

## CHAPTER 5.

TEACHER CERTIFICATION

## ARRANGEMENT OF SECTIONS

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An Act to set the standards by which teachers are to be certified and licensed to teach in the Republic, and to establish a Teachers' Standards and Licensing Board to and administer and monitor the teacher certification standards.

**Commencement:** October 29, 2007

**Source:** P. L. 2007-92

**§501. Short Title.**

This Act may be cited as the Ministry of Education (Teacher Certification) Act, 2007.

**§502. Definitions.**

In this Act, unless the context otherwise requires –

(a) "*Board*" means the Republic of the Marshall Islands Teachers' Standards and Licensing Board established under Section 3 of this Act;

(b) "*certificate*" means a certificate issued by the Board in accordance with the Teacher Certification regulations;

(c) "*head teacher*" means a teaching principal;

(d) “*license*” means the document signifying the Board’s grant of permission to practice the profession of teaching in accordance with the Teacher Certification regulations;

(e) “*Minister*” means the Minister responsible for the Ministry of Education;

(f) “*Secretary*” means the Secretary of the Ministry of Education;

(g) “*school administrator*” means a school principal;

(h) “*Teacher Certification regulations*” means the Integrated Teacher Certification, Teacher Salary and Teacher Management System Regulations, to be promulgated under this Act.

**§503. Establishment of a Teachers’ Standards and Licensing Board.**

(1) The Republic of the Marshall Islands Teachers’ Standards and Licensing Board is hereby established.

(2) The Board shall consist of the following members:

(a) Dean of Instruction of the College of the Marshall Islands;

(b) Chairperson of the Board of Education;

(c) Secretary for Education (or designee);

(d) Two (02) teachers’ representatives appointed by the Minister;

(e) One (01) school administrators appointed by the Minister;

(f) One (01) private school representative appointed by the Minister.

(3) The Chairperson shall be appointed by the Cabinet.

(4) Each Member of the Board shall each serve for a period of two (02) years, and may be reappointed by the Cabinet to be a Member of the Board for any number of additional terms, as deemed appropriate.

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

(6) Vacancies under sections 2(d), 2(e) and 2(f) shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

**§504. Functions of the Board.**

(1) Functions of the Board are to:

(a) issue teacher 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:

(i) standards for certifying and licensing teachers;

(ii) teacher training and development;

(iii) licensing requirements and procedures;

(iv) 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.

**§505. Teacher certification and licensing requirements.**

(1) 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.

(2) A certificate or license issued by the Board shall be in the prescribed form.

**§506. Issuance of certificates or licenses.**

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.

**§507. Renewal of certificates or licenses.**

(1) Every certificate or license issued by the Board under Section 8 shall be valid for the period prescribed.

(2) The holder of every certificate or license issued under this Act must ensure that such a certificate or license is renewed prior to its expiry.

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

**§508. Revocation of certificates or licenses**

(1) Subject to Subsection (2), the Board may revoke any certificate or license issued under this Act, 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 under this Act.

(2) The holder of the certificate or license under Subsection (1) shall first be given full opportunity to justify the issuance of the license prior to a decision by the Board on whether or not to revoke that license.

(3) The Board shall follow Public Service Regulations governing the revocation of licenses, until such time as it promulgates its own rules and procedures.

**§509. Teacher Training Programs.**

(1) The Secretary shall provide in-service and pre-service training programs to enable citizens of the Republic to qualify for certification.

(2) The Secretary 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.

**§510. Penalty for Teaching without Certification.**

Except as otherwise provided, any person who serves as a teacher, without holding an un-revoked certificate issued under this Chapter, shall, upon conviction, be fined an amount not exceeding \$100.

**§511. Transitional Provisions.**

Any teacher who does not hold a certificate from the Ministry but who has been employed by the Ministry or by a chartered nonpublic school as a teacher for a period of not less

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than two (2) school years prior to the effective date of this Act may continue employment as a teacher and shall not be subject to the penalty provided under Section of this Chapter; provided that, as an additional condition of continued employment, the Ministry may require that the teacher to complete a program of professional teacher improvement training as set by the Board.

**§512. Consequential Amendments.**

Division 5 of the Education Act, 1991 comprising (Sections 331 to 335) is hereby repealed.

**§513. Expenses of the Board**

(1) Fees or charges collected under this Act shall be paid into the Education Fund established under Section 347 of the Education Act, 1991.

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

**§514. Accounts and Records.**

(1) 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.

(2) The accounts and records maintained under Subsection (1) shall be audited by the Auditor-General as provided for under Article VIII, Section 15 of the Constitution.

**§515. Regulations**

The Minister, with the approval of the Cabinet and in accordance with the Administrative Procedures Act 1979, may promulgate such rules and regulations setting out the following:

- (a) criteria, standards and procedures for any matters related to or under this Act;
- (b) fees or charges for the issuance and renewal of certificates under this Act;
- (c) any other matters for the effective administration and enforcement of this Act.

**§516. Effective Date.**

This Act shall take effect on the date of certification in accordance with the Constitution and the Rules of Procedures of the Nitijela.