

PALAU NATIONAL CODE

TITLE 22 EDUCATION



2001

TITLE 22

EDUCATION

Chapter 1

Educational System

Subchapter I

General Provisions

- § 101. Declaration of policy and purposes.
- § 102. Definitions.

Subchapter II

Ministry of Education

- § 111. Minister; administration of programs.
- § 112. Same; duties and functions generally.
- § 113. Gifts to Ministry.
- § 114. Grants to Ministry from the United States Government or other national or international government entities or jurisdictions.
- § 115. Budget for education.
- § 116. Minister to promulgate rules and regulations.

Subchapter III

Palau Board of Education

- § 131. Board of education; established; members; compensation.
- § 132. Same; officers; quorum; meetings.
- § 133. [Repealed]
- § 134. Same; duties and functions.

Subchapter IV

State or Community Boards of Education

- § 141. State or community boards of education.

Subchapter V

Educational Standards

- § 151. Teachers' certificates; required; qualifications.

- § 152. Same; revocation.
- § 153. Same; penalty for teaching without certificate.
- § 154. Same; teachers on effective date of chapter.
- § 155. Teacher training programs.
- § 156. Curriculum.
- § 157. Textbooks and materials.
- § 158. School year.
- § 159. Attendance; parent's or guardian's penalty for child's absence.
- § 160. Standards for graduation from high school.
- § 161. Requirements for Head Start teachers.

Subchapter VI
Student Transportation, Residence and Meals

- § 171. Transportation of school children.
- § 172. Residence assistance.
- § 173. School feeding program.

Subchapter VII
Nonpublic Schools

- § 181. Charter; procedure.
- § 182. Attendance; reports; failure to meet standards.
- § 183. Benefits to students.
- § 184. Supervision by Ministry.

Chapter 2
Student Loans and Scholarships

Subchapter I
Trust Territory Student Loan Fund
[Repealed]

§ 201 - § 206. [Repealed]

Subchapter II
Palau National Scholarship Board

§ 221. Short title.

EDUCATION

22 PNCA

- § 222. Declaration of policy.
- § 223. Definitions.
- § 224. Creation of Scholarship Board.
- § 225. Board members; composition; terms; compensation; removal.
- § 226. Board organization; meetings; chairman; quorum.
- § 227. Powers and duties.
- § 228. Accounts and records.
- § 229. Authorization; Scholarship Fund.
- § 230. Congressional Scholastic Award.

Chapter 3 Palau Community College

Subchapter I General Provisions

- § 301. Established as public corporation; purposes.
- § 302. [Repealed]
- § 303. Definitions.

Subchapter II Board of Trustees

- § 311. Organizing principles; creation; composition; terms of members.
- § 312. [Repealed]
- § 313. Vacancies
- § 314. Removal of members.
- § 315. Organization; meetings; quorum; officers; executive committee; per diem.
- § 316. Powers.

Subchapter III President; Employees and Budget

- § 321. President of the College.
- § 322. Employees of the College.
- § 323. Budget.

**Subchapter IV
Operational Provisions**

- § 331. Suits, insurance.
- § 332. Funding.
- § 333. Budget constraints; overspending.
- § 334. Fiscal responsibility.
- § 335. Accounts; reports.
- § 336. Modification of personnel system; retention of outside legal counsel; contracts for maintenance and construction; establishment of finance and accounting department and purchasing system.
- § 337. Evaluation of the College.
- § 338. Continuance of district government assistance functions.
- § 339. Exemption from taxation.
- § 340. Assent to other acts.
- § 341. Campuses.
- § 342. Dissolution.
- § 343. Applicability of Laws.
- § 344. Relationship to treaty.
- § 345. Authorization.

**Subchapter V
Palau Community College Endowment Fund**

- § 350. Purpose.
- § 351. Palau Community College Endowment Fund established; requirements; restrictions on use.
- § 352. Reversion of endowment funds.

**Chapter 4
Handicapped Children Act**

- § 401. Short title.
- § 402. Public policy and legislative findings and history.
- § 403. Definitions.
- § 404. Finance.
- § 405. Child identification.
- § 406. Assessment by assessment committee.
- § 407. Reevaluation.

EDUCATION

22 PNCA

- § 408. Parental roles.
- § 409. Individualized education program.
- § 410. Development of individualized educational program.
- § 411. Placement.
- § 412. Placement procedure.
- § 413. Notice of proposed action.
- § 414. Consent.
- § 415. Mediation.
- § 416. Authorization.

Chapter 5 Student Employment Programs

- § 501. Summer tree planting program.

Chapter 6 National Master Plan For Education

- § 601. Legislative findings
- § 602. Task force established.
- § 603. Duties.
- § 604. Funding.

TITLE 22
EDUCATION

Chapter 1
Educational System

Subchapter I
General Provisions

§ 101. Declaration of policy and purposes.

§ 102. Definitions.

§ 101. Declaration of policy and purposes.

It is hereby declared and found to be the policy of the national government to provide for an educational system which shall enable the citizens of Palau to participate fully in the progressive development of the Republic as well as to gain knowledge in all areas. To this end, the purposes of education in the Republic are to increase citizen participation in economic and social development, to unify the Republic by giving the people knowledge of their islands, economy, government and world, and to provide citizens of the Republic with the knowledge and skills required for self-development and the development of the Republic. These skills include professional and vocational, as well as social and political, abilities. It shall be the responsibility of the Palau Board of Education to further define these skills and abilities by formally adopting and periodically evaluating a written definition of goals for students to achieve professional and vocational, as well as social and political, success.

Source

41 TTC § 2, modified. Amended by RPPL 4-57 § 1.

Cross-reference

For constitutional provision regarding the responsibility of the national government to take positive action to attain free and compulsory public education for citizens as prescribed by law, see ROP Const. art. VI; for Trust Territory Bill of Rights provision requiring free elementary education throughout the Trust Territory, see § 409 of Title 1.

§ 102. Definitions.

As used in this chapter, unless otherwise indicated by the context:

- (a) "Board" means the Palau Board of Education.

(b) "Ministry" means the Ministry of Education of the Republic.

(c) "Minister" means the Minister of Education.

Source

41 TTC § 1, modified. Subsections (b) and (c) amended by RPPL 4-57 § 1.

**Subchapter II
Ministry of Education**

§ 111. Minister; administration of programs.

§ 112. Same; duties and functions generally.

§ 113. Gifts to Ministry.

§ 114. Grants to Ministry from the United States Government of other national or international government entities or jurisdictions.

§ 115. Budget for education.

§ 116. Minister to promulgate rules and regulations.

§ 111. Minister; administration of programs.

Under policies established by the President in consultation with the Palau Board of Education, the Minister shall administer programs of education and public instruction throughout the Republic, including education at the preschool, primary, middle and secondary school levels, health education and instruction, teacher training programs, adult education, community education programs, vocational schools and training programs, and such other programs as may be established.

Source

(P. L. No. 4C-48, § 7(10).) 41 TTC § 8, modified. Amended by RPPL 4-57 § 1.

§ 112. Same; duties and functions generally.

The Minister shall make provision for school improvement processes, curriculum development, assessment and reporting of student progress, budget preparation, personnel recruitment and selection, teacher and administrator training and certification, management and administration of all professional personnel functions, community and vocational development, and training of citizens of the Republic to assume increasingly important professional and administrative positions in the national government and subdivisions thereof. In addition, the Minister shall make provision for policy analysis, evaluation and recommendations to the Board. The Minister may

hire such technical, administrative, clerical and stenographic assistants as may be necessary and as shall be authorized. The Minister is hereby authorized to establish, manage and periodically evaluate and improve a Professional Personnel System for all professional employees of the Ministry. The system shall be based on written standards to determine the professional performance of teachers and administrators. The system shall be exempt from the requirements of the Bureau of Public Service or Civil Service Board.

Source

41 TTC § 9, modified. Amended by RPPL 4-57 § 1.

§ 113. Gifts to Ministry.

(a) The Minister may receive and manage money or other property, real, personal, or mixed, which may be given, bequeathed, devised, or in any manner received for the purpose of the Ministry from sources other than the Olbiil Era Kelulau. All such money received by, or on behalf of the Ministry, shall be paid into the National Treasury, and shall be managed according to policies established by the President and the Board for the benefit of the Ministry in accordance with the intent of the donor.

(b) The Minister shall cause to be kept suitable books of account wherein shall be recorded each gift, the essential facts of management, and the expenditure of the income.

Source

41 TTC § 15, modified. Amended by RPPL 4-57 § 1.

§ 114. Grants to Ministry from the United States Government or other national or international government entities or jurisdictions.

Subject to the power vested in the President and the Board, the Minister, designated as the administrator of such funds as may be allotted to the Republic under legislation of the United States Congress or other national or international government, entity or jurisdiction for public educational purposes, shall, subject to such limitations as may be imposed by the United States Congress or other government, entity, or jurisdiction, use and expend such funds:

(a) to improve the program of the public schools of the Republic, by expanding the educational offerings, particularly in the outlying islands;

- (b) for payment of salaries to teachers or administrators;
- (c) to employ additional teachers to relieve overcrowded classes;
- (d) to adjust salaries of teachers or administrators to meet the increased cost of living, within such limits as may be fixed by and pursuant to law;
- (e) to provide for the purchase of supplies, apparatus, and materials for the public schools as well as for direct aid to students of nonpublic schools of the Republic;
- (f) for any such purposes and to such extent as shall be permitted by Acts of Congress, or other governments, entities, or jurisdictions.

Source

41 TTC § 16, modified. Amended by RPPL 4-57 § 1.

§ 115. Budget for education.

Annually, in accordance with the budget calendar of the national government, the Board shall recommend a budget to the Minister. The Minister shall then submit to the President and the Olbiil Era Kelulau a budget showing for the following budget year the estimated requirements of the public schools and of direct aid to nonpublic school students as provided for in section 183 of this chapter. The budget shall be prepared in such form and detail as may be in use for the national government, and shall provide for all expenses in conducting the school program. Capital outlays, including furniture and equipment, land, buildings, and improvements, may be submitted separately from the expenses for operations.

Source

41 TTC § 28(1), modified. Amended by RPPL 4-57 § 1.

§ 116. Minister to promulgate rules and regulations.

Subject to approval by the President, the Minister, in consultation with the Board, shall promulgate such rules and regulations as he may deem necessary to effectuate the provisions of this chapter.

Source

41 TTC § 32, modified. Amended by RPPL 4-57 § 1.

Subchapter III
Palau Board of Education

§ 131. Board of education; established; members; compensation.

§ 132. Same; officers; quorum; meetings.

§ 133. Same; compensation and expenses.

§ 134. Same; duties and functions.

§ 131. Board of education; established; members; compensation.

(a) There is established a board of education, to be called the Palau Board of Education.

(b) The Board shall consist of seven members, all appointed by the President with the advice and consent of the Senate. All Board members shall be residents of the Republic. No employee of the Ministry, Palau Community College or a private school in the Republic may serve on the Board.

(c) Members of the Board shall be appointed and shall serve for terms of four years; the terms of sitting members of the Board shall continue for the duration of their terms.

(d) Vacancies shall be filled for unexpired terms by the President with the advice and consent of the Senate.

(e) Each member of the Board shall receive \$35.00 per day while on the business of the Board. A member who is an employee of the national government shall be granted administrative leave while on business of the Board and shall receive his or her regular salary in lieu of the \$35.00 per diem.

Source

41 TTC § 10, modified. Subsections (b), (c) and (d) amended by RPPL 4-57 § 1. Subsection (e) added by RPPL 4-57 § 1.

§ 132. Same; officers; quorum; meetings.

(a) The Board shall by majority vote elect from among its members a chairman who shall serve for such term as it shall prescribe. In the event of absence or disability of the chairman, the Board may designate another member to preside during the meeting. The Board may designate and elect other officers of the Board through provisions in its bylaws.

(b) Four members of the Board shall constitute a quorum.

(c) The Board shall meet at such time and places as it may designate but not less than twice each year. The members shall be notified of meetings by the Minister in writing at least two weeks before the date of any meeting. A written public notice of the meeting shall be posted at least one week before the Board meeting at the post office, the Supreme Court, and the Olbiil Era Kehulau, and shall be broadcast on a local radio station at least three times a day for three days. This notice requirement shall not apply to meetings, the sole purpose of which is for the Board to receive training.

Source

41 TTC § 11, modified. Amended by RPPL 4-57 § 1.

§ 133. Same; compensation and expenses.

Members of the Board shall receive no compensation for service, but shall be entitled to the necessary expenses incurred in the discharge of their duties.

Source

41 TTC § 12, modified.

§ 134. Same; duties and functions.

