



DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT



www.gdoe.net

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JON J. P. FERNANDEZ
Superintendent of Education

April 01, 2013

The Honorable Eddie Baza Calvo
Governor of Guam
Adelup, Guam 96910

Honorable Judith Won Pat, Ed. D.
Speaker, 32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Dear Governor Calvo and Speaker Won Pat:

Thank you for working closely with me over the past week to resolve my concerns relative to Public Law 31-233, which authorizes me to deduct funding from the Guam Department of Education ("GDOE") in the amount of \$5,500 per pupil and to make these funds available to the Guahan Academy Charter School ("GACS") based on their actual enrollment. As you know, GACS has not yet opened and, therefore, has no students who are actually enrolled; this fact has made it impossible for me to comply with the law.

As a result of my March 25, 2013, letter to Speaker Won Pat, which articulated my concerns in detail, we met with all stakeholders to discuss these concerns and determine the appropriate response. Based on our discussion, I made an official request in a March 27, 2013, letter (again to Speaker Won Pat) to amend P.L. 31-233 in order to remove the Superintendent from having to authorize the deduction of funds from GDOE, to require the funding to be pro-rated in order to more accurately reflect the start date of the new charter school, and to maintain the requirement to validate actual enrollment at GACS once the school is up and running. On Friday, March 29, 2013, Speaker Won Pat informed me that the amendments could not be entertained in the current session but promised to continue working towards a solution to meet my concerns.

Earlier today, I received letters from Speaker Won Pat and Mr. Frank Arriola, on behalf of the Governor, proposing a solution in line with my recommendations. First, instead of deducting funds from an already strapped operating budget, the Superintendent would be allowed to deduct funds from the reserves already set aside at the beginning of Fiscal Year 2013. Second, the amount to be deducted would be a pro-rated amount of up to \$687,500, reflecting a maximum amount of \$5,500 multiplied by the GACS projection of 500 students. Third, funding would only be deducted based on valid

Letter to Governor and Speaker
Subject: Charter School Funding
April 01, 2013
Page 2 of 2

enrollment; GACS will not receive the full amount unless its actual enrollment reaches or surpasses 500 students.

On the basis of your assurances and support, I have sent a letter to the Director of the Department of Administration to authorize the deduction of funds as described herein. Thank you for continuing to work with me to find the right solution and for addressing my concerns.

Senseramente,



JON J. P. FERNANDEZ

Attachment



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Superintendent of Education

April 01, 2013

Ms. Benita Manglona
Director
Department of Administration
Government of Guam
Hagatna, Guam 96910

Dear Ms. Manglona,

Pursuant to Public Law 31-233, I hereby authorize the deduction of up to \$687,500 from the Guam Department of Education ("GDOE") Reserve Account for the Guahan Academy Charter School ("GACS") based on their actual enrollment.

The number of approved students, which GACS has maximized at 500 students, has been multiplied by the Fiscal Year 2013 Budget Act approved amount of \$5,500 per enrolled student, but pro-rated for only one-quarter of the fiscal year. The basis for the pro-rating is that GDOE has already incurred costs to educate these 500 students for the first three quarters of this fiscal year. The pro-rated amount due to GACS, based on 500 students, is \$687,500.

The release of this funding shall be based on verification of actual enrollment to be validated no later than twenty days after the commencement of classes on August 19, 2013.

If I can be of further assistance, please feel free to contact me at 300-1547.

Senseramente,


JON J. P. FERNANDEZ