

STANDING COMMITTEE REPORT NO. 16-09

RE: P.C. NO. 15-374/COMMITTEE ON EDUCATION

SUBJECT: FY 2010 BUDGET

JUNE 03, 2009

The Honorable Isaac V. Figir
Speaker, Sixteenth Congress
Federated States of Micronesia
First Regular Session, 2009

Dear Mr. Speaker:

Your Committee on Education to which was jointly referred the National Government's proposed FY 2010 budget, begs leave to report as follows:

Presidential Communication No. 15-374 concerns the National Government's proposed budget for fiscal year 2010 as set forth in the *National Government Fiscal Year 2010 Proposed Budget* ("Budget Book"). Pursuant to Rule 7, Section 3(b), of the Official Rules of Procedure of the Sixteenth Congress of the Federated States of Micronesia, your Committee has limited its review to those portions of the proposed budget relating to matters under its jurisdiction. These are:

1. Department of Education
 - a. Office of the Secretary
 - b. Division of Basic Education & Accreditation
 - c. Division of Vocational & Manpower (T3)
 - d. Education Federal Programs
2. Board of Regents of the College of Micronesia-FSM
3. Grants, Subsidies and Contributions.
 - a. Aid to Non-Public schools;
 - b. Financial Assistance for Students studying at CMI and PCC;
 - c. National Close-up Local Program;
 - d. COM-FSM Annual Board Meeting; and
 - e. National Scholarship Fund.
4. Other Grants, Subsidies and Contributions
 - a. COM-FSM treaty obligations
5. Capital & Human Resources Development
 - a. College of Micronesia-FSM
 - b. COM-FSM Fisheries and Maritime Institute.

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This report, and all previous and subsequent reports of your Committee, should be treated as reflecting policies of the Federated States of Micronesia, as defined by the Congress. It is the intent of your Committee that any commentary found in this report should be treated as policy for the guidance of the department, agencies and entities.

The findings and recommendations of your Committee follow:

I. INTRODUCTORY COMMENTS

Your Committee notes that Presidential Communication 15-374 was transmitted by the Executive on April 1, 2009, in compliance with subsection 103(3) of Title 55.

During the last special session of the Fifteenth Congress, Friday, May 8, 2009, the Committee on Health, Education and Social Affairs, formerly known as HESA was split into two committees: (1) Committee on Education, and (2) Committee on Health and Social Affairs.

Your newly formed Committee on Education hereby presents its *first* Standing Committee report focusing *exclusively* on Education.

a. Department of Education

Your Committee held three (3) hearings with the Department on Friday, May 22, 2009, Monday, May 25, 2009 and Monday June, 1, 2009. Secretary Casiano Shoniber, the division chiefs, and key staff were in attendance. Also present were representatives from the President's Office, Office of SBOC, and Division of Personnel. There were no representatives from the Department of Justice. Due to time constraints, the department was not allotted sufficient time to update your Committee on the state of this nation's education system, and the department's progress relating to its educational goals, measures, and other initiatives. Discussions were focused almost entirely on the budget.

b. College of Micronesia - FSM

Your Committee held three (3) hearings with the College, beginning on Tuesday, May 18, 2009, continued to Wednesday, May 19, 2009, and completed on Thursday, May 20, 2009. In attendance were the President of COM-FSM, members of the Board of Regents, directors of the state campuses, and many of the college's key administrative staff. Also present were representatives from the President's Office, Office of

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SBOC, and Division of Personnel. There were no representative from the Department of Justice.

Your Committee allotted ample time for the college to share with the Committee the college's achievements, accomplishments and some of the challenges that the college is facing. The President of COM-FSM briefed the members on the campuses operations, and referred to the college's 2008 Fact Book for details relating to goals, statistics, enrollment, budget trend, and others. According to the Fact Book, the student body is comprised of FSM students (98%), the remaining 2% are non-FSM students. 78% of the college's employees are FSM citizens, and the other 22% are non-FSM citizens. One of the most pressing issues for the college is the drop in enrollment. The President points out that revenue generated from the tuitions and fees paid by students goes toward funding 68% of the operation. The National Government has been picking up the other 32%. Due to the downward enrollment trend, the College has experienced a reduction in the tuition and fee collections.

