

## Title 41.

### Education.

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### CHAPTER 1.

#### EDUCATIONAL SYSTEM.

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§ 1. **Definitions.** — As used in this chapter, unless otherwise indicated by the context:

- (1) "*Micronesia*" means the Trust Territory.
- (2) "*Territory*" means the Trust Territory.
- (3) "*Congress*" means the Congress of Micronesia.
- (4) "*Administering authority*" means the government of the United States.
- (5) "*District*" means one of the administrative districts of the Trust Territory.
- (6) "*Department*" means the department of education of the Trust Territory.
- (7) "*Board*" means the Micronesia board of education.
- (8) "*Director*" means the director of the department of education. (Code 1970, tit. 41, § 1.)

§ 2. **Declaration of policy and purpose.** — It is hereby declared and found to be the policy of the Trust Territory government to provide for an educational system in Micronesia which shall enable the citizens of the Territory to participate fully in the progressive development of the islands as well as to become familiar with the Pacific community and the world. To this end the purpose of education in the Territory shall be to develop the human

resources of Micronesia in order to prepare the people for self-government and participation in economic and social development, to function as a unifying agent and to bring to the people a knowledge of their islands, the economy, the government and the people who inhabit the Territory; and to provide Micronesians with skills which will be required in the development of the Territory. These skills include professional and vocational as well as social and political requirements. (Code 1970, tit. 41, § 2.)

**§ 3. Micronesia board of education; established; composition; appointment of members.** — There is hereby established a Micronesia board of education which shall consist of seven members. There shall be one member from each administrative district of the Trust Territory. The director of the department of education of the Trust Territory government shall also be a member and shall be executive officer of the board. The director shall have no vote except in the event of a tie, in which case he shall cast the tie breaking vote. The members of the board shall be appointed by the High Commissioner with the advice and consent of the Congress of Micronesia as provided by law regarding administrative appointments. (Code 1970, tit. 41, § 3; P.L. No. 4C-48, § 7(7).)

**§ 4. Same; terms; vacancies.** — (1) Except for the director, the members of the board shall serve for three years, provided, however, that when the board is first appointed two members shall serve for a term of one year, two for a term of two years, and two for a term of three years from the date of their appointment.

(2) The terms of the respective members shall be determined by drawing lots at the initial meeting of the board. Vacancies shall be filled for unexpired terms by the High Commissioner with the advice and consent of the Congress of Micronesia, as provided by law. (Code 1970, tit. 41, § 4; P.L. No. 4C-48, § 7(8).)

**§ 5. Same; officers; quorum; meetings.** — The board shall by majority vote elect from among its members a chairman who shall serve for such term as may be prescribed by the board, except that the director shall not be elected chairman. In the event of absence or disability of the chairman, the board may designate another member to preside during the meeting. Five members of the board shall constitute a quorum. The board shall meet at such times and places as it may designate but not less than twice each year. The members shall be notified of meetings by the director in writing at least two weeks before the date of any meeting. (Code 1970, tit. 41, § 5.)

**§ 6. Same; expenses and compensation.** — Members of the board shall be paid at the rate of thirty dollars per day when actually on the business of the board. If a member of the board is concurrently employed in another post in the Trust Territory government, he shall be granted leave to attend to the business of the board, and shall receive his regular salary while on the business of the board or thirty dollars per day, whichever is greater. In addition, members will be paid travel expenses and per diem while on the business of the board, at standard Trust Territory rates. (Code 1970, tit. 41, § 6; P.L. No. 6-43.)

**§ 7. Same; duties and functions.** — The board shall have power in accordance with law to formulate policy and to exercise control over the educational system in the Trust Territory. The powers and responsibilities of the board shall include but not be limited to defining educational objectives for Micronesia, advising the High Commissioner on the formulation of policies for the educational system in Micronesia, evaluating past and current educational expenditures and recommending education budgets to the High Commissioner for inclusion in the territorial budget which will be submitted to the Congress

of Micronesia and Congress of the United States, assisting the High Commissioner in nominating a candidate for director of the department of education, establishing a basic financial support plan for each district by taking into account the district need, numbers of students and the educational program in progress, advising the director of the requirements for certification of all territorial educational personnel, adopting territory-wide curriculum standards and guides, and performing such other and further duties and functions as may be assigned to it by the High Commissioner or by law. (Code 1970, tit. 41, § 7; P.L. No. 4C-48, § 7(9).)

**§ 8. Director of department of education; administration of programs.** — Under policies established by the High Commissioner in consultation with the board, the director shall administer programs of education and public instruction throughout Micronesia, including education at the preschool, primary, middle and secondary school levels, health education and instruction, teacher training programs, adult education, community education programs, vocational schools and training programs, and such other programs as may be established. (Code 1970, tit. 41, § 8; P.L. No. 4C-48, § 7(10).)

**§ 9. Same; duties and functions generally.** — The director of the department of education shall make provision for curriculum development, budget preparation, personnel selection, teacher training, community and vocational development, and training of Micronesians to assume increasingly important professional and administrative positions in the Trust Territory government and subdivisions thereof. He shall have such technical, administrative, clerical and stenographic assistants as may be necessary and as shall be authorized. (Code 1970, tit. 41, § 9.)

