



GOV. COMM. 20-182  
(HOUSE)

RALPH DLG. TORRES  
Governor

VICTOR B. HOCOG  
Lieutenant Governor  
28 MAR 2018

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

The Honorable Rafael S. Demapan  
Speaker, House of Representatives  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Arnold I. Palacios  
Senate President, The Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-88, HD1, SD3 entitled, "To repeal and re-enact "The Education Act of 1988" as amended and as codified as 3 CMC § 1101 through § 1193; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.


This bill becomes **Public Law No. 20-48**. Copies bearing my signature are forwarded for your reference.

Sincerely,



**RALPH DLG. TORRES**

cc: Lt. Governor; Press Secretary; Attorney General's Office; Public School System; CHCC-Division of Public Health; CNMI Judiciary; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

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*Twentieth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**Fourth Special Session**

**June 6, 2017**

REPRESENTATIVE EDWIN P. ALDAN of Tinian, Precinct 6 (*for himself*, Representatives Francisco C. Aguon, Ivan A. Blanco, Francisco S. Dela Cruz, Joseph P. Deleon Guerrero, Lorenzo I. Deleon Guerrero, Joseph Leepan T. Guerrero, Edwin K. Propst, and John Paul P. Sablan,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 20-88, HD1, SD3**

**AN ACT**

**TO REPEAL AND RE-ENACT "THE EDUCATION ACT OF 1988"  
AS AMENDED AND AS CODIFIED AS 3 CMC § 1101 THROUGH §  
1193; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Education, which submitted Standing Committee Report No. 20-53; adopted 8/18/17.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, AUGUST 18, 2017;**  
*with amendments* in the form of H. B. No. 20-88, HD1 and transmitted to the  
**THE SENATE.**

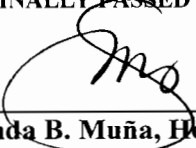
The Bill was referred to the Senate Committee on Education and Youth Affairs, which submitted Standing Committee Report No. 20-66; adopted 2/2/18.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, FEBRUARY 2, 2018;**  
*with amendments* in the form of H. B. No. 20-88, HD1, SD3.

**H. B. 20-88, HD1, SD3 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON FEBRUARY 6, 2018.**

The House of Representatives accepted the Senate amendments and passed H. B. No. 20-88, HD1, SD3, during its 3rd Day, Third Regular Session on February 16, 2018.

**THE BILL WAS FINALLY PASSED ON FEBRUARY 16, 2018.**

  
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Linda B. Muña, House Clerk



*Twentieth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

Third Day, Third Regular Session  
February 16, 2018

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**H. B. NO. 20-88, HD1, SD3**

AN ACT

**TO REPEAL AND RE-ENACT “THE EDUCATION ACT OF 1988” AS  
AMENDED AND AS CODIFIED AS 3 CMC § 1101 THROUGH §  
1193; AND FOR OTHER PURPOSES.**

**Be it enacted by the Twentieth Northern Marianas Commonwealth  
Legislature:**

1           **Section 1. Short title.** This Act shall be cited as the “Education Act of 2017.”

2           **Section 2. Findings and purpose.** Because the Public School System strives to put  
3 students first and in doing so must continue to amend its regulations to keep up with  
4 developments in education and with changing federal laws, the Legislature therefore finds it  
5 necessary to amend the Education Act of 1988 in order to allow for the inclusion of early  
6 intervention, the concept of the “whole child” and to repeal laws that are redundant in this  
7 section, the following Act was agreed to by the Board of Education.

8           **Section 3. Repeal and re-enactment.** “The Education Act of 1988” as Title 3,  
9 Division 1, Chapter 1, § 1101 through § 1193 of the Commonwealth Code is hereby repealed  
10 and re-enacted to read as follows:

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**“DIVISION 1 EDUCATION**

**CHAPTER 1.**

**Education Act.**

**Article 1. General Provisions.**

**§ 1101. Short Title.**

This chapter shall be cited as the Education Act of 2017.

**§ 1102. Declaration.**

Every person within the Northern Mariana Islands who is between the ages of five (5) and seventeen (17) has the right to a free public education.

