
P.L. 2013-23

1
2 **AN ACT**

3
4 to repeal Chapter 3, Title 14 of the MIRC the Education Act of 1992, and to enact in its
5 place an Act to establish an autonomous public school system; to provide for a National
6 Education Board and Commissioner of Education; to provide for independent personnel and
7 financial management, budgeting, etc; and for related purposes.
8

9 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:**

10 **PART 1 - PRELIMINARY**

11 Section 301. **Short title.**

12 This Chapter may be cited as the Marshall Islands Public School System Act, 2013.

13 Section 302. **Interpretation.**

14 As used in this Chapter, unless the context otherwise requires, the following words shall
15 have these meanings:

16 (a) "agent(s)" means a body created by law or by contract having the fiduciary
17 relationship with the Ministry of Education;

18 (b) "Board" or "National Board" means the National Board of Education established
19 under Section 306, Division 2 of this Chapter;

20 (c) "Commissioner of Education" or "Commissioner" means the Commissioner
21 responsible for the overall administration of the Public School system of Education pursuant to
22 Section 312;

23 (d) "Government agencies" means any executive department, independent commission,
24 board, bureau, office, or other establishment of the Government of the Republic of the Marshall
25 Islands, or any quasi-public institution which is supported in whole or in part by national funds;

26 (e) "fund" means fund established under Section 338;

1 (f) "Local Board" means a Local Board of Education established under Section 310 of
2 this Chapter;

3 (g) "Minister" means the Minister responsible for Ministry of Education;

4 (h) "Nonpublic school" means:

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

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

10 (i) "Primary school" or "Primary education" means Kindergarten through grade 8.

11 (j) "Public school" means a school, under college grade, which derives its support,
12 entirely or in part, from public funds; provided that "public school" does not include a school
13 specified under Subsection 302(h) of this Section, whether or not such school derives its support
14 from public funds.

15 (k) "Public school system" or "PSS" means the public education school system which
16 shall serve as a Department of Education for elementary and secondary school programs.

17 (l) "School property" means property of the Public School System and includes without
18 limitation textbooks and educational supplies, equipment, furniture and tools.

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

20 (n) "Commissioner" means the Commissioner of Education.

21 (o) "Special education" means instruction, programs or related services specifically
22 designed or provided to assist children with disabilities in responding to or promoting equal
23 educational programs and opportunities for all children.

(p) "Ministry of Education" means the ministry responsible for all formal education program and agencies serving pre-school age children to college level youth and adults, including formal education, informal education, and TVET programs.

Section 303. Application of Article VII of the Constitution

Pursuant to Section (1)(3) and Section (9)(2) of Article VII of the Constitution of the Marshall Islands, the Public Service Commission does not apply in relation to the Public School System.

Section 304. Public School System Established

There is hereby established, a Public School System ("PSS") within the Ministry of Education, which shall be the autonomous body responsible for the administration of public primary and secondary programs in the Republic. The public school system shall be governed by a board to be known as the National Board of Education.

PART 2—GOVERNING BODIES OF PUBLIC SCHOOL SYSTEM

Division 1. Minister of Education

Section 305. Powers of the Minister.

The Minister shall be a member of the National Board and shall have the power to:

- (1) Provide oversight of the administration and operation of the public school system;
- (2) Provide linkage with respect to policy and budgetary matters between the Board and the Cabinet ;

1 (3) Provide linkage to other agencies including but not limited to the College of Marshall
 2 Islands, National Training Council, University of the South Pacific Extension Program and the
 3 RMI-USP Joint Education Program, Scholarship Board, with the Public School System;

4 (4) Approve Boards selection of the Commissioner of Education; and

5 (5) Approve the disbursement of fund subject to approved budget;

6

7 *Division 2: National Board of Education*

8 Section 306. Establishment; Composition; etc

9 (1) There is hereby established a National Board of Education hereinafter ("the Board"),
 10 consisting of five members, appointed by the Cabinet from five (5) main geographical districts in
 11 the Republic which are as follows: one from the southern district, one from the central district,

12 one from the northern district, one from the eastern district, and one from the western district of
 13 the Marshall Islands, the Minister for Education, and three (3) other members, who shall be
 14 appointed by the Minister as follows:

15 (a) one teacher to represent the interests of the teachers;

16 (b) one represent a non-public schools; and

17 (b) one represent the interest of parents, students or guardians.

