

July 18, 1995

COMMITTEE ON JUDICIARY AND OTHER ELECTED OFFICES

REPORT NO. 5: ARTICLE XV, EDUCATION

The Committee met on Wednesday, June 27, 1995, Wednesday, July 6, 1995, Wednesday, July 12, 1995, Thursday, July 13, 1995, Friday, July 14, 1995, Monday, July 17, 1995, and Wednesday, July 19, 1995 to consider proposed amendments to Article XV: Education. A subcommittee was appointed by the Chair to work on the draft language and report with respect to this area. The Committee considered Delegate Proposals 22, 25, 50, 71, 95, 175, 176, 199, 214, 264, 265, 266, 268, 293, 294, 331, 339, 367, 434, 493, 506, 507, 556, 597, 598, and 599. The Committee held a public hearing on Saipan on Wednesday, June 20, 1995; a public hearing on Rota on Thursday, June 29, 1995; and a public hearing on Tinian on Friday, July 7, 1995. The Committee also had an informal meeting with educators held at Hopwood Jr. High on the occasion of the PIBA conference. The Committee received and considered written comments from the Board of Education, PTA presidents, educators, and parents.

The Committee considered the alternatives for the governance of the school system and, in light of experience over the past 20 years, the views expressed by the public, the comments received, and the input of delegates with first-hand teaching and administration experience in the Public School System, it is the Committee's judgment that the school system should be decentralized. Education is of critical importance to parents, and they can make their input best

at the local level. The schools, in cooperation with the PTAs and other organizations, have been working over the past years toward a goal of more school-based management. The Constitution can provide only the basic structure for the decentralized system. The Legislature, the Secretary of Education, and the locally elected school boards have major roles in this shift from a centralized to a decentralized system.

The Committee decided that Article XV should be deleted in its entirety and that the education provisions should be included in Article III, Section 13 as was done in the 1976 Constitution. The education provisions include shared responsibilities for executing the Commonwealth laws with respect to education, and this should be expressed in the article on the Executive Branch.

The sections are described below.

Section 13(a). Compulsory education: The first subsection provides that education is compulsory within the age and levels provided by law. The Committee heard varying views in its public hearing as to the appropriate ages at which students should be required to be attending school. As there was no unanimity of views and, because circumstances may change in the future, this matter was left to the judgment of the legislature and the Secretary of Education. The legislature may declare Commonwealth policy in this regard by passing laws as to the ages or grade levels as to which education is compulsory. Alternatively, if the legislature does not mandate specifics in this regard, the Secretary of Education can decide as a matter of policy whether the age levels should be changed.

The former provision with respect to “free” education was deleted. This will permit the local school boards to levy fees as necessary. The Committee heard nearly unanimous views

from the public that charging fees was both necessary and proper and, in the judgment of the Committee, this flexibility with respect to fees will be important in the future. It is the intent of the Convention that the matter of school fees is for the local school boards, unless the legislature acts to impose standard fees in some regards. In any area in which the legislature does not act, however, the power to levy fees remains with the local boards. This constitutional provision does not give the local school boards taxing authority. Local taxes may be raised only by the Municipal Council through an ordinance that is signed by the Mayor. This constitutional provision does not give the local school boards borrowing authority.

The local school boards would have the authority to decide on and levy fees for various educational purposes, such as materials, uniforms, activities, special language training, enrichment programs, use of facilities, and other matters directly pertaining to the specific local schools within the district. The use of fees will allow the local school boards some flexibility in their budgets. All fees must be described and estimated in the school budget submissions and the district budget submissions, and all fees must be used for a purpose that is directly related to education in the school attended by the students from whom the fees are collected or on whose behalf the fees are paid by parents.

Mission statements: The former provision contained three sentences stating various Commonwealth policy and administrative goals. These sentences are legislative in nature, and were deleted for that reason. The Commonwealth-wide policy and administrative goals may change over time, and should be expressed by the legislature in legislation and resolutions or by the Secretary of Education in educational standards, regulations, and rules. These statements of policy do not belong in the Constitution. None of the powers, duties or responsibilities of the

legislature, Secretary of Education, Public School System, local school boards or any other entity is affected by the deletion of this descriptive language.

