



7/28/2025

LEGAL OPINION

PCF 25-0333

To: Angel Sablan, Chairman, Guam Board of Education
From: Joseph A. Guthrie, Chief Deputy Attorney General

Subject: GEB Interim Lease of Chief Brodie Memorial School

Hafa Adai,

We are in receipt of your request for legal opinion received via email on July 24, 2025. In that request you ask the following:

Question: Whether the Board of Education is authorized to lease Chief Brodie Memorial School to the SIFA Learning Academy, either on an Interim or permanent basis.

Answer:

We found two sections of law that would provide clarification to this issue:

21 GCA § 60112 provides:

§ 60112. Legislative Approval Required.

(a) Notwithstanding any other provisions of law, government-owned real property shall not be sold, leased, subleased, exchanged or otherwise transferred without the prior approval of *l Liheslatura* (the Legislature) by duly enacted legislation, which specifically authorizes a particular sale, lease, exchange or transfer, and includes the real property description of the government-owned real property with particularity, and a Department of Land Management recorded map showing the alienated parcel and the remaining parcel of the original lot.

17 GCA § 7104 provides:

§ 7104. School Facilities; Use of

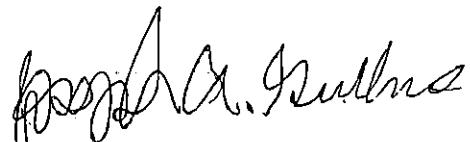
The use of school facilities by person(s) or group(s) during non-school hours is hereby authorized.

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(a) The Board may grant permission for the use of school facilities, including the gymnasium, theater, staff development center, and other Department facilities located at Tiyan, NAS or *Hagatña*. The principal, or the principal's designee, shall arrange the scheduling of any non-school activity authorized by the Board and, in addition, serve as liaison between the Board and the requesting party or user group.

The sections cited above limits the authority of the Guam Board of Education to lease out limited portions of the facility. There is no statutory authority to lease the whole campus.



JOSEPH A. GUTHRIE
Chief Deputy Attorney General