

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



COMMONWEALTH REGISTER

**VOLUME 31
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FEBRUARY 25, 2009

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VOLUME 31
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FEBRUARY 25, 2009

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY Volcanic of Anatahan

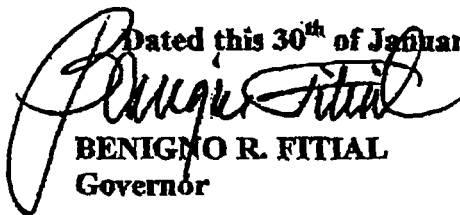
WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, and in accordance with the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey, do hereby extend a state of disaster emergency in the Commonwealth with the respect of the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency shall remain in effect for thirty (30) days, unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for a like term, and giving reasons for extending the emergency.

Dated this 30th of January 2009.


BENIGNO R. FITIAL
Governor

Cc: Lt. Governor (Fax: 664-2311)
Senate President (Fax: 664-8803)
House Speaker (Fax: 664-8900)
Mayor of the Northern Islands (Fax: 664-2710)
Executive Assistant for Carolinian Affairs (Fax: 235-5088)
Attorney General (Fax: 664-2349)
Secretary Of Finance (Fax: 664-1115)
Commissioner of Public Safety (Fax: 664-9027)
Special Assistant for Management and Budget (Fax: 664-2272)
Special Assistant for Programs and Legislative Review (Fax: 664-2313)
Press Secretary (Fax: 664-2290)
United States Coast Guard (236-2968)

1 **Commonwealth of the Northern Mariana Islands**
2 **Health Care Profession Licensing Board**

3
4 *In the Matter of Juan B. Pangelinan, PA (medex)*) Case No. 2008-03
5 (Amendment of Practice Agreement))
6

7 **BOARD EMERGENCY ORDER #01**
8 **APPROVING PRACTICE AGREEMENT AMENDMENT**
9 **FOR REMOTE SUPERVISION (through March 31)**

10
11 **Summary**

12
13 This Order authorizes Juan B. Pangelinan, Physician Assistant (medex), to practice at the
14 Tinian Health Center, with remote supervision. In order to timely address the needs of Tinian,
15 the practice of Mr. Pangelinan, and public notice, this Board has met by special meeting today,
16 all members having been notified. The Board has been in communication since its last meeting
17 with Dr. Shirish Balachandra and representatives of the Tinian Health Center ("THC" or "the
18 Center").
19
20

21 **Board Findings and Conclusions**

22
23 This matter was discussed at the Board's meeting of December 16, 2008, along with the
24 situation of Physician Assistant Terri Clawson's practice at the Tinian Health Center. The
25 Center has not yet hired a physician, although senior management have assured the Board that
26 they are actively recruiting, and explained their efforts at our meeting. Mr. Pangelinan needs a
27 supervising physician. Dr. Balachandra agreed to discuss providing that supervision. CHC
28 management has agreed to provide a supervising physician. THC management has agreed
29 that, with respect to the jurisdiction of this Board, only a licensed physician with DEA
30 authorization shall prescribe Schedule II medications. (Its Advanced Practice Nurse is licensed
31 by the Board of Nurse Examiners.)
32

33 The Board's primary responsibility, given by statute, is to protect the health of the people of the
34 Commonwealth. In this instance, it is to protect the health of the people of Tinian. The Board
35 informs our decision from our respective health care disciplines, and roughly 100 years of
36 collective health care practice of our members.
37

38 The Board finds that it would produce a net deficit in available, required health care, and be
39 unfair to the people of Tinian to restrict Mr. Pangelinan from practicing at the THC merely
40 because the Center has been unable to find a permanent physician. This order provides
41 authority for remote supervision, from Saipan. We will not continue the authority provided in this
42 Order indefinitely. But we will continue it for a time.
43
44

45 **Ruling and Ordering Paragraphs**

46
47 The Board having been fully advised in the premises of this matter, for the above-stated
48 reasons, hereby ORDERS that:
49

- 1 1. Mr. Juan B. Pangelinan, a licensed Physician Assistant (medex), may work as a licensed
2 professional on Tinian.
3
- 4 2. Supervision: Dr. Shirish Balachandra, a physician employed at the Commonwealth
5 Health Center, Saipan, or CHC's other physician designee, shall be the supervising
6 physician for Mr. Pangelinan.
7
- 8 3. The agreement shall include:
9
- 10 a. Daily emails shall be exchanged between Mr. Pangelinan and the supervising
11 physician for permitted controlled substance prescriptions.
12 b. The database of patients on chronic or long-term scheduled medications shall be
13 maintained and updated by Mr. Pangelinan. It shall monthly be reviewed by the
14 supervising physician to ensure adherence to the standard of care.
15 c. Chart notes and prescriptions will be sent to the supervising physician for review
16 and signature, as provided below.
17 d. The supervising physician shall closely monitor chronic pain contracts for
18 adherence
19
- 20 4. Mr. Pangelinan is authorized to prescribe:
21
- 22 a. Schedule II medications as follows: None.
23
- 24 b. Schedule III through V medications as follows: None.
25
- 26 5. Mr. Pangelinan shall submit a new Practice Agreement, which shall be approved by the
27 Board, to address the requirements of this Order, and which shall be signed by both himself
28 and the supervising physician. (Fax signatures are acceptable.) **This agreement must be**
29 **submitted to the Board no later than Tuesday, December 31 at 4:30 pm, by hard copy**
30 **or electronically; otherwise this Order expires 24 hours later.**
31
- 32 6. If Mr. Pangelinan has a DEA number, he should provide it to the Board, and a copy of his
33 DEA certificate, with the Practice Agreement.
34
- 35 7. This Order shall be continued through the following date: **March 31, 2009, midnight.**
36
- 37 8. The Board shall review this matter at its next board meeting. THC senior management is
38 invited to appear at that meeting and update the Board on its efforts at recruiting a
39 supervising physician.
40
- 41 9. A copy of this Order shall be placed in a public area of the Tinian Health Center. The
42 Executive Director is directed to do the following in person or by electronic means:
43
- 44 a. Serve this Order on the licensee, Mr. Juan B. Pangelinan.
45 b. Serve this Order on the director of the Tinian Health Center.
46 c. Have the Order published in the next Commonwealth Register.
47 d. Place this matter on the Board's agenda for ratification at its next meeting.
48

49 A party seeking to appeal this Order is directed to 1 CMC § 9112(b), which provides for judicial

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review of final orders within 30 days in the Commonwealth Superior Court. The Board believes that this is a final Order.

Ahmad Al-Alou mo

Dr. Ahmad Al-Alou, /s/
Chair

Dated: 12/23/08

Dr. Leticia Borja, Board Member /s/
Ms. Pamela Carhill, Secretary /s/
Dr. Janet McCullough, Vice Chair /s/
Dr. Ken Pierson, Board Member (not voting)

Health Care Professions Licensing Board
Bldg #1336, Ascension Drive
Capitol Hill, Saipan, MP 96950\
Tel: 670.664.4811
Fax: 670.664.4813
Email: bpl@pticom.com

12

0 Juan B Pangelinan remote practice agreement thru March.wpd

Concurred by: 
Benigno R. Fitial - Governor

Date: 2/3/09

1 **Commonwealth of the Northern Mariana Islands**
2 **Health Care Profession Licensing Board**

3
4 *In the Matter of Terri H. Clawson, PA,*) Case No. 2008-02
5 (Amendment of Practice Agreement))
6

7 **BOARD EMERGENCY ORDER #05**
8 **APPROVING PRACTICE AGREEMENT AMENDMENT**
9 **FOR REMOTE SUPERVISION (through March 31)**

10
11 **Summary**

12
13 This Order re-authorizes and extends the order which the Board entered in this case on or
14 about December 12, 2008. Any differences between the terms of that order and this one shall
15 be resolved according to the language of today's order. In order to timely address the needs of
16 Tinian, the practice of Ms. Clawson, and public notice, this Board has met by special meeting
17 today, all members having been notified. The Board has been in communication since its last
18 meeting with Dr. Shirish Balachandra and representatives of the Tinian Health Center ("THC" or
19 "the Center").
20

21
22 **Board Findings and Conclusions**

23
24 There was extensive discussion at the Board's meeting December 16, 2008. Physician
25 Assistant Terri Clawson's situation has not changed materially at the Tinian Health Center. The
26 Center has not yet hired a physician, although senior management have assured the Board that
27 they are actively recruiting, and explained their efforts at our meeting. Ms. Clawson still needs a
28 supervising physician. Dr. Balachandra agreed to discuss providing that supervision. CHC
29 management has agreed to provide a supervising physician. THC management has agreed
30 that, with respect to the jurisdiction of this Board, only a licensed physician with DEA
31 authorization shall prescribe Schedule II medications. (Its Advanced Practice Nurse is licensed
32 by the Board of Nurse Examiners.)
33

34 The Board's primary responsibility, given by statute, is to protect the health of the people of the
35 Commonwealth. In this instance, it is to protect the health of the people of Tinian. The Board
36 informs our decision from our respective health care disciplines, and roughly 100 years of
37 collective health care practice of our members.
38

39 The Board finds that it would produce a net deficit in available, required health care, and be
40 unfair to the people of Tinian to restrict Ms. Clawson from practicing at the THC merely because
41 the Center has been unable to find a permanent physician. We will not continue the authority
42 provided in this Order indefinitely. But we will continue it for a time.
43

44
45 **Ruling and Ordering Paragraphs**

46
47 The Board having fully advised in the premises of this matter, for the above-stated reasons
48 hereby ORDERS that:
49

