

TITLE 60: BOARD OF EDUCATION

CHAPTER 60-60

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Chapter Authority: CNMI Const., art. XV; 1 CMC §§ 2251-2273; 3 CMC §§ 1101-1192.

Chapter History: Amdts Adopted 31 Com. Reg. 29785 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29750 (July 23, 2009); Amdts Adopted 30 Com. Reg. 28598 (July 28, 2008); Amdts Proposed 30 Com. Reg. 28330 (Mar. 25, 2008); Amdts Adopted 27 Com. Reg. 25398 (Dec. 30, 2005); Amdts Proposed 27 Com. Reg. 25027 (Oct. 24, 2005); Amdts Adopted 26 Com. Reg. 23026* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: Title 3, division 1 of the Commonwealth Code contains the education laws of the Commonwealth. PL 6-10, the “Education Act of 1988,” codified as amended at 1 CMC §§ 2251-2273 and 3 CMC §§ 1101-1192, took effect on October 25, 1988. PL 6-10 § 1 created the Public School System as a nonprofit corporation within the Commonwealth government, headed by the Board of Education. See 1 CMC §§ 2251 and 2261. The Board of Education is empowered to formulate policy and exercise control over the Public School System and to establish rules, regulations and policies for the operation of the Public School System. See 1 CMC § 2268(b).

PL 6-10 repealed and reenacted PL 3-43 (effective Jan. 19, 1983), a comprehensive revision of the Commonwealth’s education laws. See the commission comment to 3 CMC § 1101.

Prior to October 25, 1988, the Commonwealth government included a Department of Education and Board of Education, which are the predecessors of the current Public School System and Board of Education. See PL 1-8

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(effective August 10, 1978) and PL 3-43. Throughout the development of education law in the Commonwealth, the Board of Education has been the entity with the authority to promulgate rules and regulations.

Part 001 - General Provisions

§ 60-60-001 Goals and Objectives

(a) **Mission**

The CNMI Head Start Program ensures comprehensive and quality services to children and families through early childhood development, health services, family and community partnerships, and program design and management. Head Start also establishes collaboration with the community to provide more effective and efficient services to children and families.

(b) **Vision**

The Head Start Program will provide quality, comprehensive services to children and families. Children will become life-long learners through nutritious meals and pre-academic lessons. Families will be the primary educators and advocates in their children's lives through active participation and involvement. Partnerships with the community will strengthen the quality of education and provide a strong foundation for all children. Children and families will have a greater chance in attaining self-sufficiency and be productive in our society, through knowledge and participation.

(c) **Philosophy**

Head Start is an early childhood program that offers children and families opportunities to attain self-sufficiency by giving them a "head start" in life. We believe that through collaboration and shared decision-making between staff, families and community the comprehensive development of each individual child is successfully achieved. We value the unique strengths and culture of each child and family.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

Part 100 - Program Governance

§ 60-60-101 Governing Body, Head Start Policy Council and Central Parent Involvement Committee

(a) **Board of Education**

(1) The governing body charged with legal and fiscal responsibility for the Commonwealth of the Northern Mariana Islands (CNMI) Head Start Program is the CNMI Board of Education (Board). The Board was created pursuant to the CNMI Constitutional Amendment No. 38, effective January 11, 1988, and the Education Act of 1988 (Public Law 6-10). Pursuant to these laws, five members of the Board are elected and the Governor appoints three members.

(2) The Board formulates policy and exercises control over the Public School System (PSS), which is the state education agency for preschool, elementary and secondary programs, including

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the Head Start Program in the CNMI. On behalf of the Board, the Commissioner of Education is responsible for the administration of the PSS and all public education programs, including the Head Start Program.

(b) Head Start Policy Council

(1) Unlike other programs within the PSS, the Board shares the responsibility for overseeing the Head Start Program with the Head Start Policy Council (HPC). The HPC is governed by its own by-laws as well as the policies and regulations in this chapter. Membership in the HPC is comprised of parents of currently enrolled children in the Head Start Program and community representatives, with at least fifty one percent parent membership. PSS staff may not serve on HPC except for occasional substitutes in the Head Start Program.

(2) In accordance with its by-laws, the Parent Committees at each Head Start Center select members of the HPC with each center electing an HPC member and an alternate. The election shall take place during the first central parent involvement committee with at least fifty percent of the parents of children enrolled at the center representing a quorum. Community members must be selected from outside the public school system, including private businesses and civic organizations and any others who are familiar with resources and services for low income children and families. Community members may include parents of children formerly enrolled in the Head Start Program. All parent members must stand for re-election annually and community members must be selected annually. No member may serve more than a combined total of three terms.

(c) Standing Committees

(1) The HPC will have the following standing committees:

(i) Executive Committee: formed by existing HPC members during the turn over annual HPC meeting which takes place in October of every school year. The incoming Vice-chair of the HPC will chair this committee which shall also consist of the incoming HPC secretary and the Head Start Director.

(ii) Public Relations Committee will consist of at least four persons from the general membership. The Committee Chairperson will be elected during the general business meeting.

(iii) Education/Curriculum Committee will consist of at least four general members, the Head Start Director and the chairperson of the HPC. The Committee Chairperson will be elected during the general business meeting.

(iv) Finance Committee: chaired by HPC secretary/ treasurer with the addition of three HPC members assigned by the HPC chairperson.

(2) All committees should meet at least once a month and ensure that a monthly report is submitted during all HPC meetings. All HPC committees must be chaired by an HPC member.

(3) Discretionary Subcommittees

The following subcommittees may be maintained:

(i) Personnel Policy Committee: consists of at least three HPC members, the Head Start Director and representatives from the PSS Human Resources Office and the Board of Education.

(ii) Family and Community Partnership Committee: must consist of at least three HPC members and the Head Start Parent Involvement Manager.

(iii) ERSEA Committee: consists of at least three HPC members and the Head Start social worker.

(iv) CIP Committee: consists of at least three HPC members and two Head Start staff.

(d) Central Parent Involvement Committee

Membership in the Central Parent Involvement Committee is comprised of all parents who have children currently enrolled in the CNMI Head Start Program. Such composition is intended to provide every parent of a Head Start child the opportunity to assist in the development of activities and programs that address their unique interests and needs for the purpose of supporting the education and development of their children.

(e) Relationship between HPC and Board

(1) The governance and management responsibilities as apportioned between HPC and the Board for the program are set forth in the attached section 1304.50 appendix A.* To foster open and reliable communication between the HPC and the Board, one Board member will serve on the HPC and HPC members are welcome to attend Board meetings and participate in all discussions regarding the Head Start Program.

(2) Together, the Board and HPC will strive to ensure that children and families in the Head Start Program will receive high quality services in accordance with all federal and local laws as well as the Head Start policies and regulations in this chapter.

*The section to which this citation refers is unclear. The original Head Start Program Regulations did not contain a section 1304.50.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

In subsection (a)(1), the Commission changed “Marianas” to “Mariana” to correct a manifest error. In subsection (c)(2), the Commission inserted “by” in the phrase “by an HPC member.”

§ 60-60-105 HPC Responsibilities

(a) HPC must serve as a link for the program to the parents, the PSS, other government agencies, private organizations and the community. HPC will establish and maintain procedures for resolving community complaints. HPC will assist in the recruitment of volunteers and in fundraising efforts for identified needs.

(b) HPC will ensure that all parents understand their rights, responsibilities and opportunities. HPC will encourage parent participation in the program and assist the parent committees in planning activities for parents. HPC will ensure that program funds are designated and used to support parent activities.

(c) HPC must work in partnership with key management staff and the Board to develop, review and approve or disapprove of the following:

(1) Funding applications with amendments;

(2) Procedures for the shared decision-making for the Head Start Program by the Board and HPC;

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- (3) Procedures for program planning;
- (4) Philosophy;
- (5) Long and short-term goals and objectives;
- (6) The procedures for the selection of the HPC members;
- (7) Criteria and procedures for the recruitment, selection and enrollment priorities for the Head Start Program;
- (8) The annual self-assessment of the program's progress;
- (9) Program personnel policies and regulations; and
- (10) Decisions to hire or terminate head start staff, including the Director.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 60-60-110 Central Parent Involvement Committee (CPIC)

(a)(1) Central Parent Involvement Committees are responsible for electing HPC representatives. These committees should work with the HPC to develop program design and curriculum and are responsible for planning and participating in formal and informal activities for students, parents and staff. At least one member of a Central Parent Involvement Committee will sit on the HPC Personnel Committee and participate in the recruitment and selection of Head Start staff, including the Director.

(2) The goal of the Central Parent Involvement Committee (CPIC) policy is to promote family involvement in the governance and decision making of the program. CNMI Head Start will encourage families at each center to meet on a regular basis. The families will facilitate these CPIC meetings in accordance with the procedures set forth in this section.

(b) Meetings

The Parent Involvement Coordinator will schedule the first CPIC meeting for all sites. The Site Coordinator will inform all enrolled parents of the first CPIC meeting in August. During the first meeting, families will vote on a date/time for the remaining meetings for the year. Example: 6 p.m, the second Tuesday of each month.

(c) Voting

(1) A quorum is required for all voting. A quorum consists of a minimum of half the number of parents/ guardians of enrolled children. Only parents or legal guardians of currently enrolled children may vote at CPIC meetings.

(2) Nominations will be made for all positions, and be seconded. Voting may be completed orally, by hand or by written ballot and must be approved by a majority.

(d) Positions elected by each CPIC are:

- (1) CPIC President;
- (2) CPIC Vice President;
- (3) CPIC Secretary/Treasurer;
- (4) HPC Representative; and

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- (5) Health Advisory Committee (HAC) Representative.
- (e) Roles and Responsibilities
- (1) CPIC President:
- (i) Conducts CPIC meetings
- (ii) Ensures that information regarding monthly events is discussed
- (2) CPIC Vice President: Conducts CPIC meetings when the President is absent
- (3) CPIC Secretary/Treasurer: Takes minutes, writes agenda, copies both and ensures distribution. Copies are distributed to all center families, the Parental Involvement Coordinator, and the center parent notebook. May collaborate with center staff to ensure completion of these tasks.
- (4) HPC Representative: Attends all CPIC and HPC meetings, and sits on committees as needed. Is responsible for sharing all concerns and positive comments from the center families with HPC. Acts as advocate for their center with HPC, the Board of Education and other governing bodies.
- (5) HAC Representative: Attends all CPIC meetings and all HAC meetings and assumes responsibilities associated with that committee. Is responsible for sharing all health-related concerns and positive comments from the center families with HAC. Acts as advocate for their center with HAC.
- (f) CPIC meetings will be conducted at the Head Start Centers. Site staff will decide at the beginning of the school year, prior to the first meeting, responsibilities for attending CPIC meetings and write a staff plan. Site Coordinators will keep a copy of the staff plan and send a copy to the P/I Coordinator. These responsibilities include opening and closing of the center for evening meetings, assisting with childcare, and giving a report from the education staff.
- (g) Education staff will prepare a written report of upcoming classroom events, field trips, schedule changes, upcoming home visits and conferences, and educational themes. Site staff will be responsible for informing parents/guardians of upcoming meetings. Notices shall be posted on the parent bulletin board, all classroom doors, and included in center newsletters/ calendars.
- (h) Refer to Communication Policy and Procedure.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first and last paragraphs were not designated. The Commission designated subsections (a) and (h) and redesignated subsections (b) through (g).

In subsections (d), (e) and (h), the Commission inserted the final periods.

Subsection (h) refers to Communication Policy and Procedure. There is no such section in the original regulation.

The January 2004 notice of adoption changed the proposed language for this section.

§ 60-60-115 Board Responsibilities

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(a) The Board has general responsibility for all aspects of the Head Start Program, including guiding planning and establishing general procedures as well as fiscal and human resources management. The Board is legally and fiscally responsible for overseeing the program, but must seek HPC's participation on all matters within HPC's responsibilities pursuant to Head Start policy and federal law.

(b) The Board must ensure that the program has written policies and regulations governing the program and that such policies and regulations are implemented. Specifically, the Board must establish and follow internal controls to safeguard federal funds and ensure compliance with federal law and regulations, local laws and Head Start Program policies and regulations.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 60-60-120 Impasse Procedures

In the event the CNMI Head Start Policy Council (HPC) and the CNMI Board of Education (Board) cannot reach an agreement concerning any issue for which joint decision-making should occur, the procedures set forth in this section will be used to find a resolution to the issue(s).

(a) Notice

The Region IX Head Start Office will be notified, in writing, immediately that an impasse situation has occurred.

(b) Negotiation

Members of the Board and HPC agree to negotiate in good faith in an attempt to adjust differences between the two groups to reach a consensus agreement concerning any shared decision issue. The negotiation effort shall be conducted as follows:

(1) Representatives of the two groups will meet to identify the differences and to explain their respective positions and qualify their reason for arriving at the decision in question.

(2) If the dispute cannot be resolved at this stage then one or both parties should declare the need for mediation.

(c) Mediation

(1) The Head Start Program Director will contact a mediator if needed.

(2) A professional mediator will be contracted to work with the HPC and BOE to reach a decision agreeable to both parties. All parties will agree upon the mediator.

(3) An impartial mediator shall be engaged to facilitate the process allowing each side to state the position and suggest compromise alternatives.

(4) If the dispute cannot be resolved at this stage then the mediator should declare an impasse and prepare the issue for the voluntary arbitration of the impasse issue.

(5) In the event an agreement cannot be met through a mediation process, arbitration will be initiated. A neutral party will choose the arbitrator. The decision reached through the arbitration process will be final and will be adhered to by both parties.

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(6) The cost(s) of mediation and/or arbitration will be borne by the CNMI Head Start Program.

(d) Arbitration

(1) The arbitrator should be notified that an impasse has been declared and an arbitration schedule will be set. Both parties will be given the opportunity to present their position and provide the arbitrator with documentation.

(2) The arbitrator will determine procedures regarding the arbitration process for the resolution of the conflicts.

(3) Concurrence of the results must bear the signatures of each member of the Board and the HPC.

Modified, 1 CMC § 3806(c).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-125 Policy, Regulation and Procedure Development

To promote communication, consistency of services provided, and professional conduct that reflects the intentions of the Head Start Performance Standards, the Head Start Program will develop, review, update and adopt policies and procedures. Policies and procedures will be the product or collaboration of families, staff, HPC, and the Board. All policies, regulations and procedures will conform to the Head Start Standards, Board policies and regulations and local and federal law.

(a) The Board and HPC are responsible for the development and final adoption of policies, procedures and regulations to govern the operation of the Head Start Program. During the development phase, the Board and HPC shall solicit input from the community, staff and other professionals. Parents, Head Start and other PSS staff, parents and the community may propose modifications to these policies, regulations and procedures as well as any new additions. Such proposals should be submitted in writing to the HPC and the Board for review.

(b) The Board and HPC shall review written policies, procedures and regulations on a continuing basis to ensure consistency and legality of Board and HPC action and administrative decisions. Policies, procedures and regulations shall be reviewed and revised as a result of newly enacted state and/or federal legislation, court decisions, as a result of research and/or policy development as presented by state and/or national organizations and agencies, as a result of proposals from parents, Head Start staff, PSS staff, or the community, or for other reasons as determined by the Board of Education and HPC.

(c) When a new policy, regulation or procedures or revision to an existing policy, regulation and/or procedure is proposed, the draft will be distributed to the Program Site Managers. The Program Site Managers will route a copy to staff at each of their assigned centers. The Program Site Managers will also post a draft on the parent information board. Regulations affecting the substantive rights of individuals will be published in the CNMI Register for notice and comment.

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- (d) Head Start staff and families have one month to make comments/recommendations in writing. At the end of the month, the copies will be collected with all written comments and recommendations and proposed to the Head Start Policy Council (HPC) and the Board.
- (e) The HPC and the Board must approve or disapprove of all policies and procedures. At any meeting of the HPC or the Board of Education, policies and regulations governing the Head Start may be reviewed and adopted by the Board or the HPC. Once approved by the Board or HPC, the regulations or policy will be transmitted to the other group for review, comment and adoption. If disapproved, the Board or HPC will notify the other of the reason for the disapproval in writing and the individual or group that recommended the policy or procedure.
- (f) The formal adoption of policies and regulations shall be recorded in the minutes of the Board and the HPC. Only those written statements so adopted by both the Board and HPC and so recorded shall be regarded as official Head Start policy or regulation.
- (g) The Commissioner and the Head Start Director are assigned the responsibility for insuring that all Head Start policies, rules, regulations and decisions are implemented. The Commissioner and the Head Start Director shall notify all employees and students of their need to abide by Head Start policies, rules, regulations and decisions.
- (h) The Board and HPC agree that to the extent possible, all Head Start policies and regulations will be interpreted consistently with all Board and PSS regulations. In cases of conflict, the Head Start policies and regulations shall prevail. However, if there is no Head Start policy or regulation regarding an issue, the Board and PSS policies and regulations shall be followed to address the matter.

Modified, 1 CMC § 3806(e).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-130 Development of Forms

To promote communication consistency of services provided, and professional conduct that reflects the intentions of the Head Start Performance Standards, the CNMI Head Start Program will develop, review, and update working forms annually. Forms will support the Head Start policies and procedures and performance standards.

- (a) Head Start staff members may draft or suggest new forms or revisions to forms for use. Community and/or family members may recommend that forms be written or revised and give their proposal to the Head Start Policy Council (HPC) for consideration. All forms must support the completion of Head Start procedures and performance standards. Grantee forms may be used when they meet the needs of the program.
- (b) When a new form is proposed, the draft will be presented to the management team and teachers for review. Proposed revisions to existing forms will be presented to the management team for their decision to revise or not. All forms requiring parent/guardian permission for

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services or sharing of information will be reviewed by the Public School System (PSS) legal counsel and must be approved by HPC and BOE before implementation.

(c) Upon approval, all non-NCR forms will be distributed to the site coordinators who will copy and deliver to all sites. Component coordinators are responsible for the printing of all NCR forms and delivery to the site coordinators. The component coordinator will arrange training in the completion of component specific forms for staff.

(d) Forms will be translated into the primary language of parents/guardians to the extent feasible using Head Start staff, volunteers, and community resources.

(e) Each site will maintain a form notebook containing originals of all forms. Copies will be made from these originals for use by site staff. Site coordinators are responsible for requesting NCR forms as needed as well as maintaining the form notebook, removing outdated forms and adding new forms as needed.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The January 2004 notice of adoption changed the proposed language of subsection (b).

§ 60-60-135 Policy, Regulation and Procedure Implementation

The Commissioner and the Head Start Director are assigned the responsibility for insuring that all Head Start policies, rules, regulations and decisions are implemented. The Commissioner and the Head Start Director shall notify all employees and students of their need to abide by Head Start policies, rules, regulations and decisions.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-140 Board of Education and Head Start Policy Council Policy and Regulation Interpretation

The Board and HPC agree that to the extent possible, the Head Start policies and regulations in this chapter will be interpreted consistently with all Board and PSS regulations. In cases of conflict, the Head Start policies and regulations shall prevail. However, if there is no Head Start policy or regulation regarding an issue, the Board and PSS policies and regulations shall be followed to address the matter.

Modified, 1 CMC § 3806(d).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-145 Training

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Today's dynamic and rapidly changing society, with its tremendous accumulation of new knowledge and the attending obsolescence in some areas of practice, makes it imperative that all Board of Education members, HPC members, Head Start staff, teachers, clerical, technical, operations maintenance, families and volunteers, and administration be engaged in a continuous program of professional and technical growth in order that they may be qualified to provide a quality educational program for all students being served by the Head Start Program.

(a) It is the policy of the Head Start Program and mandated by the U.S. Department of Health and Human Services that all Head Start Programs provide a comprehensive training plan for in-service training and opportunities for the continuous professional and technical growth of staff members, HPC members, committee members, parents and volunteers of the Head Start Program.

(b) The program for in-service training for every school year will be outlined in the proposed budget for that specific school year with estimated costs to be approved by the Commissioner, and the Board of Education with input from the Head Start Policy Council.

(c) The administrative staff employing administration and management techniques consistent with modern management development, will provide leadership, which will assist each staff member to make a maximum contribution to the Head Start Program effort to provide a quality educational program and services to all students and families. Staff members will become knowledgeable regarding new developments and changes in their specialized fields and will utilize new and improved methods in practice.

(d) As a result of the operation of this policy, HPC, the Board, parents and volunteers will be advised of new developments and trained regarding any changes in standards, policies, regulations, procedures and protocol within the Head Start Program.

(e) The Head Start Director is responsible for ensuring that each new Board or HPC member receives training regarding the member's role and responsibilities, the program's goals and objectives, the policies and regulations governing the program and the applicable federal law.

(f) Head Start staff, volunteers and parents will receive training on the applicable performance standards.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (f).

§ 60-60-150 Program Planning

(a) The team should have a broad representation from all levels of the program. Parents should be included and fully informed so they can actively participate. Community partners also

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may be included, particularly if they have been involved in child-care or other types of collaboration.

(b) Steps in the planning process include:

- (1) Identification of planning team;
- (2) Assessing external environments;
- (3) Assessing internal capacity;
- (4) Developing a vision and mission for the future;
- (5) Developing goals and objectives to reach the future; and
- (6) Evaluating progress and revising plans.

(c) The planning process for the Head Start Program is a multi-step ongoing process. At the start of each school year, a Planning Committee is identified and trained which serves as the oversight body for program planning. The committee is composed of staff, parents and community representatives and meets at least three times during the program year.

(d) Program planning is based on a three-year cycle. In the first year of the three-year cycle a complete community assessment is developed in collaboration with the grantee agency, and the program goals are identified for the next three program years.

(e) Key elements of the program cycle, which the committee ensures happens in a timely and inclusive manner, include:

(1) Community Assessment

(i) In year one of the planning cycle a full needs assessment is conducted. The Planning Committee along with the program director, and other agency staff and board members, will ensure a comprehensive review of demographics, resources, trends and other relevant information is gathered and evaluated. Policy council members sitting on the Planning Committee and all Executive Committee members will participate and provide leadership to the Committee Assessment Committee. This committee will have the overall responsibility to conduct the program's community-assessment. Support staff for the committee will coach and support the committee function.

(ii) Training for the Community Assessment Committee will be provided by the second week of January. Training will include a review of the program planning cycle, the specific tool to be used, the program's procedure for completing the assessment and a schedule for completing the assessment. The management group or a portion thereof will provide training.

(iii) The Community Assessment Committee will be expected to be active participants on the data gathering teams (DGT). The community assessment will also be responsible for ensuring adequate recruitment of parents to participate on DGTs. A minimum of 20 parents and/or community members will be recruited. The Community Assessment Committee will set a calendar for data gathering and review of collected data during the 4th week of February. This meeting date will be set prior to the assembly of the site data gathering teams.

(2) Data Gathering Teams

(i) The program will have a data gathering team for each center. In addition, a data gathering team (DGT) will be created to review overall program-wide functions, such as planning, communication, monitoring, training, etc. The Community Assessment Committee staff support person with the support of management team will have the responsibility to provide training,

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support and guidance DGT. Managers will be assigned to teams prior to the start of the program year.

(ii) As DGT support staff support person(s) (as identified) are responsible for assembling their DGTs during the last week of January. Each team will be composed of a minimum of two parents and two staff. Larger centers may be assigned additional staff and the program-wide team will have a minimum of three staff and five parents and/or community members. Staff will be assigned to their teams. Staff will participate as assigned on the community assessment work plan committee. Staff will not assess their own centers. Program staff will have the responsibility for review of any confidential matter.

(iii) DGTs will visit sites and data will be gathered during the first three weeks of February. Teams will assemble their final reports and identify their team reporter prior to the date of the initial data review meeting.

(iv) At the data review meeting the Community Assessment Committee will receive the final report from each DGT. The Community Assessment Committee will have the responsibility to analyze the data and present a summary report reflecting data gathered by all DGTs at the next policy council meeting. The community assessment may request clerical support from the program's administrative assistant to complete the task.

(3) Community Assessment Update

(i) In program years two and three, an update of the community assessment will be conducted by the program director and Planning Committee when it is determined there is a significant change in: demographic makeup of program eligible children and families; estimated number of children with disabilities; data regarding the education, health, nutrition and communities that could be used to address needs.

(ii) Based on data gathered, the Planning Committee will make recommendations for any change deemed appropriate in: short and long term goals; written service areas plans (child development, family/community partnership, disabilities and program design and management); recruitment areas; center locations; and/or selection criteria.

(4) Program Review

The Planning Committee has oversight responsibility to ensure that the program review process is completed in a timely and efficient manner. The program review process includes several data gathering steps:

(i) Parent/Guardian Survey

The Planning Committee will review and approve the parent/guardian survey to be used by January 31st. By February, program staff will be responsible for distributing, collecting and tabulating survey results. Results of the survey will be available by February 15th. Policy Council will approve the survey results at its March meeting.

(ii) The Self Assessment Committee Conducts Self- Assessment Management staff will assist in organization and training. Non-management staff will participate in data gathering teams on a rotating basis. Assessment training will be provided by January 31st and the review will be complete by March. See self-assessment procedure for more detail.

(iii) Program Evaluation Day

All program staff along with members of the Policy Council, and Board of Education will participate in program evaluation day on the first Friday of April. A review of the information gathered through parent surveys and self-assessment will be reviewed at this session. Program goals will be reviewed as well as progress toward program objectives. Also, an overview of the

current budget expenditures will be presented. Recommendations for program improvements or modifications will be generated.

(5) Program Goals and Objectives

(i) Program goals will be developed on a three-year cycle. During the first year of the grant cycle, the program evaluation day will include a review of community assessment. Program priorities will be developed and long-term goals identified for the next three program years.

(ii) In years two and three the program will develop objectives for the coming school year. The objectives will be operational steps leading toward program goals. The outline for the objectives will be developed as part of the program evaluation day. Staff and Policy Council will set priorities and areas of concern at the program evaluation day. Management staff will refine the process and develop the priorities into operational language. Policy Council will formally approve the program goals and objectives as part of the grant approval process in April.

(iii) Written service area plans will reflect program goals and objectives.

(iv) Program managers will implement the program goals and objectives and report on a regular basis to Director and he/she will report to Policy Council/BOE regarding the progress toward program objectives. Reports will be made in January and June at the regularly scheduled Policy Council/BOE meetings. Updates will also be shared with Policy Council and staff at the Program Evaluation Day.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

In subsection (b), the Commission inserted semicolons at the ends of subsection (b)(1) through (b)(5), the word “and” in subsection (b)(5), and the final period. In subsection (e)(2)(iv), the Commission changed “form” to “from” to correct a manifest error.

The January 2004 notice of adoption changed the proposed language in subsections (e)(4)(iii) and (e)(5)(ii).

§ 60-60-155 Procedures for Grant Application

The grant application is prepared by the program director, HPC treasurer and other members within the finance committee together with the PSS’s Finance Director. The application will be presented to the HPC during the regular month meeting and approved by a majority of the HPC members. After approval by HPC, the application will be submitted to the Board of Education for final approval.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-160 Self-assessment

To assure the continual effectiveness and progress towards meeting program goals and objectives, the CNMI Head Start Program will collaborate with the Head Start Policy Council,

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the Board of Education, the Commissioner of Education and community representatives to conduct an annual self assessment of the program.

(a) Self Assessment Schedule

- (1) Formal self-assessment will take place in February.
- (2) Preparation for the self-assessment will begin in December.
- (3) Program goals and objectives will be reviewed in December.
- (4) HPC will choose self-assessment team leaders from their membership in December. HPC will also choose a self-assessment compiling and analyzing team leader. Each team leader will gather PRISM materials and plan for training.
- (5) Training will occur in January.
- (6) Compiling and analyzing will be completed by February 28th.
- (7) Findings will be shared at the March HPC meeting.

(b) Self Assessment Team

Assessment teams will be responsible for gathering information for one of the following two options: grantee/governance or site information. Each self- assessment team leader will compile a team consisting of Head Start parents/guardians and staff.

(c) Training Plan for Self Assessment

Self-assessment teams will be trained in the PRISM tool in early January. The Head Start Director will ensure that such training occurs.

(d) Program Self Assessment

Self-assessment teams will visit Head Start sites February 1st through 15th. Using the PRISM instrument, team members will observe classrooms and CPIC meetings; review family files; inventory lists; lesson plans; budget records; meeting minutes; as well as interviewing parents/guardians, volunteers, and program and grantee employees. All results will be documented in the team member's PRISM instrument.

(e) Analyze and Share Findings

The team leaders will collect all PRISM instruments from their team. Team leaders will turn all instruments over to the self-assessment compiling and analyzing team. The self-assessment compiling and analyzing team will develop a summary report for HPC approval. Findings will be shared at the March HPC meeting and copies will be distributed to site coordinators, component coordinators, Head Start Director, Commissioner of Education, and Board of Education. Site coordinators will share findings with staff and post findings on parent bulletin board and in parent notebook.

(f) Develop and Implement Action Plans

All Head Start staff and HPC members will participate in a program planning day in March. Head Start parents/ guardians and grantee representatives will be invited to participate. Findings from the self-assessment and community needs assessment will be reviewed and prioritized. Using this information, program goals and objectives will be developed/updated. Program goals and objectives will be used to create action plans for committees. Standing committees or temporary committees will be tasked with implementation of action plans.

(g) Ongoing Evaluation

Committee chairs will report progress in goals and objectives to the HPC on a monthly basis. Action plans will be reviewed for efficiency and updated as needed.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) through (a)(7).

In subsection (b), the Commission changed “leaders” to “leader” to correct a manifest error.

§ 60-60-165 Ongoing Assessment

To assure that programmatic planning meets the needs of all children, as a result of child outcomes data, the CNMI Head Start Program will conduct ongoing assessment three times per school year and share this information with every family, Head Start Policy Council and grantee.

(a) Ongoing Assessment Tools

The CNMI Head Start Program will utilize the creative curriculum (for preschool) developmental continuum assessment toolkit for ages 3-5, collected examples of child skills (collected in a child portfolio), and ongoing classroom observations of each child to create a holistic view of each child’s level of development.

(b) Ongoing Assessment Schedule

The program will report the results of ongoing assessment by completing the creative curriculum individual child profile for each child on:

- (1) The 6th week after classes begin;
- (2) At mid-year;
- (3) The 6th week before classes end.

(c) Teachers will:

- (1) Observe each child at least once a week;
- (2) Use the observations to record children’s level of abilities on the individual child profile;
- (3) Share information on each child to his/her family (during family/teacher conferences);
- (4) Develop the child’s individual learning plans (ILP) with the child’s family (during family/teacher conferences); and
- (5) Individualize lesson plans to meet each child’s needs.

(d) Site Coordinators will:

- (1) Collect and generate reports of all ongoing assessment information for each child using the creative curriculum’s CC-PORT (software);
- (2) Submit these to the Education Coordinator (due 3 weeks after family/teacher conferences have been conducted);
- (3) Work with the Education Coordinator to analyze the findings.

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- (e) Education Coordinator will:
Submit all ongoing assessment reports and analyses to the Director (due 1 week after site coordinators have submitted reports).
- (f) Director will:
Share the reports and analyses with the HPC and grantee (at the next scheduled HPC meeting).
- (g) Training for Ongoing Assessment
- (1) Pre-service training will be conducted prior to the opening of each school year in the areas of:
- (i) Child observation;
- (ii) Ongoing child assessment using the creative curriculum;
- (iii) Developing ILPs using the creative curriculum; and
- (iv) Individualizing lesson plans.
- (2) In-service training will be planned based on child outcomes data and teachers' needs assessment. The Education Coordinator, in collaboration with the Site Coordinator, will conduct these trainings with all education staff employed after the initial pre-service orientation.
- (h) Report, Analyze and Share Findings
- (1) Reporting, analyzing, and sharing findings will result in proper and appropriate programmatic planning for the children's cognitive, social/emotional, physical and language needs.
- (2) Site Coordinators will review the individual classroom reports with the teachers. Using the results, teachers will plan:
- (i) Classroom activities to encourage learning in areas with children falling in the "forerunner" level.
- (ii) Classroom activities to support learning in all areas based on the reported levels of the students.
- (3) When levels show 10% or less progress between reports, teachers and site coordinators will meet to plan strategies for meeting children's learning needs. Strategies may include:
- (i) Training for staff;
- (ii) New classroom materials to support different learning styles;
- (iii) Observation(s) of student(s) and/or teaching staff.
- (4) The ongoing assessment team, consisting of Education Coordinator, Disabilities Coordinator, and Site Coordinators, will review the compiled reports by sites and program wide. By reviewing for trends in children's progress, the ongoing assessment team will make recommendations to the Director for:
- (i) Purchase of a greater variety of learning materials
- (ii) Training, technical assistance, or other support for teachers
- (iii) Volunteer and community partnerships to support program goals for children
- (iv) Resources needed to support action plans.
- (i) Forms
- (1) Individual child profile
- (2) Child progress and planning report.

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Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In the opening paragraph, the Commission changed “these” to “this” to correct a manifest error. In subsection (g)(1), the Commission changed “will conducted prior be” to “will be conducted prior.” The Commission inserted semicolons at the ends of subsections (b)(1), (b)(2), (d)(1), (d)(2), (h)(3)(i), (h)(3)(ii), and (h)(4)(i) through (h)(4)(iv) pursuant to 1 CMC § 3806(g). In subsections (h)(3), (h)(4) and (i), the Commission inserted the final period.

§ 60-60-170 Communication

Recognizing that communication plays a key role in quality services, the CNMI Head Start Program promotes open, professional, and respectful communication among staff, families, volunteers, and agencies.

(a) To facilitate communication between the Board of Education and the Head Start Policy Council, a member of the Board shall participate in the HPC’s monthly meetings.

(b) During HPC regular monthly meetings, all HPC representatives from each center report to the Program Director any concerns that have arisen regarding their center. The Head Start Director will submit a monthly report to the HPC during its regular meetings and report monthly to the Commissioner.

(c) All Head Start staff, parents, and volunteers will abide by the confidentiality policy and procedure in all communication concerning Head Start issues. Concerns will be routed through the proper line of authority.

(d) There is a six-tiered communication system within Head Start:

(1) Communication with children.

(2) Communication with families.

(3) Communication with Head Start Director/staff.

(4) Communication with Head Start Policy Council.

(5) Communication with the Board of Education, the Commissioner of Education and the Associate Commissioner for Curriculum and Instruction.

(6) Communication with Region IX.

(e) Communication with Children

Adults will speak respectfully to children at all times. Yelling, threatening, or belittling will not be allowed in Head Start as a behavior management technique. Classroom time communication is to be focused on the children and adults will schedule meetings before or after class time.

(f) Communication with Families

(1) Families will be provided with ongoing information regarding the Head Start Program governance, community resources and events, classroom calendar and events, and family

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partnership agreements (FPA). Copies of all newsletters, calendars, menus, and flyers will be put in a parent notebook and on a parent bulletin board that are accessible to all parents.

(2) Newsletters and Calendars

Each Head Start site team will collaborate on a monthly Head Start newsletter that will include a classroom calendar and menu. The newsletter will be given to families on the last class day of the month and cover information for the following month. The classroom calendar and newsletter will state the educational theme, special activities, field trips, CPIC meeting dates and times, community opportunities for parent education and/or meeting of FPA goals, and any changes in the scheduled routine.

(3) Flyers and Notes

Site managers will develop or copy flyers and notes for special announcements and provide to staff at each center. Staff will distribute to each family in their class.

(g) Communication with Head Start Staff

Changes in program procedures will be discussed at management meetings and be included in agenda and minutes. When new procedures or program changes are instituted, a memorandum will be distributed to all managers from the Director or responsible management member. Site managers will be responsible for distributing to staff. All memorandums will be posted on staff bulletin board and copies will be kept in staff notebook.

(h) Communication with Head Start Policy Council

(1) Communication with parents may be established with the HPC on a daily basis. Parents are welcome to approach HPC members outside meetings to discuss concerns regarding particular staff, the centers, instruction and the program's policies and procedures. Parents and staff can submit comments in each center's suggestion box. These comments will be considered at the regular HPC meetings.

(2) Center families may communicate with its HPC representative and discuss future events and other concerns of its center. The HPC representatives for the centers should communicate all concerns during the monthly HPC meetings. The HPC will report concerns to the BOE. The Head Start Director will provide a monthly report to the HPC. The Director will share all Head Start issues of concern to the HPC.

(i) Communication with the Board of Education

To facilitate communication between the Board of Education and the Head Start Policy Council, a member of the Board shall participate in the HPC's monthly meetings. The Head Start Director will report to the BOE. The BOE HPC representative will share Head Start information with the BOE, including policies and procedures.

(j) Communication with Region IX

(1) The Head Start Director will report directly to Region IX and will be responsible for bringing appropriate concerns regarding the program to the attention of Region IX.

(2) Refer to monthly report policy & procedure, family partnership policy & procedure.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

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Commission Comment: The original paragraphs of subsections (f), (h) and (j) were not designated. The Commission designated subsections (f)(1) through (f)(3), (h)(1) and (h)(2) and (j)(1) and (j)(2).

In subsections (d)(1) through (d)(6), the Commission inserted the final periods.

§ 60-60-175 Community Complaints

(a)(1) Head Start operates according to performance standards and as such is expected to meet the needs and concerns of parents/guardian and community members. Accordingly, the Head Start Program in this section provides a procedure for the prompt review, impartial consideration and equitable disposition of complaints presented by parents, guardians or community members in reference to agency policy or performance.

(2) Any parent/guardian or community member, who feels they or their children have been subjected to unfair treatment or discrimination, shall have the right to present their complaint according to the process described in this section.

(3) All parents/guardians will be informed of the complaint procedures at parent orientation.

(b) A complaint may be defined as a parent/guardian or community member's unresolved dissatisfaction with any aspect of the program delivery, policy, and/or procedures.

(c) The person(s) filing the complaint shall be free from restraint, coercion, discrimination or reprisal.

