

**TITLE 18**  
**EDUCATION**



## TITLE 18 EDUCATION

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### CHAPTER 1 DEPARTMENT OF EDUCATION

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**§1-101. Short title.** — This chapter is known and may be cited as the “Pohnpei Education Act of 1999.”

Source: S.L. No. 4L-123-99 §1-1, 9/1/99

**§1-102. Policy.** — The Legislature declares and recognizes the following:

(1) The right of the people to education and the obligation of the state to take every step reasonable and necessary to provide education, in compliance with Article 7 §3 of the Pohnpei Constitution.

(2) The state's responsibility for establishing and maintaining such schools and related facilities, programs, and other resources, as may be reasonable and necessary to provide educational opportunities for the people of Pohnpei.

(3) The need to encourage citizen involvement in educational matters by providing for schools that guarantee and support local participation consistent with the goal of a thorough and efficient system of education serving all of the people of the state of Pohnpei.

(4) That a primary goal of education in the state of Pohnpei shall be to foster self-reliance, and that educational programs and curricula be structured to further this goal.

Source: S.L. No. 4L-123-99 §1-2, 9/1/99

**§1-103. Definitions.** — Wherever used in this chapter, the following terms shall have the definitions hereinafter set forth unless the context otherwise requires:

(1) "Board" means the Pohnpei Board of Education.

(2) "Department" means the Department of Education.

(3) "Director" means the Director of the Department of Education.

(4) "Primary schools" means schools which provide instruction in grades one through eight, and, where appropriate, includes kindergarten.

(5) "School" means an institution which provides organized instruction, but does not include schools of higher learning, such as colleges or universities, nor does it include religious classes that meet in conjunction with religious services, such as Sunday schools.

(6) "Secondary schools" means schools which provide instruction in grades nine through twelve.

Source: S.L. No. 4L-123-99 §1-3, 9/1/99

**§1-104. Department of Education.** — There is hereby established a Department of Education which shall be headed by a single executive to be known as the Director of Education who shall serve under the supervision of the Board of Education in the manner prescribed by this chapter. The Department shall have entire charge and control and be responsible for the conduct of all affairs pertaining to public instruction. The Department shall also have regulatory authority over private schools. The Department may establish and maintain schools for secular, public instruction at such places as, in its discretion, it may deem advisable and as the funds at its disposal may permit. The schools may include nursery, pre-school, kindergarten, primary, and secondary schools, both boarding and day, as well as evening, night, and adult education classes. The Department may also maintain schools or classes for vocational, technical, and other specialized instruction.

Source: S.L. No. 4L-123-99 §2-1, 9/1/99

**§1-105. Pohnpei Board of Education.** —

(1) There is hereby established a Pohnpei Board of Education which shall consist of six members. The Director shall serve as an ex-officio, non-voting member of the Board. The remaining five members shall be appointed by the Governor with the advice and consent of the Legislature. Four of the five members appointed by the Governor shall be drawn from the following respective groups:

(a) The COM-FSM President, or other senior executive of the College of Micronesia-FSM, resident in Pohnpei;

(b) A private school representative;

(c) A parent-teacher association representative; and

(d) A community sector representative.

(2) All voting members shall serve at the pleasure of the Governor for the same term as that of the appointing Governor. Vacancies shall be filled for unexpired terms by the Governor with the advice and consent of the Pohnpei Legislature. Any member whose term has expired may continue serving as a holdover member until a successor is nominated and appointed; PROVIDED that a holdover member shall not serve beyond the end of the second regular legislative session following the expiration of the member's term of office.

Source: S.L. No. 4L-123-99 §2-2, 9/1/99

**§1-106. Organization and meetings.** — The Board shall, by majority vote from among its members, elect a Chairman, Vice-Chairman, and Secretary, who shall serve for such term as may be prescribed by the Board, except that the Director shall not be elected Chairman or Vice-Chairman. In the event of absence or disability of the Chairman or Vice-Chairman, the Board may designate another member to preside during a meeting, excluding the Director. Three members of the Board shall constitute a quorum to do business, and the concurrence of a majority of all members to which the Board is entitled shall be necessary to make any action of the Board valid. Meetings shall be called and held at the call of the Chairman, or by a quorum, at least quarterly, and, in addition, as often as may be necessary for the transaction of Department business. Meetings shall be open to the public and shall be held only after adequate public notice has been given. The members shall be notified of meetings by the Director, in writing, at least two weeks before the date of any meeting. A member who is absent from any official meeting of the Board without reasonable cause or approval of the Chairman for three consecutive times shall automatically be expelled from the Board.

Source: S.L. No. 4L-123-99 §2-3, 9/1/99

**§1-107. Expense and compensation of Board Members.** — Members of the Board shall be compensated at the rates established by the Government Officers' Salary Act, Title 9 Chapter 4 Subchapter I, as amended or superseded by Pohnpei law, when actually performing functions of the Board at the direction of the Chairman, except that those members who are Pohnpei Government employees shall instead be granted administrative leave from their regular duties while performing functions of the Board. All members shall also receive travel expenses and per diem at Pohnpei Government rates when those amounts would be payable to Pohnpei Government employees in the same circumstances.

Source: S.L. No. 4L-123-99 §2-4, 9/1/99

**§1-108. Duties and functions of the Board.** — The Board's duties and functions shall be to act in a supervisory capacity to the state government with respect to its functions in the field of education. The Board shall have power in accordance with law in formulating, issuing and overseeing rules, regulations and policies to guide activities of the Department of Education and shall have the authority to oversee the operations of the Department. The powers and responsibilities of the Board shall include, but not be limited to, the following:

(1) Establishing a comprehensive educational development plan consistent with the overall plans and objectives of the state government;

(2) Defining specific educational objectives for the state for immediate implementation, and advising the Governor on the integration of those objectives with the objectives of other departments and agencies of the state government;

(3) Evaluating past and current educational expenditures;

(4) Approving education budgets for submission by the Department to the Governor for inclusion in the state budget which will be submitted to the Legislature;

(5) Assisting the Director in recruiting and hiring key education personnel;

(6) Adopting minimum criteria and prescribing terms for the issuance of certificates for principals and teachers, and for the renewal thereof;

- (7) Adopting Pohnpei-wide curriculum standards and guides;
- (8) Adopting procedures and minimum standards for the issuance and renewal of permits for the operation of private schools; and
- (9) Adopting and modifying Department rules, regulations, and policies; PROVIDED that regulations issued by the Board shall not take effect until approved by the Governor.

Source: S.L. No. 4L-123-99 §2-5, 9/1/99

**§1-109. Director: powers and duties.** — The executive functions of the Department of Education shall be vested in the Director of Education who shall:

- (1) Administer programs of education and public instruction throughout the state of all types through the secondary level;
- (2) Assist the Board of Education in the performance of its duties pursuant to this chapter;
- (3) Implement and enforce the educational standards for public schools through the secondary level as prescribed by state law and the decisions of the Board of Education;
- (4) Promote standardized testing and research and planning for the improvement of educational programs;
- (5) Prepare and submit, with the Board's concurrence, a proposed department budget to the Governor for inclusion in the state budget;
- (6) Hire, certify, and evaluate department personnel, in coordination with the Division of Personnel, Labor and Manpower Development;
- (7) Be responsible for physical facilities planning, construction and maintenance;
- (8) Except as otherwise provided by law, sign all drafts for the payment of monies, all commissions and appointments, all deeds, official acts or other documents of the Department, and use a printed facsimile signature when appropriate;
- (9) Review and evaluate textbooks and materials before purchase in order to determine their suitability as may be consistent with the established curricula;
- (10) Present to the Board, a full annual report of the principal transactions within the Department during the last fiscal year, which report shall include:
  - (a) The number and percentage of students in public and non-public schools, to include statewide, municipal, and individual school totals, as well as a breakdown by grade level;
  - (b) Student achievement levels, and actions being taken to improve them; and
  - (c) An analysis of the effectiveness of actions implemented to address the needs of students; and which, together with any policy recommendations from the Board, shall be presented to the Governor and to the Legislature at least 20 days prior to the convening of each January regular session, and made available to the general public.

