

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 1: EDUCATION**

**§ 1183. Certificates: Revocation.**

(a) The Commissioner may revoke any certificate after issuance thereof when the holder has committed a material deception or fraud on his application. Any person committing such material deception or fraud shall be guilty of violation of this section, and upon conviction, shall be fined not more than \$1,000.

(b) The Commissioner shall adopt and issue rules and regulations concerning the duties, appointment, and discipline of certified personnel within 90 days after October, 1988.

(c) The Commissioner may revoke or suspend the holder's certificate for immoral conduct, unprofessional conduct, incompetence, or for defiance of and refusal to obey the rules, regulations and laws of the Public School System governing the duties of certified personnel. The Commissioner will review suspension actions on a case by case basis.

(d) Whenever the holder of a certificate has been convicted of any crime involving moral turpitude or a felony showing unfitness to teach, the Commissioner shall revoke or suspend the holder's certificate.

(e) Prior to suspending or revoking any such certificate, the Commissioner shall give the holder 20 days notice of proposed action specifying the reason therefore, and provide such holder an opportunity for a hearing wherein such holder shall have the right to be represented by counsel, cross-examine witnesses and produce testimony on the holder's behalf. Within 20 days after the Commissioner's final decision, such holder may appeal to the Commonwealth Superior Court, and the standard for judicial review shall be whether such decision is supported by substantial evidence on the record made before the Commissioner, taken as a whole, and the facts in question shall not be subject to trial de novo.

(f) Certificate holders shall notify the Commissioner in writing within five days of their arrest or conviction for any crime. Such notification shall include information indicating the crime(s) that they were arrested or convicted for and the police agency, court of jurisdiction and relevant report or case number(s).

**Source:** PL 6-10, § 1 (§ 1582); amended by PL 10-62, § 5; PL 11-32, § 8.

**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

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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 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.