight and the budget hearings, GDOE has come in and said they're going through a phase of discovery right? Again, my question is what responsibility does the board bear to ensure that as Dr. Won Pat continues her term as the superintendent, we're not going to wait until the next superintendent to come in because you're saying the board is responsible for passing the budget, then ensuring that we're spending government money in accordance with the law. What went wrong with the board not catching that? Again, you're saying that there has to be a relationship between the agency and the board. So what do we do moving forward then to ensure that?

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

Well, I'm sure that because of the current law we deal with the superintendent, and she has to be held accountable. Now, if the superintendent didn't even know that was happening, with the

former superintendent, how would we know? How are we to find out that money was being used, let's say, for entertainment, for meals at the expense of federal grants? How would we know that? None of us were present at any of those functions where these meals were provided? I don't even think the superintendent was. So, how do we find out?

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

I'm going to add a little humor, but maybe the same way they found out who HR was hiring all the time and who was traveling, right? I mean the board was very good at knowing who was traveling, who HR was hiring, and that's all I'm saying about travel all the time.

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

The board members complained about travel and we encouraged the superintendent not to.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

So then again, you know, who bears a responsibility for the actions of the department of education?

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

We don't have power over travel. That's an operational decision, over who travels and decides over that.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

And you guys had oversight over finances, which again we're here today saying that there was a lot of shenanigans, like Senator Telo likes to call it, that happened.

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

And I think the answer is very clear. It's very clear. As you move towards a new model, you have to carefully think about how to see that accountability occurs because of the restrictions and the limits of the school board. There's certain things we didn't know occurred. And that's very true. How can we be responsible for things that were not disclosed? Now we are aware and certainly our superintendent is not going to allow those things to happen under her watch, and the current law we would hold the superintendent accountable if it does.

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

Thank you. Dr. Won Pat, I just have to ask because when you were the adviser to the governor we had this discussion, and we talked about the structure of the department. I know today your testimony you had your points in regards to why you don't necessarily support the bill, I'm assuming to form, but really even thought of me considering the structure or governance of the department, you were the first person who told me we should give and we need to give the

department back to the governor. Today that position has changed. If you could elaborate so that I understand, and on the record.

DR. JUDITH T. WON PAT, SUPERINTENDENT, GUAM DEPARTMENT OF EDUCATION:

No, I did not say that, and at the end I just said that this department, and all departments and agencies, fall under the executive branch, and the legislative, you have your own purview. And so the judiciary. And I was in the legislature at the time when that conversation actually happened very early on in my term. And when the request was made to then Congressman Robert Underwood to amend the Organic Act, because there are only two sections in the Organic Act where it says the governor is in charge of health., and the governor is in charge of education. That portion was changed. That section was amended to say that rather than governor, it turned to government.

But it never took the governor out because DOE has always been under the executive branch. It may not, in this particular case, now appoint the superintendent as previous governors have done in the past. So that's basically the only thing. If there's anyone who has more say so, it will be the legislature because you have the power of the purse. You can decide, if you don't like what's going on, you reduce their budget. If you like the superintendent or the director, you may want to provide more funding. You know, it's all political. But that hasn't changed. I'll never forget, and this is my Republican friend, Former Speaker Tony Unpingco. He would always remind me of the actions that we took at the time about setting up the board to have them elected, and he said "the buck stops with the governor," and it truly does. And at the time we didn't see it until we saw what was happening, and to this very day, yes, the buck stops with the governor. If you may decide to not give the department the funds that it's requesting for. And when we say it stops with the governor, because the governor has the power then with a certain percentage that you give the governor to transfer money into the Department of Education, or any other department, and to also take money away. Hence he's correct.

Speaker Unpingco is correct when he said that the buck stops with the governor, and ultimately the governor is in charge of the executive branch and all departments and agencies, and we are an instrumentality of the executive branch.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

So would you support a proposal to give the Department of Education back to the governor?

DR. JUDITH T. WON PAT, SUPERINTENDENT, GUAM DEPARTMENT OF EDUCATION:

I have no objections to turning over the Department of Education to the governor. I've never said that. You know that I objected to it, and I spoke with you, and that was the position the governor

had and asked me to speak with you about it, because 18 schools were closed and she could very well just say, “no, the legislature should misappropriate the money and support the Department of Education.” But she stepped up and she called all her department and agency heads. She even appealed to the autonomous agencies, and they didn't have to do this but they did, because they all felt, the entire government felt that we are responsible for all of the children, and that's why everyone stepped up, including the legislature. So that part has not changed. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you Dr. Won Pat. I'll go and open up the panel or open up the questions to my colleagues. Senator Shawn Gumataotao.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

Yes. Thank you, Mr. Chair, and thank you to the panel for being with us this afternoon. I just wanted to say just a couple things before I jump on my questions, that I appreciate the reference earlier from former Senator Guthertz about the PUC and CCU, as well as Dr. McNinch's reference to Chapter 17, which gets me to my question. In Chapter 17, or sorry, 17 GCA §31109, it grants the Guam Community College and the GCC Board with the powers necessary and convenient to carry out and perform the purposes and provisions that are outlined in GCC statute. 17 GCA section 16104.1 establishes that the University of Guam's Board of Regents shall have general supervision over the university and the control and direction of all funds appropriated to the university, subject to such provision. Sorry, subject to such restrictions as may be prescribed by law. Additionally, the board shall set the policies governing the duties, conditions of employment, compensation, salary of all employees of the university.

Now recognizing that there have been repeated discussions in our community questioning whether the Guam Education Board should be a governing or policy or advisory body. Does the section of law, 17 GCA §3102.1, which prohibits the board from interfering or micromanaging GDOE affairs, make it unnecessarily difficult for the board to ensure general supervision over GDOE so that members can be held accountable for the state of public education in Guam? Does anybody want to comment? If you can please.

DR. JUDITH GUTHERTZ, CHAIRWOMAN, GUAM EDUCATION BOARD:

In the beginning, I have said that, I have mentioned to Senator Borja that we are restricted, and even the questions you were just asking, how come we didn't do anything or how come you didn't know? Because we didn't have the power to go into the organization and to look at these things. Honestly there are restrictions on what we can and cannot do because of that provision in the law.

Now, if you really want to do something different, you might want to look at the Department of Education the same way you look at higher education. Give it that autonomy. Give it control over

procurement, which is one of the biggest issues that we have in the Guam Department of Education. It slows everything down. Give it a board that has power to ensure compliance. Give the board members a longer term. I suggested six years so that they can act and not feel that they are limited in their authority. The PUC model works so well. The CCU model works well. This model doesn't work well. And I think part of the problem, and with due respect to the senators, and I've been among you in the past, the senators still want to control a lot of DOE. Maybe it's because of not being comfortable with the way it operated in the past or the finances or whatever. But we got to get beyond that.

You have to empower the board. You have to give them the autonomy it needs. You have to give them trust also. You have to trust the board to do the right thing. So if you empower them.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

Okay, speaking of empowerment, Dr. McNinch, did you want to chime in?

MR. JORDAN BOKIKOSA, EMPLOYEE, GUAM DEPARTMENT OF EDUCATION:

I'd also like to chime in after if possible.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

Let me just stick with this first, please.

