

Commonwealth of the Northern Mariana Islands  
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:  
Gov. RMI Saipan

March 9, 1979

The Honorable Lorenzo I. Guerrero  
President of the Senate

and

The Honorable Oscar C. Rasa  
Speaker  
House of Representative  
Northern Marianas Commonwealth  
Legislature  
P.O. Box 129  
Saipan, CM 96950

Dear President Guerrero and Speaker Rasa:

I am writing this to inform you that I have acted favorably on House Bill No. 1-90, an Act "Creating the nonpublic elementary and secondary education fund." This Fund is to be used by the Department of Education for the particular use of procuring secular educational services rendered to students attending non-public schools in the Commonwealth.

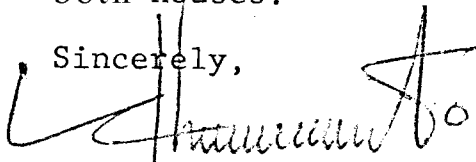
The Act provides specific conditions by which payments for such secular educational services will be authorized.

I am delighted to have approved this measure. I believe that the Fund will go a long way in providing some financial assistance to our students in private schools. This measure also represents, in my view, a "compromise" between the Legislature and the Administration over the longstanding issue of aid to nonpublic school, and clearly demonstrated our ability to find answer to a problem for which we both are mutually interested and concerned about, in the interest of the educational well being of our children.

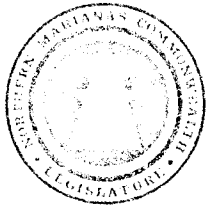
The Honorable Lorenzo I. Guerrero  
and Speaker Oscar C. Rasa  
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I should also note that the amount specified as the initial contribution to the Fund under Section 6 of the Act is identical to the figure shown in the Governor's FY 1979 Commonwealth Budget package for aid to nonpubliic schools. The acceptance by the Legislature of this package has been memorialized through an adoption of a concurring resolution by both houses.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Camacho', with a large, stylized initial 'C' on the left.

Carlos S. Camacho  
Governor



*House of Representatives*  
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
P.O. Box 129  
Saipan, Mariana Islands 96950

Phone: 6195/6284/6618

CERTIFICATION

H.B. NO. 1.-90, H.D.1, S.D.1

I hereby certify that the foregoing bill passed the House of Representatives and the Senate by a majority vote **of** the members, a quorum being present, First Northern Marianas Commonwealth Legislature, Third Regular Session, 1979.

A handwritten signature in cursive script, reading "Oscar C. Rasa".

Oscar C. Rasa, Speaker  
House **of** Representatives

A handwritten signature in cursive script, reading "Esteban I. Pangelinan".

Esteban I. Pangelinan, Clerk  
House of Representatives

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AN ACT

Creating the Nonpublic Elementary and Secondary Education Fund dedicated to the particular use of purchasing secular educational services and materials for the nonpublic schools of the Northern Marianas Commonwealth; making an appropriation therefor, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1       Section 1. Short Title. This Act shall be known and may be  
2       cited as the "Nonpublic Elementary and Secondary Education Act."

3       Section 2. Legislative Finding; Declaration of Policy. It  
4       is hereby determined and declared as a matter of legislative finding:

5               (a) That a serious problem in elementary and secondary  
6       education exists in the Nation and in the Commonwealth involving  
7       (i) the new recognition of our intellectual and cultural resources  
8       as prime national assets and of the national imperative now to spur  
9       the maximum educational development of every young American's  
10      capacity, (ii) rapidly increasing costs occasioned by the rise in  
11      school population, consequent demands for more teachers, shortages  
12      in classroom space and facilities, new but costly demands in the  
13      endeavor for excellence upon education generally; the general  
14      impact of inflation upon the economy; and the struggle of the  
15      Commonwealth, commonly with many other American communities, to  
16      find sources by which to finance education, while also attempting  
17      to bear the mounting financial burden of the many other areas of  
18      modern governmental responsibility;

19              (b) That nonpublic education in the Commonwealth today,  
20      as in recent decades, bears the burden of educating approximately  
21      twenty-five percent (25%) of all elementary and secondary school

1 pupils in the Commonwealth; that the requirements of the compulsory  
2 school attendance laws of the Commonwealth require the use of  
3 nonpublic educational facilities;

4 (c) That the elementary and secondary education of  
5 children is today recognized as a public welfare purpose; that  
6 nonpublic education, through providing instruction in secular  
7 subjects, makes an important contribution to the achieving of such  
8 public welfare purpose; that the governmental duty to support the  
9 achieving of public welfare purposes in education may be in part  
10 fulfilled through government's support of those purely secular  
11 educational objectives achieved through nonpublic education;

12 (d) That freedom to choose nonpublic education meeting  
13 reasonable Commonwealth standards for a child is a fundamental  
14 parental liberty and a basic right;

15 (e) That the Commonwealth has the right and freedom,  
16 in the fulfillment of its duties, to enter into contracts for  
17 the purchase of needed services with persons or institutions  
18 whether public or nonpublic, sectarian or nonsectarian;

19 (f) That, should a majority of parents of the present  
20 nonpublic school population desire to remove their children to  
21 the public schools of the Commonwealth, an intolerable added  
22 financial burden to the public would result, as well as school  
23 stoppages and long-term derangement and impairment of education  
24 in the Commonwealth; that such hazard to the education of children  
25 may be substantially reduced and all education in the Commonwealth

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1 improved through the purchase herein provided of secular educational  
2 services for nonpublic schools in the Commonwealth.