Source: S.L. No. 4L-123-99 §2-6, 9/1/99

**§1-110. Divisions.** — The Department of Education shall consist of the following four divisions which shall have the following functions:

- (1) The Division of Curriculum, Instructional Development and Specialized Education shall provide course and program development for the Department. It shall also be responsible for all library services and specialized education programs, including vocational instruction, adult education, and programs for those with learning disabilities.
- (2) The Division of Early Childhood Education shall provide for pre-school services and may establish and maintain a kindergarten class as a part of any public primary school where there is a kindergarten enrollment of at least 15 students.
- (3) The Division of Primary Education shall administer programs of education and public instruction at the primary school level; PROVIDED that each public primary school shall have at least one teacher assigned thereto and no school shall have less than three grades, first through third.

(4) The Division of Secondary Education shall administer programs of education and public instruction at the secondary school level. In the event that the Department shall require the passage of an entrance examination for admission into the public secondary schools of this state and when the Department shall find it necessary to evict students from secondary school enrollment for low grades as required by §1-132, the Department shall provide alternative training programs, especially designed for those persons who are denied admission into the secondary school system or who are unable to complete their secondary schooling.

Source: S.L. No. 4L-123-99 §2-7, 9/1/99; S.L. No. 6L-14-04 §1, 6/1/04

**§1-111. Compulsory education; exemptions. —**

(1) Unless evicted from school or exempted from attendance pursuant to this section, all minors who will have arrived at the age of six years, and who will not have arrived at the age of 16 years, on or before December 31 of a school year, shall attend either a public or a private school for and during such school year, and any parent, guardian or other person having the responsibility for or care of a minor whose attendance is compulsory under this section, shall be responsible for seeing that the minor is enrolled at some such school.

(2) Attendance shall not be compulsory in the following instances:

(a) Where the minor is physically or mentally unable to attend school, of which fact the certificate of a duly licensed physician or medical officer shall be sufficient evidence;

(b) Where a competent person is employed as a tutor by the household wherein the minor resides and proper instruction is thereby imparted as approved by the Director;

(c) Where the minor who has reached the age of fifteen is suitably employed and has been exempted from school attendance by the Director;

(d) Where, pursuant to appropriate court order, for any other reason, the minor has been exempted from school attendance;

(e) Where the minor has already graduated from a secondary school or comparable vocational school; and

(f) Where the minor is enrolled in an appropriate alternative education program approved by the Director in accordance with the plans and policies of the Department.

Source: S.L. No. 4L-123-99 §3-1, 9/1/99

**§1-112. Minimum age requirement for entering first grade. —** Except as allowed by §1-111, no minor shall enter first grade in a public school unless the minor will be at least six years of age on or before December 31 of the school year; PROVIDED that the Department may establish procedures and criteria to determine the psychological and physiological readiness of a minor for public school and may grant an exception in the case of a minor who does not meet the above age requirement, but is found to be ready. All teachers of first and second grades, and principals of primary schools, shall enforce this section, and require proof of age by birth certificate or certificate of registration, or, if none can be obtained, then by other satisfactory evidence.

Source: S.L. No. 4L-123-99 §3-2, 9/1/99

**§1-113. Register of students. —** All schools, whether public or private, shall keep a correct register of the name, gender, age, nationality, entrance date, and place of residence, of all students enrolled. The register shall be carefully preserved and, periodically as the Department shall direct, shall be filed with the Department.

Source: S.L. No. 4L-123-99 §3-3, 9/1/99

**§1-114. Student transfers. —**

(1) No school, whether public or private, shall receive any student who has reached six years of age, but is less than 16 years of age, who has previously attended a different school in the state,

without receiving a certificate of release from the school last attended, unless such certificate is impossible to obtain. If the student is applying to enter a higher grade, a certificate of proficiency shall also be required.

(2) No school shall issue a certificate of release to any student who has reached six years of age, but is less than 16 years of age, unless the consent and approval of the parents, guardians or other person responsible for the student, shall have requested such in writing, with the reason therefor.

Source: S.L. No. 4L-123-99 §3-4, 9/1/99

**§1-115. Length of school year.** — The school year shall consist of not less than 180 session days divided into two semesters, exclusive of holidays.

Source: S.L. No. 4L-123-99 §3-5, 9/1/99

**§1-116. School districts; effect.** — For the better control and management of public schools, the Director, upon approval of the Board, may designate public school districts, establish their boundaries, and alter the same from time to time as he and the Board deem most advisable. Districts, if designated, shall be so constituted that there shall be no unassigned locality. All students shall be required to attend the school of the district in which they reside, unless for good cause shown to the Director, in which case the Director may grant a district exemption.

Source: S.L. No. 4L-123-99 §3-6, 9/1/99

**§1-117. High Schools.** —

(1) High Schools in Pohnpei shall be Pohnpei Island Central School, Madolenihmw High School, and Nanpei Memorial High School.

(2) All high schools in Pohnpei shall provide instruction meeting the Pohnpei-wide curriculum standards and guides through the twelfth grade.

(3) The Department may require the passage of an entrance examination for admission into the public secondary schools of this state, and may require different standards for admission into different public secondary schools.

Source: S.L. No. 4L-123-99 §3-6A, 9/1/99

Note: 1. S.L. No. 6L-51-05 §2, entitled "Transition," provides "All high schools in Pohnpei shall provide instruction through the twelfth grade beginning with the 2006-2007 school year. The Director of the Department of Education shall submit a transition plan to the Pohnpei Legislature no later than January 31, 2006 providing for full implementation of this chapter." 2. §3-6A was inserted by S.L. No. 6L-51-05 §1, 9/29/05.

**§1-118. Opening and closing schools.** — No school shall be opened or closed without review by the Board, and its issuance of a written recommendation.

Source: S.L. No. 4L-123-99 §3-7, 9/1/99

**§1-119. Standard achievement tests and accreditation.** — The Department shall administer standard achievement tests on a periodic basis, at appropriate grade levels, as a measurement of the performance of the public and private schools of the state. The Department shall also seek membership in, or affiliation with, appropriate accreditation agencies for the purpose of raising school standards.

Source: S.L. No. 4L-123-99 §3-8, 9/1/99

**§1-120. Parent-Teacher Associations.** — The Department shall establish a Parent-Teacher Association for each public school. The principal administrator of each private school shall establish such association for his or her respective private school. The associations' functions shall be to involve parents in the formal education of their children, and assist teachers in understanding the background of their students. All educational staff members of a school, and all parents, guardians, or other persons responsible for students enrolled at a school shall be considered members.

Source: S.L. No. 4L-123-99 §3-9, 9/1/99

**§1-121. Qualifications for principals.** — Principals, and those serving in that capacity, shall meet the Department's certification requirements and shall have served as a teacher for not less than five years, at least one year of which shall have been served as a teacher or exchange principal in the schools of the state.

Source: S.L. No. 4L-123-99 §4-1, 9/1/99

**§1-122. Considerations in appointing teachers within the Department of Education.** — In the appointment of teachers by the Director, preference shall be given to residents of the state, of the same standing, grade or rating, as non-resident candidates. The rating of a teacher shall not depend upon the number of pupils promoted or graduated, but upon the length of service, efficiency and ability of the teacher. All persons appointed to teaching positions in pre-school, early childhood education, and primary school programs or classes shall be fluent in a Pohnpeian language, defined as the mother language of Pohnpei Island, the mother language of Kapingamarangi, the mother language of Mwoakilloa, the mother language of Nukuoro, the mother language of Pingelap, or the mother language of Sapwuahfik. Persons appointed to teaching positions shall have the following qualifications from accredited institutions of higher learning and requisite work experience when specified:

- (1) Pre-school/early childhood education classes – an associates' degree;
- (2) Primary school classes – an associate's degree;
- (3) Secondary school classes, except vocational classes – a bachelor's degree; and
- (4) Vocational classes in secondary schools, one of the following:
  - (a) A bachelor's degree;
  - (b) An associate's degree and not less than two years of work experience in the vocational trade that is being taught in the vocational class;
  - (c) Certification from a recognized vocational trade school or instructional facility for the vocational trade that is being taught, which certification is equivalent to an associate's degree, and not less than two years of work experience in the vocational trade that is being taught in the vocational class; or
  - (d) Service as a vocational teacher employed by the Pohnpei Department of Education prior to September 1, 1999.

Source: S.L. No. 4L-123-99 §4-2, 9/1/99; S.L. No. 6L-14-04 §2, 6/1/04

**§1-123. Teachers; certification; suspension; revocation.** —

(1) No person shall serve as a teacher in any public or private school in the state without first having been certified by the Department and issued a certificate, without cost, in such form and for such duration as the Board determines. The Board shall establish types of certificates in the educational field, and the requirements to qualify for each type of certificate.

