

**TITLE 40**  
**EDUCATION**

**CHAPTERS**

- 1 Educational System (§§ 101-114)**
- 2 Educational Policy and Standards (§§ 231-237)**

**SUBCHAPTERS**

- I Teacher Certification [REPEALED]**
  - II Education Standards [REPEALED]**
  - III Special Education (§§ 231-237)**
  - IV School Year and Attendance [REPEALED]**
  - V Nonpublic Schools [REPEALED]**
- 3 Student Assistance (§§ 321-383)**

**SUBCHAPTERS**

- I Student Loan Fund [REPEALED]**
  - II General Assistance (§§ 321-323)**
  - III Student Loan Revolving Fund (§§ 324-334)**
  - IV Continental Airlines Scholarship Program (§ 335)**
  - V Fisheries and Maritime Training Programs (§ 371)**
  - VI National Merit Scholarship Program (§§ 381-383)**
- 4 College of Micronesia (§§ 401-420)**
  - 5 Library of the Congress of Micronesia (§§ 501-505)**
  - 6 Aid to Nonpublic Schools Fund (§§ 601-606)**
  - 7 College of Micronesia—FSM (§§ 701-734)**

**CHAPTER 1**

**Educational System**

**SECTIONS**

- § 101. Policy and purposes.**
- § 102. Definitions.**
- § 103. Powers.**
- § 104. Compulsory education; Attendance; Failure to send a child to school; School year.**
- § 105. Teacher certification.**
- § 106. Gifted and talented students.**
- § 107. Procedures to ensure education for children with disabilities.**
- § 108. Accreditation of elementary and secondary schools.**
- § 109. Private schools.**
- § 110. National Curriculum Minimum Standards.**
- § 111. Certification of home learning programs.**
- § 112. Gifts, grants; Requests for funding.**
- § 113. FACSSO.**
- § 114. Regulations.**

**Editor's note:** The former subchapter I, §§ 101-118, "Trust Territory Educational System", of chapter 1 was repealed by PL 6-45, § 1. All sections of subchapter II, §§ 121-128 "Federated States of Micronesia Educational System" were repealed by PL 8-132, § 1.

**§ 101. Policy and purposes.**

It is hereby declared to be the policy of the Federated States of Micronesia to provide for a decentralized educational system in the Federated States of Micronesia which shall enable the citizens of the Federated States of Micronesia to participate fully in the development of the islands as well as to become familiar with the Pacific community and the world. To this end, the purpose of education in the Federated States of Micronesia shall be to develop its citizens in order to prepare them for participation in self-government and economic and social development; to function as a unifying agent; to bring to the people a knowledge of their islands, the economy, the government, and the people who inhabit the islands; to preserve Micronesian culture and traditions; to convey essential information concerning health, safety, and protection of the island environment; and to provide its citizens with the social, political, professional and vocational skills required to develop the Nation.

**Source:** PL 8-132 § 2.

**Cross-reference:** FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

## **§ 102. Definitions.**

As used in this chapter:

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

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

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

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

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

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

(7) “Congress” means the Congress of the Federated States of Micronesia.

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

- (9) “Elementary school” means an institution which imparts teaching and learning from grades one (first grade) through eight (eighth grade).
- (10) “FSM” means the Federated States of Micronesia.
- (11) “FACSSO” means the FSM Association of Chief State School Officers.
- (12) “Home learning” means a private form of education or course of study administered by parents who for personal or religious reasons choose not to send their children to a public or private school but as an alternative provide education within a home setting.
- (13) “National Government” means the National Government of the Federated States of Micronesia.
- (14) “Person” means an individual, corporation, firm or any other entity or association existing under or authorized by law.
- (15) “Post-secondary education” means an attendance at an institution of higher education in the FSM or abroad.
- (16) “Preschool” means any nursery school, kindergarten or special program attended by children during the period from infancy to age five or six, preceding attendance at elementary school.
- (17) “President” means the President of the Federated States of Micronesia.
- (18) “School” means an FSM accredited public or private institution of learning at the elementary or secondary level, including a school with a religious affiliation.
- (19) “Secondary school” means an institution which imparts teaching and learning beyond the elementary level up to but not including college or university level.
- (20) “Secretary” means the Secretary of the Department of Education of the Federated States of Micronesia.
- (21) “Special education” means instructional or other services necessary to assist children with disabilities. Special education is specifically designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted:
- (a) in classrooms;
  - (b) in the home;
  - (c) in hospitals and institutions;
  - (d) in other settings; and
  - (e) in physical education.
- (22) “State” means a State within the Federated States of Micronesia.
- (23) “State Director of Education” means the individual who is appointed by the Governor of the State and granted thereby the direct authority to manage and control the daily affairs of the State Department of Education.
- (24) “Teacher” means a classroom instructor who has attained the FSM National Government teacher certification standards and whose primary function is to impart knowledge to students in schools.
- (25) “Teacher certification” means the issuance of a certificate to a preschool, elementary, or secondary classroom instructor who has met the National Government qualification requirements set forth in section 105 of this

chapter.