The Board shall be responsible for advancing the development of the educational system in the Republic. The functions of the Board shall include, but not be limited to, the following:

(a) to develop and approve education plans and review proposed education budgets for the Republic, including a mission statement for the Ministry and defining student goals, in consultation with and with the assistance of the Ministry, for submission to the President;

(b) to develop plans and budget for the expenditure of matching funds provided for in sections 113 and 114 of this chapter;

(c) to review and recommend changes in the rules and regulations of the Ministry, of all public educational institutions in the Republic except the Palau Community College, and of all nonpublic educational institutions in matters that concern fulfillment of their charters;

(d) to recommend, review and approve curriculum development programs in the Republic

in order to assure relevancy for citizens and educational objectives;

(e) to establish educational policies as may be necessary to achieve the Ministry's mission and student goals.

(f) in order to adopt and maintain high professional standards for all educators, to appoint a National Professional Standards and Practices Commission. The Commission shall recommend to the Board and Ministry a professional certification system for all professional employees of the Ministry, and for those employees of private schools who teach subjects deemed "core academic subjects" by the Board. The members of the Commission shall be appointed by the Board and shall include four teachers, one teacher educator, two educational administrators, and two non-educator Palauan citizens.

(g) to prepare and disseminate to the public an annual report on educational progress in the Republic. The report shall describe progress in improving student performance according to the student goals established by the Board, improvements in educational practices including school improvement plans, improvements in establishing and maintaining high standards for professional personnel, partnerships with parents and other public representatives, and other topics as determined by the Board.

(h) to amend, as necessary, the Palau Master Plan for Education (initially called "Palau 2000"); and

(i) to perform such other and further duties and functions as may be assigned to it by the President, or prescribed by law.

Source

41 TTC § 13, modified. Subsections (a), (c), (e) and (i) amended by RPPL 4-57 § 1. Subsections (f), (g) and (h) added by RPPL 4-57 § 1.

**Subchapter IV
State or Community Boards of Education**

§ 141. State or community boards of education.

§ 141. State or community boards of education.

(a) The Board may grant charters for state or community boards of education upon petition presented to it by the people of the state or community concerned. Such boards

of education shall seek to further educational development in the state or community in accordance with applicable laws and regulations and with the policies prescribed by competent authorities. The number of members of such a board of education, the procedure for their appointment, and related provisions shall be set forth in the board's charter, and shall be made available to the Board.

(b) Any state or community boards of education which exist on the effective date of this chapter by virtue of charters from the Trust Territory Government or any of its political subdivisions thereof shall not be affected by the provisions of this chapter.

Source

41 TTC § 14, modified.

Subchapter V
Educational Standards

- § 151. Teachers' certificates; required; qualifications.
- § 152. Same; revocation.
- § 153. Same; penalty for teaching without certificate.
- § 154. Same; teachers on effective date of chapter.
- § 155. Teacher training programs.
- § 156. Curriculum.
- § 157. Textbooks and materials.
- § 158. School Year.
- § 159. Attendance; parent's or guardian's penalty for child's absence.
- § 160. Standards for graduation from high school.
- § 161. Requirements for Head Start teachers.

§ 151. Teachers' certificates; required; qualifications.

No person may serve as a teacher in any public school, or as a private school teacher of core academic subjects, without first having obtained a certificate from the Ministry, which certificate shall be issued without cost to the teacher, in such form as the Board and the Ministry determine. The qualification standards and requirements for such certification shall be established by the Board, in consultation with the Minister and the Professional Standards and Practices Commission.

Source

41 TTC § 21, modified. Amended by RPPL 4-57 § 1.

§ 152. Same; revocation.

The Board may revoke any certificate after issuance thereof when recommended by the Professional Standards and Practices Commission and when satisfied that the holder does not possess the educational skills, abilities or knowledge required by or pursuant to this chapter, but in such case the holder of the certificate shall first be given a full opportunity to justify the holding of the certificate.

Source

41 TTC § 22, modified. Amended by RPPL 4-57 § 1.

§ 153. Same; penalty for teaching without certificate.

Except as otherwise provided, whoever serves as a teacher without holding a valid certificate issued under this chapter shall be fined \$100.

Source

41 TTC § 23, modified. Amended by RPPL 4-57 § 1.

§ 154. Same; teachers on effective date of chapter.

Any other provision of law to the contrary notwithstanding, 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 school years prior to February 1, 1996 is authorized to continue to be employed as a teacher; provided that as an additional condition of the continued employment of such teacher, the Board and Ministry may require that the teacher complete a program of professional improvement which will lead to certification.

Source

41 TTC § 24(1), modified. Amended by RPPL 4-57 § 1.

§ 155. Teacher training programs.

(a) The Ministry shall provide training programs to enable citizens of the Republic to qualify for certification as teachers.

(b) The Minister 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 a

certificate.

Source

41 TTC § 24(2) and (3), modified. Amended by RPPL 4-57 § 1.

§ 156. Curriculum.

The Minister shall provide for the teaching of both Palauan and English in all schools, and shall establish minimum standards for curriculum development and content of courses at appropriate levels to be used in the Republic to assure uniform levels of achievement. He shall encourage instruction in Palauan, and Palauan customs and culture, at both the elementary and secondary levels. The Minister shall assess student progress at various grade levels.

Source

41 TTC § 25, first and second sentences, modified. Amended by RPPL 4-57 § 1.

§ 157. Textbooks and materials.

The Director shall establish one or more textbook commissions 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.

Source

41 TTC § 25, last sentence, modified.

§ 158. School Year.

The school year in the Republic shall consist of not less than 180 days of school in session, exclusive of holidays. Each of the several 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. Such dates need not be uniform throughout the Republic.

Source

41 TTC § 26, modified. Amended by RPPL 4-57 § 1.

§ 159. Attendance; parent's or guardian's penalty for child's absence.

(a) Attendance at a public or nonpublic school shall be required of all children between

the ages of 6 and 17, inclusive, or until graduation from high school, unless excluded from school or excepted from attendance by the Minister. For the purpose of beginning school, a child shall be admitted at the beginning of a school year if he has attained the age of 6 on or before September 30. To implement this provision, the Ministry shall provide compulsory education. The Board, in consultation with the Ministers of Education and Health, shall adopt health, safety and educational quality standards for all preschool and kindergarten education programs. The standards shall be adopted no later than June 1997. Thereafter the Ministries of Education and Health, and the Bureau of Public Works, shall conduct periodic inspections to ensure continuing compliance with the standards.

(b) Any parent, guardian, and other person having the responsibility for or care of a child whose attendance at school is obligatory shall send the child to school. Any parent, guardian, or other person who permits a child who is under his control to be absent from school without good cause and in violation of applicable law or regulations shall be guilty of a violation of this section and, upon conviction, shall be fined not more than \$100.

Source

41 TTC § 27, modified. Amended by RPPL 4-57 § 1. Subsection (a) amended by RPPL 5-2 § 7.

§ 160. Standards for graduation from high school.

Standards for graduation from high school shall be based on the student goals adopted by the Board. It shall be the responsibility of the Board, in consultation with the Minister, to adopt standards for graduation which will evaluate each student's achievement of the student goals. These performance-based standards shall first apply to the graduating class of 2002. The Minister shall establish procedures to measure and report students' progress toward meeting these standards, and to provide special assistance to students who are not making satisfactory progress.

Source

RPPL 4-57 § 1.

§ 161. Requirements for Head Start teachers.

Effective March 1, 1997, no person may serve as a teacher in the PCAA Palau Head Start Program unless the person has obtained:

(a) a certificate from the Palau Community College Early Childhood Certification Program;

(b) an associate (two-year), baccalaureate, or advanced degree in Early Childhood

Development or Preschool Education from an accredited college; or

(c) a Childhood Development Associate Credential from the United States Council for Early Childhood Professional Recognition.

Source
RPPL 4-55 § 36.

Subchapter VI
Student Transportation, Residence and Meals

§ 171. Transportation of school children.

§ 172. Residence assistance.

§ 173. School feeding program.

§ 171. Transportation of school children.

(a) The Ministry may provide suitable transportation to and from school for all children in grades kindergarten through 12 and in special education classes.

(b) The Ministry shall adopt such policies, procedures and programs as it deems necessary to provide suitable transportation. In formulating such policies, procedures and programs, the Ministry shall consider the school district, the school attendance area in which a school child normally resides, the distance a school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity, and availability of public transportation, and the grade level, physical handicap, or special learning disability of a school child. It may also consider conditions and circumstances unique or peculiar to an island or community.

Source
41 TTC § 29, modified. Amended by RPPL 4-57 § 1.

§ 172. Residence assistance.

Post-elementary students attending school under such circumstances that transportation cannot be provided on a daily basis shall be provided residence assistance by the national government. Residence assistance may be provided in a public school dormitory operated by the Bureau or may take the form of a daily subsistence payment made to a family with whom the student resides.

Source

41 TTC § 30, modified.

§ 173. School feeding program.

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

(b) The Ministry shall establish a feeding program for all schools having dormitory facilities. The program shall be operated under the general direction of the school principal with standards of health and cleanliness being prescribed by the Director of the Bureau of Health Services.

Source

41 TTC § 31, modified. Amended by RPPL 4-57 § 1.

Subchapter VII
Nonpublic Schools

§ 181. Charter; procedure.

§ 182. Attendance; reports; failure to meet standards.

§ 183. Benefits to students.

§ 184. Supervision by Ministry.

§ 181. Charter; procedure.

(a) Any person or persons desiring to establish a nonpublic school within the Republic shall, prior to the establishment thereof, make written application to the Minister for a charter. The application shall be signed by the applicant or applicants and shall state in substance:

(1) the names of the persons desiring to establish the school,

(2) the proposed location thereof,

(3) the course of instruction and the language in which the instruction is to be given, and

- (4) the qualifications of proposed teachers of core academic subjects,
 - (5) such other information as the Minister may require.
- (b) The Minister shall review the application and make such recommendations to the Board as he may consider appropriate. In making recommendations, the Minister shall evaluate the extent to which the proposed program is likely to achieve the student goals adopted by the Board, and the extent to which the program meets existing health, safety, curriculum and teaching certification standards for core academic subjects. Upon receipt and Board approval of the application, the Minister shall issue to the person or persons applying therefor a charter in a form to be approved by him, authorizing the establishment of the school.
- (c) 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 section.

Source

41 TTC § 17, modified. Subsections (a) and (b) amended by RPPL 4-57 § 1. Subsection (a)(4) added by RPPL 4-57 § 1.

§ 182. Attendance; reports; failure to meet standards.

- (a) 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 within the meaning of this chapter.
- (b) The Ministry shall 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 comply with any provision of law or regulation shall be cause for refusal to issue a charter or for the revocation or suspension of any charter. Based on the Ministry's findings of noncompliance, the Board may direct the Minister to revoke or suspend the charter, or to take other appropriate steps to ensure that the nonpublic school takes remedial action to correct its noncompliance with applicable law or regulation.

Source

41 TTC § 18, modified. Subsection (b) amended by RPPL 4-57 § 1.

§ 183. Benefits to students.

Students of nonpublic schools shall receive from the national government equal benefits with public school students in the areas of transportation, textbooks, accident insurance, testing services, medical and nursing services, and feeding programs, provided that such benefits do not violate the provisions of the Republic of Palau Constitution or applicable law.

Source

41 TTC § 19, modified. Amended by RPPL 4-57 § 1.

§ 184. Supervision by Ministry.

Every nonpublic school shall be subject to the supervision of the Ministry. The Ministry shall require that the premises and core academic program of nonpublic schools comply with the rules and regulations of the Ministry, as from time to time promulgated with regard to sanitary condition, hygiene, structural safety, and curriculum and teaching standards for required core academic subjects.

Source

41 TTC § 20, modified. Amended by RPPL 4-57 § 1.

Chapter 2
Student Loans and Scholarships

Subchapter I
Trust Territory Student Loan Fund
[Repealed]

§ 201 - § 206. [Repealed]

Source

(P. L. No. 6-134, § 1-6.) 41 TTC §§ 51-56, modified. Repealed by RPPL 5-7 § 34(10) on 10/3/97 effective 10/1/97.

Subchapter II
Palau National Scholarship Board

- § 221. Short title.
- § 222. Declaration of policy.
- § 223. Definitions.
- § 224. Creation of Scholarship Board.
- § 225. Board members; composition; terms; compensation; removal.
- § 226. Board organization; meetings; chairman; quorum.
- § 227. Powers and duties.
- § 228. Accounts and records.
- § 229. Authorization; Scholarship Fund.
- § 230. Congressional Scholastic Award.

