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stated that former policy 617 was rescinded and replaced. The Commission could not determine the promulgated policy to which “policy 617” refers.

A notice of adoption for the August 1998 proposed amendments was never published.

The 2000 amendments readopted and republished “policy 609,” entitled “Student Discipline,” in its entirety with numerous amendments. The 2001 amendments repealed former Board of Education policy 609, entitled “Student Discipline,” and replaced it with the sections in subpart F.

The Board of Education had previously proposed a dress code at 17 Com. Reg. 13653 (Aug. 16, 1995).

§ 60-20-466 Student Participation in Secret Organizations and Gangs

(a) The Board of Education prohibits membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations recognized by the PSS. The Board feels that the presence of gangs and gang activities can cause a substantial disruption of or material interference with school and school activities.

(b) A “gang” as defined in this section is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows.

(c) No student on or about school property or at any school activity:

- (1) Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other things, which are evidence of membership or affiliation in any gang.
- (2) Shall commit any act or omission or use any speech either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
- (3) Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:
 - (i) Soliciting others for membership in any gangs.
 - (ii) Requesting any person to pay protection or otherwise intimidating or threatening any person.
 - (iii) Committing any other illegal act or other violation of school PSS policies.
 - (iv) Inciting other students to act with physical violence upon any other person.

(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.

(e) Consequences for such actions and/or behaviors may result in suspension or expulsion.

(f) To further discourage the influence of gangs, PSS administrators shall:

- (1) Provide in-service for staff in gang recognition and special workshops for counselors in the event that gangs become a problem at the schools.
- (2) Ensure that all students have access to counselors.
- (3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/ guardians involved in gang activity.

(4) Provide classroom or after-school programs designed to enhance individual self-esteem and foster interest in a variety of wholesome activities.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Commission Comment: In subsection (b), the Commission replaced the final colon with a period. In subsection (c)(3)(ii), the Commission inserted the final period.

§ 60-20-468 Student Use and Care of School Property

(a) The Board of Education recognizes that acts of destruction, defacing, trespassing, burglary and theft of PSS property are contrary to the interests of students, staff and taxpayers. PSS officials will cooperate fully with all law enforcement agencies in the prevention of crimes against PSS property as well as in the prosecution of persons involved in such conduct.

(b) The PSS will seek restitution from students and other persons who have damaged or destroyed PSS property, including text books and other instructional materials. Parents of students who lose or damage school property shall reimburse the school for the value of the lost or damaged articles.

(c) The amount of restitution to PSS for lost, stolen or damaged property shall be determined by the fair value of the lost or stolen property or the cost of reasonable repair if the item is not damaged beyond repair as determined by the principal or Commissioner.

(d) School principals are responsible for enforcing this section and imposing any appropriate discipline and fines.

Modified, 1 CMC § 3806(d), (g).

History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Commission Comment: The 2002 amendments added new subsections (c) and (d) and amended subsection (b).

In subsection (b), the Commission changed “damage” to “damaged” to correct a manifest error.

§ 60-20-470 Student Use of Tobacco, Alcohol, Drugs and Betel Nut

(a) **Drugs and Alcohol**

The possession, use, sale, distribution and/or intent to distribute any illegal or controlled mood-altering chemical, medication or abused chemical or alcohol or other intoxicants on school property, at school-sponsored events, and on school buses is prohibited.

(b) **Smoking**

Smoking on school campuses and on school buses at all times is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

(c) Betel-nut (Pugua)

The use, sale or distribution of betel-nut on Public School System campuses and on school buses is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Subpart G - Student Welfare

§ 60-20-472 Reporting Student Abuse

(a) Child abuse defined:

In the CNMI, child abuse is a crime that penalizes certain actions taken towards a “child” by any person who occupies a special relationship with a “child.” Child abuse can be committed either by a person who has “custody” over a child, or a person who occupies a “position of authority” in relation to that child. If a person has “custody” over a child or occupies a “position of authority” in relation to that child, that person commits child abuse if he or she:

- (1) Purposefully strikes, beats or otherwise (by any act or omission) inflicts physical pain, injury or mental distress upon that child, with the result that the child's physical or mental well-being is harmed or threatened,
- (2) Purposefully or neglectfully fails to provide adequate supervision, medical care, food, clothing or shelter to that child, with the result that the child's physical or mental health and well-being are harmed or threatened,
- (3) Or, commits any act that would be considered any form of sexual abuse of a minor under CNMI law, which would include:
 - (i) Being over the age of 18 and engaging in “sexual penetration” or “sexual contact” with the child,
 - (ii) Being over the age of 18 and inducing, causing or encouraging the child to engage in “sexual penetration” or “sexual contact” with anyone,
 - (iii) Being over the age of 16 and engaging in “sexual penetration” or “sexual contact” with the child (if the child is under the age of 13, or, if over the age of 13, at least three years younger than that person),
 - (iv) Being over the age of 16 and inducing, causing or encouraging the child to engage in “sexual penetration” or “sexual contact” with anyone,
 - (v) Being under the age of 16 and engaging in “sexual penetration” or “sexual contact” with the child (if the child is under the age of 13 and three or more years younger than that person).

(b) Definitions:

- (1) “Child”: For the purposes of this policy, a person is a “child” if they are under the age of 18.
- (2) “Custody”: For the purposes of this policy, a person has “custody” over a child if they are the child's parent (including natural parents, stepparents and adopted parents), legal guardian, foster parent, the employee of a public or private residential home or facility in which the child is

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living or any other person over the age of 18 responsible for the child's welfare in a residential setting.

(3) “Position of Authority”: For the purposes of this policy, a person occupies a “position of authority” over a child if that person is the child's employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem (a person appointed by a court to look after a child’s best interests), babysitter or someone who occupies a substantially similar position, and police and/or probation officers.

(4) “Sexual Penetration”: For the purposes of this policy, “sexual penetration” means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body.

(5) “Sexual Contact”: For the purposes of this policy, “sexual contact” means any touching of the sexual or other intimate parts of another person or any touching of another person by a person’s sexual or other intimate parts done with the intent of gratifying or arousing the sexual desire of either party.

(c) Persons with a duty to report under this policy:

All employees of the CNMI Public School System who, through their employment with the CNMI Public School system, know or have reasonable cause to suspect that an instance of child abuse has occurred or will occur, must report that knowledge according to the procedures outlined in this policy. Failure to do so may expose the employee to disciplinary action according to the appropriate policies and procedures of the CNMI Public School System.

(d) Designation of liaison for purposes of internal reporting:

Each head administrator at each school, and each department head of each PSS department, shall appoint an individual to act as a “child abuse liaison.” Following such designation, the identity of this person shall be made known to all PSS employees at the respective school or department. At no time shall any school or department be without a child abuse liaison. Each child abuse liaison shall be provided contact numbers by which they can reach the Commissioner of Education and PSS Legal Counsel after work hours.

(e) Procedure for reporting:

(1) Reporting to the CNMI Department of Public Safety:

(i) Immediately upon becoming aware that an act of child abuse has occurred or will occur, or developing a reasonable cause to believe that an act of child abuse has occurred or will occur, the PSS employee shall contact the CNMI Department of Public Safety and inform them of such. This contact shall be made within twenty-four (24) hours of the PSS employee first knowing of the act of child abuse has occurred or will occur or first forming a reasonable cause to believe that an act of child abuse has occurred or will occur.

(ii) When reporting to the Department of Public Safety, the PSS employee shall include a statement of the time, date, circumstances and details or information which gave rise to the knowledge or suspicion that the child in question is, or will become, a victim of child abuse.

(iii) The PSS employee’s responsibility to contact the CNMI Department of Public Safety is non-delegable.

(2) Internal Reporting:

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(i) Immediately upon becoming aware that an act of child abuse has occurred or will occur, or developing a reasonable cause to believe that an act of child abuse has occurred or will occur, the PSS employee shall contact the designated child abuse liaison in their respective school or department. This contact shall be made by the end of the school day, or as soon as possible on the following school day if after school hours. If the PSS employee in question cannot locate the child abuse liaison in such time, he or she shall contact the head administrator of their respective school or the head of their respective department.

(ii) As soon as the child abuse liaison is contacted, that person shall contact the Commissioner of Education and PSS Legal Counsel who will initiate an investigation into the act or acts of child abuse in question.

(f) Immunity for good faith effort to report:

Any person who makes a good faith attempt to report under this policy and makes a good faith effort to comply with the procedures outlined in this policy, shall be immune from any negative administrative action that otherwise may have resulted from such a good faith effort to report.

(g) Potential administrative action for interference with good faith efforts to report:

Any person who knowingly and/or willingly interferes or attempts to interfere with another person who is attempting in good faith to make a report under this policy may face disciplinary action according to appropriate PSS policies and procedures.

Modified, 1 CMC § 3806(b), (e), (g).

History: Amdts Adopted 33 Com. Reg. 31847 (Aug. 23, 2011); Amdts Proposed 33 Com. Reg. 31728 (June 27, 2011); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Commission Comment: The Commission added the opening quotation before sexual contact in subsections (a)(3)(i) and (a)(3)(iii) and changed “knows or has reasonable cause” to “know or have reasonable cause” in subsection (c) to correct a manifest errors.

The notice of adoption for the 2001 amendments changed the proposed language of subsections (a)(1), (b)(1) and (b)(2) and added new subsection (a)(4).

In 2011, the Board of Education adopted significant changes to this section. In the notices of proposed amendment and adoption, the Board of Education appears to have mistakenly identified this section as § 60-20-910 Mandatory Reporting of Child Abuse and Neglect. However, the format and the language of the changes indicate that the Board of Education intended to amend this section, not § 60-20-910. Accordingly, the Commission codified the 2011 changes in this section.

§ 60-20-474 Student Stipends

Qualification criteria for student stipends include but are not limited to the following.

(a) The student must be a resident of the CNMI.

(b) The island where the student is attending school does not have the student’s grade level required to graduate from high school.

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- (c) The student must not be residing with his/her parent(s) at the time and during his/her attendance at the new school.
- (d) Students who are relocated from their respective island(s) residency not of their choice (evacuated due to volcano eruption, earthquake, etc.) may be eligible regardless of the grade(s) they are in. In this case, subsection (c) above may be waived if neither parent has gained employment yet. Once a parent is employed the stipend shall be terminated.
- (e) Application for student stipend shall be submitted annually by the student's sponsor where the student will reside and at least thirty days in advance to the Commissioner of Education. The Commissioner will notify the applicant if the application is approved or disapproved ten days after receipt of the application.
- (f) If the application is submitted as indicated in subsection (e) above and approved by the Commissioner, the stipend will commence on the first day of the school year and will cease at the closing of the school year where the student is attending. If the application is submitted after the school opens then the effective date will be the date the Commissioner approved the application.
- (g) The student stipend check will be issued at the end of every month to the legal sponsor who signed the application.
- (h) The eligible student will receive a stipend of \$10.00 a day as long as he/she meets the above criteria.

Modified, 1 CMC § 3806(c), (e).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 13 Com. Reg. 7666 (Mar. 15, 1991); Amdts Proposed 13 Com. Reg. 7518 (Jan. 15, 1991).

Commission Comment: The 1991 amendments added "policy 622," entitled "Student Stipends." The 2001 amendments repealed former Board of Education policy 622 and replaced it with this section.

Subpart H - Student Services

§ 60-20-476 Student Physical Examination

- (a) Prior to entering the school for the first time, each child shall provide a certificate of physical examination to the school.
- (b) The Board of Education may require any student to be examined by a physician for the purpose of determining whether the student is afflicted with a contagious or infectious disease or has the liability of transmitting the disease.
- (c) The Board may also require certification from a physician indicating a student's fitness to participate in specific educational programs or extra-curricular activities.

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(d) Refusal on the part of parent/guardian to obtain the required examination and to submit the certification indicating freedom from contagious or infectious disease may result in student exclusion from school.

(e) Students may be excused from engaging in required educational activities upon proper certification from a physician advising the school of a particular restriction.

(f) All costs of physical or other examinations shall be at the expense of students unless otherwise specifically mandated by law.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 13 Com. Reg. 7666 (Mar. 15, 1991); Amdts Proposed 13 Com. Reg. 7518 (Jan. 15, 1991).

Commission Comment: In subsection (b), the Commission changed “have” to “has” to correct a manifest error.

§ 60-20-478 Immunizations and Vision and Hearing Tests

(a) Every parent of a child shall, at the time of first enrollment of the child in any Commonwealth public or non-public school and for each subsequent school year, irrespective of grade level, must provide the school of attendance with proof that the child has received vision and hearing tests and all of the immunizations required by the Department of Public Health. Every parent/guardian of a child whose health records show incomplete tests and immunizations shall be immediately notified of the test or immunization deficiency. Parents are required to initiate all required examinations, tests and immunizations for their child within two weeks after the date of such notice.

(b) Except as provided in 3 CMC § 1164, failure to comply shall be grounds for suspension of the child from school until the examination, testing or immunization standards have been met.

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Amdts Proposed 11 Com. Reg. 6042 (Feb. 15, 1989).

Commission Comment: The 1989 amendments added a new “policy 616,” entitled Requirements for Vision and Hearing Tests.” The 2001 amendments repealed former Board of Education policy 616 and replaced it with this section.

§ 60-20-480 Students with Communicable Diseases or Contagious Conditions

(a) A student shall not attend classes or other school-sponsored activities, if the student

(1) Has, or has been exposed to, an acute (short duration) or chronic (long duration) contagious or infectious disease or condition, and

(2) Is liable to transmit the contagious or infectious disease or condition, unless the Commissioner/designee has determined, based upon medical evidence and the certification of a physician, that the student:

(i) No longer has the disease or condition.

(ii) Is not in the contagious or infectious stage of an acute disease or condition.

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(iii) Has a chronic infectious disease or condition that poses little risk of transmission in the school environment with reasonable precautions.

(b) School officials may require any child suspected of having a contagious or infectious disease or condition to be examined by a physician and may exclude the child from school, in accordance with the procedures authorized by this regulation, so long as there is a substantial risk of transmission of the disease or condition in the school environment.

(c) A student who has a chronic infectious disease or condition, and who is permitted to attend school, may be required to do so under specified conditions. Failure to adhere to the conditions will result in the student being excluded from school. A student who has a chronic infectious disease or condition and who is not permitted to attend school or participate in school activities will be provided instruction in an alternative educational setting in accordance with Board policy.

(d) Students with acute or chronic contagious or infectious diseases or condition and their families have a right to privacy and confidentiality. Only staff members who have a medical reason to know the identity and condition of such students will be informed. Willful or negligent disclosure of confidential information about a student's medical condition by staff members will be cause for disciplinary action.

(e) All employees will follow the most recent guidelines issued by the Centers for Disease Control, including applicable universal precautions in cleaning up body fluid spills, (a copy of which shall be on file in the PSS department addressing health services and in the principal's office of each school), regardless whether an individual infected with a body fluid or blood-borne pathogen is known to be present in the school environment or related activities. Willful or negligent disregard for these precautions by any staff member will be cause for disciplinary action.

(f) Acute Infectious Disease or Contagious Condition

(1) A staff member who has reason to believe that a student has been exposed to a contagious or infectious disease or condition, or who observes symptoms of such a disease or condition, shall inform the principal. The principal will consult with a medical professional about the child.

(2) If the medical professional determines that the student has an acute contagious or infectious disease or condition, the principal will exclude the student from school for the number of days specified in the latest revision, or until a physician certifies that the student no longer is liable to transmit the disease or condition.

(3) If a student has been excluded from school by the principal because the student has or is suspected of having an acute contagious or infectious disease or condition, the student and his/her parent/guardian may appeal such decision in writing to the Commissioner. The Commissioner may require the student to be examined by a physician designated by the PSS, the child's own physician, or both, at the option of the Commissioner. The student shall not attend classes or participate in school activities during the appeal period.

(g) Chronic Infectious Disease or Condition

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- (1) If the principal, after consulting with a medical professional, determines that a student may have a chronic infectious disease or condition, the student may be excluded from school and provided an education in an alternative setting until the following procedures have been concluded.
- (2) The principal shall immediately report any student who has or is suspected of having a chronic infectious disease or condition to the Commissioner or his/her designee and PSS legal counsel.
- (3) Prior to any long-term exclusion of a student, the student's parents/guardians shall receive written notification of the intent to exclude and written notice of their procedural safeguards pursuant to section 504 of the Rehabilitation Act of 1973.
- (4) The Commissioner or his/her designee shall within ten working days appoint a review committee to assess the student's medical condition. The Committee should include the following:
 - (i) The student's parents/guardians.
 - (ii) A physician.
 - (iii) The principal who shall serve as chairperson.
 - (iv) Others mutually agreed upon by the PSS and the parents/guardians.
 - (v) The PSS legal counsel may serve on the committee in an advisory capacity.
- (5) If the student has been identified as a student with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA), the student may be excluded from school and provided with an education in an alternative setting, so long as such exclusion does not constitute a change in placement pursuant to the IDEA. If the exclusion constitutes a change in placement, the IDEA standards and procedures shall apply to such change. The student's medical condition and educational placement will be evaluated in accordance with the procedures set forth above, with the following additional provisions:
 - (i) Prior to excluding the student, the student's parents/guardians shall receive written notification of their procedural safeguards pursuant to the IDEA in addition to written notice of their procedural safeguards pursuant to section 504 of the Rehabilitation Act of 1973.
 - (ii) The review committee shall include the chairperson of the student's Individual Educational Program Committee or his/her designee.
- (6)(i) The members of the review committee shall determine the fitness of the student to attend school. The committee will assess the student's condition, the school conditions, and the risks of exposing others to the disease or contagious condition in the school environment, and shall determine whether the student should
 - (A) Be permitted to attend school without restrictions;
 - (B) Attend school under stated restrictions and conditions; or
 - (C) Be excluded from attending school and provided an alternative educational program.
- (ii) The committee will prepare a written individual school health care plan for the student and establish dates and/or conditions under which the student's status will be reviewed. The committee will also identify the persons who have a medical need to know the identity of the student because they are responsible for providing proper health care, and will provide the names of those persons to the Commissioner or his/her designee.
- (7) Within five working days after the committee is convened, the committee will make a determination and prepare findings of fact, which the chairperson shall communicate in writing to the student's parents/guardians, the principal, and the Commissioner. The parents/guardians shall again receive written notification of their procedural safeguards under section 504 of the

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Rehabilitation Act of 1973 (and in the PSS's compliance plan for implementing the IDEA, if applicable). The meetings, records, and votes of the review committee shall not be open to the public. The determination will be final unless reversed on appeal pursuant to the complaint procedures set out in the PSS's compliance plan for section 504 or the IDEA, if applicable.

(8) If a student with a chronic infectious disease or contagious condition is permitted to attend school, the Commissioner will notify those persons who were identified by the review committee as having a medical need to know the student's identity and conditions under which the student is attending school. Willful or negligent disclosure of confidential information will be cause for disciplinary action.

(9) Staff members who have a medical need to know the identity of a student with a chronic infectious disease or contagious condition include

(i) Those who are designated by the PSS to determine the fitness of the student to attend school;

(ii) Those who are responsible for providing health care to the student, such as the school nurse; and

(iii) Those who are most likely to be in a position to render first aid to the student in case of an accident or medical emergency.

(10) A student who has a chronic infectious disease or contagious condition shall be evaluated to determine whether any accommodations or related services are necessary for the student to receive a free appropriate public education. If accommodations or related services are necessary, the PSS shall develop and implement a plan for the delivery of all needed services. This evaluation shall be conducted regardless whether the student is permitted to attend school with or without conditions and restrictions, or is excluded from school.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Adopted 29 Com. Reg. 26433 (Feb. 15, 2007); Amdts Proposed 28 Com. Reg. 26217 (Oct. 30, 2006); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Commission Comment: The original paragraphs of subsection (g)(6) were not designated. The Commission designated (g)(6)(i) and (g)(6)(ii).

