PUBLIC SCHOOL SYSTEM

RULES AND REGULATIONS

Ministry of Education
Republic of the Marshall Islands
March 2015

RULES AND REGULATIONS
OF THE
MINISTRY OF EDUCATION

Pursuant to Section 347 of the Public School Systems Act 2013,
The Ministry of Education hereby makes the following Rules and Regulations.

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DESCRIPTIONS

Pursuant to Public Law 2013-23, Rules and Regulations of the Ministry of Education are established and codified under Title 14 of the Marshall Islands Revised Code.

CHAPTER TITLE

CHAPTER 1 REGULATIONS ON RULE MAKING PROCEEDINGS
The rule regulates the rulemaking procedures of the Ministry of Education in conformance with the Administrative Procedures Act, Chapter 1 of Title 6, Public Proceedings and Records, to implement Section 347, Rules and Regulations, of the Public School System Act 2013.

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TITLE 14 MINISTRY OF EDUCATION
CHAPTER 1
RULEMAKING PROCEEDINGS

14-1-1 Reference. Section 347. Rules and Regulations. (Public School Systems Act 2013)

14-1-2 Notice of Proposed Rulemaking

(a) When pursuant to a petition or upon its own initiative, the Ministry proposes to adopt, amend or repeal a rule, the Ministry shall give thirty (30) days notice of a proposed rule by posting notice of the rule in the office of the Chief Secretary, in the office of each department head of the Public Service, at the Public Administration Office, at the office of the Chief Secretary's Representative on Ebeye, at the Courthouse on Majuro Atoll, and at the Council Buildings on Majuro Atoll and Ebeye Island, Kwajalein. The notice shall also be read over the radio broadcasting station at Majuro Atoll on five (5) consecutive calendar days within fifteen (15) days after it is posted.

(b) Such notice shall be in English and Marshallese and shall include:
(1) a statement of either the terms of substance of the proposed rule or a description of the subject and issues involved;
(2) reference to the authority under which the rule is proposed;
(3) the time when, the place where, and the manner in which interested persons may present their views thereon; and
(4) the location where copies of the proposed rule will be available for reading or distribution to the public.

14-1-3 Further Notice of Rulemaking

In any rulemaking proceeding, the Ministry shall:
(a) make copies available for reading at the Office of the Chief Secretary, the Office of the Chief Secretary's Representative on Ebeye, and at the Public Service Commission Office;

(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, in writing;

(c) conduct a public hearing on a proposal rule if requested by the Nitijela, a Committee of the Nitijela, or another government agency, considering fully all written and oral submissions concerning the proposed rule; and

(d) if requested to do so by an interested person prior to an adoption or within thirty (30) days after adoption, issue a concise statement of the basis upon which the rule was adopted or rejected.

14-1-4 Conduct of Hearing

(a) Unless otherwise specifically directed by the Nitijela, all public hearings shall be held on Majuro when the entire Republic or a major portion thereof is affected by the proposed adoption, amendment, or repeal of a rule. When a matter affects only a specific atoll other than Majuro, then the hearing shall be held in that atoll.

(b) Each hearing shall be presided over by a member of the National Board of Education or a representative of the Ministry of Education as approved by the Commissioner of Education. The hearing shall be conducted in a way as to afford interested persons reasonable opportunity to be heard on matters relevant to the issues involved and to obtain a clear and orderly record. The presiding officer shall have the authority to administer oaths or affirmations and to take other actions that are necessary to the orderly conduct of the hearing.
(c) Each hearing shall be held at the date, time, and place set in the notice of hearing, but, thereafter, may be continued by the presiding officer from day to day at the same time and place or to a later date or to

a different place without notice other than the announcement at the previous hearing of a later date or different place.

(d) At the beginning of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the proposed rulemaking in the order prescribed by the presiding officer.

(e) All interested persons, organizations or agencies shall be given a reasonable opportunity to offer evidence, data, views, or arguments with respect to the proposed rulemaking. Every witness shall, before proceeding to testify, state the witness' name and whom the witness represents, if any, at the hearing, and shall provide other information respecting the witness' appearance as the presiding officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the technical rules of evidence. Every witness shall be subject to questioning by the presiding officers, other members of the National Board of Education and representatives of the Ministry of Education present. Cross-examination by private persons shall not be permitted except with the express permission of the presiding officers.

(f) Persons, organizations, or agencies may also file with the Commissioner within the time period specified in the notice of proposed rulemaking a written protest or other comments or recommendations in support of or in opposition to the proposed rulemaking.

14-1-5 Cabinet Action

Upon adoption by the Ministry or the Minister's designee, the Ministry shall file a certified copy of the rule with the Cabinet, by delivery to the Clerk of the Cabinet. The Cabinet shall act to approve or disapprove the rule within twenty (20) consecutive calendar days after receipt by the Clerk of the Cabinet. If the Cabinet does not approve or disapprove the rule within the twenty (20) day period, the rule shall be approved as if the Cabinet had acted affirmatively.

14-1-6 Emergency Rulemaking

If there is clear, present, substantial, and imminent danger to the public health, safety, or welfare, requiring adoption of a rule upon fewer than thirty (30) days notice, the ministry upon stating, in writing, the nature of the danger, may, unless disapproved by the Cabinet, proceed without prior notice or hearing, or upon abbreviated notice and hearing, to adopt an emergency rule. The emergency rule shall be void one hundred twenty (120) days after adoption or upon notice of the termination of the emergency by the agency or the Cabinet, whichever occurs earlier, filed with the Registrar of Corporations and the Chief Secretary. An emergency rule shall be delivered to the Cabinet as soon as possible, or in any event, within twenty-four (24) hours after adoption.

14-1-7 Effective Date of Rule

A rule adopted by the Ministry shall be effective only after it has been approved by the Cabinet and notice of the Cabinet's approval has been filed with the Chief Secretary, the Registrar of Corporations, and the Ministry unless a later date is required by statute or specified in the rule.

14-1-8 Publication of Rule

The Ministry shall publish copies of the rule for distribution to all schools.

14-1-9 Petitions For Adoption, Amendment, or Repeal of Rules

An interested person may petition the Commissioner of Education requesting the promulgation, amendment, or repeal of a rule. Within thirty (30) days after receipt of a petition, the Ministry shall either deny the petition in writing, stating its reasons for the denial or shall convene a public hearing on the

petition, and within fifteen (15) days thereafter, notify the petitioner of the Ministry's action in writing. Petitions for declaratory ruling shall be conducted pursuant to Section 2 of P.L. 1979-23.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 2
RULE OF GENERAL APPLICABILITY

14-2-1 **Reference**. Section 3. Public Information; adoption of rules; availability of rules and orders. (P.L. 1979-23, as amended by P.L. 1980-15).

14-2-2 **General**. This chapter describes the Public School System of the Republic of the Marshall Islands Ministry of Education.

14-2-3 **Definitions**.

(a) As used in this chapter, unless the context specifically requires otherwise:
"Ministry" mean the Ministry of Education.
"Minister" means the Minister of Education.
"Public School System" or "PSS" means the public education school system that shall serve as a Department of Education for elementary and secondary education programs.
"Commissioner" means the Commissioner of Education.
"National Board" means the National Board of Education.
"Local government" means the Local Atoll Government.
"Local Board" means the Local Board of Education.
"Party" means each person or agency named or admitted as a party or properly seeking and entitled to be admitted as a party in a proceeding.
"Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.
"Petitioner" means the party on whose behalf a petition or application is made in proceedings involving petitions or applications for permissions or authorization which the Ministry or PSS may give under statutory or other authority delegated to it.
"Proceedings" means the Ministry's elucidation of the relevant facts and applicable law, consideration thereof and action thereof with respect to a particular subject within the Ministry's jurisdiction.

(b) Unless otherwise specifically stated, the terms used in the rules adopted by the Ministry pursuant to powers granted by statute shall have the meaning defined by that statute.

(c) Words imparting the singular number may extend and be applied to several persons or things; word implying the plural may include the singular; words importing the masculine gender may be applied to females and words importing females may be applied to the masculine gender.

14-2-4 **Public School System**. The Public School System, established within the Ministry of Education, is responsible for the administration of public primary and secondary programs in the Republic. (Section 304, P.L. 2013-23)

14-2-5 **Minister**. The Minister of Education shall have primary responsibility for all areas of education in the Republic. With respect to the Public School System, the Minister shall be responsible for the following:

(a) providing oversight of the administration and operation of the Public School System;

(b) providing linkage between the National Board of Education and Cabinet with respect to policy and budgetary matters;

(c) providing linkages between the Public School System and other agencies including, but not limited to, the College of the Marshall Islands, National Training Council, University of the South Pacific Extension Program, RMI-USP Joint Education Program, and the Scholarship Board;

(d) serving as a member of the National Board of Education;

(e) appointing three (3) members of the National Board of Education to represent the interests of teachers, non-public schools, and parents;

(d) approving the National Board's selection of the Commissioner of Education;

(e) approving the expenditure of funds from the Education Fund. (Section 305, Section 306, and Section 340(2), P.L. 2013-23)

14-2-6 **Commissioner**. The Commissioner of Education, under policies established by the Minister of Education, shall administer programs of primary and secondary education and public instruction throughout the Republic and shall be responsible for the following:

(a) the overall administration and operation of the Public School System;

(b) the recruitment, promotion and removal of teachers and staff in accordance with rules, regulations, and policies promulgated under P.L. 2013-23;

(c) monitoring and evaluating Locals Boards of Education and all public and non-public schools;

(d) conducting nationwide student testing, research and planning for program improvement;

(e) the development of curriculum and instructional materials;

(f) assistance and support to Local Boards of Education and schools in local governance and school management, including community involvement, administration, instruction, staff development, and evaluation;

(g) special services for students and for the community;

(h) budget preparation, execution, and accounting;

(i) facilities planning, coordination, and reporting;

(j) carrying out other directives of the National Board of Education. (Section 312, P.L. 2013-23)

14-2-7 **Public School System Staff**. The Commissioner may provide for the hiring of such administrative, professional, technical and clerical assistance as may be necessary to assist in the performance of the functions of the Public School System.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 3
NATIONAL BOARD OF EDUCATION

14-3-1 **Reference**. Division 2. National Board of Education. Establishment, composition, etc. of a National Board of Education. (Sections 306, 307, 308, 309, P.L. 2013-23).

14-3-2 **Membership**.

(a) The National Board of Education (hereinafter, "Board" or "National Board") shall consist of the following nine (9) members:

(1) one member appointed by the Cabinet from the southern district of the Marshall Islands which covers Ebon, Namdik, Kili/Bikini/Ejit/Jaluit;
(2) one member appointed by the Cabinet from the central district of the Marshall Islands which covers Ailinglaplap, Jabat, and Namu;
(3) one member appointed by the Cabinet from the northern district of the Marshall Islands which covers Aur, Maloelap, Wotje, Ailuk, Utrok, Likiep, and Mejit;
(4) one member appointed by the Cabinet from the eastern district of the Marshall Islands which covers Arno, Mili, and Majuro;
(5) one member appointed by the Cabinet from the western district of the Marshall Islands which covers Kwajalein, Ellep, Ujae, Lae, Wotho, Rongelap, and Enewetak;
(6) one member appointed by the Minister of Education representing teachers;
(7) one member appointed by the Minister of Education representing non-public schools;
(8) one member appointed by the Minister of Education representing parents, students, or guardians;
(9) the Minister of Education.

(b) Appointed members of the Board shall serve a term of four (4) years except that the term of the first members elected shall be determined by drawing of lots with three members serving a term of four years and two members serving a term of two years. Vacancies on the Board caused by death, resignation, or removal of an appointed member shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(c) In appointing persons to serve on the Board, the Cabinet shall ensure that a candidate holds a Bachelor of Arts degree, has no criminal felony records, has at least 5 years work experience in a responsible position, is 25 years of age or older, and has resided in the Marshall Islands for at least five (5) years.

14-3-3 **Meetings**. The Board shall meet once every three (3) months. The members shall be notified in writing by the Chairperson or other person designated by the Board at least one week before the date of any meeting. The notice shall include the meeting agenda.

14-3-4 **By-Laws**. The Board shall act in accordance with the following procedures:

(a) A majority of all members to which the Board is entitled shall constitute a quorum to transact business.

(b) The concurrence of a majority of the members present shall be necessary to make an act of the Board valid.

(c) The meetings of Board shall be open to the public except on matters relating to personnel that shall be heard in Executive Session.

(d) The Board may meet in Executive session, from which the public may be excluded, by a recorded vote of not less than two-thirds of the Board membership present.

(e) Regular meetings of the Board shall be conducted in accordance with the Board's rules of order.

(f) A vice-chairperson and a secretary of the Board shall be elected from the membership of the Board by majority vote of the total membership of the Board.

(g) The vice-chairperson shall assume the responsibilities of the chairperson in the absence of the chairperson.

(h) The Commissioner shall ensure that the proceedings of the meeting are properly recorded and filed with the Minister of Education within five (5) working days after the meeting.

(i) The Board, on its own motion, or on petition of any interested person, group, organization, or agency may hold proceedings as it may deem necessary from time to time for the purpose of obtaining information necessary or helpful to carry out its functions.

(j) The Board, on its own motion, may from time to time adopt such procedures to implement these by-laws and to adopt such other by-laws necessary for its efficient operation and to carry out its statutory functions. A two-thirds vote of the total membership shall be required for the adoption of by-laws.

14-3-5 Functions of the Board. The Board shall have the following powers, functions, and duties:

(a) recruiting the Commissioner of Education of the Public School System;

(b) formulating policies in consultation with the Cabinet;

(c) exercising control over the Public School System through the Commissioner of Education and the Local Board of Education within each local government jurisdiction;

(d) making recommendations through the Minister on matters of education policy and any related budgetary matters to the Cabinet;

(e) establishing and revising as necessary, on its own or through its agents, rules, regulations, and policies for the operation of the Public School System including policies relating to the recruitment, promotions, and personnel appeal processes, removal of all Public School System staff, and health and welfare benefits;

(f) providing fiscal oversight including review and approval of the PSS budget for presentation to the Cabinet and Nitijela;

(g) establishing financial policies and control systems taking into account:
  (1) the Ministry of Finance requirements for audit purposes as set out under the Financial Management Act;
  (2) the Fiscal Procedures Requirements of the Ministry of Finance and other funding sources;
  (3) the Fiscal Procedures Agreement under the Compact of Free Association as amended regarding the use of Compact funding; and
  (4) the procurement requirements set out under the Procurement Code (44 MIRC Chapter 1)

(h) making recommendations to the Minister on matters referred to in (c) above;

(i) approving and establishing curricula, courses of instruction, and administrative policies of the Public School System including special projects and funded programs;

(j) accepting on behalf of the Public School System gifts, grants, donations, bequests, and other contributions to improve and expand education programs;

(k) issuing charters for private schools and developing policies for accreditation of public and private schools operating in the RMI; and

(l) coordinating its policies in accordance with the Public Service Commission as and when the need arises and mediating grievance matters.

(Section 309, P.L. 2013-23)

14-3-6 **Board Assistance**. The Board may seek such outside assistance from educational consultants and other experts as needed.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 4
LOCAL BOARDS OF EDUCATION

14-4-1 **Reference**. Division 3. Local Boards of Education. Establishment, composition, etc. of Local Board of Education (Section 310, P.L. 2013-23).

14-4-2 **Establishment and Composition**. Each local government shall develop a plan for the formation of a Local Board of Education within its jurisdiction. The plan, which shall be approved by the Ministry of Education, shall include:

(a) functions of the Local Board consistent with Section 311 of P.L. 2013-23.

(b) membership of the Local Board including number, duration of membership, and method for selection of members;

(c) officers of the Local Board including method for selection of officers;

(d) meetings including frequency and method for scheduling and announcing regular and special meetings of the Local Board;

(e) procedures for the conduct of meetings and method for determining decisions of the Local Board;

(f) public records to document proceedings and decisions; and

(g) Local Board reports consistent with Section 345 of P.L. 2013-23.

14-4-3 **Procedures**.

(a) Each Local Board shall consist of seven (7) members representing each of the following groups: parents, business, church, Iroij, Alap, and two members representing the general public. The atoll principal or the atoll director of education shall serve as an ex-officio member of the Local board. School principals, head teachers, and teachers may serve as non-voting members of the Local Board.

(b) Each Local Board shall have at least one member representing each election ward in its jurisdiction.

(c) A Local Board member shall have resided at least two (2) years in the election ward of representation and shall have completed at least the eighth (8^{th}) grade;

(d) In a case where school located on an island as in Kili, Mejit and Jabat, members shall be selected in accordance with section 3(a) of this chapter.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 5
COMMUNITY-BASED GOVERNANCE OF SCHOOLS

14-5-1 **Reference**. Section 311, P.L. 2013-23. Functions of Local Boards; Section 345, Local Board Reporting.

14-5-2 **Community-Based Governance System**. The Community-Based Governance System (CBGS) is the Ministry of Education's planned process to promote and to achieve community-based governance and school-based management of public schools in the Republic of the Marshall Islands.

(a) The process is intended to improve the quality of education and to promote effective schools by:
  (1) Enhancing student learning and achievement;
  (2) Focusing accountability for education and learning within each community and each school;
  (3) Defining new roles for education staff to facilitate local governance and school-based management;
  (4) Expanding options for acquisition and use of resources;
  (5) Improving the morale of schools and their communities through genuine involvement;
  (6) Increasing the quality and spread of communication among members of the school's community;
  (7) Creating a sense of ownership among participants;
  (8) Stimulating and nurturing leadership throughout the schools; and
  (9) Providing a means to examine and promote promising practices.

(b) The Ministry of Education shares its governmental responsibility for schools with local governments through a memorandum of understanding indicating the responsibilities of the local government and the Ministry.

(c) Each local government, in accordance with the Public School Systems Act 2013 and applicable regulations, shall establish a Local Board of Education which shall have oversight responsibility for the schools within the local government's jurisdiction.

14-5-3 **Ministry Responsibilities**. Under community-based governance, the Ministry of Education will establish broad nationwide goals, rules and regulations, policies, procedures, and standards; and prepare education budget requests to the Cabinet, President, and the Nitijela. The Ministry, through the Public School System, will provide administrative support to local governments; and program support through coordination and provision of technical assistance and training to local governments, local boards of education and schools in school operations, curriculum, and instruction. It will also monitor and evaluate local governments, local boards of education, and schools to ensure compliance with Ministry standards and the memorandum of understanding and in order to continuously improve the quality of education.