- 1 1. Ms. Terri Clawson may continue in her work as a licensed professional.
2
3 2. Supervision: Dr. Shirish Balachandra, a physician employed at the Commonwealth
4 Health Center, Saipan, or CHC's other physician designee, shall be the supervising
5 physician for Ms. Clawson.
6
7 3. The agreement shall include:
8
9 a. Daily emails shall be exchanged between Ms. Clawson and the supervising
10 physician for permitted controlled substance prescriptions.
11 b. The database of patients on chronic or long-term scheduled medications shall be
12 maintained and updated by Ms. Clawson. It shall monthly be reviewed by the
13 supervising physician to ensure adherence to the standard of care.
14 c. Chart notes and prescriptions will be sent to the supervising physician for review
15 and signature, as provided below.
16 d. The supervising physician shall closely monitor chronic pain contracts for
17 adherence. Patients shall be expected to provide frequent, random urine
18 specimens, and evidence of illicit or inappropriate drug use shall be grounds for
19 discontinuation of opiate therapy. Diversion of prescription medications shall not
20 be tolerated. As per widely accepted practice standards, patients will receive a
21 maximum of one warning for non-adherence to chronic pain contracts.
22
23 4. Ms. Clawson is authorized to prescribe:
24
25 a. Schedule II medications as follows: Not during the pendency of this Order, except in
26 cases of bona fide medical emergency. The practice agreement shall define "bona
27 fide medical emergency" and require record-keeping. The supervisor shall
28 countersign the chart within 24 hours.
29
30 b. Schedule III through V medications as follows: Ms. Clawson shall inform the
31 supervisor with daily emails. The supervisor shall review and sign chart notes
32 monthly. Prior approval from the supervisor before starting chronic or long term
33 medication is a prerequisite.
34
35 5. Ms. Clawson shall submit a new Practice Agreement, which shall be approved by the Board,
36 to address the requirements of this Order, and which shall be signed by both herself and
37 The supervising physician. (Fax signatures are acceptable.) **This agreement must be**
38 **submitted to the Board no later than Tuesday, December 31 at 4:30 pm, by hard copy**
39 **or electronically; otherwise this Order expires 24 hours later.**
40
41 6. Ms. Clawson has satisfied the requirement that she provide her DEA number to the Board
42 and a copy of her DEA certificate with the practice agreement.
43
44 7. The Board's above-referenced, preceding, active Order in this case, as modified by today's
45 order, is continued through the following date: **March 31, 2009, midnight.**
46
47 8. The Board shall review this matter at its next board meeting. THC senior management is
48 invited to appear at that meeting and update the Board on its efforts at recruiting a
49 supervising physician.

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9. A copy of this Order shall be placed in a public area of the Tinian Health Center. The Executive Director is directed to do the following in person or by electronic means:

- a. Serve this Order on the licensee, Ms. Terri Clawson.
- b. Serve this Order on the director of the Tinian Health Center.
- c. Have the Order published in the next Commonwealth Register.
- d. Place this matter on the Board's agenda for ratification at its next meeting.

A party seeking to appeal this Order is directed to 1 CMC § 9112(b), which provides for judicial review of final orders within 30 days in the Commonwealth Superior Court. The Board believes that this is a final Order.


Ahmad Al-Alou, m.o.
Dr. Ahmad Al-Alou, /s/
Chair

Dated: 12/22/08

Dr. Leticia Borja, Board Member /s/
Ms. Pamela Carhill, Secretary /s/
Dr. Janet McCullough, Vice Chair /s/
Dr. Ken Pierson, Board Member (not voting)

Health Care Professions Licensing Board
Bldg #1336, Ascension Drive
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Fax: 670.664.4813
Email: bpl@pticom.com

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Concurred by: 
Benigno R. Fitial - Governor

0 5a T Clawson remote practice agreement thru March.wpd

Date: 5/3/09



COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950
Tel.: (670) 234-6245/6293/7145/7146 • Fax: (670) 235-7147
Email: administration@cda.gov.mp • Website: www.cda.gov.mp



PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE COMMONWEALTH DEVELOPMENT AUTHORITY AND THE DIVISION OF REVENUE AND TAXATION, DEPARTMENT OF FINANCE

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED RULES AND REGULATIONS
Volume 30, Number 11, pp 028907-916, of December 1, 2008

Regulations of the Commonwealth Development Authority: 25 NMIAC 30-301 (g) and (h) (review of the application)(2004 ed.), and 25 NMIAC 30-901 (grounds for modification, suspension, or revocation) (2004 ed.), 25 NMIAC 30-905 (modification procedure when beneficiary is in compliance) (2004 ed.), and 25 NMIAC 30-910 (modification, suspension or revocation procedure) (2004 ed.).

ACTION TO ADOPT PROPOSED AMENDMENTS TO THE QC RULES & REGULATIONS: The Commonwealth Development Authority and the Division of Revenue and Taxation, Department of Finance, hereby adopt as permanent, the referenced Regulations which were published in the Commonwealth Register, Volume 30, Number 11, December 1, 2008, pp 028907-916, pursuant to the procedures of the Administrative Procedure Act, 1 CMC §9104(a). The Commonwealth Development Authority and the Division of Revenue and Taxation, Department of Finance announced that they intended to adopt them as permanent, and now do so. (A true copy is attached). We also certify by signatures below that, as published, such adopted proposed amendments to the Regulations are a true, complete and correct copy of the referenced proposed amendments to the Regulations and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Commonwealth Development Authority Board of Directors adopted the proposed Regulations as final at its meeting of January 27, 2009. By this notice the Division of Revenue and Taxation, Department of Finance adopts them as final.

We further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Board of Directors of the Commonwealth Development Authority thru its Chairman and the Director of Division of Revenue and Taxation, Department of Finance, are authorized to promulgate the QC Rules and Regulations pursuant to §3323 of the Investment Incentive Act of 2000 (P.L. 12-32, as amended), 4CMC §3323, and 25 NMIAC 30-1005 (amendments) (2004 ed.) Vol.1, p.589.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted amendments to the QC Rules and Regulations are effective 10 days after compliance with APA, 1 CMC §§9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

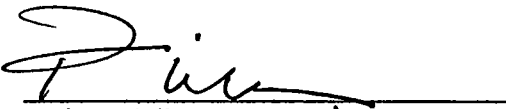
COMMENTS AND AGENCY CONCISE STATEMENT. Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed amendments to the QC Rules & Regulations. Upon this adoption of the proposed amendments to the QC Rules & Regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of

the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to filed comments.


ATTORNEY GENERAL APPROVAL: The proposed amendments to the QC Rules and Regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:


Pedro I. Itibus
Chairman, CDA Board of Directors

01/30/09
Date


Eloy S. Inos
Secretary, Department of Finance

FEB 05 2009
Date

Filed and Recorded by:


Esther San Nicolas
Commonwealth Register

02-20-09
Date

TABLE OF CONTENTS:

Page Numbers are changed. Table of Contents to read as follows:

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CHAPTER IV. REVIEW OF THE APPLICATION

Section 7 becomes Section 8.

A new Section 7 to read as follows: "The CDA Board shall, at the same time as it make its final recommendations to the Governor, also forward a copy of the recommendations to the Director of Revenue and Taxation and to the applicant, for their information."

CHAPTER X. MODIFICATION, SUSPENSION AND REVOCATION

Section A is amended in its entirety. A new Section B is added. Original Section B becomes Section C with minor amendments.

Section A to read as follows:

A. Modification, Suspension, or Revocation.

1. The CDA Board may recommend the modification of a Qualifying Certificate:

- a. For a Beneficiary, if in compliance, where the request by the Beneficiary to modify its Qualifying Certificate is made in writing to the CDA Board within ninety (90) days of the effective date of the Beneficiary's Qualifying Certificate. Modification hereunder is only available, and this provision (X.A.1.a.) only applies, to timely modification requests made on or after October 1, 2008.

- b. For failure of the Beneficiary to comply with any of the terms or conditions contained therein or within these Rules and Regulations or the Investment Incentive Act of 2000.
2. In other instances of non-compliance, the CDA Board may also recommend the suspension or revocation of a QC.

New Section B will read as follows:

B. Modification Procedure when Beneficiary is in Compliance.

1. Upon receiving a request for modification by the Beneficiary, within forty-five (45) days of that request, the CDA Board may either disapprove the request or recommend that the Governor modify the Qualifying Certificate.
2. If within forty-five (45) days of the written request for modification, the CDA Board fails to either disapprove the request or recommend that the request be granted, in whole or in part, the request shall be forwarded directly to the Governor for his consideration.
3. All recommendations for modification shall be made only after consultation with the Division of Revenue and Taxation.
4. Any recommendations for modification submitted to the Governor shall be accompanied by a written memorandum containing the findings, conclusions, conditions, and recommendations of the CDA Board.
5. Any recommendation forwarded to the Governor for modification not approved by the Governor within forty-five (45) calendar days shall be deemed disapproved on the forty-sixth (46th) day following such receipt.
6. The CDA Board shall, at the same time as it forwards the recommendations to the Governor, also forward a copy of its recommendations for modification to the Director of Revenue and Taxation and to the Beneficiary for their information.
7. Upon modification of a Qualifying Certificate, CDA shall cause to be published in a CNMI newspaper of general circulation a notice of such modification.

Originally Section B is now Section C and as amended with subsection 1 will read as follows:

C. Modification, Suspension or Revocation Procedure in Non-Compliance Instances.

1. Upon initial determination by the CDA Board that there may be grounds for modification, suspension or revocation of a Qualifying Certificate for non-compliance, the Administrator shall give the Beneficiary fifteen (15) days written notice of the opportunity for a hearing conducted in accordance with the provisions of the Administrative Procedures Act, 1 CMC §9101 *et seq.* The purpose of the hearing shall be to determine if there are sufficient grounds to modify, suspend or revoke the Beneficiary's Qualifying Certificate.



NORTHERN MARIANA ISLANDS RETIREMENT FUND

Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building
1st Floor, Isa Drive, Capitol Hill
P.O. Box 501247 CK
Saipan, MP 96950-1247
Tel. No. (670) 322-3863~7 Fax No. (670) 664-8080

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE RULES AND REGULATIONS OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS**

Volume 30, Number 12, pp 028984-994, of December 22, 2008

**Regulations of the Northern Mariana Islands Retirement Fund: Part 4, Section 4.05; and
Disability Benefits Policy and Procedures**

ACTION TO ADOPT PROPOSED REGULATIONS: The Northern Mariana Islands Retirement Fund Board of Trustees ("Board"), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at pages 028984 to 028994 in Volume 30, Number 12 on December 22, 2008, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Board announced that it intended to adopt them as permanent, and now does so. *Id.* I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment.

PRIOR PUBLICATION: The prior publication was as stated above. The Board adopted the regulations as final at its meeting of January 13, 2009.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: Part 4, Section 4.05 and the Disability Benefits Policy and Procedures shall be amended to reflect publication in the Commonwealth Register, Volume 30, Number 12, pp 028984-994 "(12/22/2008)" and final publication of this notice in Volume 31, Number 02, page and date printed below. I further request and direct that this Notice be published in the Commonwealth Register.

