

**Third Constitutional Convention**

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**Saipan, MP 96950**

**TRANSCRIPT OF THE  
PUBLIC HEARING  
ON ARTICLE XV AND ARTICLE XX OF THE  
CONSTITUTION FOR THE  
COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS**

**COMMITTEE OF JUDICIARY  
AND OTHER ELECTED OFFICES**

**Wednesday, June 21, 1995  
Commonwealth Legislature  
Capitol Hill**

THIRD NORTHERN  
MARIANA ISLANDS  
CONSTITUTIONAL CONVENTION

PUBLIC HEARING ON ARTICLE XV AND ARTICLE XX OF THE CONSTITUTION  
OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Committee on Judiciary and Other Elected Offices

Wednesday, June 21, 1995

The Public hearing of the Committee on Judiciary and Other Elected Offices as to possible amendments to Article XV (Education) and Article XX (Civil Service) of the Constitution was convened pursuant to the notice issued June 19, 1995, and delivered by fax to members of the Commonwealth Bar, government agencies, and other interested persons. The Committee also made available a summary of the issues with respect to Article XV (Education) and Article XX (Civil Service) raised by the delegate proposals and other suggestions for amendments.

**DELEGATE HOFSCHEIDER:** Good morning. I would like to now start this public hearing. Originally, it was scheduled for 10:00 A.M. Due to other obligations, we were unable to start on time.

I would like to introduce the members of the Judiciary and Elected Offices Committee, who are members of the Committee.

To my right is Delegate Donald Mendiola, who is the vice chairperson. Immediately to his right is Delegate Felix Nogis. To my left is Delegate James Mendiola. In front of me is Delegate Bennet Seman, Delegate Justo Quitugua from Rota,

Delegate Esther Fleming, Delegate Mariano Taitano, and Delegate Teresita Santos from Rota.

To my left, is our lead counsel, Ms. Deanne Siemer, and Mr. John Manglona, who is working, too, as one of the counsel. Our court reporter, Mr. Les Martin, with the green shirt.

I would like to welcome you all to our public hearing. I would like to say a few words before we start.

The Committee on Judiciary and Other Elected Offices of the Third Marianas Convention now hereby opens its hearing on Article XV.

This is only an initial hearing on Article XV. We may have other hearings, but the Committee has yet to discuss Article XV in its committee deliberations.

We thought it was important to have public input before we began our discussions so that we could take into account everyone's views when we consider possible amendments.

We have prepared a summary of issues and proposals that have been submitted by the Delegates for possible amendments to the article. We have that that available to everyone, I hope, so that the comments made to the public this morning can be directed to those possible amendments.

When you speak, we do not expect to you give us your views on everything on the summary; but we would like you to tell us what subjects you think are important to the people

of the Commonwealth.

Anyone wishing to testify will be required to please sit right in the middle of the Chamber. After your presentation, the Committee members will be asking questions on your presentations. The determination of how long you may respond will be ruled by the chair.

We will try to allow witnesses to testify only one time. We still want to have written statements from the public, and it's due some time next week.

A written transcript of this proceeding will be provided by Mr. Les Martin, who is sitting right there. He will be taking down statements and the questions and answers. He has a computerized system so the transcript will be available probably for the Committee's use at its meetings this week and next.

We will extract the proposals from the transcript and consider them in our meetings. If you would like the written statements to be part of the transcript, please submit them by the close of business on June 26th, and we will also publish them in the transcript.

I would like to thank you for all coming. I would like to invite the Commissioner, or the Chairman of the Board, please, whoever is first on PSS.

Yes, Mr. Chairman.

This is Mr. Daniel Quitugua, Chairman of the Board

of Education.

Good morning, Mr. Quitugua. You may proceed.

**MR. DANIEL QUITUGUA:** Thank you very much, Chairman Hofschneider. I'm going to avoid the preliminaries in the interest of time and just get to the purpose of the hearing this morning, which is to hear comments from the Public School System inclusive of the Board of Education.

We have submitted a joint signature report to the Committee responding to the questions that had been posed earlier and given to the Commissioner and the Board of Education.

I am ready to respond to some of the questions that the Committee may have. Thank you, Mr. Chairman.

**DELEGATE HOFSCHEIDER:** Committee members, I have distributed the June 20th memorandum as per the statement of the Board of Education chairman, Mr. Daniel Quitugua. I'm pretty sure that you have reviewed them.

Do any of the Delegates or Committee have any questions?

Go ahead, Delegate Quitugua.

**DELEGATE QUITUGUA:** Thank you, Mr. Chairman.

Mr. Quitugua, we have been reading in the newspaper about how PSS needs money to provide quality education. In your letter dated June 21st, you are recommending to increase the compulsory age from 16 to 18.

Do you feel that age 5 children, which is kindergarten, should not be compulsory? If it's not, shall we not enroll them in the Public School System and the costs to educate this age group be used to educate the compulsory age group?

**MR. DANIEL QUITUGUA:** To respond to the question, Delegate Quitugua, Mr. Chairman, I believe the Public School System currently is serving that age group.

Whether or not to continue serving these kids and changing the constitutional requirements from the current 16 to the age of 18, again, we are not serving those students who have reached the age of 16 and beyond. Those are continuous to enroll in the Public School System.

**DELEGATE HOFSCHEIDER:** Delegate Quitugua?

**DELEGATE QUITUGUA:** I would like to ask Mr. Quitugua: If we limit age 5, which is not compulsory, would that help the school system improve its quality in education for the compulsory age using that funding that is being spent by the age 5 group?

**MR. DANIEL QUITUGUA:** Most of the students who fall in that age group are being subsidized through federal programs.

If the age limitation is only exclusively given to the constitutional mandate of 6 through 16, perhaps, the Public School System can stretch its meager resources to improve its services to those that require it.

**DELEGATE QUITUGUA:** Another question: With the economic situation, do you think stretching the age requirement to 18 will put the Public School System into a lesser effort in providing quality education?

**MR. DANIEL QUITUGUA:** Like I said, we're still serving those students, Mr. Quitugua. You know that very well. We have students who aren't able to meet the graduation requirement, and as such, decide to remain in the system.

Whether or not we impose the 16 or 18, I believe we are serving that group. If your point is to equate the stretching of age group as a requirement to commensurate with expenditure of funds, of course, there is a correlation between the number of students in the system versus the amount of money will require to spend. The more students you have, the more financial burden you incur, and, obviously, you need more money.

**DELEGATE QUITUGUA:** I always believe that in terms of increasing the guarantee fund everybody this in this room and a lot of people support education; but I always believe that the secretary or the director or the commissioner should really come to the legislature and the Governor and justify the expenditure or the funding they are requesting.

In this letter, you are requesting that it included in the Constitution to increase the guaranteed funding to 45 percent.

I would like to know whether there is such a

guarantee that the quality of education in the CNMI will significantly increase if this guaranteed fund is something made possible.

**MR. DANIEL QUITUGUA:** The answer to the question is "yes," Delegate Quitugua.

We have in our previous submissions to both the past legislature, as well as the current legislature, we have submitted justification detailing the reason why we are requesting additional funding, an increase in funding for the Public School System.

We have also stated in our written testimony that we want to be on record to be put on an accountability system so that the appropriation made to the Public School System will be accounted for.

I say that not to infer that in the past it has not been accounted for; but we want it to be on record that for every single dollar that the citizens of the Commonwealth put into the CNMI government and is given to the Public School System, those dollars will be accounted for, and we will be -- we are imposing that on ourselves.

We're telling the legislature to give us the money and we will be accountable for it, not only the maintenance of that appropriation, but in the performance of our students, as well as in the investment of training for our teachers.

**DELEGATE QUITUGUA:** Given the situation that our economy



does not get any better in the future, what plans does the Board have to insure that quality education is maintained or increased in reference to staffing of the Public School System?

**MR. DANIEL QUITUGUA:** Can you clarify your question?

**DELEGATE QUITUGUA:** If our economic situation does not improve and the Public School System is only budgeted for \$35 million, what plans does the Board have to insure that quality of education will continue to increase?

Do you have plans to reduce personnel or do you have plans to transfer other activities of PSS to other departments so that PSS can focus primarily in improving quality of instruction?

**MR. DANIEL QUITUGUA:** Thank you for the question, Delegate Quitugua. I appreciate that question personally.

Yes, the Public School System, the Board and the Commissioner, have taken the initiative to look internally into the current set up of the Public School System; particularly, the Central Office.

Whereas, those services that are not directly related to instructional activities, the Board has initiated downsizing of those activities.

We have begun privatization. I think the Public School System is the only agency within the CNMI government that has taken the privatization very seriously.

We have privatized practically all of the food

services beginning this school year. We are seriously looking into privatizing busing, maintenance, and even the printing services, and other noninstructional services that are being undertaken by the Public School System.

In response to the question, those are the plans that the Board of Education has initiated and will continue to do so until we'll realize the goals of providing sufficient and adequate services to our school children throughout the Commonwealth.

**DELEGATE QUITUGUA:** The past Board of Education, they had only two staff on board, the secretary and the special assistant to the Board.

The current board, as I understand it, has a couple of staff members.

Can you explain why that happened, and isn't it in conflict with the Board's goal to reduce staffing of the PSS or its Central Office?

**MR. DANIEL QUITUGUA:** No, Delegate Quitugua. That is not in conflict with the plan of the Board of Education.

For the record, and for your information, the Board of Education is only budgeting one person. Yes, we have been receiving technical assistance, clerical assistance, administrative assistance from the Commissioner of Education. These are budgeted positions that have been given to the Commissioner of Education and we are receiving technical

assistance.

Where is the service is needed, we seek, and we have been given.

**DELEGATE QUITUGUA:** I would like to go back one more time on that question.

The staffing of the Board may not be made by the local appropriation.

Do you have staffing on the Board that is paid by a federal grant? With what we are hearing in the schools, there are schools that need additional staff. Isn't it the Board's intention to make the schools a priority rather than staffing the Board with more personnel?

**MR. DANIEL QUITUGUA:** Let me just mention who are the staff that are budgeted under the Board of Education account.

We have the legal counsel. We have a secretary. We have a technical assistant. We have under, the Board's account, the auditor. That is are the staff that we have.

We have been assisted by the office of the Commissioner. If your question is to infer that these are non-essential personnel that the Board of Education is receiving service from, the answer to that question is that these are essential personnel in the office of the Commissioner of Education that is not only providing service to the Board of Education, but services that are needed to fulfill the function of the Board of Education for the benefit of the school

children.

**DELEGATE HOFSCHEIDER:** Delegate Quitugua, ask I ask you to ask the last question.

**DELEGATE QUITUGUA:** Last question.

Who is the Board actually accountable to?

**MR. DANIEL QUITUGUA:** Democratically speaking, the Board is accountable to the people of the CNMI that voted for them.

Administratively, we answer to the Governor. We answer to legislature when it comes to budget matters.

**DELEGATE HOFSCHEIDER:** I would like to recognize at this time Delegate Nogis.

**DELEGATE NOGIS:** Chairman Quitugua, I know you have been working for PSS for quite a while. You are now the Chairman of an elected board.

Could you give us a brief summary as to what are the advantages of having an appointed board compared to an elected board?

Would you say that the elected board has been responsive to the community itself in providing all the education?

**MR. DANIEL QUITUGUA:** You are asking my very honest opinion?

**DELEGATE NOGIS:** Yes.

**MR. DANIEL QUITUGUA:** Thank you, Delegate Nogis from Saipan.

My honest opinion, and I am biased -- let the record reflect that I am biased on my response simply because I am an elected board member.

If you are asking me whether or not it would be in the best interest of the parents of children in the Commonwealth to have an elected board versus an appointed, I would say -- elected.

**DELEGATE NOGIS:** Could you elaborate on the advantages of having both, an elected and appointed board?

**MR. DANIEL QUITUGUA:** I guess we can draw reference to our experience in the past where before the elected Board of Education has been mandated by the Constitution, we have appointed board members.

Obviously, the Delegates during the Second Constitutional Convention, when it reviewed the issue of appointed versus elected, took it upon themselves that it would be in the best interest of the children of the CNMI to have an elected board of education elected by the people of the CNMI, I guess, for the simple reason is that political interference is less in an elected versus an appointed.

**DELEGATE NOGIS:** As a follow-up question, would you say, Mr. Chairman, that the Board, to some extent, has gotten involved on administrative matters to the extent of hiring staff under PSS? What is your opinion on that?

**MR. DANIEL QUITUGUA:** No, Delegate Nogis. I have never

involved myself in hiring somebody. I have, as my role calls for, reviewed personnel actions for my signature for those individuals that have been considered qualified and have been hired by the Public School System.

If it comes for my review, I review personnel actions of everybody. If that connotes interference, well, the role of the Board of Education involves itself in some degree, in administrative matters. That is a classic example.

**DELEGATE NOGIS:** Thank you, Chairman Quitugua.

**DELEGATE HOFSCHEIDER:** Delegate Fleming.

**DELEGATE FLEMING:** Thank you, Chairman.

Chairman Quitugua, I have one question. In your letter dated June 21st to Chairman Hofschneider, under section 1(b) and (c) governance of the educational system, the Board took a position with regard to decentralization of services.

Can you enlighten the Committee as to exactly what the intentions of the Board are with regard to what kind of services the Board would like to see decentralized out to the schools?

I realize this seems to be a trend nationwide where we try to empower the parents, the community involved, in handling some of the services and the education of their children. That also includes Guam.

I realize that several months ago we had been

hitting the paper with regard to some of those schools objecting to the year-round multi-track school system versus the regular school year that we're doing.

Personally, I felt very sad at the way the situation had taken where I felt that the Board at that point in time in their decision making were not able to get a consensus whether to allow certain schools to plan and set their calendar school year when they are ready.

I felt, also, that the people who have elected the Board felt in a way that they were not too advocate in pushing for the decision on the calendar year for their children.

Can you enlighten this committee on what services, what areas, in education does the Board take a position to decentralize some of this?

**MR. DANIEL QUITUGUA:** I have enumerated those services earlier that the Board considers putting up for privatization.

Since you posed the question, let me go back and list those.

One of those is busing services; maintenance; the operation of the printing service; the food services, of course, has been put up for privatization, and like I say, other non-instructional services that the Public School System is entrusted to carry out.

But we are not doing privatization simply because we wanted to be congratulated and be applauded for taking the

action of privatization.

We are considering seriously what the repercussions are, whether should we do this or not do this. These are areas in which the Board is seriously considering after thorough review of its impact, both for the school children, as well as the financial impact.

Now, you have a touched on a little bit with respect to the implementation of the-year-round. Yes, when the year-round was initiated last year, we had encountered opposition not only from the community, but also from elected officials in the Commonwealth.

The success, of course, of any program is dependent upon the unified support of the people that it intended to serve.

We, however, in the Public School System consider all the options made available to us in view of the meager financial assistance that has been given to the Public School System, notwithstanding the fact that the Public School System and other government agencies within the CNMI government has not had a budget for almost three consecutive years.

As Delegate Quitugua from Rota stated, the future prospect of a prosperity here in the Commonwealth is not an optimistic view I sensed from Delegate Quitugua.

So we are forced to exercise the concept of maximum utilization of resources. That's exactly what we are doing when



we implemented the year-round. Given the resources available to the Public School System, the best alternative, other than double session, is to go on year-round.

Year-round provides you flexibility that can increase your student population even though it reaches its maximum capacity.

So are we to continue on with the status quo or take a risk of being criticized, being ostracized for taking action to respond to the needs of the school children?

I think the implementation of the year-round multi-track at San Vicente Elementary School will speak for itself. Yes, it's not a perfect system; but it's serving the majority needs of the school children.

I hope that responds to your concern,  
Delegate Fleming.

**DELEGATE HOFSCHEIDER:** I recognize Delegate Donald Mendiola.

**DELEGATE DONALD MENDIOLA:** Mr. Chairman of the Board, I do have a question with regard to the year-round multi-track system that the Public School System has now adopted.

I would like, first of all, to know what percentage or how many schools within the United States had tried the multi-track or the year-round track system in the United States and what percentage out of the total public school system in the United States have actually succeeded in the multi-track or

year-round system prior to the Board's adoption of it?

I have heard from people that there was probably no more than a 15 percent success rate of the multi-track year-round within the United States; that information given to the educators and the public at large was that the 15 percent was the base that was used for the report and for the deliberation of the plan.

My second question is: What base statistical method, or statistical method, has been utilized to arrive at the increase of the budget of 30 percent from the present 15 percent to 45 percent of all general revenues of the CNMI to guarantee a quality education of the CNMI children from age 6 to 18 with the age increase by two years in accordance with the 30 percent increase in budget allocation?

**MR. DANIEL QUITUGUA:** That's a lot of questions, Delegate Mendiola.

Let me try to respond one by one. If I don't, bring it up to my attention.

First of all, when the decision to implement year-round was entertained, we did not go outside of the Commonwealth to draw our experience. We looked in the Commonwealth because the implementation of year-round was implemented here in the Commonwealth with great success. That may surprise the delegates.

