



Office of the Governor of Guam

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Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIPT
Rec'd by: [Signature]

Time: 9:00

Date: 1-3-08

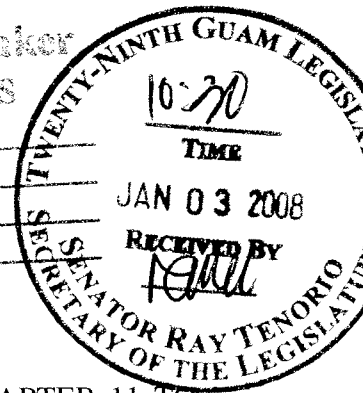
02 JAN 2008

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Edward J.B. Calvo
Acting Speaker
Mina' Bente Nuebe Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

29-08-0004
Office of the Speaker
MARK FORBES
Date: 01/02/08
Time: 5:12 PM
Rec'd by: [Signature]
Print Name: EP



Dear Acting Speaker Calvo:

Transmitted herewith is 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, BE KNOWN AS THE "FOUNDATION FOR PUBLIC EDUCATION ACT OF 2007, " which I have vetoed.

The intent of Bill No. 171 to improve public education through private contributions, while admirable, unfortunately does not provide for accountability of the receipt and expenditure of private donations by the Superintendent of Education.

While school districts across the nation establish public corporations or education foundations to supplement funding for unique educational programs, equipment and other school-related needs, the language in Bill No. 171 is vague and open to considerable interpretation on how the Foundation would function.

GPSS currently has the authority to receive monetary donations through the Adequate Education Fund. The students of the Guam Public School System and the public may be better served by amending Title 17 of the Guam Code Annotated allowing for additional uses of funds collected via the Adequate Education Fund, as intended by this legislation, while being governed by the existing rules and regulations related to the Fund.

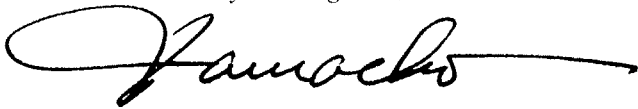
The lack of controls on the expenditure of funds under this piece of legislation leaves the fund open to abuse. The level of accountability established through the Adequate Education Fund already serves to protect the School System from potential misuse of funds and defines the ability of GPSS to use the monies for educational purposes as approved and endorsed by the Guam Education Policy Board.

Vertical stamp: 2008 JAN 03 11:04

Finally, the establishment of the foundation board is counter to the duties of the Guam Education Policy Board, which in its enabling statute directs the members to perform other duties and responsibilities as required by public law to provide an adequate public educational system for all island school children.

I ask *I Liheslaturan Guahan* to consider amending the Adequate Education Fund to meet the intent of Bill No. 171.

Sinseru yan Magâhet,

A handwritten signature in black ink, appearing to read 'Felix P. Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO
I Maga' Lâhen Guahan
Governor of Guam

Attachment: copy attached of vetoed bill

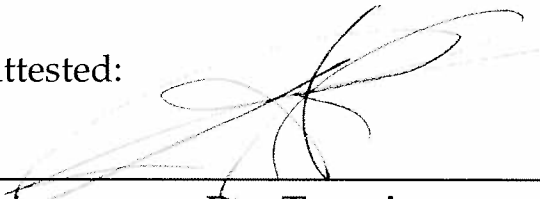
cc: The Honorable Ray Tenorio
Senator and Legislative Secretary

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

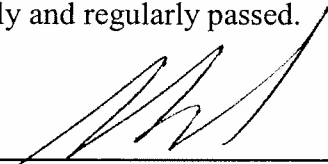
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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.

Attested:



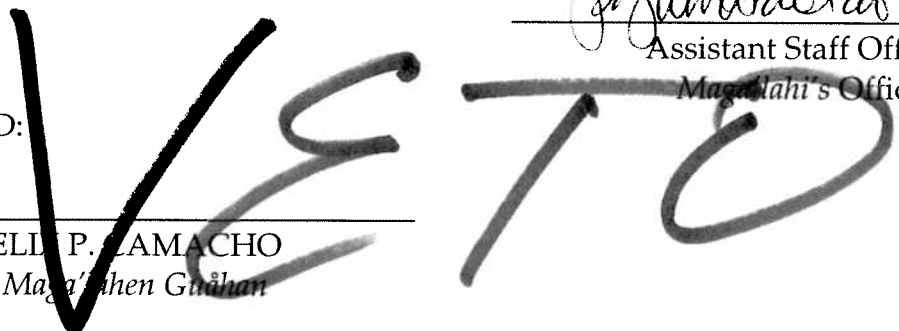
Ray Tenorio
Senator and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

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

APPROVED:



FELIX P. LAMACHO
I Maga'lahaen Guåhan



Assistant Staff Officer
Maga'lahaen's Office

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

1 **§11101. Legislative Findings.** *I Liheslaturan Guåhan* finds that creating
2 the best public school education is the responsibility of the entire community. This
3 means not only parents and educators but also businesses, community groups,
4 associations, philanthropists and citizens. Currently, the Guam Public School
5 Systems is authorized to receive monetary donations which are promptly deposited
6 into the Every Child is Entitled to an Adequate Education Fund (Fund). The
7 provisions of the existing Fund are too restrictive in regards to how private
8 contributions to the Guam Public School System can be utilized, therefore a
9 mechanism needs to be put in place to more efficiently handle such contributions.
10 In many communities, public education foundations serve as a conduit between
11 schools and communities, often funding projects that fall outside the scope of the
12 schools' operating budgets. The missions of these public education foundations
13 are to mobilize regional and community resources to support and impact public
14 education through initiatives, programs and practices designed to improve student
15 performance and advance quality educational opportunities for all children.

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

21 **§11102. Short Title.** This Chapter may be cited as the "Foundation for
22 Public Education Act of 2007."

23 **§11103. Authorization to Receive Funds.** The Superintendent is hereby
24 authorized to establish a public not for profit corporation that *shall* be separate and
25 apart from the government of Guam and the Guam Public School System for the
26 purposes of being able to accept private gifts, donations, endowments, services in-
27 kind, grants and other money which may be offered in support of the Guam Public

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

4 **§11104. Custody and Expenditure of Funds.** Such funds as are
5 received *shall* be deposited into a fund as established by the public corporation and
6 known as the Foundation for Public Education Fund. Expenditures *shall* be made
7 from the fund in accordance with such conditions as may be attached to the private
8 gifts, donations, endowments, services in-kind, and grants.

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

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

4 **§11106. Foundation Information Published on Website.** The Foundation
5 *shall* publish information regarding its activities on a monthly basis. The
6 information may include, *but not be limited to*, financial statements, meeting
7 minutes and agendas, and any other information that the Foundation may deem
8 beneficial to the general public.

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