18 (2) For the purpose of this Chapter, the southern district covers Ebon, Namdik,
 19 Kili/Bikini/EjitJaluit, the central district covers Ailinglaplap, Jabat and Namu, northern district
 20 covers, Aur, Maloelap, Wotje, Ailuk, Utrok, Likiep and Mejit eastern district covers Arno, Mili,
 21 Majuro, and western district covers Kwajalein, Ellep, Ujac, Lae, Wotho, Rongelap and
 22 Enewetak.

1 (3) the members shall appoint amongst the Board membership except for the Minister, a
2 chairperson and a vice-chairperson. The Chairperson shall preside at meetings of the Board. The
3 Vice Chairperson shall serve as the presiding officer of the Board in the absence of the
4 Chairperson.

5 (4) In appointing persons to serve on the Board pursuant to subsection (1) of this section,
6 the Cabinet must ensure that a candidate:

7 (a) holds a Bachelor of Arts degree;

8 (b) has no criminal felony records;

9 (c) has at least 5 years experience, working in a responsible position;

10 (d) be 25 years and older; and

11 (e) Has been resided in the Marshall Islands for at least five (5) years.

12
13 **Section 307. Terms; vacancy; allowance.**

14 (1) Appointed members of the Board shall serve a term of four (4) years except that the
15 term of the first members elected shall be determined by drawing of lots with three members
16 serving a term of four years and two members serving a term of two years. The members
17 appointed by Cabinet shall serve for a term of four (4) years.

18 (2) Any vacancy on the Board caused by death, resignation, or removal of an appointed
19 member shall be filled in the same manner as the original appointment to serve the unexpired
20 term of that vacancy.

21 **Section 308. Meetings; procedures of the Board**

22 (1) Meeting of the Board shall be held once every three (3) months. A special meeting
23 shall be called by the Chairman or by majority of the Board members when matters arise.

1 (2) Other than special meeting of the Board, members shall be notified in writing by the
2 Chairman or other person designated by the Board at least one week before the date of any
3 meeting.

4 (3) Subject to this Chapter and any other laws, the Board shall determine its own
5 procedures to provide for the quorum and the conduct of meetings; the appointment and duties of
6 a Secretary of the Board, and any other matters relating to the Board and its operations and
7 procedures which it deems appropriate.

8
9 Section 309. **Powers, Functions and Duties of the Board.**

10 The Board shall have the following powers, functions and duties:

- 11 (1) to recruit the Commissioner of Education of the Public School System;
- 12 (2) to formulate policies in consultation with the Cabinet;
- 13 (3) to exercise control over public school system through Commissioner of Education,
14 and the Local Board of education within each local government jurisdiction;
- 15 (4) to make recommendations through the Minister on matters of education policy and
16 any related budgetary matters to the Cabinet;
- 17 (5) to establish and revise as necessary on its own or through its agents, rules, regulations
18 and policies for the operation of the Public School System, including policies relating to the
19 recruitment, promotions and personnel appeal processes; and removal of all Public School
20 System staff; to health and welfare benefits;
- 21 (6) to provide fiscal oversight including review and approval of the PSS budget for
22 presentation to the Cabinet and Nitijela;
- 23 (7) to establish financial policies and control systems with:

1 (a) the Ministry of Finance requirements for audit purposes as set out under the
2 Financial Management Act;

3 (b) the Fiscal Procedures Requirements of the Ministry of Finance and other
4 funding sources;

5 (c) Fiscal Procedures Agreement as under the Compact as Amended, in regards to
6 the use of Compact funding; and

7 (d) the procurement requirements set out under the Procurement Code (44 MIRC
8 Chapter 1).