**§ 1103. Principles.**

The Public School System, at the preschool, elementary, middle school and secondary levels, shall be established and organized by law, and pursuant to regulations issued by the Board or its authorized designees. The Board shall establish the philosophy, goals, and guiding principles in harmony with Constitutional mandates. The Commissioner is authorized by the Board to implement the established philosophy, goals and guiding principles of the Public School System.

**§ 1104. Definitions.**

(a) “Board” means the CNMI State Board of Education.

(b) “Commissioner” means the Chief Executive Officer of the Public School System as selected by the Board of Education.

(c) “Preschool” means programs of instruction for students either four (4) or five (5) years of age.

(d) “Elementary education” means kindergarten through fifth (5<sup>th</sup>) grade.

(e) “Middle School education” means grades six (6) through eight (8).

(f) “Secondary education” means grades nine (9) through twelve (12).

(g) “Students” means any child enrolled in the CNMI Public School System from kindergarten to twelfth (12<sup>th</sup>) grade.

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1 (h) "Public School System" means the public education school system which  
2 shall serve as the State and Local Education Agency for preschool, elementary,  
3 middle and secondary school programs.

4 **Article 2. Instructional Programs**

5 **§ 1131. Establishment of Instructional Policies.**

6 The Board shall establish instructional policies and regulations that address  
7 the needs of the Commonwealth, its students, and its future.

8 **§ 1132. Preschool, Elementary, Middle and Secondary School Programs.**

9 (a) The Board through the Commissioner of Education shall establish and  
10 provide such academic, career, early intervention, and technical programs as are  
11 appropriate and beneficial to the students and which shall serve the needs of the  
12 community.

13 (b) The Board shall adopt and maintain programs to ensure that all students  
14 with disabilities have available to them a free, appropriate public education designed  
15 to meet each individual's needs and to ensure that the educational rights of students  
16 with disabilities and their parents or guardians are ensured.

17 **§ 1133. Student Records: Right to Access.**

18 (a) Parents or legal guardians of enrolled, or formerly enrolled students, and  
19 students who have attained the age of eighteen (18), who are attending an institution  
20 of post-secondary education, have an absolute right to access their educational  
21 records.

22 (b) The Board shall adopt and maintain procedures for the granting of valid  
23 requests by entitled persons to inspect, review, and or be provided copies of their  
24 students' educational records. Valid record requests from entitled persons shall be  
25 granted within five (5) business days of the request. When necessary and upon  
26 request qualified personnel shall be made available to interpret records.

27 **Article 3. Compulsory Attendance.**

28 **§ 1141. Elementary, Middle and Secondary Schools.**

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1           Every person between the ages of five (5) and seventeen (17) shall attend a  
2 public school or nonpublic school or until the completion of the twelfth (12<sup>th</sup>) grade  
3 or upon meeting the high school graduation requirements. Any parent, guardian, or  
4 other person having the responsibility for the care of a child, whose attendance at  
5 school is obligatory, shall enroll their child in school. The Commissioner may grant  
6 individual waivers to this compulsory attendance requirement in cases of approved  
7 home study or for other circumstances in accordance with the law.

8           **§ 1142. School Calendar.**

9           The Board shall establish and maintain within each school year an  
10 instructional calendar of no less than one hundred eighty (180) days of instruction for  
11 students from kindergarten through the twelfth (12<sup>th</sup>) grade, exclusive of weekends,  
12 holidays, and emergency school closings authorized by the Commissioner.

13           **§ 1143. Attendance Zones.**

14           (a) The Board shall establish standards for the formation and reorganization of  
15 attendance zones. Such standards may include:

16                   (1) Determination that the zones will enroll an adequate number of  
17 pupils;

18                   (2) Determination that the zones are organized on the basis of  
19 substantial community identity;

20                   (3) Determination that the zones will result in an equitable division of  
21 property and facilities;

22                   (4) Determination that the zones will not promote racial or ethnic  
23 discrimination or segregation;

24                   (5) Determination of the possible hazards to movement of pupils;

25                   (6) Determination of the effects on the program of study; and

26                   (7) Determination of the effects on other attendance zones;

27           (b) Whenever the formation or reorganization of an attendance zone is under  
28 consideration, the Board will set a date and time for a public hearing and give at least  
29 ten (10) days public notice to all interested persons. All public notices shall be written

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1 in the official languages of the CNMI and shall be disseminated throughout the public  
2 schools and media. Interested persons shall be given a reasonable opportunity to  
3 express their views on the formation or reorganization of the attendance zone before  
4 the Board makes its decision regarding such formation or reorganization.