AUTHORITY: The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the Board has jurisdiction, including its regulation pursuant to 1 CMC § 8315(f).


EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to any filed comments, which requested a response.

ATTORNEY GENERAL APPROVAL for modified regulations: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 23rd day of January, 2009, at Saipan, Commonwealth of the Northern Mariana Islands.


Certified and ordered by:



JUAN T. GUERRERO
Chairman, Board of Trustees
Northern Mariana Islands Retirement Fund

01/23/09
Date

Filed and
Recorded by:



ESTHER M. SAN NICOLAS
Commonwealth Register

02-20-09
Date



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950



Lucia L. Blanco-Maratta
Chairperson

Herman T. Guerrero
Vice-Chairperson

Marylou S. Ada
Secretary/Treasurer

Members
Galvin S. Deleon Guerrero
D. Tanya King

Scott Norman
Non Public School Rep.

Francine R. Babauta
Student Representative

Teacher Representative

Commissioner of Education
Rita A. Sablan, Ed.D.
coe.ras@pss.cnmi.mp

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE PUBLIC SCHOOL SYSTEM REGARDING THE HIGHLY QUALIFIED COUNSELORS REQUIREMENTS AND COMPENSATION PLAN

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Public School System ("PSS") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10.

THE TERMS AND SUBSTANCE: The proposed amendment sets forth the Highly Qualified Counselors Requirements and Compensation Plan.

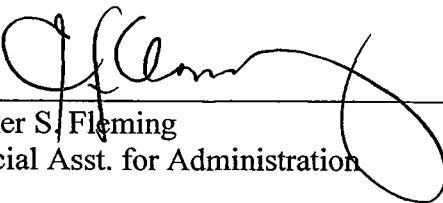
THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations provide guidance for compensation commensurate with the type of certification obtained by counselors within the PSS.

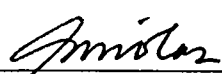
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 237-3727 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Board of Education on January 22, 2008.

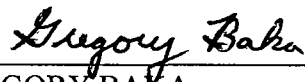
Submitted by:  2/24/09
Lucia L. Blanco-Maratita, Chairperson
Board of Education Date

Received by:  2/24/09
Esther S. Fleming
Special Asst. for Administration Date

Filed and
Recorded by:  02.25.09
ESTHER M. SAN NICOLAS
Commonwealth Register Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 25 day of February, 2009.


GREGORY BAKA
Acting Attorney General

**NOTISIAN PUPBLIKU NI MANMAPROPONEN AREKLAMENTO YAN
REGULASION SIHA NI PARA AMENDASION PARA I AREKLAMENTO YAN
RUGALSION SIHA GI SISTEMAN ESKUELAN PUPBLIKU POT I GINAGAGÃO
PARA I MAN SEN KUÁLIFIKÃO NA KONSEHERU POT PLÁNON ÁPAS
(HQC REQUIREMENTS & COMPENSATION PLAN)**

**MA'INTENSIONA NA AKSION PARA U MA'ADÁPTA ESTE I MAPROPONE
NA AREKLAMENTO YAN REGULASION SIHA:** I Sangkattan na Isla Marianas
siha, i Sistemen Eskuelan Pupbliku ("PSS") ha intensiona para u adápta komu
petmaniente na regulasion siha ni mañechetton i Maproponen Regulasion siha, sigun gi
Ákton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u efektibu
gi halom dies(10) diha siha despues i adaptasion yan publikasion gi halom i Rehistran
Commonwealth. (1 CMC § 9105(b))

ÁTURIDÁT: I maproponen amendasion siha para regulasion PSS manmacho'gue
sigun gi áturidát i Kuetpo komu mapribeniyi ginen i Attikulu XV gi Konstitusion
CNMI, Lai Pupbliku 6-10.

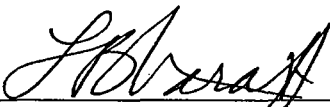
I SUSTANSIAN I PALÁBRA SIHA: I mapropone na amendasion mapega mo'na
i ginagagão para i man sen Kuálifikão na Konseheru pot Plánon Ápas.

I SUHETO NI MASUMÁRIA YAN ASUNTO NI TINEKKA: Este na areklamento
yan regulasion siha ha pribeniyi ginihan para ápas tinituhon gi háfa na klâsen settifikasion
esta i counselors mamanteteni gi halom i PSS.

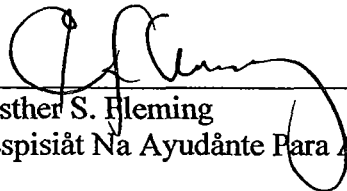
DIREKSION PARA U MAPO'LO YAN MAPUPBLIKA: Este i Manmapropne
na Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona
ni mapropone yan nuebu na ma'adápta na regulasion siha (1 CMC § 9102(a)(1) yan u
mapega gi kombiniente na lugát siha gi halom i civic center yan i ofisinan
gubietnamento gi kada distriton senadot, parehu gi fino' English yan i prinsipát na
lengguáhen natibu. (1 CMC § 9104(a)(1))

PARA U MAPRIBENIYI OPIÑION SIHA: Todu maninteresão na petsona siña
ma'eksamina i manmapropne na amendasion siha yan u mana'hádom i infotmasion,
pusion, pat osino testamofion kinontra gi maproponen amendasion siha guatu gi
Kabiseyu, Kuetpon Edukasion, P.O. Box 1370 CK, Saipan 96950, pat ágang I 237-3727
pat osino 664-3711 gi halom trenta(30) diha siha ni tinattiyi ni publikasion gi halom
Rehistran Commonwealth. (1 CMC § 9104(a)(2))

Este i manmapropone na regulasion siha manma' apreba ginen i Kuetpon Edukasion gi Ineru 22, 2008.

Nina'háloom as: 
Lucia L. Blanco-Maratita, Kabiseyu
Kuetpon Edukasion

2/24/09
Fecha

Rinesibe as: 
Esther S. Fleming
Espisiát Na Ayudánte Para Atministrasion


2/25/09
Fecha

Pine'lo Yan Rinekot as: 
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

02.25.09
Fecha

Sigun i 1 CMC § 2153(e) (Inapreban Abugádu Henerát na i regulasion siha para u macho'gue komu ligát na fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugádu Henerát) i maproponen regulasion siha mañechetton guini komu manmarebisa yan ma'apreba komu fotma yan ligát suficiente ginen i CNMI Abugádu Henerát yan debi na u mapupblika (1 CMC 2153(f) (publikasion areklamento yan regulasion siha)).

Mafecha gi diha 25 gi Fibreru, 2009.


GREGORY BAKA
Acting Abugádu Henerát

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL IKKA AA LLIWEL
MELLÓL ALLÉGHÚL IMWAL GAKKO BWELLE TINGÓROL SÓW FFÉL
(COUNCELORS) ME ÓBWÓSUUR**

MÁNGEMÁNGIIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:
Alleghul Imwal Gakko (“PSS”) mellól Commonwealth Téél falúw kka falúwasch Efáng Marianas nge e mángi ebwe schéshéél fillóoy pomwol allégh kka e appasch, bwelle mwóghutul administrative Procedure Act 1 CMC Tálil 9104(a). Allégh kkaal ebwe fis llól seigh (10) ráálil ngáre schagh raa fillóoy me akkatééló llól Commonwealth Register. (1 CMC Tálil 9105(b))

BWÁNGIL: Pomwol ssiwel kkaal sángi alléghúl PSS ebwe akkatééwow bwelle bwángil mwiisch iye toowow mereel Article XV llól CNMI Allégh Lapalap. Alléghúl Toulap ye 6-10.

AWEWEEL ME KKAPASAL: Pomwol ssiwel kka ighila nge ekke apasa tool bwángil sów ffél kkaal me óbwósuur.

KAPASAL ME AWEEWE KKA E TÉÉTÁ: Eyoorátá aweewel allégh kkaal bwelle ebwe ghol fengál óbwós reel tappal certification kka re bwughi mellól PSS.

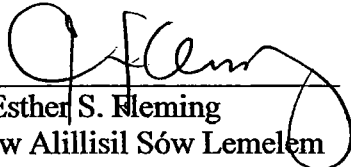
AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe akkatéélong llól Commonwealth Register sángi tálil ye raa pomwoli me fillóól allegh kka e ffé (1 CMC Tálil 9102(a)(1) me appaschetá llól civic center me llól bwulasiyool gobenno kkaal llól alongal district senatorial, llól kkasal Amerikkónu, Refalúwasch, Remeraalis. (1 CMC Talil 9104(a)(1))

ISISILONGOL MÁNGEMÁNG: Schóókka eyoor mángemáng, tipeer, mááfiyeer reel pomwol allégh kkaal rebwe ischilong reel Samwoolul, Mwiischil Imwal Gakko, P.O Box 1370 CK, Seipél, MP 96950, faingi 237-3727 me ngáre fax reel 664-3711 llól eliigh (30) ráálil mwiril yaal akkatééló llól Commonwealth Register. (1 CMC Tálil 9104(a)(2))

Pomwol allégh kkaal nge aa allégheló mereel Mwiischil Imwal Gakko wóol Schoow 22, 2008

Isaliyallong: 
Lucia L. Blanco-Maratita, Samwooful,
Mwiischil Imwal Gakko

2/24/09
Rál

Mwir sáangi: 
Esther S. Fleming
Sów Alillisil Sów Lemelem

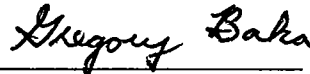
2/25/09
Rál

Ammwel sáangi: 
ESTHER M. SAN NICOLAS
Commonwealth Register

02-25-09
Rál

Sáangi allégh ye 1 CMC Talil 2153(e) (Allégh kka AG alléghúwúló bwe ebwe akkatééló) me 1 CMC 9104(a)(3) (bweibogh alléghúl AG) pomwol allégh kka e appasch nge raa takkal amweri fischiy me allégheló mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééló (1 CMC Tálil 2153(f) (akkatéél allégh kkaal))

Rállil ye 25 llól maramal Mááischigh, 2009.