MR. RON MCNINCH, MEMBER, GUAM EDUCATION BOARD:

Thank you. Thank you, Senator Gumataotao. I agree. Micromanagement is a vexing term. Part of it is undefined. You know, what does that mean? Micromanagement? The other consideration I have that I'm a little bit afraid of is rather than use micromanagement, use a more appropriate term. But I have to say as a board member, I would always want to channel management related things with the superintendent directly. My fear would be an individual board member going off on forays of, you know, can you imagine if there's issues with others that are making complaints? I think if board members are going to get involved more directly, they can't do it alone. They've got to do it where somebody else is with them to temper their behavior, so to speak. Okay.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

So, with that said, during a November 4th, 2025 public hearing on a different but related bill, which proposes to extend the terms of both the elected and appointed board members. I referenced the committee's findings and recommendations for the measure that led to Public Law 30-183, which established the current Guam Education Board. Now, the education committee of the 30th Guam Legislature wrote that it intended to provide for a policy decision based on the proven success and accountability of the respective educational boards of the University of Guam and the Guam Community College.

At that time, I remember that very vividly. I was serving as the Deputy Chief of Staff to former Guam Governor Felix Camacho. Dr. Guthertz, you were a member of that 30th Guam Legislature, and the lady next to you was serving as the speaker of the 30th Guam legislature. So I wanted to ask based on that, this bill gives the governor four appointments and the speaker two, with all but six serving at the pleasure of their appointing authority and removable without cause. To the panel, how does this structure insulate education policy from political interference, as Ms. Bokikosa mentioned earlier, especially when the governor and the speaker may have competing interests?

MS. DORIS BOKIKOSA, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

So as I mentioned earlier in first reading the proposal, “oh my god, appointed? by Adalup and here?” And again, it's nothing against the governor, whoever is serving, nothing against senators, whoever is holding the positions, but that just puts politics right back into the department and how it's run, whether it becomes now again unappointed superintendent. Again, as I mentioned back in November in the town hall meeting, been there, done that. We've had directors, and I'll call them directors at the time, that really had no experience in the education field. And again, I say that too about the members of the board. I'm willing to support it because it gives some guidance as to where these individuals should come from or what they represent. And I respect the others opinions on, you know, we're kind of narrowing down. But the issue becomes, and I said it before, any Tom, Dick and Harry who wants to run for the board, who has no experience whatsoever on education, on financing, on how the budget works, on the processes within the department. Dr. Guthertz said it, procurement is an issue, not the people in procurement, the process of procurement. How can the board then make some proposal, bring it here, and ask for change so the department can work more efficiently?

That's what I'd like to see with the board. I want to see policy changes. I want to see recommendations for laws to change so we can improve. I look to them and just wanted to say, “hey, help us.” And I say “us,” even though I've been retired for two years, because I see that my colleagues continue to suffer because no real changes are coming forward. Great resolutions. But what does that really do for changing law? We need to buddy up with you. “Hey, if it means, okay, a speaker, you know, representative is going to be in there, does that mean we're going to get more ear here, more support here in the legislature?” I don't know. You got to balance, but we need more help with the department, and I don't just say that for DOE because that really is everywhere, but DOE specifically because that's what we're here for.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

Thank you so much. Jordan, you want to say something?

MR. JORDAN BOKIKOSA, EMPLOYEE, GUAM DEPARTMENT OF EDUCATION:

Yeah. So of course directly to your question, I don't believe the bill as it's written right now does provide that protection from the politics of it all. That's why I think it was sort of recommended amongst the three of us. Let's not necessarily do it as at the pleasure of the appointing authority, where it lets the same thing happen with the superintendent. Like I said, let's have the appointing authority appoint, and let some other mechanism be the removing, because like we said it just subjects everything to politics, it's the same reason why I disagree with the idea of putting GDOE back under direct control of the governor, and it's the same reason why for me, my ideal version of a GDOE is that the buck stops with the superintendent. I don't necessarily agree that the buck stops with the governor because the governor's transfer authority doesn't necessarily apply to the funds of GDOE in the same way that it would in the other way. So the governor has the ability to transfer money into it, but not necessarily out of it. So, there's no way for her to necessarily control it fully. She has a responsibility to potentially address with additional money, but there's no guarantee there's additional money. And so I don't fault the governor for not putting up big bucks, you know, when GDOE is in need, and plus the audit shows there's plenty of money within the department right now. But of course, there's all these caveats that you went over in the oversight this morning about why it's all.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

And I totally get it. I've been a signatory on the state fiscal stabilization fund as the deputy chief of staff. So I get it. I understand where the administration will be coming from relative to having to have some accountability because they're the ones having to sign off on some of these grant programs. I just want to ask one last question because I know I'm running out of time, but I was going to go at some of the bigger issues relative to some of the things I've heard publicly, but I just want to ask. We're trying to put policies forward to try to help improve the relationship between the board and GDOE management and staff in the interest of strengthening public education on Guam. Can that be done? I know we haven't heard from Mr. Chargualaf, but can that be done?

MR. KENNETH CHARGUALAF, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

It could be done and that's why I like the concept of an appointed board, and the appointed board should primarily focus on policies. You know we used to have two types right? We have the executive ran, the scoop system. That's the governor's appointment. I like the idea that we have the governor to appoint and even the speaker to appoint too. And here's the reason why, because they have full managerial control for the operation, the funding here at the legislature and that of the governor. They have all the government resources, that if there is a need to jump in to rescue the Guam Department of Education for whatever those marred issues are, the government resources are readily available under the governor's authority and so as the Guam legislature. That's why I like the concept, the board's primary responsibility is to create policies and that the operation should really be the management of both the legislature and the governor.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

And with that said, removing elections means the public can no longer directly vote out underperforming board members. How does this bill ensure accountability to parents, students, and taxpayers in the absence of electoral accountability? And I think that's all I have in time. If anyone wants to address that.

MR. JORDAN BOKIKOSA, EMPLOYEE, GUAM DEPARTMENT OF EDUCATION:

I have just a general comment. I think that again it goes down to we need to implement some other form of removal, some other mechanism. You know, of course, like you said, you can't have just an appointment and then, "oh, the governor likes their appointees." So, of course, they're not going to say, "oh, I'm removing you from the board, even if they're not performing." So, you know, if the appointments are, whether it's coming from the governor or the legislature, that's fine. But let the removal be through some form of mechanism where the public has direct input into whether we want to recall this person. And that I think the reason why it sort of came up is because Dr. Guthertz brought it up. She brought up that really there are some recall portions within government or with GovGuam law, but the way that this is written, it doesn't reference those so whether that applies here and what the thresholds are for how many signatures if it was a petition, it's not clear. So that's my recommendation, it would be to let the people be the determining or determinants of whether or not we're going to recall something.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

Thank you, anybody else wants to chime in on that? How do we ensure accountability if we're not going to vote anymore? How do we do that? I mean, as a guy who had three kids in the public school system, I'm curious.

