



I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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Bill No. 2 (LS)

Introduced by:

J. T. Won Pat, Ed.D. 
T.R. Muña-Barnes 

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. THIS ACT SHALL BE KNOWN AS
THE " FOUNDATION FOR PUBLIC EDUCATION
ACT OF 2009."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Foundation for Public Education Act of 2009. Chapter 11 of Division 2 of
3 Title 17, Guam Code Annotated, is added to read:

4 "Chapter 11.

5 Foundation for Public Education Act of 2009.

6 §11101. **Legislative Findings.** *I Liheslaturan Guahan* finds that creating the best
7 public school education is the responsibility of the entire community. This means not only
8 parents and educators but also businesses, community groups, associations,
9 philanthropists and citizens. Currently, the Guam Public School Systems is authorized to
10 receive monetary donations which are promptly deposited into the Every Child is Entitled
11 to an Adequate Education Fund ("Fund"). The provisions of the existing Fund is too
12 restrictive in regards to how private contributions to the Guam Public School System can
13 be utilized, therefore a mechanism needs to be put in place to more efficiently handle such

1 contributions. In many communities, public education foundations serve as a conduit
2 between schools and communities often funding projects that fall outside the scope of the
3 schools operating budgets. The missions of these public education foundations are to
4 mobilize regional and community resources to support and impact public education
5 through initiatives, programs, and practices designed to improve student performance and
6 advance quality educational opportunities for all children.

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

11 **§11102. Short title.** This Chapter may be cited as the “Foundation for Public
12 Education Act of 2009.”

13 **§11103. Authorization to Receive Funds.** The Superintendent is hereby authorized to
14 establish a public not for profit corporation that shall be separate and apart from the
15 Government of Guam and the Guam Public School System for the purposes of being able to
16 accept private gifts, donations, endowments, services in-kind, grants and other money
17 which may be offered in support of the Guam Public School System. All such private gifts,
18 donations, endowments, services in-kind, grants and other money shall be in accordance
19 with the laws of Guam and subject to reasonable conditions.

20 **§11104. Custody and Expenditure of Funds.** Such funds as are received shall be
21 deposited into a fund as established by the public corporation and known as the
22 Foundation for Public Education Fund (the “fund”). Expenditures shall be made from the
23 fund in accordance with such conditions as may be attached to the private gifts, donations,
24 endowments, services in-kind, and grants. No more than one percent (1%) of the total
25 corpus of the Fund shall be utilized for administrative costs.

26 **§11105. Composition of Foundation Board of Directors.** The public corporation, as
27 initially established by the Superintendent of Education, shall be comprised of a nine (9)
28 member board of directors. The Superintendent shall appoint the charter directors of said
29 corporation and each charter director will serve an initial term of one (1) year. The

1 Superintendent of Education shall serve as temporary chairperson, and shall convene the
2 first meeting of the Foundation. At its first meeting the Foundation shall elect from among
3 its members its officers in accordance with its established by-laws. At least two (2)
4 members shall be an alumnus of the Guam Public School System, formerly the Guam
5 Department of Education. For the purposes of this provision, an alumnus is defined as any
6 one person having attended the Guam Public School System for one complete school year.
7 Upon establishment of the public corporation, said corporation shall establish in its articles
8 of incorporation and by-laws the manner of appointment and length of service for board
9 members and all other rules and regulations relative to operations, investments and
10 programs through which all private gifts, donations, endowments, services in-kind, grants
11 and other money shall be granted back to the Guam Public School System. If, in the event
12 of a vacancy on the charter board of directors, the Superintendent of Education or the
13 Chairperson of the Guam Education Policy Board should the Superintendent of Education
14 be incapacitated, shall appoint a replacement for the unexpired term. The initial meeting of
15 the public corporation shall be convened by the Superintendent of the Guam Public School
16 System.”

17 **§11106. Foundation Information Published on Website.** The Foundation shall
18 publish information regarding its activities on a monthly basis. The information may
19 include, but not limited to, financial statements, meeting minutes and agendas, and any
20 other information that the Foundation may deem beneficial to the general public.

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

23 **§11107. Reporting Information.** The Foundation shall transmit quarterly reports
24 detailing information pertaining to the contributions made to and expenditures from the
25 Foundation Fund to *I Liheslaturan Guåhan* and to the Office of the Public Auditor of
26 Guam.”