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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:

1 Section 1. Definitions. As used in this act:

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

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

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

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

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

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

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

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

25 (9) "President" means the President of the Federated

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1 States of Micronesia;

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

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

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

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

24 Section 4. Division of Education. There is hereby
25 established a Division of Education within the Department of Social

1 Services of the National Government, the purpose and duties of
2 which shall be to provide technical assistance to the State
3 Departments of Education in program development, student services,
4 and other areas; to collect data showing the condition and progress
5 of education; to establish, with input from the States, National
6 student performance expectations for education; to solicit
7 pertinent data and information from the State Departments of
8 Education for formulation of National educational policies; and to
9 otherwise promote the cause of education throughout the Federated
10 States of Micronesia.

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

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

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

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

22 (4) Encouragement of the teaching of native languages,
23 customs and culture at all educational levels, and encouragement of
24 the teaching of English and such other foreign languages as may be
25 deemed appropriate;

1 (5) Provision for proper hygiene in all schools in the
2 Federated States of Micronesia, which function shall be performed
3 with the assistance of the Chief of the Division of Health Services
4 of the Federated States of Micronesia and the Directors of the
5 State Departments of Health Services and Education; and

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

9 (a) A comprehensive educational needs assessment
10 program;

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

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

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

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

23 (f) Orientation programs for secondary students
24 concerning post-secondary education to ensure proper and adequate
25 preparation for college;

1 (g) A leadership program for the training of
2 educational leaders in the Federated States of Micronesia; and

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

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

18 Section 7. Grants; Requests for funding.

19 (1) Subject to the powers vested in the President and
20 Congress, the Chief is designated as the allottee and administrator
21 of any funding that may be provided to the Division of Education
22 for educational purposes. Such funding shall include, but not be
23 limited to, Compact funding, foreign assistance funding, United
24 States federal program funding, and funding provided by other
25 external agencies, organizations, and assistance programs.

1 (2) When requesting funding for the State Departments of
2 Education, the Chief shall do so based on requests as submitted by
3 the respective State Departments of Education.

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

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

19 Section 10. Tenure of board members.

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

24 (2) The terms of the respective members shall be
25 determined by drawing lots at the initial meeting of the Board.

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1 Vacancies shall be filled for unexpired terms by appointment by the
2 President after discussion and consultation with the Governor and
3 Director of the Department of Education of the State of the member
4 creating the vacancy. Board members shall be appointed with the
5 advice and consent of Congress.

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

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

25 Section 13. Duties and functions of the Board. The Board

1 shall have the responsibility to initially formulate National
2 policy for the educational system in the Federated States of
3 Micronesia. Recognizing the purposes and responsibilities of the
4 State Boards of Education, and the educational needs and goals of
5 the National and State Governments, the powers and responsibilities
6 of the Board shall include, but not be limited to, the following:

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

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

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

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

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

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

21 Section 14. Teacher Certification - Requirement thereof;
22 Qualifications. No person shall serve as a teacher in any school,
23 except at the post-secondary level, for a period exceeding 90 days
24 without first having obtained a certificate from the Division of
25 Education, which certificate shall be issued without cost to the

1 teacher, in such form as the Chief determines. The qualification
2 requirements for such certification shall be established by the
3 Chief in consultation with the Board, the Directors of the State
4 Departments of Education, and the State Boards of Education.

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

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

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

21 Section 16. Teachers' certificates - Revocation or
22 suspension. Any certificate issued pursuant to this act may be
23 revoked or suspended by the Chief if he determines that the teacher
24 is not in compliance with the requirements of this act. Such
25 revocation or suspension proceedings shall comply with the

1 procedures for agency action set forth in sections 101 through 113
2 of title 17 of the Code of the Federated States of Micronesia or
3 with such other administrative procedures as may be provided by
4 subsequent enactment.

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

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

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

19 Section 20. Failure to send child to school. Any parent,
20 guardian, or other person who knowingly permits a child who is
21 under his control to be absent from school without good cause and
22 in violation of applicable laws or regulations, including section
23 19 of this act, shall be guilty of a violation of this section and,
24 upon conviction, shall be fined not more than \$10.

25 Section 21. Nonpublic Schools.

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1 (1) Any person or persons desiring to establish and
2 operate a nonpublic school within the Federated States of
3 Micronesia shall, prior to the establishment thereof, make written
4 application for a charter to the Chief. The application shall be
5 signed by the applicant or applicants and reviewed by the State
6 Director of the Department of Education of the State in which the
7 school is to be located. The application shall state in substance:

8 (a) The names of the persons desiring to establish
9 the school;

10 (b) The names and qualifications of prospective
11 instructors and administrators;

12 (c) The proposed location of the school;

13 (d) The course of instruction and the language in
14 which the instruction is to be given; and

15 (e) Such other information as the Chief may require.

16 (2) After review of the application, the Chief shall
17 determine if the application is to be approved or disapproved. If
18 he approves the application, the Chief shall issue to the applicant
19 a charter authorizing the establishment of a nonpublic school.

20 (3) The Chief shall establish:

21 (a) The procedures for applying for a nonpublic
22 school charter;

23 (b) The criteria governing the issuance of a
24 nonpublic school charter;

25 (c) The criteria governing the refusal to issue, or

1 the revocation or suspension of a nonpublic school charter;
2 (d) The form of a nonpublic school charter; and
3 (e) Such other matters as may be necessary to
4 implement the provisions of this section.

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

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

18 Section 23. Repealer. Sections 101 through 117, and 121
19 through 323 of title 40 of the Code of the Federated States of
20 Micronesia are hereby repealed in their entirety. All regulations
21 enacted, issued, made, or promulgated pursuant thereto are also
22 hereby repealed in their entirety.

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