

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
Informational Briefing/Hearing/ Oversight Hearing / Roundtable Hearing

STANDING COMMITTEE / SENATOR	HEARING	COMMITTEE REPORT	HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
Committee on Education, Libraries and Public Broadcasting.	Oversight Hearing	Digital Committee Report on the Oversight Hearing on the Guam Department of Education 4.7.26.	3/9/26 2:00 p.m.	6/30/26	



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

April 7, 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 Joint Oversight Hearing Relative to the Guam Department of Education

Buenas yan Håfa Ådai Speaker,

Transmitted herewith is the Committee Report on the Joint Oversight Hearing held on March 9, 2026, relative to the Guam Department of Education.

Best Regards,



Senator Vincent A.V. Borja

Chairman, Committee on Education, Libraries, and Public Broadcasting



COMMITTEE ON RULES

RECEIVED:

April 7, 2026 1:01 p.m.

Marie Crisostomo



Office of Senator

Vincent A.V. Borja

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COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

COMMITTEE REPORT

Joint Oversight Hearing

Guam Department of Education

Conducted on March 9, 2026



Office of Senator Borja <contact@senatorvinceborja.com>

FIRST NOTICE OF JOINT OVERSIGHT HEARING – MARCH 9, 2026

Office of Senator Borja <contact@senatorvinceborja.com>

Thu, Feb 26, 2026 at 9:00 AM

To: phnotice@guamlegislature.gov

February 26, 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 JOINT OVERSIGHT HEARING – MARCH 9, 2026**

Håfa Adai! The Committee on Education, Libraries & Public Broadcasting will conduct a Joint Oversight Hearing on the Guam Department of Education (GDOE) on **Monday, March 9, 2026, at 2:00 P.M** in the Public Hearing Room of the Guam Congress Building in Hagåtña.

The Joint Oversight Hearing will provide an opportunity for the Legislature, stakeholders, and the public to receive updates and engage in discussion on the following general areas of concern and oversight.

Guam Department of Education

- Transition Update
- Double Session & Simon Sanchez Rebuild
- CBA Position Fulfillment
- Maintenance Updates
- Financial Status & Overview
- Update on ARPA Expenditures
- Update on SPED (Special Education) Staffing Shortages
- SPED Resource Allocation and Support Services

Guam Education Board

- Management Audit Review
- Employee Grievances/Retaliation

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 JOINT OVERSIGHT HEARING – MARCH 9, 2026.pdf

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FIRST NOTICE OF JOINT OVERSIGHT HEARING – MARCH 9, 2026

PUBLIC HEARING

 **Posted on:** 02/26/2026 08:00 AM

 **Posted by:** Caden Poblete

 **Public Hearing Date:** 03/09/2026 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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February 26, 2026

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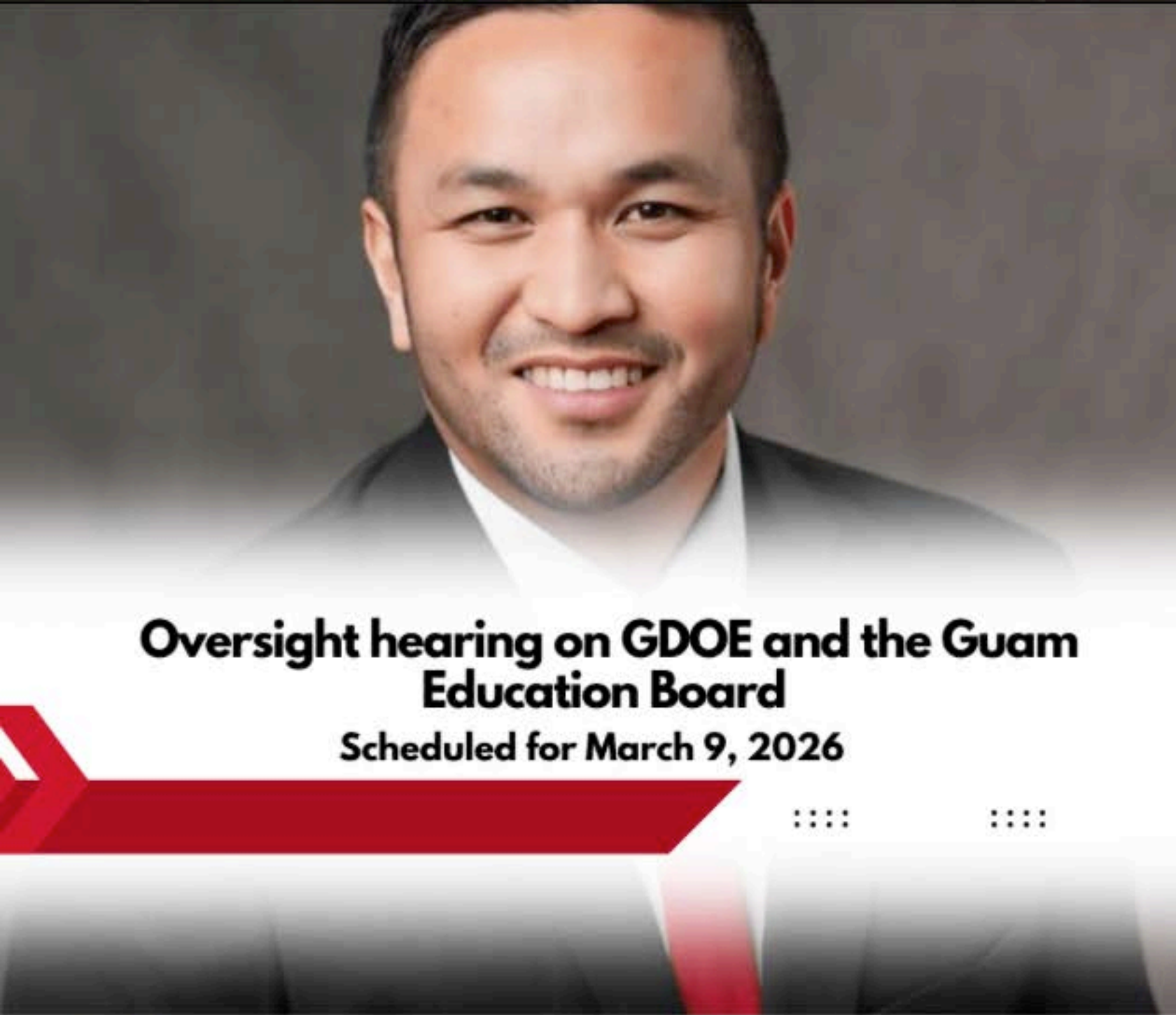
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Borja at (671) 503-6423 or via email
at contact@senatorvinceborja.com
(<mailto:contact@senatorvinceborja.com>)

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.



Oversight hearing on GDOE and the Guam Education Board

Scheduled for March 9, 2026

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Kandit News Group

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FIRST NOTICE of Public Hearing by Senator Vincent Borja
Published on Kandit on March 9, 2026

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Office of Senator Borja <contact@senatorvinceborja.com>

SECOND NOTICE OF JOINT OVERSIGHT HEARING – MARCH 9, 2026

Office of Senator Borja <contact@senatorvinceborja.com>

Wed, Mar 4, 2026 at 8:00 AM

To: phnotice@guamlegislature.gov

March 4, 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 JOINT OVERSIGHT HEARING – MARCH 9, 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.
Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com



SECOND NOTICE OF JOINT OVERSIGHT HEARING – MARCH 9, 2026.pdf

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Office of Senator

Vincent A. V. Borja

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

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
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March 4, 2026

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PUBLIC HEARING

 **Posted on:** 03/04/2026 08:00 AM

 **Posted by:** Caden Poblete

 **Public Hearing Date:** 03/09/2026 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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March 4, 2026

MEMORANDUM

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Below are notices of public hearings posted in chronological order of date and time each is scheduled to begin:



Oversight hearing on GDOE and the Guam Education Board

Scheduled for March 9, 2026



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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
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BROADCASTING

February 25, 2026

Dr. Judith Guthertz

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

VIA EMAIL: [REDACTED]

**Subject: Invitation to Guam Department of Education Oversight Hearing
on March 9, 2026**

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 an oversight hearing on **March 9, 2026, at 2:00 P.M** regarding the agenda below:

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

The oversight 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 the issues discussed.

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 March 9th, 2026, at 2:00 P.M.



Office of Senator

Vincent A.V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

Sincerely,

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 Guam Department of Education Oversight Hearing on March 9, 2026

Office of Senator Borja <contact@senatorvinceborja.com>

Wed, Feb 25, 2026 at 2:00 PM

To: [REDACTED]

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

February 25, 2026

Dr. Judith Guthertz

Chairperson, Guam Education Board

501 Mariner Ave. Barrigada, Guam 96913

VIA EMAIL: [REDACTED]**Subject: Invitation to Guam Department of Education Oversight Hearing on March 9, 2026**

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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 GDOE Oversight Hearing on March 9, 2026 - Dr. Guthertz.pdf

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Office of Senator

Vincent A.V. Borja

I Mina'trentai Ocho Na Liheslaturan Guahan

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

CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

February 25, 2026

Dr. Judith Won Pat

Superintendent, Guam Department of Education
501 Mariner Ave. Barrigada, Guam 96913

VIA EMAIL: jtwonpat@gdoe.net

**Subject: Invitation to Guam Department of Education Oversight Hearing
on March 9, 2026**

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 an oversight hearing on **March 9, 2026, at 2:00 P.M** regarding the agenda below:

Guam Department of Education

- Transition Update
- Double Session & Simon Sanchez Rebuild
- CBA Position Fulfillment
- Maintenance Updates
- Financial Status & Overview
- Update on ARPA Expenditures
- Update on SPED (Special Education) Staffing Shortages
- SPED Resource Allocation and Support Services

We respectfully request a presentation slide deck or a written report from your team addressing the agenda.

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

The oversight 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 the issues discussed.

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 March 9th, 2026, at 2:00 P.M.



Office of Senator

Vincent A.V. Borja

I Mina'trentai Ocho Na Liheslaturan Guåhan

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 Guam Department of Education Oversight Hearing on March 9, 2026

Office of Senator Borja <contact@senatorvinceborja.com>

Wed, Feb 25, 2026 at 2:00 PM

To: "Dr. Judith T. Won Pat (Superintendent)" <jtwonpat@gdoe.net>

February 25, 2026

Dr. Judith Won Pat

Superintendent, Guam Department of Education

501 Mariner Ave. Barrigada, Guam 96913

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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

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Invitation to GDOE Oversight Hearing on March 9, 2026 .pdf
334K



Office of Senator

Vincent A. V. Borja

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DNA BUILDING
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CHAIRPERSON
COMMITTEE ON
EDUCATION, LIBRARIES
AND PUBLIC
BROADCASTING

JOINT OVERSIGHT HEARING AGENDA
Monday, March 9, 2026
Guam Congress Building, Public Hearing Room

AGENDA FOR 2:00 PM

Guam Department of Education

- Transition Update
- Double Session & Simon Sanchez Rebuild
- CBA Position Fulfillment
- Maintenance Updates
- Financial Status & Overview
- Update on ARPA Expenditures
- Update on SPED (Special Education) Staffing Shortages
- SPED Resource Allocation and Support Services

Guam Education Board

- Management Audit Review
- Employee Grievances/Retaliation

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 Anthony V. Borja
I Mina'trentai Ocho Na Liheslaturan Guåhan

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

JOINT OVERSIGHT HEARING SIGN-IN SHEET

Monday, March 9, 2026 – 2:00 PM

Public Hearing Room, Guam Congress Building

Guam Department of Education (GDOE) & Guam Education Board (GEB)

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. Dr. Judith Won Pat	Guam Department of Education	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
2. Franklin Leon Guerrero	Guam Department of Education	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
3. Dr. Rizalina Liwag	Guam Department of Education	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4. Dr. Julie Ulloa-Heath	Guam Department of Education	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5. Jackie Quitugua	Guam Department of Education	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6. Franklin Cooper-Nurse	Guam Department of Education	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7. Dr. Judith Guthertz	Guam Education Board	SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



Guam Department of Education

Legislative Oversight Hearing
Presentation | March 2026

Leadership Transition Update

- 44 days of the new management team at GDOE

Challenges:

- Expired Contracts, Lack of Contract, and Misplaced Documentation (Invoices, change order) affecting payment
 - HVAC- \$2.8M (2,539 ACs)
 - Refurbishment of 12 schools
 - FBLG Refurbishment
 - TinyEye (Occupational Therapy and Speech Lang. Pathology Services)
 - FEMA reimbursement- failure to track FEMA expenses/invoices
- Procurement Processing via AG Office challenging at times
 - Several contracts elongated processing

Leadership Transition Update

Challenges:

- Funding
 - \$51M- Pending statement of determination from US DOE and DOI
 - \$16M-Prior Year Lapses Guam Legislature
- Personnel
 - recruitment (teachers, school aides, physical therapist, occupational therapists, Speech Language Pathologist, specialized skills, etc.)
 - Strict certification requirements-reciprocity
 - Placement of certified personnel to the classrooms
- Head Start Program (two centers were closed due to lack of enrollment)

Special Education Staffing Challenges

- SPED Staffing Shortages include the following:
 - Occupational Therapist Assistant
 - Occupational Therapist I
 - Occupational Therapist II
 - Physical Therapist II
 - Physical Therapy Technician II
 - Speech Language Pathology Assistant
 - Speech Language Pathologist
 - School Aides I
- Staffing shortages impact delivery of mandated services
- Recruitment and workforce development remain priorities

Therapy Services

- Virtual therapy services currently paused
 - 522 students affected requiring Occupational Therapy
 - 132 students affected requiring Speech Therapy
- As an interim solution parents were provided the notice to temporary seek services using their insurance with reimbursement for the 20% co-payment.
- Emergency procurement with TinyEye underway to restore services

SPED Resource Allocation

- Speech Therapy: \$250,000
- Occupation Therapy: \$750,000
- Budget Categories:
 - Personnel Salaries, Wages, and Fringe Benefits: \$ 15,683,654.60
 - Travel: \$300,000
 - Equipment: \$347,500
 - Supplies: \$294,769.97
 - Contractual: \$2,006.886.10
 - Other (Capital Outlay): \$600,000

Early Childhood Education

Accomplishment

- Guam Head Start Program completed federal FA-1 monitoring review
- Review conducted February 26, 2026
- Preliminary feedback indicated no findings or deficiencies
- Official federal report expected within 60 days

Infrastructure Improvement

Accomplishment

- 95% completion of refurbishment projects across twelve schools
 - Major improvements include canopy, restrooms, electrical systems, doors, etc.
 - Oceanview MS (93.16%)
 - Marcial Sablan ES (96.75%)
 - Agueda MS (96.99%)
 - GWHS (95.77%)
 - Ordot CP ES (94.60%)
 - JQSM MS (92.85%)
 - VSAB MS (97.88%)
 - Finegayan ES (94.95%)
 - DLP ES (96.27%)
 - Tamuning ES (94.52%)
 - Jose Rios MS (92.94%)
 - CL Taitano ES (92.35%)

Sanitation and School Safety

Accomplishment

- Schools passing sanitation inspections:
 - Grade A: 5 Schools
 - Grade B: 13 Schools
 - Grade C: 13 Schools
- FEMA
 - Campus perimeter fencing awarded
 - Mold Mitigation Awarded
- ADA (Completed inspection of all schools)
 - Appointed an ADA Compliance Team

Facilities and Maintenance Update

- FBLG Renovation Project: 89.44% completion (March 5, 2026)
- Remaining work includes restrooms, doors, electrical connections, and AC installations
- Additional out-of-scope repairs: fire suppressant, fire alarm system, communication, gym, demolition of temporary building

Instructional Support and Training

Accomplishment

- English as a Second Language (ESL) Family Workshops
- Educational Virtual Reality training for classroom teachers
- Science, Technology, Engineering, Arts, and Math (STEAM) VEX and LEGO Robotics training for teachers
- Career Technical Education training for CTE teachers
- Safe School Training for School Administrators hosted by Guam Police Department
- Next Generation Science Standards (NGSS) training for Science teachers
- Association for School Counselors (ASCA) training for the school counselors.
- Literacy and Makerspace training for the Librarians
- REL Pacific Math Training for Math teachers

Consolidated Grants (3 Year Cycle)

Accomplishment

Completed six consolidated grant proposals for submission to US DOE

- Intervention and Enrichment Project
- School Improvement Plan Project
- Professional Development, Coaching, and Mentoring Project
- CHamoru Studies Project
- College and Career Readiness Project
- School Climate, Culture, and Engagement Through Multi-Tier System of Support

Double Session Status Report

- Goal: Eliminate double sessions beginning School Year 2026–2027
- School leaders proposed several operational options
- Evaluation based on facilities, transportation, and feasibility
- Final plan announcement expected end of March or early April 2026

Food and Nutrition

Financial Management Review

- Every three years
- No cost related findings
- Duration of review: 3 months
- Categories of Meal Reimbursement:
 - Breakfast and Lunch
 - Adult Daycare
 - Child Daycare
- Total Allotment: \$22M
 - Federal Share: \$17.6M
 - Local Share: \$4.4M (20%)

Financial Status Overview

- FY2026 Total Budget Authority: \$265.8M
- Expenditures to Date: \$119.5M
- Encumbrances: \$12.9M
- Budget Execution Rate: 49.84%
- FY25 Audit: 26 financial inquiries completed. Awaiting milestone gantt chart from Ernst & Young (EY)

Federal Grants and ARP Funding

Total Federal Education Awards:

- Total Available: \$169.8M
- Remaining Balance: \$100.8M

Total ARP-SEA Award:

- Total Available: \$286.9M
- 90% liquidated
- Remaining ARP balance being managed prior to federal deadlines (Expires March 31, 2026)

Moving Forward

- Successfully navigated contractual challenges to complete ongoing projects
- Requesting Legislative assistance:
 - to amend law to allow for the utilization of GDOE funding lapses for continuous infrastructure renovation and deferred maintenance to comply to ADA and DPHSS, capital improvement projects, collateral instructional equipment, and other spending priorities identified by the board
 - Increase simplified acquisition threshold from \$250K to \$500K

Moving Forward

- Maintain fiscal accountability and transparency
 - Customized SPED Bus replacement (Under Maintenance of Effort)
 - All purchase orders are required to email all invoices to business office desk
 - Standard Operating Procedure revision to prevent over/under spending and timely drawdowns
 - DFAS requiring performance-based evaluation criteria to increase accountability and workload output
 - Master tracking system is 85% completed:
 - timeliness of meeting procurement and contractual requirements
 - Milestone requirements will be met in timely and efficient manner (audit, reporting, etc.)