**§ 10. District boards of education; established; composition; appointment and terms of members; vacancies.** — There shall be in each district of the Trust Territory a district board of education consisting of five members. The district director of education shall be a member and executive officer of the district board and shall be appointed by the High Commissioner. The remaining four board members shall be residents of the district and shall be appointed by the district administrator with the advice and consent of the district legislature. Except for the district director of education, two members of the district board who shall be first appointed shall serve for a term of two years and two members shall serve for a term of four years from the date of their appointment, thereafter the term of office for all members shall be for four years. The terms of the respective members shall be determined by drawing lots at the initial meeting of the district board. Except for the district director of education, vacancies shall be filled for unexpired terms by the district administrator with the advice and consent of the district legislature. (Code 1970, tit. 41, § 10.)

**§ 11. Same; officers; quorum; meetings.** — The district board shall by majority vote elect from among its members a chairman who shall serve for such term as it shall prescribe, except that the district director of education shall not be elected chairman. In the event of absence or disability of the chairman, the board may designate another member to preside during the meeting. Three members of the district board shall constitute a quorum. The district board shall meet at such time and places as it may designate but not less than twice each year. The members shall be notified of meetings by the district director of education in writing at least two weeks before the date of any meeting. (Code 1970, tit. 41, § 11.)

**§ 12. Same; compensation and expenses.** — Members of the district board shall receive no compensation for service, but shall be entitled to the necessary expenses incurred in the discharge of their duties. (Code 1970, tit. 41, § 12.)

**§ 13. Same; duties and functions.** — The district board shall be responsible for advancing the development of the educational system in its district. The functions of the district board shall include but be not limited to the following:

(1) To develop and approve education plans and budgets for the district, in consultation and with the assistance of the district department of education, for submission to the district administrator;

(2) To develop plans and budget for the expenditure of matching funds provided for in sections 15 and 16 of this chapter;

(3) To review and approve, or recommend change, of rules and regulations of all public educational institutions in the districts, and of all nonpublic educational institutions in matters that concern fulfillment of their charters;

(4) To recommend, review and approve district curriculum development programs in order to assure relevancy for Micronesians and district educational objectives;

(5) To recommend territory-wide educational policies and regulations to the director of the department of education and the Micronesia board of education for consideration and action; and

(6) To perform such other and further duties and functions as may be assigned to it by the Micronesia board of education, the director of the department of education, the district administrator, or by law. (Code 1970, tit. 41, § 13.)

**§ 14. Community boards of education.** — Any municipal or community boards of education which exist on the effective date of this chapter by virtue of charters from the Trust Territory government or any of its political subdivisions thereof shall not be affected by the provisions of this chapter. The Micronesia board of education may grant charters for municipal or community boards of education upon petition presented to it by the people of the municipality or community concerned. The community boards of education shall seek to further educational development in the community in accordance with applicable laws and regulations and with the policies prescribed by competent authorities. The number of members of each community board of education, the procedure for their appointment, and related provisions shall be set forth in the respective charters and shall be made available to the district boards of education. (Code 1970, tit. 41, § 14.)

**§ 15. Gifts.** — The director may receive and manage money or other property, real, personal, or mixed, which may be given, bequeathed, devised, or in any manner received for the purpose of the department of education from sources other than the legislative bodies in the Trust Territory or any federal appropriation. All such money received by or on behalf of the department shall be paid into the department. The director shall cause to be kept suitable books of accounts wherein shall be recorded each gift, the essential facts of management, and the expenditure of the income. (Code 1970, tit. 41, § 15.)

**§ 16. Federal grants.** — Subject to the power vested in the High Commissioner, the director, designated as the administrator of such funds as may be allotted to the Trust Territory under federal legislation for public educational purposes, shall, subject to such limitations as may be imposed by the United States congressional action, use and expend such funds:

- (1) To improve the program of the public schools of Micronesia, by expanding the educational offerings, particularly in the outlying islands;
- (2) For the payment of salaries to teachers;
- (3) To employ additional teachers to relieve overcrowded classes;
- (4) To adjust salaries of teachers to meet the increased cost of living, within such limits as may be fixed by and pursuant to law;
- (5) To provide for the purchase of supplies, apparatus, and materials for the public schools as well as for direct aid to students of nonpublic schools of the Territory;
- (6) For any such purposes and to such extent as shall be permitted by acts of congress concerned. (Code 1970, tit. 41, § 16.)

**§ 17. Nonpublic schools; establishment.** — (1) Any person or persons desiring to establish a nonpublic school within the Trust Territory shall, prior to the establishment thereof, make written application for a charter to the director. The application shall be signed by the applicant or applicants and shall state in substance:

- (a) The names of the persons desiring to establish the school,
- (b) The proposed location thereof,
- (c) The course of instruction and the language in which the instruction is to be given, and
- (d) Such other information as the director may require.