Section 13(b). Secretary of Education: The second subsection places the responsibility for policy matters and standards with respect to the public schools with a Secretary of Education appointed by the Governor and confirmed by the Senate. Both the 1976 Constitution and the 1985 amendments included the position of Superintendent. The title has been changed to Commissioner, but the basic responsibilities remain the same. In order to maintain high quality instruction and consistent policies, it is necessary to vest this responsibility in a single appointed official who holds a position in the Commonwealth government.

Appointment by the Governor: The Secretary is appointed by the Governor. The executive branch responsibilities for carrying out Commonwealth laws, vested in the Governor, are placed with the Secretary of Education insofar as these laws pertain to education. The Secretary of Education is a cabinet-level position. The reason for having a cabinet official is to allow coordination of education matters, which are of central importance to the Commonwealth, with other important responsibilities of the executive branch.

The Governor is responsible for choosing a Secretary with adequate qualifications. The Committee debated whether to require that the Secretary have a master's degree in a field of education, but decided to leave this to the Governor. There may be many combinations of higher education and experience that would produce a capable Secretary of Education. An advanced degree in human resources or management may be valuable. Equivalent managerial experience may be a prime qualifying factor. The Committee did not want to impose limitations that might exclude a good candidate. However, it is the expectation of the Committee that the Governor

will appoint someone with a master's degree or a PhD degree. It is difficult for the Secretary of Education to have professional respect and influence within the education community in the Commonwealth if the qualifications for principal are higher than the qualifications of the Secretary of Education. The Committee notes that current policy requires principals to have masters degrees.

Senate confirmation: The Secretary is confirmed by the Senate. The provisions requiring the Governor to appoint and the Senate to act within a specified time period, set out in Article III, Section 14, apply to the Secretary.

Residency requirement: The Secretary is required to have at least five years' residency in the Commonwealth at the time of appointment. This requirement is flexible. It includes any five years, in cumulative time, prior to appointment. The Secretary does not have to have five continuous years prior to appointment, and the residency does not have to be immediately prior to appointment. It is the intent of the Committee to require sufficient knowledge of the unique situation in the Commonwealth, but not to limit the pool of available candidates unduly.

Term of office: The Secretary of Education is appointed for a term that is the same as that of the Governor, and each succeeding governor may appoint his or her own Secretary.

Duties: Any Commonwealth law with respect to education, including budget and appropriation, is to be executed and enforced by the Secretary using the various offices and departments of the Public School System or any successor agency. The Secretary is in charge of establishing and administering the policies and standards for the educational system within the

mandate set by the legislature. This includes qualifications for principals, teachers, and other professionals; standards for achievement in order to move up in grades and graduate; general requirements for instructional materials; compensation policies; procurement policies; and all similar matters.

The Secretary is also responsible for enforcement of Commonwealth requirements. Local schools would receive Commonwealth funds only upon the certification of the Secretary that the school is in compliance with Commonwealth requirements. The Secretary may withhold part or all of the Commonwealth funds allocated to any school that is not in full compliance with Commonwealth requirements. In the Committee's judgment, this check and balance is needed in the system.

Advisory Council: The Secretary is not responsible for the day-to-day administration of the schools. That has been decentralized to the local schools and the local elected school boards. The Secretary is responsible, however, for keeping up to date on the accomplishments and problems at the local level. For this purpose, the Committee expects that the Secretary will form an Advisory Council that will include the chairs of the three local school boards and the Chair of the Council of PTAs. The Council should meet quarterly so that the chairs of the school boards have a forum in which to consult with each other about common problems and to advise the Secretary on matters affecting the local schools in their districts. A similar advisory council for the Governor and the Mayors is provided in Article VI, Section 3. The Committee decided not to include this as a constitutional requirement, but to point out in this report the expectation that this Advisory Council or its equivalent would be set up as a logical mechanism for coordinating policy at the Commonwealth and local levels.

Section 13(c). Locally-elected school boards: This subsection effectuates a decentralization of administration and instruction in the public elementary and secondary schools. This section provides for a locally-elected school board in each senatorial district: one in Saipan; one in Tinian; and one in Rota.

Size: Each local school board would be composed of five members. The Committee recommends this size in order that there be significant community involvement. Most of the comment received by the Committee at the public hearing urged a broader participation so that the varying interests affected by the school system could be represented. The Committee considered whether it would be better to have only three members on the boards, particularly in the smaller districts. The Committee decided, however, that the larger boards would allow for a wider spectrum of views to be incorporated into the governance of the educational system. If smaller boards would be more useful, the legislature can make this change after 10 years' experience with the system that is set out here.

