

CHAPTER 3.**EDUCATION ACT****ARRANGEMENT OF SECTIONS****Section****PART I - PRELIMINARY**

§301. Short Title.

§302. Policy.

§303. Interpretation

PART II- DEPARTMENT OF EDUCATION

§304. Department of Education Established

§305. Minister and Secretary of Education;
Duties and Functions.

§306. Staff.

**PART III- NATIONAL AND LOCAL BOARDS OF
EDUCATION.**

§307. National Board of Education.

§308. Membership; Terms; Vacancies;
Compensation.

§309. Meetings, Bylaws and Procedures.

§310. Functions of the Board.

§311. Local Boards of Education.

§312. Functions of Local Boards.

§313. Local Board Reports.

§314. Department of Education.

**PART IV- EDUCATIONAL POLICIES AND
STANDARDS****Division 1 - Educational Standards**

§315. Goal.

§316. Guidelines.

§317. Curriculum.

§318. Textbooks and Materials.

Division 2 - School Year and Attendance

§319. School Year.

§320. Attendance.

§321. School Attendance Area.

§322. Parent's or Guardian's Responsibility
for Child's Attendance.**Section****Division 3 - Student Progress and Conduct**

§323. Student Assessment and progress.

§324. Secondary Education.

§325. Student Conduct.

**Division 4 - Student Health and Supplementary
Services**

§326. Student Health and Safety.

§327. School Transportation.

§328. Residence Assistance.

§329. Nutrition

§330. School Meal Program.

Division 5 - Teacher Certification

§331. Teacher's Certificates required,

§332. Revocation.

§333. Penalty for Teaching without Certification

§334. Teachers; Effective Date of this Chapter.

§335. Teacher Training Programs.

Division 6 - Nonpublic Schools

§336. Charter Required.

§337. Nonpublic School Attendance

§338. Benefits to Students.

§339. Supervision

Division 7 - Special Education

§340. Statement of Policy.

§341. Supplementary Services.

§342. Procedures.

PART V -EVALUATION AND CERTIFICATION

§343. Comprehensive Needs Assessment Program.

§344. Evaluation of Performance of Each School.

§345. Certification.

§346. Corrective Action Plan

§347. Education Fund

§348. Payments into the Fund.

- §349. Payments Out of the Fund
- §350. Accounts and Records.
- §351. Budget

- §353. Exemptions for Nonpublic Schools.
- §354. Rules and Regulations.
- §355. Effective Date.

PART VII- MISCELLANEOUS

- 352. School Property.

An Act to provide a thorough and efficient system of education serving all of the children of the Republic. [Original section 355, “Education Personnel Management System” repealed by P.L. 2001-45]

| | |
|---------------|----------------|
| Commencement: | 1 January 1992 |
| Source: | P.L. 1991-125 |
| | P.L. 1993-69 |
| | P.L. 1994-99 |
| | P.L. 2001-45 |
| | P.L. 2003-86 |
| | P.L. 2003-93 |

PART I - PRELIMINARY

§301. Short Title.

This Chapter may be cited as the Education Act 1991. [P.L. 1991-125, §1.]

§302. Policy.

The Nitijela of the Marshall Islands declares and recognizes the following:

(1) the right of the people to education and the obligation of the Government to take every step reasonable and necessary to provide these services, consistent with Article II, Section 17 of the Constitution;

(2) the Cabinet’s responsibility for establishing and maintaining such schools and for making such other provision as may be reasonable and necessary to provide educational opportunities for the people of the Marshall Islands, consistent with Article V, Section 1(3)(h) of the Constitution;

(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 children of the Republic; and

(4) that the goal of education in the Republic shall be to foster self-reliance, and that all educational programs and curricula be structured to further this goal. [P.L. 1991-125, §2.]

§303. Interpretation.

As used in this Chapter, unless the context otherwise indicates, the following words have the following meanings.

(1) "Board" or "National Board" means the National Board of Education established under Section 307 of this Chapter.

(2) "Department" means the Department of Education established under Section 304 of this Chapter.

(3) "Handicapped child" includes any person under twenty-one (21) years of age who, because of visual, auditory, language, behavioral, physical or other health problems or any other conditions, as determined by the Ministry, such that the person cannot function in a normal school environment without assistance.