(2) The Director shall establish procedures to verify the authority of certificates and other qualifying documentation proffered by prospective teachers who are not citizens of the Federated States of Micronesia.

(3) In the event the Board shall require the completion of additional training or refresher courses for a renewal of a certificate under this section, the Department shall be responsible for the costs thereof and shall accord the attendee appropriate leave with pay for attendance at the training or refresher courses.

(4) The Director may suspend or revoke any certificate when satisfied that the certificate holder does not possess the qualifications required, but the certificate holder shall first receive notice of the Director's intention to suspend or revoke, and be given an opportunity to appear before the Board to contest the Director's decision.

(5) The Department may, in the interest of developing the educational abilities of prospective career teachers, issue teacher training certificates in the manner prescribed above to persons holding

such academic credentials as the Board deems appropriate and which shall entitle the holders thereof to engage in such educational activities as the Board shall prescribe. A teacher training certificate may be issued for a period of not more than three years and may not be renewed.

(6) Any person found in violation of this section shall be immediately removed from any teaching position, and shall be fined not more than \$100.

Source: S.L. No. 4L-123-99 §4-3, 9/1/99

**§1-124. Sabbatical leave authorized.** — In addition to such leave as may be authorized for state employees generally under the Public Service System, the Department may grant a sabbatical leave of absence to any teacher who has served satisfactorily for at least three years in the public schools of the state, such teacher to be guaranteed a return to the same or an equivalent position at the expiration of the leave. A leave shall be for six months or one year. Sabbatical leave shall not be extended beyond one year, and shall not be granted a second time until after seven additional years of service. In granting a sabbatical leave, the Department shall consider, among other things, the following:

(1) The nature and length of professional study, research or other activity proposed by the applicant;

(2) The applicant's seniority, provided that seniority shall not be the dominant factor in granting sabbatical leave; and

(3) The relationship of the proposed activity to the Department's needs and priorities.

Source: S.L. No. 4L-123-99 §4-4, 9/1/99

**§1-125. Conditions of sabbatical leave.** — A teacher on sabbatical leave shall devote at least one-half of the leave to the professional study, research or other activity approved by the Department. The Director shall establish guidelines and criteria governing the eligibility and approval of professional study, research or other activity. It shall be a condition of granting a sabbatical leave to a teacher that a contract shall be entered into which shall provide for the following:

(1) That the teacher agrees to return to serve in the Department for not less than two years, within six months after termination of the sabbatical;

(2) That upon failure of the teacher to comply with Subsection (1) of this section, the teacher agrees to reimburse the Department, within four years, for all salary paid while on sabbatical, and to forfeit the four payments retained by the Department pursuant to §1-125;

(3) That upon failure of the teacher to comply with Subsection (2) of this section, the teacher's teaching certificate shall be cancelled by the Department; and

(4) Any other provision deemed necessary by the Director to be included in the contract.

Source: S.L. No. 4L-123-99 §4-5, 9/1/99

**§1-126. Pay while on sabbatical.** — A teacher on sabbatical leave shall be paid in the same amount and frequency as if not on sabbatical; PROVIDED that the last four bi-weekly installments shall be retained until the teacher has satisfied §1-124(1). A teacher on sabbatical may engage in outside employment, so long as it does not interfere with the teacher's obligations under §1-124.

Source: S.L. No. 4L-123-99 §4-6, 9/1/99

**§1-127. Teachers' conventions.** — The Department may establish, sponsor, or maintain one or more teachers' conventions or institutes, or it may authorize or permit their establishment, sponsorship, or maintenance by or among its teachers, and it may direct and authorize the attendance of teachers thereat, as a part of their duties, and it may close schools or suspend specific classes at specified, limited times to permit teacher attendance at the conventions or institutes.

Source: S.L. No. 4L-123-99 §4-7, 9/1/99

**§1-128. Request to leave campus.** — All public school principals, upon the written request of the parent, guardian, or other person having the care and control of any student attending a public school, shall permit such student to leave the school campus during intermissions. The Department, or any principal, shall not be held liable for the actions of the student while off campus.

Source: S.L. No. 4L-123-99 §4-8, 9/1/99

**§1-129. Fees and charges.** —

(1) No tuition, equipment, supply, or other fees shall be charged against any student in a public school, except that the Department may charge and collect special fees and charges from students for extra-curricular activities.

(2) Fees and charges collected from students for extra-curricular activities shall be deposited into insured checking or savings accounts and expended by each school pursuant to rules adopted by the Department.

(3) Every student shall be responsible for breakage, damage, loss or destruction of public school books, supplies or property and shall be responsible for restitution to the school by payment of the replacement cost. All agreements to make restitution shall be made with the parents, guardian or other adult person having the care and control of the student. All such agreements shall be in writing and signed by the student, the appropriate adult having care and control of the student, and the school principal. If full and complete restitution is made, then the entire matter shall be at an end. If no agreement is reached, or an agreement is breached and not completely performed, then the principal shall refer the matter to the Director for further action.

(4) Nothing in this section shall prevent the Department from electing to bring an appropriate legal action for the recovery of all damages, or the referral of the matter to the Office of the Attorney General to pursue criminal charges.

(5) Fees and charges collected in restitution shall be used for the replacement of property damaged or destroyed, subject to rules adopted by the Department governing its deposit and use.

Source: S.L. No. 4L-123-99 §4-9, 9/1/99; S.L. No. 5L-14-00 §3-34, 10/1/00

**§1-130. Escheat of student class activity accounts.** — Student class activity accounts left on deposit with the Department shall escheat to the state five years after graduation of the class, and shall be deposited by the Department to the general fund of the Treasury.

Source: S.L. No. 4L-123-99 §4-10, 9/1/99

**§1-131. No corporal punishment.** — No physical punishment of any kind shall be inflicted upon a student, but reasonable force may be used by a Department employee to restrain a student, in attendance, from inflicting harm on self or others, or from damaging property.

Source: S.L. No. 4L-123-99 §4-11, 9/1/99

**§1-132. Eviction from school.** —

(1) If a student becomes a detriment to the morals or discipline of the school attended, the student may be evicted from the school by the principal, with the approval of the Director. An appeal to the Director may be taken on behalf of the student within ten days after eviction. The form and resolution of the appeal shall be informal, and need not be in writing.

(2) The Department shall seek the active participation of other public and private agencies in providing help to such students both before and after eviction from school.

Source: S.L. No. 4L-123-99 §4-12, 9/1/99

**§1-133. Eviction from secondary school for low grades.** — Any secondary school student whose work, for any semester, is below passing in subjects representing half or more of the student's credit hours, shall be placed on scholastic probation. If the student continues on probation for a second

consecutive semester, the student shall be evicted from school. Such a student may be reinstated if it is shown that the student has satisfactorily completed remedial work in the appropriate subjects.

Source: S.L. No. 4L-123-99 §4-13, 9/1/99

**§1-134. Public use of school facilities.** — The public shall be allowed to use public school facilities for lawful purposes at reasonable hours when the facilities are not in use by the Department. Any one wishing to do so shall submit a request in writing to the appropriate school principal, who may, with the approval of the Director or his designee, issue a permit. The Director may prescribe reasonable fees and charges for the use of public school facilities and shall ensure that the state is indemnified against any damage or loss on account of the use of the facilities by others.

Source: S.L. No. 4L-123-99 §4-14, 9/1/99

**§1-135. Use of school facilities for after-school care.** — The Department, in cooperation with the appropriate school principal, may enter into agreements pursuant to §1-133 by which public school facilities may be used for the operation of after-school child care programs. Such agreements shall hold the Department free from liability for such operation.

Source: S.L. No. 4L-123-99 §4-15, 9/1/99

**§1-136. Matching students to curriculum.** — The Department shall group students in accordance with their capabilities and educational needs, and regulate the courses of study to be pursued in all grades of public schools and shall classify them by such methods as it shall deem proper; PROVIDED that the course of study and instruction in the first eight grades shall include studies of the language and the traditions and customs of the area where the school is located.

Source: S.L. No. 4L-123-99 §4-16, 9/1/99

**§1-137. Substance abuse education.** — The Director, in consultation with the Department of Health Services and such other agencies and entities which may provide guidance and assistance, shall issue such rules and directives as may be necessary to require the incorporation into the curriculum of all primary and secondary schools lessons on the harmful effects of substance abuse of the commodities covered by Title 66, Chapter 1 and §3-101.