The Committee recognized the possibility for abuse if all five members of a school board travel to conferences or attend other events off-island. Doing that, however, would spend money that should be used for the education of students within the district. The Committee believes it is the responsibility of the local voters to ensure that their local school board members are not wasting money or, if they are, to vote them out of office. The Constitution cannot protect against all possible abuses in a decentralized system.

Qualifications: The qualifications for board member are U.S. citizenship, at least 25 years of age, and voter registration and residence in the senatorial district from which elected.

These qualifications would allow a wide spectrum of candidates for this office. The school board member must reside in the senatorial district during his or her entire term. If a school board member changes residence to a different senatorial district during a term of office, a vacancy would be created and the provisions for filling vacancies would come into effect.

Term: The Committee has provided for four year terms. It will require some time for newly-elected board members to come to a full understanding of the Public School System and the details of the operation of the local schools. A shorter term would involve too much turnover. The Committee was also mindful of the cost of elections.

Compensation: The Committee has not provided for compensation of local school board members. That is a responsibility of local government. School board members should serve because they are interested in good schools for children, not primarily for pay. This is a part-time office that would not detract in any way from members holding full-time jobs elsewhere. No prohibition on other government or private full-time or part-time employment applies to local school board members.

Non-partisan election: All school board members would be elected at the same election, allowing candidates to form consolidated tickets and to urge voters to elect candidates who share the same philosophy. This provision requires non-partisan elections. School board elections would be held as a part of general elections, in order to minimize costs, however school board candidates would not be permitted to advertise any party affiliation. One suggestion made at a public hearing held by the Committee was that the elections for school boards be held in July so that they would be distanced from the partisan activities surrounding the gubernatorial race. The Committee considered whether school board members should be elected at special elections such as the one held for the Constitutional Convention, but decided that the requirements for non-partisan campaigning could be enforced during a general election. Candidates for school

board would not be permitted to engage in any advertising whatsoever that indicated a party⁻²²⁴⁰⁻ affiliation. This would include appearing on party-sponsored billboards, in party-sponsored advertising with other party candidates, and at party-sponsored political events. Any candidate who engaged in partisan political activities after announcing his or her candidacy would be disqualified from further participation in the election or from holding office. Further definition of the nature of non-partisan elections could be done by the legislature.

Vacancies: Vacancies on the school board would be filled by the school board itself. The school board would appoint the next-highest vote getter. If there were none available, the school board would appoint a person who has the qualifications spelled out in the constitutional provision. The “none available” provision is intended to cover situations where only five candidates ran in the general election or where write-in ballots might name fictitious persons. Those filling vacancies would serve out the term of the board member being replaced. Because school board members are elected on a non-partisan basis, the Committee believed that it was not appropriate to have vacancies filled by resort to the Mayor or other arm of the political process.

The Committee provided that vacancies to be filled by the next highest vote getter must be filled within 30 days. The Committee recognized that, with a five-person board, there is the possibility of a deadlock in the event that a vacancy occurs and there is no “next highest vote-getter” to be appointed. The board members may disagree about whom should be appointed, and deadlock in a 2-2 vote. In that event, the vacancy would not be filled, and the board would continue to function with only four members. The Committee believes it is unlikely that responsible board members would refuse to select a person to fill a vacancy but, if they do, they should be held accountable by the voters if harm to the local schools results.

Duties: The local school board would be responsible for the faithful execution of

certain of the laws and policies of the Commonwealth within the senatorial district. This means that local school boards would hire and fire school principals, make decisions with respect to the upkeep and expansion of school facilities, provide a forum for the airing of the grievances of parents and PTA organizations, and handle other aspects of the execution of Commonwealth laws at the local level. Local boards would focus on methods for improving the quality of instruction and the incentives to keep students in school until graduation. The Committee's intent is to provide the flexibility to allow the schools to innovate; to adapt the teaching style of teachers to the learning style of students; and to provide effective education on various levels. Programs for the gifted, for example, could be considered by the local boards.