(2) The director shall review the application and make such recommendation to the High Commissioner as he may consider appropriate. Upon receipt and approval of the application, the High Commissioner shall issue to the person or persons applying therefor a charter in form to be by him approved, authorizing the establishment of school.

(3) No nonpublic school shall be established except in conformity with this chapter; provided, however, that any nonpublic school existing in the Trust Territory under a valid charter on the effective date of this law shall be deemed to have complied with the requirements set forth in this section. (Code 1970, tit. 41, § 17.)

**§ 18. Same; attendance; reports; failure to meet standards.** — Attendance at any school established or maintained without complying with the terms of this chapter shall not be considered attendance at a public or nonpublic school within the meaning of this chapter. The department of education may from time to time, require regularly established nonpublic schools to submit reports of attendance and other matters of public concern. Failure to meet the standards required of nonpublic schools or failure to in any way comply with the provisions of law shall be cause for refusal to issue a charter or for the revocation or suspension of any charter. (Code 1970, tit. 41, § 18.)

**§ 19. Same; benefits to students.** — Students of nonpublic schools shall receive from the Territory equal benefits with public school students in the areas of transportation, textbooks, accident insurance, testing services, medical and nursing services, and feeding programs, provided that such benefits do not violate the bill of rights set forth in chapter 4, title 1 of this Code. (Code 1970, tit. 41, § 19.)

**§ 20. Same; supervision.** — Every nonpublic school shall be subject to the supervision of the department of education of the Territory. The department shall require that the premises of nonpublic schools comply with the rules and regulations of the department, as from time to time promulgated with regard to sanitary condition, hygiene and structural safety. (Code 1970, tit. 41, § 20.)

**§ 21. Teachers' certificates; required; establishment of qualifications.** — No person shall serve as a teacher in any school without first having obtained a certificate from the department, which certificate shall be issued without cost to the teacher, in such form as the department determines. The qualification requirements for such certification shall be established by the director in consultation with the board. (Code 1970, tit. 41, § 21.)

**§ 22. Same; revocation.** — The department may revoke any certificate after issuance thereof when satisfied that the holder does not possess the ideals or knowledge required by or pursuant to this chapter, but in such case the holder of the certificate shall first be given full opportunity to justify the holding of the certificate. (Code 1970, tit. 41, § 22.)

**§ 23. Same; teaching without certificate.** — Except as otherwise provided, whoever serves as a teacher, without holding an unrevoked certificate issued under this chapter, shall be fined not more than twenty-five dollars. (Code 1970, tit. 41, § 23.)

**§ 24. Same; teachers on effective date of chapter; training programs.** — (1) Any other provision of law to the contrary notwithstanding, any teacher who does not hold a certificate from the department of education but who has been employed by the department or by a chartered nonpublic school as a teacher for a period of not less than two school years prior to the effective date of this chapter is authorized to continue employment as such teacher; provided, that as an additional condition of the continued employment of such teacher, the department may require that the teacher complete a program of professional improvement set by the department.

(2) The director shall provide in-service and pre-service training programs to enable Micronesians to qualify for certification.

(3) The director shall establish a teacher training program for all teachers of the Trust Territory so as to provide for the continuous upgrading of teaching skills of all teachers holding certification. (Code 1970, tit. 41, § 24; P.L. No. 4C-60, § 1.)

**§ 25. Curriculum; materials.** — The director shall provide for the teaching of the English language in all schools, and shall establish minimum standards for curriculum development and content of territory-wide courses at appropriate levels to be used in the several districts to assure uniform levels of achievement. He shall encourage instruction in the child's own native language, customs and culture at both the elementary and secondary level. He shall establish one or more textbook commissions to review and evaluate textbooks and materials before purchase in order to determine their suitability as may be consistent with economy and desirable within the curriculum differences in the several districts. (Code 1970, tit. 41, § 25.)

**§ 26. School year.** — The school year in Micronesia shall consist of not less than one hundred eighty days of school in session exclusive of holidays. Each of the several districts may, with the approval of its department, establish beginning and ending dates of the school year in accordance with local needs and customs. Such dates need not be uniform throughout the district. (Code 1970, tit. 41, § 26.)

**§ 27. Attendance.** — Attendance at a public or nonpublic school shall be required of all children between the ages of six and fourteen inclusive, or until graduation from elementary school, unless excluded from school or excepted from attendance by the district director of education. For the purpose of beginning school, a child shall be admitted at the beginning of a school year

if he has attained the age of six on or before September thirtieth of the year involved. Any parent, guardian, and other person having the responsibility for or care of a child whose attendance at school is obligatory shall send the child to school. Any parent, guardian, or other person who permits a child who is under his control to be absent from school without good cause and in violation of applicable law or regulations shall be guilty of a violation of this section and, upon conviction, shall be fined not more than ten dollars, or imprisoned not more than one month, or both. (Code 1970, tit. 41, § 27.)

**§ 28. Budget for education.** — (1) Annually, in accordance with the budget calendar of each administrative district, the district board of education and the district director of education shall together submit to the district administrator and the district legislature of each district a budget showing for the following budget year the estimated requirements of the public schools and of direct aid to nonpublic school students as provided for in section 19 of this chapter. The budget shall be prepared in such form and detail as may be in use for each district, and shall provide for all expenses in conducting the school program. Capital outlays, including furniture and equipment, land, buildings, and improvements, may be submitted separately from the expenses for operations.

