FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA
SECOND REGULAR SESSION, 1985

A BILL FOR AN ACT

To amend title 40 of the Code of the Federated States of Micronesia by repealing sections 101 through 117, and 121 through 323; to establish the National educational system; and for other purposes.

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

Section 1. Definitions. As used in this act:

(1) "Board" means the Federated States of Micronesia Board of Education;

(2) "Chief" means the Chief of the Division of Education of the Federated States of Micronesia;

(3) "Compact" means the Compact of Free Association between the Federated States of Micronesia and the United States of America;

(4) "Congress" means the Congress of the Federated States of Micronesia;

(5) "Division" means the Division of Education of the Federated States of Micronesia;

(6) "Handicapped children and youth" means each person under the age of 21 years who, because of impaired visual, auditory, linguistic, or intellectual development; or because of emotional, behavioral, physical or other health problems; or because of any other conditions as determined by the Director of the appropriate State Department of Education, upon consultation with that State's Director of Health Services, cannot function in a normal school environment without special assistance;

(7) "National Government" means the National Government of the Federated States of Micronesia;

(8) "Person" means an individual, corporation, firm or any other entity or association existing under or authorized by law;

(9) "President" means the President of the Federated States of Micronesia;
States of Micronesia;

(10) "Special education" means instructional or other services necessary to assist handicapped children and youth in taking advantage of or responding to educational programs and opportunities;

(11) "State" means a State within the Federated States of Micronesia.

Section 2. Educational policy. It is the policy of the National Government to provide for an educational system in the Federated States of Micronesia which will enable its citizens to participate fully in the progressive development of the States and to become familiar with neighboring Pacific communities and the world. To this end, the purpose of education in the Federated States of Micronesia shall be to develop the Nation's human resources in order to prepare its people to participate in economic, social and political development; to bring to the people a knowledge of their islands, their economy, their government, and the people who inhabit the Federated States of Micronesia; and to encourage excellence in the development of professional, vocational, social, and political skills.

Section 3. Compulsory education. Education shall be provided and shall be compulsory for all children, including handicapped children, through the eighth grade or until the age of 14 years.

Section 4. Division of Education. There is hereby established a Division of Education within the Department of Social
Services of the National Government, the purpose and duties of
which shall be to provide technical assistance to the State
Departments of Education in program development, student services,
and other areas; to collect data showing the condition and progress
of education; to establish, with input from the States, National
student performance expectations for education; to solicit
pertinent data and information from the State Departments of
Education for formulation of National educational policies; and to
otherwise promote the cause of education throughout the Federated
States of Micronesia.

Section 5. General duties of the Chief. The Chief shall
perform the following duties, which shall include, but not be
limited to, the following:

(1) Coordination of educational programs and public
instruction throughout the Federated States of Micronesia;

(2) Facilitation of programmatic development and
supervision and coordination of the work of such technical and
administrative assistance as may be necessary and authorized;

(3) Preparation and publication of an annual report
describing the condition and progress of education in the Federated
States of Micronesia;

(4) Encouragement of the teaching of native languages,
customs and culture at all educational levels, and encouragement of
the teaching of English and such other foreign languages as may be
deemed appropriate;
(5) Provision for proper hygiene in all schools in the Federated States of Micronesia, which function shall be performed with the assistance of the Chief of the Division of Health Services of the Federated States of Micronesia and the Directors of the State Departments of Health Services and Education; and

(6) With the assistance of the State Directors of the Departments of Education, development and implementation of the following for all schools in the Federated States of Micronesia:

(a) A comprehensive educational needs assessment program;

(b) A comprehensive curriculum model for all subject areas and grade levels in order to provide for a degree of consistency, standardization, and uniformity in all school systems in the Federated States of Micronesia;

(c) A comprehensive testing and evaluation program for the Federated States of Micronesia to assess students' proficiency and achievement;

(d) In-service teacher training and other staff development programs to upgrade teachers' competence to enhance teaching and learning in the classroom;

(e) Programs for parental and community involvement and participation in school activities;

(f) Orientation programs for secondary students concerning post-secondary education to ensure proper and adequate preparation for college;
(g) A leadership program for the training of educational leaders in the Federated States of Micronesia; and

(h) A teacher incentive program to encourage teachers to remain in the teaching profession, to attract qualified teachers to the teaching profession, and to recognize teachers for outstanding achievements in the profession.