The local school boards may also promulgate local policies, so long as they do not conflict with or overlap with Commonwealth policies. The Committee intends that when the Commonwealth acts to set standards or policies, those will be enforced at the local level. If the Commonwealth has not acted however, then the local boards are free to create local policies to fit local conditions. One example might be a policy with respect to school uniforms. If the Commonwealth legislature and the Secretary of Education have not acted to create any Commonwealth policy with respect to school uniforms, then the local school boards would be free to set local policies in this regard. The local policies need not be the same. Students in one senatorial district might be required to wear uniforms while students in another senatorial district might not. Students in one senatorial district might be required to wear a certain type of uniform while students in another senatorial district might be required to wear a different type of uniform.

Local school boards would be responsible for dealing with the problems arising out of alien dependents in the school systems. The Committee recognizes that the situation with respect to alien dependents may be different in the three senatorial districts, and the local boards are the best situated to decide how best to deal with them.

Local school boards would be responsible for making decisions about the teaching of Chamorro and Carolinian as required or voluntary subjects in the schools. The grade levels and ages for this instruction could be different from one senatorial district to another. Parents will want to have a significant input on these decisions, and the local school board provides an excellent forum for this purpose.

Local school boards would also be responsible for determining the extent to which parents participate formally. The boards may add ex officio members, including the PTA presidents. Parents might be required to provide a certain number of hours of public service per year to the schools. Parent involvement in the schools is essential for a good educational environment and the local school boards may be able to come up with innovative ways to accomplish this objective within the local community context. Local activities such as cultural days, drug-free weeks, parent take-over days, career days, Thanksgiving festivities, and other events would be planned at the local level. Local school boards would be responsible for decisions with respect to year-round operation of the schools unless the legislature or Secretary provide specific requirements in this regard as a matter of Commonwealth policy.

Local school boards would be responsible for decisions on some aspects of privatization. If busing, maintenance, food service, painting, and other aspects of school administration can be done more cost-effectively by the private sector, the school board could elect to move in that direction. Getting the most out of the Commonwealth's dollars, within the Commonwealth's standards and policies as articulated by the legislature and the Secretary, is the job of the local school board. In this sense, the school board is accountable to the voters of the district for doing the best possible job with the funds that are made available.

Local school boards would not make educational policy. That is the responsibility of the Secretary. For example, the Secretary would set qualifications and requirements for teachers of

various specialties, and the principals would hire teachers who meet those qualifications. The local school board would be responsible for the oversight to ensure that the principals of the schools followed the required policies.

Local school boards would not make decisions about or participate in the day-to-day operation of the schools. That is the responsibility of the principal.

Nothing in these amendments is intended to have any effect on current policies and practices with respect to aid to private schools. That is a matter for the legislature and the Secretary.

Nothing in these amendments is intended to have any effect on the civil service requirements of Article III, Section 16. Local school boards would have to comply with civil service requirements in hiring and firing principals to the extent those requirements or any other personnel system requirements reach the position of principal of a school.

Principals: The principals of schools would continue to have the same responsibilities as under the present system, and should have more flexibility to administer the schools. As was pointed out at the public hearings, successful schools are places where faculty supervise and guide each other; and faculty are not treated as subordinates but as colleagues with administrators and others in decisions affecting the schools. Principals have the responsibility for administering the schools to achieve these goals. Principals will continue to be responsible for the hiring, promotion, discipline, and discharge of teachers to the same extent as those powers are exercised under the current system. The principal is in charge of administration and maintenance for the school and for involving parents in school matters. The Committee notes that Article III, Section 16 on the civil service system is applicable to principals and teachers because the Commonwealth pays their salaries.

Teachers: Teachers are a part of a civil service system that guarantees their

employment rights. This decentralization plan does not affect those rights. Local school boards are not given authority by these constitutional amendments to interfere in any way in the civil service system. Grievances would continue to be processed in the civil service system.

Modification by the Legislature: The Committee has also provided that the constitutionally-mandated system of decentralization can be modified by the Legislature after 10 years of operation. This flexibility is necessary to improve the system and to adapt to future needs. Ten years after the local school boards are elected, the Legislature may start making changes. If the Legislature does not act, the constitutionally-mandated system remains in effect. The Committee is mindful of the fact that the Commonwealth is a small place and many aspects of its governmental operation are highly politicized. The decisions about whether the legislature should act to dismantle the decentralized system and perhaps re-centralize it in the future are expected to be political in nature. That is a cost of participatory democracy. The Committee believes, however, that a 10 year period is reasonable. It allows a real test of the decentralized system without requiring a constitutional amendment to get out of it if another method of organization would work better.