9
10 (8) to make recommendations on matters refer to in subsection (3) of this Section to the
11 Minister;

12 (9) to approve and establish curricula and courses of instruction and administrative
13 policies of the public school system, including special projects and funded programs;

14 (10) to accept on behalf of the public school system, gifts, grants, donations, bequests,
15 and other contributions to improve and expand education programs; and

16 (11) to issue charters for private schools, develop policies for accreditation of public and
17 private schools operating in the RMI.

18 (12) to coordinate its policies in accordance with the Public Service Commission as and
19 when the need arises and to mediate grievance matters.

20
21 ***Division 3 – Local Board of Education***

22 **Section 310. Local Boards of Education.**

1 (1) Each Local Government shall form a Local Board of Education ("Local Board")
2 within its local jurisdiction in accordance with rules promulgated by the Board of Education for
3 their establishment, composition and procedures. The National Board shall retain fiscal oversight
4 over the Local Board.

5 (2) To assume responsibilities to administer local public schools within its local
6 jurisdiction pursuant to subsection (1) of this Section, and of Section 311, the National Board
7 shall ensure that a Local Government is ready to undertake such responsibilities, and provided
8 that a Local Government must establish a Board, create a Bylaw, provide school improvement
9 plans and Management plans, etc, in order to delegate such authority to administer local public
10 schools within a local government jurisdiction.

11
12 Section 311. **Functions of Local Boards.**

13 Each Local Board shall have the following functions:

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

21 (2) make provisions for school-based management of schools within that local
22 government jurisdiction, including involvement of the school community in the educational

1 process in each school, which shall include administrators, teachers, staff, parents, students and
 2 interested citizens;

3 (3) establish and support school or community-based advisory committees on education
 4 to review and advise the Local Board for that Local Government jurisdiction regarding
 5 ~~budgets, personnel, facilities, procedures, programs and other matters~~ being considered by
 6 the ~~Local~~ Local Board;

7 (4) establish particular educational goals, objectives and standards for schools within that
 8 Local Government jurisdiction pursuant to rules prescribed and approved by the Board

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

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

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

22 (7) submit requests, comments and recommendations for action to the National Board for
 23 consideration.

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Division 4 – Commissioner of Education

Section 312. **Administrative functions**

(1) The Commissioner of Education shall be responsible for the overall administration and implementation of public elementary and secondary educational programs in the Republic.

In the discharge of these functions, the Commissioner shall be responsible for the following:

- (a) the overall administration and operations of the public school system;
- (b) the recruitment, promotion and removal of teachers and staff in accordance with rules, regulations and policies promulgated pursuant to this Act;
- (c) monitoring and evaluating the 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) facilitates planning, coordination and reporting; and
- (j) carrying other directives of the Board.

PART 3—EDUCATION POLICIES AND STANDARDS

1 *Division 1 - Educational Standards*

2 Section 313. **Goal**

3 (1) The goal of the public school system in the Republic shall be:

4 (a) to provide a thorough and efficient system of education to all children in the Republic,
5 regardless of socioeconomic status, disabilities, or geographical location, the educational
6 opportunity that will prepare them to develop into self-reliant individuals and to function
7 socially, politically and economically in the society; and

8 (b) to encourage citizen involvement in educational matters by providing for schools that
9 guarantee and support local participation consistent with the goal of thorough and efficient
10 system of education serving all of the children of the Republic.