(4) "Local Board" means a Local Board of Education established under Section 311 of this Chapter.

(5) "Minister" means the Minister responsible for Education.

(6) "Ministry" means the Ministry responsible for Education.

(7) "Nonpublic school" means:

(a) a religiously supported school, under college grade, whether or not it receives or has received financial assistance from the Government in accordance with Article II, Section 1(3) of the constitution; or

(b) any other school, under college grade, which normally charges tuition or other fee for attendance.

(8) "Primary school" or "Primary education" means Grades 1 through 8.

(9) "Public school" means a school, under college grade, which derives its support, entirely or in part, from public funds; provided that "public school" does not include a school specified under Subsection 7(a) or (b) of this Section, whether or not such school derives its support from public funds.

(10) "School property" means property of the Ministry of Education, and includes without limitation textbooks and educational supplies, equipment, furniture and tools.

(11) "Secondary school" or "secondary education" means Grades 9 through 12.

(12) "Secretary" means the Secretary of Education.

(13) "Special education" means instructional or other services necessary to assist handicapped children in taking advantage of or responding to educational programs and opportunities. [P.L. 1991-125, §3.]

PART II- DEPARTMENT OF EDUCATION**§304. Department of Education established.**

The Department of Education is hereby established within the Ministry of Education. The Department shall be responsible for the administration and implementation of all elementary and secondary educational programs in the Republic. The Secretary of Education shall be the head of the

Department, and shall be responsible to the Minister of Education. [P.L. 1991-125,§4.]

§305. Minister and Secretary of Education; Duties

(1) The Minister of Education shall have primary responsibility for all areas of education in the Republic. With respect to the Department of Education, the Minister shall be responsible for the following:

- (a) establishing policies for the administration of primary and secondary education in the Republic in accordance with Subsection of this Section;
- (b) appointing the four (4) members of the general public to the National Board of Education, in accordance with Section 308(1);
- (c) issuing nonpublic school charters in accordance with Section 336(2);
- (d) recommending the certification of Local Boards of Education by the Department in accordance with Section 345;
- (e) recommending that Local Boards of Education undertake corrective action plans as necessary to achieve certification in accordance with Section 346;
- (f) withdrawing money from the Education Fund in accordance with Section 349(2);
- (g) receiving budget estimates from the Secretary of Education, in accordance with Section 351;
- (h) adopting rules and regulations to effectively implement this Chapter in accordance with Section 354; and
- (i) performing all other acts, in accordance with this Chapter, regulations promulgated under this Chapter and any other applicable law, that are necessary to carry out the purposes of this Chapter.

(2) The Secretary of Education, under policies established by the Minister, shall administer programs of primary and secondary education and public instruction throughout the Republic, including pre-school health education, cultural education, special education for handicapped children, community education and such other program as may be established. In addition, the Secretary shall be responsible for providing for the following:

- (a) establishing national educational standards;
- (b) the licensing or certification of schools;
- (c) monitoring and evaluating Local Boards of Education and all public and nonpublic schools;
- (d) conducting nationwide student testing, research and planning for program improvement;
- (e) the development of curriculum and instructional materials;
- (f) assistance and support to Local Boards of Education and schools in local governance and school management, including community involvement, administration, instruction, staff development and evaluation;
- (g) special services for students and for the community;
- (h) budget preparation, execution and accounting;

- (i) person certification and employment;
- (j) facilities planning;
- (k) supervision of public secondary schools;
- (l) supervision of public primary schools without certification under the community based governance system;
- (m) coordination of functions and educational services with other agencies of government, private organizations and the community; and
- (n) seeking private grants to improve and expand education and related services in the Republic. [P.L. 1991-125, §5.]

§306. Staff.

The Secretary may provide for the hiring of such administrative, professional, technical and clerical assistance in the performance of the functions of the Department and in the implementation of this Chapter. [P.L. 1991-125, §6.]

PART III - NATIONAL AND LOCAL BOARDS OF EDUCATION

§307. National Board of Education.

The National Board of Education (here in after, “Board” or “National Board”) is hereby established. [P.L. 1991-125, §7.]

§308. Membership; Terms; Vacancies; Compensation.