**Source:** PL 8-132 § 3, modified.

**§ 103. Powers.**

(1) The Secretary of Education shall have the authority to administer and coordinate the educational system of the Federated States of Micronesia consistent with the National powers set forth in the FSM Constitution to do the following:

- (a) Promote education by setting minimum standards for educational administration, programs, and facilities;
- (b) Coordinate efforts to obtain foreign assistance for the States and to distribute foreign aid for education in an equitable manner which will provide the maximum benefit to the students of the FSM;
- (c) Provide technical assistance to the States concerning educational administration, programs, facilities, and training; and
- (d) Coordinate efforts which seek to meet the needs of FSM students in the area of post-secondary education, including FSM students at home and abroad, scholarships, and transfers among colleges.

(2) The Secretary of Education shall advise the Chairperson of the Board of Regents of the College of Micronesia-FSM in educational matters, to include the following:

- (a) The educational needs and abilities of student classes or age groups advancing toward post-secondary education;
- (b) FSM manpower requirements which might be met through training programs at the College of Micronesia-FSM;
- (c) Opportunities and programs to transfer FSM students to specialized programs in other colleges; and
- (d) Problems which inhibit efforts to meet FSM manpower needs, such as the causes of failure of students in completing their training or failure in returning to Micronesia after completing their training.

(3) The Secretary shall communicate and consult with the members of the State Boards of Education, for the purpose of promoting education, setting minimum standards, providing technical assistance, coordinating educational services, building consensus, and otherwise assisting the Boards of Education in the performance of their duties.

(4) The Secretary shall have the administrative authority to implement the provisions of this title, including the authority to issue reports, prepare a National educational plan, establish temporary committees for periods of up to two years to conduct studies and make recommendations, prepare budgets and administer funds, engage in litigation, issue guidelines and procedures, advance the interest of FSM students living abroad, act upon such other educational matters as may be assigned to the Secretary by the President or by law, and undertake any other educational activities reasonable and necessary to accomplish the purposes of this title and contribute to the well-being of the FSM.

**Source:** PL 8-132 § 4.

**Cross-reference:** FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

**Case annotations:**

**Professional Services Clause**

The Constitution vests the nat'l gov't with power to act concerning health care and may place some affirmative health care obligations on it. [Manahane v. FSM, 1 FSM R. 161, 172 \(Pon. 1982\)](#).

Primary responsibility, perhaps even sole responsibility, for affirmative implementation of the Professional Services Clause, FSM Const. art. XIII, § 1, must lie with Congress. [Carlos v. FSM, 4 FSM R. 17, 29 \(App. 1989\)](#).

The Professional Services Clause of the Constitution demands that when any part of the nat'l gov't contemplates action that may be anticipated to affect the availability of education, health care or legal services, the nat'l officials involved must consider the right of the people to such services and make a reasonable effort to take "every step reasonable and necessary" to avoid unnecessarily reducing the availability of the services. [Carlos v. FSM, 4 FSM R. 17, 30 \(App. 1989\)](#).

Since the Constitution's Professional Services Clause is a promise that the nat'l gov't will take every step "reasonable and necessary" to provide health care to its citizens, a court should not lightly accept a contention that 6 FSMC 702(4), which creates a \$20,000 ceiling of governmental liability, shields the gov't against a claim that FSM gov't negligence prevented a person from receiving necessary health care. [Leeruw v. FSM, 4 FSM R. 350, 362 \(Yap 1990\)](#).

Art. XIII, § 1 is a general provision that recognizes the right of the people to education, health care, and legal services. It does not act as an exclusive duty to ensure the availability of attorney services in the FSM, and it does not prohibit a state from administering its own bar. [Berman v. Santos, 7 FSM R. 231, 237 \(Pon. 1995\)](#).