The President explained that it has been very difficult for the college to retain and recruit qualified faculty. In order for the college to retain and recruit new faculty, the college has to offer attractive and competitive compensation packages. The average salary range for teachers with a masters degree plus 2 years of teaching experience is \$16,146 (highest step is \$17,810). The average salary for teachers with a doctorate degree and at least two years of teaching experience is \$22,750 (highest step is \$25,000).

The President also points out that what the FSM Government is paying for each student is lower than what most other colleges are paying. For instance, other colleges are paying \$9,000 per student, whereas our government is paying \$4,000 per student.

The college hopes that construction of proposed facilities are completed before the Accreditation Team arrives in March of 2010. One of the compliance measures to meet accreditation standards is the construction of campus facilities. (Your Committee raised concerns over construction on leased land, and reminded the college that construction should only take place on permanent sites. The concern relates to what happens when leases expire, and that the government would then be left with owning permanent structures affixed to land it does not own).

II. DISCUSSION OF THE FY 2010 BUDGET - SOURCES AND RECOMMENDATIONS

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Compared to FY2009, there is an increase of \$216,695, attributable to the three new positions (+\$52,383) and a significant increase in Contract (+\$174,765). According to witnesses, the department was advised by Office of Insular Affairs (OIA) to shift more of the sector grants to Contract activities rather than Travel. Your Committee notes that there is a substantial decrease (-\$15,319) in the proposed level of funding for Travel.

Your Committee disagrees with the proposed level of funding for Contract Services. Your Committee recommends deletion of two specific line items - **Consultants for BGSP/ Accreditation (-\$63,815) and Education Specialist/Bridging the Gap (-\$50,000), a total reduction of -\$113,815.** Your Committee's rationale is that these activities under Bridging the Gap have never been sanctioned by the Congress, and given inadequate justification, your Committee adjusted the amount requested to **\$60,950** for Contract Services.

With the reduction in the level of funding proposed for *Contract Services* your Committee recommends a total of **\$179,809** for this division, of which \$28,340 is requested from Domestic Revenue for the compensation of the Secretary, \$21,693 is requested from ESG, and \$129,776 is requested from SEG.

2. Division of Basic Education & Accreditation

	FY 2009 Funding	FY 2010 Request	Committee Recommends
Personnel	\$81,603	\$168,958	\$168,958
Travel	\$31,585	\$28,426	\$28,426
Contract	\$165,201	\$165,201	\$165,201
OCE	\$40,347	\$40,347	\$40,347
Fixed Assets	-	-	-
Total	\$318,736	\$402,932	\$402,932

Number of Positions:4

10

10

The President proposed a budget of \$402,932 for the Division of Basic Education and Accreditation, of which \$277,457 is proposed to come from Compact Education Sector Grant and \$125,475 from SEG (-0- from Domestic). This division is to be funded entirely by ESG and SEG (Budget Book at pages 11, and VI-167).

COMMITTEE RECOMMENDATION

The Budget Book reported six (6) new positions under the Division of Basic Education and Accreditation, resulting in a total of ten (10)

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positions. From what your Committee discerned, the positions listed as new are existing positions funded out of SEG for FY2009, and as a result of reorganization within the department, the six former SEG positions are now placed under the Division of Basic Education and Accreditation. Witnesses testified that all six positions are being funded out of SEG.

Your Committee agrees with the level of funding proposed by the President for the Division of Basic Education and Accreditation in the amount of \$402,932.