In subsection (e), the Commission inserted the closing parenthesis. In subsection (g)(3), the Commission deleted the repeated phrase "their procedural safeguards." The Commission inserted periods at the end of subsections (g)(4)(i) and (g)(4)(ii). In subsection (g)(6)(ii), the Commission changed "student" to "student's" to correct a manifest error.

The February 2007 amendments added the second sentence to subsection (g)(5).

§ 60-20-481 Head Lice

(a) To ensure that the CNMI Public School System children are provided with a healthy and clean environment, PSS classrooms shall be kept lice-free. Support and education shall be given to all families to help prevent spreading of lice.

(b) No person, adult or child shall attend school with lice or nits. No person (adult or child) shall attend classes if that person has head lice or nits.

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- (1) Clearance for admission into the classroom must be issued by the school administrator after the student's hair is physically checked by the designated school personnel or the school administrator.
 - (2) Accumulated absences after two days "release-time" from school shall be counted as unexcused absences. Parents/guardians are encouraged to address the head lice problem immediately upon notification from the school.
 - (3) Excessive or continuous referrals for head lice may result in further action as a safeguard and protection for the child's health and welfare.
- (c) Head lice checks:
- (1) Trained staff shall check all students at enrollment to ensure that they begin classes lice-free.
 - (2) All students shall be checked at a minimum monthly or as need arises.
 - (3) When any student attending PSS is found to have head lice, students within close proximity with the affected student must be checked for lice to minimize spreading.
- (d) Exclusion from class:
- (1) Students or adults with lice or nits shall not be allowed to attend class.
 - (2) Staff and volunteers shall handle cases of head lice with respect and care so as not to embarrass anyone. Students should not be belittled for having lice or nits.
 - (3) Upon discovery of lice/nits on a student, the teacher or designated person shall contact the parent(s)/guardian(s) to pick the child up from the school. The child should avoid physical contact with other students while waiting to be picked up from school by his or her parent(s)/guardian(s).
 - (4) Parent(s)/guardian(s) shall be offered guidance and/or recommendations for obtaining lice treatment and instructions on treatment and cleaning of their home environment.
 - (5) Parent(s)/guardian(s) need to bring the student to the school main office for clearance before reporting back to class.
 - (6) Students shall be allowed to resume classes when found to be nit/lice-free. A clearance notification from the school main office shall allow a student to resume classes.
- (e) Head lice treatment and prevention
All parents/guardians shall be provided the following information:
- (1) How to tell their child about what they have (head lice), why they need to be treated before going back to class (other children can get the lice), and why they need to get rid of the lice (they bite and causes a disruption to self).
 - (2) Use shampoo for head lice, following instructions and cautions on the package.
 - (3) Use the lice comb to completely remove all lice and nits.
 - (4) Wash all linens, clothing, and hair accessories of the infected individual. Do not share towels or beds.
 - (5) Items that cannot be washed, such as toys and stuffed animals, should be put in a sealed plastic bag for 14 days.
 - (6) Vacuum all carpets, upholstery and mattresses thoroughly.
 - (7) Clean combs and brushes in hot water.
 - (8) Repeat shampoo on non-affected family members. The shampoo does not prevent lice infestation and is an insecticide and should only be used when needed.

- (9) Animals do not carry head lice and do not need treatment.

Modified, 1 CMC § 3806(a), (f), (g).

History: Adopted 33 Com. Reg. 31843 (Aug. 23, 2011); Proposed 33 Com. Reg. 31711 (June 27, 2011).

Commission Comment: The Commission changed “any students” to “any student” and “minimized” to “minimize” to correct manifest errors in subsection (a)(3).

§ 60-20-482 Human Immunodeficiency Virus (HIV)

(a) Planning Groups and Panels

(1) There is a statewide planning group, the Community Planning Group (CPG), that addresses awareness and prevention programs, testing guidelines, health care procedures and laws relating to HIV and AIDS for the Commonwealth. Within the school system, there is a PSS HIV Review Panel that coordinates with CPG and develops instruction, curriculum and guidelines relating to HIV.

(2) The Commissioner of Education shall designate a coordinator to oversee the PSS’s HIV education plans and to work closely with the CPG to develop HIV awareness and prevention programs. The Coordinator shall serve as chairman to the PSS HIV Review Panel and serve as the PSS representative for the CPG. Members of the PSS HIV Review Panel shall include teacher, counselor, administration, parent and student representatives.

(b) School Attendance

(1) HIV is not, in itself, a disabling condition, but it may result in conditions that are disabling. To the extent that a student who has HIV is determined to meet the criteria for eligibility for accommodations under state and federal nondiscrimination laws or for special education services, the PSS shall meet all procedural and substantive requirements.

(2) School authorities will determine the educational placement of a student known to be infected with HIV on a case-by-case basis by following established policies and procedures for students with chronic health problems or students with disabilities. Decision-makers must consult with the student’s physician and parent or guardian; respect the student’s and family’s privacy rights; and reassess the placement if there is a change in the student’s need for accommodations or services.

(3) School staff members will always strive to maintain a respectful school climate and not allow physical or verbal harassment of any individual or group by another individual or group. Such harassment may include taunts directed against a person living with HIV infection, a person perceived as having HIV infection, or a person associated with someone with HIV infection.

(c) Confidentiality, Privacy, Disclosure and Testing

(1) To maintain an atmosphere of trust with staff members, students, families, and the community, a policy that encourages confidentiality is essential. It is important that people who have HIV and their families feel certain that their names will not be released against their wishes to others without a need to know. A policy on confidentiality that is strictly enforced will also provide protection to the PSS from legal action and from potentially adverse reactions that might result.

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(2) A student or student parent/guardian or an applicant/ employee, may, but is not required to, report HIV status to anyone in the education system. HIV antibody testing is not required for any purpose.

(3) Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff member. Violation of medical privacy is cause for disciplinary action, criminal prosecution, and/or personal liability in a civil suit.

(4) Except as otherwise permitted by law, no school personnel shall disclose any HIV-related information regarding prospective or current school personnel or students to anyone except in accordance with the terms of a written consent. The Commissioner of Education shall develop a written consent form (form 2865) which details the information the signatory permits to be disclosed, to whom it may be disclosed, its specified time limitation, and the specific purpose for the disclosure. The PSS shall not discriminate against any individual who does not provide written consent.

(5) All health records, notes and other documents that reference a person's HIV status will be kept confidential. Access to these confidential records is limited to those named in written permission from the person (or parent or guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent education or health record without written consent.

(d) Procedures for Maintaining Confidentiality

To promote confidentiality and to avoid the violation of state and federal laws that protect the confidentiality of medical records, the following procedures are suggested:

(1) All medical information in any way relating to the HIV status of any member of the school community, including written documentation of discussion, telephone conversations, proceedings, and meetings shall be kept in a locked file. Access to this file shall be granted only to those persons identified in writing by the student or student's parent/guardian, or the employee, as having a direct need to know. Only persons named in the written consent may perform filing and photocopying of related documents.

(2) No medical information shall ever be faxed.

(3) Medically related documents that are to be mailed shall be marked "Confidential." Names of persons mailing document and those receiving the documents shall be identified on the written consent form by the student or a student's parent/guardian, or the applicant/employee.

(4) A written consent form (form 2865) shall be completed prior to each disclosure and release of HIV-related information.

(5) Each disclosure made shall be noted and a list of such disclosures shall be made available to the students, parent/guardian, or employee upon request.

(e) Infection Control and Universal Precautions.

(1) All PSS employees are required to consistently follow infection control and universal precaution guidelines in all settings and at all times, including playgrounds and school buses. Schools will operate accordingly to standards promulgated by the US Occupational Health and Safety Administration for the prevention of blood- borne infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonable accessible. Commissioner of Education shall implement the precautions and investigate, correct and report on instances of lapse.

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(2) A school staff member is expected to alert a person responsible for health condition or behavior presents a reasonable risk of transmitting any infection.

(3) If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood-to-blood contact, school authorities shall counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate evaluation.

(4) The Commissioner of Education/designee shall provide training to all staff and student about: the hazards of bloodborne pathogens; the recommended operating procedures of universal precautions; the existence of the OSHA required exposure control plan; individuals or job classes to be notified in order to safely handle or clean up a blood or other body fluid spill safety; and the location and use of appropriate protective equipment and first aid devices.

(f) Education and Instruction for Students

(1) The PSS shall provide systematic and extensive elementary and secondary comprehensive health education, which includes education on HIV infection, other sexually transmitted diseases as well as other communicable diseases, and the prevention of disease, as required by state law.

(2) The PSS shall provide age-appropriate, ongoing HIV instruction for the kindergarten through 12th grades, in accordance with the coordinated and comprehensive Health and HIV/AIDS standards and benchmarks. This instruction shall use methods demonstrated by sound research to be effective, be consistent with community standards and be appropriate to students' developmental levels, behaviors, and cultural backgrounds. The instruction will include current HIV epidemiology, methods of transmission and prevention, universal precautions and psychosocial aspects of HIV as part of a skills-based youth development principals through its integration into other subject areas.

(g) Responding to Questions

When students raise questions or makes comments relating to information not included in the approved curriculum, the teacher should answer the students' questions by first referring the student to their parents, qualified instructors who are currently teaching sexuality or HIV/AIDS education, or counselors. Teachers shall respond to questions at the level of each student's maturity within the confines of the guidelines.

(h) Using Additional Teaching Methods/Library and External Resources

(1) Only methods, teaching aids, and resources approved by the HIV Panel and stated in the BOE approved curriculum guidelines shall be used in teaching sexuality and HIV/AIDS education.

(2) Materials located in the school library shall reflect the values of the CNMI community. When guest speakers are used, or students assigned to hear speakers or other media not approved in the curriculum, the teacher shall make a request to the program supervisor for approval. Resource personnel should have an understanding of the scope of the curriculum content and how the presentation will tie in with the overall program. Teachers must be present when guest speakers are in the classroom.

(i) Public and Parental Concerns Regarding Curriculum

(1) Parents should be informed of their right to have their children withdrawn from sexuality and HIV/AIDS education lessons. Whenever a parent questions the curriculum or teaching

methods, a written report regarding the nature of the question and subsequent response should be filed with the appropriate personnel including the program coordinator, HIV Chairperson and Review Panel.

(2) When a parent or citizen questions the content of the curriculum or teaching method, appropriate school authorities should be notified. If a teacher is questioned, the teacher should answer the parent's question in a logical and straightforward manner. At the discretion of the teacher and principal, the coordinator of the program may be present. Parents or citizens should also be informed that their concerns may be addressed to the Review Panel.

(j) Staff Development

The Commissioner of Education and the PSS HIV Review Panel shall create a plan to ensure that all school employees, including newly hired staff, receive training regarding current HIV policies and procedures. The plan will convey factual and current information; provide guidance on infection control procedures, HIV epidemiology, methods of transmission and prevention, universal precautions; inform about current law and school policies and regulations concerning HIV; discuss the psycho-social aspects of HIV-related school policies and procedures, assist staff to maintain productive parent and community relations; and includes specialized training as appropriate to their positions and responsibilities, including teaching strategies.

(k) HIV and Athletics

(1) The privilege of participating in physical education classes, athletic programs, competitive sports, and recess is not conditional on person's HIV status. School authorities will make reasonable accommodations to allow students living with HIV infection to participate in school-sponsored physical activities.

(2) All employees must consistently adhere to infection control guidelines in locker rooms and all play and athletic settings. Rulebooks will reflect these guidelines. First aid kits must be on hand at every athletic event.

(3) All physical education teachers and athletic program staff will complete an approved first aid and injury prevention course that includes implementation of infection control guidelines. Student orientation about safety on the playing field will include guidelines for avoiding HIV infection.

(l) Related Services

Students will have access to voluntary, confidential, age and developmentally appropriate counseling about matters related to HIV infection. School administrators will maintain confidential linkage and referral mechanisms to facilitate voluntary student access to appropriate HIV counseling and testing programs, and to other HIV-related services as needed. Public information about resources in the community will be kept available for voluntary student use. However, Public Health is required to routinely offer on a voluntary basis with informed consent, HIV prevention counseling and HIV laboratory testing services to anonymous youth and adolescent programs.

(m) Enforcement

A person who violates this section may be subject to remedial and/or disciplinary action in accordance with applicable laws, regulations, policies and/or disciplinary code.

(n) General Provisions

(1) On an annual basis, school administrators will notify students, their family members, and school personnel about current policies concerning HIV infection, and provide convenient opportunities to discuss them. Information will be provided in major primary languages of students' families.

(2) The policy is effective immediately upon adoption. In accordance with the established policy review process, or at least every three years. Commissioner of Education shall report on the accuracy, relevance, and effectiveness of this policy and, when appropriate, provide recommendations for improving and/or updating the policy.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Commission Comment: The original paragraphs of subsections (h) and (i) were not designated. The Commission designated subsections (h)(1) and (h)(2) and (i)(1) and (i)(2).

On June 15, 1998 the Board of Education published proposed regulation § 623, entitled "Comprehensive HIV Regulations." See 20 Com. Reg. 15929 (June 15, 1998). A notice of adoption for the proposed section was never published.

The 2002 amendments amended subsection (f)(2) and readopted and republished this section in its entirety.

In subsection (d)(3), the Commission moved the period after "confidential" inside of the closing quotation mark. In subsection (l), the Commission changed "anonymously" to "anonymous" to correct a manifest error.

§ 60-20-484 Administering Medicines to Students

PSS shall not be responsible for administering or dispensing medication. However, the Board recognizes that some students may require medication for chronic or short-term illness/injury during the school day to enable them to remain in school and participate in their education. The following requirements must be met before the school will be able to assist students with such needs.

(a) Prescription Medication and Over-the-Counter Medication

(1) A parent/guardian must request in writing that the PSS comply with an authorized prescriber's request to give medication. The student's authorized prescriber shall provide a written request that the student must receive the medication during school hours. The request shall state the name of the student, name of drug, dosage, frequency of administration, route of administration, and the prescriber's name.

(2) The diagnosis/indication for use of the medicine shall be provided. When applicable, the prescriber should state adverse effects and applicable emergency instructions. The PSS will not administer the initial dose of any new medication.

(b) Emergency Medication

Written standing orders will be obtained annually for the administration of emergency medication.

(c) Storage and Administration of Medication

A parent/guardian or other responsible party designated by the parent/guardian will deliver all medication to be administered at school to the principal or designee. All medication, prescription or over-the-counter, must be in a pharmacy or manufacturer-labeled container. The PSS shall provide secure, locked storage for medication to prevent diversion, misuse, or ingestion by another individual.

(d) Self-administration of Medication

Students with asthma or any potentially life-threatening respiratory illness may carry with them for self-administration metered-dose inhalers containing “rescue” medication. Possession and self-administration of these prescription medications must comply with prescription instructions and applicable law. Notification of the student’s possession and use of such medication must be provided to the school principal. The notification shall state the name of the student, name of drug, dosage, frequency of administration, route of administration, the prescriber’s name, the diagnosis indication for use of the medicine, any adverse effects and applicable emergency instructions.

(e) Parent/Guardian Administration

In situations where the above requirements are not met, or any time the parent/guardian chooses, the parent/ guardian may come to school to administer medicine to his/her student.

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Subpart I - Activities and Athletics

§ 60-20-486 Student Group Use of School Facilities

(a) An activity is to be considered curricular if the subject matter is or will be taught in a regularly offered class; if the subject matter concerns the body of courses as a whole; if participation in the group is a requirement for a course; or if academic credit is available for participation.

(b) Extracurricular activities include activities organized and supervised under the auspices of the school. Extracurricular activities primarily involve students in activities occurring outside academic class time, for which no units of credit are awarded.

(c) Any activity that does not meet the definition of a curricular or extracurricular activity will be considered non-curricular.

(d) Secondary schools will provide an opportunity for student-initiated non-curricular groups to meet on school premises during non-instructional time when the following criteria have been met:

(1) A meeting must be voluntary and student-initiated. No student shall be in any way coerced to participate in religious or other activity. Teachers and school administrators, when

acting within the course and scope of their employment will strictly observe a policy of official neutrality regarding religious activity.

(2) No school employee may sponsor, promote, lead, or participate in any student-initiated, non-curricular meeting. However, a teacher, administrator, or other school employee may be assigned to monitor the group's facility use and student conduct.

(3) Employees and agents of the school may be present at student-initiated religious meetings only in a non-participatory capacity.

(4) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

§ 60-20-488 Split Campus Concept

9th grade students at Hopwood have their credits counted toward high school graduation. If a 9th grade student at Hopwood fails 3 or more credits, then the student will be retained at Hopwood.

History: Amdts Adopted 5 Com. Reg. 2504 (Dec. 15, 1983); Amdts Proposed 5 Com. Reg. 2470 (Oct. 20, 1983).

Commission Comment: The 1983 amendments added this section without specifying its place in the then-existing regulations. It was, therefore, unclear whether this policy was intended to be repealed in 2001. See 23 Com. Reg. at 18263 (Aug. 16, 2001) (repealing policies 400-419 and 600-624). Because the intent was unclear, the Commission retained the provision.

Subpart J - Restraint and Seclusion Policy and Procedures

§ 60-20-490 Policy

The Board of Education believes that maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the CNMI Public School System. An individual who is a teacher, administrator or school employee may, within the scope of that person's employment, use the amount of force as is reasonable and necessary to accomplish the following purposes:

- (a) To retrain a student from an act of wrongdoing;
- (b) To quell a disturbance threatening physical injury to self or others.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The Commission changed a semicolon to a period at the end of subsection (b) to correct a manifest error pursuant to 1 CMC § 3806(g).

§ 60-20-491 Definitions

- (a) "Extended restraint": A physical restraint the duration of which is more than twenty minutes. Extended restraints increase the risk of injury and, therefore, require additional written

documentation as described in this regulation.

(b) “Physical escort”: Touching or holding a student without the use of force for the purpose of directing the student.

(c) “Physical restraint”: The use of bodily force to limit a student's freedom of movement.

(d) “Restraint” – Other: Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian.

(1) “Mechanical Restraint”: The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.

(2) “Seclusion Restraint”: Physically confining a student alone in a room or limited space without access to school staff. The use of “time out” procedures during which a staff member remains accessible to the student shall not be considered “seclusion restraint.”

(3) “Chemical restraint”: The administration of medication for the purpose of restraint.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The Commission struck the figure “20” in subsection (a) as a mere repetition of written words pursuant to 1 CMC § 3806(e). The Commission added quotation marks around the words and phrases being defined pursuant to 1 CMC § 3806(g).

§ 60-50-492 Procedures and Training

(a) Procedures. The Commissioner of Education or his/her designee shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

(1) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;

(2) PSS policy regarding restraint that provides a description and explanation of the method of physical restraint, a description of the training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(b) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the PSS’s restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

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- (1) The program's restraint policy;
- (2) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- (3) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; and
- (4) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student.

(c)(1) In-depth staff training in the use of physical restraint. At the beginning of each school year, the Commissioner or his/her designee shall identify PSS staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint.

(2) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

- (i) Appropriate procedures for preventing the need for restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- (ii) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- (iii) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (iv) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- (v) Demonstration by participants of proficiency in administering physical restraint.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The Commission corrected the capitalization of "Commissioner of Education" in subsection (a) pursuant to 1 CMC § 3806(f). The Commission changed a semicolon to a period at the end of subsection (b)(4) to correct a manifest error pursuant to 1 CMC § 3806(g). The Commission redesignated paragraph 4 as subsection (c)(2) pursuant to 1 CMC § 3806(a).

§ 60-20-493 Determining When Physical Restraint May Be Used

- (a) Use of restraint. Physical restraint may be used only in the following circumstances:
 - (1) Non-physical interventions would not be effective; and
 - (2) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.
- (b) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
- (c) Prohibitions. Physical restraint is prohibited in the following circumstances:
 - (1) As a means of punishment; or
 - (2) For the convenience of staff; or

- (3) As a substitute for less restrictive alternatives; or
- (4) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm; or*

(d) Referral to law enforcement or other public agencies. Nothing in these regulations prohibits:

- (1) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
- (2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a, security risk; or
- (3) The exercise of an individual's responsibilities as a mandated reporter pursuant to BOE, CNMI and Federal regulation. These regulations shall not be used to deter any individual from reporting neglect or abuse to an appropriate public agency.

