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EIGHTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 1993

C. B. NO. 8-71

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A BILL FOR AN ACT

To further amend title 40 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-30, 6-44 and 6-45, by amending sections 231, 232, 233, 234, 235, 236 and 237 for the purpose of providing special education services to children with disabilities, and for other purposes.

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

1 Section 1. Section 231 of title 40 of the Code of the  
2 Federated States of Micronesia is hereby amended to read as  
3 follows:

4 "Section 231. Short title. This subchapter shall be  
5 known and may be cited as the 'Trust Territory Federated  
6 States of Micronesia Special Education Act of 1977  
7 1993.'"

8 Section 2. Section 232 of title 40 of the Code of the  
9 Federated States of Micronesia is hereby amended to read as  
10 follows:

11 "Section 232. Statement of policy. The Congress of the  
12 Federated States of Micronesia, recognizing the  
13 obligation of the Trust Territory Government Federated  
14 States of Micronesia under section 109 of title 1 of  
15 this code that /free elementary education shall be  
16 provided throughout the Trust Territory Federated States  
17 of Micronesia/ and further recognizing the obligation of  
18 the Trust Territory Government Federated States of  
19 Micronesia to provide educational opportunities to all  
20 children which will enable them to lead fulfilling and  
21 productive lives, hereby declares that it is the policy  
22 of the Trust Territory Government Federated States of  
23 Micronesia and the purpose of this subchapter to provide  
24 means for educating handicapped children the education  
25 of children with disabilities and that insofar as is

1            practicable appropriate, handicapped disabled children  
2            shall receive necessary supplementary services in  
3            regular classrooms offered by the Federated States of  
4            Micronesia and each State Department of Education both  
5            in rendering services directly to children with  
6            disabilities, and in providing consulting services to  
7            regular classroom teachers. To this end, the services  
8            of special education personnel shall be utilized within  
9            the regular programs offered by the Department of  
10           Education both in rendering services directly to  
11           children and in providing consultative services to  
12           regular classroom teachers."

13           Section 3. Section 233 of title 40 of the Code of the  
14 Federated States of Micronesia is hereby amended to read as  
15 follows:

16           "Section 233. Definitions. As used in this subchapter,  
17 unless the context otherwise requires:

18           (1) 'Director Secretary' means the director  
19 Secretary of the Department of Education.

20           (2) 'Handicapped children with disabilities'  
21 includes each person under the age of twenty-one years  
22 who, because of visual, auditory, language, behavioral,  
23 physical, or other health problems or any other  
24 conditions as determined by the director of Education,  
25 upon consultation with the director of Health Services

1            and the special education coordinator, cannot function  
2            in a normal school environment without assistance those  
3            children evaluated as having mental retardation, hearing  
4            impairments including deafness, speech or language  
5            impairments, visual impairments including blindness,  
6            serious emotional disturbance, orthopedic impairments,  
7            autism, traumatic brain injury, other health  
8            impairments, specific learning disabilities, deaf-  
9            blindness, or multiple impairments, and who because of  
10           those impairments need special education and related  
11           services.

12           (3) 'Special education' means instructional or  
13           other services necessary to assist the handicapped  
14           children with disabilities in taking advantage of or  
15           responding to educational programs and opportunities.  
16           Special Education is specially designed instruction, at  
17           no cost to the parents, to meet the unique needs of a  
18           child with a disability, including instruction  
19           conducted:

- 20                    (a) in the classrooms;  
21                    (b) in the home;  
22                    (c) in hospitals and institutions;  
23                    (d) in other settings; and  
24                    (e) in physical education."

25           Section 4. Section 234 of title 40 of the Code of the

1 Federated States of Micronesia is hereby amended to read as  
2 follows:

3 "Section 234. Administration.

4 (1) There is hereby established in the Department  
5 of Education an Office of Special Education which shall  
6 be headed by a coordinator of special education Program  
7 Specialist, who ~~shall~~ will be qualified by education,  
8 training, and experience to take responsibility for and  
9 give direction to the programs of the Trust Territory  
10 Federated States of Micronesia relating to the education  
11 of the handicapped children with disabilities.

12 (2) The ~~director~~ Secretary of Education ~~and the~~  
13 Micronesian Board of Education shall establish and make  
14 such studies, surveys, evaluations, policies, and rules  
15 and regulations as are necessary to carry out the  
16 provisions of this chapter.

17 (3) The ~~director~~ Secretary of Education, acting  
18 through the coordinator of special education Program  
19 Specialist, shall submit to the President and the  
20 Congress of the Federated States of Micronesia ~~and to~~  
21 the High Commissioner the special education annual  
22 program plan and the fund status and performance report  
23 at such time as they are submitted to the United States  
24 Office of Education as required by United States PL No.  
25 94-142 101-476, Individuals with Disabilities Education

1           Act."

2           Section 5. Section 235 of title 40 of the Code of the  
3 Federated States of Micronesia is hereby amended to read as  
4 follows:

5           "Section 235. District State responsibility. On or  
6 before ~~June~~ July 1 of each year, each district State  
7 shall report to the ~~director~~ Secretary of Education the  
8 extent to which it is providing the special education  
9 for ~~handicapped~~ children with disabilities necessary to  
10 implement this subchapter. The report shall detail the  
11 means which the district State uses to provide for the  
12 appropriate special education of ~~each handicapped child~~  
13 children with disabilities."

14          Section 6. Section 236 of title 40 of the Code of the  
15 Federated States of Micronesia is hereby amended to read as  
16 follows:

17          "Section 236. Procedure to ensure efforts. The  
18 ~~director~~ Secretary of Education shall establish, in  
19 cooperation with ~~the director of Health Services and the~~  
20 ~~districts,~~ a each State Director of Education,  
21 procedures to ensure the ongoing education,  
22 identification, diagnosis, and instruction location and  
23 evaluation of ~~handicapped~~ children with disabilities."

24          Section 7. Section 237 of title 40 of the Code of the  
25 Federated States of Micronesia is hereby amended to read as

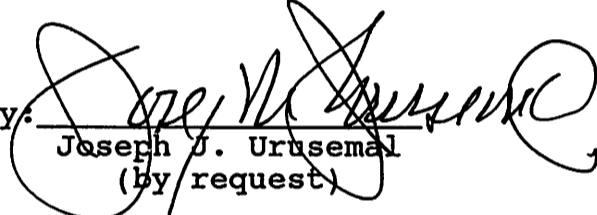
1 follows:

2 "Section 237. Funding; Authorization. There is hereby  
 3 authorized an annual appropriation from the General Fund  
 4 of the ~~Congress~~ of Federated States of Micronesia as may  
 5 be necessary to carry out the provisions of this  
 6 subchapter. The ~~director~~ Secretary of Education shall  
 7 administer the expenditure of funds appropriated  
 8 pursuant to this subchapter as set out in the annual  
 9 program plan for the purposes set forth herein."

10 Section 8. This act shall become law upon approval by the  
 11 President of the Federated States of Micronesia or upon its  
 12 becoming law without such approval.

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Date: 06-02-93

Introduced by:   
 Joseph J. Urusemal  
 (by request)