STUDENT LOANS & SCHOLARSHIPS 22 PNCA § 225

§ 221. Short title.

This subchapter shall be known and may be cited as the "Palau National Scholarship Board Act."

Source

RPPL 2-5 § 1, modified.

§ 222. Declaration of policy.

It is hereby declared the policy of the Government of the Republic of Palau to provide scholarships for higher education in colleges and universities.

Source

RPPL 2-5 § 2, modified.

§ 223. Definitions.

- (a) "Board" means the Palau National Scholarship Board.
- (b) "Minister" means the Minister of Social Services of the Republic of Palau.
- (c) "Fund" means the Palau National Scholarship Fund.

Source

RPPL 2-5 § 3, modified.

§ 224. Creation of Scholarship Board.

There is hereby created a Palau National Scholarship Board to carry out the purpose and policy of this subchapter.

Source

RPPL 2-5 § 4, modified.

§ 225. Board members: composition; terms; compensation; removal.

- (a) The Board shall be composed of seven members who shall be citizens of the

Republic, and shall be appointed by the President of the Republic with the advice and consent of the Senate; provided that, two members shall be recognized as knowledgeable in the field of education and two members shall have graduated from an accredited college or university within the last five years from the date of appointment, and provided further that no more than two members shall be from the same registered political party. The initial appointment shall be staggered as follows: two for a term of two years; two for a term of three years; and three for a term of four years. Subsequent appointments shall be for a term of four years. Any member may be reappointed for additional term.

(b) Vacancies in the membership of the Board shall be filled in the same manner to complete the term of the original member.

(c) Members of the Board shall be entitled to administrative leave and all necessary travel expenses and per diem at standard Republic of Palau rates for travel necessitated by the business of the Board. Board members who are neither employees nor officials of the national or any state government of the Republic of Palau shall be paid, in addition to any other compensation entitled, \$30.00 per day while on the business of the Board.

(d) Members of the Board may be removed by the President only for cause.

Source

RPPL 2-5 § 5, as amended by RPPL 3-46, § 1(1), modified.

§ 226. Board organization; meetings; chairman; quorum.

(a) The Board members shall first meet and organize within 20 calendar days after the final member of the Board's full complement of members is appointed and approved pursuant to this subchapter. Thereafter, the Board shall meet at such times as the Board shall determine or as otherwise specified by law.

(b) At the first meeting of the Board and annually thereafter, members of the Board shall by majority vote select a chairman from their own membership who shall preside at all meetings. At the same time they shall likewise select a vice-chairman to serve as presiding officer in the absence of the chairman. No member shall serve as a chairman for more than two consecutive terms.

(c) A quorum shall consist of a majority of all voting members. All business of the Board may be conducted by a majority vote of those present unless otherwise

STUDENT LOANS & SCHOLARSHIPS 22 PNCA § 227

provided by law or by the rules of procedure promulgated and adopted by the Board.

(d) The Board shall adopt its own rules of procedure consistent with this subchapter.

(e) At the next regular meeting of the Board, and annually thereafter at the same meeting at which the Board selects its chairman and vice-chairman, the Board shall select from among its members, by majority vote, one member to act as treasurer, and one member to act as secretary of the Board. The same person may not be elected to both positions at the same time. A vacancy occurring during the term of office of treasurer or secretary shall be filled in the same manner at a special meeting of the Board called for that purpose.

Source

RPPL 2-5 § 6, as amended by RPPL 3-46, § 1(2), modified.

§ 227. Powers and duties.

It shall be the duty and responsibility of the Board to:

(a) implement the policy declared by this subchapter.

(b) develop, organize and adopt criteria to be followed in selecting scholarship recipients. Before adopting such criteria, the Board shall ensure that such criteria is fair and nondiscriminatory. In developing such criteria, the Board shall compile and interpret statistical data and records regarding the status of education and employment in the Republic and the Board shall take into consideration the national objectives and priorities of the Republic.

(c) select scholarship recipients based on approved criteria.

(d) require scholarship recipients, where the Board deems it desirable or necessary, to return to the Republic for employment for a period of not more than three years in the field in which such person has been trained following the completion of the recipient's training or upon his graduation.

(e) search for additional or alternative sources of scholarship opportunities and funding including scholarship loan funds where and when appropriate.

(f) determine the amount of scholarship, partial or full, terms and other necessary conditions of the scholarship which may include work services of scholarship

recipients.

(g) maintain an office, if the Board sees fit, and to employ a full-time scholarship coordinator and support staff as may be needed to ensure that the needs of scholarship recipients are being met, to monitor the academic performance of scholarship recipients, and to perform such other duties as may be assigned by the Board.

(h) to select scholarship recipients based on the stated criteria to receive the Congressional Scholastic Award. No more than a total of \$35,000 shall be utilized annually for all administrative purposes and expenses including but not limited to the salaries of a full-time scholarship coordinator and support staff.

Source

RPPL 2-5 § 8, as amended by RPPL 3-46, § 1(3), modified.

§ 228. Accounts and records.

The Board shall maintain accurate accounts and records which shall be subject to audit and inspection, and shall submit, as prescribed by law, semi-annual reports to the President of the Republic and the Olbiil Era Kelulau summarizing its selection of scholarship recipients for the previous year, the policies which guided that selection, and the current academic status of all persons who received scholarship funds pursuant to this subchapter during the previous year.

Source

RPPL 2-5 § 9, as amended by RPPL 3-46, § 1(4), modified.

§ 229. Authorization; Scholarship Fund.

(a) It is hereby authorized to be appropriated annually the sum of \$250,000 (two hundred and fifty thousand dollars) or 3% (three percent) of the revenue of the National Government generated from domestic sources, whichever is greater, to carry out the provisions of this subchapter. Upon appropriation such sums shall be separated from the National Treasury or other funds. All funds appropriated to carry out the provisions of this subchapter shall, upon appropriation, be deposited in a special account not part of the National Treasury. Funds shall be released from this account only upon the signatures of both the chairman of the Board and the Director of Bureau of National Treasury. The Bureau of National Treasury shall account for

STUDENT LOANS & SCHOLARSHIPS 22 PNCA § 229

account only upon the signatures of both the chairman of the Board and the Director of the Bureau of National Treasury. The Bureau of National Treasury shall account for the expenditure of such funds, and the funds shall be subject to audit by the Public Auditor. Funds appropriated to the Scholarship Board shall be exempt from the reprogramming authority of the President of 40 PNCA § 351. Any unexpended or unobligated funds shall not revert to the National Treasury or lapse at the end of the fiscal year, but shall remain in the Scholarship Fund. The funds appropriated hereunder shall come from the percentage share of total local revenues allocated to the National Scholarship Fund in compliance with public law; provided that any fiscal year-end revenue surplus or deficit of the National Scholarship Fund shall cause a budget adjustment to the National Scholarship Fund in the following fiscal year in the amount of the surplus or deficit. Not less than 25% of each annual appropriation shall be used for the purpose of student loans in accordance with a student loan fund program established by the National Scholarship Board.

(b) The Board is authorized to maintain and expend the Scholarship Fund. At the beginning of each fiscal year, the Board shall inform the Olbiil Era Kelulau as to the amount of monies required to maintain the fund.

(c) In maintaining and expending the Scholarship Fund, the Board may dispense its yearly allocation of funds in the form of loans or grant, as well as, scholarship; provided, however, that funds available from sources specifying the nature of the fund as a loan, grant or scholarship, shall be expended in the same manner. The Board shall establish, by regulation, rules for such loans and grants, and shall provide semi-annual reports to the Olbiil Era Kelulau summarizing such loans or grants, in the same manner as for scholarship. The National Scholarship Board is authorized to disburse funds in an amount not to exceed \$20,000 to the Junior Statesmen Program.

(d) The Board is authorized to manage and administer all forms of scholarship, grants, loans, sponsorship programs and training opportunities, of whatever nature, made available to citizens of the Republic, unless the source of funds shall limit the administering and managing authority for such funds to another entity.

(e) All forms of scholarships, grants, loans, sponsorship programs and training opportunities, of whatever nature, made available to, or through, agencies of the national government of the Republic, shall be directed to the Board for administration and management unless the source of funds shall limit the administering and managing authority to another entity.

(f) The Palau National Scholarship Board shall give top priority to scholarship requests for study in the fields of education administration and teaching.

Source

RPPL 2-5 § 10, as amended by RPPL 3-46 § 1(5), modified and RPPL 4-26 § 20. Last two sentences in Subsection (a) added by RPPL 4-32 § 10. Last sentence in Subsection (c) added by RPPL 4-32 § 10. Subsection (f) added by RPPL 4-32 § 10.

Notes

RPPL 4-26 was not codified because it was repealed prior to the issuance of the first supplement to the PNCA. The Code Commission changed the last sentence of Subsection (a) to read, "...25% of each annual appropriation shall be used..." from the original legislative language which reads, "...25% of the amount of the fiscal year 1995 scholarship appropriations and each annual appropriation hereinafter shall be used..."

§ 230. Congressional Scholastic Award.

There is hereby established a scholarship, to be known as "the Congressional Scholastic Award" and it shall be the duty and responsibility of the Board to:

- (a) implement the policy declared by this subchapter.
- (b) select scholarship recipients based on approved criteria.
- (c) award each a minimum of \$3,500 per annum to each of the "Congressional Scholastic Award" recipients for the first year of a college or university.
- (d) The Board will select as the "Congressional Scholastic Award" recipients the top 10 high school senior students graduating from a high school in Palau or elsewhere, each academic year, as determined by the Board based on the following criteria:
 - (1) the Scholastic Aptitude Test (SAT) scores to be submitted by request of the qualified students seeking the scholarship;
 - (2) the Cumulative Grade Point Average based on all four years of high school of the qualified students seeking the scholarship. In order to qualify, any student applying for the "Congressional Scholastic Award" must have maintained a cumulative grade point average of not less than 3.75 based on all four years of high school in order to be eligible for this scholarship; and
 - (3) the Test of English as a Foreign Language (TOEFL) results to be

STUDENT LOANS & SCHOLARSHIPS 22 PNCA § 230

submitted by the qualified students seeking the scholarship.

(e) Each of the top 10 students must, in their first year following graduation from high school, submit written proof of their enrollment in college or university prior to receiving the Congressional Scholastic Award pursuant to this section.

Source

RPPL 3-46 § 2(6), modified. Amended by RPPL 4-55 § 19(c).

Chapter 3
Palau Community College

Subchapter I
General provisions

§ 301. Established as public corporation; purposes.

§ 302. [Repealed]

§ 303. Definitions.

§ 301. Established as a public corporation; purposes.

In accordance with any pertinent treaty, the College of Micronesia, its Executive Director and Board of Regents, is hereby established and maintained as a public corporation under the style of the College of Micronesia, comprised of the present Palau Community College, formerly known as Micronesian Occupational College, and such other schools as may be established by the Governing Board or as otherwise designated by law.

Palau Community College:

(a) is a public, non-profit educational corporation;

(b) has perpetual succession;

(c) shall have a seal;

(d) may enter into contracts and agreements;

(e) may acquire, hold, change and dispose of property;

(f) may sue and be sued in its corporate name; and

(g) for the purpose of its functions, has all the powers, duties and responsibilities of a non-profit public educational corporation. Palau Community College, as established by this act, shall assume the role of a postsecondary educational agency for the Republic. The purposes of the College are to make high quality, postsecondary education available to the citizens of the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia and such other students as may

- (12) serve as an agency, when appropriate, for skills proficiency testing and certification;
- (13) provide other postsecondary and related activities as determined by the Board;
- (14) serve as the designated State Agency for all appropriate vocational education.