* So in original.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The Commission inserted a comma after “judicial authorities” in subsection (d)(2) to conform with style guidelines pursuant to 1 CMC § 3806(g). The Commission changed the capitalization of “regulation” in subsection (d)(3) to conform with style guidelines pursuant to 1 CMC § 3806(f).

§ 60-20-494 Proper Administration of Physical Restraint

(a) Trained personnel. Only school personnel who have received training pursuant to this subpart shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained herein shall not preclude a teacher or employee of PSS from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

(b) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.

(c) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements. Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present;

(d) Duration of restraint. A person administering physical restraint shall discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty minutes, it shall be considered an “extended restraint” for purposes of the reporting requirements.

(e) Safety requirements. Additional requirements for the use of physical restraint:

- (1) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.
- (2) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
- (3) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
- (4) Following the release of a student from a restraint, the program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The Commission changed “this regulation” to “this subpart” in subsection (a) pursuant to 1 CMC § 3806(d). The Commission struck the figure “20” in subsection (d) as a mere repetition of written words pursuant to 1 CMC § 3806(e).

§ 60-20-495 Reporting Requirements

- (a) Circumstances under which a physical restraint must be reported.
 - (1) PSS staff shall report the use of physical restraint after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of duration longer than five minutes.
- (b) Informing school administration.
 - (1) The PSS staff who administered the restraint shall verbally inform the administration of the restraint as soon as possible and by written report no later than the next school working day.
 - (2) The written report shall be provided to the principal or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint
 - (3) The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint.
- (c) Informing parents.
 - (1) The principal or his/her designee shall verbally inform the student’s parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.
- (d) Contents of report. The written report shall include:

- (1) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.
- (2) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
- (3) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
- (4) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts, and the justification for administering the extended restraint.
- (5) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.
- (6) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student, and/or any other related matter.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The Commission inserted apostrophes after "the outcome of those efforts" in subsection (d)(4) and after "imposed on the student" in subsection (d)(6) to conform with style guidelines pursuant to 1 CMC § 3806(g).

§ 60-20-496 Students with Disabilities

- (a) Students with Disabilities. Restraint administered to a student with a disability pursuant to an Individualized Education Plan ("IEP") or other written plan developed in accordance with local and federal law shall be deemed to meet the requirements of this regulation, except that the limitations on chemical, mechanical, and seclusion restraint, the training requirements, and the reporting requirements set forth in this subpart shall apply.

History: Adopted 35 Com. Reg. 33262 (Jan. 28, 2013); Proposed 34 Com. Reg. 33047 (Oct. 29, 2012).

Commission Comment: The original regulation designated subsection (a), but did not designate any other subsections. The Commission changed "this regulation" to "this subpart" pursuant to 1 CMC § 3806(d).

Part 500 - Instructional Services

§ 60-20-501 Placement and Inclusion

- (a) The Board believes that similarly aged children of different educational levels will thrive both academically and socially if they are not segregated based on academic achievement. Accordingly, the Board precludes the schools in the Commonwealth from establishing remedial, intermediate and advanced classes in the core subjects.

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(b) However, nothing in this section prevents the development of at-risk programs, gifted and talented programs, advanced placement (AP) or honors programs or individualized education programs (IEP) that may call for students to be provided educational opportunities to meet their unique needs.

(c) Except for the bilingual instruction, students shall not be organized into classes consisting solely of one ethnic or language group. No students shall be segregated into a class consisting of one ethnic or language group for the entire school day.

Modified, 1 CMC § 3806(d), (g).

History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 13 Com. Reg. 7666 (Mar. 15, 1991); Amdts Proposed 13 Com. Reg. 7518 (Jan. 15, 1991); Proposed 3 Com. Reg. 1254 (June 30, 1981).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

The 1991 amendments readopted and republished policy 406, entitled “Grouping of Students” in its entirety. On August 16, 2001, the Board of Education repealed policy 406. See 23 Com. Reg. 18263 (Aug. 16, 2001). The 2002 amendments adopted this new section, which contains some provisions of former policy 406. See also the commission comment to § 60-20-001.

In subsection (b), the Commission changed “met” to “meet” to correct a manifest error.

§ 60-20-505 Instructional Time

(a) Elementary School

(1) Kindergarten

Each public elementary school will provide a minimum of 180 minutes of instructional time to kindergarten students in the thematic approach to instruction.

(2) First through Sixth Grades

Each public elementary school will provide 360 minutes daily instructional time for students in grades one through six. The subjects and daily time allotments set forth below shall apply. Any departure from the time and/or subject requirements will require express prior approval from the Commissioner of Education that is subject to Board review upon request.

| Subject | Grades 1 through 6 |
|--|--------------------|
| Language Arts (Social Studies Content) | 120 minutes |
| Math | 40 minutes |
| Science | 40 minutes |
| Chamorro/Carolinian | 40 minutes |

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| Physical Education/Health | 40 minutes |
| Art (1 semester per school year) Music (1 semester per school year) | 40 minutes |
| Social Studies | 40 minutes |

(b) Junior High School

(1) Each public junior high school will provide a minimum of 300 minutes daily instructional time for students in grades seven and eight. The required courses shall be taught for a minimum of 50 minutes per class. Any departure from the subject, time and/or credit requirements will require express prior approval from the Commissioner of Education which is subject to Board review upon request.

| | |
|---|-----------|
| Required Courses+ | |
| Language Arts Integrated literature/reading/speaking and listening - grade 7 Integrated writing and grammar - grade 7 Integrated literature/reading/speaking and listening - grade 8 Integrated writing and grammar - grade 8 | 2 credits |
| Math Pre-algebra, algebra | 2 credits |
| Science Life science, physical science Integrated science: life, earth and physical science (A) 7th Integrated science: life, earth and physical science (B) 8th | 2 credits |
| Social Studies CNMI civics, geography Geography .5 - 7th History .5 - 7th Civics .5 - 8th Economics .5 - 8th | 2 credits |
| Physical Education 0.5 credits of the physical education credits | 1 credits |

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| must include a health course | |
| Chamorro and/or Carolinian | 0.5 credits |
| Vocational | 0.5 credits |
| Computer Literacy | 0.5 credits |
| Art/Music | 0.5 credits |

+ The [2005] amendments to this subsection shall be effective for students entering seventh grade school year 2005-2006.

(2) A minimum of eleven credits is required for promotion from 8th grade to the 9th grade.

(c) High School

(1) A minimum of 300 minutes daily instructional time shall be provided in CNMI public high schools. All required courses shall be for a minimum of fifty minutes per class. Any departure from the subject, time and/or credit requirements will require express prior approval from the Commissioner that is subject to Board review upon request. Honors/Advanced Placement courses are recommended by the principals and approved by the Commissioner of Education.

(2) A minimum of twenty-eight credits are required for graduation from the 12th grade. Required courses constitute twenty-three credits of the minimum credit and are as follows:

| | |
|---|-----------|
| Required Courses+ | |
| English Composition I and II Integrated literature and composition - 9th Integrated literature and composition - 10th Technical research/business writing - 11th American literature 11th British literature 12th | 8 credits |
| Math Algebra I - 9th Geometry - 10th Algebra II - 11th | 6 credits |
| Science Environmental science - 9th General biology - 10th Chemistry - 11th | 3 credits |

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|---|-------------------------|
| Social Studies NMI history - 10th US/world history - 11th US government/economics - 12th | 3 credits |
| Physical Education 0.5 credit of physical education must include a health course. | 2 credits ⁺⁺ |
| Language other than English | 1 credit |

⁺ The [2005] amendments to this subsection shall be effective for students entering ninth grade school year 2005-2006.

⁺⁺ JROTC may be substituted for 1 credit of Physical Education.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Adopted 27 Com. Reg. 25398 (Dec. 30, 2005); Amdts Proposed 27 Com. Reg. 25027 (Oct. 24, 2005); Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Proposed 17 Com. Reg. 13767 (Nov. 15, 1995); Amdts Adopted 15 Com. Reg. 10999 (Oct. 15, 1993); Certified 15 Com. Reg. 10683 (June 15, 1993); Amdts Proposed 15 Com. Reg. 10677 (June 15, 1993); Amdts Adopted 14 Com. Reg. 9285 (May 26, 1992); Amdts Proposed 13 Com. Reg. 8164 (Oct. 15, 1991); Amdts Adopted 13 Com. Reg. 7541 (Jan. 15, 1991); Amdts Adopted 12 Com. Reg. 7438 (Oct. 15, 1990) (reserving proposed amendment for further consideration); Amdts Proposed 12 Com. Reg. 7205 (Aug. 15, 1990); Amdts Adopted 5 Com. Reg. 2504 (Dec. 15, 1983); Amdts Proposed 5 Com. Reg. 2470 (Oct. 20, 1983); Proposed 3 Com. Reg. 1254 (June 30, 1981).

Commission Comment: The 1983 amendments readopted and republished “policy 407,” entitled “Subject Time Allotments for Elementary, Jr. High & High School.” The 1991 amendments readopted and republished policy 407 in its entirety with numerous amendments. The notice of adoption for the 1991 amendments changed the proposed language. See 13 Com. Reg. at 7549-51 (Jan. 15, 1991). The 1993 amendments readopted and republished policy 407 in its entirety with numerous amendments. A notice of adoption for the November 1995 proposed amendments was never published

The 1983 amendments also readopted and republished “policy 403,” entitled “Daily School Sessions.” The 1991 amendments readopted and republished policy 403 in its entirety. The notice of adoption for the 1991 amendments changed the proposed language. See 13 Com. Reg. at 7547 (Jan. 15, 1991). The 1992 readopted and republished policy 403 in its entirety.

The 2001 amendments repealed former Board of Education policies 403 and 407 and replaced them with this section. The notice of adoption for the 2001 amendments changed the proposed language of subsections (a)(1) and (b)(1).

The 2002 amendments amended subsections (a)(2), (b)(1) and (c)(1) and readopted and republished this section in its entirety.

In subsection (c)(2), the Commission changed “credit” to “credits.”

The December 2005 amendments amended subsections (a)(2), (b)(1), (c)(1) and (c)(2) and republished this section in its entirety.

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§ 60-20-510 Student Teacher Ratios

(a) The Public School System (PSS) will strive to meet the following student to teacher general guidelines governing class size for instruction.

| | | | |
|-----|---|--------------|--------------|
| (1) | Elementary School Class Size, Regular Program | | |
| | Grades K | Maximum 20/1 | Minimum 10/1 |
| | Grades 1-3 | Maximum 25/1 | Minimum 15/1 |
| | Grades 4-6 | Maximum 25/1 | Minimum 20/1 |
| (2) | Jr. High School Class Size, Regular Program | | |
| | Grades 7-8 | Maximum 30/1 | Minimum 15/1 |
| (3) | High School Class Size, Regular Program | | |
| | Grades 9-12 | Maximum 30/1 | Minimum 15/1 |
| (4) | Vocational Education Class Size | | |
| | Teacher Program | Maximum 30/1 | Minimum 15/1 |
| | Business Program | Maximum 30/1 | Minimum 15/1 |
| | Trades Program | Maximum 20/1 | Minimum 10/1 |
| | Co-op Program | Maximum 40/1 | Minimum 20/1 |

(b) Special education and Head Start classes shall be governed by the applicable federal regulations.

(c)(1) Special programs at all levels, such as gifted and developmental programs, and single class offerings at the secondary level (such as typing) shall not be governed by this section.

(2) The maximum student-teacher ratios for the programs listed below should be as follows:

- (i) 25/1 in core academic classrooms
- (ii) 15/1 in vocational education classrooms
- (iii) 10/1 in special education classrooms.

(d) Exceptions to the parameters established by the guidelines in this section will be made only with the express approval of the Commissioner, with review by the Board upon request.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Proposed 17 Com. Reg. 13008 (Mar. 15, 1995); Amdts Adopted 13 Com. Reg. 7541 (Jan. 15, 1991); Amdts Adopted 12 Com. Reg. 7438 (Oct. 15, 1990) (reserving proposed amendment for further consideration); Amdts Proposed 12 Com. Reg. 7205 (Aug. 15, 1990); Proposed 3 Com. Reg. 1158 (Mar. 30, 1981).

Commission Comment: The original paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

The Commission inserted the final period in subsection (c)(2)(iii).

The 1991 amendments readopted and republished policy 404, entitled “Student Teacher Ratios” in its entirety. The notice of adoption for the 1991 amendments changed the proposed language of the policy. See 13 Com. Reg. at 7548 (Jan. 15, 1991). A notice of adoption for the 1995 amendments was never published. On August 16, 2001, the Board of Education repealed policy 404. See Adopted 23 Com. Reg. 18263 (Aug. 16, 2001). The 2002 amendments

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adopted this section, which incorporated parts of former policy 404. See also the commission comment to § 60-20-001.

§ 60-20-515 Curriculum Services; Field Trips

(a) Field trips are recognized as an important component of the curriculum services and instructional programs at PSS. Classroom teachers are permitted to take their classes on field trips that are educational in nature and that relate to the curriculum being taught or to school-sanctioned extracurricular activities. Regulations and procedures governing field trips must be followed as established by the Commissioner of Education. No field trip shall be approved where a threat or hazard to the reasonable safety of the students exists.

(b) In conducting educational field trips the following provisions will apply:

(1) All students and chaperones must purchase travel insurance for all off-island field trips sanctioned by the Commissioner of Education.

(2) A minimum chaperone-student ratio of 1 to 10 is required for both on and off-island field trips.

(3) In a situation where there are mixed female and male students, adult male and female chaperones are required.

(4) No PSS student shall be allowed on a field trip without a specific, written parental permission slip. For each field trip the parent/guardian must be provided a written explanation of the location where the field trip will occur, the anticipated length of the field trip, who will be chaperoning the field trip, the anticipated method of transportation, the anticipated financial requirements that the parent/guardian will be required to shoulder, the anticipated instructional content and any anticipated costs to the parent of the field trip. In addition, for out-of-the-CNMI field trips, the student must show proof of valid medical insurance and provide parental consent to medical treatment before the student will be allowed to attend the field trip.

(5) All parental consent slips shall clearly state the date(s) that the consent covers and “blanket permission forms” (open-ended as to date, place to be visited, or instructional content and goals of field trip(s)) shall not be permitted.

(6) Vehicular transportation to the field trip site, or the airport for off-island field trips, shall be provided by either the individual student’s parent/guardian or by the Public School System vehicles designed to transport students. In no instance shall students be transported to or from a field trip site in the bed of a pick-up truck or in a PSS employee’s personal vehicle.

Modified, 1 CMC § 3806(b).

History: Amdts Adopted 24 Com. Reg. 19413 (July 29, 2002); Amdts Proposed 24 Com. Reg. 18852 (Jan. 29, 2002); Amdts Adopted 20 Com. Reg. 15965 (June 15, 1998); Amdts Proposed 19 Com. Reg. 15423 (Aug. 15, 1997); Amdts Adopted 7 Com. Reg. 3972 (Sept. 16, 1985); Amdts Proposed 7 Com. Reg. 3820 (July 22, 1985).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1985 amendments adopted policy 411, entitled “Field Trips.” On August 16, 2001, the Board of Education repealed policy 411. See Adopted 23 Com. Reg. 18263 (Aug. 16, 2001). The 2002 amendments adopted “Regulation 6190,” entitled “Field Trips,” which incorporated parts of former policy 411.

§ 60-20-520 Textbook Usage; Students

- (a) At the beginning of each term, or semester as applicable, students are to be informed by each teacher of the school's expectations of responsibility for school property and the need for care and return of books. A constructive and educational approach to the students is desirable, including a discussion of reasons for treating books with respect, caring for them, using them wisely, and returning them in good condition. Penalties for lost or damaged books are to be outlined. A monitoring process is to be devised such as textbook receipt cards or other charge-out system that requires the students signature for use of the book(s).
- (b) Parents/guardians are to be informed by the principal/designee as to the textbook status in the building or department; i.e., in which subject students are provided with individual copies, class sets, consumable materials, etc. Newsletters to the homes, open house presentations and PTO meetings may be used as means of communication.
- (c) Parents/guardians are to be informed of the penalties for lost or damaged textbooks early in the school year. Penalties may include a reasonable system off fines or repayments. For example, the student or the student's parents/guardians could be required to pay the fair value for replacement of a lost or destroyed book or for repair of a book. The student could choose to do some work for the school instead, if the principal finds that to be the best option.
- (d) The principal may enforce a fine or penalty by withholding the issuance of certified transcripts or diplomas, or other reasonable enforcement methods.
- (e) No student is to be penalized if a book is lost because of factors beyond his/her control. All students will be made aware that if such losses are reported immediately, and if the administration agrees that the loss was beyond the students control, fines will be canceled. The reporting procedure will be publicized in Student Handbooks and other school publications. Principals will handle cases individually.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

§ 60-20-525 Challenged Materials

On occasion, honest differences of opinion may arise about books or materials used in the public schools. In order to handle questions that might arise in an impartial and orderly manner, the following procedures shall be followed:

- (a) All complaints shall be reported immediately to the building principal involved, whether these come by telephone, letter, or personal conference.
- (b) The person making the complaint shall receive the form "Review of Instructional Materials." A copy of this form may be picked up in the administrator's office.
- (c) This form must be completed and returned by the person making the complaint.

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- (d) The Commissioner of Education shall, within fifteen days of receipt of the written request, appoint a review committee of nine people. The committee shall consist of the administrator of the building involved, one teacher, and one member of the PTA or other parent association at the school.
- (e) The classroom teacher appointed shall be represented by the grade level or subject area where the media is used.
- (f) The PTA or other parent association at the school shall select the parent member appointed.
- (g) Within twenty days of the appointment of the committee, the committee shall meet, review the written request for reconsideration, read the questioned materials, evaluate, and prepare a written report of its findings and recommendations to the Commissioner.
- (h) The committee may recommend that the questioned materials be:
- (1) Retained without restriction;
 - (2) Retained with restriction; or
 - (3) Not retained.
- (i) The Commissioner shall make a final decision within 10 days of the committee report. The decision shall be reported to the principal of the school, to the complainant, to all school principals and to other appropriate professional personnel. The principals shall see that the decision of the Commissioner is carried out.
- (j) The principals shall keep on file all pertinent information concerning the questioned materials or any books or materials likely to be questioned.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

§ 60-20-530 Alternative Learning Settings

- (a) Pursuant to CNMI law (3 CMC § 1132), the Board “shall establish and provide such academic and vocational programs as are appropriate and beneficial to the students and shall serve the needs of the community.” As part of this responsibility, the Board has adopted this section to address instructional programs for students at-risk and to establish alternative learning settings to enable students to achieve their educational goals and requirements, such as grade promotions and high school graduation.
- (b) Advanced Development Institute (ADI)
- (1) ADI is an alternative high school program. The purpose of ADI is to allow students aged sixteen and older, who have not completed high school, to achieve success by making a positive connection with academic and vocational training, employers and work, mentors and tutors,

families and community in an atmosphere that is welcoming, comfortable and sensitive to their individual needs, skills and learning styles. ADI teaches students to develop their critical, creative, communication and occupational skills through course offerings including reading and writing, consumer economics, health, government and law, occupational knowledge, and community resources. Graduates of ADI move into the private and public workforce with the skills necessary to achieve success.

(2) The CNMI Board of Education is authorized by law and Board regulations to award diplomas for secondary education. Graduates of ADI must complete two phases to receive an alternative high school diploma. The first phase consists of the ADI academic courses, including English, math, community resources, consumer economics, government and law, occupational knowledge and health. Five academic courses in the first phase must be passed. The second phase requires the students to gain career experience through a vocational or occupational program at a post-secondary institution or by working or volunteering in the community.