MR. KENNETH CHARGUALAF, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

Yeah. You know, under the current system, really the accountability. I mean, I was appointed by the governor to be a board member in 2015, I believe, or 2014. And I decided to step out even though I was elected in 2016. And I find that as the current model of this board is that really we don't have that sense of accountability, that when the issues come before us, the operational matters really belongs to the superintendent, and that the superintendent acts independent really from the board, that many times there's conversation and we were not really together as a board. I have to say that and I have to admit that we were not in sync on many of the issues, and that's why I like the idea because when there are issues out there in the community, we go directly to the appointed authority and say, "we have shared our concern with the superintendent." There was no accountability there. We have shared it with the board. Nothing. But now I am coming to you, also to the governor.

And I was the associate superintendent when there were a lot of issues and, eventually, the buck stops with the Governor of Guam. And I appreciate that because the accountability rests with the Governor of Guam, because at the board's level, if there are nine of us, that superintendent has nine supervisors, and each of the board members has something to say. We have our own personal agenda. Let me just say this. I have the history of the elected school board. The election of the school board occurred. It was enacted into law on November 10, 1993. The election of the elected school board prior to 1994, because the election of the school board was on November 8, 1994. Prior to that time, it was an appointed board. I don't remember salient issues prior to 1994. After the elected school board, they assumed office in January of 1995. On November 13, 1995, the issues that we are faced with right now are repeated issues since November 30, 1993. And let me just list some of the issues. About 300 employees, including parents and students, teachers and community members. We called it "the March to Adelup." I participated in that march. The grievances include micromanaging and abuse of power by the board. This is the elected board now. Harassment, fear, and intimidation. Personal transfers for punitive reasons. I was a recipient of that. Interference with the school operations. Lowering professional certification standards for teachers. Holding secret meetings.

We have existed, the elected school board has existed for 32 years. And let me say this that yes, you're right. Public Law 22-042 was enacted on November 10, 1993. Public Law 24-142 was enacted February 27, 1998 to replace the prior governance structure with a new model. Then Public Law 26-026, July 5th, 2001, created the different administrative framework and redefined the roles of the superintendent on the governing board. Public Law 30-050, July 14th, 2009 restored the Agency's names of the public school system back to the Guam Department of Education, while primarily naming change, it affected the statutory governance. Then Public Law 30-183 established the current Guam Education Board and vested in the governance authority of the board, and then redefined the board composition, duties, governance and responsibilities. So really we went from territorial board of education, to board of education, to Guam policy board, to now Guam Education Board. So we went through a lot of reforms throughout the life of the department, and I believe the Guam Department of Education was under the territorial board of education in the 1950s to and then 1994 is when we have now the elected school board.

So looking at the two models, I say to myself, I couldn't remember when it's an executive-run school system, major issues coming from the department. After that, in 1995 to this day, it's the same issues that we are faced today. Something has to change. And I like the proposed bill because again my only thing here is that the board should be a policy board, and let whether it's legislative or governor or combined, be really an executive-run school system or legislative-executive run school system.

SENATOR EULOGIO SHAWN GUMATAOTAO, MEMBER:

So the only thing different than in 2026 is that back in that time there were 35,000 public school students. Today, we're at 23,000 but issues still remain. A fascinating discussion this afternoon and I want to thank you all for being here. And Mr. Chair, that's all my questions, and thank you for the time.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thanks Senator Gumataotao. Senator Barnett.

SENATOR CHRIS BARNETT, *EX OFFICIO* MEMBER:

Thank you, Mr. Chair, and good afternoon to everyone watching on our YouTube stream, and most especially thank you to the panel. Senator Gumataotao is right. It's been a pretty fascinating discussion. A lot of history is here in this discussion of Bill 286-38.

Now in the bill's legislative findings and intent, it reads that “I Liheslaturan Guahan finds that effective educational governance requires direct and balanced representation from those most impacted by education policy, including classroom educators, parents actively engaging their children's education, representatives of business and industry who understand workforce development needs...” etc. The problem I have with the bill is that although it says that effective educational governance requires direct and balanced representation from those most impacted by education, the bill removes the ability of those most impacted by education to act on things like voting out board members. And this is something that's kind of been glossed over in some of the testimony. And for me, that's the biggest thing in talking to other parents and stakeholders, is that this bill is pretty dressed up, but at its core, what it does is eliminate the people's right to vote for their board of education representatives. And that's kind of a big deal to me, when you take away the people's ability to vote in any instance. And you know, as we sit here and we're asking each other, how are we going to make sure it's accountable? How's it going to be transparent? I think we all kind of agree that I don't think it will be transparent. I don't think taking away the people's right to vote and giving it over to the politicians to run the Guam Department of Education, it just doesn't seem like the right move to me.

And I've attended just about every town hall. Those that I didn't make it to, I was sure to watch. And I never heard a single testimony from a single person say, “the board of education's not working. Take away our ability to vote for who represents us.” Nobody said that. In fact, I think the discussion was largely on whether we want to make the board a governing board or you know fine-tune whatever model that we want to do. Ms. Bokikosa, I attended the hearing at the DOE central office, and I was really surprised to see that you support the bill. But in your testimony, you said that initially your gut told you that there could be problems with it. And I agree with that initial assessment to give over the Guam Education Board to politicians. I mean, we might as well just give it back to the governor, because then these political appointees will control who is selected as superintendent. They'll control everything, instead of the people of

Guam being able to really hold accountable those members who serve on the board. Now that does not by any means mean that I support the status quo.

I think you know one of the first things that the legislature should do is really provide more consistent oversight. It's been my experience as the former chair that if you don't get GDOE in here monthly, I mean you let them go for six months, things are just going to go all haywire. And I think that's what we're kind of seeing in this term is even though we don't hear from the Guam Department of Education, where things happen fast, they pile up, and then we senators are left here trying to untangle all of the shenanigans, for lack of a better term, and so that's my problem with the bill.

Although I did really enjoy the discussion here and I think you know Dr. Guthertz brought up a good point of how far we went to get to where we're at today. We lobbied the Congress of the United States of America to change our Organic Act to give our people the ability to vote for their board members. And I'm just not sure the conditions of the department are as complicated as they are, I don't think that warrants that we need to go backwards and give politicians even more power over our public school system. And I think as we sit here and we contemplate the bill, we're jumping through a lot of hoops trying to figure out how we get rid of these political appointees. I think, you know, that's a big sign that the bill is very problematic, and I would agree with the superintendent that it should be withdrawn. And I think we've had such a great discussion here. It'd be really good to have a roundtable where we invite more stakeholders because I don't think we should make this big of a change without significant public input, especially if the public input we've already received did not ask for this. I didn't hear a single testimony from a single person saying "take away my ability to vote for the people who are going to represent my children in the public school system." And I am a public school parent.

So those are just my concerns. I don't really have any questions. I really enjoyed the testimony and the perspective. And again, I thank the chair for the opportunity to comment on the bill.

MR. KENNETH CHARGUALAF, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

May I make a comment? You know I really like the idea also that it's been proposed by Dr. McNinch, by looking at each of the individual public schools to have their own site-based management or sitebased board, and we still have the state board, Guam Board of Education, to focus on curriculum, central issues, and then the school site, site-based management board will take care of the operations per school, working closely with this respective school principal. That's another model that probably something for us to ponder.

SENATOR CHRIS BARNETT, *EX OFFICIO* MEMBER:

I like that. Thank you, Mr. Chargualaf, for that input. I don't know if I necessarily agree with having 19 different boards across the schools. But I do agree with the site-based management, and this is something that senators had previously tried to implement at the Guam Department of Education. But at the time, if I remember correctly, it was opposed by the then-superintendent.