**§ 104. Compulsory education; Attendance; Failure to send a child to school; School year.**

(1) *Compulsory education.* Education shall be provided and shall be compulsory for all children, including children with disabilities, from first grade through graduation from the eighth grade, or until the age of 14 years.

(2) *Attendance.* Attendance at school shall be required of all children between the ages of six and 14 or until completion of the eighth grade, unless excluded from school or exempted from attendance for sickness or behavioral problems as determined by the appropriate State authorities.

(a) For the purpose of beginning school, a child shall be admitted in the first grade at the beginning of the school year if he has attained or will have attained the age of six, either on or before December 31 of the calendar year in which the school year commences, or as of the date of the commencement of the school year, whichever date is selected by the State Director of Education.

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

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

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

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

(4) *School year.* The school year in the Federated States of Micronesia shall consist of not less than 180 days of instructional days or an equivalent of no fewer than 650 hours of classroom instruction for first and second graders and no fewer than 765 hours of classroom instruction for third through twelfth graders.

**Source:** PL 8-132 § 5, modified.

### **§ 105. Teacher certification.**

(1) *Certificate required.* No person shall serve as a teacher in any elementary or secondary school within the Federated States of Micronesia, except at the post-secondary level, for a period exceeding 90 days without first having obtained a National teacher certificate from the Department. The certificate shall be issued without cost to the teacher, in such form as the Secretary determines. The qualification requirements for such certification shall be established by the Secretary in cooperation and consultation with the state Directors of Education.

(a) Upon a finding of good cause shown, the Secretary of Education may, on an individual basis, issue a temporary waiver of the certification requirement herein, but in no case shall such waiver exceed a period of one year.

(2) *Existing certificates remain in effect.* Notwithstanding any other provision of law to the contrary, certificates issued to teachers in the Federated States of Micronesia pursuant to laws in effect prior to the effective date of this act shall remain in effect until they expire, at which time the provisions of this act and regulations promulgated pursuant thereto, shall control.

(3) *Revocation or suspension.* Any certificate issued pursuant to this chapter may be revoked or suspended by the Secretary if he determines that the teacher is not in compliance with the requirements of this chapter. Such revocation or suspension proceedings shall comply with the procedures for agency action set forth in sections 108 through 110 of title 17 of this code, or with such other administrative procedures as may be provided by subsequent enactment.

(4) *Assurance; Penalty.* Each State Director of Education shall ensure that all teachers, at both public and private schools in the Federated States of Micronesia, shall be appropriately certified and in possession of a valid teacher certificate as required. Upon a finding, after notice and a hearing conducted consistent with the provisions of section 109 of title 17 of this code, that any person has served as a teacher without a valid certificate issued under this chapter, the FSM Secretary of Education may withhold or withdraw accreditation, under section 108 of this chapter, of the school where such person has served.

**Source:** PL 8-132 § 6.

**Cross-reference:** FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

Chapter 1 of title 17 of this code is on FSM Administrative Procedures.

### **§ 106. Gifted and talented students.**

(1) The Secretary shall establish, in cooperation and consultation with the State Directors of Education, programs to identify and encourage students who demonstrate an extraordinary ability to learn.

(2) Educational programs for talented and gifted children shall be designed and implemented, as appropriate, to assist these children to take advantage of especially demanding and challenging educational programs and opportunities in Micronesia and abroad.

(3) In designing educational programs for the talented and gifted, the Secretary and the State Directors will seek to maintain a balance between Micronesian culture and tradition, and international or non-Micronesian learning and technologies, so that the benefits of exceptional opportunities do not come at the expense of cultural alienation.



**Source:** PL 8-132 § 7.

**§ 107. Procedures to ensure education for children with disabilities.**

(1) The Secretary shall establish, in cooperation and consultation with the State Directors of Education and Health Services of each State, a procedure to ensure the ongoing identification, diagnosis, certification, and education of children with disabilities.

(2) These procedures will be consistent with the policies and requirements of the FSM Special Education Act of 1993.

(3) These procedures will be designed to provide access to a reasonable, appropriate, and economical elementary and secondary education for children with disabilities, through graduation from grade 12 or age 21.

(4) Nothing in this section shall be construed or deemed to create or impose any duty, obligation, or liability whatsoever, either financial or otherwise, on the States to provide or finance an education for any person beyond the territory and borders of the Federated States of Micronesia.

**Source:** PL 8-132 § 8.

**Cross-reference:** The provisions of PL 8-21, the FSM Special Education Act of 1993 is codified in subchapter III of chapter 2 of this title.