(3) A minimum of ninety minutes of daily instructional time shall be provided to students in the alternative high school program of ADI. The subjects are the academic courses in the first phase listed above. Any departure from the time and/or subject requirements will require express prior approval from the Commissioner of Education that is subject to Board review upon request.

(c) Lina'la' Malawasch Academy (LMA)

The Lina'la' Malawasch Academy (LMA) is an alternative learning setting for students grades seven and eight who have demonstrated behavioral problems that require intervention. Lina'la' malawasch means life, well-being and a new beginning in the Chamorro and Carolinian languages. The goal of LMA is to offer a second chance to students by creating an environment for students to improve their behavior, attendance and academic performance to enable them to reenter the general student population and proceed towards graduation from high school. The academic requirements for LMA students are similar to the PSS requirements and Board regulations regarding other junior high school students.

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 24 Com. Reg. 19939 (Dec. 27, 2002); Amdts Proposed 24 Com. Reg. 19502 (Sept. 27, 2002).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

In subsection (b)(3), the Commission changed “minute” to “minutes” to correct a manifest error.

§ 60-20-535 Home Study

Home study programs must meet Commonwealth curriculum and performance standards and the following provisions will apply for all approved home study programs.

(a) Application

An application for home study shall be submitted to the Commissioner no later than sixty days prior to the beginning of a school year. No one will be excused from attending a public or nonpublic school unless the Commissioner has granted a waiver. The following information must accompany the application.

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- (1) Name, address and telephone of parents and student or tutor
- (2) Justification for the home study program
- (3) Auspices under which the home study will operate and curriculum will be taught
- (4) Description and qualifications of parent-instructor or tutor and, for my hired tutor, police clearance for the past three years
- (5) Dates and hours of instruction
- (6) Negative active tuberculosis records for any hired tutor
- (7) Any other pertinent and necessary information as requested by the Commissioner of Education.

(b) Application Processing

The Commissioner will take action on a timely submitted application before the beginning of the school year. All applicable curricular and other standards of the Board shall be met and any investigation conducted in the review of the application shall be completed before a decision is rendered.

(c) Limitations

- (1) A waiver is granted for home study based on meeting the requirements of the Commissioner and this section.
- (2) Parents/guardians must report in writing to the Commissioner any change in the home study within five days.
- (3) The term of a home study is for one school year. The Commissioner may, however, suspend or revoke the waiver if the holder violates the terms of the application or this section.

(d) Home Study Records

A chartered home study program shall keep adequate records for the student containing persons in attendance, goals and such information as required by the Commissioner. Records of courses taken shall be transferred at the end of the school year to a school where the student would otherwise be attending and shall be kept on file there for at least five years.

(e) Reports

The parent/guardian shall submit to the Commissioner reports on the progress of the program monthly, quarterly and annually.

(f) Other Requirements

- (1) A chartered home study program shall provide 300 minutes of secular instruction daily. It shall be in operation for 180 instructional days in a year.
- (2) Mentors of a home study program shall meet the qualifications stipulated by Board policies.
- (3) The PSS shall monitor the home study program to ensure compliance with its application and this section.

(g) Revocation of Waiver

- (1) Failure to comply and maintain the standards and conditions required by the Commissioner and this section shall be considered reason for suspension or revocation of the waiver.

(2) Parents/guardians, including mentors of any home study students, shall cooperate, provide information and access and assist the Commissioner in any inquiry or investigation conducted regarding application, monitoring and related matters. Failure to cooperate constitutes reason for disapproval of an application or suspension or revocation of a waiver.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 14 Com. Reg. 9285 (May 26, 1992); Amdts Proposed 13 Com. Reg. 8164 (Oct. 15, 1991).

Commission Comment: The May 1992 amendments added “policy 415,” entitled “Home Study.” The 2001 amendments repealed former Board of Education policy 415 and replaced it with this section.

§ 60-20-540 Library, Media, and Technology Services; Student Internet Usage

The CNMI - Public School System (PSS) is now offering internet access for student use. This section contains the acceptable use regulations for your use of Public School System Educational Systems Network (PSS-ESN).

(a) Educational Purpose

(1) PSS-ESN has been established for a limited educational purpose. The term “educational purpose” in this policy and regulations includes classroom activities, career development, and limited high-quality self-discovery activities.

(2) PSS-ESN has not been established as a public access service or a public forum. PSS has the right to place reasonable restrictions on the material you access or post through the system. You are also expected to follow the rules set forth in (disciplinary code)* and the law in your use of PSS-ESN.

(3) You may not use PSS-ESN for commercial purposes. This means you may not offer, provide, or purchase products or services through PSS-ESN.

(4) You may not use PSS-ESN for political lobbying. But you may use the system to communicate with elected representatives and to express your opinion on political issues.

*So in original.

(b) Student Internet Access

(1) The PSS acceptable use policy, set forth will govern all use of the PSS-ESN. The student code of conduct will also govern student use of the system. Employee use will also be governed by (PSS policy, collective bargaining agreement).

(2) Classroom Accounts. Elementary age students will be granted e-mail access only through a classroom account. Elementary students may be provided with an individual account under special circumstances at the request of their teacher and with the approval of their parent. An agreement will only be required for an individual account, which must be signed by the student and his or her parent. Parents may specifically request that their child(ren) not be provided access through the classroom account by notifying the PSS in writing (or whatever procedure the PSS uses for other permissions).

(3) Individual E-mail Accounts for Students. Secondary students may be provided with individual e-mail accounts. Secondary students may have dial-up access to the system. An

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agreement will be required for an individual e-mail account. The student and his or her parent must sign this agreement.

(4) All students will have access to internet world wide web information resources through their classroom, library, or school computer lab.

(5) Students will have e-mail access only under their teacher's direct supervision using a classroom account. Students may be provided with individual e-mail accounts under special circumstances, at the request of their teacher and with the approval of the school principal and the student's parent/ guardian.

(6) You and your parent/guardian must sign an account agreement to be granted an individual e-mail account on PSS-ESN. The agreement will not exceed a year in duration, but may be renewed on an annual basis. Your parent can withdraw their approval at any time.

(7) If approved by your school principal, you may create a personal web page on PSS-ESN. All material placed on your web page must be pre-approved in a manner specified by the school. Material placed on your web page must relate to your school and career preparation activities.

(c) Parental Notification and Responsibility

(1) The PSS will notify the parents about the PSS network and the policies governing its use. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child(ren) that do not require internet access.

(2) Parents have the right at any time to investigate the contents of their child(ren)'s e-mail files. Parents have the right to request the termination of their child(ren)'s individual account at any time.

(3) The PSS acceptable use policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the internet, some of which may not be fitting with the particular values of the families of the students. It is not practically possible for the PSS to monitor and enforce a wide range of social values in student use of the internet. Further, the PSS recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. The PSS will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the PSS-ESN.

(4) The PSS will provide students and parents with guidelines for student safety while using the internet.

(5) (Optional, if dial-up access is provided) Parents are responsible for monitoring their student's use of the internet when they are accessing the system from home.

(d) Unacceptable Uses

The following uses of PSS-ESN are considered unacceptable:

(1) Personal Safety

(i) You will not post personal contact information about yourself or other people. Personal contact information includes your address, telephone, school address, work address, etc.

(ii) You will not agree to meet with someone you have met online without your parent's approval. Your parent should accompany you to such a meeting.

(iii) You will promptly disclose to your teacher or other school employee any message you receive that is inappropriate or makes you feel uncomfortable in any way.

(2) Illegal Activities

(i) You will not attempt to gain unauthorized access to PSS-ESN or to any other computer system through PSS-ESN or go beyond your authorized access. This includes attempting to log

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in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing."

(ii) You will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal.

(iii) You will not use PSS-ESN to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of person, etc.

(3) System Security

(i) You are responsible for your individual account and should take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person.

(ii) You will immediately notify a teacher or the school system administrator if you have identified a possible security problem. Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.

(iii) You will avoid the inadvertent spread of computer viruses by following the district virus protection procedures if you download software.

(4) Inappropriate Language

(i) Restrictions against inappropriate language apply to public messages, private messages, and material posted on web pages.

(ii) You will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.

(iii) You will not post information that could cause damage or a danger of disruption.

(iv) You will not engage in personal attacks, including prejudicial or discriminatory attacks.

(v) You will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If you are told by a person to stop sending them messages, you must stop.

(vi) You will not knowingly or recklessly post false or defamatory information about a person or organization.

(5) Respect for Privacy

(i) You will not repost a message that was sent to you privately without permission of the person who sent you the message.

(ii) You will not post private information about another person.

(6) Respecting Resource Limits

(i) You will use the system only for educational and career development activities and limited, high-quality, self-discovery activities. There is no limit on use for education and career development activities. The limit on self-discovery activities is no more than 5 hours per week.

(ii) You will not download large files unless absolutely necessary. If necessary, you will download the file at a time when the system is not being heavily used and immediately remove the file from the system computer to your personal computer.

(iii) You will not post chain letters or engage in "spamming." Spamming is sending an annoying or unnecessary message to a large number of people.

(iv) You will check your e-mail frequently, delete unwanted messages promptly, and stay within your e-mail quota.

(v) You will subscribe only to high quality discussion group mail lists that are relevant to your education or career development.

(7) Plagiarism and Copyright Infringement

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(i) You will not plagiarize works that you find on the internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.

(ii) You will respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, you should follow the expressed requirements. If you are unsure whether or not you can use a work, you should request permission from the copyright owner. Copyright law can be very confusing. If you have questions ask a teacher.

(8) Inappropriate Access to Material

(i) You will not use PSS-ESN to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). A special exception may be made for hate literature if the purpose of your access is to conduct research and both your teacher and parent have approved.

(ii) When you mistakenly access inappropriate information, you should immediately tell your teacher or school administrator (or disclose this access in the manner specified by your school). This will protect you against a claim that you have intentionally violated this section.

(iii) Your parents should instruct you if there are additional materials that they think are inappropriate for you to access. You and your parent/guardian should inform your teacher of such materials. PSS fully expects that you will follow your parent's instructions in this matter.

(9) Consequences or Unacceptable Uses

(i) Your classroom teacher, your school administrator, or the PSS Technology Coordinator may revoke your privileges under this policy for any unacceptable uses, including uses not specifically listed herein.

(ii) Unacceptable uses by a student may result in disciplinary action, including suspension or expulsion.

(iii) Any illegal uses may be reported to the Department of Public Safety or the Federal Bureau of Investigations.

(e) Your Rights

(1) Free Speech

Your right to free speech applies to your communication on the internet. The exercise of your free speech rights may not disrupt the educational process. The PSS-ESN is considered a limited forum, similar to the school newspaper, and therefore PSS may restrict your speech for valid educational reasons. PSS will not restrict your speech on the basis of a disagreement with the opinions you are expressing.

(2) Searches and Seizure

(i) You should expect only limited privacy in the contents of your personal files on the PSS system. The situation is similar to the rights you have in the privacy of your locker.

(ii) Routine maintenance and monitoring of PSS-ESN may lead to discovery that you have violated this section, the student disciplinary code, or the law.

(iii) An individual search will be conducted if there is reasonable suspicion that you have violated this section, the student disciplinary code, or the law. The investigation will be reasonable and related to the suspected violation.

(iv) Your parents have the right at any time to request to see the contents of your e-mail files.

(3) Due Process

(i) PSS will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through PSS-ESN.

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(ii) In the event there is a claim that you have violated this section or student disciplinary code in your use of the PSS-ESN, you will be provided the due process and hearing rights set forth in the student disciplinary regulations. Additional restrictions may be placed on your use of your internet account.

(f) **Limitation of Liability**

PSS makes no guarantee that the functions or the services provided by or through the PSS system will be error-free or without defect. PSS will not be responsible for any damage you may suffer, including but not limited to, loss of data or interruptions of service. PSS is not responsible for the accuracy or quality of the information obtained through or stored on the system. PSS will not be responsible for financial obligations arising through the unauthorized use of the system.

(g) **Personal Responsibility**

When you are using the PSS-ESN, it may feel like you can more easily break a rule and not get caught. This is not really true because whenever you do something on a network you leave little “electronic footprints,” so the odds of getting caught maybe even more likely than they are in the real world. But the fact that you can do something or think you can do something without being caught does not make it right to do so. Even if you don’t get caught, there is always one person who will know whether you have done wrong — and that person is you. Your use of the internet can be a mirror that will show you what kind of a person you are. Please enjoy learning from your internet access but remember to use this privilege wisely.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001).

Commission Comment: In subsection (b)(3), the Commission inserted the final period. In subsection (d)(2)(i), the Commission moved the final period inside of the closing quotation mark and in subsection (d)(6)(iii), the Commission moved the period after “spamming” inside of the closing quotation mark to correct manifest errors.

§ 60-20-545 Evaluation Services; Grading System

(a) **Elementary School Grading System**

(1) The progress of kindergarten through third grade students will not follow a percent or letter grade system. The skills of progress of K-3 students will be reported on a developmental continuum as evidenced by student portfolios, observations and other appropriate assessments.

(2) The fourth through sixth grades shall use a percent/letter grade system as follows:

| Percent | Letter Grade |
|---------|--------------|
| 93-100 | A |
| 83-92 | B |
| 73-82 | C |

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| | |
|-------|---|
| 63-72 | D |
| 0-62 | F |

(3) Each teacher is responsible for keeping accurate records in the grade book provided by the school and will submit the grade book to the principal at the end of the school year or upon request of the principal. All factors involved in computing the final grade shall be maintained in the grade book.

(4) It is recommended to teachers that the measure of grades be based on a variety of factors, none of which should represent over 50% of the grade. The guidelines recommended below are intended to be general and will vary according to the content and activities of each particular course. (For example, there may be no homework assigned for PE, but there may be weekly quizzes in math.) Recommended measures and weights may include:

| Activities | Weight | Minimum Frequency |
|------------------------|--------|-------------------|
| Quarter Exam | 15-25% | 1 |
| Periodic Tests/Quizzes | 30-50% | 5 |
| Special Projects | 10-20% | 1 |
| Homework | 5-10% | 5 |

(5) All teachers are required to explain the grading policy to the students and their parents when they begin, or enter the school year.

(b) Secondary School Grading System

(1) The secondary schools will use a percent/letter system as follows:

| Percent | Letter Grade |
|---------|--------------|
| 93-100 | A |
| 83-92 | B |
| 73-82 | C |
| 63-72 | D |

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| | |
|------|---|
| 0-62 | F |
|------|---|

(2) Grading and Report Procedures 9-12:

(i) “X” - AB - Absent - This grade is used with high school (9-12) level courses to indicate that the student has not been in attendance a sufficient number of days for grading as per the attendance policy of the Board. (Note: “X” is used in the high school report cards only because the computer cannot make a double letter entry.)

(ii) “M” - Medical - This symbol is to be used for students who cannot meet course requirements due to medical reasons.

(iii) “I” - Incomplete - This symbol is to be used in the high school report cards (9-12) to indicate that a grade will be given when certain requirements are met. Incomplete will be changed to “F” if the student did not complete the course of study within a year’s period.

(iv) “W” - Withdrew - This symbol is used with high school (9-12) level courses when a student withdraws from a class in progress.

(3) Each teacher is responsible for keeping accurate records in the grade book provided by the school and will submit the grade book to the principal/designee at the end of the school year.

(4) Students are not permitted to grade tests, record averages, average grades or handle the grade book.

(5) A minimum of three tests per quarter (not including quarter exam) is recommended. Other factors, such as class participation, quizzes, projects, reports, papers, demonstrations, or attendance may also be considered in computing grades. All factors involved in computing the final grade should be maintained in the grade book.

(6) It is recommended that teachers measure quarter grades based on a variety of factors, none of which should represent over 50% of the grade. The guidelines recommended below are intended to be general and will vary according to the content and activities of each particular course. (For example, there may be no homework assigned for P.E. but there may be weekly quizzes in math.) Recommended measures and weights may include:

| Activities | Weight | Minimum Frequency |
|------------------------|----------|-------------------|
| Quarter Exam | 15-25% | 1 |
| Periodic Tests/Quizzes | 30-50% | 5 |
| Special Projects | 10-20% | 1 |
| Homework | 5 - 10 % | 5 |

(c) Honor/Advanced Placement Courses

(1) Junior high school shall establish honors classes, at least one course in each of the four main academic core areas of math, social studies, science and language arts. These courses shall be designed to meet the rigorous standards expected of at least senior high courses.

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(2) High schools may establish honors and/or advanced placement (AP) courses in the four core academic areas of math, science, social studies and language arts. Each department may identify two courses as honors or advanced placement courses. These courses should be designed to meet the rigorous standards expected of at least freshman college courses. Courses shall be weighted as follows:

Grade Point Average (GPA)

A = 5
B = 4
C = 3
D = 1
F = 0

(3) Additional honors or AP courses other than the designated core subjects may be established, but such courses shall not be weighted.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Proposed 20 Com. Reg. 15901 (June 15, 1998); Amdts Adopted 13 Com. Reg. 7541 (Jan. 15, 1991); Amdts Adopted 12 Com. Reg. 7438 (Oct. 15, 1990) (reserving proposed amendment for further consideration); Amdts Proposed 12 Com. Reg. 7205 (Aug. 15, 1990); Amdts Adopted 9 Com. Reg. 5242 (Sept. 15, 1987); Amdts Proposed 9 Com. Reg. 4928 (May 15, 1987); Amdts Adopted 5 Com. Reg. 2504 (Dec. 15, 1983); Amdts Proposed 5 Com. Reg. 2470 (Oct. 20, 1983).

Commission Comment: The original paragraphs of subsection (b)(2) were not designated. The Commission designated subsections (b)(2)(i) through (b)(2)(iv).

The 1987 amendments added “policy 411,” entitled “Elementary School Grading System.” The 1991 amendments readopted and republished the policy in its entirety as “policy 409,” with numerous amendments. The 2001 amendments repealed former Board of Education policy 409 and replaced it with subsection (a) of this section.

The 1983 amendments added a policy entitled “Secondary School Grading System,” but did not designate a policy number. The 1991 amendments amended this section as “policy 410.” The 1991 amendments amended policy 410. The June 1998 amendments proposed to add a new subsection entitled “Honors Courses.” A notice of adoption for the June 1998 proposed amendments was never published. The 2001 amendments repealed former Board of Education policy 410 and replaced it with subsection (b) of this section.

In subsection (b)(6), the Commission inserted a final closing parenthesis.

§ 60-20-550 Special Education Services for Students with Disabilities Enrolled in Private Schools

(a) The Public School System (PSS) will ensure that all children with disabilities residing in the CNMI, including those children attending private schools, are identified and evaluated. PSS will follow the child find and evaluation procedures as outlined in its eligibility document to identify and evaluate students enrolled in private schools by their parents. PSS will locate, identify, and evaluate all children ages three to twenty-one with disabilities enrolled by their

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parents in private schools, including religious schools, who may be eligible for special education and related services.

(b) PSS will offer a free, appropriate public education (FAPE) to all children ages three to twenty-one with disabilities voluntarily enrolled by their parents in private schools, including religious schools, who are determined to be eligible for special education and related services. However, pursuant to the Individuals with Disabilities Education Act (IDEA), a child enrolled in a private school by his or her parent has no individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

(c) Special education and related services provided to students enrolled in private schools shall be determined in accordance with federal law, state eligibility documents, state performance plans, and special education procedures. PSS will consult, in a timely and meaningful way, with private school representatives and representatives of parentally placed private school children with disabilities during the design and development of special education and related services for parentally placed private school children as required by law and set forth in PSS's Special Education Procedure Manual.

(d) For the details and implementation of this section, please refer to the PSS Special Education Procedural Manual, which sets forth the requirements and PSS procedures for finding, determining and providing services to children with disabilities enrolled by their parents in private schools.