Back in the mid '70s, when Title III, federal

Title III, was made available to the public school systems, we applied for that grant.

We were granted for a period of three years. We implemented the year-round at the Oleai Elementary School. The reason why Oleai Elementary School was chosen was because it was economically disadvantaged, as well as socially lower base than the rest of the community. We were arguing on the basis that year-round offers a greater opportunity for school children than the standard school calendar.

So when we implemented the year-round at Oleai Elementary School, it was under the former Mayor Frank Diaz. We sought his assistance. They were very hesitant because it was something new. It is a very strange concept. They were not sure of it, but they gave us their blessing. They had reservations, but they gave us their blessing.

We worked hard to prove that the concept did, in fact, have merit for educational advancement of our children based on a private evaluation that was conducted for the program.

An outside evaluator was contracted to evaluate the program upon the third year of the program. The result of the evaluation was significantly positive.

Now, you may ask, "Why didn't the district education at the time continue on with the implementation of the program?".

Well, like I said, it was a grant that was made available under federal assistance. It just so happened that that was the termination period for the program. The School District at the time did not have sufficient financial resources to subsidize the program, so it was never carried through.

I guess the overriding factor that made the program difficult was our inability, the staff and management of Oleai Elementary School, was our inability to provide parents with -- to working parents with day care centers back in the '70s.

As you know, we just recently had the luxury of having maids practically in all of the homes here in the Commonwealth. Back then, we didn't have that available.

So we had difficulty assuring parents who have children in different tracks that those children that come home early or are taking their vacation or break are left unattended in many of the homes. We were never able to resolve that concern by the parents.

That was, also, the other factor that contributed to not considering the implementation of the year-round.

Now, with respect to your question of percentage in the mainland, I have no statistics. Like I said, we draw our experience internally.

We receive technical assistance from anyplace that we deem appropriate for our situation. And, yes, some parts of the United States are implementing year-round, particularly the

state of California. It's getting very widespread in that state. Other states are following through with the experience of the state of California.

One has under to understand the implementation of the year-round is relatively new. So data concerning some of the pertinent questions you have raised are still coming in.

So as it becomes available, those will be made public so as our own situation here in the Commonwealth.

**DELEGATE DONALD MENDIOLA:** That's our situation for working mothers and fathers and kids going on different tracks.

Who do you suppose or how do you determine the quality of education in terms of educating kids at home when parents actually will not be present to educate their kids at home in spite of, maybe, the availability or the inavailability of hired workers as housekeepers, I guess, is what I'm trying to find out, due to our immigration status at this moment in time.

**MR. DANIEL QUITUGUA:** I'm sorry.

**DELEGATE HOFSCHEIDER:** Can you please answer the 45 percent question?

**MR. DANIEL QUITUGUA:** What is the formula we used to arrive at of the 45 percent?

**DELEGATE DONALD MENDIOLA:** What type of statistics did you come up with to arrive at the 30 percent increase from the present 15 percent to 45 percent of the CNMI revenues to be allocated to the Public School System, whereas, the age

increases by two years? How did you come up with the 45 percent figure?

**MR. DANIEL QUITUGUA:** Well, based on the current formula of student allotment, we figured that even if the 45 is made available, that is, in my opinion, a figure that was computed based on a student ratio formula.

For example, if you look at the student population on Rota versus the student population on Saipan, Rota is getting much more on a per student basis than Saipan. We figured if we used the formula that is attributed to the Rota population and increase that commensurate with all the services we're trying to provide the school children, we figured that that would be the best fractional amount.

**DELEGATE DONALD MENDIOLA:** So with what you had just testified to, that the students in Rota will get more per student? How do you suppose the Board will equate that to the students here in Saipan or students in Tinian as compared to the students in Rota?

**MR. DANIEL QUITUGUA:** As you know, this issue of appropriation rests with the legislature. If the legislature in its wisdom considered that the school children of the Commonwealth deserve the amount of money that is being asked and is allocated to the Public School System, we will distribute that equally.

**DELEGATE DONALD MENDIOLA:** Okay.

**DELEGATE HOFSCHEIDER:** May I remind the Delegates to please address your questions on the submitted written statement prepared by the Board chair? Our concern here is the article.

Delegate Seman.

**DELEGATE SEMAN:** Thank you, Mr. Chairman.

Mr. Quitugua, I personally believe every citizen should be given the opportunity to education because the success our society is based on the quality of education provided to its citizenry; but quality does not necessarily equate with the costs incurred for or the price paid. I'm a firm supporter of decentralization if that process achieves efficiency and responsiveness.

On page 2 of your letter, again touching on the covenants of the education system, you mentioned that the school system should be decentralized.

The school system has been in existence for the past 10 years already. What part of the Constitution should be amended to achieve or to allow you to initiate that process?

**MR. DANIEL QUITUGUA:** You are asking what part of the Constitution should be amended to achieve --

**DELEGATE SEMAN:** What part are you recommending should be amended? I don't think the present provisions denies you that flexibility.

**MR. DANIEL QUITUGUA:** You are quite correct on that, Delegate Seman. There is nothing in the Constitution that

reflects the Board of Education to initiate either downsizing or empowering the district, for example, in empowering the Senatorial district of Rota or Senatorial district of Tinian with more authority, as well as responsibility.

We are working on that. The school-based management program is being continually refined to respond to the unique circumstances of the CNMI population.

We are working towards that goal.

**DELEGATE SEMAN:** If you are going for that goal, would you be able to reduce your funding needs? In your letter, you are asking that we increase the guaranteed funding to 45 percent of total revenue generated in the CNMI.

**MR. DANIEL QUITUGUA:** Well, so long as mothers and fathers do not continue to produce children and increase the overburdened structure of the school system, yes.

**DELEGATE HOFSCHEIDER:** Can I ask for a minute break. We need to change the tape.

(Tape change.)

**DELEGATE HOFSCHEIDER:** Delegate Seman, you may continue.

**DELEGATE SEMAN:** You said you anticipate an increase in population in the student enrollment; therefore, we need increased guaranteed funding. But guaranteed funding would not really encourage the policy makers and administrators to maximize their resources allocated.

Do you think that my thought is wrong or would you



like to enlighten me on that thought?

**MR. DANIEL QUITUGUA:** That is a philosophical question, and I respectfully disagree with the good delegate from Saipan.

**DELEGATE HOFSCHEIDER:** Delegate Taitano.

**DELEGATE TAITANO:** Thank you. I would like to direct my question to Chairman Quitugua.

First, thank you for showing up to testify before our committee.

Chairman Quitugua, on the second page of your letter on the qualifications for all the school board members, you believe that a college graduate should and must be board members.

You are aware that a lot of people are high school drop outs or the residents of our Mother Country are even high school graduates.

Do you believe that it is a must that we have board members with a BA degree?

**MR. DANIEL QUITUGUA:** Thank you for the question, Delegate Taitano.

Let me be very candid on this issue.

We discussed this with our school principals. It was the majority of the principals' decision to impose that qualification on candidates for Board of Education.

Personally, I disagree with that. I feel that the qualifications of people are not synonymous with productivity.

There are people who have double Master's degrees and double Ph.D. degrees that are lousy administrators. There are people with zero degrees that are performing exceptionally well in the assigned areas of their particular field. So, no, but I respect, and cast the minority vote, and I respected the position of the school principals.

**DELEGATE TAITANO:** Also, you did not support the section; however, you signed the letter.

**MR. DANIEL QUITUGUA:** By majority vote, yes.

**DELEGATE TAITANO:** On page 1, you believe that we should charge fees, item 2. Did you take into consideration of families who are on welfare programs, families who mostly could barely almost afford to send their kids to school, and then we have all the fees to charge them?

**MR. QUITUGUA:** I guess when we say "fees to be imposed on the Public School System," of course, there will be guidelines as to how you are going to go about charging fees.

Consideration will probably be made to those families who are indigent and those who fall below the established poverty line, which has been accepted by the federal assistance.

Most likely, that will apply in the event imposing fees power is given to the Board of Education. But no one should be denied an education if they are entitled to it irrespective of their ability to pay.

**DELEGATE TAITANO:** Last question: It's not in your letter; however, I would like to have ask how many deputy commissioners you have at PSS.

**MR. DANIEL QUITUGUA:** How many deputy commissioners?

Under the current organizational chart -- when I say "current," I'm referring to the recently adopted re-organizational function chart of the Public School System -- we don't have any. We do have directors. We have changed the "deputy" title to that of "directors."

Under the old system, which is currently still being practiced, we have two deputies.

**DELEGATE TAITANO:** Any of them Carolinian?

**MR. DANIEL QUITUGUA:** One is -- I don't know her family lineage. She may very well have Carolinian blood. I don't know, but she speaks Chamorro. That's for sure.

**DELEGATE TAITANO:** Thank you, Chairman Quitugua.

**DELEGATE HOFSCHEIDER:** Delegate Mendiola.

**DELEGATE JAMES M. MENDIOLA:** Thank you, Mr. Chairman.

I would like to welcome Chairman Quitugua to this Chamber this morning.

Have I have a couple of questions with regard to your testimony this morning. On page 3, section 3, you mentioned that the Board should have a taxing authority.

I would like to find out in what way and how.

**MR. DANIEL QUITUGUA:** I don't mean to infer,

Delegate Mendiola from Tinian, that we should be given taxing authority to tax casino gambling.

I'm merely making reference to those -- I don't know if I call it tax or fees. But more appropriately, it falls within the area of schooling. Those are the types of fees that I am making reference to. I don't mean to take this power from the legislature.

**DELEGATE JAMES M. MENDIOLA:** You still recommend that they have the power to tax?

**MR. DANIEL QUITUGUA:** Yes.

**DELEGATE JAMES M. MENDIOLA:** In what way?

**MR. DANIEL QUITUGUA:** For example, registration fees. We can tax, for example, user's fees for the usage of facilities, for the usage of services.

**DELEGATE JAMES M. MENDIOLA:** By "fees," you mean taxing.

You recommend the elected Board should be kept and the Board is to answer to the people of the CNMI whatever responsibilities or wrongdoings that you have done.

For example, the year-long school year, you mentioned that the people have disagreed or some people, the majority of the people, disagreed of your doing.

For example, if that year-long school is not successful, you mean the people of the Northern Marianas shall wait three years to remove you from the seat of the Board of Education?

**MR. DANIEL QUITUGUA:** Under the current system, yes.

**DELEGATE JAMES M. MENDIOLA:** That's why you recommend for elected not appointed?

**MR. DANIEL QUITUGUA:** No. No. No, Delegate Mendiola. I don't mean to imply that.

People should be elected to enjoy the comfort of the office for which they are elected. If it just so happens that a term of office is four years for the Board of Education, if you wish to reduce that, that is your prerogative.

What I'm pointing out is that just look at what is happening right now between the legislature and the Governor, the Executive Branch. We have not had a budget for 1996. The Public School System, the children of the Commonwealth, became the unnecessary victims in the absence of action by the legislature and by the Executive Branch.

**DELEGATE JAMES M. MENDIOLA:** By not being able to remove the Governor and the legislature, you want the Board of Education not to be removed, too, whatever they do?

**MR. DANIEL QUITUGUA:** No. No. That's not what I'm saying, Delegate Mendiola.

What I'm saying is that you are asking my reaction to the proposed constitutional proposal for amendment to the Constitution. One of those proposals is the retention of the elected Board of Education versus the elimination of the elected Board of Education to that of an appointed.

I'm saying that to avoid political delays in the education of our school children, it would be in the best interest of these children to have an elected Board of Education.

Now, if your argument is that if, in the event that somebody is not doing his or her constitutional duties, then the elected would have to wait until two years to remove that individual. That's the current system. Now, people can be removed from office for other causes.

**DELEGATE HOFSCHEIDER:** Delegate Santos.

**DELEGATE SANTOS:** Thank you, Mr. Chairman.

Chairman Quitugua, I only have one question for you.

In section 1(d) affecting additional qualifications for School Board, you are proposing that only prospective candidates with at least a BA degree can be considered for the Board of Education with at least at BA degree and with at least five years' community service working in the CNMI.

Can you please define or clarify what constitutes "community service work"?

**MR. DANIEL QUITUGUA:** I guess working for the community.

**DELEGATE SANTOS:** Is that in general?

**MR. DANIEL QUITUGUA:** That's in general, yes.

**DELEGATE SANTOS:** Thank you, Mr. Chairman.

**MR. DANIEL QUITUGUA:** You are welcome.

**DELEGATE HOFSCHEIDER:** I need to ask the indulgence of the public. We are going to take a five-minute break. The court reporter needs to rest his fingers.

After the we get back, I would like to recognize the delegates who are not members of the Committee that are present that would like to ask questions.

Let's take a five or 10-minute break.

(A recess was taken from 11:32 A.M. to 11:43 A.M.)

**DELEGATE HOFSCHEIDER:** I would like to again begin the hearing.

I would like to inform the Delegates that I would like also try to take care of the NMC people this morning. They are here. I'm sure we'll have time to hear them on their issues concerning the articles.

At this time, I would like to recognize delegates that are not members of this Committee in the audience. There are Delegates David Igitol, Delegate Marylou Ada Sirok, Delegate Former Governor Carlos Camacho, Delegate Dr. Taro, Delegate Tomas Aldan, Delegate Lillian Tenorio, and Delegate Jack Villagomez.

I would like to open the floor to the delegates. I would like to ask that you to focus on the article in your questions, and those questions that are or have been asked may be denied subject to the Chair. Thank you.

Delegate Thomas Aldan.

**DELEGATE TOMAS B. ALDAN:** Thank you, Mr. Chairman.

I beg the understanding of your Committee to allow me to ask several questions that I have. I hope it would enhance my knowledge, as well as making a reasonable decision on what to do with PSS in terms of constitutional mandate.

My first question is: Would the accreditation of the Public School System be affected if we have an appointed Board?

**DELEGATE HOFSCHEIDER:** Mr. Chairman?

**MR. DANIEL QUITUGUA:** That is a very good question. Thank you, Delegate Aldan, for the question.

It may very well affect the accreditation of the schools within the Public School System. As you know, accreditation process is ongoing. Many of the delegates, who are members, are employees of the Public School System at the present time, or were in the past, are very much aware of that. That is one consideration that these delegates have to bear in mind as it deliberates the issue of whether or not to have an appointed versus elected.

**DELEGATE TOMAS B. ALDAN:** Can you state for sure whether it will or it will not? I heard "maybe." Are you sure that it will or will not?

**MR. DANIEL QUITUGUA:** It will definitely affect the accreditation.

**DELEGATE TOMAS B. ALDAN:** Thank you.



My next question is on accountability. Who is actually accountable to provide a quality education?

**MR. DANIEL QUITUGUA:** Equality education?

**DELEGATE TOMAS B. ALDAN:** Who is accountable to provide quality education?

**MR. DANIEL QUITUGUA:** Those of us who are responsible for the education of our school children. That includes Board members, teachers, principals, and administrators.

**DELEGATE TOMAS B. ALDAN:** Can I then make an argument that, essentially, concludes that you failed because of the fact you don't have sufficient funding, or can you blame somebody else, or can I blame somebody else, other than the Board or school administration, because there is no funding for you to carry out whatever policies, programs, you have adopted as a Board?

I'm fully aware that in order for you to carry out programs and policies adopted by the Board, you need the support of the legislature, as well as the Governor.

Can I say point blank that the failure of the Public School System is saddled with the Board of Education?

**MR. DANIEL QUITUGUA:** The failure of the -- sure. I'm ready to accept that responsibility.

After doing everything we can, within the resources made available to the Public School System and the state of education in the Commonwealth is the status quo. Of course.

Who else is to be blamed for the Board of Education?

**DELEGATE TOMAS B. ALDAN:** I'm wondering because there are people that say you can't do anything because you don't have the money to do it.

**MR. DANIEL QUITUGUA:** No, Delegate Aldan.

**DELEGATE QUITUGUA:** Go ahead, Mr. Chairman.

**MR. DANIEL QUITUGUA:** We are doing, like I said, everything that we possibly can. I guess our actions will speak for themselves.

We have taken serious steps to respond to the crisis in the schools, like I said, under the current funding that is made available to the Public School System.

You also have to consider the fact that the Public School System is entrusted to provide education to all children, irrespective of status, even if you are an illegal alien.

Once you are enrolled in the system, the Public School System by itself cannot disenfranchise the child away from the system. Somebody else should be entrusted to identify this illegal child and get that child out of the system. It's not the responsibility of the Public School System.

What I'm trying to convey to the delegates is that the budget of the Public School System has just been recently increased with the passage of the appropriation bill which was signed by the Governor recently.

Since 1990, for the past three years, the population, the student population, continues to increase. The funding for the Public School System remains. So there was a disproportionate ratio of funding versus the number of students enrolled in the Public School System.

To further agitate the situation, we have facilities that are not adequately built to house these children. For example, in the case of Chalan Kanoa, we have classrooms that have been identified to have a serious threat on the health of these children.

**DELEGATE TOMAS B. ALDAN:** Thank you, Chairman Quitugua.

I have more questions.