Moving Forward

- Professional assessment of Individual Education Plans (IEPs) to ensure appropriate services are provided to eligible students
 - Address SPED staffing shortages
 - Commitment to increase student learning
 - Increase academic performance
 - Strengthen college and career pathways
 - Continuous professional development
-

Moving Forward

- **GDOE is currently accredited by the following:**
 - District and Schools: COGNIA
 - North Central Association Commission on Accreditation and School Improvement (NCA-CASI)
 - Northwest Accreditation Commission (NWAC)
 - Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SAC-CASI)
 - Schools: Western Association of Schools and Colleges (WASC)

Additional Strategic Task Forces

- Classroom/ School Coverage
- Double Session
- Decommissioning of Schools
- School Readiness
- School Safety & Security
- School Grounds Maintenance
- Facilities & Maintenance
- District Accreditation
- 1:1 Laptop Program
- Early Childhood
- Teacher Recruitment and Retention
- School Leadership Evaluation
- Artificial Intelligence District Policy
- Excess Annual Leave

COMMITTEE REPORT DIGEST

Committee on Education, Libraries and Public Broadcasting

Senator Vincent A. V. Borja,

I. OVERVIEW:

The **Committee on Education, Libraries, and Public Broadcasting** convened a Public Hearing on **Monday, March 9, 2026**, at **2:00 PM**, in the Public Hearing Room of the Guam Congress Building. The hearing agenda is for the **Guam Department of Education** and **Guam Education Board** to **provide updates** for the Legislature, stakeholders, and the public from relevant areas and concerns.

PUBLIC NOTICE REQUIREMENTS

Public Hearing notices were disseminated via electronic mail to all senators and media outlets on **February 26, 2026 (First Notice)**, and again on **March 4, 2026 (Second Notice)**. Notices were also made available via Kandit News Group, the Guam Legislature's website, the legislative calendar, and the Government of Guam's Public Notice Portal.

SENATORS PRESENT

Senator Vincent A. V. Borja, Chairman
Senator Christopher Duenas, Member
Senator Eulogio Shawn Gumataotao, Member
Senator Joe San Agustin, Member
Senator Sabrina Salas Matanane, Member
Senator Chris Barnett, *Ex Officio* Member

ORAL TESTIMONY

Dr. Judith Won Pat, Acting Superintendent, Guam Department of Education
Mr. Franklin Leon Guerrero, Deputy Superintendent, Finance and Administrative Services, Guam Department of Education
Dr. Rizalina Liwag, Deputy Superintendent, Curriculum and Instruction, Guam Department of Education
Dr. Julie Ulloa- Heath, Deputy Superintendent, Assessment and Accountability, Guam Department of Education
Ms. Jackie Quitugua, Deputy Superintendent, Educational Support and Community Learning, Guam Department of Education
Mr. Franklin Cooper-Nurse, Chief Auditor, Internal Audit Office, Guam Department of Education
Dr. Judith Guthertz, Board Chairperson, Guam Education Board

Dr. Mary Okada, Vice Chairperson, Guam Education Board

II. SUMMARY OF TESTIMONY & DISCUSSION:

The oversight hearing was called to order at **2:00 PM**.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Good afternoon. Thank you, everybody, for being here with us today. Today's date is **March 9, 2026**. This afternoon's joint oversight hearing held by the Committee on Education, Libraries, and Public Broadcasting is called to order. The time is now **2:00 p.m.**

Before we begin, there's some housekeeping matters that I'll briefly discuss so we can get to work.

The **First Notice** of this Joint Oversight Hearing was disseminated to all senators and media outlets on **February 26th, 2026**, with its **Second Notice** disseminated on **March 4th, 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 joint oversight hearing is being broadcasted live on the Guam Legislature's YouTube channel and the transcript will be filed with the Committee on Rules and be made available on the Guam Legislature's website.

Today, our committee will hear the following agenda regarding Guam Department of Education and the Guam Education Board. The hearing will focus on:

The Guam Department of Education's transition update, double session, and the Simon Sanchez rebuild, CBA position fulfillment, maintenance updates, financial status and overview, update on ARPA/ARP expenditures, SPED staffing shortages, SPED resource allocation and support services, and for the Guam Education Board, the management audit review, employee grievances, and retaliation.

And at this time, we'll now welcome my colleagues who are joining us this afternoon: Senator Chris Duenas, Senator Shawn Gumataotao, Senator Joe San Augustin, and Senator Chris Barnett. Thank you for joining us this afternoon.

Before we begin, I'd like to remind everybody in attendance of *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 is not permitted. Pursuant to Section 11.07 of the 38th Guam

Legislature standing rules, the chairperson may order the removal from the hearing of a committee or subcommittee of any person who is not a member of the legislature and who fails to observe proper decorum. Any violation of this general rule of conduct will result in immediate removal from this public hearing room.

Now, since we've gotten the basic housekeeping matters out of the way, Dr. Won Pat and your team, you guys are here already. We were going to invite you to sit, so thank you for being here. Dr. Won Pat and your team. And Dr. Okada, would you like to—is there anybody else aside from who will be testifying today? The public auditor or IAO? So you're just here for questions. The sergeant-at-arms, if you can please proceed with swearing in these individuals.

ED POCAGIUE, SERGEANT-AT-ARMS

Everybody, please raise your right hand. Under penalty of perjury, do you affirm that any and all information you provide today, whether be verbally, electronically, and in writing, be the truth, the whole truth, and nothing but the truth?

ALL WHO CAME TO TESTIFY

Yes

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you everybody who's here today. I want to be very clear from the beginning. This joint oversight was not the first option. Our intent has always been to maintain a working relationship with the superintendent and the department where communication is open, where questions raised by this committee receive responses, and where updates can be provided when issues are brought forward on behalf of the community.

Public deliberation through an oversight hearing should not be the first step in getting answers from our institutions. In most cases, these conversations should happen through communication, collaboration, and regular updates between the department and our committee. Oversight exists for moments like this when the public deserves clarity and when the legislature must ensure that concerns raised by our community are acknowledged and addressed.

We're not here today not only because I personally want answers. We're here because the community wants answers. Constituents continue to come and email our office about concerns regarding the Guam Department of Education. Parents are asking about the long delay in Simon Sanchez, when that will finally move forward so that students can return to a permanent campus. Other parents continue to ask about the double sessions that have been going on for several years. And now, what is the plan to return students to a normal school schedule? There are also ongoing concerns and rumors about the delayed reopening of FBLG Middle School. And when

timelines are unclear, rumors begin circulating about schools moving and plans changing. That uncertainty affects families across our island.

Teachers and staff continue to raise concerns about long-standing facility and resource issues like leaking roofs, lighting in class, lighting in the fields, and other conditions that affect the daily learning environment for students. Staff members inside the department are asking broader questions about the direction and leadership of the department. They want to understand the vision for the department and what the path forward looks like. And when you step back and listen to all these concerns together, a common theme begins to emerge. People are not simply asking for explanations. They're asking for direction, for clarity, and for a path forward. Our teachers are dealing with them, principals are dealing with them, and staff are dealing with them. And most importantly, our students are living with the consequences.

That is why the joint oversight hearing with the Guam Education Board is also important. The board plays a critical role in the governance and policy direction of the Guam Department of Education and it's important that both leadership and governance are part of this conversation especially in light of the findings from the recent management audit which raised serious concerns about operations, coordination, and accountability within the department. This is not the first time the Guam Department of Education has undergone a comprehensive management and curriculum audit. The last one was conducted several years ago. And when we compare the findings from that report to the findings in the current audit, a troubling pattern emerges. Many of the same issues identified more than a decade ago are still present today. Concerns about governance and oversight, procurement delays, financial management inefficiencies, facility maintenance, and the need for stronger instructional alignment.

The questions that are going to be asked today are not questions that benefit anybody on this committee. This oversight is about transparency and clarity for the people that we serve. The public deserves to know what is happening inside their public school system. And today we hope to receive updates on several long-standing issues that continue to come up again and again. The usage of lapse funds, the condition of our schools, staffing and CBA positions, SPED shortages, etc. Our responsibility as policy makers is to ensure that things like these issues that have been brought up, to include the audit, do not simply sit on the shelf. They must become tools for accountability, transparency, and progress. And so in that spirit, we're asking for GDOE to be able to present a plan that is clear and concise and for people to understand where we're going.

With that, Dr. Won Pat, we look forward to hearing not only where the department stands today, but how you intend to move forward with a clear and realistic plan for our students and our schools. And with that, we'll go ahead and open up the floor for you to present your slides. Dr. Won Pat, unless you have an opening that you'd like to say.

[START OF TESTIMONIES FOR JOINT OVERSIGHT HEARING] (8:15)

SLIDE PRESENTATION

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

Honorable Senators, Senator Borja, Senator Duenas, Senator Gumataotao, Senator San Agustin, and Senator Barnett. On behalf of the leadership team of the Guam Department of Education, thank you for the opportunity to provide an update on the department's operational status, accomplishments, and priorities moving forward. Today's presentation provides the leadership transition update, and other reports requested. Over the past several weeks, the new management team at GDOE has been actively assessing the department's operational and fiscal landscape.

And on the first slide, we'll give you the challenges. We encountered several challenges during the leadership transition including expired or missing contracts, incomplete documentations such as invoices and change orders and delayed procurement processing. These issues affected several projects including the management of two point eight million dollars in HVAC systems covering two thousand and five hundred air conditioning units across our schools, refurbishment projects in several campuses, and contractual services including therapy services. We have twelve FBLG refurbishments in our schools that are 95% complete. The TinyEYE, which is a tele-therapy service providing occupational therapy and speech language pathology services, was placed on pause.

FEMA reimbursements were difficult for us to track which ones of these are actually FEMA because the purchase orders do not reflect whether there are local or FEMA monies or expenses. The procurement processing also at the AG's office has been challenging at times. Several of our contracts had gone through these elongated processes. Additional challenges are 51 millions that everyone likes to allude to as lapses that we can't touch because it is pending a statement of determination from first DOI, then US DOE, and then there's the prior year lapses from the Guam legislature.

It is difficult recruiting all of the teachers, school aides, physical therapists, occupational therapists, speech language pathologists and other specialized skills. These are positions that are not readily available to the department. There are also strict certification requirements. Basically, if you all know that our neighbors are experiencing shorter educational hours and many of them have decided to move on to either relocate to Guam or to the US. What we're hearing from these teachers is that they are easily picked up anywhere from Hawaii or in the mainland US, but they have difficulty actually being recruited here in Guam due to either additional cost testing that sets them back from actually becoming certified to teach at the Department of Education.

The Head Start program. There's been a recent visit and unfortunately two of our centers had closed due to the lack of enrollment. I shared this I think in one of the senators' resolution presentations; they're competing with the universal Pre-K, the Pre-K Gate, then of course with Head Start. Our CBA high turnover rates, and also the fact that there are these limited term statuses that they are in, and of course the salaries that are low which does not compare to the job demands. Specifically for those CBA positions, on the clerical side we had filled thirty-five of those positions and there are still two more vacancies for a clerk. For the nurse's office, we filled twenty-four positions, but there's still twelve openings for clerks. For the library, we filled fourteen, but there's still twelve pending.

Library texts, we filled eleven, and there are still thirteen vacancies. For the ELL, we have recruited eleven, filled eleven, but there's still forty more to be filled. For SPED, for the classrooms in elementary and secondary, we filled seven, but there's still thirty-two vacancies. And for kindergarten, seven were filled, but three are still vacant. Earlier in your last town hall meeting at DOE, SPED had mentioned the need to hire an additional one hundred sixty one-to-one aides and we're requesting that out of the fifty-one million dollars we try to hire those aides. It is not that we don't have the funding to currently hire those aides, but we've done something where we've gone in and took the total number of aides that we have, which is about seven hundred, and we decided that this spring we are going to cross-train all of our aides so that they'll be able to be in place if there's an absence of a one-to-one aide so they should be able to cover. Since then we have been recruiting and hiring so the numbers have gone down from one hundred sixty to now one hundred thirty-eight. The next slide will be special education staffing challenges

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

Good afternoon. For special education staffing challenges,

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

As mentioned earlier, just state your name for the record and your position.

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

Yes. My name is Dr. Rizalina Liwag and I am the curriculum and instruction deputy superintendent for the Guam Department of Education. Good afternoon.

For special education staffing challenges as mentioned by Dr. Won Pat, our superintendent, we do have open job vacancy announcements for those positions and we are lacking at least five

occupational therapists and occupational therapist assistants, three physical therapists, eight speech language pathologists and the school aides already mentioned. Besides that, we also are lacking teacher aides for special education early intervention and as well as teachers. The staffing shortages impact delivery of mandated services despite recruitment and workforce development remaining our priorities. We can go to the next slide please.

So the therapy services that are affected are occupational therapies and the speech language pathology services. We do have five hundred twenty-two students affected requiring occupational therapy and one hundred thirty-two students affected requiring speech therapy. And as an interim solution for now, parents were provided with a notice to temporarily seek services using their insurance with reimbursement for the twenty percent co-payment. However, we also are trying our best to process the contract for these services which is underway. So we're hoping that the contract gets approved soon and we resume back the services.

Next slide please. So this SPED resource allocation as you asked, we have allocated an amount of two hundred fifty thousand dollars for speech therapy and seven hundred fifty thousand dollars for occupational therapy. Most of the budget under special education, amounting to a fifteen million dollar sum, is under personnel and salaries and wages. There's three hundred thousand dollars for travel, equipment of three hundred forty-seven thousand, supplies of two hundred ninety-four thousand, contractual is about two million, and other, which is a capital outlay that includes a purchase of the bus and other equipment, is six hundred thousand. But the issue with this is we need to put effort into maintenance in order for us, for example, to purchase buses. So in order for us to use this money to purchase buses, then maintenance of effort has to be in place as well. For example, if the SPED department puts four buses under federal funding, then local funding has to provide at least two buses.

Next slide, please. So, for early childhood education, we had a monitoring review two weeks ago by the Head Start program. It was conducted on February twenty-sixth and seems like it's good news. It's an accomplishment that there was no preliminary feedback indicating no findings or deficiencies. Meaning that they haven't found or they didn't find any deficiencies, but the official report is expected to be reported to us within sixty days. So we're waiting for that report.

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

Good afternoon. My name is Dr. Julie Ulloa-Heath. I'm the deputy superintendent for assessment accountability. So, infrastructure improvements across our schools continue to progress. For this slide, you're looking at the refurbishment project for the twelve schools and as of March fifth, the completion is at ninety-five percent. They will be completing this project by this Sunday.

Next slide, please. For sanitation and school safety, we have five schools that received a grade A, thirteen with B, and grade C at thirteen schools as well. We continue to ensure that we address all those deficiencies identified by the Department of Public Health and it is our goal that we will not see any grade C.

As for the FEMA project, we have the campus perimeter fencing and that was already awarded to Wang Brothers pending arrival of materials. However, they're actively prepping the site area for the installation of the fencing. Now for the mold mitigation, it was awarded to Pacific Restoration LLC and there are some concerns with the mitigation. So I have not seen the scope of work. However, there is a difference between mitigation and remediation. So mitigation is to identify what we can do to prevent mold and remediation is the removal of the mold in the areas that have been identified. So we are reviewing the scope of work to ensure that the proper action is taking place whether it's mitigation versus remediation. Yes, GSA is handling this. So I have yet to receive the scope of work from GSA. This includes fencing as well.

For ADA compliance; all schools have been inspected. It was completed the last day of February and now our next step is to address those items, and much of the deficiencies are, for instance, the signage, the spacing for handicap, and the flooring.

Next slide, please. So, the facilities and maintenance update on the FBLG renovation project currently is at 89.44% completion. Remaining work still includes restrooms, the doors, electrical connection, and the AC installation. The lead item is the electrical connection due to the shutdown. That is a delay, and there are other issues that are being faced by this renovation project: the fire suppressant or the fire alarm system, the bell system, the communication and IT, the gym, the demolition of the temporary building which is the choir building, and also the old band room. So those things are being addressed. Next slide please. Okay. And that is all for my report.

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

Thank you. I want to bring into the picture our educators and the kind of support that we are providing as they also are the main staff on campus that provides instruction. So the listed professional development that have been provided to our teachers, counselors, librarians, and administrators are listed, such as: the English as a second language for families; the educational virtual reality training for classroom teachers; STEAM which is science, technology, engineering, arts and math connected with robotics; career technical education training for our CTE teachers; safe school training for our administrators hosted by our Guam Police Department; the next generation science standards for science teachers; the ASCA for our counselors; literacy and maker space for our librarians; and of course math instruction that was

facilitated by REL Pacific. So these are ongoing supports that we believe need to be given to our teachers as we also expect to see academic achievement.

We also have completed six major proposals that we are ready to... that are under review but have been submitted to our internal federal program for review and feedback. The six proposals that we are going to be submitting to USDOE are: intervention and enrichment project; school improvement plan project; professional development which embraces coaching and mentoring; CHamoru studies project; college and career readiness project; and school climate culture and engagement through multi-tier systems of support.

The question that was asked earlier on the status of the double session: we have kept our students at the center, at the heart of the decisions, and as GDOE continues in the deliberation, we are certain and are ready to say that we will lift the double session for next school year. This means full instruction for our children. They have been in double sessions for quite some time and rightly so, we need to give them the instructional time that they are deserving. This hopefully will address those concerns that our community, our stakeholders, our families, but most importantly our students that we will be addressing academic performance, social emotional competencies, and of course their well-being.

Lifting the double sessions will also hopefully reduce chronic absenteeism, improve attendance, and provide the healthy learning environment that students deserve. This opens the opportunity for enrichment through after-school programs, clubs, and sports competitions. We are focused on promoting positive conditions for learning, and the learning environment mentioned by Senator Borja remains at the forefront of our decisions.