Section 13(d). Per student allocation of Commonwealth funds to local school districts:

This subsection provides for Commonwealth funds to be provided for local schools. The Legislature appropriates funds for instruction (actual classroom teaching and teaching materials), for administration (procurement, research, teacher training, facilities maintenance, transportation, and other non-instruction matters), and for capital improvements (building schools and related facilities).

The funds for instruction (but not other funds) must be divided among the local school boards on a per enrolled student basis. For example, if the instructional appropriation is \$30 million and there are 10,000 students enrolled in the elementary and secondary schools system,

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then \$3,000 per student would be allocated to each school on a timetable during the fiscal year as established by the Legislature or by the Secretary.

The per-student allocation of instructional funds serves as an important check and balance in the political process. Under this constitutional provision, it will not be possible for the legislature to favor one senatorial district over another with respect to instructional funds. All students will get the same allocation, regardless of where they live. It will also not be possible for the legislature to evade its responsibilities by putting instructional money in some other appropriation that is not subject to the constitutional per-student allocation. A taxpayer action could challenge any such law.

The per-student allocation also allows accountability at the local level. Each senatorial district will receive the same per-student allocation for instruction. The local principals, teachers, and school boards will be responsible for making the most of that allocation. The Committee took into account the argument that it was not possible to hold the local school board accountable for the quality of education when it did not have the purse strings. That is true. The legislature holds the purse strings, and the Secretary of Education may withhold funds if Commonwealth policies are not being met at the local level. However, when each senatorial district is treated equally in terms of the centrally important appropriation for instruction, the local school boards can be held accountable to do the best possible job with those funds, however they may be limited by the legislature.

The Committee recognizes that certain costs such as shipping, communication, food, and materials are higher on Tinian and Rota. The Committee does not intend that Rota and Tinian be penalized in any way for these extra costs. They are not included in the per-student allocation for instruction. The extra amounts for Rota and Tinian will come out of the appropriation for administration which is not covered by the per-student allocation requirement.

Local school boards would be able to decide whether students should be allowed to transfer between schools, taking the per-student allocation with them. This flexibility to introduce competition between schools should allow educational development on an efficient basis.

Budgets: The Secretary of Education is responsible for submitting the Commonwealth-wide budget for education to the legislature. Each principal will be responsible for putting together a budget for the school and submitting it to the local school board. Each local school board will be responsible for putting together a consolidated budget for all public elementary and secondary schools within the district. These district budgets will be submitted to the Secretary of Education for consideration, revision where necessary, and inclusion in the Commonwealth budget along with the requests for support for Commonwealth-wide functions over which the Secretary has jurisdiction.

Appropriations: The funds appropriated by the legislature for education are administered by the Secretary of Education.

Earmarking: The current constitutional provision earmarks 15% of the general revenues for the Public School System. The Committee recommends that this be deleted from the Constitution. The Committee does not believe that earmarking has produced a higher quality of education over the past 10 years. The school system should have to justify its budget to the legislature just like any other agency. There are competing interests such as the health care system and medical referrals, public safety and law enforcement, and pollution control that affect the quality of life itself and must be given attention by the legislature. Earmarking revenues introduces an inflexibility into the system that may prevent the legislature from making the best choices in the interests of all the people.

Local financing for education: In the future, local governments may want to

provide funding for local education in order to supplement Commonwealth funding. In that event, the funds would be appropriated by the Municipal Councils and expenditure authority would be given to the local school boards or otherwise as the Municipal Councils provided.

Section 13(e). Higher education: This section provides generally for higher education and adult education within the Commonwealth. The higher education system has been established by the legislature and is operating according to detailed laws passed by the legislature. These laws protect the accreditation of the Northern Marianas College. This section of the Constitution continues this system. Autonomy for the College as provided by law is just as effective as autonomy described generally in a constitution. There is no effect on this existing institution of higher education.

There is flexibility, within this section, for the legislature to establish additional institutions of higher education if that is useful in the future. For example, the legislature could establish an agricultural college. The legislature may also determine that it is more cost effective for students seeking bachelor of arts or bachelor of science degrees or any advanced degrees to be supported by scholarships to attend institutions of higher education on the mainland or elsewhere rather than trying to maintain quality higher education in the Commonwealth. The Committee recognizes that it may be desirable, at some time in the future, to focus local institutions on vocational, adult, and specialty education needed in the Commonwealth such as the training of nurses and elementary teachers.