- (1) The Board shall consist of the following seven (7) members:
 - (a) the Secretary of Education, who shall serve as the Chairman of the Board;
 - (b) the Secretary of Health, or the Secretary’s designee from the Ministry of Health;
 - (c) the President of the College of the Marshall Islands, or the President’s designee from the College; and
 - (d) the following members of the general public to be appointed by the Minister of Education:
 - (i) a representative of a Local Board of Education;
 - (ii) a representative of public schools;
 - (iii) a representative of nonpublic schools; and
 - (iv) a student or parent or guardian of a student.
- (2) The members of the Board appointed under Paragraphs (a) through (c) of Subsection (1) shall serve for the duration of his or her tenure in office. The four (4) remaining members appointed pursuant to Paragraph (d) of Subsection (1) shall serve for a term of two (2) years each, and may be reappointed for one additional term only.
- (3) Vacancies among the members of the general public shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- (4) The members of the general public shall receive such compensation as may be determined

by the Cabinet for all reasonable and necessary expenses incurred in the performance of their duties, including a modest meeting allowance and per diem compensation at established rates for members traveling on official business.

(5) The Board may seek such outside assistance from educational consultants and other experts as needed. [P.L. 1991-125, §8.]

§309. Meetings, Bylaws and Procedures.

(1) The Board shall meet not less than four (4) times per year. The members shall be notified in writing by the Chairman or other person designated by the Board at least one week before the date of any meeting.

(2) Subject to this Chapter and any other law of the Board shall determine its own bylaws, which shall provide for the quorum and the conduct of meetings; the appointment and duties of a Vice-Chairman and Secretary of the Board, and any other matters relating to the Board and its operations and procedures which it deems appropriate. [P.L. 1991-125, §9.]

§310. Functions of the Board.

The Board shall advise the Minister regarding the following areas relating to elementary and secondary education in the Republic:

- (1) public school curricula;
- (2) educational standards;
- (3) teacher certification standards;
- (4) the development of the College of Marshall Islands;
- (5) the budget submissions of the Department of Education;
- (6) standards for the granting of nonpublic school charters;
- (7) the establishment of new public schools;
- (8) national goals, guidelines and standards established under this Chapter;
- (9) requests, comments and recommendations from Local Boards, parent-teacher associations, community-based advisory communities and the general public; and
- (10) rules and regulations promulgated under the authority of this Chapter and make recommendations for amendments where necessary. [P.L. 1991-125, §10.]

§311. Local Boards of Education.

Each Local Government shall form a Local Board of Education (hereinafter, "Local Board") within the jurisdiction of that Local Government in accordance with rules promulgated by the Ministry for their establishment composition and procedures. Each Local Government shall retain fiscal oversight over the Local Board established within its jurisdiction. [P.L. 1991-125, §11.]

§312. Functions of Local Boards.

Each Local Board shall have the following functions:

(1) under community-based governance of schools, each Local Board shall oversee the operation of local public schools within that local government jurisdiction in accordance with the specifications of a memorandum of understanding with the Ministry and with the provisions of primary school certification granted by the Ministry, including, but not limited to, business and personnel management, facilities and property maintenance, budgeting and accounting of Ministry allocated funds and curriculum and instruction in accordance with the educational standards set forth in this Chapter and regulations promulgated under this Chapter;

(2) make provision for school-based management of schools within that local government jurisdiction, including involvement of the school community in the educational process in each school, which shall include school administrators, teachers, staff, parents, students and interested citizens;

(3) establish and support school or community-based advisory committees on education to review and advise the Local Board of Education for that local government jurisdiction regarding objectives, plans, budgets, policies, procedures, programs and other matters being considered by the Local Board;

(4) establish particular educational goals, objectives and standards for schools within that local government jurisdiction pursuant to rules prescribed by the Ministry;

(5) develop an annual education plan, which shall be approved by the Ministry, designed to achieve reasonable progress by each student toward the goals set forth by the Ministry, including achievement of a minimum standard of proficiency and self-reliance, which may include the following:

- (a) curricular changes;
- (b) in-service training programs for teachers;
- (c) diagnostic, remedial, or skill maintenance programs for students;
- (d) consultations with parents or guardians;
- (e) any other measures designed to promote progress toward such goals;

(6) evaluate student progress toward the goals of the Ministry, including minimum standards of proficiency and self-reliance, by means of annual testing or other means as the Local Board deems proper to determine student needs, ensure student progress, and assess the degree to which the goals have been achieved; and

(7) submit requests, comments and recommendations for action to the Ministry and the National Board for consideration. [P.L. 1991-125, §12.]

