

AN ACT

To further amend title 40 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 6-30, 6-44 and 6-45, by amending sections 231, 232, 233, 234, 235, 236 and 237 for the purpose of providing special education services to children with disabilities, to redefine "children with disabilities" and "special education," to clarify general procedures for the submission of the special education plan and the fund status and performance report, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 231 of title 40 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3 "Section 231. Short title. This subchapter shall be known and  
4 may be cited as the 'Federated States of Micronesia Special  
5 Education Act of 1993.'"

6 Section 2. Section 232 of title 40 of the Code of the Federated  
7 States of Micronesia is hereby amended to read as follows:

8 "Section 232. Statement of policy. The Congress of the  
9 Federated States of Micronesia, recognizing the obligation of the  
10 Federated States of Micronesia under section 109 of title 1 of  
11 this code that free elementary education shall be provided  
12 throughout the Federated States of Micronesia, and further  
13 recognizing the obligation of the Federated States of  
14 Micronesia to provide educational opportunities to all children  
15 which will enable them to lead fulfilling and productive lives,  
16 hereby declares that it is the policy of the Federated States of  
17 Micronesia and the purpose of this subchapter to provide means  
18 for the free education of children with disabilities and that  
19 insofar as is appropriate, disabled children shall receive  
20 necessary supplementary services in regular classrooms offered  
21 by the Federated States of Micronesia and each State Department  
22 of Education both in rendering services directly to children

1 with disabilities, and in providing consulting services to  
2 regular classroom teachers."

3 Section 3. Section 233 of title 40 of the Code of the Federated  
4 States of Micronesia is hereby amended to read as follows:

5 "Section 233. Definitions. As used in this subchapter, unless  
6 the context otherwise requires:

7 (1) 'Children with disabilities' includes those individuals  
8 from birth through age 21 who are evaluated as having mental  
9 retardation, hearing impairments including deafness, speech  
10 or language impairments, visual impairments including blindness,  
11 serious emotional disturbance, orthopedic impairments, autism,  
12 traumatic brain injury, other health impairments, specific  
13 learning disabilities, deaf-blindness, or multiple impairments,  
14 and who because of those impairments need special education and  
15 related services.

16 (2) 'Secretary' means the Secretary of the Department of  
17 Education.

18 (3) 'Special education' means instructional or other  
19 services necessary to assist children with disabilities.  
20 Special Education is specially designed instruction, at no cost  
21 to the parents, to meet the unique needs of a child with a  
22 disability, including instruction conducted:

- 23 (a) in the classrooms;  
24 (b) in the home;  
25 (c) in hospitals and institutions;

- 1 (d) in other settings; and  
2 (e) in physical education."

3 Section 4. Section 234 of title 40 of the Code of the Federated  
4 States of Micronesia is hereby amended to read as follows:

5 "Section 234. Administration.

6 (1) There is hereby established in the Department of  
7 Education a Special Education Program which shall be headed by a  
8 Program Specialist, who will be qualified by education,  
9 training, and experience to take responsibility for and give  
10 direction to the programs of the Federated States of Micronesia  
11 relating to the education of children with disabilities.

12 (2) The Secretary of Education shall establish and make  
13 such studies, surveys, evaluations, policies, and rules and  
14 regulations as are necessary to carry out the provisions of this  
15 chapter.

16 (3) The Secretary of Education shall submit to the  
17 President and the Congress of the Federated States of Micronesia  
18 the special education annual program plan and the fund status  
19 and performance report at such time as they are submitted to the  
20 United States Office of Education as required by United States  
21 PL No. 101-476, Individuals with Disabilities Education Act."

22 Section 5. Section 235 of title 40 of the Code of the Federated  
23 States of Micronesia is hereby amended to read as follows:

24 "Section 235. State responsibility. On or before July 1 of  
25 each year, each State shall report to the Secretary of

1 Education the extent to which it is providing the special  
2 education for children with disabilities necessary to implement  
3 this subchapter. The report shall detail the means which the  
4 State uses to provide for the free appropriate special education  
5 of children with disabilities."

6 Section 6. Section 236 of title 40 of the Code of the Federated  
7 States of Micronesia is hereby amended to read as follows:

8 "Section 236. Procedure to ensure efforts. The Secretary of  
9 Education shall establish, in cooperation with the Secretary  
10 of the Department of Health Services and each State  
11 Director of Education, procedures to ensure the ongoing  
12 education, identification, location and evaluation of children  
13 with disabilities."

14 Section 7. Section 237 of title 40 of the Code of the Federated  
15 States of Micronesia is hereby amended to read as follows:

16 "Section 237. Funding; Authorization. There is hereby  
17 authorized an annual appropriation from the General Fund of the  
18 Federated States of Micronesia as may be necessary to carry out  
19 the provisions of this subchapter. The Secretary of Education  
20 shall administer the expenditure of funds appropriated pursuant  
21 to this subchapter as set out in the annual program plan for the  
22 purposes set forth herein."

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1 Section 8. This act shall become law upon approval by the President  
2 of the Federated States of Micronesia or upon its becoming law without  
3 such approval.

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Noblemaire, 1993  
Bailey Oter  
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President  
Federated States of Micronesia