MR. KENNETH CHARGUALAF, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

Well, currently we have the Guam charter schools, right? I mean, we have charter schools. How many charter schools? Seven. And each of the charter schools have their own board of trustees. And yet then we have the Guam Charter School Council, and they're responsible because really they are the approving authority. But the individual schools govern themselves with the board of trustees working closely with their CEO. That's another model that we may want to see for that.

SENATOR CHRIS BARNETT, *EX OFFICIO* MEMBER:

Thank you, Mr. Chargualaf, it's just been my experience too, and that kind of model, where as the former chair, I had discussions with the Guam Academy Charter School Council Chair Vangie, and she had said that we need to amend the law to hold the board of trustees accountable because although the board of trustees run the individual charter schools, they're not beholden to the chair, and so that's kind of a little loophole that I think we can hopefully work together to address.

Dr. McNinch, did you have a comment?

MR. RON MCNINCH, MEMBER, GUAM EDUCATION BOARD:

Thank you, senators. I just wanted to mention very briefly that when I first joined the board in 2016, I did a full assessment and I came up with a number of suggestions and the board members accepted them. One of them, for example, was to meet at the same place with announced times well in advance. And also the bigger thing was to livestream everything on Facebook. And I know that Senator Borja mentioned that there's interactions with board members at these board sessions. I think there's probably a record of it. I think there's probably a video of it. And I have to say that I've been thinking about this since you mentioned that. I think if a board member's interacting with employees, either the employee or the board member should record it. It's almost like having the police having the body cam, and then it will maybe mitigate some of these things. I don't know. I've never in myself encountered any really strong negatives, myself and with others, but I mean I can understand that point, but I think there's some value to live stream video and also the record that the live stream video provides. At least for board oversight purposes. Thank you.

SENATOR CHRIS BARNETT, *EX OFFICIO* MEMBER:

Thank you. If the chair just allows me to finish, and I agree, Dr. McNinch, I think that's why a lot of us are scratching our heads when board members are saying that they've never heard of harassment from board members to employees, because we see it on the live stream during these board meetings.

Just one last point on the political appointees, because it was brought up that people are appointed. It's rare but it does exist. Of course, the Chamoru Land Trust Commission was mentioned, and I just want to make a point that these political appointees were only removed when they stopped doing the bidding of the people who appointed them. And that is as soon as we have these politically appointed school board members on that board, and they stop listening to the governor or the senators, and they start acting in the best interest of our students and our public schools, you just watch, they're going to get fired because they're not following the political agenda. And that's what I think the most dangerous thing about this bill

Thank you, Mr. Chair.

MS. DORIS BOKIKOSA, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

May I please also make a comment? Dr. McNinch, you talked about live streams and board meetings. I do want to bring up that in committee meetings, which I believe are also put live streams on social media.

MR. JORDAN BOKIKOSA, EMPLOYEE, GUAM DEPARTMENT OF EDUCATION:

Committee meetings aren't necessarily. Not all committee meetings are live streamed.

MS. DORIS BOKIKOSA, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

So I do want to point out that repeatedly in certain committees, employees have been named and have been ridiculed, demeaned, myself included. I was named in a meeting when I was taking my terminal leave and I was named that I was doing something illegal. And I brought this up to the management team. I spoke to the superintendent personally. And I said, "you know, after 34 years of working for this department, I cried." Honestly, I felt that my integrity was being questioned, my ethics. I'm sorry. I have bent over backwards. I have worked tremendously long hours, and to be told I was doing something illegal and named. Every week, an employee in some middle management position was being belittled. We were repeatedly told, "oh, you people sitting in your central office tower, you're incompetent. You don't know what you're doing. You're not doing anything." I'm sorry. Those comments have been made repeatedly in the media, whether it be on social media, during meetings, committee meetings, in print media, and by board members. And I say not just one, I've heard it on a couple. If it's brought up to the board. I kind of felt it was just being swept under the rug and nothing was getting done.

But I do have to commend that during certain meetings, when someone makes some inappropriate comment, I would hear someone say “that is an operational issue and should not be our purview.” I applaud those who have made those comments, but repeatedly, and this is like a norm, and that's why I continue to say, those specific board members that make it a constant, this is their their position, this is their attitude, and it's “oh, it's my my responsibility as a board member to do this.” No, it's not. We look to the board to be policymaking. Interfering in operations and belittling employees from support staff to administrators is inappropriate, and those kinds of actions should be addressed. And again, I really look to the board as I want individuals with some experience and expertise, and that's why I truly like that part of it.

SENATOR CHRIS BARNETT, *EX OFFICIO* MEMBER:

Sorry, and on that part I agree and that's why I'm not sure if we need to change the whole model. Maybe we need to make the qualifications a little more stringent. Sorry, Mr. Chair. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Go, Dr. McNinch.

MR. RON MCNINCH, MEMBER, GUAM EDUCATION BOARD:

Thank you. Thank you, senators. Madam, what is your name?

MS. DORIS BOKIKOSA, CONSTITUENT, GUAM DEPARTMENT OF EDUCATION:

Doris Bokikosa. I retired from the Department of Education.

MR. RON MCNINCH, MEMBER, GUAM EDUCATION BOARD:

Thank you, Ms. Doris. I have to say, as a board member, I apologize. You're treated that way.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

Thank you. I want to respond to Senator Barnett's comment. He's right. Nobody has publicly come and said “I want to get rid of the elected school board.” He's absolutely right. And that's the problem. We all know this. Most of us do at least, that nobody will ever come. Even when this bill was put together, I shared it, and Mr. Chargualaf, we've had conversations on it. I'm responding to the ask, but we need people to speak up. Thank you, Ms. Bokikosa. Jordan, I think you're gonna be okay.

MR. JORDAN BOKIKOSA, EMPLOYEE, GUAM DEPARTMENT OF EDUCATION:

I don't think I said anything that was contested or contemptuous or anything.

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

What I want to say to those listening is that we you know, you're we hear you. And again, it's going to take seven other senators to do it, but I also want to continue to encourage the

employees. I mean Dr. Won Pat, you've committed, Dr. Guthertz as well, you guys have committed to listening to these employees. They need to be heard because believe me, we will respond as senators. That's our duty as elected officials, but I prefer that you guys handle these issues at the department level, because again you guys can come in here and tell us everything we want to hear in regards to the issue, but we ultimately hope that the board or Dr. Won Pat and your leadership team can really address this.

Just like each other, we work for them, they don't work for us. I believe that's the same thing for the board, Dr. Won Pat and your leadership team, you guys work for the employees of the Department of Education. And you know, I know sometimes we could ask a thousand questions, but I tell anybody, "you ask for something, we'll at least get a response." That's the obligation that we have to the constituents and that's why we're here today. If we're up to send, like Senator Barnett said, he would like for you guys to come in every month. That's just not the way I work, right? Because I feel like we could get more done outside of the public hearing room, because this is a lot of work, and I'm not saying I'm not willing to do the work, but again, the ask, I think, from the Department of Education, its employees, its stakeholders is they just want to be heard and they're looking for change. And this bill is not perfect. No bill is perfect. We'll continue to collect testimony.