Source: S.L. No. 4L-123-99 §4-17, 9/1/99

**§1-138. School lunch program.** — There shall be a school lunch program under which school lunches shall be made available without cost to every student in every secondary school where students are on campus for two hours or more prior to noon, and, for two hours or more after noon; PROVIDED that the Department may extend the school lunch program to the primary schools of the state in similar situations upon a finding of sufficient monies and other resources to carry out the program at the primary level.

Source: S.L. No. 4L-123-99 §4-18, 9/1/99

**§1-139. Financing for school lunch program.** —

(1) The Department shall provide in its annual budget submission a separate item for the financing of the school lunch program which shall describe in detail, the costs involved and the extent and level of service to be provided.

(2) The Governor, subject to applicable statutes controlling the request, receipt, and use of grants and other financial assistance, may receive and expend such grants and assistance as may be available to the state for the school lunch program.

(3) The Director, in conjunction with the Governor, shall submit an annual report to the Legislature on or before October 15 detailing all financial activities of the school lunch program for the preceding fiscal year.

Source: S.L. No. 4L-123-99 §4-19, 9/1/99

**§1-140. Dormitory students.** — The Department shall provide room and board without cost to students domiciled in the outer islands of the state and in such other remote areas as may be prescribed by the Board of Education, for attendance at the public secondary schools of the state.

Source: S.L. No. 4L-123-99 §4-20, 9/1/99

**§1-141. Nutritionist.** — The Director may appoint a trained and experienced nutritionist to create healthful, appropriate menus for the school lunch program and for meals for dormitory students, provide advice to food service employees, and speak to students on nutrition. The salary for the position shall be as provided by law.

Source: S.L. No. 4L-123-99 §4-21, 9/1/99

**§1-142. Authorization to transport students.** — The Department is authorized to provide suitable transportation to and from school, inclusive of passage on public transportation to the outer islands for dormitory students, and for field trips and other authorized activities for all public school students, including those in specialized education classes.

Source: S.L. No. 4L-123-99 §4-22, 9/1/99

**§1-143. School bus contracts.** — The Department is authorized to enter into contracts with private contractors for the transportation of students. Any such contract shall require that the transporting vehicles, and operators thereof, meet all requirements of law.

Source: S.L. No. 4L-123-99 §4-23, 9/1/99

**§1-144. Regulation of private schools.** — Every private school shall be subject to regulation by the Department. The Board of Education shall prescribe uniform, minimum standards for the certification of the principals, teachers, and curriculum of private primary and secondary schools operating within the state, which standards shall be in substantial conformance with the standards applicable to the principals, teachers and curriculums of the public schools of this state. Private school premises shall also be held to comply with state standards with regard to sanitation and public safety.

Source: S.L. No. 4L-123-99 §5-1, 9/1/99

**§1-145. Permitting procedure.** — No person or group of persons may operate a private school within the jurisdiction of the state of Pohnpei without first obtaining a permit therefore under §§1-143 through 1-146.

(1) Any person desiring to so operate a private school shall submit a signed application to the Board. The application shall state:

- (a) The proposed name of the school;
- (b) The names of the persons seeking to establish the school;
- (c) The proposed location of the school;
- (d) The proposed enrollment and grade levels of the school;
- (e) The courses of instruction proposed to be offered;
- (f) The language or languages of instruction;
- (g) The proposed school's mission, purpose, and philosophy; and
- (h) Such other information as the Department may require.

(2) Upon the approval of the application, the Board shall issue a permit authorizing the operation of the school.

(3) A permit shall be valid for a period of five years, and may be renewed in the same manner as it was originally issued.

(4) Any private school already established under a valid charter recognized by the Department of Education on the effective date of this chapter [*September 1, 1999*] shall be deemed to have received a permit on the effective date of this chapter, and may request the Department to issue a document signifying the same.

Source: S.L. No. 4L-123-99 §5-2, 9/1/99

**§1-146. Denial, suspension or revocation of a permit. —**

(1) Failure to meet the standards required of private schools, allowing persons without certification to serve as principals or teachers within the school, or failure in any way to comply with state law, shall be cause for refusal to issue a permit, or for the suspension or revocation of a permit.

(2) The Board shall prescribe rules and regulations for the enforcement of this section, which rules and regulations shall provide for prior notice of intent to deny, suspend or revoke a permit, opportunity to be heard, and, where appropriate, the opportunity to cure the deficiency without resort to denial, suspension or revocation of the permit.

Source: S.L. No. 4L-123-99 §5-3, 9/1/99

**§1-147. Annual report. —** Private schools shall submit an annual report to the Department in a form established by the Department. Failure to comply with this requirement shall constitute an offense punishable by a fine of not more than \$100 for each offense.

Source: S.L. No. 4L-123-99 §5-4, 9/1/99

**§1-148. Transition. —**

(1) Members of the Board of Education, appointed under the authority of S.L. No. 2L-92-89 and serving on the effective date of this chapter [*September 1, 1999*], shall continue to serve as members of the Board for the remainder of the term of the current Governor.

(2) Departmental rules, regulations, and standards for the certification of educational personnel, the management of students, and the permitting and operation of schools in effect on the effective date of this chapter [*September 1, 1999*] shall remain effective until superseded by rules, regulations, and standards issued under the authority of this chapter.

(3) Principal and teacher certificates issued before the effective date of this chapter [*September 1, 1999*] shall remain valid for the period prescribed therefore, but not to exceed five years from the effective date of this chapter.

(4) The Governor shall issue appropriate executive orders as may be necessary to effect a smooth transition from prior law to the law hereby enacted.

Source: S.L. No. 4L-123-99 §7-2, 9/1/99

**§1-149. Effective date. —** Upon its approval by the Governor, or upon its becoming law without such approval, this chapter shall take effect upon the date announced by the Governor for the commencement of the 1999-2000 school year [*see note*].

Source: S.L. No. 4L-123-99 §7-3, 9/1/99

Notes: 1. Governor's Office does not have a record of announcement. Department of Education indicates school year began on September 1, 1999. 2. S.L. No. 4L-123-99 §7-1 severability provision has been omitted.

Extended legislative history: S.L. No. 2L-92-89 3/26/89 was repealed in its entirety by S.L. No. 4L-123-99 §6-2, 9/1/99; PDC §8-1(a), 3/71 was amended by D.L. No. 3L-9-72 §1, 5/24/72; PDC §8-2(b), 3/71 was amended by D.L. No. 3L-34-72 §1, 7/6/72 and D.L. No. 3L-69-73 §1, 10/30/73; PDC §8-2(a) & (c), 3/71 was amended by D.L. No. 3L-26-72 §1, 6/8/72, D.L. No. 3L-34-72 §1, 7/6/72, D.L. No. 3L-58-73 §19, 5/29/73, and further amended by D.L. No. 3L-69-73 §2, 10/30/73; PDC §8-1 & 8-2 were repealed in their entirety by S.L. No. 4L-123-99 §6-2, 9/1/99; S.L. No. 2L-63-88, 10/1/88 was repealed in its entirety by S.L. No. 4L-123-99 §6-2, 9/1/99; S.L. No. 3L-63-94 §9, 8/15/94 was repealed by S.L. No. 4L-123-99 §6-2, 9/1/99; Title 41 of the Trust Territory Code was superseded in its entirety by S.L. No. 4L-123-99 §6-1, 9/1/99.

## CHAPTER 2 SPECIAL EDUCATION

### Section

2-101 Short title	2-105 Pohnpei State responsibility
2-102 Statement of policy	2-106 Procedure to ensure efforts
2-103 Definitions	2-107 Funding
2-104 Administration	

**§2-101. Short title.** — This chapter is known and may be cited as the “Pohnpei Special Education Act of 1998.”

Source: S.L. No. 4L-87-98 §1, 11/19/98

**§2-102. Statement of policy.** — The Pohnpei Legislature, in recognition of the obligation of the Pohnpei State Government to provide free public education to Pohnpeian citizens, as stated in Article 7 §3(1) of the Pohnpei Constitution, and in further recognition of the obligation of Pohnpei to provide educational opportunities to all children of Pohnpei, which education will lead those children into fulfilling and productive lives, hereby declares that it is the policy of Pohnpei State and the purpose of this chapter to provide the means for the free education of children with disabilities, and that, insofar as it is appropriate, to provide disabled children with necessary supplementary services offered by the Department of Education in regular classrooms, and in each educational institution in Pohnpei through the rendering of services directly to children with disabilities, and through the provision of consultancy services to regular classroom teachers.