(d) The aggrieved parent/guardian or community member may, if desired, select one other person/qualified legal representative to represent him/her in the complaint. The aggrieved person(s) shall be present, however, at each complaint step.

(e) Complaint Process - Step One

(1) The aggrieved person(s) should present their complaint either orally or in writing to the Site Coordinator or appropriate supervisor.

(2) The Site Coordinator shall arrange with aggrieved person to discuss the grievance within ten working days of the meeting.

(3) The Site Coordinator shall render a decision within ten working days of the meeting.

(4) If the aggrieved person(s) has not heard from or is dissatisfied with the result of the decision, they may submit a written complaint within ten working days directly to the Head Start Director.

(f) Complaint Process - Step Two

(1) Upon receiving notice of the complaint, the Head Start Director may wish to investigate the complaint further before meeting with the aggrieved person(s). The Head Start Director shall meet with the aggrieved member with ten working days after notification of the complaint.

(2) The Head Start Director's decision shall be conveyed in writing to the aggrieved person(s) either at the meeting or within ten working days following the conclusion of the meeting.

(3) If the aggrieved person(s) is not satisfied with the decision, he or she may request, in writing, a hearing before the complaint committee. This request must be made within ten

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working days of the aggrieved parent/community person's receipt of the Head Start Director's written decision.

(g) Complaint Process - Step Three

(1) HPC Executive Board will select a complaint committee. The complaint committee will be made up of three members - a staff person and two members: one from Executive Committee, and a current parent representative on HPC.

(2) Upon receiving notice of the complaint, the committee may wish to investigate further before meeting with the aggrieved parent/community member.

(3) The complaint committee shall meet with the aggrieved person(s) and appropriate personnel with seven working days after notification.

(4) The complaint committee's decision shall be conveyed in writing to the aggrieved person(s) at the meeting or the next day.

(5) If not satisfied with the decision, the aggrieved person may request in writing, a hearing before HPC. This request must be made within five working days of the decision.

(h) Hearing Process - Step Four

(1) Hearing Panel - Upon receipt of the notice of appeal, the Board of Education Chairperson shall appoint two members of the Board and the HPC Chairperson shall appoint three members of HPC to act as the hearing panel. The panel shall elect one hearing officer to act as the chief hearing officer. The appointed HPC members must not have been a member of the complaint committee.

(2) Scheduling the Hearing - The hearing officer shall schedule a hearing, after consultation with the parties to be held within forty-five days of the aggrieved person's request for a hearing.

(3) Legal Counsel - PSS legal counsel shall represent the Head Start Program employer. The aggrieved person is entitled to retain counsel of his/her choosing at his/her own expense.

(4) Pre-hearing Conference - The hearing officer shall provide a date for the exchange of witness lists and documents intended to be introduced at the hearing. The hearing officer may also hold a pre-hearing conference to accomplish one or more of the following tasks:

(i) Decide the issues for the hearing.

(ii) Stipulate as to uncontested facts.

(iii) Estimate the length of the hearing.

(iv) Mark exhibits.

(v) Determine the admissibility of contested evidence.

(5) Burden of Proof - The employee shall have the burden of proving his/her grievance by a preponderance of the evidence.

(i) Conduct of Hearing

(1) The hearing shall be presided over by the hearing officer, but any decision on the merits of the grievance shall be made by a majority vote of the hearing panel. All panel members must attend the hearing.

(2) The hearing shall commence with a reading of the complaint.

(3) Each side shall be permitted to make an opening statement with the aggrieved person proceeding first.

(4) The employee shall present evidence to support his/her grievance, subject to cross-examination.

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- (5) The employer may present evidence to rebut the grievance, subject to cross-examination.
- (6) Each side may present rebuttal and surrebuttal evidence.
- (7) After all the evidence has been presented, the aggrieved person may offer a closing argument. The Head Start Program may then present a closing argument, followed by the final summation of the employee.
- (8) Proceedings hereunder shall be conducted consistent with the requirements of 1 CMC § 9109.
- (9) A recording shall be made of the proceeding to serve as the official record of all of its events.

(j) Evidence

- (1) The formal rules of evidence do not apply. Any relevant evidence of probative value is admissible with only the weight assigned to it affected by its nature.
- (2) The hearing officer shall administer oaths to witnesses.
- (3) Affidavits under penalty of perjury may be admitted.
- (4) Hearsay shall be admissible and may constitute sufficient evidence if relevant and probative, of a kind that responsible persons are accustomed to relying upon in serious affairs, or such that a reasonable mind would accept the evidence as adequate to support a conclusion of ultimate fact.
- (5) Submission on stipulated facts - If the parties agree or stipulate to the basic facts of the complaint, they are encouraged to set the stipulation out in writing and submit it to the hearing panel rather than conduct a hearing to develop the facts. The hearing panel may, however, after reviewing the stipulation, determine that a hearing is necessary, but shall limit the scope of the hearing to the issues that require evidence. If the case is submitted on stipulated facts, both parties shall be given the opportunity to argue the law and the facts, both orally and in writing, before the hearing panel.

(k) Decision

- (1) The decision-making process must comply with 1 CMC § 9110.
- (2) The attorney for the Head Start Program shall not participate in the private deliberations of the hearing panel.
- (3) The hearing panel shall issue a written decision with findings of fact and conclusions of law, and the reasons or basis for them, on all the material issues of fact, law and discretion presented on the record and the appropriate order affirming or rejecting the discipline.
- (4) The written decision and order shall be served on the aggrieved person, the Commissioner, the Head Start Director, HPC and the Board of Education.

(l) Appeal

The aggrieved person may appeal the agency decision pursuant to the procedures and time restrictions set forth in 1 CMC § 9112.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraph was not designated. The Commission designated subsection (a) and redesignated subsections (b) through (l).

In subsections (b) and (e)(4), the Commission inserted the final period.

Part 200 - Record-keeping

§ 60-60-201 Family Files

To promote an organized, systematic delivery of services to families and confidentiality of all information, the CNMI Head Start Program maintains all family files in a professional manner. The rights of the parent/guardian(s) will be respected in the handling of all files.

(a) There will be a file created for each child enrolled in Head Start. When siblings are enrolled, there will be a separate file for each and the information may be duplicated. Each file shall contain the following:

- (1) Application/registration forms;
- (2) Copy of birth certificate;
- (3) Copy of social security card;
- (4) Verification of income;
- (5) Verification of assistance, i.e. food stamps, child care, Medicaid;
- (6) Copy of passport/visa for non-residents;
- (7) Copy of guardian/adoption affidavit when applicable;
- (8) Hospital number;
- (9) Copy of medical insurance;
- (10) Copy of immunization records;
- (11) Head Start forms 1-10;
- (12) Health certificate;
- (13) Height and weight graph;
- (14) Results of vision screening;
- (15) Results of hearing screening;
- (16) Results of dental screening;
- (17) Results of behavior screening;
- (18) Results of ESI developmental screening;
- (19) Certification of disability when applicable;
- (20) Signed parental authorization for medical/screenings;
- (21) Family partnership agreement;
- (22) Parental authorization for pick-up;
- (23) Originals of home visit/conferences forms;
- (24) Originals of individual learning plans;
- (25) Creative curriculum individual child profile;
- (26) Copies of referral for assessment;
- (27) Signed copies of permission to assess, when applicable;
- (28) Copies of assessment results, when applicable;
- (29) Copies of individual education plans, when applicable;
- (30) Original copies of contact forms;
- (31) Original copies of accident report;
- (32) Original of CA/N report form, if applicable;
- (33) Original copies of transfer/withdrawal form, if applicable.

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- (b) All family files will be kept in a locked file cabinet at the Head Start Center of enrollment. All files will be kept at the site for three years following the last year of enrollment for the child. Site managers will be responsible for old files being shredded at the end of each school year.
- (c) All Head Start staff shall, sign and date the access to file form on the front of the file when they first access the file. Access to family files shall be limited to the service team, review teams, and parents/guardians. Parents/ guardians shall request access to their file(s) from the site manager or one of the members of the teaching team. Parents/guardians may not remove items from the file. Concerns about the contents of the file shall be addressed to the site manager. If the site manager cannot address concerns, the site manager will contact the social service coordinator and the parent involvement coordinator.
- (d) No files shall leave the Head Start Center.
- (e) All originals of Head Start forms will be kept in the family file. Education or management staff may keep copies of forms or tickler files separate from the family file if such information is kept in a locked file and destroyed when no longer needed.
- (f) All forms will be placed in the family file within one working day of completion.
- (g) Services to families will be documented in the family file. This narrative will include:
- (1) All referrals to other agencies;
 - (2) Follow up to referrals;
 - (3) Contacts with families regarding concerns (i.e. child behavior, attendance, nutrition, dental, health);
 - (4) Parent participation;
 - (5) All service plans (i.e. follow up for family partnership, individual learning plan activities at the home, medication dispensed at Head Start, transition to kindergarten);
 - (6) Any Department of Youth Services reports, including follow up.
- (h) If a child transfers to another Head Start site, the site manager(s) will transfer the file to the new site. The new service team will sign the access to file form as the proof of receipt.
- (i) Only information that the parent/guardian approves will be copied for transfer to the kindergarten transition.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission corrected the capitalization of “Medicaid” in subsection (a)(5) pursuant to 1 CMC § 3806(f). The Commission inserted semicolons at the ends

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of subsections (a)(1) through (a)(32) and (g)(1) through (g)(5) pursuant to 1 CMC § 3806(g). In subsections (a)(33) and (g)(6), the Commission inserted the final periods.

§ 60-60-205 Monthly Reports

To assist in providing quality services to families, the CNMI Head Start staff will prepare and use monthly reports as part of a tracking and monitoring system. The professional expectation of the program is that staff will accurately and completely compile the required information in a timely manner. All information will be used for ongoing monitoring of services provided to children and families.

(a)(1) All reporting staff members are responsible for on-going monitoring of the information contained in their respective monthly reports. Information will be reviewed as part of a continuum of services provided with each month being used for a holistic assessment of progress.

(2) Copies of all monthly reports will be kept on each reporting level and filed in a confidential location for four program years. All monthly reports are due on the date stated in the following procedures. Management will inform staff at least a week prior if there are any exceptions due to program needs.

(b) Education Monthly Reports

(1) Lead teachers will be responsible for the completion of a monthly report for their assigned class roster. The report will be completed and given to the site manager on the last working day of the month.

(2) The report must include:

(i) Current class enrollment, including status (i.e. new students);

(ii) The total number of initial screenings completed within 45 days and reasons for any exceptions (i.e. unable to complete due to attendance issues);

(iii) Referrals to special education during the month;

(iv) The number of existing individualized education plans (IEPs) and status of services;

(v) The number of home visits and/or parent/teacher conferences completed during the month;

(vi) The reason for any scheduled home visit/conferences not being completed;

(vii) The number of individual learning plans written or updated during the month and reasons for any exceptions;

(viii) The number of children missing four or more days, their names and the reasons for absences.

(3) Site managers will be responsible for reviewing all monthly reports from their assigned centers. Site managers will follow up with staff on any issues/concerns addressed in the monthly report and will compile the information, include follow up plans and turn in to the education coordinator on the first working day of the month.

(4) The education coordinator will be responsible for collecting all monthly reports from the site managers, reviewing the information, following up on any concerns/action plans, and completing a program education report for the Head Start Director.

(c) Health Services Monthly Reports

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The health coordinator will prepare a report based on the following information collected from each site manager on the first of each month unless otherwise specified:

- (1) The total number of initial screenings (physical exam, height & weight, hematocrit, or hemoglobin, hearing, vision, and dental exam) completed. Due the 45 days after enrollment.
- (2) The total number of completed screenings within 45 days of enrollment (hearing, vision, and behavioral).
- (3) The total number of completed or up-to-date (in sequence) immunizations.
- (4) Copies of the height and weight, form 6, nutrition, and form 7, growth chart and parent/teacher conferences regarding nutrition completed during the month.
- (5) Copy of form 10, observation of health and behavior, and home visits or parent/teacher conferences completed. Due by the first working day of December, March, and May.
- (6) Copy of meal counts taken daily during meals.
- (7) Copy of food and nutrition evaluation and concerns completed during the month.
- (8) Copy of nutrition activities and family style meals report.
- (9) First aid kit inventory.
- (10) Fluoride administration counts.
- (11) Food and nutrition monitor's daily report.

(d) Social Services Monthly Reports

The social services coordinator will prepare a monthly report including the following information:

- (1) Monthly attendance records of each site which shall be submitted to the social service coordinator on the first working day of the month.
- (2) Report all children by name if attendance shows three or more absences.
- (3) Report all follow up activities, home visit, contacts, etc.
- (4) Follow attendance procedures and file documentation.
- (5) Report all withdrawals and new enrollment for the month.

(e) Director's Monthly Reports

- (1) The Head Start Director will gather all component reports on the second working day of the month. Each component coordinator will provide the Director with specific information on any action plans for areas of concern. All issues needing program-wide action will be addressed during the Head Start management team meeting on the first Tuesday of the month. Decisions concerning actions needed will be made on an individual basis and follow up will be reported to the team at the monthly meetings.
- (2) The Director will compile and summarize the information for submission to the Head Start Policy Council and the PSS Board of Education. The Director will inform all managers and coordinators concerning any action required on the Council or Board level. Managers will inform all site staff.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraph was not designated. The Commission designated it subsection (a) and redesignated subsections (b) through (e). The Commission also designated subsections (b)(1) through (b)(4) and

(e)(1) and (e)(2). The Commission inserted semicolons at the ends of subsection (b)(2)(i) through (b)(2)(vii) pursuant to 1 CMC § 3806(a).

Part 300 - Facilities, Equipment and Transportation

§ 60-60-301 Equipment Maintenance

The CNMI Head Start Program as part of its commitment to maintaining a high quality, safe and healthy learning environment will routinely sanitize, repair or replace, and procure materials and equipment. All materials acquired are will be chosen to be safe, accessible, welcoming, comfortable, age-appropriate, culturally sensitive, and meet the special needs of the students. All staff, volunteers, and parent/guardians will collaborate to maintain proper materials and equipment in the Head Start Centers.

(a) **Site Materials and Equipment**

(1) Each site manager will maintain an inventory of:

- (i) Classroom materials - i.e., books, puzzles, blocks;
- (ii) Consumable classroom supplies - i.e., construction paper, glue, crayons;
- (iii) Educational equipment - i.e., trikes, climbers;
- (iv) Nutritional equipment - i.e., flatware, dishes, serving utensils;
- (v) Office equipment - i.e., computer, fax, desks;
- (vi) Office consumable supplies - i.e., copy paper, ink cartridges.

(2) A copy of the inventory shall be sent at the beginning of the school year to the Head Start Director. The site manager shall update the inventory as new materials are acquired.

(3) The staff at the end of the school year shall review the inventory. All non-consumable materials and equipment shall be accounted for before staff members are signed out at the end of the school year.

(4) Education staff will check all classroom materials on a daily basis and remove soiled or damaged materials. All classroom materials currently being used will be sanitized at the end of the week using a solution of __* teaspoon of bleach in 1 quart of cool water. All materials will be sanitized before being stored after classroom use.

(5) Food service equipment will be washed and sanitized after every use. Wash dishes in warm, soapy water to remove all food particles; rinse in warm water; rinse again in a tubful of water with 1 teaspoon of bleach added. Tables will be sanitized before each meal using sanitizing solution or a teaspoon of bleach to 1 quart of cool water in a spray bottle (must be mixed fresh each day). Garbage will be removed and tables sanitized after each meal served.

(6) The inventory list will be used as a tool for the ordering of materials.

* So in original.

(b) **Office Materials and Equipment**

(1) The administrative assistant will maintain an inventory of:

- (i) All office equipment - i.e. computers, fax, desks;
- (ii) All office consumables - i.e. copy paper, ink cartridges, pens and pencils;
- (iii) Nutritional equipment - i.e. refrigerator, dishes.

(2) The inventory will be updated as new materials and equipment are acquired and as consumables are used. The inventory list will be used as a tool for the ordering of new materials.

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(3) All staff, volunteers, and HPC members will take responsibility for maintaining shared materials and equipment. Meeting rooms will be tidied, garbage removed, tables sanitized, and all dishes/food equipment will be washed and stored after every meeting.

(c) Special Education Materials and Equipment

The special education staff will inventory all special education materials and equipment purchased through Head Start funding but not stored on site. The inventory will be updated as materials and equipment are purchased. The special education coordinator will maintain the inventory list, provide a copy to the Head Start disabilities coordinator, and report condition of materials and equipment to the disabilities coordinator at the end of the school year. The special education staff will take responsibility for sanitizing all materials on a weekly basis when in constant use and before placing in storage.

(d) Facility Maintenance

(1) The maintenance staff will clean all children's bathrooms daily. Cleaning will include:

- (i) Removal of garbage and replacement of liners;
- (ii) Sanitizing all porcelain and chrome;
- (iii) Scrubbing of toilet bowls;
- (iv) Sweeping and mopping of floors.

(2) Maintenance staff will provide basic cleaning to each classroom daily. Cleaning will include:

- (i) Removal of garbage and replacement of liners;
- (ii) Sweeping and mopping of floors;
- (iii) Vacuuming all carpets.

(3) Classrooms will be thoroughly cleaned and repaired during the summer break. Prior to the break, education staff and site managers will:

- (i) Determine the need for painting in their center and report to the Head Start Director.
- (ii) Determine any major repairs needed and report to the Head Start Director.
- (iii) Clean, inventory, and store all materials and equipment; order replacements if necessary; give report to Education Coordinator.
- (iv) Remove all decorations from walls, ceilings, and windows.

(4) During the summer break, the Head Start Director will contract out needed repairs, cleaning services, and painting. During break, contractors will:

- (i) Maintain the Head Start grounds, mowing and trimming as needed;
- (ii) Paint walls if necessary;
- (iii) Make major repairs to facility if needed;
- (iv) Clean all carpets;
- (v) Buff all linoleum floors.

(e) Refer to materials and equipment ordering policy and procedure.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsections (a), (b), (d) and the final paragraph were not designated. The Commission designated subsections (a)(1) through (a)(6), (b)(1) through (b)(3), (d)(1) through (d)(4) and (e).

In subsection (b)(1)(ii), the Commission changed “in” to “ink” to correct a manifest error. The Commission inserted semicolons at the ends of subsections (a)(1)(i) through (a)(1)(v), (b)(1)(i) through (b)(1)(ii), (d)(1)(i) through (d)(1)(ii), (d)(2)(i) through (d)(2)(ii), and (d)(4)(i) through (d)(4)(iv) pursuant to 1 CMC § 3806(g). The Commission inserted a period at the end of numerous sections to ensure consistent punctuation.

Part 400 - Family and Child Services

§ 60-60-401 Recruitment and Selection

To ensure that the Head Start Program serves eligible children and families, enrollment will be prioritized based on needs. Recruitment will be ongoing and a waiting list will be maintained of all eligible children to prevent lapses in enrollment. A minimum of ten percent of enrollment placements will go to children with disabilities.

(a) Active recruitment will take place six months prior to the beginning of the school year. Activities will include, but are not limited to:

- (1) Canvassing the community;
- (2) News releases on TV, radio, and in newspapers;
- (3) Referrals from public and private agencies;
- (4) Referrals from current Head Start families.

(b) Application packets will be prepared and available at all Head Start Centers. Staff will be available to assist families with filling out the application forms. All forms completed will be sent to the central Head Start office to the social service coordinator.

(c) Incomplete applications will be followed up by a letter and/or phone call to the family. Assistance in completing the application will be offered by staff.

(d) Four months prior to the beginning of the school year, the social service coordinator will prioritize the completed applications based on:

- (1) Income eligibility of the family;
- (2) Child disability;
- (3) Suspected child disability;
- (4) Age of child;
- (5) Family risk factors;
- (6) Family needs as identified through the community assessment;
- (7) Current enrollment in Head Start.

(e) Enrollment age will be based on the Board of Education policy and standard of August 31st. Children turning four years old by August 31st will be given priority over three year old children. If enrollment is not met one month prior to the beginning of the school year, eligible three year olds will be enrolled.

(f) Children enrolled as three year olds will be re-enrolled for the next school year. All relevant forms will be updated with the family.

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(g) Families of enrolled four year olds that are unable to enroll in kindergarten can petition for re-enrollment in Head Start. A petition letter will be reviewed and approved or disapproved by the Head Start Policy Council and Director. Approval or disapproval will be based on:

- (1) Space available one month prior to the beginning of the school year;
- (2) Income eligibility of the family.

(h) Ten percent of the enrollment slots will be set-aside for children with disabilities. If the ten percent is not met, recruitment of special needs children will be pursued. Children diagnosed with a disability after enrollment in Head Start will be counted as part of the ten percent.

(i) The social service coordinator will maintain a waiting list. The list will include all qualified applicants that exceed the enrollment number and whose needs are determined to be less severe. The waiting list will prioritize applicants using the same criteria as for initial selection. When new applications are received after enrollment is reached, the new applicants will be placed on the waiting list based on selection criteria. Enrollment will not be on a “first come, first served” basis.

(j) When a vacancy occurs, the site manager will inform the social service coordinator. The social service coordinator will enroll the next qualified family for that site from the waiting list. Vacancies will be filled within 30 calendar days unless there are less than 60 calendar days of service remaining. If a vacancy cannot be filled, the social service coordinator will document recruitment efforts and any other activities to fill the vacancy and report to the Head Start Director. Family members will not be assigned to teach related children unless no other opening is available and placement is agreeable to all parties involved, i.e. parents/guardians, teaching team, site manager, and Head Start Director.

(k) The social service coordinator will report the status of enrollment and waiting list on a monthly basis to the Head Start Director.

(l) Refer: Children’s Attendance Policy & Procedure.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The final paragraph was not designated. The Commission designated subsection (l). The Commission inserted semicolons at the ends of subsections (a)(1) through (a)(3), (d)(1) through (d)(6), and (g)(1) pursuant to 1 CMC § 3806(g). In subsections (a)(4), (d)(7), (g)(2) and (l), the Commission inserted the final period.

Subsection (l) refers to Children’s Attendance Policy & Procedure. There is no such section in the original regulation.

§ 60-60-402 Physical Examination

To ensure preventive and primary health care that helps promote healthy development and identifies potential problems that can be addressed early to improve health outcomes of children, the Head Start Program in the CNMI requires that all children ages 3-5 enrolled in Head Start

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have a physical examination from a licensed physician prior to entering the school for the first time.

(a) All children ages 3-5 enrolled in Head Start must have a physical examination from a licensed physician prior to entering the school for the first time. A determination from a health care professional is obtained to assess whether a child is up-to-date on a schedule of age appropriate preventive and primary health care. This schedule incorporates the well childcare standards utilized by the early and periodic screening, diagnosis and treatment (EPSDT) program in CNMI (see EPSDT screening guidelines). At the time of enrollment, a physical examination is required that is dated close to the current age of the child in accordance with the well child schedule. For ages 3-5, physical examinations performed within one year prior to the date of school entry are acceptable for enrollment purposes.

(b) Head Start may require any student to be examined by a physician for the purpose of determining whether the student is afflicted with a contagious or infectious disease or have the liability of transmitting the disease. Head Start may also require certification from a physician indicating a student's fitness to participate in specific educational programs of extra-curricular activities.

(c) Refusal on the part of parent/guardian to obtain the required examination and to submit the certification indicating freedom from contagious or infectious disease may result in student exclusion from school. Students may be excused from engaging in required educational activities upon proper certification from a physician advising the school of a particular restriction.

(d) All costs of physical or other examinations shall be at the expense of students unless otherwise specifically mandated by law.

(e) Procedures

(1) At the registration sites or initial visit with parents during recruitment, the family advocate (FA) gives a list of Head Start Program health requirements. The "child health record, form 3, screenings, physical examination/ assessment," "child health record, form 4, immunization" and the "child health record, form 5, dental examination" are also given.

(2) The FA explains the health requirements and encourages families to complete requirements as soon as possible.

(3) The FA assists the parents in acquiring medical insurance and/or a medical provider if needed.

(4) When the physical examination and immunization records are received, the FA checks to see that the child's name, date of birth (DOB), parent's name, phone and address are completed on the forms. The FA forwards the records to the assigned staff or health manager for review and approval.

(5) The FA and site coordinators review the records for completeness and conduct a follow-up with a "physical exam/immunization letter to the parents" and/or a licensed physician as needed and returns all records to the FA in a timely manner (about 1 week). If there is no response or the family is not compliant, the site coordinators document this, the FA is notified and the child is placed back on the waiting list. The staff makes all attempts to assist the family in completing requirements.

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- (6) When a child is enrolled; the health manager reviews records, identifies any health needs and initiates the “CPLUS activity/service delivery tracking” (ASDT) form to ensure that the child’s health needs are met. Referrals for health services are made as needed on the “referral for health services” form.
- (7) The staff encourages continuance of appropriate well childcare for 3 years-olds repeating Head Start the following year.
- (8) The staff encourages and assists all families to continue to follow the recommended schedule of prenatal and well childcare.
- (f) Forms
- (1) List of health requirements;
 - (2) CPLUS activity/service delivery tracking (ASDT);
 - (3) Child health record form 3, physical examination;
 - (4) Child health record form 4, immunization;
 - (5) Child health record form 5, dental examination;
 - (6) Referral for health services.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (c), the Commission changed “on” to “in” and in subsection (e)(1), the Commission moved a comma inside of closing quotation marks to correct manifest errors. In subsection (e)(5), the Commission changed “conducts” to “conduct” and “documents” to “document” to ensure subject/verb agreement. The Commission inserted semicolons at the ends of subsections (f)(1) through (f)(5) pursuant to 1 CMC § 3806(g). In subsection (f)(6), the Commission inserted the final period.

§ 60-60-404 Immunizations

The use of immunizations is recommended to prevent young children from becoming seriously ill or dying from once common and feared childhood diseases. The recommended immunization schedule begins during infancy and, with the exception of boosters, is completed during early childhood.

- (a) CNMI Public Law 6-10 § 1163 states that “If the child has not received all of the required immunization, the parents shall be notified immediately that they are required to initiate all required immunization for their child within two weeks after the date of such notice...failure to comply shall be grounds for suspension of the child from school until immunization standards have been met.”
- (b) Pursuant to CNMI law, every parent of a child shall, at the time of first enrollment of the child in any Commonwealth public or non-public school and for each subsequent school year, irrespective of grade level, provide the school of attendance with proof that the child has received vision and hearing tests and all of the immunizations required by the Department of Public Health. Every parent/guardian of a child whose health records show incomplete tests and immunizations shall be immediately notified of the test or immunization deficiency.

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(c) Parents are required to initiate all required examinations, tests and immunizations for their child within two weeks after the date of such notice. Except as provided in 3 CMC § 1164, failure to comply shall be grounds for suspension of the child from school until the examination, testing or immunization standards have been met.

(d) Procedures

(1) At the recruitment, the Head Start staff (HS) gives a list of requirements that describes the health requirements of the CNMI Head Start. “Form 3, screenings, physical examination/assessment, form 4, immunization, baby immunization record, and health certificate” are also given.

(2) The HS staff/family advocate (FA) explains the health requirements and encourages the families to complete requirements as soon as possible.

(3) The FA assists the parents in acquiring medical insurance and/or a medical provider if needed.

(4) If the family chooses not to receive immunizations for personal reasons, a “request for exemption from immunization and stated reasons” form is filled out and signed by all appropriate parties.

(5) When the physical examination and immunization records are received, the FA checks to see that the center, child’s name, date of birth (DOB), parent’s name, phone and address are completed on the forms. The FA forwards the records to the health manager (HM) for review and approval to ensure that all health requirements have been met.

(6) The HM reviews the records for completeness and conducts a follow-up with a “physical exam/immunization letter to parents” and/or with a licensed physician as needed, and returns all records to the FA in a timely manner (about 1 week). If there is no response or the family is not compliant, the assigned staff documents this, the FA is notified and the child is placed back on the waiting list. The staff makes all attempts to assist the family in completing the requirements.

(7) When the child is enrolled, the HM monitors children who are current and in compliance but have yet to receive all of the immunizations required for their age. The HM initiates the “CPLUS activity/service delivery tracking” (ASDT) form to ensure that the child’s health needs are met.

(8) The teacher files the “child immunization records” forms or the “request for exemption” form in the child’s classroom file and utilizes the “health data tracking instrument” (HDTI) form to record and track information.

(9) The teacher keeps a copy in the classroom file of any updated immunization records received from the parents, and forwards the records to the HM for review and recording in the main file.

(10) The staff encourages and assists all families to continue to follow the recommended schedule of well childcare.

(11) Head Start FA provides the school year roster to the public health nurse and Immunization Division at Public Health Clinic to use for verification of that all children enrolled in the Head Start Program have complied with the immunization requirements on the recommended schedule of well childcare.

(12) For transition into kindergarten, the staff informs parents of further immunization requirements in May of the current school year.

(e) Forms

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- (1) Physical exam/assessment/form 4, immunization;
- (2) Child immunization record/health certificate;
- (3) Physical exam/immunization letter to parents;
- (4) Health data tracking instrument;
- (5) Request for exemption from immunization.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (e) were not designated. The Commission designated subsections (e)(1) through (e)(5).

In subsection (b), the Commission deleted the word “must” before “provide” to correct a manifest error. In subsection (d)(1), the Commission deleted the repeated word “staff.” In subsection (e)(5), the Commission inserted the final period.

§ 60-60-406 Detection of Anemia

Because anemia is the most common blood disorder of infancy which can be reversed with early treatment (i.e. iron supplement), the Head Start Program will assist families to address this problem. Common symptoms of anemia include muscle weakness and tiredness. Anemia is defined by hemoglobin level below 11 gm or HCT is less than 34% and is determined by a simple blood test.

(a) Procedures

- (1) The public health nurse (PHN) assists families in obtaining hemoglobin results of children 3-5 years of age if there are no results recorded on the “child health record form 3, physical exam” form.
- (2) Children 3-5 years of age obtain screening from their public health clinic lab.
- (3) During recruitment/enrollment, the PHN records the hemoglobin result on the “child health record form 3, physical exam” form when the result is obtained from the Public Health Clinic.
- (4) The PHN records any hemoglobin result on the public health record book for hemoglobin result. PHN refers the child with abnormal results to the PH pediatrician for medical services.
- (5) The health manager reviews records, identifies any abnormal results and initiates a “HSFIS activity/service delivery tracking” (ASDT) form to ensure that the child’s health needs are met.
- (6) The health manager delivers the “HSFIS activity/ service delivery tracking” (ASDT) form to site managers for teachers to disseminate and collaborate with parents the medical services needed.
- (7) The teachers will record the services and follow-up information gathered from parents and observation of the child’s eating habit at home and at school meals.
- (8) The teachers record the date of the hemoglobin test on the “health data tracking instrument” (HDTI) form.

(b) Forms

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- (1) Consent for release of information;
- (2) CPLUS activity/service deliver tracking (ASDT);
- (3) Child health record: form 3, screening/assessment;
- (4) Child health record: form 6, nutrition (no. 13);
- (5) Health data tracking instrument;
- (6) Referral for health services.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) through (b)(6).

In subsection (a)(8), the Commission changed “records” to “record” to correct a manifest error. In subsection (b)(6), the Commission inserted the final period.

§ 60-60-408 Attendance

To promote the optimum learning experience for all Head Start children, regular and consistent attendance of all children will be encouraged. Families will develop the skills and resources needed to ensure their child’s attendance in Head Start.

(a) Upon enrollment, families will be informed of the importance of consistent attendance for their child’s growth and development. Efforts will be made to assure that families use available resources for transportation to and from Head Start. Staff will provide families with copies of class schedules, class calendars, newsletter, etc. to keep them updated on their child’s classroom activities and special events. Families will also be asked to contact the program concerning any absences.

(b) An attendance list will be printed prior to the first day of class by the site manager and given to the lead teacher. The lead teacher is responsible for documenting daily attendance, excused absences, unexcused absences, tardiness, early dismissals and late pick-ups.

(c) When a child is absent without notification from the family, the lead teacher will attempt to contact the family and document the reason for the absence and the projected return date. When a child misses three or more days within one week or three consecutive days, the lead teacher will contact the family. If unable to contact the family, the lead teacher and/or site manager will make a home visit. If unable to complete a home visit, the emergency contact numbers will be used to determine reason for the absence.

(d) All contacts or attempts to contact and home visits or attempted home visits will be documented in the family file. When a family is contacted and a problem is identified that prohibits the child from attending, a plan will be developed with the family. The education staff, site manager, and appropriate component coordinator will be available to develop the plan with the family. If a child is absent for fifteen consecutive days and staff has not been able to make

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contact, the site manager will draft a letter to the Head Start Policy Council for removal of the child from enrollment in the Head Start Program.

(e) The Policy Council will be given the documentation of contact attempts, attendance history and any other pertinent information. The Policy Council will vote to remove the child or to have the staff make further attempts to contact the family. If the child is removed, the site manager will send a letter to the family informing them of the removal. The social service coordinator will enroll another child from the waiting list to replace the removed child within thirty days of the HPC approving of the removal.

(f) Site managers will be responsible for monitoring the overall attendance at their sites. Site managers are responsible for maintaining full enrollment at their centers with attendance above at least 85% of enrollment. When the monthly average attendance drops below 85%, the site manager will make sure that the reasons for absences are documented and any chronic absenteeism is addressed. All attendance concerns will be reported to the education coordinator each month.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-410 Family Partnership Agreement

It is the policy of the Head Start Program to encourage families to be more involved in the Head Start Program, to become self-sufficient and to have improved relationships with other agencies, the Head Start staff and families will participate in a family partnership agreement to develop family goals. Head Start will guide, support and encourage families in pursuing their goals.

(a) Upon enrollment and again at orientation, families will be provided with information regarding services available. Each family will be given information on:

- (1) Resource books;
- (2) Workshops;
- (3) Literature;
- (4) Home visits;
- (5) Media.

(b) The site manager, parent involvement manager, and social service coordinator will collaborate to ensure families receive pertinent information. The social service coordinator is responsible for monitoring of services.

(c) Within one to two months of enrollment, a family partnership agreement conference/home visit will be conducted with each enrolled family. Site managers, teachers, health coordinator, and social service coordinator will collaborate with families to conduct all FPA conferences. Using the FPA form, the responsible staff will assist families in listing:

- (1) Family strengths and support systems;
- (2) Areas for growth;

(3) Strategies for achieving goals, including time-lines, responsibilities, and referral information.

(d) Upon completion of the FPA conference, the service team will review the information and determine tracking and monitoring strategies. A follow-up checklist will be placed in the family file to assist in tracking. All staff will participate in follow-up activities by providing support, information, and inquiring into progress. All follow-up activities will be documented in the family file and reported to the social service coordinator in monthly reports.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted semicolons at the ends of subsections (a)(1) through (a)(4) and (c)(1) through (c)(2) pursuant to 1 CMC § 3806(g). In subsections (a)(5) and (c)(3), the Commission inserted the final periods.

§ 60-60-412 Individual Learning Plans

To provide an enriching learning environment and support families as the primary educators of their children, each Head Start child will have an individual learning plan.

(a) Development of Individual Learning Plans

Education staff and families will collaborate on development of an individual learning plan (ILP) for each child enrolled in Head Start. Both parties will gather and share information concerning the child's strengths and needs in all developmental areas.

(1) Education staff will be responsible for:

(i) Completing of all required screenings within 45 days of enrollment.

(ii) Assessing the results of screenings and determining the need for referrals; contacting families to share results and complete required referral forms; and confirming that referrals are completed within one week.

(iii) Observing and documenting children's performance in the classroom.

(iv) Completing the creative curriculum checklist based on observation.

(v) Compiling examples of children's work in child portfolios.

(vi) Reviewing the individual education plan (IEP), when applicable, to be supported by the individual learning plan.

(vii) Scheduling a parent/teacher conference with each family to develop the ILP.

(viii) Assuring that families actively participate in the development of the ILP and sign the form.

(ix) Suggest activities that support the ILP goals that may be conducted at the child's home.

(2) Families will share their goals for the child with at least one ILP goal being directly from the family.

(3) Individual learning plans will:

(i) State the child's skill levels, including strengths.

(ii) List at least three, but no more than five goals for each child.

(iii) Be updated with the next step in the developmental sequence as children meet goals.

(iv) Be updated with families at each home visit or parent/ teacher conference.

(b) Integrating the ILP into the Curriculum

Education staff developing the weekly lesson plan will use information from each child's ILP. Integration and lesson planning shall include:

- (1) Completing the individualizing planning profile form as ILPs are completed and update after each ILP update. Add areas that are addressed in ILPs. This will provide information on all children's goals in one location for quick reference. This form will be kept in a confidential location when not in use and shredded at the end of the school year.
- (2) Plan activities to support children's goals and document on the weekly lesson plan. Plan at least one activity per child per week. Activities may be planned to meet the goals for more than one child. Activities may be planned for all parts of the day: meals, group times, transitions, free-choice time, outdoor time, etc.
- (3) Document children's participation in planned and unplanned activities that support their goals. File observation notes in the education section of the family file.
- (4) Collect samples of children's work for child portfolio.

(c) See screening policy and procedure, transition policy and procedure, referring children for assessment policy and procedure.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

In subsection (b)(1), the Commission deleted the word "and" and changed "IEP" to "ILP" to correct manifest errors. In subsection (c), the Commission inserted the final period.

The sections "screening policy and procedure," "transition policy and procedure," and "referring children for assessment policy and procedure," referenced in subsection (c), do not exist in the original regulation.

§ 60-60-414 Mental Health Services

Anticipating and understanding a child's behavior and development helps staff and respond in a manner more likely to enhance a child's development. Mental wellness is a vision that is embraced by Head Start. An understanding of the concept mental wellness and the contribution that mental health information and services can make to the health of children and families can be achieved through collaborative relationships among children, families, staff, mental health professionals and the larger community. Issues related to mental health may be sensitive for many families and will be approached with care.