3. Division of Vocational & Manpower Program (T3)

	FY 2009 Funding	FY 2010 Request	Committee Recommends
Personnel	\$67,670	\$205,567	\$205,567
Travel	-0-	\$13,356	\$13,356
Contract	-0-	\$50,220	\$50,220
OCE	-0-	\$30,100	\$30,100
Fixed Assets	-	-	-
Total	\$67,670	\$299,243	\$299,243

Number of Positions:17

17

17

The President proposed a budget of \$299,243 for the Division of Vocational and Manpower (T3), of which \$205,567 is proposed to come from the Domestic Revenue, \$23,851 from ESG, and \$69,825 from SEG. (Budget Book at pages 11, and VI-167).

COMMITTEE RECOMMENDATION

Your Committee notes that the entire funding for Personnel under the Division of Vocational & Manpower Program (T-3) is proposed to come from the Domestic Revenue. Your Committee disagrees with the proposed source of funding for Personnel and thereby recommends that the department seeks funding of T-3 Personnel (\$205,567) from ESG.

There are two (2) new positions proposed under this division - Career Counselor and Career Curriculum. These 2 new positions will increase the total number of positions for this division to nineteen (19).

Your Committee disagrees with the increase, and recommends that this division maintains the 17 positions, the same number of positions for FY2009.

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*Number of DOE Employees: Number of positions listed in the Budget Book at page VI-173 reflects 42 positions (6 from the Office of Secretary, 10 from Basic Education, 17 from Vocational/T-3, 8 from the Special Ed Services, and 1 from the School Health Program). At a follow-up budget hearing, witnesses testified the department has only 29 employees, and four on contracts. Personnel verified the 29, in addition to 4 on contracts and 9 from the federal programs (42 positions). According to the President transmittal message, "nine (9) new full-time positions are needed by the Department of Education. . ." (Budget Book at page 4 of the Transmittal). P.L. 15-55 sets the Employment Ceiling for the Executive Branch at 461.

Based on review of the records and testimonies, your Committee is of the position that the department's proposed positions for FY2010 consists of 42 positions (inclusive of the 9 positions under the federal programs). Your Committee recommends 42 positions, of which 9 positions are from the federal programs and 33 from the three divisions: (1) Office of Secretary, (2) Division of Basic Education and Training, and (3) Division of Vocational and Manpower (T-3). Your Committee does not approve of the 9 positions proposed by the President.

B. COLLEGE OF MICRONESIA

The discussion of the Fiscal Year 2010 Budget for College of Micronesia-FSM is in the following order: 1) The College's original request to the President, and the President's recommendations for the college, and 2) Summary of the Committee's Recommendations.

The College submitted the following budget for Fiscal Year 2010 recommended by the President:

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<u>Programs</u>	<u>FY09 Appopr.</u>	<u>FY10 Request</u>	<u>President Rec.</u>
Operations	\$3,800,000	\$3,900,000	\$3,674,403
FSM-FMI	\$655,110	\$757,000	\$655,110
Infrastruct. Proj.	\$2,350,852	\$2,500,000	\$1,708,837
SEG	\$ -0-	\$684,584	\$684,585
Board of Regents	\$65,000	\$96,000	\$51,400

The College budget of \$3.9 million (President proposed \$3,676,403) is for the operation of all the campuses, to be funded from the Compact Education Sector Grant. The Fisheries and Maritime Institute proposed budget of \$655,110 is to be funded from the Domestic Revenue. The COM Board of Regents proposed budget of \$51,400 is to be funded from Domestic Revenue.

COMMITTEE RECOMMENDATION AND DISCUSSION

<u>Programs</u>	<u>FY10 Request</u>	<u>President Recomm.</u>	<u>Com. Recommen.</u>
Operations	\$3,900,000	\$3,674,403	\$3,800,000
FSM-FMI	\$757,000	\$655,110	\$655,110
Infrastruct. Proj.	\$2,500,000	\$1,708,837	\$1,700,000
SEG	\$ -0-	\$684,584	\$684,584
Board of Regents	\$96,000	\$51,400	\$65,000

Your Committee notes that some of the implementations and goals undertaken by the college, such as Vocational Training, Teacher Certification, Nursing and Public Health Training among others, were instituted at the initial requests of the national government. In consideration of the operational needs of all COM-FSM campuses and the college's aim to maintain accreditation, your Committee finds basis to maintain the same level of funding for FY 2009, and hereby recommends \$3,800,000.

