

---

P.L. 2013-23

---

1  
2 **AN ACT**

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

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

10 **PART 1 - PRELIMINARY**

11 Section 301. **Short title.**

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

13 Section 302. **Interpretation.**

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

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

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

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

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

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

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

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

4 (h) "Nonpublic school" means:

5 (a) a religiously or community group- supported school, under college grade,  
6 whether or not it receives or has received financial assistance from the Government in  
7 accordance with Article II, Section1(3) of the Constitution; or

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

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

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

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

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

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

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

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

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

**Section 303. Application of Article VII of the Constitution**

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

**Section 304. Public School System Established**

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

**PART 2 – GOVERNING BODIES OF PUBLIC SCHOOL SYSTEM**

***Division 1. Minister of Education***

**Section 305. Powers of the Minister.**

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

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

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

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

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

6  
7 ***Division 2: National Board of Education***

8 **Section 306. Establishment; Composition; etc**

9 (1) There is hereby established a National Board of Education hereinafter (“the Board”),  
10 consisting of five members, appointed by the Cabinet from five (5) main geographical districts in  
11 the Republic which are as follows: one from the southern district, one from the central district,  
12 one from the northern district, one from the eastern district, and one from the western district of  
13 the Marshall Islands, the Minister for Education, and three (3) other members, who shall be  
14 appointed by the Minister as follows:

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

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

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

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