Through ongoing conversations with our school leaders, the transition to lifting double sessions continues. While there are many moving parts, we are approaching a firm timeline for this change. We are paying close attention to facilities, transportation—which we hope to discuss with DPW this week—and other related factors that will allow us to open our doors for all children. We hope to announce the final plan in a couple of weeks, by either the end of March or early April. Rest assured, the principals in these schools are already having serious conversations on how to address this.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Thank you, Mr. Vice Speaker, Senator Borja, and all the other senators. My name is Franklin Leon Guerrero, the Deputy Superintendent for Finance and Services.

The first slide covers food and nutrition. A financial management review is currently underway. The planning is completed, and execution will begin within approximately the next week. The reviewers were originally going to come to Guam, but due to cost constraints, they will conduct the review virtually via Zoom. During the last audit, there were no cost-related findings. The duration of this review is three months and focuses on meal reimbursements, including breakfast, lunch, adult daycare, and child daycare. The total allotment is twenty-two million dollars, with seventeen point six million being the federal share and a twenty percent local share of four point four million. We do not anticipate any issues.

Regarding the financial overview, our total budget authority was two hundred sixty-five point eight million dollars. To date, we have expended one hundred nineteen point five million and encumbered twelve point nine million. These encumbrances represent contracts or purchase orders that have been entered into but not yet invoiced. Our remaining balance is approximately one hundred thirty-three million, three hundred twenty-four thousand dollars. We are burning at a rate of about forty-nine point eighty-four percent, which is appropriate given that we are at the fifty percent mark of the school year. The burn rate is appropriate, and I'm watching it real close.

We are currently undergoing the fiscal year twenty-five audit with Ernst and Young. The Public Auditor emphasized the importance of DOE being on time, as other line agencies follow our lead, and we're slow to perform, it affects the entire audit process. Since Ernst and Young opened the portal to ask for financial inquiries and things like that for the audit process, we have received twenty-six inquiries and responded to all of them on or ahead of schedule. We are currently waiting for Ernst and Young to provide the necessary Gantt chart to identify milestones and proceed with the audit process. The foundational information they required for the audit has been given and we're ahead of time.

When we first came to our first hearing, I mentioned to you that the aging accounts payable in December and January, we saw an eighty-nine percent reduction in payables. As of the end of February, did we lose the base? The answer is no. We didn't lose focus. If we look at the aging accounts in February, compared to the same measurement tool which is December 31st, in January we have cleared eighty-nine percent and in February we cleared ninety-seven percent of the payables compared to the December measurement. We are on track and taking care of business as we should be.

Regarding federal grants, we have one hundred sixty-nine point eight million dollars in education awards, with a remaining balance of one hundred point eight million. We have instituted monthly meetings with grant holders. Every month we sit down, we ask them, we break bread, and we say to them "What are you doing with the contract services, merchandisers, or whatever it might be to stay in line with grant requirements, to meet the requirements, bill it, invoice it, and get it paid

in time.” We have monthly meetings now to ensure progress, and that wasn’t happening before. And towards the grant period, everybody was jumping hoops to spend money that should be paying attention earlier on. This is a procedure we put on to ensure that there are methodical and logical processes to manage the grants.

The largest grant is the ARP grant for two hundred eighty-six point nine million dollars, which funded the refurbishment of the twelve schools. Ninety percent of that grant is liquidated, and it expires on March thirty-first. We are working to spend every project that the ARP was designed for, every penny we can. There are some variables that we have to work on. For example, President Donald Trump came in and caused a "strategic pause" introduced by the federal administration causing significant delays. When the flow of federal money stopped, including ARP money, my predecessors halted contracts, because we do not know if President Trump is going to continue money flow. This caused contractors to incur demobilization and remobilization costs, and transportation and supply costs increased. Because the active period for committing grant funds has expired, time got a hold of us, we can no longer modify those purchase orders. Everything that can be done is being done, we are consulting with legal and auditors and will have a better explanation for the final ten percent once the dust settles after March thirty-first.

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

Moving forward, we have successfully navigated the contractual challenges to continue projects for our twelve schools to continue to complete these projects. But to do all of these, yes we will exhaust ARP money but we have incurred extra costs due to the federal pause, it would mean now to look at local funds to pay those certain invoices. We are requesting legislative assistance to amend the law to allow the utilization of GDOE funding lapses for infrastructure renovation, deferred maintenance, to comply with ADA and public health regulations, capital improvement projects, collateral construction equipment, and other board priorities.

We also request an increase in the simplified acquisition threshold. While the federal side is up to three hundred fifty thousand dollars, our large-scale projects rarely fall under that amount. We are requesting an increase to five hundred thousand dollars.

We will continue to maintain fiscal accountability and transparency. We understand the "maintenance of effort" requirements for federal dollars; for example, if the SPED division purchases four buses, we must provide two from local funds. To improve efficiency, all invoices must now be emailed to a single business office desk rather than individual divisions to prevent them from getting lost. It must go to a single office to ensure timely payments are made. We

have also revised standard operating procedures to prevent over or under-spending and to ensure timely drawdowns, which prevents interest payments.

DFAS has also required performance-based evaluation criteria to increase accountability and a workload output. They also instituted a master tracking system—currently eighty-five percent complete—to meet the timeliness of procurement and contractual requirements. Milestone requirements will be met in a timely and efficient manner for audit reports that we have to submit to you and to the governor's office. Finally, we are conducting professional assessments of Individualized Education Plans (IEPs) to ensure appropriate services to eligible students. As I have said, our tracking system will allow us to monitor these professional service contracts and when they will expire, and when at any time there should be a need to renew at any hour, so we don't run into the problem of missing a timeline.

We are also addressing SPED staffing shortages. To meet the need for the 138 one-to-one school aides required by our students' IEPs, we have decided to cross-train all of our existing aides. We will train the first half during spring break and the remaining group during the summer. We remain committed to increasing student learning and academic performance by strengthening college and career pathways and providing continuous professional development for our faculty and staff.

By the way, I have some news that hasn't been announced yet: GDOE is currently accredited by multiple institutions. Our district and schools are accredited by Cognia, which includes the North Central Association Commission on Accreditation and School Improvement, the Northwest Accreditation Commission, and the Southern Association of Colleges and Schools. Additionally, we are accredited by the Western Association of Schools and Colleges (WASC). We are the first public school system on the island to be accredited by two accredited institutions. For comparison, St. Anthony is the only private school with dual accreditation, and all DODEA schools are accredited by Cognia.

Thank you very much, Mr. Chairman. If there are any questions—oh, I forgot one part. I am terribly sorry. Since we started, we have encountered various problems daily, and one of the ways we do to tackle these problems is we established several strategic task forces within the department. To mention a few, we are concerned about classroom and school coverage, because one of the important things we said is we want to focus on student learning to ensure children are not going to lose that because of the high number of teacher absences and not having anyone to cover those classes.

Like we said we do double sessions and with the same task force and continuing with the same task force and decommissioning of schools. School readiness which meets every Tuesday.

School safety, security, and grounds maintenance. Facilities and maintenance. District accreditation; this is fairly new to us because normally its the school that only gets credited, but now we're looking at the entire district accountable and holding everyone accountable, not just individual schools. We're also addressing the one-to-one laptop program. I know many years ago you've heard an audit that was conducted that there were so many laptops purchased, and now we're working to see how those laptops can be used, distributed, and now we're working with the governor's task force for broadband to make sure the areas where these children at have access to internet.

Early childhood education is also a critical area we're looking at, because it's three different programs, especially numbers, are lower than the Head Start program, Universal Pre-K, and Gate Pre-K. Now the numbers are so low and spread thinly. Teacher recruitment and retention is currently high on our list with several programs we're trying to work with, like the Certification Office, Department of Labor and apprenticeship program that they have. We're really trying to reach out to people in our community. There was this program called "Boots to the Classroom," where we're recruiting military veterans and individuals from closing businesses to become teachers and have a change in their careers. We're looking at school leadership evaluation as well. Artificial Intelligence district policy is a big issue that should stay on top it. And of course one of the biggest areas is excess annual leave and how do we address it, how do we ensure we are compliant with the law.

Once again, thank you again for your time.

END OF SLIDE PRESENTATION

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you, Dr. Won Pat. Regarding the transition, I'd like to ask a question because over the last few months, many outstanding issues were being worked on with the department prior to your team's arrival. A lot of the responses that we've always got is that you are still conducting assessments and all that. Just as we're on the same page, how was the actual transition with the outgoing Superintendent and deputies? Because a lot of these issues that you mentioned as challenges are not new issues, it's not issues that just happened just because the old team is gone. What was the transition like, like in HVAC issues that we were once working on. So what was the conversation around all these issues and challenges that you guys have listed here from the outgoing team? Because all you're saying is that these are the issues moving forward, but what can we remedy about that?

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

We established a transition team of individuals from both inside and outside the department to work with the deputies. We provided a list of required documents and questions that we would like to have. For the most part, we received them, it's unfortunate but I hate to say that Dr. Heath would tell you that she had nothing. Her computer was completely cleared out. She has no idea at all what was happening with facilities, maintenance, or the HVAC purchases.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So the transition consisted only of documents you requested? Were there no meetings in regards to going over these items?

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

We had a meeting with them, but I guess it wasn't an inadequate moment of time to do that. I mean like I've said, we have one deputy who received nothing, while another sat for several days for a handover. Yes, maybe it's best if you explain that.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I can give you more detail of what you're asking. The bottom line is that there was a hard decision and the decision wasn't made. You want to know about transition, it's all about "A. You should look at this or B. No mention at all."

I'll give you an example. There are two hundred eighty-six air conditioner compressors sitting in the DPW warehouse. That was a contract for two thousand five hundred air conditioners, but the winning contractor did not visit all the schools to assess the specific hookup requirements at each site. Along the way, the contractor said "I need more money." Many of the air conditioners are like your house, you might just swap one split unit for another using the existing electrical box, one hour. But this individual didn't account for the fact that some specifications were not a "plug-and-play" match. Some went from split ducted to package units, now you have to create two hundred to three hundred feet of ducting, insulate the ducting, and the contractor said "Woah, I didn't put that in my bid, so you owe me more money." And I say "Wait a minute, this contract says unit, equipment, and installation, and you're telling me you want more money?" And in this case, he asked for nine million dollars more to install two hundred eighty six units.

To put that into perspective, to install two thousand five hundred units with his original bid to purchase and install was ten million dollars total, including installation. Now he wants me to quote an additional nine million dollars to install two hundred eighty six units.

The prior management team said “This was hard,” but part of why is it hard because they were involved in the decision-non-decision processes that led to this. They essentially dropped the ball at our feet. And this is ARP money that we’re paying for this, and the ARP money is going to expire. We are up against an expiring ARP, and I am not going to pay nine million dollars for the remaining units including installation that was already cited in the contract, but if we do nothing or get tied up in court, it means two point seven million dollars in ARP funds will expire.

After consulting with our lawyers and auditors, we came to navigate the best way forward, and the best way forward was to pay for the units themselves. We asked the contractor to subtract the installation costs he had included, we’ll pay for the equipment itself, so we could use the ARP money to secure the equipment. Then we will go out on a competitive bid for the installation of those two hundred eighty-six units. That's just one instance. Now, what kind of transition did we have? Zero, other than being told, "you should look at that." There are also other instances—we could go into detail after detail, but that should give you an idea.

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

I have another example. I placed Facilities and Maintenance (F&M) into automated systems. After analyzing the data, which is available online, you can go through our website under the assessment and accountability F&M dashboard. If you click for instance “Southern High School,” for instance, the data from the past ten years that I have shows there have been so many things that are neglected. They have so many carpentry and plumbing issues, and looking at the dates, it had been a long time since any repairs were done to that school. I spoke to the F&M supervisor and said this needs to stop; we need to mobilize the staff to repair Southern High School. Since then, we’ve been able to stop some of the leaks and repair the auditorium and also the HVAC. It looks promising, and we continue to monitor these things through data. Now, every individual that do any type of work must submit a work order, even if they have to repair a desk, so everything is accounted for. That is a big progress. If you ask when the elevator was last serviced, the record should be there because a maintenance person now accompanies the OTIS representative. So this is an example of the difference between the past and current management.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

I recognize these problems are not new. My question is, in regards to these couple of months, I forgot who told me, regarding possible legal issues with some of the things that happened. Of course speaking with the outgoing team, and I remember meeting with them, and asked for a transition meeting, and to this day she (former deputy superintendent) says there was no transition meeting. My question is, with all these challenges, where are we at? I know when we first met, you said you wouldn’t point fingers, but it seems to me that you weren't given the

necessary context and information for these issues. On the record, was there an official transition with the outgoing team, or was there simply no attempt on their part?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I can tell you that I met with my predecessor for two days, four hours a day, a total of eight hours. There was no mention of these issues. I'll give you another example: the Cortech refurbishment of the twelve schools. We are finding out now that between \$18-30 million in invoices have not been submitted by Cortech yet for work that was approved by the previous management team. This is just now coming to light. We don't have that money, ARP doesn't, so we have to figure out where those funds will come from.

You have to look at the viability of what was done. In the refurbishment contract, the roofs were to be repaired. It called for roofs to be repaired because they were leaking, but DOE's statement of work only identified a specific number of square feet per building roof. When the contractor got up there, he discovered the SOW was way low and the leaks were much more extensive. The contractor stopped and asked, "Do you want me to just do what you identified and leave the rest?" That didn't make sense, so the DOE said "No" because it would still be raining on the other half of the roof. They investigated and documented the extra square footage.

In another case, DOE specifications said a restroom needed three toilets replaced, but when the contractor arrived, there were seven toilets and asked "Do you want me to replace just three, or all seven?" and the DOE said "We want all seven replaced," and that became an additional cost. Weeks ago, this contractor came in with ten point four million in additional costs for roofs, leaks, and toilets. Was it good work? Yes. Was it needed work? Yes. Did it follow the contractual procurement process? No. Did someone in authority at DOE say "go forth"? Yes. So services were rendered and parts were provided. This individual is going to be paid, but where is the money going to come from? It isn't ARP money and it wasn't budgeted. These are challenges facing us now that we were not briefed on and were not aware of. Unfortunately, it could have been mitigated somewhat if action would have been taken sooner.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So, you said you had a two-day transition. Did you say that was with the outgoing DFAS?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I had two days, four hours each day.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Was that because they didn't give you the opportunity prior to that, or when did you reach out? When were you notified that you were going to take this job?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

When was I notified?

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Yeah. You're saying you only had two days.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I called my predecessor. He didn't call me, and he said he could squeeze some time out for me. So there was no formal process put in place that I was aware of. I reached out. I can't impose myself; he was still the person in charge. So when he had availability, I made myself available and that's how it went. Unfortunately, he was busy. He didn't have anything written down. He didn't have any agenda. He just sat me down and said kind of look this way, look that way. That was about it.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So, I don't want to stay long on this question, but the reason I'm asking is that there have been a lot of claims coming out of the department in regards to possible legal action because of things that we failed to conduct a proper transition. Nobody knows because the claim is there wasn't a proper transition. So, Dr. Won Pat, if we could just finish this question in regards to whether there was a proper transition and if it was because of their part or yours.

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

I'm going to have every one of the deputies describe what that transition was. My transition with the superintendent was two afternoons, a couple of hours each—so, a total maybe of four hours. You've heard what he was like. I'd like the other deputies to explain their individual meetings. We had a meet and greet, they all took off and went to see their offices, and then they were scheduling their transition time aside from the documents that we received and were reading. So I'll ask everyone to state that.

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

Yeah, I can go ahead. So, we actually signed our contracts on December 29 stating that we were to start January 1st. Right after that, we had transition meetings with the former deputies. Prior to

that, we were able to collect data and documents through the transition team for about a month or a couple of weeks. We reviewed the data and conducted surveys and all those things.

Usually, I also transitioned from my last employment. In my transitions, I have a list of things that I make the incoming personnel or superintendent aware of. In that list, I specify which grants I am handling, the amounts, the dates, the contracts, and all the details including the personnel in charge of this and that. When I came in and did a transition meeting for one full day with the person who exited, I was informed there were no issues.

I was told that textbook allocation had not been done by the government for many years and to just reach out to project heads. They said there was no problem. I took those words at face value, but during my two months there regarding the textbooks, I received a textbook audit draft which shows something very different from what I received. There were purchase orders that were not paid for years, and those federal grants lapsed and can no longer be liquidated. There are teacher positions that were project leads, and we have school aides that we can utilize. There are invoices that just came to me from April 2025 and January 2025 that are just now hitting my desk for my signature so they can be processed. These issues are really mostly administrative and procedural. Another issue is expired contracts. But we continue to provide services despite expired contracts. These are really administrative issues that if we follow regulation, board policies, we could have probably prevented. But I was told no issues, and that everything is great. Thank you.

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

For my experience, the so-called transition was during the meet and greet, and that was just about an hour or so. I was shown where the office was and that's about it. What I received were documents for the organizational chart, functional chart, and some PowerPoint presentations developed by the various departments that I will be overseeing.

When I came in on my first day of work, January 5th, I came to an office that was totally empty, including the desk, not even a pen. There was no administrative officer; she was gone, and all her belongings were gone. Literally, I came into an empty space, not even a chair. I was standing around in the hallway trying to determine where all the belongings were. I asked for the laptop that was utilized, and there was nothing in there too, not even a Word document. When I left GCC, all my work stayed in that computer so that whoever came in would have everything I worked on available to them. That did not happen to me.

In essence, I was going around trying to find out when construction meetings are held and what updates were needed. It would have been great to have a "heads up" or a list of pending areas,

but there was none of that. So when you ask how the transition was, I could say that it was just documentation and that hour and a half. Thank you.

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

I want to share with all of you that at least for me, I still have access to my predecessor. I can reach out to her, ask her questions, and consult her if I have questions.

She brought me to the space where I was going to occupy and I found documents that she left behind for me to read, some SOPs that I had to acquaint myself with. And I know that it must have been very hard for my predecessor as well, so I gave her at least that respect, the human part of understanding of leaving the main office. Her response in all the times that I would need some answers has been pretty much receptive and immediate.