11
12 Section 314. **Guidelines**

13 The following guidelines shall serve as major elements for the achievement of the educational
14 goal provided in Section 313 and for the implementation of this Chapter:

15 (a) the establishment of educational goals at the national and local levels;

16 (b) the encouragement of public involvement in the establishment and implementation of
17 educational goals;

18 (c) instruction intended to produce the attainment of responsible levels of proficiency in:

19 (i) *Kajin Majel* and *Mantin Majel*, to be taught in all elementary schools; and

20 (ii) all major academic subjects, including basic communications and
21 computational skills;

22 (d) a student-teacher ratio of not more than thirty (30) students per teacher in each
23 classroom;

1 (e) free public kindergarten to all five year olds in the Republic as resources permit;

2 (f) a breadth of program offerings designed to develop the individuals talents and abilities
3 of students, including vocational and technical subjects;

4 (g) programs and supportive services for all students, especially those who are
5 educationally disadvantaged or who have special educational needs, including but not limited to
6 counseling, guidance, health education and related services and programs to help students
7 develop academically, personally and socially;

8 (h) adequately equipped, sanitary and secure physical facilities and adequate materials
9 and supplies;

10 (i) qualified teachers and administrators;

11 (j) efficient administrative procedures;

12 (k) an adequate program of research and development; and

13 (l) evaluation and monitoring programs at both the national and local levels.

14
15 Section 315. Curriculum

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

19 (2) Instruction in the Marshallese language, custom culture and history shall be
20 compulsory, and shall be provided at all preschool level schools, elementary level schools,
21 secondary levels schools. Instructions shall include assessment of student needs, selection of
22 appropriate learning activities, methodologies and materials and evaluation of the student's
23 attainment of objectives. The curriculum shall permit continuous progress along sequential lines

1 of development in academic as well as vocational areas. The curriculum shall be of sufficient
2 depth and breadth to meet the needs, interests and abilities of the students in that particular
3 community.

4 (3) All secondary level students in the Republic shall be required to pass an examination
5 on the Marshallese language, custom, culture and history, in order to obtain a secondary
6 education diploma or certificate, except for students who are not in the system for three (3) years.

7 (4) The Board or through its agents shall develop a course on the Marshallese language,
8 custom, culture and history, to be known as Marshallese Studies for the purposes of this section.

9 (5) The Board or through its agent shall provide training for teachers on Marshallese
10 Studies;

11
12 Section 316. Textbooks and Materials.

13 The Board shall establish a textbook committee to review and evaluate textbooks and
14 materials before purchase in order to determine their suitability as may be consistent with
15 economy and desirable within any curriculum differences in the schools of the Republic.

16
17 *Division 2 - School Year and Attendance*

18 Section 317. School Year

19 The school year shall consist of no less than one hundred eighty five (185) days of school
20 in session, exclusive of holidays provided that any increase thereof of days shall be made
21 pursuant to the promulgation of regulation under Section 346 and in consultation with the
22 schools. Each of the schools in the Republic may, with the approval of the Board establish

1 beginning and ending dates of the school year in accordance with local needs and customs. Such
2 dates need not be uniform throughout the Republic.

3
4 **Section 318. Compulsory Enrolment and Attendance**

5 (1) A child who attains the age of five (5) years on or prior to the commencement date of
6 any school year shall be eligible to enroll in, and commence elementary level education in any
7 school in the Republic. The enrolment and attendance of a child under this Subsection shall be
8 compulsory, and the onus is placed on the parent(s) or guardian(s) to ensure that such child is
9 enrolled in, and regularly attends school.

10 (2) A child who has successfully completed elementary level education shall be eligible
11 to enroll in secondary level education in any school in the Republic.

12
13 **Section 319. School Attendance Area**

14 All students shall be required to attend the public school located in the area in which they
15 reside, or any nonpublic school whether or not it is located in the attendance area in which they
16 reside. Attendance at a public school in another school attendance area may be granted at the
17 discretion of the Commissioner. Attendance of a secondary school at a different public high
18 school than the one serving the student's attendance area shall require prior written approval of
19 the Commissioner or the Commissioner's designee.

20
21 **Section 320. Parent's or Guardian's Responsibility for Child's Attendance.**

22 (1) It shall be the responsibility of a parent, guardian or any other person having custody
23 of a child of 5 to 18 years to ensure that a child under his or her custody, care or guardianship

1 enrolls in, and attends public elementary or secondary level school upon attaining eligibility
2 during any given school year.