Thank you everybody for your testimonies today. If there are no further testimony or questions for the panel, we'll conclude this hearing, but we'll also continue to collect testimony from those who are willing to submit testimony, you can drop it off here to the Guam legislature building. This concludes today's public hearing for Bill 286-38.

[\[END OF TESTIMONIES FOR BILL 286-38\] \[2:14:40\]](#)

SENATOR VINCENT A.V. BORJA, CHAIRPERSON:

This will now conclude this afternoon's public hearing on Bill 286-38. The committee will continue to accept written testimony on this bill within seven days from today, which may be addressed to myself, Senator Vincent A.V. Borja, Chairman Committee on Education, and Melted DNA Building Suite 502, 238 Archbishop Flores Street, 996910. You may also send your testimonies to contact@senatorvinceborja.com. This afternoon's public hearing is now adjourned, and the time is now **5:14 p.m.** Thank you, everybody.

[\[END OF PUBLIC HEARING\] \[2:15:27\]](#)

III. FINDINGS & RECOMMENDATIONS:

The Committee on Education, Public Libraries, and Public Broadcasting hereby reports **Bill No. 286-38 (COR) - As Introduced** -Vincent A.V. Borja – “AN ACT TO AMEND CHAPTER 3 OF

DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.” with the recommendation TO REPORT OUT ONLY.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 286-38 (COR)

Introduced by:

Vincent A.V. Borja 

**AN ACT TO *AMEND* CHAPTER 3 OF DIVISION 2, TITLE
17, GUAM CODE ANNOTATED, RELATIVE TO THE
COMPOSITION OF THE GUAM EDUCATION BOARD.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the people of Guam have consistently voiced the need for meaningful reform in the governance of the Guam Department of Education. Parents, educators, students, community leaders, and stakeholders across the island have expressed concern that the existing structure of the Guam Education Board does not adequately reflect the diversity of perspectives necessary to address the evolving challenges facing public education on Guam.

I Liheslaturan Guåhan further finds that effective educational governance requires direct and balanced representation from those most impacted by education policy, including classroom educators, parents actively engaged in their children's education, representatives of business and industry who understand workforce development needs, organized labor representing education employees, community members, and students who experience the education system firsthand. The absence

1 or underrepresentation of these voices undermines public trust and limits the Board's
2 ability to make informed, responsive, and forward-looking decisions.

3 It is the intent of *I Liheslaturan Guåhan* that this Act respond to the clear call
4 from the community for change by restructuring the composition of the Guam
5 Education Board to ensure broader stakeholder representation, increased
6 accountability, and strengthened public confidence.

7 **Section 2.** § 3102. of Article 1, Chapter 3, Title 17, Guam Code Annotated
8 is hereby *amended* to read as follows:

9 **“§ 3102. Guam Education Board.**

10 The governance of the Department of Education is vested in an
11 education board to be known as ‘the Guam Education Board’ (hereinafter
12 referred to as ‘the Board’). The Board shall be composed of ~~nine (9)~~ seven (7)
13 voting members.”

14 **Section 3.** § 3102.2. of Article 1, Chapter 3, Title 17, Guam Code Annotated
15 is hereby *amended* to read as follows:

16 **“§ 3102.2. Meetings of the Board.**

17 Meetings of the Board shall be held once a month at a regular time and
18 place as determined by the Board, except that special meetings may be called
19 by the Chairman, or by a majority of the members to address emergency
20 matters. Meetings of the Board shall be subject to the Open Government Law
21 of Guam. ~~Five (5)~~ Four (4) members shall constitute a quorum, and an
22 affirmative vote of ~~five (5)~~ four (4) members is required for any action to be
23 valid.”

24 **Section 4.** § 3102.3. of Article 1, Chapter 3, Title 17, Guam Code
25 Annotated is hereby *repealed* and *reenacted* to read as follows:

26 **~~“§ 3102.3. Composition and Terms of Office for Board Members.~~**

27 ~~The Board shall be composed and serve terms as follows:~~

1 ~~(a) Three (3) Appointed Voting Members. I Maga'håga/Maga'låhi~~
2 ~~shall appoint, subject to the advice and consent of I Liheslaturan Guåhan, one~~
3 ~~(1) voting member from among each of the following to serve for a term of~~
4 ~~three (3) years:~~

5 ~~(1) one (1) member who is employed in an upper level managerial~~
6 ~~position in a private business;~~

7 ~~(2) one (1) member who is a parent of a student enrolled within the~~
8 ~~Guam Department of Education; and~~

9 ~~(3) one (1) member who is a retired teacher or administrator of the~~
10 ~~Guam Department of Education.~~

11 ~~(b) Six (6) Elected Voting Members. Six (6) voting members shall be~~
12 ~~elected at large at each General Election. Each elected voting member shall~~
13 ~~serve for a term of two (2) years, commencing at 12:00 noon on the first~~
14 ~~Monday in January following their election. A candidate for the Board must~~
15 ~~be at least twenty five (25) years old, and a resident of Guam for at least five~~
16 ~~(5) years immediately proceeding the date on which the member takes office~~
17 ~~and continuing throughout the term.~~

18 ~~(1) Nomination of candidates for election to the Board shall be made~~
19 ~~by petition on forms prescribed by the Guam Election Commission~~
20 ~~(Commission) and initiated by the candidate. In order for a candidate's name~~
21 ~~to be placed on the ballot for election to the Board, such petition must be~~
22 ~~signed by not less than one hundred fifty (150) persons registered to vote in~~
23 ~~Guam and must be filed with the Commission no later than the first Monday~~
24 ~~after a Primary Election, unless such date is a holiday, in which it shall be~~
25 ~~filed the day following the holiday, or sixty (60) days prior to a Special~~
26 ~~Election. No defect in any nominating petition presented to the Commission~~

1 shall prevent the filing of another petition which is presented within the
2 allowed filing period.

3 ~~(2) The election provided for within this Subsection (b) shall be non-~~
4 ~~partisan, and no political party shall directly or indirectly sponsor, nominate~~
5 ~~or endorse any of the candidates for such office.~~

6 ~~(c) Non-Voting Members. The Board shall have the following non-~~
7 ~~voting members serving a term of one (1) year:~~

8 ~~(1) one (1) student member of the Board shall be elected by an Island-~~
9 ~~wide School Board of Governing Students. The student member shall be a~~
10 ~~junior or a senior at a public high school and maintain a grade point average~~
11 ~~of 2.5 or above; and the student member shall receive service-learning credits~~
12 ~~for the service hours on the Board; and~~

13 ~~(2) one (1) member appointed by the exclusive bargaining unit which~~
14 ~~represents teachers and other employees within the Department.~~

15 ~~(d) Non-Voting Member of the Mayors' Council of Guam. One (1)~~
16 ~~member appointed by the Mayors' Council of Guam who shall serve for a~~
17 ~~term of two (2) years, or for the remaining term of the appointed Mayor,~~
18 ~~whichever is longer.~~

19 **§ 3102.3. Guam Education Board Composition.**

20 The Guam Education Board shall be composed of seven (7) voting
21 members and serve terms as follows:

22 (a) Four (4) Appointed Voting Members. *I Måga'håga /*
23 *Maga'låhi* shall appoint, subject to the advice and consent of *I*
24 *Liheslaturan Guåhan*, one (1) voting member from each of the
25 following categories, to serve a term of two (2) years:

26 (1) one (1) member who is employed in an upper-
27 level managerial position in a private business;

1 (2) one (1) member who is a parent of a student
2 enrolled within the Guam Department of Education; and

3 (3) one (1) member who is a retired teacher or
4 administrator of the Guam Department of Education; and

5 (4) one (1) member from the general public.

