

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2261. Board of Education.

(a) There is established a Board of Education, consisting of five voting members elected at-large on a nonpartisan basis as follows: one from the First Senatorial District, one from the Second Senatorial District, and three from the Third Senatorial District.

(b) The Governor shall appoint three nonvoting ex officio members to the Board of Education as follows: one member shall be a representative of a nonpublic school; one member shall be a student attending a public secondary school, appointed on a rotating basis by each respective public high school; and one member selected by the teachers within the Public School System pursuant to subsection (e). These appointees may be reappointed, with the exception of the student representative, and shall serve at the pleasure of the Governor.

(c) One elected member of the Board of Education shall represent the Board of Education in the Board of Regents for the Northern Marianas College. The Board of Education shall select the person to represent the board in the Board of Regents. The representative from the Board of Education to the Board of Regents will not be subject to approval by the Governor nor advice and consent by the Senate. No employee of the Board of Regents may represent the Board of Education in the Board of Regents.

(d) An elected member of the board shall be qualified to vote in the Commonwealth, be at least 25 years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the member takes office. No elected member of the board shall be an employee of the Public School System. An elected member shall reside in the island or islands in which he or she is elected.

(e) The CNMI Teacher Representative shall be selected by the teachers in the Public School System to serve as the CNMI State Board of Education Teacher Representative (Teacher Representative) as follows:

(1) Teacher Representative General Election. The Commissioner of Education of the Public School System shall conduct an election of the Teacher Representative during the first week of October of each year. Only a teacher is eligible to be a candidate and only teachers are eligible to vote one candidate on the ballot. There shall be no write-in on the ballot.

(2) Run-off Election. The Commissioner shall conduct a run-off election during the first week of November of the two candidates who received the highest number of votes. In the event of a tie, the run-off election shall be repeated until one candidate obtains the majority vote.

(3) The Commissioner shall submit the name of the teacher who obtained the highest vote in the run-off election to the Governor to appoint as the CNMI State Board of Education Teacher Representative.

(4) The Commissioner shall keep a record of the election results.

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Source: [PL 6-10](#), § 1 (§ 1520); (b) amended by [PL 17-50](#) § 2 (Aug. 11, 2011); (e) enacted by [PL 19-07](#) § 2 (Sept. 23, 2015), modified; (b) amended by [PL 20-23](#) § 2 (Oct. 6, 2017), modified.

Commission Comment: [Executive Order 94-3](#), the “Second Reorganization Plan of 1994” (effective Aug. 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to [Executive Order 94-3](#), § 403:

Section 403. Board of Education. For purposes of administration and coordination, the State Education Advisory Council, the State Interagency Coordinating Council, and the Special Education State Advisory Panel are allocated to the Board of Education, which may assign any of them to the Public School System for such purposes.

The full text of [Executive Order 94-3](#) is set forth in the commission comment to [1 CMC § 2001](#).

[PL 17-50](#), effective August 11, 2011, amended subsection (b) of this section to ensure that students from all five public high schools are represented.

[PL 19-07](#), effective September 23, 2015, contained, in addition to severability and savings clauses, the following:

Section 1. **Findings and Purpose.** The NMI Constitution under Article XV, section 1(c), provides that the governor shall appoint a nonvoting ex-officio member to the Board of Education who is selected by the teachers within the Public School System. It also provides that the selection process for the teacher representative shall be as provided by law.

The purpose of this Act is to provide for the selection of the CNMI State Board of Education Teacher Representative.

The Commission rearranged the sections of [PL 19-07](#) to fit harmoniously within the code pursuant to [1 CMC § 3806\(b\)](#), and accordingly renumbered the sections pursuant to 1 CMC § 3806(a): Section 2 of PL 19-07 was codified at 1 CMC § 2261(e); Section 3, subsections “a.” and “c.” were codified at 1 CMC § 2262(c); Section 3, subsection “b.” was codified at 1 CMC § 2263(b); Section 4 was codified at [1 CMC § 2269](#) as a new section.

In codifying [PL 20-23](#), the Commission omitted drafting marks and struck “of this section” after “subsection (e)” in (b) pursuant to [1 CMC § 3806\(g\)](#).