Section 6. Gifts. The Chief may receive and manage money or other property, both real and personal, which may be given, bequeathed, devised, or in any manner received by the National Government for the purpose of education from sources other than the Congress, in a manner consistent with applicable law, including title 55 of the Code of the Federated States of Micronesia, as amended. The Chief shall cause to be kept suitable books of accounts wherein shall be recorded the receipt of each gift, the disposition of each gift and the income therefrom, and the essential facts of management. This subsection shall not be construed to apply to any gifts received by any State.

Section 7. Grants; Requests for funding.

(1) Subject to the powers vested in the President and Congress, the Chief is designated as the allottee and administrator of any funding that may be provided to the Division of Education for educational purposes. Such funding shall include, but not be limited to, Compact funding, foreign assistance funding, United States federal program funding, and funding provided by other external agencies, organizations, and assistance programs.
(2) When requesting funding for the State Departments of Education, the Chief shall do so based on requests as submitted by the respective State Departments of Education.

Section 8. Procedure to ensure education for the handicapped. The Chief shall establish, in cooperation with the Directors of Education and Health Services of each of the States, a procedure to ensure the ongoing identification, diagnosis, certification, and education of handicapped children and youth.

Section 9. The Federated States of Micronesia Board of Education. There is hereby established the Federated States of Micronesia Board of Education which shall consist of five members. There shall be one member from each State. The Chief shall also be a member and shall be executive officer of the Board. The Chief shall have no vote except in the event of a tie, in which case he shall cast the deciding vote. The members of the Board representing each of the four States shall be appointed by the President, after discussion and consultation with the respective State Governors and with the advice and consent of Congress.

Section 10. Tenure of board members.

(1) Except for the Chief, the members of the Board shall serve for 3 years; PROVIDED, however, that when the Board is first organized, two members shall serve for a term of 2 years, and two for a term of 3 years from the date of the Board's organization.

(2) The terms of the respective members shall be determined by drawing lots at the initial meeting of the Board.
Vacancies shall be filled for unexpired terms by appointment by the President after discussion and consultation with the Governor and Director of the Department of Education of the State of the member creating the vacancy. Board members shall be appointed with the advice and consent of Congress.

Section 11. Organization and meetings. The Board shall by majority vote elect from among its members a chairperson who shall serve for such term as may be prescribed by the Board in its bylaws. In the event of absence or disability of the chairperson, the Board may designate another member to preside during the meeting. Three members of the Board shall constitute a quorum. The Board shall meet at such times and places as it may designate, but shall meet not less than twice each year. The members shall be notified of meetings by the chairperson in writing at least 2 weeks before the date of any meeting.

Section 12. Expenses and compensation of Board members. Members of the Board shall be entitled to necessary travel expenses and to per diem at standard National Government rates while on the business of the Board. Board members who are neither employees nor officials of the National Government nor of any State government shall, in addition, be paid $30 per day while on the business of the Board. If a member of the Board is concurrently employed in another position in the National Government, he shall be granted leave to tend to the business of the Board.

Section 13. Duties and functions of the Board. The Board
shall have the responsibility to initially formulate National
policy for the educational system in the Federated States of
Micronesia. Recognizing the purposes and responsibilities of the
State Boards of Education, and the educational needs and goals of
the National and State Governments, the powers and responsibilities
of the Board shall include, but not be limited to, the following:

(1) Advising the President on the formulation of
policies and objectives for the educational system in the Federated
States of Micronesia;

(2) Establishing minimum uniform nationwide standards
for curricula, the certification of teachers and schools, and other
educational matters of National concern;

(3) Coordinating National programs of education
throughout the Federated States of Micronesia;

(4) Evaluating past and current educational expenditures
and recommending education budgets to the President;

(5) Formulating rules and regulations to implement the
provisions of this act; and

(6) Addressing such other educational matters as may be
assigned to it by the President, the Chief, or by law.

Section 14. Teacher Certification - Requirement thereof;
Qualifications. No person shall serve as a teacher in any school,
extcept at the post-secondary level, for a period exceeding 90 days
without first having obtained a certificate from the Division of
Education, which certificate shall be issued without cost to the
teacher, in such form as the Chief determines. The qualification requirements for such certification shall be established by the Chief in consultation with the Board, the Directors of the State Departments of Education, and the State Boards of Education.

