I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

FILE COPY

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 171 (LS), "AN ACT TO *ADD* A NEW CHAPTER 11 TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A PUBLIC CORPORATION FOR THE PURPOSE OF ADVANCING EXCELLENCE IN EDUCATION, TO BE KNOWN AS THE "FOUNDATION FOR PUBLIC EDUCATION ACT OF 2007, "** was on the 21st day of December, 2007, duly and regularly passed.

Edward J.B. Calvo
Acting Speaker

Attested:

Ray Tenorio
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 21 day of Dec, 2007, at 1150 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 171 (LS)
As amended.

Introduced by:

J. T. Won Pat
Judith Paulette Guthertz
Tina Rose Muña Barnes
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
David L.G. Shimizu
Ray Tenorio

AN ACT TO *ADD* A NEW CHAPTER 11 TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH A PUBLIC CORPORATION FOR THE PURPOSE OF ADVANCING EXCELLENCE IN EDUCATION, TO BE KNOWN AS THE "FOUNDATION FOR PUBLIC EDUCATION ACT OF 2007."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Foundation for Public Education Act of 2007. A new Chapter 11 of Division 2 of Title 17 Guam Code Annotated, is *added* to read:

"Chapter 11.

Foundation for Public Education Act 2007

§11101. Legislative Findings. *I Liheslaturan Guåhan* finds that creating the best public school education is the responsibility of the entire community. This means not only parents and educators but also businesses, community groups, associations, philanthropists and citizens. Currently, the Guam Public School Systems is authorized to receive monetary donations which are promptly deposited into the Every Child is Entitled to an Adequate Education Fund (Fund). The provisions of the existing Fund are too restrictive in regards to how private contributions to the Guam Public School System can be utilized, therefore a mechanism needs to be put in place to more efficiently handle such contributions. In many communities, public education foundations serve as a conduit between schools and communities, often funding projects that fall outside the scope of the schools' operating budgets. The missions of these public education foundations are to mobilize regional and community resources to support and impact public education through initiatives, programs and practices designed to improve student performance and advance quality educational opportunities for all children.

It is, therefore, the intent of *I Liheslaturan Guåhan* that a separate mechanism, one that would promote the improvement of the general welfare of public education on Guam inclusive of philanthropic and community service endeavors, must be established. This can be accomplished with the creation of a "Foundation for Public Education".

§11102. Short Title. This Chapter may be cited as the "Foundation for Public Education Act of 2007."

§11103. Authorization to Receive Funds. The Superintendent is hereby authorized to establish a public not for profit corporation that *shall* be separate and apart from the government of Guam and the Guam Public School System for the purposes of being able to accept private gifts, donations, endowments, services in-kind, grants and other money which may be offered in support of the Guam Public

School System. All such private gifts, donations, endowments, services in-kind, grants and other money *shall* be in accordance with the laws of Guam and subject to reasonable conditions.

§11104. Custody and Expenditure of Funds. Such funds as are received *shall* be deposited into a fund as established by the public corporation and known as the Foundation for Public Education Fund. Expenditures *shall* be made from the fund in accordance with such conditions as may be attached to the private gifts, donations, endowments, services in-kind, and grants.

§11105. Composition of Foundation Board of Directors. The public corporation, as initially established by the Superintendent of Education, *shall* be comprised of a nine (9) member Board of Directors. The Superintendent *shall* appoint the Charter Directors of said corporation and each Charter Director will serve an initial term of one (1) year. The Superintendent of Education *shall* serve as temporary chairperson, and *shall* convene the first meeting of the Foundation. At its first meeting, the Foundation *shall* elect from among its members its officers in accordance with its established by-laws. At least two (2) members *shall* be an alumnus of the Guam Public School System, formerly the Guam Department of Education. For the purposes of this provision, an alumnus is defined as any one (1) person having attended the Guam Public School System for one (1) complete school year. Upon establishment of the Public Corporation, said Corporation *shall* establish in its Articles of Incorporation and By-laws, the manner of appointment and length of service for Board members and all other rules and regulations relative to operations, investments and programs through which all private gifts, donations, endowments, services in-kind, grants and other money *shall* be granted back to the Guam Public School System. In the event of a vacancy on the Charter Board of Directors, the Superintendent of Education, *or* the Chairperson of the Guam Education Policy Board should the Superintendent of Education be

incapacitated, *shall* appoint a replacement for the unexpired term. The initial meeting of the public corporation *shall* be convened by the Superintendent of the Guam Public School System.

§11106. Foundation Information Published on Website. The Foundation *shall* publish information regarding its activities on a monthly basis. The information may include, *but not be limited to*, financial statements, meeting minutes and agendas, and any other information that the Foundation may deem beneficial to the general public.

The Guam Public School System *shall* make their website available to the Foundation for the purpose of publishing the above required information."