14-5-4 **Local Government Responsibilities**. Under community-based governance, the local government shall establish a local board of education which shall oversee the operations of schools within the jurisdiction and shall:

(a) Provide administrative support to the local board of education and schools;

(b) Carry out its responsibilities contained in the memorandum of understanding with the Ministry; and

(c) maintain all education funds in accordance with the Republic's financial management system and the rules and regulations of the Ministry of Internal Affairs.

14-5-5 **Local Board of Education Responsibilities**.

(a) Section 311 of the Public School System Act assigns the following functions to local boards of education:
  (1) under community-based governance of schools, each local board shall oversee the operation of local public schools within that local jurisdiction in accordance with the specifications of a

memorandum of understanding with the PSS and with the provisions of primary school certification granted by the Board, including, but not limited to, business and personnel management, facilities and property maintenance, budgeting and accounting of funds allocated by the Board with the educational standards set forth in the Public School System Act and regulations promulgated under the Act;

(2) make provisions for school-based management of schools within that local government jurisdiction, including involvement of the school community in the educational process in each school, which shall include school administrators, teachers, staff, parents, students, and interested citizens;

(3) establish and support school or community-based advisory committees on education to review and advise the local board of education for that local government jurisdiction regarding objectives, plans, budgets, policies, procedures, programs and other matters being considered by the local board;

(4) establish particular educational goals, objectives and standards for schools within that local government jurisdiction pursuant to rules prescribed and approved by the Board;

(5) develop an annual education plan, which shall be approved by the Board, designed to achieve reasonable progress by each student toward the goals set forth by the Board, including achievement of a minimum standard of proficiency and self-reliance, which may include the following:
   (a) curricular changes;
   (b) in-service training programs for teachers;
   (c) diagnostic, remedial, or skill-maintenance programs for students;
   (d) consultations with parents or guardians;
   (e) any other measures designed to promote progress towards such goals;

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

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

(b) Section 345 of the Public School System Act 2013 requires each local board to:

(1) make an annual report by July 15th of each year to the Board of its progress in conforming to the goals, objectives and standards developed under the Act. Each report shall include the following:
   (a) demographic data related to each school;
   (b) results of assessment programs, including nation-wide and local testing conducted at each school, and the result of the district evaluation of student proficiency in basic skills;
   (c) information on each school's fiscal operation, including the budget of each school;
   (d) results of each school's effectiveness in achieving national and local goals and objectives applicable to the students;
   (e) plans and programs for professional improvement for teachers and administrators;
   (f) plans to carry out innovative or experimental educational programs designed to improve the quality of education; and
   (g) recommendations for school improvements during the next academic school year.

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

(c) The atoll principal(s) funded by the Ministry or the atoll education director as may be designated by the local government of a multi-school jurisdiction, subject to the fiscal oversight of the local government and under policies established by the Local Board, is responsible for the day-to-day administration of public primary schools within the jurisdiction and the supervision of all public primary school personnel within the jurisdiction. In addition to the functions of a school manager, the atoll principal(s) or local education director assists the local government in carrying out local government responsibilities for education contained in the memorandum of agreement with the Ministry and assists the local board

of education as an ex-officio member of the local board in carrying out the local board's responsibilities described in statute, PSS rules and procedures, as may be expanded in local board policies.

(d) The school principal or the head teacher (with the assistance of the atoll principal or local education director) shall:
  (1) Provide educational direction for the school, involving community, staff and students in developing educational goals consistent with the requirements and needs of the Ministry and the local community;
  (2) Provide general leadership in the areas of community relations, school climate, interpersonal relations, curriculum administration, supervision, and pupil services, keeping superiors and subordinates informed and/or involved in plans, activities, and changes;
  (3) Implement the school curriculum consistent with the Curriculum Framework by articulating and evaluating the school curriculum, assisting in the identification of teacher in-service training needs, and participating in conferences with specialists to update his/her curriculum knowledge;
  (4) Make regular classroom visits to assess teacher competence and assist in the improvement of teacher performance;
  (5) Work cooperatively with teachers and with the atoll principal and Ministry staff and make specific suggestions for improving instruction, using classroom observation and other data;
  (6) Assess the adequacy of the current school program and communicate this regularly to the atoll principal and the Ministry;
  (7) Develop positive relationships with school staff and others;
  (8) Develop a school climate that reflects mutual respect for the culture, the Public School System, and individuals;
  (9) Work closely with the school-community advisory committee and the PTA to inform them about and to seek solutions for school-related problems;
  (10) Work closely with the leadership in the general community on school-related activities throughout the year and develop school activities which encourage general community participation;
  (11) Maintain, monitor, and submit regularly required reports;
  (12) Ensure the availability of necessary supplies and equipment and make or submit timely and complete requests for purchase of equipment and supplies;
  (13) Maintain facilities in proper condition and communicate facilities needs to appropriate authorities periodically;
  (14) Develop and maintain an inventory system for supplies and equipment consistent with regulations;
  (15) Develop and maintain an inventory system of instructional materials and know what instructional materials are available at each grade level;
  (16) Develop and follow guidelines on health and safety consistent with regulations;
  (17) Maintain the records of each student in the school consistent with regulations;
  (18) Adhere to the highest standards of personal conduct and professional responsibilities;
  (19) Take personal responsibility in planning a program of professional growth and participate actively in professional growth activities.

14-5-6 School Responsibilities.

(a) Each school, whether under community-based governance or stand alone, shall:
  (1) Prepare a mission statement, defining its purpose and the school's philosophy, organization, and process for developing policies, plans, goals, school rules, procedures, community involvement, and conflict resolution;
  (2) Maintain public records that preserve an accurate account of the community's and school's decisions and current financial status;
  (3) Develop a school improvement plan reflecting educational standards and accountability measures established in Chapter 8, section 1, subsections (a), (b), and (c); the plan shall also be based on assessment and contain annual objectives, school improvement activities, and procedures to evaluate progress;
  (4) Submit quarterly attendance reports (MOE FORM 002-05) also known as nine week reports;

(5) Prepare an annual report of accomplishments for the current year (financial, student status, significant activities toward meeting school goals and objectives) and plans for the following year (see MOE FORM 001-05);
(6) Participate in the Ministry's nationwide student, personnel, and program assessment activities.

(b) Consistent with the school mission statement, each school must organize the means through which the school community consisting of teachers, parents, interested citizens, and students may be genuinely involved on a regular basis to comment on and to assist in the major decisions of the schools. The committee may be called by the name it chooses and function according to its own procedures. Meetings of the committee, however, must be announced in advance, open to the public, and scheduled and conducted according to procedures developed in the mission statement;

(c) The primary curriculum shall be designed and directed to enable each student to demonstrate the following competencies upon completion of the primary program:
(1) Read in Marshallese and in English and understand printed materials from daily life such as the newspaper, personal letters, product labels, and signs;
(2) Write in Marshallese and in English, in cursive, common communications such as personal letters, job applications, and personal checks;
(3) Speak and understand Marshallese and English in situations common to everyday life such as following and giving oral directions, answering questions, and participating in discussions;
(4) Compute in situations common to everyday life such as adding, subtracting, multiplying, and dividing whole numbers and dollars and cents;
(5) Read, use, and convert standard measures and devices such as rules, measuring cups, thermometers, weight scales, and graphs;
(6) Solve commonly encountered problems about the environment, health, personal finances, career plans, and community issues using a problem-solving approach including identification and clarification of the problem, collection and analysis of relevant information, identification and evaluation of alternatives and consequences, and decision-making and planning to address the problem;
(7) Practice enlightened personal grooming, hygiene, exercise, nutrition, and health habits;
(8) Identify the skills, training, and related requirements of at least one job of personal interest;
(9) Demonstrate knowledge of the basic structure and functions of the local and national government;
(10) Demonstrate knowledge of and respect for Marshallese history, customs, values, and traditions;
(11) Identify self as a unique individual; demonstrate pride in being Marshallese; and exercise rights and responsibilities as a citizen of the Republic of the Marshall Islands.

(d) To assist students in achieving the primary education competencies, teachers shall:
(1) Develop objectives consistent with course content, and involve students in clarifying objectives and in planning for their attainment;
(2) Use a wide variety of instructional activities consistent with the goals and objectives for all;
(3) Make effective use of a wide variety of instructional materials related to the learning activities and objectives;
(4) Involve students in planning and arranging stimulating learning centers related to learning activities;
(5) Provide an atmosphere in which industrious self-regulation and control is generally maintained;
(6) Recognize, individualize, and deal with each student according to student needs, aptitude, talents, and learning style;
(7)Assist individuals and groups to resolve learning difficulties;
(8)Encourage students to participate in discussion and other activities to enhance learning;
(9) Encourage student input to enhance learning;
(10) Provide activities which challenge and encourage both individual and group thinking and creativity;
(11) Utilize activities to encourage and develop student initiative in a variety of ways;
(12) Provide an environment which results in cooperation and mutual respect among students;
(13) Employ a variety of ways to assess achievement and comprehension regularly;
(14) Provide opportunities for student application of learned subject matter;
(15) Implement well planned constructive action to improve peer relationships in the classroom;

(16) Initiate and maintain good communication and rapport with school staff, sharing ideas with other teachers and assisting with suggestions for improvement;
(17) Demonstrate understanding of the total school curriculum by effectively relating and modifying classroom learning to the primary curriculum;
(18) Secure the active participation of most parents in school activities;
(19) Systematically use a variety of community resources, relating them to educational objectives and activities;
(20) Periodically adjust each student's program based on evaluation data;
(21) Make effective use and monitor assistance of classroom aids and volunteers;
(22) Participate in ongoing self-evaluation and professional growth activities for continual renewal of competencies;
(23) Adhere to the highest standards of personal conduct and professional responsibilities;
(24) Conduct teaching activities in a neat, clean, safe, and orderly classroom;
(25) Report to work on time and spend the time after students have left on professional tasks;
(26) Set a positive example for students to follow by being conscious of personal appearance.

14-5-7 Assessment and Certification.

(a) Section 334 of the Public School System Act 2013 requires the National Board, in cooperation with Local Boards, to direct from time to time, but at least once every five (5) years, a comprehensive needs assessment program of all students in the Republic in light of national goals and standards.

(b) Section 335 of the Act stipulates that the Board shall develop and administer a uniform, nationwide system for evaluating the performance of each school, based in part on annual testing for achievement in basic skills, in order to:
(1) determine student needs;
(2) ensure student progress;
(3) assess the degree to which educational objectives have been achieved; and
(4) monitor compliance with national standards and procedures.

(c) Section 336 stipulates that the National Board shall certify the Local Board as providing a thorough and efficient system of education contingent on the Local Board's satisfaction of evaluation criteria developed to implement the provisions of Section 335.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 6
PUBLIC ACCESS TO INFORMATION

14-6-1 **Reference**. Section 347. Rules and Regulations. (P.L. 2013-23).

14-6-2 **General Policy**.

(a) the Ministry shall communicate openly with the public except on confidential matters and information protected by law and regulations; such basic information shall be provided via printed materials and/or via MOE website.

(b) the Ministry shall welcome any concerns, views, and suggestions made by the public, and such communication requiring response or action shall be addressed within reasonable time; and,

(c) in responding to inquiries from the public, the Ministry shall:
(1) Establish procedures for releasing "confidential" information;
(2) Provide factual and accurate information;
(3) Communicate a coordinated response; and,
(4) Indicate, if the communication is an expression of a personal viewpoint, that the response is a personal opinion.

14-6-3 **Fees**.

(a) except in cases of general informational materials that are provided to the public at no cost, a reasonable fee shall be charged for a requested public document or record that must be reproduced;

(b) the document cost shall be determined by cost of materials and machinery to produce the document; such cost shall be charged to the requesting party; and

(c) all monies received shall be considered Ministry funds to be administered by the receiving office in accordance with regulation.

14-6-4 **Electronic Information Services**. The Ministry may provide electronic information services to qualified students, teachers and other personnel who attend or who are employed by the Ministry. Electronic information services include networks (Internet), databases, and any other computer-accessible source of information, whether from hard drives, tapes, compact discs (CDs), floppy disks, DVDs or other sources.

(a) the use of electronic information services shall be in support education, research and the educational goals of the Ministry;

(b) to assure that the electronic information services are used in an appropriate manner and for the educational purposes intended, the Ministry will require anyone who uses the Ministry Information System (MIS) to follow its guidelines and procedures for appropriate use (MIS Guideline Use: MOE FORM 003-06). Anyone who misuses, abuses or chooses not to follow the system guidelines and procedures will be denied access to the Ministry information system and may be subject for disciplinary action.

(c) the Ministry does not assume liability for information retrieved via its electronic information services, nor does it assume any liability for any information lost, damaged, or unavailable due to technical or other difficulties.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 7
CONFIDENTIALITY

14-7-1 **Reference**. Section 347. Rules and Regulations. (P.L. 2013-23).

14-7-2 **General Policy**. As personal information about students, their families, and educational personnel, if released or used improperly, may intrude upon their privacy, such information shall be safeguarded as confidential.

14-7-3 **Limitations on Public Access to Personal Records**. The Ministry may not disclose or authorize disclosure of personal records by any means of communication to any person other than the student, parent, or employee to whom the record pertains unless disclosure is:

(a) To a duty authorized agent of the student, parent, or employee;

(b) Of information collected and maintained specifically for the purpose of creating a record available to the general public;

(c) Pursuant to an act of the Government of a judicial order that expressly authorizes the disclosure;

(d) Pursuant to a showing of compelling circumstances affecting the health, or safety of any student, parent, or employee; and,

(e) Properly authorized in writing for release by the individual to the authorized agent or agency specified using Information Release form: MOE FORM 004-07.

14-7-4 **Access Right to Personal Records**. Students, parents, and educational personnel shall, with respect to their educational and personal records, have the right to:

(a) Inspect, review, challenge, or obtain copies;

(b) Allow others to review them; and,

(c) Grant permission for their release.

14-7-5 **Limitations on Personal Access to Personal Records**. The Ministry is not required to grant a student, parent, or employee access to his her own records or information when:

(a) The disclosure would reveal identity of a source who furnished information to the ministry under an expressed or implied promise of confidentiality;

(b) Records consist of testing or examination materials or scoring keys, the disclosure of which would compromise the objectivity, fairness, or effectiveness of the testing of examination process;

(c) Records include investigate reports and materials related to an upcoming, ongoing, or pending action or proceeding against the student, parent, or employee; and,

(d) Records are required to be withheld by law or judicial decision or authorized to be so withheld by constitutional or statutory privilege.

14-7-6 **Violations**. A knowing or intentional violation of any provision of this chapter by any employee of the Ministry shall be caused for disciplinary action, including suspension or dismissal. Any person may file a complaint with the PSS alleging such a violation.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 8
EDUCATIONAL STANDARDS

14-8-1 **Reference**. Division 1. Educational Standards. (P.L. 2013-23).

14-8-2 **Statutory Requirement** (as prescribed in Section 313). The goal of the public school system in the Republic shall be:

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

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

14-8-3 **Guidelines** The following guidelines shall serve as major elements for the achievement of the educational goal provided in Section 313 and for the implementation of this Chapter:

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

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

(c) instruction intended to produce the attainment of responsible levels of proficiency in:
(1) Kajin Majel and Mantin Majel, to be taught in all elementary schools; and
(2) all major academic subjects, including basic communications and computational skills;

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

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

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

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

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

(i) qualified teachers and administrators;

(j) efficient administrative procedures;

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

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

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 9
SCHOOL YEAR

14-9-1 **Reference**. Section 317. School Year. (P.L. 2013-23).

14-9-2 **Statutory Requirement** (as prescribed in Section 317).

The school year shall consist of no less than one hundred and eighty five (185) days of school in session, exclusive of holidays provided that any increase thereof of days shall be made pursuant to the promulgation of regulation under Section 346 of the Public School System Act 2013 and in consultation with the schools. Each of the schools in the Republic may, with the approval of the Board, establish beginning and ending dates of the school year in accordance with local needs and customs. Such dates need not be uniform throughout the Republic.

14-9-3 **Ministry Calendar**.

(a) the Board shall establish a calendar indicating the period of a year during which schools may schedule their 185 school days; and

(b) the calendar shall include Board- and Ministry-sponsored conferences, workshops, school visits, and meetings.

14-9-4 **School Day**. A school day shall consist of not less than six (6) hours of instructional time. The structure of these six instructional hours shall be consistent with the following models for grades 1-8 in (i) Majuro and Ebeye schools and (ii(Outer Island Schools.

(a) Majuro and Ebeye Schools

Morning Routines	8:00-8:10 am	10 minutes daily
Marshallese Language Arts	8:10-9:40 am	90 minutes daily
Recess	9:40-10:00 am	20 minutes daily
English Language Arts	10;00-11:30 am	90 minutes daily
Math	11:30-12:30 pm	60 minutes daily
Lunch	12:30-1:00 pm	30 minutes daily
Science (3)/Health (2)	1:00-2:00 pm	60 minutes daily
Social Studies/Gardening/ Music/Arts and Crafts	2:00-3:00 pm	60 minutes daily
Physical Ed./Clean Up	3:00-3:30 pm	30 minutes daily
Total Instructional Time		**360 minutes daily***

(b) Outer Island Schools

Morning Routines	8:00-8:10 am	10 minutes daily
Marshallese	8:10-9:40 am	90 minutes daily
Recess	9:40-10:00 am	20 minutes daily
English Language Arts	10;00-11:30 am	90 minutes daily
Math	11:30-12:30 pm	60 minutes daily
Lunch	12:30-1:15 pm	45 minutes daily
Science (3)/Health (2)	1:15-2:15 pm	60 minutes daily
Social Studies/Gardening/ Music/Arts and Crafts	2:15-3:15 pm	60 minutes daily
Physical Ed./Clean Up	3:15-3:45 pm	30 minutes daily

* Instructional time excludes morning routines, recess, lunch, and physical education/clean up.