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

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

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

8 (c) the child is found delinquent under the Juvenile Procedure Act and placed on
9 probation, may be subject to penalties provided under Juvenile Delinquency Act or penalties
10 under any regulations established by the Board.

11
12 ***Division 3 - Student Progress and Conduct***

13 **Section 321. Student Assessment and Progress**

14 The Board shall make provisions for assessing and reporting the progress of each student.
15 At the end of each school year, students making normal progress shall be promoted to the
16 succeeding grade or graduated, as appropriate. Promotion shall be based on the student's
17 academic performance and other appropriate measures. No student shall remain in the same
18 grade more than two years.

19
20 **Section 322. Secondary Education**

21 A public high school entrance examination shall be administered to all eighth-grade
22 students as a means of determining placement in public high school. Such secondary education,

1 consisting of Grades 9 through 12, shall be provided to students who qualify for admission to
2 high school and who continue to meet Public School System and school standards.

3
4 Section 323. **Student Conduct**

5 The Board shall establish rules for dealing with breaches of appropriate student conduct,
6 shall distribute such rules to students and parents, and shall act promptly and in accordance with
7 the rules when breaches of conduct arise.

8
9 Section 324. **Teacher Conduct**

10 (1) The Board shall establish rules or regulations for dealing with breaches of appropriate
11 teachers' conduct including disciplinary measures and appeal processes.

12 (2) The Board shall distribute such rules or regulations to students and parents, and shall
13 act promptly and in accordance with the rules when breaches of conduct arise.

14 (3) Corporal Punishment is prohibited in the public school system.

15
16 *Division 4- Student Health and Supplementary Services*

17 Section 325. **Student Health and Safety**

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

21 (2) The Public School System, in cooperation with the Ministry of Health shall enforce
22 Ministry of Health regulations regarding physical examinations, immunization and
23 communicable diseases. Any student or teacher contracting a communicable disease may be

1 excluded from school until a physician certifies that the student or teacher may return to school.
2 For the purposes of this section "communicable disease" has the same meaning and
3 categorization under the Communicable Disease Prevention and Control Act, (7 MIRC 2).
4

5 Section 326. School Transportation

6 The Public School System may provide suitable transportation to and from school for
7 Special Education, preschool, elementary and secondary students as resources permit. The Public
8 School System shall adopt rules as it deems necessary to provide such transportation. In
9 developing such rules, the Public School System shall consider the school attendance area in
10 which a child normally resides; the distance the child lives from the school; the availability of
11 public carriers of other means of transportation; the frequency, regularity and availability of
12 public transportation; the grade level, physical, mental, special and irregularity of a child;
13 any such other conditions or circumstances unique to an area, island, or community.

14

15 Section 327. School Program

16

1 The Public School System shall promote good nutrition in each of the schools of the
2 Republic. The Commissioner shall appoint trained and experienced nutrition workers, who shall
3 be members of the public service, to carry on nutrition work in the schools under such rules and
4 regulations as the Board shall make from time to time.

5
6 **Section 330. School Meal Program**

7 (1) The Commissioner through the Board may assist any community in establishing a
8 school meal program under such rules and regulations as the Board may promulgate.

9 (2) The Commissioner through the Board shall establish a meal program for all schools
10 having dormitory facilities. The program shall be operated under the general direction of the
11 school principal in accordance with standards of health cleanliness as prescribed by the Ministry
12 of Health.

13
14 ***Division 5- Nonpublic Schools***

15 **Section 331. Charter Required**

16 (1) Any person or persons desiring to establish a nonpublic school shall, prior to the
17 establishment thereof, make written application of a charter to the Commissioner. The
18 application shall be signed by the applicant or applicants and shall state in substance:

19 (a) the names of the persons desiring to establish the school;

20 (b) the proposed location thereof;

21 (c) the course of instruction and the language in which the instruction is to be
22 given;

23 (d) teacher qualifications;

1 (e) student enrollment; and

2 (f) such other information as the Secretary may require.