(a) During enrollment, the family advocate (FA) gathers information about a family through interviews and, a review of records. Information about mental health issues may be shared with the families during this process. Any mental health needs of the family are recorded on to the "child plus strengths and needs assessment" form.

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(b) During the initial home visit, the teaching staff gathers information about the family through interviews and review of records. The parents and teaching staff fill out and discuss the “developmental questionnaire survey” form that covers a variety of topics about the child including:

- (1) Developmental and cognitive phases, and typical behavior or concerns associated with each phase.
- (2) The child’s special interests, needs and strengths.
- (3) Any changes in the child’s behavior, mood or physical appearance, which may reflect recent experiences.
- (4) Any information on health conditions that may influence the child’s behavior, and
- (5) Any concerns from the parents about physical development, learning, speech and/or emotional health.

(c) The teacher initiates a form “child plus mental health evaluation” and a “child plus activity/service delivery tracking” (ASDT) form (for behavioral concerns only) if indicated on the “developmental questionnaire survey” form.

(d) The teacher and site coordinator develop a plan and time frame to monitor any behavioral or developmental issues of the child, once environmental accommodations and/or specific teaching strategies are implemented.

(e) If concerns persist after reassessment, the teacher consults with the site coordinator and, if appropriate, shall refer the child to the PSS special education program (SPED) for evaluation.

(f) Once referred to SPED, the Head Start mental health consultant shall work with SPED to ensure that the proper special education procedures and laws are followed for identifying the students needs and allowing for parent’s participation in the process.

(g) The staff continues to gather and share information about a child’s behavior and development or circumstances that may affect a child’s behavior and development. This can occur through formal and informal opportunities such as parent meetings, conferences, home visits, etc.

(h) The staff provides training opportunities and information for parents about parenting, which could include child development and age-appropriate behaviors, mental wellness, and access to community mental health resources. Training and information sharing occurs through discussions, demonstrations, workshops, encouragement of parent involvement in the home and classroom.

(i) Forms:

- (1) Child developmental survey;
- (2) CPLUS activity/se/vice delivery tracking (ASDT);
- (3) CPLUS mental health evaluation;
- (4) CPLUS strengths and needs assessment.

Modified, 1 CMC § 3806(f), (g).

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History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsections (i) were not designated. The Commission designated subsections (i)(1) through (i)(4).

In subsection (c), the Commission deleted the repeated word “form.” In subsection (i)(4), the Commission inserted the final period.

§ 60-60-416 Behavior Management

The CNMI Head Start emphasizes the use of discipline instead of punishment in the classroom. Staff will strive to establish trust with children and promote children’s growth toward self-discipline as part of the Head Start curriculum.

(a) To prevent behaviors that disrupt learning, teaching teams will establish a safe, healthy learning environment that promotes self-discipline. The guidelines to consider are:

(1) The developmental needs of the class - teachers will use the class list to plan for age appropriate materials; schedules, and activities.

(2) The classroom design and layout - teachers will plan for a balance of quiet and noisy activity areas; no open areas for running or concealed areas for hiding; furniture appropriate for child use; use of labels and child-friendly storage of materials; only safe furniture and materials in the environment; clearly defined boundaries for play.

(3) Monitoring of children - teachers will plan that children have adult supervision at all times from arrival to pick up.

(4) The class schedule - teachers will plan a minimum of one hour child-initiated activity time; group times not to exceed 15 minutes; a minimum of transitions and waiting time for children.

(5) The behaviors to be modeled - teachers will plan for cooperation and use of respectful language in the classroom, including “please” and “thank you”; teachers will use the children’s names when addressing them and encourage children to use each other’s names; teachers will act respectfully to all persons while in contact with children and families.

(6) Classroom rules will be developed and taught - child participation in setting rules will take place when feasible.

(b) At no time will physical (corporal) punishment by any adult be allowed on Head Start premises. Techniques that are appropriate include:

(1) Redirection

(2) Verbal reminders

(3) Natural consequences - “if, then”

(4) “Thinking time” to reflect on behavior and self-calming.

(c) When there are group misbehaviors, the teaching team will implement the following procedures:

(1) Observe the behavior and note where and when it happens, who is involved, and what happens immediately before and after the behavior.

(2) Reassess the environment: What is promoting the behavior? Make needed changes.

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- (3) Reassess the adult interaction: are behaviors due to lack of monitoring, unclear directions, too many directions, or developmentally inappropriate expectations? Meet as a team to plan needed changes.
 - (4) Try your new strategies for one week. If there are no positive changes, request an observation from a mentor teacher, the site manager and/or education coordinator.
- (d) When an individual child displays ongoing difficult behaviors, teachers should complete the following:
- (1) Observation. Observe the behavior and note where and when it happens, who else is involved, and what happens immediately before and after the behavior.
 - (2) Reassess the environment: What is promoting the behavior? Make needed changes.
 - (3) Documentation: mapping; other measurements of behaviors
 - (4) Use different techniques/methods; trial and error.
 - (5) Request an outside observation from the site manager and/or education coordinator
 - (6) Talk to parents; informal conference; set goals; get feedback
 - (7) Complete behavioral screening
 - (8) Conference with parents.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted periods at the ends of subsections (a)(1) through (a)(5) and semicolons at the ends of subsections (b)(1) through (b)(3) pursuant to 1 CMC § 3806(g).

§ 60-60-418 Food Safety and Sanitation

The purpose of the policy and regulation in this section is to promote food safety and sanitation measures that are designed to protect the health and safety of students, staff and parents. The office of Environmental Health Services and Sanitation Department will conduct inspection of all Head Start Centers, and vendors serving food to Head Start students to assure that food sanitation standards are met. The Food and Nutrition Services will also be inspecting the food served at each Head Start center to ensure that the children are receiving proper amounts of nutritional meals.

- (a) The teaching staff shall follow the following guideline/procedures on food safety:
 - (1) Food comes from the approved vendors.
 - (2) Food is delivered in food carriers (CAMBRO).
 - (3) Food temperature is checked daily and recorded.
 - (4) Food storage (refrigerator) temperature is checked daily and reported.
 - (5) Food delivered to centers conforms to the established menu.
 - (6) Meal counts are completed daily and recorded.
- (b) The teaching staff shall follow these guidelines/ procedures regarding personnel:
 - (1) Health certification for anyone handling food must be on file.
 - (2) Staff food handler training and certification must be on file.

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- (3) Individuals who have flu, cold, diarrhea, heavy cough or any infectious or communicable conditions shall not handle any food.
 - (4) Individuals with open cuts or sores should not prepare or serve food. If these individuals must prepare food, the open cut or sore must be covered with a bandage. Also gloves are required to be worn over bandaged cuts or sores when handling food.
 - (5) Hands must be thoroughly washed before and after preparing food and after each visit to the restroom.
 - (6) All individuals handling food must wear clean clothes and have their hair tied back and wear hairnets.
 - (7) All individuals handling food must wear sanitize plastic glove during food serving.
- (c) The teaching staff shall follow these guidelines/ procedures regarding food equipment and utensils:
- (1) The staff will designate a proper eating area if a cafeteria is not available at the center. The area is cleaned with soapy water and sanitized with the sanitizer or bleach solution.
 - (2) A food preparation area is designated, all food preparation is done before children arrive.
 - (3) For utensils (knives and cutting boards), all food particles are scraped and scrubbed, soaked in warm soapy water, and sanitized in a solution of 1 tablespoon bleach per gallon of water. The surface area is air dried without rinsing or wiping.
 - (4) After any activity in the sink (tooth-brushing, cleaning paintbrushes or washing dishes), the sink is cleaned with soapy water and rinsed, then sprayed with the bleach solution.
 - (5) The refrigerator is stocked with only what is needed for breakfast, lunch and snacks for the week.
 - (6) If a spill needs to be cleaned up, paper towels are used and then discarded immediately. Dishtowels or sponges are not to be used.
 - (7) Items such as utensils and cutting boards are stored in an area where they cannot be contaminated.
 - (8) Family style serving utensils (tong, scoop, ladle, plastic square/round) will be soaked in warm soapy water with bleach, rinsed, and dried with dishtowels or paper towels and stored in a clean area free of dust and contaminants.
 - (9) Single service articles such as paper plates, napkins paper cups, spoons, forks or knives are not to be reused.
 - (10) The hand-washing sink is kept clean at all times. Liquid soap (not bar soap) and paper towels are available at all times.
 - (11) All garbage cans have a cover. The garbage cans shall be emptied each day after all meals. The garbage can is washed out and sanitized inside and out as needed.
- (d) The teaching staff must follow these guidelines/ procedures for insect, rodent and animal control:
- (1) No animals are allowed to roam/fly in the food preparation/ eating service area.
 - (2) Visible signs of infestations (for example: insects, rodents, droppings, smear marks, or grease marks) are reported to the program manager.
 - (3) Screens are used and doors are closed whenever possible to keep the flies from entering the food area and food is covered or wrapped in plastic wrap.
 - (4) Garbage is placed far away from the door. Food is not left sitting out, especially uncovered.

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- (e) The teaching staff shall follow these procedures regarding other sanitation issues:
- (1) The floors, walls and ceilings are kept clean to prevent dust and things from ceilings and walls can fall into food.
 - (2) Non-toxic (cleaning) supplies shall be used and must not be stored by food or utensils. Such items are properly labeled. Cleaning products must be stored separate from products or supplies used by the children (example: paper plates, cups, toothbrushes, etc;) and shall be properly labeled.
 - (3) All left-over foods (uneaten) and plate-waste foods (partially eaten or “slop”) are discarded.
- (f) The teaching staff follows these guidelines/ procedures regarding foods served/shared through Head Start:
- (1) Care will be used to ensure the health and safety of all children while they are in our care.
 - (2) The only foods that are served by Head Start are meals prepared by approved vendors.
 - (3) Children refused to eat school lunch cannot take shared lunch home, because there may be a risk of food poisoning
 - (4) Food prepared (partially or totally) at home by parents, families, friends, staff, etc. is not to be served, shared or sanctioned by Head Start.
 - (5) The manager or nutritionist must approve all potential food donations.
 - (6) Parents will be informed of foods accepted as donations and that those foods are not from Head Start funds.
 - (7) Food donated must conform to dental and nutrition guidelines. Example: fresh fruits, vegetables, crackers, and cereal. Donations of high sugar, high fat content foods such as birthday cakes and cookies are not permitted.
- (g) Forms
- (1) Food safety & sanitation observation;
 - (2) Daily food temperature, refrigerator, equipment log sheet;
 - (3) Meal count log sheet.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (g) were not designated. The Commission designated subsections (g)(1) through (g)(3).

In subsection (e)(2), the Commission deleted the word “are” after “be” to correct a manifest error. In subsection (e)(3), the Commission inserted a closing parenthesis after “slop.” In subsection (g)(3), the Commission inserted the final period.

§ 60-60-420 Nutritional Services

In Head Start the aspect of healthy growth and development is crucial to meet each child’s nutritional needs, feeding requirements and feeding schedules. These nutritional needs and requirements are met by serving a variety of healthy foods, including breads and other grain

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products, vegetables, fruits, meat and meat alternatives, milk and milk products. The USDA food guide pyramid provides a basis for determining the kinds and amounts of the food groups to be eaten each day. Through careful meal planning, cultural, religious, ethnic, personal food preferences and health accommodations for meals will be honored.

(a) General Procedures

- (1) The nutritionist implements a nutrition program that meets the nutritional needs and feeding requirements of all Head Start children.
- (2) The teaching staff will review each child's health record (nutrition form 6).
- (3) Staff will make request for special meals if necessary.
- (4) Staff will submit special meals request to their site coordinator who will then forward it to the education coordinator who will present it to the food and nutrition services (FNS).

(b) Nutritional Assessment

To encourage health and well being for children and families, Head Start will conduct a nutritional assessment of children in the Head Start Program. The child's health record or medical history record will be reviewed as it contains important information related to the status of the child, which helps to assess the nutritional status.

- (1) During recruitment and/or enrollment, the teachers will meet with the parents to gather information, through interviews and a review of the "child health record form" and the "form 6, nutrition" about family eating patterns including cultural preferences, special dietary requirements for nutrition related health problems, and each child with a disability.
- (2) During enrollment, the family advocate (FA) or the Head Start staff assists families in completing the "child health record" form 1-10.
- (3) The FA notifies the public health nurse (FHN), nutritionist, and/or special educator as needed to make dietary accommodations.

(c) Forms

- (1) Child health record, form 1-10;
- (2) Form 6, nutrition.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

In subsection (c)(2), the Commission inserted the final period.

§ 60-60-422 Toddler Feeding (Ages 3-5 Years Old)

Believing that the nutritional experiences of pre-schoolers is a reflection of a healthy learning environment, the CNMI Head Start will follow developmentally appropriate practices in providing meals in the classroom.

(a) Procedures

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- (1) During selection, the family advocate (FA) assists families in completing the “CPLUS child nutrition assessment” form.
 - (2) During selection, the FA or the Head Start staff assists families in completing the “dietary assessment” form.
 - (3) During selection, the FA or the HS staff assists families in completing the “CREES parent education enrollment” form.
 - (4) The teaching staff uses the “daily log” form to communicate with parents regarding:
 - (i) Current feeding schedules;
 - (ii) Amounts and types of food provided;
 - (iii) Meal patterns;
 - (iv) Any new foods introduced;
 - (v) Food intolerances and preferences;
 - (vi) Observations related to developmental changes in feeding and nutrition.
 - (5) The staff communicates with parents about nutritional changes and specific issues regarding the following:
 - (i) Weaning;
 - (ii) Appropriateness of different foods at various developmental levels;
 - (iii) Child reactions to new foods or to food changes;
 - (iv) Ethnic and religious issues surrounding food and meals;
 - (v) Child’s refusal to eat;
 - (vi) Strategies dealing with adverse reactions to various foods.
- (b) Forms
- (1) Daily log;
 - (2) CPLUS child nutrition assessment;
 - (3) CPLUS dietary assessment;
 - (4) CREES parent education enrollment.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) through (b)(4).

The Commission inserted semicolons at the ends of subsections (a)(4)(i) through (a)(4)(v) and (a)(5)(i) through (a)(5)(v) pursuant to 1 CMC § 3806(g). In subsections (a)(4)(vi), (a)(5)(vi) and (b)(4), the Commission inserted the final periods.

§ 60-60-424 Meal Services

Recommended Dietary Allowances (RDAs) are used to establish the nutritional needs of children. Each child in a part-day center-based setting receives meals that provide 1/3 of the child’s daily nutritional needs. Each child in a three hours center-based program receives meals that provide daily nutritional needs. Meal guidelines need to be met by the Head Start food program.

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- (a) The PSS Food and Nutrition Services (FNS) shall arrange for meal service with an approved vendor for all center-based sites and for parent meetings.
- (b) The teaching staff posts current breakfast and lunch menus that are visible to all parents, visitors and staff, preferably on the parent board.
- (c) The FNS with consultation from a nutritionist provides approved cycle menus for vendors to follow. (See attached cycle menu.) Food preparation in the classroom involves only “simple preparation,” meaning no food preparation using heat (i.e. stove, electric frying pans, toaster ovens, etc), blenders or meat mixtures.
- (d) The teaching staff posts the current “license” of all vendors servicing meals that is visible to all parents, visitors and staff, preferably on the parent board.
- (e) The teaching staff follows breakfast and lunch menus. Food substitutions are kept to a minimum. If a substitution is made, the teaching staff uses the appropriate and required alternates in the required amounts.
- (f) The teaching staff ensures that breakfast and lunch meal patterns contain the components as listed in the minimum amounts and available for each child.
- (g) The teaching staff ensures that milk is pasteurized, fluid type of whole, low-fat (1% or 2%) skim or cultured buttermilk that conforms to appropriate standards. All milk should contain vitamins A and D at levels specified by the Food and Drug Administration (FDA).
- (h) The teaching staff ensures acceptable juices full- strength, 100% juice, unsweetened (no added sugar, corn syrup). It must have a FDA Standard for Grade (USDA) or be able to legally declare that it is a full-strength juice or 100%.
- (i) The teaching staff ensures the sugar content of cold cereals should be 6 grams or less. All bread products must be enriched, fortified, whole grain or whole wheat.
- (j) The teaching staff shall follow these guidelines procedures regarding celebrations such as birthdays:
- (1) Birthdays can be a fun opportunity to celebrate a child’s existence. Alternatives to celebrating birthdays are by making construction paper hats, reading a special poem, story, having birthday songs, etc. Parents and staff are encouraged to actively participate in the celebration.
 - (2) Parents/staff are discouraged from bringing birthday cakes, ice cream, cookies, pastries, candies, and other sweets (homemade or purchased from the store). Other home-prepared foods are also not allowed.
 - (3) A special atmosphere of celebration at breakfast or lunch can also be planned. For example: wearing birthday hats, a birthday centerpiece, a votive candle used as a birthday candle to blow.

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- (k) The teaching staff shall follow these guidelines/ procedures regarding holiday and ethnic awareness celebrations:
- (1) Celebrations of traditional and local ethnic holidays and occasions help children learn and share special customs of their heritage.
 - (2) Parents/family members can demonstrate dances, sing songs, display celebration objects, discuss traditions, etc.
 - (3) Due to funding, sanitation, and food safety regulations and restrictions, serving special holiday and ethnic foods is difficult and requires careful consideration. Also, sweet dessert-type foods are often highlighted in cultural cooking. Dental and nutrition standards may be compromised and children will not learn that the basic diets of various cultures are usually nutritionally well balanced.
- (l) If a child arrives after breakfast is served, the teaching staff offers the child breakfast.
- (m) The teaching staff logs all meals consumed onto the “CPLUS attendance and meals tracking/or meal counts” form.
- (n) The staff arranges for sanitation inspections of sites as needed.
- (o) Forms:
CPLUS attendance and meals tracking/or meal counts.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (c), the Commission moved the comma after “preparation” inside of the closing quotation mark. In subsection (o), the Commission inserted the final period.

§ 60-60-426 Mealtime

Food-related activities and leisurely mealtimes provide opportunities for the development of positive attitudes toward healthy foods, for decision-making, sharing, communicating with others and for the development of muscle control and eye-hand coordination. Children also learn appropriate eating patterns and mealtime behavior when they observe adult behavior at family style meals.

- (a) The teaching staff encourages “quiet time” before a meal to make mealtime a safe, relaxing and conversation- inducing environment (example; before mealtime, children can lay down while soft music is playing, children can read a favorite books, etc).
- (b) The teaching staff gives children the opportunity to participate in mealtime activities such as setting tables, serving themselves and others, and cleaning up.
- (c) The teaching staff promotes family style meal services to encourage good eating habits at a young age and to provide a pleasant eating environment that will support and promote mealtime as a learning experience.

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(d) The teaching staff shall follow these guidelines/ procedures regarding family style meal service:

- (1) For safety concerns, one adult will supervise each table. If there are not enough adults to accommodate every table, the tables are arranged, or put together so that every child is supervised.
- (2) Adults are encouraged to sit and eat the same foods as the children.
- (3) If an adult is on a special diet and cannot eat the same foods as the children, it should be explained to the children.
- (4) Adults assure that all components and minimum servings are provided.
- (5) Adults encourage conversation that is centered on children's interests. Mealtime is an ideal situation for socialization, language stimulation, and getting to know the children.
- (6) Adults discourage talk about personal dislike of food.
- (7) Adults set a good example toward acceptance of food served.

(e) The teaching staff integrates mealtime as a part of learning (example fruit circles teach children about shapes). Some nutrition education goals to consider for the children and parents.

- (1) Willingness to taste a wide variety of foods (especially fresh fruits and vegetables).
- (2) Awareness of the physical and sensory characteristics of food.
- (3) Knowledge that food is important for life and that a healthy body needs a number of different foods daily.
- (4) Ability to distinguish between healthy and unhealthy foods and to know the how's and when's of eating these foods.
- (5) Realization of the negative consequences of consuming large amounts of sugars, fats and salt (sodium).
- (6) Selection and enjoyment of lower sugar, fat and salt foods for meals and snacks.
- (7) Skills and attitudes that facilitate the consumption of a nutritious diet; tasting, sitting at table, chewing food well, eating in a slow and relaxed manner, enjoying and valuing mealtime.
- (8) Skills to prepare and serve food: scrubbing, mixing, tearing and pouring.
- (9) Acceptance of rules and limits related to eating and cooking consideration of self and others.
- (10) An attitude that demands verification of what is said and shown about food on television; an awareness of the negative aspects of excessive television watching.
- (11) Knowledge that people of varied cultures, upbringing and geographic location have varied eating patterns.
- (12) Awareness of the many different foods available locally.
- (13) Ability to distinguish the sources of many different foods.
- (14) Skills and attitudes that facilitate meal planning and grocery shopping on a budget.

(f) The teaching staff encourages, but not forces or bribes children to eat or taste foods. Food is not used as a punishment or reward. The children are not told that they must eat or taste everything before they receive seconds, or that they must eat all their vegetables. Positive or negative reinforcement cannot be used to force children to try new foods (example: if a teacher feels he/she is practically begging the child to try their vegetables, the teacher is probably not encouraging, but rather forcing the child to eat).

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- (g) Child-sized furniture and appropriate dinnerware and utensils are provided.
- (h) Children with disabilities are provided with adaptive techniques and utensils, if needed.
- (i) The teaching staff incorporates nutrition education as part of their classroom curriculum.
- (j) The food and nutrition activities are allowed under the following conditions:
 - (1) The activity conforms to nutrition and dental guidelines.
 - (2) The “food and nutrition activity lesson plan” form is filled out and submitted, and approved by the nutritionist prior to the date of activity.
- (k) Forms
Food and nutrition acidity lesson plan.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (k), the Commission inserted the final period.

§ 60-60-428 Administration of Fluoride

To promote consistency of preventive services provided that reflects the intentions of the Head Start performance standards and to strengthen tooth enamel and prevent decay, the Head Start Program will administer the fluoride supplements to children enrolled for preventive dental treatment.

- (a) The Head Start Program administers the fluoride supplements to children enrolled for preventive dental treatment. Systemic fluoride is ingested (swallowed), absorbed and circulated to developing bones and teeth. It can benefit teeth prior to their eruption, during their development and after eruption through salivary secretions.
- (b) Procedures
 - (1) The dental hygienist provides information and resources to the staff and families regarding the benefit of fluoride supplements.
 - (2) The staff verifies if fluoride is prescribed by reviewing the “form 5, dental health” under number (1), is the child now receiving.
 - (3) The staff encourages parents to give fluoride once a day as prescribed.
 - (4) If the child takes at home, he/she will not participate at the fluoride administration in class.
- (c) Forms
 - (1) CHR: Form 3, screenings, physical examinations/ assessment;
 - (2) Fluoride monthly report.

Modified, 1 CMC § 3806(f), (g).

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History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted a semicolon at the end of subsection (c)(1) pursuant to 1 CMC § 3806(g). In subsection (c)(2), the Commission inserted the final period.

§ 60-60-430 Dental Services

Preventive dental services and treatment are designed to ensure that a child's teeth and gums are healthy, and that dental problems do not affect a child's overall health. Establishing and maintaining a dental provider, having regular dental check-ups and follow through with treatment are all components of good oral health.

- (a) To promote good dental health, the CNMIHS will implement the following procedures:
- (1) During the recruitment, the site coordinator (SC) gives out the "form 4, dental health," part I, to be completed by the Head Start staff at the interview and part II, shall be completed by dental care providers.
 - (2) The SC explains the dental health requirements and encourages the families to complete requirements as soon as possible.
 - (3) The family advocate (FA) assists the parents/ guardians in acquiring dental insurance and/or dental provider if needed.
 - (4) When the oral dental health record is received, the SC checks the form for completeness. If treatment was not completed at the time of enrollment, the FA initiates a "child plus activity/service delivery tracking" (ASDT) form. The FA forwards the oral dental health record to the health manager for approval.
 - (5) The FA continues to follow-up with the family until any necessary treatment is completed.
 - (6) The teacher files the "form 4, dental health" in the child's classroom file and utilizes the "program information chart" (PIC) form to record and track information.
 - (7) For children 3 years old, a dental screening may be started as early as 6 months old. This screening is indicated on the "form 3, physical exam/assessment" at initial screening, physical examination/assessment. In addition, children this age may have already established a dentist and have started regular dental check-ups. The staff obtains dental records and monitors dental check-ups.
 - (8) The staff encourages dental check-ups every six months.
 - (9) If a 3 year-old repeats Head Start, The FA checks to see if a current yearly dental exam is on file before enrolling the student for next school year.
- (b) Forms
- (1) Form 3, screening, physical exam/assessment;
 - (2) Form 5, dental health;
 - (3) Child plus activity/service delivery tracking (ASDT);
 - (4) Dental letter to parents.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) through (b)(4).

In subsection (b)(4), the Commission inserted the final period.

§ 60-60-432 Emergencies

To ensure the safety of children, families and staff; Head Start will maintain updated emergency information at all sites. Staff will be trained in emergency procedures and teach developmentally appropriate emergency procedures to Head Start children. Family members and other volunteers will be provided with information to handle emergencies.

(a) All staff members will be required to have current first aid/child CPR certification within 60 days of hire and will attend first aid/child CPR training annually. This training will also be available to interested Head Start parents/guardians and all consistent volunteers.

(b) First Aid Kits: A readily available, well-supplied first aid kits appropriate for the ages served shall be maintained at each facility/center and are available for outings away from the site so that injuries may be attended promptly.

(1) Head Start must furnish all classrooms with first aid kits prior to the first day of school.

The kit consists of:

- (i) 1-first aid booklet;
- (ii) 1-tweezer;
- (iii) 1-small scissors;
- (iv) 1-box knuckle & finger bandages;
- (v) 1-box first aid tape (½” 5-yd in dispenser);
- (vi) 1-tube bactine antibiotic (check exp. date before use);
- (vii) 1-box gauge pads 2” x 2”;
- (viii) 2-pair health care gloves;
- (ix) 1-box first aid rolled gauze;
- (x) 1-box antibacterial bandages (30-ct.) (check exp. date before use);
- (xi) 1-box first aid antibiotic bandages (20-ct.) (check exp. date before use);
- (xii) 1-btl. Hydrogen peroxide (8-fl. oz.);
- (xiii) 1-box adhesive bandage 1” x 3” (100-ct.).

(2) The teacher maintains the kit and requests for supplies from the HS health manager as needed.

(3) The teacher sanitizes the tweezers and small scissors after use with alcohol.

(4) First aid kit inventoried after each use for replenishment.

(5) The teacher places the kit in a safe and accessible area in the classroom.

(6) The teacher takes the kit on all outings away from the site and at group socializations.

(7) The teaching staff maintains a current first aid certification and has a copy kept/maintained in their personnel files.

(8) Should be placed with label “Keep out of Reach of children.”

(9) At the end of the school year, the teachers turn in the kits to the health manager who will restock them in preparation for the next school year. Year-round teaching staff will periodically have their kits checked by the health manager for restocking of inventory.

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(10) Forms

- (i) First aid kit check list;
- (ii) First aid kit inventory.

(c) Emergency Plans

Each Head Start site will plan, under the direction of the site manager, all emergency evacuation routes and site-specific procedures. This plan will be reviewed and revised at least annually prior to the start of the school year. All plans will address:

- (1) Preparing for emergencies - injuries, fire, typhoons, earthquakes and other natural disasters;
- (2) Procedure for handling specific emergencies;
- (3) Evacuation routes and procedures;
- (4) Notification of families.

(d) Lesson plans will reflect the on-going training of children in safety issues.

(e) All emergency plans and evacuation routes will be posted in each classroom in an easily accessible location.

(f) Education teams will:

- (1) Post emergency numbers for fire/EMT (include written directions to the center) by site phone;
- (2) Test fire and smoke alarms every month;
- (3) Check fire extinguishers every month and assure that they are within adult's reach;
- (4) Clearly draw exit and escape routes (minimum of two per classroom) and post at eye level;
- (5) Teach children to STOP, DROP, AND ROLL and to crawl under smoke;
- (6) Practice exit and escape routes with children every month;
- (7) Post CPR/first aid cards on staff bulletin boards.

(g) If the need for evacuation arises, staff will:

- (1) Sound alarm to notify everyone in the building;
- (2) Evacuate using exit routes shown on evacuation plan;
- (3) Check all areas of the building for hiding children;
- (4) Take a head count using the attendance list to make sure everyone is out of the building;
- (5) Call fire department when everyone has exited the building and give all important information.

(h) In every emergency, staff and volunteers should follow these steps:

- (1) Remain calm and reassure victim(s) and others at the scene;
- (2) Follow emergency procedures for the specific emergency;
- (3) Act quickly;
- (4) Have a responsible adult stay with any injured child until parent/guardian or medical personnel arrive;
- (5) Do not move a severely ill or injured person except to save a life;
- (6) Telephone for help and give all important information;

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- (7) Notify parent/guardian(s) of the emergency and agree on a course of action;
- (8) Fill out incident report accurately and file in family file folder. Give copies to parent/guardian and health coordinator.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted semicolons at the ends of subsections (b)(1)(i) through (b)(1)(xii), (b)(10)(i), and (c)(1) through (c)(3) pursuant to 1 CMC § 3806(g). In subsection (b)(8), the Commission moved the period after “children” inside of the closing quotation mark. In subsection (b)(9), the Commission changed “teacher” to “teachers” to correct a manifest error. In subsections (b)(10)(ii), (c)(4) and (f)(7), the Commission inserted the final period.

§ 60-60-434 Health Education

It is the policy of the Head Start Program to assist families to establish healthy lifestyles. Head Start staff and parents will collaborate and develop curriculum for children in their earliest years to learn practices that will lead to complete well-being. Health education in Head Start will consist of the following areas: nutrition, dental care, personal hygiene, safety, caring for the environment, physical fitness, and emotional health.

- (a) To ensure that healthy practices are maintained and modeled in the classroom environment, the following guidelines must be reinforced:
 - (1) Adults should model and be involved in healthy habits and activities;
 - (2) Health activities such as hand washing, tooth brushing, fluoride intake, eating nutritious snacks and meals should be a part of the daily routine;
 - (3) Lesson plans should include field trips to the hospital and dentist, dramatic play set up as a hospital or dentist, science corner with growing fruit and vegetable seeds, library with books and materials about well-being;
 - (4) Health and safety information should be posted - breakfast and lunch menu, fire exit sign, evacuation map, first aid, CPR procedures, etc.
- (b) Teachers must plan activities that address the following objectives to promote emotional health. Children should be able to:
 - (1) Know that it is normal and healthy to express their emotions;
 - (2) Know that they can express their emotions in safe ways (talking to adults, working independently, choosing a different activity, etc.)
 - (3) Understand that everyone experiences different emotions at different times and needs to express them.
- (c) Safety education for children will focus on teaching children how to prevent accidents and respond to emergencies. Children will be encouraged to:
 - (1) Help to create and follow all safety guidelines;
 - (2) Tell an adult right away if someone is sick or hurt;
 - (3) Understand that some things are dangerous (tiny objects in the mouth, cleaning supplies, lighters, etc.);

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- (4) Practice emergency procedures at least monthly (fire drill, earthquake drill).

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission changed the internal semicolons in subsection (a)(3) to commas pursuant to 1 CMC § 3806(g).

§ 60-60-436 Health Needs of Children

Parents, as primary caregivers of their children, play a central role in child health and developmental services. Parents and staff should regularly compare observations of the child, refine goals, discuss progress, ask questions, talk about quality of care, and address difficulties and concerns as they arise. Collaboration and communication between parents, staff and the health service providers is essential for optimal child health outcomes.

(a) Procedures

- (1) During the selection process, the staff works with parents through review of the child health records and interviews, to identify health needs of the children.
- (2) If follow-up is needed, the “CPLUS activity/service delivery tracking” (ASDT) form will be initiated by the staff.
- (3) The staff collaborates with parents to ensure that appropriate follow-up is completed or until a pattern of ongoing care is established. This is documented on the “CPLUS activity/service delivery tracking” (ASDT) form.
- (4) The staff will communicate with the families through center visits, telephone contact, parent conferences and home visits.
- (5) The health manager works in collaboration with the health service providers and/or other service agencies to ensure coordination of care.

(b) Forms:

CPLUS activity/service delivery tracking (ASDT).

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (b), the Commission inserted the final period.

§ 60-60-438 Head Lice

To ensure that Head Start children are provided with a healthy and clean environment, Head Start classrooms will be kept lice-free. Support and education will be given to all Head Start families to help prevent spreading of lice. No person, adult or child, will attend Head Start with lice or nits.

- (a) No person (adult or child) will attend Head Start if that person has head lice or nits.

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(b) Head Lice Checks

- (1) Staff will check all children at enrollment to ensure that they begin Head Start lice-free.
- (2) All students will be checked at a minimum monthly.
- (3) When any student attending Head Start is found to have head lice, all students must be checked for lice each day until there has been one full week of no lice in any child.

(c) Exclusion from Class

- (1) Children or adults with lice or nits will not be allowed to attend class.
- (2) Staff and volunteers will handle cases of head lice with respect and care so as not to embarrass anyone. Children will not be made to feel at fault, dirty, or bad for having lice or nits.
- (3) Upon discovery of lice/nits on a child, the lead teacher or site coordinator will contact the parents(s)/ guardian(s) to pick the child up from Head Start. The child will be removed from contact with other children while waiting to be taken home. Questions from other children will be handled calmly and simply.
- (4) Parent/guardians will be offered assistance with obtaining lice treatment and will be given instructions on treatment and cleaning of their home environment.
- (5) Parent/guardians need to bring the child to meet with staff for clearance before leaving the child at class.
- (6) Children will be allowed back in class when found to be nit/lice-free when checked by the lead teacher, site coordinator or health coordinator.

(d) Head Lice Treatment

All parents/guardians will be provided the following information:

- (1) How to tell their child about what they have (head lice), why they need to be treated before going back to class (other children can get the lice), and why they need to get rid of the lice (they bite).
- (2) Use shampoo for head lice, following instructions and cautions on the package.
- (3) Use the lice comb to completely remove all lice and nits.
- (4) Wash all linens, clothing, and hair accessories of the infected individual. Do not share towels or beds.
- (5) Items that cannot be washed, such as toys and stuffed animals, should be put in a sealed plastic bag for 14 days.
- (6) Vacuum all carpets, upholstery and mattresses thoroughly.
- (7) Clean combs and brushes in hot water.
- (8) Repeat shampoo on non-affected family members. The shampoo does not prevent lice infestation and is an insecticide and should only be used when needed.
- (9) Animals do not carry head lice and do not need treatment.

(e) Head Lice Prevention

- (1) Children, parents/guardians, and staff will not share brushes, combs, hats and headgear.
- (2) Children will have their own storage area for jackets/ sweaters and hats.
- (3) Classrooms will be vacuumed regularly, including all upholstered furniture and carpets.
- (4) Dress-up clothing will be cleaned every two weeks and will be removed immediately and washed if lice are found on any student.

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- (5) Stuffed animals, pillows, and other cloth items will be removed and washed or sealed in plastic bags immediately if lice are found on any student.
- (6) Hygiene education will be provided to children, parents/ guardians, and staff.
- (7) Notification will go out to all families when lice/nits are found in the classroom. The name(s) of the infected individual(s) will not be given.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-440 Ill Children

To insure the health and well being of children in the Head Start Program, provisions will be made to limit exposure to illnesses in compliance with CNMI and federal laws and guidelines.

- (a) Upon enrollment, all families will be informed of the policy and procedure in this section. To provide for the comfort of ill children, and to prevent the spread of diseases, families are to keep emergency contact numbers up-to-date at Head Start.
- (b) Children who become ill while at Head Start will be provided a quiet, isolated area to rest until families are able to pick the child up. At least one staff will monitor the child at all times. The family will be contacted as soon as possible; if the family cannot be reached, the emergency contacts will be called. Children will remain at home until they are no longer contagious and well enough to fully participate in class activities.
- (c) When a child becomes ill with a potentially contagious condition, a notice will be sent home with all attending children to inform families of the possible exposure to illness. The notice will name the possible illness, symptoms, and treatment, but shall not identify the child with the potentially contagious condition. The lead teacher of the affected classroom will be responsible for the distribution of the notices.
- (d) Children with contagious illnesses will be excused from Head Start until they are no longer contagious. Contagious conditions include those listed on the following chart.

Illness	Symptoms	When child can return to the program
Diarrhea	Excess of liquid in stools and five or more stools in an 8-hour period	24 hours after treatment and/or last diarrhea stool
Vomiting	Abdominal pain, digested/undigested stomach contents, refusal to eat, headache, fever	24 hours after vomiting has stopped

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Hepatitis A	Fever, loss of appetite, nausea, yellow skin and whites of the eyes, dark brown urine, light-colored stool	One week after illness begins, if fever is gone
Hepatitis B	Fever, yellowing of skin and whites of eyes, loss of appetite, nausea, joint pains, rash, weakness	When fever is gone, lesions are dry or covered, and child is able to participate in program activities
Bacterial meningitis	<p>For younger children: fever, vomiting, unusual irritability, excessive crying with inability to be comforted, high-pitched crying, poor feeding, and activity levels below normal</p> <p>For older children: fever, headache, neck pain or stiffness, vomiting (often without abdominal complaints), decrease in activity, and complaints of not feeling well.</p>	<p>After fever has gone and a closely supervised program of antibiotics has been completed.</p> <p>Health Department may recommend preventive medicine for exposed children and staff.</p>
Colds and flu	<p>Colds: stuffy or runny nose, sore throat, sneezing, coughing, watery eyes, and perhaps a fever.</p> <p>Flu: sore throat, fever, muscular aches, and chills.</p>	When coughing has subsided, fever is gone, and child is able to participate in daily activities.
Strep Throat	Red and painful throat, often accompanied by fever	Generally when fever has subsided and child has been on antibiotics for at least 24 hours.
Chicken pox	Fever, runny nose, cough, rash (pink/red blisters).	Six days after onset of rash or when lesions are crusted and dry.