Though I did experience one issue, and I'm not too sure whether it's really on the predecessor because I was looking at the trail and the information I got from the team, is a training that was conducted in March of 2025 where there was no purchase order or any contract. Now we're trying to figure out how to address that and which funding source to use. So that in itself tells me something. Again, as some of the deputies have shared regarding policies and procedures, we really need to make sure that we are following these together, abiding by them, and making sure that we understand the process.

The other support that I got is really the people that are still in the main office. I turned to them and asked, "So what do you normally do? When do these meetings happen? Can I have this kind of information?" and they're readily there. Of course, I've already seen some areas that we do need to improve. There's also the need for clarity in roles and responsibilities and timelines, you know, and these meetings and the next steps to follow. Maybe we even need to review some of the SOPs, and perhaps even our policies, practices, and programs and policies need to be revisited. So, those are the things that I'm seeing and, as you had mentioned, Senator Borja, the public deserves to know. It's all about trying to be transparent, accountable, and responsible stewards of our time and the work that we are providing for our students, our schools, and our teachers. That's the approach that I take. I look at the challenges as opportunities and I open it as a way for me to improve and be better in the way of serving our students. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you, Dr. Mr. Leon Guerrero, regarding the fifty-one million dollars, there's been a lot of interpretation and back-and-forth in regards to the reimbursement for the ARP. What was the last thing that Mr. Wade said, because we were briefed here at the legislature before Dr. Swanson

left, was that the reimbursement was sent. We were waiting on approval from the US Ed on whether or not we were going to get that reimbursement. It got approved. The money was on its way. It should have been in the bank by the time Dr. Swanson left. Now, at least what I'm being told from secondhand sources is that you guys are scared to touch the fifty-one million because there's some clarification needed from DOI or US Ed. What has changed from Dr. Swanson leaving money in the bank to today?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Franklin, do you want to address that?

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

Good morning, Senator, I'm Franklin Cooper-Nurse, GDOE's Chief Internal Auditor. Relative to the fifty-one million, the idea is that GDOE was working directly with the programmatic office to seek approval. That approval was given, but it did come with some caution. The approval was given and on the management side, we were going through the late audit of FY24 through my team and E&Y, and this matter was flagged. There were some concerns surrounding the calculation in earmarking requirements and also the supporting documentation specifically to justify the fifty-one million dollar transfer back to local teacher payroll.

To make a long story short, as you alluded to, the prior superintendent said before he left that they got the approval and the money would be there. That did occur; they went through the process of getting that reimbursement. The reimbursement was processed, and those funds are currently sitting with GDOE. However, the audit was issued subsequently. The audit did question almost a million dollars, about eight hundred thousand, of what they tested for meeting the two requirements they were forewarned about. The earmarking requirement of taking twenty percent off the top of the total award wasn't met. Then, in the testing of the auditors, I believe it was over ninety-five percent, though I might have to revisit the numbers, there was a significant amount of deficiencies in the total sample, to the point where the auditors questioned nearly ninety to ninety-five percent of the supporting documents intended to justify learning loss. So that audit has now been filed. With a single audit, the requirement is that those audits get filed in the federal clearinghouse, similar to this process, and is reviewed by Congress before other federal awards are provided.

We are going through the process because now that it is at risk, while we do have the funds, they have been identified in an audit as at risk with some questioned costs. I think there is a conservative approach by the new team that before we continue on moving on to spending those funds, we should seek a final program determination letter from the US ED so that there is no

repayment or risk of federal infraction relative to US ED funds. The money has been drawn and is sitting with GDOE, the audit has been issued and came with questioned costs and deficiencies. The audit is filed with the federal clearing and has been provided to US ED. We are working with their equivalent team to clear audit findings and get the green light so that none of those funds are at risk of repayment, because a risk of repayment would mean we have to come back here and ask for additional support to recover the fifty one million if we spend it. I believe that is the approach the Superintendent is taking. I just know that we were contacted to work and expedite our process and resolve this to get a program determination letter from the US ED.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Do we have any kind of estimate on when we should hear from them, or how long has it been since we sent that in?

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

We have been following up every week. I know that this week, we are reaching out to our high-risk consultants to use their contacts with US ED and try to get us face-to-face or at least a Zoom call to get some type of action and create some urgency on the matter. We are hoping to get something by this week.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

How much more of the ARP funding do we have left? I know there is about thirty million left that needs to be spent by the end of this month to meet the deadline.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

We have 10% of the total allotment left, and we have contracts. This is for the refurbishment of the twelve schools, but for some unknown reason to me, other than the strategic pauses, caused the contract to delay, and the contractor experienced delays. When they started back up, the contractor came back asking for remobilization costs and things like that. They are currently doing the rain canopies between the buildings. What the contractors are doing is that they are 90% done, and once those are finished, it will be all said and done.

Unfortunately, unknown invoices are coming out of the woodwork right now. Because of the timelines of the grant, even though the work was on the refurbishment contract, because of the grant timelines, we cannot apply those invoices to the grant because the grant will not allow it. That work has to go into local funding, which we don't have right now. It is approximately \$18 to \$30 million. We are asking the contractor every day to give us those invoices.

Another thing the contractor was talking about is that some invoices were submitted but "squirreled away." We have worked on that, we have a new solution for tracking now, but for the invoices "squirreled away" and have now come to light, the contractor says "You owe interest fees and late payment fees." The accumulation of late fees is over nine hundred thousand dollars plus, which is not budgeted anywhere. And this won't be covered by ARP money. We are doing to spend every penny of the ARP money, and we're ninety percent, we'll know in the next month when the dust settles, but we're doing our absolute best to spend every penny that we can on the projects it was designed for before the month ends.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Minus the ARP money, how much money in lapse funding do you have in the bank right now? Minus the ARP money that was set aside for revolving.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

We have about \$15 million to \$16 million but those are prior year lapses.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

You said \$16 million? And that is what you are using right now to pay for the ARP projects?

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

Yes, Senator. If I can just add, as we get caught up and you are aware of our persistent delays with our audits, we just wrapped up our fiscal year 2024. We should really be at a point where we are issuing 2025, and that was what Frank is speaking earlier, that he's trying to get a handle on and get out more timely. From FY 24, what the 2024 audit report shows is a total of seventy seven million in surplus. Of that, twenty six million is an operational surplus from unspent local funds, and fifty one million represents the ARP transfer to the local teacher payroll.

As we close fiscal year 2025, I can't speak to you on the precision of these numbers, but I can tell you from tracking expenditures level, which the legislature requires in quarterly expenditure reports that we file, is that we were tracking a twenty million surplus and ten million in open encumbrances. We are working together with Frank to make sure all fiscal year 2025 expenditures do not carry forward so that no prior year obligations will make it to 2026. You want to use that twenty four million as lapse.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So you want to use that \$24 million as a lapse?

**MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE,
GUAM DEPARTMENT OF EDUCATION:**

The way the law was created, GDOE has lapse provisions that carry forward into operations for 25. The 25 law says that your lapses, again thinking cumulative lapses, the 24 and 25 lapses, rolling over into operational year 26, is earmarked to meet the ARP and prioritization of playgrounds and sports facilities.

That said, you're looking at a significant balance that has an accumulated lapse carry forward that you want to and ARP, for all intents purposes, comes to an end this month.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

How much of that money do we actually have tied up ready to go that's going to be useful in 26 for sports facilities and playgrounds?

**MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE,
GUAM DEPARTMENT OF EDUCATION:**

So I think, Senator, our superintendent asked in the presentation that we have some type of amendments to the language of that law so that we can take some of this lapse funds and make sure it gets dedicated to support these critical contracts that the new management team is kind of uncovering as they go through their first few months.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you. One more question, and then I will open it up to my colleagues.

You know I was at school a couple weeks ago. There was a room full of students with disabilities and two one-on-one because of the shortage. I guess my question for the parents and a lot of these is what is the plan? There has to be some kind of immediate... I think for me it's like just standing there and watching them. I sat around for a couple minutes. The kids came and hugged my leg. Then one-on-one aids look like they're on their last straw and ready to quit. But what is the plan? Because at least talking to other principals across the department is not the only school that has this issue. I mean do we this is an issue obviously that has existed even prior to your arrival Dr. Won Pat. What is the plan?

Like what is the timeline to where there's going to be some kind of relief to... I mean the staff has burnt down not just these one-on-one aids. It trickles to the counselors the min, you know it's all hands on deck and I'm sure you guys have seen this and you know this but what can we tell the community and the stakeholders and the parents and the students as to what is your plan? I know you're saying we're going to hire but in the interim that's the same thing the previous administration said. What are we going to do?

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

You're right. It's a perennial problem. We just don't have enough applicants and then we have a very high turnover rate as well. And then the department has even tried to reclassify some of these positions in the hopes of changing the titles and slightly increasing the salaries that maybe more of them would apply, but they're not applying. That's the problem we're having right now. But it doesn't mean that we're going to stop. So that's why we looked at the total number of our school aids that we have and what we want to do is to cross train these aids. So we have regular aids that are not part of CBAs.

Then we have the CBAs. Those are the collective bargaining agreement aids and then we have those for SPED for the one-to-one aids. So we have different types of adult support in the school system in the name of teacher assistance, developmental disability aid, school aid one, 123, a whole slew of them.

But the problem is that we're losing them as fast as we are receiving them. So it we know that we need to address especially our one-to-one aids and we had a meeting with our our principals and with SPED and one of the things that we decided to do which is going to happen in the in spring break is to be able then to train those school aids, our regular aids our CBA aids, to be able then to also learn how to handle children with disabilities. So should then any one of them be absent, another school aid will be able to cover.

But it doesn't end there. One of the things already in a conversation we're having is with public health and we're looking at some of these individuals that are required now by the federal government, those who are on SNAP that they must provide so many hours to volunteer at a workplace or be hired. We're even willing to hire some of these individuals. So many of them by breaking up how many percentage of time they can be in the schools. So we're having that conversation with them to be able to identify them. I said we'll hire them by the places where they live, where the schools are at, and then those who want to volunteer so we can have their presence as well and even train them. So we're willing to hire them. We just need the applicants.

And then the last thing of course especially, I do know that this was a big thing with TinyEye, is that yes we have right now currently and it's allowed that those who have insurance that if they went and sought an occupational therapist speech therapist or physical therapist which is they they are is part of their insurance we will pay that share of their copayment.

The third, and this is where I called the governor's office last week because asking now that I want to do an emergency procurement so that we can go out and then put out a procurement with

a TinyEye. We had a two-hour meeting with them last Thursday to find out what has happened, why was there a pause, what can we do to address this. So it's not I mean I know it's not as fast as we all would like it to be but there's just limitations of course in terms of either the law or processes to to make this happen.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So if you're saying there's some you know maybe some barriers in the law, what in the law do we need to change to address this I mean I think it's at a point now, I think for me when I look at that like that's I would consider that a state of emergency, and that's that's small compared to I'm sure the broader problems across the department.

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

Why we're going that route of an emergency is that this contract is not something below \$500,000 so that it won't hit. I'm sorry to say this but you know the attorney general's office because it becomes an emergency and right now it's over \$600,000 that's what we're looking at. So our legal counsel and our procurement officer are writing up now the procure the RFP to be able to procure those services with a tiny eye.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I'd just like to add, and it came from the parents and the teachers on this TinyEye occupational therapy, speech therapy and all that, that it takes time as the parent said, it takes time for the student, the special needs student to build a relationship with the therapist. That takes time. If we were to switch companies, switch therapists in mainstream right now, the rest of the year we might have a new company, but they would never get any learning because they're now trying to build a new relationship. They wouldn't get to the learning phase.

So, the company that we're going out for emergency procurement isn't being done lightly, but the value added that they can hit the track, the existing relationships are intact. Not only can we finish this year, we're going to go back and get the classes for the classes that were missed so that we can say that they'll get the full the full amount of training that they would have had had there not been this lapse with the therapists that that they're they have that relationship with. So, it makes sense. And having done that, we're now going to go into the long-term solution for instead of this emergency declaration, but for the needs of the kids, the needs of the parents, the needs of the students, this makes a lot of sense right now.

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

So, Senator, we're looking at many different options. One is we also contacted the Department of Labor to see what we could do to be able to bring in some of these professionals, the EB3s, especially with occupational therapy. We reached out to allied health to find out how many of them are licensed here in Guam.

We reached out to retirees as well and that's something we're working with HR to try to bring bring them in and to bring them in at an above step which we need of course basically the the consent of the board and then the other is that we were thinking that we want to to also procure services contractual services where we'll be able to pay them by the hour and the number of children that they're servicing. And then also we looked at the price in which the hospitals are paying, how much the clinics are paying.

So we're even thinking of paying above what those other medical institutions, health institutions are paying just so we can attract them to us. So those are all the different things we were trying to you know to avail ourselves with to be able then to attract these professional um therapists.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you. Now we'll open up the panel for questions. Senator Agustin.

SENATOR JOE SAN AGUSTIN:

Thank you, Mr. Chair. I'm just listening to everything being said, I have a list of items here to ask, but I'm just going to try to keep it simple. Madam Superintendent, on page four in your slides, SPED staffing shortages include I'm going to base my questions on the slides. Okay? So, whoever's area covers, speak, feel free to speak. you list down all the positions. Do you have funding for all of these positions? Occupational therapist assistant because when you put on the slide, you said occupational therapist assistant.

I'm going to believe it's one, when I heard somebody say five earlier. Okay. Okay. When I look at the slides, when you put it out on the slide, I just want to make sure that we all understand each other. Don't just put out a position and then assume that we're going to catch it when you say it when you should have had it on the slide. You know, occupation therapist assistant, two, three, four, whatever number. Okay. I heard earlier it was five. Okay. And then as I go down the list, my main question is, do you have the funding to hire these people? And if you don't, you do have the funding there.

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

Yes, there are fundings. We just don't have the applicants.

SENATOR JOE SAN AGUSTIN:

Okay. And how long ago has this been going based on your finding as a new deputy superintendent? How long has this been going on?

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

So there are some positions there that have been there in the job vacancy announcement for quite some time already.

SENATOR JOE SAN AGUSTIN:

But several years, right? Several years, more than two, maybe probably three, maybe as long as maybe five. I see Dr. Coll in the back smiling because he knows where I'm coming from on this. A lot of these positions I know in DOE, these are specialty positions.

Exactly what our superintendent mentioned is finding a way to reach out and doing what the federal government is doing. You know the federal government, if they need new officers, what do they do? Raise the salary, take it from customs, from GPD, DOE is going to try to do that with the other agencies. Be very careful how you do that, Madam.

I know you're trying to take care of DOE. I understand that, but just be careful. And you know, I'm going down the area with school aids. I heard it was mentioned you got to cross training all the school aids because I know for a fact a lot of your school aids that are one-to-one they go through this process every year having to apply and I've mentioned this in the past why not just identify school aid as in school aid, and then they can be the school aid today, they can be the school aid one-to-one, you know for the next six hours and after that they become the regular school aid, so that you're not worrying about every year trying to hire a school aid for one-to-one and you have somebody throughout the year that can do.

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

That's exactly what we're doing and this and we're not even based on how we're going to write like the IEPs in which these individual children who need what we're going to call "adult support." So then you're right, so that at certain times of the day, maybe if the IEP says that they're needed only for 20 minutes or 30 minutes, then they're able to go out and assist with other duties as well, like you said, with the regular school aid. And then when they need to go back into the classroom or to move the children to take them from...

SENATOR JOE SAN AGUSTIN:

I understand where you're coming from, madam superintendent, when you're talking about the IEP, I'm talking about the employment, the position. And like for example, if I was going to apply for school aid, I should be able to cover all the different types of school aids role that's needed. That's what I'm getting at. And that's what maybe you need to change in the job description so that the folks that do this every year, I meet with a lot of them and they say, "Senator, every year I have to go and get all my clearances and apply for the same position." They should have been in school aid already throughout the year and kept there because you're going to need them.

You may not, you know, need them in FB Long. You may need them down at Marcel Elementary. You know, they could move around, but I have the flexibility going down the line. Emergency procurement of the TineEye is underway to restore services. I wrote down who has the RFP. And you mentioned that you're trying to get with the governor's office to allow this emergency, right? But then again, you mentioned, I'm looking at all the slides, okay?

Because I wrote a bunch of notes. You identified it on slide number 17, "increasing the simplified acquisition threshold from 250K to 500K," but already you've identified that one is at 600K. So you may want to when you want to send a message to the chair and saying you want to adjust the acquisition use that position as one position that no it's not 500k you need it you need it maybe at six-seven so that he and you and we are able to identify the bill that is for specialty positions. You know what I mean? It's not in general not that you can just get [clears throat] get a contract out there for half a million or whatever. It's got to be very specific because I don't think this body is going to give you a green light to avoid the AG's office first.

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

I mean, we appreciate that. We were at first going to say three hundred fifty because the federal judge raised it to three hundred fifty, but we saw in many of our RFPs and our POS that it really exceeds, you know, even that dollar amount. So, and that's why we said five hundred as something for you to kind of maul over and decide whether it's something that's doable and you're willing to do.

SENATOR JOE SAN AGUSTIN:

But see Madam Chair, I didn't ask for this guy, but the TinyEye is already at 600. So, 500 ain't going to help you. Okay? And all I'm saying is that when you ask to raise the threshold, be specific. You're raising it for this reason, for special needs and nothing more. And then the threshold for 500 and below would be for other purposes and then it would be easier for the body to say okay let's work on it you know like Senator Barnett probably say no hold on okay. Moving along, I'm trying not to ask all the questions. Perimeter award, you identified that uh on page

nine Santes and school safety campus perimeter fencing awarded mole mitigation awarded and then you then you mention remitigation awarded and then you say it's handled by GSA so it's not awarded yet then right if it's awarded then it's ongoing correct I mean I'm just trying to understand award A word means do it.

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

Well, yes. GSA awarded what they told us if they awarded it to specific companies. They even gave us the names of the companies.

SENATOR JOE SAN AGUSTIN:

So, it's ongoing. It's happening for both of them.

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

The only thing that Dr. Heath mentioned mode mitigation versus mode. What's the word you use for fencing?