Source: S.L. No. 4L-87-98 §2, 11/19/98

**§2-103. Definitions.** — As used in this chapter, unless the context otherwise requires:

(1) “Children with disabilities” includes those individuals from birth through age 21 who are evaluated as having mental retardation; hearing impairments, including deafness; speech or language impairment; visual impairment, including blindness; 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.

(2) “Director” means the Director of the Department of Education.

(3) “Special education” means instructional or other services necessary to assist children with disabilities. Special education is specially designed instruction, offered at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted:

- (a) In the classrooms;
- (b) In the home;
- (c) In hospitals and institutions;
- (d) In other settings; and
- (e) In physical education.

Source: S.L. No. 4L-87-98 §3, 11/19/98

**§2-104. Administration.** —

(1) There is hereby established in the Department of Education a Special Education Program that shall be headed by the Chief of the Special Education Program, who will be qualified by education, training, and experience to take responsibilities for and give direction to the programs in Pohnpei State relating to the education of children with disabilities.

(2) The Director of the Department of Education shall establish and make such studies, surveys, evaluations, policies, and rules and regulations as are necessary to carry out the intent of this chapter.

(3) The Director of the Department of Education shall submit to the Governor and the Legislature 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 the United States Individuals with Disabilities Education Act (P.L. No. 101-476).

Source: S.L. No. 4L-87-98 §4, 11/19/98

**§2-105. Pohnpei State responsibility.** — On or before July 1 of each year, the Director of the Department of Education shall report to the Governor on the extent to which the Department is providing special education for children with disabilities that is necessary to implement this chapter. The report shall detail the means that Pohnpei State uses to provide for the free, appropriate, special education of children with disabilities.

Source: S.L. No. 4L-87-98 §5, 11/19/98

**§2-106. Procedure to ensure efforts.** — The Director of the Department of Education, in consultation with the Director of the Department of Health Services, and the Director of the Pohnpei Family Headstart Program shall establish a procedure to ensure the ongoing education, identification, location, and evaluation of children with disabilities. The Director of the Department of Education shall establish a procedure by which a child shall be re-evaluated every three years.

Source: S.L. No. 4L-87-98 §6, 11/19/98

**§2-107. Funding.** — The Pohnpei Special Education Program may be supported by the Pohnpei State Government or foreign assistance. The use of such funds shall be in compliance with the criteria set forth in grant awards or Pohnpei state law.

Source: S.L. No. 4L-87-98 §7, 11/19/98

### CHAPTER 3 TRUANCY

#### Section

3-101 Truancy

3-102 Contributing to the truancy of a minor

#### **§3-101. Truancy. —**

(1) If any minor, for whom school attendance is compulsory under the Education Act, 18 PC 1-111, is habitually absent from school without good cause, the minor shall be guilty of truancy and shall be required to attend counseling sessions administered by the Department of Education. Any such minor 14 years of age and over shall also be required to perform up to two hours of community service for each school day, or fraction thereof, for which the minor has been absent without good cause.

(2) Any proceeding under this section shall be a juvenile offender proceeding under Chapters 6 and 7 of Title 52.

Source: S.L. No. 3L-89-95 §6-24, 4/6/95

Note: §6-24 was inserted by S.L. No. 4L-123-99 §6-6, 9/1/99.

#### **§3-102. Contributing to the truancy of a minor. —**

(1) If any minor, for whom school is compulsory under the Education Act, 18 PC 1-111, is habitually absent from school without good cause, the minor's parents, guardian, or other adult person responsible for the minor is guilty of contributing to the truancy of a minor, and shall be required to attend counseling sessions administered by the Department of Education, and shall also be required to perform up to four hours of community service for each school day, or fraction thereof, for which the minor is absent from school without good cause.

(2) Any proceeding under this section shall be consolidated with a juvenile offender proceeding under §3-101.

Source: S.L. No. 3L-89-95 §6-25, 4/6/95

Note: §6-25 was inserted by S.L. No. 4L-123-99 §6-6, 9/1/99.

### CHAPTERS 4 – 9 [RESERVED]

## CHAPTER 10 EDUCATION FINANCES

### SUBCHAPTER I GENERAL

#### Section

10-101 Summer school scholarships: authorization for appropriation; administration	10-106 Vocational rehabilitation: authorization for appropriation; administration
10-102 Student family allowance: authorization for appropriation; administration	10-107 Financial assistance to nonpublic schools: authorization for appropriation; capital infrastructure grants; administration
10-103 Agricultural training in elementary schools: authorization for appropriation; administration	10-108 Aramas Kapw program: authorization for appropriation; administration
10-104 Vocational education for women: authorization for appropriation; administration	10-109 – 10-120 [Reserved]
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### SUBCHAPTER II POST-SECONDARY EDUCATION SCHOLARSHIPS

10-121 Purpose	10-128 Recipient general requirements
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### SUBCHAPTER III POHNPEI STUDENT LOAN REVOLVING FUND

10-141 Short title	10-148 Establishing the student loan revolving fund
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## SUBCHAPTER I GENERAL

### **§10-101. Summer school scholarships: authorization for appropriation; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum for the Legislature summer school fund, that shall be used for summer school programs outside of Pohnpei. This fund shall be used for tuition, school materials, and room and board. All sums herein authorized for appropriation shall be expended and administered by the Governor solely for the purposes specified in this section.

(2) The Governor and/or his designated representative shall make notice to the entire state that there are funds available for summer school. The Pohnpei Scholarship Board shall review the applications and make selections in accordance with the applicant's requests and needs and the availability of funds.

Source: PDC §8-4, 3/71; D.L. No. 3L-58-73 §22, 5/29/73

**§10-102. Student family allowance: authorization for appropriation; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum to provide for a family allowance for those students who are studying outside the Federated States of Micronesia and receiving scholarships funded by the Legislature or are working to earn the payment for their room and board and tuition. This family allowance is to help the families of students who are residing in Pohnpei. For the purposes of this section, “family” is defined as the lawful spouse and children of students specified in this section.

(2) All sums herein authorized for appropriation shall be expended and administered by the Governor solely for the purposes specified in this section. The Governor shall designate those students who are entitled to an allowance under this section. The designation shall be based on the financial status of the applicant. An allowance of \$5 per month shall be given to each of the student’s dependents, which allowance shall be limited to four dependents. The Governor shall report to the Legislature the number of families receiving this allowance and the needs that might arise.

Source: PDC §8-5, 3/71; D.L. No. 3L-58-73 §23, 5/29/73

**§10-103. Agricultural training in elementary schools: authorization for appropriation; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined annually in the Comprehensive Budget Act for the purpose of subsidizing agricultural training programs in the public and private elementary schools of Pohnpei State.

(2) The sum or sums herein authorized for appropriation shall be administered and expended by the Governor upon the evaluation of program requests from individual elementary schools solely for purposes specified in this section. The Governor shall submit a report during each regular session of the Legislature on the expenditure of the sums herein authorized for appropriation. Any funds remaining unexpended on September 30 each year shall revert to the general fund of Pohnpei.

Source: D.L. No. 3L-100-74 §§1 & 2, 11/14/74; D.L. No. 4L-136-78 §34, 3/27/78

**§10-104. Vocational education for women: authorization for appropriation; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum to be determined annually in the Comprehensive Budget Act for vocational education training for women. Any individual educational institution, public or private, that desires to use the sum herein authorized may submit its request for use of the fund to the Board of Education for approval in accordance with guidelines and procedures established and promulgated by the Director of the Department of Education. The said request shall contain the types of programs the institution will offer to women, the number of women the institution anticipates to enroll, and expenses for which the requested sum shall be used.

(2) The sum herein authorized for appropriation shall be administered and expended by the Director of the Department of Education, upon the approval of the Board of Education, solely for the purpose stated in Subsection (1) of this section. The Director of the Department of Education shall report to the Legislature on or before October 15 each year on all matters concerning the expenditure of the sum authorized for appropriation by this section.

Source: D.L. No. 4L-133-78 §§1 & 2, 3/10/78

**§10-105. Student vocational arts: authorization for appropriation; administration. —**

(1) There is hereby established a student vocational arts products fund for the purpose of funding the vocational arts activities and social events of students involved in vocational projects in the public schools of this state.