Source

41 TTC § 151; as amended by RPPL 4-2 § 3(2), modified.

Notes

1. **Short title.** RPPL 4-2 § 1 reads, "This act shall be known and may be cited as the Higher Education Act of 1993."
2. **Headings.** RPPL 4-2 included headings in the amendments. Those headings have been retained in this codification. Compare 1 PNCA § 205 which states that "no implication, inference or presumption of a legislative construction shall be drawn" from headings.
3. **Legislative findings.** RPPL 4-2 § 2 included:

The Olbiil Era Kelulau finds that:

 - (a) The advancement of Palau as a nation is largely dependent on the development of its people;
 - (b) The people of Palau hold education dear as the key to understanding and personal growth;
 - (c) Future generations of Palauans must be educated for life in an increasingly complex world, that they may be prepared to participate more effectively in civic life; and
 - (d) Knowledge and skills must be made available to the work force to keep Palau an economically vital place.
4. **Interpretive sources.** The title of RPPL 4-2 states that the statute was enacted "[t]o amend 22 PNC to provide for the establishment of the Palau Community College as part of the College of Micronesia, and for other purposes. "RPPL 4-2 was promulgated pursuant to the December 23, 1992 "TREATY AMONG THE GOVERNMENTS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA AND THE REPUBLIC OF PALAU REGARDING THE COLLEGE OF MICRONESIA". Senate Joint Resolution No. 4-6. The resolution recites that "during a COM [College of Micronesia] Treaty meeting held in Guam in August 1989, the Republic of the Marshall Islands' delegation, in its formal opening statement proposed that the '... College of Micronesia be restructured to become a regional consortium of independent community colleges with directional and oversight responsibility being transferred to a locally based governing board of the campus components and that each nation accept the responsibility for all operations and expenses of the College within their jurisdictions as well as the responsibility for the tuition and other expenses of its students attending other campuses with the system" Stand. Com. Rep. No. 4-5, Senate Bill No. 4-41, SD1, February 16, 1993, includes the following statements. "In 1980, COM [College of Micronesia] was conferred the status of a Land Grant institution under United States law. The significance of attaining this status is that COM thereby qualifies for substantial grant funds from the U.S. Department of Agriculture." "The treaty provides for a stripped-down COM Board of Regents consisting of three members to perform general oversight functions. This retention of authority is necessary in order to maintain the COM's qualification for Land Grant funding."
5. **Treaty.** Section 11 of Secretarial Order 3142 issued by United States Secretary of the Interior, Manuel

Lujan, Jr. on October 15, 1990 requires that all relations between Palau and foreign governments be approved by the United States Department of State. No approval has been obtained for the treaty as of May 31, 1994.

§ 302. [Repealed]

Source

41 TTC § 152. Repealed by RPPL 4-2 § 4.

§ 303. Definitions.

In this chapter, unless the context otherwise requires:

- (a) "Adult basic education" means secondary level educational programs and courses offered to adults;
- (b) "Board" or "Board of Trustees" means the Board of Trustees of Palau Community College as established by this chapter;
- (c) "PCC" or "the College" means Palau Community College;
- (d) "Continuing education" means in-service professional development and noncredit or credit programs and courses offered at the postsecondary level;
- (e) "General education" means any education program that introduces the content and methodology of the major areas of knowledge, including the humanities, the fine arts, the natural and social sciences, and helps students to develop intellectual skills and social attitudes that will make them effective learners and citizens;
- (f) "Postsecondary education" means any educational offerings beyond the secondary level;
- (g) "Vocational education" means the provision of skills and attitudes which makes an individual employable and productively useful in the labor market;
- (h) "Government official" means an official of the National or any State government within the Republic of Palau.

Source

RPPL 4-2 § 3(1), modified.

Agriculture." "The treaty provides for a stripped-down COM Board of Regents consisting of three members to perform general oversight functions. This retention of authority is necessary in order to maintain the COM's qualification for Land Grant funding."

5. Treaty. Section 11 of Secretarial Order 3142 issued by United States Secretary of the Interior, Manuel Lujan, Jr. on October 15, 1990 requires that all relations between Palau and foreign governments be approved by the United States Department of State. No approval has been obtained for the treaty as of May 31, 1994.

College of Micronesia v. Udui, 3 ROP Intrm. 397, 398-400 (1987).

§ 302. [Repealed]

Source

41 TTC § 152. Repealed by RPPL 4-2 § 4.

§ 303. Definitions.

In this chapter, unless the context otherwise requires:

- (a) "Adult basic education" means secondary level educational programs and courses offered to adults;
- (b) "Board" or "Board of Trustees" means the Board of Trustees of Palau Community College as established by this chapter;
- (c) "PCC" or "the College" means Palau Community College;
- (d) "Continuing education" means in-service professional development and noncredit or credit programs and courses offered at the postsecondary level;
- (e) "General education" means any education program that introduces the content and methodology of the major areas of knowledge, including the humanities, the fine arts, the natural and social sciences, and helps students to develop intellectual skills and social attitudes that will make them effective learners and citizens;
- (f) "Postsecondary education" means any educational offerings beyond the secondary level;
- (g) "Vocational education" means the provision of skills and attitudes which makes an individual employable and productively useful in the labor market;

(h) "Government official" means an official of the National or any State government within the Republic of Palau.

Source

RPPL 4-2 § 3(1), modified.

Subchapter II
Board of Trustees

- § 311. Organizing principles; creation; composition; terms of members.
- § 312. [Repealed]
- § 313. Vacancies
- § 314. Removal of members.
- § 315. Organization; meetings; quorum; officers; executive committee; per diem.
- § 316. Powers.

§ 311. Organizing principles; creation; composition; terms of members.

The College, in accordance with recognized professional standards, shall have a representative governance structure to ensure institutional integrity, autonomy, academic freedom, principles of equity, and insulation from political interference in order to best serve the public interest and meet minimum accreditation requirements. There shall be a Board of Trustees of the Palau Community College which shall consist of the following members who shall serve for the following terms:

(a) Four voting members appointed by the President of the Republic with the advice and consent of the Senate of the Olbiil Era Kelulau to serve terms of four years, except that, for the initial appointments, one member shall be appointed to serve an initial term of two years, one member shall be appointed to serve an initial term of three years, and two members shall be appointed to serve terms of four years; two of such members shall be from the industrial and business sector (one of whom shall be from the hospitality and tourist sector), and two members shall be from the general public. These members shall be selected according to the following criteria:

(1) No person may be a member of the Board of Trustees who is a PCC employee;

(2) No person whose membership would amount to a conflict of interest shall be appointed to the Board of Trustees;

- (3) Not more than one (1) non-citizen may be a voting member of the Board of Trustees at any given time.
- (b) One voting member shall be a member of the Republic of Palau Board of Education as designated by the Republic of Palau Board of Education;
- (c) Two non-voting members appointed by the Board of Trustees to serve in an advisory capacity to the Board for terms of four years, both of whom are noted in the Pacific region for accomplishments in the field of education or economic development and who are not full-time employees of any branch of any government.
- (d) The Board shall grant voting membership to one member from the Republic of the Marshall Islands and one member from the Federated States of Micronesia as designated by those governments through their normal official appointment process, if either or both of those governments choose to exercise their authority hereunder. Such members shall serve under such terms as the appointing government shall designate, except that the attendance requirement of Section 313 of this chapter shall not apply.
- (e) The Board shall grant voting membership to a student representative who shall be elected by the College Student Body during the fall term each year. The term of office for the student representative shall be one year. The student representative shall be a full-time student and shall have been a full-time student at the College for at least one term prior to his or her election. The term of office for the student trustee shall be one year or until the student is no longer in good standing at the College, whichever occurs first. The regular term of election, or any election to fill a vacancy of the student trustee position shall be held in accordance with the normal process for selection of the Student Body President.

Source

41 TTC § 153; § 153(b) as amended by PL 6-8-59 § 1, and RPPL 4-2 § 3(3), modified. Subsections (b) and (c) amended by RPPL 4-45 § 1. Subsection (e) added by RPPL 4-45 § 1.

Notes

College of Micronesia v. Udui, 3 ROP Intrm. 397, 399 (1987).

§ 312. [Repealed]

Source

41 TTC § 154, as amended by RPPL 4-2 § 3(4), modified. Repealed by RPPL 4-45 § 2.

§ 313. Vacancies.

Any vacancy on the Board of Trustees shall be filled for the unexpired term in the same manner as originally filled. Three consecutive absences of a Board member from separately called meetings of the Board, called not less than 30 days apart, shall automatically create a vacancy in that member's seat. Upon determining a vacancy exists, the Chairperson, or presiding officer of the Board in the absence of the Chairperson, shall issue a notice of vacancy to all members of the Board and to the party or parties responsible for filling the vacancy.

Source

41 TTC § 155, as amended by RPPL 4-2 § 3(5), modified.

§ 314. Removal of members.

Members of the Board who were appointed by the President of the Republic may be removed by the President of the Republic only after an affirmative vote of four voting members of the Board of Trustees recommending removal before the expiration of their terms for incompetence, neglect of duty, or malfeasance.

(a) The Trial Division of the Supreme Court of the Republic of Palau, is given original jurisdiction over any appeal from any such removal from the Board.

(b) Every member of the Board shall be indemnified by the College against all expenses and liabilities reasonably incurred or imposed upon such member of the Board in connection with any threatened, pending, or completed action, suit or proceeding to which such member may be made a party or in which the member may become involved by reason of being or having been a member of the Board, or any settlement thereof, whether or not such member of the Board is a member of the Board at the time such expenses are incurred, except in such cases wherein the member is adjudged guilty of willful misfeasance or malfeasance in the performance of the duties of the office; provided, however, that in the event of a settlement, the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the College. The private property of members of the Board shall not be subject to the debts or obligations of the College. The foregoing right of indemnification shall be in addition to, and not exclusive of, all other rights to which such member of the Board may be entitled.

Source

41 TTC § 156, as amended by RPPL 4-2 § 3(6), modified.

- (e) The chairperson, or presiding officer, shall sign all instruments required to be executed by the Board.
- (f) The secretary-treasurer shall oversee the work of the budget and finance officer of the College to assure the financial integrity of the College.
- (g) The Board may create such committees of the Board as it deems necessary or appropriate. No committee or committee member shall act in place of the Board and committee decisions must be approved by the Board.
- (h) The members of the Board, with the exception of any members appointed pursuant to 22 PNCA § 311(c), shall receive per diem at standard Republic rates while on the business of the College. Those members who are employees of the Republic of Palau shall be granted administrative leave and receive their regular salaries while on the business of the College. Other members shall receive \$35.00 per day while on the business of the College.
- (i) The Board of Trustees shall promulgate rules and regulations to carry out the provisions of this chapter pursuant to Title 6 of the Palau National Code. Within 120 days of the confirmation of the Board of Trustees, the Board of Trustees and the Board of Education shall identify and recommend to the Olbiil Era Kelulau overlapping or conflicting functions of the PCC and Ministry of Education.

Source

41 TTC § 157, as amended by RPPL 4-2 § 3(7), modified.

§ 316. Powers.

The Board of Trustees shall have general policy management and control over the affairs of the College, and to this end, shall have the power to:

- (a) adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;
- (b) appoint and terminate such officers of the Board as it deems necessary, or as required by law;
- (c) fix, in its discretion, the rates charged the students of the College for tuition, fees,

room and board, and other necessary charges, and grant tuition waivers as the Board shall deem appropriate;

(d) confer such degrees and grant such diplomas and certificates as colleges of like stature are usually authorized to confer or grant;

(e) appoint, support, evaluate the performance of, and terminate the services of the president of the College;

(f) establish policies and approve procedures for the appointment of all faculty members;

(g) establish policies and approve procedures for the granting of full and partial scholarships or fellowships to College students by the College for educational purposes, and, in its discretion, approve methods by which individual students may work for the College in some suitable capacity and have such labor credited against their tuition;

(h) establish annual lists of fields of study of national and regional priorities for postsecondary training;

(i) award students loans and scholarship grants, unless the provisions of the loan or grant specifically require otherwise, for attendance of Micronesian students at Palau Community College based upon the regional development priorities of Micronesia;

(j) acquire in any lawful manner any property, real, personal or mixed, tangible or intangible, or any interest therein; to hold, maintain, use and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary to carry out its purposes; provided, that any real property granted to the College without cost by the Republic or any political subdivision thereof, or by any other legal entity capable of receiving and holding public land in the Republic shall revert to said government, political subdivision, or legal entity upon the cessation of active use by the College;

(k) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate with any agency or instrumentality of the United States, or any state, territory, or possession, or with any political subdivision thereof, or with any other foreign government, agency, instrumentality, or political subdivision thereof; or

with the Republic, or any agency, instrumentality, political subdivision thereof, or with any person, firm, association or cooperative;

(l) determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of law specifically applicable to the College;

(m) borrow money from time to time; provided, that no debt of the College shall be secured by real property or improvements thereto granted to the College without cost by the Republic or any political subdivision thereof, or by any legal entity capable of receiving and holding public land in the Republic of Palau and, provided that, unless expressly provided by law or agreement, no debt or obligation of the College shall be a debt or obligation of the National Government or its political subdivisions, nor shall the National Government or its political subdivision be responsible for any such debts or obligations;

(n) execute in accordance with its bylaws, all instruments necessary or appropriate in the exercise of its powers, and to that end adopt, alter, and use a common seal by which all acts of the Board shall be authenticated;