§313. Local Board Reports

(1) Each Local Board shall make an annual report by July 15th of each year to the Department of its progress in conforming to the goals, objectives and standards developed under this Chapter. Each report shall include the following:

- (a) demographic data related to each school;
- (b) results of assessment programs, including nation-wide and local testing conducted at each school, and the result of the district evaluation of student proficiency in basic skills;
- (c) included on each school's fiscal operation, including the budget of each school;

- (d) results of each school's effectiveness in achieving national and local goals and objectives applicable to the students;
- (e) plans and programs for professional improvement for teachers and administrators;
- (f) plans to carry out innovative or experimental educational programs designed to improve the quality of education; and
- (g) recommendations for school improvements during the next academic school year.

(2) In addition to the items specified in Subsection of this Section, the Department may from time to time require each Local Board to submit a facilities' survey, including current use practices and projected capital needs. [P.L. 1991-125, §13.]

§314. Department of Education Reports.

(1) The reports submitted to the Department by the Local Boards pursuant to Section 313 shall form the basis for an annual report by the Department to the Nitijela by August 15th of each year, which shall include the following:

- (a) a description of the condition of education in the Republic;
- (b) an assessment of the efforts of Local Boards in meeting the national goals and standards;
- (c) a description of the steps that are necessary and those that are being taken to correct deficiencies in school performance;
- (d) an assessment of the effectiveness of this Chapter and regulations promulgated pursuant to this Chapter in producing a thorough and efficient system of education;
- (e) recommendations to the Nitijela for any legislative action, if appropriate; and
- (f) addressing any other national or local educational problems and providing recommendations for improving the educational system in the Republic.

(2) In addition to the items specified in Subsection (1) this Section, the Department shall include an account of the progress of each Local Board in meeting the goals, objectives and standards prescribed under this Chapter, identify those Local Boards and schools which fail to meet them, and make recommendations, if necessary, for eliminating any deficiencies. [P.L. 1991-125, §14.]

PART IV - EDUCATION POLICIES AND STANDARDS

Division 1 - Educational Standards

§315. Goal

The goal of the educating system in the Republic shall be to provide a thorough and efficient system of education to provide all children in the Republic, regardless of socioeconomic status, handicap, or geographical location, the educational opportunity that will prepare them to develop into self-reliant individuals and to function socially, politically and economically in society. [P.L. 1991-125, §15.]

§316. Guidelines

The following guidelines shall serve as major elements for the achievement of the

educational goal provided in Section 315 and for the implementation of this Chapter:

- (a) the establishment of educational goals at the national and local levels;
 - (b) the encouragement of public involvement in the establishment and implementation of educational goals;
 - (c) instruction intended to produce the attainment of responsible levels of proficiency in:
 - (i) Kajin Majel and Mantin Majel, to be taught in all elementary schools; and
 - (ii) all major academic subjects, including basic communications and computational skills;
 - (d) a student-teacher ratio of not more than thirty (30) students per teacher in each classroom;
 - (e) free public kindergarten to all five year olds in the Republic as resources permit;
 - (f) a breadth of program offerings designed to develop the individuals talents and abilities of students, including vocational and technical subjects;
 - (g) programs and supportive services for all students, especially those who are educationally disadvantaged or who have special educational needs, including but not limited to counseling, guidance, health education and related services and programs to help students develop academically, personally and socially;
 - (h) adequately equipped, sanitary and secure physical facilities and adequate materials and supplies;
 - (i) qualified teachers and administrators;
 - (j) efficient administrative procedures;
 - (k) an adequate program of research and development; and
 - (l) evaluation and monitoring programs at both the national and local levels.
- [P.L. 1991-125, §16.]

§317. Curriculum

(1) The Ministry shall establish minimum standards for instruction, curriculum development, and content of courses at appropriate levels to promote uniform levels of achievement.

(2) Instruction in the Marshallese language, custom culture and history shall be compulsory, and shall be provided at all preschool level schools, elementary level schools, secondary levels schools and tertiary and college level institutions. Instructions shall include assessment of student needs, selection of appropriate learning activities, methodologies and materials and evaluation of the student's attainment of objectives. The curriculum shall permit continuous progress along sequential lines of development in academic as well as vocational areas. The curriculum shall be of sufficient depth and breadth to meet the needs, interests and abilities of the students in that particular community.