Total Instructional Time		**360 minutes daily**

(c) The Kindergarten school day shall consist of two hours and twenty five minutes (145 minutes) of instructional time modeled on the following schedule:

Free Play	8:00-8:20 am	20 minutes daily
Morning Message	8:25-8:45 am	20 minutes daily
Marshallese Language Arts	8:45-9:15 am	30 minutes daily
English Language Arts	9;15-9:45 am	30 minutes daily
Recess/Snacks	9:45-10:00 am	15 minutes daily
Math	10:05-10:50 am	45 minutes daily
Learning Center	10:55-11:30 am	35 minutes daily
Music/Nap	11:30-12:35 pm	60 minutes daily
Outdoor Activity	1:15-2:00 pm	45 minutes daily
Read to	2:05-2:20 pm	30 minutes daily
Clean Up	2;20-2:30 pm	10 minutes daily
Total Instructional Time		**145 minutes daily**

14-9-5 Scheduling.

(a) The Ministry of Education appreciates the value of freedom and creativity on the part of the teacher. Therefore, it allows teachers, in accordance with the Principal/Head Teacher, to arrange their own schedules to fit the needs of their students, in a manner which is consistent with the subject and curriculum framework of the RMI.

(b) Schools that operate with a split shift and cannot accommodate five hours of instructional time for both morning and afternoon classes, shall develop their own schedules and submit them to the Ministry for approval at least two weeks before school starts;

(c) Public school calendar of schedule shall be submitted to the Schools Division no later than two (2) weeks prior to the first day of instruction, and shall be approved by the Assistant Secretary of the Schools Division; and

(d) The Ministry shall implement new programs which may foster school achievement and performance. Such programs may deviate from the above models of instructional days summarized in 14-8-4(a) and (b) as required by and appropriate to the particular philosophy of the program.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 10
SCHOOL ATTENDANCE

14-10-1 **Reference**. Section 318. Compulsory Enrollment and Attendance; Section 320. Parent's or Guardian's Responsibility for Child's Attendance. P.L. 2013-23.

14-10-2 **General Policy**. Attendance at a public or non-public elementary or secondary school shall be compulsory for all children between the ages of five and eighteen.

14-10-3 Requirements

(a) All children between the ages of five and eighteen are required to attend elementary or secondary school unless excluded or excepted from attendance by the Commissioner for compelling or legitimate reasons;

(b) A child who attains the age of five on or prior to the commencement date of any school year shall be eligible to enroll in and commence elementary level education in any school in the Republic; and

(c) The school shall require documented proof of a child's birthday and immunization card upon registration of the child in elementary school.

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

14-10-4 Responsibilities of Parents and Guardians

(a) It shall be the responsibility of a parent, guardian or any other person having custody of a child of 5 to 18 years to ensure that the child under his or her custody, care or guardianship enrolls in and attends elementary or secondary level school upon attaining eligibility during any school year;

(b) A parent, guardian, or other person having custody of a child shall be responsible for informing the school about the student's absences in writing, by phone, or visit;

(c) Parents, guardians, or other persons responsible for a student's non-attendance at school may be referred to a court of competent jurisdiction for enforcement of mandatory school attendance; and,

(d) In accordance with Section 320(2) of P.L. 2013-23, relating to "Parent's or Guardian's Responsibility for Child's Attendance", any parent, guardian, or other person having custody of a child who is eligible to attend elementary or secondary level education but the child is, (i) without good cause or reasonable explanation, not attending any elementary or secondary level schools in the Republic, or (ii) if enrolled in a school, does not attend school regularly, or (iii) found delinquent under the Juvenile Procedure Act and placed on probation, may be subject to the penalties provided under the Juvenile Delinquency Act or penalties under any regulations established by the Board.

14-10-5 Responsibilities of Schools

(a) Parents, guardians, or other persons responsible for a student's attendance shall be informed in writing by the school of student's attendance when a student misses more than three school days in a given quarter; and,

(b) The written notice shall be signed by the parent, returned to the school, and such signature verified by school before filing.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 11
STUDENT TRANSFER

14-11-1 **Reference**. Section 319. School Attendance Area. (P.L. 2013-23).

14-11-2 **General Policy**. All students shall be required to attend the public school located in the area in which they reside, or any non-public school whether or not it is located in the attendance area in which they reside.

14-11-3 **Permission for Transferring**

(a) Attendance at a public school in another school attendance area may be granted at the discretion of the Ministry; and,

(b) Attendance at a different public high school than the one serving the student's attendance area shall require prior written approval of the Commissioner or designee.

14-11-4 **Procedures for Public Elementary School Transfer**

(a) When a student wishes to transfer from one school to another, an official written transfer notice must be obtained from the school the student is leaving (Transfer Form: MOE FORM 006-11);

(b) The notice must provide, at a minimum, the full name of the student, parents' names, grade level, student's previous school, a summary of pertinent information, and a description of any disciplinary action taken during the preceding twelve (12) months;

(c) The transfer notice shall be given to student or parents to present upon registration at the new school; and,

(d) A placement test shall be given to any students authorized to transfer to another public school;

(e) The admitting school shall review and follow recommendation from former school.

14-11-5 **Procedures for Public High School Transfer**. Attendance at a different public high school than the one serving the student's attendance area shall require prior written approval of the Commissioner or designee.

(a) Students wishing to transfer shall apply for admission using the Transfer Application form (FORM 007-11) obtained, completed and returned to the principal's office, or shall request same in writing to the Commissioner;

(b) The secondary school admissions board shall determine eligibility of transfer student for admission based on submission of a verified transcript and completion of the placement test;

(c) No students will be permitted to transfer after the thirteenth week of a semester; and,

(d) No transfers are granted into grade nine.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 12
PROMOTION AND GRADUATION

14-12-1 **Reference**. Section 321. Student Assessment and Progress. (P.L. 2013-23).

14-12-2 **General Policy**. At the end of each school year, students making normal progress shall be promoted to the succeeding grade or graduated; and others shall be accelerated or retained in the same class.

14-12-3 **Promotion**.

(a) Promotion shall be based on the student's academic performance and other appropriate measures, including age. Regular promotion is expected and considered normal. However, promotion must be earned;

(b) A student may be promoted at any time during the school year based on teacher's recommendation of student's performance, potential, behavior, and attendance. Such decision shall be recommended to the school principal who shall render a decision in writing;

(c) Student who do not get promoted shall be required to repeat the courses during the summer months in order to pass failed courses;

(d) Students whose cumulative scores are twenty five (25) percent or more below the "proficiency" level on the MISAT administered at the end of grades 3, 6, 8, and 10 shall be retained for up to two years and/or referred to summer or after-school tutorial programs in order to address their learning needs before being promoted to the next grade level;

(e) No student shall be promoted from eighth grade into ninth grade based on teacher/principal recommendations. The provisions of Section 322, Secondary Education, P.L. 2013-23, shall be applied; and,

(f) Promotion requirements for students in grades nine (9) through twelve (12) shall be in compliance with Chapter 29 (6)(a), Relating to Secondary and Vocational Education.

14-12-4 **Graduation**. Students must meet the school's and Ministry's academic and attendance requirements for graduation.

(a) To signify that a student has graduated from eighth grade and has thus terminated the elementary program, a "certificate of completion" shall be awarded; and

(b) To signify a student's completion of the secondary program, a "diploma" shall be awarded. Students who do not meet the required GPA for high school graduation but have completed all required secondary courses shall be awarded a "certificate of completion."

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 13
HEALTH AND SAFETY

14-13-1 Reference. Section 325. Student Health and Safety. (P.L. 2013-23).

14-13-2 Statutory Requirement.

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

(b) The Public School System, in cooperation with the Ministry of Health, shall enforce Ministry of Health regulations regarding physical examinations, immunization and communicable diseases. Any student or teacher contracting a communicable disease may be excluded from school until a physician certifies that the student or teacher may return to school.

14-13-3 School Health Program. The Public School System with the assistance of the Ministry of Health shall coordinate a program to promote good health in the schools. Each school, under the direction of the school health coordinator, shall routinely be required to complete a physical examination program to identify student health problems and make referrals and follow-ups as needed.

14-13-4 School Safety.

(a) The Public School System shall ensure that at least one person on each school campus shall be a certified first aid provider to provide immediate attention to the health needs of the students. Attention shall be given to the personal safety of each student while on campus or while engaged in school-connected activities off-campus.

(b) Procedures regulating off campus visitors to school grounds as well as those designed to safeguard students and staff during emergency situations (e.g., fire) shall be established in student handbooks.

14-13-5 Physical Examination. All activities and procedures relating to school physical examinations shall be coordinated with the Ministry of Health to promote a healthy environment in the schools. Students, teachers, and supporting staff of the Public School System shall be required to take an annual physical examination; and a blood test examination which shall be conducted every three (3) years. At a minimum, the physical examination shall include dental and eye screening as well as TB, Leprosy and Hepatitis screening and clearance.

(a) All Kindergarten students shall be required to complete a immunization record and a physical examination prior to their enrolling in school (MOE FORM 008-13);

(b) Every grade nine and transfer student shall be required to complete a physical examination (FORM 008-13) before admission;

(c) Every student in grades K, 3, 6, and 9 shall be required to complete a physical examination;

(d) every newly hired teacher and support staff shall be required to complete a physical examination annually, and a blood test examination every three years (MOE FORM 009-13); and

(e) all teachers and PSS staff shall be required to have TB test and clearance annually (check with hospital).

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 14
STUDENT CONDUCT

14-14-1 **Reference**. Section 323. Student Conduct. (P.L. 2013-23).

14-14-2 **General Policy**.

(a) The Ministry shall establish rules for dealing with breaches of appropriate student conduct;

(b) These rules shall be distributed to the students and parents; and,

(c) The Ministry shall act promptly and in accordance with the rules when breaches of conduct arise.

14-14-3 **Definitions**. As used in this chapter:

"Alcohol" means intoxicating beverages;
"Assault" means intentionally, knowingly, recklessly, or negligently causing serious bodily injury or bodily injury to another person with or without a dangerous instrument.
"Burglary" means intentionally entering or remaining unlawfully in a building with intent to commit therein a crime against a person or against property rights.
"Class Cutting" means an unauthorized absence of a student from class.
"Contraband" means a property, other than which is unlawful to produce or possess, which, as defined by school rules, is prohibited on school premises because the possession or use of the property on school premises has in the past led to bodily injury or disruption of school operations.
"Corporal Punishment" means hitting, kicking, slapping or any other means of brutality in disciplinary actions.
"Counseling" means to give advice, opinion, or guidance to students upon offenses relating to disciplinary actions.
"Crises suspension" means the immediate exclusion of a student from school in an emergency, because the conduct of the student presents a clear threat to the physical safety of self and others, or the student is so extremely disruptive as to make the immediate removal of the student necessary to preserve the right of other students to pursue their education free from undue disruption.
"Detention" means detaining a student from all school activities for a period of 5 consecutive school days to require such student to carry out in-school educational or other activities as may be prescribed by school officials as a form of disciplinary action for student misconduct.
"Disciplinary Action" means the implementation of a disciplinary measure to correct a student's prohibited conduct.
"Disciplinary Measures" means the steps that schools may take to correct a student's prohibited conduct.
"Disciplinary transfer" means the removal of a student from the school the student is attending as a result of a violation 14-14-8.
"Dismissal" means dismissing a student from all MOE public schools for the rest of the school year.
"Disorderly conduct" means:
(1) Engaging in fighting or threatening, or in violent behavior such as yelling or screaming, or both;
(2) Making unreasonable noise as to cause disruption of normal school operation;
(3) Making any offensively coarse utterance, gesture, or display, or addressing abusive language to any person present, which is likely to provoke a violent response;
(4) Creating a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit, or
(5) Impeding or obstructing any person in a public school for the purpose of begging or soliciting or seeking other forms of aid; with the intent to cause physical inconvenience or alarm to a member of the public school, or recklessly creating a risk thereof;
"Dress and Appearance" means properly groomed and suitably attired; acceptable community standards of dressing and appearances;

"Firearms and Weapons" means any sharp and dangerous weapon, device, instrument, material, or substance used or intending to be used which may cause death or serious bodily injured;
"Harassment" means a person acts with intent to harass, bully, annoy or alarm by:

(1) Striking, shoving, kicking, or otherwise physically contacting a person to offend;
(2) Insulting or challenging another person, verbally or physically, in a manner likely to provoke a violent response;
(3) Causing fear so as to prevent others from coming to school or to cause others to withdraw from school voluntarily.
(4) Making verbal or non-verbal expressions for reasons of, including but not limited to, race, color, national origin, ancestry, sex, religion, disability, or sexual orientation which create an intimidating, hostile or offensive school environment;
(5) Name calling, making rude gestures, insulting or constantly teasing another person who feels intimidated, humiliated, threatened and/or embarrassed;
(6) Causing others to feel uncomfortable.

"Insubordination" means intentional refusal to obey an order which a teacher, an administrative staff, or other employee of the PSS is giving;
"Leaving campus without consent" means leaving the premises of a school without first obtaining permission from school officials;
"Murder" means intentionally or knowingly causing the death of another person;
"Offense" means breaking of school rules and regulations;
"Probation" means placing a student under supervision of the school officials for one semester;
"Robbery" means in the course of committing a theft, a person

(1) Attempts to kill another or intentionally inflicts serious bodily injury upon another;
(2) Uses force against the person with the intent to overcome the owner's physical resistance or physical power;
(3) Threatens the imminent use of force against the person or anyone who is present with intent to compel acquiescence to the taking of or escaping with the property; or
(4) Recklessly inflicts serious bodily injury upon another.

"School rule" means the rules of conduct adopted by the regular school;
"Suspension" means excluding a student from school for a period of five (5) consecutive school days;
"Sexual offense" or "sexual assault" means rape, sodomy, sexual abuse, incest, indecent exposure, and such other similar offenses;
"Theft" means stealing of personal or school property;
"Truancy" means the student is absent from the school campus without authorization from the principal or designee;
"Vandalism" means damaging or destroying or defacing of school property;
"Violence" means acts of harassment, fighting or hazing.

14-14-4 Dress and Appearance.

(a) Students are expected to meet acceptable community and health standards of dress and appearance; and are properly groomed and suitably attired all the time.

(b) Students shall be advised to leave the school campus if found to be unsuitably attired or offensive; and,

(c) Parents shall be asked to take their child home otherwise.

14-14-5 School Dress Code. All public schools are required to have school uniforms.

14-14-6 Applicability. The provisions of this chapter apply to all students enrolled in the public school during the regular school year or summer session regardless of age with the addition that, outside of the hours when school is in session, boarding students are subject to the dormitory rules developed by the school and agreed upon through written consent by the parent(s) or legal guardian(s) of boarding students.

14-14-7 Disciplinary Actions: Authority. (a) Suspensions exceeding ten (10) days or suspensions which will result in the student being suspended for more than a total of ten (10) school days in any single semester,

disciplinary transfers, dismissals, and extension of crises suspensions may be imposed by the Commissioner of Education. Crises suspensions and suspensions of fewer days may be imposed by the principal or designee.

14-14-8 Prohibited Student Conduct: Penalties. (a) the following prohibited conduct applies to all students in the Public School System during school hours, on school premises, or during Ministry- or school-supervised activities on or off school property:

(1) Class A offenses; unlawful conduct:
   A. Assault
   B. Burglary
   C. Possession or use of dangerous weapons, substances or instruments
   D. Possession, use or sale of Drugs or Alcohol
   E. Robbery
   F. Murder
   G. Sexual Offense

(2) Class B offenses; unlawful conduct:
   A. Disorderly conduct
   B. Harassment
   C. Theft
   D. Trespassing

(3) Class C offenses; MOE prohibited conduct:
   A. Class cutting
   B. Insubordination
   C. Leaving campus without consent
   D. Smoking, use of tobacco substances
   E. Truancy

(4) Class D offenses; school prohibited conduct:
   A. Contraband
   B. Any other conduct as may be prescribed and prohibited by the school rules.

14-14-9 Prescribed Disciplinary Procedures.

(a) No punishment amounting to serious discipline shall be imposed for violation of any individual school rule as a class D offense. However, serious discipline due process procedures shall apply in cases involving violation of school rules resulting in a student being crises suspended more than a total of ten days in any single semester. Individual school rules shall be published or made available to students and parents and for inspection at the school office.

(b) Any student found to be in possession of a firearm shall be dismissed from school for not less than a one school year period. The Commissioner of Education, on a case by case basis, may modify the punishment of a student found to be in possession of a firearm.

(c). Disciplinary action shall be taken for other class A and class B offenses in grades seven through twelve in accordance with procedures established under this chapter and within the following options as determined by authorities stipulated in Section 14-14-7:
   (1) Detention
   (2) Crises suspension
   (3) Suspension of one to ten days
   (4) Suspension of eleven or more days
   (5) Disciplinary transfer; or
   (6) Dismissal

(d) Disciplinary action shall be taken for class C and class D offenses in grades seven through twelve in accordance with procedures established under this chapter and within the following options determined by the authorities stipulated in Section 14-14-7:
(1) Reprimand and warning
(2) Parent conferences
(3) Referral to an alternative education program
(4) Detention
(5) Crises suspension
(6) Suspension of one to ten days
(7) Suspension of eleven or more days
(8) Dismissal

(e) Disciplinary action shall be taken for class A through class D offenses in grades kindergarten through six in accordance with procedures established under this chapter and within the option provided in subsection (b) of this section as determined by school authorities.

(f) Students shall be counseled in addition to any disciplinary action taken under subsection (a) (b) and (c) of this section.

(g) The disciplinary options of subsections (d), (e) and (f) shall be construed as disciplinary actions within a school year; provided, disciplinary actions may be carried over to the ensuing school year if the offense is committed within twenty school days from the last instructional day for students in the school year.

14-14-10 (a) Crises Suspension

(1) A principal or designee, in an emergency, may crises suspend a student immediately upon preliminary investigation and finding that the student's conduct presents a clear threat to the physical safety of self or others or is so extremely disruptive as to make the student's immediate removal necessary to preserve the right of other students to pursue an education free from undue disruption. However, if the total number of days in any single semester for crises suspension exceeds ten days, the due process procedures of section 14-14-11 shall apply. Prior notice for crises suspension shall be by telephone, if feasible.