(o) establish such policies, rules, regulations and standards as it may deem necessary for the effective operation of the College, including the establishment or approval of rules, regulations, and standards governing the admission, discipline, and removal of students; and, in accordance with accreditation rules and requirements, establish policies and approve procedures for the maintenance of such departments and courses of instruction and for the undertaking of such research projects and programs as it deems appropriate or as may be required by law;

(p) provide for a program of workers' compensation for employees of the College equal to or greater than that available to persons of similar employment with the National Government;

(q) incorporate into the College of Micronesia, if mutually agreeable, such technical and research establishments, as the Board of Trustees might deem necessary or appropriate to ensure a quality program of instruction and research which is relevant to national development priorities of the Republic and to acquire personnel and all property, whether real or personal, tangible or intangible, of any such establishment as may be transferred to the College of Micronesia;

- (r) notwithstanding any other provision of law, elect to have the College participate in the pension program established for employees of the national government of the Republic and other benefit programs as are or may become available, effective on a date chosen by the Board of Trustees of Palau Community College; provided that the College shall contribute to the Palau Civil Service Pension Plan as determined by the Civil Service Pension Plan Board, for the government share of the cost of the retirement benefits applicable to the College's employees and their beneficiaries; and provided that employees of the College shall receive retroactive credit under the Civil Service Pension Plan for all prior years employed at the College and for any prior years they may have been employed by the national government;
- (s) approve the mission and goals of the College; annually review and approve long range plans for the development of the College; approve new degree programs offered by the College; ensure the institutional integrity and autonomy of the College; and act as a liaison between the community and the College;
- (t) be responsible for and ensure the financial soundness and proper fiscal management of the College;
- (u) ensure that educational programs and physical facility plans are of high quality and consistent with purposes of the College; ensure the well being of faculty, students, and staff through the approval of appropriate policies and procedures; and serve as the entity of appeal for faculty and staff in accordance with College grievances procedures;
- (v) delegate any of its powers and duties, which are properly delegated, to an officer of the Board or an official or employee of the College where proper and appropriate;
- (w) develop an annual plan for the Board's work and provide for an assessment of the Board's performance;
- (x) submit to the President and the Olbiil Era Kelulau by April first of each year a report describing the condition and progress of College programs and activities during the preceding fiscal year, including a financial report showing the results of operations for the preceding fiscal year and financial status of the College on the last day thereof. The report shall be made in a manner provided by the Board;
- (y) recommend for appointment by the President of the Republic a representative from among the Board members to serve on the College of Micronesia Board of

(r) notwithstanding any other provision of law, elect to have the College participate in the pension program established for employees of the national government of the Republic and other benefit programs as are or may become available, effective on a date chosen by the Board of Trustees of Palau Community College; provided that the College shall contribute to the Palau Civil Service Pension Plan as determined by the Civil Service Pension Plan Board, for the government share of the cost of the retirement benefits applicable to the College's employees and their beneficiaries; and provided that employees of the College shall receive retroactive credit under the Civil Service Pension Plan for all prior years employed at the College and for any prior years they may have been employed by the national government;

(s) approve the mission and goals of the College; annually review and approve long range plans for the development of the College; approve new degree programs offered by the College; ensure the institutional integrity and autonomy of the College; and act as a liaison between the community and the College;

(t) be responsible for and ensure the financial soundness and proper fiscal management of the College;

(u) ensure that educational programs and physical facility plans are of high quality and consistent with purposes of the College; ensure the well being of faculty, students, and staff through the approval of appropriate policies and procedures; and serve as the entity of appeal for faculty and staff in accordance with College grievances procedures;

(v) delegate any of its powers and duties, which are properly delegated, to an officer of the Board or an official or employee of the College where proper and appropriate;

(w) develop an annual plan for the Board's work and provide for an assessment of the Board's performance;

(x) submit to the President and the Olbiil Era Kelulau by April first of each year a report describing the condition and progress of College programs and activities during the preceding fiscal year, including a financial report showing the results of operations for the preceding fiscal year and financial status of the College on the last day thereof. The report shall be made in a manner provided by the Board;

(y) recommend for appointment by the President of the Republic a representative from among the Board members to serve on the College of Micronesia Board of Regents and

(r) notwithstanding any other provision of law, elect to have the College participate in the pension program established for employees of the national government of the Republic and other benefit programs as are or may become available, effective on a date chosen by the Board of Trustees of Palau Community College; provided that the College shall contribute to the Palau Civil Service Pension Plan as determined by the Civil Service Pension Plan Board, for the government share of the cost of the retirement benefits applicable to the College's employees and their beneficiaries; and provided that employees of the College shall receive retroactive credit under the Civil Service Pension Plan for all prior years employed at the College and for any prior years they may have been employed by the national government;

(s) approve the mission and goals of the College; annually review and approve long range plans for the development of the College; approve new degree programs offered by the College; ensure the institutional integrity and autonomy of the College; and act as a liaison between the community and the College;

(t) be responsible for and ensure the financial soundness and proper fiscal management of the College;

(u) ensure that educational programs and physical facility plans are of high quality and consistent with purposes of the College; ensure the well being of faculty, students, and staff through the approval of appropriate policies and procedures; and serve as the entity of appeal for faculty and staff in accordance with College grievances procedures;

(v) delegate any of its powers and duties, which are properly delegated, to an officer of the Board or an official or employee of the College where proper and appropriate;

(w) develop an annual plan for the Board's work and provide for an assessment of the Board's performance;

(x) submit to the President and the Olbiil Era Kelulau by April first of each year a report describing the condition and progress of College programs and activities during the preceding fiscal year, including a financial report showing the results of operations for the preceding fiscal year and financial status of the College on the last day thereof. The report shall be made in a manner provided by the Board;

(y) recommend for appointment by the President of the Republic a representative from among the Board members to serve on the College of Micronesia Board of Regents and

to represent and act on behalf of and in the best interest of Palau Community College at such meetings. The duties, responsibilities, powers, compensation, term of office and authority of the representative appointed to serve on the College of Micronesia Board shall be as specified in any applicable treaty and the bylaws of the College; and

(z) take such other actions and assume such other responsibilities as may be necessary or appropriate to carry out the duties conferred upon it by law. The Board shall act as a whole; no member or committee created by the Board shall act in place of the Board. The bylaws of the Board created pursuant to earlier sections of this act shall include a statement of ethical conduct for its members. Such statement shall include, but not be limited to, a provision prohibiting Board members from participating in any action involving a possible conflict of interest or from realizing a financial gain, other than compensation provided pursuant to this chapter, from their position as a Board member.

Source

41 TTC § 158; § 158e as amended by PL 6-8-59 § 2. and RPPL 4-2 § 3(7), modified.

**Subchapter III
President; Employees and Budget**

§ 321. President of the College.

§ 322. Employees of the College.

§ 323. Budget.

§ 321. President of the College.

(a) The president of the College shall be appointed by the Board, and may be removed by the vote of the three-fourths of the voting members of the Board only for cause, and shall have full charge and control of the administration and business affairs of the College.

(b) The powers of the president of the College are subject to limitations by the Board and by law, and include the following:

(1) to see that rules and regulations of the College are established and implemented;

§ 322. Employees of the College.

- (a) A personnel system for the College shall be adopted which provides that employees of the College are not employees of the Republic, or its political subdivisions, for any purpose, except as may be provided for in this chapter;
- (b) In appointing and promoting officials and other employees of the College, criteria and procedures shall be utilized which are fair, objective, practical, do not discriminate on the basis of sex, marital status, physical handicap, race, religious or political preference, and result in the impartial selection of the ablest individual for the particular job being filled;
- (c) Except for officials of the College serving at the pleasure of the Board, every official, faculty member, and other employee of the College shall be entitled to hold their position during good behavior, subject to suspension, demotion, layoff, or dismissal only as provided in the personnel regulations of the College. No employee of the College shall be suspended, demoted, laid off, dismissed, or otherwise discriminated against because of sex, marital status, physical handicap, race, religious or political preference; and
- (d) The Board shall establish minimum standards and qualifications for members of the faculty and staff of the College comparable to standards and qualifications of colleges of like stature or as otherwise appropriate to the College's circumstances.

Source

RPPL 4-2 § 3(9), modified.

§ 323. Budget.

- (a) An annual budget shall be submitted, in a timely fashion, by the Board to the President of the Republic and the Olbiil Era Kelulau for the annual expenditures of the College. The budget shall:
 - (1) contain budget projections for each of the two subsequent fiscal years;
 - (2) include all expenditures and projected revenues from all sources;
 - (3) include an operations budget for each major component of the College;

(4) identify capital improvement needs of the College;

(5) include analysis of major trends over the three years budgeted and projected regarding funding sources, spending and program emphasis, proposed program expansions and contractions, tuition, room and board, other fees and charges, and staffing levels.

(b) The College is authorized to receive tuition, fees, private gifts, donations, endowments, grants and other monies from public or private sources for restricted or unrestricted purposes. Such funds as are received shall be deposited to the appropriate account of the College. Expenditures shall be made from the fund only for the purposes of this chapter and in accordance with budgets approved by the Board.

Source

RPPL 4-2 § 3(10), modified.

**Subchapter IV
Operational Provisions**

- § 331. Suits, insurance.
- § 332. Funding.
- § 333. Budget constraints; overspending.
- § 334. Fiscal responsibility.
- § 335. Accounts; reports.
- § 336. Modification of personnel system; retention of outside legal counsel; contracts for maintenance and construction; establishment of finance and accounting department and purchasing system.
- § 337. Evaluation of the College.
- § 338. Continuance of district government assistance functions.
- § 339. Exemption from taxation.
- § 340. Assent to other acts.
- § 341. Campuses.
- § 342. Dissolution.
- § 343. Applicability of Laws.
- § 344. Relationship to treaty.
- § 345. Authorization.

§ 331. Suits, insurance.

The College may sue and be sued in its corporate name; provided, that it shall be subject to suit only in the manner provided for suits against the Republic; provided further, that any liability incurred by the College shall not be a liability of the Republic or any subdivision thereof. The chairperson of the Board of Trustees of the College, or, in the absence of the chairperson, the vice-chairperson of the Board of Trustees, is authorized to accept service or to be served on behalf of the College. The College shall maintain insurance coverage to protect itself against liability for bodily injury or death of any person and against liability for loss of or damages to property as the result of the operations or maintenance of real property, facilities and improvements, and vehicles and other equipment owned or used by the College.

Source

(P. L. No. 7-29 § 9) 41 TTC § 159 as amended by RPPL 4-2 § 3(11), modified.

§ 332. Funding.

The Board may receive, manage, and invest moneys or other property, real, personal, or mixed, which may be appropriated, granted, given, bequeathed, devised, endowed, or in any manner received from any source for the purposes of the College's improvement or adornment, or for the aid of students or faculty, and in general may act as trustee on behalf of the College, may approve rates of per diem and policies relating thereto for officials, faculty members, and other employees of the College; and may approve such rents, fees and charges as the Board deems appropriate, for the private use of facilities of the College or services provided by the College.

Source

(P. L. No. 7-29 § 10) 41 TTC § 160 as amended by RPPL 4-2 § 3(12), modified.

§ 333. Budget constraints; overspending.

The College shall have a budget for each fiscal year which reflects the amounts of money available for the operation of the College. Any person who over-obligates or over-expends the funds available and budgeted for any purpose or department of the College shall be personally liable for the resulting deficiency. Unless otherwise specifically authorized by the Board, no officer or employee of the College shall make or otherwise authorize an expenditure from, or create or authorize an obligation of, funds of the College:

- (a) in excess of the sum approved by the Board;
- (b) in advance of the availability of funds; or
- (c) for purposes other than those for which an expenditure or obligation has been authorized by the Board. Any person who shall knowingly and willfully violate this section shall be personally liable for the resulting deficiency and shall be subject to criminal prosecution.

Source

(P. L. No. 7-29 § 11) 41 TTC § 161 as amended by RPPL 4-2 § 3(13), modified.

§ 334. Fiscal responsibility.

The Board shall be responsible for ensuring that the College develops, implements, and maintains, in accordance with generally accepted accounting principles, accounting and record-keeping, financial reporting, and financial management systems which provide for full disclosure of the results of financial operations, adequate financial information needed in the management of operations, and the formulation and execution of the annual budget adopted by the Board. Such systems shall ensure effective control over income, expenditures, funds, property and other assets of the College and be designed to prevent the misappropriation of funds. Records relating to the financial transactions of the College shall be maintained for at least five years;

Source

41 TTC § 163 as amended by PL 6-8-59 § 4 and RPPL 4-2 § 3(14), modified.

§ 335. Accounts; reports.