6 The terms of the appointed members shall be staggered such that
7 two (2) term's expires each year. Any appointment made to fill a
8 vacancy shall be for the remainder of the unexpired term only.
9 Members appointed by *I Maga'håga / Maga'låhi* shall serve at the
10 pleasure of *I Maga'håga / Maga'låhi* and may be removed at any time,
11 with or without cause.

12 (b) Two (2) Appointed Voting Members. The Speaker of *I*
13 *Liheslaturan Guåhan* shall appoint two (2) voting members to serve a
14 term of two (2) years.

15 Members appointed by the Speaker shall serve at the pleasure of
16 the Speaker of *I Liheslaturan Guåhan* and may be removed at any time,
17 with or without cause. Appointments made under this subsection shall
18 not require appointment by *I Maga'håga / Maga'låhi* nor the advice
19 and consent of *I Liheslaturan Guåhan*.

20 (c) One (1) voting member shall be a youth representative
21 between eighteen (18) and twenty-five (25) years old at the time of
22 appointment, and who has graduated from a Guam Department of
23 Education public high school.

24 (1) The youth member shall be selected by a majority
25 vote of the Guam Education Board, pursuant to criteria and
26 procedures adopted by the Board

1 (2) The youth member shall serve a term of one (1)
2 year.

3 (3) Any vacancy occurring during the term of the youth
4 member shall be filled by selection of the Board of Education for
5 the remainder of the unexpired term.

6 (d) Ex-Officio, Non-Voting Members.

7 The Board shall include the following ex officio, non-voting
8 members, who shall serve by virtue of their office or through a
9 designated representative:

10 (1) The Chairperson of the Committee on Education of
11 I Liheslaturan Guåhan or the Chairperson's designee;

12 (2) The President of the Mayor's Council of Guam
13 (MCOG) or the President's designee;

14 (3) The President of the Guam Federation of Teachers,
15 or the President's designee;

16 (4) The Chairperson of the Island-Wide Board of
17 Governing Students (IBOGS) or the Chairperson's designee"

18 **Section 5.** A new § 3102.4. of Article 1, Chapter 3, Title 17, Guam Code
19 Annotated is hereby *added* to read as follows:

20 **"§ 3102.4. Qualifications of Appointed Board Members.**

21 In order to be qualified for appointment to the Guam Education Board,
22 an individual shall:

23 (a) be a citizen of the United States and a resident of Guam
24 for at least five (5) years immediately preceding the date of appointment
25 and throughout the term of service;

1 (b) not have been convicted of a felony and not have been
2 convicted of a misdemeanor involving criminal sexual conduct or a
3 crime of moral turpitude, pursuant to 3 GCA § 6110;

4 (c) possess a high school diploma, a General Educational
5 Development (GED) certificate, or an equivalent credential evidencing
6 completion of a general education high school program; and

7 (d) be at least eighteen (18) years of age at the time of
8 appointment.

9 **Section 6.** § 3102.4. of Article 1, Chapter 3, Title 17, Guam Code Annotated
10 is hereby *renumbered* to read as follows:

11 **“§3102.4. 3102.5. Officers of the Board.**

12 Officers of the Board shall include the Chairperson and Vice
13 Chairperson, and such other positions which the Board deems necessary to
14 effectively carry out its responsibilities. Such Board officers upon election
15 shall serve for a term of one (1) year. Board officers shall be elected by a
16 majority vote of the members of the Board during one (1) of the Board’s
17 meetings held in January of each year. Members may serve as Chairperson for
18 multiple terms, except that no person may serve as Chairperson for more than
19 two (2) consecutive terms at a time.”

20 **Section 6.** §3102.5. of Article 1, Chapter 3, Title 17, Guam Code Annotated
21 is hereby *renumbered* and *amended* to read as follows:

22 **“§3102.5. 3102.6. Removal of Board Members.**

23 ~~A member of the Board may be removed by a vote of six (6) members~~
24 ~~for malfeasance in office or for persistent neglect of, or inability to discharge~~
25 ~~duties or for offenses involving moral turpitude. However, no member of the~~
26 ~~Board shall be removed from office before a written bill of particulars shall~~
27 ~~have been given to the accused and before an investigation and an open and~~

1 ~~public hearing shall have been had. Any member who removes his residence~~
2 ~~from Guam shall be deemed to have vacated his office, thereby creating a~~
3 ~~vacancy on the Board.~~

4 A member of the Board shall be automatically removed from the Guam
5 Education Board:

6 (a) upon conviction of a felony;

7 (b) upon conviction of a misdemeanor involving the
8 possession of a controlled substance or operation of a vehicle while
9 under the influence of alcohol or a controlled substance; or

10 (c) upon conviction of a crime involving moral turpitude.

11 **Section 7.** § 3102.7. of Article 1, Chapter 3, Title 17, Guam Code Annotated
12 is hereby *repealed* to read as follows:

13 **~~“§3102.7. Board Member Vacancies.~~**

14 ~~(a) Elected Members. Any vacancies, including initial vacancies, of~~
15 ~~elected member positions occurring on the Board shall be filled forthwith by~~
16 ~~appointment of the unsuccessful candidate who received the next highest~~
17 ~~number of votes in the Board election, provided that the individual received~~
18 ~~greater than fifty percent (50%) of the number of votes received by the~~
19 ~~declared winner of that seat. In the event that the individual declines or there~~
20 ~~is no candidate meeting the criteria provided within this Subsection, I~~
21 ~~Maga'hågan/Maga'låhen Guåhan shall appoint a member for the term or~~
22 ~~remaining term of office, subject to confirmation by I Liheslaturan Guåhan.~~

23 ~~(b) Appointed Members. On the expiration of the term of an appointed~~
24 ~~member, or in the event of a vacancy on the Board due to resignation, death,~~
25 ~~or any other cause, I Maga'håga/Maga'låhi shall appoint another member,~~
26 ~~with the advice and consent of I Liheslatura, for a full term in the first~~
27 ~~instance, or for the remainder of the unexpired term. When there is a change~~

1 ~~of administration of the government of Guam after a gubernatorial election,~~
2 ~~no courtesy resignation shall be requested by the new administration nor~~
3 ~~offered by any member of the Board.”~~

4 **Section 8.** § 3103. of Article 1, Chapter 3, Title 17, Guam Code Annotated
5 is hereby *amended* to read as follows:

6 **“§ 3103. Superintendent of Education.**

7 The Superintendent of Education (the Superintendent) shall be the
8 Chief Executive Officer of the internal operating organization of the
9 Department of Education and shall be responsible for the administration of
10 the academic and services activities thereof. The Superintendent shall be
11 responsible for implementing the policies adopted by the Board. The Board
12 shall appoint the Superintendent of Education by an affirmative vote of at least
13 ~~six (6)~~ five (5) members. Notwithstanding any other provision of law, the
14 employment of the Superintendent shall be by contract term of four (4) years,
15 which contract shall contain a provision that the Superintendent’s
16 employment may only be terminated for cause, as defined in this Chapter. In
17 the case of temporary absence of the Superintendent, the Superintendent may,
18 after consultation with the Chairperson of the Board, appoint among any of
19 the Associate Superintendents, or their equivalents, an acting Superintendent.