GREGORY BAKA
Acting ngáli Sów Bwungul Allégh Lapalap

HIGHLY QUALIFIED COUNSELORS (HQC) REQUIREMENTS and COMPENSATION PLAN

Proposed by Board Fiscal, Personnel and Administration Committee 12/11/06; BOE endorsed 1/19/08; currently processed for CNMI Register

Type of Certification	Requirements (Degree and Praxis)	Required Yrs of Experience	Renewable Certification	Salary	Classification	Pay Level/Step
Non-HQC* For Current Employees prior to August 1, 2006 Only						
	BA/BS or MA/MS Degree or higher, Taken either Praxis I or Praxis II before July 31, 2006.	N/A	NO	\$ 27,911.46	School Counselor (NHQC I-C)	V/01
	BA/BS or MA/MS Degree or higher, Taken Praxis I and Praxis II before July 31, 2006.	N/A	NO	\$ 28,884.60	School Counselor (NHQC II-C)	V/02
Non-HQC* For New Employees beginning August 1, 2006 or later						
	BA/BS or MA/MS Degree or higher, Praxis II Only Certified	N/A	NO	\$27,911.46	School Counselor (NHQC I-N)	V/01
	BA/BS or MA/MS Degree or higher, Praxis I & II Only Certified and proof of taking Praxis I	N/A	NO	\$28,884.60	School Counselor (NHQC II-N)	V/02
Basic I** (HQC) For Current Employees prior to August 1, 2006						
	Basic I CNMI Certificate, BA/BS, Praxis I & II	up to 2 yrs	NO	\$ 30,976.96	School Counselor (BI/BS or BA)	VI/03
	Basic I CNMI Certificate, MA/MS or higher, Praxis I & II	up to 2 yrs	NO	\$ 33,289.35	School Counselor (BI/MA or MS)	VIII/03
Basic I** (HQC) For New Employees Beginning Aug 1, 2006 or later						
- BA/BS Degree	BA/BS, Praxis I & II	0-4 yrs	NO	\$ 30,976.96	School Counselor (BI/BS or BA<5)	VI/03
- BA/BS Degree	BA/BS, Praxis I & II	5+ yrs	NO	\$ 33,289.35	School Counselor (BI/BS or BA>5)	VI/05
- MA/MS Degree	MA/MS or higher, Praxis I & II	0-4 yrs	NO	\$ 33,289.35	School Counselor (BI/MA or MS<5)	VIII/03
- MA/MS Degree	MA/MS or higher, Praxis I & II	5+ yrs	NO	\$ 35,837.44	School Counselor (BI/MA or MS>5)	VIII/05
Basic II*** (HQC)						
- BA/BS Degree	Basic II Certificate, BA/BS + 2yrs experience, Praxis I & II	2 to 5 yrs	NO	\$ 35,837.44	School Counselor (BII/BA or BS)	VI/07
- MA/MS Degree	Basic II CNMI Certification, MA/MS or higher, Praxis I & II	up to 2 yrs	NO	\$ 38,646.74	School Counselor (BII/MA or MS)	VIII/07
Standard (HQC)						
- BA/BS Degree	Standard Certificate with Endorsement, BA/BS, Praxis I & II	2 to 5 yrs	YES	\$ 35,837.44	School Counselor (S/BA or BS<5)	VI/07
		6 to 10 yrs	YES	\$ 38,646.74	School Counselor (S/BA or BS<10)	VI/09
		10+ yrs	YES	\$ 41,745.42	School Counselor (S/BA or BS>10)	VI/11
- MA/MS Degree	Standard Certificate with Endorsement, MA/MS or higher, Praxis I & II	up to 3 yrs	YES	\$ 38,646.74	School Counselor (S/MA or MS<3)	VIII/07
		4 to 6 yrs	YES	\$ 41,745.42	School Counselor (S/MA or MS<6)	VIII/09
		7 to 10 yrs	YES	\$ 45,163.20	School Counselor (S/MA or MS<10)	VIII/11
Professional (HQC)						
- MA/MS Degree	Professional Certificate with Endorsement, MA/MS Degree or higher, Praxis I & II	10+ yrs	YES	\$ 47,001.36	School Counselor (P/MA or MS)	VIII/12

* Non-Highly Qualified Counselors pursuant to PSS and BOE regulations (no proof in passing Praxis exams; however, submitted proof in taking required exams.)

** Formerly Provisional Certificate

*** Formerly Basic Certificate

PLEASE NOTE THE FOLLOWING:

For new employees beginning after August 1, 2006 or later: After two (2) years of consecutive service in PSS, and upon satisfying certification requirements, Employee will be classified under PSS Highly Qualified counselors (HQC) Requirements and Compensation Plan.

Any Employee separated from PSS for more than two (2) years will be placed accordingly under *Basic I For New Employees Beginning August 1, 2006 or later*, regardless of valid PSS Certification upon rehire. Employees returning within the two (2) year anniversary date of separation will be placed at the appropriate Certification and Salary level.

Due to budgetary constraints, PSS will no longer implement annual step or within grade increases. Counselors will stay at the salary level set forth in the employment contract for the term of the contract unless the counselor submits proof showing full qualification at a different level. However, PSS will not adjust the salary in the initial two year HQC contract term. Any other change in salaries or Certification Type during a contract term will be completed at the discretion of PSS subject to the availability of funds. PSS will not grant salary increases for partial work on a Master's or Doctorate degree. Counselors, who are currently earning more than the above schedule, will maintain their current salary level if they are PRAXIS I and II qualified. This HQC Salary Schedule is subject to change based upon the availability of funds.

60-30.2-215 Alignment with PSS Classification and Salary Schedule

Certification shall be aligned with PSS compensation plan for teachers as set forth in Attachment #1 and the PSS compensation plan for counselors *The Highly Qualified Counselors (HQC) Requirements and Compensation Plan* as set forth in Attachment #2.

Modified, 1 CMC 3806(f).

History: Amdts Adopted 28 Com. Reg. 26282 (Oct. 30, 2006); Amdts Proposed 28 Com. Reg. 26104 (Aug. 24, 2006); Amdts Adopted 26 Com. Reg. 23026** (Oct. 26, 2004); Amdts Proposed 26 Com. Reg. 23063 (Aug. 26, 2004); Amdts Adopted 26 Com. Reg. 22194 (Mar. 23, 2004); Amdts Proposed 26 Com. Reg. 21670 (Jan. 22, 2004).

**Due to a pagination error, page numbers 22819 through 23098 repeat in the 2004 Commonwealth Register.

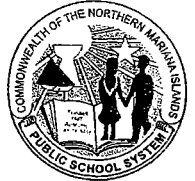
Commission Comment: See the commission comment to 60-30.2-201.

The Commission created the section title and inserted Attachment #1 on the Highly Qualified Teachers Requirements Compensation Plan set forth on the next page. For the original Highly Qualified Teachers Requirements Compensation Plan, see 28 Com. Reg. 26303 (Oct. 30, 2006).

The 2006 amendments changed this entire section by replacing former subsections (a) through (e) and adding Attachment #1.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



STATE BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 501370
SAIPAN, MP 96950

Lucia L. Blanco-Maratita
Chairperson

Herman T. Guerrero
Vice-Chairperson

Marylou S. Ada
Secretary/Treasurer

Members
Galvin S. Deleon Guerrero
D. Tanya King

Scott Norman
Non Public School Rep.

Francine R. Babauta
Student Representative

Teacher Representative

Commissioner of Education
Rita A. Sablan, Ed.D.
coe.ras@pss.cnmi.mp

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO THE RULES AND REGULATIONS OF THE PUBLIC SCHOOL SYSTEM REGARDING THE SPECIAL EDUCATION HARD TO FILL PAY DIFFERENTIAL

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Public School System ("PSS") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

AUTHORITY: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10.

THE TERMS AND SUBSTANCE: The proposed regulation allows for PSS to provide incentives to retain the qualified special education related services personnel already within PSS as well as the means to remain competitive in order to recruit qualified individuals.


THE SUBJECTS AND ISSUES INVOLVED: PSS must address the pay differential for special education related services personnel. This is necessary to address the shortage of related services personnel and subsequently, the shortage of special education services which the Public School System is mandated to provide to the students and community of the CNMI.

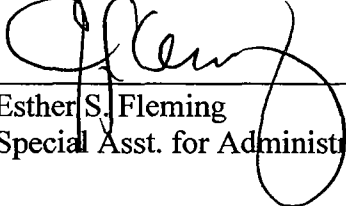
DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

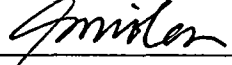
TO PROVIDE COMMENTS: All interested persons may examine the proposed amendments

and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 237-3727 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register. (1 CMC § 9104(a)(2))

These proposed regulations were approved by the Board of Education on January 22, 2008.

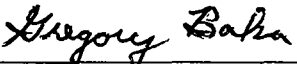
Submitted by:  2/24/09
Lucia L. Blanco-Maratita, Chairperson
Board of Education
Date

Received by:  2/25/09
Esther S. Fleming
Special Asst. for Administration
Date

Filed and
Recorded by:  02.25.09
ESTHER M. SAN NICOLAS
Commonwealth Register
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 25 day of February, 2009.


GREGORY BAKA
Acting Attorney General

§60.30.2-791 Pay Differentials for Hard to Fill Special Education Positions
(60.30.1.447)

(a) Doctorate Degree

\$10,000.00 pay differential for a Doctorate Degree specialty areas including but not limited to Speech Pathology, Audiology, Occupational Therapy, Physical Therapy, and Psychology. Specialty area must be stated as the degree awarded on the Diploma or as the degree major on official college transcripts. Other approved specialty areas must be approved by the Special Education Coordinator, Associate Commissioner of Instructional Services, Human Resources Director and Commissioner of Education. Specialty Area must be stated on the Diploma or official College Transcripts as a degree major. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rata calculation should a complete 190-day contract not be met.

(b) Related Service National Certification, Licensing Registration

\$8,000.00 pay differential for Related Service Professional positions that are hard to fill, require a National Registry exam for Registry and Licensure from a national association. Positions under this category are: ASHA certified Audiologist, ASHA certified Speech-Language Pathologist, Registered Physical Therapist, Registered Occupational Therapist, and Registered/Licensed Educational Psychologist. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rata calculation should a complete 190-day contract not be met.