The College budget and finance officer shall be responsible for ensuring that proper and complete books of account are kept reflecting all income, expenditures, assets and money of the College, including appropriations, gifts, property, tuition, fees, and other funds. The Board of Trustees shall publish not later than 45 days after the close of each fiscal year a complete report showing the activities of the College during the fiscal year, the present condition of the College, the financial status of the College, and such other matters as the Board shall deem appropriate. In addition to any other audits provided for by law, the Board shall select either the Republic of Palau Public Auditor or an independent auditor selected by

(c) for purposes other than those for which an expenditure or obligation has been authorized by the Board. Any person who shall knowingly and willfully violate this section shall be personally liable for the resulting deficiency and shall be subject to criminal prosecution.

Source

(P. L. No. 7-29 § 11) 41 TTC § 161 as amended by RPPL 4-2 § 3(13), modified.

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The Board shall be responsible for ensuring that the College develops, implements, and maintains, in accordance with generally accepted accounting principles, accounting and record-keeping, financial reporting, and financial management systems which provide for full disclosure of the results of financial operations, adequate financial information needed in the management of operations, and the formulation and execution of the annual budget adopted by the Board. Such systems shall ensure effective control over income, expenditures, funds, property and other assets of the College and be designed to prevent the misappropriation of funds. Records relating to the financial transactions of the College shall be maintained for at least five years;

Source

41 TTC § 163 as amended by PL 6-8-59 § 4 and RPPL 4-2 § 3(14), modified.

§ 335. Accounts; reports.

The College budget and finance officer shall be responsible for ensuring that proper and complete books of account are kept reflecting all income, expenditures, assets and money of the College, including appropriations, gifts, property, tuition, fees, and other funds. The Board of Trustees shall publish not later than 45 days after the close of each fiscal year a complete report showing the activities of the College during the fiscal year, the present condition of the College, the financial status of the College, and such other matters as the Board shall deem appropriate. In addition to any other audits provided for by law, the Board shall select either the Republic of Palau Public Auditor or an independent auditor selected by the Board who shall inspect and audit all accounts of the College at least annually, and report thereon to the President of the Republic, the Olbiil Era Kelulau, the Republic of the Marshall Islands and the Federated States of Micronesia.

Source

41 TTC § 164 as amended by PL 6-8-59 § 5 and RPPL 4-2 § 3(15), modified.

§ 336. Modification of personnel system; retention of outside legal counsel; contracts for maintenance and construction; establishment of finance and accounting department and purchasing system.

The Board of Trustees may do the following:

- (a) establish or modify its own personnel system and policies, independent of the Republic of Palau public service system, provided, that until such personnel system and policies are established or modified, the College shall be subject to the provisions of Title 33 and applicable public employment regulations promulgated thereunder; provided further, that any such modified personnel system shall honor any existing employment contract of any employee of the College for the duration of that contract; provided, that the College maintains a personnel system of like nature and quality as other similar institutions and; provided, that the College develops such policies in compliance with any federal programs regulations related to personnel matters of the College;
- (b) retain outside legal counsel in lieu of the Attorney General; provided, that until such action is taken by the Board, the Attorney General will continue to provide legal assistance to the College;
- (c) contract for outside maintenance, repair, and construction work in lieu of using the services of the Bureau of Public Works; provided, that until such action is taken by the Board or such services are provided for through appropriations, the Bureau of Public Works will continue to provide such services to the College; and
- (d) establish a finance and accounting department and purchase supplies, equipment, and materials through its own purchasing department or continue to utilize the administrative and accounting departments currently established at the College of Micronesia/Micronesia Occupational College campus, including all current policies and procedures to purchase supplies, equipment, and materials through its own purchasing department until such action as may be deemed necessary is taken by the Board to alter such policies, procedures or departmental operations.

Source

41 TTC § 165, as amended by RPPL 4-2 § 3(16), modified.

§ 337. Evaluation of the College.

The Board shall, cause, as deemed necessary, an independent survey to be conducted among students and faculty of the College evaluating the quality of course instruction, the effectiveness of the faculty, and such other matters as the Board may deem appropriate, and shall submit a copy of the results of the survey to each governmental entity participating in the Board of Trustees of the College and the Chairman of the Board of Education within 30 days of the conduct of the survey.

Source

41 TTC § 166 as amended by PL 6-8-59 § 7 and RPPL 4-2 § 3(17), modified.

§ 338. Continuance of district government assistance functions.

Housing and maintenance services now available to the College campus or their equivalents, shall continue to be made available to the College without costs.

Source

41 TTC § 167 as amended by RPPL 4-2 § 3(18), modified.

§ 339. Exemption from taxation.

The College, its property, revenues, and income are exempt from taxation by the Republic or its political subdivisions.

Source

41 TTC § 168 as amended by RPPL 4-2 § 3(19), modified.

§ 340. Assent to other acts.

(a) Except as expressly provided for herein and notwithstanding any other law to the contrary, the College shall remain autonomous and self-sufficient in matters pertaining to its governance, organization and administration and the promulgation of its rules and regulations pertaining to the following:

- (1) courses of instruction;

- (2) issuance of certificates, diplomas, credits and degrees;
- (3) personnel recruitment, appointment, tenure, promotion, dismissal and other personnel matters;
- (4) obligation and disposition of funds; provided, that appropriated funds are used for the purpose or purposes stipulated in the act appropriating said funds;
- (5) soliciting, receiving, and using gifts of any kind whatsoever for the purposes provided in this chapter.

(b) For the purpose of compliance with United States federal laws relating to land grant institutions and all College federal programs, the Olbiil Era Kelulau, on behalf of the College, hereby assents to, and accepts, the provisions, requirements and any regulations promulgated under all applicable United States laws.

Source

RPPL 4-2 § 3(20), modified.

§ 341. Campuses.

- (a) The Palau Community College (formerly known as Micronesian Occupational College) campus located in the State of Koror is hereby designated the campus and principal office of the Palau Community College. There may be such additional campuses as the Board may designate.
- (b) The Republic shall provide land it deems necessary for the College. Currently the United States Government holds title to the land occupied or used by the College more particularly described as Lot No. 40947 on drawing 4006/78 consisting of an area of 90,275 square meters, more or less. In the event that the Trusteeship ends or the United States Government no longer holds title to said land by virtue of the termination of the Trusteeship Agreement, or if the United States Government conveys any or all interest in said land to the Republic in any other manner, or in the event that the Republic of Palau obtains an interest in said land, the Board of Trustees of Palau Community College is hereby empowered to receive, reserve and keep the interest in said land for the exclusive use of the College. Provisions of any law to the contrary notwithstanding, the Palau Public Lands Authority shall not alienate any interest in said land. Any claims that may be raised under Article XIII, Section 10 of the Constitution for any interest in any portion of said land may only be instituted as

(b) Palau Community College officials, faculty members or other employees of the College and the College itself shall be exempt from the requirement of 30 PNCA with respect to College employment.

Source

RPPL 4-2 § 3(23), modified.

§ 344. Relationship to treaty.

If a treaty is executed pursuant to law by the Republic of Palau, with either or both the Republic of the Marshall Islands and the Federated States of Micronesia, and any of the provisions of that treaty are inconsistent with this act, the provisions of the treaty take precedence, until such time as the treaty expires or the inconsistent provisions are amended or repealed.

Source

RPPL 4-2 § 3(24).

Notes

See note to 22 PNCA § 301.

§ 345. Authorization.

There is hereby authorized an annual appropriation as may be necessary to carry out the purpose of this chapter. The Board may submit request for supplement appropriations as it may deem necessary.

Source

RPPL 4-2 § 5, modified.

**Chapter 4
Handicapped Children Act**

- § 401. Short title.
- § 402. Public policy and legislative findings and history.
- § 403. Definitions.
- § 404. Finance.
- § 405. Child identification.
- § 406. Assessment by assessment committee.
- § 407. Reevaluation.
- § 408. Parental roles.
- § 409. Individualized education program.
- § 410. Development of individualized educational program.
- § 411. Placement.
- § 412. Placement procedure.
- § 413. Notice of proposed action.
- § 414. Consent.
- § 415. Mediation.
- § 416. Authorization.

§ 401. Short title.

This chapter shall be known and may be cited as "The Programs and Services for Handicapped Children Act of 1989".

Source

RPPL 3-9 § 1, modified.

§ 402. Public policy and legislative findings and history.

(a) The Olbiil Era Kelulau recognizes that it is the obligation of the national government to provide educational services to all children to enable them to lead fulfilling and productive lives, and therefore declares that it is the responsibility of the national government to provide full educational opportunities and necessary related services to each handicapped child in order to ensure that each handicapped child acquires the skills and knowledge necessary to lead a fulfilling and productive

life as a citizen of the Republic. It is further recognized that such educational opportunities and related services shall be provided in regular classrooms and regular schools or other environments which provide education and interaction with nonhandicapped children to ensure that handicapped students become integral members of community life and fully participating and accepted members of the social, educational, political, and economic institutions of Palauan society. In order to accomplish this policy, the national government shall provide financial, material, and human resources, as well as coordinated and comprehensive administrative structures for the purpose of serving handicapped children, their families, and the agencies and organizations which serve them in order:

- (1) to develop and implement a Republic-wide comprehensive and coordinated multidisciplinary interagency program of early intervention services for handicapped infants and toddlers and their families;
- (2) to facilitate the coordination of services provided by public and private agencies and organizations;
- (3) to enhance the capacity of all service agencies and the community's schools to provide relevant and quality services to handicapped children;
- (4) to promote and improve quality of service providers by making available in service and preservice training to teachers, parents, and administrators of programs serving handicapped children;
- (5) to ensure that all determinations regarding the provision of services required by this chapter and the policies it requires of service agencies are made in a manner which guarantees procedural fairness and the basic rights of individuals.

(b) The Olbiil Era Kelulau finds that there is an urgent and substantial need:

- (1) to make available and expand the availability of a free appropriate public education to the handicapped children of the Republic;
- (2) to provide health and family services to handicapped and at risk infants and toddlers and minimize their potential for developmental delay;

(3) to minimize the educational costs to our nation's schools by providing early intervention services to infants and toddlers; and

(4) to increase the capacity of families to meet the needs of their children with handicaps.

Source

RPPL 3-9 § 2, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 403. Definitions.

(a) "Annual Goal" means description of academic and social outcomes for the year developed from the identification of the student strengths and weaknesses and current educational functioning.

(b) "Council" means Palau Interagency Coordinating Council.

(c) "Current functioning level" means level of academic and social functioning including weaknesses, strengths, and areas in need of supportive interventions.

(d) "Department" means Ministry of Social Services or such succeeding government agency responsible for education in the Republic.

(e) A "developmentally delayed child" is one who is impaired in cognitive development, physical development, language or speech development, self help, or for whom there is documentation that they would not function to their fullest potential without special services.

(f) "Early intervention services" means services provided to eligible children below age three to minimize development delays.

(g) "Eligible child" means a child from birth through age 21 determined by a multidisciplinary assessment team:

(1) to be unable, because of physical or mental impairments, to be educated

HANDICAPPED CHILDREN ACT 22 PNCA § 403

appropriately in the regular school program. A significant physical and emotional impairment includes any child who is mentally retarded; speech and/or language impaired; deaf or hearing impaired; blind or visually impaired; orthopedically impaired; and/or other health impaired (including homebound, autistic, or hospitalized); has a specific learning disability; or is seriously emotionally disturbed.

(2) to be unable to develop at a normal rate if less than age three without the provision of special education and related services.

(h) "Free appropriate public education" means regular and special education and related services which:

(1) are provided at public expense, under public supervision and direction and without charge to the parent;

(2) meet the standards of the Department, including the requirements of this chapter and of the Special Education administrative policies and procedures issued by the Department;

(3) include preschool, elementary school and secondary school education; and

(4) are provided in conformity with an individualized education program.

(i) "Individualized Education Program (IEP)" means a written plan for each eligible child developed by an individualized education program committee and reviewed and updated at least annually.

(j) "Independent Educational Evaluation" means an assessment conducted according to this chapter by properly certified or licensed professional examiners who are not employed by the school system responsible for the education of the identified child. An independent assessment is not necessarily a private assessment.

(k) "Infants and toddlers with handicaps" means individuals from birth through age two who need early intervention services because they:

(1) are experiencing developmental delays as identified by a IEPC and need services in one or more of the following areas: cognitive development, physical development, language or speech development, social and emotional

development, family support, or self-help skills or;

(2) have a physical or mental impairment which has a high potential resulting in developmental delay as identified by an IEPC; or

(3) are at risk of having developmental delays.

(l) "Instructional environment" means the presence or absence of children or other persons who are not eligible within a classroom or other setting in which one or more eligible children are receiving special education services.

