



UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

FOR IMMEDIATE RELEASE - August 7, 2024

Five Facts on a State of Emergency for Guam's Public Schools

Hagåtña, Guam - The safe return of our children to their schools is vitally important to our administration. But no one should pretend that a Declaration of a State of Emergency will give GDOE any more tools or resources than it already had. *As we have said, GDOE can declare a State of Emergency, but only the Legislature can provide schools with the authority they need to open safely.*

At present, a private contractor has already been procured to refurbish ten schools, financial resources have already been certified for this purpose, and existing law already permits agency heads to implement an emergency procurement without the intervention of the Governor—something GDOE is attempting to do and always could have done.

GDOE and its private contractors simply need more time to complete their work responsibly. Therefore, if the GDOE leadership determines that a school is safe pending inspection, we agree that the school should be permitted to operate while the formal inspection by the Department of Public Health and Social Services (DPHSS) is pending.

Here are the facts of an emergency declaration and why it will not provide additional help to GDOE now:

FACT: Emergency procurements are already available and regularly utilized by government agencies, including GDOE, without intervention from the governor. The Guam Procurement Law authorizes the heads of agencies to certify an emergency and utilize emergency procurement measures. For this reason, the Governor's declaration will not give GDOE access to more expeditious procurements than the agency can already perform under its own powers.

FACT: Only the Guam Legislature has the authority to further ease procurement for DOE. To support public schools, lawmakers should pass legislation allowing temporary exemptions for procurement rules and regulations, similar to P.L. 37-81 (formerly Bill No. 206-37), which was executed in March for the Guam Power Authority (GPA). Easing procurement processes temporarily allowed GPA to meet power generation demands and avoid load shedding during the summer months.

FACT: A state of emergency, declared by the Governor, will not expedite the opening of Guam's public schools. This is because 10 of our public schools need serious refurbishment from a contractor in order to pass public health inspections. A contractor has already been procured to perform these services, and funding has already been identified. But the work cannot be

performed overnight. Even the most aggressive renovation schedule will take time, an issue that a declaration of emergency will not resolve.

FACT: Despite GDOE's best efforts, its contracts were needlessly delayed by the Office of the Attorney General (OAG), which refused to sign or review contracts as GDOE's attorney. Only last month, the Supreme Court of Guam determined that the Attorney General's actions violated his duties to the agencies, and the Attorney General finally executed these critical contracts without his improper qualifications.

FACT: Prior to 1986, the ultimate authority to establish, operate, and maintain public schools was delegated by the Organic Act to the Governor of Guam. Now, that power rests with the Guam Legislature, which has established the public school system as an autonomous entity that is governed by the Guam Education Policy Board. While the operation and maintenance of our schools are not subject to the Governor's authority or oversight, our administration has activated Executive Branch agencies to assist GDOE with vital procurements and services. We intend to continue assisting GDOE as the agency navigates its ongoing issues within the authority and resources the Legislature provides.

###