(2) Immediately after making a crises suspension, the principal or designee shall initiate the investigation and hearing procedures under section 14-14-11, unless it is determined that the suspension exceeding ten days, disciplinary transfer or dismissal need not be administered. Before commencing the investigation, schools shall make a good faith effort to notify parent of an impending school investigation of an offense allegedly committed by the student.

(3) A written notice of the crises suspension shall be personally delivered or mailed to the student and the parent immediately upon completion of an investigation. The notice shall contain the following statements:

(a) A statement of the specific acts allegedly committed by the student which form the basis of the action;
(b) The rule allegedly violated;
(c) A statement of the action; and
(d) That the parent may request a conference with the principal or designee. A copy of the notice shall be mailed to the Commissioner of Education. In addition to the notice required by this subsection, the principal or designee shall attempt to confirm the notice by telephoning the parent.

(4) A student who is the subject of the crises suspension shall be permitted to resume attendance at school pending a hearing as soon as the exclusion of the student is not longer necessary under subsection (a) of this section. A crises suspension shall not continue for more than ten school days, except when extended by the Commissioner of Education during an appeal hearing.

(b) Suspension

(1) Whenever a principal or designee has reason to believe that a student has engaged in activity warranting the imposition of suspension, the principal or designee shall immediately conduct or cause to be conducted an informal investigation of the activity. Upon preliminary investigation and findings, schools shall make a good faith effort to notify the parent of the school investigation of an offense allegedly committed by the student.

(2) The principal or designee shall give to the student notice of the charges against the student. If the student denies the charge, the principal or designee shall indicate to the student what evidence school authorities have. The student shall be given an opportunity to present the student's version of the incident. However, where the student is unable to understand the seriousness of the charges, the nature of the proceedings, and consequences thereof, or is of such age, intelligence or experience as to make meaningful discussion difficult, the principal or designee shall request that the parent be present to participate in the discussion.

(3) The student may be suspended if the principal or designee finds that the charges are sustained. If the total number of days in any single semester for suspension exceeds ten days, the due process procedures of Section 14-14-11 shall apply. Students who receive special education or other services under chapter 26, however, may be suspended no more than ten days during the school year, unless otherwise indicated.

(4) The parents may be given notice of any suspension regardless of its length. Prior notice for suspension shall be by telephone, if feasible, and the written notice personally delivered or mailed to the student and the parent upon completion of the investigation. The notice shall contain the following statements:

(a) A statement of the specific acts allegedly committed by the student which form the basis of the action;
(b) The rule allegedly violated;
(c) A statement of the action; and
(d) That the parent may request a conference with the principal or designee.

A copy of the notice shall be mailed to the Commissioner of Education. In addition to the notice required of this subsection, the principal shall attempt to confirm the notice by telephoning the parent.

14-14-11. Suspension Exceeding Ten Days, Disciplinary Transfers, and Dismissal

(a) Whenever a principal or vice principal has reason to believe that a student had engaged in activity warranting the imposition of suspension exceeding ten days, disciplinary transfer, or dismissal, the principal or vice principal shall immediately conduct or cause to be conducted an informal investigation of the activity. When conducting an investigation, the school shall make a good faith effort at the earliest point possible to notify the parent/guardian about the school's investigation of the offense allegedly committed by the student. The investigation shall be completed as quickly as practicable after the discovery of the activity constituting the offense. If the principal or vice principal elects to initiate proceedings for the imposition of serious discipline other than crises suspension, the principal or vice principal, upon completion of the investigation, shall make a written report containing a brief summary of the testimony of witnesses interviewed, any other evidence, and the principal's or vice principal's reasons for the initiation of disciplinary proceedings. This report shall be retained for the applicable school year.

(b) If, based upon the investigation, the principal or vice-principal believes that a student has engaged in activity which constitutes a violation of this chapter, and if the principal or vice principal recommends that serious discipline other than crises suspension be imposed, the principal or vice principal shall immediately notify the Commissioner of Education, through the Asst. Secretary for Schools, and shall initiate disciplinary proceedings, after approval by the Commissioner of Education , in accordance with this section. The student or parent/guardian may appeal to the Commissioner of Education within five

calendar days of receipt of written notice about the suspension. The student shall be permitted to attend the regularly-assigned school of the student pending the appeal unless the principal finds the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. No serious discipline other than crises suspension shall be administered until after the notice and hearing requirements of this section have been met.

(c). Prior notice for serious discipline other than crises suspension shall be mailed by the Commissioner of Education to the student and parent or guardian immediately upon completion of the investigation required under subsection (a). The notice shall contain the following statements:

(1) A statement of the specific acts allegedly committed by the student which form the basis of the recommended action;
(2) The rule allegedly violated;
(3) A statement of the recommended action;
(4) A statement that the student has a right to a hearing before the Commissioner of Education at which time the student may present evidence, call and cross-examine witnesses, and be represented by a representative of the student's or parent/guardian's choosing, including legal counsel;
(5) A statement that the hearing may be requested in writing or orally by personal visit or telephone call to the Commissioner; and
(6) A statement that unless the hearing is requested within five school days from the date of receipt of the notice, the recommended action of the principal or vice principal shall be implemented without the hearing.

A copy of the notice shall be mailed to the principal or vice principal. In addition to the notice required by this section, the Commissioner shall attempt to confirm the notice by telephone the parent/guardian.

(b). Upon receipt of a request for a hearing, the Commissioner shall, within ten school days, schedule a hearing and shall notify all interested parties of its date, time, and place. Written notice of the hearing by personal or mail delivery (with required return receipt requested shall be given to the parties at least fifteen (15) calendar days before the hearing. The hearing shall be conducted by the Commissioner or by an impartial person, who may be an official of the Ministry of Education, designated by the Commissioner. The hearing shall be conducted as follows:

(1) It shall be private unless the student or parent/guardian requests that it be public;
(2) All parties have the right to present evidence, cross-examine witnesses and submit rebuttal testimony;
(3) All parties may be represented by legal counsel;
(4) The Commissioner or designee need not follow the formal rules of evidence;
(5) The Commissioner or designee shall impartially weigh the evidence;
(6) The Commissioner or designee may request and consider any records or information relevant to the charge or disposition, provided that the record or information shall be made available to the student and parent/guardian, or the representative of the student and parent/guardian;
(7) A parent/guardian, at their own expense, may make or obtain from the Ministry of Education a transcript or tape recording of the hearing only if requested for purposes of court review. The Ministry of Education shall make a transcript or tape recording of the hearing;
(8) No later than three school days after the close of the hearing, the Commissioner shall render a decision in writing stating clearly the action to be taken and the reasons thereof. The decision shall be mailed or personally delivered (with return receipt of delivery requested) to the student and parent/guardian or the student's attorney of record.
(9) In the event that the hearing is conducted by a person other than the Commissioner of Education, the recommended decision and record shall be reviewed by the Commissioner who may accept, reject, or modify the decision, provided that in the event any change is made, the Commissioner shall state the reasons therefore in writing. Any recommended or final decision shall be based solely on a preponderance of the evidence adduced in the hearing; and

(10) Any procedure in the hearing may be modified or waived by stipulation of the parties and an informal settlement may be reached by stipulation, agreed settlement, consent order, or default.

(c) The student or parent may appeal to the Minister of Education within ten days of the action of the Commissioner of Education which shall be deemed the date of the decision is mailed. The student shall be permitted to attend the regularly-assigned school of the student pending the appeal unless the Commissioner of Education finds that the continued presence of the student creates a substantial risk to self or others or to the rights of other students to pursue their education free from disruption. Where the student is to be excluded from school pending an appeal, the Minister of Education shall render a decision within fifteen school days of the filing of the appeal.

(d) Upon an appeal, the decision of the Commissioner of Education and all records, evidence and pleadings in the proceeding provided for in subsection (b) of this section shall be forwarded to the Minister of Education who shall examine the evidence and render a decision on the disciplinary action. The decision shall contain a determination of each issue of fact or law that may be necessary to it. The decision shall be personally delivered or mailed (with return receipt requested) to the student and parent or attorney of record. In addition, the student and parent/guardian shall be informed of the right to file exceptions to the decision and to present argument to the Minister of Education at a specific date, time, and place.

(e) After consideration of the exceptions and arguments presented to the Minister of Education, the Minister of Education shall review and mail or personally deliver a written decision (with return receipt requested) to the student and parent/guardian, or attorney of record within a reasonable time. The decision of the Minister of Education shall be final.

14-14-12 Discipline in Summer School. Disciplinary action against any student attending summer school shall be imposed by the summer school director and shall follow regular school year discipline policies.

14-14-13 Reporting Class A and Class B Offenses Occurring in School.

(a) Any teacher, official or other employee of the Ministry of Education who is a witness to a class A or class B offense as defined in this chapter, or who has reasonable cause to believe that a class A or class B offense has been committed or will be committed, against a student, teacher, or official or other employee of the Ministry, or involving school property, shall promptly report the incident to the principal or designee. Nothing in this subsection shall be construed to prohibit or prevent a teacher, official, or other employee of the Ministry from reporting class C or class D offenses to the principal or designee. Disciplinary Referral form (MOE FORM 10-14) shall be used for reporting offenses.

(b) Upon receiving a class A or class B offense report, the principal or designee shall conduct a preliminary investigation to determine as to whether the behavior requires a direct call to the police or whether the behavior can be handled through school disciplinary procedures. The principal or designee shall call the police, national or local, whenever there is perceived danger and the behavior cannot be handled by the school staff.

(c) Upon determining that a class A or class B offense occurred, the principal or designee shall submit a school incident report to the Commissioner of Education within five days.

(d) The principal or designee shall notify the reporting teacher, official or other employee, in writing, of the dispositive action taken on the class A or class B offense within five days after the offense is reported in accordance with subsection (c).

(e) If the teacher, official, or other employee is dissatisfied with the dispositive action taken on the offense reported, or if no dispositive action has been taken within ten days after the offense was reported by the teacher, official or other employee, the person who made the report may appeal to the Commissioner of Education, in writing, that appropriate dispositive action be taken on the offense reported.

(f) Within five days of receiving an appeal as provided in subsection (e), the Commissioner of Education or designee shall notify the appellant, in writing, of the dispositive action taken on the offense reported.

(g) Incident reports filed with the Commissioner of Education shall be disposed of pursuant to guidelines established by the Ministry of Education.

14-14-14 Indemnity upon Reporting Class A and Class B Offenses. Any teacher, official, or other employee of the Ministry who in good faith reports as required under subsection 14-14-13 shall be indemnified and held harmless.

14-14-15 Failure to Report Class A or Class B Offenses Occurring in School; Penalties

(a) Failure to report class A or class B offenses occurring in school or during school functions may result in disciplinary actions against responsible teachers, officials, or other employees of the Ministry. Disciplinary actions may include:
   (1) Oral warning;
   (2) Written warning;
   (3) Suspension without pay;
   (4) Demotion; or
   (5) Dismissal.

(b) Teachers, officials, or other employees of the Ministry who fail to report class A or class B offenses as required by subsection 14-14-13 may be disciplined in accordance with the regulations and procedures of the Ministry.

(c) Any teacher, official, or other employee of the Ministry who is disciplined for failure to report class A or class B offenses occurring in school or during school functions, on or off school property, shall have the right to appeal the disciplinary action as provided by RMI law or the regulations of the Ministry of Education.

14-14-16 Prescribed Disciplinary Actions

(a) The following prescribed student conduct applies to all students in the Public School System during school hours, on school premises, or during school/PSS supervised activities.
   (1) Insubordination. A student found to be insubordinate shall serve detention, be suspended, or dismissed from school. Insubordination to the teaching or administrative staff is a breach of proper student conduct.
   (2) Smoking on Campus. Smoking is not allowed on the school campus. Any student found smoking on the school campus shall be counseled with parents and serve detention upon first offense, suspended from school upon second offense. Upon third offense the student will be counseled and required to perform a supervised community project of a two-week duration.
   (3) Alcohol or Drugs on Campus.
      (a) Any student on campus while in possessions of or under the influence of alcohol or drugs shall be counseled or placed on detention upon first offense, suspended from school upon second offense and dismissed from school upon third offense.
      (b) The Ministry of Health Services and the Department of Human Services shall be contacted in an effort to assist the Ministry of Education in cases involving substance abuse problems.
   (4) Theft. Any student found guilty of stealing any type of personal or school property shall be required to return said property. For act of repeating this crime, the student shall be counseled and placed on probation upon first offense; and dismissed from school upon second offense.
   (5) Vandalism.
      (a) Any students found guilty of vandalizing, damaging, or otherwise destroying school property or premises in the case of graffiti or defacement shall be liable for the cost of repair or emplacement of damaged property as stated in Chapter 27 (6);

(b) Fighting, hazing or any other acts of harassment or violence shall not be tolerated on school premises; student will be counseled and serve detention, suspended and dismissed from school as appropriate upon committing third offense.

(c) Occurrences and possession of firearms and other potential weapons on campus shall be acted upon seriously and student may be put on crises suspension or suspension as deemed necessary.

(6) Fighting and Violence.

(a) Any student found engaged in a fight or any other violent action on the school grounds shall be counseled and placed on probation upon first offense and referred to the appropriate legal authority, and be dismissed from school upon second offense.

(b) Fighting, hazing or any other acts of harassment or violence shall not be tolerated on school premises; and

(c) Occurrences and possession of firearms and other potential weapons on campus shall be referred to the appropriate legal authority.

(b) The student disciplinary policies shall be disseminated to all students and parents, and both parties shall be informed of expectations;

(c) The public school officials shall determine the format and scope, method and frequency of distribution based on their judgment and compassion;

(d) The school principal or designee and the school counselor shall ensure that written records are kept of all disciplinary actions taken. The principal shall be the custodian of the records;

(e) Student rights in relation to these prescribed disciplinary policies are addressed in Chapter 30, Relating to Student Rights, Responsibilities, and Due Process.

14-14-17 Disciplinary Measures.

(a) Disciplinary measures shall be taken for offenses prescribed in Section 14-14-8, in accordance with procedures established under this chapter (MOE FORM 011-14);

(b) School officials shall determine duration of disciplinary measures based on their judgment and compassion; and,

(c) Measures such as detention, suspension, probation, and dismissal shall allow school officials to correct the student conduct; and shall not inflict corporal or other brutal unreasonable punishment upon any student.

(1) Detention shall not exceed five (5) consecutive school days;

(2) Crises suspension shall not exceed ten (10) consecutive school days;

(3) Suspension under probationary status shall be determined by the school principals although duration of one semester is deemed reasonable. The principal shall continue suspension under probation period into the next semester or school year depending upon when in the school year probation status is instituted; and,

(4) During the probationary period, the student shall be assisted to resolve behavioral problems through assistance from the Ministry of Health Services and the Department of Human Services.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 15
STUDENT ASSESSMENT AND PROGRESS

14-15-1 Reference. Section 321. Student Assessment and Progress. (P.L. 1991-125).

14-15-2 General Policy. The Board shall make provisions for assessing and reporting the progress of each student. Periodic reports of student progress, one for Kindergarten (MOE FORM 012-15) and another for Grade 1-12 (MOE FORM 013-15) shall be provided to students and parents.

14-15-3 Progress Report.

(a) The purpose of the progress report, oral or written, is to provide the student and parents with information about the student's academic progress and personal and social development;

(b) Teachers shall document student achievement and progress. The following are guidelines for determining attainment levels:

(1) Percentage of 0%-100% is to be used as the system of grading as follows:

98%-100%	=	A+
94%-97%	=	A
90%-93%	=	A-
88%-89%	=	B+
84%-87%	=	B
80%-83%	=	B-
78%-79%	=	C+
74%-77%	=	C
70%-73%	=	C-
68%-69%	=	D+
64%-67%	=	D
60%-63%	=	D-
0%-59%	=	F

(2) For non-academic instruction in all grade levels, a satisfactory (S) and needs improvement (N) system of grading may be used at the discretion of the teacher and with the consent of the principal. In such cases, 60% course completion will be required to obtain a minimum passing grade.

(c) Report cards shall be issued on a quarterly basis and shall provide information for students, parents, and school records regarding attainment levels in the various subject areas, number of absences and tardy, and indications of student motivation, attitude, and behavior.

14-15-4 Conference.

(a) Each school shall schedule quarterly Parent-Teacher-Association meetings every school year which shall coincide with the issuance of report cards, and to promote parental involvement in the school; and,

(b) Each school shall encourage the teachers to organize conferences with parents, guardians, and students for discussion of the student's progress and related school activities.

14-15-5 Public High School Entrance Examination.

(a) A public high school entrance exam shall be administered to all eighth grade students as the means of determining placement in public high school;

(b) The exam shall serve as the means by which qualified students are preliminarily identified. Students wishing to pursue secondary education shall comply with the provisions of Chapter 29, Relating to Secondary and Vocational Education; and,

(c) The accumulated exam results can serve as a data base for longitudinal studies.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 16
RELATING TO RELIGION

14-16-1 Reference. Section 347. Rules and Regulation. (P.L. 2013-23).

14-16-2 General Policy.

(a) Although the Ministry respects the rights of individuals to the practice of religion, the promotion of religion by any student or employee during the regular school day is prohibited; and,

(b) Instruction about religion shall be restricted to those courses of study identified as appropriate. The school's task is limited to the discussion of common societal values, ethics, and morals as such occasions for discussion arise.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 17
EDUCATION FOUNDATION

14-17-1 **Reference**. Section 338. Education Fund. P.L. 2013-23.

14-17-2 **Establishment of Marshall Islands Education Foundation**. The Ministry is authorized to establish an education foundation for the specific purpose of seeking private grants to improve and expand education and related services in the Republic. Such grants may include private aid, donations, investments, and other contributions.

14-17-3 **Policies and Procedures**. Policies and procedures for the establishment and operations of the foundation shall be approved by the Minister and the Commissioner and shall include the following provisions: creation of a board of directors of at least five members; annual foundation operational costs of not more than 15% of new grants; and systems of accounting, recordkeeping, and reporting.

14-17-4 **Foundation Fund**. Foundation funds available for immediate expenditure to improve and expand education and related services in the Republic shall be deposited in the Education Fund and subject to Sections 339-341 of P.L. 2013-23.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 18
NEEDS ASSESSMENT AND EVALUATION

14-18-1 Reference. Section 334. Comprehensive Needs Assessment Program; Section 335. Evaluation of Performance of Each School. (P.L. 2013-23).