Modified, 1 CMC § 3806 (d), (e), (g).

History: Adopted 29 Com. Reg. 26433 (Feb. 15, 2007); Proposed 28 Com. Reg. 26397 (Dec. 29, 2006).

Commission Comment: The Commission designated subsections (a) through (d), which were not designated in the original. The Commission inserted a comma after "including religious schools" in subsection (b) to correct a manifest error.

This section, which was originally designated as "Core Competencies; Language Arts Performance Standards," was repealed in August 2005. The history of § 60-20-550 before August 2005 was: Amdts Adopted 27 Com. Reg. 24774 (Aug. 22, 2005); Amdts Proposed 27 Com. Reg. 24615 (June 20, 2005); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 17 Com. Reg. 12972 (Feb. 15, 1995); Amdts Proposed 16 Com. Reg. 12651 (Dec. 15, 1994).

§ 60-20-555 Instructional Materials for Print Disabilities

(a) The Public School System (PSS) adopts the National Instructional Materials Accessibility Standard (NIMAS) for the purpose of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register.

(b) PSS will coordinate with the National Instructional Materials Access Center as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for the purchase of print instructional materials enters,* into a written contract with the publisher of the print materials to:

- (1) Require the publisher to prepare and, on or before the delivery of the print instructional materials, provide to the National Instructional Materials Access Center electronic files containing the contents for the print instructional materials using the National Instructional Materials Accessibility Standards; or
- (2) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats.

*So in original.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 29 Com. Reg. 26433 (Feb. 15, 2007); Proposed 28 Com. Reg. 26397 (Dec. 29, 2006).

Commission Comment: The Commission designated subsections (a) and (b), which were not designated in the original.

This section, which was originally designated as “Core Competencies; Math Performance Standards,” was repealed in August 2005. The history of § 60-20-555 before August 2005 was: Amdts Adopted 27 Com. Reg. 24774 (Aug. 22, 2005); Amdts Proposed 27 Com. Reg. 24615 (June 20, 2005); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 17 Com. Reg. 12972 (Feb. 15, 1995); Amdts Proposed 16 Com. Reg. 12651 (Dec. 15, 1994).

§ 60-20-560 Core Competencies; Science Performance Standards

[Repealed.]

History: Amdts Adopted 27 Com. Reg. 24774 (Aug. 22, 2005); Amdts Proposed 27 Com. Reg. 24615 (June 20, 2005); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 17 Com. Reg. 12972 (Feb. 15, 1995); Amdts Proposed 16 Com. Reg. 12651 (Dec. 15, 1994).

Commission Comment: The 1995 amendments added “policy 418,” entitled “Performance Standards; Science.” The 2001 amendments repealed former Board of Education policy 418 and replaced it with this section. The 2005 amendments repealed this section.

§ 60-20-565 Core Competencies; Social Studies Performance Standards

[Repealed.]

History: Amdts Adopted 27 Com. Reg. 24774 (Aug. 22, 2005); Amdts Proposed 27 Com. Reg. 24615 (June 20, 2005); Amdts Adopted 23 Com. Reg. 18263 (Aug. 16, 2001); Amdts Proposed 23 Com. Reg. 17965 (June 19, 2001); Amdts Adopted 17 Com. Reg. 12972 (Feb. 15, 1995); Amdts Proposed 16 Com. Reg. 12651 (Dec. 15, 1994).

Commission Comment: The 1995 amendments added “policy 419,” entitled “Performance Standards; Social Studies.” The 2001 amendments repealed former Board of Education policy 419 and replaced it with this section. The 2005 amendments repealed this section.

Part 600

[Reserved.]

Commission Comment: On August 16, 2001, the Board of Education repealed former Board of Education “Instructional Program” policies 400-419 and “Pupil Personnel” policies 600-624 and replaced those policies with the provisions codified in parts 400 and 500. See 23 Com. Reg. 18263 (Aug. 16, 2001); 23 Com. Reg. 17965 (June 19, 2001). See also the commission comment to § 60-20-401.

Part 700 - Financial Operation

§ 60-20-701 Financial Management; Petty Cash Procedures

The petty cash fund is established for each school by drawing a check on the regular bank account. Usage of this fund is to address emergency purchases only.

(a) General Rules

- (1) As expenses are paid out of the fund, vouchers are prepared and entered into the petty cash fund check register.
- (2) An employee other than the custodian (i.e. vice- principal) should approve disbursements.
- (3) Vouchers should be numbered, dated and should contain the purpose of the disbursement.
- (4) When the fund requires replenishment, checks with supporting vouchers are summarized on a replenishment report.

(b) Internal Control

The following are safeguards for the petty cash fund:

- (1) All payments should be made by pre-numbered checks.
- (2) A voucher stamped “PAID” should support all payments.
- (3) The custodian should sign checks.
- (4) All payments must be properly controlled and verified.
- (5) The sequence of checks and vouchers must be complete. Voided checks should be listed on the replenishment report.

(c) Treasury Department Responsibilities

- (1) Advance funds from treasury for schools to disburse these funds to pay properly authorized bills.
- (2) Submit bills to the reconciliation section as a basis for replenishing the fund.

(d) Petty Cash Fund Custodian

The designated and authorized disbursing officer for each school is also the designated petty cash fund custodian. In addition to his/her duties and responsibilities as the disbursing officer, the petty cash fund custodian is personally liable for all money in the fund and will be required to replace any amount of the fund that is lost, stolen or misappropriated.

(e) Responsibility of a Petty Cash Fund Custodian

- (1) Disburse funds only for approved vouchers.
- (2) Ensure that the payment vouchers are accurate and supported by appropriate documents. To the extent possible bona fide receipts should be obtained from suppliers. Receipts showing the suppliers name, address, and showing the school as the customer, are preferable to cash register tapes.
- (3) Ensure that the payment is proper and complies with the supplies operations object code.

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- (4) Make disbursements only if there are sufficient funds to pay for the expenditure.
- (f) Accounting/Replenishment/Reporting of Petty Cash Fund
 - (1) All disbursements processed through the petty cash fund must be posted in the petty cash fund check register. Disbursements from the petty cash fund are replenished through the submission of the replenishment report.
 - (2) Petty cash fund replenishment reports submitted must be complete, accurate and supported by payment vouchers and receipts/invoices. Failure to submit a timely, complete and accurate replenishment report could result in the delay of replenishments.
 - (3) Approved petty cash fund replenishments shall be process by the Fiscal and Budget Officer through bank transfer procedures.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001).

Commission Comment: The original paragraphs of subsection (f) were not designated. The Commission designated subsections (f)(1) through (f)(3).

On March 19, 2002, the Board of Education repealed former Board of Education “Finance” policies 700 through 703 and replaced those policies with the provisions codified in part 700. See 24 Com. Reg. 19045 (Mar. 19, 2002); 23 Com. Reg. 18765 (Dec. 21, 2001). Where applicable, the histories of former policies 700-703 are included in the history sections for the replacement provisions. Policies that were repealed without specific replacement are policy 701, entitled “Annual Budget,” and policy 702, entitled “Disposition of Income.” See 3 Com. Reg. 1254 (June 30, 1981).

§ 60-20-705 Financial Management; Advance Payment Procedures

The following procedures shall be followed when making and recording advance payments to vendors for materials and supplies. These procedures do not apply to advances on construction or professional services contracts.

- (a) Purpose
 - (1) To apply more stringent criteria for the authorization of prepayments to vendors in order to conserve cash flow.
 - (2) To better account for prepayment transactions and promote more effective inventory control procedures.
- (b) Qualifying Purchase

Only purchase requisitions meeting the following criteria will be approved for prepayment:

 - (1) The order must be for a vendor that requires prepayment in order to furnish good or services.
 - (2) Before prepayment is issued, two or more of the condition(s) listed below must be present:
 - (i) The vendor supplies a unique product or service and requires prepayment, and or;
 - (ii) All vendors from which quotes were obtained required prepayment, and or;
 - (iii) Because of prior outstanding obligation of PSS, vendor requires PSS to issue payments before shipment of goods can delivered, and or;

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- (iv) The vendor selected submitted the lowest price.

- (c) Prepayment Processing and Purchase Requisition (PR)
 - (1) In addition to the usual required procurement information, schools or program approval, and fund certification, purchase requisition (PRs) for prepayment must include the following:
 - (i) Indication on the “justification” section that prepayment is required from the vendor.
 - (ii) Supporting documents justifying the uniqueness of the procurement or indicating that all vendors quoting on the supplies or materials required prepayment and the vendor selected was the lowest bidder. Every effort should be made to locate vendors who do not require prepayments even if their quotes are marginally higher than a vendor who required prepayment.
 - (iii) An attached vendor price quotation or pro-forma invoice including the vendor’s written request and justification for the advance.
 - (2) The Commissioner of Education or designee, will individually approve each request for prepayment, verifying that the requesting school or program has met all the criteria and submitted the requisite supporting documents.
 - (3) The school program will enter the prepayment encumbrance document code (OA) under the JD Edwards Financial Management System and forward the requisition to the Fiscal and Budget Office.
 - (4) The Fiscal and Budget Office will verify if the vendor has any outstanding advance payments on prior purchase orders where items have not been delivered to PSS. If the vendor has cleared the advance payment verification process, the purchase requisition will be routed for processing of the purchase order for advance payment.
 - (5) The Accounts Payable Department will process the advance payments using the accounts payable section of the J.D. Edwards Financial Management System. General ledger account number 10237 for local account and 20237 under for federal account of the J.D. Edwards Financial Management System for normal purchase order shall be charged.
 - (6) When the goods or materials for which a prepayment was made are received, the schools or program will forward the receiving documents to the Accounting Department of the Fiscal and Budget Office. A journal voucher will be prepared by accounting crediting 10237 for local account and 20237 for federal account and charging the appropriate expense account. The encumbrance number must be indicated on the journal voucher so that the outstanding obligation is liquidated when the expense account is charged.

- (d) Prepayment Request After Issuance of Regular Purchase Order

If a purchase order has been issued and the originating school or program subsequently requests that a prepayment be made to the vendor, such request may be approved provided the requirements under subsection (c) above have been retrieved by the Procurement and Supply Office and a request for deobligation is made. A deobligation memo will be sent to the Accounting Section in the Fiscal and Budget Office to credit the appropriate account charged. An indication must be made on the purchase requisition that prepayment is required in compliance to subsection (c) and the school or program will process a new encumbered number using the (OA) document code which then can be processed for advance payment as per subsection (c).

- (e) Federal Grants

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A prepayment request charging a federal grant account must note that prepayment is required by the vendor and the expiration date of the grant on the “justification” section of the purchase requisition. The requesting department or agency must ensure that the federal account is properly charged before the expiration of the grant within the regulatory grace period subsequent to the termination of the grant (generally this grace period extends ninety days beyond the termination of the grant).

(f) The school or program placing standing orders or blanket orders (open purchases) requires periodic shipment of goods and prepayment to the vendor must ensure the following:

(1) The outstanding order must be limited to six months or less, and in no event shall the term of the standing order exceed the end of the fiscal year, regardless of funding source.

(2) The originating school or program will instruct the vendor to:

(i) Reference the purchase order number on all invoices.

(ii) Send all original invoices to the accounts payable section of Fiscal and Budget Office.

(iii) Send all packing slips or shipping documents to the Procurement and Supply Office.

(3) Upon receipt of goods or services from the vendor, originating department will sign the original receiving report indicating the P.O. number under which the shipment was made and whether the shipment was “partial (P) or complete (C).” The school or program will forward the receiving reports to accounts payable for appropriate action. Copies of all shipping documents will be retained by the originating school or program and such other perpetual inventory records as are necessary to give a complete and accurate status of all standing blanket orders at any time.

(4) Under receipt of all receiving reports for outstanding purchase order, accounting will prepare a journal voucher transaction crediting account ___237, charging the appropriate expense account and liquidating the encumbrance.

(g) Research and reconciliation of “Open” Encumbrance:

An encumbrance report (121-P) will be provided to all schools and programs at the end of each month. All “open” encumbrances should be reviewed and researched for receipt of goods, and if received, necessary invoices, and or packing slips is sent to accounting as a journal voucher transaction, which can be prepared and processed, and the open encumbrances liquidated.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Adopted 36 Com. Reg. 35889 (Dec. 28, 2014); Amdts Proposed 32 Com. Reg. 35626 (Oct. 28, 2014); Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001).

Commission Comment: In subsection (f)(3), the Commission moved the period after “complete” inside of the closing quotation mark.

In December 2014, the Commission removed the “-” after “Qualifying Purchase” in the amended subsection (b) and placed the subsequent text on the following line for consistency with the other subsections within the section. The Commission struck the figure “2” from subsection (b)(2) pursuant to 1 CMC § 3806(e).

§ 60-20-710 Payroll; Payroll Deductions

Payroll deductions may be made for the following proposes:

(a) To meet legal requirements.

- (b) Medical and life insurance premiums charged by the insurance company that is currently providing coverage purchased by the CNMI Public School System or the employee.
- (c) Deductions for annuity contributions at the employee's option, provided however, that the payments are to be made to:
 - (1) A company for which the school is currently making deductions;
 - (2) The company with which the school has group health insurance coverage.
- (d) Deductions for contributions to the CNMI Retirement Fund.
- (e) Deductions for money advanced to employee for travel when employee has not repaid PSS or submitted appropriate documentation pursuant to the Board regulations regarding travel.
- (f) Other items as may be agreed upon by the PSS and the employee.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001).

§ 60-20-715 Financial Management; Non-appropriated Funds (Student Activities and Fundraising)

- (a) Non-appropriated Funds
 - (1) Funds derived from sources other than appropriation of the CNMI government or the federal government shall be known as non-appropriated funds and shall be subject to strict accountability. For purposes of this section, non-appropriated funds include all money raised through fundraising, donations to schools or student groups and other similar activities.
 - (2) Solicitation of funds or other assistance of monetary value from non-governmental sources for support of any activity related to or sponsored by PSS must be approved by the school principal before such solicitation is undertaken.
 - (3) School Treasurer - Each principal shall appoint an employee to function as school treasurer. The school treasurer shall be responsible, in accordance with these policies and other rules and regulations, for receiving and disbursing non-appropriated funds, arranging for their adequate safe keeping and maintaining adequate records thereon.
 - (4) All non-appropriated funds are to be deposited in a checking account. Although the fund is called an "activity fund" other funds are also deposited in the account (examples: teacher's fund, industrial arts fund, principals fund).
 - (5) All non-appropriated funds other than student organization funds are handled differently from the funds of student organizations. Vouchers for disbursing money from such funds do not require the signature of a student treasurer or sponsor. Only the signature of the person managing the fund is required.
 - (6) Disbursement of any student funds will only be made when one of the teacher sponsors and the treasurer of the activity sign a voucher request for payment. In addition, for all disbursement of funds from student organizations, a majority of the members must vote to

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approve the expenditure. A copy of the minutes of the meeting must be given to the school treasurer.

(7) For expenditure of all non-appropriated funds, a voucher must be obtained from the school treasurer, filled out completely, and returned to the school treasurer, who will then issue a check. The person receiving the check will so indicate on the voucher.

(8) The person making the purchase will obtain an itemized invoice or purchase slip from the vendor and give it to the school treasurer to be attached to the voucher. In cases where payments are made for services, a receipt is to be obtained from the person receiving the check.

(9) Copies of all voucher requests, checks for any disbursements, invoices, purchase slips and receipts shall be maintained by the school treasurer, the teacher sponsor, and the treasurer of the activity, as appropriate.

(10) The school treasurer shall prepare a monthly report showing a reconciliation statement of the school's fund. The report shall show the previous balance, income and expenses for the month, and the current balance for each activity fund. Copies shall be distributed to each club or activity, the Commissioner, the PSS treasurer, and the PSS auditor, by the 15th of the following month. A yearly report of the school's non-appropriated funds shall be given to the Commissioner of Education, the PSS treasurer, and the PSS auditor, by the 15th of the month following the last month of the school year.

(b) Fundraising

(1) Fundraising for the purpose of this section shall be defined as an activity or event undertaken for the purpose of obtaining money over and above the actual cost of the activity or event and conducted under the auspices of the Public School System, its staff or teacher associations, employee organizations and student body councils.

(2) School fundraising activities shall be subject to the approval of the school administration. All funds generated by a fundraising activity shall be used solely for the purposes for which they were approved, except when authorized by the school administration. No fundraising shall be approved unless the funds are to be used in conjunction with PSS programs and activities. The purpose of the fundraising must be to support educational purposes, but may not conflict with instructional time or other policies.

(3) An educational purpose may go beyond the formal study of traditional academic subjects. Educational purposes include, but are not limited to, the discovery and understanding of life skills, community awareness, cultural diversity, language development, natural resources, social structures, political systems, historical perspectives and character development.

(4) No sale or drinking of alcoholic beverages shall take place at any school related activity regardless of where it is held. Sale of food items prior to breakfast or lunchtime in the school will not be allowed unless approved by the principal. Fundraising activities that will hamper operations of the schools or will take away instructional time from the students shall not be allowed. Fundraising activities involving students as candidates for queens will be approved if a majority of the PTA members of the respective schools and the principal agree.

(c) PTA Fundraising

(1) While the PSS recognizes that PTA organizations are entities (usually nonprofit corporations) that are independent from the PSS and the Board, it also recognizes that PTAs oftentimes use the PSS's various school names or good will in the community in order to raise funds. PTAs must live up to the standards of being the quasi-public entities that they are. The

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PSS, therefore, has an interest in ensuring that money raised and activities planned by the PTAs are done in a manner that will not reflect poorly upon the PSS's good name in the CNMI community.

(2) Accordingly, the Commissioner of Education, in consultation with various PSS staff and PTA members, should establish financial, open records, ethical, accounting and any other necessary requirements that all PTAs must follow in order to be allowed to use the PSS's or any of our schools' names for fundraising or other activities. It is anticipated that the PSS's Internal Auditor will stringently enforce appropriate accounting and the financial record keeping practices. Appropriate legal action may be taken against PTAs that do not follow the Commissioner's guidelines.

(3) At the end of each month, each PTA must submit a report including an itemized list of all money or gifts received by the PTA and all items purchased by the PTA or other money spent by the PTA.

(4) The quarterly financial status reports of the Public School System shall include the status report of all funds raised by PTA, students and individual schools. Donations of any kind will also be part of the report.

(d) Audits, Violations and Additional Procedures

(1) All student organization officers, sponsors, or any other individual involved in working with nonappropriated funds shall be made aware of these regulations.

(2) Any violation of this policy will result in the termination of fundraising authorization and possible legal action will be taken by the PSS.

(3) The Commissioner is empowered to establish any additional procedures governing fundraising activities to implement this section.

(4) A fund audit for any school associated groups, which have fundraised under the auspices of PSS, shall be undertaken at the request of the Board, the Commissioner, the school principal or as required by CNMI law.

Modified, 1 CMC § 3806(d), (f), (g).

History: Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001); Amdts Adopted 19 Com. Reg. 15452 (Aug. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12462 (Oct. 15, 1994); Amdts Adopted 13 Com. Reg. 7541 (Jan. 15, 1991); Amdts Adopted 12 Com. Reg. 7438 (Oct. 15, 1990) (reserving proposed amendment for further consideration); Amdts Proposed 12 Com. Reg. 7205 (Aug. 15, 1990); Amdts Adopted 10 Com. Reg. 5739 (Nov. 15, 1988); Amdts Proposed 10 Com. Reg. 5688 (Sept. 15, 1988).

Commission Comment: The 1988 amendments amended policy 703, entitled "Fundraising," to add sections 703.6 through 703.10. See 10 Com. Reg. at 5742 (Nov. 15, 1988). However, a fundraising policy has not previously been published. The 1991 amendments readopted and republished "existing section 703.4." The 1996 amendments deleted former subsection 703.6 and added two new subsections 703.6 and 703.7. The 2002 amendments repealed former Board of Education policy 703 and replaced it with this section.

