



# Commonwealth of the Northern Mariana Islands

OFFICE OF THE SUPERINTENDENT  
DEPARTMENT OF EDUCATION  
SAIPAN, CM 96950  
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Cable Address:  
Gov. NMI Saipan

July 3, 1985

Delegate Juan T. Lizama  
Chairman  
Committee on Governmental  
Institutions  
Second Northern Marianas  
Constitutional Convention  
Saipan, CM 96950

Dear Mr. Lizama:

Without a yardstick or other reference to use, it can be said that the present CNMI Constitution has served the Department of Education reasonably well. Although the opposite viewpoint could also be argued, the Department of Education has been able to deliver and improve programs and services fairly effectively over the first seven years of the Constitution.

Whether any changes to the Constitution would facilitate the ability of the Department to further improve itself is certainly a difficult question and open to conjecture.

There are four delegate proposals for our consideration. This testimony will address each one, as well as emphasize what we see as the key issues that have received wide-spread discussion within our community.

## Proposal 32-85

Section 1. The concept of the government providing direct assistance to private schools may violate the separation of church and state in some instances. Diverting resources from the public school system to the private schools would definitely decrease the capability of public schools and erode the public's confidence in them. To the best of our knowledge, this concept has not been applied in the U.S. or its territories. Its ramifications would cause radical unforeseen changes and is not in the interest of the public schools.

Section 2. The term "foreign persons" should be clarified and the limitation "from Covenant funds" should be changed to "from all local resources" since local taxes also are used to subsidize the cost of educating non-resident students.

Section 3. The two Boards of Education have been appointed by the Governor. Whether a mixed elected and appointed Board is desirable, is open to question. A fully elected, non-partisan Board is supported at this time. Qualifications of members could be set by law.

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Section 4. The Constitution should not spell out curriculum and planning requirements. The Department of Education and a College should be addressed separately.

Section 5. A guaranteed minimum funding level would facilitate planning by the Department and provide long-term security. However, the legislature should have the authority to levy all taxes. Subsection (d) could be deleted if (c) was modified to clearly indicate fully independent and autonomous financial and personnel systems.

#### Proposal 33-85

This proposal does not appear to give the Department the autonomy stated in its purpose. It would keep the Department in the Executive Branch (Article III) and has similar wording to the present constitution, except for the qualifications of its elected Board members.

#### Proposal 106-85

The only change here would be to change the word "Superintendent" to "Director" and it would not substantially change the operations of the Department. If there is a limit on the number of proposals to be offered to the people for ratification, perhaps others with greater significance and potential for good should be given priority.

#### Proposal 117-85

The Board of Education traditionally governs an elementary and secondary school system, while a Board of Regents or Trustees controls postsecondary education. We suggest these terms retain their identity as such.

There are three important issues that have received much attention and discussion lately. They are : 1) an elected Board of Education; 2) autonomy and 3) user's fees, or tuition, for aliens. The advantages of including them in a Constitutional Amendment are discussed here.

#### Elected Board of Education

If voters directly elect a Board of Education, members would be directly held to the voters for their record and performance. The ability of a Governor to remove them without cause, or to influence them for political reasons, would be removed. The possibility of having members who are motivated and oriented to education issues would be increased. The Board may more likely represent the aspirations and feelings of the whole community if they were voted into office.

Autonomy

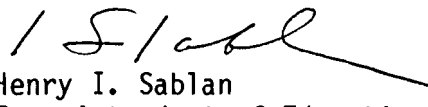
The granting of the Department of Education full autonomy in fiscal, procurement, and personnel matters would decrease bureaucracy and should increase efficiency. Indirect costs, now approximately \$200,000 annually could be channeled back to education. Autonomy for the Board would place direct control over the hiring of personnel by education administrators, reducing the appearance of political influence. Fiscal and personnel policies could be suited to fit the unique needs of education. For example, the ability to fire incompetent teachers would be enhanced. Direct responsibility for the operations of the Department would be in the Department. Management and fiscal audits could be used to insure proper accountability. The full attainment of autonomy would mean that the Department is no longer within the Executive Branch.

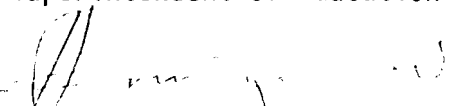
User's Fees for Aliens

Each year seems to increase the percentage of aliens utilizing our free public schools. As a result, a smaller percentage of resources goes to our students. In simple terms, the cost to educate aliens is paid for by our children; our limited resources are strained. If a provision could be made to charge a reasonable amount of tuition, it would benefit the Department of Education's ability to educate all those who come to its doors.

There are no easy answers, nor can we make any definite conclusions as to the overall effect of proposed constitutional changes. Let the people decide, as they should, how we can best improve our educational system by proposing the amendments which offer the most hope for educational improvement within the Commonwealth.

Sincerely yours,

  
Henry I. Sablan  
Superintendent of Education

  
Juan N. Babauta  
Chairman, Board of Education