14-18-2 General Policy.

(a) The Public School System's educational research and evaluation program shall be used as a tool for continuing curricular and instructional reform and improvement; and,

(b) the Public School System shall be committed to research and evaluation in order to maintain an educational system congruent with the needs of youth and society.

14-18-3 Procedure.

(a) A uniform, nationwide evaluation system shall be established for the purpose of evaluating the performance of each school in the Republic. Such system established shall be based in part on annual testing for achievement in basic skills areas, and in part on other means as the Commissioner through the Board deems proper in order to determine student needs, ensure student progress, assess the degree to which the educational objectives have been achieved, and to monitor compliance with national standards and procedures; and,

(b) A nationwide testing program shall be established comprising a sequence of standardized ability and achievement measures to be administered at prescribed levels of student maturity and development to provide data on each student's progress relative to the objectives of the various programs offered and, where applicable, relative to national norms.

(1) Grades 3, 6, 10, 12 shall be tested every year;
(2) An exit examination shall be given to all grade 8 students to determine eligibility for enrollment into the public high schools;
(3) Marshallese shall be a required course for graduation; and
(3) If resources are limited for testing of every student, a random selection from various schools shall be tested.

14-18-4 Needs Assessment Program.

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

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

14-18-5 Data and Reports.

(a) The Ministry shall establish a data bank from which longitudinal trends can be determined and program effectiveness and improvement gauged; and,

(b) Summary statistics and analyses shall be compiled and shared with each Division within the Ministry of Education.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 19
RELATING TO GUIDANCE, COUNSELING, AND RELATED SERVICES

14-19-1 **Reference**. Section 347. Rules and Regulations. (P.L. 2013-23).

14-19-2 **General Policy**. Pursuant to Section 347(1) the adoption of rules and regulations are necessary, in accordance with the Marshall Islands Administrative Procedure Act 1979 (Title 6, Chapter 1 of the Marshall Islands Revised Code), to effectively implement and administer this Chapter.

14-19-3 **Scope**. The Public School System shall provide programs of counseling, guidance, health education, and related services to help students develop academically, personally, and socially. Available community resources shall be utilized to supplement such programs provided by the Public School System.

(a) Each school's counseling services shall accord each student the opportunity to meet with trained staff concerning personal problems or concerns;

(b) Each school's guidance and health education programs shall provide information, instruction and assistance for all students concerning their physical, mental and emotional well-being and education-career development;

(c) Each secondary school's testing services shall enable students to identify their abilities, aptitudes, interests, progress and achievement; and,

(d) In order to establish and maintain these programs and services, the active involvement and cooperation of the ministries of health, social services and other government and community agencies may be sought.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 20
RELATING TO HOMEWORK

14-20-1 **Reference**. Section 347. Rules and Regulations; Section 321. Student Assessment and Progress. (P.L. 2013-23).

14-20-2 **General Policy**. Homework shall be considered an integral part of a student's education, an extension of the formal in-school instruction to strengthen the student's learning and the student's acceptance of the formal classroom situation.

14-20-3 **Relating to Homework**.

(a) Teachers shall be encouraged to assign homework on a daily basis as may be required by the educational needs of each student and to encourage good learning habits, reinforce daily learning and promote responsibility;

(b) Homework must be relevant and directly related to established curriculum objectives;

(c) Homework shall be evaluated by the teacher and returned to the student immediately as feedback and to allow time for the parents/guardians to review it with the student;

(d) Compile a profile of school works at the school to be reviewed during the parent-teacher conference.

14-20-4 **Relating to Student Assessment and Progress**. Homework shall be recorded as part of a student's academic progress, and not used against any student for disciplinary purposes.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 21
RELATING TO SCHOOL SERVICES

14-21-1 **Reference**. Section 347. Rules and Regulations. (P.L. 2013-23).

14-21-2 **General Policy**. This chapter is based on school services provided by students, but does not apply to organized courses at the secondary level for which credit is granted.

14-21-3 **Relating to School Services**.

(a) School services shall be used as a means of developing a sense of responsibility for oneself and the school community, and shall not be used as a means of punishment;

(b) Students may be assigned to perform school services in the office, library, school garden and other areas of the school requiring assistance that can be performed by the students;

(c) Students from Kindergarten to twelve shall assist in cleaning their own classrooms.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 22
RELATING TO SCHOOL TRANSPORTATION

14-22-1 Reference. Section 326. School Transportation. (P.L. 2013-23).

14-22-2 General Policy.

(a) The Public School System may provide suitable transportation to and from school for preschool, elementary, and secondary students as resources permit;

(b) The Public School System shall adopt rules as it deems necessary to provide such transportation.

(c) In developing such rules, the Public School System shall consider the school attendance area in which a child normally resides; the distance the child lives from the school; the availability of public carriers or other means of transportation; the frequency, regularity, and availability of public transportation; the grade level, physical disability, or special learning disability of a child; and any such other conditions and circumstances unique to an area, island, atoll, or community.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 23
CURRICULUM AND INSTRUCTION

14-23-1 Reference. Section 315. Curriculum. (P.L. 2013-23).

14-23-2 General Policy. The Board shall establish minimum standards for instruction, curriculum development, and content of courses at appropriate levels to promote uniform levels of achievement. Instruction in Marshallese language, customs, culture and history shall be compulsory, and shall be provided at all preschool level schools, elementary level schools, and secondary level schools.

14-23-3 Instructional Method.

(a) Instruction shall include assessment of student needs, selection of appropriate learning activities, methodologies, and materials, and evaluation of the student's attainment of objectives;

(b) Marshallese shall be the language of instruction and assessment in grades K-6 with the exception of the English language classes;

(c) In grades 7-12, the language of instruction and assessment for math and science classes shall be English and the language of instruction and assessment for social studies, health, physical education, and art shall be Marshallese;

(d) The language of instruction and assessment for courses not explicitly identified in the Section shall be determined by the Ministry of Education.

14-23-4 Curriculum

(a) The curriculum shall permit continuous progress along sequential lines of development in academic as well as vocational areas;

(b) The Ministry shall develop a course on Marshallese custom, culture and history, to be known as Marshallese Studies for the purpose of this section (Section 4: P.L. 2003-86). A Marshallese Studies class shall be required in each grade.

(c) The curriculum shall be of sufficient depth and breadth to meet the needs, interests, and abilities of the students in that particular community;

(d) The curriculum framework shall describe the Public School System's plan to support the nation's educational, political, economic, and social goals;

(e) The framework shall provide guidelines to assist in the evaluation of the Public School System, and to plan further improvement efforts;

(f) The framework shall give educators, parents, guardians, and the community a basis for reviewing what the students are learning and for judging the quality and adequacy of the curriculum;

(g) The framework shall provide a basis for developing curriculum materials and lessons relevant to the needs of the nation and school populations;

(h) The framework shall provide increased consistency in the curriculum among schools and classrooms at each grade level in all subjects;

(i) The framework shall provide a curriculum structure for the teachers to follow in planning classroom learning activities;

(j) The framework shall provide a basis for the Public School System to develop or to purchase school textbooks and other supporting materials, and to construct educational facilities and materials that are consistent with the curriculum; and,

(k) The framework shall provide guidelines to initiate research studies that further the educational goals of the society and each subject and program area.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 24
TEXTBOOKS AND MATERIALS

14-24-1 Reference. Section 316. Textbooks and Materials. (P.L. 2013-23)

14-24-2 General Policy.

(a) The Board shall establish a Textbook Committee to review and evaluate textbooks and materials before purchase in order to determine their suitability and alignment with established standards and benchmarks as may be consistent with economy and desirable within any curriculum differences in the schools of the Republic;

(b) The Textbook Committee shall subsequently evaluate the effectiveness of the textbooks and materials in promoting the learning goals of the PSS, provided that such textbooks and materials have been in use for at least two years or longer as deemed appropriate by the Committee; and

(b) Upon its formation, the Textbook Committee shall establish by-laws and procedures.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 25
SCHOOL FOOD SERVICES

14-25-1 Reference. Section 330. School Meal Program. (P.L. 2013-23)

14-25.2 General Policy.

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

(b) The Commissioner through the Board shall establish a meal program for all schools having dormitory facilities.

14-25-3 Administrative Guidelines.

(a) The functions and responsibilities of the School Meal program rest with the Ministry of Education. The Ministry shall work with relevant ministries (e.g., Ministry of Health) and other agencies to effectively and efficiently coordinate nutritional food services for the students;

(b) The Ministries involved shall establish guidelines, in accordance with the standards of health and cleanliness prescribed by the Ministry of Health Services, to assist any agency serving the school meal program; and

(c) The school principal shall serve as a liaison for the Ministry of Education and the servicing agency in maintaining the standards, and complying with the regulations.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 26
SPECIAL EDUCATION

14-26-1 **Reference**. Section 314(g). Guidelines. (P.L. 2013-23).

14-26-2 **Definitions**. As used in this chapter:

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

(b) "Disabled child" includes any person under twenty-one (21) years of age who, because of visual, auditory, language, behavioral, physical, or other health problems or any other conditions, as determined by the Ministry, such that the person cannot function in a normal school environment without assistance.

14-26-3 **Procedures**. The Ministry shall ensure that free appropriate public education shall be provided to all children with disabilities in accordance with the established special education procedures found in the Special Education Procedure Handbook relating to the following:

(a) Identification. Parents, teachers, nurses, community leaders, or anyone knowledgeable about a child presenting physical, intellectual, emotional, or significant learning problems may refer the child for an evaluation by completing the Request for Special Education Assistance Form (MOE FORM 013-26 /SE3A*). Appropriate identification of students for SPED placement purposes must follow established guidelines. Parents of students found to be in need of special education services shall sign an agreement form indicating their consent for evaluation/reevaluation (MOE FORM 014-26/SE-4).

(b) Evaluation. Appropriate assessments are to be conducted by a child study team after parents consent to testing.

(c) Programming. If found eligible for special education, an individualized education program plan (MOE FORM 015-26/SE-7)which includes goals, objectives and services is to be developed with parent involvement.

(d) Placement. Students are placed in the least restrictive environment in a continuum of educational arrangements in which the individualized education program plan can be appropriately implemented, including PSS-operated special education programs. Completion of MOE FORM 016-26/SE-8 is required for placement purposes.

(e) Monitoring. Progress of students in special education programs shall be monitored on an annual basis. Students who no longer need special education services shall be mainstreamed into regular classes. Teacher and SPED staff responsible shall sign a progress form indicating individual student progress (MOE FORM 017-26/SE-7A).

(f) Reevaluation. The student's progress, program, and placement are to be reviewed at least annually; and continued special education eligibility is to be evaluated at least every three years (MOE FORM 014-26/SE-4).

(g) Procedural Safeguards. The rights of students and parents shall be protected by the Ministry's Special education due process procedures.

(h) Authorization to Release Records. Students records cannot be released to anyone without the consent of parents, for minor students, or of students if 18 years old or over. Completion of MOE FORM 018-26/SE-12 is required for release of student records.

* = Special Education Forms

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 27
CHARTERING OF NON-PUBLIC SCHOOLS

14-27-1 Reference. Division 5. Non-public Schools. Section 331. Charter Required. P.L. 2013-23.

14-27-2 General Policy. Any person or persons desiring to establish a non-public school shall, prior to the establishment thereof, make written application for a charter to the Commissioner of Education.

14-27-3 Application

(a) Application for a charter (MOE FORM 019-27) to establish and operate a non-public school shall be filed with the Commissioner on forms provided for this purpose and shall be accompanied by additional information as may be required. A charter fee of $50 shall be paid upon initial application for a charter; a check for this amount may be adjusted by the Commissioner to cover inflationary costs.

(b) The application shall be signed by the applicant or applicants and shall include assurances of compliance and/or documentation required by Section 14-26-6 through Section 14-26-12 of this chapter, and shall state in substance:

(1) the names of person(s) 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;
(4) teacher qualifications;
(5) student enrollment or projected student enrollment; and
(6) such other information as the Commissioner may require.

(c) Prior to the issuance of a charter, a school shall obtain a land lease with the necessary signatures approving the use of the land for all school buildings.

14-27-4 Review and Approval

(a) Upon receipt of an application, the Commissioner shall refer the application to the Assistant Secretary for Policy and Planning for review, including on site inspection and interviews;

(b) The review committee shall develop recommendations;

(c) The Commissioner shall review the application along with the recommendations from the review committee and submit to the Board as appropriate;

(d) Upon receipt and approval of the application, the Board shall issue a charter, in a form to be approved by the Commissioner, authorizing the establishment of the school;

(e) A temporary charter may be approved and issued for a period of one year at the expiration of which the situation will be reviewed to see if a regular charter can be issued. At the discretion of the Commissioner, an extension of not more than two years may be granted. A regular license may be secured after completing the temporary status and after meeting all licensing requirements.

(f) A regular charter may be approved and issued for a period not more than three (3) consecutive school years. Every regularly chartered school shall be required to renew its status prior to the completion of the last school year of the charter. No non-public school shall be established except in conformity with the Public School System Act 2013; provided that any non-public school existing in the Republic under a valid charter on the effective date of the Act shall be deemed to have complied with the requirements set forth in this chapter.

(g) A charter shall be limited to the specific location, grades and general curriculum for which the application is approved and is valid until surrendered by the school or revoked by the Commissioner. If approval is desired for a new location, or additional locations or grades, application must be made to the Commissioner in accordance with the Public School System's standard application procedures for establishing a non-public school.

(h) A school ceasing to operate shall so inform the Commissioner and surrender its charter. Student records are to be sent to each student's new school. If the new school in unknown, student records are to be returned to the Commissioner.

(i) The Commissioner shall refuse to issue, revoke, or suspend a charter if a non-public school fails to meet the Board's standards, and to comply with the provisions of law.

14-27-5 Revocation or Suspension

(a) Failure on the part of a school to maintain standards set forth in this chapter shall be considered reason for revocation or suspension of the school's charter. At least fifteen (15) working days prior to the effective date of the license revocation or suspension, the Commissioner shall notify the school principal of:
(1) The Board's intent and reasons thereof;
(2) The date the action will become effective; and
(3) The right to request a hearing from the Commissioner prior to the effective date of the action.

(b) If the school principal fails to hold a hearing, the charter shall be revoked or suspended. Upon the charter's revocation, the school principal shall forward at once to the National Standards Bureau and cease all operations. Upon charter suspension, the school shall be advised, in writing, on how to proceed during the suspension period.

(c) If the school principal requests a hearing, the effective date of the charter revocation or suspension may be modified.

(d) The hearing decision may be appealed to the National Board whose decision shall be final.

14-27-6 Educational Philosophy, Goals and Objectives. Each school shall formulate a written statement of its educational philosophy, goals, and objectives. This statement of educational philosophy, goals and objectives shall be reviewed from time to time by the staff of each school and there shall be evidence that the statement undergoes periodic evaluation. Copies of the statement of educational philosophy, goals, and objectives shall be on file in each school at all times.

14-27-7 Educational Program

(a) The curriculum for each private school shall include a cumulative and sequential educational program which provides a range of up-to-date knowledge and needed skills and which takes into account the unique interests, needs, and abilities of each student.

(b) The program shall include but not be limited to the areas of language arts, both English and Marshallese, mathematics, social studies, science, art, music, health/population and physical education, to be offered at the appropriate developmental state of each individual. The program shall ensure students the opportunity to receive an education at least equivalent to minimum standards established by the Board. Instruction guides outlining the educational program shall be filed with the Public School System.

(c) The length of the school day and length of the school year shall be determined by the private school, provided that the amount of school instruction is at least equal to the amount of instruction in the public schools (Ref. Ed. Reg. Chapter 8; 14-8-3; 14-8-4).

(d) Each private school shall provide textbooks, reference books, general reading materials, and other instructional resources, including audio-visual materials, in quantities as will allow the requirements of the educational program to be met.

(e) The number of teachers employed in a non-public school shall be sufficient enough to provide a quality educational program in terms of the philosophy and objectives of the school.

(f) A sufficient variety and quantity of classroom and physical education equipment shall be provided to permit a quality educational program in terms of the philosophy and objectives of the school. The equipment shall be free of hazards and in good repair at all times.

(g) The private school shall maintain a sound working relationship between home and school as a basis for supplementing the students' development and progress.

14-27-8 Personnel

(a) Professional personnel (administrators, classroom teachers and substitute teachers) shall be certified by the Ministry of Education based on Chapter 36 of these Regulations (MOE FORM 020-27).

(b) All professional personnel shall be at least eighteen years of age and have a high school diploma.

(c) The school shall maintain a plan for providing substitute teachers which will insure adequate continuity of instruction.

(d) A physical examination completed within the past six months by a physician licensed to practice medicine is required of all new employees, all employees returning to serve after an absence of a year or more, and all employees returning from maternity leave or from a health leave of one month or more. A report shall be filed at the employing school. (Ref : Chapter 12).

(e) Every teacher or other person having contact with students, either acting as a volunteer or employed in or by a school, must present to the principal a currently valid tuberculosis clearance issued by the Ministry of Health. (Ref : Chapter 12).

14-27-9 Facilities

(a) The school shall provide buildings and playgrounds which are adequate to provide a quality educational program in terms of the philosophy and objectives of the school.

(b) Classrooms shall be sufficient in numbers, adequate in space, and conducive to carrying on the assigned activities. Libraries should be made available as funding permits. Playgrounds and physical education facilities shall be well maintained, barrier-free and safe.

(c) The school shall be consistent with health and safety regulations regarding construction, maintenance and operation of the school facilities.

14-27-10 Student Records

(a) The school shall comply with Public School System regulations regarding health, medical examinations and immunizations and shall maintain such records in the school file;

(b) The school shall maintain student records comparable to those maintained by the Public School System.

(c) A release shall be secured from the former school before a student may be enrolled in a new school.

(d) A transcript of student records shall be made available to a new school if the student transfers.

14-27-11 Administration

(a) Personal records may not be disclosed by any means of communication to any person other than the student, parent, or employee to whom the records pertain unless allowed (Ref : Chapter 7, Sections 3 and 4);

(b) Students making normal progress by the end of any given school year shall be promoted to the succeeding grade or graduated. (Ref: Chapter 11).