In subsection (c)(1), the Commission changed "PTA's" to "PTAs" to correct a manifest error.

§ 60-20-720 Accounting and Reporting; Travel Outside the CNMI

(a) Applicability

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This section applies to official travel outside the CNMI performed in the interest of the Public School System by Public School System employees and the Board of Education. Other individuals covered by this section include, but are not limited to, consultants, employees eligible for repatriation and individuals, such as students and parent chaperones, and advisory council members who are traveling on official business for the Public School System. This section shall not apply to travel for repatriation or other travels for which additional regulations may be established and approved by the Board of Education.

(b) General Rules

Only official travels that are considered necessary to accomplish a specified purpose shall be authorized.

(c) Travel Authorizations (TA)

(1) All official travel shall be authorized with an approved travel authorization (TA). Situations requiring emergency official travel shall be permitted upon approval of a written justification.

(2) Trip-by-trip authorization shall be issued to allow an individual to perform official travel. This authorization shall include:

- (i) Specific purpose
- (ii) Itinerary (schedule of departure, arrival and destination)
- (iii) Estimated cost.

(3) All travel outside of the CNMI by PSS employees, students, parents and appropriate consultants and guests shall be requested by the principal or program manager through the Commissioner and authorized by the Chairperson of the Board or his designee as the approving officer.

(4) All travel outside of the CNMI by the Commissioner, BOE key staff, and BOE members other than the Chairperson of the Board of Education shall be signed by the traveler as requester and the Chairperson of the Board or his designee as the approving officer.

(5) All travels outside of the CNMI by the Chairperson of the Board shall be requested by the Chairperson of the Board and approved by the Vice-chairperson of the Board of Education.

(6) The following information must be attached to the TA before being presented to the Chairperson of the Board and to the Commissioner as appropriate:

- (i) Justification memorandum for the travel
- (ii) Document of invitation and/or agenda
- (iii) Specific purpose
- (iv) Itinerary (schedule or departure, arrival and destinations)
- (v) Estimated cost.

(7) Out of CNMI travel requests shall be submitted to the Commissioner or the Chairperson of the Board of Education, as appropriate, no later than 10 working days prior to commencement of travel, except for extenuating circumstances.

(8) Instructions for travelers shall be attached to all approved travel authorizations notifying travelers of their responsibilities in accounting for all procurement documents such as unused tickets, coupons, receipts, and other documents that will be required for completion of vouchers or for accounting for travel cancellations.

(9) TAs shall not be issued if there is an outstanding voucher or if an outstanding expense by the traveler has not been verified. Exceptions to this rule may be made at the discretion of the Commissioner or the Chairperson of the Board, as appropriate.

(10) TAs may be amended only upon approval by the requesting and approving officials. A justification memorandum for the amendment must be attached. Any diversion from what was specified on the approved TA must be presented as an amended TA and shall be approved by the appropriate requesting and approving officials. Amendments to TAs must be in the interest of the Public School System.

(d) Travel Expenses

Expenses anticipated in the fulfillment of an official travel may include the following:

(1) Transportation: PSS will authorize the mode of transportation which will result in the greatest advantage to the PSS considering factors such as per diem, overtime, lost work-time, transportation costs, distance of travel, number of travelers, and stopovers. Travel by common carrier, which is most efficient and economical to the PSS, shall be selected unless this will impose undue hardship upon the traveler or would seriously interfere with the performance of business by the traveler.

(2) Individual travel: Payment for ground transportation will be \$30 per day per individual. No receipts are necessary as this is a per diem travel expense. In certain circumstances the traveler may find it more convenient to rent a car. The rate for the car should not be higher than the federal rates for the economy car. Please check with the travel section of PSS for the allowable rate for the rental car. (Rates will vary by city.) The traveler will be paid the difference between the car rental cost and the ground transportation per diem. The traveler will be expected to pay the car rental agency. Receipts for the car rental are necessary for reimbursement. PSS will not pay car rental agencies directly.

(3) Group Travel: Payment for ground transportation expenses can be handled in either of the following ways if the group is in agreement. If the group cannot agree then the default shall be (i) below.

(i) Group travel without vehicle rental: If the group elects to not rent a car then each individual member of the group shall be given a \$30 per diem for such transportation. The travel voucher must show the total ground transportation received.

(ii) Group travel with vehicle rental: In the event the group elects to rent a car, a ground transportation per diem shall not be given to any traveler. Instead, the designated driver in the group shall receive an advance to pay or the cost of the vehicle rental. No other person will receive any funds for transportation expenses. The designated driver who receives payment from PSS for the rental shall be responsible for renting the vehicle or be liable for the reimbursement of the funds to PSS. Receipts must be submitted to PSS to certify the rental. Actual cost of the rental is allowable and the difference between the funds advanced and the actual cost will be reconciled upon submission of the travel voucher.

(iii) In the event that the travel in question involves students, a “group” shall consist of a chaperone and the children she is immediately responsible for. More than one “group” may be present on any one trip.

(4) Termination of travel due to illness may be authorized prior to completion of temporary duty assignment. Termination of travel as a result of the travelers own misconduct shall be at the expense of the traveler.

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- (5) Travel routes other than what was authorized shall be allowed when there is no additional expense incurred by PSS.
- (6) Insurance for collision damage and liability shall be paid by PSS for official travel requiring the use of a vehicle and as authorized in the TA. Travelers are required to obtain collision damage and liability insurance when renting or otherwise obtaining a vehicle. Damages to rented vehicles may be paid up to the deductible amount shown in the rental contract if it can be proven that the damage occurred while the vehicle was used for official business only. Personal accident insurance is reimbursable.
- (7) Expenses incurred due to cancellation of flights by the airline shall be the responsibility of the airline. Lodging and meal expenses incurred as a result of flight cancellation shall be the responsibility of the airline. It is the responsibility of the traveler to ensure that the airline covers these costs.
- (8) Voluntary cancellation of reservation on the part of the employee shall be at the expense of the employee and not the PSS. Employees on official travel status shall not voluntarily cancel their reservations if it will interfere with performance of official duties. Employees who voluntarily delay their travel while on official duty en-route to home destination shall be charged annual leave for additional hours or days that they miss as a result of voluntary postponement of travel, if approved in advance per the annual leave regulations. Those employees who voluntarily delay their travel while on official duty en-route to home destination without prior approval will be charged absence without leave (AWOL) and may be otherwise disciplined, including losing future travel privileges.
- (9) Miscellaneous expenses such as excess baggage, communication costs, gasoline, baggage transfer and others that are incidental to performance of official business shall be reimbursed only when authorized and when accompanied by explanation for each expense item.
- (10) Per diem rates shall be established by the Board of Education in accordance with board policy and CNMI law. Per diem rates shall be the standard form of travel reimbursement for PSS travelers unless otherwise requested and authorized. It is assumed that the per diem rate will cover all expenses other than airplane transportation and ground transportation.
- (11) Actual subsistence rates may be requested, if appropriate for the nature of business to be conducted, and must be authorized by the Commissioner or Chairperson of the Board. Appropriate circumstances may include conferences held in hotels where the per diem rate would not be sufficient to cover travelers expenses. To determine the actual subsistence rate, reasonable cost of lodging for the number of days authorized plus the amount established by the Board for meals per day. Cost of ground transportation related to official business activity may be reimbursed in addition to the set amount per day for meals and miscellaneous subsistence expenses. Receipts for ground transportation expenses shall be attached to the voucher for reimbursement. Actual subsistence reimbursement shall not exceed 55% of the established per diem rate. Lodging, transportation and receipts for any claimed miscellaneous expenses must be submitted with the travel voucher.
- (12) Whenever a traveler interrupts his/her travel for personal reasons or due to illness or injury not due to his/her own misconduct, the proper leave application must be filed with the voucher and approved by the authorized official.

(e) Travel Authorization with No Expense to PSS

Travel sponsored by agencies other than PSS must be approved with a travel authorization showing zero travel expense. All travel performed by PSS staff at the expense of agencies other

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than the PSS must be in the interest of the PSS. Proper leave must be applied if the traveler requires additional days from duty station for personal reasons not related to the purpose of the travel. The leave application must be attached to the TA.

(f) Travel Advance

(1) General rules: A travel advance form shall be filed by the traveler to authorize release of checks. The travel advance form shall be submitted with the TA.

(2) Travel advance checks shall be released on a timely basis. Ninety percent of the travel advance allowed shall be issued to the traveler. The remaining ten percent shall be issued only upon travelers completion and filing of the appropriate support documents with the fiscal office within fifteen working days upon completion of travel.

(3) Travel advance should be considered as a loan to the traveler until proper reconciliation of approved travel expenses has been authorized and no outstanding amount is due to either the traveler or the PSS.

(g) Travel Voucher

(1) Travelers are solely responsible for the preparation and submission of all travel vouchers and shall be held accountable for any missing documents or any failure to file in a timely manner. Travelers must file a travel voucher with supporting documentation within fifteen working days upon completion of travel. Travelers who fail to meet this deadline will forfeit the remaining ten percent of the cost of travel and will be subject to payroll deduction of the entire amount of the advance.

(2) The traveler must complete and file a travel voucher form following these procedures.

(i) Front page (self explanatory)

(ii) Reverse page: Complete the form by filling in the appropriate space the local date, time of arrival and departure, and location. Note any departure from approved travel routes and delays.

(3) For travelers using the per diem rate, the following items must be submitted with the voucher:

(i) An approved detailed trip report explaining the purpose of the travel, the event or meeting attended (if appropriate) and the benefit to the traveler and the PSS. All trip reports must be submitted to the traveler's supervisor for approval before submission to the fiscal office. The sufficiency of the trip report shall be determined by the traveler's supervisor, who shall approve the report and return to traveler for submission to the fiscal office if the report is sufficient. If insufficient and not approved, the supervisor shall return the trip report to the traveler and request more information from the traveler for resubmission to the supervisor;

(ii) Conference receipt, if applicable;

(iii) Airline ticket stub/boarding pass

(iv) Any unused ticket coupons.

(4) For travelers using the actual subsistence rate, the following documents must be submitted with the travel voucher:

(i) An approved detailed trip report following the same procedures set forth above in (g)(3)(i);

(ii) A detailed statement justifying why the actual subsistence rate is/was necessary for the business conducted;

(iii) Airline ticket stub/boarding pass;

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- (iv) Conference receipt, if applicable;
 - (v) Lodging receipt;
 - (vi) Car rental receipt;
 - (vii) Receipts for any claimed miscellaneous expenses other than for meals; and
 - (viii) Any lack of receipts must be fully explained.
- (5) TAs approved by PSS but at the expense of agencies other than PSS require submission of a voucher upon completion of travel.
- (6) Traveler must submit any appropriate leave applications.
- (7) Within fifteen working days after the voucher was or should have been submitted, the travel section of the Fiscal and Budget Office will issue the employee a statement notifying him/her of any discrepancies in the submitted documents and all amounts owed to PSS. This statement shall include the following:
- (i) The date of each travel resulting in an outstanding balance;
 - (ii) The place of each travel resulting in an outstanding balance;
 - (iii) The amount advanced for each trip;
 - (iv) The amount owed for each trip;
 - (v) The total amount owed;
 - (vi) Any discrepancies or problems with the submitted documents; and
 - (vii) Notification that the amount will be deducted from the employees paycheck for the next pay period unless resolved.
- (8) In no case shall a payroll deduction exceed more than thirty percent of the employee's gross paycheck unless the employee is leaving PSS. Payments owed to PSS may be deducted over several pay periods, if necessary.
- (9) If the travel advance exceeds reimbursement due, the balance will be deducted from the travelers paycheck subsequent to the notice of the balance due, but no later than fifteen days after travel has been officially notified of amount due to PSS. For Board members, deductions shall be made from honorarium payments. For all non-employee travelers, including Board members, if future travel is approved as an exception under subsection (c)(10) of this section, deductions for amounts owed may be made from the per diem advance for the next travel.
- (10) If travel is cancelled for any reason, immediate refund of the travel advance must be made. Employee must notify the travel section that the travel was cancelled and the purchased tickets or unused GTRs must be returned to PSS. Employee will be notified that a payroll deduction shall be made from the employees next pay check and the deduction shall be made no later than 15 days after the notice.
- (11) Responsibility for examination of voucher and supporting documentation rests with the fiscal staff of the PSS. Vouchers must be accurate and expenses claimed authorized. If necessary, the voucher examiner shall initiate the voucher for review by the appropriate officials. Notes shall be made by the examiner if any discrepancy exists and forwarded to the traveler for clarification or correction. Employees must respond with the requested supporting information to avoid forfeiture of the 10% and/or to avoid any paycheck deductions.
- (12) Appropriate procedures including possible legal action may be initiated in case of fraudulent claims. Documentation of this process must be made in writing by the fiscal section and the appropriate official of PSS.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 38 Com. Reg. 38406 (Aug. 28, 2016); Amdts Proposed 38 Com. Reg. 37969 (May 28, 2016); Amdts Adopted 36 Com. Reg. 35889 (Dec. 28, 2014); Amdts Proposed 32 Com. Reg. 35626 (Oct. 28, 2014); Amdts Adopted 33 Com. Reg. 31659 (June 27, 2011); Amdts Proposed 32 Com. Reg. 30195 (Dec. 20, 2010); Amdts Emergency 32 Com. Reg. 30623 (Sept. 22, 2010) (effective for 120 days from Sept. 20, 2010); Amdts Adopted 32 Com. Reg. 30251 (May 21, 2010); Amdts Proposed 31 Com. Reg. 29988 (Dec. 22, 2009); Amdts Adopted 24 Com. Reg. 19410 (July 29, 2002); Amdts Proposed 24 Com. Reg. 19132 (May 20, 2002); Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001); Amdts Adopted 20 Com. Reg. 15965 (June 15, 1998); Amdts Proposed 19 Com. Reg. 15423 (Aug. 15, 1997); Amdts Proposed 17 Com. Reg. 13008 (Mar. 15, 1995); Amdts Adopted 16 Com. Reg. 12673 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 12462 (Oct. 15, 1994); Amdts Adopted 14 Com. Reg. 9530 (Aug. 15, 1992); Amdts Proposed 14 Com. Reg. 9226 (May 26, 1992); Amdts Adopted 11 Com. Reg. 6243 (June 15, 1989); Amdts Proposed 11 Com. Reg. 6144 (Apr. 15, 1989); Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

Commission Comment: On April 15, 1989, the Board of Education published a notice of adoption of “Travel Rules and Regulations.” See 11 Com. Reg. at 5886-5893 (Feb. 15, 1989). The 1992 amendments referred to the Travel Rules and Regulations as Board of Education policy 1002, “General Rules on Travel.” A notice of adoption for the 1995 proposed amendments was never published.

The March 2002 regulations repealed Board of Education policy 1002 and replaced it with regulation 3430, entitled “Travel and Reimbursement,” codified as amended in this section. The July 2002 amendments readopted and republished this section in its entirety with numerous amendments. The July 2002 amendments deleted and replaced former subsection (d)(3), added a new subsection (g)(4), deleted former subsections (g)(5) and (g)(6) and redesignated subsection (g) accordingly. The notice of adoption changed the proposed language for subsections (a), (c)(8), (d)(3), (g)(1), (g)(2), (g)(3) and (g)(9). See 24 Com. Reg. at 19410-11 (July 29, 2002).

Public Law 15-86 (effective Sept. 26, 2007), codified at 1 CMC § 7407(d) and (e), establishes a uniform per diem policy for government travel and prohibits the purchase of first class, business class or other premium airline tickets by the government. The provisions of PL 15-86 supersede subsection (d) to the extent that they conflict.

In June of 2011, the Public School System repealed and replaced this section and changed the title to “Accounting and Reporting; Travel Outside the CNMI.”

§ 60-20-721 Accounting and Reporting; Travel Within the CNMI

(a) Applicability

This section applies to official commutes performed in the interest of the Public School System by Public School System employees and the Board of Education. Other individuals covered by this section include, but are not limited to, consultants, and individuals, such as students and parent chaperones, and advisory council members who are traveling on official business for the Public School System. This section shall not apply to travel outside of the CNMI for which additional regulations may be established and approved by the Board of Education.

(b) General Rules

Commutes are considered to be travel within the CNMI. Only official commutes that are considered necessary to accomplish a specified purpose for PSS shall be authorized.

(c) Commute Form

- (1)** All official commutes shall be initiated and authorized with an approved Commute Form.
- (2)** Commuters are responsible for the preparation and submission of the Commute Form.
- (3)** The Commute Form shall contain:
 - (i)** Specific purpose

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- (ii) Name of commuter
 - (iii) Position/Department
 - (iv) Itinerary (schedule of departure, arrival and final destination)
 - (v) Dates and time of travel
 - (vi) Flight numbers for origin and destination
 - (vii) Signature of requesting party
- (d) Requesting Party:
- (1) Commutes by PSS employees, students, parents and appropriate consultants and guests shall be requested by the principal or program manager.
 - (2) Commutes by the Commissioner, BOE key staff, BOE members and Principals or Program Managers shall be signed by the commuter as requester.
- (e) Commute Expenses. Expenses anticipated in the fulfillment of an official commute may include the following:
- (1) Per diem: Rates shall be established by the Board of Education in accordance with BOE policy and CNMI law. Per diem rates shall be the standard form of commute reimbursement for PSS commuters unless otherwise requested and authorized. Per diem shall cover all travel related expenses other than airfare, ground transportation costs, and other approved reasonable travel expenses necessary to accomplish official duties for PSS.
 - (2) Air Fare: Commuters are required to arrange their own airline reservation. Airline tickets will be purchased by the Finance and Accounting office.
 - (3) Accommodations: Commuters are required to arrange their own hotel reservations. Accommodations will be paid by the commuter out of the per diem rate received.
 - (4) Transportation:
 - (i) Ground transportation will not be authorized unless there is no available PSS vehicle or car rental.
 - (ii) PSS employees should use reasonable efforts to obtain the use of a PSS vehicle during their commute.
 - (iii) Car rental will be authorized as follows:
 - (A) Individual commutes: Reservations must be arranged by the commuter. The rate for the vehicle should not be higher than the federal rates for the economy car. Please check with the commute section of PSS for the allowable rate for the rental car. The commuter will be expected to pay the car rental agency directly. Receipts for the car rental are necessary. PSS will not pay car rental agencies directly.
 - (B) Group commutes: For commuters from the same point of origin commuting on the same dates with the same scope of work one car rental shall be issued per every four commuters in the group. For commuter groups of less than four commuting on the same dates with the same scope of work one rental car shall be authorized for the group. One person in the group shall receive an advance to pay for the cost of the vehicle. No other person in the group will receive funds for car rental. Receipts for the car rental are necessary. PSS will not pay car rental agencies directly.
 - (C) Insurance for collision damage and liability shall be paid by PSS for official commutes requiring the use of a vehicle and as authorized in the Commute Form. Commuters are required to obtain collision damage and liability insurance when renting or otherwise obtaining a vehicle. Damages to rented vehicles may be paid up to the deductible amount shown in the rental contract

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if it can be proven that the damage occurred while the vehicle was used for official business only. Personal accident insurance is reimbursable.

(5) Voluntary cancellation of reservation on the part of the employee shall be at the expense of the employee and not the PSS. Employees on official commute status shall not voluntarily cancel their reservations if it will interfere with performance of official duties. Employees who voluntarily delay their commute while on official duty enroute to home destination shall be charged annual leave for additional hours or days that they miss as a result of voluntary postponement of the commute, if approved in advance per the annual leave regulations. Those employees who voluntarily delay their commute while on official duty enroute to home destination without prior approval will be charged absence without leave (AWOL) and may be otherwise disciplined, including losing future commuting privileges.

(6) Termination of commute due to illness may be authorized prior to completion of temporary duty assignment. Termination of travel as a result of the travelers own misconduct shall be at the expense of the traveler.