Section 15. Teacher's certificates - Teachers on effective date of act.

(1) Notwithstanding any other provision of law to the contrary, certificates issued to teachers in the Federated States of Micronesia pursuant to law in effect prior to the effective date of this act shall remain in effect until they expire, at which time the provisions of this act and regulations promulgated pursuant thereto shall control.

(2) Notwithstanding any other provision of law to the contrary, any teacher who does not hold a valid certificate but who is employed by a National or State Department of Education or by a chartered nonpublic school as a teacher on the effective date of this act shall be issued a temporary certificate by the Chief; PROVIDED that such temporary certificate shall be valid only for such period of time as the Chief determines is necessary in order for the teacher to meet established certification standards.

Section 16. Teachers' certificates - Revocation or suspension. Any certificate issued pursuant to this act may be revoked or suspended by the Chief if he determines that the teacher is not in compliance with the requirements of this act. Such revocation or suspension proceedings shall comply with the
procedures for agency action set forth in sections 101 through 113 of title 17 of the Code of the Federated States of Micronesia or with such other administrative procedures as may be provided by subsequent enactment.

Section 17. Teachers' certificates - Penalty. Except as otherwise provided, whoever serves as a teacher without a valid certificate issued under this act shall be fined not more than $25.

Section 18. School year. The school year in the Federated States of Micronesia shall consist of not less than 180 days, or the equivalent thereof, in session, exclusive of holidays.

Section 19. Attendance. Attendance at school shall be required of all children between the ages of 6 and 14 or until completion of the eighth grade, unless excluded from school or exempted from attendance by the appropriate State authorities. For the purpose of beginning school, a child shall be admitted in the first grade at the beginning of the school year if he has attained or will have attained the age of 6 years on or before December 31 of the calendar year in which school commences.

Section 20. Failure to send child to school. Any parent, guardian, or other person who knowingly permits a child who is under his control to be absent from school without good cause and in violation of applicable laws or regulations, including section 19 of this act, shall be guilty of a violation of this section and, upon conviction, shall be fined not more than $10.

Section 21. Nonpublic Schools.
(1) Any person or persons desiring to establish and
operate a nonpublic school within the Federated States of
Micronesia shall, prior to the establishment thereof, make written
application for a charter to the Chief. The application shall be
signed by the applicant or applicants and reviewed by the State
Director of the Department of Education of the State in which the
school is to be located. The application shall state in substance:
(a) The names of the persons desiring to establish
the school;
(b) The names and qualifications of prospective
instructors and administrators;
(c) The proposed location of the school;
(d) The course of instruction and the language in
which the instruction is to be given; and
(e) Such other information as the Chief may require.
(2) After review of the application, the Chief shall
determine if the application is to be approved or disapproved. If
he approves the application, the Chief shall issue to the applicant
a charter authorizing the establishment of a nonpublic school.
(3) The Chief shall establish:
(a) The procedures for applying for a nonpublic
school charter;
(b) The criteria governing the issuance of a
nonpublic school charter;
(c) The criteria governing the refusal to issue, or
the revocation or suspension of a nonpublic school charter;

(d) The form of a nonpublic school charter; and

(e) Such other matters as may be necessary to implement the provisions of this section.

(4) No nonpublic school shall be established except in conformity with this section; PROVIDED, however, that any nonpublic school existing in the Federated States of Micronesia under a valid charter on the effective date of this act shall be deemed to have complied with the requirements set forth in this section and shall be granted a charter automatically.

Section 22. Regulations. The Chief, upon consultation with and concurrence from the Board and the Directors of the State Departments of Education and upon approval by the President, is hereby authorized to promulgate regulations in accordance with title 17 of the Code of the Federated States of Micronesia implementing the provisions of this act, which regulations shall have the force and effect of law.

Section 23. Repealer. Sections 101 through 117, and 121 through 323 of title 40 of the Code of the Federated States of Micronesia are hereby repealed in their entirety. All regulations enacted, issued, made, or promulgated pursuant thereto are also hereby repealed in their entirety.
Section 24. Effective date. 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: Nov. 7, 1985

Introduced by: John R. Hagleri gam (by request)