**DELEGATE HOFSCHEIDER:** Last question, please.

**DELEGATE TOMAS B. ALDAN:** With constitutionally mandated budget levels, isn't it true that we are, in fact, defeating the purpose of the legislature to hear budget justification? Please consider, also, if we give you 45 percent, we give the legislature 5 percent, and 15 percent to NMC, that leaves 35 percent or so, and if we give CAC and Public Safety, there won't be anything else for anybody else.

Would you agree that the legislature's job is to allocate funds based on justification and that possibly constitutionally-mandated level of fund is not appropriate.

What is your opinion on that, Chairman Quitugua?

**MR. DANIEL QUITUGUA:** Well, my response to that,

Delegate Aldan, since a 15 percent set aside was stipulated in the Constitution, and since that amount was significantly deficient to respond to the needs of the school children in the Commonwealth, we thought that increasing from 15 percent allocation to 45 percent would emphasize not only to the Board of Education, but to us, the people of the Commonwealth, that we value education. Because if we value education, then we must be willing to spend for its cost.

**DELEGATE HOFSCHEIDER:** Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Thank you, Mr. Chairman, for allowing me to speak.

I want to thank Chairman Quitugua and the others for making their time available to enlighten us so that we can make a proper decision.

Since the PSS Board is involved with formulations of policies CNMI-wide, do you have the flexibility to tap into the financial resources that are allocated by the legislature, for Tinian or Rota and also the bond money?

My understanding is that there is "X" amount allocated every year through the CIP. I know Tinian is going to have one of the best high schools while in Saipan, some of the schools don't have the proper maintenance.

**MR. DANIEL QUITUGUA:** I'm sorry. I don't quite get the question.

**DELEGATE VILLAGOMEZ:** For every budget year there is so

much money allocated to the PSS schools for improvement of school facilities through the legislature. Those are earmarked for Tinian and Rota. In the \$140 million bond, there is so much money that is allocated for schools.

Do you have that flexibility to tap that money that is available?

**MR. DANIEL QUITUGUA:** That is CIP money you are making reference to?

**DELEGATE VILLAGOMEZ:** Yes.

**MR. DANIEL QUITUGUA:** In the case of CIP funding, each senatorial district is guaranteed one-third of the total amount. So, for example, in the case of Tinian, they are building, and I would like to, for the record, congratulate the delegation, the Tinian delegation. They have demonstrated their priorities. They put their money in the development of their educational facilities.

I don't think we have the flexibility to take CIP funding from Rota and use it on Tinian.

**DELEGATE VILLAGOMEZ:** That's what I wanted to know.

**DELEGATE HOFSCHEIDER:** Delegate Igitol.

**DELEGATE IGITOL:** Thank you, Mr. Chairman.

Just one question to Chairman Quitugua.

In your statement earlier, and also on item 2 on page 2, you have indicated that you are supporting that elected Board of Education is a choice for the PSS system.

In the absence of a budget also, because the PSS budget comes through the administration, do you think that even though you are an elected position and the budget comes through the Governor's office, do you mean to say that elected will be swayed from the political affairs or something like that?

**DELEGATE TAITANO:** Interference.

**MR. DANIEL QUITUGUA:** I can definitely respond in the affirmative to that question because I don't get involved in the politics.

**DELEGATE IGITOL:** You are saying the elected board will sway from political games, but since the budget is being handled and approved through the administration, how can you say it's really independent if the Governor, for example, vetoed your budget?

**MR. DANIEL QUITUGUA:** If the Governor vetoes the budget for the Public School System, we would come back and appeal it again.

**DELEGATE IGITOL:** How would you request language to the Constitution to put into effect that your budget would not be part of the political division?

**MR. DANIEL QUITUGUA:** I really don't know how to do that, Delegate Igitol.

I'm hoping that the language that would be inserted in the Constitution as a result of the effort of this delegation would just reflect the concern that you just posed.

**DELEGATE HOFSCHEIDER:** I recognize Delegate Lillian Tenorio.

**DELEGATE ADA-TENORIO:** Thank you, Mr. Chairman.

We all in this room recognize that education is an essential and primary government function.

The CNMI has other policy makers, the Governor and the legislature who are all straining at the bit at times because they want to play a hand in shaping educational policy. They're faced with calls from constituents expressing concerns or who are complaining about what is happening at PSS.

In your view, Mr. Chairman, do you think there is enough room to include them in the process of developing educational policy, or do you think that that would create problems?

**MR. DANIEL QUITUGUA:** I think there is still room for policy makers to be involved.

As a matter of fact, Delegate Tenorio, we have taken that upon ourselves to solicit and encourage suggestions, recommendations, not only from elected officials, but from the general population.

Just recently we have concluded a summit where we have exposed ourselves to public scrutiny in developing the seven-year plan. We advertised the session to the entire community so that input from all sectors within the Commonwealth can be incorporated in the seven-year plan.

Furthermore, in the preparation of our budget for submission to the legislature, we have conducted public hearings ourselves.

We scheduled a public hearing in three separate locations here on the island of Saipan, one in the southern portion, in the middle, and also the northern part. We plan to continue that process in the future.

**DELEGATE ADA-TENORIO:** What I'm driving at is not so much as an advisory capacity or soliciting comments.

But if we amend the language in the Constitution to include that educational policy as set forth by the Board is subject to the approval of the Governor or legislature, do you see problems that with respect to that?

**MR. DANIEL QUITUGUA:** I don't think that would be a problem so long as it is consistent with the intent of providing quality education to the children of the Commonwealth.

**DELEGATE ADA-TENORIO:** Thank you.

**DELEGATE HOFSCHEIDER:** I would like to get guidance from the Committee.

I have the president of the college in the back. I know that we started late, so I anticipate that we will end up late.

I assume that the testimony of the Chairman of the Board of Education is a consolidated testimony from the Commissioner and the principals; is that correct, Mr. Chairman?



**MR. DANIEL QUITUGUA:** That is correct. The written testimony, yes.

**DELEGATE HOFSCHEIDER:** So what about the PTA council? Is that part of the same testimony? This is just an informative hearing.

**MR. DANIEL QUITUGUA:** Well, Mr. Chairman, I was hoping that other opportunities would be made available so that other members in the community will be able to express their concerns with respect to education.

**DELEGATE HOFSCHEIDER:** I see a couple of PTA council presidents here.

Do you have written testimony, Mr. Benavente or Mr. Castro, or do you just want to speak in a couple of minutes?

**MR. BENAVENTE:** I can probably speak on behalf of the committee of the village.

**DELEGATE TAITANO:** Mr. Chairman, at this time, I need to ask --

**DELEGATE HOFSCHEIDER:** If I open the floor, Delegate Taitano, everybody will want to ask questions. I hope you understand that we need to move on.

You may request anything in writing. And if you talk to the Chairman of the Board of Education, I'm sure he's willing to answer.

Mr. Chairman, thank you for your appearance this morning. Hopefully, the information gathered this morning and

the testimony will provide this Committee with sufficient information before making any determination on any possible amendments of Article XV.

And I hope that in the future, should we need your appearance again, that you would come back.

I would like to inform you that this committee will be traveling to Rota. On the afternoon of June 29th, we are scheduled to hear testimony and we expect to gather witnesses from PSS, personnel, key people, on Rota, and the following week on Tinian.

I hope that that communication would be released to your counterparts on both islands. I thank you once again, and the Commissioner of Education, for being here. Hopefully, we would like to invite you back in the future.

**MR. DANIEL QUITUGUA:** Thank you very much, Mr. Chairman, and all members of this Committee and all the delegates that are present for the opportunity to appear before you.

(Applause.)

**DELEGATE HOFSCHEIDER:** I would like to allow a couple of minutes for the president of the PTA of San Vicente School.

Mr. Roman Benavente, come up to the chair and deliver what you have to say.

You may speak in Chamorro if you want.

**MR. BENAVENTE:** (Statements in Chamorro were translated by Attorney John Manglona.)

Thank you, Mr. Chairman, for giving me the opportunity to present the concerns of the problems of the community regarding education.

It is good that you are all present in this committee. I know that you are looking out for the welfare of the children in the Marianas. There is a very big concern that has just been previously mentioned. It was just mentioned by Delegate Lillian Tenorio with regard to what the Board adopted for that the Governor decide and for the Governor to approve.

I recognize, aside from myself and also others in the community, that education is the highest gift given by our parents and by all the community and all our surroundings. It's the highest honor and benefit that we can receive because no one can steal it or take it away from us.

I would like to see that the present Board -- by "present," I mean not only this board, but future boards -- by the Constitutional Convention. It should not be made political. If government comes in and government directs it all, then it is not only funding that will be political, but also the grading system.

We see it by experience with the grading system. The person they like will get the good grades.

If you are delegated by the Board, if you are told what to do you don't do it, you'll get fired. The Board will be changed. They'll get who they want.

Our children, who are out there attending schools, do not have the time to put up with the bureaucracy of the political system of the CNMI. I am telling you.

Your delegates, who are elected, will think thoroughly if what you are making is right and correct for the coming years.

I have a child. The youngest is still in the second grade. I will suffer for 11 years if your decision is wrong.

Delegates, I would like you to know, many who proposed here in the Con-Con, their children do not attend the public school system. They are all in the private school system. How can you tell me that you share the same sentiment? As a parent, if your child does not attend the public school system, why should you make a decision for the public school?

Mr. Chairman, I don't want to make this very long. I know that all of the delegates here are sound and your decisions are good. I would ask you, please, to make a decision that will not politicize the public school system.

Even now there are times when we find influence, just like the problem here when this is politicized, not only you and me, but all these people who make decisions, business-minded people.

All they look for is the volume of money that comes into the public school system. They don't care because their

children do not attend school here in the public school system. I don't want to make it very long. I have utmost respect for you all who were elected by the public.

I would like to ask for your support. Please make a big and sound decision for all of the people of the Marianas so that we will not suffer for the next 10 years.

Thank you, Mr. Chairman.

**DELEGATE HOFSCHEIDER:** Thank you.

Mr. Pete Castro, please identify where you are president of, what PTA, please.

**MR. CASTRO:** (Statements in Chamorro were translated by Attorney Perry B. Inos.)

Thank you, Mr. Chairman Hofschneider and the Committee members, the delegates of this Third Constitutional Convention.

I am Pedro Pangelian Castro, President of the San Antonio School PTA. This is my seventh year as officer of the San Antonio Elementary School.

It is very often that we look anew at the educational system in the Mariana Islands. I, too, have contributed big in the San Antonio Elementary School. I am participating in almost all activities embracing the children's education.

I would like to recommend to you all that is good to the Constitution in regards to education. First, I agree

that if there can be more contribution in terms of percentage from the Marianas' budget to the Public School System so that it can develop more in terms of instructions and classrooms here in our place.

Earlier, there was talk about year-round education. Yes, it's true, I, too, was very vocal when I was opposing the implementation of the year-round school. But later I understood that maybe, because of the lack of facilities, that the department look for means to provide for the students' needs in school.

I say that if there will be school in Kagman and DanDan, the overcrowding problem can be alleviated.

**DELEGATE HOFSCHEIDER:** We need to change the tape.

(Tape change.)

**DELEGATE HOFSCHEIDER:** Go ahead.

**MR. CASTRO:** The improvements, Mr. Chairman and delegates, yes, we understand that they need money. Funding is needed. Without money, these desires and improvements will not be possible.

The present composition of the Board, I understand that there is a representative for the Public School System, I mean the private school. There is also a representative from the students. If we can have, because the parents have a big responsibility, if we can also have one representative, or two, to represent the minority, such as the Carolinians and the

Chamorro.

Mr. Chairman, on the issue that was discussed this morning, about elected and appointed Board, the reference that I have or that I have passed, perhaps began with an appointed, then the First Constitutional Convention provided that there will be elected. Then this was practiced until this moment. The Third Constitutional Convention has come again and there is a proposal to turn back to appointed.

I don't have many experience about this, Mr. Chairman and Delegates, but I can say it like this: In the appointed Board, my participation as a member of the community is not much or not strong. It is not the same as if I join in the vote.

I say that if you are an aggressive leader in the school, or the community, you can make an intelligent decision and look for means to improve more.

Also, here on the appointed, there is a direction that if you did something bad today, you may be replaced tomorrow. I cannot give more on this issue and it is my desire that what you have, together with the communities desire, you lay ou in the forthcoming where all the proposals will be finalized for the general public.

That is all, Mr. Chairman and Delegates, for now. One big thank you for the opportunity that you have given me.

**DELEGATE HOFSCHEIDER:** Thank you, Mr. Castro.

The Delegates are committed to make it possible that the education institutions are a high priority on their agenda. They are going to stay and wait for the President of the NMC to testify.

Please approach the bench.

You may proceed.

**MRS. MCPHEETRES:** Thank you, Mr. Chairman and members of the Third Constitutional Convention, Delegates. -

First, I must apologize that I do not have with me written testimony, since I just received all this paper. Obviously, it has been faxed to a wrong fax. It wasn't a fax that the College has.

I also understand that our Board of Regents has submitted submissions to each and one of you here. They have written what they believe should be and even a draft copy for you to consider as an inclusion in the Constitution.

But, at any rate, I would like to answer some of these questions that you have posed here.

Should Northern Marianas College be in the Constitution? I would say definitely "yes." Surveying colleges and universities on the mainland, over 50 percent of the colleges and universities on the mainland are in the state constitution. It's constitutionally established.

Why should they be in the Constitution? For many reasons. First of all, a college needs to be accredited in



order for the College to have certain leverage. Not just leverage, but so that quality education be provided. But leverage in terms of transferability of credit of students to another institution, for federal financial assistance for our students to receive; also, for all federal programs so that our accredited college could be eligible.

Different from the elementary-secondary, because elementary-secondary whether they are accredited or not, they still could receive federal financial assistance.

Also, whether the elementary-secondary be accredited students could be admitted into college, depending on the test scores or if it's an open-door admission, they could be admitted.

But in the case of the College, if the accreditation is not there, we might as well close our college. That's why I feel we definitely should have it there.

Look at Guam, for example. Two months ago, one community college was on probation. Why? Because of the political intrusion that was there. The Civil Service Commission of Guam dictated how faculty has to be classified. So when the Commission accrediting team went to review, they found that there is politics playing in their institution. So accreditation was suspended.

We don't want our College to be that way. We're the only college in the Pacific that has never been in that

state. We have a very solid accreditation. I owe it to the constitutional provision.

There were so many times when different governments came in and tried to shake, but they couldn't because of the constitutional provision. If we take it out, we might as well say good-bye.

The other issue here should the College -- I know would that you all asked the question. Some introduced that the percentage, the support to the College be eliminated. Some raised it. I applaud and thank you, the Delegate that raised that, because if there is no assurance of funding, we cannot continue.

Some may think that legislation is sufficient. I tell you it is not sufficient. There was a Public Law, 5-32, that guaranteed money for the College so that we could have a programs. An executive order repealed that.

Also, the legislature, through a proposal, changed it. In one year, the College lost 40 percent of its grant, so we had to cut programs.

We had a good vocational program articulated with the high school. We had to cut that because in one given year that particular fund was cut by 40 percent. The College cannot operate.

We have just heard the elementary-secondary testifying how important education is. I do feel that it is

very important.

If you look at the research all over the place, and next time I'll bring you the book, that research survey, the whole world, developed countries, in terms of education, health and other issues, countries that have invested money into their education are the most developed countries.

It is painful at times to set aside money. The only resources we have here in the CNMI, and I said only because I don't know if we will have the land any more, but the only resources here in the CNMI are the people. If we do not invest our in our people, we will continuously depend on outside assistance and outside know how.

Elementary-secondary, I compare educational systems -- when I say "educational system," I mean elementary, secondary, post-secondary. When I talk about the education system, I compare it to a house. Elementary, you could call it the foundation of the home. Secondary, you could call it the wall and the roof. Post-secondary are the utilities, the kitchen, the bedroom.

If you want a house with just a foundation and a wall and a roof, then it is in your hands. If you want to invest only in elementary and secondary, it's in your hands. We will have a house, but nothing in it. That's what I call the post-secondary, the utility in a given house.

Post-secondary provides a skill in all developed

countries. Although, I heard emphasis that elementary or secondary should provide vocational education. Yes and no.

I would suggest that secondary and elementary should concentrate on the basic, because experience has shown us, that not only in the CNMI, but in the United States, people are ill-prepared to get into post-secondary.

The question here, whether the mission statement should be eliminated from the Constitution, I would say definitely not. I think the Constitution should lay out a pattern as to what type of people you want to come out. You should come up with a general statement. It should not be specific. It should be general, but you want to come out with what type of people you want the Commonwealth to have.

Should the covenant of the College should be more specific or detailed? I say "no." I think that is the role of the law. I think the law should spell that out.

There were issues this morning whether the Board should be elected or appointed. Again, my research tells me, or shows, that there are pros and cons for both. Elected has its merit. Appointed it also has its merits.

