A BILL FOR AN ACT

To amend title 40 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending sections 102 and 104 thereof, to prescribe kindergarten as the beginning grade for the elementary education level and to make five years of age as the beginning age of compulsory education, and for other purposes.

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

Section 1. Section 102 of title 40 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 102. Definitions.

As used in this chapter:

(1) "Accreditation" means the process of evaluating a school in terms of meeting the required minimum standards and the acknowledgment thereof by the FSM National Government through the issuance of an FSM Certificate of Accreditation.

(2) "Board of Education" means each of the four groups of persons having managerial, supervisory, or advisory powers concerning education, as created, appointed and confirmed in office by the duly elected officials of the States of Chuuk, Kosrae, Pohnpei and Yap.

(3) "Chief State School Officer" means the State Director of Education or other highest ranking educator with day-to-day administrative authority and control over the educational system of each State.
(4) “Children with disabilities” means those individuals from birth through age 21 who are evaluated as having mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple impairments, and who, because of those impairments, need special education and related services.

(5) “College of Micronesia—FSM” means an institution of higher education located in the FSM and established in 1977 by P.L. No. 7-29 of the Seventh Congress of Micronesia.

(6) “Compact” means the Compact of Free Association between the Federated States of Micronesia and the United States of America.

(7) “Congress” means the Congress of the Federated States of Micronesia.

(8) “Department” means the Department of Education of the Federated States of Micronesia.

(9) “Elementary school” means an institution which imparts teaching and learning from [grades one (first grade)] kindergarten through eighth grade.

(10) “FSM” means the Federated States of Micronesia.

(11) “FACSSO” means the FSM Association of Chief State School Officers.
(12) "Home learning" means a private form of education or
course of study administered by parents who for personal or
religious reasons choose not to send their children to a public
or private school but as an alternative provide education
within a home setting.

(13) "Kindergarten" means the beginning grade of the
elementary education level also referred to as the early
childhood education (ECE) at the state level.

[13][14] "National Government" means the National
Government of the Federated States of Micronesia.

[14][15] "Person" means an individual, corporation, firm or
any other entity or association existing under or authorized
by law.

[15][16] "Post-secondary education" means an attendance at
an institution of higher education in the FSM or abroad.

[16][17] "Preschool" means any nursery school, kindergarten
or special program attended by children during the period from
infancy to age five or six four, preceding attendance at
elementary school.

[17][18] "President" means the President of the Federated
States of Micronesia.

[18][19] "School" means an FSM accredited public or private
institution of learning at the elementary or secondary level,
including a school with a religious affiliation.

[19][20] "Secondary school" means an institution which
imparts teaching and learning beyond the elementary level up to but not including college or university level.

[20](21) "Secretary" means the Secretary of the Department of Education of the Federated States of Micronesia.

[21](22) "Special education" means instructional or other services necessary to assist children with disabilities. Special education is specifically designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted:

(a) in classrooms;

(b) in the home;

(c) in hospitals and institutions;

(d) in other settings; and

(e) in physical education.

[22](23) "State" means a State within the Federated States of Micronesia.

[23](24) "State Director of Education" means the individual who is appointed by the Governor of the State and granted thereby the direct authority to manage and control the daily affairs of the State Department of Education.

[24](25) "Teacher" means a classroom instructor who has attained the FSM National Government teacher certification standards and whose primary function is to impart knowledge to students in schools.

[25](26) "Teacher certification" means the issuance of a
certificate to a preschool, elementary, or secondary classroom instructor who has met the National Government qualification requirements set forth in section 105 of this chapter.”

Section 2. Section 104 of title 40 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby further amended to read as follows:

“Section 104. Compulsory education; Attendance; Failure to send a child to school; School year.

1) Compulsory education. Education shall be provided and shall be for all children, including children with disabilities, from kindergarten [first grade] through graduation from the eighth grade, or until the age of 14 years.

2) Attendance. Attendance at school shall be required of all children between the ages of [six] five (5) and fourteen [14](14) or until completion of the eighth grade, unless excluded from school or exempted from attendance for sickness or behavioral problems as determined by the appropriate State authorities.

(a) For the purpose of beginning school, a child shall be admitted in the first [grade] kindergarten at the beginning of the school year if he has attained or will have attained the age of [six] five, either on or before December 31 of the calendar year in which the school year commences, or as of the date of the
commencement of the school year, whichever date is
selected by the State Director of Education.

[b) A State legislature may determine a later age for
starting mandatory education, provided that children whose
parents wish to enroll them at the National standard age of
six years are not restricted from doing so.]

3) Failure to send a child to school. Any person who
knowingly permits a child who is under his control to be
absent from school, or who knowingly prevents any child from
attending school during the instructional period, for all or
any significant part of a day, unexcused and in violation of
applicable laws or regulations, is in violation of this
section.

   a) The States may impose such penalties as each deems
appropriate for violations of this section.

   b) Good cause for absences shall be determined by
State authorities and may include physical and medical
infirmities, family or social responsibilities, and disruptive
or violent behavior.

4) School year. The school year in the Federated States
of Micronesia shall consist of not less than 180 days of
instructional days or an equivalent of no fewer than 650 hours
of classroom instruction for kindergarten, first and second
graders and no fewer than 765 hours of classroom instruction
for third through twelfth graders.”
Section 3. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 7/14/23

Introduced by: /s/ Quincy Lawrence

Quincy Lawrence
(by request)