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

7 (3) No nonpublic school shall be established except in conformity with this Chapter;
8 provided that any nonpublic school existing in the Republic under a valid charter on the effective
9 date of this Chapter shall be deemed to have complied with the requirements set forth in this
10 Part.

11
12 Section 332. Nonpublic School Attendance

13 (1) Attendance at any school established or maintained without complying with the terms
14 of this Chapter shall not be considered attendance at a public or nonpublic school as required by
15 law.

16 (2) The Public School System may from time to time require nonpublic schools to submit
17 reports of attendance and other matters of public concern. Failure to meet the standards required
18 of nonpublic schools or failure to in any way comply with the provisions of law shall be cause
19 for refusal to issue a charter or for the revocation or suspension of any charter.

20
21 Section 333. Benefits to Students

22 Students of nonpublic schools may receive from the national government, as resources
23 permit, some benefits with public school students in such areas as transportation, textbooks,

1 testing services, medical and nursing services, and meal programs, provided that such benefits do
2 not violate the Constitution or any other law of the Republic.

3
4 **PART 4-EVALUATION AND CERTIFICATION**

5
6 **Section 334. Comprehensive Needs Assessment Program**

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

10 (2) The Board of Education shall make the results of the needs assessment program
11 available to Local Boards, which shall review and update their particular educational goals
12 objectives and standards to meet those needs. All such results shall be made public.

13
14 **Section 335. Evaluation of Performance of Each School**

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

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

21 (a) determine student needs;

22 (b) ensure student progress;

23 (c) assess the degree to which the educational objectives have been achieved; and

24 (d) monitor compliance with national standards and procedures.

1
2 **Section 336. Certification**
3 Subject to Section 334, if, upon review of the Public School System evaluations and
4 reports, the Board determines that a Local Board satisfies the evaluation criteria under the system
5 administered pursuant to Section 334 of this Chapter, the Commissioner shall recommend that
6 the Board certify the Local Board as providing a thorough and efficient system of education.
7 Initial and renewal certification shall be up to, but not more than, three (3) years.

8
9 **Section 337. Corrective Action Plan**

10 If upon review of the Public School System evaluations and Reports the Commissioner
11 determines that a Local Board has failed to show sufficient progress toward the goals, guidelines
12 objectives and standards set forth in this Act, despite allowing the Local Board a reasonable
13 opportunity to correct such deficiencies, the Commissioner shall recommend that the Local
14 Board undertake a corrective action plan to achieve certification. The plan shall be developed for
15 each particular Local Board by the Department in conjunction with the Local Board following an
16 examination of all aspects of the Local Board's operations, including education, governance,
17 management and finance as well factors external to the Local Board's schools which may
18 contribute to the deficiencies in educational achievement. The Commissioner may recommend
19 measures to mitigate the effects of any such external factors in schools.

20

21 **PART 5—FINANCIALS**

22 **Section 338. Education Fund**

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

3 (2) The Fund is a fund other than the Marshall Islands General Fund within the meaning
4 and for the purposes of Article VIII, section 3 (2) of the Constitution.

5 (3) The Fund shall be administered by the Commissioner of Education, under the
6 supervision of the Minister and the National Board of Education.

7
8 **Section 339. Payments into the Fund**

9 (1) There shall be paid into the Fund:

10 (a) any monies appropriated by the Nitijela for the purposes of this Chapter;

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

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

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

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

21 (3) The Nitijela shall appropriate sufficient monies in each financial year to assure
22 adequate levels of funding to meet the obligations of the Government of the Republic under
23 Article II, Section 17 and Article V, Section 1(3) (h) of the Constitution.

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Section 340. 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 Public School System 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 Public School System for administrative and other purposes; and

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

(2) Pursuant to Article VIII Section (5)(1) of the Constitution, the Minister for Education is hereby vested with the authority to approve expenditure of funds in the Education Funds in accordance with this Chapter.