(c) Masters Degree in Special Education

\$8,000.00 pay differential for Masters Degree in Special Education, including but not limited to, specified specialty areas of Special Education, Early Intervention, Early Childhood Special Education, Deaf Education, Visual Impairments, Severe Disabilities, Autism, Multiple Disabilities, Serious Social and Emotional Disturbances, Behavioral and Transition Specialist. Specialty Area must be stated on the Diploma or official College Transcripts as a degree major. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director). Pay differentials are subject to pro-rata calculation should a complete 190-day contract not be met.

(d) Bachelor's Degree in Special Education

\$3,000.000 pay differential for Bachelors Degree in Special Education including, but not limited to, specified specialty areas of Special Education, Early Intervention, Early Childhood Special Education, Deaf Education, Visual Impairments, Severe Disabilities, Autism, Multiple Disabilities, Serious Social and Emotional Disturbances, Behavioral and Transition Specialist. Specialty Area must be stated on the Diploma or official College Transcripts as a degree major. Pay differentials in this category will be paid out on a quarterly basis, or as determined by the Fiscal Budget Officer (Finance Director).

Pay differentials are subject to pro-rate calculation should a complete 190-day contract not be met.

(e) Outside of 190-day contract

\$75.00 per hour pay differential is for current and active Public School System Related Service Professional employees, as defined under the Individuals with Disabilities Education Act of 2004 that are required to work outside the 190-day Certified Employment contract for example, on weekends or during non-instructional days. Category IV Differential Pay may be paid out provided that **pre-approval** of such pay is authorized by an immediate supervisor, the Human Resources Director and the Commissioner of Education.

(f) If an individual qualifies for two or more pay differentials, from the sections 60.20.2-791 a-d, only one pay differential which compensates at a higher rate will be allowed.

**NOTISIAN PUPBLIKU NI MANMAPROPONEN AREKLAMENTO
YAN REGULASION SIHA NI PARA I AMENDASION PARA I
AREKLAMENTO YAN REGULASION SIHA GI SISTEMAN ESKUELAN
PUPBLIKU POT I SPECIAL EDUCATION HARD TO FILL PAY DIFFERENTIAL**

**MA INTENSIONA NA AKSION PARA U MA'ADAPTA ESTE I
MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA:**

I Sangkattan na Isla Marianas siha, i Sistemán Eskuelan Públiku (“PSS”) ha intensiona para u adapta komu petmaniente na regulasion siha ni mañechetton i Manmapropone na Regulasion siha, sigun gi Ákton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha para u efektibu gi halom i dies(10) diha siha despues i adaptasion yan publikasion gi halom i Rehistran Commonwealth (1 CMC § 9105(b))

ATURIDÁT: I maproponen amendasion siha para regulasion PSS manmácho’gue sigun gi áturidát i Kuetpo komu mapribeniya ginen i Attikulu XV gi Konstitusion CNMI, Lai Públiku 6-10.


I SUSTANSIAN I PALÁBRA SIHA: I maproponen regulasion ha sedi para i PSS para u pribeniya regálu ni para u sága i qualified special education related services personnel ni esta manggaige gi halom PSS parehu ha’ yan para u sága competitive anai siña ha na’ sága para u fanrikohi mangkuálifikáo na indibiyuát siha.

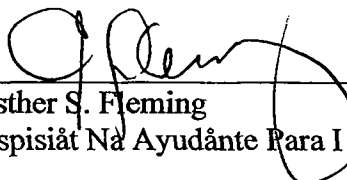
I SUHETO NI MASUMÁRIA YAN ASUNTO NI TINEKKA: I PSS debi na u address i pay differential para i special education related services personnel. Nisisário este na debi na u ma’ address i ti numahong i related services personnel yan tinattitiya, i ti numahong i setbision special education gi anai i Sistemán Eskuelan Públiku ha mánda para u pribeniya i estudiánte siha yan i komunidad CNMI.

DIREKSION PARA U MAPO’LO YAN MAPUPBLIKA: Este i Manmaproponen Regulasion siha debi na u mapupblika gi halom i Rehistran Commonwealth gi seksiona ni mapropone yan nuebu na ma’adapta na regulasion siha (1 CMC § 9102(a)(1) yan u fan mapega gi kombiniente na lugát siha gi halom i civic cente yan i ofisinan gubietnamto gi kada distriton senadot, parehu gi fino’ English yan i prinsipát na lengguáhen natibu. (1 CMC § 9104(a)(1))

PARA U MAPRIBENIYA OPÑION SIHA: Todu maninteresáo na petsona siña ma’ eksamina i manmapropone na amendasion siha yan u mana’hálo i infotmasion, pusion, pat osino testamofion kinontra gi maproponen amendasion siha guatu gi Kabiseyu, Kuetpon Edukasion, P.O. Box 1370 CK, Saipan, MP 96950, pat ágang i 237-3727 pat osino 664-3711 gi halom trenta(30) diha siha ni tinattitiya ni publikasion gi halom Rehistran Commonwealth. (1 CMC § 9104(a)(2))

Este i manmapropone na regulasion siha manma'apreba ginen i Kuetpon Edukasion gi Ineru 22, 2008.

Nina hãlom as:  2/24/09
Lucia L. Blanco-Maratita, Kabiseyu
Kuetpon Edukasion Fecha

Rinesibi as:  2/25/09
Esther S. Fleming
Espisiãt Na Ayudãnte Para I Atministrasion Fecha

Pine'lo Yan Rinekot as:  02.25.09
ESTHER M. SAN NICOLAS
Rehistran Commonwealth Fecha

Sigun gi 1 CMC § 2153(e) (Inapreban Abugãdu Henerãt na i regulasion siha para u macho'gue komu ligãt komu fotma) yan 1 CMC § 9104(a)(3) (hentãna inapreban Abugãdu Henerãt) i manmapropone na regulasion siha mañechetton guini komu manmarebisa yan manma'apreba komu fotma yan ligãt suficiente ginen i CMNI Abugãdu Henerãt yan debi u mapupblika (1 CMC § 2153(f) (publikasion areklamento yan regulasion siha)).

Mafecha gi diha 25 gi Fibreru, 2009.


GREGORY BAKA
Acting Abugãdu Henerãt

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKAAL IKKA AA LLIWEL
NGÁLI ALLÉGHÚL IMWAL RÁGHEFISCH IGHA E WEIRES TAPPAL
GAKKO KKAAL REEL SALAPIAL (PAY DIFFERENCIAL)**

MÁNGEMÁNGIIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:
Alléghúl Imwal Raghefish (“PSS”) mellól Commonwealth Téél falúw kka falúwasch
Efáng Marianas nge e mangi ebwe schéschéél fillóóy pomwol allégh kka e appasch,
bwelle mwóghutul administrative Procedure Act 1 CMC Tálil 9104(a). Allégh kkaal
ebwe fis llól seigh (10) ráálil ngare schagh raa fillóóy me akkatééló llól Commonwealth
Register. (1 CMC Tálil 9105(b))

BWÁNGIL: Pomwol ssiwel kkaal sáangi alléghúl PSS ebwe akkatééwow bwelle
bwángil mwiisch iye toowow mereel Article XV llól CNMI Allégh Lapalap. Alléghúl
Toulap ye 6-10.

AWEWEEL ME KKAPASAL: Pomwol allegh kkaal nge ebwe mmwelil bwe PSS
ebwe ayoora incentives bwelle rebwe lootiw schagh schóól afal kka re kkof llól special
education ikka e ghil ngali aweewel personnel ikka raa fasúl llól PSS bwelle rebwe ipiiy
iyo rebwe isáali.. .

KAPASAL ME AWEWE KKA E TÉÉTÁ: PSS ebwe ayoora pay diferencial
(óbwós) ngáliir special education kka e ghil ngáli aweewel personnel. E welepakk milleel
bwelle reel schóól angaangal llól Special Education igha rese kke ghów services kkaal
nge e allégh ngáli PSS bwe ebwe ayoora ngáliir atel meleitey me schóól sóbweey mellól
CNMI.

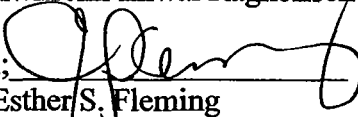
AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol Allégh kkaal ebwe
akkatéélong llól Commonwealth Register sáangi tálil ye raa pomwoli me fillóól allégh kka
e ffé (1 CMC Tálil 9102(a)(1) me appaschetá llól civic center me llól bwulasyool
gobenno kkaal llól alongal district senatorial, llól Amerikkónu, Refalúwasch, Remeraalis.
(1 CMC Tálil 9104(a)(1))

ISISILONGOL MANGEMANG: Schóókka eyoor mángemáng, tipeer, mááfiyeer reel pomwol allégh kkaal rebwe ischilong reel Samwoolul, Mwiischil Imwal Rághefish, P.O Box 1370 CK, Seipél, MP 96950, faingi 237-3727 me ngáre fax reel 664-3711 llól eliigh (30) ráálil mwiril yaal akkatééló llól Commonwealth Register. (1 CMC Tálil 9104(a)(2))

Pomwol allégh yeel nge aa allégheló mereel Mwiischil Imwal Rághefish wool Schoow 22, 2008

Isaliyallong: 
Lucia L. Blanco-Maratita, Samwoolul,
Mwiischil Imwal Rághefish

2/24/09
Rál

Mwir sangi: 
Esther S. Fleming
Sow Alillisil Sow Lemelem

2/25/09
Rál

Ammwel sangi: 
ESTHER M. SAN NICOLAS
Commonwealth Register

02.25.09
Rál

Sangi allegh ye 1 CMC Talil 2153(e) (Allegh kka AG alleghuwulo bwe ebwe akkateelo) me 1 CMC 9104(a)(3) (bweibogh alleghul AG) pomwol allegh kka e appasch nge raa takkal amweri fischiy me alleghelo mereel CNMI Sow Bwungul Allegh Lapalap me ebwe akkateelo (1 CMC Talil 2153(f) (akkateel allegh kkaal))

Rallil ye 25 llo l maramal Maaischigh, 2009.