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

It is awarded to Wang Brothers. The mode is Pacific Restoration LLC.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

The problem is that the original requirement is identification of mold and remediation of mold. So GSA has DOE money. GSA is bidding this contract out and GSA said that it kept getting protested. The identification and the remediation in one package kept getting protested. Stop, stop, stop. So they decided GSA without talking to DOE decided to pull out the mitigation and just bid identification.

And that's where we are and we're not sure we're comfortable with that because you're going to spend a lot of money identifying that you have mold. We already know we have mold. So, there's not going to be any activity to remediate the mold. So, we're thinking, why are we doing this? We need to talk to GSA.

SENATOR JOE SAN AGUSTIN:

Okay, now I understand where you come from. On page or slide number eight, infrastructure improvement, this is all covered by Coretech. Okay. I guess when you put 90-95% completion and then you got on the right side...

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

95 is the cumulative average, but to the right it tells you specific timelines. I mean percentage.

SENATOR JOE SAN AGUSTIN:

I just wanted to make sure I do the math often so I pretty much know, Frank over there's laughing. Okay. Coretech and that's the one you're discussing about the fluctuation of the cost. Am I correct Frank?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

That's correct. That's where these invoices now were okay along the path. This needed adjusting that needed adjusting strategic pauses but nothing was ever said about invoices until they start coming out now. The ability to charge it against the grant is gone. So all of those invoices eighteen to thirty million coming out of the woodwork will have to be local funding which we don't have right now.

SENATOR JOE SAN AGUSTIN:

Okay. Page slide number 10 because I'm from the Jigu FB Longer renovation project. It says 89.44% completion March 15th. What's today? March 5th or okay? It should be 9. Well, today is the 9th, right? So, completion night. March 5th. Am I missing something? Somebody can correct the slide and change the date. When is it?

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

It's 89% as of March 5th. As of, sorry.

SENATOR JOE SAN AGUSTIN:

How much longer? How much longer for the Jigu people to get back to their school? How much, 89%? How much longer is the construction going to take?

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

That is just for the funding for the ARP. But like I mentioned before, there is still out of scope work that needs to be done which is the gymnasium, the fire suppressant, fire alarm system.

SENATOR JOE SAN AGUSTIN:

89% is all ARP money. That's it. And how much money is it going to cost to finish it off?

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

Yes, you have to go a bit. That includes the gym.

SENATOR JOE SAN AGUSTIN:

How much is it estimated?

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

So if it has to go through AG, you're looking at an extended time frame.

SENATOR JOE SAN AGUSTIN:

So how much money has been spent? How much is 89.44% that cost? That's ARP money use. What was the original estimate that was supposed to be the cost for the complete FBM bureau? and get ready. I'm going to ask you about Simon Sanchez, but go ahead and just find the FBLG.

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

Okay. FBLG renovation, the cost of that project, the amount is \$6,275,217.26.

SENATOR JOE SAN AGUSTIN:

Repeat that one more time.

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

\$6,275,217.26. That was the original estimate for the total cost. That is the cost of the refurbishment project for FBLG.

SENATOR JOE SAN AGUSTIN:

And how much was spent? What's 84% of \$64.6 million?

DR. JULIE ULLOA-HEATH, DEPUTY SUPERINTENDENT, ASSESSMENT & ACCOUNTABILITY, GUAM DEPARTMENT OF EDUCATION:

About 2 minutes short. Okay. Thank you, Mr. Chairman. I've got many other questions, but save for another day.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thanks, Senator Agustin. Senator Duenas.

SENATOR CHRISTOPHER DUENAS:

Thank you, Mr. Chair. Welcome to the team, to this oversight and thank you for being here with us. You know, as I read and I think this to put this transition to bed. As I read your presentation today, maybe I should have said challenges/findings. Is that the way you see it, Dr. Pat? I mean, because I want to get an answer to how we're going to benchmark this going forward.

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

Yes, and that's why in the beginning we did say challenges and then of course towards the end you will know some of the things we have accomplished and how we're moving forward to overcome those challenges.

SENATOR CHRISTOPHER DUENAS:

So as you present this today regardless of how we view the transition these are the findings of what you found when you came in and how you're preparing to move forward.

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

Yes. And of course we were really trying to be very cautious in terms when we're saying we were navigating ourselves to towards cleaning some of these things and DFAS had mentioned a few we didn't want to be very specific the specific companies and specific, you know, some of the the findings, you know, like for example incomplete invoices or invoices that were somewhere else and not necessarily at the business office, things of that nature. But those are, we just happen to, you know, stumbled upon them when the vendors are coming and asking why they have not been paid.

SENATOR CHRISTOPHER DUENAS:

Moving forward, I hear mold mitigation. I heard fencing and it's kind of triggering my financial capabilities and kind of the ping-pong ball of the twenty million in funding. Did DOE receive that twenty million back?

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

So, what I did was that before I left the governor's office that I spoke to the chief of staff, because I know that out of that twenty million, six million of that was used for the removal of debris and that leaves four million and these two projects which is the mold mitigation and fencing will come from that balance. That is why it was being handled by them and not by us because we don't have the money in our hands.

SENATOR CHRISTOPHER DUENAS:

So that funding source is still active and available for these two projects? And who's going to manage it? Has it been moved back to DOE or are they going to continue?

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

No, they're the ones that put out the RFP and reviewed it and awarded it and I guess they will be the ones to make the payment as well.

SENATOR CHRISTOPHER DUENAS:

Okay, good. As long as you're not going to become responsible for that and its funding source remains open. Okay, so my second question then is to Frank and Franklin. If we do the legislative adjustments to the budget act and others, will you be able to use reimbursement funds for some of these outstanding items that you have to pay for?

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

Yes, I will continue to stay with what the legislature had wanted it for, which is yes for sports facilities and the playground. That is definitely part of our spending plan. But some of the things that we need the money for, like for example, if you look on page 10, these are right now the top priority for us to be able to use those money for so we can get the school ready. But it's going to be primarily for CIPs collateral equipment. The AG wants us to call it instructional equipment but there is collateral equipment for all CIP projects.

SENATOR CHRISTOPHER DUENAS:

So with the adjustment to the law Frank then those money's become available so you don't need an additional appropriation if you're able to use those.

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

With the adjustment with the law, it'll remove the restrictions for the specificity and give us the leeway to manage it as the superintendent, with the relaxation, then she can use it to get the collateral equipment at FBLG and not tap additional needed revenues for 26. So, you're correct. So if the language is amended in such a way that it does set the priority of the original intent of the law but understanding that the lapses are more significant that we will still have a balance remaining that needs to be executed it can be reprogrammed or adjusted so that we can prioritize other critical needs of the department. And one thing would be the FBLG collateral equipment

and even just as a suggestion to further improve the language is just aligning that to critical contracts aligned with the adequate education at the 14 points.

So you already put an internal control to say that your lapses will be your first priority to get your federal reimbursements in order. Get the federal reimbursements 100% funded so you can recover that money, that is a fronting process once you recover that money it becomes part of the additional portion of the money that you can execute right so again understanding that ARP is going to become completed by March, you have this law that manages the rest of the remaining balance in FY26, that we're just asking that if you amend that language it'll give us more flexibility in having access to the significant lapses that has accumulated over the past two fiscal years.

SENATOR CHRISTOPHER DUENAS:

Yeah, I'm going to stick to that. I'm going to work with the chairman because really the stickler and why we did an additional appropriation and it turned out to be good for you on the twenty million was because we weren't in agreement with the fronting for salaries without a reimbursement. And the way we look at it now is we're getting reimbursed on this funding source. It really should go back to its original intention and that was to help the schools and to pay for all of these projects going forward. So, we believe that that's the best way to do it, particularly with the headwinds that we see financially in the coming months and with a lot of things that are going on. We're going to need to be able to maximize use of those funds.

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

Yeah. If I could just add that if you allow the amendment to the language, it'll allow GDOE to better manage the financial resources it currently has and not come back to the legislature. Because on one hand, we're going to come down here and say that we need more money in this fiscal year budget to operate sitting on a surplus, because the surplus has restrictive language. So the better balance is to come down here with the baseline budget that we need to run critical operations and have full access to the money that we already have in our lapses to run towards operations. And that way there is a better management of all of the government's financial resources when it comes to GDOE managing its lapse revenues and the legislature providing additional supported appropriations.

SENATOR CHRISTOPHER DUENAS:

I appreciate that. Franklin, maybe what we're going to do is set up a meeting between OFB and yourself so that we can and of course our chairman, we've done these meetings before and it's been very productive in terms of getting things tightened up and how we can make sure that money flows and we don't use general fund revenues particularly prospectively when we know

that we got money in the bank as has been discussed and can go to those critical projects. You know, I can't believe that we're sitting here and we're having a discussion, but the breaking news and it's just so exciting, we got to get more information on this that we are going to end the double session going into the next school year. Can you expand on that? How are we going to do that? What's the proposal here?

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

So what it's looking at right now is our Simon Sanchez with Tiyan High School working together and we will make sure that the personnel also address the need because we will be having close to about 2,300. And so that's going to be something that we need to be prepping. The other one so that's Tiyan and Simon Sanchez. For FB, we are looking at possibly having some of our sixth graders continue at the current school where they're at and so that's like UPI, DL Paris and possibly close to 100 of our students may be at Astumbo Middle School, and the reason is again Machanao is also saying that they do not have space, they have enough for the fifth grade from K to 5. And then Finagazen has about 12 students. So we're roughly looking at about 86 of our students being at Astumbo. And that too we're working with the principal, all of them actually, we're working with all our principals to see how we could make sure that this happens. As far as desks and chairs, we're going to be soliciting support from all our schools to be able to have that on time, and that's the reason why we are saying that we would like to have this announced. Once everything is pretty set and complete, with master schedule and all that transportation, then I believe we can generally announce that our kids will be getting their full-on instructional time.

SENATOR CHRISTOPHER DUENAS:

This is very exciting. And Madame Superintendent, I think maybe you can expand on the history of this. I'm glad because we actually discussed this when Mawar first hit and we were having roundtables and discussions on how to mitigate this issue. But Tiyan was always designed to be a rotational school. Isn't that correct?

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

Yes, it was the original intent at the time before JFK was built that Tiyan or the Cortech property was able to house twenty-six hundred students at that time.

Thereafter, the superintendent Fernandez was told that the next school in line was Untalan Middle School which happened and they were renovated. Then the school after Untalan was supposed to be Simon Sanchez and after Simon Sanchez it was supposed to be GW. So that was the intent that was stated in the legislation. It wasn't codified, of course, but it showed the intent of the legislature that that's what that school was designed to be.

SENATOR CHRISTOPHER DUENAS:

I want to just congratulate your team and I'm sure that this is going to be fleshed out. This is very very good news and we're going to do everything we can working alongside you to make sure it happens.

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

Thank you. And if I can add really to give credit to the leadership of our schools because that in itself is really all about what will work for our kids as well. And again, students are being centered in this decision. Maximizing resources is another one that our leaders have really pressed hard for sure. I just want everyone to be aware that our stakeholders of course will always say many things right but bottom line it's about our students. We want to give back what our students are very deserving of and that's the quality of instruction by giving them a full-on instructional time. So, we're expecting some people's thoughts and ideas about what we are going to do about this? But we got to move on. It's all about moving forward and giving our students what they need.

SENATOR CHRISTOPHER DUENAS:

You know, I can tell you that of course you're always going to get that, but as a parent who used to have children or at least a child in earlier grade school, I can tell you that even if it's out of district, I'll rather have a school on a regular time than a double session. And also with the fact that it's been no secret that the schools are having issues with population and there's lower population. So, it only makes sense that you utilize these resources effectively. And you're working smart. I think we can mitigate some of the inconveniences, but I can't think of anything more inconvenient than a double session, especially if I'm on the second session depending on what your household looks like. So, I want to congratulate you for being forward thinking, and yes, you'll take the bumps and bruises, but it's got to be much better than what the current situation is.

Frank, I just want to get together with you on this and clarify the fiscal year audit that you're preparing for. So 25 is good to go. You've cleared that and 26 is what you're talking about being on time or early.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Correct.

SENATOR CHRISTOPHER DUENAS:

We're doing the 25, right? But 24 is cleared.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

24 is done. The 25 is underway. We've met every request from Ernst and Young. Actually, we're asking them what's next? What's next? We do not want to be the holdup because we realize that we stand before all the other line agencies for their audit. So, we're doing everything we can to expedite it and get the audit completed so everybody else can get their start.

SENATOR CHRISTOPHER DUENAS:

I don't want to break the news for the OPA tomorrow because he'll be here with us in my oversight. So, good enough. But it's good work and I've been hearing great things. Thanks for your work going forward. Thank you. I'm really done. I want to just ask you, superintendent, going forward, I'm going to consider these challenges and findings. Would you accept the fact that in three to four months we come back, you would use this as a benchmark plus going forward?

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

Yes, I think that that would be great.

SENATOR CHRISTOPHER DUENAS:

Yeah. Team. Do you feel confident you'll be able to report on this report having great success in terms of what's been identified here in challenges?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

From my perspective, the grants are coming to an end. The money has to be paid. The invoices are coming out of the woodworks. Three to four months now, the dust will be all settled. We'll be able to give you a clean accounting for how it all settled out.

SENATOR CHRISTOPHER DUENAS:

As I close, Mr. Chair. I'm happy about that cause I know it'll be a bumpy road when it comes to the budget which will probably be weeks from now. We're working on putting out a schedule. As you know, we have a compressed timeline this budget season. We will be voting on that budget on July 17. So, we're moving and we're turning and burning and so we appreciate your aggressiveness and we'll discuss that when it comes to be. But, as you said on your burn rate, your burn rate seems to be at least sustaining your operations for this time. We have the ability to use prior year obligations that are coming in as reimbursements. And so, I think we can smooth

this out and work on your budget going forward. But, it looks to me like, at least from the fiscal perspective, the House will be in order and we'll be able to see what we can do to move you forward. With that, Mr. Chair, thank you for the time.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you, Senator Duenas. Senator Gumataotao.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Yes. Thank you, Mr. Chair, and thank you to the leadership of GDOE for being with us this morning. And welcome back Superintendent. Welcome back to the House that you ran for such a long time. I just wanted to focus on page 17 if I could. And you're asking for legislative assistance. And I got to say that I am actually very supportive. Well, I probably will be supportive of you maybe unless you answer this question a little bit differently. Asking for an increased simplified acquisition threshold from 250,000 to 500K. How many projects can you tell us on the record today are you seeing right now that would necessitate why we have to make this move to a higher threshold.

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

What we found at the time when we found out about the pause for Tiny Eye is that they were not able to put out one RFP. So they broke it up into two to stay under the threshold.

SENATOR EULOGIO SHAWN GUMATAOTAO:

So it's only one as a result of just one single RP.

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

No, we did two. We broke it up because we couldn't do it over \$250 per person.

SENATOR EULOGIO SHAWN GUMATAOTAO:

So you're going to ask us to change public policy for just a single?

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

No. What I'm saying is that because many of the contracts that we do have, especially when it comes to facilities, that they're always over.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Yes. And that's why I asked how many are we talking about? Can you guys give us a round number on the panel?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Well, you know, with the deferred maintenance backlog of three hundred to four hundred million and when schools need aircons, like say when Mawar went out, that was twenty five hundred aircons purchased at one time. So, I'm not saying that they'll all be like that, but all of the schools need maintenance and the maintenance doesn't because we've deferred it so long, it doesn't come cheap. But those that we can break off that make sense to break off, two fifty is a low number. So, when you go above two fifty, you get tied into the whole procurement cycle to include all the four phases through the AG's office. So, if let's say it was three hundred to four twenty five thousand, the ability to do that allows the projects to go along smoother, quicker.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Okay. And I'll ask again. What is the total amount of projects that you guys were seeing that are above that threshold? Why I ask is when we asked GSA, they had a number. So, can you tell us what that number is so we know what we're dealing with here in terms of scale?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I can tell you this is the second month here. The priority for me at least for DEFAS was to not give back federal funding if you could obligate it. So lots of time has been involved in that. The analysis of the deferred maintenance costs and that kind of stuff was going to come after the immediacy of the Tiny Eye.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Franklin, I get it. But if I know your experience here, is it 100 projects? Is it 200? Can you give me a number? Can anybody give me numbers?

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

One example, I don't have the actual breakdown, but of the twelve schools that were refurbished, there are five different areas and that's twelve schools at one hundred twenty five million. So what they're doing is every time they finish one particular project, then that's the dollar amount that's over two hundred fifty thousand dollars. So they hold off on it until they send them to us cumulatively so that we make one payment. But I don't have the dollar amount, but I know that it was one hundred twenty five million for the twelve schools that are being refurbished. And just

one example of an electrical upgrade is eight hundred seventy five thousand dollars. So that's one contract.. What do you have?

SENATOR EULOGIO SHAWN GUMATAOTAO:

Can you go ahead and interject? I'm sorry Franklin. Can we have a go?

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

Okay. So for CNA alone, we do have probably about five more than five contracts that require more than five hundred thousand dollars. For example, one example is really the Tiny Eye. The second one is a contract for college career readiness. One contract is about one point two million. The other one is probably about six hundred thousand dollars. So those are the ones that are on top of my head. But I know professional development also when we put that out for a proposal that's more than five hundred thousand dollars.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Okay. Now, why I ask I don't have a lot of time, but I'm asking is that before we come back and deal with this, it absolutely makes sense if you can tell us with certainty how many projects that would entail because I think that the rest of my colleagues will want to know if we're getting in the way of three hundred projects every year because of a simplified acquisition threshold, then there's a lot more appetite here to make that change. Or otherwise I think most probably the chairman included will probably just would rather stick to it and just force that this behavior really should be prioritized versus trying to push out so many projects.

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

And there's just one thing that we just thought of is that for example we said we're going to purchase a bus, SPED buses and each bus is about five hundred thousand dollars.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Right. And then if you but how many buses are you talking about though?

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

Six.