(3) All secondary level students in the Republic shall be required to pass an examination on the Marshallese language, custom, culture and history, in order to obtain a secondary education diploma or certificate.

(4) The Ministry of Education shall develop a course on the Marshallese language, custom, culture and history, to be known as Marshallese Studies for the purposes of this section .

[P.L. 1991-125, §17.][amended by P.L. 2003-86]

§318. Textbooks and Materials.

The Ministry shall establish a textbook committee to review and evaluate textbooks and materials before purchase in order to determine their suitability as may be consistent with economy and desirable within any curriculum differences in the schools of the Republic. [P.L. 1991-125, §18.]

Division 2 - School Year and Attendance

§319. School Year

The school year shall consist of no less than one hundred and eighty (180) days of school in session, exclusive of holidays. Each of the schools in the Republic may, with the approval of the Ministry, establish beginning and ending dates of the school year in accordance with local needs and customs. Such dates need not be uniform throughout the Republic.[P.L. 1991-125, s.19.]

§320. Attendance

(1) A child who attains the age of four (4) years on or prior to the commencement date of any school year shall be eligible to enroll in, and commence elementary level education in any school in the Republic.

(2) A child who has successfully completed elementary level education shall be eligible to enroll in secondary level education in any school in the Republic. [P.L. 1991-125, §20.][amended by P.L. 2003-93]

§321. School Attendance Area

All students shall be required to attend the public school located in the area in which they reside, or any nonpublic school whether or not it is located in the attendance area in which they reside. Attendance at a public school in another school attendance area may be granted at the discretion of the Ministry. Attendance of a secondary school at a different public high school than the one serving the student's attendance area shall require prior written approval of the Secretary or the Secretary's designee. [P.L. 1991-125, §21.]

§322. Parent's or Guardian's Responsibility for Child's Attendance.

(1) It shall be the responsibility of a parent, guardian or any other person having custody of a child under the age of 18 years to ensure that a child under his or her custody, care or guardianship attends elementary or secondary level school upon attaining eligibility during any given school year.

(2) The parent, guardian, or person, having custody of a child who is eligible to attend elementary or secondary level education;

(a) but is, without good cause or reasonable explanation, not attending any elementary or secondary level schools in the Republic, or;

(b) if enrolled in a school, does not attend school regularly, or

(c) is found delinquent under the Juvenile Procedure Act and placed on probation, may be subject to penalties provided under 26 MIRC Chapter 3, Section 309. [P.L. 1991-125,

§22.][amended by P.L. 2003-93]

Division 3 - Student Progress and Conduct

§323. Student Assessment and Progress

The Ministry shall make provisions for assessing and reporting the progress of each student. At the end of each school year, students making normal progress shall be promoted to the succeeding grade or graduated, as appropriate. Promotion shall be based on the student's academic performance and other appropriate measures. No student shall remain in the same grade more than two years. [P.L. 1991-125, §23.]

§324. Secondary Education

A public high school entrance examination shall be administered to all eighth-grade students as a means of determining eligibility for public high school. Such secondary education, consisting of Grades 9 through 12, shall be provided to students who qualify for admission to high school and who continue to meet Ministry and school standards. [P.L. 1991-125, §24.]

§325. Student Conduct

The Ministry shall establish rules for dealing with breaches of appropriate student conduct, shall distribute such rules to students and parents, and shall act promptly and in accordance with the rules when breaches of conduct arise. [P.L. 1991-125, §25.]

Division 4- Student Health and Supplementary Services

§326. Student Health and Safety

(1) The Ministry shall promote the physical, mental, social and emotional well-being of students by providing instruction in positive health habits and attitudes, essential health services and a healthy school environment with adequate water and sanitation facilities.

(2) The Ministry of Education, in cooperation with the Ministry of Health shall enforce Ministry of Health regulations regarding physical examinations, immunization and communicable diseases. Any student contracting a communicable disease may be excluded from school until a physician certifies that the student may return to school. [P.L. 1991-125, §26.]