5 (c) Except as provided in this section, every public school student shall attend  
6 a public school in the attendance zone in which the students' parent(s) or legal  
7 guardian(s) resides except for special education students which, upon a determination  
8 by the Commissioner, may be required to attend school in a different zone, if  
9 necessary services are not available in their home district.

10 (d) Upon petition, the Commissioner may allow a student to attend classes in  
11 another attendance zone if:

12 (1) Such inter-zone attendance would be in the best educational or  
13 health interest of the child; and

14 (2) The requested transfer will not create an undue hardship on the  
15 receiving school.

**Article 4. School Property and Transportation.****§ 1151. School Property.**

18 The Board shall adopt regulations for proper management, acquisition, and  
19 control of property and facilities, including grounds, equipment and vehicles. The  
20 Public School System shall be subject to the procurement regulations as adopted and  
21 implemented by the Board and shall not be subject to the procurement regulations of  
22 the executive branch.

**§ 1152. Transportation.**

23 (a) The Public School System shall provide safe, adequate transportation to  
24 and from any public school for all entitled Commonwealth students who reside  
25 beyond a reasonable distance from the public school they attend. The Commissioner  
26 shall determine which Commonwealth students are entitled to transportation as well  
27 as what a "reasonable distance" means by regulation, provided further, that the  
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1 regulation shall include an appeal process for those who are denied transportation  
2 eligibility.

3 (b) The Board shall adopt such policies, procedures, and programs as  
4 necessary to implement subsection (a) of this section.

5 **Article 5. Student Health.**

6 **§ 1161. Immunizations.**

7 (a) Every parent of a child shall, at the time of first enrollment of the child in  
8 any Commonwealth special education, pre-school, elementary, middle or secondary  
9 school, public or non-public, irrespective of grade level, provide the school authorities  
10 with proof that the child has received all of the immunizations required by the  
11 Commonwealth Healthcare Corporation's Division of Public Health Services. If the  
12 child has not received all of the required immunizations, the parents shall be notified  
13 immediately by school authorities that they are required to initiate all required  
14 immunizations for their child within 2 weeks after the date of such notice. Every  
15 parent of a child already enrolled in a Commonwealth school, public or non-public,  
16 whose child's health records show incomplete immunizations, shall be required to  
17 initiate remedial action within 2 weeks following notification of the immunization of  
18 the deficiency. Except as provided in § 1163 of this Act, failure to comply shall be  
19 grounds for suspension of the child from school until immunization standards have  
20 been met.

21 (b) The Commonwealth Healthcare Corporation's Division of Public Health  
22 Services may, after consultation with the Private and Public School Systems, establish  
23 an immunization program to be carried out within the Commonwealth schools.

24 **§ 1162. Physical Examinations.**

25 Prior to entering the school for the first time, each child shall provide a  
26 certificate of physical examination to the school.

27 **§ 1163. Exceptions to Sections 1161 & 1162.**

28 (a) Exceptions to the requirement of immunizations and physical examination  
29 shall be granted by the Commonwealth Healthcare Corporation's Division of Public



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1 Health Services pursuant to policies established by its Director. Said policies shall  
2 include exemptions from Section 1161 for children who have a physician's statement  
3 that the child may be exempt from any or all of the required immunizations of  
4 subsection (a) of this section.

5 (b) If a child has medical contraindications to the immunization program  
6 pursuant to subsection (a) of this section, and there is good cause to believe that the  
7 child has been exposed or will be exposed to one of the communicable diseases  
8 against which the program is designed to provide immunity, the Commissioner may  
9 temporarily exclude the child from school until a physician certifies that the child's  
10 health is no longer at significant risk.

11 (c) Notwithstanding any other provisions of this Article, whenever there is  
12 good reason to believe that any student is suffering from or is a carrier of any  
13 dangerous contagious disease, the Commissioner may temporarily exclude the child  
14 from school until a physician certifies that there is no longer any significant risk of  
15 contagion.

