

AMENDMENT NO. 13

AMENDMENT OF FORMER ARTICLE 15: EDUCATION

DESCRIPTION OF CHANGES
PROPOSED BY THE
CONSTITUTIONAL CONVENTION

AMENDED CONSTITUTION AS PROPOSED
BY THE CONSTITUTIONAL CONVENTION

Section 13: This section is new. In the 1976 Constitution, there was a Section 13 on education. In the 1985 amendments, Section 13 was moved to a separate Article. It has been moved back to its original placement, and Article 15 has been deleted in its entirety. The introductory sentence expressing the shared responsibility of government and parents is new.

Section 13(a): Delete the guarantee of a “free” education in order to permit fees to be charged where appropriate.

Former Article 15, Section 1(a) has been deleted. It provided:

Every person in the Northern Mariana Islands has the right to free, compulsory and public elementary and secondary education within age and educational levels provided by law. The educational system shall provide maximum educational and training opportunities and be sensitive and responsive to the needs and desires of the community as it pursues its central objective of developing human potential. The educational system shall also provide support and guidance for students in assessing areas of interest and ability, in clarifying values and goals, and in providing students with clear and accurate information so they may gain the most from their educational experience. The educational system shall recognize the distinct and unique cultural heritage and indigenous way of life of the people and shall be committed to provide for the language needs of the people and the preservation of their cultural integrity within a global community.

Section 13(b): Provide for a secretary of education appointed by and responsible to the Governor.

Former Article 15, Section 1(b) has been deleted. It provided:

Administration of the public elementary and secondary education system of the Commonwealth shall be the responsibility of the superintendent of education appointed by a representative board of education. The board of education shall formulate policy and exercise control over the public school system through the superintendent. Other matters

ARTICLE 3, SECTION 13

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.

pertaining to its operations and duties shall be provided by law.

Section 13(c): This is new. Provides for locally-elected school boards with 5 members who serve 4 year terms. Board members are elected on a non-partisan basis. Vacancies are filled by the next-highest vote-getter in the last election. This provision for local school boards remains in effect for 10 years before the legislature can change it.

Former Article 15, Section 1(c) and Section 1(d) dealing with the Commonwealth Board of Education has been deleted. These sections provided:

c) The board of education shall have five members, elected at large on a non-partisan basis as follows: one from the first senatorial district, one from the second senatorial district and three from the third senatorial district. Elected members of the board of education shall serve terms of four years except that the terms of the first members elected shall be determined by drawing of lots with three members serving a term of four years and two members serving a term of two years. The governor shall appoint three nonvoting ex-officio members to the board of education: one member shall be a student attending a public school; one member shall be a representative of nonpublic schools; and one member selected by an exclusive bargaining representative of the teachers within the Department of Education. Elected members of the board shall serve commencing on the second Monday of January in the year following the regular general election at which they were elected.

d) A member of the board of education shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the member takes office. A longer residency and domicile requirement may be provided by law.

Former Article 15(e) which gave a guaranteed budget to the public school system has been deleted. Former Article 15(e) provided:

The public elementary and secondary education system shall be guaranteed an annual budget of not less than fifteen percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

Section 13(d): Provides for an annual appropriation for instruction (but not for administration and CIP) to be allocated to schools on a per-student basis.

Section 13(e): Provides generally for post-secondary education and for the independence of post-secondary educational institutions governed by boards of regents.

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 a term of office of four years. 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 unsuccessful candidate for the board in the last election who received the largest number of votes 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 within thirty days by the Commonwealth election authority. 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.

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 shall be available in postsecondary educational institutions within the Commonwealth consistent with the needs and resources 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 that shall be appointed to terms expiring

in different years 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.

Former Article 15, Section 2 on higher education has been deleted. It provided:

Section 2: Higher and Adult Continuing Education.

a) The legislature shall establish by law a Northern Marianas College that shall be headed by a president. The president of the college shall be appointed by a representative board of regents. The board of regents shall be appointed to staggered terms by the governor and shall have autonomy in the administration of its affairs and shall formulate policy relating to the higher education needs of the Commonwealth of the Northern Mariana Islands. The composition of the board of regents and other matters pertaining to its operations and duties shall be provided by law.

b) The mission of the college shall be to provide the best quality and meaningful postsecondary and adult educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole. The college shall be responsible for providing education in the areas of adult and continuing education, postsecondary and adult vocational education and professional development for the people of the Commonwealth.

c) The college shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

SCHEDULE ON TRANSITIONAL AND RELATED MATTERS

Section 2: Transition with Respect to Article III, Executive Branch.

a) Section 13: Education.

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

(2) The members of the local school boards shall be elected at the general election held in November 1997 and shall take office on the second Monday in January of 1998. Members of the current board of education may run for a local school board position.

(3) On or after the second Monday in January of 1998 the governor shall appoint the secretary of education provided for in these amendments. On the second Monday in January of 1998, the office of commissioner of education shall cease to exist and the office of secretary of education shall come into existence. Upon the effective date of these amendments, the governor shall appoint a representative to work with the board of education and the commissioner to ensure an effective transition.

(4) 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.

(5) 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 and section

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