SENATOR EULOGIO SHAWN GUMATAOTAO:

So that's what I'm trying to say at some point but at some point, when we come back here, if we can really identify that, that helps the committee, and it helps all of us because I was going to

also talk about when you think of public policies. I know we talked about SPED and I think that special education, and based on the last hearing, is there a policy that you would recommend then that we could change so that we can make it a little bit easier? I agree with the chairman. We keep coming back here or they keep coming back here. They've made this plea every year. I can look at every YouTube video for the last couple of years. I've only been here for what, fourteen months, fifteen months. I've heard it a lot. I heard it before this hearing. Could you recommend a special ed policy change that we can help you guys make to make things better for all of those five hundred special ed children?

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

Yes, Senator. The mere fact that you're asking for numbers, I think this is a great opportunity for us to go and pull all of the RFPs that we have issued and rank them, of course, from the highest to the lowest amount. More importantly, is the lowest amount at five hundred thousand dollars and then.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Oh, yes. I'm good at that one, Speaker. I mean, I'm okay. You got me on that one. But when we talk about SPED policy, I'm hoping that you guys can help us craft it working with the chairman perhaps.

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

Yes. Most definitely we will work with the chairman on this dollar amount for the threshold

SENATOR EULOGIO SHAWN GUMATAOTAO:

Because I think I've heard it so many times I can't even count anymore and it makes sense that we should prioritize it. If this is a priority for this community then we should try to create a policy that matches it. I'm listening to it. I had a bunch more questions. I could go on for another two hours. But for me when I think about the policy that you guys are here asking, I'm encouraged by the fact that there's going to be a change for double session, because I was there in 2009 and when we made the move to Tiyan and I remember that twenty six hundred, I think the speaker it was like something at twenty four hundred, it was still under as long as we pull all the administrative offices out there's going to be plenty of classroom space and so my point simply is I had other questions on using other facilities. But you guys offered today some hope. I know some of those folks at Tiyan aren't going to be happy and we're never going to make very many people happy, but it was designed to transition and at some point we'll have a new Simon Sanchez. We'll have a new GW. We'll have I mean no one would have thought about Astumbo Middle School. If you recall, everyone was a little bit hesitant to think that we can get Astumbo

Middle School done and it got done and they were able to use the Tiyan facility in a way that helped education for all those in those schools. So, I'm just here again Mr. Chair, I think when we think of the policies as we head into the budget cycle, I'm hoping that if this doesn't get through individually, then hopefully we can put it onto the budget act. It sounds like DOE needs another lifeline and I think we're here to provide it. Thank you, Mr. Chair, for the time.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thanks, Senator Gumataotao. Senator Barnett.

SENATOR CHRIS BARNETT:

Mr. Chair, and I'm too encouraged by the news that the double session is ending. I'm not sure I want to pop the champagne bottles yet because superintendent as I'm sure you're aware people talk and we've been getting or my office has been getting a lot of concerns from the teachers staff who were saying that they've, and in fact, I think they might have had even had meetings last night and last week, which was a little surprising to me because I think the last time that we spoke in the public hearing setting you had talked about the plan for the temporary Simon Sanchez campus which was going to be funded through a combination of FEMA funding. I believe and then also through some scheme with the Guam Housing corporation. So it kind of seems like you've already announced that Tiyan and Sanchez will be and I'm not sure logistically if it's going to be a combination of the populations or if we're going to do one day Tiyan and one day Sanchez. Are you able to share any more details on that ma'am?

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

It'll be called, excuse me, it'll be called Tiyan Sharks. They will be along campus working together leveraging their resources. So what I mean by this is that Tiyan is a school recognized for its career pathways and academies having that opportunity for our students there. Our Simon Sanchez students will also have that access. Simon Sanchez brings AP courses, quite a number of AP courses and that too will be open for our kids at Tiyan. So, it's a win-win with leveraging the resources and the opportunities for our students. It is going to call our leaders to be flexible and adaptable and supported and also to think outside the box on how we would do this and with conversations of our two leaders. They are working on it right now and hopefully they will also share how that will look like before the opening because we have to start as soon as possible in getting this all set. Thank you.

SENATOR CHRIS BARNETT:

So what does that then mean for the plans to construct the FEMA funded temporary classrooms and or the temporary campus in Yigo for the sharks?

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

I believe that is still going to happen. If everything goes well as planned and timeline maintained or met then eventually our students will be in their home schools.

SENATOR CHRIS BARNETT:

So then we're to take this as a kind of an interim solution where Sanchez and Tiyan will merge and then if the temp campus is completed up at the Jigu site then Sanchez would then attend that campus until the construction of the new Simon Sanchez is completed.

MS. JACKIE QUITUGUA, DEPUTY SUPERINTENDENT, EDUCATIONAL SUPPORT & COMMUNITY LEARNING, GUAM DEPARTMENT OF EDUCATION:

Yes. And maybe our superintendent can add a little bit more on that as that was a discussion we have had.

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

The last conversation we had with FEMA was that eight million dollars has already been deposited to the government and the project was awarded already as well to Cortech to build the twenty temporary classrooms across from the parking lot of FBLG. And that is the acreage which is in front of the parking lot of the Guam Housing Corporation. That project, the turnkey, will be on June the 30th of this year. The twenty four units at GHC also will be renovated to be used as additional classrooms and the turnover key for that facility will be on July 30th as well.

So the conversation in terms of making FB operate full-time is to do a different grade configuration with our sixth graders who are currently fifth graders to remain in the most part in their campus provided there's space for them. So that's the different grade configuration and those will be the sixth graders. Then the seventh and eighth graders will occupy the forty four classrooms which will be able to house at I think their numbers would be like five hundred eighty six, under six hundred, and the capacity for just the twenty right now can actually house five hundred students. So naturally, when you do your master schedule, you might instead have twenty-five students in a class rather than twenty. The twenty-eight was what gave us the five hundred capacity level, but it could be lower. And hence, of course, the use of the twenty-four units as well.

SENATOR CHRIS BARNETT:

So, a whole lot of musical chairs are going on this school year. And so now you're saying that temporary what was supposed to be the temporary Sanchez class will be used to house some

configuration of FB students while we await the completion of the repairs and renovations at FB Leon Guerrero.

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

Yes. and and you heard that some of the things that we need to do are the fire suppressant, the internet, the collateral equipment, cafeteria equipment, and the renovation now of the gym that wasn't part of the FEMA project.

SENATOR CHRIS BARNETT:

And Madame Superintendent, that's why you're requesting flexibility with how you're able to use your lapses, correct?

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

Yes, because it's going to take time to be able to order the collateral equipment, the instructional equipment.

SENATOR CHRIS BARNETT:

I'm very encouraged that the chair of the finance committee and it kind of sounded like the chair of the education committee is supportive of this legislative assistance, the first one anyway. I'm not sure about the second one. That's going to be a battle you're going to have to undergo yourself. But it's very encouraging because during the budget process, I actually argued against this amendment that you're now seeking the legislature's help in amending. And my argument was that it handcuffed GDOE's ability to spend these lapses on the very areas that you're now asking us to allow you to spend the lapses on. And I'm encouraged that there's a lot of support up here on the panel because I've already introduced a bill that does just this in bill 284-38 and that was introduced Friday afternoon. And what the bill does is it amends the budget law to allow GDOE to spend their lapses on instructional equipment capital improvement projects and other items identified as necessary by the Guam Department of Education.

So, I just pray that the finance committee, the education committee, move quickly and in conjunction to hear this bill because it definitely sounds like a lot of the things that we want to do with ending the double sessions are contingent on giving the department the flexibility that I argued to give you during the budget process. So if you could maybe send letters to the appropriate committees and ask them to quickly hear bill 284-38. Ma'am I can you know is that to you in mind?

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

Thank you Senator. I mean I know that is really important because in order for us to purchase the collateral equipment we're looking at two options. One is that with the FEMA money and we would be able to get the reimbursement is that for the Promethean boards it has to be Buy American. So we know that that's going to take much longer to get to Guam. The other collateral equipment is that if there are companies here who can work with a manufacturer either in China or Korea then of course we know that those equipment can come in sooner. So the sooner of course we're able to get this RFP out for collateral equipment, the better it is. The Promethean boards we're just going to have to wait for. We can use the white boards or TVs and other electronics.

SENATOR CHRIS BARNETT:

Thank you for that Superintendent Won Pat and again I urge the support of my colleagues because the narrative as you know is now that GDOE has all of these lapses so we don't need to fund them necessarily at a level that they're requesting but if we narrow how you're able to use these lapses it kind of defeats the purpose of that narrative. So I just wanted to move on to Tiny Eye.

Madam Superintendent, I've been really getting a deluge of calls from parents, stakeholders in the special education community, and it kind of sounded like you were working on a couple different ways to resolve this abrupt disruption of services, which it's unacceptable really. And I know that you had talked about a lack of a transition, and I found it respectfully a little ironic because when Superintendent Swanson came in, he said the same thing about your administration that there was a lack of a transition. But, all that's said and done. So, I think if you could just tell us which option you think will lead to the resolution of these Tiny Eye services the soonest and if that's the option that you're intending to pursue.

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

Yes, we know that it's going to take some time for the RFP to be able to procure services, the teletherapy with Tiny Eye. The biggest obstacle of course with that is that it's over five hundred thousand or over six hundred thousand dollars. So therefore I called last Friday the governor's office to request if we could do if she would authorize us and grant us an emergency to be able then to secure these services with Tiny Eye. So that's the goal. That's what we want.

We want to be able to continue the services for these children who are receiving occupational therapy, and speech therapy. The other meantime of course while we're working on that is that and we are allowed by law is that families who have insurance with any one of the carriers here

are able to use their own clinics to receive occupational therapy or speech therapy that they would go ahead and work with them and when there's the co-payment that the department will pay for that co-payment that 20% co-pay. So that is the interim for now until we secure the contract with Tiny Eye. So our legal counsel and our procurement officer are drafting the emergency procurement.

SENATOR CHRIS BARNETT:

Okay. I understand you're trying to get as many options on the table, but I'm sure you know the one where you're going to allow reimbursement for securing services for families that have insurance. Obviously, that leaves out a lot of families who don't have insurance. I just had one more, Mr. Chair, if you indulge me, and this was a commitment I made, and I've asked about this before. The parking lot and the road leading over to George Washington High School, as you know, there was a column recently written, and I was able to get to the Department of Public Works to lay out some finances there, which with all the rain is really just a temporary solution. So, are you guys involved in any discussion whatsoever with DPW or any relevant agency about a more permanent solution there at the home of the geckos?

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

Well, there's yes, it's actually two two things. One of course is the side road at GW and we have communicated with public works on that. They have a contractor already working on the roads and that would be an additional cost to the department. As for Price Elementary School, I've asked Deputy Julie here to have her people visit the area to look at what maybe our guys can do aside from actually either contracting it out because we know that that will definitely be in the hundreds of thousands of dollars versus what our men can do. And it's not to our surprise, but we're very happy with what our maintenance workers are able to do just like for them to do the repairs, which I don't understand why they couldn't have fixed these leaks at Southern High School and they were able to do that now. And we're finding some things that our guys really can do because they've been sent to Trades Academy also to learn a skill. And by the way, I became a member of the Guam Contractors Association so that then our guys will be able to go there to get the training that they need for free. So we can upgrade their skills.

But yes, we're looking at many other things in which our workers can do the work. It'll be just now procuring either the cement or the materials for them to go and well, I'm not a carpenter or... what do you call it? Mason? To be able to determine exactly what the needs are. But there she has already went into it.

SENATOR CHRIS BARNETT:

Expanded the opportunities for training for one of my favorite divisions in the department, facilities and maintenance. If the chair would, there was just one other thing that relative to the CBA positions in middle school counselor positions. I'm just hearing from some of the middle schools and you know this is a very vulnerable population that and I hate to bring this up there's a lot of suicidal ideations with pressures facing this age group of students so are you able to provide a status on those types of positions at the middle school level because I believe the recommended ratio is one counselor per two hundred fifty students and I'm not sure just according to reports I received if we're at that level at the middle schools.

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

Well, I know I have it broken down here by school counselors. I know that we do still have some vacancies of school counselors. I don't have that number here. I'm trying to find it. Can I get back to you? But let me see. I have school health counselors. Where is the counselor? School counselors. There you are. You want to know specifically middle school?

Okay. Well 7 JFK, 5 GW, Astumbo 2, Ocean View 2, Untalan 2, Jose Rios 2, Inarajan Middle 2, FB 2, Benavente 3, Agada 3. Those are all the secondary schools.

SENATOR CHRIS BARNETT:

So those sound kind of about online but thank you for that Madame Superintendent and you know just to your management team keep on moving forward. I love that part about your presentation to keep moving forward. You know this is not an easy job. I don't think any of you expected it to be easy and you know it's also great to get you here in front of the senators to be able to not just ask you questions but to have the people of Guam and all the school stakeholders watch and learn this information as we do. Mr. Chair, thank you.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you Senator Barnett. Superintendent just to clarify because I know we talked about amending the law in regards to the lapses. You were supposed to submit a spending plan. Where are we at with that? Because I want to make sure that we clear that because it's not like I've asked about it. You were supposed to submit a spending plan. Do we have a spending plan put together on the lapses?

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

Well, you're right. Of course, the spend plan that has been already decided actually by the board is exactly what we're following. And the other day when we met with the finance committee, we were working with one.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

When you say the one approved by the board, are you talking about the spend plan for the lapses or spend plan for the department? So for the department, you're talking about the appropriation, right? Not the lapses.

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

So therefore, what in order for us then to be able to spend for the lapses, you're right. We've indicated to the board that what we want to do is to do a breakdown of all the CIP projects that we kind of mentioned here to them for their approval. So, we're all looking at CIP projects, deferred projects, maintenance at the schools and collateral equipment. Primarily right now, we're looking at FB Leon Guerrero. That's our primary spending plan. We're trying to get a breakdown of what the cost will be for each one of those. I only know so far for the collateral equipment it's like three million and then but I haven't gotten the breakdown from the others.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So the spend plan that was approved by the board accounts for the appropriation plus the seventy-seven million?

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

No.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So that's where I'm confused.

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

It's only the spend plan that we're looking at is for the local lapses, I mean we're not talking about the fifty-one. We're talking about the twenty, what was the number? Twenty-five, twenty-six. That's what we're looking at right now. And when we get the breakdown of what those costs will be, we'll be submitting that to the board and then to you as well, but we will need to go to the board first.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Okay. Yeah, we definitely need to meet and go over that with the budget chair because that was one of the things that we were waiting on in regards to amending the law. Thank you. Senator Matanane.

SENATOR SABRINA SALAS MATANANE:

Thank you, Mr. Chair. I just kind of have mixed emotions about the presentation today. Painful at some points but promising. Painful in a sense that we still hear about problems that you guys are being confronted with and the issues with your lack of detailed conversations during your transition. That's really upsetting. But promising when I hear that the double session is going to end for students at Simon Sanchez High School and you're going to consolidate and have the Tiyan Sharks. So that's promising to hear. I did just have some questions just for clarification. There was something that was mentioned related to RFPs and the solicitations and contractors coming back and saying, "Oh, well that was not included. The installation was not included and so you need to pay for that." So I'm just wondering who writes your solicitations, your requests for proposals. Do these contractors do site visits? Do they submit RFIs? Who's doing that for you? Is it GDOE or is it GSA or DPW?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

So yes to all of the above depends on the contract like DPW did the whole contracting process for Simon Sanchez. DOE wasn't involved in that. DPW did that. The mold mitigation and the fencing, the twenty million was moved out of the DOE budget to GSA. GSA is doing that in its entirety. We're not necessarily in agreement with that, but the vast majority of other contracts are coming through the GDOE procurement office and the end users at GDOE if that answers your question.

SENATOR SABRINA SALAS MATANANE:

So, are there any issues with the GDOE procurement division that you're kind of finding that needs improvement?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Well, I can tell you for example, timing is everything. So when these grants start to look like they're going to start expiring, winding down, there becomes a lot more let's spend the money on what we should have been spending all along. But that jams up the woodwork and the accounts payable and then sometimes they need a purchase order, they need a purchase order change mod. All this comes down heavily and it's rough to handle. But one of the things is that not all the buyers in the procurement office can handle contracts. They don't have the skilled training level to deal with contracts. They're dealing with the purchase order type things. So buyer ones do the purchase orders. Buyer two is a little more skilled than the contracts. Last year when we got into an avalanche of activity coming down, we had one buyer two doing contracts that caused delays. We now have four buyer twos. So we're anticipating much more flexibility in that area. So we're

also preparing refresher training because it's not just procurement that's putting the statement of work together. Draft statements of works are being done by end users. The grant managers themselves put together a draft statement of work. So we feel it's necessary to come out with some refresher training to strengthen their knowledge on what should happen. Nobody should be approving contract purchase order mods casually and or when a modification comes in it sits in somebody's table too long. So that's all part of the education process. It's not magical. It's attention to detail. It's important to focus on refresher training and we have our thumb on that pulse.

SENATOR SABRINA SALAS MATANANE:

So this expired contracts, lack of contract, misplaced documentation, invoices, change order on page two of the presentation. Is that all handled by the procurement division of GDOE?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Yes, that what you just said is internal to GDOE. We're tracking. We have a tracking system. That's one of the things we identified early on in the process. We now realize that nobody, because there's a lot of moving parts, a lot of different grant managers everywhere, nobody was tracking on one master tracker when due dates were due, when RFPs were done, when invitation for bids went out, there was no master tracker. So it got away from us. Some of the deadlines, some of the due dates, some of the verbiage, some of the need when a request for a change order comes in now or purchase order that's going to go into the tracker. Everything is going into a tracker. So, somebody will have visibility, which we didn't have before. So, moving forward, that's going to lessen the pieces slipping through the cracks.

SENATOR SABRINA SALAS MATANANE:

Would you say that the procurement division of the Guam Department of Education is the source of a lot of the problems when it comes to GDOE's finances?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Well, you know, I would caution that statement because let's just say, for example, you were a grant manager and you had a ten million grant and you now needed to obligate and spend that \$10 million grant and you want to do some procurement activity and you wait six months or eight months or ten months to request a PO. Well, you can now safely say it's the procurement office that needs to cut that PO, but nobody's saying that the grant office waited ten months to even start doing a PO. So, you have to be cautious here. Yes, it looks like it was in the procurement office and that's true, but when did it get to the procurement office.