(2) The district legislature of each district shall participate in the preparation of the budget which shall be submitted by the district administrator to the High Commissioner. The district administrator shall attach to his budget any changes recommended by the legislature but which he has not adopted. (Code 1970, tit. 41, § 28.)

**§ 29. Transportation of school children.** — The department may provide suitable transportation to and from school for all children in grades kindergarten through twelve and in special education classes. The department shall adopt such policy, procedure, and program as it deems necessary to provide suitable transportation. In formulating the policy, procedure, and program, the department shall consider the school district, the school attendance area in which a school child normally resides, the distance the school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity, and availability of public transportation, and the grade level, physical handicap, or special learning disability of a school child, and it may also consider conditions and circumstances unique or peculiar to a district, island, or community. (Code 1970, tit. 41, § 29.)

**§ 30. Residence assistance.** — Post-elementary students attending school under such circumstances that transportation cannot be provided on a daily basis shall be provided residence assistance by the Territory. Residence assistance may be provided in a public school dormitory operated by the department or may take the form of a daily subsistence payment made to a family with whom the student resides. (Code 1970, tit. 41, § 30.)

**§ 31. School feeding program.** — (1) The department may assist any community or district in establishing a school feeding program under such rules and regulations as the director may promulgate.

(2) The department shall establish a feeding program for all schools having dormitory facilities. The program shall be operated under the general direction of the school principal with standards of health and cleanliness being prescribed by the director of health services. (Code 1970, tit. 41, § 31.)

**§ 32. Rules and regulations.** — Subject to approval by the High Commissioner, the director shall promulgate such rules and regulations as he

may deem necessary to effectuate the provisions of this chapter. (Code 1970, tit. 41, § 32.)



## CHAPTER 2.

## STUDENT LOAN FUND.

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**§ 51. Appropriation; nature.** — The sum of three hundred thousand dollars is appropriated from the general fund of the Congress of Micronesia to provide working capital for the student loan fund created by section 3 of public law 5-11, as amended, which hereafter shall be administered by the director of education in consultation with the Micronesia board of education as a revolving fund in that sums repaid to such fund by borrowers therefrom are hereby authorized to be relaned to other borrowers. (P.L. No. 6-134, § 1.)

**§ 52. Funds to remain available.** — The funds appropriated by section 51 of this chapter shall not revert to the general fund of the Congress of Micronesia, but shall remain available for the purposes for which they were appropriated, any provisions of section 5 of public law 5-11, as amended, to the contrary notwithstanding. (P.L. No. 6-134, § 2.)

**§ 53. Use.** — The student loan fund shall be used to make education loans to Micronesian citizens to attend accredited schools above the secondary level outside the Trust Territory. The loans shall be made on such terms and conditions as are established by the director of education in consultation with the Micronesia board of education; provided, that no interest shall be charged on such loans until the student has completed the course of study for which the loan was made. No less than fifty percent of the funds herein appropriated shall be used to assist incoming and current freshmen and sophomores who are or will be majoring in agriculture or related fields, marine resources or related fields or other professional and technical fields not normally classified as liberal arts or social sciences. The remainder shall be used to aid juniors, seniors and graduate students, regardless of field of endeavor. (P.L. No. 6-134, § 3.)

**§ 54. Repayment credit; services eligible.** — Loans made from the student loan fund to persons who perform services which contribute to the general welfare and growth of the Micronesian community upon completion of the course of study for which the loan was made may be eligible for loan repayment credit which will reduce the amount of the loan principal to be repaid. Such services may be performed as an employee of the Trust Territory, district, or municipal government, or as an employee or self-employed person in the private sector of the economy. (P.L. No. 6-134, § 4.)

**§ 55. Same; qualification; limitation.** — The qualification for loan repayment credit and the percentage of the loan principal which may be cancelled under section 54 will be based on criteria to be established by the director of education, in consultation with the Micronesia board of education and the Trust Territory student assistance committee, consideration being given to services rendered in meeting the critical national needs and priorities as established by the Congress of Micronesia. For each full year of qualifying service performed, the loan repayment credit shall not exceed twenty-five percent of the loan principal for services which meet critical national needs and priorities nor exceed twenty percent of the loan principal for services which meet less critical needs. (P.L. No. 6-134, § 5.)

**§ 56. Annual report on status.** — The High Commissioner shall submit report to the Congress of Micronesia not later than January 31 each year hereafter which shall: (1) indicate the status of the student loan fund as of the end of the preceding calendar year, (2) provide for the full disclosure of all loans made, all repayments received, all loans in default status, and loan repayment credits granted during the preceding calendar year, and (3) propose defaulted loans and loan repayment credit grants. The report shall separately detail expenditures of the appropriation made herein by student, institution, class, and field of study, consistent with section 54 of this title. (P.L. No. 6-134, § 6.)