In a small community, like the CNMI, I personally prefer, and I testified in the Second Constitutional Convention, that I preferred to have an appointed board. I could attest that the Board of Regents had never been political and I have a very strong Board of Regents. One of our Board of Regents, who

had been chair for many years, is sitting in this Chamber. They look at issues rather than politics, and they are appointed. They cannot be removed because the law provided that they should not be removed. I think that is the way it should be. Politics cannot mix. Politics should not mix with education. You have to insure that that has to be done.

I'm begging this, because it's in your hands. I'm begging you. I'm begging you not for the McPheetres or for the people working at the College now, but for the kids, our students.

Right now, the College is serving 1300 students towards a degree, and another 1500 who are under continuing education. If we do not have an accredited college, these students will not be educated.

I think I'm going stop there. I answered all of your questions here.

One more question that I need to respond to, which is the last one.

The 1 percent, I would beg you to please raise it. I think I attested to that earlier.

It takes the College about \$10 million to run, and let me tell you we're not frivolous. We account for every penny. I've been accused many times of fiscal mismanagement because of the financial aid.

When we got audited, it wasn't that would take the

financial aid money and use it for operation and use it for operation, it was the other way around.

The problem there is that we never had enough money for financial aid for the students. The other problem, which our Board had asked you to consider is the fiscal year.

I've been begging the legislature for 10 years to change the fiscal year. Up to today, I have not been successful. The main response was that if we change the College and education, we should change everybody. The functions are different. Elementary, secondary, and post-secondary is different from the hospital and Public Safety and other agencies because we have to go by cycle.

Schools have to hire their teachers before the school opens. The fiscal year starts in October. I know this is not a constitutional issue or mandate, but if our legislature is incapable of doing it, I think this body should address it.

A lot of it are issues of legislation. But the problem is the legislature has not acted upon it. I know that some of the legal counsel of this body has said that education is not really a legislative issue.

I did my research. It has proven that over 50 percent of higher education issues are in the constitution of some states.

It is a constitutional issue. Why? Because they believe that human resource development is very essential just

like environment.

I thank you.

I have here with me, if you would like, our legal counsel and the vice-president for administration.

I would like to ask the Chair here if you would give a little time to add something that I have said.

**DELEGATE HOFSCHEIDER:** For them to talk? Go ahead.

Identify yourself and your position.

**MR. GOVENDO:** Thank you very much, Mr. Chairman.

My name is Ken Govendo. I'm legal counsel for the Northern Marianas College. I appreciate the opportunity to testify in front of this Committee and the other constitutional delegates.

Unfortunately, we don't have the information yet, and I'm trying to get it, and that is, that we have sent away to the Western Association of Accreditors, that's our accrediting body, for a list of the constitutional or of higher education institutions that have been set up by the constitution of at least 27 states in the United States. We should hopefully get that in the next week. I will bring it up and give it to this Committee.

The reason we're doing that is that a few weeks ago I read something in the paper saying that it wasn't necessary to set up a community college in a constitution. It was more proper for legislation. That is wrong. It is wrong. There are

27 states, including the state of California, that set up public post-secondary institutions in their constitutions.

If should definitely be in our constitution, even if it wasn't in any other state. Why? Because this is the Commonwealth of the Northern Mariana Islands. We have to protect this college from politics.

If we don't protect it from politics, we're going to lose our accreditation and our students will not be able to transfer their college credits to the University of Hawaii or anywhere else and there is no sense of having a college at all.

I would like to read to you a paragraph from the report that was issued on March 26, 1987, from the accrediting commission for community and junior colleges. This was when they were coming over and they were investigating the College for our permanent accreditation. This is dated in 1987.

It states:

"The recent establishment of an autonomous Board of Regents considerably strengthened the legal foundation of the College. At this time, while the institution is young and well-supported, new rules and customs are developing which will one day be traditions.

"This is the time to firmly establish the Board's role in governance of the College and



sever remaining ties to the government. For example, there remain a small number of employees at the College who are still a part of the civil service system.

"It is recommended that there be devised the means to either transfer all remaining civil service employees into the College personnel system or to transfer them to other public employment.

An autonomous Board of Regents must control its own personnel systems, as well as finance and other policy matters."

Now, this is the accreditation commission.

This simple paragraph has been made known to legislatures and governors for the last 10 years, but they can't seem to grasp it. There are always attempts to affect the College personnel, get control of the College personnel, because it seems the natural way here, that once people get in get in power, they want more power, and that that is control over government jobs.

If you control a person working in a government job, you control his family. You get the family votes. That seems to be the custom here.

If we apply that to the Northern Marianas College, we're going to lose the accreditation, and that is what it is

all about, Delegates, keeping the accreditation, keeping us free from political interference, letting us control our own personnel system and our own finance.

One of the proposals is from the College. It's Proposal No. 268. Some of the stuff you will laugh that is in this thing because it's so obvious that we shouldn't have to put it in the Constitution.

I want it in the Constitution that the Northern Marianas College is known as the public post-secondary educationary institution in the Commonwealth. We shouldn't have to spell it out. I want to spell it out. I want to spell it out.

I want to also put that it is not part of the executive, legislative, or judicial branch. We shouldn't have to spell it out. I want to spell it out. Why? Because in Executive Order 94-3 the Governor put it as part of the Executive Branch. That jeopardizes our accreditation. So we have to spell this out in the Constitution, even if it's not ordinarily done. Why? Because we've got to protect the Northern Marianas College. We have to protect the accreditation.

This college has been a success story, one of the few success stories. We have a 21st century medical center that does not have OB/GYN doctors. They have midwives. 21st century.

The Northern Marianas College has succeeded in educating hundreds and hundreds local people that have reached associate degrees. Many have gone on to off-island institutions and received Bachelor degrees. My own son received an AA degree, and will graduate from the University of Hawaii in December. Two years at the Northern Marianas College, transferred to the University of Hawaii as a resident. It saved me a lot of money. As a parent, he got a good education at Northern Marianas College. We are a success story.

To do that, we have to maintain this autonomy. We have had great Boards of Regents. There has never been one scandal involving any member of our Board of Regents. We never had a board member accused of being political, or corrupt.

These Board members -- I've never seen a Board work as hard as our past Board of Regents has. I've never seen an administrator work hard and dedicate herself to the College more than Agnes McPheetres.

We are a success story. People playing around here with control of personnel or autonomy and taking out of Constitution is going to cost us. It will cost you. It's going to be your children that are going to be affected by this, and it's going to be your pocket books that are going to be affected if you have to pay for your college or off-island for four years in a row. That will cost a lot of money.

So the proposal that we would like to see is

Proposal No. 268.

As soon as I get the information about the other states that have created colleges, higher education institutions, and their constitution, I will get it out to you.

We did get a summary sheet. It was 27 states that have higher education institutions in their constitutions.

I'll stand by for any further questions. Thank you.

**DELEGATE HOFSCHEIDER:** Miss Abrams.

State your full name and title for our court reporter.

**MS. ABRAMS:** My name is Felicita Abrams. I am the administrative vice president for the Northern Marianas College.

I was going to say a lot of things, but our president and legal counsel, Ken Govendo, said actually what we need to say.

All I want to say to this body is please leave the College constitution provision alone. It's like Ken said, it's working well. It's a success story.

What this body needs to do is strengthen the College capability. I think our submission has several recommendations that this body needs to look at.

I know that a lot of you have probably heard rumors and innuendos. I would urge this body to look at facts.

Every year we see the enrollment increasing and we

have, correspondingly, increased also in the number of graduates. The Rota delegates themselves, I believe, know the number of graduates that we have seen for the past two years in Rota.

The number of graduates in Rota has grown to the point where they can have their own separate graduation ceremony instead of requiring them to come over to Saipan. We expect Tinian to start doing the same thing.

Mr. Chairman and members of this body, we urge you to help the College. Like Mr. Govendo is saying, it is a success story. It's helping the community. It's helping the children. It's helping those that have not thought of continuing past high school and got themselves family and in the process, have been unable to continue their college education. If it wasn't for the Northern Marianas College, this opportunity would not have been here.

I see Donald Mendiola sitting here. He can attest to the collaborative arrangement that we have made with several other universities, with Guam and Northern Marianas and the University of Hawaii. He himself is a student, a graduate student, in one of our programs.

**DELEGATE HOFSCHEIDER:** Thank you, Ms. Abrams.

I would like to open the floor for questioning to any of the three members.

Delegates Santos.

**DELEGATE SANTOS:** This is directed to the president. Your proposal to this body, in my opinion, is well stated and clearly defined.

For purposes of our clarification, is the implication of your proposed provision, under "A" of this particular document, to make the College independent from any strings attached by any other branch of government?

**MRS. MCPHEETRES:** Definitely. But they should be accountable to the legislature, for example, for appropriation.

The governance should be under the Board. In these small islands, politics is always there. There are too many governments already. We still have to comply with the accreditation. The accreditation commission governs us. We have the Board of Regents. Then, we report to the legislature.

Let's say, for example, what I have mentioned about the 40 percent cut, that particular legislation was the non-resident fee. The legislature obliged us to give them a report 30 days after the fiscal year. We're the only agency that does that. We do meet the deadline. We give them, in terms of expenditure, what we did. So we could be accountable to the legislature in terms of expenditure of funds.

**DELEGATE HOFSCHEIDER:** Delegate James Mendiola.

**DELEGATE SANTOS:** Thank you, Mrs. President.

**DELEGATE JAMES M. MENDIOLA:** Both President McPheetres and Mr. Govendo mentioned something like that civil service

versus accreditation.

What is that? What does that mean?

**MRS. McPHEETRES:** When you talk about "civil service," you mean people employed by the government under the Civil Service Commission of the government.

If the Board is to be empowered to hire qualified people, then the interference of the government, mainly Civil Service in this case, should not be imposed on the College.

I think I cited earlier that Guam Community College, University of Guam, were on probation because of such.

Not until they introduced the legislation to give the Board the full autonomy to hire and terminate their own staff, did the accreditation lift the probation.

I said this with authority. I've been on the commission, accrediting commission for six years.

Legislative body to take care of all government employees.

**DELEGATE JAMES M. MENDIOLA:** I still don't understand. To get accredited or establish an institution and the Civil Service provision, which is the Civil Service provides the all the qualifications and everything within the system.

**MRS. McPHEETRES:** Not necessarily, Mr. Chair.

If you are under a Civil Service Commission, they have to have its own classification. You can't impose a classification of an outside to professional people and that's

one of the problems that is misunderstood.

**DELEGATE HOFSCHEIDER:** Delegate Seman.

**DELEGATE SEMAN:** That's been addressed by statute, removing the personnel of NMC out of the Civil Service. I don't think there is a need for that.

**MR. GOVENDO:** It's already been accomplished. Basically, what the accreditors told us was that the College personnel cannot be under the CNMI Civil Service System. They don't want that.

**DELEGATE SEMAN:** It's already out.

**MR. GOVENDO:** We're out. We have our own personnel system. If you apply for a job at the College, you go through our own personnel system. You don't go through the Civil Service.

**DELEGATE SEMAN:** The issue is not --

**MR. GOVENDO:** This is from what happened in Guam just two weeks ago. I know that you keep up with everything.

**DELEGATE HOFSCHEIDER:** Give it to Joe Cruz. He can distribute that.

Delegate Quitugua.

**DELEGATE QUITUGUA:** Thank you, Mr. Chairman,  
Mrs. McPheetres.

I wish the members of the Board of Education and the staff, who are still here, to hear your comments about "appointed Board" versus "elected Board." I work for both



appointed and elected, and we feel the same.

The recommendation on the language of the College to be inserted in the Constitution, correct me if I'm wrong, I think items A, B, and C are in the statute already except a few words.

Do you feel that the College can present this to the legislature and have the statute amended to accommodate what you are recommending to be included in the Constitution?

**MRS. McPHEETRES:** May I give you latest scenario?

**DELEGATE QUITUGUA:** Go ahead.

**MRS. McPHEETRES:** The legislature went ahead and did this. What happened? It's vetoed. That's why you are the last hope.

**DELEGATE HOFSCHEIDER:** Next question, Delegate Quitugua.

**MRS. McPHEETRES:** We tried to do it through legislation. For 10 years I tried. I'm not trying this for McPheetres or for "T" or for what.

I'm trying to protect the institution so that whoever runs it will be solid and that nothing could shake it, no politician could shake it. No governor could change it. That's why I'm insisting, and I understand. I know the differences between policy, law, and constitutional. But in this place, in the CNMI where it's political, you drink politics. You eat politics.

If we feel that education is essential, make it

part of the Constitution. I don't care whether the United States Constitution has it. This is the CNMI.

If this is important for us, as I give you the money, of a building, if you feel that it is sufficient for us to have that type of quality of life, to just have a roof and a foundation without any thing defined in the house, it's in your hands. It's up to you.

**DELEGATE QUITUGUA:** Mrs. McPheetres, on the guaranteed funding of 6 percent, can you give us your plans or views on how the College can improve if more funding is provided to the College?

**MRS. MCPHEETRES:** Right now, let me just start off that the College has never received a single penny for its facility, never a single penny from CIP.

The legislature, again, set aside \$2 million. It passed both Houses to match it with federal grants to establish two learning centers. It was vetoed yesterday.

Now what do I plan if I have a little more money. I'm going to be expending a little better service in Tinian and Rota. I could also expand the Allied Health Services at the College. We could also have a better vocational-technical program at the College.

We talk about nonresidents coming to the CNMI. We do not have the actual money. If you look at the legislation of 5-32, the legislation said that money should go there.

What was submitted for fiscal year '96, they eliminate in that submission, all other support, except for salary. You cannot run a program without money.

**DELEGATE CHITTENDEN:** This is my last question.

The College, from your comment, is experiencing difficulty getting additional funding from the legislature.

Does the Board of Regents have any alternatives or plans for collecting more revenues through other means for the College?

**MRS. MCPHEETRES:** Let me address that. I think our colleagues have been very, very creative.

Do you know the College received less money through appropriation than the Central Office of the Public School System?

The Central Office of the Public School System is given more money than the whole College itself. The College has raised tuition. We are the highest tuition in the Pacific, \$60 per credit, community college. We're higher than the university. I cannot ask more from the people.

When you look at the picture of the revenue, we have one-third appropriation. The rest, the College has raised the funds.

I beg. In fact, when I enter the U.S. Department Education, they hold on to their wallets because they see me with dollar signs. I grab anything. I don't think it should be

my fate.

I am not the only leader here. I think everybody should be responsible. I'm not the only one responsible for the education of our people here in the CNMI.

We have explored every federal program. In fact, when we started the College, I would say it was a federal college.

**DELEGATE QUITUGUA:** My last question, Mrs. McPheetres.

It appears that the legislature is not in some way supporting what have submitted to the legislature.

Is there any strategy or way that you have in mind to, perhaps, enlighten the thinking of our legislators so that they can be more supportive to our college?

**MRS. MCPHEETRES:** I think the present legislature has been very supportive. As I said, they passed the prior legislation, and it was vetoed.

**DELEGATE QUITUGUA:** If the legislature had gotten that, what would the Executive Branch -- do you have any --

**MRS. MCPHEETRES:** Let me read to you message of the veto. This is a feeling of a lot of the leaders.

"I want to a send a message to the College.

"The CNMI's primary responsibility is providing elementary and secondary education. I will not agree to a budget for the College, minimum budget. The legislature raised the

funding of the College to \$6 million. I will not agree to that.

"Furthermore, I may not have a choice but to start reducing the College budget."

Now, what do you want? What type of higher education do you want?

As an educator, I do not want to have an education that will not be a quality education. So if we're not going to support the College, we might as well close it. If you want a quality education, you have to invest.

**DELEGATE QUITUGUA:** I would like to ask you again --

**DELEGATE HOFSCHEIDER:** Last question.

**DELEGATE QUITUGUA:** I don't know if the better word is "misunderstanding" or "lack of knowledge" of the Executive Branch about how important the College is.

Have you made attempts in the past or when you submitted that legislation that the legislature passed to the Executive so that they can also support the College?

**MRS. MCPHEETRES:** Mr. Chair, I don't know. I think I have explored all kinds. But we need education. We need education for many of our leaders.

In the minds of a lot of our leaders, college is a luxury. I say that quoting a lot of our leaders saying that. Why do this they say that? They don't understand the value of education. They do not know where the priorities should be.

They do not look at tomorrow. They only look at today.

This is a prevalent feeling. It's not just the Executive Branch. I'm glad the Legislative Branch, this group, seems to be more sympathetic. It's not the College. That is a misnomer. It's the people providing opportunity. It's not the College.

What we are saying is shall we give the opportunity to better themselves? It's not shall we give the College the support? Should we give our people the support to better themselves in their own island so we could be more self-sufficient, so we could govern ourselves and stop depending on imported know how?

That is the question we should ask rather than should we support the College.

**DELEGATE HOFSCHEIDER:** Next Delegate.

Delegate Taitano, please.

**DELEGATE TAITANO:** Thank you.

President McPheetres, do you have presently a program up at the College that would address the shortage of nurses and teachers in our government.