3       Section 3. Definitions. The following terms, whenever used  
4 or referred to in this Act, shall have the following meanings,  
5 except those instances where the context clearly indicates  
6 otherwise:

7           (a) "Nonpublic Elementary and Secondary Education Fund"  
8 shall mean the fund created by this Act.

9           (b) "Secular educational service" shall mean the  
10 providing of instruction in a secular subject.

11           (c) "Secular subject" shall mean any course which may  
12 be presented in the curricula of the public schools of the  
13 Commonwealth and shall not include any subject matter  
14 expressing religious teaching, or the morals or forms of  
15 worship of any sect.

16           (d) "Nonpublic school" shall mean any school, other than  
17 a public school, within the Commonwealth, wherein a resident  
18 of the Commonwealth may legally fulfill the compulsory  
19 school attendance requirements of the Commonwealth.

20           (e) "Purchase of secular educational service" shall  
21 mean the purchase by the Superintendent of Education from a  
22 nonpublic school, pursuant to contract, of secular educational  
23 service at the reasonable cost thereof.

24           (f) "Reasonable cost" shall mean the actual cost to a

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1 nonpublic school of providing a secular educational service,  
2 and shall be deemed to include solely the cost pertaining  
3 thereto of teachers' salaries, textbooks and instructional  
4 materials.

5 Section 4. Nonpublic Elementary and Secondary Education Fund.

6 There is hereby created for the special purpose of this Act, the  
7 Nonpublic Elementary and Secondary Education Fund dedicated to the  
8 particular use of purchasing secular educational service consisting  
9 of courses solely in the following subjects: English, reading,  
10 social studies, music, mathematics, modern foreign languages,  
11 physical science, and physical education; PROVIDED, however, that  
12 as a condition for payment by the Superintendent of Education for  
13 secular educational service rendered hereunder, the Superintendent  
14 of Education shall establish that (i) solely textbooks and other  
15 instruction materials approved by the Department of Education shall  
16 have been employed in the instruction rendered; (ii) after five (5)  
17 years following the effective date of this Act, the secular  
18 educational service for which reimbursement is sought was rendered  
19 by teachers holding certification approved by the Department of  
20 Education as equal to the standards of this Commonwealth for  
21 teachers in the public schools; PROVIDED, however, that any such  
22 service rendered by a teacher, who, on the effective date of this  
23 Act, was a full-time teacher in a nonpublic school, shall be deemed  
24 to meet this condition.

25 Section 5. Administration. The Administration of this Act

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1 shall be under the direction of the Superintendent of Education, who  
2 shall establish rules and regulations pertaining thereto, make  
3 contracts of every name and number, and execute all instruments  
4 necessary or convenient for the purchase of secular educational  
5 service hereunder. All expenses incurred in connection with the  
6 administration of this Act shall be paid solely out of the  
7 Nonpublic Elementary and Secondary Education Fund and no money  
8 raised for the support of the public schools of the Commonwealth  
9 shall be used in connection with the administration of this Act.  
10 The Superintendent of Education is authorized to accept donations  
11 and contributions to the Nonpublic Elementary and Secondary  
12 Education Fund. Until such time as a Superintendent of Education  
13 is appointed, the Board of Education shall administer this Act.  
14 If the Board of Education is not appointed at the time this Act takes  
15 effect the Acting Director of Education shall administer this Act.

16 Section 6. Monies for Fund. There is hereby appropriated from  
17 the General Fund of the Commonwealth of the Northern Mariana Islands  
18 the sum of One Hundred Thousand Dollars (\$100,000.00) as the initial  
19 contribution to the Nonpublic Elementary and Secondary Education  
20 Fund.

21 Section 7. Reimbursement Procedures.

22 (a) Requests for reimbursement in payment for the  
23 purchase of secular educational conditions hereunder shall be made  
24 on such forms and under such conditions as the Superintendent of  
25 Education shall prescribe. Any nonpublic school seeking such



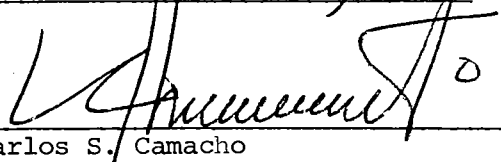
1 reimbursement shall maintain such accounting procedures, including  
2 maintenance of separate funds and accounts pertaining to the cost  
3 of secular educational services, as to establish that it actually  
4 expended in support of such service an amount of money equal to the  
5 amount of money sought in reimbursement.

6 Section 8. Other Forms of Aid. Nothing in this Act shall be  
7 construed so as to prevent the Department of Education from  
8 continuing to make available free busing services and secular  
9 textbook loans to nonpublic schools.

10 Section 9. Severability. If a part of this Act is invalid, all  
11 valid parts that are severable from the invalid part remain in  
12 effect. If a part of this Act is invalid in one or more of its  
13 applications, the part remains in effect in all valid applications  
14 that are severable from the invalid applications.

15 Section 10. Effective Date. This Act shall take effect  
16 upon its approval by the Governor, or upon its becoming law without  
17 such approval; PROVIDED, however, that the provisions of this Act  
18 shall be operative as of October 1, 1978.

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MARCH 14, 1979  
  
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Carlos S. Camacho  
Governor  
Commonwealth of the Northern Marianas