(7) Miscellaneous expenses such as excess baggage fees, necessary communication costs, gasoline reimbursements, baggage transfer and others that are incidental to performance of official business shall be reimbursed only when authorized and when accompanied by explanation for each expense item.

(f) Commute Advance:

(1) Commuters will receive a onetime advance for commuting expenses.

(2) The commute advance should be considered as a loan to the commuter until proper reconciliation of approved commuting expenses have been authorized and no outstanding amount is due to either the commuter or the PSS.

(g) Travel Voucher

(1) General rules: Commuters are solely responsible for the preparation and submission of all travel vouchers and shall be held accountable for any missing documents or any failure to file in a timely manner.

(2) Commuters must file a travel voucher with supporting documentation within thirty working days upon completion of each individual commute as set forth on the Commute Form.

(i) Commuters who fail to meet this deadline will be subject to loss of future commuting privileges.

(ii) Commuters who fail to submit travel vouchers and supporting documentation within fifteen days will be subject to payroll deduction of the entire amount of the advance and loss of commuting privileges.

(3) The commuter must complete and file a travel voucher form following these procedures.

(i) Front page (self explanatory)

(ii) Reverse page: Complete the form by filling in the appropriate space the date, time of arrival and departure, and location.

(4) The following items must be submitted with the voucher:

(i) Boarding passes (to and from location);

(ii) Gas purchase(s);

(iii) Car rental receipt;

(iv) Parking receipt(s)

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(5) Within thirty working days after the voucher was or should have been submitted, the travel section of the Fiscal and Budget Office will issue the employee a statement notifying him/her of any discrepancies in the submitted documents and all amounts owed to PSS. This statement shall include the following:

- (i) The date of each commute resulting in an outstanding balance;
- (ii) The place of each commute resulting in an outstanding balance;
- (iii) The amount advanced for each commute;
- (iv) The amount owed for each commute;
- (v) The total amount owed;
- (vi) Any discrepancies or problems with the submitted documents; and
- (vii) Notification that the amount will be deducted from the employee's paycheck for the next pay period unless resolved.

(6) In no case shall a payroll deduction exceed more than thirty percent of the employee's gross paycheck unless the employee is leaving PSS. Payments owed to PSS may be deducted over several pay periods, if necessary.

(7) If the commute advance exceeds reimbursement due, the balance will be deducted from the commuter's paycheck subsequent to the notice of the balance due, but no later than thirty days after the commuter has been officially notified of amount due to PSS. For Board members, deductions shall be made from honorarium payments. For all non-employee travelers, including Board members, if future travel is approved as an exception under subsection (10) of this section, deductions for amounts owed may be made from the per diem advance for the next commute.

(8) If the commute is cancelled for any reason, immediate refund of the commute advance must be made. Employee must notify the PSS Commute Section that the commute was cancelled.

(9) Responsibility for examination of voucher and supporting documentation rests with the fiscal staff of the PSS. Vouchers must be accurate and expenses claimed authorized. If necessary, the voucher examiner shall initiate the voucher for review by the appropriate officials. Notes shall be made by the examiner if any discrepancy exists and forwarded to the traveler for clarification or correction. Employees must respond with the requested supporting information to avoid loss of commuting privileges and/or to avoid any paycheck deductions.

(10) Commutes shall not be authorized if there is an outstanding voucher or if an outstanding expense by the traveler has not been verified. Exceptions to this rule may be made at the discretion of the Commissioner or the Chairperson of the Board, as appropriate.

(11) Appropriate procedures including possible legal action may be initiated in case of fraudulent claims. Documentation of this process must be made in writing by the fiscal section and the appropriate official of PSS.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 38 Com. Reg. 38406 (Aug. 28, 2016); Amdts Proposed 38 Com. Reg. 37969 (May 28, 2016); Amdts Adopted 36 Com. Reg. 35889 (Dec. 28, 2014); Amdts Proposed 32 Com. Reg. 35626 (Oct. 28, 2014); Adopted 33 Com. Reg. 31659 (June 27, 2011); Proposed 32 Com. Reg. 30195 (Dec. 20, 2010); Emergency 32 Com. Reg. 30623 (Sept. 22, 2010) (effective for 120 days from Sept. 20, 2010).

§ 60-20-725 Insurance; Liability

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(a) To protect members of the Board of Education, PSS officers, employees, and volunteers in the performance of their duties and responsibilities, the Board will defend its Board members, officers, employees, and volunteers against claims for suits arising out of actions occurring within the scope of their employment pursuant to the Public Employee Legal Defense and Indemnification Act, 7 CMC §§ 2301, et seq.

(b) As a prerequisite to the right of legal representation and indemnification, any person who is served with legal notice commencing any action or proceeding against him/her for which indemnification is sought is required to immediately notify the Commissioner of Education, but not later than seven days after receipt of such legal notice.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 60-20-730 District Funds; Official Representation Fund

When OR funds are available, the Chairperson of the Board of Education shall authorize use of such funds as follows:

(a) Request for an advance of OR funds shall be made in writing to the Chairperson of the Board by Board members or the Commissioner of Education stating the official purpose, time, place, names and titles of persons to be entertained, and the advance amount requested. OR amounts shall be advanced as approved by the Chairperson.

(b) Within five working days after the expenditure of funds advanced for official representation purposes on island, or within five working days after completion of official travel, the official receiving OR funds shall submit to the Fiscal and Budget Officer of PSS all receipts evidencing expenditure of the funds. The Fiscal and Budget Officer shall determine whether the expenditures are within the authorized Board Chairperson approval or disapproval of the expenditure. Any amount not expended, or approved for expenditure shall be returned to the OR account.

(c) Request for reimbursement for OR expenses not advanced shall be made directly to the Fiscal and Budget Officer. The documents and receipts showing the time, place, official purpose, names or individuals and their titles, and other information pertaining to the reimbursement shall accompany the request. The Fiscal and Budget Officer shall transmit these documents with his/her recommendation to the Chairperson of the Board for review and for approval or disapproval of reimbursement. Reimbursement of expenditures for items not granted advance authorization by the Chairperson is not guaranteed.

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(d) Official representation funds shall not be used to pay for expenses while conducting routine business with PSS staff. OR funds shall not be used while on travel status except for official business with off-island non-PSS education officials or similar types of individuals.

(e) Official representation funds may also be used by Board staff to purchase refreshments for consumption at public Board of Education meetings.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 24 Com. Reg. 19045 (Mar. 19, 2002); Amdts Proposed 23 Com. Reg. 18765 (Dec. 21, 2001).

§ 60-20-735 Budget

(a)(1) Budgeting is an essential element of the financial planning, control, and evaluation process of any governmental unit. Annual operating budgets represent plans for current expenditures and the proposed means of financing them. They are also the primary means by which these activities are legally controlled. Because statement 1 of the Governmental Accounting, Auditing and Financial Reporting (GAAFR) requires detailed budgetary comparisons for governmental accounting, and section 203(b) of PL 3-68 requires that financial reporting and accounting systems be established in conformity with GAAFR statement 1, the budget will be prepared in conformity with generally accepted accounting principles (GAAP).

(2) As an action plan, the budget represents the Public School System's (PSS) blueprint for the coming months and years, expressed in monetary terms. It reflects the realistic goals and objectives which resulted from the Board of Education's (BOE) decisions concerning the directions the PSS will take in the future. It also serves as a tool for monitoring the financial activity throughout the year. This will allow the BOE to compare actual financial performance with the budget, evaluate the effectiveness of the execution of the financial plan, and control the operation by taking corrective action whenever the comparison indicates a significant deviation from the plan.

(3) Because policies represent a definite course or method of action selected to guide and determine present and future decisions, the BOE adopts the following budgetary policies.

(b) Budgetary Policies

(1) It is the expressed intent of the Board of Education to comply with the provisions of any and all applicable laws that relate to the preparation and presentation of budgets and the budgeting process. Specifically: PL 4-32 (the 1984 Compensation Adjustment Act); PL 3-68 (the Planning and Budgeting Act of 1983); PL 5-31 (Operations Appropriations Act of 1987); PL 5-38 (Fiscal Year 1987 Supplemental Appropriations Act); and any and all applicable legislation subsequent to these laws that either modifies the existing legislation or adds new legislation to this area.

(2) The Board of Educations intends to comply with basic principle 9, including any subsequent official pronouncements, as set forth in Governmental Accounting, Auditing, and Financial (GAAFR) statement 1. This principle states that: an annual budget should be adopted by every governmental unit; the accounting system should provide the basis for appropriate budgetary control; and budgetary comparisons should be included in the appropriate

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financial statements and schedules for governmental funds for which an annual budget has been adopted.

(3) It is the responsibility of the BOE to provide direction by establishing overall objectives, goals, and relative priorities with input from the Commissioner of the PSS, when required upon which the preparation of the annual operating budget is based. Therefore, the BOE resolves to form a BOE Budget Committee that will be responsible for conveying the BOE's priorities, goals, and objectives to the Commissioner; and for overseeing the preparation of an annual operating budget that meet these criteria. The Commissioner will be responsible for the preparation of the annual operating budget, and the completed budget will be presented to the Budget Committee for its review and approval. Once approved by the committee, the budget will be forwarded to the entire BOE for its review, approval and transmitted to appropriate CNMI agencies and the Legislature.

(4) To coordinate all areas that impact the total financial operating plan, the budgeting process must be integrated at all levels. Without this integration there cannot be efficient and effective coordination between CIP projects, federal programs, and local appropriations. It is the responsibility of the Commissioner to implement procedures that result in a coordinated effort designed to accomplish this integration in an efficient and effective manner.

(5) In the event that the appropriated funds are less than budgeted amounts approved by the BOE, the Board will re-evaluate its relative priorities, goals, and objectives based on the available resources. After this re-evaluation process is completed, the Budget Committee will convey this information to the Commissioner; and oversee the modification of an annual operating budget that meets these criteria in light of the funding available. Once the budget has been modified, it will be presented to the Budget Committee by the Commissioner for its review and approval. After approval by the committee is obtained, the budget will be forwarded to the entire BOE for its review and approval.

(6) To add a degree of flexibility needed to accommodate changing conditions and circumstances, the BOE will require the ability to reprogram funds within the limits established in PL 3-68 and other applicable laws of the CNMI. Where PL 3-68 section 402(c) defines the reprogramming authority for agencies and departments, the Chairman of the BOE or his authorized designee will act with the authority equivalent to those public officials listed in section 401(b) through (p).

(7)(i) To meet its future needs, the BOE will establish a Long-Range Budget Planning Committee. This committee will assume the responsibility of preparing a five year financial master plan, and updating the plan on an annual basis. The plan will be based on the goals and objectives that all members can agree upon as being reasonable.

(ii) Because the master plan focuses on goals and objectives in an attempt to establish a purpose and direction for the PSS, associated costs will be considered only after a purpose and direction have been established. At that time, the Commissioner of the PSS along with the appropriate management personnel will work with the committee to prepare realistic cost estimates for the specific goals and objectives established by the committee. Then the means of financing these goals and objectives will be analyzed.

(c) Budget Procedures

These procedures will be used in the preparation of the annual operating budget for the PSS. For the purpose of applying these procedures the terms program directors and principals are

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interchangeable; program directors will follow these procedures to the extent that the procedures apply to specific programs unless otherwise stated.

- (1) The timeline for the budget process is as follows:
 - (i) Nov. 15th Program managers and principals submit their budget to the fiscal office for compilation and for presentation to the Management Committee.
 - (ii) Nov. 30th Fiscal office presents compiled budget to the Management Committee for review and comments.
 - (iii) Dec. 5th Management Committee presents budget through the Commissioner to the Board.
 - (iv) Dec. 15th Board of Education reviews and acts on the budget.
 - (v) Dec 15 to January 31st Revisions made as appropriate and as approved by the Board.
 - (vi) Feb. 1st Budget is presented to the Senate, House and the Office of the Governor.
- (2) Projections for student enrollment will be incorporated in budget preparations to assist in determining staffing requirements and amounts to budget for the “all others” category.
- (3) BOE approved student/teacher ratios will serve as the basis for hiring teachers in each school.
- (4) CIP projects that will impact on the schools will be included.
- (5) Teachers will submit a detailed list of supplies and instructional materials showing the most current cost to the principals.
- (6) Verifications of all school personnel in terms of their position titles, base salary, grades and step will be made. For all new positions, written justifications must be provided.
- (7) The principals will review the detailed information provided by their teachers for the “all others” category and add additional requests on all others with justification. Maximum allowable amount in the “all others” category is \$600 per student.
- (8) Principals are responsible for coordinating preparation of their local budget in reference to federal funds allotted for any of their programs requiring supplemental funding from the local budget.
- (9) A Management Committee consisting of the following individuals will coordinate the preparation and presentation of the annual operating budget to the BOE: the Commissioner of Education (COE); the Deputy Commissioners of Instruction and Administration; the Federal Program Coordinator; the Fiscal and Budget Officer; and the Comptroller.
- (10) The principals will submit their completed budgets to the Management Committee for review. After committee review, the Fiscal Office will compile the annual operating budget.
- (11) The completed budget will be submitted by the Commissioner to the BOE for its review and approval. Once approved, the budget will be submitted to the appropriate governmental agencies for processing through the appropriations process.
- (12) Should the approved budget be less than the requested budget, the budget revision process will begin with the Commissioner onward to the principals and the teachers. The revised budget will be presented to the Management Committee for its review and presentation to the Commissioner before it is presented by the Commissioner to the Board for its review and approval.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6155 (Apr. 15, 1989); Proposed 11 Com. Reg. 5878 (Feb. 15, 1989).

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Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

The Board of Education adopted the 1989 “Budget Policy” without designating a policy number. It is not clear, therefore, whether the policy was affected by later policy repeals and the Commission retained the policy and codified it in part 700.

In subsection (c)(5), the Commission corrected the spelling of “current.”

§ 60-20-740 Federal Grants

All federal program applications should be reviewed and endorsed by the Board. Existing clearing house procedures will be followed as required by each federally funded program. Board members will be provided copies of program applications.

Modified, 1 CMC § 3806(b).

History: Amdts Adopted 17 Com. Reg. 13064 (Mar. 15, 1995); Amdts Proposed 16 Com. Reg. 12517 (Nov. 15, 1994).

Commission Comment: The 1995 amendments purported to amend “policy 1006,” entitled “Federal Grants.” The federal grant policy had not been published previously. The Commission codified the provisions of policy 1006 in part 700.

Part 800 - Support Services

Subpart A - Buildings and Grounds Management

§ 60-20-801 Buildings and Grounds Maintenance and Inspection

(a) Each school principal is responsible for the condition of the buildings in his/her care as to cleanliness, ventilation and general maintenance, in order to safeguard the health, safety and comfort of the students and employees. The principal of each school shall regularly inspect and identify any hazardous conditions in his/her area of supervision and promptly report them in writing to the Commissioner’s designee. The reports will identify any conditions needing attention and suggest corrections. The designee shall regularly report to the Commissioner of Education regarding such conditions and plans to correct.

(b) The Commissioner/designee is directed to maintain a proper preventive maintenance program and ensure adequate funding to sustain this program in the budget recommendation. Provisions of this program should include the following:

(1) The Commissioner/designee and school principals shall ensure the periodical inspection of the buildings, grounds and playgrounds and report their findings to the Board.

(2) Improvements and additions to the buildings and grounds will be made as established by capital outlay line items approved in the budget by the Board.

(3) An adequate custodial services program for all buildings shall be maintained as allowed per yearly appropriations.

(4) School grounds and fields shall be maintained and improved to ensure a safe, functional and attractive environment.

(5) PSS buildings and equipment shall be repaired, painted and replaced as needed.

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(6) Obsolete equipment will be identified, replaced when necessary and discarded and reported according to proper procurement and inventory procedures.

History: Amdts Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 21065 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In 1997, the Board of Education rescinded former policy 806, entitled “Policy on Drugs and Alcohol and Smoking.” Policy 806 was replaced by the 1997 Regulations for the Public School System Employment of Certified and Non-certified Personnel. See NMIAC, title 60, subchapters 30.2 and 30.3; see also 19 Com. Reg. 14943 (Jan. 15, 1997) (adoption); 18 Com. Reg. 14484 (Nov. 15, 1996) (proposal). For the history of policy 806, see 11 Com. Reg. 6604 (Oct. 15, 1989); 11 Com. Reg. 6481 (Sept. 15, 1989); 11 Com. Reg. 6358 (Aug. 15, 1989).

On April 15, 1998 the Board of Education published a notice of proposed regulations entitled “Public School System Vehicles.” A notice of adoption was published on July 15, 1988. The text of the “Public School System Vehicles Regulations” was not published with either notice. See 10 Com. Reg. 581 (July 15, 1988); 10 Com. Reg. 5533 (Apr. 15, 1988).

The January 2004 amendments repealed former Board of Education policy 801, “Operation of Buildings and Grounds,” policy 802, “Inventories,” policy 803, “Fire Safety,” policy 804, “Bus Maintenance,” policy 805, “Construction of Classrooms,” and policy 811, “Betel-nut (Pugua).” For the history of these policies see: 19 Com. Reg. 15449 (Aug. 15, 1997); 18 Com. Reg. 14484 (Nov. 15, 1996); 17 Com. Reg. 13653 (Aug. 16, 1995); 17 Com. Reg. 13505 (June 15, 1995); 14 Com. Reg. 9285 (May 26, 1992); 13 Com. Reg. 8164 (Oct. 15, 1991); 13 Com. Reg. 7541 (Jan. 15, 1991); 12 Com. Reg. 7438 (Oct. 15, 1990); 12 Com. Reg. 7205 (Aug. 15, 1990); 9 Com. Reg. 5242 (Sept. 15, 1987); 9 Com. Reg. 4928 (May 15, 1987); 8 Com. Reg. 4220 (Apr. 18, 1986); 8 Com. Reg. 4213 (Feb. 17, 1986); 7 Com. Reg. 3972 (Sept. 16, 1985); 7 Com. Reg. 3820 (July 22, 1985); 3 Com. Reg. 1254 (June 30, 1981). See also the commission comment to § 60-20-001.

The January 2004 amendments also repealed policies 807 through 810 and 900-905. The Commission has found no record of the publication of these policies in the Commonwealth Register.

Subpart B - Safety, Security and Communications

§ 60-20-805 Hazardous Materials

(a) Each school and programs shall at a minimum comply with the following standards:

(1) All material safety data sheets (MSDS) shall remain with materials at all times and shall be strictly followed. Additional copies of the MSDS shall be on file in the school office.

(2) All purchase orders of chemicals for laboratories shall be cleared for review and approval by the Commissioner’s designee before purchase.

(3) The PSS should purchase chemicals for the school year only. Such purchases should not be made in bulk quantities. Teachers should justify the purpose for use and strictly follow procedures of use of all chemicals.

(4) All schools and programs must purchase cleaning and disinfectant supplies that are non-poisonous and biodegradable.

(5) The school principal shall submit an annual report of all hazardous material used in all classrooms and those used by preventative maintenance and custodial staff.

(b) Overall Recommendations for Chemical Storage, Handling and Disposal.

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- (1) All chemicals should be accounted for and a quarterly inventory should be conducted, this includes amount of chemicals used, expiration date, date of storage etc.
- (2) The chemical storage room shall be cleaned, maintained and regularly inspected.
- (3) The chemical storage cabinet should be cleaned yearly.
- (4) The chemical storage cabinet corrosive should be balanced so the cabinet will not move.
- (5) There shall be adequate storage room ventilation.
- (6) All chemicals should be stored in one room with proper lock to prevent vandalism.
- (7) Fire extinguishers must be readily available and in working condition.
- (8) Emergency wash shall be installed and in working condition.
- (9) All new chemicals purchased must be accompanied by written information such as material safety data sheet (MSDS) by the manufacturer. MSDS shall be available in the classroom and a copy in the office.
- (10) Information from chemical manufacturer for proper use and disposal of chemical must be collected and kept on file. Each school shall prepare a disposal plan and submit the plan to the Department of Environmental Quality for review and consideration.
- (11) Proper personal protective clothing/equipment must be readily available for use by students and teachers.
- (12) Emergency evacuation plan or fire escape plans shall be established and posted.
- (13) The high schools shall not be provide any chemicals without proper documentation to any agency, businesses, community or individuals for storage or disposal.
- (14) Chemicals should be stored per their characteristics (e.g. corrosive, flammable, oxidizer, etc.).