**§ 108. Accreditation of elementary and secondary schools.**

(1) *Criteria for accreditation.* Criteria for accrediting elementary and secondary schools in the Federated States of Micronesia shall be established by the Secretary of the Department of Education in cooperation and consultation with the State Directors of Education, and shall include those factors necessary to provide an adequate classroom environment conducive to learning, including but not limited to the following:

- (a) Philosophy, goals and objectives;
- (b) Organization;
- (c) Staff and teachers;
- (d) School plant and physical facilities;
- (e) Library;
- (f) Student counseling services;
- (g) Curricular program;
- (h) Co-curricular program;
- (i) Community and parent involvement;

- (j) Finance;
- (k) Student-teacher ratio; and
- (l) Compliance with the minimum standards established by and under this act.

(2) *Accreditation committee.* An accreditation committee may be established by the Secretary to evaluate elementary and secondary schools for accreditation purposes.

(a) If established, this committee may be temporary, intermittent, or standing.

(b) The accreditation committee shall recommend to the Secretary whether a secondary school meets the approved accreditation standards or not.

(c) A recommendation to issue a certificate of accreditation will be made for those elementary and secondary schools meeting the accreditation standards.

(d) A recommendation for technical assistance will be made for those elementary and secondary schools not meeting the accreditation standards.

(3) *Certificate of accreditation.* The Secretary shall issue a National Certificate of Accreditation to respective elementary and secondary schools which substantially comply with accreditation standards, and which have a plan or program in effect to remedy any defects or shortcomings within an agreed upon period of time, based on appropriate recommendations from the accreditation committee.

(4) *National-State consultation.* The Secretary shall consult with the respective State Directors of Education for appropriate technical assistance to be provided by both National and State Governments to the respective elementary and secondary schools based on appropriate recommendations from the accreditations committee.

(5) *National Special Certificate of Achievement.* The Secretary shall issue a National Special Certificate of Achievement to elementary and secondary schools which comply with or exceed all FSM accreditation standards.

(6) *Contingency as incentive.* In order to provide an incentive for the improvement of schools, the Secretary may make eligibility for certain categories of scholarship and other funds contingent upon obtaining certification or special certification, or upon making timely measurable progress toward obtaining certification.

**Source:** PL 8-132 § 9.

**Editor's note:** The word "and" is moved from subsection (1)(j) to subsection (1)(k) as a technical correction.

**Cross-reference:** FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

### **§ 109. Private schools.**

(1) The importance of private schools to the educational development of the Micronesian people is hereby acknowledged and commended.

(2) Any person or persons desiring to establish and operate a private school, including a school with a religious affiliation, within the Federated States of Micronesia shall, prior to the establishment thereof, make written application for a charter to the Secretary.

(a) The application shall be signed by the applicant or applicants and reviewed by the State Director of Education and the State Board of Education of the State in which the school is to be located.

(b) The application shall include:

(i) the full names of the persons establishing and operating the school, their qualifications, their international affiliations, and their entry permit numbers, if applicable;

(ii) the names and qualifications of the school's instructors and administrators, and their entry permit numbers, if applicable;

(iii) the location of the school and the facilities erected upon the site;

(iv) the course of instruction and the language in which instruction is to be given;

(v) the criteria applicable to accreditation of all primary and secondary schools; and

(vi) a complete financial statement, including but not limited to, sources of funding, capital reserves, if any, and a proposed budget for the pending school year, detailing how the school plans to meet the anticipated costs of operation; and

(vii) such other information as the Secretary may require, pertinent to whether the operation of the school will serve the best interests of the Micronesian people. The State Directors of Education shall review applications and make recommendations to the respective State Governor for concurrence.

(3) Upon receipt and approval of the application by the Secretary, the Secretary shall issue to the person or persons applying therefore a charter for up to 15 years duration in the form of a mutual agreement between the chartered school and the FSM, authorizing the establishment of the school, and an annual license to operate the school, renewable by the Secretary upon a finding by the State Director of Education that the school is operating consistent with the terms of its charter and other applicable regulations.

(4) No private school shall be established except in conformity with this section; PROVIDED however, that any private school existing in the Federated States of Micronesia under a valid charter on the effective date of this act

shall be deemed to have complied with requirements set forth herein and shall be granted a charter automatically.

(5) Any person or persons who knowingly permit or engage in the establishment and operation of a private school within the FSM in violation of applicable laws or regulations, shall be guilty of a violation of this section and upon conviction thereof, shall be fined not more than \$500.