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Head lice	Whitish-gray nits attached to hair shafts, and scratching of head.	After treatment and all nits are removed from hair.
Impetigo	Red oozing erosion capped with a golden yellow crust that appears stuck on.	Twenty-four hours after treatment has begun
Measles	Fever, runny nose, cough, and red-brown blotchy rash on the face and body.	Six days after the rash appears
Mumps	Swelling of the glands at the jaw angle accompanied by cold-like symptoms.	After swelling subsides or nine days after swelling begins.
Pertussis (Whooping Cough)	Cold-like symptoms that develop into severe respiratory disease with repeated attacks of violent coughing.	Three weeks after intense coughing begins or five days after antibiotic treatment has begun.
Ring worm	Skin: reddish scaling, circular patches with raised edges and central clearing or light and dark patches on face and upper trunk or cracking peeling of skin between toes.	Twenty-four hours after treatment is begun.
Pinkeye, Conjunctivitis	Eyes are pin/red, watery, itchy, lid swollen, sometimes painful.	Twenty-four hours after treatment is begun.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-442 Medicine Administration

It shall be the policy of the Head Start Program that the giving of medicine to students during school hours is discouraged and restricted to medication that cannot be given on an alternative schedule. The Head Start Program shall not be responsible for administering or dispensing medication. However, the program recognizes that some students may require medication for chronic or short-term illness/injury during the school day to enable them to remain in school and

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participate in their education. Any such requirements must be communicated to the site director in writing with specific instructions from the health care provider pursuant to the following procedures.

(a) Prescription Medication and Over-the-counter Medication

(1) A parent/guardian must request in writing that the Head Start Program comply with an authorized prescriber's request to give medication. The authorized prescriber shall provide a written statement that the student must receive the medication during school hours. The statement shall state the name of the student, name of drug, diagnosis/indication for use of the medicine, dosage, frequency of administration, route of administration, storage instructions, the duration medication is necessary and the prescriber's name. When applicable, the prescriber should state adverse effects and applicable emergency instructions.

(2) Students are not permitted to bring over-the-counter medication, unless documented and a recommendation by a health care provider in accordance with (a)(1) above is submitted to the Head Start Program.

(3) The parent request for administration must include written consent that the Head Start staff may administer the medication to the child and a completed waiver form.

(4) The PSS will not administer the initial dose of any new medication.

(5) The Head Start Program will not administer instructions that state the medication may be used "whenever needed."

(b) Emergency Medication

Written standing orders will be obtained annually for the administration of emergency medication.

(c) Storage and Administration of Medication

(1) A parent/guardian or other responsible party designated by the parent/guardian will deliver all medication to be administered at a Head Start site to the site coordinator. All medication, prescription or over-the-counter, must be in a pharmacy or manufacturer-labeled and child-resistant container. Parents are responsible for providing medication that is not beyond the date of expiration on the container and ensuring that prescriptions are refilled if necessary.

(2) The Head Start Program shall provide secure, locked storage for medication to prevent diversion, misuse, or ingestion by another individual. Head Start Program staff must ensure all medications requiring refrigeration are refrigerated and stored securely.

(d) Self-administration of Medication

If recommended by the health care-provider, students with asthma or any potentially life-threatening respiratory illness may carry with them for self-administration metered-dose inhalers containing "rescue" medication. Possession and self-administration of these prescription medications must comply with prescription instructions and applicable law. Notification of the student's possession and use of such medication must be provided to the site coordinator. The notification shall include the statement as required in (a)(1) above.

(e) Parent/Guardian Administration

In situations where the above requirements are not met, or any time the parent/guardian chooses, the parent/guardian may come to school to administer medicine to his/her student. However, the

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parent must notify the Head Start staff of the name of the medication, any potential side effects and emergency instructions.

(f) Recordkeeping

(1) Head Start Centers site coordinators/classroom teachers/ teacher assistants must establish a log sheet to write child's name and name of the medication.

(2) The signed parent authorization consent/waiver forms to administer medication must be kept in the child's health record.

(3) Name of the health care provider who wrote the prescription must be recorded in the log sheet.

(4) The administration, expiration date, storage, side effects, and disposal instructions must be recorded.

(5) All special circumstances, such as spills, responses, reactions, and refusals to take medication, are to be recorded by the program staff member(s).

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

In subsection (a)(5), the Commission moved the final period inside of the closing quotation mark.

§ 60-60-444 Health and Developmental Screening

To provide for the individual needs of all Head Start children, all children will receive health and developmental screenings within the first 45 days after enrollment.

(a) The lead teacher is responsible for assuring the completion of all screenings within 45 calendar days of entry into Head Start. If any family or child refuses to cooperate for the screening activity, all attempts will be documented and the service team will meet to develop a plan for completion of the screen(s).

(b) Hearing Screening

(1) The PSS audiologist and social service coordinator or family partnership advocate will perform audiometer screening for hearing.

(2) Screening will take place at the Head Start Centers.

(3) A space for the screening will be arranged that will accommodate two to three children at a time. The space will be separate from the classroom, quiet, and have a table and child-sized chairs.

(4) The PSS audiologist will perform the screening and Head Start staff will record the results.

(5) Results of all screenings will be documented in the health section of the family file as well as being sent to the family.

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(6) All results that indicate follow-up will be documented and referred to the health coordinator. Teachers will contact families within one week and develop a follow-up plan. The health coordinator will assist when needed.

(7) The health coordinator will track all referrals and follow-up plans in collaboration with health providers, families, and service team.

(c) Vision Screening

(1) Vision screening will be performed using a standard eye chart. The visual acuity of each child will be determined based on standardized criteria. Preparation for the screening will include an introduction to the process as part of a classroom activity. Teachers will explain the process to children in developmentally appropriate language, using the child's home language when needed. Activities could include: games using the eye chart, dramatic play set up as a health clinic, matching games, etc.

(2) A space for the screening will be arranged that will accommodate two to three children at a time. The space needs to have a wall and 20 feet of clear floor.

(3) Two staff and/or volunteers will perform the screening. One will perform the screening using the visual testing procedure provided with the chart and the other will record screening results.

(4) Results of all screenings will be documented in the health section of the family file as well as being sent to the family.

(5) All results that indicate follow-up will be documented and referred to the health coordinator. Teachers will contact families within one week and develop a follow-up plan. The health coordinator will assist when needed.

(6) The health coordinator will track all referrals and follow-up plans in collaboration with health providers, families, and service team.

(d) Developmental Screenings

(1) Developmental screenings will be performed using the program-approved screening tool. Lead teachers are responsible for the completion of all screenings either directly or by collaborating with the service team. Screenings will be completed in the primary language of each child. A space shall be prepared that assures the child being screened is free from distractions and has adequate space for all activities.

(2) The service team may collaborate on conducting the screening, taking into consideration the familiarity of the child to the screener and the language needs of the child.

(3) The screener will pre-view and request training in the screening tool if necessary. Screeners will refrain from prompting or leading the child's responses. All responses will be documented as the screening is conducted.

(4) The lead teacher will tally the screening scores and the screening document will be filed in the education section of the family file.

(5) When a child's screening scores indicate the need for a referral, the lead teacher will contact the family to request permission for assessment by early childhood special education (ECSPED). The lead teacher will complete the referral to ECSPED form, and have the permission to assess form signed by the parent/legal guardian. Copies of each will be given to the family, placed in the family file education section, and forwarded on to ECSPED.

(6) When a child's screening scores indicate the need for a re-screen, the re-screen will take place within three weeks.

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(7) All referrals and re-screens will be reported to the disabilities coordinator on the monthly report form.

(e) **Mental Health Screening**

The mental health consultant as directed in the memorandum of understanding (MOU) with the Department of Health will provide mental health/ behavioral screening tools. The lead teacher will conduct behavioral surveys for each child.

(f) **Growth Screenings**

The purpose of the growth screening is to obtain heights and weights, as part of the nutritional assessment, in order to identify each child’s nutritional needs and therefore benefit from follow-up intervention.

(1) All children at the age of 3-5 years old are screened for height, weight by the health service provider at every well child baby check. The staff obtains initial growth measurement from the child health record “form 3, screenings, physical examination/assessment” and records it onto the “health data tracking instrument” form and chart at the boys/girls “form 6, nutrition - no. 13. growth.”

(2) All children at the age of 3-5 years old are measured twice during the school year by the teaching staff. Initial growth screenings are completed within 45 days of entry. Children identified as being “over-weight/under-weight” are measured again within 90 days of the initial growth screening.

(3) The teaching staff does height and weight measurements on the same day and at the same time.

(4) For height measurements:

(i) Use a tape measure that is taped securely to a flat wall.

(ii) The height and weight balanced scale may be used.

(iii) Have the child remove shoes and hair accessories (i.e. headbands, ponytails).

(iv) Have the child stands as tall and as straight as possible, with backs to a wall or on the balance scale height measurement flat surface; with shoulders, buttocks and heels together and touching the wall.

(v) Have the child’s head in midline and the line of vision parallel to the ceiling or floor.

(vi) Check for and correct bending of the knees, slumping of the shoulders or raising of the heels.

(vii) Preferably use a yard stick to measure height, if tape measure is used at a flat wall. Measure height to the nearest 1/8 of an inch (see chart below)

Fraction	Nearest 1/8
1/8	1/8
1/4	2/8
3/8	3/8
1/2	4/8
5/8	5/8
3/4	6/8
7/8	7/8

(viii) Record the results on “form 6, nutrition - no. 13. growth.”

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- (5) For weight measurements:
- (i) Have the child remove shoes.
 - (ii) Check that the scale is calibrated, noting if the balance registers in the middle of the mark, and place on a hard, level surface (DO NOT PUT ON CARPET).
 - (iii) Have the child stand straight, with both feet on the scale and hands/arms to the side of the body, making sure they are not holding on to anything.
 - (iv) Measure weight in pounds. If it is ___* and over, round off to the next pound up. If it is below __,* weight stays the same (example: 34½ pounds; round off to 35 pounds; weight is 34 pounds).
 - (v) Record the results on the “form 6, nutrition - no. 13. growth.”

* So in original.

- (6) The teaching staff records and plots measurements on the individual “growth chart” form for all children. Use appropriate chart for each child based on age and gender:
- (i) Fill in the child’s name, record #/hospital #, birth date and sex.
 - (ii) In the date column, enter the date the measurements were taken. Measurement on an individual child is taken at the same time on the same day. If time is limited, get heights and weights of several children on one day and measure the rest of the children the next day.
 - (iii) In the age column, enter the child’s age in years and months. Calculate the age by using the following standard method:

	Year	Month	Day
Date of Measurement	2002	10	25
Birth Date	-1998	-7	-8
Age	4 years	3	17 days

Note: Round age off 4 years, 3 months and 17 days, and record as 4-4 round off by adding 1 month, if days are 15 days or less, leave at stated month. If necessary, borrow 30 days from the month column and/or 12 months from the year column.

- (iv) In the height column, enter the child’s height and weight column, enter the child’s weight in pounds.
- (v) Plot the child’s measurements on both age/height and weight/height charts.
- (7) Over-weight and under-weight determined according to the following definitions:

Risk	Definition
N (normal)	When dots on age/height are within or above 95th percentile of growth curve and weight/height charts are within growth curve.
S (short stature)	When dot on age/height chart is below the 5th percentile of growth curve.
O (overweight)	When dot on age/height chart is above the 95th percentile of growth curve.
U (underweight)	When dot on weight/height chart is below the 5th percentile of growth curve.
S/O (short	When dot on age/height chart is below

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stature/ overweight)	the 5th percentile of growth curve and dot on weight/ height chart is above the 95th percentile of growth curve.
S/U (short stature/ underweight)	When dot on age/height chart is below the 5th percentile of growth curve and dot on weight/height chart is below the 5th percentile of growth curve.

(8) Once measurements are plotted on the “growth chart” form, it remains in the child’s folder until all growth screenings are completed. Once the final measurements are recorded and plotted, the teacher makes copy for the child’s folder and sends the original “growth chart” form to the mail file.

(9) The teacher records results (N=Normal, O=Overweight, U=Underweight, S=Short in Stature, AB=Abnormal Head Circumference) on the “health data tracking instrument” form.

(10) The teacher initiates a CPLUS activity/service delivery tracking” (ASDT) form for all children at risk. The teacher consults with parents to refer to nutritionists as needed.

(11) The nutritionist assesses follow-up and makes recommendations on children with concerns.

(12) The teacher includes the results of the growth screening for children at-risk as part of the child’s needs assessment on the “referral” form.

(g) Forms

(1) Growth charts;

(2) CPLUS activity/service delivery tracking (ASDT);

(3) Child form 3, screenings, physical examination/ assessment;

(4) Health data tracking instrument;

(5) Referral.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (g) were not designated. The Commission designated subsections (g)(1) through (g)(5).

In subsections (f)(1), (f)(4)(viii) and (f)(5)(v), the Commission moved the final periods inside of the closing quotation marks. The Commission corrected “height and weight/s” in subsection (f)(6)(ii) to “heights and weights” pursuant to 1 CMC § 3806(g). In subsection (f)(7) the Commission inserted the word “on” and corrected the spelling of “chart” to correct manifest errors. In subsection (g)(5), the Commission inserted the final period.

§ 60-60-446 Assessment Referrals

To support the individual needs of children, Head Start will collaborate with families and the appropriate agencies to assess the need for any additional services for children in the Head Start Program.

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(a)(1) All children will be screened within 45 days of enrollment in Head Start. The results of screenings will be assessed by the lead teacher to determine the need for further assessment. Criteria for further assessment will be based on:

- (i) Score of the early screening inventory for pre-school and kindergarten (ESI-P/ESI-K) that falls in the refer range for the child's chronological age.
 - (ii) Score of the ESI-P/ESI-K that falls in the re-screen range for the child's chronological age with supporting observational concerns.
 - (iii) Score of the ESI-P/ESI-K that falls in refer or re-screen range for the child's chronological age on the re-screen.
 - (iv) Ongoing observations that indicate a concern.
 - (v) Family concerns.
 - (vi) Refer score on vision screen.
 - (vii) Refer score on hearing screen.
 - (viii) Weight for stature under 25 or over 95 percentile.
- (2) Any determination for assessment must be shared with the family and permission to communicate with the assessing professional must be signed by parent/guardian.

(b) Health Referrals

Health assessments will be referred to the appropriate health professional and completed in accordance with the health professional's protocol.

(c) Developmental Referrals

(1) Developmental referrals will be made to the CNMI PSS Special Education Department. The education staff will fill out PSS referral forms and permission to assess forms. The lead teacher is responsible for assuring the completion of these forms, permission to assess form is signed by the parent/guardian, and copies are distributed. Copies of all forms must be given to the parent/guardian, filed in the education section of the family file, and given to PSS special services.

(2) All new referrals will be reported to the disabilities coordinator in the monthly report. The site manager will monitor that assessments are completed within two months of the referral. Any delays in assessment will be reported to the disabilities coordinator. The disabilities coordinator will meet with the special education staff to develop a plan for the completion of assessments.

(3) Upon completion of assessment, the service team will meet with the parent/guardian and all appropriate special education staff. A determination will be made regarding eligibility for services based on the findings of the assessment(s). When a child does not qualify for special services, areas for growth will be addressed in the individual learning plan and monitored by the lead teacher.

(4) If a child does qualify for special services, an individualized education plan will be developed in collaboration with Head Start staff, parents/guardians, and special education staff. Measurable goals and outcomes will be written to support child growth and development. The least restrictive environment (LRE) will be determined based on child's needs. When child's need indicates that modification in schedule of attendance or classroom environment at Head Start is required, the disabilities coordinator will participate in the modification plan. Any necessary transitions will be addressed in the modification plan.

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(5) The disabilities coordinator is responsible for monitoring the modification plan. Individual education plans (IEPs) will be reviewed and updated annually in accordance with the Individuals with Disabilities Education Act (IDEA).

(d) See individualizing for children policy and procedure, screening policy and procedure, transition policy and procedure.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) and (a)(2). The Commission also designated subsection (d).

In subsection (d), the Commission inserted the final period.

The sections “individualizing for children policy and procedure,” “screening policy and procedure,” and “transition policy and procedure,” referenced in subsection (d), do not exist in the original regulation.

§ 60-60-448 Student Drop Off and Pick Up

Together with families, the CNMI Head Start Program strives to maintain a safe, organized environment for children. As part of this goal, we will follow a safe and orderly procedure for the arrival and departure of children enrolled at all Head Start sites.

(a) Arrivals

Staff will be on site to greet arriving students no later than five minutes before the scheduled start time of class. Parent/ guardian(s) arriving early must stay with their child until their child’s teacher arrives. No child will be left unattended at any time on Head Start premises. Children are to be escorted into the Head Start classroom by a responsible adult who will sign in on the volunteer sign in sheet.

(b) Late Arrivals of Children

(1) When a child arrives thirty minutes past the scheduled start time of class, the teacher will document the arrival time on the attendance sheet. The reason for late arrival will be documented in the family file narrative. Continual late arrival, such as two or more times in a week or a pattern of late arrivals during a school year, will warrant follow up. Teachers will notify the site manager and schedule a conference with parent/guardian. A plan will be developed for a consistent arrival schedule. The plan and follow up monitoring will be documented in the family file.

(2) Children arriving for morning session after the scheduled breakfast time will be offered breakfast.

(c) Pick Up

(1) Head Start students will be picked up at the Head Start classroom and only Head Start staff will be authorized to release children. All persons picking up the child must be at least thirteen years old and listed on the release form in the file. All biological parents will be allowed

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to pick up their child unless there is a copy of court orders or parenting plans in the family file. It is the responsibility of the custodial parent/guardian to assure that copies of all legal documents are available to Head Start staff. All changes to the release form must be in writing and signed by the parent/guardian.

(2) Children will not be allowed in parking areas without supervision nor be left alone at any time on Head Start premises. It is the parent/guardians responsibility to keep the release form information updated and to assure that all persons picking up a child are aware of the procedure.

(3) All children shall be picked up at the scheduled ending time for class and no later than fifteen minutes past the end of class. Early or late pick up will be documented on the attendance form and in the family file. Parent/guardians are responsible for contacting the teacher when their child will be picked up early or late. The reason(s) will be documented in the family file.

(4) Continual early pick up, such as two or more times in a week or a pattern of early pick-ups during a school year, will warrant follow up. Teachers will notify the site manager and schedule a conference with parent/guardian. A plan will be developed for a consistent pick up schedule. The plan and follow up monitoring will be documented in the family file.

(5) Late pick up of children fifteen or more minutes past class time disrupts the teacher's schedule and is distressing to pre-school children. Parents/guardians will be informed at orientation of their responsibility for assuring their child is picked up at a reasonable time. The first late pick up will warrant a reminder. The second incident within two weeks will warrant a verbal and written reminder. The third incident within two weeks of the second may warrant a referral to the Department of Youth Services as a child abandonment complaint. Teachers and site managers will use their best judgment as to the reasons for late pick up. A conference with the parent/guardian, with a written action plan, can be used in lieu of DYS referral at the service team's discretion. All actions will be documented in the family file.

(d) Bus Drop Off and Pick Up

(1) An adult will escort to and from the Head Start classroom children with disabilities that are transported by the PSS. This adult may be a bus aid, special services staff, Head Start staff, or a Head Start volunteer with permission from the parent/ guardian.

(2) When the special services bus has not arrived within thirty minutes of the scheduled class start time or fifteen minutes of the scheduled ending time, the teacher or site manager will call the transportation office. The reason for late arrival will be documented along with the expected arrival time. All transportation issues will be reported to the disabilities coordinator within one day.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (c)(2), the Commission changed "is" to "are" to correct a manifest error.

§ 60-60-450 Transition Services

To support children and families entering and leaving the Head Start Program, staff will work collaboratively with the appropriate government, private and community agencies to provide a continuum of care.

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(a) Children Entering Head Start

(1) All families of children entering Head Start will be provided with a general orientation to Head Start including:

- (i) Family rights and responsibilities;
- (ii) Location of placement;
- (iii) Philosophy of Head Start;
- (iv) Pertinent policies and procedures;
- (v) Volunteering opportunities;
- (vi) Parent involvement opportunities;
- (vii) Home visits and conference.

(2) Families will be surveyed to determine the best placement for their child for centers with multiple classrooms or double sessions. Special needs/disabilities, family work schedules, and child nap schedules as well as other pertinent issues may be considered when placement decisions are made. The social service coordinator, family partnership advocate, and site managers will collaborate on completing the enrollment conference/home visit with families.

(3) Children entering Head Start from private day care or pre-school - upon selection, the social service coordinator will contact the family. With family permission, the previous placement will be contacted for any pertinent documentation.

(b) Transfers from the Children's Development Assistance Center (CDAC)

(1) Three months prior to a child enrolled in the CDAC program turning three years old, CDAC will contact the Head Start education coordinator to schedule transition meetings. A meeting will be held with CDAC staff, early childhood special education staff (ECSPED), and the Head Start education/ disabilities coordinator to discuss any special transition needs. The month of the child's third birthday, this transition team will meet with the family to discuss transition issues and plan the transition out of CDAC. The education/disabilities coordinator will provide information and application materials for Head Start and offer assistance as needed if the family wishes to place their child in the program.

(2) The education coordinator will provide the family and child's name, address, phone number, child's birth date, and any other pertinent information to the social service coordinator. A file of potential transfers from CDAC will be kept and the social service coordinator will follow up with contacts to the family to insure that interested families complete applications.

(3) Prior to the beginning of the school year, the disabilities coordinator will meet with the service team and family to review any special accommodations that may need to be made for a child. All facilities and materials will be appropriately modified or purchased prior to the first day of class.

(c) Children Leaving Head Start

(1) Children with identified disabilities - Three months prior to the end of the school year, the Head Start service team, education/disabilities coordinator, ECSPED staff, and child's family meet to review placement options for the following school year. The education/disabilities coordinator will collaborate with ECSPED staff to assist the family with any needed documentation, contact the education staff for the next placement, and transfer required documents.

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(2) When it is determined that the best placement for the child is within Head Start, the education/disabilities coordinator will notify the social service coordinator and prepare a letter of placement justification for the Head Start Policy Council. Upon Policy Council approval, the child will be re-enrolled for the following year. The transition team will meet during the extended Head Start year to plan for transition into the public school when the child turns six years old.

(3) Children transitioning into kindergarten - All four year olds enrolled in Head Start will be provided opportunities to develop skills needed for functioning in a kindergarten classroom. These skills are to include listening skills, social problem solving, pre-literacy, pre-math, and communication skills. Activities to support these skills may include visiting a kindergarten classroom, meeting a former Head Start kindergartner, formal and emergent discussions of change and growth, stories and books, and dramatic play themes.

(4) Parents will be surveyed regarding their choice of placement, private or public kindergarten, private pre-school, or home school. Using this information, lead teachers will obtain permission to share information and determine which file document copies should be forwarded to the next placement.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted semicolons at the ends of subsections (a)(1)(i) through (a)(1)(vi) pursuant to 1 CMC § 3806(g). In subsection (a)(1)(vii), the Commission inserted the final period. In subsection (b)(1), the Commission changed “turn” to “turning” to correct a manifest error.

§ 60-60-452 Child Abuse and Neglect Reporting

(a)(1) The Board of Education believes that school staff members are in a unique position to assist children, families, and the community in dealing with the issues of child abuse and neglect. In addition, school employees are required by law to report instances of suspected child abuse when the employee knows or has reasonable cause to suspect that a child has been or is likely to be abused, neglected or sexually molested. All suspected child abuse and neglect should be reported in good faith. Family issues will be treated with respect and confidentiality and child well being and safety will be a priority in making all reports.

(2) All families will be informed on enrollment and during orientation regarding Head Start’s role as mandated reporters and the policy and regulation in this section.

(b) Definitions

(1) Commonwealth law, 6 CMC §§ 5313, et seq., mandates certain professionals, including school teachers and school officials, to report to the Department of Public Safety (DPS) when the professional knows or has reasonable cause to suspect that a child is abused, neglected or sexually molested by any person in a manner which harms or threatens to harm the child’s physical or mental health and well-being. This notification shall be within twenty-four hours.

(2) Child abuse is defined as an intentional act causing any physical pain or injury, sexual abuse or mental distress inflicted on a child who is in the person’s custody with the result that the child’s physical or mental health and well being are harmed or threatened, excluding reasonable and traditional discipline as determined by prevailing community and cultural standards.

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(3) Neglect is defined as the failure to provide a child who is in the person's custody with adequate supervision, medical care, food, clothing or shelter with the result that the child's physical or mental health and well being are harmed or threatened.

(4) Molestation includes all exhibitionism, sexual contact, and sexual exploitation as set forth in 6 CMC § 1311 and 6 CMC §§ 1321, et seq.

(c) Procedure for Reporting Abuse and Neglect

(1) When a school employee has reason to believe that a student has been or may be subjected to abuse, molestation, or neglect, the employee shall immediately notify the site coordinator and the social service coordinator.

(2) Upon notice of abuse, molestation, or neglect, the site coordinator or the social services coordinator in consultation with the PSS legal counsel, will if necessary quickly conduct a limited preliminary investigation. If there is reasonable cause to suspect that a child has been or may be abused, neglected or sexually molested, the site coordinator, social services coordinator or staff member shall make an immediate oral report to the Department of Public Safety (DPS) and the Division of Youth Services (DYS). This notification shall be within twenty-four hours. If staff suspects that a child could be at risk for further harm by returning home, the report will be made immediately.

(3) Observations of staff including the time, date, circumstances and details or information which gave rise to the belief that abuse or neglect has or will occur must be documented on the CAN report form. The CAN form will be read to the DHS and DPS upon notification to these agencies. The call will be logged with the date, time, nature of the report and name of the officer.

(4) When DHS or DPS representatives interview students on school property, a Head Start staff member will be present.

(5) The original CAN form will be filed in the family file. Copies will be forwarded to DHS, the Commissioner of Education, the Director of the Head Start Program and the social services coordinator.

(6) When families self-disclose abuse issues, the site coordinator or lead teacher or social services coordinator will assist the family in contacting DHS and DPS and any other parent support organization.

(7) All actions regarding child abuse or neglect will be documented in the family file.

(8) Refer to confidentiality policy and procedure.

(d) Discipline/Consequences

(1) By commonwealth law (6 CMC § 5315), the knowing or willful failure of any person required to make a report shall, upon conviction, be punished by imprisonment for up to one year, or a fine of \$1,000 or both.

(2) Any student who abuses or molests a child while on school property or while participating in school activities will be subject to counseling and disciplinary action.

(3) Any employee who abuses or molests a child while on school property or while participating in school activities will be subject to disciplinary action, up to and including dismissal.

(4) Any employee who receives a complaint of abuse, neglect or molestation from a student and who does not act promptly to forward that complaint to the principal shall be disciplined appropriately, up to and including dismissal.

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(5) Any employee who brings a false charge of abuse, neglect or molestation shall receive appropriate discipline. The term “false charge” means charges brought in bad faith, that is, without the good faith belief that one has been subjected to abuse, neglect or molestation. The term “false charge” does not include a charge that was brought in good faith but which the PSS, DPS or DYS was unable to substantiate.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraphs were not designated. The Commission designated them subsections (a)(1) and (a)(2) and redesignated subsections (b) through (d).

In subsection (b)(3), the Commission changed “child” to “child’s” and in subsection (d)(5), the Commission changed “mean” to “means” to correct manifest errors.

Part 500 - Human Resources

§ 60-60-501 General Statement

(a) Generally, the recruitment, interviewing, selection, employment and grievance procedures for all Public School System (PSS) staff, including Head Start staff, are controlled by PSS Regulations for Personnel [see NMIAC, title 60, chapter 30]. However, pursuant to federal regulation, the Board of Education must consider the input of the Head Start Policy Council (HPC) regarding personnel issues for Head Start employees. For example, the Head Start Policy Council must be involved in the recruitment, selection and termination of Head Start staff, including the Director.

(b) Accordingly, before final adoption of any PSS Personnel Regulations affecting Head Start employees, the Board will seek and consider comments from the HPC. The Board will only finally adopt PSS Personnel Regulations after soliciting and receiving input from HPC regarding regulations covering employees in the Head Start Program. Any dispute between the Board and HPC will be resolved by the impasse procedures.

(c) The HPC will review and approve of Head Start job descriptions and salary schedules that shall be revised when necessary to meet the needs of the program.

(d) By adoption of the policy in this section, the Board and HPC agree that to the extent possible, the Head Start policies and regulations regarding human resources in this part will be interpreted consistently with all PSS regulations regarding personnel. In cases of conflict, the Head Start policies and regulations shall govern. However, if there is no Head Start policy or regulation regarding an issue, the Board and PSS policies and regulations shall be followed to address the matter upon approval from HPC.

Modified, 1 CMC § 3806(d).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 60-60-505 Equal Opportunity Employment; Discrimination Prohibited

(a)(1) The CNMI Head Start Program under the grantee, CNMI Public School System (PSS) and Board of Education (Board), is an equal opportunity employer. The Head Start Program and Head Start Policy Council (HPC) are committed to providing equal opportunity for all individuals in all areas of recruitment, selection, placement, training, assignment, transfer, compensation, benefits, discipline, retention, and promotion. The Head Start Program and HPC commits itself to the policy that there shall be no unlawful discrimination against any person because of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socioeconomic status or disabling condition or in retaliation for exercising any rights under this policy.

(2) It is each and every employee's responsibility to understand and comply with the Head Start Program's equal employment opportunity policy. All decisions with regard to employment shall be in compliance with applicable CNMI and federal laws.

(b) All students, employees and parents have the right to be free from discrimination and harassment on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socio-economic status or disabling condition. Employees shall not participate in, or permit others to engage in, any act of discrimination against students, parents or co-workers based on the above factors or in retaliation for the exercise of any of their rights.

(c) **Definitions**

(1) Discrimination is the singling out of a person or persons for different treatment, regardless whether good or bad, based on the factors listed above. Discrimination includes not only the creation of a hostile environment, but also favoritism based on any of these factors. Simply put, students and employees are required to treat all persons equally.

(2) Harassment may be defined as abusive behavior or other verbal or physical conduct towards a person based on that person's sex, sexual orientation, race, creed, color, religion, national origin, age, cultural or socio-economic status or disabling condition which has the purpose or effect of creating an intimidating, hostile or offensive environment that interferes with a student's participation in or receipt of benefits, services or opportunities in a school's programs and activities. Examples of harassment include, but are not limited to, jokes, comments, slurs, epithets and disparaging remarks.

(d) **Complaints and Investigations Involving Employees**

(1) Any employee who believes that he or she is a victim of discrimination or harassment or who observes discrimination or harassment of a student or co-worker should report the matter immediately to the employee's supervisor or Head Stat Director and the PSS Equal Employment Opportunity (EEO) Officer.

(2) If the employee feels that such contact with the supervisor would be inappropriate, if the supervisor does not satisfactorily resolve the situation, or if the employee simply feels more comfortable speaking with someone other than the supervisor, the employee should contact the EEO Officer for the Public School System.

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- (3) Any supervisor/administrator who receives a report, orally or in writing, from any employee regarding discrimination of that employee by another employee, non-employee doing business with the Head Start Program, or student must notify the EEO Officer within twenty-four hours or within a reasonable time thereafter.
- (4) Oral complaints of discrimination will be put in writing by the complainant or by the person who receives the complaint, and should be signed by the complainant. However, the complainant's refusal to sign a complaint does not relieve the Head Start Program of the obligation to investigate the complaint.
- (5) An employee who believes that he/she has been subjected to discrimination shall not be required to confront the alleged harasser prior to making the report.
- (6) Following receipt of the report, the appropriate Head Start personnel will promptly and fully investigate the complaint and will notify the employee and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.
- (7) Upon receipt of the report, the EEO Officer will appoint an investigator to investigate the complaint. The investigation shall commence within forty-eight hours after such appointment.
- (8) The Head Start Program will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.
- (9) The investigator will put his/her findings in writing and will forward a copy to PSS EEO Officer within one week after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.
- (10) If the investigation substantiates the complaint, the Head Start Program will take appropriate disciplinary action against the offender(s), commensurate to the severity of the discrimination (up to and including termination of employment). If the offender is a student, disciplinary action will be taken in accordance with Board policies and regulations regarding student conduct. If the offender is not an employee of the Head Start Program, the Head Start Program will take appropriate action within the scope of its authority to eliminate and redress the discrimination.
- (11) If the investigation is indeterminate, the matter will be designated as unresolved, and the investigation file will be maintained by the PSS EEO Officer in a file separate and apart from any student or personnel file.
- (12) There will be no retaliation against or adverse treatment of any employee who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to discrimination and/or harassment.
- (13) The responsible administrator shall follow up regularly with the complaining employee to ensure that the discrimination and/or harassment has stopped and that no retaliation has occurred.
- (14) If the complainant is not satisfied with the resolution of the complaint, then he or she may appeal to the Commissioner pursuant to the grievance procedures set forth in § 60-60-970.
- (15) Head Start employees must follow the Head Start Program's policies and procedures for complaints and investigations involving employees.

(e) Enforcement - Employees

Each supervisor and administrator is responsible for maintaining an educational and work environment free from discrimination. In accordance with that responsibility, each program site manager, or his/her designee, shall take appropriate actions to enforce the Head Start equal employment and education opportunity policy, including but not limited to the following:

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- (1) The supervisor/administrator shall provide an in- service orientation training regarding discrimination and the regulation in this section to all staff by the end of the first full calendar week of each new school year and on a quarterly basis as needed.
- (2) The supervisor/administrator shall provide a copy of the policy and regulations to all new employees and policy council and committee members of the Head Start Program prior to the commencement of the employee's duties during the orientation.
- (3) The supervisor/administrator shall further instruct employees and policy council and committee members regarding the procedures for reporting discrimination in the educational setting on an as-needed basis.
- (4) The supervisor/administrator shall take prompt action to investigate all complaints of discrimination.
- (5) The supervisor/administrator shall take appropriate disciplinary action, as necessary.

(f) Enforcement - Students

Each program site manager is responsible for maintaining an educational and work environment free from discrimination. In accordance with that responsibility, each program site manager, or his/her designee, shall take appropriate actions to enforce the Head Start Program equal employment and education opportunity policy, including but not limited to the following:

- (1) All vulgar or offensive graffiti shall be removed from the premises.
- (2) Student instruction regarding discrimination and sexual harassment shall be provided to all students, families, volunteers, and policy council and committee members. If appropriate, age oriented instruction may be presented to the pre-school and head start students.
- (3) If appropriate, all home room teachers shall discuss the student nondiscrimination policy and regulation with their students during the first week of the school year. Discussion shall be conducted in an age appropriate manner and should assure students they need not tolerate any form of discrimination and/or harassment.
- (4) All teachers, counselors, and administrators shall instruct students on the procedures for reporting discrimination and sexual harassment within the educational setting on an as needed basis.
- (5) The program site manager shall take prompt action to investigate all complaints of discrimination or sexual harassment.
- (6) The program site manager shall take appropriate disciplinary action, as needed.

(g) Notifications

A copy of the Head Start Program's equal employment opportunity policy and regulation, codified in this section, shall:

- (1) Be provided to each current employee, and to each new employee prior to commencement of his or her duties.
- (2) Appear in any Head Start newsletter or work site publication that sets forth the Head Start comprehensive rules, regulations, procedures, and standards of conduct for employees.

(h) Discipline/Consequences for Employees

- (1) Any employee who engages in the discrimination or sexual harassment of anyone while on school property, or while in the employ of the Head Start Program off school property will be subject to disciplinary action, up to and including dismissal. Any employee who permits or

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engages in the sexual harassment of a student will be subject to disciplinary action, up to and including dismissal.

(2) Any employee who receives a complaint of discrimination or sexual harassment from a student and who does not act promptly to forward that complaint to the immediate supervisor or Head Start Director and the EEO Officer shall be disciplined appropriately.

(3) Any employee who retaliates, or engages in conduct that could be interpreted as retaliation, against any person who has made a complaint of discrimination or sexual harassment or who has participated in the investigation of a complaint of discrimination or sexual harassment will be subject to discipline, up to and including dismissal.

(4) Any non-employee doing business with the Head Start Program who engages in discrimination or sexual harassment, or who retaliates against any person who has made a complaint of discrimination or who has participated in the investigation of a complaint of discrimination, will be subject to discipline to the extent that the Head Start Program has control over the non-employee and his/her employer.

(5) Any employee who brings a false charge of discrimination or sexual harassment shall receive appropriate discipline. The term "false charge" means a charge brought in bad faith, that is, without the good faith belief that one has been subjected to discrimination or sexual harassment. The term "false charge" does not include a charge that was brought in good faith, but which the Head Start Program was unable to substantiate.

(i) Discipline/Consequences for Complaints Involving Students

(1) Any student who engages in the discrimination or sexual harassment while on school property or while participating in school activities, will receive age appropriate training and may be subject to disciplinary action.

(2) Any employee who permits or engages in the discrimination or sexual harassment of a student will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of discrimination or sexual harassment from a student and who does not act promptly to forward that complaint to the program site coordinator, or the Head Start Director, shall be disciplined appropriately.

(j) Grievance Procedure

(1) Level 1: Immediate Supervisor (Informal and optional - may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the immediate supervisor or Head Start Director. Employees with a discrimination or sexual harassment complaint are encouraged to first discuss it with their immediate supervisor or Head Start Director with the same objective. If the individual's supervisor or Head Start Director is the person alleged to have engaged in the discrimination or sexual harassment then the grievant should skip level 1 and go directly to level 2.

(2) Level 2: Written Grievance

(i) If the complaint or issue is not resolved at level 1 or if the grievant chooses to skip level 1, the grievant may file a signed, written grievance stating:

(A) The nature of the discrimination/harassment;

(B) The remedy requested; and

(C) The date discrimination/harassment occurred.