## CHAPTER 3.

## LIBRARY OF THE CONGRESS OF MICRONESIA.

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102. Same; title to library property.

Sec.

103. Same; use.

104. Same; librarian.

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**§ 101. Library of Congress of Micronesia; established.** — There is hereby established within the office of the legislative counsel a library of the Congress of Micronesia, herein referred to as the library. (Code 1970, tit. 41, § 101.)

**§ 102. Same; title to library property.** — The title to any and all library property is and shall continue to be in the Congress of Micronesia. (Code 1970, tit. 41, § 102.)

**§ 103. Same; use.** — The library shall be available for the use of all persons in Micronesia in accordance with the rules and regulations set forth by the librarian with the approval of the legislative counsel. (Code 1970, tit. 41, § 103.)

**§ 104. Same; librarian.** — The librarian of congress shall be appointed by the legislative counsel, with the approval of the Speaker of the House of Representatives and the President of the Senate of the Congress of Micronesia, solely on the basis of merit and fitness to perform the duties of the office. The librarian shall be responsible to the legislative counsel for the administration and operation of the library, its organization, property and personnel. The librarian with the approval of the legislative counsel shall prepare rules and regulations for the governing of the library and its departments. The librarian shall make an annual report to the legislative counsel prior to the beginning of each regular session of the congress, with respect to the activities, financial status, condition of the library, and recommendations as to future operations. (Code 1970, tit. 41, § 104.)

**§ 105. Gifts to the library.** — The librarian is hereby authorized to accept on behalf and in the name of the library of the Congress of Micronesia, from any government, agency, individual, or any other source, advisory services, grants-in-aid, and gifts and donations of money and other property for the benefit of the library; provided, that any grant-in-aid, donation, or other form of assistance involving an obligation on the part of the library of the Congress of Micronesia shall require the approval of the President of the Senate and the Speaker of the House of Representatives of the Congress of Micronesia. (Code 1970, tit. 41, § 105.)

## CHAPTER 4.

## COLLEGE OF MICRONESIA.

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**§ 151. Established as a public corporation.** — The College of Micronesia, its rector and board of regents, is hereby established as a public corporation under the style of the College of Micronesia, comprised of the present Community College of Micronesia, the Micronesian Occupational Center, and such other schools as may be established by the aftermentioned board of regents or designated by law. (P.L. No. 7-29, § 1.)

**§ 152. Purposes.** — The purposes of the college are to make high quality, post-secondary education available to the citizens of the Trust Territory, to conduct research, and to disseminate such knowledge and advanced learning as the board may from time to time prescribe or the Trust Territory government requires. (P.L. No. 7-29, § 2.)

**§ 153. Board of regents; created; composition; terms of members.** — There shall be a board of regents of the College of Micronesia which shall consist of the following members who shall serve for the following terms:

(1) One member from each administrative district of the Trust Territory appointed by the district administrator, with the advice and consent of the district legislature, to serve a term of four years; provided, that the district administrator shall submit his nomination to the district legislature for the first member appointed pursuant to this subsection on or before November 10, 1977; provided further, that at the first board meeting the members appointed pursuant to this subsection shall by drawing lots designate three members to serve an initial term of two years;

(2) Two members appointed by the High Commissioner with the advice and consent of the Congress of Micronesia to serve terms of four years, one of whom is noted in the Trust Territory for his accomplishments in the field of economic development and who is not a full time employee of the executive or judicial branch of the Trust Territory government at the territorial or district level, and the other of whom is a nonresident of the Trust Territory but who resides within the Pacific area who is well recognized in the field of education for his work with post-secondary institutions of learning; provided, that the High Commissioner shall submit his nominations to the Congress of Micronesia for the first members appointed pursuant to this subsection on or before November 10, 1977; provided further, that the High Commissioner shall designate one of the first two members appointed pursuant to this subsection to serve an initial term of two years; and

(3) The chairman of the Trust Territory Board of Education, or its successor (P.L. No. 7-29, § 3; P.L. No. 7-130, § 15.)

**§ 154. Same; length of service of members.** — No person, except the chairman of the board of education or its successor, and ex officio members, shall be eligible to serve more than eight consecutive years on the board. (P.L. No. 7-29, § 4.)

**§ 155. Same; vacancies.** — Any vacancy on the board of regents shall be filled for the unexpired term in the same manner as originally filled. Three consecutive absences of a board member from separately called meetings of the board, called not less than thirty days apart, shall automatically create a vacancy in his seat. Upon determining a vacancy exists, the rector, or presiding officer of the board in the absence of the rector, shall issue a notice of vacancy to all members of the board and to the party or parties responsible for filling the vacancy. Any vacancy occasioned by failure to make a nomination to the respective legislative body charged with advice and consent within sixty days prior to the expiration of the previous term, or by failure to submit a nomination to the respective legislative body to fill a vacancy within sixty days of receipt of notice that such vacancy exists, or within ten days of receipt of notice of rejection of a previously submitted nomination, shall be filled by the presiding officer or officers of the respective legislative body charged with advice and consent for the remainder of the unexpired term. (P.L. No. 7-29, § 5.)