Your Committee notes that there has been a substantial increase in the Board of Regents' budget attributable to proposed increase in travel and projected expenses. Your Committee is recommending the same level of funding the Board received in 2009 (\$65,000).

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C. GRANTS, SUBSIDIES AND CONTRIBUTIONS

<u>Description</u>	<u>FY09 Appopr.</u>	<u>Pres. Recomm.</u>	<u>Comm. Recomm.</u>
Aid to Non-Public Sch.	\$450,000	\$450,000	\$450,000
Financial Assist. for CMI & PCC Students	\$50,000	\$50,000	\$30,000
National Close-Up	\$64,000	\$64,000	\$70,000
National Scholarship	\$350,000	\$600,000	\$350,000
National Merit Schol.			\$100,000
COM-FSM Annual Brd Mtg.	\$5,000	\$5,000	\$5,000
TOTAL	\$919,000	\$1,169,000	\$1,005,000

The total amount proposed for grants and contributions totaled \$1,169,000 (Budget Book, page 46). All of the above (except for the \$350,000 National Scholarship) is requested from the Domestic Revenue. Funding for the National Scholarship is proposed to come from Education Sector Grant (\$350,000) and Domestic Revenue (\$100,000).

COMMITTEE RECOMMENDATION

The Committee has considered and is in agreement with the level of funding proposed by the President for Aid to Non-Public Schools and COM-Annual Board Meeting. Your Committee wishes to modify the level of funding requested for Financial Assistance for CMI & PCC Students, National Scholarship Program and the National Close-Up Program, and to insert a new line item - National Merit Scholarship under the National Scholarship Program.

CMI & PCC Students. Several factors warranted this reduction in aid. It has come to the attention of your Committee that a number of FSM students attending College of Marshall Islands (CMI) & Palau Community College (PCC) have declined over the past few years (54 PCC students and 5 CMI students as of Spring 2009). The department produces a report indicating a balance of \$20,713.12 from the \$50,000 appropriated for FY2009. Your Committee takes note of an expected increase in Federal Pell Grants that may assist in offsetting students' costs. Finally, in an effort to boost enrollment, your Committee encourages FSM students to attend COM-FSM as opposed to attending neighboring colleges.

National Close-Up. Your Committee recommends an increase (\$6,000) in the level of funding for the National Close-Up program to allow more students from the outer islands to participate in the program. It has come to the attention of this committee that participation has been

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limited to students from the main island high schools thereby excluding participation from the outer island students. It is the hope of this committee that the increase in funding will enable more participation reflecting a cross-section of the high school students in the entire nation. Your Committee further recommends adding more ways to improve the effectiveness of this program, such as including mock debates in the Congress' chambers, and other creative means.

National Scholarship. Your Committee wishes to point out that the President is proposing \$600,000 (an additional \$250,000 from FY2009 appropriation) to be added to the amount requested for the National Scholarship. In consideration of the availability of funds under the Sin Tax Scholarship, and absent adequate justification for this substantial increase, your Committee recommends \$350,000, of which \$180,527 is to be funded out of the Education Sector Grant and \$169,473 is to be funded out of SEG. Your Committee further recommends an additional \$100,000 (to be funded out of Domestic Revenue). In alignment with the recently introduced bill (C.B. No. 16-17), your Committee recommends that the \$100,000 be earmarked for an implementation of a National Merit Scholarship.

D. OTHER GRANTS AND CONTRIBUTIONS

<u>Description</u>	<u>FY09 Appopr.</u>	<u>FY10 Request</u>	<u>President Recomm.</u>
COM Treaty Obligations	\$25,000	\$25,000	\$25,000

The COM Treaty Obligations of **\$25,000** is proposed to come from the Domestic Revenue.

