

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Resolution No. 249-35 (LS) As amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building November 18, 2019				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON					✓	✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedro" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES					✓	✓

TOTAL:	13	2	2	2	2
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent Excused

CERTIFIED TRUE AND CORRECT:

 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Resolution No. 249-35 (LS)

As amended on the Floor.

*

Introduced by:

Telena Cruz Nelson
Amanda L. Shelton
Sabina Flores Perez
Tina Rose Muña Barnes
Joe S. San Agustin
Régine Biscoe Lee
Therese M. Terlaje
Kelly Marsh (Taitano), PhD
Clynton E. Ridgell
Jose “Pedo” Terlaje
William M. Castro
Louise B. Muña
James C. Moylan
Telo T. Taitague

Relative to supporting the Guam Department of Education in its efforts to address its high-risk designation and specific conditions; and returning financial management and control over federal funds.

1 **BE IT RESOLVED BY *I MINA'TRENTAI SINGKO NA LIHESLATURAN***
2 ***GUÅHAN*:**
3 **WHEREAS**, in September 2003, the Guam Department of Education (GDOE)
4 was designated by the U.S. Department of Education (USDOE) as a high-risk grantee,
5 under the former 34 CFR § 80.12, subject to special conditions for all of the federal
6 education programs it administers; and

1 **WHEREAS**, in the FFY 2007 special conditions for USDOE grants awarded to
2 GDOE, USDOE required GDOE to develop a Comprehensive Corrective Action Plan
3 (CCAP) to address underlying problems associated with GDOE’s high-risk designation;
4 and

5 **WHEREAS**, in November 2009, USDOE determined that GDOE failed to make
6 substantial progress under its CCAP. Consequently, USDOE issued amended special
7 conditions to GDOE and required GDOE to procure the services of a third (3rd) party
8 fiduciary agent (TPFA) acceptable to USDOE to perform the financial management
9 duties required under federal regulations for all USDOE grant awards made to GDOE;
10 and

11 **WHEREAS**, in September 2010, GDOE contracted with Alvarez & Marsal as
12 its TPFA. To date, the cost of the TPFA’s services has totaled \$25 Million Dollars, with
13 a current annual cost of \$2.5 Million Dollars in local funding; and

14 **WHEREAS**, in May 2018, the Superintendent of Education requested for
15 USDOE’s reconsideration of the special conditions for (1) Requirement for a TPFA; (2)
16 Responsibilities of the TPFA and GDOE; (3) the CCAP; (4) Single Audits; (5) Prompt
17 Access; (6) Program-Specific Conditions; and (7) Compliance with Program
18 Requirements; and

19 **WHEREAS**, in January 2019, USDOE issued an Amended FFY 2018 Specific
20 Conditions Letter and Final Reconsideration Evaluation Plan (REP) to GDOE. The
21 CCAP requirement was replaced with the REP; and

22 **WHEREAS**, in March 2019, USDOE issued a (Corrected) Amended FFY 2018
23 Specific Conditions Letter to GDOE with four (4) remaining conditions relative to the
24 TPFA, REP, and Single Audits; and

25 **WHEREAS**, in July 2019, the Superintendent requested for reconsideration of
26 the Single Audit specific condition; and

1 **WHEREAS**, in August 2019, USDOE determined that GDOE successfully met
2 the Single Audit requirement; and

3 **WHEREAS**, GDOE and the Guam Education Board (GEB) continue to lead high
4 level meetings with USDOE officials in Washington, D.C. to further enhance the
5 USDOE's efforts in prioritizing its review and assessment of GDOE's progress to
6 address specific conditions; now therefore, be it

7 **RESOLVED**, that *I Mina'trentai Singko Na Liheslaturan Guåhan* does hereby,
8 on behalf of the people of Guam, support the Guam Department of Education (GDOE)
9 in its efforts to address its high-risk designation, and will work in collaboration with
10 GDOE and USDOE in support of GDOE's efforts; and does further commit to working
11 with GDOE to ensure that all requirements are fully and adequately addressed to meet
12 the federal conditions imposed; and to have the cost savings identified from the TPFA
13 redirected to better serve Guam's public-school students; and be it further

14 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to, the
15 adoption hereof, and that copies of the same be thereafter transmitted to the Honorable
16 Michael San Nicolas, Guam Delegate to the United States Congress; to the Honorable
17 Betsy DeVos, United States Secretary of Education; to the Honorable Bobby Scott,
18 Representative for Virginia's 3rd Congressional District and the Chairperson of the
19 Committee on Education; to Jon J.P. Fernandez, Superintendent of the Guam
20 Department of Education; to Mark B. Mendiola, Chairman of the Guam Education
21 Board; and to the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN* ON THE DAY OF MONTH 2019.

TINA ROSE MUÑA BARNES
Speaker

AMANDA L. SHELTON
Legislative Secretary