**§ 156. Same; removal of members.** — Members of the board may be removed only by a three-fourths vote of all other voting members of the board of regents before the expiration of their terms for incompetence, neglect of duty, or malfeasance. The trial division of the high court of the Trust Territory is given original jurisdiction over any appeal from any such removal from the board. (P.L. No. 7-29, § 6.)

**§ 157. Same; organization; meetings; quorum; officers; executive committee; per diem.** — (1) The board of regents shall meet and organize by the election of its officers in its annual meeting which shall be called on the third Monday of January each year. The board shall meet at such other times as the board shall so determine or as otherwise specified by law. The rector may call a special meeting of the board on his own initiative and shall call a special meeting of the board upon the petition of one-third of its members. The bylaws of the board shall provide that adequate written notice be given to all members of the board prior to the convening of any board meeting. The bylaws shall further provide that the board shall regularly publish the minutes of its meetings.

(2) A quorum shall consist of a majority of all voting members. All business shall be conducted by a majority of those present unless otherwise provided by law or the bylaws of the board.

(3) The first meeting of the board shall be called by the chairman of the Trust Territory board of education, who shall preside as temporary rector until a permanent rector is selected.

(4) At the first meeting of the board, and annually thereafter, members of the board shall appoint from their own body a rector, who shall preside at the meetings. At the same time they shall appoint from their own body a vice-rector to serve as the presiding officer of the board in the absence of the rector, and a secretary-treasurer of the board. In the absence of the rector or vice-rector at any meeting, the secretary-treasurer shall preside, and in the absence of all three, the board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice-rector, or secretary-treasurer shall be filled by the board for the unexpired term.

(5) The rector, or presiding officer, shall sign all instruments required to be executed by the board.

(6) The secretary-treasurer shall work closely with the budget and finance officer of the college in supervising the financial affairs of the college.

(7) At every regular annual meeting of the board, the members may appoint an executive committee for the transaction of business in the recess of the board, which shall consist of not less than three nor more than five members, to serve for a period of one year or until the next regular annual meeting.

(8) The members of the board shall receive per diem at standard Trust Territory government rates while on the business of the college. Those members who are employees of the Trust Territory government shall be granted administrative leave and receive their regular salaries while on the business of the college. Other members shall receive thirty dollars per day while on the business of the college. (P.L. No. 7-29, § 7; P.L. No. 7-130, § 1.)

**§ 158. Same; powers.** — The board of regents shall have general management and control over the affairs of the college, and to this end, shall have the power to:

(1) Adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;

(2) Appoint and terminate such officers of the board as it deems necessary, or as required by law;

(3) Fix, in its discretion, the rates charged the students of the college for tuition, fees, and other necessary charges;

(4) Confer such degrees and grant such diplomas and certificates as colleges of like stature are usually authorized to confer or grant;

(5) Appoint, evaluate the performance of, and terminate the services of a chancellor;

(6) Establish policies and approve procedures for the appointment of all faculty members and the granting of tenure to any faculty member;

(7) Establish policies and approve procedures for the granting of full and partial scholarships or fellowships to students for educational purposes, and, in its discretion, approve methods by which individual students may work for the college in some suitable capacity and have such labor credited against their tuition;

(8) Establish annual lists of fields of study of national priority for post-secondary and graduate levels of training;

(9) Award all student loans and scholarship grants, unless the provisions of the loan or grant specifically require otherwise, for attendance of Micronesian students at post-secondary and graduate institutions within Micronesia or abroad, based upon the quality of the institution and the relevancy of the intended instruction to national development priorities of Micronesia;

(10) Acquire in any lawful manner any property, real, personal or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary to carry out its purposes; provided, that any real property granted to the college without cost by the Trust Territory government or any political subdivision thereof, or by any other legal entity capable of receiving and holding public land in the Trust Territory shall revert to said government, political subdivision, or legal entity upon the cessation of active use by the college;

(11) Enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate with any agency or instrumentality of the United States, or with any state, territory, or possession, or with any political subdivision thereof; or with any other foreign government, agency,

instrumentality, or political subdivision thereof; or with the Trust Territory government, or any agency, instrumentality, or political subdivision thereof; or with any person, firm, association or cooperative;

(12) Determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of law specifically applicable to the college;

(13) Borrow money from time to time; provided, that no debt of the college shall be secured by real property granted to the college without cost by the Trust Territory government or any political subdivision thereof, or by any legal entity capable of receiving and holding public land in the Trust Territory;

(14) Execute in accordance with its bylaws, all instruments necessary or appropriate in the exercise of its powers;

(15) Establish such policies, rules, regulations, and standards as it may deem necessary for the effective operation of the college, including the establishment or approval of rules, regulations, and standards governing the admission, discipline, and removal of students;

(16) Establish policies and approve procedures for the maintenance of such departments and courses of instruction and for the undertaking of such research projects and programs as it deems appropriate or as may be required by law;

(17) Provide for a program of workmen's compensation for employees of the college equal to or greater than that available to persons of similar employment with the Trust Territory government;

(18) Take such other actions and assume such other responsibilities as may be necessary or appropriate to carry out the duties conferred upon it by law; and

(19) Incorporate into the College of Micronesia such technical and research establishments, including the Micronesian mariculture demonstration center in Palau, as the board of regents might deem necessary or appropriate to ensure a quality program of instruction and research which is relevant to national development priorities of Micronesia; and to acquire personnel and all property, whether real or personal, tangible or intangible, of any such establishment as may be transferred to the College of Micronesia. (P.L. No. 7-29, § 8; P.L. No. 7-130, §§ 2 to 7.)