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The level 2 written grievance should be filed with the EEO Officer within fifteen days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

(ii) The ERO Officer may appoint an investigator to investigate all written grievances. If possible, the investigator will resolve the grievance. If the parties cannot agree on a resolution, the coordinator will prepare a written report of the investigation that shall include the following:

- (A) A clear statement of the allegations of the grievance and remedy sought by the grievant.
- (B) Statement of the facts as contended by each of the parties.
- (C) A statement of the facts as found by the investigator and identification of evidence to support each fact.
- (D) A list of all witnesses interviewed and documents reviewed during the investigation.
- (E) A narrative describing attempts to resolve the grievance.
- (F) The investigator's conclusion as to whether the allegations in the grievance are meritorious and recommendations.

(iii) The investigator shall consult with the EEO Officer during the investigation and attempted resolution of the grievance.

(iv) The appointed investigator will complete the investigation and file the report within thirty days after receipt of the written grievance. The investigator shall file the report with the EEO Officer and the EEO Officer will make any necessary recommendations and forward the report to the Head Start Director and Commissioner's office. The Head Start Director will notify the Head Start Policy Council of the situation and will give them updates on the investigation and findings.

(v) If the Commissioner/designee, with the concurrence from the Head Start Director and Head Start Policy Council, agrees to the recommendation of PSS EEO Officer, the recommendations will be implemented. The Commissioner/designee will inform the grievance in writing of his or her decision and any action that will be taken. A copy of the decision will be given to the Head Start Policy Council for their information and records.

(3) Level 3: Appeal to the Board and HPC

If the Commissioner rejects the recommendations of the coordinator, and/or either party is not satisfied with the recommendations from level 2, either party may make a written appeal within ten days of receiving the report of the Commissioner to the Head Start Policy Council and the Board of Education. On receipt of the written appeal, the Chairperson of the Board of Education shall appoint two Board members and the Head Start Policy Council Chairperson shall appoint three members to a hearing panel. The hearing panel shall elect a chief hearing officer who shall schedule a hearing to be held within forty-five days of the employee's request for an appeal. The date shall be set with due regard for the needs of the Head Start Program and the employee to have sufficient time to adequately prepare. A decision shall be made and reported in writing to all parties within thirty days of the hearing. The decision of the hearing panel will be final.

(4) Other Options for Grievant

At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Federal Ombudsman to the Commonwealth.

(k) The PSS EEO Officer will be available to answer all questions regarding the regulation in this section and its implementation.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first and final paragraphs were not designated. The Commission designated subsections (a) and (k) and redesignated subsections (b) through (j).

§ 60-60-510 Head Start Employees

Head Start strives to hire and retain the most qualified applicants to provide quality services to all students. The regulations in §§ 60-60-510 through 60-60-525 define employee and set forth the qualification requirements and selection process.

(a) The term employee includes all individuals with fully executed employment contracts with PSS/Head Start Program. Head Start employees do not include volunteer assistants, teaching interns, guest lecturers, student teachers, contractors, subcontractors or any others performing services for Head Start under a memorandum of understanding with another agency, a volunteer agreement or a procurement contract. The term does encompass all non-certified and certified PSS/Head Start employees, including all PSS/Head Start employees with salaries funded by federal grants.

(b) Certified employees are those persons hired to work as a teacher, counselor or a librarian who must be certified as required by regulation and/or law. Certified employees include “teachers,” “counselors,” and “librarians.” All other employees of the PSS/Head Start Program are considered non-certified personnel.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 60-60-515 The Hiring Process

The employment practices of the Head Start Program shall in all cases be governed by laws and regulations applicable to the Public School System with participation from the Head Start Policy Council.

(a) Recruiting Practices

To ensure the CNMI Head Start Program provides quality services, well-qualified staff must be recruited, interviewed, and selected properly. The following procedures will provide information on the steps necessary to process a request for the authorization to create and/or fill a position, and the recruitment, interviewing, and selection processes, which leads to employment of an individual to fill that vacant position.

(b) Vacancy Announcement

(1) Request to Fill a Vacant Position

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- (i) A vacancy may exist through resignation, non-renewal of contract, promotion, termination, the opening of new positions or by other means in the Head Start Program. An employee wishing to resign or not renew his or her contract shall inform his/her immediate supervisor and the Head Start Director. If the Head Start Director determines that an employee will not seek a renewal or should not have his or her contract renewed, then this information along with supporting documents from the employee such as a resignation letter must be provided to the PSS Human Resources Officer (HRO) for further processing.
 - (ii) Any authorized vacant position that needs to be filled shall be submitted by the Head Start Director for authorization to open recruitment. The Head Start Director shall submit a request for personnel action form, PSPS-1000-A, to the PSS Human Resources Office (HRO) with appropriate data included.
 - (iii) Appropriate data includes the position title, job description, pay level, pay range, pay rate, whether a new or existing position, person replacing (if applicable), location/duty station, employment status - certified or non-certified, funding source information, and the request for in-house, public, or newspaper recruitment.
 - (iv) The request for personnel action form is submitted to the HRO for processing of a job vacancy announcement (JVA), which includes the job description, geographic location and duty station, salary, benefits, qualifications, standards of conduct, and instructions for applying including how to apply for the position, place to apply, form of application required, and documentary support required, when appropriate.
 - (v) After processing from the HRO, the JVA and request for personnel action form is then forwarded to the Finance Director or Federal Programs Officer to verify funding availability for the position and recruitment expenses. If funding is available and authorized, the form is then submitted to the Commissioner of Education for final approval and certification that there is a need to fill the position.
 - (vi) If authorization to recruit is approved by all parties, the form will be resubmitted to the HRO for appropriate action. If authorization is denied, the Head Start Director is informed of the denial, with reason, and no further action is taken toward recruitment.
- (2) Announcement of Vacancy
- (i) There shall be two types of announcements:
 - (A) A promotional/transfer opportunity that shall be open only to PSS employees for promotion or transfer consideration.
 - (B) An open competitive announcement that shall be open to all qualified applicants.
 - (ii) After the JVA has been approved by the HRO, Finance Director, and the Commissioner of Education, the Human Resources Officer shall post the promotional transfer opportunity for a period of at least fifteen days. Posting will be made at the PSS HRO Office and all Head Start Centers. Qualified PSS employees may apply and will be placed on a PSS employee eligibility list. If there is more than one employee applicant, interviews shall be conducted in accordance with § 1210.* If an appropriate candidate for the position, as determined by the Human Resources Officer or the PSS Interviewer, is not found within PSS, then the open competitive announcement process shall be initiated.
 - (iii) An open competitive vacancy announcement shall be posted for a period of at least fifteen days. At a minimum, the vacancy announcement shall be posted on a vacancy announcement board at PSS, at all head start centers and on the CNMI Personnel Office board where vacancy announcements are normally posted, at a similar board at the Northern Marianas College and at the principal's office at each of the public schools.

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(iv) In the event that the position is one that offers the possibility of greater than \$40,000.00 per year in salary or is a hard-to-fill position, then the vacancy announcement shall be published in the CNMI and circulated generally throughout the CNMI. The newspaper advertisement has to be approved by the Head Start Director and also approved for funding availability by the Finance Director. The announcement will be prepared by the HRO who will arrange with the newspaper(s) for publication. All other positions will be announced by in-house and public distribution.

(3) **Announcement Period, Extension**

If there are not at least three qualified applicants after the open competitive announcement period, or if the Human Resources Officer determines that insufficient interest has been shown in the announcement, then the announcement period shall be extended another fifteen days with approval from the Head Start Director. A new announcement may be circulated indicating the extension of the application period. If there are still insufficient applicants, and the vacancy remains unfilled, another announcement may be established and open “until filled.”

* In subsection (b)(2)(ii), the referenced section is unclear. The original Head Start Program Regulations did not contain a § 1210.

(c) **Eligibility**

(1) Upon submission of all required documentation, the Human Resources Officer (HRO) will review and assess the applications. A personnel specialist will evaluate the related work experience, education, and necessary training required for the job being announced. Every person who applies for a vacancy who meets the minimum qualifications shall be listed in no particular order on an eligibility list for that position.

(2) The eligibility list along with the applications and assessments will be forwarded to the interviewing committee comprised of the Head Start Director, the appropriate site coordinator (if applicable), an HPC member, and a PSS HRO representative, if available. Those applicants who were found not to meet the minimum requirements of the vacant position shall be notified in writing by the HRO.

(3) The eligibility list shall be maintained for one year. Names may be removed by the Human Resources Officer only if the applicant voluntarily withdraws, is found to not be qualified, is disqualified due to false statements or fraud in the application, or the applicant fails to respond within ten calendar days to an offer for employment.

(d) **Interviewing**

(1) As stated, an interview committee shall be formed and consist of the Head Start Director, the appropriate site coordinator (if applicable), an HPC member, and a PSS HRO representative. The Commissioner of Education will authorize members of the interview committee to interview applicants for employment upon completion of training by the Human Resources Office and Equal Employment Opportunity Officer or PSS legal counsel on the requirements and legal restrictions of the hiring process.

(2) Upon receipt of the eligibility list from the HRO, the interview committee comprised of authorized interviewers shall schedule interview dates with at least five applicants on the list. If fewer than five applicants are on the eligibility list, then all of the applicants on the list shall be interviewed.

(e) **Recommendation**

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At the conclusion of all of the interviews and after a consensus from all the interviewers, the Head Start Director shall recommend in writing with concurrence and approval from the Head Start Policy Council Chairperson, to the Human Resources Officer that an applicant(s) for a particular position be hired by the program. The recommendation shall provide reasons supporting the employment of the particular applicant. This recommendation shall be kept confidential and shall not be available to the employee. Applicants who were not selected will be notified by HRO in writing.

(f) Background Investigation

(1) Before recommending an applicant for employment, a member of the interview committee shall contact the applicant's present and former employers and references as listed in the application if the applicant authorizes such contact.

(2) In the event that an applicant claims work or educational experience that would affect his or her classification, then the applicant shall provide written verification from the prior employer of the claimed work experience and/or an official copy of transcript with the educational experience.

(3) A police clearance from all places of residence for the last two years must be provided prior to employment. A fingerprint card for a FBI check is also required to ensure the safety and well being of the children.

(4) All current and prospective employees must sign a declaration attesting to the fact that the employee does not have any pending or prior criminal arrests, charges or convictions related to child sexual abuse or neglect. Any pending or prior arrests, charges or convictions must be listed with a detailed explanation of their disposition.

(g) The Employment Decision

(1) The interview committee with the Human Resources Officer shall make the initial determination whether to extend an offer of employment to an applicant upon review of the availability of positions, the entire applicant file and the background investigation. The Human Resources Officer may accept or reject the recommendation from the interview committee based on the applicant's failure of the background check or failure to submit the required documents for the background check. If the Human Resources Officer rejects the recommendation, then he or she must specify in writing the reasons for the rejection and supply this to the recommending committee and the Head Start Policy Council. This writing shall be kept confidential.

(2) The decision to hire an applicant, when initially made by the Head Start interview committee and the Human Resources Officer, is always contingent. In itself, it never constitutes a binding promise to hire an applicant. Whether the recommendation will ultimately be accepted depends upon a determination that adequate funding exists, that legal procedures have been followed and that the Commissioner will approve the decision. Thus, it is important to inform the applicant that the decision is tentative and will not be definite until the applicant receives the signed contract. The signed contract is the official offer of employment, which the applicant may accept by executing it.

(3) In the event that an offer of employment should be made, an intent to offer employment letter, filled out completely, shall be provided to the applicant, and a copy provided to the interviewer(s). The HRO shall also notify the applicant of his/her projected annual salary and request the necessary information prior to signing their contract (submittal of health certificate and two documents of proof of eligibility to work in the CNMI). Any other communication to

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the applicant should emphasize that there will be no authorized offer of employment until a contract form signed by the Commissioner is presented to the applicant for his or her signature.

(4) If the position involves unsupervised contact with students, such as teachers and counselors, the intent to offer employment letter shall have attached four fingerprint cards and shall instruct the applicant to have a local law enforcement agency fingerprint him or her and fill out two of the cards. The applicant shall then immediately proceed to the Department of Public Safety (DPS) to be fingerprinted. The applicant shall provide the HRO written proof through a PSS form that the fingerprinting was completed.

(h) Recordkeeping

(1) The Human Resources Officer shall, at a minimum, create an applicant file for each job recommendation letter it receives from an authorized interviewer or interview committee. The file shall contain, at the minimum, the recommendation letter, eligibility list, job description and vacancy announcement, job application, resume, certified copy of the teaching certificate (if applicable), transcript (if applicable), copy of degree, verification of employment (if applicable), criminal conviction clearance and any correspondence with the applicant.

(2) In the event that an applicant is not hired, the Human Resources Officer shall retain the applicant's file for a minimum period of two years before it is destroyed. In the event that an applicant is hired, the documents will be placed in the employee's personnel file.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) through (b)(3).

In subsection (b)(3), the Commission moved the final period inside of the closing quotation mark.

§ 60-60-520 Employment Contracts

(a) Purpose

(1) The hiring process reaches the conclusion with the offer of employment in the form of a written contract signed by the Human Resources Officer, the Director of Finance, and the Commissioner of Education and an acceptance of employment by the applicant accomplished by the applicant's signing of the contract. At the time of presentation to the employee, the contract constitutes an offer of employment upon the terms and conditions expressed in that writing only. Signature of the applicant constitutes acceptance of the offer.

(2) Prior to extending the offer, all verification must be completed, all documentation received, and all approvals obtained, with the exception of medical examination results and FBI criminal clearance, when applicable.

(b) The Contract Form

Contract forms shall be reviewed and approved by the legal counsel before use. The Human Resources Officer shall completely fill out the employment contract using the appropriate form. The role of the Human Resources Officer is to ensure that the contract form has been filled out correctly prior to its presentation to the Commissioner. The job application and vacancy

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announcement shall be attached to the contract. Any applicable addendum shall also be attached to and incorporated into the contract.

(c) Routing of the Contract

(1) Human Resources Officer: The signature of the Human Resources Officer shall certify the correct determination of the salary offered, the receipt of a local criminal conviction clearance and the verification of education and work experience relevant to the position. The Human Resources Officer shall also indicate whether the prospective employee's fingerprint cards have been submitted to DPS for the FBI records check.

(2) Finance: The signature of the Finance Director shall certify the availability of the position as an FTE and the funds necessary to fund the position offered.

(3) Commissioner: The Commissioner shall be the final government officer to sign the contract form. The Commissioner shall sign as the chief executive officer of PSS.

(4)(i) Applicant: The applicant shall be presented with the contract form only after it has been signed by all of the appropriate PSS officers. The document at that point constitutes an offer of employment upon the terms and conditions expressed in that writing only. The signature of the applicant constitutes an acceptance of the offer.

(ii) In the event that the applicant seeks to make, or actually makes, any modification to the contract form, this act shall constitute a rejection and a counter-offer, even though it is signed. Upon receipt, the Human Resources Officer shall review the modifications with the legal counsel and Commissioner to determine if they are acceptable. If so, then a new contract shall be prepared, rerouted for all the necessary signatures, and presented to the applicant for signing. No counter-offer shall be deemed to be accepted without following this procedure.

(5)(i) Records: The applicant shall keep a copy of the employment contract and the Human Resources Officer shall retain the original.

(ii) The application file shall be closed with a copy of the first page of the employment contract placed on top of its contents. An employee file shall be opened with the completed employment contract and copies of the documents in the applicant file placed in the personnel file.

(d) No Action Without Fully-executed Contract

The Human Resources Officer shall be responsible for ensuring that employment contracts are routed through the Public School System and transmitted to the applicant without delay. In no event shall any applicant be requested to travel from the point of recruitment to the CNMI to begin employment without the Human Resources Officer first having in its possession a fully executed employment contract. Nor shall any applicant be requested to commence working without the Human Resources Officer first having a fully executed employment contract with that individual.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs of subsections (a), (c)(4) and (c)(5) were not designated. The Commission designated subsections (a)(1) and (a)(2), (c)(4)(i) and (ii) and (c)(5)(i) and (ii).

§ 60-60-525 Student Welfare and Standards of Conduct; Minimum Qualifications

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(a) All Head Start staff must meet the education and experience qualifications required by the Head Start performance standards and as set forth in the job vacancy announcements and this section.

(b) Unlike other PSS classroom teachers, the Head Start Program in accordance with the performance standards allows individuals without a baccalaureate (BA/BS) degree to teach in Head Start classrooms. However, advanced degree holders are preferred.

(c) Requirements for Head Start Education Instructor

To be eligible as a Head Start Instructor, one must have the following qualifications:

(1) Instructor - Level I

- (i) Must have a high school diploma or equivalent
- (ii) Possess a specialized instructor certificate in early childhood head start
- (iii) At least 2 years of verifiable teacher aide experience
- (iv) Certified in first aid and CPR application

or

(v) AA/degree plus specialized instructor certificate in early childhood/head start preferred

(vi) Certified in first aid and CPR application.*

(2) Instructor - Level II

- (i) Must have an associates degree in early childhood education or related field
- (ii) Possess a specialized instructor certificate in early childhood/head start
- (iii) At least 2 years of verifiable teacher aide experience
- (iv) Certified in first aid and CPR application.

(d) For Head Start teachers, instructors and aides, the following titles, educational qualifications and starting salaries, upon availability of funding, should apply:

Classification Title	Education Qualification	Starting Salary	Agency or Grantee
Teacher Assistant II	ECE/CDA without AA/AS	\$12,608.40	PSS and Head Start
Teacher Assistant III	AA/AS without EDE/CDA	\$13,585.24	PSS and Head Start
Head Start Instructor I	refer to § 60-60-525(c)(1)	\$18,588.82	Head Start
Head Start Instructor II	refer to § 60-60-525(c)(2)	\$23,505.87	Head Start
Classroom Teacher I	BA/BS degree	\$27,911.37	PSS
Classroom Teacher II	BA/BS education major, with ECE/CDA	\$28,884.60	PSS and Head Start
Classroom Teacher III	BA/BS education major plus 15 graduate credits with ECE/CDA	\$29,906.41	PSS and Head Start
Classroom Teacher IV	MA/MS education major, with ECE/CDA	\$30,976.96	PSS and Head Start

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(e) The Head Start Program adopts the PSS regulations regarding teacher certification and PRAXIS core knowledge examination requirements as set forth in NMIAC subchapter 60- 30.2, part 200 and §§ 60-30.2-140 through 60-30.2-144 of the PSS Regulations for Certified Personnel [NMIAC subchapter 60-30.2]. All current classroom teachers and applicants for these positions shall submit passing grade results on the PRAXIS I and II tests to PSS, effective August 1, 2006. Failure to submit passing scores shall result in the denial of an employment contract as a classroom teacher with the Head Start Program.

(f) The Head Start Program adopts the PSS regulations regarding salary increases and reclassification. Salary increases will be based on performance and available funds.

(g) Head Start teachers shall be considered as exempt employees for the purpose of Fair Labor Standards Act (FLSA).

*Duplicate section in original.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 30 Com. Reg. 28598 (July 28, 2008); Amdts Proposed 30 Com. Reg. 28330 (Mar. 25, 2008); Amdts Adopted 27 Com. Reg. 25398 (Dec. 30, 2005); Amdts Proposed 27 Com. Reg. 25027 (Oct. 24, 2005); Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted periods at the end of (c)(1)(vi) and (c)(2)(iv) to correct manifest errors.

The December 2005 amendments added a new subsection (e) and redesignated subsections (f) and (g) accordingly. The 2008 amendments modified subsection (b) and repealed and replaced subsections (c) and (d).

§ 60-60-530 Health Requirements

(a)(1) The Board and the HPC have adopted this section to ensure that a member of the Head Start staff is not to be permitted to continue to serve when such service would endanger the health of the students and co-workers or when a disability is such that it would interfere with the effective performance with the staff's professional duties despite reasonable accommodations.

(2) Nothing stated herein is intended to reduce the rights of disabled employees under the Americans with Disabilities Act (ADA). This section is to be construed, to the maximum extent possible, so that they are consistent with the ADA. To the extent it is not possible, the inconsistent portion shall be severed and the remainder of the section shall be given effect.

(b) Limitation

Nothing stated herein is intended to reduce the rights of disabled employees under the Americans with Disabilities Act (ADA). This section is to be construed, to the maximum extent possible, so that it is consistent with the ADA. To the extent it is not possible, the inconsistent portion shall be severed and the remainder of the regulation shall be given effect.

(c) Medical Examination

Upon the execution of an employment contract, the employee shall be required to undergo a physical examination at the Division of Public Health in the Commonwealth or other medical

clinic or medical practitioner licensed in the CNMI prior to the commencement of the contract term. The results of the examination shall be provided to the Human Resources Officer prior to the commencement of the contract term. Those employees who have their contracts recommended for renewal may also be required to undergo a physical examination as provided herein prior to the commencement of the extended contract term.

(d) **Qualifications**

An employee must not have a physical or mental impairment that:

- (1) Prevents the employee from being able to safely and effectively perform all essential job-related functions once reasonable accommodations are provided by the employer, or
- (2) Poses a significant risk of substantial harm to the health or safety of the employee or other people in the workplace that cannot be eliminated or reduced by reasonable accommodation.

(e) **Scope of Medical Examination**

The initial employment examination by the Division of Public Health or other medical clinic or medical practitioner licensed in the CNMI shall be limited to a physical examination necessary to develop an opinion as to whether the employee is physically qualified under subsection (d) of this section.

(f) **Effect on Contract**

If it is determined by qualified medical personnel that a physical condition exists that causes the employee to be unable to meet the qualifications set out in subsection (d) then the Commissioner shall declare the contract void and terminate employment with concurrence from the Head Start Director and Head Start Policy Council.

(g) **Medical Examination During Contract Term**

- (1) If the Head Start Director determines, after consultation with the employee and the employee's supervisor, that there is reasonable doubt about the employee's continued ability to physically or mentally qualify under subsection (d), then the employee may be required to undergo a medical examination at the Division of Public Health.
- (2) If it is determined by qualified medical personnel that a physical or mental condition exists that causes the employee to be unable to meet the qualifications set out in subsection (d), then the Head Start Director with concurrence from the Head Start Policy Council shall request for the Commissioner to institute proceedings to suspend or terminate employment, as appropriate, in accordance with the Head Start Program employee discipline regulations.

(h) **Restriction on Employment Action**

No action shall be taken under subsections (f) or (g) without first consulting the PSS legal counsel to ensure that the requirements of the ADA will be met by the proposed action.

(i) **Confidentiality of Medical Reports**

The records of any medical examination shall be strictly confidential. The records shall be maintained sealed by the Human Resources Officer and shall be disclosed only to managers and supervisors who need to know of any work restrictions or accommodations, first aid and safety personnel who need to know in order to render emergency services, government officials who

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are investigating compliance with the ADA, the workers' compensation board pursuant to the Commonwealth's workers' compensation laws, and those persons who must review the records in order to determine whether to take action and to be able to take action under subsections (f) or (g) herein.

(j) Employees with Communicable Diseases or Contagious Conditions

(1) An employee may be excluded from work if the employee:

(i) Has or has been exposed to, an acute (short duration) or chronic (long duration) contagious or infectious disease or condition; and

(ii) Is liable to transmit the contagious or infectious disease.

(2) Exclusion from work shall occur unless the Head Start Director has determined, based upon medical evidence, that the employee:

(i) No longer has the disease;

(ii) Is not in the contagious or infectious stage of an acute disease; or

(iii) Has a chronic infectious disease that poses little risk of transmission in the school environment with reasonable precautions.

(3) The Head Start Program may require an employee suspected of having a contagious or infectious disease to be examined by a physician. Based on the physician's findings, the Head Start Program may exclude the employee from work in accordance with the recommendations of the physician so long as there is a substantial risk of transmission of the disease in the school environment.

(4) For any long-term exclusion from work resulting in a non-paid status, the employee is entitled to his hearing rights as set forth in the due process disciplinary regulations for employees.

(5) Employees with acute or chronic contagious or infectious diseases have a right to privacy and confidentiality. Only staff members who have a medical reason to know the identity and condition of such employees will be informed. Willful or negligent disclosure of confidential information about an employee's medical condition by staff members will be cause for disciplinary action.

(6) All employees will follow the most recent guidelines issued by the Centers for Disease Control, including applicable universal precautions in cleaning up body fluid spills, (a copy of which shall be on file with the Head Start Program and at each center site regardless whether an individual infected with a body fluid or blood-borne pathogen is known to be present in the school environment or related activities. Willful or negligent disregard for these precautions by any staff member will be cause for disciplinary action.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2) and redesignated subsections (b) through (j). The Commission inserted a colon at the end of subsection (j)(1) and a semicolon at the end of subsection (j)(2)(ii) pursuant to 1 CMC § 3806(g). The Commission corrected "is know to be present" in subsection (j)(6) to "is known to be present" pursuant to 1 CMC § 3806(g).

§ 60-60-535 Confidentiality

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(a)(1) To foster an environment of trust and respect within the Head Start Program and the CNMI community, all staff, families, and volunteers will keep confidential information secure. Personal information regarding students and individuals associated with Head Start Program will be held in confidence unless written permission for the release of such information is granted by the appropriate individual.

(2) Personal information regarding individuals associated with Head Start will be held in confidence unless written permission is granted by the parent/guardian.

(b) Procedures

(1) Upon enrollment, families will be given the option of allowing information to be shared during the school year. This would include:

(i) Names, addresses, and contact numbers for center family roster;

(ii) Use of photos, videos, and tape recording for news or media purposes;

(iii) Permission for sharing information with partnering agencies such as Community Health.

(2) Permission for treatment of a child form is required for safety reasons. Families will be informed of the location of the family file and process for requesting access or copies of information.

(c) Family Files

(1) A family file will be maintained at the Head Start center and kept in a locked file cabinet. Access to the file will be limited to the parent/guardian(s), appropriate Head Start staff providing services, program site manager, component coordinators, Head Start Director, and representatives of Region IX. Other individuals will be allowed access only with written permission from the parent/guardian. All persons accessing the file will sign in on the file access sheet.

(2) Staff or family/guardian(s) are not permitted to remove any family file from the Head Start Program. Copies may be made of file items if requested by the parent/legal guardian of the Head Start child. Requests will be documented in the file.

(3) Requests for file information by other agencies will be documented. All information released must be with the family's permission and requires a permission form signed by the parent/guardian.

(4) All Head Start staff are mandatory reporters for suspected child abuse or neglect (CA/N) and as such will provide information to the Department of Public Safety and the Department of Youth Services (DYS) without parent/guardian consent. All contact with DPS and DYS will be documented in the file. All files will be maintained for three years after the child's completion of Head Start. At the end of this time, the files will be shredded and disposed.

(d) Classroom Information

All information regarding child progress, behavior, health, attendance, and family information will be kept confidential. Information necessary for assessment by a physician, dentist, PSS special education, or other agency will be given only with written permission from the parent/guardian.

(e) Staff/Volunteers Information

(1) All staff and volunteers, whether Head Start family members or others, will be informed of the expectation that events will not be discussed with persons outside of the Head Start

Program. Discussion of employees to persons other than the employee, component coordinator, or direct supervisor is discouraged. Staff will not share information regarding children, volunteers, or co-workers with other people, including their family members.

(2) Upon employment, staff will sign a confidentiality oath agreement to comply with the confidentiality policy and procedure. This will be kept in the employee's personnel file.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2) and redesignated subsections (b) through (e). The Commission also designated subsections (b)(1) and (b)(2) and (e)(1) and (e)(2).

The Commission corrected the commas at the ends of subsections (b)(1)(i) and (b)(1)(ii) to semicolons pursuant to 1 CMC § 3806(g). In subsection (b)(1)(iii), the Commission inserted the final period.

§ 60-60-540 Renewal of Contract

No employee has a right to the renewal of his/her contract of employment regardless of whether or not job performance during the contract period is satisfactory. The Board and the HPC have adopted § 60-60-535, which sets forth the responsibilities of the Head Start Program and its employees regarding contract renewal.

(a) No employee has a right to the renewal of his/her contract of employment regardless of whether or not job performance during the contract period is satisfactory. The decision whether to extend an offer for further employment is wholly within the discretion of the Head Start Program. No tenure of any nature, express or implied, is granted to any employee. No employee or officer of the Public School System or member of the Head Start Policy Council is authorized to indicate, expressly or implied, that any employee has a right to be renewed based upon their contract or job performance.

(b) Request for Renewal - If an employee wishes to be considered for an additional contract period, then notice should be given to the Human Resources Officer six months in advance of the termination date in order to be considered for renewal.

(c) Notification of Non-renewal - The PSS, through the Head Start Director, upon obtaining the concurrence of the Head Start Policy Council will notify an employee in writing at least ninety calendar days in advance if it intends to not renew the employee's contract with the PSS.

(d) Resignation - Employees who for any reason intend to retire or resign are encouraged to indicate their plans in writing as early as possible. Resignations may become effective at the end of the school year in which they are submitted. Resignations to become effective earlier than the end of the school year require a release by the Head Start Director and Head Start Policy Council and must be considered on an individual basis. Letters of resignation shall be submitted to the employee's direct supervisor and copies sent to the Head Start Director, Head Start Policy Council, and the Human Resources Office.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-545 Assignment Flexibility

The Human Resources Officer with proper notification to and approval from the Head Start Director has the discretion to move employees in and out of various classes, schools or administrative offices and in and out of multi-track systems as the Human Resources Officer deems to be in the best interest of the Public School System.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-550 Staff Schedules and Working Hours

Generally, all employees of PSS and the Head Start Program shall work a five-day workweek (Monday - Friday). Certified employees will usually work during school hours for 190 days each year. Most non-certified employees, with the exception of teacher aides/assistants, will work forty hours per week from 7:30 a.m. to 11:30 a.m. and 12:30 p.m. to 4:30 p.m. on Monday through Friday. However, these hours may be changed in order to meet job demands and complete assigned tasks.

(a) Certified Staff Schedules and Working Hours

(1) Contract term

Certified employees will be contracted for two 190-day sessions over a two year period; however, in special circumstances the Commissioner may approve a contract for a lesser term. In the case of any CNMI government retiree who has received retirement benefits, the period of employment per fiscal year must be limited to a maximum of sixty calendar days in order to avoid forfeiting retirement benefits.

(2) Schedule

The school year will be set annually by the Board of Education and HPC. Efforts will be made by Head Start Program to notify certified employees of the start date of each school year as soon as practicable.

(3) Hours

Employees must attend work during the hours assigned by their supervisors. At the beginning of each school year, supervisors shall inform all certified employees of the hours that they are expected to be at the school and work each day, including start time, end time and lunch hour, if possible. It is expected that the work shall be performed on weekdays during school hours. However, certified employees are professional employees and, as such, are expected to work the hours necessary to complete all assigned tasks. An intentional disregard of repeated directives to attend or continuous tardiness despite repeated directives to be prompt may result in disciplinary action, including dismissal from employment.

(4) Overtime/Compensatory Time

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Certified employees are not entitled to overtime or compensatory pay. The federal Fair Labor Standards Act (FLSA) prohibits an employer from having an employee work more than forty hours in a workweek without paying the employee one and one-half times the employee's regular rate for each hour of overtime. But, exempt from the application of this rule are employees who work in an executive, administrative or professional capacity. In general, teachers, guidance counselors, accountants, attorneys, psychologists and registered nurses are considered to be professionals. Program directors, superintendents and principals are considered to be executives. Positions requiring overtime compensation include, but are not limited to, custodial workers, bus drivers, food handlers, secretaries, security officers, warehouse workers and maintenance workers.

(b) Non-certified Staff Duties, Schedules and Working Hours

(1) Contract term

Non-certified employees will be contracted for on the basis of five days per week, fifty-two weeks per year. Employment contracts shall be for a two year term; however, in special circumstances the Head Start Program may approve a contract for a lesser term. In the case of any CNMI government retiree who has received retirement benefits, the period of employment per fiscal year must be limited to a maximum of sixty calendar days in order to avoid forfeiting retirement benefits.

(2) Hours

(i) An employee must attend work during the hours assigned by his/her supervisor. Generally, these hours will be from 7:30 a.m. to 11:30 a.m. and 12:30 p.m. to 4:30 p.m. on Monday through Friday; however, these hours may be changed in order to meet job demands. Individuals who begin work earlier or work later than their assigned hours must receive prior authorization from their immediate supervisor. Lunches or break time may not be traded in order to depart early without authorization from the supervisor.

(ii) Employees shall document eight hour work days when assigned outside the Head Start Central Office. The same lunch break is available and is to be taken by the employee working independently and shall not exceed one hour.

(iii) A non-standard workweek may be used to provide continuity of Head Start services to fulfill needs of children and family of the Head Start Program and other related public interest. Schedules for non-standard workweeks will be devised, in advance by the Director of the Head Start Program, not to exceed forty hours per week. When it becomes necessary to change an employee from a standard workweek to a non-standard workweek, the employee shall be given notice ten working days in advance of the effective date of the change to the extent possible.

(iv) In the event the schools, or at times a school, are closed due to inclement weather or for any other emergency reason, designated employees will report to work as notified through community announcements.

(v) An intentional disregard of repeated directives to attend or continuous tardiness despite repeated directives to be prompt may result in disciplinary action, including dismissal from employment.

(3) Overtime/compensatory time

(i) The federal Fair Labor Standards Act (FLSA) prohibits an employer from having an employee work more than forty hours in a workweek without paying the employee one and one-half times the employee's regular rate for each hour of overtime. Exempt from the application of this rule are employees who work in an executive, administrative or professional capacity.

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Positions requiring overtime compensation include, but are not limited to, custodial workers, bus drivers, food handlers, secretaries, security officers, warehouse workers and maintenance workers.

(ii) The Public School System may use compensatory time off instead of paying overtime compensation if the employee knowingly agrees to it as a condition of employment and the employee is informed that the “comp time” may be limited, preserved, used, or cashed out. Non-certified employees who are not exempt from the FLSA and who work more than forty hours during any workweek will be awarded compensatory time off (“comp time”). Comp time will be awarded at the rate of one and one-half hours for each hour of overtime worked.

(iii) If a position is subject to the FLSA, HRO shall attach to the contract a compensatory time off agreement (form 4221) which must be signed by the employee in executing the contract. The compensatory time off agreement shall provide that for every hour of overtime, the employee shall be granted one and one-half hours of “comp time” that may be used similar to annual leave. Compensatory time, however, shall be accounted for separately from annual leave. The maximum accumulation of compensatory time off hours at any one point in time shall be 240 hours. Any additional hours shall be paid as overtime.

(iv) Non-certified employees who are not exempt from the application of FLSA shall be assigned a forty hour work schedule per week. If more time is needed to complete the tasks assigned, the employee shall inform his/her supervisor of that fact so that additional hours of work may be assigned as overtime. Supervisors, in their discretion, may assign overtime to complete necessary tasks in accordance with Head Start Program procedures. Employees may not work more than 40 hours in a week unless approved by their supervisor before the additional hours are worked.

(v) Every effort will be made to permit the use of compensatory time at the earliest time mutually agreed upon by the individual and his/her supervisor. However, where the individual’s absence would unduly disrupt the Head Start Program operations, the Head Start Director retains the right to postpone comp time usage.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Part 600 - Attendance, Vacation and Leave

§ 60-60-601 General Policy

(a) Regular attendance is essential in providing Head Start students with a high quality of instruction. Supervisors will review incidents of excessive absences and may require employees to provide medical documentation or may consider disciplinary actions up to and including termination.

(b) An employee’s request for and use of annual, sick and all other types of leave must comply with the regulations in this part.

Modified, 1 CMC § 3806(d).

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History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The Commission created the section title.

§ 60-60-605 Absences and Tardiness

(a) Attendance is a critical part of the job performance by all employees of the Head Start Program to ensure quality services are being met. When an employee does not report to work on the prescribed workday, he/she places a burden on his/her fellow workers and his supervisor in covering for that person as well as denying the proper program delivery to the children and families of the Head Start Program. Therefore, attendance is mandatory of all Head Start Program employees.

(b) Absenteeism: Definition - absent from work without approval from immediate supervisor.

(1) An employee who is absent without notification to and approval from the immediate supervisor or without reasonable excuse shall be a considered absent without leave without pay (AWOL) and shall not be paid for the time absent.

(2) If an employee is absent for three consecutive days and/or forty hours in a calendar a year or more without a reasonable excuse, he/she shall be dismissed following the due process procedures in § 60-60-1005.

(c) Tardiness: Definition - more than five minutes late to work. Tardiness is an excusable behavior as long as it does not occur frequently or on a regular basis. A regular basis would be considered two or more days of tardiness occurring per week on a regular basis. Regular attendance will result in disciplinary action by the employee's supervisor.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The Commission inserted a period after the word "supervisor" in subsection (b) pursuant to 1 CMC § 3806(g).

§ 60-60-610 Holidays and Vacation

Eligible employees shall receive holidays off with pay for the following CNMI national holidays as scheduled by the Head Start Program.

- | | |
|---------------------|---------------------|
| 1. New Year's Day | 8. Labor Day |
| 2. Commonwealth Day | 9. Columbus Day |
| 3. President's Day | 10. Citizenship Day |
| 4. Covenant Day | 11. Veterans' Day |

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| 5. Good Friday | 12. Thanksgiving |
| 6. Memorial Day | 13. Constitution Day |
| 7. Independence Day | 14. Christmas |

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-615 Annual and Sick Leave for Certified Employees

Head Start certified employees shall follow PSS policies and regulations regarding annual leave and sick leave with proper approval from the immediate supervisor and final approval from the Head Start Director. Receipt or acceptance of donation for sick leave will be forwarded to the HRO with approval from the Head Start Director and final approval by the Commissioner of Education.

(a) Annual Leave

(1) Certified employees who have been contracted by the PSS Head Start for a period of three months or more are eligible for annual leave with pay. A certified employee shall be given 5 days annual leave upon hire, per school year. Other employees working a 190-day per year schedule, such as teacher aides, will also be given 5 days annual leave per school year.

(2) Employee must submit annual leave requests in writing in advance to his/her direct supervisor and may only be used if the direct supervisor approves it.

