

TITLE 3: HUMAN RESOURCES
DIVISION 1: EDUCATION

§ 1181. Teacher and Librarian Certification.

(a) No person shall serve as a teacher or librarian in any public school in the Commonwealth without first having obtained a certificate from the Commissioner of Education, in such form as the board determines. The qualification requirements for such certificate shall be determined by the board.

(b) All applicants for certification must provide a full set of fingerprints to the Commissioner of Education to enable a criminal background investigation to be conducted. The Commissioner is authorized to submit the completed fingerprint card(s) to the Department of Public Safety. The Department of Public Safety is authorized to submit the fingerprints to the FBI or to any other country's equivalent law enforcement agency for a national criminal history record check. The information obtained from the national criminal history record check conducted pursuant to this section may be used by the Department of Public Safety and/or the Commissioner to determine the applicant's eligibility for employment and/or certification. Applicants may be employed on a temporary basis pending completion of the investigation.

(c) The Public School System shall also require applicants for non-teaching or non-librarian positions which will have regularly scheduled unsupervised access to children within any public school to submit to the above mentioned fingerprinting process.

(d) All certified teachers and librarians who are employed by a public school within the Commonwealth on the date this law becomes effective, shall submit to the above mentioned fingerprinting process within 180 days of the date this law becomes effective.

Source: PL 6-10, § 1 (§ 1580); amended by PL 10-62, § 4; PL 11-32, § 7.

Commission Comment: For the effective date of PL 6-10, see the comment to 3 CMC § 1101.

The effective date of PL 10-62 is July 29, 1997. According to PL 10-62, § 2:

Section 2. Purpose and Findings. The Legislature finds that there currently exists a requirement in United States federal law that states and other jurisdictions enact legislation which provides for the dissemination of federal criminal record information to non-law enforcement agencies before such information may be released. The Commonwealth currently has no such law on record and our non-law enforcement agencies often require such information for employee background checks and precertification clearances.

The Legislature also finds that it is vitally important that certain persons employed or to be employed within the Commonwealth's educational institutions be properly screened for criminal histories. An FBI fingerprint check is the best way to ensure that a person's complete criminal

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history is discovered. The intention of this Act is to provide all Commonwealth agencies with the first step toward the ability to access such information for employee background checks and also to require the Board of Education to check the criminal backgrounds of all present and future teachers and librarians before issuing anything other than a temporary teaching certificate. The integrity of our workforce and the safety of our school children demands nothing less.

PL 11-32 took effect on September 1, 1998. Section 1 of PL 11-32 contained a statement of purpose which read 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.