(c) Detention, suspension, probation, and dismissal represent the disciplinary measures allowed school officials (Ref: Chapter 13).

(d) Periodic reports of the student's progress shall be provided for students and parents (Ref: Chapter 14, Section 3).

14-27-12 School Information

(a) A school shall file with the Commissioner and make available to students and parents the following information:

1. Name of school and its governing body and officials;
2. School philosophy and goals;
3. A calendar showing the legal and scheduled holidays, vacation periods, and the beginning and ending date of each term or semester;
4. School policies and regulations regarding enrollment dates and entrance requirements;
5. School policy and regulation relative to absences, tardies, class cuts, make-up work, and interruption for unsatisfactory work or attendance;
6. School policy and regulation relative to standards of progress required of the student, promotion, the grading system of the school, the minimum achievement considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of the probationary period, if any, and conditions of re-entrance for those students dismissed for unsatisfactory progress;
7. School policy and regulation governing student conduct and conditions of dismissal for unsatisfactory conduct;
8. School policy and regulation regarding health and safety;
9. School policy and regulation on procurement, care, and inventory of school property;
10. Charges for tuition and schedule of fees for student activities, rentals, deposits and all other charges including refund policy on tuition and fees in the event the student does not enter the school, withdraws, or is dismissed;
11. Guidance in regard to parental involvement and volunteers in the school;
12. An outline of the school's curriculum and/or subject;
13. Documentation that students and parents have annually been informed of the attendance requirements of Section 320(1) of the Public School Systems Act 2013; attendance at public or non-public school shall be required of all children between the ages of five (5) and eighteen (18), inclusive, unless exempted from attendance by the Commissioner of Education for legitimate and compelling reasons.
14. Documentation that parents have annually been informed of their responsibility to ensure that their children are attending a chartered non-public school as required by Section 332(1) of the Public School Systems Act 2013; attendance at any school established or maintained without complying with the terms of the PSS Act shall not be considered attendance at a public or non-public school as required by law.
15. Documentation that parents have annually been informed of the parent's or guardian's responsibility for attendance requirements as required by Section 320(2) of the Public School Systems Act 2013; any parent, guardian, or other person having custody of a child who is found delinquent and placed on probation, may be subject to the penalties provided under the Juvenile Delinquency Act.

14-27-13 Benefits to Students.

(a) Students of non-public schools shall receive from the National Government equal benefits with public school students provided that such benefits do not violate the Constitution;

(b) The Commissioner shall monitor all non-public schools to determine equitability of student benefits on regular basis or as deemed necessary; and

(c) The Commissioner shall administer the Aid to Private Schools Program as funds are allotted for this program in conjunction with this equitability.

14-27-14 Exemptions. The following exemptions shall apply to all non-public schools so long as they remain non-profit institutions:

(a) The income, personal property and transactions of any such non-public school, exclusive of real property, shall not be subject to any tax, rate, charge or impost under any law; and,
(b) The charge for public utilities used by any such non-public school for school purposes shall be set at a rate equivalent to the most favorable rate available to any user.

14-27-15 PSS Monitoring

(a) Every chartered non-public school shall be subject to the supervision of the Commissioner;

(b) Personnel of the Public School System shall make monitoring visits to each chartered non-public school periodically for the purpose of ascertaining compliance with this chapter and to render assistance as can be given in response to requests that may be filed with the PSS;

(c) The Public School System may require regularly established non-public chartered schools to submit reports of attendance, financial statements, and other matters of concern as described by the PSS;

(d) For benefit of the public, the PSS shall publish a current list of non-public chartered schools that have met school charter requirements as set out in this chapter.

14-27-16 Complaints

(a) Prior to the submission of a formal complaint, the complainant shall have discussed the complaint with the school principal.

(b) A formal complaint concerning a violation of this chapter's provisions shall be processed in the following manner:
   1. The complaint shall be stated in writing, signed by the complainant and accompanied by supportive evidence;
   2. The complaint shall be sent to the Commissioner of Education and the Policy Division for review and follow-up; and
   3. The complainant shall be notified of the reasons for the decision in writing.

(c) Parents have the right to appeal any decision affecting their child to the Board of Education. Such appeals shall be in writing.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 28
USE OF SCHOOL BUILDINGS, FACILITIES, AND GROUNDS

14-28-1 **Reference**. Section 327. School Property. (P.L. 2013-23).

14-28-2 **General Rule**. All public school buildings, facilities and grounds shall be available for general recreational purposes and for public and community use whenever such activities do not interfere with the normal and usual activities of the school and its students.

14-28-3 **Application**. The Public School System shall make available a standard application form for use of school building, facilities and grounds (MOE FORM 021-28). Such form, in addition to gathering information pertinent to the requested usage, shall inform the applicant of liability, rental fees, deposit fees, and assumption of damage cost.

14-28-4 **Approvals**

(a) For a period of use not exceeding 30 consecutive days:

(1) Application form shall be submitted by the applicant and shall be approved or disapproved by the school principal or a designee;

(b) For a period of use exceeding 30 consecutive days:

(1) Application form shall be submitted by the applicant, processed by the school principal, and forwarded to the assistant secretary of the respective division in the Public School System for approval or disapproval; and

(2) Appeal of disapproved requests shall be directed to the Commissioner of Education or designee.

14-28-5 **Laws and Ordinance**. Users shall comply with all laws, ordinances, and school rules. Applicants shall be informed of school rules applicable to the usage of school facilities.

14-28-6 **Damages and Liability**. Users shall assume cost of repairs for damages incurred to buildings, grounds, facilities, and equipment at time of use whether accidental or otherwise.

(a) The Public School System and schools shall not be liable for the loss or damage to personal property left at a school or on any PSS property by individuals or organizations;

(b) A user who does not observe proper care and handling of school premises and property shall be denied further use of the facilities; and,

(c) Applicants shall be required to execute a release form as required by the Public School System releasing the government from any responsibility or claim arising out of injuries or damages or both incurred during the use of building, facilities, or grounds to conduct applicant's activities. Applicant shall assume cost of report.

14-28-7 **Fees and Service Charges**. The fees and charges applicable to the use of school buildings, facilities, and equipment shall be determined by the Public School System;

(a) PSS shall establish a user fee schedule;

(b) PSS shall also establish a schedule of charges for abuse of school property; and,

(c) PSS shall administer fees collected in accordance with chapter 38 relating to fees.

14-28-8 Drugs and Alcoholic Beverages. Drugs and alcoholic beverages shall not be sold or consumed on school grounds or in school buildings or facilities, or in the Public School System's vehicles.

14-28-9 Use of Buildings as Sleeping Quarters. The Commissioner or designated Public School System representative may authorize school facilities to be used as shelter in emergencies or for PSS–approved activities.

14-28-10 Use of Buildings by Organizations for Political and Religious Purposes. In accordance with Public Service Commission Regulations (PSC Reg. 49/50), school facilities and furniture shall not be used for political or religious services unless no other suitable structure is available in the community. School equipment shall not be used for related purposes. This general rule shall be carried out within the policy of the Public School System and the Public Service Commission (PSC Reg. 49/50), that no available public school buildings, facilities, or grounds shall be used for political or religious purposes.

14-28-11 Other Requirements.

(a) A standard form shall be produced with respect to the national procedures in leasing of land for public purposes. Such form shall include acknowledgment of the "iroij", "alab", and 'dri-jerbal" for usage of land for school purposes;

(b) Acknowledgement shall recognize the Public School System as the sole owner of school premises and properties upon the effectiveness of the lease agreement. There shall be no further claim on any school premises and properties made by other parties other than the Public School System.

14-28-12 Procurement, Distribution, Care and Inventory. School property shall be utilized in accordance with all applicable laws of the Republic and any regulations promulgated by the Public School System in accordance with this law.

14-28-13 Amenities of Facilities. The Public School System shall insure that school facilities are equipped with proper lighting, toilets for students and staff, drinking water, and are accessible with ramps for students on wheelchairs.

14-28-14 School Maintenance Plans. All public schools shall be required to develop and regularly update a School Maintenance Plan to ensure that the facilities remain safe, sanitary, and accessible to all users. The MOE Division of Property Maintenance shall be responsible for scheduling and completing the maintenance tasks in each school's plan.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 29
SECONDARY AND VOCATIONAL EDUCATION

14-29-1 Reference. Section 322. Secondary Education. (P.L. 2013-23).

14-29-2 General Policy. Secondary education in the Republic, consisting of grade nine (9) through grade twelve (12), shall be provided to students who reach the age of 14 years by September 30th of the school year, who qualify for admission to high school, and who continue to meet the Public School System and school standards.

14-29-3 Definitions. As used in this chapter:
"Academic probation" means failure to maintain the minimum grade point average required of each students during a semester;
"Academic failure" means failure to maintain the minimum grade point average required of each student during two consecutive semesters, or the full school year;
"Admission Board" means the public secondary school board of admission responsible for screening and reviewing school admittance and transference in accordance with school policies;
"Minimum Grade Point Average" means the grade point average of 2.0 in each quarter;
"Cumulative Grade Point Average" means the overall grade point average that a student maintains in a school year, or in four years of high school;
"Excused absence" means an acceptable absence with valid or good reason through notification;
"Unexcused absence" means unacceptable absence with invalid reasons;
"Duty absence" means absent with request to appear in court as a witness;
"Admit Slip" means a slip issued by the principal to admit a student back in class;
"Tardy" means reporting to class within fifteen minutes after class begins;
"Quarter" means forty-five (45) instructional school days of a school year;
"Semester" means ninety (90) instructional school days of a school year;
"Freshman" means a student in the first year of secondary school; or a grade 9 student;
"Sophomore" means a student in the second year of secondary school; or a grade 10 student;
"Junior" means a student in the third year of secondary school; or a grade 11 student;
"Senior" means a student in the fourth year of secondary school; or a grade 12 student;
"Official transcript" means official student academic record bearing school seal.

14-29-4 Admission Policy. The eligibility of any student entering the public high schools shall be determined based on the Public School System and school academic standards.

(a) a student entering into grade nine (9) shall complete grade eight (8) with documented proof of completion, pass the public High School Entrance Examination and be accepted by the school. The public High School Entrance Examination will be administered to all grade eight students throughout the Republic during the fourth quarter of a school year. The test shall be used as a means of determining the eligibility for admission into the public high schools;

(b) every grade nine and transferred students shall be required to complete a physical examination by the end of the school year; (Ref. Chapter 12)

(c) a student entering into grade twelve (12) shall apply for admission at the beginning of a school year and be accepted by the school. No students will be considered for admission into grade twelve during the second semester. Student must complete a full school year to be eligible for graduation, and to receive the public high school diploma;

(d) students reentering any grade level in the same public high school after being dismissed for reasons other than academic failure, shall reapply for admission, meet the Public School System and school standards, and be accepted by the school.

(1) any student who has been dismissed for academic failure (low grade point average) shall be eligible for readmission after successfully completing one year at a non-public high school, or other high school outside the Republic;
(2) any student who has been dismissed for attendance or disciplinary reasons shall be eligible for admission the following school year upon reapplying, and;
(3) any student who has been dismissed twice from school for any reasons shall not be considered for readmission.

(e) No student shall be granted admission to the public high schools twenty (20) school days after a semester begins unless proof of attendance at another school during that period is provided.

14-29-5 Transfer Policy. The eligibility of any student transferring into the public high school shall be determined by the Public School System and school academic standards. Student shall be required to complete high school transfer form. The Admission Committee shall consider the student's transcript to determine the student's eligibility for admission. Any transfer student shall apply for admission to the principal's office. Admittance shall only be granted upon attaining the entry level score on the admission examination (placement test) for the grade level that a student is apply for.

(a) any student transferring from another public secondary school within the Republic shall not be granted admission unless otherwise excepted by the Commissioner;

(b) any student transferring from any non-public secondary school shall be admitted upon application, submission of an official transcript, completing of a placement examination, and acceptance by the school;

(c) any student transferring into grade nine (9) from any other high schools shall not be granted admission;

(d) any student transferring into any grades besides grade nine after the ninth week of a semester, shall provide proof of academic progress prior to applying for admission during the thirteen week of a semester;

(e) no student shall be permitted admission into a public secondary school twenty days after a semester begins unless documented proof of attendance at another secondary school is provided; and,

(f) to be eligible for admission, any student must have the same grade point average required to continue enrollment in the same grade level. The student must maintain the minimum grade point average required of all students in the public high schools.

14-29-6 Academic Requirements and Standards.

(a) Promotion requirements. All students in grades nine, ten, and eleven shall be promoted upon successfully completing the school year, and meeting the Public School System and school academic requirements.
(1) All grade nine (9) students must maintain a minimum cumulative grade point average of 1.50 at the end of the school year, or shall be dismissed from school;
(2) All grade ten (10) and grade eleven (11) students must maintain a minimum grade point average of 2.00 each semester during the school year. If a student does not achieve the minimum grade point average of 2.00 in a semester, the student shall be placed on "academic" probation for the remainder of the school year, or the following semester of the school year;
(3) Grades nine (9) to eleven (11) students who fail to maintain a grade point average of 2.00 must attend summer program or other remedial options provided by the school. Students who fail to pass the summer/optional program at the end of the summer must repeat the grade (9-11).

(b) Graduation Requirements. To receive the public high school diploma, students in grade twelve, seniors, shall meet the Public School System and school academic requirements.

(1) Each student (grades 9-12) must maintain a minimum grade point average of 2.00 each grading semester. A student who does not maintain the minimum grade point average of 2.00 for the first semester of the senior year shall be placed on academic probation for the remainder of the school year;
(2) Each student must complete twenty-one (21) credits, including eleven credits in the student's required academic/vocational program and MLA and maintain 2.00 GPA in order to receive a "diploma" upon graduation;
(3) Twelve (12) graders who do not meet 2.00 GPA requirements but have completed all credits and course requirements for graduation shall be awarded a "certificate of completion" upon graduation;
(4) Each student must attend a public high school for at least one year prior to graduation. An exception may be granted by the Commissioner for transferring students from outside the Republic.
(5) Secondary school students shall be required to complete 20 hours of community service for each program year for a total of 80 hours for graduation. The high school office shall make necessary arrangements for students to meet community service requirements.

(c) Absence Due to Pregnancy. A pregnant student shall be allowed to remain in school. Condition shall not be an excuse for accumulating excessive absences during a school year. A student shall only be allowed ten (10) excused absences upon maternity absence; and shall be dismissed if accumulates a total of fifteen (15) excused and unexcused during a semester.

14-29-7 Attendance Policy. Regular school attendance shall be required of all secondary students. Student absences that are being reported by parents or guardians or the school nurse shall be considered "excused absences." Student absences that are not being reported by parents or guardians or the school nurse shall be considered "unexcused absences." Any student acquiring twenty (20) absences, excused or unexcused, in three or more courses in one semester will be dismissed from school for the remainder of the school year.

(a) Excused Absences
(1) Excused absences will only be issued to a student who has been reported sick or absent by the parents, guardians, a doctor or a nurse. Reports of absences shall be received by phone call, written notice, or a visit to the school office;
(2) Students who visit the school nurse during classes shall be given an excused admit slip upon report from the nurse;
(3) Students who become sick in class and wish to be sent home shall notify the teacher, and the teacher shall refer the student to the principal's office for permission to leave the school campus upon request. Student shall be excused from all classes missed if permission is granted;
(4) Any student who misses school for death in the family, shall notify the principal or designee by written notice or a visit to the school office. No student is allowed to leave the school campus without notification. Parents or guardians must inform the principal or the counselors if a student will be absent from school.

(b) Unexcused Absences
(1) A student misses a whole school day for any unexcused absence shall be given a count of one (1) unexcused absence;
(2) A student who misses one to three periods in one school day for any unexcused reasons shall be given a count of one-half (1/2) of an unexcused absence;
(3) A student who misses four to six periods in one day for any unexcused reasons shall be given a count of one (1) unexcused absence;
(4) A student who accumulates 3 unexcused absences in a semester shall be counseled by the school counselor, and shall be placed on probation for poor attendance. The first notice shall be sent to parents or guardians for their consent; and,
(5) A student who accumulates a total of six unexcused absences after being counseled shall be dismissed from school.

(c) Duty Absence. A student shall be given a duty absence upon request to appear in court as a witness. Proof shall be required, provided by the court, to verify student's absent.

(d) Tardiness.

(1) A student shall be considered tardy upon reporting to class within the first ten minutes after class has begun, and shall be marked absent upon reporting to class after the first fifteen minutes; and,

(2) A student shall be marked absent upon being late to class five times. For every five times of tardiness, the student will be marked one-half (1/2) of an unexcused absence.

(e) Absence Due to Pregnancy. A pregnant student shall be allowed to remain in school. The condition shall not be an excuse for accumulating excessive absences during a school year. A student shall only be allowed ten (10) excused absences upon maternity absence and shall be dismissed if accumulates a total of fifteen (15) excused and unexcused absences during a semester.

14-29-8 Grading System.

(a) The Public School System shall make provisions for assessing and reporting the progress of each student. Periodic progress reports shall be provided to students and parents;

(b) Student academic achievement shall be recorded on the student report card that shall be issued to parents or guardians on a quarterly basis;

(c) Parent-teacher-student conferences shall coincide with the issuance of report cards, thus providing a convenient, expeditious forum in which to discuss the student's progress; and,

(d) Each teacher shall document student achievement and progress, and all grades shall be recorded in percentage as indicated in this grading scheme:

Percentage of 0%-100% is to be used as follows:

98%-100%	=	A+
94%-97%	=	A
90%-93%	=	A-
88%-89%	=	B+
84%-87%	=	B
80%-83%	=	B-
78%-79%	=	C+
74%-77%	=	C
70%-73%	=	C-
68%-69%	=	D+
64%-67%	=	D
60%-63%	=	D-
0%-59%	=	F

14-29-9 Admission Committee

(a) The secondary school Admission Committee shall consist of five members including the principal or vice principal, president of the PTA, school counselor, registrar and a teacher to be appointed by the principal. The principal shall chair the Committee.