(3) No money shall be withdrawn from the Fund except in accordance with this Chapter and with other procedures prescribed by the Financial Management Act, 11 MIRC 1 that may be deemed necessary.

Section 341. Accounts and Records

(1) The Commissioner of Education 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 disbursement of funds must in addition, comply with the provisions of the Fiscal Procedures Agreement under the Compact of Free Association as Amended (as it relates to Compact funds), as well as the procurement requirements set out under the Procurement Code (44 MIRC Chapter 1).

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

(4) 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.

Section 342. **Budget**

(1) The Commissioner shall submit to the Minister of Education, through the Board 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 Commissioner of Education shall submit to the Minister of Education, through the Board 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 Cabinet directs.

(4) Except with the approval of the Minister 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. 2013-23

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Section 343. **Standard Salary Scales**

The public school system shall ensure in its policy or regulations, to follow similar grading or classification system or pay scales for teachers as established by regulations of the Public Service Commission for members of the Public Service.

PART 6- MISCELLANEOUS

Section 344. **Departmental Reporting**

(1) The reports submitted to the National Board by the Local Boards pursuant to Section 3454 shall form the basis for an annual report by the Commissioner 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

dations for improving the educational system in the Republic. 21 recommen

22 (2) In addition to the items specified in Subsection (1) this
23 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.

Section 345. **Local Board Reporting**

(1) Each Local Board shall make an annual report by July 15th of each year to the Board 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.

1 (2) In addition to the items specified in Subsection of this Section, the Department may
2 from time to time require each Local Board to submit a facilities' survey, including current use
3 practices and projected capital needs.

4
5 Section 346. Liability.

6
7 (1) No member of the Board, officer, or staff of the PSS shall be personally liable for any
8 act or default done or omitted to be done in good faith in the course of the administration of the
9 PSS.

10 (2) Any expenses incurred in relation to any suit either in prosecuting or defending a suit
11 or prosecution that falls under the terms of this Chapter shall be charge against the fund
12 established under this Chapter provided that the limits of liability applicable to the Republic

13 shall apply to any suit brought against the PSS in the courts of the Republic.

14
15 Section 347. Rules and Regulations

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

19 (2) The Minister or the Minister's designee, may adopt rules or regulations imposing
20 reasonable fees for teacher certification, nonpublic school charters and such other areas as are
21 necessary for the implementation of this Chapter.

22
23 Section 348. Effective date, Transition and savings

1 (1) This Act shall take effect in accordance with the Constitution Article IV Section 21111

2
3 Act shall take effect, or affect any schools, programs or projects currently unde
4 Ministry of Education until the expiry of the period of one year (1) after the certifi
5 Act.

6 (2) All rules, regulations and policies promulgated and administered by the
7 Education prior to the coming into effect of this Chapter, shall remain in operation
8 pursuant to this Chapter, until a new ed, abolished or superseded, by any new rules
9 and policies promulgated by the Board.

10 (3) The Minister for Education shall, in accordance with subsection (1) h
11 issue a public declaration announcing the effective date of the provisions of this Act.

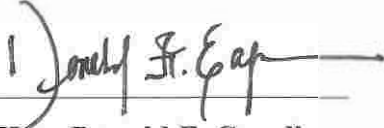
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15 CERTIFICATE


16
17 I hereby certify:

- 18 1. That Nitijela Bill No. 42ND1 was passed by the Nitijela of the Republic
19 of the Marshall Islands on the 04th day of November, 2013; a
20 2. That I am satisfied that Nitijela Bill No. 42ND1 was passed in accor
21 relevant provisions of the Constitution of the Republic of the Marshall
22 the Rules of Procedures of the Nitijela.

23
24 I hereby place my signature before the Clerk this 25th day of November
25
26

Attest:

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4 **Hon. Donald F. Capelle**
5 Speaker
6 Nitijela of the Marshall Island


Tarjo Arelong
Clerk
Nitijela of the Marshall Islands

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