

A BILL FOR AN ACT

To establish a Kosrae State Board of Education; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 **Section 1. Purpose.** The purpose of this bill is to create and establish a
2 Kosrae State Board of Education to oversee the Department of Education.

3 **Section 2. Amendment.** Title 7 at Section 7.102 of the Kosrae State Code is
4 hereby amended to read as follows:

5 “Section 7.102. Agencies; enumeration The agencies are:

6 (1) The Broadcast Authority

7 (2) The Election Commission

8 (3) The Kosrae Island Resource Management Authority

9 (4) The Port Authority

10 (5) The Board of Education

11 (6) The Parole Board

12 (7) The Sports Council

13 (8) The Scholarship Board

14 (9) The Utility Authority

15 (10) The Visitors Bureau

16 **Section 3. Amendment.** Title 7 of the Kosrae State Code is hereby
17 amended to add a new Chapter 7, to read as follows:

18 “**CHAPTER 7. KOSRAE STATE BOARD OF EDUCATION**

19 (a) Section 7.701. The Board of Education. There is hereby
20 established a Kosrae State Board of Education which shall consist
21 of six members. The Director of Education shall serve as an ex-
22 officio, non-voting member of the Board. The Governor with the
23 advice and consent of the Legislature shall appoint the remaining
24 five members. All voting members shall serve at the pleasure of

1 the Governor for the same term as that of the appointing
2 Governor. Vacancies shall fill for unexpired terms by the
3 Governor with advice and consent of the Kosrae State
4 Legislature. Any member whose term expired may continue
5 serving as a holdover member until a successor is nominated and
6 appointed; PROVIDED that a holdover member shall not serve
7 beyond the end of the second regular legislative session
8 following the expiration of the member's term office.

9 Section 7.702. Organization and meeting.

- 10 (1) The Board shall, by majority vote from among its members, elect
11 a Chairperson, a Vice Chairman and a Secretary, who shall serve
12 for such term as may be prescribed by the Board, except that the
13 Director shall not be elected Chairperson or Vice Chairperson.
- 14 (2) In the event of absence or disability of the Chairperson or Vice
15 Chairperson, the Board may designate another member to
16 preside during a meeting, excluding the Director.
- 17 (3) Three members of the Board shall constitute a quorum to do
18 business, and the concurrence of a majority of all members to
19 which the Board is entitled shall be necessary to make any action
20 of the Board valid.
- 21 (4) Meeting shall be called and held at the call of the Chairperson, or
22 by quorum, at least quarterly, and, in addition, as often as may
23 be necessary for the transaction of Department business.
- 24 (5) Meetings shall open to the public and shall be held only after
25 adequate public notice has been given. The Director shall notify
26 the members in writing of meetings at least two days before the
27 date of the meeting.
- 28 (6) A member who is absent from any official meeting of the Board
29 without reasonable cause or approval of the Chair for three

1 consecutive meetings shall automatically be expelled from the
2 Board.

3 Section 7.703. Expense and compensation of board members. Members
4 of the Board shall be compensated at the rates established by Section 7.113 of
5 the Kosrae State Code, when actually performing functions of the Board at the
6 direction of the Chairman, except that those members who are Kosrae State
7 Government employees shall instead be granted administrative leave from their
8 regular duties while performing functions of the Board. All members shall also
9 receive travel expenses and per diem at Kosrae State Government rates when
10 those amounts would be payable to Kosrae State Government employees in the
11 same circumstances.

12 Section 7.704. Duties and functions of the Board. The Board's duties and
13 functions shall be to act in a supervisory capacity to the State Government with
14 respect to its functions in the field of education. The Board shall have power in
15 accordance with law in formulating, issuing and overseeing rules, regulations and
16 policies to guide activities of the Department. The powers and responsibilities of
17 the Board shall include, but not limited to, following:

18 (1) Establishing a comprehensive educational development plan
19 consistent with the overall plans and objectives of the State
20 Government;

21 (2) Defining specific educational objectives for the State for
22 immediate implementation, and advising the Governor on the
23 integration of those objectives with the objectives of the
24 department and agencies of the State Government.

25 (3) Evaluating past and current educational expenditure;

26 (4) Approving education budgets for submission by the
27 Department to the Governor for inclusion in the State budget
28 which will be submitted to the Kosrae State Legislature;

29 (5) Assisting the Director in recruiting and hiring key education
30 personnel.

- 1 (6) Adopting minimum criteria and prescribing terms for the
2 issuance of certificates for principals and teachers, and for
3 the renewal thereof;
- 4 (7) Adopting Kosrae wide curriculum standards and guides;
- 5 (8) Adopting procedures and minimum standards for the issuance
6 and renewal of permits for the operation of private schools;
7 and
- 8 (9) Adopting and modifying Department rules, regulation and
9 policies; PROVIDED that regulations issued by the Board shall
10 not take effect until approved by the Governor.”

11 **Section 4. Severability.** If any provision of this chapter or the
12 application thereof to any person or circumstance is held invalid, such invalidity
13 does not affect the other provisions or applications of the chapter which can be
14 given effect without the invalid provision or application, and to this end the
15 provisions of this chapter are severable.

16 **Section 5. Effective Date.** This act takes effect upon its approval by the
17 Governor or upon its becoming law without such approval.

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25 Date: _____ Introduced by: _____
Albert T. Welly