Earmarking: The current Constitution earmarks 1% of the general revenues for the Northern Marianas College. The Committee recommends that this provision be deleted. As with the Public School System, there is no evidence that earmarking produces a higher quality of education and there are other important competing needs that affect life-threatening situations in the medical and law enforcement fields. The legislature is in the best position to make the

judgments from year to year as to the allocation of the Commonwealth's revenues.

Mission statements: There is an extensive mission statement for the Northern Marianas College in the current Constitution. This has been deleted. It is legislative in nature. The goals and priorities of higher education need to be reexamined from time to time and do not belong in a constitution. Nothing in the action of the Convention to delete this mission statement affects the goals, priorities, duties, responsibilities or powers of the Northern Marianas College in any way.

Transition: The transition provision covers the major ground rules for the change from a centralized system to a decentralized system. Because this is a major shift, and there are cost implications for the Commonwealth's budget, the Committee elected to leave the details of the transition with respect to administrative functions to the Secretary and the Legislature without imposing any time limits. The Legislature may act in this regard to impose time limits; and the Secretary may also impose time limits. The Committee believes that the Constitution should not regulate the system at this level of detail. The Constitution provides that the decentralized system comes into effect in January 1998, and that is sufficient.

1997 elections: The transition language provides that the decentralized system begins to operate in January 1998. The first local school boards will take office at that time. This provision means that there will be nearly two years between the time the voters approve the constitutional amendments in February 1996 and the time the local school boards take office in January 1998 for the system to adjust to the coming changes.

Commissioner: The Commissioner selected by the Board of Education will have, as a primary responsibility, the task of getting the system ready for decentralization which will start in 1998. The Commissioner's job will continue until January 1, 1998 when this office will expire and the new position of Secretary of Education will come into effect. Until the new

Secretary of Education position becomes effective, the Commissioner has the same responsibilities as are currently provided by law and may be given new or different responsibilities by the legislature. The same person who holds the Commissioner's job may be appointed Secretary of Education; but that is a choice left to the governor who is elected in November 1977.

Secretary of Education: The office of Secretary of Education under these amendments will come into existence on January 1, 1998. The Secretary will take office when appointed by the Governor, presumably in January 1998. All of the requirements for Commissioner set out in the statute, 1 CMC Section 2271-2273, will continue in effect and will apply to the Secretary (including qualifications) until changed by the legislature.

Board of Education: The current Board of Education remains in place until January 1998 when the terms of the local school boards begin. The Board of Education will cease to exist on January 1, 1998, but until then the Board of Education will continue to have the same powers, duties, and responsibilities that it now has. In order to carry out these responsibilities, of course, the Board will be required to plan effectively for the transition to decentralized schools and assist in getting the system ready to operate efficiently under the plan set out in these amendments.

Local school boards: Candidates for all five positions on each local school board will run in the general election in November 1997, and those elected will take office in January 1998 on the same day as other elected officials take office.

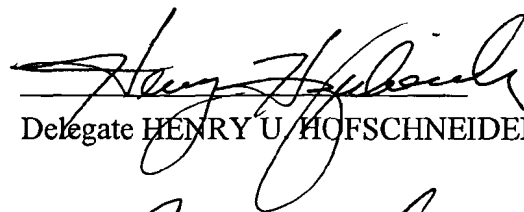
Procurement, personnel, and fiscal administration: The transition section provides that the Secretary is in charge of the details of the decentralization process. No time table is provided. The Legislature may provide the specifics of the decentralization process, and may maintain some functions such as procurement, personnel, and financial administration at the

central level in order to accommodate interests of efficiency and cost. The Constitution does not⁻²²⁵⁰⁻ dictate how the details of the transition to a decentralized system are to be accomplished. The Committee intends that the central system be maintained for some functions where it is efficient and cost-effective to do so. These judgments are left to the Legislature and to the Secretary of Education.

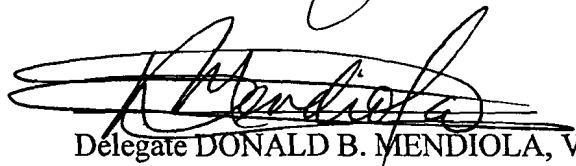
Northern Marianas College: The offices of the President and the Board of Regents of the College, their respective powers and duties, and their autonomy, continue unaffected after the passage of these amendments. The current constitutional provision requires that the composition of the board of regents and other matters pertaining to its operations and duties shall be provided by law. The responsibility of the legislature in that regard continues without any change after the language is deleted from the Constitution.

