

July 25, 1995

REPORT OF THE COMMITTEE ON JUDICIARY AND OTHER ELECTED OFFICES

ARTICLE III, Section 13 (Education) Second Reading

The Committee presents the following report to the delegates with respect to Article III, Section 13, Education, on second reading.

Delegate Proposals: The Committee's Report No. 5 on Article III, Section 13 was prepared on July 18, 1995. After that time, Delegate Proposal 399 was submitted. The Committee has considered this proposal.

Floor Discussion: The Committee of the Whole discussed Report No. 5 on July 6, 1995. At that time, delegates expressed concern about the possibility of multiple vacancies on the locally-elected school boards. To respond to this concern, the Committee has amended Section 13(c) as follows:

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 United States citizens qualified to vote in the Commonwealth, resident in the senatorial district from which elected, and at least twenty five years of age. Elections shall be non-partisan. Vacancies shall be filled within thirty days by the next highest vote-getter or, if none, a qualified person appointed by the remaining members of the school board. If three or more vacancies exist and more than one-half of the term remains, a special election to fill the vacancies shall be scheduled by the Commonwealth election authority within thirty days. If less than one-half of the term remains, the vacancies shall be filled by the secretary of education. The requirements of this subsection (c) shall continue in force for at least ten years from the election of the first school boards and after ten years as provided by law.

The Committee believes that this amendment should take care of any uncertainty. The legislative history will reflect the Committee's intent that the Secretary of Education have the PTA and other interested school groups make recommendations to the Secretary in the event that the Secretary is required to fill vacancies.

One delegate raised a concern about the fiscal year for educational agencies which currently does not match the school year. The Committee is informed that the Legislature is addressing this problem.

One delegate raised a concern that the Schedule on Transitional Matters with respect to

this section should provide that the local elected school board members take office on the second Monday in January 1998. The Schedule will reflect that change.

Delegate Amendments: The Committee received Delegate Amendment No. 18, which suggested a change in the title of Secretary of Education (proposed by the Committee) to Commissioner of Education. The Committee believes that it will be beneficial to emphasize the new decentralized system by using a new title for the chief Commonwealth education official. For that reason, the Committee does not recommend Delegate Amendment No. 18.

The Committee received Delegate Amendment No. 19, which proposed doing away with the locally-elected school boards provided in the Committee's report on first reading. The Committee rejected that Delegate Amendment for the reasons set out in the report.

The Committee received Delegate Amendment No. 31 which suggests additional language with respect to the Northern Marianas College. The Committee accepted that amendment, and the language will now read:

Section 13(e): Higher education, adult continuing education, and vocational education shall be available in postsecondary educational institutions within the Commonwealth consistent with the needs of the people as provided by law. An annual appropriation for postsecondary educational institutions shall be as provided by law. Postsecondary educational institutions shall be governed by boards of regents which shall be appointed to staggered terms by the governor with the advice and consent of the senate and shall have autonomy as provided by law. The composition of the boards of regents and other matters pertaining to their responsibilities and the operation of the postsecondary educational institutions shall be as provided by law.

The Committee has consulted with the President of the College and the legal counsel for the College at the Committee's meeting when this language was considered. This language is acceptable to them, and we recommend it for that reason.

The Committee received Delegate Amendment No. 32 which suggests two transitional provisions: (1) covering the state and local educational agency; and (2) recognizing a guarantee of the existence and autonomy of the College. We believe that these are better covered in the legislative history and we will do that. We believe this will accomplish the goals explained to us by the College.

Committee changes: The Committee does not recommend any other changes.

Respectfully submitted,



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Delegate HENRY U. HOFSCHEIDER, Chair



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Delegate DONALD B. MENDIOLA, Vice Chair



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Delegate ESTHER S. FLEMING

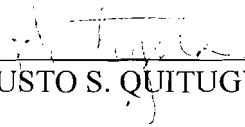
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Delegate JAMES M. MENDIOLA



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Delegate FELIX R. NOGIS



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Delegate JUSTO S. QUITUGUA

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Delegate TERESITA A. SANTOS

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Delegate BERNADITA T. SEMAN

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Delegate MARIANO TAITANO