(2) Sums deposited in the various accounts of the fund are hereby authorized and continually appropriated and may be expended directly by the Director or designated representative solely for the

purposes stated in Subsection (1) of this section and for the project or activity from which the deposits were generated without further operation of law.

(3) The fund created by this section shall be under the administration of the Director of the Department of Education. Revenues and other receipts generated from student vocational activities sponsored by public schools shall be deposited in the fund in such account or accounts as the Director may from time to time establish. The Director may delegate control of the respective accounts within the fund to Department of Education personnel or bona fide student organizations as he deems appropriate; PROVIDED that expenditures therefrom may be made only for purposes authorized by Subsection (1) of this section and for the project or activity from which the deposits were generated. The Director shall file with the Governor an annual report within 30 days following the close of each school year as to all deposits and expenditures of the fund for the previous school year. Such reports shall be made available for public inspection.

Source: S.L. No. 2L-96-81 §§1 – 3, 11/24/81

**§10-106. Vocational rehabilitation: authorization for appropriation; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei and such funds in the Treasury for which Compact §221(b) monies are deposited a sum or sums to be determined annually in the Comprehensive Budget Act for the purpose of providing state matching funds for the vocational rehabilitation program.

(2) All sums herein authorized for appropriation shall be administered and expended by the Governor solely for the purpose stated in Subsection (1) of this section. The Governor shall report to the Legislature on or before October 15 each year on all matters concerning the expenditure of the sum or sums herein authorized for appropriation. Any balance of the sum appropriated under the authorization of this section not expended or obligated for expenditure on September 30 each fiscal year for which appropriated shall revert to such fund of the Treasury from which it was appropriated.

Source: S.L. No. 2L-150-82 §§1 & 2, 11/19/82; S.L. No. 2L-21-88 §§1 & 2, 6/13/88

**§10-107. Financial assistance to nonpublic schools: authorization for appropriation; capital infrastructure grants; administration. —**

(1) The purpose of this section is to provide financial assistance to nonpublic schools.

(2) There is hereby authorized for appropriation a sum or sums to be determined annually in the Comprehensive Budget Act, or so much thereof as may be necessary, from such funds of the Treasury as are identified in the Comprehensive Budget Act solely for the purposes specified in this section; PROVIDED that the sums herein authorized for appropriation are limited to nonreligious educational purposes.

(3) Except as provided under the terms of Subsection (4) of this section, all sums appropriated under the authorization of this section shall be allocated among the nonpublic primary and secondary schools within this state based upon a formula for distribution established by the Director of the State Department of Education. The formula shall provide for distribution to the principal or headmaster of each such institution who makes application for assistance under this section no later than November 1 each school year for which the appropriation is made based on that institution's percentage of the total enrollment of students in said nonpublic schools within the state who have so applied on the first day of the school year for which the appropriation is made.

(4) In addition to such student enrollment assistance as may be provided to nonpublic schools as prescribed by Subsection (3) of this section, the Legislature, from time to time, may appropriate such monies from such funds of the Treasury as may be identified annually in the Comprehensive Budget Act to assist nonpublic schools within the state in financing not more than fifty percent (50%) of the overall cost of projects having an overall value of at least \$50,000 for the construction and major repair of the capital infrastructure of said nonpublic schools situated within the state. Upon the appropriation of monies under this section, the Director of the Department of Education shall promptly

announce to the nonpublic schools of this state that such monies have been made available and extend an invitation to such schools to make application for the use of said monies as matching grants for monies made available by or on behalf of such nonpublic schools from other sources for capital infrastructure projects being undertaken by said schools. Applications for the use of said monies shall be filed with the Director of the Department of Education, who shall promptly cause a review thereof, paying close attention to the enrollment of the applicant schools, their service to the state and the local community, their long-term development plans, their immediate needs for capital infrastructure and the availability and sufficiency of monies to be provided by or on behalf of the school to match those funds as may be offered by the Pohnpei Government under the terms of this section. Following said review and after consulting with the Board of Education as to the Department's analysis of the applications, but no later than 15 working days after the due date for the filing of such applications, the Director shall recommend to the Governor that one or more awards be made to nonpublic schools to finance such portions of the application requests as the Director deems advisable. Within five working days following the receipt of the recommendations of the Director, the Governor shall announce the award of such grant assistance to such nonpublic schools, and such terms and conditions thereof, as the Governor, in his discretion, determines to be in the best interest of fair, balanced, and coordinated development of the infrastructure of the nonpublic education institutions within the state; PROVIDED, HOWEVER, that each award made by the Governor under this section shall require that, before monies are paid out under the award, the grantee shall show to the satisfaction of the Director of Treasury and Administration that an amount equal to or greater than the requested payment has, in fact, been expended on the project from sources other than such grants as may be awarded under the terms of this section by or on behalf of the grantee.

(5) The sums herein authorized for appropriation shall be administered and expended by the Governor solely for the purpose specified in Subsection (1) of this section. Allocations to specific schools shall be withheld until specific justifications are submitted to the Governor by the principal or headmaster thereof and the Governor is satisfied that none of the expenditures and proposed obligations for expenditures are intended for religious purposes. The Governor shall report to the Legislature on or before October 15 each fiscal year on all matters concerning the administration and expenditure of the sums herein authorized for appropriation by this section for the previous fiscal year. The balance of any sum appropriated under the authorization of this section for a fiscal year not expended or obligated on September 30 each fiscal year shall revert to such fund of the Treasury from which it was appropriated.

Source: S.L. No. 3L-45-84 §§1 – 4, 10/9/84; S.L. No. 2L-20-88 §§1 & 2, 6/13/88; S.L. No. 4L-46-97 §§1 – 3, 7/25/97

**§10-108. Aramas Kapw program: authorization for appropriation; administration. —**

(1) There is hereby authorized for appropriation from the general fund of Pohnpei or such fund of the Pohnpei Treasury into which Compact of Free Association capital account monies are deposited a sum or sums to be determined annually in the Comprehensive Budget Act for the operations of the Aramas Kapw Program of Micronesia Bound, Inc.

(2) The sum herein authorized for appropriation shall be administered and expended by the Governor solely for the purpose stated in Subsection (1) of this section. The Governor shall report to the Legislature on or before October 15, following each fiscal year wherein sums are appropriated under the authorization of this section, on all matters concerning the expenditure of the sums authorized for appropriation by this section. Any balance of the sums appropriated under the authorization of this section not expended or obligated for expenditure on September 30 each fiscal year shall revert to such fund of the Treasury from which it was appropriated.

Source: S.L. No. 1L-101-86 §§1 & 2, 10/1/86; S.L. No. 1L-139-87 §§1 & 2, 7/14/87

**§§10-109 – 10-120. [RESERVED]****SUBCHAPTER II POST-SECONDARY EDUCATION SCHOLARSHIPS**

**§10-121. Purpose.** — The purpose of this subchapter is to provide financial assistance to citizens and legal residents of Pohnpei who are pursuing their education in a field of study specified under this subchapter in post-secondary education institutions on a full-time basis, who are eligible under this subchapter, and who are otherwise financially unable to pursue such education.

Source: S.L. No. 1L-195-87 §1, 11/17/87

**§10-122. Definitions.** — As used herein, unless otherwise indicated by the context:

- (1) “Board” means the Pohnpei Scholarship Board.
- (2) “Compact of Free Association” means the Compact of Free Association between the Federated States of Micronesia and the United States of America.
- (3) “Director” means the Director of the Department of Education.
- (4) “Full scholarship” means an award of financial assistance to cover all related educational expenses for any program of studies leading to a bachelor’s degree or a professional or graduate degree in such fields of high priority as the Director, in view of the Pohnpei Education Plan and the Pohnpei Economic Development Plan, may determine from time to time.
- (5) “Fund” means the Pohnpei Scholarship Fund.
- (6) “Member” means a member of the Pohnpei Scholarship Board.
- (7) “Post-secondary education” means a course of study at an institution of higher education that:
  - (a) Admits as regular students only persons having a diploma from a school providing secondary education or its equivalent;
  - (b) Is legally authorized to provide a program of education beyond secondary level; and
  - (c) Provides an educational program for which it awards a bachelor’s degree; a graduate or professional degree requiring study beyond the bachelor’s degree level; or that provides not less than a two-year program which is acceptable for full credit toward a bachelor’s degree.
- (8) “Scholarship grant” means a yearly award of financial assistance for post-secondary education without an obligation to repay, except through such services in the state interest as may be required pursuant to this subchapter.