**§ 159. Suits.** — The college may sue and be sued in its corporate name; provided, that it shall be subject to suit only in the manner provided for suits against the Trust Territory government; provided further, that any liability incurred by the college shall not be a liability of the Trust Territory government or any subdivision thereof. The chancellor of the college, the secretary-treasurer of the board of regents, the rector of the board of regents, or, in the absence of the rector, the vice-rector of the board of regents are authorized to accept service or to be served on behalf of the college. (P.L. No. 7-29, § 9.)

**§ 160. Funding.** — The board of regents may receive, manage, and invest moneys or other property, real, personal, or mixed, which may be appropriated, granted, given, bequeathed, devised, endowed, or in any manner received from any source for the purposes of the college's improvement or adornment, or for the aid of students or faculty, and in general may act as trustee on behalf of the college. (P.L. No. 7-29, § 10.)

**§ 161. Budget constraints; overspending.** — The college shall have a budget for each fiscal year which reflects the amounts of money available for the operation of the college. Any person who overobligates or overexpends the funds available and budgeted for any purpose or department of the college shall be personally liable for the resulting deficiency. (P.L. No. 7-29, § 11.)

**§ 162. Chancellor; departmental organization.** — There shall be a chancellor of the College of Micronesia who shall be appointed by the board of regents to serve a term of two years. Said two-year term may be renewed at the discretion of the board of regents. No applicant shall be selected as chancellor unless he possesses a graduate-level degree from an accredited university. In addition, the first chancellor appointed shall have had a minimum of two years' experience as a president or dean of an accredited college or university or equivalent experience as determined by the board. The office of the chancellor shall be located in Ponape District. The chancellor shall be the chief administrative officer of the college, and responsible for carrying into operation the goals, objectives, and policies established by the board of regents. For this purpose, the college shall have such departments and divisions and district level supporting staff as the chancellor of the college shall deem best for instruction in such areas as he shall designate or as shall be required by law or specified by the board of regents. The immediate government of the several schools and departments of the college shall be entrusted to their respective faculties under the close supervision of the chancellor of the college and such directors, deans, department heads, and other officers as he shall designate. (P.L. No. 7-29, § 12; P.L. No. 7-130, § 8.)

**§ 163. Duties and bond of the College of Micronesia budget and finance officer.** — The College of Micronesia budget and finance officer shall be the chief fiscal, accounting, and budget officer of the College of Micronesia. As such, he shall receive and disburse all funds of the college including all its subdivisions. Before entering into his duties, he shall execute, at the expense of the college, a good and sufficient bond in the sum of not less than twenty thousand dollars or such greater sum as may be established by the board. Said bond shall be with one or more sufficient sureties authorized to do business in the Trust Territory, shall be approved as to form by the High Commissioner, and shall be filed with the Attorney General. The budget and finance officer shall be selected by the chancellor with the approval of the board, and will at all times be under the direct supervision of the chancellor. He shall serve at the discretion of both the chancellor and the board of regents. (P.L. No. 7-29, § 13.)

**§ 164. Accounts; reports.** — The chancellor shall be jointly responsible with the College of Micronesia budget and finance officer to insure that proper and complete books of accounts are kept reflecting all income, expenditures, assets and money of the college, including appropriations, gifts, property, tuition, fees, and other funds. The board of regents shall publish not later than forty-five days after the close of each fiscal year a complete report showing the activities of the college during the fiscal year, the present condition of the college, the financial status of the college, and such other matters as the board shall deem appropriate. In addition to any other audits provided for by law, the board shall select either the Trust Territory auditor or an independent auditor selected by the board who shall inspect and audit all accounts of the college at least annually, and report thereon to the Congress of Micronesia. (P.L. No. 7-29, § 14; P.L. No. 7-130, § 9.)

**§ 165. Modification of personnel system; retention of outside legal counsel; contracts for maintenance and construction; establishment of finance and accounting department and purchasing system.** — The board of regents may, by appropriate majority resolution directed to the High Commissioner, do the following:

(1) Establish or modify its own personnel system and policies independent of the Trust Territory public service system, the Trust Territory personnel board, and the Trust Territory department of personnel; provided, that until



such personnel system and policies are established or modified, the college shall be subject to the provisions of Title 61 and applicable public employment regulations promulgated thereunder; provided further, that any such modified personnel system shall honor any existing employment contract of any employee of the college with the Trust Territory government for the duration of that contract;

(2) Retain outside legal counsel in lieu of the Attorney General; provided, that until such action is taken by the board, the Attorney General will continue to provide legal assistance to the college;

(3) Contract for outside maintenance, repair, and construction work in lieu of using the services of the department of public works or other Trust Territory departments or services; provided, that until such action is taken by the board, the department of public works will continue to provide such services to the college; and

(4) Establish a finance and accounting department and purchase supplies equipment, and materials through its own purchasing department in lieu of using the services of the Trust Territory department of finance; provided, that until such action is taken by the board, the Trust Territory department of finance will continue to provide such services to the college. (P.L. No. 7-29, § 15; P.L. No. 7-130, § 16.)