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

Senator, if I can just add and maybe you can provide some clarity when we're looking at the various issues and these are kind of a domino effect and compounding issues across the system when you look at the responsibility of procurement, right? And the procurement office is set up to do the general buying, but in most cases they're not the writer of specifications. So GDOE mirrors a general government like the Department of Administration. End users know what they need. They know the services and the contracts that they need or they know the products and equipment that they need. They generally do requisitions, determination of needs. Procurement along with legal looks at the right procurement process to marry that to and then the legality of formulating a contract or a purchase order. When it comes down to the problems that we're seeing, you have issues at the specification levels, issues with procurement in terms of efficiencies and then you have contract management issues and procurement is not done when you put something and release it into a system and we get a contract. You have to follow it through beginning to end.

We have a contract. In many cases, these are contracts for services such as Tiny Eye or it could be a contract for monitoring your big refurbishment contracts. When you look at CIP, those are generally married to a construction manager, right? Someone who's overseeing that a change order is allowed. It's within the contractual scopes of work and that it's funded and legal. So there's multiple levels of going from the procurement level and to these issues that are surfacing. So one is across the board specifications can always be improved but specifications guide the procurement and if we say this is the contractual obligations for instance the aircons if it says installations then we hold our contractor to those installations. Is there any deviation from the contracts, then we have to examine that with the correct professionals.

But to answer your question, there's different levels within the department. End users have a role in serving the definition of specifications, scope of works. Oftentimes procurement does the buying with legal review and then afterwards there's a collective hand in contract management to ensure the services are delivered and paid timely.

SENATOR SABRINA SALAS MATANANE:

I wanted to ask a question regarding these task forces that you have in your presentation because it was something that we would hear about from the previous superintendent and it was regarding the consolidation and potential closure of schools. Is that something that's still on the table that the new leadership and the Guam Education Board are still pursuing?

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

Yes. I reactivated the task force for the decommissioning of schools. I had asked as part of the transition to be able to get a copy of everything that they've done and I never received it. But when I reactivated the task force then they were able to provide exactly the work that they have had done and that there are three to four different phases and the superintendent then has decided to only proceed with phase one. But there are other phases in which a lot of and I was very impressed with the work that they did because not only did they go out and work with the community, the mayors, they worked with public health to look at birth rates, they looked also at the actual school building capacity. They looked at the district of the school children. It's amazing the amount of work that they did and yet it had stalled. So we're having that conversation now because a lot of it really is a matter of underutilized schools and financially whether we would be able to continue to operate the same number of schools when every year our numbers of students and our population is decreasing.

SENATOR SABRINA SALAS MATANANE:

You mentioned earlier on growing this deadline at the end of this month. Is it for ARPA to spend on ARPA money?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

That's correct, ARP, yes.

SENATOR SABRINA SALAS MATANANE:

How much do we have to spend or how much is left over?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Well approximately thirty million is on the table which we're actively looking at. We have work that has been done on the refurbishment contracts of the twelve schools that's ARP money. The problem becomes legal in some cases because some of the work was done but the invoices weren't given during the time the grant was still alive. We're in the liquidation phase now. So, there's lots of challenges but we have had opinions. There is work that we can buy down. So, of that thirty million, we're cautiously optimistic that the majority of that is going to be allocated against ARP. We can't say definitely in 30 days time we can tell you how that dust settles.

SENATOR SABRINA SALAS MATANANE:

And so if we don't get these invoices, we don't get this paperwork, what happens?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Then we look for local money because there's no other source. We put provisions in place. This is not going to blindside us going forward. We put provisions in place moving forward now in our templates and our language of our contracts and our purchase orders that you want to be paid. You have to submit it to this mailbox, this invoice that will come into our accounting system. It will be recorded in our MUNIS financial management system as we've got a potential liability here.

Let's watch it. Let's take care of this. Now, we go back to the end users to say do what you need to do to work the paperwork to get this paid. We weren't having that before. It was working the opposite way. And now we've been beat up about that. Stuff's coming out of the woodwork. But moving forward with this template language, it will now be the contractor's fault if they don't submit invoices the way we've directed them to. So if we don't get the invoice in time, then they voided their payment because they didn't follow the procurement template specifications. So that will get their attention. Voiding their payment, they don't want to do that. They're going to submit the paperwork correctly. Moving forward, we'll better understand what's going on and we'll better state the financial liabilities of DOE.

SENATOR SABRINA SALAS MATANANE:

Well, thank you. It's good to hear that there's some changes, I guess, with how you guys are handling procurement because it seems like it is desperately and direly needed. Thank you for your time. Thank you, Mr. Chair. I have no further questions.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you, Senator Matanane. Real quick, you said we were going to switch to local money. Is there a potential for us to lose any ARP money? Just based on your answer, it sounded like you said we may have to switch to local money or are we going to spend all thirty million? You know, we ain't going to draw down all thirty million.

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

Somebody told me that that's the phrase cautiously optimistic. We would spend thirty million tomorrow if we could, but for some of the reasons that invoices start to this day, we were supposed to have invoices last week from this company on the refurbishment. He didn't provide it. He then said today, Monday, before your oversight, we'll provide those invoices. He did not provide it. He provided an email that had tables in it. You cannot invoice tables, you know. So, I don't know what to tell you. I can tell you, and Franklin Cooper knows, that we have been very aggressive. We've been very upfront. We need to know all of these charges. Time is running out. We've done everything we can to do that.

That's why I'm cautiously optimistic, but we're not there yet because not all the paper, you know, the devil is in the details. The paperwork will be done within the next two or 3 weeks. The dust will settle. Then we can better answer those questions.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

But I guess the question again, would there be a chance though that we would lose some federal money because of whatever these issues are?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

There is a chance. There is a chance.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

How much do you think it would estimate?

MR. FRANKLIN LEON GUERRERO, DEPUTY SUPERINTENDENT, FINANCE & ADMINISTRATIVE SERVICES, GUAM DEPARTMENT OF EDUCATION:

I can't tell you because I'm cautiously optimistic I'd want to spend all thirty. But like this invoice challenge from this vendor right now if he doesn't put in there may be an invoice that we can pay but we can't pay it if he doesn't submit it. So we'll know more in a few weeks. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you Mr. Leon Guerrero. And now we'll go ahead and that'll conclude the portion for GDOE. We'll go ahead and transition over. Oh, is there something? Sorry.

DR. RIZALINA LIWAG, DEPUTY SUPERINTENDENT, CURRICULUM & INSTRUCTION, GUAM DEPARTMENT OF EDUCATION:

Say something first just for clarification and for the record regarding the transition because I've heard from many of the senators regarding the lack of transition and things like that. So in my case I would say that that is not really the case for me because like what I mentioned earlier there was like there was a transition team two weeks prior or three weeks prior we came in.

Unfortunately, our contract was not signed until December 29. And just to for the record that the former deputy superintendent for of C&I back then tried to reach out to me to do the transition and but it didn't happen on the face trans transition during only it happened only during after December 29. So and I want to give him credit for really making sure that the division is stable and all those projects including the professional development and other things that are needed for the school are really rendered. Like what I said earlier it's really about the administrative issues that we're we're facing and those can be fixed as long as we follow the SOP. So I didn't want to

discredit all the work that the former deputy superintendent of C&I really worked hard on. He worked so hard and I see that our project heads are really very very hardworking people and a lot of hardworking people in the department. It's just a matter of how we can put these things in the administrative or procedural things that we make things right so that you know moving forward that's what we need to do. Thank you.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you. Dr. Okada and Dr. Guthertz, if you would like to join us at the front and we'll just jump right into it. If you can just provide an update to the committee and the body or my colleagues where we're at in regards to the management audit that wasn't supposed to come out but came out. And I know the board has been deliberating on a position or stance on what they plan to do. If you could just provide an update to us Dr. Guthertz.

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

Mary Okada, vice chair, Guam Education Board. So I'll start off by saying that the management and curriculum audit should have always been handled by the internal audit office and that was not the case. So when Dr. Pat came in we asked her to assign the issue with the management and curriculum audit to the internal audit office. We, the board members, provided errors of fact that we wanted them to take a look at. Internal audit compiled a list of all the different components that needed to be addressed. For example, our parent representative was not a senator. She was a parent representative. So, we wanted that notation corrected. And several others, HR specialists instead of, you know, there were some corrections.

Dr. Guthertz should have said former Senator. Ron McNinch, associate professor, Guam Community College, but he doesn't work at the college. We wanted errors of fact corrected. So we provided input to the internal audit office. They provided and they contacted the firm. They met with them. They submitted all the requests for consideration and they should hear back by sometime this week the updated draft. That's the status.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Dr. Guthertz, were you going to say something or?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Thank you, Senator. And good afternoon, senators. Yes, as Dr. Okada said, we are ready, we're awaiting a revised copy of the audit based on the input that we have provided to the auditor company. And you know, we took a position on the board because there were some good ideas there that can be very helpful to our school system and we will consider those and we will act upon those. And we were happy that we had the opportunity to provide input on things that were not totally accurate that required some substantiation and more information that they obviously

did not have that would clarify some of the things they were interested in. So that's where we are with the audit and we're moving ahead and working on challenges for the department. The board is very pleased with our superintendent, our management team. We have a hands-off approach where we do not interfere in operations and if there's a need for us to let the superintendent and her team know that there are some concerns that we have received we immediately pass it on to the superintendent. That is the approach that I said I would adopt as chairperson and I encouraged all the board members to do the same. And I think it's working.

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

Just one more. So once we get the updated audit, it will be put on the agenda for the board to take action. So we're just waiting for that final or the updated report to be provided to us so that we can take the necessary action.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

What about you know a side topic from the audit of the transition though since you were talking about the new leadership team. What happened during the transition when Dr. Swanson, I mean you guys heard from Dr. Pat, what was the guidance from the board in regards to was there any oversight in regards to the transition from Dr. Swanson to Dr. Pat?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Well of course we asked Dr. Swanson to provide all the assistance possible for a smooth transition. And you know it's very interesting we can't, we can only request, we cannot order, we don't have order authority and a lot of people misunderstand the role of the board. If you look at the law establishing the elected board, we really are an advisory board. However, I have to tell you all, we push very hard. I've been on the board since January and we give strong guidance as much as possible. I recall doing that numerous times with my fellow board members with Dr. Swanson to give it attention about certain things the public was concerned about and parents and students were concerned about and we cannot order and there are limitations as to what we can do but we're very pleased because you know the board is there to help and to do that we need the cooperation of the superintendent and those at every level within the department, and I think we're sort of seeing a maturation with respect to that that we know how to conduct ourselves.

We're guided by a code of ethics and I think we follow that code of ethics and we enforce that code of ethics among ourselves and we are very pleased that we are able to have a good understanding with our superintendent and our management team. They are proactive. They know what needs to be done. They ask for our input. We give them the input. If there's something the board must act upon as a board in our meetings, our regular meetings, then we act upon them in a way that we believe is in the best interest of our school system. So that's how I would sort of speak to this. It's a kind of a different environment than the previous environment.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

You know, I guess my question is and as you know, the other thing that we had to talk about was the grievance process and retaliation and that claim against the board. It was noted in the audit and I will tell you, I mean and I'll tell you my wife works at the department, so my wife can know, and I'm not saying that this is only from her. I've heard it from if not hundreds of employees across a department even prior to me becoming a senator. How do we address that issue? Because I mean I think that's one of the bigger issues in regards to the board. I wouldn't even say governance or even just overstepping and that is like the elephant in the room in regards to this audit. If you're saying that that's not the case then my wife is lying.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

I'm going to tell you that I have not seen that.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

But how do we address that? That's the question.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Well, I don't think we're doing that. I can't speak for the past senator. I cannot speak for others.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

But Dr. Guthertz, how do we address that? That's the question.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Well, I don't think we're doing that. I can't speak for the past Senator. I cannot speak for others. I can only speak for myself.

SENATOR VINCENT A.V. BORJA, CHAIRMAN

I mean how do you address that concern and something that has come up not just in the audit but in conversations across the department?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

I don't know what you mean by retaliation, I really do not know. I have not seen that among board members. Now I don't go to the schools to interfere. As a matter of fact since I've been on the board I have not gone to a school for a purpose other than a school activity and an invitation.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

As the board chair, what is the grievance process for employees who claim that they're being retaliated?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

We have the government grievance process, the typical government grievance process is the process we have at the department of education, any employee.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So, what policy is on the board? Because you guys are a policy board. What is the policy?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

The policy is they may file a complaint and if the complaint needs to go to the board to look at it, then we will look at it. But we have not received any complaints from any employee that I know of except in one case regarding a superintendent search. That was the only time there was an employee and an applicant who sent us some complaints about not being selected as superintendent. But I don't know of any other complaints that have gone to the board other than at meetings when we have our public participation and people testify, but I have not seen anything significant coming from a DOE employee to the board.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

So has the board considered adopting a grievance process within the department?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

We already have one.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

No, not to go to something that the board can address. Is there a consideration for the board? Go ahead, Dr.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

If it's necessary, of course, we will do that. Yes, we will. Absolutely. Now, complaints, there's always going to be complaints, especially amidst the time of change. You've heard from the management team. They are setting deadlines. They're setting work expectations. And things are a little different now than they were. I've dealt with change. I've dealt with change at a bigger institution. I had to enforce some changes. Change is not easy to accept. Unless the individuals involved see the value of the change and that's what our team is doing or trying to impress upon employees at all levels that there will be change.

We need to be flexible. We need to perhaps undergo additional training for new types of procedures and we should all welcome that because it enhances our abilities when we learn new things and how to do things better. Now, in the past, it may have been different because I wasn't

there that long in the past, right? I have only been here as a board member since January of 2005. And I think the board is very conscious of its role and we want things to be better at our school system. We're working very closely to support our superintendent and our management team and others in the department. And we're seeing a change starting to come with more cooperation, I think more understanding, more commitment and we're moving forward.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you. Dr. Okada.

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

So, Senator Borja. Regarding complaints against the board, there is a provision in the law that requires us to notify, I believe it's the legislature, and I can remember at least twice where as the chair I had to do that, and I believe once or twice may have been with Senator Barnett, maybe both.

After notifying the chair of the committee, I met with legal counsel on two separate occasions and in one case met with the employee filing the grievance and then it was assigned to in both cases assigned to members of the board to do the investigation and they would come back and provide their findings. So in the two cases that I'm aware of it went through that process and we were guided by legal counsel and it went through a review and the members of the board provided their findings to the board. Those are the only two that I'm aware of. And it's specifically for grievances against board members, not employees or anything else, just grievances against board members.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you for that, Dr. Okada. I'll go and open up the panel for questions. Senator Duenas.

SENATOR CHRISTOPHER DUENAS:

Thank you, Mr. Chair, I think we've been over a lot of this, but I guess just for the purposes of what the agenda is calling for, I think I've seen in the media that the board publicly is stating that they will review continue to review and adopt some and also have some comments on some of the issues that were noted in the...

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

I would say I'd like to review the procedure that was used previously. This was before 2005. It's quite a while ago. And let's see if we can look at that and maybe update it if necessary.

SENATOR CHRISTOPHER DUENAS:

I think about curiosity more than anything else and the back and forth. I mean, I know this probably sounds like an easy question to answer, but I think it's important. I mean, are you taking it seriously? I think this is what is what seems to be out there.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Senator, I want to assure you that this board is very serious about its role. No one would intentionally want to ignore anything that requires our addressing or our participation.

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

The good thing about an audit or any kind of audit is to provide feedback based on reviewed documentation and evidence conversations. And it's always incumbent upon the receipt of the final document that the board, in this case the department, identify and take corrective actions to address those findings whether you agree with it or not. And sometimes you can agree to disagree. You can take a look at it.

You can say "Here's how we're going to do it going forward" because this particular type of audit is not necessarily as prescriptive or could be prescriptive but how we approach it might be a little bit different and the end result would still be the same. So we would take this as constructive criticism based on review. And if it requires us to communicate more to the constituents and to the stakeholders and to be a little bit more aware of how we appear or how we interact, then so be it. We just need to take the corrective action, identify how we're going to address it going forward. But audits are not a bad thing. They're not a bad thing. And so once the audit is in its final stage and approved or adopted by the board, whether they adopt it or not, there is a lot of good information in there that we can take to heart and make improvements, not just for the department, but for the board included.

SENATOR CHRISTOPHER DUENAS:

And that's where I wanted to land because to me I think what it is is I mean you've got a board that comprises X amount of members and you have, you know, you're going to have different approaches. I've heard from people at schools that say, "I'm glad, you know, I have this board member that advocates," you know, she calls the senators or he calls the senators and, you know, says, "Hey, you know, you need to pay attention to this." And sometimes that can be misperceived, right? I mean, the advocacy is not stepping over the bounds sometimes, but then sometimes another person can perceive that saying "Hey, you know, why are you interfering?" Right? So, I know there's different approaches.

Dr. Guthertz, you talked about how that's not your management style in terms of you wait for reports to come up to the board and address it at that level. People are different, right? And so I think you're right, Dr. Okada. I think you know if anything, I hope this is the finality to it when

you approach it, and the final analysis is that what you would find is there maybe are approaches and maybe professional training internally once again and reviewing what you're designed for.

And what the design is so that you don't have some of these probably back and forths or clashes that may have happened because you have different personalities and you have different approach to how people feel that they can help educate. And that may be where now when it comes to grievances and when it comes to these issues where individuals within the system feel as though they're threatened or that they feel as though that some of that contact might mean that their employment or any other things are in that, that's uncalled for and that has to be addressed right away. I expect that to be reported to the board and be addressed at that level.

But I think maybe some of the perceptions could be, like I said even myself I've gotten calls from board members before saying you know, and I know they get upset with me because I point out that I drive my car up there and I saw that the fence wasn't fixed. And I listen and then I try to work with the requisite individuals internally and say "Hey you know where is this at?" Because you have board members that take this to the level of driving by the schools and seeing what things look like and they have their push to try to make things happen.

And so that can be looked at a couple different ways sometimes, but I think we all understand where we are with this. I hope and I just hope that the final analysis on this comes out to the findings that you have and that internally you meet as a board and decide that you know look you're going to continue to discuss it and everyone will understand their role and should know their role that the audit is good. It's a piece of work to work with and then moving forward that's where I'm at with it. So I hope that that's the final disposition of it and I appreciate the fact that you've been open and frank and you understand, but you also do have that right when you got errors that are kind of large that are represented as well, and that speaks to the care of the audit too. I mean to get people's positions messed up and things of that, that's not a small thing in terms of when you're paying that kind of money, that should be very very correct and accurate. So you know there's a balance to it in terms of how the approach is.

