

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2268. Board of Education: Powers, Functions, and Duties.

(a) To formulate policy and exercise control over the Commonwealth Public School System through the commissioner;

(b) To establish and revise as necessary on its own or through its agents, rules, regulations and policies for the operation of the Public School System, including policies relating to the appointment, promotions, and removal of all Public School System staff, health and welfare benefits, financial affairs and budgeting;

(c) To approve and establish curricula and courses of instruction, including marine conservation and environmental management, and administrative policies of the Public School System, including special projects and federally funded programs;

(d) To recommend to the legislature the annual report of the Public School System pursuant to N.M.I. Const. art. XV, § 1(e);

(e) To propose appropriate legislation and to make recommendations to the legislature on policies governing the use of English, Chamorro, and Carolinian languages in the public schools;

(f) To accept on behalf of the Public School System, gifts, grants, donations, bequests, and other contributions providing that all contributions shall be made public through media or other forms of publication;

(g) To authorize the awarding of diplomas and certificates to students of the Public School System;

(h) To approve long-range plans for the orderly development of the Public School System, including building needs;

(i) To prepare the high schools for accreditation;

(j) To establish and maintain trust funds for special projects of the Public School System; provided that trust funds shall only be established pursuant to subsection (f) of this section;

(k) The members of the board shall be the trustees of the trust funds and shall administer them in accordance with the terms under which the funds are received. The funds shall be administered separately from appropriated Commonwealth funds. The trustees shall be held to strict standards of fiduciary care;

(l) To acquire property by lease, option, purchase, in fee simple, and condemnation as necessary for the operation of the Public School System, when the board determines it to be in best interest of the Public School System, and, to dispose of the same in any manner which is now or may hereafter be provided by law; provided, that any transaction involving public property shall, when necessary, be done in consultation with the Marianas Public Land Corporation; or any other legal entity similar to MPLC that may thereafter be established;

(m) To adopt the official seal of the Public School System;

(n) To act in its own name with respect to federal programs;

(o) To establish certification standards for all professional positions within the Public School System;

(p) To establish school attendance districts;

(q) [Repealed by PL 11-32 § 2(a).]

(r) To report on its affairs to the Governor and the legislature on or before January 30 of each year;

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- (s) To establish student disciplinary procedures and guidelines for student rights and responsibilities;
- (t) To disseminate pertinent information to the public regarding rights of students and parents;
- (u) To approve functional and operational organization charts for the Public School System;
- (v) To include programs for gifted and talented children, to prioritize arts and Japanese language instruction within their special projects;
- (w) To perform all acts as may be necessary to carry out the purpose of this chapter or 3 CMC § 1101 et seq. To take such action as it deems necessary and proper to operate the Public School System and the Board of Education, further its purpose, administer its services, and perform its duties.
- (x) To establish a minimum core curriculum and length of school year standard for non public schools.

Source: PL 6-10, § 1 (§ 1522); subsection (q) repealed by PL 11-32, § 2(a) and subsection (x) added by PL 11-32, § 9; subsection (c) amended by PL 12-12, § 11(a).

Commission Comment: See the comment to 1 CMC § 2261.

PL 11-32 took effect on September 1, 1998. Section 1 of PL 11-32 contained a statement of purpose which reads as follows:

Section 1. Statement of Purpose. The Legislature finds that the CNMI's non-public schools are a valuable asset to the Commonwealth. Non-public schools currently serve over 3,000 of our children who would otherwise be enrolled in the already overcrowded public school system. In addition, we anticipate that the number of children enrolled in both school systems will continue to rise. This law allows non-public schools and their teachers and librarians to act in an independent manner and allows the Board of Education to focus their energies and resources on their primary area of responsibility, the public school system.

The Legislature further finds that the government's interest of ensuring that the well-being of its citizens is protected in the basic areas of health, safety, minimum core curriculum, length of school year, and teacher certification standards can be accomplished without having to charter non public schools.

Furthermore, the Legislature finds that if private school teachers and librarians are removed from the certification process there no longer exists a reason to have the Board of Education issue teacher and librarian certificates. The Legislature finds that transferring the authority to certify public school teachers and librarians and the authority to revoke certification to the Commissioner of Education will enable the Public School System to improve its ability to track certification and employment.

PL 12-12, § 11(a) that amended subsection (c) of this section took effect on August 8, 2000. PL 12-12 contained short title, findings and purpose, severability, and savings clauses as follows:

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Section 1. Short Title. This act may be cited as the Mañagaha Marine Conservation Act of 2000.

Section 2. Findings and Purpose. The Legislature finds that Article XIV, Section 1 of the Commonwealth Constitution, mandates that “the marine resources shall be managed, controlled, protected and preserved by the Legislature for the benefit of the people.” The Legislature also finds that Mañagaha Island and its surrounding waters contain historical, cultural, and natural resources that must be protected. Therefore the purpose of this legislation is to designate certain areas as marine conservation areas through strict management programs. These management programs shall ensure that areas such as Mañagaha Island and its surrounding waters continue to exist as protected recreational and educational areas; safe habitats for fish and other marine life to exist and propagate for the continued use and enjoyment for the people of the Commonwealth and its visitors. This act is the product of collaborative efforts between the Administration and the Legislature to correct deficiencies in a similar bill enacted by the Eleventh Northern Marianas Legislature.

. . .

Section 12. Severability. If any section of this Act or any regulation issued under the authority of this Act should be declared invalid or unenforceable by a court of competent jurisdiction, the judicial determination shall not affect the validity of the Act as a whole, other than the particular part declared invalid or unenforceable.

Section 13. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability civil or criminal, which shall already be in existence at the date this Act becomes effective.