(6) The Secretary shall withhold funds for failure to comply with the provisions of this chapter, and shall, after a hearing, suspend or revoke a charter upon a finding that the school has operated contrary to the representations contained in its charter application, or has operated contrary to the policies and provisions of this chapter.

**Source:** PL 8-132 § 10, modified.

### **§ 110. National Curriculum Minimum Standards.**

(1) The Secretary shall establish, in cooperation and consultation with the State Boards of Education and the State Directors of Education, National Curriculum Minimum Standards.

(2) State Departments of Education and Boards of Education shall ensure that the National Curriculum Minimum Standards are implemented through their State Curriculum framework.

**Source:** PL 8-132 § 11.

**Cross-reference:** FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

### **§ 111. Certification of home learning programs.**

The Secretary of Education and the State Boards of Education may set minimum standards for home learning.

- (1) The Secretary and the State Boards of Education may, upon application, review and approve a course of study of home learning as meeting those minimum standards.
- (2) The Secretary and State Board of Education shall monitor for compliance with the minimum standards established by the Secretary, any home study programs which are approved under this section, and may revoke its own approval, giving reasonable grounds for such action.

**Source:** PL 8-132 § 12.

### **§ 112. Gifts, Grants; Requests for funding.**

- (1) The Secretary may receive and manage money or other property, both real and personal, which may be given, bequeathed, devised, or in any manner received by the National Government for the purpose of education, from sources other than the Congress.
  - (a) The Secretary shall manage gifts and grants in a manner consistent with applicable law, including title 55 of this code, as amended.
  - (b) The Secretary shall cause to be kept detailed and accurate financial records recording the receipt of each gift or grant, the disposition of each gift or grant and the income therefrom, and the essential facts of management.
  - (c) This subsection shall not be construed to apply to any gifts received by a State.
- (2) Subject to the powers vested in the President and Congress, the Secretary is designated as the allottee and administrator of any funding that may be provided to the Department of Education for educational purposes. Such funding shall include, but not be limited to, Compact funding, foreign assistance funding, United States federal programs funding, and funding provided by other external agencies, organizations, and assistance programs.
- (3) The State Departments of Education will inform the Secretary when they apply for or receive foreign assistance to education, in order to ensure coordination.
- (4) When requesting funding for the State Departments of Education, the Secretary shall do so based on requests as submitted by the respective State Departments of Education.

**Source:** PL 8-132 § 13.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Legislature (the Congress of the Federated States of Micronesia) are found in title 3 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

Title 55 of this code is on Government Finance and Contracts.

### **§ 113. FACSSO.**

(1) The Department of Health, Education and Social Affairs or its successor entity will periodically as necessary convene meetings of the Chief State School Officers and the President of the College of Micronesia-FSM, for the purpose of increasing cooperation and coordination between the States and National Government and ensuring quality educational programs and facilities for students in the following areas:

- (a) setting and attaining minimum standards for educational administration, programs and facilities;
- (b) obtaining and equitably distributing national and external financial assistance for education;
- (c) providing technical assistance to the States and sharing experience and data on how to improve the administration of educational programs; and
- (d) anticipating and meeting the needs of FSM students in the area of post-secondary education.

(2) The Secretary of the Department of Health, Education and Social Affairs or his successor or designee, the four Chief State School Officers and President of the College of Micronesia-FSM, when meeting in their official capacity, shall be known as the FSM Association of Chief State School Officers, or FACSSO.

(3) Upon discussing and reaching a consensus on educational issues, FACSSO shall formally adopt, in the form of resolutions, its findings and conclusions, as well as the reasons or principles upon which its resolutions are based.

(4) The Secretary of the Department of Health, Education and Social Affairs, or his successor or designee, shall promptly transmit FACSSO resolutions to the FSM President and to other persons as appropriate.

(5) The Secretary of the Department of Health, Education and Social Affairs, or his successor or designee, shall maintain a book of FACSSO resolutions arranged consecutively according to date of adoption, and indexed according to subject matter.

**Source:** PL 8-132 § 14; PL 11-68 § 1.

### **§ 114. Regulations.**

The Secretary, upon approval by the President, is hereby authorized to promulgate regulations in accordance with title 17 of this code, implementing the provisions of this chapter, which regulations shall have the force and effect of law.

**Source:** PL 8-132 § 15, modified.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. Chapter 1 of title 17 of this

code is on FSM Administrative Procedures.