(m) "Parent" means a natural or adopted parent, a natural parent with legal custody, guardian, or a person acting as a parent of a child.

(n) "Placement" means the instructional environment in which special education is provided to an eligible child but does not mean the specific classroom to which a child is assigned.

(o) "Reevaluation" means a redetermination of a child's continuing eligibility for special education and related services which is conducted at least once every three years or more frequently if conditions warrant or if requested by the child's parent or teacher.

(p) "Regular school program" means the basic program of academic and/or vocational instruction provided by a local school system to children of a particular age or grade. The term includes a variety of programs used by regular classroom teachers to respond directly to the various learning styles and learner objectives of students but does not include specially designed instruction to meet the unique needs of an individual child required because the child is unable to benefit from the instructional experiences designed by the regular classroom teacher. Appropriate regular education program goals and objectives are determined by each school and are based upon the skills and knowledge necessary to perform as a contributing member in the village in which the school is located.

(q) "Regular school environment" means the regular school as an instructional setting in which both regular and special education services may be provided to an eligible child.

(r) "Related services" means transportation and such developmental, corrective and

HANDICAPPED CHILDREN ACT 22 PNCA § 404

other supportive services as are required to assist an eligible child to benefit from special education.

(s) "Special education" means specially designed instruction provided at no cost to the parent to meet the unique needs of an eligible child, including, but not limited to, classroom instruction, speech pathological services, instruction in physical education, and vocational education.

Source

RPPL 3-9 § 3, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 404. Finance.

Services required by this chapter shall be funded at a level no less than the amount awarded to the Republic for the last year of eligibility under the 1975 Education of the Handicapped Act.

(a) That amount must be equal to, or greater than the total grant award as calculated by the Office of Special Education of the United States Department of Education. Each succeeding year after the passage of this chapter, the amount must increase by at least the percentage of increase for the Department and the amount must never decrease from the preceding year's amount.

(b) The annual funding amount shall be divided annually by the number of eligible children identified and the amount of per child funding shall be added to the previous year's award for each additional child identified.

(c) If the Republic continues to participate in the Education of the Handicapped Act, all monies awarded to the Republic for special education by the United States Department of Education must be spent on costs directly attributable to providing services described in this chapter and no such funds may be used for any other purpose, including the provision of educational services to non-eligible children.

Source

RPPL 3-9 §4, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 405. Child identification.

The purpose of child identification is to ensure that those students with special learning needs are identified and receive the educational services they need.

(a) The department will annually use media or television and other methods to inform the general public of available educational services, including services to infants and pre-school children and services available to school age students; services shall include diagnosis and screening for developmental and academic delays and homebound and school-based early instruction for infants and preschools.

(b) Each school will use a child study team to review any child identified as a result of the activities described above. A child study team shall consist of:

(1) a school principal, consulting specialist, and an early childhood specialist for any preschool child ; or

(2) the school principal, consulting specialist, and current teacher for students of school age.

(3) The child study team membership may be increased at the discretion of the principal or consulting specialist.

(c) A child study team shall review the present level of performance of any child referred by a parent, teacher, other staff member or other individual and make one or more of the following recommendations:

(1) modifications in the existing instructional program of the child;

(2) referral to the early childhood program for assessment;

(3) referral for extended placement in a remedial services program with consultation services and academic assessment;

HANDICAPPED CHILDREN ACT 22 PNCA § 406

(4) establishment of an individualized education program committee to conduct an assessment of the child to determine eligibility for special education and related services; or

(5) take no special action.

Source

RPPL 3-9 § 5, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 406. Assessment by assessment committee.

(a) The Department shall implement comprehensive evaluation procedures to identify, locate, evaluate, and determine the eligibility of children for special education and related services.

(b) Within 10 days of receiving a referral of a child for an individual assessment through its ongoing child identification system, the principal of the school attended by the child or which the child would attend if of school age shall designate a staff member who will serve as the chairperson for that child who shall be responsible for:

(1) securing written parental consent for the conduct of an initial individual assessment; and

(2) designating members of the assessment committee convened for the child.

(c) The assessment committee shall be formed on the basis of the child's presenting problem and the suspected physical and/or mental impairment as determined by the assessment committee chairperson and, for assessment, shall include persons from two or more separate disciplines, including at least one teacher or other specialist with knowledge in the area of suspected disability.

(d) In order to determine that a child who is the subject of an individual assessment is an eligible child, the assessment committee must conclude that because of the child's physical and/or mental impairments, as defined by department criteria, the child

is in need of special education and related services and cannot be educated appropriately within the regular school program without the provision of such services.

(e) After a referral for an individual evaluation has been received, the assessment committee chairperson shall be responsible for a written assessment plan for the child which identifies areas where information needs to be collected through individual in-depth comprehensive assessment of all areas related to the suspected physical and/or mental impairments including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities. Each person who conducts an individual assessment of the child shall prepare a written report of such an assessment for consideration by the assessment committee.

(1) The individual assessment shall include an observation by an assessment committee member other than the child's teacher of the child's academic performance and, when appropriate, an observation of the child's behavioral performance in the regular classroom setting or, if the child has not been previously enrolled in school, an observation in an environment appropriate for a child of that age.

(2) The individual assessment shall also address those skills required to be taught to any child by law, policy or regulation, in order to provide sufficient information to the IEPC to make determinations regarding continuing instruction in required skills areas.

(3) The individual assessment shall include, for every child of secondary school age, a comprehensive vocational assessment.

(f) No single procedure shall be used as the sole criterion for determining an appropriate educational program for a child and any instruction or procedures used by the assessment committee will be properly administered and interpreted and shall be necessary and appropriate to determine the nature and extent of a learning impairment, a suspected learning impairment, or to assess general or specific areas of educational needs.

(g) The child must be assessed in all areas related to the suspected disability. The individual assessment shall also include an evaluation of the child's learning style, incentive-motivational style, communication style including home language

HANDICAPPED CHILDREN ACT 22 PNCA § 407

and interpersonal skills. The individual assessment should provide descriptive and prescriptive information that is appropriate and adequate to assist in planning an appropriate educational program for the child.

Source

RPPL 3-9 § 6, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§407. Reevaluation.

- (a) The principal shall ensure that an individual assessment of each eligible child is conducted every three years or more frequently if conditions warrant or if the child's parents or teacher requests in writing such an individual assessment.
- (b) The individual assessment shall be conducted by appropriate assessment specialists in accordance with procedures for individual assessment.
- (c) If the assessment committee determines as the result of a reevaluation that a child has been misclassified and/or has been incorrectly placed in special education, the assessment committee shall amend the information in the child's records, inform the parents in writing, and take any other necessary corrective measures including recommendation of modification of teaching techniques used in the regular classroom.
- (d) An assessment committee may recommend the transfer of an eligible child currently receiving special education and related services to a transition program.
- (e) A child shall no longer be eligible to receive special education and related services from a school system if an assessment committee, based on the report of individual assessments, determines that:
 - (1) the child may no longer be properly certified as meeting the eligibility standards for one or more handicapping conditions, or
 - (2) the child no longer requires special education and related services, or
 - (3) the child has satisfactorily completed the regular academic or vocational

program and has been awarded a regular diploma.

Source

RPPL 3-9 § 7, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 408. Parental roles.

(a) Parental consent is required before an initial individual assessment of a child may be conducted.

(b) Parents may also play an important role during the individual assessment of their child by providing assessment committee members with important insight and information regarding the child's developmental history activities outside of school, and talents and abilities.

Source

RPPL 3-9 § 8, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 409. Individualized education program.

(a) Within 20 days of receiving the integrated assessment report, the principal shall establish an assessment committee for the student who is the subject of the assessment data.

(b) The assessment committee established pursuant to subsection (a) of this section shall be responsible for:

- (1) developing an individual education program (IEP) for any student determined to be an eligible student;
- (2) arriving at a placement determination for a student determined to be an

eligible student; and

(3) making recommendations for services to be provided if a student is determined not to be ineligible.

(c) The members of each IEPC appointed by the chairperson shall include persons who meet each of the following qualifications:

(1) one or both of the student's parents;

(2) the student, if 18 years old or older, or if the parent chooses to have the student participate;

(3) the principal or other official who:

(i) is qualified to provide or supervise the provision of special education;

(ii) can ensure that the services specified in the student's individual education program will be provided by the school; and

(4) one or more of the student's current teachers or, if the student is newly enrolled, a regular education teacher who provides instruction to students of the same age;

(5) the persons who initiated the screening/identification process of the student; and

(6) other individuals at the discretion of either the parent or the department.

(d) A single member of the IEPC may meet two or more of the qualifications specified in this section. The chairperson shall convene and chair each IEPC meeting and shall be responsible for the preparation of the IEP within the required timeframes.

(e) The IEPC meeting shall be convened as frequently as conditions warrant, including at the request of any member of the committee.

(f) The principal shall take steps to ensure that one or both parents of the eligible student are present at each IEPC and IEP meeting. These steps must consist of

repeated good faith attempts to convince parents to attend the IEPC meeting, and must include:

- (1) scheduling the meeting at a mutually agreed upon time and place;
- (2) notifying parents and other persons who will be attending in writing;
 - (A) of the purpose, time and location of the meeting;
 - (B) of the names of the persons expected to attend;
 - (C) of all educational rights available to protect the students and parent in the native language of the parent, if other than English, which is clear and fully explains all rights; and
 - (D) that if their child is determined to be eligible, an IEP will be developed.

(g) The principal may conduct an IEPC or IEP meeting without a parent in attendance if the parents do not respond to the notice provided within 10 days of receipt of the notice or if the principal is unable to convince the parents to attend after attempts to arrange a mutually agreed upon time and place for the meeting. If neither parent is present at an IEP meeting, the principal shall maintain a record of attempts to secure parental participation.

(h) If neither parent can attend an IEPC or IEP meeting in person, the principal shall use other methods to ensure parental participation, including individual or conference telephone calls prior to and/or after the meeting is held.

Source

RPPL 3-9 § 9, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 410. Development of individualized educational program.

(a) Within 30 days of a determination by an assessment committee that a child or youth is eligible, the IEPC shall conduct one or more meetings for the purpose of developing an IEP for the student or reviewing and revising the IEP of a student who has received special education during the previous year.

(b) The IEP shall include the following components:

(1) a statement of the student's present levels of educational performance, written in a manner that is meaningful and useful to the persons responsible for directly providing the student with special education and/or related services, which, when appropriate, includes:

(A) a description of competence in academic areas or developmental skills;

(B) a description of physical abilities and disabilities which affect participation in instructional situations, including physical education;

(C) a description of social abilities, including abilities in interacting with peers and adults;

(D) a description of behaviors which affect educational placement, instruction, discipline or health and safety;

(E) competencies which may be requisite to participation in vocational education;

(2) a statement of educational goals for the student including:

(A) with respect to students who are not of high school age or students of secondary school age for whom completion of the regular academic vocational secondary school program is anticipated, annual goals which the student will be expected to achieve within a twelve month period, expressed in terms of specific skills to be mastered and information to be acquired and retained.

EDUCATION

(B) with respect to students of high school age, a statement of a post-secondary education goal for the student:

- (i) academic completion of the regular secondary school curriculum and admission to higher education; or
- (ii) academic completion of the regular secondary school curriculum and admission to a post-secondary vocational education program of competitive employment; or
- (iii) completion of curriculum other than the regular secondary school curriculum and post-secondary competitive employment; or
- (iv) completion of a curriculum other than the regular secondary school curriculum and post-secondary supported employment.

(C) with respect to students of high school age for whom successful completion of the regular academic or vocational secondary school program is not ultimately anticipated, annual educational goals will be expressed in terms of specific skills to be mastered and maintained and information to be acquired and retained consistent with the identified post-secondary goal for the student and with respect to the maximum growth of personal independence, economic self-sufficiency and social integration and participation for the student:

- (i) a description of the short-term educational objectives for each annual goal which are measurable intermediate steps leading from the student's present levels of performance to achievement of the annual goal within each skills mastery or information acquisition area.
- (ii) a description of the specific special education and/or related services to be provided in support of each identified instructional objective including all needed supplementary aids and services.
- (iii) a description of the instructional methodologies, staffing patterns and classroom organization approaches recommended in support of the identified instructional objectives. This need not

HANDICAPPED CHILDREN ACT 22 PNCA § 410

include the specific curriculum to be implemented.

(iv) a description of the frequency, expressed in terms of a minimum and maximum range of hours per month, and anticipated duration of specific special education and related services to be provided, the date for initiation of each service, the identification of persons and/or agencies responsible for providing each service and the relationship of each service to the statement of annual goal and objectives.