But I'm appreciative of at least the two of you coming forward and other board members that I've spoken to that it's not something that they're just brushing off. But you know there's always balance to the discussion. That's really all I have to say. Mr. Chair.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you, Senator. Senator Gumataotao.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Yes. Thank you, Mr. Chair, and thank you for being with us and the reminder that you are elected to. So, thank you for all that you do in service to the people of Guam. And I think, my only observation, and I missed the last oversight hearing, but I'm here now. But I think my observation from today is that you have an audit. I agree with Senator Duenas. When you're spending that kind of money and folks aren't taking their jobs seriously just we just came off of nearly three hours of this testimony from your management of GDOE. So, I'm hoping that the folks that are doing that audit for you are listening to you, to do their job, because you're recommending these folks to do theirs. And I'm hoping they can get it squared away. And then I'm thinking that at some point, Dr. Okada, I thought you probably could agree or disagree with me, but some of the stuff about this employee grievance or modernization of some of the policies that's probably going to also come out publicly.

Is that probably a fair assessment that on top of just so many other things, they're going to ask you to modernize some of the policies that are put forward by the policy board?

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

Yes.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Well, Mary, what are your thoughts on that?

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

Yes. The management audit is a good tool for us to identify some of the policies that need to be updated. Not just that, and there might be some legislation that needs to be updated as well.

SENATOR EULOGIO SHAWN GUMATAOTAO:

No. And when I think about policies, I mean the idea of walking to school, I think we can save some bus money. I live in Talofofo and I think we have this thing, and I think my neighbors might get mad at me when I say this, but I will talk about if we're going to try to get kids a little bit healthier. I see a bus stop every day. The best one is Chalan Pago and we're all driving route four. The kids sit there for like twenty minutes. We're stuck in traffic for twenty minutes. If they went across the street, walked across the crosswalk, got to the school faster than I would have probably moved through a red light and I think that they probably would be healthier for it. Same with the kids in Talofofo. It's like I know the policy is within one mile of a school. I think I brought this over and over again to previous iterations of this group over the last year. It's one mile from the school and kids could really save money on busing if they would walk. The schools are great school communities that we all live in. We have to have some faith in those school communities that people will look out for young people as they're walking to and from their homes, especially when they're within one mile.

DR. MARY OKADA, VICE CHAIRPERSON, GUAM EDUCATION BOARD:

And I think part of the decommissioning process that the superintendent is continuing to review will identify if we need to do some redistricting. Because that seems to be an issue that comes up all the time. I live across the street from the school and I have to ride a bus to go to a different school.

SENATOR EULOGIO SHAWN GUMATAOTAO:

Right. And that's my point. I'm hoping well from a fitness point of view perhaps, but secondly, probably more practical is the sheer amount of money that we spend with public works to fund bus operations. And yes, if we redistrict, there will be more and more kids who'll be living outside of the one mile, calling it the diameter of a school, that perhaps in 2026 and beyond we could be a little bit more practical with how we look at our school communities. Maybe Talofoto Elementary School as an example one-model area to look at for that, or maybe some other schools districtwide. But there's so many ways we can save a little bit more money and be more practical with the policies, and I think it might begin with you when this management audit's complete on top of well yes grievances and the like I'm hoping that that can be also done.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Yes sir. Actually I agree with you and I think our department leadership will be looking at that as part of their evaluation as to the best use of the schools in terms of the communities around the schools.

I remember growing up on Guam walking to school and it was motivating actually to walk to school, and students would be joining you who live in the vicinity that you do, and you'd walk together, and develop friends, and things like that. I think the key though will be safety and cooperation of the public drivers to be careful of children walking to school and things of that nature. We have to have a big public information program.

SENATOR EULOGIO SHAWN GUMATAOTAO:

And Dr. Guthertz, I don't mean to interrupt, but when you look at that particular policy, if you look at when it was actually written, yeah, it was years and years ago. And I think some of our safety concerns, while there are many, but I mean, at what point are we not taking more pride in our school communities? I again, I can only speak for mine in Talofoto, but I really believe that if we all do it one area at a time, that these kinds of things, I mean, there's going to be a cost savings automatically. And just the strange look you give kids when they can easily walk twenty yards to a school when they open at 7 o'clock or whatever the case might be.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Well, Senator, we will definitely bring that up with our superintendent and encourage her to evaluate that as part of our ongoing actions to look at costs and viabilities.

SENATOR EULOGIO SHAWN GUMATAOTAO:

All right. Thank you so much. Thank you so much for being here. Thank you, Mr. Chair, for the time.

SENATOR CHRIS BARNETT:

Thanks, Senator Gumataotao. Please don't take that up with the superintendent. I've heard some of my colleagues talk about this before, but you know, back in the day when I used to walk to school, maybe you used to walk to school, a completely different island. I don't need to recount the times that we've had kids, unfortunately get snatched off the street walking from the bus stop. Young ladies getting raped. I don't even know why we're talking about when we cut corners, we shouldn't be cutting corners for the kids. You want them to walk a mile to school when we don't even provide a damn sidewalk for these kids.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

It's about the priorities. I said we'd look at the viability.

SENATOR CHRIS BARNETT:

I know. I know. I know. And I think that for me it really kills the conversation right off the bat because yeah, I mean unless we're going to ensure that these kids are going to be safe. I mean, you know, my kids stay a mile away from the school, but they would have to cross Marine Drive, you know, and I'm just not comfortable as a public school parent of, you know, a couple public school students. I think that we should be looking for ways to provide more support for our kids. You know, if you want them to get exercise, then let's invest again in, you know, ways that they can do that, whether it's in school or outside of it. So, I just want to interject on that because I can't believe what I'm hearing at some points.

But with the audit, I think, for me, what a big issue was, and I've said this before, is I don't think sending the audit back to the company that did it to correct some of these errors is going to change the significant findings or the high priority recommendations. And so, Vice Chair Okada is very encouraged by what you had said because, you know, you're sitting next to each other, and the board chair seems to think that no board member has ever berated or harassed an employee and you've provided evidence that it's actually happened.

And I think more importantly, the chair and I attended a hearing at the GDOE headquarters where we heard from multiple employees who said that this is reality. And when we talk about it, because I know board member McNinch keeps saying that "Oh, well there's a process, you know,

and they need to go through this process.” Well I'm going to tell you these employees don't trust the process and that's why we're not seeing the complaints, and those are just facts. So, I'm absolutely willing and open, you know, if it's about the errors of fact when we get the audit back, I'd be willing to have these uncomfortable conversations because, the audit was critical of the board, not just in the way some board members have engaged with the employees and the public, but also in the updating of the policies, that was mentioned before. So there are a lot of great things in this audit and you know I might be a little bit biased because it was my public law that mandated that we perform this audit.

But you know it just frustrates me to hear a lot of the same things that were said the first time they did this management audit which was with the Evergreen Company I think way back in 2009. And so obviously we spend this amount of money. We shouldn't be trying to throw the audit into the trash can. And so I'm very encouraged that that's not what's happening here. I think Madam Chair, you kind of came out a little hard in the last hearing about just kind of discounting a lot of these key high priority recommendations that the audit made. You know, I can get it that they didn't get a title right or whatever, but I think those core findings and you know, they're backed up by evidence that the vice chair has told the committee. I mean, we hear so many stories anecdotally about, you know, board members at the schools. I mean, you watch some of these board meetings. They make us senators look like we're singing kumbaya with each other. Because you know, you turn on a board meeting and you have board members yelling and berating people.

And so I think that I'm definitely encouraged to hear that especially with Vice Chair Okada that you're acknowledging these findings and there's a commitment to look at them when we get the audit back and it's hopefully free of the errors of facts. So I just wanted to put that on the record Mr. Chair and again for the time and I know this has been a very long hearing so I thank you again for being here and providing the information and the answers that the people of Guam deserve.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you. Senator Barnett, was there an estimate did you guys give a time frame on a response from the auditors in regards to the corrections before it comes back to the board?

MR. FRANKLIN COOPER-NURSE, CHIEF AUDITOR, INTERNAL AUDIT OFFICE, GUAM DEPARTMENT OF EDUCATION:

So, we've been working with the management audit team and one of the things that we're working with them as Dr. Okada said again just to make sure that we do address the errors of fact. Audits are meant to be critical. It doesn't have to be adversarial. We do want to look at the merits of the audit but in order to do that we have to make sure that those audit findings are

based on facts right so they're going through the process a long list has been compiled shared amongst all the deputies and the respective divisions to make the updated revised changes. And I do want to say for the record because, I do know that they are listening, that we're working with them and they've been collaborative, they've offered this process since September 15. So, an initial draft did come into GDOE on September 15th with the scheduled meeting with the superintendent and his management team on September 18th. There wasn't any input then. So, the management audit team decided and, because they received no concerns or or no feedback, issued the report on September 30th.

When Dr. Judi arrived as a superintendent, she did assign us to go through this process. We looked at the information. We found out that the draft hasn't been, and like Senator Barnett had said, I don't know if it's going to make a substantial change to where they're issuing their findings, but again, we can't, we have to agree to what the relevant facts are. We can't have facts in there that are inaccurate. So, they're going back and they're welcoming of changing the report. And they've also cautioned that some of it will be accepted, some of it may not be accepted. And then from there they gave us no later than the end of the week to get a revised draft with a scheduled meeting with the superintendent and the deputies on the 27th is the target date.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

And Dr. Guthertz, I guess my question is, you know, aside from waiting on the audit, right, because I don't think we need the audit to tell us about a lot of the problems within a department. A lot of the problems that were highlighted in the audit are problems I've at least been able to gather just from talking to people within the department over the last year, and even you know have a lot of family members that work for the department and close friends that have have been in the department, and do you think that there are things that the board aside from waiting for this audit to come back and waiting for the board to adopt it and approve it, and then do you think that there are some things that the board can do immediately to address some of the things in there that you don't necessarily need the audit to tell us?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Senator, the board acts proactively whether it's the audit or something else. We don't wait just for recommendations to act. The board itself is very proactive and we work closely with the superintendent on issues that we know are prominent to ensure they're being addressed. And as you heard today with the briefing from our superintendent and her management team, things are being addressed with the full support of the board. And we're not interfering. We're encouraging that these issues that have been longstanding be addressed. We've always done it. I don't think we've ever stopped doing it as a board. We're not an impediment to the department addressing issues. We support the department addressing issues, and we're looking with confidence through our superintendent to make sure the issues are addressed. The board... I think people don't know

the board and don't understand you know how the board operates. We follow what is required by a law and we're there to support the department. We're not there to stop the department from doing things. We have a lot of questions that come up from time to time and those questions get clarified, and if we have a difference of opinion we try to sit down with the superintendent to get more information or provide more perspective to help come up with solutions.

But we're there in a proactive manner. If you look at our department our board agenda for our meetings you can see they're very demanding meetings. Our monthly meetings. We cover an awful lot and we're seeing progress and the progress comes from the employees in the department at all levels. At all levels, I see them working together.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

You know, and I think my biggest... I wouldn't say concern, right, is that when we look at a lot of the concerns that have been raised by principals to teachers to staff members to parents, the issues that were brought up within the audit, right, are not or they're not new. I mean, I looked at the Evergreen report. A lot of the issues there are similar. I think what I know, I think my concern is, you know, even during my short time, 13-14 months as the oversight chair, the Department of Education has some of the most underfunded agencies and has some of the most dedicated professionals who do everything to support the students. When I look, I mean when I think of just even my wife and her school and the things that she does, I mean even before I became a senator that was frustrating in regards to just doing the things that they need to do to ensure that the students are supported. They have the resources to keep the school going whether it be from PBIS to literacy to providing tables and buying supplies for students. And this was before ARP. The one thing that, when I speak for a lot of people, maybe even thousands or hundreds of the employees, where they feel like there's no support from the board. And you can only speak for now, and again you know, I mean unless my wife, I mean I can only speak really and this is where... It's not personal because again, my wife says things but there's hundreds of employees that I've spoken to, and my question is what is your commitment to these people in the department?

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Senator, I'm very confused by you saying that you're not sure they're not sure of the support of the board. Every day we work together as a board to support our school system and our employees and our students. That's why we're there. No one on this board would have run to be a member of the board if we didn't have that commitment. We don't control what happens inside the department.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Dr. Guthertz, I'm sharing again. This is a sentiment across the board.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

What do they want the board to do that we don't do?

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

That's, I mean, that's on you. I'm sharing with you. I'm speaking. A lot of them are scared to speak. And that's the thing. Most employees are scared to speak to the board.

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

I'll make a suggestion to you, and this is with great respect and sincerity, because I've gotten to know these board members and I know their level of commitment. But we do not operate the department. We work through the superintendent. Yes. At times there may be some who are very vocal about issues and concerns, and maybe at times too vocal, and I agree that shouldn't happen. But this board is 100% supportive of the Department of Education. It has been that way since the very beginning of the elected board. I've only watched it for the last year closely and I see the commitment. Now there are issues beyond our control. Some of them involve this legislature getting the support we need for our school system too. Involves the policy makers. Whether it's the legislative branch or the executive branch, there are limitations on what we can do.

And you saw today, Dr. Won Pat was very open with you folks talking about certain needs that the school system has that they're going to have to come back to you and ask for support, whether it's amending a law or or interpreting a law a little differently so that we can expand how we use funds to meet the needs of the school system. We can't do it alone. That's not within our realm to control that.

But I don't understand. You know, I've worked in academics for years, and at one time I handled faculty, I handled all the academic streams at the university as vice president of academic affairs of University of Guam, and I used to get a lot of complaints. Some of the complaints had merit, some of them didn't, but one-by-one it was part of my job at that time, because I was an administrator, to solve the problems and I did, but we work through our management leadership in the department when I get a complaint. I get complaints on my phone, someone says "Hey Dr., I'm a teacher here and this has happened, can you please help" and I'll refer it to the superintendent and ask her to address it immediately. We had one complaint that came from a concerned citizen regarding a student who was out of school and should have been in school and was having difficulty getting enrolled into the school system because she did not have certain documents such as a birth certificate. And we contacted the superintendent immediately and she assisted in helping that family get the document that was needed so that their daughter could go to school.

Those are the kinds of things that the board members receive occasionally and we address it but we address it through the management leadership at the department. That's not something we can do ourselves. So I hope that you look at things a little objectively when you get a lot of complaints and ask yourself "Are the complaints because changes occurring, changing procedures, change in policies, or is it because of animus, maybe not liking certain people? Is it a legitimate complaint?" If it's a legitimate complaint of course we want to deal with it. But complaints that I see, and one of the issues with the management audit was they were anonymous. There was no documentation of a complaint. Just hearsay was included in the management audit, and that's what upset board members. Coming from the academic realm, I'm used to documentation. You have a complaint. Who's who made the complaint? It's like going on Facebook and not using your name, using some phony name. We have a right to know the legitimacy of complaints, not just complaints that are broadly stated with no documentation. So, some of that was missing in the audit.

But I would also like to say the last time I was here and I was asked by the audit, I made it very clear that we would look at the good things in that audit and we would act upon them. And our department's doing that. There are things we have to clarify that could have been clarified much earlier had we had initial access to the draft. But the process and sharing that information with the board took a little while, and we took the time working with the management of the department to address all those things that needed clarification and to provide information to the company that did the audit that was more factual for them to look at. So that would be my response sir.

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you Dr. Guthertz. And one last question. You know, we've asked the former chair his position on changing the governance or the structure of the board from elected to a fully appointed. His position was he said make it, get rid of the elected boards. What's your position in regards to—

DR. JUDITH GUTHERTZ, BOARD CHAIRPERSON, GUAM EDUCATION BOARD:

Well, this is my position, and I've been on all kinds of school boards on Guam. I was appointed to the board years ago. I was an elected board. The governor challenged our organicness. The elected board was abolished. The appointed board came back and then the legislature wanted to amend the organic act so they could have an elected school board again. So I've been on all these different board board forms. My suggestion would be look at these different models and look at our current model. There's seven or eight different school board models across the United States and see if there's one that's better. I only want one that will help our school system, the best one.

And there's different models. One is leaving it the way it is. One is giving it governance authority. One is turning it back over to the governor for appointments. That's your decision. And of course, whatever bills come up, we would comment on and give you our best response. But I will support anything that supports our school system. And if that means changing the current system, fine. What makes things better? What makes things more efficient, more cost effective, more workable? And that's where the senators have to do a lot of thinking and research. It shouldn't be something that's just done overnight. I think the model should be looked at and they should be shared with the public. Get public input and make a determination. If you don't think this model is working, then change it. That's my position.

[\[END OF TESTIMONIES FOR JOINT OVERSIGHT HEARING\] \(3:32:01\)](#)

SENATOR VINCENT A.V. BORJA, CHAIRMAN:

Thank you, Dr. Guthertz. That'll conclude the portion for the Guam Education Board. Actually, that'll conclude the public hearing. Well, the committee will continue. Thank you everybody for coming down today. Dr. Won Pat, we look forward to probably, you know, an update maybe right before a budget hearing in regards to your challenges. What we're looking for really in the followup is some kind of plan and timeline in regards to some of the things and how we can support you, of course, especially here at the legislature. And then we'll continue to work with the budget chair in regards to the... I guess we'll call it the supplemental spend plan for the additional, for the lapses, the seventy-seven million that we've been talking about. That's very important.

But other than that, thank you everybody for coming today and sticking with us. Thank you to the listening audience. The committee will continue to accept written testimony within 7 days from today which may be addressed to myself, Senator Vince Borja, chairman of the Committee on Education, Libraries and Public Broadcasting or mailed to DNA building suite 502 238 Archbishop Flores Street, Guam, 96910. You may also send your testimonies to contact at senatorvinceborja.com. This afternoon's joint oversight hearing is now adjourned. The time is now **5:33 PM**. Thank you. Good day everyone.

[\[END OF JOINT OVERSIGHT HEARING\] \(3:33:29\)](#)