A BILL FOR AN ACT

To further amend title 40 of the Code of the Federated States of Micronesia by amending sections 232 and 233 to define "Free Appropriate Public Education" for funding eligibility purposes under the United States Individuals with Disabilities Education Act Amendments of 1997, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 232 of title 40 of the Code of the

2 Federated States of Micronesia is hereby repealed and a new

3 section 232 is hereby enacted to read as follows:

"Section 232. Free Appropriate Public Education.

(1) Statement of Policy. The Congress of the

Federated States of Micronesia, recognizing the

obligation of the Federated States of Micronesia under

section 109 of title 1 of this Code that free elementary

9 <u>and secondary, through grade 12,</u> shall be provided

10 throughout the Federated States of Micronesia, and

11 further recognizing the obligation of the Federated

12 States of Micronesia to provide <u>full</u> educational

opportunities to all children which will enable them to

14 lead fulfilling productive lives, hereby declares that

it is the policy of the Federated States of Micronesia

and the purpose of this subchapter to provide [$\frac{means\ for}{means\ for}$

17 the free education of children with disabilities and

18 that insofar as is appropriate, disabled children shall

19 receive necessary supplementary services in regular

1	classrooms offered by the Federated States of Micronesia
2	and each State Department of Education both in rendering
3	services directly to children with disabilities, and in
4	providing consulting services to regular classroom
5	teachers] a Free Appropriate Public Education (FAPE) and
6	related services for eligible children with
7	disabilities, age 0 through 21, and that eligible
8	children with disabilities shall primarily receive
9	special education and related services, insofar as
10	appropriate, in regular classrooms and regular schools
11	or other natural environments, which provide education
12	and interaction with non-disabled children, that are
13	offered by the Federated States of Micronesia through
14	each State Department of Education and other public
15	<u>agencies</u> .
16	(2) Exceptions to FAPE. The obligation to make FAPE
17	available to all children with disabilities does not
18	apply with respect to the following:
19	(a) Incarcerated Youth. Students age 18 through
20	21 who, in the last educational placement prior to their
21	incarceration in an adult correctional facility:
22	(i) Were not actually identified as being a
23	child with a disability under this Act; and
24	(ii) Did not have an IEP under the provisions
25	of this Act.

1	(b) The exception in paragraph (2)(a) of this
2	section does not apply to students with disabilities,
3	aged 18 through 21, who:
4	(i) Had been identified as a child with
5	disability and had received services in accordance with
6	an IEP, but who left school prior to their
7	incarceration; or
8	(ii) Did not have an IEP in their last
9	educational setting, but who had actually been
10	identified as a "child with a disability" under the
11	provisions of this Act.
12	(c) Students with disabilities who have graduated
13	from high school diploma.
14	(d) Graduation from high school with a regular
15	diploma constitutes a change in placement, requiring
16	written prior notice in accordance with requirements of
17	this Act.
18	(3) Accessibility. The Secretary and each State
19	Director of Education shall [insure] encourage that all
20	school facilities [are] become fully accessible to
21	students with disabilities."
22	Section 2. Section 233 of title 40 of the Code of the
23	Federated States of Micronesia, as amended by Public Law No. 8-21,
24	is hereby further amended to read as follows:
25	"Section 233. <u>Definitions</u> . As used in this subchapter,

1 unless the context otherwise requires: (1) 'Children with disabilities' includes those 3 individuals from birth through age 21 who are evaluated 4 as having mental retardation, hearing impairments 5 including deafness, speech or language impairments, 6 visual impairments including blindness, serious 7 emotional disturbance, orthopedic impairments, autism, 8 traumatic brain injury, other health impairments, 9 specific learning disabilities, deaf-blindness, or multiple impairments, and who because of those 10 impairments need special education and related services. 11 12 (2) 'Free Appropriated Public Education (FAPE)' the 13 term free appropriate public education or FAPE means 14 special education and related services that: (a) Are provided at public expense, under public 15 16 supervision and direction, and without charge to parents 17 or students; 18 (b) Meets special education program standards and 19 regulations established by the Department of Health 20 Education and Social Affairs (DHESA), including the 21 requirements of this part; (c) Include preschool, elementary school, or 22 23 secondary school education in each State; and 24 (d) Are provided in conformity with an 25 individualized education program (IEP), and

1	(e) Are provided for eligible students who have
2	been suspended or expelled from school.
3	[(2)] <u>(3)</u> 'Secretary' means the Secretary of the Department
4	of Education.
5	$\left[\frac{(3)}{(4)}\right]$ 'Special education' means instructional or
6	other services necessary to assist children with
7	disabilities. Special Education is specially designed
8	instruction, at not cost to the parents, to meet the
9	unique needs of a child with a disability, including
10	instruction conducted:
11	(a) in the classrooms;
12	(b) in the home;
13	(c) in hospitals and institutions;
14	(d) in other settings; and
15	(e) in physical education."
16	Section 3. This act shall become law upon approval by the
17	President of the Federated States of Micronesia or upon its
18	becoming law without such approval.
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20	Date: 5/18/05 Introduced by: <u>/s/ Simiram Sipenuk</u>
21	Simiram Sipenuk (by request)
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