(3) Requests for the use of annual leave by certified employees during instructional time are discouraged and should be made infrequently. Such requests will only be approved in rare circumstances.

(4) The maximum accumulation of annual leave shall be forty hours per school year. Annual leave may be cashed out at the end of each school year. Any leave accrued before August 1, 2004 shall not be lost and may be used after the annual forty hours is exhausted or may be cashed out upon separation from the PSS. Separation shall mean that the employee will not work for the PSS. Separation shall mean that the employee will not work for the PSS for at least six consecutive months, unless waived by the Commissioner of Education subject to approval of the Board of Education. The cash value of one hour of annual leave shall equal 1/2,080th of the employee's annual salary at the time of separation.

(b) Sick Leave

(1) Certified employees who have been contracted by PSS Head Start for a period of three months are eligible for sick leave with pay. Certified employees will accrue 5 days sick leave upon hire, per school year. Other employees working a 190-day per year schedule, such as teacher aides, will also be given 5 days sick leave per school year. Sick leave shall have no cash value at anytime and unused portions shall carry over from year to year.

(2) The use of sick leave shall allow the employee to be paid at their usual rate while ill, injured, receiving a medical, dental, or optometry examination, or if (s)he and/or his/her

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immediate family are under a doctor ordered quarantine. Sick leave will be allowed if the employee is able to provide satisfactory verification of the illness, injury, quarantine, or medical appointment. Doctor's notes may be required by the employee's direct supervisor in their discretion prior to approving payment for the use of sick leave.

(3) Whenever possible, sick leave shall be requested in advance of when it is needed and when possible medical appointments should be scheduled on an employee's own time. Except in emergency situations sick leave shall always be requested by the employee before 6:00 a.m. on the day it is to be used.

(4) The Commissioner of Education is granted the authority to create a universal sick leave pool to which employees may donate their sick leave if a colleague is in need of long-term sick leave and has used all of their sick and annual leave already. The PSS shall follow the Office of Personnel Management guidelines for the sick leave bank unless directed otherwise by the Board of Education.

(5) Sick leave records shall be retained for a period of three years after the employee separates from the PSS. If the employee becomes re-employed during that three year time period the sick leave balance shall be re-credited to the employee. If the employee does not again begin employment with the PSS within three years of separation the sick leave shall be lost.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 26 Com. Reg. 23026* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: The October 2004 amendments amended subsections (a)(1), (a)(4) and (b)(1).

§ 60-60-620 Annual and Sick Leave for Non-certified Employees

Head Start non-certified employees shall follow PSS policies and regulations regarding annual leave and sick leave with proper approval from the immediate supervisor and final approval from the Head Start Director. Receipt or acceptance of donation for sick leave will be forwarded to the HRO with approval from the Head Start Director and final approval by the Commissioner of Education.

(a) Annual Leave

(1) Non-certified employees are eligible for annual leave with pay. Non-certified employees with less than three years of creditable PSS service shall accrue annual leave at the rate of four hours per pay period. Non-certified employees with less than six, but three or more than three years of creditable PSS service shall accrue annual leave at the rate of six hours per pay period. Non-certified employees with six or more years of creditable PSS service shall accrue annual leave at the rate of eight hours per pay period. Annual leave shall accrue in each pay period only so long as the employee works or is in paid leave status for all ten week days of the pay period; otherwise there shall be no accrual for that pay period. Employees working a 190-day per year schedule, such as teacher aides, will follow the leave regulations for certified personnel.

(2) Employee must submit annual leave requests in writing in advance to the employee's direct supervisor and may only be used if the direct supervisor approves it.

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(3) The maximum accumulation of annual leave shall be 360 hours. Annual leave may be cashed out upon separation from the PSS. Separation shall mean that the employee will not work for the PSS for at least six consecutive months, unless waived by the Commissioner of Education subject to approval of the Board of Education and the Head Start Policy Council. The cash value of one hour of annual leave shall equal 1/2080th of the employee's annual salary at the time of separation. Annual leave accrued in excess of 360 hours shall be converted to sick leave.

(b) Sick Leave

(1) Non-certified employees are eligible for sick leave with pay. Sick leave shall accrue at the rate of four hours per pay period. Employees working a 190-day per year schedule, such as teacher aides, will follow the leave regulations for certified personnel. Sick leave shall accrue in each pay period only so long as the employee works or is in paid leave status for all ten week days of the pay period; otherwise there shall be no accrual for that pay period. Sick leave shall have no cash value upon the employee's separation from PSS.

(2) The use of sick leave shall allow the employee to be paid at his/her usual rate while ill, injured, receiving a medical, dental, or optometry examination, or if he/she and/or his/her immediate family are under a doctor-ordered quarantine. Sick leave will be allowed if the employee is able to provide satisfactory verification of the illness, injury, quarantine or medical appointment. Doctor's notes may be required by the employee's direct supervisor in his/her discretion prior to approving payment for the use of sick leave.

(3) Whenever possible, sick leave shall be requested in advance of when it is needed, and when possible medical appointments should be scheduled on an employee's own time.

(4) The Commissioner of Education is granted the authority to create a universal sick leave pool to which employees may donate their sick leave if a colleague is in need of long-term sick leave and has used all of his/her sick and annual leave already. The PSS shall follow the Office of Personnel Management guidelines for the sick leave bank unless directed otherwise by the Board of Education.

(5) Sick leave records shall be retained for a period of three years after the employee separates from the PSS. If the employee becomes re-employed during that three year time period, the sick leave balance shall be re-credited to the employee. If the employee does not again begin employment with the PSS within three years of separation, the sick leave shall be lost.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 26 Com. Reg. 23026* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: The October 2004 amendments amended subsections (a)(1), (a)(3) and (b)(1).

§ 60-60-625 Other Types of Leave for Head Start Program Employees

All Head Start employees shall follow PSS policies and regulations regarding other types of leave, including but not limited to absence without leave (AWOL), extended day credit (EDC), and Family Medical Leave Act (FMLA) with proper approval from Head Start Director and final approval by the Commissioner of Education.

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(a) Compassionate Leave

In the case of a death of an immediate family member, the Commissioner of Education upon recommendation from the Head Start Director may grant an employee compassionate leave with pay for up to forty hours. Immediate family member shall be defined as the employee's father, mother, spouse, child, brother, sister, grandmother, grandfather, mother-in-law, or father-in-law. Compassionate leave must be requested in writing in advance and may not be granted more than two times in a year.

(b) Military Leave

Military training leave with pay may be granted to employees who are members of the National Guard or any reserve components of the United States Armed Forces and are directed to training or other military activities by proper military authority. Military training leave may not exceed 120 hours in a year and administrative leave may not be used in its place or in conjunction with it.

(c) Administrative Leave

Administrative leave with pay may be granted under emergency conditions beyond the control of management, such as typhoons; or for civic observations of interest to the Head Start Program, government-related examinations, or travel related to Head Start Program business; or during disciplinary investigations or for other such reasonable events as the Commissioner of Education determines.

(d) Court Leave

Employees who are required to serve as jurors may receive court leave with pay for the period of time that they do so. A request to receive court leave with pay must be approved in advance by the Commissioner of Education upon recommendation from the Head Start Director and will be subject to the condition that all fees paid to the employee by the court for serving as a juror must be provided to the Head Start Program. Court leave may also be approved for instances when an employee is subpoenaed to testify in a court or administrative hearing on behalf of the Head Start Program, PSS or the CNMI government.

(e) Maternity/Paternity Leave

The Commissioner of Education may grant maternity/ paternity leave to an employee who is the father or mother of a newborn child or is the father or mother of a newly adopted child. A maximum of eighty hours of paid maternity/paternity leave may be granted to an employee in any calendar year. Maternity/ paternity leave may only be used within one month of the birth or adoption of a child. See also the Family and Medical Leave Regulation.

(f) Training and Education Leave

Leave with pay for the purpose of job related training and education may be granted to non-certified employees for a period not to exceed one year. The Commissioner of Education is charged with the responsibility of approving or disapproving such leave requests. The Commissioner is granted the authority to create guidelines regarding the use and approval of training and education leave and also to establish a committee to review the applications

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according to those guidelines. (See also policy and regulation 4322* - Training and Educational Leave.)

* The referenced policy and regulation are unclear. The original Head Start Program Regulations did not contain a policy or regulation 4322.

(g) Unpaid Training and Education Leave

Head Start employees who are either ineligible for paid training and educational leave or who wish to pursue their education on a full-time basis without financial assistance from the Head Start Program, may be granted a leave of absence for a period of time not to exceed one year. Such employees shall have the right to return to a similar position as the one they previously held, upon the satisfactory completion of their leave. The employee will receive no service credit for the period of time spent on unpaid training and educational leave. The employee must receive prior, written approval from the Commissioner of Education before taking such leave.

(h) Advance Annual Leave

The Commissioner of Education may, for good reason, grant an employee advance annual leave of up to a maximum of one half of the total earnable leave credits for one year from the date the application is made. Subsequent earnings shall serve to replace the amount of advance leave granted and taken. An employee shall not be granted advance annual leave unless he/she has already exhausted all of his/her annual leave.

(i) Advance Sick Leave

The Commissioner of Education may, for good reason, grant an employee advance sick leave of up to a maximum of one half of the total earnable leave credits for one year from the date the application is made. Subsequent earnings shall serve to replace the amount of advance leave granted and taken. An employee shall not be granted advance sick leave unless he/she has already exhausted all of his/her sick and annual leave.

(j) Leave Without Pay (LWOP)

The Commissioner of Education, if it does not conflict with the best interests of the Head Start Program, may grant limited periods of leave without pay to employees who have used up all of their annual and any other leave and need more time away from work. The employee will receive no service credit for the period of time spent on leave without pay. Leave without pay must be approved in writing by the Commissioner of Education before it is taken, otherwise it will be considered absent without leave (AWOL).

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-630 Absent Without Leave (AWOL)

(a) Absent without leave is absence from work without prior authorization. Employees who are absent from work without prior approval, except in instances of serious bona fide

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emergencies, shall not be paid for that time and may be subject to discipline, up to and including employment termination. Tardiness without prior approval shall also be charged as AWOL.

(b) The Board of Education has decided that repeated employee absences without leave shall not be tolerated. Accordingly, any Head Start employee who is absent without leave for forty hours or more in a twelve-month period shall be dismissed following the due process procedures.

(c) Nothing in this section prohibits supervisors from taking any disciplinary action, including dismissal, against any employee who is AWOL but has accrued less than 40 hours.

Modified, 1 CMC § 3806(d), (e).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-635 Extended Day Credit

If a non-certified, FLSA-exempt employee works over forty hours in a week, records of those excess hours are to be maintained and added to the employee's extended day credits. The employee accrues extended day credits on a one-to-one basis. For instance, if an employee works fifty hours in a week, ten hours will be recorded for his/her extended day credits. The maximum number of extended day credits that may be accrued by any employee is 120 hours. Any amounts accrued over 120 hours are lost. The employee in lieu of taking annual leave or sick leave may take extended day credits. The employee's direct supervisor must approve the use of any such credits and may deny the use of such credits with or without cause. Extended day credits have no cash value at any time, including upon an employee's separation from employment with the PSS. Employees have no right to use these credits and the Commissioner may discontinue this program at any time without reason, warning or compensation to the employee. The Head Start Program has no legal responsibility to create the extended day credit program, but instead believes that it is an appropriate way to allow our extremely hardworking FLSA-exempt, non-certified employees to take on occasional, much needed rest.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-640 Family and Medical Leave

The Board of Education recognizes that leaves of absence are occasionally necessary due to family or medical reasons. The PSS has adopted detailed procedures to ensure compliance with the Family and Medical Leave Act of 1993 (FMLA). As provided by PSS regulation, eligible employees are entitled to use up to twelve workweeks of unpaid leave for family and medical reasons. The Board of Education has designated the EEO Officer to act as FMLA Compliance Officer. The EEO Officer will regularly evaluate the PSS FMLA compliance to ensure fair and equitable opportunities for all eligible employees.

(a) Eligibility Requirements

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Employees eligible for family and medical leave must:

- (1) Have been employed with the PSS or CNMI government for a total of at least twelve months (not necessarily consecutive); and
- (2) Have worked with the PSS or CNMI government at least 1,250 hours during the twelve months immediately preceding the commencement of the leave (for non- instructional staff and part-time instructional staff).

(b) Reasons for Leave

An eligible employee may take unpaid leave for the following reasons:

- (1) The birth of the employee's child (leave must be concluded within one year of the date of birth);
- (2) The placement of a child with the employee for adoption, or foster care when foster placement is pursuant to CNMI action (leave must be concluded within one year of the date of placement);
- (3) The care of the employees child (including biological, adopted, or foster child, step-child, legal ward, or child of a person standing in loco parentis, who is either under age 18, or age 18 or older and is incapable of self-care because of mental or physical disability), spouse or parent (including a person who stood in loco parentis to the employee when the employee was a child - but not parent "in-law"), who has a serious health condition; or
- (4) A serious health condition of the employee that makes the employee unable to perform the essential functions of the employee's position.
- (5) For purposes of this section, a serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either:
 - (i) Inpatient care in a hospital, hospice or residential medical care facility; or
 - (ii) Regular and continuing treatment by a health care provider.

(c) Length of Leave

- (1) An eligible employee is entitled to up to twelve work weeks of unpaid leave within a twelve-month period. When an employee is not required to report for work for one or more weeks (e.g., instructional employees who do not report for work during Christmas/New Year holiday, or during the summer) such days do not count against the employee's FMLA leave.
- (2) The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve months from the date of the birth or placement.
- (3) The amount of leave available to an employee at any given time will be calculated by using the calendar year.
- (4) When both spouses in a family work for the Head Start Program, they will be entitled to a total of twelve weeks of unpaid leave (rather than 12 weeks each) for the birth, adoption, or foster placement of a child, or to care for a parent with a serious health condition.
- (5) Under certain conditions defined by the FMLA, the Head Start Program may require an instructional employee who requests family and medical leave during the last five weeks of an academic term/semester to continue leave through the term/semester.

(d) Coordination with Existing Leave Policies

- (1) During leave related to a serious health condition of an employee or family member, the employee may exhaust all accrued sick leave and annual leave before continuing such leave on an unpaid basis.

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(2) During leave provided under this section for the birth or placement of a child for adoption or foster care an employee may first exhaust all accrued sick leave and annual leave before continuing such leave on an unpaid basis.

(3) All leave taken under this section and leave for any other reason that would qualify under FMLA (e.g., maternity leave, sick leave) will be counted against the employee's leave entitlement under FMLA.

(4) When an employee is not required to report for work for one or more weeks (e.g., employees who do not report for work during Christmas/New Year holiday, or during the summer) such days do not count against the employee's FMLA leave.

(e) Certification

(1) If an employee takes leave because of the serious health condition of the employee or the employee's family member, the employee must submit to the Commissioner/designee, a written medical certification from a health care provider of the serious health condition. Medical certification forms are available at the Human Resources Office. Failure to provide such certification upon request may result in denial or delay of leave.

(2) Written certification for the employee's serious health condition must include:

(i) The date on which the condition commenced;

(ii) The probable duration of the condition;

(iii) The appropriate medical facts within the knowledge of the health care provider regarding the condition; and

(iv) A statement that the employee is unable to perform the functions of their position due to the condition.

(3) Written certification for the care of a child, parent or spouse must include:

(i) The date on which the condition commenced;

(ii) The probable duration of the condition;

(iii) The appropriate medical facts within the knowledge of the health care provider regarding the condition;

(iv) An estimate of time needed to care for the individual involved (including any recurring medical treatment); and

(v) A statement that the condition warrants the employee's participation to provide care.

(4) Written certification to receive intermittent leave or leave on a reduced leave schedule must include:

(i) The necessity for the intermittent leave or reduced schedule and the expected duration of such necessity; and

(ii) A listing of the dates of the planned medical treatment and the duration of the treatment(s).

(5) The Head Start Program reserves the right to require that the employee receive a second (and possibly a third) opinion from another health care provider (at the Head Start Program's expense) certifying the serious health condition of the employee or the employee's family member.

(6) The Head Start Program reserves the right to require that an employee provide the Head Start Program with re-certification of the medical condition for which leave is taken.

(7) Before returning to work, an employee who is on leave of absence due to his/her own serious health condition must submit to the Commissioner/designee, a health care provider's

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written certification that the employee is able to return to work. Failure to provide such certification may result in the delay or denial of job restoration.

(8) Employees requesting family leave (i.e., leave for the birth, adoption, or placement of a child for foster care, or to care for a child or parent with a serious health condition) may be requested to provide reasonable documentation of the family relationship.

(9) During the employee's leave, the Head Start Program may also periodically inquire as to the employee's intent to return to work.

(f) Intermittent or Reduced Leave

(1) Leave taken because of the employee or family member's serious health condition may be taken on an intermittent or reduced-schedule basis when medically necessary. If an employee seeks leave on an intermittent or reduced-schedule basis, the employee must submit medical certification, as discussed above, and additional certification from a health care provider, that the intermittent or reduced-schedule leave is medically necessary.

(2) The Head Start Program may require an employee taking intermittent or reduced-schedule leave to transfer temporarily to an alternative available position for which the employee is qualified or may modify the employee's current position to better accommodate the employee's recurring periods of leave.

(3) If an instructional employee requests intermittent leave to care for a spouse, son, daughter, or parent, or for the serious health condition of the employee, that is foreseeable based on planned medical treatment, and the employee would be on leave for more than twenty percent of the total number of working days over the period of the leave, the Head Start Program may require the employee to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(4) The employee must make a reasonable effort to schedule the treatment so that it is not unduly disruptive to Head Start Program operations.

(5) Leave taken under this policy for the birth of a child, the placement of a child for adoption or foster care, or to care for such child may be taken on an intermittent or reduced work schedule only with the approval of the Head Start Director.

(g) Notification

(1) An employee who can reasonably foresee the need to take family or medical leave is required to notify the Head Start Program of the date of commencement and the expected duration of the leave at least thirty days in advance of the leave, or if the need for the leave is not foreseeable, as soon as practicable. When the need for leave is foreseeable, an employee's failure to provide 30 days notice prior to taking leave may result in denial or delay of leave. An employee requesting leave under this section should submit a completed application for leave form.

(2) An employee who requests leave under this section shall receive written notice of the specific expectations and obligations of the employee, and the consequences for failure to meet these obligations.

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(3) An employee who requests leave that qualifies as family or medical leave under this section, and who does not specifically request leave under this section, may be notified that such leave has been designated, and will be counted, as FMLA leave.

(h) Insurance Premiums

(1) Medical insurance coverage will continue during the period of family and medical leave for employees who are already participating in the health plan offered by the Commonwealth government. Because such employees normally pay a portion of the premiums for health insurance, these payments must continue during the period of leave. Should an employee have health insurance not offered by the Commonwealth government, then he employee will be solely responsible for the payment of any premiums to the insurance company directly.

(2) Employees must contact the PSS Finance Office regarding specific arrangements for making the required payments. PSS will not pay your share of health insurance premiums while you are on leave. If payment is not made timely to PSS, your group health insurance may be cancelled, provided we notify you in writing at least fifteen days before the date that your health coverage will lapse.

(3) PSS will pay its contribution for other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. You must make your own arrangements with the Retirement Fund to continue payments during your leave. PSS contributions and your deductions for premiums will resume only upon your return to work.

(i) Job Restoration

(1) Upon return from family or medical leave in accordance with this section, the employee will be returned to the same or an equivalent position with no loss in benefits that accrued prior to the leave of absence. An employee who does not return to work at the end of an authorized leave may be subject to termination.

(2) If an employee fails to return to work, the PSS may recover health insurance premiums paid under the group plan during the leave period, except in certain circumstances (e.g., continuing serious health condition of employee or family member needing care, or other circumstances beyond control of employee). The PSS may recover any other insurance premiums (e.g., premiums for supplemental life insurance or for dependent coverage), if submitted on behalf of the employee, for which the PSS has not been reimbursed, either upon the employee's return to work or the employee's failure to return after unpaid family or medical leave has ended.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The paragraphs of subsection (i) were not designated. The Commission designated subsections (i)(1) and (i)(2).

In subsection (e)(2)(iv), the Commission changed the final semi-colon to a period. In subsection (e)(3)(iv), the Commission changed "and" to "any" to correct a manifest error.

§ 60-60-645 Training and Educational Leave

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The committee on training and educational leave shall recommend training and educational leave to the Commissioner of Education for employees of the Public School System/Head Start Program to the extent that funds are available for such purpose and in accordance with criteria set forth in this section.

(a) Training and educational leave shall be recommended for employees of the Head Start Program to the extent that funds are available for such purpose and in accordance with following criteria, which are listed in the order of their precedence.

(1) The applicant is a U.S. citizen who has been employed by the Public School System for at least three years prior to receiving training and educational leave;

(2) The extent to which the employee's proposed course of study will meet the present and future needs of the Public School System;

(3) The need for continuing education to enable the employee to remain current in his/her field of endeavor;

(4) The employee's nearness to the completion of degree requirements;

(5) The employee's performance of his/her duties with the Public School System. (In this connection, the Commissioner shall take into consideration all factors bearing upon performance including but not limited to past personnel evaluations.)

(b) An employee who is on training and educational leave is expected to be a full-time student at the institution which he/she attends. For this propose employees shall carry a minimum full-time load as defined by the institution. The employee is also expected to maintain a 2.5 minimum grade point average for undergraduate and 3.0 grade point average for graduate level.

(c) The Commissioner shall require each employee to meet certain reporting requirements concerning his/her course of study and performance therein. Any employee who fails to comply with such reporting requirements shall be placed on leave status and shall not be entitled to reinstatement of training and educational leave status unless and until such requirements are complied with. Any employee who while on training and educational leave status fails to comply with the conditions under which such leave was granted shall be placed upon annual leave status or leave without pay status as appropriate retroactive to the date when such employee was placed on training and educational leave.

(d) Every employee who is on training and educational leave status shall cause to be sent to the Commissioner of Education a certification of his/her participation in the course of study attended; the certification shall indicate the number of credits carried, if applicable. Within thirty days after completion of every grading period while the employee is on such status, transcripts of the grades received and courses taken must be submitted to the Commissioner of Education.

(e) Failure to comply with the conditions herein may be used as the basis for the revocation of the training and educational leave status. In the event that education and training leave is revoked, the employee will reimburse the Public School System for government incurred expenses.

Modified, 1 CMC § 3806(d), (e), (f).

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History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Part 700 - Professional Activities, Training and Professional Growth

§ 60-60-701 Comprehensive Training Plan and General Professional Development

(a) Today's dynamic and rapidly changing society, with its tremendous accumulation of new knowledge and the attending obsolescence in some areas of practice, makes it imperative that all Board of Education members, HPC members, Head Start staff, teachers, clerical, technical, operations maintenance, families and volunteers, and administration be engaged in a continuous program of professional and technical growth in order that they may be qualified to provide a quality educational program for all students being served by the Head Start Program.

(b) It is the policy of the Head Start Program and mandated by the U.S. Department of Health and Human Services that all Head Start Programs provide a comprehensive training plan for in-service training and opportunities for the continuous professional and technical growth of staff members and policy council and committee members of the Head Start Program system. The program for in-service training for every school year will be outlined in the proposed budget for that specific school year with estimated costs to be approved by the Commissioner, and the Board of Education with input from the Head Start Policy Council.

(c) As a result of the operation of the policy in this section, staff members will become knowledgeable regarding new developments and changes in their specialized fields and will utilize new and improved methods in practice.

(d) The administrative staff, employing administration and management techniques consistent with modern management development, will provide leadership, which will assist each staff member to make a maximum contribution to the Head Start Program effort to provide a quality educational program for all students and services to families.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 60-60-705 Comprehensive Orientation and Training, Program

(a) The Head Start Program will establish a comprehensive orientation and training committee to work with new staff members, volunteers, families, and policy council and committee members. An orientation plan will be established to welcome and inform new staff members, volunteers, families, and policy council and committee members of Head Start's mission, vision and goals as well as the primary duties and responsibilities expected from them. Policies and procedures of the Head Start Program will be explained which will also include the standards of conduct, Head Start performance standards, grievance procedures, benefits,

performance appraisal system and comprehensive training and professional development expected for the upcoming school year.

(b) The orientation for new staff and policy council members should be held prior to the beginning of the school year and every quarter if deemed necessary. The comprehensive training plan for the upcoming school year should be introduced during the orientation. Mandatory training such as child abuse neglect and prevention, and reporting procedures should be included and scheduled. The comprehensive orientation and training committee will coordinate other trainings that are necessary and provide professional development. At the end of every school year, the comprehensive orientation and training plan for the next school year should be reviewed and approved by the Head Start Director and Head Start Policy Council and the Board of Education.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 60-60-710 Conferences and Travel

(a) The Commissioner and the Board of Education Chairman may authorize administrative leave for attendance of personnel at local, regional, and national meetings without pay deduction. The number of absences allowable for professional leave is a judgment value on the part of the Commissioner and is subject to budget limitations for employing substitutes and reimbursement for travel, meals and lodging and registration.

(b) Head Start employees will follow the Board policies, regulations and procedures regarding conferences and travel. Specifically, the Head Start employees must comply with Public School System Rules and Regulations § 60-20-720 regarding travel approval, documentation and reimbursement.

Modified, 1 CMC § 3806(c).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 60-60-715 Certified and Non-certified Staff Performance Evaluation

(a)(1) The CNMI Head Start Program's ultimate goal in education is to provide the highest quality educational experience to all Head Start students and to make available valuable services to families. The professional improvement of the Head Start staff is a major objective of the performance evaluation. In order to continue providing quality services in the Head Start Program, staff's skills and work performance must be reviewed on a regular basis.

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(2) A performance evaluation is not only a tool to measure the employee's performance, but also a means to communicate the program's goals, objectives, and a way of attracting and retaining highly skilled and qualified employees. Annual performance evaluations provide one opportunity for staff and supervisors to meet, discuss and assess progress, provide constructive feedback, define training and developmental needs, and set new professional goals. All Head Start staff should be actively engaged in a process of professional development and be evaluated on a regular basis.

(b) All supervisors will complete an annual written evaluation based on job performance on all support staff under their supervision. The following areas will be evaluated:

- (1) Job description
 - (i) Job knowledge
 - (ii) Quality of work
 - (iii) Quantity of work
 - (iv) Dependability
 - (v) Cooperation
 - (vi) Attendance
 - (vii) Punctuality
- (2) Standards of conduct rubrics
- (3) Professional development training
- (4) Other areas as appropriate for the specific job.

(c) Performance reviews should be positive exchanges that acknowledge the achievement of past goals and promote the setting of realistic goals for the future; demonstrate appreciation for employee contributions; provide constructive feedback on employee work, and identify employee training needs and professional development opportunities. This evaluation may also be used to determine eligibility for re-employment.

(d) Time line

- (1) Performance evaluations must be conducted annually.
- (2) If the employee feels the performance evaluation is inaccurate, then he/she has the right to file a written response that will be inserted into the employee's personnel file.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2) and redesignated subsections (b) through (d).

In subsection (a)(2), the Commission changed "not only tool" to "not only a tool" to correct a manifest error. In subsection (b)(4), the Commission inserted the final period.

Part 800 - Compensation

§ 60-60-801 Salary Schedules

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(a) The Commissioner and staff members, particularly the Head Start Director and the Human Resources Officer, will prepare salary schedules for all employee groups. These schedules will be submitted to the Board of Education and HPC for approval and then will be submitted to the Governor and Legislature with the PSS annual budget request.

(b) The Head Start Director with approval from the Commissioner may designate certain extra duty positions for additional compensation. The Commissioner's designations of positions for additional pay will be based upon the time and responsibility required in specific performance. Extra duty and extended year positions are contracted on an annual basis and may be eliminated each year at the Commissioner's discretion.

(c) The Head Start Program will follow the salary schedule approved by the Board of Education and the Head Start Policy Council. Any time there is a change in the salary schedule for Head Start employees or if a new position or employee group is required to support the Head Start Program, the Head Start Director will submit a proposal to the Commissioner, the HPC and the Board of Education for formal approval and further processing.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 60-60-805 Benefits

(a) Medical and Life Insurance

The Commonwealth government makes medical and life insurance available to Head Start employees. Employees may elect to participate and such participation is explained in § 60-60-810 and governed by the CNMI health insurance plan.

(b) Retirement

Head Start employees are required by law to be contributing members to the CNMI's retirement fund. Participation is mandatory and such participation is explained in § 60-60-815 and governed by the CNMI retirement fund.

(c) Head Start teachers, teacher aides and support staff who are current employees of the CNMI Head Start program for the 2008-2009 school year, are eligible for a one time pay differential of \$1,000 with two or more years of service or \$500 if less than two years of service.

Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 31 Com. Reg. 29785 (Aug. 27, 2009); Amdts Proposed 31 Com. Reg. 29750 (July 23, 2009); Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The 2009 amendments added subsection (c).

§ 60-60-810 Medical and Life Insurance

The Commonwealth government makes medical and life insurance available to all Public School System (PSS) and Head Start employees. Such insurance is made available in the form of group policies in which the employee, at his/her discretion, may wish to participate. Participation is on a shared basis where the PSS pays a portion of the insurance premium and the employee pays the remainder. If the employee chooses to participate, then PSS will contribute to premiums on the same basis as the Commonwealth government contributes for its employees. Should employee choose a health or life insurance not offered by the Commonwealth government, then employee will be solely responsible for the payment of any premiums.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-815 Retirement Fund

Head Start Program employees under the grantee, PSS, are required by law to be contributing members to the CNMI's retirement fund. Thus, it is mandatory that Head Start Program employees have a certain portion of every paycheck withheld by the PSS and deposited with the retirement fund. The PSS is also required to contribute additional funds on the employee's behalf. The retirement fund is responsible for administration of all aspects of Head Start Program/PSS employee participation in the fund and any questions regarding Head Start Program/PSS employee participation or benefits should be brought directly to the fund. The Head Start Program and PSS bear no responsibility for money deposited in the fund.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Part 900 - Staff Welfare and Standards of Conduct

§ 60-60-901 General Policy

(a) Head Start employees are expected to follow the standards of conduct set forth in this part to assure a pleasant and productive work environment and quality service to the students and families of the Commonwealth.

(b) Employees who fail to follow the standards of conduct may face disciplinary action, up to and including termination, and possible revocation of the employee's certification.

Modified, 1 CMC § 3806(d).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

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Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The Commission created the section title.

§ 60-60-905 Head Start Standards of Conduct

(a) All Head Start staff must adhere to the following as mandated by the Head Start Program performance standards and other regulations (45 CFR § 1304.52 (h)(1)-(3)):

(1) All Head Start staff must respect and promote the unique identity of each child and family and refrain from stereotyping on the basis of gender, race, ethnicity, culture, religion, or disability;

(2) All Head Start staff will follow program confidentiality policies concerning information about children, families, and other staff members;

(3) No child will be left alone or unsupervised while under the care of a Head Start employee, volunteer, staff, or consultants;

(4) All Head Start staff will use positive methods of child guidance and will not engage in corporal punishment, emotional or physical abuse, or humiliation. In addition, they will not employ methods or discipline that involve isolation, the use of food as punishment or reward, or the denial of basic needs.

(5) All Head Start staff must be responsive to parents' inquiries and provide an opportunity to explore and to model alternative approaches and positive techniques in order to promote a safe, comfortable, interactive environment increasing the child's sense of, competence and control.

(6) All Head Start staff must reassure parents that disclosing health or safety needs of the child is voluntary and that parents only need to share sufficient information to accommodate the child. Staff must adhere to the Head Start Program's confidentiality policy.

(7) Federal, state, and tribal laws require educators and caretakers to report all alleged cases of abuse and neglect as soon as they are suspected. All Head Start staff are required to report any suspected cases of child abuse and neglect to their immediate supervisor and follow specific reporting procedures. The staff member reporting the suspected abuse will be kept confidential.

(8) All Head Start staff must establish and maintain effective record keeping systems to provide accurate and timely information regarding children, families, and staff and must ensure appropriate confidentiality of this information.

(9) All Head Start staff must supervise the outdoor and indoor play areas in such a way that children's safety can be easily monitored and ensured.

(10) All Head Start staff must be responsive to each child's social and emotional development needs by building trust, fostering independence, encouraging self-control by setting clear, consistent limits, and having realistic expectations; encouraging respect for the feelings and rights of others; and supporting and respecting the home language, culture, and family composition of each child in ways that support the child's health and well-being; and planning for routines and transitions so that they occur in a timely, predictable and unrushed manner according to each child's needs.

(b) Discrimination - Employees shall not participate in, or permit others to engage in, any act of discrimination against students or coworkers as a consequence of that person's sex, sexual orientation, race, religion, national origin, age, or disability. Discrimination includes not only the creation of a hostile environment, but also favoritism based on any of these factors. Simply put, employees are required to treat all persons equally.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-910 Alcohol Use and Alcoholism

(a) Purpose - There is a distinction between alcohol use in the workplace or being intoxicated while at work and an employee having the medical condition of alcoholism. The regulation in this section is intended to set forth clear rules on the use of alcohol that affects job performance while recognizing the protection accorded to those suffering from alcoholism under the ADA.

(b) Alcohol Use or Possession - Employee shall not be intoxicated while discharging the duties of employment and shall not bring any alcoholic beverage to the workplace. No employee shall use alcohol in a manner that poses a direct threat to the health and safety of other persons in the workplace.

(c) Alcoholism - An employee shall not be disciplined or dismissed because he or she is an alcoholic. Reasonable accommodations shall be made in order for the employee to receive medical treatment to the same extent permitted for other diseases or health problems.

(1) An alcoholic may be disciplined or discharged to the same extent as any other employee for violating subsection (b) herein.

(2) An alcoholic may be disciplined or discharged if he or she can no longer safely and effectively perform job-related functions or if he or she poses a significant risk of substantial harm to the health and safety of employees or others that cannot be eliminated or reduced by reasonable accommodations.

(d) Action by Supervisor - If a supervisor forms the opinion after continued observation of an employee's job performance that the employee may suffer from alcoholism, he or she should discuss the matter with the employee in order to determine what reasonable accommodations (e.g. medical intervention or leave for treatment) can be provided.

(1) If the employee refuses reasonable accommodations and the supervisor still holds the opinion that the employee is an alcoholic, the matter shall be referred to the Human Resources Officer. The Human Resources Officer shall counsel the employee and seek to establish a program of reasonable accommodations. If the accommodations offered are refused, the employee shall be warned that he or she may be disciplined or dismissed if his or her conduct rises to the level of violating subsection (c)(2) above.

(2) If the employee indicates an interest in accepting reasonable accommodations, then the supervisor and the employee shall meet with the Human Resources Officer to design a program of reasonable accommodations to meet both the needs of Head Start Program and the employee.

(3) The supervisor and the Human Resources Officer shall consult with the PSS legal counsel or Equal Opportunity Officer during the process described herein.

(e) If an employee violates subsections (b) or (c)(2) of this section, he or she may be requested to submit to a test to determine whether he or she is under the influence of alcohol while at work in accordance with any applicable drug and alcohol testing policy and regulations.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-915 Illegal Drugs

(a) **Drug-free Workplace.** The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by any employee is prohibited in the workplace. Violation of this rule will result in the dismissal of an employee.

(b) **Intoxication.** No employee shall be under the influence of drugs while in the workplace.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-920 Job Performance for Certified and Non-certified Employees

(a) **Duty of Competent Work -** An employee must possess the knowledge and skills required by the job description and apply them to the tasks assigned.

(b) **Duty of Care -** An employee must use that degree of care in performing his or her duties which under the circumstances would ordinarily or usually be exercised by or might reasonably be expected from an ordinary prudent person holding the position for which the employee has been hired.

(c) **Absence from Work and Tardiness -** An employee must attend work during the hours assigned by his or her supervisor.

(1) Generally, these hours for non-certified employees will be from 7:30 a.m. to 11:30 a.m. and 12:30 p.m. to 4:30 p.m. on Monday through Friday; however, these hours may be changed in order to meet job demands.

(2) All certified employees shall be informed of the hours that they are expected to be at the school and work each day, including start time, end time and lunch hour, if possible, at the beginning of the school year. It is expected that the work shall be performed on weekdays during school hours. However, certified employees are professional employees and, as such, are expected to work the hours necessary to complete all assigned tasks. This includes, but is not limited to, attendance at staff meetings, individualized education plan (IEP) meetings, in-service meetings and trainings, parent conferences and other required functions, such as evening open houses.

(3) An intentional disregard of repeated directives to attend or continuous tardiness despite repeated directives to be prompt may result in dismissal from employment.

(d) **Insubordination**

(1) An employee is expected to carry out the announced policies and programs of Head Start Program. While policies that relate to the employee's duties are under consideration, the

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employee may, and is expected to, express his or her opinions concerning its merits. Once, however, a decision has been rendered by a person with authority, the employee will be required to unreservedly assume the success of the program or policy which he or she is responsible to effectuate.

(2) If an employee willfully or intentionally disobeys a reasonable order of a superior or the lawful regulation or policy of the Head Start Program, he or she may be subject to appropriate disciplinary action, including dismissal.

(e) Unprofessional Conduct - No employee shall engage in unprofessional conduct. "Unprofessional conduct" shall mean conduct such as to indicate unfitness to teach or perform job duties.

(f) Dishonesty - No employee shall engage in any dishonest act while performing the duties of his or her employment. Examples of such conduct include, but are not limited to, misreporting sick leave, sign-in times or facts related in the application for employment or certification.

(g) Immoral Conduct

(1) Any employee who engages in immoral conduct which creates a significant danger of harm to students or co-workers, or which is known among his or her students and will impair the ability to teach those students is a ground for dismissal.

(2) Teachers and librarians should serve as examples to their students. Conduct that offends the moral standards of the community and impedes an employee's effectiveness at school is "immoral conduct." For example, immoral conduct may involve sexual misconduct or the unjustified use of profanity or offensive language.