§327. School Transportation

The Ministry may provide suitable transportation to and from school for preschool, elementary and secondary students as resources permit. The Ministry shall adopt rules as it deems necessary to provide such transportation. In developing such rules, the Ministry shall consider the school attendance area in which a child normally resides; the distance the child lives from the school; the availability of public carriers or other means of transportation; the frequency, regularity and availability of public transportation; the grade level, physical handicap or special learning disability of a child; any such other conditions or circumstances unique to an area, island, atoll or community. [P.L. 1991-125, §27.]

§328. Residence Assistance

Secondary students attending school under such circumstances that transportation cannot be provided on a daily basis may be provided residence assistance by the Ministry. [P.L. 1991-125, §28.]

§329. Nutrition

The Ministry shall promote good nutrition in each of the schools of the Republic. The Ministry shall appoint trained and experienced nutrition workers, who shall be members of the public service, to carry on nutrition work in the schools under such rules and regulations as the Ministry shall make from time to time. [P.L. 1991-125, §29.]

§330. School Meal Program

(1) The Ministry may assist any community in establishing a school meal program under such rules and regulations as the Ministry may promulgate.

(2) The Ministry shall establish a meal program for all schools having dormitory facilities. The program shall be operated under the general direction of the school principal in accordance with standards of health cleanliness as prescribed by the Ministry of Health. [P.L. 1991-125, §30.]

Division 5 - Teacher Certification**§331. Teachers Certificates Required; Qualifications**

No person shall serve as a teacher in any school without first having obtained a certificate from the Ministry, which certificate shall be issued without cost to the teacher in such form as the Ministry determines. The qualification requirements shall be established by the Ministry by regulation. [P.L. 1991-125, §31]

§332. Revocation

The Ministry may revoke any certificate after issuance thereof when satisfied that the holder does not possess the skills 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. [P.L. 1991-125, §32.]

§333. Penalty for Teaching without Certification.

Except as otherwise provided, whoever serves as a teacher, without holding an un-revoked certificate issued under this Chapter, shall, upon conviction, be fined an amount not exceeding \$100. [P.L. 1991-125, §33.]

§334. Teachers; Effective Date of this Chapter

Any teacher who does not hold a certificate from the Ministry but who has been employed by the Ministry or by a chartered nonpublic school as a teacher for a period of not less than two (2) school years prior to the effective date of this Chapter may continue employment as a teacher and shall not be subject to the penalty provided under Section 333 of this Chapter; provided that, as an

additional condition of continued employment, the Ministry may require that the teacher complete a program of professional improvement set by the Ministry. [P.L. 1991-125, §34.]

§335. Teacher Training Programs

(1) The Secretary shall provide in-service and pre-service training programs to enable citizens of the Republic to qualify for certification.

(2) The Secretary shall establish a teacher training program for all teachers of the Republic so as to provide for the continuous upgrading of teaching skills of all teachers holding certification. [P.L. 1991-125, §35.]

Division 6- Nonpublic Schools

§336. Charter Required

(1) Any person or persons desiring to establish a nonpublic school shall, prior to the establishment thereof, make written application of a charter to the Secretary. 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;
- (d) teacher qualifications;
- (e) student enrollment; and
- (f) such other information as the Secretary may require.

(2) The Secretary shall review the application and make such recommendation to the Minister as the Minister may consider appropriate. Upon receipt and approval of the application, the Minister shall issue a charter in a form to be approved by him, authorizing the establishment of the school.

(3) No nonpublic school shall be established except in conformity with this Chapter; provided that any nonpublic school existing in the Republic under a valid charter on the effective date of this Chapter shall be deemed to have complied with the requirements set forth in this Part. [P.L. 1991-125, §36.]

§337. Nonpublic School Attendance

(1) 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 as required by law.

(2) The Ministry may from time to time require 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. [P.L. 1991-125, §37.]

§338. Benefits to Students

Students of nonpublic schools shall receive from the national government, as resources permit, equal benefits with public school students in such areas as transportation, textbooks, testing services, medical and nursing services, and meal programs, provided that such benefits do not violate

the Constitution or any other law of the Republic. [P.L. 1991-125, §38.]

§339. Supervision

Every nonpublic school shall be subject to the supervision of the Ministry. The Ministry shall require that the premises of nonpublic schools comply with the rules and regulations of the Ministry, as from time to time promulgated with regard to sanitary condition, hygiene and structural safety. [P.L. 1991-125, §39.]