**MRS. MCPHEETRES:** Yes, Mr. Delegate. In fact, we just graduated 12. It was a rough beginning, again. I was here begging for money. I can't start a program without money. Yes, we do have a very good nursing program, Allied Health.

We have teacher education. In fact, the

accreditation is allowing us to start the 300 level so that our teachers could be educated on island.

The College coordinates with the University of Guam to provide the baccalaureate level and the University of Guam, San Jose, or University of Hawaii coordinate the Master's level.

Yes, but it takes some money to do that.

**DELEGATE TAITANO:** Your total budget is about \$6 million?

**MRS. MCPHEETRES:** Our total budget is \$6 million, including vocation.

We have to keep in mind if we are going to have a good vocational program, we need an investment. Vocational programs are the most expensive program for run.

There had always been a fight whether it should be in the Public School System or in the College. I have bringing it to the attention of our legislature and even the Public School System that we cannot afford two good vocational programs, even Guam that has more money that is putting over 50 percent of its revenue to education, has only one.

The community college runs the vocational program. Then the community college would go down to the different schools to provide on site. Even Hawaii --

**DELEGATE HOFSCHEIDER:** Just a second. He has to change the tape.

(Tape change.)

**DELEGATE HOFSCHEIDER:** You may proceed.

**MRS. McPHEETRES:** Even Hawaii, with more money than us, under the community colleges. It's not in the school.

In California, where I got my training, they have a technical training center for the high school. They are sent there, not in the high school. It's very expensive to put in it in there.

**DELEGATE TAITANO:** No further questions.

**DELEGATE HOFSCHEIDER:** Any other Delegates questions?

Can I ask the President, what portion of the total budget is used for personnel?

**MRS. McPHEETRES:** They only appropriate money for personnel. They don't give us a penny to run the College.

**DELEGATE HOFSCHEIDER:** Delegate Nogis.

**DELEGATE NOGIS:** Madam President, I share your concern that we should invest in people.

Just mentioned you are having a hard time convincing the legislature and the Executive Branch concerning an increase in budget.

I was wondering, is there any data so far as the statistics of number of graduates and how the College has significantly contributed to the welfare of our community?

**MRS. McPHEETRES:** Let me give you a scenario. Sometimes I wonder whether the data we submitted are read or not. We do submit data, even we do graphs. They look beautiful. Sometimes I laugh because I will send those and I will be called, and they



say, "You have not submitted anything."

So now instead of making 30 copies, we normally make 100 copies because I know for sure I'll be asked three or four times.

To answer your question, yes, we have submitted data. We show graphs. We give them statistics. But if the priority is not -- as they said, the College is a luxury. If that is in their mind, it does not matter what you give.

**DELEGATE NOGIS:** Thank you.

**DELEGATE HOFSCHEIDER:** Delegates?

I believe that covers the testimony and the hearing before the Committee.

Madam President, Mrs. Abrams, and Mr. Govendo, thank you for coming and appearing with short notice. If we need to get in touch with you again in the future, I would hope that you make yourselves available.

Also, please, inform your counterparts in Rota and Tinian that we will be in Rota. The same committee will be having a hearing in Rota on Thursday, the 29th, at 1:00 P.M. at the courthouse.

I would like your people, at least your Board of Regent's rep, or NMC officer to be at the meeting.

Thank you very again.

(Applause.)

Delegates, I would call like to call to your

attention that the Civil Service is scheduled at 1:30 this afternoon. I can delay that to 2:00.

Let's have a lunch break, and come back before 2:00 so we can immediately start at 2:00 and finish everything.

Thank you for passing lunchtime. You have been dedicated, and the voters will not lose any of their confidence from you.

(The public hearing was adjourned at 1:02 P.M.)

#### AFTERNOON SESSION

**DELEGATE HOFSCHEIDER:** At this time, I would like to resume the public hearing that was temporarily recessed this afternoon.

Before I recognize the people from the Civil Service, I would first like to give the opportunity to two distinguished individuals that are here this afternoon.

Delegates I hope don't you have any objection, but I would like to recognize the presence of Dr. Jack Tenorio, the president of the PTA from Garapan, and Mr. Tom Camacho, president of the PTA from Gregorio T. Camacho School in San Roque.

I would like you on short notice if you would like to state something generalizing your position on the matter I just handed you.

Is it okay with you? Dr. Tenorio, do you want to

go first?

State your name and position. We have a court reporter here that will taking notes of what has been stated.

DR. JOAQUIN TENORIO: Thank you, Mr. Chairman.

My name is Joaquin Tenorio. I'm present president of the Garapan Elementary School.

I came here because of an invitation by this Chamber, this Committee, to listen to the hearing on education. The letter of invitation was addressed to the President of the Garapan Elementary School.

Before I came, I was wondering what I was going to testify for or about. The letter I received stated that there was a list of issues that was supposed to be discussed in this hearing.

Unfortunately, the list of issues was not in enclosed in the letter of invitation.

As the Chairman requested, I would like to just state briefly and in general my views in reference to this list that has just been made available to me, which is in the form of a questionnaire.

There are lots of issues, to say the least, being presented. I know that within this Committee, it's probably going to take a little bit of time digest all of this. I certainly need time digest this and come up with some recommendations or deals this Committee might consider.

There are issues like terms of public education, section 1(a), free education, compulsory education, study of language.

There are also issues like fees for education for the elementary school and, perhaps, some fees for the high school level.

Of course, if this includes the college level, that should remain a paid education. In other words, students would have to pay for their college education.

We need compulsory education. I believe that primary schools should be compulsory, including secondary school.

I would like to be given an opportunity to look at all of these other issues that are listed in this transmittal, or list of issues to be considered by this Committee and, perhaps, in due time, I will submit my written testimony.

**DELEGATE HOFSCHEIDER:** Dr. Tenorio, as chairman of the Committee, I would like to ask you a couple of questions. If you can, answer it in a short manner.

Do you favor an elected Board of Education or appointed Board of Education?

**DR. JOAQUIN A. TENORIO:** I am leaning more towards an elected Board of Education. But I also like the way it is being operating now. You have elected, as well as appointed members of the Board.

It would be a privileged to attend the Board meeting, like a student member, teacher member. I would like to see that that remains.

Chairman of the Board in the written statement submitted request that the Con-Con delegates consider a 45 percent guaranteed funding in the Constitution for the entire public school system.

What is your opinion on that?

**DR. JOAQUIN A. TENORIO:** Mr. Chairman, I really don't support something that is preconceived. In other words, the public education to be given by Constitution.

I think that budget, whether it's Public School or Public Safety, I think the budget should be earned, and should be justified. The School System should present their proposals to the legislature so that the legislature can evaluate the needs that are presented to them.

I think it should be the same as any other department of the government. It should be a budget that has sufficient justification, the legislature to review all of the justification, and approve the budget as requested provided they are well justified.

**DELEGATE HOFSCHEIDER:** Just to let you know the position of the Board, the Chairperson's testimony this morning is that a joint submission by the Board chairperson, the Commissioner, and the principals, who submitted the request for the 45 percent.

They differ with that opinion that you just expressed.

As a PTA president, I'm asking you if you could state your position.

**DR. JOAQUIN A. TENORIO:** That's all, Mr. Chairman.

**DELEGATE HOFSCHEIDER:** I would appreciate if you would submit comments to this Committee. The date is by June 26th, so that we can look into it and consider the statements or your justification before the Committee reports the Article XV for possible amendments to the floor of the Convention.

Thank you for coming this afternoon. Thank you Dr. Tenorio.

(Applause.)

Mr. Tom Camacho, please come up.

State your name and title so it can be recorded?

**MR. TOM CAMACHO:** My name is Tom Camacho. I'm the PTA president for the Gregorio T. Camacho Elementary School.

I'm very pleased to be here today to present a general view as the president of the PTA about the education proposed amendments.

Members and Delegates, while Dr. Tenorio said, he did not have this before him to scrutinize and present written testimony before you, I would like to basically concentrate on one of the sections that really the PTA, especially GTC, would like to see changed is the decentralization on your section 1(b)

and (c) on the educational system, the question of centralization and decentralization.

Our review and opinion is that we would rather see the school-based management organization as has been proposed here for Rota, Tinian, and Saipan to have its own management of its own schools.

I would like to take this further, not just Tinian, Rota, and island of Saipan, but I want to expand it to each local school unit, not just Saipan schools or Rota schools, but each village or community that has its own school.

I would like to see more decentralization. For several reasons it's important for schools to be decentralized.

We would rather see it that instead of PSS and Central taking control of the decisions as it involves students and parents and teachers in each perspective school, I would like so see more of the community involved in parental involvement in the decision making of each of their jurisdictional schools. That's what this decentralization might be looking ahead.

I don't know if you heard of the school-based management school run on organization. But it's happening in Hawaii and Guam. Each school unit is taking charge of decision making, including facilities, budgeting of the schools. It's not coming from the Central office. It's pretty much parents who have students in that particular school. Teachers and the

students themselves are taking an active role in decision making in each of their schools.

**DELEGATE HOFSCHEIDER:** I would like to ask you the same

First of all, what do you think of a continued elected Board, or if you do not support that, why do you think an appointed Board is more effective?

Do you feel that the 45 percent requested by the testimony this morning by the Chairperson of the Board is justified and should be indicated in the Constitution?

**MR. TOM CAMACHO:** I think it's safe to say to continue the elected Board to be placed in the School System instead of being appointed, one way is to eliminate influence from another hierarchy or authority, instead of just the Board themselves that are elected by the people to make sound decisions as it affects students in the CNMI.

I would not preclude amending that to include a parent PTA representative to be on the Board as well. Right now there is student representatives and a private school community representative. But there is no, I believe, PTA or council of PTA members. Why can't we become members of the Board?

**DELEGATE HOFSCHEIDER:** Do you want to be appointed or elected?

**MR. TOM CAMACHO:** Appointed.

The council of PTA of the Northern Marianas is a



nonprofit organization that has its president. When you have a president, you might as well have the president automatically become a member of the Board.

being elected. I'm not sure which is more effective.

We have a council of PTA. I'm an officer, treasurer, of the council. I would highly recommend the PTA, council of PTA, the president, to represent all the other PTAs CNMI-wide to be a member of the Board of Education.

**DELEGATE HOFSCHEIDER:** What about the 45 percent request?

**MR. TOM CAMACHO:** I may have a little different view with Dr. Tenorio, but not as much.

I would like to see, definitely, a guarantee funding. Education is a right. It should be guaranteed as far as funding is concerned.

There should be a condition placed on how to get the money and how are you going to spend the money. You cannot get a guaranteed 45 percent out of the of the total CNMI revenue with having the full responsibility to implement or utilize the funds without accountability. I think there should be a lot of conditions on how the money should be wisely spent on our students' educational needs.

**DELEGATE HOFSCHEIDER:** The Chair would like to take the prerogative not to allow delegates to question since the two

spokespersons request that they submit their written more justified position on the summary that I just handed them earlier.

afternoon. I'm sorry for not including the attachments we were supposed to. I'm sure the next time we will not make the same mistake.

**MR. TOM CAMACHO:** I'll send you full written testimony on the questions you asked.

(Applause.)

**DELEGATE HOFSCHEIDER:** Thank you, Delegates.

**DELEGATE TAITANO:** Mr. Chair, you covered all my questions.

**DELEGATE HOFSCHEIDER:** I have at this time two persons sitting in the Chamber, Mr. Norbert Sablan, who is the executive assistant to the Civil Service Commission, and Ms. Kay Delafield, one of the Assistant Attorney Generals assigned to assist the personnel management officer.

Apparently, there is some mix up on the distribution of questionnaires that were supposed to be pre-prepared in a written form so that these agencies can respond.

Both individuals are in no authority at this point in time to testify on Article XX as to the proposed amendments. They request that a written submission, or even a scheduling of

appearing before this Committee in the future, they would welcome.

I would like to ask Mr. Sablan to state your name what your plans are before June 26th on the prepared submission for the Committee based on the proposals that you just saw.

**MR. NORBERT SABLAN:** Thank you, Mr. Chairman. My name is Norbert Sablan, the Executive Assistant to the Civil Service Commission.

I don't believe we have received the document that you have just referred to, so I'm not --

**DELEGATE HOFSCHEIDER:** The proposals that Ms. Delafield has showed you? They are the same proposals for possible amendments to Article XX.

We will provide you one.

**MR. NORBERT SABLAN:** I would really like to see that proposal.

I'm here this afternoon to submit to the Committee with the written recommendation to the Constitutional Convention.

If there are any questions or any clarification needed by the Committee members, I'll be more than happy to provide whatever clarification I can come up with in regard to the written recommendation of the Civil Service Commission to the Constitutional Convention.

At this time, I do not feel that it would be proper for me to offer any thoughts or opinions that would be either for or against the written recommendation of the Civil Service

I feel that any official position for or against the written recommendation of the Civil Service Commission. Any official position regarding the Civil Service Commission should come directly from the Commission through the Chairman of the Civil Service Commission.

I would just like to say that this afternoon the Chairman of the Commission, Mr. Eugene Santos, is unable to attend. On his behalf, I am here to submit the written recommendation of the Civil Service Commission.

**DELEGATE HOFSCHEIDER:** We will have Ms. Delafield sit their and then I'll give some instructions.

State your name and position.

**MRS. DELAFIELD:** My name is Kay Delafield. I'm legal counsel for the Office of Personnel Management.

I'm here today because we received an invitation to appear. But, again, there was some confusion. The issues that were attached to our invitation to appear had to do with the education area.

We had not seen the proposals that deal with the Civil Service article in the Constitution.

I've now received two delegate proposals. I

understand there is another one that has not been introduced yet.

I have also received the Commission's

or maybe coordinate that recommendation with the Commission.

**DELEGATE HOFSCHEIDER:** Yes.

Without any objection of the Committee members from this Committee, I would like to maybe just take that recommendation, as requested by the Assistant Attorney for the Personnel Management, basically taking the submission made by the Civil Service Commission, the proposed delegate proposals for possible amendments, and they would go back to their office and sit down and see if they can have a joint submission and recommendation for any possible request for amendments to the Article XX.

In the meantime, what the Committee will do is review the letter from Mr. Santos. If we have any questions, we would surely directly this letter immediately so that when you are getting ready to complete your justification or request, you probably might insert your concerns by the Committee members.

Is that okay with you?

**MRS. DELAFIELD:** Yes.

**DELEGATE HOFSCHEIDER:** Thank you both for being here this afternoon on short notice.

I apologize again on behalf of the Committee for

the mistake that was not attached to the letter. It's an honest mistake. The Chairman is very honest to his mistakes.

Thank you very much.

~~MRS. DEAN: Thank you very much.~~

**DELEGATE HOFSCHEIDER:** I would like to get direction from the Committee as to the outcome of the session this afternoon.

Any motion.

**DELEGATE NOGIS:** Motion to adjourn.

**DELEGATE HOFSCHEIDER:** All in favor of the motion say "Aye."

(All agreed.)

Opposed, say "Nay."

(None.)

Adjourned.

(The proceedings were adjourned at 2:42 P.M.)

**DELEGATE TOMAS B. ALDAN:** Thank you, Mr. Chairman.

I beg the understanding of your Committee to allow me to ask several questions that I have. I hope it would enhance my knowledge, as well as making a reasonable decision on what to do with PSS in terms of constitutional mandate.

My first question is: Would the accreditation of the Public School System be affected if we have an appointed Board?

**DELEGATE HOFSCHEIDER:** Mr. Chairman?

**MR. DANIEL QUITUGUA:** That is a very good question. Thank you, Delegate Aldan, for the question.

It may very well affect the accreditation of the schools within the Public School System. As you know, accreditation process is ongoing. Many of the delegates, who are members, are employees of the Public School System at the present time, or were in the past, are very much aware of that. That is one consideration that these delegates have to bear in mind as it deliberates the issue of whether or not to have an appointed versus elected.

**DELEGATE TOMAS B. ALDAN:** Can you state for sure whether it will or it will not? I heard "maybe." Are you sure that it will or will not?

**MR. DANIEL QUITUGUA:** It will definitely affect the accreditation.

**DELEGATE TOMAS B. ALDAN:** Thank you.

My next question is on accountability. Who is actually accountable to provide a quality education?

**MR. DANIEL QUITUGUA:** Equality education?

**DELEGATE TOMAS B. ALDAN:** Who is accountable to provide quality education?

**MR. DANIEL QUITUGUA:** Those of us who are responsible for the education of our school children. That includes Board members, teachers, principals, and administrators.

**DELEGATE TOMAS B. ALDAN:** Can I then make an argument that, essentially, concludes that you failed because of the fact you don't have sufficient funding, or can you blame somebody else, or can I blame somebody else, other than the Board or school administration, because there is no funding for you to carry out whatever policies, programs, you have adopted as a Board?

I'm fully aware that in order for you to carry out programs and policies adopted by the Board, you need the support of the legislature, as well as the Governor.

Can I say point blank that the failure of the Public School System is saddled with the Board of Education?