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 21065 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (b)(4), the Commission changed “balance” to “balanced” and in subsection (b)(14), the Commission changed “its” to “their” to correct manifest errors. See the commission comment to § 60-20-801.

The January 2004 notice of adoption added subsection (a), amended subsection (b) and added the following Form 5210.

Form 5210 **Student Classroom Laboratory Safety Procedures**

The chemistry, art, agricultural, film development, automotive and vocational laboratories/areas are a safe place to experiment if you are careful. You must assume responsibility for the safety of yourself and others. The following are safety rules to help guide you in protecting yourself and others from injury in the laboratory.

1. Do not perform experiments without your teacher’s supervision.
2. Read your lab handout assignment before you begin. If you are in doubt about any procedure ask your teacher for help.

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3. Safety goggles and a laboratory apron may be required during experiments. Eyeglasses are not a substitute for safety goggles. Contact lenses should never be worn when safety goggles are worn; they absorb vapors and are difficult to remove in an emergency.
4. Know how to use the safety equipment provided for you. Know the location of the fire extinguisher, safety shower, eyewash, fire blanket and the first aid kit.
5. Report any accident, injury or incorrect procedure immediately to your teacher.
6. If you spill any corrosive chemicals, wash it off immediately using plenty of water.
7. Never taste any chemical substance. Eating and drinking are prohibited in the laboratory.
8. If clothing should catch fire, smother it with a fire blanket, or quench it under a safety shower.
9. Handle all chemicals carefully. Check the labels of all bottles before removing contents. Do not return unused chemicals to reagent bottles.
10. Keep combustible materials away from open flames.
11. When heating a substance in a test tube, be careful not to point the mouth of the test tube at another person or yourself.
12. Use caution and the proper equipment to handle hot glassware and metals. Hot glass looks the same as cool glass.
13. Follow the directions for disposal of chemical substances, as well as disposable supplies during, and upon completion of an experiment. Immediately notify your teacher of broken lab equipment and glassware.
14. Long hair should be tied back and shoes must be worn while conducting experiments. Avoid wearing scarves, ties, or clothing with loose sleeves.
15. Wash your hands with soap and water when finished with your laboratory work.
16. Work areas should be kept clean and tidy at all times. A lab activity is not finished until work areas have been cleaned and all lab equipment has been returned to its original location.

Student Safety Contract

I will:

- Follow all written and verbal instructions provided by the teacher.
- Protect eyes, face, hands and body while conducting experiments.
- Know the location and purpose of all safety equipment in the laboratory.
- Conduct myself in a responsible manner at all times in the laboratory.

I _____, have read all the safety rules and promise to abide by them at all times in the laboratory. I understand that failure to follow these rules may result in injury to myself or others, my dismissal from the lab with an F and/or a disciplinary referral.

Date _____

Student's Signature _____

Parent or Guardian's Signature _____

Parent of Guardian's Name:

Home Phone:

Work Phone:

Parent or Guardian's Name:

Home Phone:

Work Phone:

Name and phone number of a person other than your parent or guardian to contact in case of an emergency.

Name:

Phone:

§ 60-20-810 Accident/Incident Reporting

(a) All schools shall follow emergency procedure guidelines to ensure the health and safety of all students.

(b) All PSS staff involved in or witnessing an accident/ incident on campus that involves personal injury or property damage must immediately make an oral report to his or her supervisor and/or the principal. Supervisors and principals shall inform the Commissioner's officer no later than the end of the school day on which the accident/incident was reported.

(c) Written reports from staff to principal shall be completed within 24 hours when an incident or accident occurs when a student is injured on school property or during a school sanctioned activity.

(1) Written Accident Report Procedures

(i) The person in charge at the time of the accident shall complete the accident/incident report form.

(ii) The accident/incident report form shall be returned and forwarded to the principal within 24 hour.

(iii) The principal reviews the report and makes a necessary recommendation.

(iv) The principal shall forward a copy to the Commissioner/designee within 24 hours and a copy to the legal counsel if a serious injury/accident and/or hospitalization occurs or results in the absence of the student for a day or more. A copy remains in the school.

(2) Accident/incident reports will include:

(i) Date, time and place of accident.

(ii) Name and address of injured person(s).

(iii) Name of staff member(s) in attendance.

(iv) Type of accident.

(v) Personal injuries incurred.

(vi) Treatment given.

(vii) Description of the accident.

(viii) Property damage incurred.

(ix) Name and address of any parties with first-hand information regarding the accident.

(x) Name of staff member making the report.

(xi) Date and time of parent/guardian notification.

(xii) If available, the hospital number and insurance number of party involved in the accident.

(d) All written reports shall be sent to the Commissioner within 24 hours. The Commissioner shall report to the Board all serious accidents and shall also submit to the Board periodic statistical reports on the number and types of accidents occurring in the schools.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 21065 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

The January 2004 notice of adoption added a new subsection (b) and amended the remaining provisions of this section. See also the commission comment to § 60-20-801.

Subpart C - Inventory Management

§ 60-20-815 Inventory Requirements

(a) Annual Inventory

- (1) The PSS shall require a physical count of all stock supply and equipment items at least once each year. This inventory for fixed assets shall follow the fixed asset policy.
- (2) This is done to provide:
 - (i) Complete local property information for ready reference.
 - (ii) Information for insurance purposes.
 - (iii) Audit needs to determine capital worth.
 - (iv) Accountability of the physical property of the PSS.
- (3) The principal is responsible for the inventory. The person responsible for the room and its contents should take the inventory.
- (4) An inventory of furniture and equipment shall be maintained.

(b) Fixed Assets Policy

- (1) To be classified as a fixed asset/equipment, a specific piece of property must possess three attributes:
 - (i) Tangible nature;
 - (ii) A useful life of two years or more; and
 - (iii) A value of \$5,000 or more.
- (2) All fixed asset/equipment expenditures shall be recorded initially as a fixed asset. All such assets shall be tagged and identified as Public School System property. All such items will include all costs generally accepted as part of the specific fixed asset. A separate fixed assets ledger will be maintained with the related accumulated depreciation.
- (3) All depreciation will be recorded on a straight line basis.
- (4) All fixed assets purchased with federal funds shall be identified as such on the property itself, and the property if purchased for an agency shall be so identified. The fixed assets ledger shall include proper identification as to federal or local status.

(c) Custody and Internal Control of Fixed Assets

- (1) A fixed asset at its inception shall be assigned to one individual, who will be responsible for the care and maintenance of the specified fixed asset. The employee, who is in direct control of the fixed asset, (not the supervisor of the employee), and who is using the fixed asset, shall sign for the fixed asset. Refusal to sign as the custodian of a fixed asset shall prohibit the

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employee from custody of the fixed asset. The asset shall not be removed from PSS or one of its agency's properties. If the fixed asset is to be transferred to another location or individual, a transfer of fixed assets form must be completed and forwarded to the Procurement and Supply Department and Fiscal & Budget Division.

(2) All assets shall be depreciated in accordance with Internal Revenue Guidelines. All fully depreciated assets, that are still in use, will remain on the PSS balance sheet as per generally accepted accounting principles.

(3) The custodian of the fixed assets will be responsible for those fixed assets assigned to said employee at date of separation. The fixed assets or cash for the market value of lost fixed assets shall be tendered to the appropriate PSS staff at the date of separation. Except in unusual circumstances (antique, work of art) the market value of the lost fixed asset shall be set at the net book value of the fixed asset. Net book value is the historical cost less the accumulated depreciation at the date of separation of the affected employee.

(4) This policy of reimbursement shall not include motor vehicles.

(5) The Procurement and Supply Department and the Fiscal and Budget Division along with the responsible school principals, program managers and site coordinators shall be responsible for taking an inventory of all fixed assets. During that inventory, all custodians must be matched with the appropriate records of assigned fixed assets maintained at the Central Office. All discrepancies between custodians and their respective fixed assets must be cleared by 90 days after the closing of the fiscal year.

(d) Policy for Consumable Fixed Assets

(1) A consumable fixed asset is defined as a long lived asset with an original cost of less than \$5,000. Examples of these assets would include text books, calculators, and computers. These assets would be the direct responsibility of the department or agency head, or the principal of the school. The level of care for these assets would be the care given by a reasonably prudent executive. The department head or principal is not responsible for consumable assets at the same level of care as the fixed assets.

(2) The care for consumable assets shall be part of the employee's annual evaluation by the Commissioner of Education. The department head or principal shall account for consumable fixed assets. The department head or principal shall conduct a yearly inventory of consumable fixed assets as an internal control at the end of every school year. The missing consumable assets listed shall be accounted for through police reports or proper reporting submitted to the department head or principal.

(3) The custodian of the consumable fixed asset shall be responsible for those consumable fixed assets assigned to said employee at the end of each school year.

(4) The Central Office of the Public School System would not take direct responsibility for the maintenance and control of these assets. These assets are consumables, and they are not reflected in the balance sheet of the Public School System or its agencies. The consumables are not part of the annual inventory of fixed assets.

(5) Upon separation from the Public School System, the department/agency head or principal is not be financially responsible for consumable assets of the department or school as in the fixed asset policy. However a department/agency head or principal shall be accountable for a fixed asset of \$5000 or more in the same manner as any other employee.

(e) Disposition of Fixed Assets

Disposition of fixed assets shall be in accordance with procedures established by the Commissioner.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 21065 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (e).

See also the commission comment to § 60-20-801.

Subpart D - Transportation

§ 60-20-820 Student Transportation Services

All school bus riders must adhere to the following rules and procedures.

- (a) Leave home early enough to arrive at school bus station on time.
- (b) Wait for school bus in a safe place and remain there quietly. Stay well off the roadway.
- (c) Enter the school bus in an orderly manner and take a seat. Remain quiet.
- (d) Follow all instructions of the school bus driver. The bus driver is in charge at all times.
- (e) Remain seated at all times while the school bus is in motion.
- (f) Learn emergency drill procedures and follow them at all times.
- (g) Help to keep the school bus clean and in good condition.
- (h) Keep head, arms and other parts of the riders' body inside the school bus at all times.
- (i) Be alert for traffic when leaving the school bus.
- (j) Do not carry tools or equipment to or from school unless turned over to the school bus driver to be returned when disembarking.
- (k) Do not eat, drink, or chew gum while inside the school bus.
- (l) Turn over instruments, such as radio, cassette recorder, guitar, ukulele, etc., to the school bus driver upon entering the bus to be returned when disembarking.
- (m) Place books, lunches, purses and other belongings directly under the seat.
- (n) Be courteous to the school bus driver, conductor and fellow passengers.

- (o) No crossing behind the bus at all times.
- (p) No chewing betel nut inside the school bus.
- (q) No spitting inside the bus or out the window.
- (r) No smoking or use of other tobacco products inside the school bus.
- (s) No fighting inside the school buses.
- (t) Student and/or parent/guardian are responsible to pay for damages or destruction to the bus or property of others.

History: Amdts Adopted 26 Com. Reg. 21759 (Jan. 22, 2004); Amdts Emergency and Proposed 25 Com. Reg. 21065 (Sept. 18, 2003) (effective for 120 days from Sept. 2, 2003).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (t).

The January 2004 notice of adoption changed the proposed language for this section. See also the commission comment to § 60-20-801.

Part 900 - Other Requirements

§ 60-20-905 Retention of Records/Audit

- (a) All financial records, inclusive of electronically created or scanned documents, of the PSS shall be retained until the completion and close of the audit for the fiscal year to which the records relate or until five years after the completion of the last activity related to the record, whichever is longer, unless a longer period is provided for by law.
- (b) All performance/program records, inclusive of electronically created or scanned documents, required by federal grants or by the PSS shall be retained for five years after the last activity related to the record, unless a longer term is provided by law.

Modified, 1 CMC § 3806(b), (f), (g).

History: Amdts Adopted 36 Com. Reg. 35891 (Dec. 28, 2014); Amdts Proposed 32 Com. Reg. 35634 (Oct. 28, 2014); Amdts Adopted 19 Com. Reg. 15449 (Aug. 15, 1997); Amdts Proposed 18 Com. Reg. 14484 (Nov. 15, 1996).

Commission Comment: The August 1997 amendments added this new section as “regulation 1010.” The Commission created part 900 and codified the provisions of regulation 1010 in this part. The Commission struck the figure “5” from subsections (a) and (b) pursuant to 1 CMC § 3806(e).

§ 60-20-910 Mandatory Reporting of Child Abuse and Neglect

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(a) Any teacher or other school official who knows or has reasonable cause to suspect that a child is abused or neglected shall report the situation within 24 hours to both the Division of Youth Services and to the Department of Public Safety.

(b) Child abuse and neglect (defined further in 6 CMC § 5312) shall include any sexual or attempted sexual molestation as well as physical maltreatment or a failure to provide a child with adequate supervision or care by a parent or person responsible for the child's welfare such that the child's physical or mental health and well-being are harmed or threatened.

(c) The report shall include all information available and necessary for an investigation and shall be as detailed as possible. It shall include at a minimum the date, time and circumstances which gave rise to the belief that abuse or neglect occurred or will occur.

(d) A school may establish internal procedures for coordinating abuse and neglect reports, however such procedures may not delay transmission of the reports.

Modified, 1 CMC § 3806(b).

History: Amdts Adopted 20 Com. Reg. 15965 (June 15, 1998); Amdts Proposed 19 Com. Reg. 15423 (Aug. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

The 1998 amendments added new "policy 1010," entitled "Mandatory Reporting of Child Abuse and Neglect." The Commission codified the provisions of policy 1010 in part 900.

In 2011, the Board of Education changed its reporting of student abuse procedures. See § 60-20-472 Reporting Student Abuse. In the notices of proposed amendment and adoption, the Board of Education appears to have mistakenly identified this section by number for amendment. However, the title of the amendments and the language of the changes indicate that the Board of Education intended to amend § 60-20-472, Reporting Student Abuse, not this section. Accordingly, the Commission codified the 2011 changes in § 60-20-472. See 33 Com. Reg. 31847 (Aug. 23, 2011) and 33 Com. Reg. 31728 (June 27, 2011) for proposed amendment and adoption notices.

§ 60-20-915 Housing

(a) Authority

(1) Pursuant to the Public Law 6-10 § 1522(b), the Board of Education adopts a housing benefits policy applicable to all employees of the Public School System. Housing benefits included either leased or furnished quarters, paid housing allowance, or furnished government-owned quarters. All contract and agreement forms, procedures and guidelines relating to this policy shall be consistent with all applicable laws, regulations and policies.

(2) It is the policy of the Board of Education to phase out housing benefits for all employees with the exception of hard-to-fill positions which shall be determined by the Commissioner of Education.

(b) Employee Eligibility for Housing Benefits

Only those full-time employees of the Public School System whose contracts provide for a housing benefit and who meet the following criteria shall be eligible for housing benefits:

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(1) Employees who are recruited from outside the CNMI; however, in no case shall such benefits extend beyond a total of two years with the exception of hard-to-fill positions.

(2) Employees who are residents of the CNMI and who are assigned to a duty station other than their home island or residence, defined as the senatorial district where the employee is registered to vote; however, in no case shall such benefits extend beyond a total of two years, except for hard-to-fill positions as determined by the Commissioner of Education.

(3) Any PSS employee who on the same island as his/her duty station, owns a home or residence, or whose spouse owns a home or residence, or who holds title in a lease longer than 10 years in a home or residence, or is purchasing a home or residence is not entitled to housing benefits.

(c) Extent of Benefits

(1) Housing quarters or the maximum allowance shall be assigned on the basis of family size as stipulated herein:

| Size of Family | Allowance Rate |
|---------------------------------|----------------|
| Employee alone | \$400 monthly |
| Employee w/spouse | \$400 monthly |
| Employee w/child | \$500 monthly |
| Employee w/spouse w/child | \$500 monthly |
| Employee w/2 or more dependents | \$600 monthly |

(2) No employee shall be given the maximum allowance if the lease price is less; no employee shall be given more than the maximum allowance if the lease is more.

(d) PSS Responsibilities

PSS will fill all government-owned quarters prior to leasing any private quarters for its employees. PSS shall have the employee complete all required housing agreement forms prior to occupancy. Every effort shall be made to execute lease agreements on or about the actual occupancy date.

(e) Employee Responsibilities

Any employee who receives housing benefits as a result of this policy shall enter into an agreement form which specifies the responsibilities of the employee in regards to occupancy, signed by the employee and the Commissioner of Education.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 11 Com. Reg. 6604 (Oct. 15, 1989); Amdts Proposed 11 Com. Reg. 6481 (Sept. 15, 1989); Amdts Proposed 11 Com. Reg. 6358 (Aug. 15, 1989).

Commission Comment: The original paragraphs of subsections (a) and (c) were not designated. The Commission designated subsections (a)(1) and (a)(2) and (c)(1) and (c)(2).

The 1989 amendments added a new unnumbered "Housing Policy." The Commission codified the provisions of the housing policy in part 900.

In subsection (e), the Commission deleted the repeated word “a.”

Part 1000

[Reserved.]

Commission Comment: In 1997, the Board of Education rescinded former policies 1003, entitled “Non-employment Contracts & Personal Service Contracts,” 1005, entitled “Personnel System Regulations,” and 1009, entitled “Harassment on the Basis of Race, Color, National Origin, Disability and Sex on PSS Grounds or by PSS Employees.” For the history of policy 1003, see 17 Com. Reg. 13767 (Nov. 15, 1995); 14 Com. Reg. 9285 (May 26, 1992); 13 Com. Reg. 8164 (Oct. 15, 1991). For the history of policy 1009, see 17 Com. Reg. 13064 (Mar. 15, 1995); 16 Com. Reg. 12517 (Nov. 15, 1994). Policy 1005 was not published in the Commonwealth Register.

These policies were replaced by the 1997 Regulations for the Public School System Employment of Certified and Non-certified Personnel. See NMIAC, title 60, subchapters 30.2 and 30.3; see also 19 Com. Reg. 14943 (Jan. 15, 1997) (adoption); 18 Com. Reg. 14484 (Nov. 15, 1996) (proposal).

Part 1100 - Miscellaneous Provisions

§ 60-20-1101 Repealer

All regulations of the Department of Education previously published in the Commonwealth Register and covered by this chapter are hereby repealed. These repealed regulations include those concerning teacher certification, and education and training leave.

Modified, 1 CMC § 3806(d).

History: Proposed 3 Com. Reg. 1158 (Mar. 30, 1981).

Commission Comment: The repealed regulations referenced in this section are the Teacher Certification Program Regulations published at 1 Com. Reg. 330 (July 16, 1979) and the Educational and Training Leave Program Regulations published at 1 Com. Reg. 334 (July 16, 1979).

See also the commission comment to § 60-20-001.

§ 60-20-1105 Effective Date

This chapter shall take effect forty days following the publication of their proposed adoption, in the manner provided in section (4)(1) of title 17 of the Trust Territory Code [1 CMC § 9104].

Modified, 1 CMC § 3806(d), (e), (f).

History: Proposed 3 Com. Reg. 1254 (June 30, 1981); Proposed 3 Com. Reg. 1158 (Mar. 30, 1981).

Commission Comment: This provision conflicts with the notice of proposed regulations published with the 1981 proposed regulations. See the commission comment to § 60-20-001.

The June 1981 regulations included “Policy 1003,” entitled “Effective Date,” as follows:

Policy 1003. Effective Date.

These policies shall take effect upon publication of notice of their adoption, in the manner provided in Section 4(1) of Title 17 of the Trust Territory Code.

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3 Com. Reg. at 1280 (June 30, 1981).