

STANDING COMMITTEE REPORT NO. 14-10

RE: C.B. NO. 14-24/HESA

SUBJECT: FREE APPROPRIATE PUBLIC EDUCATION

MAY \_\_\_\_\_, 2005

The Honorable Peter M. Christian  
Speaker, Fourteenth Congress  
Federated States of Micronesia  
First Regular Session, 2005

Dear Mr. Speaker:

Your Committee on Health, Education and Social Affairs to which was referred C.B. No. 14-24 entitled:

"A BILL FOR AN ACT TO FURTHER AMEND TITLE 40 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA BY AMENDING SECTIONS 232 AND 233 TO DEFINE 'FREE APPROPRIATE PUBLIC EDUCATION' FOR FUNDING ELIGIBILITY PURPOSES UNDER THE UNITED STATES INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

The intent and purpose of the bill are expressed in its title.

In FY05 the Federated States of Micronesia received \$549,920 in Federal Grants from the United States for Special Education. In its FY06 budget proposal, the President has earmarked \$521,000 for the same purposes. Much of this funding, if not all, is from the Individuals with Disabilities Education Act Amendments of 1997. Although the proposed amendments are not required under the Individuals with Disabilities Education Act Amendments of 1997 or the Individuals with Disabilities Education Act Amendments of 2004, Acting Assistant Secretary Arthur Albert has advised your committee that the Office of Special Education Programs, which monitors this program, has requested that the Federated States of Micronesia codify a policy in favor of providing "free appropriate public education", which term is defined in the subject bill.

The subject bill amends the nation's current statement of policy in this regards by adding the provision of special education to high school in addition to elementary school students and where appropriate to provide such special education in regular classrooms so that special education students and regular students have the opportunity to learn from each other. The amendments also require the Secretary of the Department of Health, Education and Social Affairs and the State Directors of Education to insure that all school facilities are fully

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accessible to students with disabilities. Assistant Secretary Alfred believes that the State Directors are undertaking such improvements to the schools but your committee recommends that the word insure be deleted from the amendment and be replaced with encourage in order to lessen the liability on the government for the cost of these improvements. Assistant Secretary Alfred advised that this subtle change would not affect the Federated States of Micronesia's entitlement to the grant money.

Your committee agrees with the considerable value of this program for the Federated States of Micronesia, the significant amounts of money at stake, and the virtue of the goals elicited by the subject bill.

Your committee recommends the following amendments:

1. Page 3, line 18, delete "insure" and insert "encourage" in lieu thereof.
2. Page 3, line 19, delete "are" and insert "become" in lieu thereof.

With these amendments, your Committee on Health, Education and Social Affairs is in accord with the intent and purpose of C.B. No. 14-24 and recommends its passage on First Reading and that it be placed on the Calendar for Second and Final Reading in the form attached hereto as C.B. No. 14-24, C.D.1.

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Respectfully submitted,

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Resio S. Moses, chairman

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Tiwiter Aritos, vice chairman

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Claude H. Phillip, member

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Manny Mori, member

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Roosevelt D. Kansou, member

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Dohsis Halbert, member

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Ramon Peyal, member