16 **§ 1164. Health Certificates.**

17 The Commonwealth Healthcare Corporation's Division of Public Health  
18 Services shall, upon request, provide health certificate forms for immunization and  
19 physical examination to the Private and Public School Systems. Any immunization  
20 record signed by a Commonwealth licensed physician shall be accepted by an  
21 appropriate school official as a certificate of immunization if the information is  
22 transferred to the health certificate form and verified by the appropriate school  
23 official.

24 **§ 1165. Rules and Regulations.**

25 The Commonwealth Healthcare Corporation's Division of Public Health  
26 Services shall adopt rules and regulations relating to required immunizations under  
27 this Article. Any immunizations required, and the manner and frequency of their  
28 administration, shall conform to recognized standard medical practices.

29 **§ 1166. School Breakfast and Lunch Program.**

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1           The Board shall establish a school breakfast and lunch program, including the  
2 privatization of the breakfast and lunch program and promulgate rules and regulations  
3 for its implementation.

**Article 6. Certification, Licensure, and Regulation of PSS employees****§ 1171. Certificates.**

4           Notwithstanding any law to the contrary it shall be within the sole discretion  
5 and authority of the Board of Education or its authorized designees to establish and  
6 maintain the procedures and regulations for the certification, licensure, and regulation  
7 of Public School System employees.  
8

**Article 7. Miscellaneous.****§ 1181. Authorization for Appropriation and Transfer of Funds.**

9           (a) The Commonwealth Secretary of Finance shall, on a monthly basis,  
10 transfer no less than eight and three tenths percent (8.3%) of the Public School  
11 System appropriated "personnel" funds to the Public School System.  
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13           (b) The Commonwealth Secretary of Finance shall transfer no less than  
14 twenty-five percent (25%) of the Public School System appropriated "all others"  
15 funds to the Public School System in the first month of each fiscal year. Thereafter,  
16 the Secretary shall, on a monthly basis, transfer no less than six and eight tenths  
17 percent (6.8%) of the remaining "all others" funds to the Public School System.  
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**(c) Junior Reserve Officers Training Corps (JROTC) Fund.**

19           There is established a Junior Reserve Officers Training Corps (JROTC) Fund  
20 to be maintained separate and apart from all other funds of the Public School System.  
21 All money received by the government of the Northern Mariana Islands from the  
22 United States Department of Defense for the operation of JROTC programs shall be  
23 placed in the JROTC Fund to be used solely for the operational and logistical support  
24 of the CNMI JROTC Program. The Commissioner of Education or his/her designee,  
25 shall have expenditure authority for the JROTC Fund. The JROTC Director of Army  
26 Instruction shall report annually to the Board of Education, the Commissioner of  
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1 Education, the Governor and legislature on the receipts, expenditures and balances of  
2 the JROTC Fund.

3 **§1182: Public School Employee Compensation.**

4 The Board of Education shall promulgate rules and regulations governing the  
5 salary classification and compensation guidelines for all PSS Employees. The Board  
6 of Education and the Public School System shall be exempt from the salary guidelines  
7 and classifications of 1 CMC §§ 8213, 8250 provided that the salary classification and  
8 compensation guidelines for teachers, teacher aides, and counselors shall be merit  
9 based. All regulations and salary classifications shall be subject to the availability of  
10 funds as determined by the Board of Education.

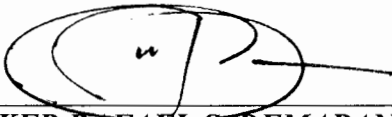
11 **Section 4. Severability.** If any provisions of this Act or the application of any such  
12 provision to any person or circumstance should be held invalid by a court of competent  
13 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
14 circumstances other than those to which it is held invalid shall not be affected thereby.

15 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be  
16 construed as affecting any existing right acquired under contract or acquired under statutes  
17 repealed or under any rule, regulation, or order adopted under the statutes. Repealers  
18 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
19 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
20 any liability, civil or criminal, which shall already be in existence on the date this Act  
21 becomes effective.


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1           **Section 6. Effective Date.** This Act shall take effect upon its approval by the  
2 Governor, or its becoming law without such approval.

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER RAFAEL S. DEMAPAN**  
House of Representatives  
20<sup>th</sup> Northern Marianas Commonwealth Legislature

Approved this 28<sup>th</sup> day of MARCH, 2018

  
**RALPH D.G. TORRES**  
Governor  
Commonwealth of the Northern Mariana Islands