Source: S.L. No. 1L-195-87 §2, 11/17/87

**§10-123. Pohnpei Scholarship Fund.** — There is hereby established a Pohnpei Scholarship Fund for the purposes specified in §§10-121 and 10-131. The fund shall be the successor to all assets and liabilities of the State Tuition/Scholarship Fund and the Graduate Student Assistance Loan Fund.

Source: S.L. No. 1L-195-87 §3, 11/17/87

**§10-124. Pohnpei Scholarship Board.** — There is hereby established a Pohnpei Scholarship Board. The Board shall consist of eleven members who shall be appointed by the Governor with the advice and consent of the Legislature. The members of the Board shall be legal residents or citizens of Pohnpei. Each member appointed to the Board shall serve for a term of three years; PROVIDED, HOWEVER, that four of the initial members as designated by the Governor shall serve for a term of two years. A member of the Board may be removed for cause by the Governor. Vacancies on the Board shall be filled in the same manner as the original appointment.

Source: S.L. No. 1L-195-87 §4, 11/17/87

**§10-125. Duties and functions of Board.** — The duties and functions of the Board shall be as follows:

(1) The Board shall have the authority, consistent with this subchapter, to award scholarships out of all available funds;

(2) The Board shall specify the procedures by which applications for scholarships are to be taken and the process by which final decisions on the award of scholarships are to be made;

(3) The Board shall establish eligibility requirements and curricular criteria on which the award of scholarships shall be based, that shall be designed to advance the purposes of the Pohnpei Development Plan by restricting scholarship awards to students pursuing courses of study in subject areas deemed to be high priority by the state government. Subject to §10-131, the Board shall be responsible, in consultation with appropriate officials from state government agencies or departments, for identifying the high priority subject areas of study for Pohnpei. The requirements and criteria established pursuant to this subsection shall also be designed to ensure that only students of high academic achievement or demonstrated capacity to perform well in their chosen fields of study shall be awarded scholarships provided under this subchapter;

(4) The Board may establish any other terms and conditions for the receipt and use of and loss of scholarships;

(5) The Board, through the Director, shall prepare and submit to the Legislature at the end of every school year an annual report on the status of the scholarship funds administered by the Board and the Director pursuant to this subchapter, and an accounting of scholarships awarded, including, but not limited to, the respective fields of study for which the scholarship awards were used for that year; and

(6) The Board shall give due consideration to supporting the growth and development of post-secondary educational institutions within the Federated States of Micronesia in making its decisions on the award of scholarship grants.

Source: S.L. No. 1L-195-87 §5, 11/17/87

**§10-126. Rules and regulations.** — The Board is hereby authorized to issue and promulgate rules and regulations implementing this subchapter, which rules and regulations shall have the force and effect of law. Such rules and regulations shall be subject to the approval of the Director.

Source: S.L. No. 1L-195-87 §6, 11/17/87

**§10-127. Compensation of members.** — Expenditures for travel and per diem of Board members and personnel shall not exceed standard Pohnpei Government rates. Compensation in the amount established in the Government Officers' Salary Act, Title 9 Chapter 4 Subchapter I, as amended or superseded, shall be paid to members who are not employees of the Pohnpei Government when actually performing the functions of the Board, at the direction of the Chairman. Pohnpei Government employees who are members of the Board shall be granted administrative leave while attending Board meetings or performing other official business for the Board.

Source: S.L. No. 1L-195-87 §7, 11/17/87; S.L. No. 4L-25-96 §13, 7/1/97

**§10-128. Recipient general requirements.** — Each recipient of a scholarship provided under this subchapter shall, at the time of the award:

(1) Be a legal resident and citizen of Pohnpei who has been accepted to attend and able to prove such acceptance, or be attending a post-secondary institution as provided under this subchapter;

(2) Anticipate and thereafter enroll in, or be enrolled in an academic program leading to a bachelor's or graduate degree as provided under this subchapter at a United States of America-accredited post-secondary educational institution in the Federated States of Micronesia, the United States of America or its territories and possessions, the Republic of the Marshall Islands or the Republic of Palau; and

(3) Have maintained a satisfactory grade point average as provided by §10-131;

(4) Each student receiving a scholarship provided under this subchapter shall be obligated to work within Pohnpei State for a period not less than the number of years he received such scholarship; PROVIDED that such employment is available.

Source: S.L. No. 1L-195-87 §8, 11/17/87

**§10-129. Scholarship grants.** — All scholarship grants shall be made and approved by the Board with final signing by the Director. All awards made under this section shall be for a term of one year and may be renewed each year thereafter; PROVIDED that such awards shall be limited to students who meet all the eligibility requirements provided under §10-128.

Source: S.L. No. 1L-195-87 §9, 11/17/87; S.L. No. 7L-49-09 §1, 10/26/09

**§10-130. Duties of recipient.** — Each recipient shall be responsible to ensure the following:

(1) That the proper school authorities submit documentation necessary for verification of their qualifications under this subchapter; and

(2) That a report, accompanied by a certificate from an appropriate official at the institution that the student is attending, stating that the student is making satisfactory progress in, and is devoting essentially full-time to study or research relevant to his designated field of study along with any other information deemed necessary by the Board is filed at such times as the Board determines.

Source: S.L. No. 1L-195-87 §10, 11/17/87

**§10-131. Full scholarship.** — Because of the desirability of encouraging young people to provide service in the highest and best tradition in our striving to develop Pohnpei State for and by its own people, it is especially appropriate at this time to create and establish educational scholarship programs to develop increased opportunities for young Pohnpeians to prepare and pursue careers in areas that serve the public.

(1) In establishing eligibility requirements and curricular criteria pursuant to §10-125, on which the selection of awards of full scholarships shall be based, the Board shall ensure that only applicants of exceptionally high academic achievement or demonstrated capacity to perform well in their chosen field of study, shall be awarded full scholarships; PROVIDED that each recipient pursuing an undergraduate degree under this section must maintain a grade point average of at least 2.5 and that each recipient pursuing a professional or graduate degree in their fields of study must maintain a grade point average of 3.00 or its equivalent.

(2) Each full scholarship awarded under this section shall not exceed the cost for tuition, fees, books, room and board, and transportation costs to and returning from studies at the end of each academic year, including emergency expenses as defined by the Director, and a monthly pocket allowance of not more than \$50 for students with one or two dependents and \$100 for students with three or more dependents.

Source: S.L. No. 1L-195-87 §11, 11/17/87

**§10-132. Authorization for appropriation; administration.** — There is hereby authorized for appropriation from the general fund of Pohnpei or such other funds in the Treasury into which Compact of Free Association monies are deposited a sum or sums to be determined annually in the Comprehensive Budget Act for the State Scholarship Fund. The fund shall be entitled to receive monies from other sources. The sum herein authorized and such other monies as are received by the fund shall be administered and expended by the Director of the Department of Education solely for the purposes specified in §§10-121 and 10-131. Any sums appropriated by the Legislature under this authorization shall remain available until fully expended.

Source: S.L. No. 1L-195-87 §12, 11/17/87

Note: S.L. No. 1L-195-87 §13 transition provision has been omitted.

Extended legislative history: PDC §8-3, 3/71; PDC §8-3(a) was amended by D.L. No. 3L-58-73 §20, 5/29/73 and D.L. No. 3L-113-75 §1, 5/26/75; PDC §8-3(b) was amended by D.L. No. 3L-58-73 §21, 5/29/73; S.L. No. 1L-12-

79 §1, 1/1/80 repealed all of PDC §8-3 and inserted a new PDC §8-3; PDC §8-3(4) was amended by S.L. No. 1L-149-87 §1, 7/14/87; S.L. No. 1L-195-87 §14(1), 11/17/87 repealed PDC §8-3 in its entirety; S.L. No. 1L-144-87 §1, 7/14/87 amended D.L. No. 4L-42-76 §8, 5/25/76, relating to the Graduate Financial Assistance Loan Fund; S.L. No. 1L-195-87 §14(2), 11/17/87 repealed D.L. No. 4L-42-76 in its entirety.

## §§10-133 – 10-140. [RESERVED]

### SUBCHAPTER III POHNPEI STUDENT LOAN REVOLVING FUND

**§10-141. Short title.** — This subchapter is known and may be cited as the “Pohnpei Student Loan Revolving Fund Act of 1987.”