20 The Superintendent shall:

21 (a) administer the day-to-day activities of the Department of
22 Education;

23 (b) enforce and implement the education policies of the Board
24 and rules and regulations of the Department;

25 (c) administer federal funds/programs on behalf of the
26 Department;

1 (d) serve as the Department’s approving authority for the
2 expenditure of funds;

3 (e) serve as the appointing authority for all personnel
4 employed by the Department;

5 (f) be the Executive Secretary of the Board in an *ex-officio*,
6 non-voting capacity;

7 (g) shall submit to the Board, *I Maga’hågan/Maga’låhen*
8 *Guåhan*, and *I Liheslaturan Guåhan*, no later than thirty (30) days
9 following the end of the fiscal year, a detailed “Annual State of Public
10 Education Report,” which shall discuss the public educational issues on
11 Guam, and other subjects the Superintendent may deem appropriate,
12 and shall also submit such fiscal, instructional, academic progress, and
13 other information as may be required by the Board to reflect the quality
14 of public education;

15 (h) develop and present to the people of Guam, the Board, *I*
16 *Maga’hågan/Maga’låhen Guåhan*, and *I Liheslaturan Guåhan* a
17 “School Performance Report Card” of each school, which shall be
18 given in conjunction with the Annual Report;

19 (i) to perform other duties as may be required by public law
20 to provide an adequate public educational system;

21 (j) to advise the Board on the current operations and status of
22 the public schools and on other educational matters;

23 (k) to supply the Board with such information as it may
24 require and prepare the Board to make recommendations to *I*
25 *Maga’hågan/Maga’låhen Guåhan* and *I Liheslaturan Guåhan* for
26 changes, additions, or deletions to public law;

1 (l) prepare a feasibility/impact/cost savings analysis for the
2 Guam Education Board recommending the potential privatization of
3 existing services for the Department.

4 (m) With the concurrence of the Board and subject to the
5 availability of funds, have the authority to hire maintenance,
6 custodial/janitorial, and cafeteria personnel.

7 (n) Notwithstanding any other provision of law or personnel
8 rules and regulations, the Superintendent shall have the authority to
9 assign, detail, or transfer employees to various physical locations
10 within the Department. The Superintendent shall exercise such
11 authority only in accordance with a policy adopted by the Board and
12 shall not (1) cause a change in position title or job duties, or (2)
13 contradict the provisions of any collective bargaining agreement in
14 effect at the time of the transfer nor violate any employee's rights
15 thereunder;

16 (o) Adequate Public Education Reporting Requirements. The
17 Superintendent of Education shall submit a monthly budget status
18 report of all local and federal funds available to the Department,
19 whether or not their resources require appropriations by *I Liheslaturan*
20 *Guåhan*. The monthly budget status report shall be designed by the
21 Educational Financial Supervisory Commission and at a minimum
22 contain all appropriations, transfers and adjustments, revised
23 appropriations, expenditures to date, outstanding encumbrances and
24 unencumbered balances. The data for the monthly budget status report
25 shall be provided no later than fifteen (15) calendar days after the end
26 of each month, and be used by the Educational Financial Supervisory
27 Commission for its monthly Financial Status Designation Reports. The

1 Educational Financial Supervisory Commission shall design an
2 Adequate Public Education Report to reorganize the expenditures in the
3 monthly budget status report to the criteria established in 1 GCA § 715,
4 and the status of compliance with the Adequate Education Act. The
5 Monthly Budget Status report and Adequate Public Education reports
6 are to be completed no later than twenty five (25) calendar days after
7 the end of each month and shall be certified by the Superintendent,
8 acknowledging compliance or non-compliance with 1 GCA § 715 and
9 in meeting the objectives of § 3125 of this Chapter. The reports shall
10 be submitted to the Board, the Speaker of *I Liheslaturan Guåhan*, and
11 *I Maga'hågan/Maga'låhen Guåhan*.

12 (p) Conduct periodic management and curriculum audits of
13 the Department of Education for the following purposes:

14 (1) to ascertain whether the Department is providing an
15 adequate public education as defined in Title 1 GCA § 715;

16 (2) to evaluate the effectiveness of DOE administrators
17 in implementing board policy and in fulfilling assigned
18 objectives;

19 (3) to evaluate the effectiveness of DOE instructional
20 personnel and their ability to meet curriculum goals;

21 (4) to recommend alternatives to correct systemic
22 deficiencies and to improve the ability of DOE personnel to
23 fulfill assigned objectives;

24 (5) to evaluate board policies, practices and directives,
25 and recommend, if necessary, corrections and revisions
26 necessary to improve the quality of public education; and

1 (6) to audit a broad range of management functions,
2 such as the following: decision-making and evaluation
3 processes, policy-making, resource allocation, communication
4 procedures, and goal setting and verification. The audit can also
5 examine the school system's work environment, improvement
6 process, and relationship with the community.

7 Said audits shall also identify and assess deficiencies in the DOE
8 organizational structure; compliance with federal and local laws, and
9 with board policies; physical and operational security; workflow
10 designs and management; internal controls; staffing levels and
11 competencies; management levels and competencies; management
12 practices; training standards and practices; adequacy of facilities;
13 physical plant management; technical and administrative infrastructure;
14 redundancy of systems and procedures; productivity and quality
15 standards; recruitment, certification and training of teachers; and
16 recruitment, training and staff development. Said audits shall be
17 conducted at intervals determined by the Guam Education Board of not
18 more than five (5) years. Each audit shall also include a report and
19 evaluation on the degree of success that the Department of Education
20 has achieved in implementing the recommendations and correcting the
21 deficiencies identified in the immediate prior audit.

22 The GDOE Superintendent shall transmit, within forty-five (45)
23 days upon receipt, any audit conducted pursuant to this Act to the Guam
24 Education Board members. Within ninety (90) days of receipt of such
25 audit findings, the Guam Education Board members shall, in a regularly
26 scheduled board meeting held in compliance with the Open

1 Government Law, vote to accept or reject the audit findings, and shall
2 take any necessary actions for the disposition thereof.

3 The Department shall post on its website and transmit to the
4 Speaker of *I Liheslaturan Guåhan* and the Chairperson of the
5 Legislative Committee of Education the disposition and plan of action
6 of the audit findings.

7 (q) Promulgate rules and regulations for the implementation and
8 operation of §§ 3127 through 3131 of this Title as necessary.

9 (r) All reports of the Superintendent of Education to the Guam
10 Education Board that are required by public law, the Guam Administrative
11 Rules and Regulations, or Guam Education Board Policy, as a condition of
12 receipt of grants-in-aid, as a condition of contract, or at the request of the
13 Guam Education Board, shall be posted on the Guam Department of
14 Education website within five (5) days after the report is officially transmitted
15 to the Board, except for those reports that are confidential pursuant to public
16 law. Board packets from each board meeting shall also be posted on the Guam
17 Department of Education website within five (5) days after each board
18 meeting. Confidential information contained in any report or board packet that
19 contains public information shall be redacted prior to the report being posted
20 on the website.”