(3) It shall be considered immoral conduct for a teacher or librarian to make sexual advances towards any students or engage in sexual conduct with any student, regardless of the age of the student involved.

(h) Criminal Conduct

(1) The commission of a crime of moral turpitude, a felony or any crime indicating an unfitness to teach will result in dismissal.

(2) Proof of the commission of a crime requires only substantial evidence, not proof beyond a reasonable doubt. An acquittal on criminal charges is not a bar to dismissal. A certified copy of a conviction shall constitute prima facie evidence of the commission of the crime that may be rebutted by a substantial showing of circumstances tending to disprove its commission.

(3) Crimes of moral turpitude which will result in dismissal include, but are not limited to, illegal drug use, sexual misconduct, bribery and theft.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-925 Teaching Performance

(a) Duty of Competent Instruction - A teacher must possess detailed knowledge and understanding of the subject matter to be taught, be able to communicate effectively with his or

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her students and must effectively teach the assigned subject matter to the students. Teachers must provide age appropriate instruction in accordance with the Head Start performance standards.

(b) **Duty of Classroom Management** - A teacher must use due care to organize materials, prepare for classes, maintain harmony in the classroom and school grounds and employ effective teaching techniques to ensure that the assigned teaching goals are met.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-930 Cruelty to Students

Teachers and certain other personnel have the right to exercise *in loco parentis* authority over students and may control, restrain and correct them to further educational purposes; however, such actions are subject to, but not limited to, the following limitations:

(a) **Corporal Punishment**: All employees are forbidden to use corporal punishment on any student.

(b) **Psychological Harm**: All employees are forbidden to engage in any act of psychological cruelty that inflicts emotional trauma on a student.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-935 Teacher and Staff Dress Code

No teacher or staff of the Head Start Program shall wear provocative clothing which draws undue attention to themselves, to any Public School or Head Start Program center or to any authorized activities of Head Start Program, thereby disrupting the educational process.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-940 Religious Instruction

(a) The First Amendment of the U.S. Constitution and article I, § 2 of the CNMI Constitution prohibit government action that establishes religion. The required separation between church and state prohibits school activities that aid one religion, aid all religions, or prefer one religion to another. Therefore, no employee may engage in religious instruction while performing his or her duties.

(b) Teaching about religion is permissible if it is objective, historical, non-devotional and its primary effect is not to promote any particular religious beliefs.

(c) Employees may not require, sanction, consent to or concur in the recitation of prayer in school.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-945 Nepotism

It is the policy of the Head Start Program to secure and maintain staff on the basis of ability, not on the basis of marriage or family relation. Thus, no employee shall supervise a member of his or her immediate family, except in an emergency. “Immediate family” shall mean any person or that person’s spouse whom is within the second degree of relationship of the supervising employee or that employee’s spouse. The following is a list of second degree relationships: parents, grandparents, uncles, aunts, siblings, children and grandchildren. For purposes of this section only, immediate family shall also include a supervisor and employee living in the same household.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-950 Conflict of Interest

(a) The prohibition against conflicts and apparent conflicts of interest includes but is not limited to:

(1) Employees shall not, at any time, engage in any employment that would affect their usefulness as employees in the system, would reasonably be construed by the public that the work done is an act performed for Public School System, would compromise or embarrass the school system, would adversely affect their employment status or professional standing, or would create a conflict of interest.

(2) Employees shall not engage in work of any type where the source of information concerning customer, client, or employer originates or results from any information obtained through the school system.

(3) Employees shall not engage in any other employment, or in any private business during the hours required of them by the Public School System for fulfilling official duties or if the work in any way involves the facilities, equipment or supplies of Public School System.

(4) It is the responsibility of the employee not to engage in any employment contrary to this section. It is also the responsibility of the appropriate official to see that school employees under his/her authority do not engage in other employment during the hours required for them for fulfilling their official contractual duties and do not engage in any employment contrary to this section.

(5) Employees shall not engage in any other employment, or in any private business where the work would tend to influence the impartial judgment of the employee on matters arising in the course of his or her employment with PSS.

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(6) Employees shall neither endorse nor recommend specific products or business firms and shall neither endorse nor recommend specific individuals for services that they might render, by virtue of their status or position with, or through knowledge or skill gained through the school system. As a part of officially assigned duties, the staff may provide reference on employees, or services and items furnished by the Board of Education.

(b) Gifts and Gratuities

(1) No employee may solicit or accept, directly or indirectly, any gift, gratuity, or favor that has substantial economic value under circumstances where receipt might reasonably be interpreted by others as affecting the employee's performance, or impartiality in the performance, of his or her duties to the Head Start Program.

(2) The receipt of promotional items, ordinary commercial loans, gifts from immediate family members and ordinary meals on an infrequent basis will be rebuttably presumed to not be reasonably interpreted as affecting job performance or impartiality.

(3) No employee shall present a gift to a superior where others might reasonably interpret the superior's receipt of such a gift as affecting the superior's impartiality in the performance of his or her duties.

(c) Other Employment

(1) Private employment is not permitted if it interferes with the performance of the employee's duties by diverting time, interests, talents or energies from employment with PSS, if it creates a possible conflict of interest; or otherwise violates subsection (a) above.

(2) Before engaging in any private employment of any kind, an employee must first provide to his or her principal, or immediate supervisor if there is no principal to which one reports, and to the Human Resources Officer a written description of the nature of the employment activities, the location of the work site, the estimated work schedule and the expected duration of the employment.

(3) The term "private employment" includes self-employment and the operation of a business as well as work performed for others.

(4) Employees may tutor students privately subject to the restrictions set out in this section. However, no tutoring by employees for which remuneration is received shall take place on the public school property of the Commonwealth of the Northern Mariana Islands or during normal working hours.

(5) Employees, particularly certified employees, shall not accept appointment to serve on one or more Boards or council, etc., in local or Commonwealth government unrelated to PSS business if the requirements of said office require absence from instructional time or other assigned educational responsibilities. This section in no sense implies that the Board of Education disapproves of persons employed in the PSS participating in community affairs. However, it does state that if the requirements of appointments or volunteer positions demand absence from assigned duties in the PSS that the employee must choose between holding the office and holding a position in the PSS.

(6) Public Law 6-10 prohibits employees of the Public School System, including Head Start Program, from serving as elected members of the Board of Education. Therefore, upon being elected and duly sworn in as a Board member, the Head Start employee must immediately cease his/her employment with the Public School System/Head Start Program. If an employee is in

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doubt concerning whether certain acts violate this regulation, the employee must seek an opinion from the Commissioner of Education.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-955 Solicitation and Political Activities

(a) Public School System staff shall not engage in any solicitation for non-educational related activities during working hours and on any Public School System premises or during any function sanctioned by the Public School System.

(b) Employees may speak out on political issues as citizens, but they may not be involved in political activities that disrupt the education process.

(c) No employee may use his or her position at PSS to promote a particular political outcome.

(d) No teacher may use the classroom for political purposes.

(e) No employee may be involved in any political activity that will detract from job performance.

(f) No employee may solicit or receive political contributions from another while performing the duties of employment or while present at the workplace.

(g) No employee may campaign for any candidate, party or issue while engaged in work or while at the workplace.

(h) An exception is granted for PSS staff engaged in authorized activities such as PTA events, solicitation for the Red Cross, other activities approved under the Board of Education fundraising policy, and token solicitation for floral remembrances, retirement gifts and similar purposes for PSS employees.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-960 Sexual Harassment

(a)(1) Sexual harassment constitutes unlawful sex discrimination. It is the policy of the grantee, PSS Board of Education, to maintain a learning and working environment that is free from sexual harassment.

(2) It shall be a violation for any employee of the Public School System including the Head Start Program to harass another staff member or student through conduct or communication of a sexual nature. It shall also be a violation of this policy for students to harass other students

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through conduct or comments of a sexual nature. Furthermore, it shall be a violation of this policy for any person who is not an employee or student of the PSS and Head Start Program to harass a staff member or student of the PSS and Head Start Program through conduct or comments of a sexual nature while such employee is engaged in the performance of duties for the PSS and Head Start Program or while such student is under PSS or Head Start Program supervision.

(b) The Head Start Program is committed to maintaining, a work environment for its employees that is free from sexual harassment. Furthermore, the Board of Education strongly believes that no person in the Public School System shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

(c) **Sexual Harassment in Employment**

Sexual harassment in employment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of sexual nature when:

- (1) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.
- (3) Such conduct creates an intimidating, hostile, or offensive work environment.
- (4) Qualified employees are denied employment opportunities or benefits because the opportunities or benefits are given to another employee who submitted to an employers sexual advances or requests for sexual favors.

(d) **Sexual Harassment in Schools Under Title IX (applies to students and employees)**

(1) Title IX forbids discrimination on the basis of sex in any educational program or activity that receives federal funds. This includes a prohibition on sexual harassment. The Office for Civil Rights of the U.S. Department of Education defines sexual harassment under title IX as follows: "Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services or treatment protected under title IX."

(2) Sexual harassment under title IX includes, but is not limited to, unwelcome¹ sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (i) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's academic status or progress, or employment.
- (ii) Submission to or rejection of such conduct by an individual is the basis for educational or employment decisions affecting that individual.
- (iii) Such conduct creates an intimidating, hostile, or offensive educational or work environment.
- (iv) Qualified students or employees are denied educational or employment opportunities or benefits because the opportunities or benefits are given to another student or employee who submitted to sexual advances or requests for sexual favors.

¹ Sexual harassment of students by adults who otherwise come within the policy in this section is absolutely prohibited regardless of whether the conduct is "welcome."

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(e) Examples of Sexual Harassment

(1) Unwelcome Sexual Advances - Whether the advance is “unwelcome” is determined on a case-by-case basis. Sexual contact, relationship or harassment of students by adults is absolutely prohibited regardless of whether the conduct is “welcome.” Unwelcome advances may include, but are not limited to, the following:

- (i) Any invitation (even subtle) intended to result in a sexual liaison;
- (ii) Invitations to dinner or social events, when refusal results in the loss of a promotion or in other adverse employment action; or
- (iii) Propositioning an employee.

(2) Unwelcome Verbal Conduct of a Sexual Nature - this may include, but is not limited to, the following:

- (i) Sexually provocative or explicit speech;
- (ii) Publicly expressed sexual fantasies;
- (iii) Jokes of a sexual or crude nature;
- (iv) Derogatory comments directed to males or females as a class (language directed toward a specific employee is more likely to be viewed as sexual harassment);
- (v) Demeaning comments;
- (vi) Threats for not agreeing to submit to sexual advances; or
- (vii) Writing sexually explicit memos.

(3) Unwelcome Physical Conduct of a Sexual Nature - this may include, but is not limited to, the following:

- (i) Grabbing or twisting an individual’s arm;
- (ii) Any unwarranted touching;
- (iii) Sexually offensive pranks;
- (iv) Drawing sexually explicit cartoons, other drawings, or graffiti;
- (v) Gestures indicating sexual behavior;
- (vi) Suggestive winks;
- (vii) Kissing.

(f) Examples of Sexual Harassment Towards Students

In addition to the foregoing examples, students may experience harassment that is unique to their situation, some of which may not be immediately recognized as sexual harassment, but which may support a potential claim against the District and/or its employees if not remedied. Such harassment may include, but is not limited to, the following:

(1) Unwarranted sexual behavior,² such as touching, oral comments, sexual name calling, spreading sexual rumors, jokes, pictures, leers, overly personal conversation, cornering or blocking a student’s movement, pulling at clothes, students “making out” on school premises.

(2) A student in a predominantly single-gender class who is subjected to sexual remarks by a teacher or students who regard the comments as joking and part of the usual class environment.

(3) Interfering with a student’s achievement in a predominantly or historically single-gender class by hiding tools or equipment, questioning the student’s ability to handle the work, or suggesting that the student is “abnormal” for enrolling in the class.

(4) Purposefully limiting or denying students access to educational resources because of their gender.

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(5) Teasing a student about the student's enrollment in a predominantly or historically single-gender class.

² Sexual harassment of students by adults who otherwise come within the policy in this section is absolutely prohibited regardless of whether the conduct is "welcome."

(g) Nature of Sexual Harassment

Sexual harassment is not limited to conduct by males toward females. Sexual harassment may occur between any or all of the following:

- (1) Student to student.
- (2) Staff to student.
- (3) Student to staff.
- (4) Male to male.
- (5) Female to female.
- (6) Male to female.
- (7) Female to male.

(h) Investigation of Sexual Harassment Complaints

Any employee who believes that he or she is a victim of discrimination or harassment or who observes discrimination or harassment of a student or co-worker should follow all of the procedures set forth in § 60-60-505 starting with reporting the matter immediately to the employee's supervisor or school principal and the PSS Equal Employment Opportunity (EEO) Officer as stated § 60-60-505(d).

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first three paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2) and (b) and redesignated subsections (c) through (h). The Commission also designated subsections (d)(1) and (d)(2).

In subsection (c), the original regulations cited regulation 8100, codified at § 60-60-501 in error. The Commission changed the cross-reference so that it cites the correct provisions of regulation 8105, codified at § 60-60-505.

§ 60-60-965 Board/Staff Communications

By law, the Board of Education exercises control over the Public School System through the Commissioner of Education. To facilitate communication between the Board and PSS employees, including Head Start staff, while ensuring that the Commissioner remains informed and has the opportunity to respond, the Board of Education and HPC have adopted this section. All Board members, HPC members and Head Start staff are expected to follow this section to permit access to Board of Education members and to maintain proper protocol within the PSS.

(a) Staff Communications to the Board and HPC

(1) Communication to the Board from Head Start Program employees concerning personnel matters or personal complaints shall be filed in writing with the Commissioner and the Head

Start Director. However, this procedure will not be construed as denying the right of any employee to appeal to the Board or HPC (regarding alleged misapplication of policy, regulation or administrative decision) provided that the Commissioner and the Head Start Director shall have been notified of the forthcoming appeal and that it is processed in accordance with Head Start and Board of Education policies and regulations on staff complaints and grievances. Moreover, the regulation in this section will not be construed to preclude Head Start staff members from exercising their rights to discuss matters of public concern in the same manner as other CNMI residents.

(2) All regular meetings of the Board and HPC are open for the public to attend. As such, they provide an excellent opportunity to observe HPC's and the Board's deliberations on problems of staff concerns. Staff members may participate in HPC and Board meetings in accordance with the policies and regulations regarding public participation at such meetings. Further, at times and with the knowledge of the Commissioner and the Head Start Director, the Board and HPC may invite staff members to speak at Board or HPC meetings or to serve on advisory committees.

(b) **Board and HPC Communications to Staff**

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Commissioner and the Head Start Director. The Commissioner and the Head Start Director will employ such procedures as are appropriate to keep the staff fully informed of the Board's and HPC's concerns and actions.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-970 Staff Dispute Resolution

(a)(1) **Included Matters**

All complaints regarding an employee's contract, violations of regulations by other than the employee, and any form of discriminatory treatment in employment on the basis of sex, race, religion, national origin, age, sexual orientation or disability shall be brought as grievances pursuant to the procedures set forth in this section.

(2) **Excluded Matters**

Specifically excluded from these procedures are appeals from employee discipline, comments on PSS and/or Head Start regulations and discretionary decisions of assignment, transfer, promotion and non-renewal.

(3) **Employee Protections**

(i) Employees will be free from restraint, interference, coercion, discrimination, reprisal and retaliation in the filing and prosecution of their grievances.

(ii) Employees have the right to be represented by counsel or other representative of their choosing and at their own expense in prosecuting a grievance.

(b) **Scope of Grievance Procedure**

(1) **Included Matters** - All complaints regarding an employee's contract, violations of regulations by other than the employee, performance evaluations, classification and within-grade

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increases. Reporting and investigating of complaints regarding any form of discriminatory treatment in employment on the basis of sex, race, religion, national origin, age, sexual orientation or disability shall follow the procedures in parts 500 and 900 of this chapter.

(2) Excluded Matters - Specifically excluded from the procedures in this section are appeals from employee discipline, comments on Head Start regulations and discretionary decisions of assignment, transfer, promotion and non-renewal.

(c) Employee Protections

(1) Employees will be free from restraint, interference, coercion, discrimination, reprisal and retaliation in the filing and prosecution of their grievances.

(2) Employees have the right to be represented by counsel or other representative of their choosing and at their own expense in prosecuting a grievance.

(d) First Step: Consultation with Supervisor

(1) All grievances shall be initialed by the employee discussing the grievance first with his/her supervisor. If the employee believes that his/her relationship with the supervisor is such that the matter cannot reasonably be discussed with the supervisor, then he/she may discuss it with a person at the next level of supervision.

(2) The supervisor shall have the duty to:

(i) Listen carefully to the employee's grievance and take careful notes of what is said.

(ii) Obtain sufficient information from the employee or others to determine the merits of the grievance.

(iii) Inform the employee of the supervisor's decision of the merits, and

(iv) If action is warranted, take or recommend, according to one's ability depending upon the supervisor's authority and position, whatever action is appropriate without unnecessary delay.

(3) The supervisor shall inform the employee of the estimated time needed to take action and shall inform the employee of the results of his/her action immediately after it is taken.

(e) Filing of the Complaint

(1) If the employee is unable to settle the grievance by consulting his/her supervisor, a grievance action may be commenced by filing a written complaint. The complaint must specify:

(i) The identity of the aggrieved employee and the employee's work assignment,

(ii) The details of the grievance,

(iii) The corrective action desired, and

(iv) The outcome of the employee's discussion with his/her supervisor.

(2) The complaint must be filed with the Equal Employment Officer (EEO). There is no time limit for the filing of complaints; however, unreasonable delay in filing may reflect poorly on its merits or its importance to the employee.

(3) Equal Employment Officer - The EEO shall be responsible for the coordination and management of the grievance system. The Commissioner shall designate no fewer than five administrators and program managers from Head Start Program to serve as counselors. The EEO shall establish a training program on mediation, discrimination, the Head Start regulations, the standard employment contract and other topics likely to arise within the scope of grievances for the counselors. Each of designees shall complete the course of training to qualify as a counselor.

(4) Upon receipt of a complaint, the EEO may assign a qualified counselor to the matter.

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(f) Mediation

(1) The EEO Officer or counselor shall review the complaint, meet individually with the employee and supervisor, review the employee's personnel file and contract, interview co-workers and administrators, if appropriate, and do all acts necessary and proper to understand the grievance and its circumstances prior to any mediation. When he/she deems it to be more productive the counselor may decide to conduct the mediation without the presence of the supervisor.

(2) The counselor may seek advice at any time from the EEO. Prior to any mediation meeting, a counselor shall confer with the EEO regarding the goals and objectives of the meeting and obtain prior approval for any proposed resolution.

(3) The EEO Officer or counselor shall set a mediation meeting for a date within fourteen days of the receipt of the complaint by the EEO and shall notify the employee, the supervisor, and any involved Head Start Program administrator or employee of the time and place of the meeting. A person shall be considered "involved" if it is that person's action or inaction that is the subject of the complaint.

(4) The EEO Officer or counselor shall meet with the employee, supervisor and involved person, together, and, through mediation, attempt to bring about a speedy and just resolution to the grievance through facilitating the formation of an agreement among the affected individuals.

(g) Report

The counselor shall prepare a written report to the EEO on whether or not an agreed disposition of the matter was reached, the nature of the disposition, the reasons for any failure to resolve the problem and if it was not resolved, the issues raised by the grievance and how the counselor believes they should be resolved. This report shall be confidential and shall not be provided to the parties or be made a part of any employee's personnel file.

(h) Commissioner's Review

(1) In the event that mediation fails to result in an agreed disposition, an employee may request that his/her grievance be reviewed by the Commissioner. The employee must make such a request in writing to the EEO within thirty days of the mediation.

(2) The EEO shall, based upon the report of the counselor, conduct any necessary follow-up investigation in order to prepare a report and a recommendation of an appropriate resolution to the Commissioner. The report shall be submitted to the Commissioner within thirty days of receiving the request for a review. This report shall be confidential and shall not be provided to the parties or be made a part of any employee's personnel file.

(3) Based on the EEO report and a meeting with the employee in which the employee may present his/her grievance, the Commissioner shall review the grievance and determine an appropriate resolution. The decision of the Commissioner shall be in writing and shall be issued within fourteen days of receiving the EEO report and will notify the Head Start Policy Council and Director of his/her decision.

(i) Employee Appeal

(1) If the employee is not satisfied with the resolution provided for in the Commissioner's decision, then he/she may file a notice of appeal with the Commissioner within thirty days of receiving the decision. Failure to appeal will result in the decision of the Commissioner becoming the final resolution of the problem.

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(2) Hearing Panel - Upon receipt of the notice of appeal, the Board of Education Chairperson shall appoint two members of the Board and the HPC Chairperson shall appoint three members of HPC to act as the hearing panel. The panel shall elect one hearing officer to act as the chief hearing officer.

(3) Scheduling the Hearing - The hearing officer shall schedule a hearing, after consultation with the parties, to be held within forty-five days of the employee's request for a hearing.

(4) Legal Counsel - PSS legal counsel shall represent the employer. The employee is entitled to retain counsel of his/her choosing at his/her own expense.

(5) Pre-hearing Conference - The hearing officer shall provide a date for the exchange of witness lists and documents intended to be introduced at the hearing. The hearing officer may also hold a pre-hearing conference to accomplish one or more of the following tasks:

(i) Decide the issues for the hearing.

(ii) Stipulate as to uncontested facts.

(iii) Estimate the length of the hearing.

(iv) Mark exhibits.

(v) Determine the admissibility of contested evidence.

(6) Burden of Proof - The employee shall have the burden of proving his/her grievance by a preponderance of the evidence.

(j) Conduct of Hearing

(1) The hearing shall be presided over by the hearing officer, but any decision on the merits of the grievance shall be made by a majority vote of the hearing panel. All panel members must attend the hearing.

(2) The hearing shall commence with a reading of the grievance.

(3) Each side shall be permitted to make an opening statement with the employee proceeding first.

(4) The employee shall present evidence to support his/her grievance, subject to cross-examination.

(5) The employer may present evidence to rebut the grievance, subject to cross-examination.

(6) Each side may present rebuttal and surrebuttal evidence.

(7) After all the evidence has been presented, the employee may offer a closing argument. The employer may then present a closing argument, followed by the final summation of the employee.

(8) Proceedings hereunder shall be conducted consistent with the requirements of 1 CMC § 9109.

(9) A recording shall be made of the proceeding to serve as the official record of all of its events.

(k) Evidence

(1) The formal rules of evidence do not apply. Any relevant evidence of probative value is admissible with only the weight assigned to it affected by its nature.

(2) The hearing officer shall administer oaths to witnesses.

(3) Affidavits under penalty of perjury may be admitted.

(4) Hearsay shall be admissible and may constitute sufficient evidence if relevant and probative, of a kind that responsible persons are accustomed to relying upon in serious affairs, or

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such that a reasonable mind would accept the evidence as adequate to support a conclusion of ultimate fact.

(5) Submission on Stipulated Facts - If the parties agree or stipulate to the basic facts of the grievance, they are encouraged to set the stipulation out in writing and submit it to the hearing panel rather than conduct a hearing to develop the facts. The hearing panel may, however, after reviewing the stipulation, determine that a hearing is necessary, but shall limit the scope of the hearing to the issues that require evidence. If the case is submitted on stipulated facts, both parties shall be given the opportunity to argue the law and the facts, both orally and in writing, before the hearing panel.

(l) Decision

(1) The decision-making process must comply with 1 CMC § 9110.

(2) The attorney for the employer shall not participate in the private deliberations of the hearing panel.

(3) The hearing panel shall issue a written decision with findings of fact and conclusions of law, and the reasons or basis for them, on all the material issues of fact, law and discretion presented on the record and the appropriate order affirming or rejecting the decision.

(4) The written decision and order shall be served on the employee, Commissioner, and Head Start Director.

(m) Appeal

The employee may appeal the agency decision pursuant to the procedures and time restrictions set forth in 1 CMC § 9112.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The first paragraphs were not designated. The Commission designated subsections (a)(1) through (a)(3) and redesignated subsections (b) through (m).

In subsection (a)(1), the original reference to regulation 8850 was unclear. Head Start Program Regulation 8850 is codified at § 60-60-1304 and does not contain the grievance procedures. The Commission changed the reference so that it cites regulation 8650, codified in this section.

In subsection (l)(3), the Commission changed the final word from “discipline” to “decision” to correct a manifest error.

§ 60-60-975 Personnel Records

Personnel files on all Head Start employees will be maintained in the PSS administrative offices. It is the intent of the Board of Education to maintain complete and current personnel files, including all information necessary to comply with the Fair Labor Standards Act, for all Head Start employees.

(a) The PSS will maintain the following information in personnel files: applications, certification documents, performance evaluations, current transcripts, employment contracts,

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police and FBI clearances, performance evaluations and performance related documents. Medical records, including health insurance records, will be maintained separately.

(b) The personnel file(s) of an individual employee will be considered confidential to the extent allowed by law. Access to personnel files will be on a strict need-to-know basis by appropriate PSS and/or Head Start administrators, legal counsel, or CNMI agencies with authority, such as the Office of Personnel Management.

(c) Upon request to and in the presence of the appropriate administrative official, any employee will have the right during regular working hours to inspect his/her own personnel, file, with the exception of the ratings, reports and records obtained prior to the employment of the individual, including confidential placement papers or attorney-client or work-product privileged documents.

(d) Performance evaluations, reprimands, notices of charges and other disciplinary decisions will not be entered or filed in the employee's personnel folder until the employee is given notice, as well as an opportunity to review the information and comment thereon. The employee will have the right to append a reply to the statement, which will also be included in the folder.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Part 1000 - Separation

§ 60-60-1001 Resignation

Employees who for any reason intend to retire or resign are encouraged to indicate their plans in writing as early as possible. Resignations may become effective at the end of the school year in which they are submitted. Resignations to become effective earlier than the end of the school year require a release by the Head Start Director and Head Start Policy Council and must be considered on an individual basis. Letters of resignation shall be submitted to the employee's direct supervisor and copies sent to the Head Start Director, Head Start Policy Council, and the Human Resources Office.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1005 Discipline and Due Process

(a)(1) To improve performance of employees, to inform employees of obligations and to take appropriate action following the misconduct of an employee, PSS and the Head Start Program shall implement corrective discipline measures. This includes, but is not limited to, informal conversations, warnings, oral reprimands, written reprimands, suspensions, reduction in rank or pay and termination.

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(2) Before any employee is dismissed, suspended, reduced in rank or reduced in pay, the disciplinary procedure set forth in this section must be followed. A formal reprimand and the non-renewal of an employment contract do not require that these procedures be followed.

(3) Nothing in section shall prevent PSS from pursuing disciplinary action, such as reduction in rank or pay, suspension or termination, before the issuance any warnings or other corrective discipline measures when the misconduct or offense warrants such disciplinary action.

(b) Authority to Initiate Discipline

The authority to initiate the discipline of an employee is granted to the direct supervisor to whom the employee is assigned. If the direct supervisor is not an upper management official, such as a program manger or the equivalent, then the authority to initiate the discipline of any employee requires the concurrence of the Head Start Director for any action other than a reprimand. The person with the authority to initiate discipline shall be referred to herein as the “management official.”

(c) Forms of Discipline

(1) Formal Reprimand - A formal reprimand is delivered by a written letter that instructs the employee that there has been one or more deficiencies in performance, describes the misconduct and warns that a failure to improve may result in more serious discipline. A copy of the letter is provided to the Human Resources Officer for posting in the employee’s file.

(2) Reduction in Rank or Pay - A reduction in rank or a reduction in pay may be accomplished only by an official personnel action. A reduction in rank occurs when one’s relative standing in the organizational structure has been lowered for disciplinary purposes.

(3) Suspension - A suspension occurs when an employee is placed in a non-duty or non-pay status for a portion of the contract term that counts as part of the days assigned for work.

(4) Dismissal - An employee is dismissed when his/her contract of employment is terminated. Dismissal is referred to herein by various terms, such as discharge or termination.

(d) When Discipline is Warranted

Discipline may be imposed for the violation of any Head Start Program regulations, school procedures and rules, violations of law or other misconduct. The statement in some sections that a violation may lead to dismissal is not intended to suggest that dismissal may not be warranted for the violation of any other section. Nothing in this section shall prevent Head Start Program from pursuing disciplinary action, such as reduction in rank or pay, suspension or termination, before the issuance any warnings or other corrective discipline measures when the misconduct or offense warrants such disciplinary action.

(e) Factors to Be Considered in Initiating Discipline

Discipline is warranted only when the conduct is such that it has or will have an adverse effect on the employee’s ability to perform his/her duties and responsibilities. In this regard, the management official, in determining whether to initiate discipline and what level of discipline is warranted, should consider the following factors:

(1) Whether students may be affected by a violation, and if so, their age and maturity.

(2) The size and population of the school and its community.

(3) The likelihood that the employee’s conduct has had, or will have, an adverse effect on students, other employees or the school community.

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- (4) The effect on work relationships.
- (5) Any disruption of the educational process.
- (6) The severity of any adverse effect.
- (7) The proximity of remoteness in time of the conduct.
- (8) Any extenuating or aggravating circumstances surrounding the conduct.
- (9) The likelihood the conduct will recur.
- (10) The impact of publicity.
- (11) The motive for the conduct.
- (12) The extent to which disciplinary action may have an adverse or chilling effect upon the exercise of constitutional rights by other employees.

(f) Initiating Discipline - Due Process

- (1) Before any employee is dismissed, suspended, reduced in rank or reduced in pay, the disciplinary procedures set forth in this and the following subsections must be followed.
- (2) A formal reprimand and the non-renewal of an employment contract do not require that the procedures in this and the following subsections be followed.
- (3) Notice of Charges - The management official must provide written notice to the employee of the charges by citing the regulation violated, explaining the evidence against the employee and stating the proposed disciplinary action. The employee must also be informed, in writing, of the opportunity to be heard in a pre-discipline hearing. A copy of the notice shall be provided to the Commissioner, and Head Start Policy Council and Director, and the EEO. The management official shall not file any notice of charges without those charges being reviewed and approved first by the Equal Employment Officer (EEO).
- (4) Pre-discipline Hearing - If requested by the employee, a hearing shall be held within ten days of delivering notice to the employee. The date set shall take into consideration how much time may be needed by the employee and Head Start Program to prepare for the pre-discipline hearing. The hearing shall be before the Commissioner/designee. The designee may not be a Deputy Commissioner whose concurrence was sought for the initiation of the adverse action. At the hearing, the employee shall have the opportunity to present his/her side of the story, to convince the Commissioner that the proposed discipline is a mistake, or that the reasons for the discipline are either not supported by the facts or are less compelling than they appear. The employee may waive this hearing or decide only to present his/her position in writing rather than in person.
- (5) Commissioner's Decision - The Commissioner/ designee who conducted the pre-discipline hearing shall decide in writing within ten days of the hearing, with input from the Head Start Policy Council and Director, whether any regulation has been violated, the facts that support the finding of a violation, whether discipline is warranted and, if so, what discipline is appropriate. The decision shall state when the discipline takes effect. Only the charges contained in the notice can be the basis for any disciplinary action.
- (6) Suspension Pending Decision - The employee cannot be suspended without pay before the pre-discipline decision. The management official should permit the employee to continue to work during this period, utilizing a temporary reassignment, if necessary. In the event that continued employment will pose a risk of harm to students or co-employees, or a risk of disrupting the educational process, then the management official may suspend the employee with pay.

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(7) Discipline After Decision - Once the pre-discipline decision has been rendered, the disciplinary action can take place even though a formal due process hearing is requested. The Commissioner with approval from the Head Start Policy Council has the discretion whether to postpone the discipline, whether suspension is appropriate (with or without pay) or whether to effectuate the decision prior to the formal hearing. All pre-disciplinary decisions not appealed by the employee will be subject to the approval of the Head Start Policy Council before implemented.

(g) Formal Due Process Hearing

(1) The employee shall be provided with an opportunity to have a formal hearing before a panel of hearing officers made up of members of the Board of Education and Head Start Policy Council to review the pre-discipline decision. The Board of Education Chairperson shall appoint two members of the Board and the HPC Chairperson shall appoint three members of HPC to the hearing panel. The panel shall elect one hearing officer to act as the chief hearing officer. The employee shall have ten days from receipt of the decision to make a request for a hearing in writing and to deliver the request to the Commissioner of Education. Failure to request a hearing will result in the decision of the Commissioner/ designee becoming final.

(2) The Chief Hearing Officer shall schedule a hearing before a majority of members of the Board to be held within forty-five days of the employee's request for a hearing. The date shall be set with due regard for the need of Head Start Program to take action on suspension or revocation and for the need of the employee to have sufficient time to adequately prepare a defense.

(3) The PSS legal counsel shall represent the Head Start Program, as the employer, during the formal hearing process. The employee is entitled to retain counsel of his/her choosing, at his/her own expense, or to represent himself/herself.

(4) The pre-discipline decision shall serve as the notice of grounds for discipline. While the grounds may not be changed, the employer is not limited in the presentation of its evidence to matters that were presented at the pre-discipline hearing.

(5) The Chief Hearing Officer shall provide a date for the exchange of witness lists and documents intended to be introduced at the hearing. The hearing officer may also hold a pre-hearing conference to accomplish one or more of the following tasks:

- (i) Identify the issues for the hearing;
- (ii) Stipulate as to uncontested facts;
- (iii) Estimate the length of the hearing;
- (iv) Mark exhibits; and
- (v) Determine the admissibility of contested evidence.

(6) The employer shall have the burden of proving its charge by a preponderance of the evidence.

(h) Conduct of Hearing

(1) All panel members must attend the hearing.

(2) The hearing shall commence with a reading of the charges and the employee shall either admit or deny them.

(3) Each side shall be permitted to make an opening statement.

(4) The employer shall present evidence to support its charges, subject to cross-examination.

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(5) The employee may present evidence to rebut the charges or mitigate their gravity, subject to cross-examination.

(6) Each side may present rebuttal and surrebuttal evidence.

(7) After all the evidence has been presented, the employer may offer a closing argument. The employee may then present a closing argument, followed by the final summation of the employer.

(8) Proceedings hereunder shall be conducted consistent with the requirements of 1 CMC § 9109.

(9) A recording shall be made of the proceeding to serve as the official record of all of its events.

(i) Evidence

(1) The formal rules of evidence do not apply. Any relevant evidence of probative value is admissible with only the weight assigned to it affected by its nature.

(2) The hearing officer shall administer oaths to witnesses.

(3) Affidavits under penalty of perjury may be admitted.

(4) Hearsay shall be admissible and may constitute sufficient evidence if relevant and probative, of a kind that responsible persons are accustomed to relying upon in serious affairs, or such that a reasonable mind would accept the evidence as adequate to support a conclusion of ultimate fact.

(j) Decision

(1) The decision-making process must comply with 1 CMC § 9110.

(2) The attorney for the employer shall not participate in the private deliberations of the hearing officer.

(3) The hearing officer shall issue a written decision with findings of fact and conclusions of law, and the reasons or bases for them, on all the material issues of fact, law and discretion presented on the record and the appropriate order affirming or rejecting the discipline.

(4) The written decision and order shall be served on the employee and Commissioner within thirty days of the hearing.

(k) Appeal

The employee may appeal the agency decision pursuant to the procedures and time restrictions set forth in 1 CMC § 9112.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The opening paragraphs were not designated. The Commission designated subsections (a)(1) through (a)(3) and redesignated subsections (b) through (k).

Part 1100 - Financial Operations

§ 60-60-1101 Introduction and Purpose

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(a) The policy and the accompanying regulations in this part are the official document of Commonwealth of the Northern Mariana Islands (CNMI) Head Start Program (“CNMIHS”) operated by the CNMI Board of Education (BOE) and the Public School System (PSS) for the conduct of business, the accounting and administration of grants with federal, state and other funding sources. These regulations are intended to comply with the Code of Federal Regulations, title 45, part 74, as amended and published in the Federal Register August 25, 1994, and comply with OMB Circulars A-87, A-110, A-122, and A-133, which are incorporated herein by reference.

(b) The regulations in this part were developed as guidance for CNMI Head Start’s financial management and accounting functions. These regulations are intended to establish the procedures for:

- (1) The operation of the financial management structure;
- (2) The organizational, system and human controls to safeguard CNMI Head Start’s assets and to insure ethical business conduct;
- (3) The accounting procedures for assets, liabilities and fund balance;
- (4) The revenue procedures to reflect when and how to recognize revenue from funding sources and other related income;
- (5) The property management and inventory procedures relating to identification, control and disposition of government property, equipment and materials;
- (6) The guidelines related to purchasing;
- (7) The budget procedures to be used in applying for grants with funding sources; and
- (8) The cost allocation procedures used in determination of which costs are direct vs. indirect, and administrative vs. non-administrative.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (b)(4), the Commission changed “reflects” to “reflect” to correct a manifest error.

§ 60-60-1105 Definition of Terms

When reference is made to terms, they are as defined in OMB Circulars A87, A-110, A-122 and A-133 and as in generally accepted accounting terminology (all applicable FASB’s and GASB’s).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1110 Implementation and Amendment

(a) As changes are appropriate, the regulations in this part may be amended in accordance with Head Start regulations and policies regarding amendments.