**MR. DANIEL QUITUGUA:** The failure of the -- sure. I'm ready to accept that responsibility.

After doing everything we can, within the resources made available to the Public School System and the state of education in the Commonwealth is the status quo. Of course.



Who else is to be blamed for the Board of Education?

**DELEGATE TOMAS B. ALDAN:** I'm wondering because there are people that say you can't do anything because you don't have the money to do it.

**MR. DANIEL QUITUGUA:** No, Delegate Aldan.

**DELEGATE QUITUGUA:** Go ahead, Mr. Chairman.

**MR. DANIEL QUITUGUA:** We are doing, like I said, everything that we possibly can. I guess our actions will speak for themselves.

We have taken serious steps to respond to the crisis in the schools, like I said, under the current funding that is made available to the Public School System.

You also have to consider the fact that the Public School System is entrusted to provide education to all children, irrespective of status, even if you are an illegal alien.

Once you are enrolled in the system, the Public School System by itself cannot disenfranchise the child away from the system. Somebody else should be entrusted to identify this illegal child and get that child out of the system. It's not the responsibility of the Public School System.

What I'm trying to convey to the delegates is that the budget of the Public School System has just been recently increased with the passage of the appropriation bill which was signed by the Governor recently.

Since 1990, for the past three years, the population, the student population, continues to increase. The funding for the Public School System remains. So there was a disproportionate ratio of funding versus the number of students enrolled in the Public School System.

To further agitate the situation, we have facilities that are not adequately built to house these children. For example, in the case of Chalan Kanoa, we have classrooms that have been identified to have a serious threat on the health of these children.

**DELEGATE TOMAS B. ALDAN:** Thank you, Chairman Quitugua.

I have more questions.

**DELEGATE HOFSCHEIDER:** Last question, please.

**DELEGATE TOMAS B. ALDAN:** With constitutionally mandated budget levels, isn't it true that we are, in fact, defeating the purpose of the legislature to hear budget justification? Please consider, also, if we give you 45 percent, we give the legislature 5 percent, and 15 percent to NMC, that leaves 35 percent or so, and if we give CAC and Public Safety, there won't be anything else for anybody else.

Would you agree that the legislature's job is to allocate funds based on justification and that possibly constitutionally-mandated level of fund is not appropriate.

What is your opinion on that, Chairman Quitugua?

**MR. DANIEL QUITUGUA:** Well, my response to that,

Delegate Aldan, since a 15 percent set aside was stipulated in the Constitution, and since that amount was significantly deficient to respond to the needs of the school children in the Commonwealth, we thought that increasing from 15 percent allocation to 45 percent would emphasize not only to the Board of Education, but to us, the people of the Commonwealth, that we value education. Because if we value education, then we must be willing to spend for its cost.

**DELEGATE HOFSCHEIDER:** Delegate Villagomez.

**DELEGATE VILLAGOMEZ:** Thank you, Mr. Chairman, for allowing me to speak.

I want to thank Chairman Quitugua and the others for making their time available to enlighten us so that we can make a proper decision.

Since the PSS Board is involved with formulations of policies CNMI-wide, do you have the flexibility to tap into the financial resources that are allocated by the legislature, for Tinian or Rota and also the bond money?

My understanding is that there is "X" amount allocated every year through the CIP. I know Tinian is going to have one of the best high schools while in Saipan, some of the schools don't have the proper maintenance.

**MR. DANIEL QUITUGUA:** I'm sorry. I don't quite get the question.

**DELEGATE VILLAGOMEZ:** For every budget year there is so

much money allocated to the PSS schools for improvement of school facilities through the legislature. Those are earmarked for Tinian and Rota. In the \$140 million bond, there is so much money that is allocated for schools.

Do you have that flexibility to tap that money that is available?

**MR. DANIEL QUITUGUA:** That is CIP money you are making reference to?

**DELEGATE VILLAGOMEZ:** Yes.

**MR. DANIEL QUITUGUA:** In the case of CIP funding, each senatorial district is guaranteed one-third of the total amount. So, for example, in the case of Tinian, they are building, and I would like to, for the record, congratulate the delegation, the Tinian delegation. They have demonstrated their priorities. They put their money in the development of their educational facilities.

I don't think we have the flexibility to take CIP funding from Rota and use it on Tinian.

**DELEGATE VILLAGOMEZ:** That's what I wanted to know.

**DELEGATE HOFSCHEIDER:** Delegate Igitol.

**DELEGATE IGITOL:** Thank you, Mr. Chairman.

Just one question to Chairman Quitugua.

In your statement earlier, and also on item 2 on page 2, you have indicated that you are supporting that elected Board of Education is a choice for the PSS system.

In the absence of a budget also, because the PSS budget comes through the administration, do you think that even though you are an elected position and the budget comes through the Governor's office, do you mean to say that elected will be swayed from the political affairs or something like that?

**DELEGATE TAITANO:** Interference.

**MR. DANIEL QUITUGUA:** I can definitely respond in the affirmative to that question because I don't get involved in the politics.

**DELEGATE IGITOL:** You are saying the elected board will sway from political games, but since the budget is being handled and approved through the administration, how can you say it's really independent if the Governor, for example, vetoed your budget?

**MR. DANIEL QUITUGUA:** If the Governor vetoes the budget for the Public School System, we would come back and appeal it again.

**DELEGATE IGITOL:** How would you request language to the Constitution to put into effect that your budget would not be part of the political division?

**MR. DANIEL QUITUGUA:** I really don't know how to do that, Delegate Igitol.

I'm hoping that the language that would be inserted in the Constitution as a result of the effort of this delegation would just reflect the concern that you just posed.

**DELEGATE HOFSCHEIDER:** I recognize Delegate Lillian Tenorio.

**DELEGATE ADA-TENORIO:** Thank you, Mr. Chairman.

We all in this room recognize that education is an essential and primary government function.

The CNMI has other policy makers, the Governor and the legislature who are all straining at the bit at times because they want to play a hand in shaping educational policy. They're faced with calls from constituents expressing concerns or who are complaining about what is happening at PSS.

In your view, Mr. Chairman, do you think there is enough room to include them in the process of developing educational policy, or do you think that that would create problems?

**MR. DANIEL QUITUGUA:** I think there is still room for policy makers to be involved.

As a matter of fact, Delegate Tenorio, we have taken that upon ourselves to solicit and encourage suggestions, recommendations, not only from elected officials, but from the general population.

Just recently we have concluded a summit where we have exposed ourselves to public scrutiny in developing the seven-year plan. We advertised the session to the entire community so that input from all sectors within the Commonwealth can be incorporated in the seven-year plan.

Furthermore, in the preparation of our budget for submission to the legislature, we have conducted public hearings ourselves.

We scheduled a public hearing in three separate locations here on the island of Saipan, one in the southern portion, in the middle, and also the northern part. We plan to continue that process in the future.

**DELEGATE ADA-TENORIO:** What I'm driving at is not so much as an advisory capacity or soliciting comments.

But if we amend the language in the Constitution to include that educational policy as set forth by the Board is subject to the approval of the Governor or legislature, do you see problems that with respect to that?

**MR. DANIEL QUITUGUA:** I don't think that would be a problem so long as it is consistent with the intent of providing quality education to the children of the Commonwealth.

**DELEGATE ADA-TENORIO:** Thank you.

**DELEGATE HOFSCHEIDER:** I would like to get guidance from the Committee.

I have the president of the college in the back. I know that we started late, so I anticipate that we will end up late.

I assume that the testimony of the Chairman of the Board of Education is a consolidated testimony from the Commissioner and the principals; is that correct, Mr. Chairman?

**MR. DANIEL QUITUGUA:** That is correct. The written testimony, yes.

**DELEGATE HOFSCHEIDER:** So what about the PTA council? Is that part of the same testimony? This is just an informative hearing.

**MR. DANIEL QUITUGUA:** Well, Mr. Chairman, I was hoping that other opportunities would be made available so that other members in the community will be able to express their concerns with respect to education.

**DELEGATE HOFSCHEIDER:** I see a couple of PTA council presidents here.

Do you have written testimony, Mr. Benavente or Mr. Castro, or do you just want to speak in a couple of minutes?

**MR. BENAVENTE:** I can probably speak on behalf of the committee of the village.

**DELEGATE TAITANO:** Mr. Chairman, at this time, I need to ask --

**DELEGATE HOFSCHEIDER:** If I open the floor, Delegate Taitano, everybody will want to ask questions. I hope you understand that we need to move on.

You may request anything in writing. And if you talk to the Chairman of the Board of Education, I'm sure he's willing to answer.

Mr. Chairman, thank you for your appearance this morning. Hopefully, the information gathered this morning and



the testimony will provide this Committee with sufficient information before making any determination on any possible amendments of Article XV.

And I hope that in the future, should we need your appearance again, that you would come back.

I would like to inform you that this committee will be traveling to Rota. On the afternoon of June 29th, we are scheduled to hear testimony and we expect to gather witnesses from PSS, personnel, key people, on Rota, and the following week on Tinian.

I hope that that communication would be released to your counterparts on both islands. I thank you once again, and the Commissioner of Education, for being here. Hopefully, we would like to invite you back in the future.

**MR. DANIEL QUITUGUA:** Thank you very much, Mr. Chairman, and all members of this Committee and all the delegates that are present for the opportunity to appear before you.

(Applause.)

**DELEGATE HOFSCHEIDER:** I would like to allow a couple of minutes for the president of the PTA of San Vicente School.

Mr. Roman Benavente, come up to the chair and deliver what you have to say.

You may speak in Chamorro if you want.

**MR. BENAVENTE:** (Statements in Chamorro were translated by Attorney John Manglona.)

Thank you, Mr. Chairman, for giving me the opportunity to present the concerns of the problems of the community regarding education.

It is good that you are all present in this committee. I know that you are looking out for the welfare of the children in the Marianas. There is a very big concern that has just been previously mentioned. It was just mentioned by Delegate Lillian Tenorio with regard to what the Board adopted for that the Governor decide and for the Governor to approve.

I recognize, aside from myself and also others in the community, that education is the highest gift given by our parents and by all the community and all our surroundings. It's the highest honor and benefit that we can receive because no one can steal it or take it away from us.

I would like to see that the present Board -- by "present," I mean not only this board, but future boards -- by the Constitutional Convention. It should not be made political. If government comes in and government directs it all, then it is not only funding that will be political, but also the grading system.

We see it by experience with the grading system. The person they like will get the good grades.

If you are delegated by the Board, if you are told what to do you don't do it, you'll get fired. The Board will be changed. They'll get who they want.

Our children, who are out there attending schools, do not have the time to put up with the bureaucracy of the political system of the CNMI. I am telling you.

Your delegates, who are elected, will think thoroughly if what you are making is right and correct for the coming years.

I have a child. The youngest is still in the second grade. I will suffer for 11 years if your decision is wrong.

Delegates, I would like you to know, many who proposed here in the Con-Con, their children do not attend the public school system. They are all in the private school system. How can you tell me that you share the same sentiment? As a parent, if your child does not attend the public school system, why should you make a decision for the public school?

Mr. Chairman, I don't want to make this very long. I know that all of the delegates here are sound and your decisions are good. I would ask you, please, to make a decision that will not politicize the public school system.

Even now there are times when we find influence, just like the problem here when this is politicized, not only you and me, but all these people who make decisions, business-minded people.

All they look for is the volume of money that comes into the public school system. They don't care because their

children do not attend school here in the public school system. I don't want to make it very long. I have utmost respect for you all who were elected by the public.

I would like to ask for your support. Please make a big and sound decision for all of the people of the Marianas so that we will not suffer for the next 10 years.

Thank you, Mr. Chairman.

**DELEGATE HOFSCHEIDER:** Thank you.

Mr. Pete Castro, please identify where you are president of, what PTA, please.

**MR. CASTRO:** (Statements in Chamorro were translated by Attorney Perry B. Inos.)

Thank you, Mr. Chairman Hofschneider and the Committee members, the delegates of this Third Constitutional Convention.

I am Pedro Pangelian Castro, President of the San Antonio School PTA. This is my seventh year as officer of the San Antonio Elementary School.

It is very often that we look anew at the educational system in the Mariana Islands. I, too, have contributed big in the San Antonio Elementary School. I am participating in almost all activities embracing the children's education.

I would like to recommend to you all that is good to the Constitution in regards to education. First, I agree

that if there can be more contribution in terms of percentage from the Marianas' budget to the Public School System so that it can develop more in terms of instructions and classrooms here in our place.

Earlier, there was talk about year-round education. Yes, it's true, I, too, was very vocal when I was opposing the implementation of the year-round school. But later I understood that maybe, because of the lack of facilities, that the department look for means to provide for the students' needs in school.

I say that if there will be school in Kagman and DanDan, the overcrowding problem can be alleviated.

**DELEGATE HOFSCHEIDER:** We need to change the tape.

(Tape change.)

**DELEGATE HOFSCHEIDER:** Go ahead.

**MR. CASTRO:** The improvements, Mr. Chairman and delegates, yes, we understand that they need money. Funding is needed. Without money, these desires and improvements will not be possible.

The present composition of the Board, I understand that there is a representative for the Public School System, I mean the private school. There is also a representative from the students. If we can have, because the parents have a big responsibility, if we can also have one representative, or two, to represent the minority, such as the Carolinians and the

Chamorro.

Mr. Chairman, on the issue that was discussed this morning, about elected and appointed Board, the reference that I have or that I have passed, perhaps began with an appointed, then the First Constitutional Convention provided that there will be elected. Then this was practiced until this moment. The Third Constitutional Convention has come again and there is a proposal to turn back to appointed.

I don't have many experience about this, Mr. Chairman and Delegates, but I can say it like this: In the appointed Board, my participation as a member of the community is not much or not strong. It is not the same as if I join in the vote.

I say that if you are an aggressive leader in the school, or the community, you can make an intelligent decision and look for means to improve more.

Also, here on the appointed, there is a direction that if you did something bad today, you may be replaced tomorrow. I cannot give more on this issue and it is my desire that what you have, together with the communities desire, you lay ou in the forthcoming where all the proposals will be finalized for the general public.

That is all, Mr. Chairman and Delegates, for now. One big thank you for the opportunity that you have given me.

**DELEGATE HOFSCHEIDER:** Thank you, Mr. Castro.

The Delegates are committed to make it possible that the education institutions are a high priority on their agenda. They are going to stay and wait for the President of the NMC to testify.

Please approach the bench.

You may proceed.

**MRS. MCPHEETRES:** Thank you, Mr. Chairman and members of the Third Constitutional Convention, Delegates.

First, I must apologize that I do not have with me written testimony, since I just received all this paper. Obviously, it has been faxed to a wrong fax. It wasn't a fax that the College has.

I also understand that our Board of Regents has submitted submissions to each and one of you here. They have written what they believe should be and even a draft copy for you to consider as an inclusion in the Constitution.

But, at any rate, I would like to answer some of these questions that you have posed here.

Should Northern Marianas College be in the Constitution? I would say definitely "yes." Surveying colleges and universities on the mainland, over 50 percent of the colleges and universities on the mainland are in the state constitution. It's constitutionally established.

Why should they be in the Constitution? For many reasons. First of all, a college needs to be accredited in

order for the College to have certain leverage. Not just leverage, but so that quality education be provided. But leverage in terms of transferability of credit of students to another institution, for federal financial assistance for our students to receive; also, for all federal programs so that our accredited college could be eligible.

Different from the elementary-secondary, because elementary-secondary-whether they are accredited or not, they still could receive federal financial assistance.

Also, whether the elementary-secondary be accredited students could be admitted into college, depending on the test scores or if it's an open-door admission, they could be admitted.

But in the case of the College, if the accreditation is not there, we might as well close our college. That's why I feel we definitely should have it there.

Look at Guam, for example. Two months ago, one community college was on probation. Why? Because of the political intrusion that was there. The Civil Service Commission of Guam dictated how faculty has to be classified. So when the Commission accrediting team went to review, they found that there is politics playing in their institution. So accreditation was suspended.

We don't want our College to be that way. We're the only college in the Pacific that has never been in that



state. We have a very solid accreditation. I owe it to the constitutional provision.

There were so many times when different governments came in and tried to shake, but they couldn't because of the constitutional provision. If we take it out, we might as well say good-bye.

The other issue here should the College -- I know would that you all asked the question. Some introduced that the percentage, the support to the College be eliminated. Some raised it. I applaud and thank you, the Delegate that raised that, because if there is no assurance of funding, we cannot continue.

Some may think that legislation is sufficient. I tell you it is not sufficient. There was a Public Law, 5-32, that guaranteed money for the College so that we could have a programs. An executive order repealed that.

Also, the legislature, through a proposal, changed it. In one year, the College lost 40 percent of its grant, so we had to cut programs.

We had a good vocational program articulated with the high school. We had to cut that because in one given year that particular fund was cut by 40 percent. The College cannot operate.

We have just heard the elementary-secondary testifying how important education is. I do feel that it is

very important.

If you look at the research all over the place, and next time I'll bring you the book, that research survey, the whole world, developed countries, in terms of education, health and other issues, countries that have invested money into their education are the most developed countries.