Gregory Baka

GREGORY BAKA

Acting ngali Sow Bwungul Allegh Lapalap



Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Caller Box 10007 CK, Saipan, MP 96950

Tel. (670) 664-3000 • Fax: (670) 664-3067

email: commercedept@pticom.com

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS OF THE DEPARTMENT OF COMMERCE

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:

The Commonwealth of the Northern Mariana Islands, Department of Commerce, (hereafter "Commerce") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b)).

AUTHORITY: The Secretary of Commerce is authorized to promulgate regulations pursuant to 1 CMC §2454 of the Commonwealth Code.


THE TERMS AND SUBSTANCE: The proposed revisions are to make the Commerce regulations consistent with the immigration regulations, which became effective on January 1, 2009, to provide for retiree investors, to provide for foreign students, to provide for eligibility of educational institutions, and to clarify other sections of the Commonwealth Register, Volume 30, Number 12, pp 029100-0029153 relating to the Department of Commerce.

THE SUBJECTS AND ISSUES INVOLVED: These rules and regulations:

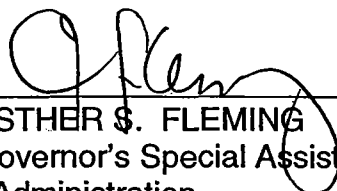
1. Allow the Commerce regulations to be consistent with the immigration regulations. Certain functions with respect to foreign investors, retiree investors, and foreign students were transferred to the Department of Commerce by those regulations;
2. Allow for retiree investors who wish to establish homes in the Commonwealth by setting out the qualification requirements for retiree investors and their immediate relatives;
3. Provide for foreign students who wish to study in the Commonwealth, by setting out the qualification requirements for foreign students and their immediate relatives;
4. Simplify and clarify certain provisions to make them easier for the public use;
5. Provide for the annual registration of all foreign investors; and
6. Require educational institutions meet certain criteria prior to enrolling alien students.

DIRECTIONS FOR FILING AND PUBLICATION: These proposed regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Send or deliver your comments to Michael J. Ada, Secretary of Commerce, at the above address, fax or email address, with the subject line "Proposed Regulations". Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2))

Submitted by: 
MICHAEL J. ADA
Secretary of Commerce

2/24/09
Date

Received by: 
ESTHER S. FLEMING
Governor's Special Assistant for
Administration

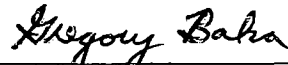
2/25/09
Date

Filed and
Recorded by: 
ESTHER M. SAN NICOLAS
Commonwealth Register

02.24.09
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 25 day of February, 2009


GREGORY BAKA
Acting Attorney General

**NOTISIAN PUBLIKU NI MANMAPROPONE NA AREKLAMENTO YAN
REGULASION SIHA NI PARA I AMENDASION I AREKLAMENTO YAN
REGULASION SIHA GI DIPATTAMENTON KOMETSIO**

**MA INTENSIONA NA AKSION PARA U MA'ADÁPTA ESTE I
MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA:** I
Commonwealth gi Sangkattan na Isla Marianas, Dipattamenton Kometsio, (guiya este
"Commerce") ha intensiona na para u adápta komu petmaniente na regulasion siha ni
mañechetton i Manmaproponen Regulasion siha, sigun gi Ákton Administrative
Procedure 1 CMC § 9104(a). I Regulasion siha debi na u efektibu dies(10) diha despues i
adáptasion yan publikasion gi halom i Rehistran Commonwealth.

ÁTURIDÁT: I Sekretáron i Kometsio ma'áturisa para u macho'gue i regulasion
siha sigun i 1 CMC § 2454 gi Lai Commonwealth.

SUSTANSIAN I PALÁBRA SIHA: I maribisan i manmapropone para u fa'tinási i
Kometsio konsiste na regulasion siha yan i regulasion imigrasion ni para u efektibu gi
Ineru 1, 2009, para u pribeniyi para i pine'lon ritiráo(retiree investors), para u pribeniyi
para i estudiánten estrangheru siha, para u pribeniyi para i kuálifikasion instutusion
edukasion siha, yan para u klarifika otro na seksiona siha gi halom i Rehistran
Commonwealth, Baluma 30, Numiru 12, pp 029100-0029153 ni u ma'achule' yan
i Dipattamenton Kometsio.

I SUHETO NI MASUMÁRIA YAN ASUNTO NI TINEKKA: Este na areklamento
yan regulasion siha:

1. Para u sedi i regulasion Kometsio na debi na u konsiste yan i regulasion imigrasion
siha. Guaha siha na funksion kon respetu ni foreign investors, retiree investors,
estudiánten estrangherun ni manmatransferi para i Dipattamenton Kometsio ni ginen
ayu na regulasion siha.;
2. Para u sedi i retiree investors ni malago' para u estapblisa i guma' gi halom
Commonwealth ginen i mafotman na ginagão na kuálifikasion siha para i retiree
investors yan i manhihot na mamparentes;
3. Para u mapribeniyi para estrangheron estudiánte para i malago' estudio gi halom
Commonwealth ginen i mafotma na ginagão na kuálifikasion estudiánten estrangheru
siha yan i manhihot na mamparentes;
4. Ti mappot yan kláru na guaha probension siha ni para ti u mappot para uson publiku;
5. Para u mapribeniyi para rehistrasion sákkán gi todú foreign investors; yan
6. Ha nesesita i instutusion edukasion siha na para u afakcha' palu criteria para ántes
na u ma'enroll i estudiánten estrangheru.

DIREKSION PARA U MAPO'LO YAN MA PUPBLIKA: Este i manmaproponen regulasion siha debi na u mapupblika gi halom Rehistran Commonwealth gi halom i seksionla ni manmapropone yan nuebu na ma'adapta na regulasion siha (1 CMC § 9102(a)(1) yan u mapega gi kombiniente na lugat siha gi halom civic center yan gi ofisinan gubietnamento siha gi kada distriton senadot, parehu gi fino' English yan i prinsipat na lengguahen natibu. (1 CMC § 9104(a)(1))

PARA U MAPRIBENIYI OPIÑION SIHA: Na'hanogue osino entrega i opiñion para si Michael J. Ada, Sekretarion Kometsio, gi sanhilo' na address, fax pat email i rayan suheto "Maproponen Regulasion Siha". Opiñion siha debi na u fan halom trenta(30) diha siha ginen i fechan publikasion notisia. Pot fabot na'halom i infotmasion-mu, opiñion, pat testamofion kinontra siha. (1 CMC § 9104(a)(2))

Nina'halom as:

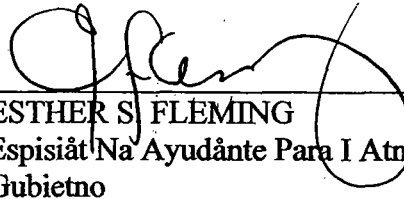


MICHAEL J. ADA
Sekretarion Kometsio

2/24/09

Fecha

Rinesibi as:



ESTHER S. FLEMING
Espisiat Na Ayudante Para I Administrasion
Gubietno

2/25/09

Fecha

Pine'lo Yan Rinekot as:



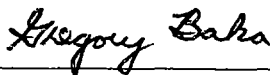
ESTHER M. SAN NICOLAS
Rehistran Commonwealth

02-24-09

Fecha

Sigun i 1 CMC § 2153(e) (Inapreban Abugadu Henerat na i regulasion siha para u macho'gue komu ligat na fotma) yan 1 CMC § 9104(a)(3) (hentan inapreban Abugadu Henerat) i manmapropone na regulasion siha ni mañechetton guini komu manmarebisa yan ligat suficiente ginen i CNMI Abugadu Henerat yan debi na u mapupblika, 1 CMC § 2153(F) (publikasion i areklamento yan regulasion siha).

Mafecha gi diha 25 gi Fibreru, 2009



GREGORY BAKA
Acting Abugadu Henerat

BWULASIYOOL COMMERCE
COMMONWEALTH TÉÉL FALÚW KKA FALÚWASCH EFÁNG MARIANAS
Caller Box 10007 CK, Seipél, MP 96950
Tilifoon. (670) 664-3000-Fax reel (670) 664-3067

**ARONGOL TOULAP REEL POMWOL ALLÉGH KKA EBWE LLIWEL NGÁLI
ALLÉGHÚL COMMERCE**

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH KKAAL:
Bwulasiyool Commerce, mellól Commonwealth Téél falúw kka falúwasch Efáng Marianas (mwirilóól “Commerce”) e mángi ebwe schéschéél fillóóy allégh kka e appasch reel pomwol allégh kkaal, bwelle mwóghutul Administrative Procedure Act. 1 CMC Tálil 9104(a). Allégh ebwe fis llól seigh (10) rááilil ngáre schagh raa fillóóy me atéew llól Commonwealth Register. (1 CMC Tálil 9105 (b)).

BWÁNGIL: Samwoolul Commerce nge eyoor bwángil ebwe akkaté allégh kkaal bwelle 1 CMC Tálil 2454 llól Alléghúl Commonwealth Code.

AWEEWEL ME ÓUTOL: Pomwol kka re siweli bwelle ebwe ghol ngáli alléghúl Commerce me alléghúl Immigration kkaal, iye ebwe kkamalló wóól Schoow 1, 2009, rebwe ayoora ngáliir retiree investors, ayoora ngáliir foreign students, ayoora bwe rebwe fillong llól educational institutions, me afatta tálil kka elo llól Commonwealth Register, Volume 30, Numero 12, pp 029100-0029153 iye e ghil llól Bwulasiyool Commerce.

KKAPASAL ME AWEEWE KKA E TÉÉTÁ: Allégh kkaal ebwe :

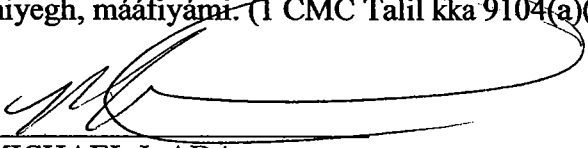
1. Mmwelil bwe alléghúl commerce me alléghúl immigration kkaal ebwe ghol fengál, bwelle akkáaw mwóghutul foreign investors, retiree investors, me foreign students ikka re mweteti Bwulasiyool Commerce bwelle alléghúl;
2. Mmwelil bwe retiree investors kka re tipeli rebwe lootiw llól Commonwealth bwelle tingórol kkaal me yaar famillia;
3. Ayoora ngáliir foreign studens kka re tipeli rebwe akkabwung llól Commonwealth bwelle tingórol yaar famillia;
4. Ebwe affat aweewe kkaal bwelle ebwe mescherágh ngáliir toulap;
5. Ayoora annual registration (ammasawal) ngáliir alongeer foreign investors; me
6. Educational institutes ebwe tabweey akkáaw aweewel mmwal igha ebwe toolong (enrolled) alien students

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol allégh kkaal ebwe akkatéélong llól Commonwealth Register mellól tálil kka raa pomwoli me fillóóy allégh kka e ffé (1 CMC Tálil 9102(a)(1)) me appaschetá igha e fil mellól civic center me llól bwulasiyool gobenno kkaal me bwal llól senatorial district, e weewe schagh llól Amerikkónu, Remeraalis, Refalúwasch. (1 CMC Talil 9104(a)(1)).

