
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:

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

4 “Section 102. Definitions.

5 As used in this chapter:

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

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

15 (3) “Chief State School Officer” means the State Director
16 of Education or other highest ranking educator with day-to-
17 day administrative authority and control over the educational
18 system of each State

1 (4) "Children with disabilities" means those individuals
2 from birth through age 21 who are evaluated as having mental
3 retardation, hearing impairments including deafness, speech or
4 language impairments, visual impairments including blindness,
5 serious emotional disturbance, orthopedic impairments, autism,
6 traumatic brain injury, other health impairments, specific
7 learning disabilities, deaf-blindness, or multiple
8 impairments, and who, because of those impairments, need
9 special education and related services.

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

13 (6) "Compact" means the Compact of Free Association between
14 the Federated States of Micronesia and the United States of
15 America.

16 (7) "Congress" means the Congress of the Federated States
17 of Micronesia.

18 (8) "Department" means the Department of Education of the
19 Federated States of Micronesia.

20 (9) "Elementary school" means an institution which imparts
21 teaching and learning from [~~grades one (first grade)]~~
22 kindergarten through eighth grade.

23 (10) "FSM" means the Federated States of Micronesia.

24 (11) "FACSSO" means the FSM Association of Chief State
25 School Officers.

1 (12) "Home learning" means a private form of education or
2 course of study administered by parents who for personal or
3 religious reasons choose not to send their children to a public
4 or private school but as an alternative provide education
5 within a home setting.

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

9 [13](14) "National Government" means the National
10 Government of the Federated States of Micronesia.

11 [14](15) "Person" means an individual, corporation, firm or
12 any other entity or association existing under or authorized
13 by law.

14 [15](16) "Post-secondary education" means an attendance at
15 an institution of higher education in the FSM or abroad.

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

20 [17](18) "President" means the President of the Federated
21 States of Micronesia.

22 [18](19) "School" means an FSM accredited public or private
23 institution of learning at the elementary or secondary level,
24 including a school with a religious affiliation.

25 [19](20) "Secondary school" means an institution which

1 imparts teaching and learning beyond the elementary level up
2 to but not including college or university level.

3 [~~20~~](21) "Secretary" means the Secretary of the Department
4 of Education of the Federated States of Micronesia.

5 [~~21~~](22) "Special education" means instructional or other
6 services necessary to assist children with disabilities.
7 Special education is specifically designed instruction, at no
8 cost to the parents, to meet the unique needs of a child
9 with a disability, including instruction conducted:

- 10 (a) in classrooms;
- 11 (b) in the home;
- 12 (c) in hospitals and institutions;
- 13 (d) in other settings; and
- 14 (e) in physical education.

15 [~~22~~](23) "State" means a State within the Federated States
16 of Micronesia.

17 [~~23~~](24) "State Director of Education" means the individual
18 who is appointed by the Governor of the State and granted
19 thereby the direct authority to manage and control the daily
20 affairs of the State Department of Education.

21 [~~24~~](25) "Teacher" means a classroom instructor who has
22 attained the FSM National Government teacher certification
23 standards and whose primary function is to impart knowledge
24 to students in schools.

25 [~~25~~](26) "Teacher certification" means the issuance of a

1 certificate to a preschool, elementary, or secondary classroom
2 instructor who has met the National Government qualification
3 requirements set forth in section 105 of this chapter."

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

7 "Section 104. Compulsory education; Attendance; Failure to
8 send a child to school; School year.

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

14 2) Attendance. Attendance at school shall be required of
15 all children between the ages of [~~six~~] five (5) and fourteen
16 [~~14~~](14) or until completion of the eighth grade, unless
17 excluded from school or exempted from attendance for sickness
18 or behavioral problems as determined by the appropriate State
19 authorities.

20 (a) For the purpose of beginning school, a child shall
21 be admitted in the first [~~grade~~] kindergarten at the
22 beginning of the school year if he has attained or will
23 have attained the age of [~~six~~] five, either on or
24 before December 31 of the calendar year in which the
25 school year commences, or as of the date of the

1 commencement of the school year, whichever date is
2 selected by the State Director of Education.

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

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

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

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

20 4) School year. The school year in the Federated States
21 of Micronesia shall consist of not less than 180 days of
22 instructional days or an equivalent of no fewer than 650 hours
23 of classroom instruction for kindergarten, first and second
24 graders and no fewer than 765 hours of classroom instruction
25 for third through twelfth graders."

1 Section 3. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: 7/14/23

Introduced by: /s/ Quincy Lawrence
Quincy Lawrence
(by request)

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