It is painful at times to set aside money. The only resources we have here in the CNMI, and I said only because I don't know if we will have the land any more, but the only resources here in the CNMI are the people. If we do not invest our in our people, we will continuously depend on outside assistance and outside know how.

Elementary-secondary, I compare educational systems -- when I say "educational system," I mean elementary, secondary, post-secondary. When I talk about the education system, I compare it to a house. Elementary, you could call it the foundation of the home. Secondary, you could call it the wall and the roof. Post-secondary are the utilities, the kitchen, the bedroom.

If you want a house with just a foundation and a wall and a roof, then it is in your hands. If you want to invest only in elementary and secondary, it's in your hands. We will have a house, but nothing in it. That's what I call the post-secondary, the utility in a given house.

Post-secondary provides a skill in all developed

countries. Although, I heard emphasis that elementary or secondary should provide vocational education. Yes and no.

I would suggest that secondary and elementary should concentrate on the basic, because experience has shown us, that not only in the CNMI, but in the United States, people are ill-prepared to get into post-secondary.

The question here, whether the mission statement should be eliminated from the Constitution, I would say definitely not. I think the Constitution should lay out a pattern as to what type of people you want to come out. You should come up with a general statement. It should not be specific. It should be general, but you want to come out with what type of people you want the Commonwealth to have.

Should the covenant of the College should be more specific or detailed? I say "no." I think that is the role of the law. I think the law should spell that out.

There were issues this morning whether the Board should be elected or appointed. Again, my research tells me, or shows, that there are pros and cons for both. Elected has its merit. Appointed it also has its merits.

In a small community, like the CNMI, I personally prefer, and I testified in the Second Constitutional Convention, that I preferred to have an appointed board. I could attest that the Board of Regents had never been political and I have a very strong Board of Regents. One of our Board of Regents, who

had been chair for many years, is sitting in this Chamber. They look at issues rather than politics, and they are appointed. They cannot be removed because the law provided that they should not be removed. I think that is the way it should be. Politics cannot mix. Politics should not mix with education. You have to insure that that has to be done.

I'm begging this, because it's in your hands. I'm begging you. I'm begging you not for the McPheetres or for the people working at the College now, but for the kids, our students.

Right now, the College is serving 1300 students towards a degree, and another 1500 who are under continuing education. If we do not have an accredited college, these students will not be educated.

I think I'm going stop there. I answered all of your questions here.

One more question that I need to respond to, which is the last one.

The 1 percent, I would beg you to please raise it. I think I attested to that earlier.

It takes the College about \$10 million to run, and let me tell you we're not frivolous. We account for every penny. I've been accused many times of fiscal mismanagement because of the financial aid.

When we got audited, it wasn't that would take the

financial aid money and use it for operation and use it for operation, it was the other way around.

The problem there is that we never had enough money for financial aid for the students. The other problem, which our Board had asked you to consider is the fiscal year.

I've been begging the legislature for 10 years to change the fiscal year. Up to today, I have not been successful. The main response was that if we change the College and education, we should change everybody. The functions are different. Elementary, secondary, and post-secondary is different from the hospital and Public Safety and other agencies because we have to go by cycle.

Schools have to hire their teachers before the school opens. The fiscal year starts in October. I know this is not a constitutional issue or mandate, but if our legislature is incapable of doing it, I think this body should address it.

A lot of it are issues of legislation. But the problem is the legislature has not acted upon it. I know that some of the legal counsel of this body has said that education is not really a legislative issue.

I did my research. It has proven that over 50 percent of higher education issues are in the constitution of some states.

It is a constitutional issue. Why? Because they believe that human resource development is very essential just

like environment.

I thank you.

I have here with me, if you would like, our legal counsel and the vice-president for administration.

I would like to ask the Chair here if you would give a little time to add something that I have said.

**DELEGATE HOFSCHEIDER:** For them to talk? Go ahead.

Identify yourself and your position.

**MR. GOVENDO:** Thank you very much, Mr. Chairman.

My name is Ken Govendo. I'm legal counsel for the Northern Marianas College. I appreciate the opportunity to testify in front of this Committee and the other constitutional delegates.

Unfortunately, we don't have the information yet, and I'm trying to get it, and that is, that we have sent away to the Western Association of Accreditors, that's our accrediting body, for a list of the constitutional or of higher education institutions that have been set up by the constitution of at least 27 states in the United States. We should hopefully get that in the next week. I will bring it up and give it to this Committee.

The reason we're doing that is that a few weeks ago I read something in the paper saying that it wasn't necessary to set up a community college in a constitution. It was more proper for legislation. That is wrong. It is wrong. There are

27 states, including the state of California, that set up public post-secondary institutions in their constitutions.

If should definitely be in our constitution, even if it wasn't in any other state. Why? Because this is the Commonwealth of the Northern Mariana Islands. We have to protect this college from politics.

If we don't protect it from politics, we're going to lose our accreditation and our students will not be able to transfer their college credits to the University of Hawaii or anywhere else and there is no sense of having a college at all.

I would like to read to you a paragraph from the report that was issued on March 26, 1987, from the accrediting commission for community and junior colleges. This was when they were coming over and they were investigating the College for our permanent accreditation. This is dated in 1987.

It states:

"The recent establishment of an autonomous Board of Regents considerably strengthened the legal foundation of the College. At this time, while the institution is young and well-supported, new rules and customs are developing which will one day be traditions.

"This is the time to firmly establish the Board's role in governance of the College and

sever remaining ties to the government. For example, there remain a small number of employees at the College who are still a part of the civil service system.

"It is recommended that there be devised the means to either transfer all remaining civil service employees into the College personnel system or to transfer them to other public employment.

An autonomous Board of Regents must control its own personnel systems, as well as finance and other policy matters."

Now, this is the accreditation commission.

This simple paragraph has been made known to legislatures and governors for the last 10 years, but they can't seem to grasp it. There are always attempts to affect the College personnel, get control of the College personnel, because it seems the natural way here, that once people get in get in power, they want more power, and that that is control over government jobs.

If you control a person working in a government job, you control his family. You get the family votes. That seems to be the custom here.

If we apply that to the Northern Marianas College, we're going to lose the accreditation, and that is what it is



all about, Delegates, keeping the accreditation, keeping us free from political interference, letting us control our own personnel system and our own finance.

One of the proposals is from the College. It's Proposal No. 268. Some of the stuff you will laugh that is in this thing because it's so obvious that we shouldn't have to put it in the Constitution.

I want it in the Constitution that the Northern Marianas College is known as the public post-secondary educationary institution in the Commonwealth. We shouldn't have to spell it out. I want to spell it out. I want to spell it out.

I want to also put that it is not part of the executive, legislative, or judicial branch. We shouldn't have to spell it out. I want to spell it out. Why? Because in Executive Order 94-3 the Governor put it as part of the Executive Branch. That jeopardizes our accreditation. So we have to spell this out in the Constitution, even if it's not ordinarily done. Why? Because we've got to protect the Northern Marianas College. We have to protect the accreditation.

This college has been a success story, one of the few success stories. We have a 21st century medical center that does not have OB/GYN doctors. They have midwives. 21st century.

The Northern Marianas College has succeeded in educating hundreds and hundreds local people that have reached associate degrees. Many have gone on to off-island institutions and received Bachelor degrees. My own son received an AA degree, and will graduate from the University of Hawaii in December. Two years at the Northern Marianas College, transferred to the University of Hawaii as a resident. It saved me a lot of money. As a parent, he got a good education at Northern Marianas College. We are a success story.

To do that, we have to maintain this autonomy. We have had great Boards of Regents. There has never been one scandal involving any member of our Board of Regents. We never had a board member accused of being political, or corrupt.

These Board members -- I've never seen a Board work as hard as our past Board of Regents has. I've never seen an administrator work hard and dedicate herself to the College more than Agnes McPheetres.

We are a success story. People playing around here with control of personnel or autonomy and taking out of Constitution is going to cost us. It will cost you. It's going to be your children that are going to be affected by this, and it's going to be your pocket books that are going to be affected if you have to pay for your college or off-island for four years in a row. That will cost a lot of money.

So the proposal that we would like to see is

Proposal No. 268.

As soon as I get the information about the other states that have created colleges, higher education institutions, and their constitution, I will get it out to you.

We did get a summary sheet. It was 27 states that have higher education institutions in their constitutions.

I'll stand by for any further questions. Thank you.

**DELEGATE HOFSCHEIDER:** Miss Abrams.

State your full name and title for our court reporter.

**MS. ABRAMS:** My name is Felicita Abrams. I am the administrative vice president for the Northern Marianas College.

I was going to say a lot of things, but our president and legal counsel, Ken Govendo, said actually what we need to say.

All I want to say to this body is please leave the College constitution provision alone. It's like Ken said, it's working well. It's a success story.

What this body needs to do is strengthen the College capability. I think our submission has several recommendations that this body needs to look at.

I know that a lot of you have probably heard rumors and innuendos. I would urge this body to look at facts.

Every year we see the enrollment increasing and we

have, correspondingly, increased also in the number of graduates. The Rota delegates themselves, I believe, know the number of graduates that we have seen for the past two years in Rota.

The number of graduates in Rota has grown to the point where they can have their own separate graduation ceremony instead of requiring them to come over to Saipan. We expect Tinian to start doing the same thing.

Mr. Chairman and members of this body, we urge you to help the College. Like Mr. Govendo is saying, it is a success story. It's helping the community. It's helping the children. It's helping those that have not thought of continuing past high school and got themselves family and in the process, have been unable to continue their college education. If it wasn't for the Northern Marianas College, this opportunity would not have been here.

I see Donald Mendiola sitting here. He can attest to the collaborative arrangement that we have made with several other universities, with Guam and Northern Marianas and the University of Hawaii. He himself is a student, a graduate student, in one of our programs.

**DELEGATE HOFSCHEIDER:** Thank you, Ms. Abrams.

I would like to open the floor for questioning to any of the three members.

Delegates Santos.

) **DELEGATE SANTOS:** This is directed to the president. Your proposal to this body, in my opinion, is well stated and clearly defined.

For purposes of our clarification, is the implication of your proposed provision, under "A" of this particular document, to make the College independent from any strings attached by any other branch of government?

**MRS. MCPHEETRES:** Definitely. But they should be accountable to the legislature, for example, for appropriation.

) The governance should be under the Board. In these small islands, politics is always there. There are too many governments already. We still have to comply with the accreditation. The accreditation commission governs us. We have the Board of Regents. Then, we report to the legislature.

Let's say, for example, what I have mentioned about the 40 percent cut, that particular legislation was the non-resident fee. The legislature obliged us to give them a report 30 days after the fiscal year. We're the only agency that does that. We do meet the deadline. We give them, in terms of expenditure, what we did. So we could be accountable to the legislature in terms of expenditure of funds.

**DELEGATE HOFSCHEIDER:** Delegate James Mendiola.

**DELEGATE SANTOS:** Thank you, Mrs. President.

**DELEGATE JAMES M. MENDIOLA:** Both President McPheetres and Mr. Govendo mentioned something like that civil service

versus accreditation.

What is that? What does that mean?

**MRS. MCPHEETRES:** When you talk about "civil service," you mean people employed by the government under the Civil Service Commission of the government.

If the Board is to be empowered to hire qualified people, then the interference of the government, mainly Civil Service in this case, should not be imposed on the College.

I think I cited earlier that Guam Community College, University of Guam, were on probation because of such.

Not until they introduced the legislation to give the Board the full autonomy to hire and terminate their own staff, did the accreditation lift the probation.

I said this with authority. I've been on the commission, accrediting commission for six years.

Legislative body to take care of all government employees.

**DELEGATE JAMES M. MENDIOLA:** I still don't understand. To get accredited or establish an institution and the Civil Service provision, which is the Civil Service provides the all the qualifications and everything within the system.

**MRS. MCPHEETRES:** Not necessarily, Mr. Chair.

If you are under a Civil Service Commission, they have to have its own classification. You can't impose a classification of an outside to professional people and that's

one of the problems that is misunderstood.

**DELEGATE HOFSCHEIDER:** Delegate Seman.

**DELEGATE SEMAN:** That's been addressed by statute, removing the personnel of NMC out of the Civil Service. I don't think there is a need for that.

**MR. GOVENDO:** It's already been accomplished. Basically, what the accreditors told us was that the College personnel cannot be under the CNMI Civil Service System. They don't want that.

**DELEGATE SEMAN:** It's already out.

**MR. GOVENDO:** We're out. We have our own personnel system. If you apply for a job at the College, you go through our own personnel system. You don't go through the Civil Service.

**DELEGATE SEMAN:** The issue is not --

**MR. GOVENDO:** This is from what happened in Guam just two weeks ago. I know that you keep up with everything.

**DELEGATE HOFSCHEIDER:** Give it to Joe Cruz. He can distribute that.

Delegate Quitugua.

**DELEGATE QUITUGUA:** Thank you, Mr. Chairman,  
Mrs. McPheetres.

I wish the members of the Board of Education and the staff, who are still here, to hear your comments about "appointed Board" versus "elected Board." I work for both

appointed and elected, and we feel the same.

The recommendation on the language of the College to be inserted in the Constitution, correct me if I'm wrong, I think items A, B, and C are in the statute already except a few words.

Do you feel that the College can present this to the legislature and have the statute amended to accommodate what you are recommending to be included in the Constitution?

**MRS. MCPHEETRES:** May I give you latest scenario?

**DELEGATE QUITUGUA:** Go ahead.

**MRS. MCPHEETRES:** The legislature went ahead and did this. What happened? It's vetoed. That's why you are the last hope.

**DELEGATE HOFSCHEIDER:** Next question, Delegate Quitugua.

**MRS. MCPHEETRES:** We tried to do it through legislation. For 10 years I tried. I'm not trying this for McPheetres or for "T" or for what.

I'm trying to protect the institution so that whoever runs it will be solid and that nothing could shake it, no politician could shake it. No governor could change it. That's why I'm insisting, and I understand. I know the differences between policy, law, and constitutional. But in this place, in the CNMI where it's political, you drink politics. You eat politics.

If we feel that education is essential, make it



part of the Constitution. I don't care whether the United States Constitution has it. This is the CNMI.

If this is important for us, as I give you the analogy of a building, if you feel that it is sufficient for us to have that type of quality of life, to just have a roof and a foundation without any thing defined in the house,- it's in your hands. It's up to you.

**DELEGATE QUITUGUA:** Mrs. McPheetres, on the guaranteed funding of 6 percent, can you give us your plans or views on how the College can improve if more funding is provided to the College?

**MRS. MCPHEETRES:** Right now, let me just start off that the College has never received a single penny for its facility, never a single penny from CIP.

The legislature, again, set aside \$2 million. It passed both Houses to match it with federal grants to establish two learning centers. It was vetoed yesterday.

Now what do I plan if I have a little more money. I'm going to be expending a little better service in Tinian and Rota. I could also expand the Allied Health Services at the College. We could also have a better vocational-technical program at the College.

We talk about nonresidents coming to the CNMI. We do not have the actual money. If you look at the legislation of 5-32, the legislation said that money should go there.

What was submitted for fiscal year '96, they eliminate in that submission, all other support, except for salary. You cannot run a program without money.

**DELEGATE QUITUGUA:** This is my last question.

The College, from your comment, is experiencing difficulty getting additional funding from the legislature.

Does the Board of Regents have any alternatives or plans for collecting more revenues through other means for the College?

**MRS. McPHEETRES:** Let me address that. I think our colleagues have been very, very creative.

Do you know the College received less money through appropriation than the Central Office of the Public School System?

The Central Office of the Public School System is given more money than the whole College itself. The College has raised tuition. We are the highest tuition in the Pacific, \$60 per credit, community college. We're higher than the university. I cannot ask more from the people.

When you look at the picture of the revenue, we have one-third appropriation. The rest, the College has raised the funds.

I beg. In fact, when I enter the U.S. Department Education, they hold on to their wallets because they see me with dollar signs. I grab anything. I don't think it should be

my fate.

I am not the only leader here. I think everybody should be responsible. I'm not the only one responsible for the education of our people here in the CNMI.

We have explored every federal program. In fact, when we started the College, I would say it was a federal college.

**DELEGATE QUITUGUA:** My last question, Mrs. McPheetres.

It appears that the legislature is not in some way supporting what have submitted to the legislature.

Is there any strategy or way that you have in mind to, perhaps, enlighten the thinking of our legislators so that they can be more supportive to our college?

**MRS. McPHEETRES:** I think the present legislature has been very supportive. As I said, they passed the prior legislation, and it was vetoed.

**DELEGATE QUITUGUA:** If the legislature had gotten that, what would the Executive Branch -- do you have any --

**MRS. McPHEETRES:** Let me read to you message of the veto. This is a feeling of a lot of the leaders.

"I want to a send a message to the College.

"The CNMI's primary responsibility is providing elementary and secondary education. I will not agree to a budget for the College, minimum budget. The legislature raised the

funding of the College to \$6 million. I will not agree to that.

