

11 GCA FINANCE & TAXATION
CH. 52 DEPARTMENT OF EDUCATION OPERATIONS FUND

CHAPTER 52
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SOURCE: Chapter 52 added by P.L. 28-068:II:I:1 (Sept. 30, 2005).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education. References to Guam Public School System have been changed to Department of Education pursuant to P.L. 30-050:3.

- § 52101. Creation of the Department of Education Operations Fund.
- § 52102. Appropriation to the Department of Education Operations Fund.

§ 52101. Creation of the Department of Education Operations Fund.

(a) There is hereby created, separate and apart from other funds of the government of Guam, a fund known as the ‘Department of Education Operations Fund’. This fund shall *not* be commingled with the General Fund and shall be kept in a separate bank account to be in the name of the Department of Education (DOE). The amount appropriated by *I Liheslaturan Guåhan* to the Department of Education for its annual operations shall be deposited in the Department of Education Operations Fund to cover the operational expenses of the Department of Education and any use associated with the Department of Education, as determined in the Department of Education budget in accordance with Title 10 GCA Chapter 3, by the Guam Education Policy Board *or* the laws of Guam. The Superintendent of Education shall conduct public hearings at the public schools *prior* to the submission of the budget to the Guam Education Policy Board in order to address each school’s individual budgetary requirements.

(b) The Superintendent of Education *shall* create and submit to the Speaker of *I Liheslaturan Guåhan*, *I Maga’lahen Guåhan*, the Public Auditor and the Director of Administration projected schedules of monthly cash disbursements for each school, division and program, by expenditure category, for the fiscal year. Such projected disbursements *shall not exceed* the total amount appropriated by *I Liheslaturan Guåhan* for such appropriation. The Public Auditor *shall* review the schedules and provide comments *or* recommendations thereon to the Director of Administration and the Superintendent of Education. The Director of Administration *shall* approve the schedules after he reviews and

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considers the Public Auditor's comments and recommendations.

(c) Thirty (30) days after the Director of Administration approves the cash disbursement schedules required by subsection (b) hereof, the Superintendent of Education *shall* certify and submit to the Speaker of *I Liheslaturan Guåhan*, *I Maga'lahren Guåhan*, and the Public Auditor a revised budget document, in the format of the FY 2008 Budget Call forms of the Bureau of Budget and Management Research, including appropriations necessary to comply with Title 1 GCA § 715 Item 12 (a) through (n), that *shall* reflect *all* adjustments to the detailed breakdown contained in the original GPSS budget submission to *I Liheslaturan Guåhan*, to be consistent with the amounts allocated for each school and division in the GPSS projected cash disbursement schedules prepared by the Superintendent and approved by the Director of Administration. *All* quantities and items must be adjusted accordingly. The revised budget document will be a guide for every school, division and program, as well as *I Liheslaturan Guåhan*, *I Maga'lahren Guåhan*, the Director of Administration and the Public Auditor, to ensure that appropriated funds are used for the purposes intended. The revised budget document *shall* be posted, in its entirety, on the GPSS website and *shall* be updated each quarter. Penalties imposed for non-compliance with reporting requirements *shall* apply to this requirement.

(d) The Director of Administration *shall* deposit, on the last day of each month, a sum equal to the amount required by the projected schedules of cash disbursements prepared by the Superintendent, into the Department of Education Operations Fund, *except* that the Director of Administration, for the first (1st) month of the fiscal year, on the first (1st) Friday of October, shall make a deposit equal to the amount required for the first (1st) month of the fiscal year, as reflected in the Department of Education's projected monthly schedules of cash disbursements, from the prior month's General Fund revenue collections."

(e) **[Repealed]**.

(f) Nothing herein shall be construed as preventing *I Liheslaturan Guåhan* from making additional appropriations to the Department of Education. *I Maga'lahren Guåhan's* transfer authority shall *not* apply to this *or* any other appropriation to the Department of Education, *except* that *I Maga'lahren Guåhan* may transfer funds into the Department of

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Education to the extent permitted by law. *I Maga'lahañ Guåhan* may transfer to the Department of Education funds in excess of the amounts appropriated to the Department of Education herein if he determines that an emergency has created a need for such a transfer.

SOURCE: Added by P.L. 28-068:II:I:1 (Sept. 30, 2005). Amended by P.L. 28-147:1 (August 25, 2006). Repealed and reenacted by P.L. 28-149:II:I:1 (Sept. 30, 2006). Subsections (b), (c) and (d) amended by P.L. 29-019:VI:15 (Sept. 29, 2007). Subsection (e) repealed by P.L. 29-019:VI:16 (Sept. 29, 2007).

§ 52102. Appropriation to the Department of Education Operations Fund.

The contents of the Department of Education Operations Fund are appropriated to the Department of Education for the operations of the Department of Education and for such improvements of the Department of Education, including capital improvements, as may be found necessary by the Superintendent of Education. This appropriation is continuous and is contingent on the annual submission of a detailed budget, in accordance with Chapter 3 of Title 17 of the Guam Code Annotated, to *I Liheslaturan Guåhan*, notwithstanding any other provision of law. *I Liheslaturan Guåhan* may appropriate supplemental amounts to the Department of Education. All appropriations to the Department of Education *shall* be subject to the allotment process administered by the Bureau of Budget and Management Research (BBMR), and *shall* be subject to Title 5 GCA § 4109(c)(3). The Superintendent of Education *shall* submit a detailed quarterly report to *I Liheslaturan Guåhan* on the receipt and expenditure of said funds *no later than* thirty (30) days after the end of each fiscal quarter and post the same on the GPSS website.

SOURCE: Added by P.L. 28-068:II:I:1 (Sept. 30, 2005). Amended by P.L. 29-019:VI:17 (Sept. 29, 2007), P.L. 29-113:VI:61 (Sept. 30, 2008).