**§ 166. Evaluation of college.** — (1) The chancellor of the college shall, prior to the conclusion of each school year, cause an independent survey to be conducted among students and faculty of the college evaluating the quality of administration, the quality of course instruction, the effectiveness of the faculty, and such other matters as the chancellor may deem appropriate, and he shall transmit a copy of the results of the survey to the rector of the college, the Congress of Micronesia, and the chairman of the Trust Territory board of education or its successor within thirty days from the time the survey is conducted.

(2) Commencing in 1980, and every five years thereafter, the chairman of the Trust Territory board of education shall contract for an independent and comprehensive evaluation to be made of all aspects of the administration, education, and research activities of the college, and a report of the evaluation shall be transmitted by the chairman to the rector of the college, the High Commissioner, and the Congress of Micronesia within ninety days of the conclusion of the evaluation. (P.L. No. 7-29, § 16; P.L. No. 7-130, § 10.)

**§ 167. Continuance of district government assistance functions.** — Public utilities services shall be provided by the respective district governments to the college without cost to the college. Housing and maintenance services now available to the college, or their equivalents, shall continue to be made available to the college without costs. (P.L. No. 7-130, § 13.)

**§ 168. Exemption from taxation.** — The college, its property, revenues, and income are exempt from taxation by the Trust Territory government or its political subdivisions. (P.L. No. 7-130, § 14.)

## CHAPTER 5.

## SPECIAL EDUCATION ACT.

Sec.

201. Short title.  
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Sec.

205. District responsibility.  
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**§ 201. Short title.** — This chapter shall be known and may be cited as the "Trust Territory Special Education Act of 1977." (P.L. No. 7-55, § 1.)

**§ 202. Statement of policy.** — The Congress of Micronesia, recognizing the obligation of the Trust Territory government under section 9 of title 1 of the Trust Territory Code that "free elementary education shall be provided throughout the Trust Territory" and further recognizing the obligation of the Trust Territory government to provide educational opportunities to all children which will enable them to lead fulfilling and productive lives, hereby declares that it is the policy of the Trust Territory government and the purpose of this act to provide means for educating handicapped children and that insofar as is practicable, handicapped children shall receive necessary supplementary services in regular classrooms. To this end, the services of special education personnel shall be utilized within the regular programs offered by the department of education both in rendering services directly to children and in providing consultative services to regular classroom teachers. (P.L. No. 7-55, § 2.)

**§ 203. Definitions.** — As used in this chapter, unless the context otherwise requires:

- (1) "*Director*" means the director of education.
- (2) "*Handicapped children*" includes each person under the age of twenty-one years who, because of visual, auditory, language, behavioral, physical, or other health problems or any other conditions as determined by the director of education, upon consultation with the director of health services and the special education coordinator, cannot function in a normal school environment without assistance.
- (3) "*Special education*" means instructional or other services necessary to assist the handicapped children in taking advantage of or responding to educational programs and opportunities. (P.L. No. 7-55, § 3.)

**§ 204. Administration.** — (1) There is hereby established in the department of education an office of special education which shall be headed by a coordinator of special education, who shall be qualified by education, training, and experience to take responsibility for and give direction to the programs of the Trust Territory relating to the education of the handicapped.

(2) The director of education and the Micronesian board of education shall establish and make such studies, surveys, evaluations, policies, and rules and regulations as are necessary to carry out the provisions of this chapter.

(3) The director of education, acting through the coordinator of special education, shall submit to the Congress of Micronesia and to the High Commissioner the special education annual program plan and the fund status and performance report at such time as they are submitted to the United States Office of Education as required by United States P.L. 94-142. (P.L. No. 7-55, § 4; P.L. No. 7-113, § 1.)

**§ 205. District responsibility.** — On or before June 1 of each year, each district shall report to the director of education the extent to which it is providing the special education for handicapped children necessary to implement the act. The report shall detail the means which the district uses to provide for the appropriate special education of each handicapped child. (P.L. No. 7-55, § 5.)

**§ 206. Establishment of procedure to ensure efforts.** — The director of education shall establish, in cooperation with the director of health services and the districts, a procedure to ensure the ongoing education, identification, diagnosis, and instruction of handicapped children. (P.L. No. 7-55, § 6.)

**§ 207. Funding.** — There is hereby authorized an annual appropriation from the general fund of the Congress of Micronesia as may be necessary to carry out the provisions of this act. The director of education shall administer the expenditure of the funds appropriated pursuant to this act for the purposes set forth herein. (P.L. No. 7-55, § 7; P.L. No. 7-113, § 2.)