(v) a statement indicating whether the student will receive regular physical or adaptive physical education.

(vi) a statement of any vocational educational services to be provided.

(vii) a statement of any extended school year services to be provided to the student, whenever the provision of such services is necessary to prevent substantial regression.

(viii) a statement of the extent to which the student will participate in regular education programs, including art, music, industrial arts and consumer and homemaker education and non-academic and extracurricular programs.

(ix) a statement addressing any special methods materials, equipment, arrangements or procedures.

(x) for students of high school age, a statement of the anticipated date of graduation, the criteria to be used in determining whether graduation shall occur and the type of diploma or certificate to be issued if the student meets the prescribed criteria.

(xi) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term objectives and annual goals are being achieved and, if not, the reasons for non-achievement, and a schedule for systematically monitoring the students progress and the name of

the person responsible for monitoring and reporting to the IEPC;

(xii) signatures and positions of IEPC members, including the parents in attendance, to document participation, and the date of the meeting.

(c) The purpose of the meetings held by the IEPC shall be to develop an IEP for each student who has not previously received special education and related services, to review and revise IEPs for students who have previously received special education and related services, and to make a placement determination after the development of each IEP.

(d) Each initial IEP must be completed by the IEPC no later than 30 days after the determination required by subsection (a).

(e) No school shall provide special education or related services to an eligible student unless and until an IEP has been completed and a placement has been made.

(f) The school, the parent or the student may electronically record the deliberations of any IEPC meeting provided that all participants are informed in advance that such a recording will be made. In such a case, the recording shall become part of the students permanent record and subject to the relevant requirements governing confidentiality.

(g) The principal shall provide the parent with a copy of the IEP at no cost to the parent.

(h) No principal, teacher, administrator or other person shall be held liable under this chapter or other law or regulations if a student does not achieve the annual goals and objectives in the student's IEP.

Source

RPPL 3-9 § 10, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 411. Placement.

To the maximum practicable extent appropriate, eligible children and youth, including children and youth in public or private institutions or other care facilities, shall be educated with ineligible children and youth.

- (a) Placements must be made through the application of the procedures set forth below.
- (b) Special classes, separate schooling or other removal of eligible children and youths from the regular educational environment occurs only when the nature and severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- (c) The central focus of the placement decision is with whom the eligible child or youth is educated rather than where the eligible child or youth is educated. In other words, eligible children and youth have the right to be educated in the regular setting to the greatest extent possible with their ineligible peers. Such placements should be viewed as beneficial for both the eligible and ineligible student. There are however, instances where the eligible child or youth is so disruptive that placement in the regular classroom would benefit neither the eligible child or youth nor his ineligible peers. In such cases, it may be determined that the regular classroom may not be the most appropriate placement.
- (d) The requirement to educate eligible children and youth with ineligible children and youth applies to children and youth in public and nonpublic institutions or other care facilities. Regardless of other reasons for institutional placement, no child or youth in an institution who is capable of education in a regular public school setting may be denied access to that setting.
- (e) Unless an eligible child's IEP requires some other arrangements, the child or youth shall be educated in the school which he or she would otherwise attend. In the event the child or youth cannot be educated in the home school, he shall be provided an educational program as close to home as possible.
- (f) Actual educational programming shall be the least restrictive alternative option appropriate for the particular child or youth and will be based on evidence that the

child's educational objectives can be met through a particular option.

(g) Eligible children and youth shall participate with other children and youth in non-academic and extracurricular services and activities to the maximum extent appropriate to the needs of each eligible child.

Source

RPPL 3-9 § 11, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 412. Placement procedure.

(a) In determining the appropriate placement for an eligible child, the Director of Special Education shall ensure the following:

(1) Each child's educational placement shall be individually determined at least annually based on his IEP and shall be as close as possible to the child's home; and

(2) Unless a child's IEP requires some other arrangement, the child or youth shall be educated in the school which he would attend if not handicapped; and

(3) In selecting the least restrictive environment, consideration must be given to any potential harmful effects on the child or youth or on the quality of services which he needs.

(b) To determine the educational placement of an eligible child or youth a minimum of three professional members of the IEPC must be present.

(c) In determining the educational placement of a child, the IEPC shall:

(1) carefully review the IEP of the child or youth completed except for the placement recommendation by the IEPC;

(2) review and draw upon information from a variety of sources, including aptitude based on achievement tests, teacher recommendations, background and

HANDICAPPED CHILDREN ACT 22 PNCA § 413

adaptive behavior;

(3) consider any potential harmful effects of a suggested placement alternative on the child or youth or the quality of services which the child or youth needs; and

(4) in no event, recommend placement of the child or youth based on the configuration of the school system's services delivery system.

Source

RPPL 3-9 §12, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 413. Notice of proposed action.

(a) The school shall document the provision of written notice to parents of an eligible student with a suspected eligibility within a reasonable time prior to the following occasions:

(1) when the school proposes to initiate or change the identification, assessment, or educational placement of the student or proposes to make any changes in the provision of a free, appropriate public education to the student;

(2) when the school refuses to initiate or change the identification, assessment or educational placement of the student or refuses to make any change requested by the parent in the provision of a free, appropriate public education to the student; or

(3) when the school refuses to amend the student's records or proposes to destroy unneeded records in accordance with the confidentiality requirements of these rules.

(b) The notice shall include:

(1) a full explanation of all the procedural safeguards available to the parents under these rules;

- (2) a description of the action proposed or refused by the school, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;
- (3) a description of each assessment procedure, type of test, record or report used as a basis for the action;
- (4) a description of any other factor relevant to the school action;
- (5) language understandable to the general public and, where appropriate, in the language used by the parent and if necessary communicated orally in the native language or directly so that the parent understands the content of the notice;
- (6) a full explanation of the availability and purpose of due process hearing procedures, the manner in which hearings are conducted, and the responsibilities of parents if they request a hearing;
- (7) a statement that information regarding the availability of free or low-cost legal and other relevant services which may be available will be provided upon request;
- (8) the name of the specific person to contact, the procedure of contacting the person, and a sample letter illustrating the procedure by which a parent may request the initiation of a due process hearing;
- (9) an offer to enter into an informal mediation process on a voluntary basis with a full explanation of the mediation process and a clear statement that mediation is not required and may be conducted either before or after a due process hearing has been requested, with no resulting delay in the rendering of the hearing decision; and
- (10) a copy of the procedures used by the school for conducting a due process hearing and appointing hearing officers.

Source

RPPL 3-9 § 13, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 414. Consent.

- (a) The school shall document that written parental consent is obtained prior to:
- (1) conducting a pre-placement assessment;
 - (2) initial placement of an eligible student in a special education program;
 - (3) disclosing personally identifiable information to unauthorized persons.
- (b) Consent of a proposed action is written approval made by a parent who has been fully informed of all information relevant to the activity in his or her native language or mode of communication and understands that the approval is voluntary and may be revoked at any time.
- (c) Except for those actions described in subsection (a)(1), written consent shall not be required as a condition of any benefit to the parent or student.

Source

RPPL 3-9 §14, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format.

§ 415. Mediation.

- (a) Within five work days of receipt from a parent of a written request for a hearing the Director shall initiate steps to conduct a mediation conference.
- (b) The purpose of the mediation conference is to attempt to resolve the differences and, if possible, avoid appeal to a court.
- (1) The Director shall appoint a mediator to carry out all mediation activities.
 - (2) The Director shall insure that mediation is viewed as voluntary and freely agreed to by both parties and is in no way used to deny or delay an aggrieved party's rights to a hearing.

(3) The mediation conference shall be an informal process conducted in a nonadversarial atmosphere and shall be completed within 15 work days of receipt by the Director of the request for the hearing.

(c) Either party to the mediation conference may request the mediator to grant a continuance. Such a continuance shall be granted upon a showing of good cause but shall not extend the 45-day maximum for completion of the due process hearing and rendering of the final administrative decision, unless the party initiating the request for the hearing is agreeable to such an extension. Such continuance shall extend the time for rendering a final administrative decision for a period only equal to the length of the continuance.

(d) Any resolution reached as part of the mediation process shall not conflict with existing law and shall be to the satisfaction of both parties, as indicated by the signatures of both parties on the written resolution.

(e) A copy of the written resolution shall be mailed by the mediator to each party within ten days following the mediation conference and a copy shall also be filed by the mediator with the superintendent.

Source

RPPL 3-9 §15, modified.

Notes

Subsections of § 402 through § 415 were formerly codified with numbers, and paragraphs were codified with letters. These have been recodified in conformance with code format

§ 416. Authorization.

Any sums of money, whether from the United States federal program funds or special funds received pursuant to the Education and Handicapped Act of 1975, as amended, or from the general revenues of the Republic, necessary to carry out the provisions of this chapter, are hereby authorized to be appropriated as part of the National Unified Budget for any given fiscal year.

Source

RPPL 3-9 § 17, modified.

STUDENT EMPLOYMENT PROGRAMS 22 PNCA § 501

Chapter 5 Student Employment Programs

§501. Summer tree planting program.

§501. Summer tree planting program.

(a) The Minister of National Resources shall organize and administer a summer tree planting program for students of elementary and secondary schools in the Republic. The program shall be made available annually in each state of the Republic that makes land and seedlings available for the planting of coconut, betel nut, mango, papaya, orange and other fruit bearing trees or other trees and plants of economic value.

(b) The number of students employed to plant trees in each state shall be determined by the state governments.

(c) The rates of compensation of students shall be computed by the Minister of National Resources, on the basis of the number of students enrolled in the program and the funds appropriated therefor.

Source

RPPL 1-18 § 1, as amended by RPPL 3-30 § 9(5), modified.

Chapter 6
National Master Plan for Education

- §601. Legislative findings.
- §602. Task force established.
- §603. Duties.
- §604. Funding.

§601. Legislative findings.

(a) The people of Palau have inherited an educational system which has evolved to its present size and nature over four decades of United States administration. Nonetheless, it is the people of Palau who must now take responsibility for deciding the course our educational system will take and to implement that decision. The decision must be based upon determinations as to what kind of education our people need as well as what level and type of education this nation can afford. The Olbiil Era Kelulau hereby finds and declares that the existing Five-Year Education Plan developed by the Ministry of Social Services inadequately addresses these issues and is not providing a workable framework to meet the educational needs of the Republic.

(b) The people of Palau deserve and should expect to have a comprehensive plan for education which systematically addresses the national needs of education and training for the Republic. This nation needs a master plan that will set missions and goals for the education of the people of Palau. The Republic has not defined national policies on education that dictate certain guidelines for the operating systems of education, public and private, to follow. This lack of both purpose and direction is the leading cause for the benign state of educational affairs in the Republic.

Source

RPPL 3-48, § 1, modified.

§ 602. Task force established.

There is established a Task Force on the National Education Master Plan to set guidelines for proposals to develop a comprehensive Ten-Year National Master Plan for Education for the Republic and to review and select among proposals received from technical experts to

NATIONAL MASTER PLAN FOR EDUCATION 22 PNCA § 603

conduct the necessary studies and develop the plan. The Task Force shall consist of nine persons to be appointed by the President with the advice and consent of the Senate. The Task Force shall elect a Chairperson at its first meeting. Six members shall constitute a quorum. Members shall serve without compensation except that any member who is also an employee of the national government shall be placed on administrative leave while on the business of the Task Force.

Source

RPPL 3-48, § 2, modified.

§ 603. Duties.

(a) The Task Force shall review and revise the existing five-year education plan, and set guidelines for the development of a National Master Plan for Education, and select and contract the needed expertise to accomplish the plan, and perform other related functions.

(b) The Task Force shall, by no later than May 31, 1991, develop and issue a request for proposals for technical consultancy to work on the plan. The work of technical consultants shall culminate in the development of a National Master Plan for Education which shall cover a period extending at least through the year 2001, and shall set forth a workable framework for education in the Republic.

(c) The Task Force shall, by August 30, 1991, review all proposals submitted and select a consultant or consultants to undertake the development of the plan. The Task Force shall be authorized to contract such consultant or consultants for a period not to exceed one year during which time the plan should be completed.

(d) The Task Force shall serve in an advisory capacity to the consultant or consultants, facilitating needed appointments and interviews and collecting or providing access to needed data and studies. At the completion of the development of a draft National Master Plan of Education, the Task Force shall have the plan reviewed and commented on before accepting it and endorsing it for adoption by the Olbiil Era Kelulau.

Source

RPPL 3-48, § 3, modified.

§ 604. Funding.

By this chapter, the Republic of Palau formally requests the United States Department of the Interior to provide funding sufficient to accomplish the purposes of this chapter.

Source

RPPL 3-48, § 4, modified.