(b) The secondary school Admission Committee shall be responsible for screening of applications for students who are applying/reapplying for admission to a public secondary school;

(c) The Committee shall make recommendations to the Commissioner on applications reviewed for approval. All applicants shall only be admitted upon the Committee's and the Commissioner's consent.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 30
STUDENT RIGHTS, RESPONSIBILITIES, AND DUE PROCESS

14-30-1 **Reference**. Section 347. Rules and Regulations. (P.L. 2013-23).

14-30-2 **General Policy**. Students are recognized and respected as citizens of the Republic of the Marshall Islands with all the rights and privileges delineated under the Constitution of the Republic. Pursuant to Section (2) Part V of P.L. 1991-130, as reference for the prevention of child abuse and neglect, school rules and policies are based on this premise.

14-30-3 **Scope**. Under the school setting, student's exercise of rights and privileges shall be in accord with the school rules, and the student's age, maturity, and willingness to accept responsibility for the rights and privileges granted. A basic constraint shall be that the exercise of the rights of the individual or group must cease when it infringes on the rights of other individuals or groups.

(a) Students shall be involved, to the extent possible, in the making of decisions which affect their education, including the development of school rules of conduct and disciplinary measures.

(b) Students shall be accorded, and school officials are to ensure, due process in the event of accusation of misconduct.

(c) Suggestions, recommendations, complaints and grievances shall be directed to the principal or the principal's designee(s) who will establish a standard procedure by which to address such matters in a fair, consistent and timely fashion. Such standard procedures shall be detailed out and included in school handbook.

(d) The principal, teachers, and other school officials are responsible for the protection of students' rights under the school setting.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 31
PARENT INVOLVEMENT

14-31-1 Reference. Section 313(b). Goal. (P.L. 2013-23)

14-31-2 General Policy. The Ministry of Education supports and shall promote parent and community involvement as part of the support system to improve education and to involve parents and all caregivers of children in the shared responsibility of educating children at school and home. Improving partnership and collaborations between schools and stakeholders of children in each school community throughout the RMI is a shared responsibility of both the National and Local Governments. Further clarification on parent involvement in school activities is also stated in Chapter 5 (2) relating to rule on Community Based Governance System (CBGS).

14-31-3 Procedures

(a) A school shall establish and maintain a PTA and a local school improvement team (SIT) that is representative of parents, teachers, students (High School) and representatives from the local government, and the traditional leadership of the school community, including church, business and community-based organizations. The PTA shall guide and support school improvement planning and policy implementation to enhance student learning. The names of PTA officers and parent activities conducted during the year shall be filed with the Ministry each year (MOE FORM 022 -31).

(b) Schools shall maintain on-going communications with parents as a means of information exchange that will include but not be limited to, letters and notices, newsletters, bulletin boards, meetings, conferences, home visits, telephone calls, radio programs, open houses, brochures.

(c) The school Principal in consultation with the School Improvement Team (SIT) shall determine the most efficacious and consistent and appropriate means for such communication.

14-31-4 Parent Involvement. When parents are involved, children do better in school and stay in school longer resulting in improved educational achievement.

(a) The Ministry's philosophy regarding parents' role and function in the schools shall serve as the guide to establishing school Parent Teacher Associations (PTAs). Individual school PTAs and SITs shall be formulated in accordance to their community profiles and needs;

(b) PTAs shall formulate and establish its own operating bylaws provided that PTA officers are selected every year.

(c) The Ministry in partnership with schools shall maintain on-going parent activities to help develop, promote, strengthen and build capacity of parents in these six areas of parental involvement.

(1) Parenting Skills;
(2) Meaningful two-way communications between school-home and home-school;
(3) Learning at home and in the community (Helping with school work at home and teaching of culture, traditional skills and knowledge);
(4) Volunteering;
(5) Parents and other stakeholders taking part in school decision-making processes;
(6) Collaboration.

(d) PTA meetings shall be used as a forum for teachers to promote involvement, engagement and communication of student progress in addition to giving out report cards and one-on-one parent-teacher conferences.

(e) PTA meetings shall also be a forum for parent workshops.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 32
VOLUNTEERS IN THE SCHOOLS

14-32-1 Reference. Section 347. Rules and Regulations. (P.L. 2013-23).

14-32-2 General. This chapter establishes the Public School System's policy and procedures for volunteers in the school.

14-32-3 Policy. The Public School System supports and shall promote the recruitment, training, and use of volunteers in the schools.

14-32-4 Definitions. As used in this chapter:

"Overseas" means the affiliated agencies.
"Agency" means a governmental or non-governmental organization.
"Affiliated" means the people living in a particular school area.
"Community" means either the agency-affiliated or community personnel who may be appointed through the affiliated agency or personally requested to voluntarily provide free services for school-related activities

14-32-5 Procedures

(a) Overseas Volunteers
   (1) The Minister and Commissioner of Education, after consulting with their staff and principals, shall communicate with governmental and non-governmental agency officials as to the expertise and training backgrounds of the overseas volunteers needed in the school(s);
   (2) On the assumption that specific expertise and training shall be forthcoming, the Public School System shall have formulated definite plans for deployment of the overseas volunteers;
   (3) Requests for overseas workers shall be routed to the Commissioner for consideration and disposition.

(b) Community Volunteers
   (1) Non-academic support services will require the approval of the school principals or director;
   (2) School academic support services require screening and training to make the most effective use of each individual's skills. The orientation to classroom-required responsibilities will be organized by the principal and teachers;
   (3) Individuals or groups wishing to volunteer services at the main administrative offices shall obtain the respective division Assistant Secretary's approval;
   (4) Interested volunteers shall complete the Ministry Volunteer Application Form (MOE FORM 023-32). Background check on potential volunteers shall be conducted by the Division requesting volunteers before any volunteers are allowed to provide services;
   (4) The Divisions of Elementary and Secondary and the Personnel Office shall be notified of all volunteers and their functions by the school principal or director, or the head teacher.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 33
INTERAGENCY ACTIVITIES

14-33-1 Reference. Section 347. Rules and Regulations. (P.L. 2013-23).

14-33-2 General Policy

(a) The Public School System shall cooperate with individuals, community organizations, and agencies of government (local, national, and international), desiring to conduct, collaborate, or sponsor activities in the public schools when the activities are in keeping with the purposes and educational aims of the schools and the PSS;

(b) Such sponsored activities shall not result in undue disruption or loss of instructional time for the student, or impose an unreasonable added workload on the staff of the school.

14-33-3 Agreement

(a) A memorandum of agreement shall be developed between the Public School System and other agencies to foster, promote, cooperate, and clarify roles and responsibilities, and to ensure effective and efficient interagency efforts;

(b) The Public School System shall welcome the assistance and support of individuals, organizations, and other agencies.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 34
PROCUREMENT, DISTRIBUTION, CARE, AND INVENTORY OF SCHOOL PROPERTY

14-34-1 Reference. Section 327. School Property. (P.L. 2013-23).

14-34-2 General Policy

(a) Public school buildings, facilities and grounds shall be available for general recreational purposes and for public and community use whenever such activities do not interfere with the normal activities of the school and its students;

(b) The procurement, distribution, care and inventory of school property shall be conducted with all applicable laws of the Republic and any regulations promulgated by the Ministry in accordance with the Public School System Act 2013;

(c) The Public School System and schools shall not be liable for the loss or damage to personal property left at a school or on any PSS property by individuals or organizations.

14-34-3 Definitions. As used in this chapter:

"School property" means the property of the Ministry of Education including but not limited to textbooks, educational supplies, equipment, furniture, and tools.
"Inventory" means keeping track of the Ministry's received properties.
"Master Inventory List" means a detailed list of items received including description of item, identification number, and name of person to whom assigned.
"Supply Request Form" means a form used for requesting needed items.
"Price Quotation" means a form current price list of items.

14-34-4 School/MOE Property

(a) All school/MOE division properties shall be used for the purposes indicated in the justifications stated on the purchase requests; and,

(b) Each respective school/division shall be responsible for the proper care and maintenance of the school property.

14-34-5 Procedures

(a) All purchase requests must be accompanied by a current price quotation from the retailer and clear justification as to the need of the item;

(b) The school principal shall be responsible for ordering;

(c) Supply requests shall first obtain the approval of the appropriate supervisor before submission to the office of the Administration Finance and Human Resources Division (AFHR);

(d) CBGS schools will follow the physical procedures under the CBGS Handbook;

(e) The AFHR Division staff shall screen requests in terms of need and availability of funds.

14-34-6 Procurement and Distribution

(a) All items received shall be entered into a master inventory list before being assigned to staff;

(b) The inventory shall include a description of the item, identification number if any and name of bureau/division to whom assigned; and,

(c) All equipment, furniture, and tool items shall be marked with an non-removable identification tag.

14-34-7 School/MOE Office Property Inventory

(a) The AFHR Division staff shall record all received school properties on a master inventory list, which list shall be updated annually;

(b) The principal shall keep a school master inventory of all school properties on campus, update the list annually and shall provide an updated copy to the AFHR Division (MOE FORM 024-34);

(c) Faculty and staff shall keep individual inventories of school properties in their classrooms, and shall submit such inventories to the principal at the beginning and at the end of a school year.

14-34-8 Care and Maintenance

(a) It shall be the responsibility of the teacher or staff member to provide proper care and maintenance for all school properties;

(b) It shall be the responsibility of the principal to make periodic inspection of all school property on campus; and,

(c) In cases of theft, the incident must be reported in writing to the office of the AFHR Division.

14-34-9 Loss or Damage Due to Negligence.

(a) The individual who is assigned responsibility for school property, whether student, faculty, or staff, may be held liable for the replacement cost of textbooks, teaching aids, equipment, furniture and tools due to personal negligence. Assessed costs will be decided case by case by individual school;

(b) Reports of loss or damaged school property, assessed and collected fees, shall be filed annually in the office of the AFHR Division;

(c) Fees collected for damaged or lost property shall be kept in the school to pay for replacement as needed.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 35
REGULATION ON PRESCHOOL EDUCATION

14-35-1 **Reference**. Part 3. Education Policies and Standards. Section 314(e). Relating to free public kindergarten for all five year olds in the Republic. P.L. 2013-23

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TITLE 14 MINISTRY OF EDUCATION
CHAPTER 36
REGULATION ON TEACHER CERTIFICATION

14-36-1 Reference. Teacher Certification Act (P.L. 2007-92).

14-36-2 General Policy.

(a) The Ministry shall set standards by which teachers and administrators are to be certified and licensed to teach and work in the Republic, and to establish a Teachers' Standards and Licensing Board to administer and monitor the teacher certification standards;

(b) The Ministry shall issue a certificate in forms described in Teacher Certification Guidelines and as determined by the Teachers' Standards and Licensing Board;

(c) No person shall serve as a teacher in any public or non-public school, without first having obtained a certificate;

(d) The Board shall issue a certificate to all public or non-public school teachers without cost to the teachers; and,

(e) The Board may revoke any certificate after issuance thereof when satisfied that the holder does not possess the skills or knowledge required.

14-36-3 Definitions. As used in this chapter:

"Board" means the Republic of the Marshall Islands Teachers' Standards and Licensing Board.
"certificate" means a certificate issued by the Board in accordance with the Teacher Certification Regulations;
"head teacher" means a teaching principal
"license" means the document signifying the Board's grant of permission to practice the profession of teaching in accordance with the Teacher Certification regulations;
"school administrator" means a school principal;
"Teacher Certification regulations" means the Integrated Teacher Certification, Teacher Salary and Teacher Management System Regulations

14-36-4 Establishment of Teachers' Standards and Licensing Board (Sec. 3. P.L. 2007-92)

(a) The Republic of the Marshall Islands Teachers' Standards and Licensing Board is hereby established;

(b) Board Membership. The Board shall consist of the following designated and appointed members;

(1) Dean of Instruction of the College of the Marshall Islands
(2) Chairperson of the Board of Education
(3) Commissioner of Education (or designee)
(4) Two (02) teachers representatives appointed by the Minister
(5) One (01) school administrator appointed by the Minister
(6) One (01) private school representative appointed by the Minister

(c) Board Chairperson. The chairperson shall be appointed by the Cabinet;

(d) Terms of office. Each appointed member of the Board shall each serve for a period of two (2)years, and may be reappointed by the Cabinet to be a Member of the Board for any number of additional terms as appropriate.

(e) Quorum. The Board shall determine its own rules and procedures governing its functions, provided the meetings of the Board must have a quorum of five (05) members.

(f). Vacancies. Vacancies under sections b (4); b(5) and b (6) shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

14-36-5 Functions of the Board. The functions of the Board are to:

(a) Issue certificates and licenses, including their renewal, in accordance with the Teacher Certification regulations promulgated under this Act.

(b) Advise the Minister on the following issues:
(1) standards for certifying and licensing teachers
(2) teacher training and development
(3) licensing requirements and procedures
(4) identification and development of teacher tests

(c) Formulate policies relating to teacher standards, certification and licensing

(d) Implement applicable teacher standards, certification and licensing policies in collaboration with the Ministry of Education and other appropriate institutions.

14-36-6 Teacher Certification and Licensing Requirements.

(a) No person shall serve as a teacher, head teacher or school administrator in any school in the Republic, without first having obtained a certificate and license from the Board;

(b) A certificate or license issued by the Board shall be in the prescribed form. The Board shall be authorized to issue the relevant licenses and certificates to teachers, head teachers and school administrators, in accordance with criteria promulgated under the Teacher Certification regulations provided for in the Integrated Teacher Certification, Teacher Salary and Teacher Management System Regulations and any amendments to it.

14-36-7 Renewal of Certificate or Licenses.

(a) Every certificate or license issued by the Board under Section 8, P.L. 2007-92 shall be valid for the period prescribed.

(b) The holder of every certificate or license issued under P.L. 2007-92 must ensure that such a certificate or license is renewed prior to its expiry following procedures set up by the Board.

(c) The Board may renew a teaching certificate or license, provided that the holder satisfactorily meets the prescribed criteria under the promulgated Teacher Certification regulations.

14-36-8 Revocation of Certificates or Licenses.

(a) The Board shall revoke any certificate or license issued under P.L. 2007-92 if, after issuance of that license, the Board is satisfied that the holder provided false or misleading information in support of an application for a certificate or license as promulgated under Teacher Certification regulations;

(b) The holder of the certificate or license under subsection (a) above shall first be given full opportunity to justify the issuance of the license prior to the decision by the Board on whether or not to revoke that license;

(c) The Board shall follow the PSC regulations governing the revocation of licenses until such time as it promulgates its own rules and procedures.

14-36-9 Teacher Training Programs

(a) The Commissioner shall provide in-service and pre-service training programs to enable citizens of the Republic to qualify for certifications.

(b) The Commissioner 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 certification.

14-36-10 Penalty for teaching without certification

(a) Any person who serves as a teacher without holding an unrevoked certificate issued under this Chapter, shall, upon conviction, be fined an amount not to exceed $100.00

(b) Fees collected shall be deposited into the Education Fund.

14-36-11 Transitional provision. Any teacher who does not hold a certificate from the Ministry but who has been employed by the Ministry or by a chartered non-public school as a teacher for a period of not less than two (2) school years prior to effective date of this Act as amended may continue employment as a teacher and shall not be subject to penalty as provided under section 14-36-9(a) and provided that, as condition for continued employment, the Ministry may require that the teacher complete a professional teacher improvement training program as set by the Board.

14-36-12 Expenses of the Board

(a) Fees or charges collected under this chapter shall be paid into the Education Fund established under Chapter 39 of P.L 2013-23;

(b) Administrative expenses of the Board and reimbursements for reasonable travel costs shall be paid out of the Education Fund.

14-36-13 Accounts and Records

(a) The Board shall maintain, in accordance with the procedures prescribed by the Financial Management Act, 11 MIRC 1, proper accounts and records with respect to any monies paid into the Education Fund, expenditures paid out of the Fund, and any property purchased with money from the Fund;

(b) The accounts and records maintained under subsection (a) above shall be audited by the Auditor General as provided for under Article VIII, Section 15 of the Constitution.

14-36-14 Regulations. The Minister, with approval of the Cabinet and in accordance with the Administrative Procedures Act 1979, may promulgate rules and regulations setting out the following:

(a) Criteria, standards and procedures for any matters relating to or under this Act as amended (refer to P.L. 2007-92);

(b) Fees or charges for the issuance and renewal of certificates under this Act as amended (refer to P.L. 2007-92), and

(c) Any other matters for the effective administration and enforcement of this Act as amended (refer to P.L. 2007)

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 37
SCHOOL ACCREDITATION

14-37-1 Reference. Section 335. Evaluation of Performance of Each School. P.L. 2013-13.

14-37-2 Purpose

(a) The MOE School Accreditation Regulations, hereinafter referred to as "Accreditation Regulations," are hereby established to ensure that MOE schools are conducive to learning by establishing standards, criteria and procedures for a national system of public and chartered non-public elementary and secondary school accreditation.

(b) Schools that provide an environment that is conducive to learning and are in compliance with the minimum standards established by these regulations shall be accredited.

14-37-3 Statutory Requirements

These regulations are set forth pursuant to P.L 2013-23 and the Ministry of Education's rulemaking authority as set forth in Title 14, Chapter 1.

14-37-4 Definitions. As used in this chapter:

"Accreditation" means the process of evaluating a school in terms of meeting the required minimum standards and the acknowledgment thereof by RMI MOE through the issuance of a Local MOE Certificate of Accreditation.
"Elementary school" means an institution that teaches and instructs Kindergarten (K) through eighth grade (8). This is the first stage of compulsory education.
"RMI MOE" means the Republic of the Marshall Islands Ministry of Education.
"Procedures Manual" means a set of procedural guidelines established by the Commissioner of Education to include standards, criteria, rubrics and other means by which school performance will be evaluated for purposes of accreditation.
"Secondary school" means an institution for students intermediate between elementary school and college; grades freshman (9) to senior (12).
"Minister" means the head of the Ministry of Education, Representative of the RMI National Government.
"MISAT" means the Marshall Islands Standards Assessment Test.
"School" means a public or chartered non-public institution of learning at the elementary or secondary level, including a school with a religious affiliation.
"SIT" means the School Improvement Team.
"Commissioner of Education" means the individual who is appointed by the National Board of Education and granted thereby the direct authority to manage and control the daily affairs of the Ministry of Education.