Division 7 - Special Education

§340. Statement of Policy

The Nitijela recognizes the obligation of the Government to provide educational opportunities which will enable all children to lead fulfilling and productive lives. This obligation includes providing appropriate educational opportunities to handicapped children who require special education. [P.L. 1991-125, §40.]

§341. Supplementary Services

To the extent practicable, handicapped children shall receive necessary supplementary services in regular classrooms. To this end, the services of special education personnel may be utilized within the regular programs offered by the Ministry both in rendering services directly to children and in providing consultative services to regular classroom teachers. [P.L. 1991-125, §41.]

§342. Procedures

The Secretary shall establish, in cooperation with the Ministry of Health, procedures to ensure the ongoing identification, evaluation, program placement, instruction and related services of handicapped children. [P.L. 1991-125, §42.]

PART V - EVALUATION AND CERTIFICATION

§343. Comprehensive Needs Assessment Program

(1) The Department, in cooperation with Local Boards, shall from time to time but at least once every five (5) years, direct a comprehensive needs assessment program of all students in the Republic in light of national goals and standards.

(2) The Department shall make the results of the needs assessment program available to Local Boards, which shall review and update their particular educational goals objectives and standards to meet those needs. All such results shall be made public. [P.L. 1991-125, §43.]

§344. Evaluation of Performance of Each School

(1) For the purpose of evaluating the thoroughness and efficiency of each of all schools in the Republic, the Department shall develop and administer a uniform, nation-wide system for evaluating the performance of each school.

(2) The system developed under Subsection (1) shall be based in part on annual testing for achievement in basic skills areas, and in part on such other means as the Department deems proper in order to:

- (a) determine student needs;
- (b) ensure student progress;
- (c) assess the degree to which the educational objectives have been achieved; and
- (d) monitor compliance with national standards and procedures. [P.L. 1 991-125, §44.]

§345. Certification

If, upon review of Department evaluations and reports, the Minister determines that a Local Board satisfies the evaluation criteria under the system administered pursuant to Section 344 of this Chapter, the Minister shall recommend that the Department certify the Local Board as providing a thorough and efficient system of education. Initial and renewal certification shall be up to, but not more than, three (3) years. [P.L. 1991-125, §45.]

§346. Corrective Action Plan

If upon review of Department evaluations and Reports the Minister determines that a Local Board has failed to show sufficient progress toward the goals, guidelines objectives and standards set forth in this Act, despite allowing the Local Board a reasonable opportunity to correct such deficiencies, the Minister shall recommend that the Local Board undertake a corrective action plan to achieve certification. The plan shall be developed for each particular Local Board by the Department in conjunction with the Local Board following an examination of all aspects of the Local Board's operations, including education, governance, management and finance as well factors external to the Local Board's schools which may contribute to the deficiencies in educational achievement. The Department may recommend measures to mitigate the effects of any such external factors in schools. [Section originally omitted, recovered during the 2003 revision]

§347. Education Fund

(1) There is hereby established a fund to be known as the Education Fund (hereinafter, the "Fund").

(2) The Fund is a fund other than the Marshall Islands General Fund within the meaning and for the purposes of Article VIII, section 3 (2) of the Constitution. [Section originally omitted, recovered during the 2003 revision]

§348. Payments into the Fund

(1) There shall be paid into the Fund:

- (a) any monies appropriated by the Nitijela for the purposes of this Chapter;
- (b) any monies or any real or personal property, including gifts, grants, advances, contributions and any other assistance which may be received, granted, given, bequeathed, devised, endowed or in any manner received from any source for the purposes of this Chapter;

(c) any monies received from any fees authorized by this Chapter or rules or regulations promulgated in accordance with this Chapter; and

(d) any other monies or property payable by or under any other law into the Fund.

(2) Where any gift, grant, advance, contribution or other assistance is received for a specific purpose or subject to any conditions it may be expended or used only for that purpose or subject to those conditions.