"Furthermore, I may not have a choice but to start reducing the College budget."

Now, what do you want? What type of higher education do you want?

As an educator, I do not want to have an education that will not be a quality education. So if we're not going to support the College, we might as well close it. If you want a quality education, you have to invest.

**DELEGATE QUITUGUA:** I would like to ask you again --

**DELEGATE HOFSCHEIDER:** Last question.

**DELEGATE QUITUGUA:** I don't know if the better word is "misunderstanding" or "lack of knowledge" of the Executive Branch about how important the College is.

Have you made attempts in the past or when you submitted that legislation that the legislature passed to the Executive so that they can also support the College?

**MRS. McPHEETRES:** Mr. Chair, I don't know. I think I have explored all kinds. But we need education. We need education for many of our leaders.

In the minds of a lot of our leaders, college is a luxury. I say that quoting a lot of our leaders saying that. Why do this they say that? They don't understand the value of education. They do not know where the priorities should be.

They do not look at tomorrow. They only look at today.

This is a prevalent feeling. It's not just the Executive Branch. I'm glad the Legislative Branch, this group, seems to be more sympathetic. It's not the College. That is a misnomer. It's the people providing opportunity. It's not the College.

What we are saying is shall we give the opportunity to better themselves? It's not shall we give the College the support? Should we give our people the support to better themselves in their own island so we could be more self-sufficient, so we could govern ourselves and stop depending on imported know how?

That is the question we should ask rather than should we support the College.

**DELEGATE HOFSCHEIDER:** Next Delegate.

Delegate Taitano, please.

**DELEGATE TAITANO:** Thank you.

President McPheetres, do you have presently a program up at the College that would address the shortage of nurses and teachers in our government.

**MRS. MCPHEETRES:** Yes, Mr. Delegate. In fact, we just graduated 12. It was a rough beginning, again. I was here begging for money. I can't start a program without money. Yes, we do have a very good nursing program, Allied Health.

We have teacher education. In fact, the

accreditation is allowing us to start the 300 level so that our teachers could be educated on island.

The College coordinates with the University of Guam to provide the baccalaureate level, and the University of Guam, San Jose, or University of Hawaii coordinate the Master's level.

Yes, but it takes some money to do that.

**DELEGATE TAITANO:** Your total budget is about \$6 million?

**MRS. MCPHEETRES:** Our total budget is \$6 million, including vocation.

We have to keep in mind if we are going to have a good vocational program, we need an investment. Vocational programs are the most expensive program for run.

There had always been a fight whether it should be in the Public School System or in the College. I have bringing it to the attention of our legislature and even the Public School System that we cannot afford two good vocational programs, even Guam that has more money that is putting over 50 percent of its revenue to education, has only one.

The community college runs the vocational program. Then the community college would go down to the different schools to provide on site. Even Hawaii --

**DELEGATE HOFSCHEIDER:** Just a second. He has to change the tape.

(Tape change.)

**DELEGATE HOFSCHEIDER:** You may proceed.

**MRS. McPHEETRES:** Even Hawaii, with more money than us, under the community colleges. It's not in the school.

In California, where I got my training, they have a vocational training center for the high school. They are sent there, not in the high school. It's very expensive to put in it in there.

**DELEGATE TAITANO:** No further questions.

**DELEGATE HOFSCHEIDER:** Any other Delegates questions?

Can I ask the President, what portion of the total budget is used for personnel?

**MRS. McPHEETRES:** They only appropriate money for personnel. They don't give us a penny to run the College.

**DELEGATE HOFSCHEIDER:** Delegate Nogis.

**DELEGATE NOGIS:** Madam President, I share your concern that we should invest in people.

Just mentioned you are having a hard time convincing the legislature and the Executive Branch concerning an increase in budget.

I was wondering, is there any data so far as the statistics of number of graduates and how the College has significantly contributed to the welfare of our community?

**MRS. McPHEETRES:** Let me give you a scenario. Sometimes I wonder whether the data we submitted are read or not. We do submit data, even we do graphs. They look beautiful. Sometimes I laugh because I will send those and I will be called, and they

say, "You have not submitted anything."

So now instead of making 30 copies, we normally make 100 copies because I know for sure I'll be asked three or four times.

To answer your question, yes, we have submitted data. We show graphs. We give them statistics. But if the priority is not -- as they said, the College is a luxury. If that is in their mind, it does not matter what you give.

**DELEGATE NOGIS:** Thank you.

**DELEGATE HOFSCHEIDER:** Delegates?

I believe that covers the testimony and the hearing before the Committee.

Madam President, Mrs. Abrams, and Mr. Govendo, thank you for coming and appearing with short notice. If we need to get in touch with you again in the future, I would hope that you make yourselves available.

Also, please, inform your counterparts in Rota and Tinian that we will be in Rota. The same committee will be having a hearing in Rota on Thursday, the 29th, at 1:00 P.M. at the courthouse.

I would like your people, at least your Board of Regent's rep, or NMC officer to be at the meeting.

Thank you very again.

(Applause.)

Delegates, I would call like to call to your



attention that the Civil Service is scheduled at 1:30 this afternoon. I can delay that to 2:00.

Let's have a lunch break, and come back before 2:00 so we can immediately start at 2:00 and finish everything.

Thank you for passing lunchtime. You have been dedicated, and the voters will not lose any of their confidence from you.

(The public hearing was adjourned at 1:02 P.M.)

#### AFTERNOON SESSION

**DELEGATE HOFSCHEIDER:** At this time, I would like to resume the public hearing that was temporarily recessed this afternoon.

Before I recognize the people from the Civil Service, I would first like to give the opportunity to two distinguished individuals that are here this afternoon.

Delegates I hope don't you have any objection, but I would like to recognize the presence of Dr. Jack Tenorio, the president of the PTA from Garapan, and Mr. Tom Camacho, president of the PTA from Gregorio T. Camacho School in San Roque.

I would like you on short notice if you would like to state something generalizing your position on the matter I just handed you.

Is it okay with you? Dr. Tenorio, do you want to

go first?

State your name and position. We have a court reporter here that will taking notes of what has been stated.

**DR. JOAQUIN A. TENORIO:** Thank you, Mr. Chairman.

My name is Joaquin Tenorio. I'm present president of the Garapan Elementary School.

I came here because of an invitation by this Chamber, this Committee, to listen to the hearing on education. The letter of invitation was addressed to the President of the Garapan Elementary School.

Before I came, I was wondering what I was going to testify for or about. The letter I received stated that there was a list of issues that was supposed to be discussed in this hearing.

Unfortunately, the list of issues was not in enclosed in the letter of invitation.

As the Chairman requested, I would like to just state briefly and in general my views in reference to this list that has just been made available to me, which is in the form of a questionnaire.

There are lots of issues, to say the least, being presented. I know that within this Committee, it's probably going to take a little bit of time digest all of this. I certainly need time digest this and come up with some recommendations or deals this Committee might consider.

There are issues like terms of public education, section 1(a), free education, compulsory education, study of language.

In general, I would support free education for the elementary school and, perhaps, some fees for the high school level.

Of course, if this includes the college level, that should remain a paid-education. In other words, students would have to pay for their college education.

We need compulsory education. I believe that primary schools should be compulsory, including secondary school.

I would like to be given an opportunity to look at all of these other issues that are listed in this transmittal, or list of issues to be considered by this Committee and, perhaps, in due time, I will submit my written testimony.

**DELEGATE HOFSCHEIDER:** Dr. Tenorio, as chairman of the Committee, I would like to ask you a couple of questions. If you can, answer it in a short manner.

Do you favor an elected Board of Education or appointed Board of Education?

**DR. JOAQUIN A. TENORIO:** I am leaning more towards an elected Board of Education. But I also like the way it is being operating now. You have elected, as well as appointed members of the Board.

It would be a privileged to attend the Board meeting, like a student member, teacher member. I would like to see that that remains.

**DELEGATE HOFSCHEIDER:** The Chairman of the Board in the written statement submitted request that the Con-Con delegates consider a 45 percent guaranteed funding in the Constitution for the entire public school system.

What is your opinion on that?

**DR. JOAQUIN A. TENORIO:** Mr. Chairman, I really don't support something that is preconceived. In other words, the public education to be given by Constitution.

I think that budget, whether it's Public School or Public Safety, I think the budget should be earned, and should be justified. The School System should present their proposals to the legislature so that the legislature can evaluate the needs that are presented to them.

I think it should be the same as any other department of the government. It should be a budget that has sufficient justification, the legislature to review all of the justification, and approve the budget as requested provided they are well justified.

**DELEGATE HOFSCHEIDER:** Just to let you know the position of the Board, the Chairperson's testimony this morning is that a joint submission by the Board chairperson, the Commissioner, and the principals, who submitted the request for the 45 percent.

They differ with that opinion that you just expressed.

As a PTA president, I'm asking you if you could state your position.

Is there anything else you wanted to say?

**DR. JOAQUIN A. TENORIO:** That's all, Mr. Chairman.

**DELEGATE HOFSCHEIDER:** I would appreciate if you would submit comments to this Committee. The date is by June 26th, so that we can look into it and consider the statements or your justification before the Committee reports the Article XV for possible amendments to the floor of the Convention.

Thank you for coming this afternoon. Thank you Dr. Tenorio.

(Applause.)

Mr. Tom Camacho, please come up.

State your name and title so it can be recorded?

**MR. TOM CAMACHO:** My name is Tom Camacho. I'm the PTA president for the Gregorio T. Camacho Elementary School.

I'm very pleased to be here today to present a general view as the president of the PTA about the education proposed amendments.

Members and Delegates, while Dr. Tenorio said, he did not have this before him to scrutinize and present written testimony before you, I would like to basically concentrate on one of the sections that really the PTA, especially GTC, would like to see changed is the decentralization on your section 1(b)

and (c) on the educational system, the question of centralization and decentralization.

Our review and opinion is that we would rather see that schools in each of the jurisdictions as has been proposed here for Rota, Tinian, and Saipan to have its own management of its own schools.

I would like to take this further, not just Tinian, Rota, and island of Saipan, but-I-want to expand it to each local school unit, not just Saipan schools or Rota schools, but each village or community that has its own school.

I would like to see more decentralization. For several reasons it's important for schools to be decentralized.

We would rather see it that instead of PSS and Central taking control of the decisions as it involves students and parents and teachers in each perspective school, I would like so see more of the community involved in parental involvement in the decision making of each of their jurisdictional schools. That's what this decentralization might be looking ahead.

I don't know if you heard of the school-based management school run on organization. But it's happening in Hawaii and Guam. Each school unit is taking charge of decision making, including facilities, budgeting of the schools. It's not coming from the Central office. It's pretty much parents who have students in that particular school. Teachers and the

students themselves are taking an active role in decision making in each of their schools.

**DELEGATE HOFSCHEIDER:** I would like to ask you the same questions that I asked Dr. Tenorio.

First of all, what do you think of a continued elected Board, or if you do not support that, why do you think an appointed Board is more effective?

Do you feel that the 45 percent requested by the testimony this morning by the Chairperson of the Board is justified and should be indicated in the Constitution?

**MR. TOM CAMACHO:** I think it's safe to say to continue the elected Board to be placed in the School System instead of being appointed, one way is to eliminate influence from another hierarchy or authority, instead of just the Board themselves that are elected by the people to make sound decisions as it affects students in the CNMI.

I would not preclude amending that to include a parent PTA representative to be on the Board as well. Right now there is student representatives and a private school community representative. But there is no, I believe, PTA or council of PTA members. Why can't we become members of the Board?

**DELEGATE HOFSCHEIDER:** Do you want to be appointed or elected?

**MR. TOM CAMACHO:** Appointed.

The council of PTA of the Northern Marianas is a

nonprofit organization that has its president. When you have a president, you might as well have the president automatically become a member of the Board.

He has a one-year term of the president, instead of being elected. I'm not sure which is more effective.

We have a council of PTA. I'm an officer, treasurer, of the council. I would highly recommend the PTA, council of PTA, the president, to represent all the other PTAs CNMI-wide to be a member of the Board of Education.

**DELEGATE HOFSCHEIDER:** What about the 45 percent request?

**MR. TOM CAMACHO:** I may have a little different view with Dr. Tenorio, but not as much.

I would like to see, definitely, a guarantee funding. Education is a right. It should be guaranteed as far as funding is concerned.

There should be a condition placed on how to get the money and how are you going to spend the money. You cannot get a guaranteed 45 percent out of the of the total CNMI revenue with having the full responsibility to implement or utilize the funds without accountability. I think there should be a lot of conditions on how the money should be wisely spent on our students' educational needs.

**DELEGATE HOFSCHEIDER:** The Chair would like to take the prerogative not to allow delegates to question since the two



spokespersons request that they submit their written more justified position on the summary that I just handed them earlier.

I want to thank you, Tom, for being here this afternoon. I'm sorry for not including the attachments we were supposed to. I'm sure the next time we will not make the same mistake.

**MR. TOM CAMACHO:** I'll send you full written testimony on the questions you asked.

(Applause.)

**DELEGATE HOFSCHEIDER:** Thank you, Delegates.

**DELEGATE TAITANO:** Mr. Chair, you covered all my questions.

**DELEGATE HOFSCHEIDER:** I have at this time two persons sitting in the Chamber, Mr. Norbert Sablan, who is the executive assistant to the Civil Service Commission, and Ms. Kay Delafield, one of the Assistant Attorney Generals assigned to assist the personnel management officer.

Apparently, there is some mix up on the distribution of questionnaires that were supposed to be pre-prepared in a written form so that these agencies can respond.

Both individuals are in no authority at this point in time to testify on Article XX as to the proposed amendments. They request that a written submission, or even a scheduling of

appearing before this Committee in the future, they would welcome.

I would like to ask Mr. Sablan to state your name and position for the record, and summarize your submission and what your plans are before June 26th on the prepared submission for the Committee based on the proposals that you just saw.

**MR. NORBERT SABLAN:** Thank you, Mr. Chairman. My name is Norbert Sablan, the Executive Assistant to the Civil Service Commission.

I don't believe we have received the document that you have just referred to, so I'm not --

**DELEGATE HOFSCHEIDER:** The proposals that Ms. Delafield has showed you? They are the same proposals for possible amendments to Article XX.

We will provide you one.

**MR. NORBERT SABLAN:** I would really like to see that proposal.

I'm here this afternoon to submit to the Committee with the written recommendation to the Constitutional Convention.

If there are any questions or any clarification needed by the Committee members, I'll be more than happy to provide whatever clarification I can come up with in regard to the written recommendation of the Civil Service Commission to the Constitutional Convention.

At this time, I do not feel that it would be proper for me to offer any thoughts or opinions that would be either for or against the written recommendation of the Civil Service Commission.

I feel that any official position for or against the written recommendation of the Civil Service Commission. Any official position regarding the Civil Service Commission should come directly from the Commission through the Chairman of the Civil Service Commission.

I would just like to say that this afternoon the Chairman of the Commission, Mr. Eugene Santos, is unable to attend. On his behalf, I am here to submit the written recommendation of the Civil Service Commission.

**DELEGATE HOFSCHEIDER:** We will have Ms. Delafield sit their and then I'll give some instructions.

State your name and position.

**MRS. DELAFIELD:** My name is Kay Delafield. I'm legal counsel for the Office of Personnel Management.

I'm here today because we received an invitation to appear. But, again, there was some confusion. The issues that were attached to our invitation to appear had to do with the education area.

We had not seen the proposals that deal with the Civil Service article in the Constitution.

I've now received two delegate proposals. I

understand there is another one that has not been introduced yet.

I have also received the Commission's recommendation. We would like an opportunity to respond to that or maybe coordinate that recommendation with the Commission.

**DELEGATE HOFSCHEIDER:** Yes.

Without any objection of the Committee members from this Committee, I would like to maybe just take that recommendation, as requested by the Assistant Attorney for the Personnel Management, basically taking the submission made by the Civil Service Commission, the proposed delegate proposals for possible amendments, and they would go back to their office and sit down and see if they can have a joint submission and recommendation for any possible request for amendments to the Article XX.

In the meantime, what the Committee will do is review the letter from Mr. Santos. If we have any questions, we would surely directly this letter immediately so that when you are getting ready to complete your justification or request, you probably might insert your concerns by the Committee members.

Is that okay with you?

**MRS. DELAFIELD:** Yes.

**DELEGATE HOFSCHEIDER:** Thank you both for being here this afternoon on short notice.

I apologize again on behalf of the Committee for

the mistake that was not attached to the letter. It's an honest mistake. The Chairman is very honest to his mistakes.

Thank you very much.

**MRS. DELAFIELD:** Thank you very much.

**DELEGATE HOFSCHEIDER:** I would like to get direction from the Committee as to the outcome of the session this afternoon.

Any motion.

**DELEGATE NOGIS:** Motion to adjourn.

**DELEGATE HOFSCHEIDER:** All in favor of the motion say "Aye."

(All agreed.)

Opposed, say "Nay."

(None.)

Adjourned.

(The proceedings were adjourned at 2:42 P.M.)