(b) The PSS Finance Director in consultation with the PSS legal counsel holds authority to interpret these regulations and to develop appropriate procedures. The PSS Director of Finance shall implement the regulations and procedures contained herein.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 60-60-1115 Statement of Purpose

The CNMIHS financial management system is intended to:

- (a) Adequately safeguard all CNMIHS assets, funds and property.
- (b) Provide effective control and accountability for all CNMIHS assets, funds and property.
- (c) Assure accurate and complete disclosure of financial results of each CNMIHS program.
- (d) Promote operational efficiency and provide reliable data.
- (e) Separately identify the source and application of funds provided for grant and contract activities.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1120 Elements

- (a) PSS Fiscal and Budget Office will maintain records and make reports in such form and containing such information as may be required by its funding sources in compliance with OMB A-110. PSS F&B will maintain accounts and documents to permit expeditious determination of the status of funds and the levels of services, including the disposition of all monies received from its funding sources and the nature and amount of all charges claimed against such funds.
- (b) PSS F&B will maintain records that identify adequately the source and application of funds for grant supported activities. At a minimum, these records will contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, revenues and other income, and liabilities.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1125 Basis of Accounting

PSS F&B will record revenues and expenditures on a modified accrual basis. Accordingly, expenditures are recorded when a liability is incurred (i.e., when an invoice has been received or the amount can be readily estimated), but revenue is not recorded until actually earned.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1130 Incurred Costs

Outlays or expenditures represent charges made to a project or program. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expenses incurred, the value of in-kind contribution applied, and the net increase (or decrease) in the amounts owed by the grantee for goods and services, for services performed by employees, and other amounts becoming owed under programs for which no current services or performance are required, such as, insurance claims and other benefit payments.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1135 Cash Management

- (a) PSS F&B will maintain a cash management system to adequately determine its cash flow needs.
- (b) PSS F&B will request federal funds for Head Start expenditures after PSS has paid with its local funds. There will never be any idle federal funds.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1140 Budgets

- (a) The CNMIHS staff in consultation with the PSS Finance Director will prepare, and have approved by the Board of Education, and Head Start Policy Councils, as appropriate, annual budgets of revenues and expenses for each program, by funding period.
- (b) The CNMIHS Director has authority to request changes to the annual budget. For \$5,000 fixed asset purchases that were not in the original budget, permission from Region Nine must be obtained.
- (c) PSS F&B will maintain a budget of its indirect costs (i.e., CNMI general administrative budget) for each fiscal year.

Modified, 1 CMC § 3806(f).

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History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1145 Insurance and Bonding

- (a) CNMIHS through the Commonwealth government is self-insured against liability.
- (b) CNMIHS shall require of its contractors insurance and bonds appropriate to the scope of work performed.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1150 Record Retention and Disposal (Ref: CFR Title 45, Part 74)

- (a) All financial and programmatic records, supporting documents, statistical records and other required or pertinent CNMIHS records will be retained for a minimum of three years from the day final expenditure reports are submitted. For grants involving continued support or which are renewed annually, the retention period starts on the day CNMIHS submits its final expenditure report for that period.
- (b) If any litigation, claim, negotiation, audit or other action involving CNMIHS records has come to the attention of CNMIHS before the expiration of the three- year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.
- (c) All financial records will be maintained in alphabetical order, organized by fiscal year.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1155 Financial Reporting

The PSS Director of Finance will maintain supporting records in sufficient detail to facilitate preparation of CNMIHS financial reports, including:

- (a) Annually:
 - (1) Financial reports for audit.
 - (2) Annual budget(s).
 - (3) Indirect cost proposal to the organization's appropriate audit agencies.
- (b) Monthly:
 - (1) Financial program reports.
 - (2) Invoices to the organization's funding sources.
 - (3) Cost summaries and analyses, by grant and/or group of grants as required.

- (c) Quarterly:
 - (1) Financial status report, as applicable.
 - (2) Report of cash transactions, as applicable.
 - (3) Quarterly employer tax return.

- (d) Periodically:
 - (1) IRS forms 941 and payroll tax returns and comparable state taxing authority returns.
 - (2) Other reports upon request.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1160 Audit Reports & Scope of Services

- (a) CNMIHS will contract with a qualified independent certified public accountant to perform an organization wide, all funds audit each fiscal year.

- (b) The audit will be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits. (Ref. AICPA, GAO.)

- (c) The audit will cover the entire operations of PSS/BOE. The auditor will determine whether:
 - (1) The financial statements and the accompanying schedules of the PSS present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles.
 - (2) PSS has internal accounting and other control systems to provide reasonable assurance that it is managing programs in compliance with applicable laws and regulations.
 - (3) PSS has complied with laws and regulations that may have a material effect on its financial statements.

- (d) The audit report will be submitted in accordance with applicable grantor deadlines. If for reasons not within the control of CNMIHS, this report cannot be submitted by this time, the CPA will make a written request for an extension of time for justifiable reasons to the granting agency. Such request will be submitted with sufficient time for granting agency review and approval.

- (e) Request for Management Letter - The audit report will include a “management letter” offering additional comments and recommendations other than those contained in the audit report.

- (f) CNMIHS shall systematically assure the timely and appropriate resolution of audit findings and recommendations.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1165 Finance Committee

CNMIHS has established Finance Committees composed of members of the Head Start Policy Council (HPC) and the Board of Education. The role of these committees includes recommendations for selection of the independent auditor and reviewing the scope and results of the annual audit, oversight, review, and discussion of CNMIHS financial reports, and recommending establishment of and amendments to CNMIHS policies.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1170 Chart of Accounts

CNMIHS shall maintain a chart of accounts in accordance with generally accepted accounting principles. The chart of accounts will contain sufficient detail to provide adequate management information to CNMIHS Director to meet the requirements of the funding sources. The PSS Director of Finance shall amend the chart of accounts as necessary to meet these objectives.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Part 1200 - Financial Internal Control Policies

§ 60-60-1201 General Business Conduct, Disclosure, and Conflict of Interest

(a) The effectiveness and reputation of CNMIHS depends on appropriate conduct, ethical performance, appropriate disclosure, and avoidance of conflict of interest by all CNMIHS employees.

(b) Adherence to the policy provisions in this section is one of the standards by which performance of all levels of employees will be measured.

(c) In recommending or proposing a particular business transaction or course of action for approval, those involved must disclose to their supervisors or HPC and BOE, if applicable, all pertinent information about such transactions and the persons involved. The disclosure should include significant information that they may have reason to believe has been omitted by others. As with all matters involving procurement for CNMIHS, the PSS Procurement Regulations must be followed.

(d) Specifically, CNMIHS will not tolerate the willful violation or circumvention of any federal or CNMI law or regulation by an employee during the course of that person's employment; nor does CNMIHS tolerate the disregard or circumvention of these policies or

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engagement in unscrupulous dealings. Employees shall not attempt to accomplish by indirect means, through agents and intermediaries, what is directly forbidden.

(e) Failure to comply with these policies will result in disciplinary action up to and including termination and/or referral for criminal prosecution, as well as reimbursement to CNMIHS for any losses or damage resulting from the violation. As with all matters involving disciplinary action, employees shall be subject to the provisions of CNMIHS personnel policies. (See also appropriate section of the PSS personnel policies.)

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1205 Compliance with Laws

(a) Disclosure of Organization Information

CNMIHS' client, financial, and administrative information is a valuable, intangible asset. Protection of this information is vital to our continued growth and our ability to provide quality services to our participants. Unauthorized disclosure of client information may be a violation of the Privacy Act or other applicable CNMI law.

(b) Political Activity

Employees of CNMIHS are precluded during periods of compensated time from lobbying, preparing political publications or materials, making partisan political speeches or engaging in related activities intended to influence legislation or to promote a political party or candidate.

(c) Political Contributions

No funds or assets of CNMIHS may be contributed to any political party or individual who either holds a public office or is a candidate for public office. The direct or indirect use of any funds or other assets of CNMIHS for political contributions in any form, whether in cash or other property, services, or the use of facilities, is strictly prohibited.

(d) The following, in combination with those prohibitions described in CNMIHS personnel policies, are examples of prohibited activities:

- (1) Contributions by an employee that are reimbursed through expense accounts or in any other ways.
- (2) Purchase by CNMIHS of tickets for political fundraising events.
- (3) Contributions in kind, such as lending employees to political parties or using CNMIHS' assets in political campaigns.
- (4) Indirect contributions by CNMIHS through suppliers, funding sources or other agents.

(e) Government Officials

CNMIHS employees are prohibited from offering, promising, or bestowing money, gifts, loans, rewards, services, use of facilities, lavish or extensive entertainment, or other favors to any official or employee with a view toward influencing or inducing such official or employee to use his/her influence to effect an action or decision.

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(f) No employee of CNMIHS will offer to give, directly or indirectly, any money, gratuities or other thing of value to any individual with current or potential responsibility for an award to CNMIHS. A gratuity includes any gift, favor, entertainment or other items having any monetary value. This includes services, conference fees, transportation, lodging and meals.

(g) **Commercial Bribery**

No CNMIHS employee shall make a payment either directly or indirectly or as a kickback to influence someone else, nor are employees allowed to accept anything of value from someone who wants to do business with the organization. All employees shall comply with the provisions of CNMIHS personnel policies.

(h) **Record Keeping**

To provide an accurate and auditable record of all financial transactions, CNMIHS's books, records, and accounts must be maintained in conformity with generally accepted accounting principles (GAAP). Each employee is responsible for safeguarding CNMIHS's assets under their control as applicable to the position (with help and training).

(i) No funds or accounts may be established or maintained for purposes that are not fully and accurately described on the books and records of CNMIHS.

(j) **Head Start Parent Accounts**

(1) Parent accounts may be established to transact parent center committee business.

(2) Such accounts are considered accounts of CNMIHS, and subject to CNMIHS signature requirements and account reconciliation policies and procedures, if any federal grant funds are deposited into these accounts, or grant-funded staff time or resources spent in the oversight, management, or reporting related to such accounts. Any fundraising done by parents which has been supported in any way by grant-funded staff time or resources shall be recorded as program income and its use is subject to the requirements of OMB circular A-122 (cost principles).

(3) Head Start parents may organize and establish their own bank accounts, which will not be recorded on the books and records of CNMIHS, only if all of the following conditions are met:

(i) No grant funds are transferred to or deposited in these accounts.

(ii) No use is made by the parents of the CNMIHS name or logo.

(iii) No use is made by the parents of CNMIHS financial, human, or physical assets, including staff time, meeting space, copiers, etc. in the administration of these accounts or the generation of funds deposited into these accounts.

(iv) No CNMIHS staff are signatories on the accounts.

(v) Any fundraising proceeds deposited into these accounts by parents and subsequently donated to the program, either in cash or non-cash contributions, are recorded as non-federal matching funds.

(4) Receipts and disbursements must be fully and accurately described on CNMIHS books and records.

(5) No false entries may be made on the books or records nor any false or misleading reports issued.

(6) Payments may be made for actual services rendered or products delivered. No false or fictitious invoices may be paid.

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(7) If an employee has reason to believe that CNMIHS's books and records are not in accord with the foregoing requirements, such employee shall report the matter to the Director, who shall investigate the matter and take appropriate corrective action.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1210 Employee Conflict of Interest

(a) General

(1) Each employee has a primary responsibility to CNMIHS and is expected to avoid any activity that may interfere, or have the appearance of interfering, with the performance of this responsibility. Employees may not use nor disclose confidential or proprietary information to any outside agency or individual.

(2) A conflict of interest exists if certain outside business or other interests may adversely affect, or have the potential to or appearance of adversely affecting financial results, motivation or performance.

(3) BOE members, HPC members and employees must follow the PSS Procurement Regulations.

(b) Outside Activities

(1) CNMIHS employees may not serve as a consultant to, or as a director, officer, or part-time employee of an agency or a company that competes or deals with CNMIHS or that seeks to do so, unless that employee has first obtained the prior express consent of the Director.

(2) Each employee shall review their personal and job situations and eliminate any possible conflicts of interest that exist, or may be perceived to exist. Any possible conflicts of interest should be discussed with the Director. The Director will hold disclosures in confidence unless they involve violations of law or failure to eliminate conflicts within a reasonable time. If necessary, the Director will report the disclosure to the Board of Directors.

(c) Employee's Duty to Report Conflicts of Interest

It is each employee's duty to report to the Director any known or potential conflicts of interest within the agency as well as any instances that come to the employee's attention where non-agency personnel misrepresent themselves or may have a conflict of interest.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs of subsections (a) and (b) were not designated. The Commission designated subsections (a)(1) through (a)(3) and (b)(1) and (b)(2).

§ 60-60-1215 Standards in Bidding, Negotiation and Performance of Grant Awards

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(a) CNMIHS will strictly observe the laws, rules and regulations of the CNMI Public School System that govern acquisition of goods and services with grantor funds.

(b) Employees involved in the negotiation of grants will make all reasonable efforts to assure that all statements, communications and representations to funding source representatives are accurate and current.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1220 Organizational Conflict of Interest or Self-dealing

CNMIHS may not be organized and operated for the benefit of an affiliated or unaffiliated organization or an individual in his/her own private capacity. No income or assets of CNMIHS may be transferred to, used by, or accrued for the benefit of affiliated or unaffiliated organization or private individual. CNMIHS will be guided by the principle of arms-length standards with all affiliated or unaffiliated individuals.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1225 Signature Authorities

(a) Expenditures

The signature authorities listed below assume that when expenses are at variance from approved budget amounts, prior approvals have been obtained from funding sources where necessary.

(b) Authority by Type of Transaction and Position

(1) Proposals/grant applications

CNMIHS Director (“Director”) and the Board of Education and Head Start Policy Council as appropriate.

(2) Expenditures of agency unrestricted funds

(i) Up to \$2,500

CNMIHS Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), and PSS Director of Finance.

(ii) Over \$2,500 to \$9,999

CNMIHS Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance and PSS Procurement Officer.

(iii) \$10,000 and above

Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance, PSS Procurement Officer and Commissioner of Education.

(3) Contracts and leases

Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance, PSS Procurement Officer and Commissioner of Education.

(4) Remodeling, site improvements or facility modifications, including relocatable buildings

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- (i) Up to \$2,500
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), and PSSS Director of Finance.
- (ii) Over \$2,500 to \$9,999
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance and PSS Procurement Officer.
- (iii) \$10,000 and above
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance, PSS Procurement Officer and Commissioner of Education.
- (5) Supplies and equipment
 - (i) Up to \$2,500
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), and Director of Finance.
 - (ii) Over \$2,500 to \$9,999
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), and PSS Director of Finance and PSS Procurement Officer.
 - (iii) \$10,000 and above
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance, PSS Procurement Officer and Commissioner of Education.
- (6) Travel for conferences and training - within CNMI
 - (i) Up to \$2,500
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance and Commissioner of Education.
 - (ii) Over \$2,500 to \$9,999
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance and Commissioner of Education.
 - (iii) \$10,000 and above
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), PSS Director of Finance and Commissioner of Education.
- (7) Travel for conferences and training - outside the CNMI
 - (i) Up to \$2,500
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), Director of Finance and Chairman of the Board of Education.
 - (ii) Over \$2,500 to \$9,999
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), Director of Finance, and Chairman of the Board of Education.
 - (iii) \$10,000 and above
Director and Associate Commissioner for Curriculum and Instruction, Federal Programs Officer (federal funds only), Director of Finance, and Chairman of the Board of Education.
- (8) Personnel Matters
 - (i) New hires/all employees - PSS Human Resources Officer (HRO) and Commissioner of Education.
 - (ii) Employment agency fees and/or employment advertising - Commissioner of Education and HRO.

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- (iii) Salary action, classification change, transfer, promotion and termination - Commissioner of Education and HRO.
- (iv) Leave of absence - Supervisors.
- (v) Education authorization and reimbursement – Commissioner of Education.
- (vi) Relocation expenses - HRO and Commissioner of Education.
- (vii) Time card approvals - Supervisors.
- (viii) Overtime authorization - Commissioner of Education.
- (9) With the approval of the Commissioner of Education, signature authority may be delegated in writing to provide continuity of operations during periods of absence of key staff.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (b), the Commission inserted the final period in numerous subsections.

§ 60-60-1230 Signature Requirements for Checks

- (a) All checks or obligations by CNMIHS shall be signed by any one of four authorized officials as designated by the Board of Education. Authorized signatories, and expenditures/transaction categories are more specifically described in § 60-60-1225. Authorized check signers are: PSS Treasurer, PSS Director of Finance, Commissioner of Education and PSS Federal Programs Officer.
- (b) The practice of pre-signing blank checks is not allowed.

Modified, 1 CMC § 3806(c).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1235 Control of Cost Transfers

For all transfers of costs from one grant to another, and from a direct cost to an indirect cost or vice versa, CNMIHS will:

- (a) Have available in its accounting records an appropriate written justification statement for any cost transfers.
- (b) Obtain the written approval of the Director of Finance-PSS.
- (c) Reflect the adjustment in its general ledger.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1240 Government and Public Access to Records

The PSS Director of Finance will provide access to CNMIHS's records to the Comptroller General or his designee and provide supporting records as requested. CNMIHS will respond to public requests for records in accordance with federal and Commonwealth law.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1245 Security of Financial Data

(a) CNMIHS's automated accounting system will have sufficient built-in generated controls and application controls to preclude unauthorized access to data.

(b) Access to any computer-based financial data will be granted on a need-to-know basis and will be restricted by a series of passwords to be revised periodically.

(c) The system's accounting data will be backed up periodically and stored off site in a safe location.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1250 Use of Agency Assets

(a) No employee of CNMIHS may use any CNMIHS property, equipment, material or supplies for personal use.

(b) Any employee using of CNMIHS assets for personal purposes will be subject to disciplinary action, up to and including termination.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1255 Other Internal Control Policies

Any alteration made to a time card by an employee or a project supervisor will be justified in writing.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Part 1300 - Other Financial Requirements

Subpart A - Assets, Liabilities and Fund Balance

§ 60-60-1301 Assets

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(a) Cash and Bank Accounts

(1) The establishment of bank accounts may be authorized by the Commissioner of Education to meet the day to day business needs of CNMIHS and requirements of funding sources. Accounts may only be maintained at institutions insured by the Federal Deposit Insurance Corporation (FDIC).

(2) To the maximum extent practical, CNMIHS funds will be maintained in interest bearing accounts.

(b) Accounts Receivable

(1) Invoicing as the terms and conditions of grants and contracts permit, CNMIHS will prepare progress billings and provisionally invoice for costs incurred/milestones met.

(2) Travel Advances

To facilitate business-related travel, CNMIHS may advance estimated travel costs to its employees, directors, consultants and parent policy council members. Advances are considered accounts receivable until the recipient reports the per diem rates required to accommodate the official trip and reimburses CNMIHS if the trip is shorter than the anticipated itinerary. A trip report must be filed with the travel voucher. Conference receipts and car rentals must be turned in to the PSS Travel Department and are not covered by the per diem policies of PSS.

(c) Leases

(1) **Scope.** Any lease or purchase of CNMIHS vehicles or equipment shall be governed by this section. It applies to both the initial acquisition of vehicles or equipment and the renewal or extension of vehicle or equipment leases. The lease or purchase of vehicles and equipment shall be procured using an invitation for bids, unless it qualifies for other procurement methods. The Finance Director shall establish standard vehicle and equipment specifications which shall be updated on a regular basis (not less frequently than every 2 years). All vehicles and equipment leased or purchased shall be procured in the name of CNMIHS, and shall conform to CNMI and applicable federal laws.

(2) **Lease Definitions.** Leases which meet the accounting criteria for capital leases in accordance with statement of financial accounting standard, number 13, as amended, are recorded as property, plant and equipment, and the related capital lease obligations (the aggregate present value of minimum future lease payments, excluding executory costs such as taxes, maintenance and insurance) are included in long-term debt for financial reporting purposes. Depreciation and interest are charged to expense, and rent payments are treated as payments of long-term debt, accrued interest and executory costs. All other leases are accounted for as operating leases, and rent payments are charged to expense as incurred.

(3) **Whether to Lease or Purchase.** CNMIHS shall consider whether to lease or purchase vehicles or equipment based on a case-by-case evaluation of comparative costs and other factors. The following factors are the minimum that shall be considered, and a record reflecting the application of these factors shall be provided in a form prescribed by the Finance Director and shall be included in the file:

(i) Estimated length of the period in which the vehicle or equipment is to be used and the extent of use within that period.

(ii) Financial and operating advantages of alternative types and makes of vehicles or equipment.

(iii) Cumulative rental payments for the estimated period of use.

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- (iv) Net purchase price.
 - (v) Maintenance and other service costs.
 - (vi) The following additional factors shall be considered as appropriate,
 - (A) Availability of purchase options,
 - (B) Potential for use of the vehicle or equipment by other agencies after its use by the acquiring agency is ended,
 - (C) Trade-in or salvage value,
 - (D) Imputed interest, and
 - (E) Availability of a servicing capability; e.g. can the vehicles or equipment be serviced by CNMIHS or other sources if it is purchased?
 - (4) Purchase Method (Capital Lease). The purchase method is appropriate if the vehicles or equipment will be used beyond the point in time when cumulative leasing costs exceed the purchase costs.
 - (5) Lease Method (Operating Lease/Long-term Rental). The lease method is appropriate if it is to the CNMIHS's advantage under the circumstances. The lease method may also serve as an interim measure when the circumstances require immediate use of vehicles or equipment to meet program or system goals; but do not currently support acquisition by purchase.
- (d) Fixed Assets/Equipment
- (1) To be classified as a fixed asset/equipment, a specific piece of property must possess three attributes:
 - (i) Tangible nature;
 - (ii) A useful life of two years or more; and
 - (iii) A value of \$5,000 or more.
 - (2) All fixed asset/equipment expenditures shall be recorded initially as a fixed asset. All such assets shall be tagged and identified as Public School System property. All such items will include all costs generally accepted as part of the specific fixed asset. A separate fixed assets ledger will be maintained with the related accumulated depreciation.
 - (3) All depreciation will be recorded on a straight line basis.
 - (4) All fixed, assets purchased with federal funds shall be identified as such on the property itself. The fixed assets ledger shall include proper identification as to federal or local status.
- (e) Custody and Internal Control of Fixed Assets
- (1) A fixed asset at its inception shall be assigned to one individual, who will be responsible for the care and maintenance of the specified fixed asset. The employee, who is in direct control of the fixed asset, (not the supervisor of the employee), and who is using the fixed asset, would be expected to sign for the fixed asset. Refusal to sign as the custodian of a fixed asset would be grounds for dismissal. The asset may not be removed from PSS. If the fixed asset is to be transferred to another location or individual, a transfer of fixed assets form must be completed and forwarded to the Procurement Department and Fiscal & Budget Department.
 - (2) All assets shall be depreciated in accordance with Internal Revenue Guidelines. All fully depreciated assets that are still in use will remain on the PSS balance sheet as per generally accepted accounting principles.
 - (3) The custodian of the fixed asset will be responsible for those fixed assets assigned to said employee at date of separation from employment with CNMIHS. The fixed assets or cash for the market value of lost fixed assets shall be tendered to the appropriate PSS staff at the date of

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separation. Except in unusual circumstances (antique, work of art) the market value of the lost fixed asset shall be set at the net book value of the fixed asset. Net book value is the historical cost less the accumulated depreciation at the date of separation of the affected employee.

(4) This policy of reimbursement shall not include motor vehicles.

(5) The Procurement Department and the Fiscal and Budget Department shall be responsible for taking an inventory of all fixed assets. During that inventory, all custodians must be matched with the appropriate records of assigned fixed assets maintained at the Central Office. All discrepancies between custodians and their respective fixed assets must be cleared by 90 days after the closing of the fiscal year.

(f) **Consumable Fixed Assets**

A consumable fixed asset is defined as a long lived asset with an original cost of less than \$5,000. Examples of these assets would include text books, calculators, and computers. These assets would be the direct responsibility of the department or agency head, or the principal of the school. The level of care for these assets would be the care given by a reasonably prudent executive. The department head or principal would not be responsible for consumable assets at the same level of care as the fixed assets. The evaluation of care for consumable assets would be part of the employee's annual evaluation.

(1) The Central Office of the Public School System will not take direct responsibility for the maintenance and control of these assets. These assets are consumables, and they are not reflected in the balance sheet of the Public School System or its agencies. The consumables are not part of the annual inventory of fixed assets.

(2) Upon separation from the Public School System, the department/agency head or principal will not be financially responsible for consumable assets of the department or school as in the fixed asset policy. However any fixed asset signed out to the department/agency head or principal will be applied in the same manner as any other employee.

(g) **Title or Interest to Acquired Property with Federal Funds**

Where required by funding sources, a lien-interest in all equipment, material or property acquired as a direct cost with funds granted by the awarding agency will vest with the awarding agency during the duration of the grant. Upon termination of such grant, CNMIHS may arrange for acquisition of such equipment or property at a fair and reasonable price, seek temporary custody of such equipment or property at a fair and reasonable price, seek temporary custody of such equipment or property if service will be continued with other funding, or make arrangements for a duly authorized representative of the granting agency to obtain custody.

(h) **Prepaid Expenses**

Prepaid expenses such as maintenance contracts and insurance premiums will be amortized over the period of the contract or policy, provided that such expenses are material to the program. The Director of Finance-PSS shall determine the materiality of any such expense to a particular program.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 26 Com. Reg. 23026* (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

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*Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

Commission Comment: The Commission redesignated original subsections (g) and (h) as subsections (f)(1) and (f)(2) and redesignated subsections (i) and (j) as subsections (g) and (h).

The October 2004 amendments added new subsections (c)(1), (c)(3), (c)(4) and (c)(5).

In subsection (a)(2), the Commission inserted the final period.

§ 60-60-1302 Liabilities

(a) Advance Payments from Funders

Advance payments (which differ for progress payments in that they are not related to progress of work on a grant or contract) are reported in a manner similar to progress payments. However, advance payments received in excess of unbilled receivables and accumulated costs are classified as a liability.

(b) Accrual of Unpaid Salaries and Wages

Salaries and wages earned, but unpaid will be reflected as a liability whenever practical, and at minimum will be recorded as a liability twice annually for each program: at CNMIHS fiscal year end and program year end.

(c) Liability for Compensated Absences

(1) Compensated absences arise from employees' absences from employment due to vacation, personal leave, etc. When CNMIHS expects to pay an employee for such compensated absences, a liability for the estimated probable future payments must be accrued if all of the following conditions are met:

- (i) The employee's right to receive compensation for the future absences attributable to services already performed by the employee.
- (ii) The employee's right to receive the compensation for the future absences is vested or accumulates.
- (iii) It is probable that the compensation will be paid.
- (iv) The amount of compensation is reasonably estimable.

(2) Compensated absences not to be paid upon employee termination will be reflected when paid (i.e. sick leave).

(d) Provision for Anticipated Losses on Grants

Losses on grants are to be accrued when the losses become evident, regardless of the method of accounting for the grant. It is CNMIHS's policy to fully earn grants and/or contracts, and not to exceed the authorized grant award.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Subpart B - Revenue Sources

§ 60-60-1304 Revenue Recognition

Revenue under cost reimbursement-type grants is earned as costs are incurred. Revenue and anticipated profits under performance-based and unit rate contracts that require substantial performance over a long period of time before services begin are accounted for using the units of service and/or units of work performed method.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1306 Program Income

(a) Program income is gross income generated directly by a grant supported activity or earned only as a result of the grant agreement during the grant period.

(b) If authorized by federal regulations or the grant agreement, costs incident to the generation of program income may be deducted from gross income to determine program income.

(c) Depending on the method provided for in the grant agreement program income will be deducted from outlays added to the funds committed to the grant agreement or used to meet the cost sharing or matching requirements of the grant agreement.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1308 Interest Earned on Advances

Interest earned on advances of funds will be remitted to the applicable agency. CNMIHS may retain interest amounts up to the extent allowable per year for administrative expenses.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Subpart C - Property Management

§ 60-60-1310 General

CNMIHS will follow the Property Management and Procurement Policies and Regulations of the Public School System. CNMIHS will maintain detailed records of all fixed assets and not use such assets for any non-grantor related activities, without funding source approval.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1312 Receipts for Property

- (a) CNMIHS will maintain proof of receipt for all fixed assets.
- (b) CNMIHS will take all actions necessary in adjusting overages, shortages or damage in shipment for all property.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1314 Identification of Property

- (a) CNMIHS will tag all acquired fixed assets, upon receipt and will record assigned numbers on all applicable documents pertaining to the property control system.
- (b) Tags or markings will be removed or obliterated when property is sold, scrapped or donated.
- (c) CNMIHS will maintain individual item records for each item of equipment having a unit cost of \$5,000 or more and an estimated useful life of two years or more (or as applicable by funding source).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1316 Record and Report of Property

Equipment records will be maintained that include:

- (a) A description of the property;
- (b) A serial number or other identification number;
- (c) The source (award/year) of property;
- (d) Vendor from whom property was purchased;
- (e) Who holds the title to the property;
- (f) The acquisition date;
- (g) The acquisition cost of the property;
- (h) Percent of grantor participation in the cost of acquisition of the property;
- (i) The location of the property;
- (j) Use and condition of the property;

(k) Any ultimate disposition date, including the date of disposal and sale price of the property.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1318 Grantee Owned and Leased Equipment

(a) All grantee owned and leased equipment will be controlled as described above.

(b) The use of licensed computer software will be closely monitored and practices involving unauthorized copying restricted.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1320 Physical Inventories

(a) CNMIHS will once every two years physically inventory all fixed assets in its possession or control.

(b) Personnel performing the physical inventory will not be the same individuals who maintain the property records or have custody of the property unless the grantee's other staff is unavailable to perform the inventory count.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1322 Other Records and Reports

All items below \$5,000 or as applicable by funding source expensed under a grant and expected to be used within two years of purchase will not be required to be tagged and inventoried or tracked. However, program directors and site coordinators may elect to keep inventory records of such items as a management control procedure when such property is necessary to the successful operation of the program, and establish reasonable and prudent dollar thresholds for use within their own programs. (See Board of Education policy for consumable assets.)

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The "Board of Education policy for consumable assets" is not found in the regulation.

§ 60-60-1324 Disposition of Real Property and Equipment

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(a) The Board of Education with concurrence from HPC may vote to sell or lease real property, land, and/or buildings that are no longer needed by the Head Start Program in accordance with Commonwealth law. Whenever Head Start has personal property (i.e., desks, file cabinets, materials, equipment) which the Head Start no longer needs, the Director may arrange for the sale or lease such surplus property.

(b) Before any sale, the Director will notify the Commissioner of Education, the Board of Education and the Policy Council the items for sale. Head Start may sell or lease such surplus personal property to the highest bidder. Public notice of the sale or auction of surplus personal property will be published in a general circulation newspaper. The sale itself will occur at least seven days after the published notice. The proceeds from the sale or lease of surplus personal property will be placed in the Head Start account.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Subpart D - Purchasing

§ 60-60-1326 Objectives

(a) It is the policy of CNMIHS to procure only those items that are required to provide program services. Purchases will be made with complete impartiality, in an environment of free and open competition, based strictly on the merits of supplier quotations and applicable related considerations such as delivery, quantity, quality, etc.

(b) CNMIHS will adhere to the procurement standards as established in the PSS Procurement Regulations and OMB Circular A-110 (published in the Federal Register November 29, 1993 and adopted by the US Department of Health and Human Services as 45 CFR part 74 on August 25, 1994), and any subsequent amendments thereto, as applicable. Such procurement standards are herein incorporated by reference. CNMIHS will also adhere to other procurement standards or provisions as they may apply to programs not covered by A-110.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1328 Purpose

The purpose of this system and the PSS Procurement Regulations is to establish definitive guidelines and general policies for purchasing as well as outlining responsibilities for:

- (a) The initiation of purchasing actions.
- (b) The commitment of agency or program funds.

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- (c) The maintenance of all required documentation.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1330 Applicability

(a) This system is applicable to purchasing actions of any kind and will be adhered to by CNMIHS personnel and programs involved in the course of an acquisition. CNMIHS will adhere to all grantor/funding source requirements for all unbudgeted acquisitions or large purchases, which exceed budget authority.

(b) All those authorized to acquire goods and services shall adhere to the following objectives:

- (1) Make all purchases in the best interests of the agency and its programs.
- (2) Obtain quality supplies/services needed for delivery at the time and place required.
- (3) Buy from responsible sources of supply.
- (4) Develop a competitive procurement environment compatible with CNMIHS.
- (5) Make positive efforts to include small and/or minority businesses and women-owned business enterprises.
- (6) Give preference, whenever feasible, to products and services which conserve natural resources, protect the environment, and are energy efficient.
- (7) Obtain maximum value for all expenditures.
- (8) Deal fairly and impartially with all vendors.
- (9) Maintain dependable sources of supply.
- (10) Document each transaction as required.
- (11) Consider alternatives to purchase, i.e., rent/lease/ lease option.
- (12) Be above suspicion of unethical behavior at all times; avoid any conflict of interest or even the appearance of a conflict of interest in all CNMIHS- supplier relationships.

(c) The PSS Procurement Officer is responsible for advising staff involved in procurement activity as to appropriate procurement practices, and assuring that documentation of procurement decisions and purchase actions is complete prior to payment for goods and services.

Modified, 1 CMC § 3806(g).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: In subsection (b)(3), the Commission inserted the final period.

§ 60-60-1332 Standards of Conduct

(a) All CNMIHS employees will avoid any action or circumstances - such as a gratuity (a payment or gift to obtain favorable treatment or influence an award), family relationship, or financial interest that might conflict with the proper performance of their duties or compromise the organization's acquisition process and will assure that their conduct at all times is in a manner that maintains trust and confidence in the integrity of the purchasing process.

(b) All employees will apply sound business principles and procedures to all purchasing actions and assure that their business methods are above reproach and the hint of suspicion.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1334 Internal Review

From time to time or when a formal review is required, the purchasing system will be reviewed for its operational effectiveness and control by senior CNMIHS/PSS management and/or program directors.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1336 Contracting Authority

The grantor agency has delegated contracting authority to relatively few individuals. Those persons are identified in section 230 of Internal Control Policies and are the only individuals authorized to establish binding agreements that obligate CNMIHS.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Subpart E - Budget

§ 60-60-1338 Application

Budget regulations apply to all budgets prepared by or under the authority of CNMIHS Policy Council and the PSS Board of Education. The regulations in this subpart are specifically aimed at fulfilling the objective and purposes of grant funding sources and meeting application requirements. These regulations also apply generally for any other budget purpose such as non-grant budgeting and reporting.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1340 Definition and Functions

(a) A budget is a statement, in financial terms, of a program's plan of operation for a given period of time. A budget also provides a means for measuring and guiding performance by comparing planned expenditures against actual data.

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- (b) Each of CNMIHS's programs shall develop an annual operating budget within funding guidelines provided by grantor agencies.
- (c) These budgets shall be combined and presented to CNMIHS's Policy Council and Board of Education for approval prior to submission to funding agencies.
- (d) Financial reports shall compare budget to actual costs by fund and management control units within a fund. Significant deviations require at a minimum an explanation, and in some instances grantor agency approval.
- (e) CNMIHS program budgets are a financial plan of operations and programs that identify proposed expenditures and the proposed means of financing them for a particular time period.
- (f) One function of the budget is to record in fiscal terms the goals and objectives of the organization for the coming year(s). The combination of budgets for each grant is collectively the financial plan of action.
- (g) A second function of budgeting is to provide a tool to monitor the financial activities throughout the year. Budgets, when properly used, can provide comparisons that will alert the Board and management that their financial goals will not be met. In order to provide for this type of control the elements in the next section need to be present.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1342 Budget Control Elements

- (a) The budget will be well conceived and approved by the Director, the Commissioner of Education and the Policy Council and the Board of Education. The budget should be prepared by the Director who will be responsible for successful performance of the budgeted activities.
- (b) The budget will be broken down into periods corresponding to the financial statements.
- (c) Financial statements will be prepared on a timely basis throughout the year and compared to budget by the Director of Finance-PSS.
- (d) The Policy Council, Board of Education and Director will be prepared to take action where budget comparisons indicate significant deviations.

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

§ 60-60-1344 Overall Budget Procedures

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- (a) Budgetary and accounting procedures will conform to generally accepted accounting principles.
- (b) The Director of Finance-PSS will maintain a budgetary control system to help CNMIHS staff adhere to the budget.
- (c) The CNMIHS Director will be held responsible for assuring that program expenditures stay within budget appropriations.
- (d) The Director of Finance-PSS will submit periodic reports to the Policy Council and the Board of Education comparing actual revenues and expenditures to budget amounts and include a written analysis of all major deviations.
- (e) Request for new and/or additional positions will only be considered during the program's annual budget process, except in those cases deemed to be of an emergency nature by the Director.
- (f) Where possible, the CNMIHS Director will integrate performance measurement and productivity indicators with the budget.
- (g) CNMIHS will set budget amounts at a level that fully supports the total direct and indirect costs of the program or agency activity.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Subpart F - Cost Allocation

§ 60-60-1346 Direct and Indirect Costs

- (a) All costs originating programmatically are considered direct program costs.
- (b) Costs originating from PSS's administration of Head Start are charged as direct costs to programs to the extent that they are readily identifiable, allowable and allocable. Examples of such costs include duplication and outside printing, local area travel, phone usage, and postage.
- (c) Costs originating from PSS's administration of Head Start are charged as indirect costs to the extent that they are more difficult to relate or unrelated to a specific program. Examples of such costs include personnel costs, office supplies, facilities, training, and organization-wide audit.
- (d) PSS administrative staff regularly prepare time studies which document approximate time spent on each programs. These studies are maintained for management information and assurances that cost allocations are reasonable.

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(e) PSS's indirect cost rate is applied uniformly to all programs and funding sources unless funding terms and conditions allow a maximum rate below that negotiated with the Division of Cost Allocation.

(f) Reasonable and quantifiable methods are documented and used consistently by CNMIHS as the basis for allocation of costs allocated to multiple programs in accordance with policies of U.S. Department of Health & Human Services Division of Cost Allocation. The basis for allocation shall not be changed in mid-year after a rate negotiation without the approval of the Division of Cost Allocation.

(g) Reasonable and quantifiable methods will be documented and used consistently by CNMIHS as the basis for allocation of costs allocated between administrative and non-administrative functions within a program.

(h) Indirect costs will include, where appropriate, the cost of annual depreciation of capital assets.

Modified, 1 CMC § 3806(f).

History: Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Emergency and Proposed 25 Com. Reg. 21100 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).