(3) The Nitijela shall appropriate sufficient monies in each financial year to assure adequate levels of funding to meet the obligations of the Government of the Republic under Article II, Section 17 and Article V, Section 1(3) (h) of the Constitution. [P.L. 1991-125, §48; original sub-section (2) deleted by P.L. 1994-99, §3(21)(b).]- subsections re-numbered [Rev2003]

§349. Payments out of the Fund

(1) Payments may be made out of the Fund only for:

(a) carrying out the powers and duties of the Department of Education and for the purpose of establishing, improving and maintaining a thorough and efficient system of education in the Republic;

(b) working capital and petty cash, and for similar purposes;

(c) all other costs and expenses of the Department of Education for administrative and other purposes; and

(d) the implementation of this Chapter and any rules or regulations promulgated under this Chapter.

(2) No money shall be withdrawn from the Fund except in accordance with this Chapter and with the procedures prescribed by the Financial Management Act, 11 MIRC 1. [P.L. 1991-125, §49, amended by P.L. 1994-99, § 3(21)(c).]

§350. Accounts and Records

(1) The Secretary of Finance shall maintain, in accordance with the procedures prescribed by the Financial Management Act, 11 MIRC 1, proper accounts and records with respect to the Fund, any money paid into or out of the Fund, and any property purchased with money from the Fund.

(2) The accounts to be laid before the Nitijela by the Minister of Finance under Article VIII, Section 5(4) of the Constitution shall include accounts relating to the Education Fund.

(3) The accounts and records maintained under Section (1) of this Section shall be audited by the Auditor-General as provided for under Article VIII, Section 15 of the Constitution.

[this section was originally §351, re-numbered as §350, as the original §350 was repealed by P.L. 1994-99, §3(21)(e).]

§351. Budget

(1) The Secretary of Education shall submit to the Minister of Education, at such time as is directed by the Minister of Finance, annual estimates of revenue and expenditure covering its anticipated operations for the following twelve (12) month period, for approval by the Cabinet.

(2) The Secretary of Education shall submit to the Minister of Education from time to time supplementary estimates of revenue and expenditure for approval by the Cabinet.

(3) The estimates provided under Subsections (1) and (2) of this Section shall be in such form

and contain such information as the Minister of Finance directs.

(4) Except with the approval of the Cabinet, money may not be expended out of the Education Fund other than in accordance with estimates submitted under Subsections (1) and (2) of this Section and in accordance with the other provisions of this Chapter. [P.L. 1991-125, §52; amended by P.L. 1994-99, §3(21)(e).][section re-numbered as §351, see footnote at the end of §.350 above]

PART VII - MISCELLANEOUS

§352. School Property

(1) Public school buildings, facilities and grounds shall be available for general recreational purposes and for public and community use whenever such activities do not interfere with the normal activities of the school and its students.

(2) The procurement, distribution, care and inventory of school property shall be conducted in accordance with all applicable laws of the Republic and any regulations promulgated by the Ministry in accordance with this Chapter.

(3) The Ministry and schools shall not be liable for the loss or damage to personal property left at a school or on any Ministry property by individuals or organizations. [P.L. 1991-125, §53.][section re-numbered, see footnote at the end of §350 above]

§353. Exemptions for Nonpublic Schools.

The following exemptions shall apply to all nonpublic schools so long as they remain nonprofit institutions:

(a) the income, personal property and transactions of any such nonpublic school, exclusive of real property, shall not be subject to any tax, rate, charge or impost under any law; and

(b) the charge for public utilities used by any such nonpublic school for school purposes shall be set at a rate equivalent to the most favorable rate available to any user. [P.L. 1991-125, §54][section re-numbered, see footnote at the end of §350 above]

§354. Rules and Regulations

(1) The Minister, or the Minister's designee, shall adopt such rules and regulations as are necessary, in accordance with the Marshall Islands Administrative Procedure Act 1979 (6 MIRC 1), to effectively implement and administer this Chapter.

(2) The Minister or the Minister's designee, may adopt rules or regulations imposing reasonable fees for teacher certification, nonpublic school charters and such other areas as are necessary for the implementation of this Chapter. [P.L. 1991-125, §55.][re-numbered as §354, original §355 "Education Personnel Management System" repealed by P.L. 2001-45 Oct. 24, 2001[Rev2003]

§355. Effective Date

This Chapter shall take effect on 1 January 1992. [P.L. 1991-125, §57.][re-numbered as §356 by P.L. 2001-45 Oct. 24, 2001]

BLANK PAGE