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COMMITTEE RECOMMENDATION

The Committee is in agreement with the level of funding proposed by the President for the COM Treaty obligation of \$25,000. This is the same amount paid in FY2009.

III. SUMMARY OF BUDGET DISTRIBUTION BY FUNDING SOURCES RECOMMENDED BY COMMITTEE ON EDUCATION FOR FY2010

The following budget summary reflects funding levels and distribution sources recommended by your Committee for funding of department and agencies under its jurisdiction. The figures in bold indicate *changes* that your Committee made to the level of funding proposed by the President. *The following summary does not include the Special Ed Services Division, which is funded entirely by U.S. federal programs, and the USSDHHS - School Health Program (funding source is pending the recommendation of the President).*

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DESCRIPTION	DOMESTIC REVENUE	COMPACT EDUCATION SECTOR GRANT (ESG)	SUPPLEMENTAL EDUCATION GRANT (SEG)
DOE Office Secretary	\$28,340	\$21,693	\$129,776
Basic Education Accredit.		\$277,457	\$125,475
Vocational Manpower (T-3)		\$229,417	\$69,825
COM-FSM Operations		\$3,800,000	
COM-FSM FMI	\$655,110		
COM-FSM SEG			\$684,584
COM-FSM Board of Regents	\$65,000		
Aid to Non-Public Schools	\$450,000		
Financial Assistance CMI & PCC Students	\$30,000		
National Schol.	\$100,000	\$180,527	\$169,473
National Merit Scholarship			
Nat'l Close-Up	\$70,000		
COM-FSM Annual Board Meeting	\$5,000		
COM-FSM Treaty Obligations	\$25,000		
TOTAL	\$1,428,450	\$6,209,094	\$1,179,133

The total funding levels from the three (3) distribution sources recommended by your Committee are as follows:

1. Domestic Revenue **(\$1,428,450)**
2. Compact Sector Grant **(\$6,209,094)**
3. SEG **(\$1,179,133)**, and
4. COM-FSM Infrastructure **(\$1,700,000)**.

IV. OVERSIGHT COMMENTS

During the budgetary proceedings, your Committee faced some pertinent oversight matters, and begs leave to address those issues.

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As a prelude to the discussion, your Committee wishes to point out that the information and records made available for review were incomplete and inadequate. Your Committee experienced difficulty in obtaining and compiling complete records for proper review that on Day 9 of this session, your Chairman reminded witnesses of "Required Reports" specified under Section 226, Title 55 of the FSM Code, which states: *"each allottee shall submit a report to the Congress... which shall provide for the full accounting of each line item, or subsection apportioning funds, as of the end of the second quarter of the fiscal year, detailing obligations incurred against all sums appropriated by the Congress. . . or made available to an allottee from other sources, to include a detailed explanation and full justification for each major deviation from a line item, or subsection apportioning funds."*

SEG. The budget hearings conducted by your Committee occurred in the midst of debated constitutional issues. The use of the Compact Education Sector Grant (ESG) and Supplemental Education Grant (SEG) became tangled up in this web woven by a legal opinion issued by the Attorney General. Throughout the budget hearings, a number of questions that were fielded related to the availability, allocation, and presumed use of 2008 SEG funds. Witnesses from DOE testified that 2008 SEG funds were made available to the department October of 2008. SBOC witnesses testified that release of the 2008 SEG funds were made on the strength of the AG's legal opinion. Your Committee notes that Congress' notification of SEG (\$494,549 for SEG FY2008) was through Presidential Communication 15-377 dated April 18, 2009, approximately five months after the purported use of SEG 2008. DOE provided a breakdown of the use of SEG FY 2008, which reflects an expended amount of \$55,741.28 for Personnel with a balance remaining of \$438,807.71 for the month ending May 30, 2009 (Education Sector Grant 2009 shows a balance of \$269,000.44). It became apparent from testimonies and piecing of documents that the 2008 SEG funds and balance of ESG funds were expended absent an appropriation bill. Based on the cycle of SEG awards, the department may be receiving the 2009 SEG in another four (4) months, October of 2009.