Source: S.L. No. 1L-156-87 §1, 7/29/87

**§10-142. Purposes.** — It is important to the growth of our new state that we identify and educate more of the talented young men and women of Pohnpei in order to provide the fullest development of their mental resources and technical skills. The purpose of this subchapter is to establish an ongoing fund to provide long-term low-interest loans from a revolving fund to qualified students who are in need of such financial assistance in order to pursue a full-time course of study at an institution of higher education.

Source: S.L. No. 1L-156-87 §2, 7/29/87

**§10-143. Administration of fund.** — The fund herein established shall be administered and expended by the Director of the Department of Education, or his designee, solely for the purposes specified in this subchapter.

Source: S.L. No. 1L-156-87 §3, 7/29/87

**§10-144. Definitions.** — As used herein, unless otherwise indicated by the context:

- (1) “Academic year” means the number of credit hours that a student must acquire during any one school year in order to secure the degree or certificate toward which he or she is working in the number of semesters or terms normally taken therefor at the institution where he or she is pursuing a course of study.
- (2) “Director” means the Director of the Department of Education.
- (3) “Full-time student” means a student who is carrying a full-time academic workload in terms of course work or other required activities as determined by the institution.
- (4) “Full-time attendance” means compliance by a full-time student with policies and regulations regarding attendance in effect at the institution in which he or she is enrolled.
- (5) “Fund” means the Pohnpei Student Loan Revolving Fund established by §10-148.
- (6) “Institution of higher education” means an educational institution that:
  - (a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education;
  - (b) Is legally authorized to provide a program of education beyond secondary education;
  - (c) Provides an education program for which it awards a bachelor’s degree or provides not less than a two-year program that is acceptable for full credit towards such a degree;
  - (d) Is a public or other nonprofit institution; and
  - (e) Is accredited by a recognized accrediting agency approved by the Director or is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited for credit on the same basis as if transferred from an institution so accredited.

(7) “Professional” or “graduate student” means, in general, a student who is enrolled in an academic program of instruction above the undergraduate level that is provided at an institution of higher education. The term includes:

- (a) That portion of any program involving a period of study beyond four academic years of study at the college level; or
- (b) Any portion of a program leading to:
  - (i) A degree beyond the bachelor’s or first professional degree; or
  - (ii) A first professional degree when at least three years of study at the college level are required for entrance into a program leading to such degree.

(8) “Satisfactory standing” and “good standing” mean the eligibility of a student to continue in attendance at the institution where he or she is enrolled as a student in accordance with the institution’s standards and practices.

Source: S.L. No. 1L-156-87 §4, 7/29/87

**§10-145. Eligibility.** — Loans shall be made only to a student who:

- (1) Is a citizen or legal resident of Pohnpei State;
- (2) Is in need of the amount of the loan to pursue a course of study on a full-time basis as an undergraduate, graduate or professional student at an institution of higher education; and
- (3) Has been accepted for enrollment as a full-time student at an institution of higher education, or in the case of already attending such an institution, is in good standing at such institution and is carrying a full-time academic workload.

Source: S.L. No. 1L-156-87 §5, 7/29/87

**§10-146. Maximum amounts of loans.** — The loans advanced from the fund to an undergraduate student for any academic year or its equivalent may not exceed a total of \$6,000, and further, the total of all such loans to an undergraduate student may not exceed \$24,000. The total of all such loans to an individual student continuing as a professional or graduate student may not exceed \$8,000 for any academic year, or a combined total of \$32,000.

Source: S.L. No. 1L-156-87 §6, 7/29/87

**§10-147. Selection and loan awards.** — Loan awards from the fund shall be made reasonably available, subject to §10-145, to all eligible applicants. In the event applications exceed available funds, the order of selection shall be made on the basis of objective criteria established by the Director. Special consideration shall be given to students with superior academic backgrounds. The Pohnpei Scholarship Board, as established by §10-124, shall determine and make all loan awards with final approval of the Director of the Pohnpei Department of Education. All awards shall be for a term of one year and may be renewed each year thereafter.

Source: S.L. No. 1L-156-87 §7, 7/29/87

Note: S.L. No. 1L-12-79 was repealed by S.L. No. 1L-195-87. See extended history for Subchapter II of this chapter.

**§10-148. Establishing the student loan revolving fund.** — There is hereby established a Student Loan Revolving Fund, hereinafter referred to as the “fund,” separate from the general fund or other funds. All appropriations for student loans pursuant to this subchapter shall be deposited in the fund. In addition, all repayments of principal and interest from loans made from this fund shall be deposited back into the fund for the purposes stated in §10-142. Any unexpended money in this account shall not revert to the general fund or lapse at the end of the fiscal year.

Source: S.L. No. 1L-156-87 §8, 7/29/87

**§10-149. Advancement and repayment of loans. —**

(1) Loan awards from the fund shall be evidenced by a note or other written agreement between the Department of Education and the borrower that provides for repayment of the principal amount, together with interest thereon, in equal installments payable monthly over a period beginning nine months after the date which the borrower ceases to carry the normal full-time academic workload at an institution of higher education, and ending ten years and nine months after such date. Installments need not be paid during any period, aggregating not in excess of three years, during which the borrower is in less than full-time attendance at an institution of higher education but is taking courses which are creditable towards a degree; PROVIDED, HOWEVER, that interest shall continue to accrue during any such period.

(2) Such loan shall bear simple interest on the principal of the loan at the rate of four percent (4%) per annum except that no interest shall accrue before the date on which repayment of the loan is to begin.

(3) Such loan shall be made without security or endorsement except that if the borrower is a minor, endorsement shall be required.

(4) Any student borrower may, at his or her option, and without penalty, repay all or any part of the principal and accrued interest at any time.

(5) In the event that a student who has borrowed from the fund is unable, due to extraordinary circumstances, to comply with his or her obligations to repay the funds loaned to him or her, he or she may apply to the Director for revision of the repayment schedule.

(6) The Director shall assess a late payment charge with respect to a loan on which a student borrower has failed to pay all or part of an installment when it is due. Such late charges shall not exceed \$1 for the first month or part thereof by which an installment is late and \$2 for any month or part of a month thereafter.

Source: S.L. No. 1L-156-87 §9, 7/29/87

**§10-150. Annual report to the Legislature. —** The Director shall prepare and submit an annual report on the status of the fund to the Legislature no later than May 31 each year. This report shall include the total amount of money currently in the fund, the total amount of outstanding current loans, the total amount of repayments collected in the prior fiscal year, the total amount of payments in default in the prior fiscal year, the number of loans made during the prior fiscal year, and such other information as may be appropriate.

Source: S.L. No. 1L-156-87 §10, 7/29/87

**§10-151. Authorization for appropriation; administration. —** There is hereby authorized for appropriation from the general fund of Pohnpei and such funds into which monies of the Compact of Free Association are deposited a sum or sums to be determined annually in the Comprehensive Budget Act for the purpose of financing the Student Loan Revolving Fund established by §10-148. All sums appropriated under the authorization of this section shall remain available until fully expended.

Source: S.L. No. 1L-156-87 §11, 7/29/87

**§10-152. Rules and regulations. —** The Director of the Department of Education shall promulgate regulations, consistent with the contents and intent of this subchapter.

Source: S.L. No. 1L-156-87 §12, 7/29/87

**§10-153. Emergency loan.** — In addition to any other loan awards provided by this subchapter, the Director is hereby authorized to award emergency loans to any student eligible to receive loans pursuant to §10-145, an amount of not more than \$1,000 for financial emergency purposes only. A student may not receive more than one emergency loan in one academic year.

(1) Subject to §10-152, following the effective date of this subchapter [*July 29, 1987*], the Director shall submit to the Governor for his approval, rules and regulations for the issuance of the emergency loan. Such rules and regulations shall provide for, but need not be limited to the following:

- (a) Definition of “financial emergency”;
- (b) Loan notification and disbursement; and
- (c) Loan payment.

(2) Each recipient of an emergency loan shall, at the time of the loan:

- (a) Be attending a post-secondary institution on a full-time basis; and
- (b) Be in an emergency financial crisis as defined by the Director and certified by a financial aid officer of the institution attended.

(3) The Director may, by agreement, negotiate with Federated States of Micronesia agencies or other institutions and individuals to act as advance emergency loan disbursing agents for the student recipient of emergency loans. The Director shall provide for the notification method that the student recipients may utilize in acquiring advance loan disbursements from such agents. The Director shall reimburse the agents for all such amounts advanced to the student recipients including interest where applicable.

Source: S.L. No. 1L-156-87 §13, 7/29/87

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