The constitutional language reflecting the Committee's decisions is attached. The Committee recommends this language to the Convention.

Respectfully submitted,



Delegate HENRY U. HOFSCHEIDER, Chair



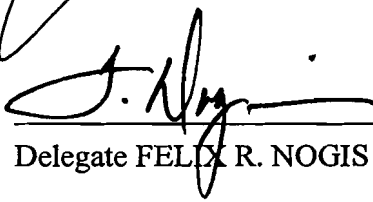
Delegate DONALD B. MENDIOLA, Vice Chair



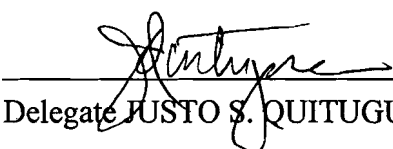
Delegate ESTHER S. FLEMING



Delegate JAMES M. MENDIOLA



Delegate FELIX R. NOGIS



Delegate JUSTO S. QUITUGUA



Delegate TERESITA A. SANTOS



Delegate BERNADITA T. SEMAN



Delegate MARIANO TAITANO

DRAFT
7/19/95

ARTICLE III:

Section 13: Education

Education is a shared responsibility of the Commonwealth and local governments and the parents of children working together.

- a) Education is compulsory within the age and levels provided by law.
- b) Policy and standards for the public elementary and secondary education system in the Commonwealth shall be the responsibility of a secretary of education appointed by the governor with the advice and consent of the senate. The secretary shall have at least five years residence in the Commonwealth. Other qualifications and salary shall be as provided by law. The term of office shall be the same as the appointing authority.
- c) Administration and instruction for the public elementary and secondary education system in the Commonwealth shall be the responsibility of an elected school board in each senatorial district. Each school board shall be composed of five members who shall serve for four-year terms. School board members shall be U.S. citizens qualified to vote in the Commonwealth, resident in the senatorial district from which elected, and at least 25 years of age. Elections shall be non-partisan. Vacancies shall be filled within 30 days by the next highest vote-getter or, if none, a qualified person appointed by the remaining members of the school board. The requirements of this section 13(c) shall continue in force for at least ten years from the election of the first school boards; thereafter the legislature may provide otherwise.
- d) The legislature shall make an annual appropriation for instruction in the public elementary and secondary education system. This appropriation shall be allocated to the local schools on a per enrolled student basis upon certification by the secretary of education that the school is in compliance with Commonwealth requirements.
- e) Higher education, adult continuing education, and vocational education that is available in postsecondary educational institutions within the Commonwealth shall be consistent with the needs and resources of the people as provided by law.

Schedule on Transitional Matters

Section ____: Continuity of Educational Matters

The existing board of education shall remain in operation and shall continue to have all of its current powers, duties and responsibilities until January 1, 1998 when it shall cease to exist.

The members of the local school boards shall be elected at the general election held in November 1977 and shall take office on January 1, 1998. Members of the current board of education may run for a local school board position.

The commissioner of education appointed by the existing board of education shall remain in office until January 1, 1998 after which time the governor may appoint the secretary of education provided for in these amendments. On January 1, 1998, the office of commissioner of education shall cease to exist and the office of secretary of education shall come into existence.

The governor may appoint as secretary of education the current commissioner of education or any other qualified person. The statutory requirements applicable to the commissioner of education that are consistent with this Section 13 continue in force and are applicable to the secretary of education until changed by the legislature.

The existing schools; their principals, teachers, and employees; all existing policies of the education system; and all laws, regulations, and rules affecting the education system shall continue to exist and operate as if established pursuant to this Article III, Section 13, insofar as consistent with this Article III, Section 13.

The secretary of education, appointed pursuant to this Article III, Section 13, shall provide for the transition of administrative functions to the individual schools as the interests of economy and efficiency and the capability of the schools and local school boards permit. The legislature may provide for the transition by law and may maintain any current centralized administrative functions by affirmative change of law.

The Northern Marianas College, its president, its board of regents, its policies and regulations, and its autonomy remain as provided by law and are unaffected by these amendments.