ISISILONGOL MANGEMANG: Afanga me ngare bwughiiló yóómw ischil mángemáng reel Michael J. Ada, Samwoolul Commerce, reel address ye weilang, fax me

ngáre email address, reel aweewe ye “ Proposed Regulations”. Ischil mángemáng ebwe atotoelóng llól eliigh (30) ráálil igha schagh e akkatewow arong yeel. Óutu ghal soong isisilong Yáámi aghiyegh, mááfíyámi. (1 CMC Talil kka 9104(a)(2))

ISALIYALLONG:


MICHAEL J. ADA
Samwoolul Commerce

2/24/09
Rál

MWIR SÁNGI:


ESTHER S. FLEMING
Sów Alillisil Sow Lemelem

2/24/09
Rál

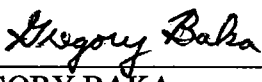
AMMWEL SANGI


ESTHER M. SAN NICOLAS
Commonwealth Register

02.24.09
Rál

Sáangi allégh ye 1 CMC Tálil 2153(e) (alúghúlúghúl AG ebwe akkatééwow) me 1 CMC Tálil 9104(a)(3) (bwughi alúghúlúghúl AG) pomwol allegh kka e appasch nge raa takkal amweri fischiy mereel CNMI Sów Bwungul Allégh Lapalap me ebwe akkatééwow, 1 CMC Tálil 2153(f) (akkatéél allégh kkaal).

Ráálil ye 25 llól maramal Mááischigh, 2009


GREGORY BAKA
Acting ngáli Sów Bwungul Allégh Lapalap

N.M.I. ADMINISTRATIVE CODE

TITLE 20: DEPARTMENT OF COMMERCE

CHAPTER 30: COMMERCE RULES AND REGULATIONS

SUBCHAPTER 30.2: FOREIGN INVESTMENT REGULATIONS

SUBCHAPTER 30.4: RETIREE INVESTMENT

SUBCHAPTER 30.5: FOREIGN STUDENTS

SUBCHAPTER 30.2: FOREIGN INVESTMENT REGULATIONS

PART 001 General Provisions

§20-30.2-005 Definitions

§20-30.2-005(a) "Alien" means a person who is not a citizen or national or permanent resident (green card holder) of the United States;

§20-30.2-005(l) "Immediate relative" means a legally recognized spouse, and a child under the age of twenty-one (21) years, whether natural or adopted before the age of eighteen (18) years, and a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday, and, in the case of a citizen, the parents, whether natural or adoptive of the citizen, provided that no alien shall derive immediate relative status from a child who is under the age of twenty-one (21) years;

PART 100 Foreign Investment

§20-30.2-105 Transfer of Authority

The responsibilities for the processing, approval, issuance, and renewal of regular term business certificates and authorizing entry permits under §5-40.3-240(a) of the Immigration Rules and Regulations, long term business certificates and authorizing entry permits under § 5-40.3-240(n) of the Immigration Rules and Regulations, foreign investor certificates and authorizing entry permits under § 5-40.3-240(g) of the Immigration Rules and Regulations, and retiree investor certificates and authorizing entry permits under § 5-40.3-240(o) and the authority for extensions and renewals of these authorizations for entry permits and the annual registration of these classes of aliens have been transferred to the Department of Commerce. Issuance of entry permits remains the responsibility of the Director of Immigration.

§20-30.2-110 Certification and Authorization for Entry

The Secretary or his or her designee shall provide to the Director of Immigration an authorization for entry, certifying that an alien has met the requirements for a commerce certificate, before an entry permit is processed by the Division of Immigration. The certification

by the Secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No entry permit shall be issued by the Director of Immigration without an authorization for entry from the Secretary.

PART 300 Other foreign investment and fees

§20-30.2-305 Fee Schedule

All fees collected under this section shall be deposited with the CNMI Treasury and are non-refundable.

(a) Regular term business certificate	\$200
(b) Long term business certificate	\$1,000
(c) Foreign investment certificate	\$10,000
(d) Immediate relative certificate	\$2,500
(e) Annual registration	\$100
(f) Penalty for violation of this subchapter	\$100 per day the violation is not resolved and \$100 per violation

§20-30.2-310 Annual Registration

Each holder of a long term business entry permit, a foreign investor entry permit, or a permit issued to an immediate relative of a long term business permit holder or a foreign investor permit holder must register annually with the Department, provide a current address and contact information, and reaffirm the accuracy of the representations made to the Department upon which the entry permit was authorized by the Department.

§20-30.2-315 Extensions and Renewals

Applications for extensions and renewals of long term business entry permits, foreign investor permits, and immediate relative permits shall be made to the Secretary and shall be reviewed under the same standards as applications for initial commerce certificates.

SUBCHAPTER 30.4: RETIREE INVESTMENT

PART 001 General Provisions

PART 100 Eligibility of Retirees

PART 200 Eligibility of Immediate Relatives of Retirees

PART 300 Other provisions

PART 001 General Provisions

§20-30.4-101 Definitions

For the purposes of this subchapter, the following definitions shall apply:

- (a) "Alien" means a person who is not a citizen or national or permanent resident (green card holder) of the United States;
- (b) "Immediate relative" means a legally recognized spouse, and a child under the age of twenty-one (21) years, whether natural or adopted before the age of eighteen (18) years, and a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday, and, in the case of a citizen, the parents, whether natural or adoptive of the citizen, provided that no alien shall derive immediate relative status from a child who is under the age of twenty-one (21) years;
- (c) "Residential dwelling investment" means an investment of \$75,000 or more in a dwelling place to be occupied by a retiree investor and his or her immediate relatives.
- (d) "Retiree investor" means an alien who is 55 years of age or older and who has made or within 90 days will have made a residential dwelling investment in the Commonwealth.

PART 100 Eligibility of Retirees

§20-30.4-101 Applications

- (1) The immigration class for retiree investors is 240(o). See regulations issued by the Division of Immigration, §5-40.3-240(o).
- (2) Applications for entry permits shall be made on forms provided by the Secretary and signed by the applicant. Information on and supporting documentation for an application is submitted under penalty of perjury.
- (3) Applications shall be accompanied by the fee required under §20-30.4-310.
- (4) Applications for a two-year permit will be accepted, at the discretion of the Secretary, upon the Secretary's finding that a two-year permit is in the interests of the Commonwealth.
- (5) Applications shall not be accepted from aliens present in the Commonwealth whose presence is permitted solely because they have a pending labor, immigration or legal matter. However, once said matter is decided, settled, or dismissed, the alien may apply for an entry permit, renewal or change of status if the alien prevailed in the matter.

§20-30.4-105 Qualified retiree

An alien applying for a retiree entry permit is qualified if the following requirements are met:

- (a) The retiree shall provide the biographical information required by the Secretary. A form is provided for this purpose by the Department.

- (b) The retiree is age 55 years or older at the time the retiree enters the Commonwealth under a Retiree Investor Entry Permit. The retiree shall provide a copy of a birth certificate or other documentation as to age acceptable to the Secretary.
- (c) The retiree shall provide documentation as required by the Secretary including a copy of a valid passport, a color photo, and, a police clearance reflecting the applicant's criminal record
- (d) The retiree shall provide documentation satisfactory to the Secretary demonstrating that a residential dwelling investment has been made or will be made within 90 days of the date of grant of the application.
- (e) The retiree shall provide documentation satisfactory to the Secretary demonstrating that sufficient funds are or will be available from identified and reliable financial sources to defray living, medical, and other expenses for the retiree while resident in the Commonwealth.

§20-30.4-110 Certification and Authorization for Entry

The Secretary or his or her designee shall provide to the Director of Immigration an authorization for entry, certifying that an alien has met the requirements for a retiree investment certificate, before an entry permit is processed by the Division of Immigration. The certification by the Secretary shall be consistent with the recommendation by the Foreign Investment Review Committee. No entry permit shall be issued by the Director of Immigration without an authorization for entry from the Secretary.

§20-30.4-115 Term

The certification and entry permit for a qualified retiree investor shall have a term that is co-extensive with the continuing qualification of the retiree investor.

PART 200 Eligibility of Immediate Relatives of Retirees

§20-30.5-201 Credentials of immediate relatives of retiree investor

- (a) A parent or step-parent of a retiree investor shall produce birth certificates or adoption certifications to demonstrate the relationship.
- (b) A spouse to whom a retiree investor is legally married shall produce marriage certificates or records to demonstrate the relationship.
- (c) A child who is the natural or adopted son or daughter of a retiree investor, shall produce birth certificates or adoption records to demonstrate the relationship.

§20-30.4-205 Financial support

The retiree or the immediate relative shall provide documentation satisfactory to the Secretary demonstrating that sufficient funds are or will be available from identified and reliable financial sources to defray living, medical, and other expenses for the immediate relative while resident in the Commonwealth.

§20-30.4-205 Certificate

An immediate relative of the holder of a Retiree Investor Entry Permit may be issued an immediate relative certificate and authorization for an entry permit for the same duration as the holder of the Retiree Entry Permit, provided that the immediate relative is not an excludable alien.

PART 300 Other provisions

§20-30.4-301 Employment

The holder of a Retiree Investor Entry Permit or an immediate relative may be employed for less than 20 hours a week in the Commonwealth.

§20-30.4-305 Annual Registration

Each holder of a Retiree Investor Permit and all immediate relatives of a Retiree Investor Permit shall register annually with the Department.