T-3: The program's current status, its number of employee, and the program's funding sources were some of the questions that demanded lengthy discussions. Witnesses testified that T-3 is still being funded out of SEG along with the \$50,000 appropriation from Congress, and that T-3 is budgeted only through June 2009. Upon request, the program provided a breakdown of the \$50,000 appropriation, which indicates a balance of \$9,602 (funds were allegedly drawn commencing

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the first week of May 2009). Your Committee urged the department to seek continued funding of T-3 from ESG or SEG.

Bridging the Gap. As noted in earlier discussion, your Committee recommended reductions in the level of funding for contract services. At the budget hearing, witnesses were advised that Congress was never fully and adequately apprised of this program. This program appears to have commenced July 2008 upon the President's expression of concern to the Department of Education relating to poor performance of the Nation's students (test results from the FSM National Standardized Tests and the COM-FSM COMET showed poor performances by students at every level). As a response to the concern, the department instituted a program called Bridging the Gap to close this downward trend in test performance, and thereafter began to insert budget line items for this program. The Congress was not afforded the opportunity to review and evaluate this to ascertain that the program is within and in alignment with the National goals. Absent such verification, your Committee cannot recommend funding for a program it has never sanctioned.

Graded vs. Ungraded Status. Several inquiries were made relating to the department or the personnel's assignment of employee's status, how an employee becomes "graded" versus "ungraded." It appears that the department would normally request that an employee be graded, and final determination or designation is made by Personnel.

Employees under Federal Program. Your Committee cautions these programs against increasing their number of employees. The concern here is to avoid layoffs in the event the federal programs cease their funding. The big concern here is to protect employees under this program, when federal funding source pulls the plug, the programs would be left without alternate funding sources as USSDHHS - School Health Program is presently experiencing. What tends to follow is the department's effort to salvage the program by seeking funding source from Domestic Revenue.

Teacher's Certification. The current number of certified teachers is discouraging. Your Committee reminds the department that certification was to be achieved by the set deadline of November 2008. According to reports submitted, there are 41 certified teachers in Kosrae and 28 in Pohnpei (Yap and Chuuk have not submitted their certification reports). Your Committee requests the Department to work with the states to successfully implement the certification program.

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COM-FSM Infrastructure. Your Committee wishes to point out that the National Government's share of the funds available under the Compact Infrastructure grants have been continuously allocated toward the construction of the college's campuses. There are other departments and agencies within the national government that expressed their needs, and are vying for these funds. In the interest of fairness, the infrastructure funds will have to be eventually shifted to accommodate other agencies' needs.

Enrollment. The college should explore other alternative ways to increase enrollment such as eliminating the entrance examination leaving the probationary period requirements intact. Your Committee encourages the college to extend recruitments to the FSM Fisheries and Maritime Institute in Yap, to the outer island students in the States of Pohnpei and Yap, and the outer island students and the students in the lagoon islands in the State of Chuuk.

CONCLUSION

Your Committee on Education has reviewed the proposed FY 2010 budget and carefully reviewed all of the information provided by the Executive and the entities within your Committee's jurisdiction. The recommended sums set forth above reflect your Committee's consensus on the level of funding for the designated activity, program or project for all of FY 2010.

Subject to the conditions and limitations set forth herein, and the availability of funds as determined by your Committee on Ways and Means, your Committee on Education recommends approval of the amounts identified as **"Recommended by Committee"**.

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Respectfully submitted,

/s/ Joseph J. Urusemal
Joseph J. Urusemal, chairman

/s/ Claude H. Phillip
Claude H. Phillip, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Dohsis Halbert
Dohsis Halbert, member

Resio S. Moses, member

/s/ Peter S. Sitan
Peter S. Sitan, member

/s/ Joe N. Suka
Joe N. Suka, member