21 **Section 9.** § 3133(a) of Article 1, Chapter 3, Title 17, Guam Code
22 Annotated is hereby *amended* to read as follows:

23 “(a) The Guam Department of Education Financial Supervisory
24 Commission (EFSC) shall consist of ~~five (5)~~ four (4) regular voting members
25 and one (1) alternate member, who shall be allowed to cast a vote only in the
26 event a regular voting member is absent. The EFSC shall be comprised of the
27 following members:”

1 **Section 10.** § 3203. of Article 2, Chapter 3, Title 17, Guam Code Annotated
2 is hereby *amended* to read as follows:

3 **“§ 3203. ~~Same:~~ Acts of the Student Board.**

4 The concurrence of ~~five (5)~~ four (4) members of the Board shall be
5 necessary for the validity of any of its acts.”

6 **Section 11. Transition: Protection of Existing Terms.**

7 Notwithstanding any provision of law, this Act shall take effect only
8 upon the expiration of the terms of the members of the Guam Education Board
9 serving as of the effective date of this Act.

10 Members of the Guam Education Board serving at the time of
11 enactment shall continue to serve for the remainder of their current terms in
12 accordance with existing law. Upon the expiration of such terms, the
13 membership of the Guam Education Board shall be reconstituted in
14 accordance with §3102.3 of Title 17, Guam Code Annotated, as amended by
15 this Act.

16 Nothing in this Act shall be construed to alter, impair, or terminate the
17 existing contract, tenure, or term of employment of the Superintendent of
18 Education in effect on the date of enactment of this Act.

19 **Section 12. Severability.** If any provision of this Act or its application to any
20 person or circumstance is found to be invalid or inorganic, such invalidity shall not
21 affect other provisions or applications of this Act that can be given effect without
22 the invalid provision or application, and to this end the provisions of this Act are
23 severable.

24 **Section 13. Effective Date.** This Act shall become effective upon enactment.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

April 6, 2026

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 286-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note for the following bill:

Bill No. 286-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly copy the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 286-38 (COR)**

AN ACT TO AMEND CHAPTER 3 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM EDUCATION BOARD.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Department of Education (GDOE)	Dept./Agency Head: Judith T. Won Pat Ed.D., Superintendent
Department's General Fund (GF) appropriation(s) to date: P.L. 38-60: Operations (\$228,187,734); School Maintenance & Repairs (\$10,000,000); Chamoru Studies (\$513,824); Menstrual Hygiene Products (\$25,000); Textbooks from UOG Press (\$481,578); and Y Kuantan Salappe Prinsepat (\$1,200,000)	240,408,136
Department's Other Fund (Specify) appropriation(s) to date: Guam Educational Facilities Fund (\$11,328,487); Public School Library Resources Fund (\$815,331); Healthy Futures Fund (\$891,754); School Lunch/Child Nutritional Meal Reimbursement Fund (\$12,504,000); Limited Gaming Fund (\$343,564)	25,883,136
	266,291,272

Fund Source Information of Proposed Appropriation

	General Fund:	(Special Fund): 1/	Total:
FY 2025 Unreserved Fund Balance		\$0	\$0
FY 2026 Adopted Revenues	\$0	\$0	\$0
FY 2026 Appro. (P.L. 38-60)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2026 (if applicable)	FY 2027	FY 2028	FY 2029	FY 2030
General Fund	\$0	1/	1/	1/	1/	1/
Special Fund	\$0	1/	1/	1/	1/	1/
Total	\$0	1/	1/	1/	1/	1/

- | | | |
|---|---------------------------------|--------------------------------|
| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment 1/ | / / Yes | / X / No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | / X / N/A
/ X / N/A | / / Yes
/ / No |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | / / Yes
/ X / N/A
/ / Yes | / X / No
/ / No
/ X / No |
| 4. Will the enactment of this Bill require new physical facilities? | / / Yes | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/X/ Requested agency comments not received by due date / / Other: | / X / Yes | / / No |

Analyst: William P. Taitinglong Date: 4/3/2026 Director: Lester L. Carlson, Jr. Date: APR 06 2026
 William P. Taitinglong, Acting BMA Supvr. Lester L. Carlson, Jr., Director

Footnotes:

1/ See attached comments on Bill No. 286-38 (COR).

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 286-38 (COR)

The proposed Bill No. 286-38 (COR) is an act to amend Chapter 3 of Division 2, Title 17, Guam Code Annotated, relative to the composition of the Guam Education Board (GEB).

According to the legislative findings and intent of Bill No. 286-38, the intent is to restructure the composition of the Guam Education Board to ensure broader stakeholder representation, increased accountability, and strengthen public confidence. The proposed legislation will revert the GEB back to a fully appointed body and remove elected members. Currently the nine (9) member board is composed of six (6) members elected in an at-large vote who serve two-year terms and three (3) members who are appointed by the *I Maga'hagan Guåhan*, the Governor of Guam. Bill 286-38 reduces the GEB membership from 9 members to 7 members and would change the current body to one in which the elected members would all be replaced by appointees by both the *I Maga'hagan Guåhan*, the Governor of Guam (4 appointees) and by the Speaker of *I Liheslaturan Guåhan*, the Guam Legislature (2 appointees). The GEB would also be allowed to appoint a youth representative (1 appointee).

Bill No 286-38 also amends various other sections of Chapter 3 of Division 2, Title 17, Guam Code Annotated relative to the GEB to include the meetings of the Board, the qualifications of appointed Members, the officers of the Board, the establishment and composition of the GDOE Financial Supervisory Commission, the Superintendent of Education, and the acts of the student Board. These amendments to the noted sections are deemed to be administrative in nature.

The Bureau had sought comments on the financial impact of the proposed Bill 286-38 from the Guam Department of Education (GDOE) on March 13, 2026 with a follow-up request on March 23, 2026. The Bureau had also sought input from the Guam Election Commission (GEC) on March 31, 2026. The Bureau has not received any official comments from the GDOE as of the date of this fiscal note. The GEC has noted that Bill 286-38 (COR) as written will not present any fiscal impact. The GEC also notes that the Commission will continue to incur costs associated with conducting election activities regardless if the GEB office appears on the ballot, and if there are potential savings, it is limited to administrative efficiencies associated with fewer ballot items.

The Bureau does anticipate Bill 286-38 (COR) to pose a potential cost savings of \$1,000.00 per month or \$12,000 per year in terms of payment of stipends for Board members due to the proposed reduction of Board members from nine (9) to seven (7) members. Pursuant to §3102.6 of Chapter 3, Title 17 Guam Code Annotated, members of the Board are paid \$250.00 for each day on which they attend a regular, special or executive meeting, not to exceed \$500 in any month.

Additionally, the Bureau would like to note that Bill 286-38 (COR) renumbered and amended §3102.5 as §3102.6 relative to the Removal of Board Members, however did not also renumber and amend the current §3102.6 as §3102.7 which is relative to the Stipend for Board Members. The Bill proposes to repeal the current §3102.7 regarding Board Member Vacancies in its entirety.