14-37-5 RMI School Accreditation Regulations

The MOE School Accreditation Regulations, hereinafter referred to as "Regulations," are hereby established to provide standards, criteria and procedures for a national system of public and chartered non-public elementary and secondary school accreditation. All public and chartered non-public elementary and secondary schools in the RMI shall be accredited under the RMI School Accreditation Regulations.

14-37-6 Accreditation Criteria

Criteria for accrediting elementary and secondary schools in the RMI shall be established by the Commissioner of Education in cooperation and consultation with the Minister of Education and the Assistant Secretaries, and shall include those factors necessary to provide an adequate classroom environment conducive to learning including, but not limited to, the following:

(a) Philosophy, goals and objectives;

(b) Organization;
    1. Atoll School Board
    2. School Improvement Team
    3. Cluster School and/or Cluster PTA
(c) Teachers' Credentials (% of certified teachers)
(d) School and physical facilities;
(e) Library: (Elementary Schools: Access to reading materials)
(f) Student counseling services (Secondary Schools)
(g) Curricular program;
(h) Co-curricular program (Extracurricular Activities)
(i) Community and parent involvement;
(j) Finance (Secondary and All Chartered schools)
(k) Student-teacher ratio; and
(l) Compliance with the suggested 5% academic growth on MISATs for two consecutive years.

14-37-7 MOE Schools Accreditation Procedures Manual

The Commissioner of Education, in collaboration with the Assistant Secretaries, shall develop and publish, within 30 days of the adoption of these regulations, an MOE Schools Accreditation Procedures Manual. The MOE Schools Accreditation Procedures Manual will outline:

1. Standards,
2. Criteria,
3. Rubrics,
4. Evaluation procedures,
5. Reporting requirements
6. Other administrative details necessary for the effective implementation of the MOE Schools Accreditation Regulations.

14-37-8 Accreditation Committees and School Evaluation Teams

(a) The Commissioner of Education shall establish a National Accreditation Committee (NAC). The National Accreditation Committee shall be a standing committee. All findings shall be submitted to the NAC by the Commissioner of Education.

(b) The role of the National Accreditation Committee shall be to evaluate Stage One findings for each school and recommend to the Commissioner whether a school meets the approved accreditation standards or not.

(c) The National Accreditation Committee shall base its recommendations on school site evaluations by the MSET.

(d) The National Accreditation Committee shall consist of representatives from the following groups:

    1. Commissioner of Education,
    2. Prominent member of the community,
    3. One RMI MOE staff member

(e) The Commissioner of Education shall establish four (4) MOE School Evaluation Teams (MSET). The MSET shall be responsible for conducting on site school evaluations for the purposes of RMI MOE School Accreditation. The MSET shall consist of education specialists employed by the Ministry of Education.

(f) The MSET shall report to the Assistant Secretary of Policy and Planning and the Accreditation Office.

(g) The Accreditation Office, under the direction of the Secretary of Policy, Planning and Standards, shall communicate all findings of the MSET to the Commissioner of Education.

14-37-9 Compliance with the RMI MOE Schools Accreditation Regulations and Process

(a) All public and chartered non-public elementary and secondary schools in the RMI must be accredited by the RMI MOE unless they are declared to be under Special Measures (see section 14-37-12).

(b) All public and chartered non-public elementary and secondary schools in the RMI shall comply with the requirements of the RMI MOE Schools Accreditation Process as outlined in the RMI MOE Schools Accreditation Manual and shall make available, on the day or days of evaluation, all data, records, reports and other information outlined in the RMI MOE Schools Accreditation Manual and requested by the MSET.

(c) Public and chartered non-public elementary and secondary schools in the RMI may not require notice of a visit for purposes of evaluation for accreditation by the MSET.

14-37-10 RMI MOE Schools Accreditation Process

(a) The RMI MOE Schools Accreditation Process shall consist of two stages.

(b) Stage One of the RMI MOE Schools Accreditation Process shall consist of a general inspection conducted by the MSET using standards, criteria and rubrics published in the RMI MOE Schools Accreditation Manual.

(c) Schools which satisfy the requirements of Stage One of the RMI MOE Schools Accreditation Process and are accredited by RMI MOE shall progress to Stage Two, the self study.

(d) Schools which do not satisfy the requirements of Stage One of the RMI MOE Schools Accreditation Process and are not accredited by RMI MOE, shall not progress to Stage Two.

(e) Stage Two of the RMI MOE Schools Accreditation Process shall consist of a School Self Study, which shall be completed by the school improvement team and Atoll School Board and submitted for evaluation to the MSET. An accredited school is required to submit a self study report yearly. If a school fails to submit their yearly self study by the second year of being accredited, accreditation status will be revoked and the school will be have to go through the Stage One process again.

(f) The Accreditation Office, along with the Assistant Secretary for Policy and Planning, shall submit to the Commissioner of Education, Stage One and Stage Two reports on all public and chartered non-public schools by January 15th of each year. All reports, once approved by the Commissioner of Education, shall be presented to the NAC for final approval or accreditation.

14-37-11 Issuance of Certificates

(a) A school shall be accredited if it has acquired a valid RMI Certificate of Accreditation from the Ministry of Education.

(b) The Ministry of Education shall issue the RMI Certificate of Accreditation to schools upon completion of Stage One and that have complied with or exceeded all MOE Schools Accreditation Standards and requirements as outlined in the MOE Schools Accreditation Procedures Manual, based on appropriate reports from the Commissioner of Education and the National Accreditation Committee. The RMI Certificate of Accreditation shall be valid for a period of three years from the date of issue.

14-37-12 Special Measures

(a) The Ministry of Education shall place under Special Measures, for a period of one year, all elementary and secondary schools that do not comply with MOE Schools Accreditation Standards and requirements, as outlined in the MOE Schools Accreditation Procedures Manual, and which do not have a plan or program in effect to remedy any defects or shortcomings within an agreed upon period of time.

(b) A recommendation for technical assistance will be made for elementary and secondary schools placed under Special Measures. The Accreditation Office, along with the Assistant Secretary of Schools, shall consult with the respective school Principals for appropriate technical assistance to be provided by the Ministry of Education to schools placed under Special Measures. Schools placed under Special Measures will be required to produce a one-year recovery plan.

(c) After one year under Special Measures, the MSET shall re-evaluate the schools using Stage One of the MOE Schools Accreditation Process. Schools under Special Measures which satisfy the requirements of Stage One of the MOE Schools Accreditation Process, as outlined in the MOE Schools Accreditation Manual, shall be accredited and progress to Stage Two.

(d) Schools may remain under Special Measures for a maximum period of three years. If, after the maximum period has lapsed, a school remains under Special Measures, the Ministry of Education shall recommend that special measures, to be determined by the Commissioner of Education, be imposed upon the school staff.

14-37-13 Special Incentives

(a) In order to provide an incentive for the improvement of schools, the Commissioner of Education may make eligibility for certain categories of scholarship and other funds contingent upon obtaining an RMI Certificate of Accreditation.

14-37-14 Timetable for Completion of the MOE Schools Accreditation Process

(a) Stage One of the MOE Schools Accreditation Process shall be completed annually by **15th January**. The Accreditation Office, along with the Assistant Secretary of Policy and Planning, shall submit to the Commissioner of Education, all reports, in the format outlined in the MOE Schools Accreditation Manual, on all Stage One evaluations for all applicable schools.

(b) The Accreditation Office, along with the Assistant Secretary for Policy and Planning, shall submit to the Commissioner of Education reports on all Stage Two evaluations for all applicable schools annually by the **15th January**.

(c) MSET shall work on Stage One at schools from **August** to **December** of each school year and submit all findings to the Assistant Secretary Policy and Planning before January 15th of that school year. If incomplete, MSET will continue to work with schools on Stage One and submit all findings by next school year. SITs and Atoll School Boards will have until **December 15th** of each school year to complete their self study.

14-37-15 Disputes

(a) Principals, teachers, parents or other stakeholders at any school may dispute, in writing, the determination of accreditation status of a school within one month of an issuance of an RMI Certificate of Accreditation or declaration of Special Measures by the Commissioner of Education.

(b) Written disputes, supported by documentary evidence, shall be submitted to the Commissioner of Education through the Accreditation Office.

(c) Upon receipt of a written dispute, the Commissioner of Education will review the documentary evidence and determine whether there are grounds for dispute.

(d) If the Commissioner of Education finds that there are grounds for dispute, the matter will be passed to the National Accreditation Committee.

(e) The National Accreditation Committee may uphold or reject the dispute.

(f) If the dispute is upheld, the National Accreditation Committee shall establish a Special School Evaluation Team composed of Community and MSET members. The Special School Evaluation Team shall conduct on site evaluations of the school where the dispute arose by carrying out the procedures outlined in the MOE Schools Accreditation Manual.

(g) The Special School Evaluation Team shall report to the National Accreditation Committee.

(h) The National Accreditation Committee shall recommend to the MOE whether the school where the dispute arose meets the approved accreditation standards or not. The decision of the National Accreditation Committee shall be final.

Along with the above mentioned procedures, all disputes will first and foremost follow the policies as written in the MOE Rules and Regulation Title 14, Chapter 42.

14-37-16 Publication of RMI Schools Accreditation Data

(a) The Ministry of Education shall publish school accreditation data including the findings of all School Evaluation Teams, the accreditation certificates awarded to schools, the names of all schools placed under Special Measures and other data deemed by the Ministry of Education to be in the public interest. All data will be maintained in the RMI MOE Accreditation Office.

(b) The Ministry of Education shall publish school accreditation data on the website of the RMI Ministry of Education, on other Government Department websites and through other public information media.

(c) The Ministry of Education shall publish Stage One school accreditation data in January and Stage Two school accreditation data in May of each year.

14-37-17 International Accreditation Process: Western Association of Schools and Colleges

(a) The Ministry shall designate the Western Association of Schools and Colleges of the United States to engage in the process of evaluating the secondary and elementary schools in the Republic for accreditation purposes;

(b) All secondary schools and elementary schools that are judged to be ready, based on needs assessment, shall engage in the accreditation process prescribed by the accrediting agency;

(c) The Assistant Secretary of the Schools Division shall promulgate readiness criteria based on WASC requirements.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 38
REGULATION ON FEE

14-38-1 Reference. Section 347. Rules and Regulations. (P.L. 2013-23).

14-38-2 General Policy. The Ministry shall devise guidelines and fee schedules to address more frequently recurring situations relating to the use of school buildings for private functions, damaged equipment, and reproduction of requested materials.

14-38-3 Fees and Charges

(a) The Ministry shall assess and collect reasonable fees and charges as they pertain to Ministry functions and property including registration fee, bus fee, transcript fee, damaged books and other school property, non-public school charter fee and such other areas as are necessary for the implementation of this Chapter;

(b) Fees and other charges set as well as fees collected from the Teacher Standards and Licensing Board, pursuant to sec. 15, P.L. 2007-92, shall be kept in the Ministry Education Fund;

(c) Assessment shall be for purposes of reimbursement and not for profit; and

(d) Receipts shall be issued for fees collected.

14-38-4 Collection and Disposition

(a) All monies collected on lost and damaged textbooks, overdue books and all other school damaged properties shall be reported and submitted to the Office of Administrative Services Bureau;

(b) Each receiving office shall submit a quarterly Financial Report of all collected monies and their deposition to the Administrative Services Bureau; and,

(c) Student body and class government accounts shall be handled by the student officers. School faculty shall serve in an advisory capacity to guide ethical and equitable expenditure.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 39
EDUCATION FUND

14-39-1 Reference. Section 338. Education Fund. (Part 5, P.L. 2013-23).

14-39-2 Establishment of the Education Fund

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

(b) The Fund is other than the Marshall Islands General Fund within the meaning and for the purposes of Article VIII, Section 3 (2) of the Constitution;

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

14-39-3 Payments into the Fund

(a) There shall be paid into the Fund:

(1) any monies appropriated by the Nitijela;
(2) any monies or any real or personal property, including gifts, grants, advances, contributions and any other assistance which may be received, granted, given, bequeathed, devised, endowed or in any manner received from any source;

(b) Where any gift, grant, advance, contribution or other assistance is received for a specific purpose or subject to any conditions, it may be expended or used only for that purpose or subject to those conditions; and,

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

14-39-4 Payments out of the Fund

(a) Payments may be made out of the Fund only for:

(1) carrying out the powers and duties of the Public School System and for the purpose of establishing, improving and maintaining a thorough and efficient system of education in the Republic;
(2) working capital and petty cash, and for similar purposes;
(3) all other costs and expenses of the Public School System for administrative and other purposes.

(b) No money shall be withdrawn from the Fund except in accordance with this Act and with the procedures prescribed by the Financial Management Act (P.L. 1994-99).

14-39-5 Reserved

14-39-6 Accounts and records

(a) The Commissioner of Education shall maintain, in accordance with the procedures prescribed by the Financial Management Act, proper accounts and records with respect to the Fund, any money paid into or out of the Fund, and any property purchased with money from the Fund (P.L. 1994-99);

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

(d) The accounts and records maintained under Section 341 of P.L. 2013-23 shall be audited by the Auditor-General as provided for under Article VIII, Section 15 of the Constitution.

14-39-7 Budget

(a) The Commissioner of Education shall submit to the Minster of Education annual estimates of revenue and expenditure covering its anticipated operations for the following twelve (12) month period, for approval by the Cabinet;

(b) The Commissioner of Education shall submit to the Minister of Education and the National Board of Education from time to time supplementary estimates of revenue and expenditure for approval by the Cabinet;

(c) The estimates provided under (a) and (b) above shall be in such form and contain such information as the Minister of Education directs; and,

(d) Except with the approval of the Cabinet, money may not be expended out of the Education Fund other than in accordance with estimates submitted under (a) and (b) of this section and in accordance with the other provisions of this Chapter (P.L. 1994-99).

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 40
PERSONNEL DEVELOPMENT

14-40-1 Reference. Section 347. Rules and Regulations. (P.L. 2013-23).

14-40-2 General Policy. The Public School System shall provide in-service, pre-service, and other necessary programs to enable citizens of the Republic to qualify for the Ministry certification requirements. Such programs will be toward ensuring quality staff in the Ministry and for purposes of meeting requirements of the teacher and administrator certification program as provided for in Chapter 36.

14-40-3 Procedures

(a) All professionally employed administrators and teachers must engage in a program of professional improvement as a condition of continued employment;

(b) The Public School System shall endeavor to provide in-service and other appropriate programs as needed to upgrade all PSS employees to meet the teacher certification requirements; and,

(c) The Public School System shall endeavor to establish a continuous training program for all PSS employees to continuously upgrade their professional skills.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 41
TEACHER BEHAVIOR AND CONDUCT

14-41-1 **Reference**. Section 324. Teacher Conduct. (2013-23).

14-41-2 **General Policy**

(a) The Ministry shall establish rules in dealing with breaches of appropriate teacher and Ministry staff conduct which shall be in conformity with Part VII of the Public Service Commission (PSC) regulations on disciplinary provisions;

(b) The Ministry shall establish, by the Commissioner assignment, an ad hoc review committee to deal with such problems;

(c) The rules shall be reflected in the teacher and staff handbooks; and

(d) The Ministry shall act promptly and in accordance with the rules when breaches of conduct arise.

14-41-3 **Dress and Appearance**

(a) Teachers are expected to meet acceptable community and health standards of dress and appearance, and are to be properly groomed and suitably attired at all times;

(b) Teachers shall be advised to follow the set standards when they are in school; and,

(c) Teachers are recommended to act as role models to students and the community at large.

14-41-4 **Prescribed Disciplinary Code**

(a) The following prescribed teacher conduct applies to all teaching principals, teachers, teacher aides, and other support staff who are directly involved with the students on a daily basis in the Public School System during school hours, on school premises, or at other school functions.

(1) Insubordination. A teacher found to be insubordinate shall be warned verbally upon first offense; given a letter of reprimand upon second offense; and be suspended or terminated upon third offense. Insubordination to the immediate supervisor is a breach of proper teacher conduct.

(2) Alcohol or Drugs on School Premises.

(a) Any teacher on school premises while in possession of or under the influence of alcohol or drugs shall be verbally warned upon first offense; given a letter of reprimand upon second offense; and be given suspension or termination upon third offense depending on the cause which will be determined by the Commissioner of Education.

(b) The Ministry of Health and Environment and the Department of Human Services shall be contacted in an effort to assist the Ministry of Education in cases involving substance abuse problems.

(3) Smoking in Classroom. Smoking is not allowed in classrooms. Any school staff members found smoking in classrooms shall be warned upon first offense and upon second offense be reprimanded and suspended. Designated smoking areas shall be established on school premises.

14-41-5 **Disciplinary Measures**

(a) Disciplinary measures shall be taken for offenses prescribed in Section 14-40-4, in accordance with procedures under this chapter and in conformity with the Public Service Commission (PSC) regulations on disciplinary measures;

(b) The review committee shall determine duration of disciplinary measures based on their judgment and compassion.

TITLE 14 MINISTRY OF EDUCATION
CHAPTER 42
RULE RELATING TO COMPLAINTS

14-42-1 **Reference**. Section 55. Rules and Regulations. (P.L. 1991-125).

14-42-2 **General Policy**. All requests, complaints, or matters concerning individuals, groups, or organizations shall be addressed according to the manner in which public complaints are followed.

14-42-3 **Complaint Procedures**

(a) Requests for information or submittal of concerns relating to public education may be made by telephone, correspondence, at meetings, or by personal visit. Efforts shall be made to involve disinterested parties in any arbitration of complaints by the Ministry;

(b) Information or a suggestion, concern, or complaint pertaining to a specific school shall be in writing and directed to the head teacher, school principal or vice principal, or local government as applicable;

(c) Information or a suggestion, concern, or complaint of a system wide nature not resolved locally shall be put in writing and may be directed to the responsible division of the Public School System or the Commissioner;

(d) Information or a suggestion, concern, or complaint of a system wide nature not satisfactorily resolved by the responsible division or Commissioner shall be submitted in writing to the Minister and Board of Education for their action;

(e) Acknowledgement of communication received shall be made within two weeks of receipt. Such acknowledgement can be by telephone, correspondence, or personal visit for the purpose of informing party or parties involved of the resolution of the issue or the action pending in the matter; and,

(f) That further intermittent correspondence shall be made as necessary.