
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, as amended, is hereby further amended and
3 renumbered as follows:

4 "Section 102. Definitions as used in this chapter:

5 (1) "Accreditation" means the process of evaluating a
6 school in terms of meeting the required minimum standards
7 and the acknowledgment thereof by the FSM National
8 Government through the issuance of an FSM Certificate of
9 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
13 in office by the duly elected officials of the States of
14 Chuuk, Kosrae, Pohnpei and Yap.

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

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

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

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

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

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

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

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

(11) "FACSSO" means the FSM Association of Chief State

1 School Officers.

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

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

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

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

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

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

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

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

1 [~~(19)~~ (20) "Secondary school" means an institution which
2 imparts teaching and learning beyond the elementary level up
3 to but not including college or university level.

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

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

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

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

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

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

1 to students in schools.

2 [~~(25)~~ (26) "Teacher certification" means the issuance of a
3 certificate to a preschool, elementary, or secondary
4 classroom instructor who has met the National Government
5 qualification requirements set forth in section 105 of this
6 chapter."

7 Section 2. Section 104 of Title 40 of the Code of the Federated
8 States of Micronesia, as amended, is hereby further amended to read
9 as follows:

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

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

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

23 a) For the purpose of beginning school, a child
24 shall be admitted in the [~~first-grade~~] kindergarten at the
25 beginning of the school year if he has attained or will

1 have attained the age of ~~[six]~~ five, either on or before
2 December 31 of the calendar year in which the school year
3 commences, or as of the date of the commencement of the
4 school year, whichever date is selected by the State
5 Director of Education.

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

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

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

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

23 4) School year. The school year in the Federated States
24 of Micronesia shall consist of not less than 180 days of
25 instructional days or an equivalent of no fewer than 650