§20-30.4-310 Fees

The following fees shall apply:

- (a) Retiree Investor Certificate \$1000.00
- (b) Immediate Relative Certificate \$500.00
- (c) Annual registration \$100.00

SUBCHAPTER 30.5: FOREIGN STUDENTS

PART 001 General Provisions

PART 100 Eligibility of Students

PART 200 Eligibility of Immediate Relatives of Students

PART 300 Issuance and Revocation of Permits

PART 400 Eligibility of Educational Institutions

PART 500 Appeals

PART 001 General Provisions

Section 20-30.5-001 Purpose

Section 20-30.5-005 Definitions

Section 20-30.5-010 Service of Process

Section 20-30.5- 015 Fees

§20-30.5-001 Purpose

- (a) Replacement. The regulations in this subchapter shall replace in their entirety those immigration regulations with respect to foreign students previously adopted.
 - (b) Separation of functions. These regulations shall separate the functions relating to the entry and exit of foreign students from other immigration functions.
 - (c) Implementation of Immigration Regulations as Applied to Foreign Students.
- (1) These regulations implement the regulations issued by the Division of Immigration, §5-40.3-240(h), pertaining to foreign students, which provides as follows:

An alien who presents a certificate of admission to an educational institution or school established by Commonwealth law or licensed to operate by the Department of Commerce and who meets the other applicable immigration requirements in these regulations may be issued a Foreign Student Entry Permit. An alien who is a holder of this class of entry permit may enter and remain in the Commonwealth as long as the alien is qualified to study and is a full-time student in the Commonwealth, and the educational institution or school remains qualified under Commonwealth law or a certification issued by the Department of Commerce.

This class of entry permit does not include enrollees or students in preschool or kindergarten programs.

A holder of this class of entry permit may not work or be employed in the Commonwealth except for participation in an on-campus work-study program intended to defray the cost of tuition or living expenses; work for a licensed business not more than 10 hours a week in the student's field of study; or participation in paid activities constituting academic research or training in the student's field of study.

- (2) These regulations also implement §5-40.3-255 of the regulations issued by the Division of Immigration which provides as follows:

The annual registration for foreign students (entry permit class 240 (h)) . . . is the responsibility of the Department of Commerce.

- (3) These regulations also implement § 5-40.3-260 of the regulations issued by the Division of Immigration which provides as follows:

Entry permits may be renewed or extended only pursuant to the provisions of these regulations. . . . [R]enewals or extensions for foreign students . . . are the responsibility of the Department of Commerce. A one-time extension of up to six months may be made available for persons holding valid permits who are eligible for a two-year permit upon payment of the entry permit fee and qualification pursuant to these regulations.

§20-30.5-005 Definitions

For the purposes of this subchapter, the following definitions shall apply:

- (a) "Alien" means a person who is not a citizen or national or permanent resident (green card holder) of the United States;
- (b) "Class" means one of the nonimmigrant alien entry classes defined in the regulations issued by the Division of Immigration, §5-40.3-240, Entry Permit Classes;
- (c) "Commonwealth" means the Commonwealth of the Northern Mariana Islands;
- (d) "Department" means the Department of Commerce of the Commonwealth of the Northern Mariana Islands;
- (e) "Director of Immigration" means the Director of Immigration, who is the official in charge of the Division of Immigration, and who is responsible to the Attorney General;
- (f) "Division of Immigration" means the Division of Immigration which is responsible for all Commonwealth immigration functions, including all entry and exit of vessels and aircraft and all entry, exit, repatriation, and deportation of persons;
- (g) "Educational institution" means an academic or vocational school that has an established course of study leading to a degree or certificate of completion and includes the Northern Marianas College and other post-secondary schools, elementary and secondary schools, language schools, religious schools, vocational schools, sports schools, and professional training programs;
- (h) "Entry" means entry into the Commonwealth by air or by sea at an authorized port of entry;
- (i) "Entry permit" means documentation authorizing the entry into and the continued presence of a nonimmigrant alien in the Commonwealth. The entry permit is issued for purposes of providing entry to and exit from the Commonwealth for qualified persons, as long as the person remains qualified under the particular requirements applicable to each class of entry permit as provided in the regulations issued by the Division of Immigration, Part 5-40.3-230;
- (j) "Exit" means exit from the Commonwealth by air or by sea;

- (k) "Foreign Student Entry Permit" means an entry permit issued by the Division of Immigration after certification by the Secretary of Commerce that the foreign student and the educational institution the foreign student intends to attend are qualified under these regulations;
- (l) "Immediate relative" means a legally recognized spouse, a dependent child under the age of twenty-one (21) years, whether natural or adopted before the age of eighteen (18) years, a stepchild if the marriage that created the stepchild relationship took place before the child's eighteenth birthday, a disabled dependent child of any age whether natural or adopted before the age of eighteen (18) years, a parent, whether natural or adoptive, if the adoption took place before the child's eighteenth birthday;
- (m) "Nonimmigrant" means an alien who enters the Commonwealth pursuant to an entry permit issued by the Division of Immigration while having a domicile or citizenship or nationality in a foreign country that the alien has no intention of abandoning, so indicated by any response made by the alien in applying for entry to the Commonwealth or so indicated by the entry class of the permit issued by the Division of Immigration;
- (n) "Passport" means a travel document issued by the country of citizenship or nationality of a person that shows the bearer's origin, identity and nationality;
- (o) "Regulation" means a regulation promulgated by the Secretary of Commerce pursuant to law and in compliance with 1 CMC §9901 et seq.;
- (p) "Secretary" means the Secretary of Commerce of the Commonwealth of the Northern Mariana Islands.

§20-30.5-010 Service of process

- (a) Service on the Department. Service of process on or service of any notice to the Department or its officials or employees is effective only if made upon the Secretary by personal service or by U.S. mail addressed to the Secretary at the Department.
- (b) Service by the Department
 - (1) Service on an educational institution: Service of process or service of any notice may be made by the Department by personal service on or service by U.S. mail addressed to the person who is the institution's agent for the service of process, the person who signed the application, or any of the officers, directors, or managers (including principals) of the institution.
 - (2) Service on an individual: Service of process or service of any notice may be made by the Department by personal service on or service by U.S. mail addressed to the individual. Service by U.S. mail may be addressed to the individual at the address in the files of the Department and is effective upon deposit in the U.S. mail..
 - (3) Service by publication: Service or process or service of any notice may be made by the Department for any purpose, at the discretion of the Secretary, by publication by publishing a suitable notice once in each of two successive weeks in an English-language newspaper of

daily (weekday) general circulation in the Commonwealth and is effective upon first publication.

§20-30.5-015 Fees

- (a) Application fee. Each applicant for a Foreign Student Entry Permit shall pay an application fee of \$250.00 at the time of application.
- (b) Renewal fee. Each applicant for renewal of a Foreign Student Entry permit shall pay a renewal fee of \$100.00 at the time of renewal.
- (c) Annual registration fee. Each holder of a Foreign Student Entry Permit shall pay an annual registration fee of \$25.00 at the time of registration.
- (d) Sponsor fee. The sponsor of an alien applying for a Foreign Student Entry Permit shall pay a sponsor fee of \$100 to cover the costs of examination of the qualifications of the sponsor.
- (e) Certification fee. An educational institution seeking certification to enroll foreign students shall pay a fee of \$250.00 at the time of application for certification.
- (f) Appeal fee. A person filing an appeal with the Secretary shall pay an appeal fee of \$50.00 at the time of filing of the notice of appeal
- (g) Payment of fees. Fees shall be paid by check or money order made out to the Commonwealth Treasury. Fees are non-refundable. Checks may be made out to the Commonwealth Treasury.

PART 100 Eligibility of Students

Section 20-30.5-101 Academic Students from Abroad

Section 20-30.5-105 Vocational Students from Abroad

Section 20-30.5-110 Minor Children of Aliens Legally in the Commonwealth

Section 20-30.5-115 Transfers

Section 20-30.5-120 Employment

§ 20-30.5-101 Academic Students from Abroad

(a) Applications for Foreign Student Entry Permit

(1) The immigration class for foreign students is 240(h). See regulations issued by the Division of Immigration, §5-40.3-240(h).

(2) Applications for entry permits shall be made on forms provided by the Secretary and signed by the applicant. If the student is a minor under the age of eighteen (18) years, the application shall also be signed by the parent or legal guardian of the minor. Information and supporting documentation for an application is submitted under penalty of perjury.

(3) Applications shall be for full-time study by the applicant at a qualified educational institution within the Commonwealth. Applications shall be signed by a responsible official of the educational institution that has admitted the student, affirming the admission and intent to comply with all applicable regulations.

(4) Applications shall be accompanied by the fee required under §20-30.5-015(a)

(5) Applications shall be signed by the sponsor of the foreign student and shall be accompanied by the receipt for payment of the sponsor fee required under §20-30.5-015(d)

(6) Applications for a two-year permit will be accepted, at the discretion of the Secretary, upon the Secretary's finding that a two-year permit is in the interests of the Commonwealth.

(7) Applications shall not be accepted from aliens present in the Commonwealth whose presence is permitted solely because they have a pending labor, immigration or legal matter. However, once said matter is decided, settled, or dismissed, the alien may apply for an entry permit, renewal or change of status if the alien prevailed in the matter.

(b) Qualified student.

An alien applying for a foreign student entry permit is qualified if the following requirements are met:

- (1) The applicant shall provide the biographical information required by the Secretary. A form is provided for this purpose by the Department.
- (2) The applicant may be of any age, but shall not be below the sufficient age to qualify for elementary school. Applications are not accepted for kindergarten or pre-kindergarten education. If the alien is under the age of eighteen (18) years, the applicant shall have a parent or legal guardian who resides in the Commonwealth. An alien parent who seeks to reside in the Commonwealth for this purpose is required to qualify for an Immediate Relative Entry Permit pursuant to §20-30.5-205 and remain in the Commonwealth while the alien student is in the Commonwealth.
- (3) The applicant shall have academic qualifications sufficient for the type of program for which the student seeks to enroll in the Commonwealth. Transcripts, degrees, and other evidence of academic qualifications shall be submitted in support of the application.

- (4) The applicant shall provide documentation as required by the Secretary including a copy of a valid passport, a color photo, an original or certified copy of a birth certificate, and, if the alien is over the age of eighteen (18), a police clearance reflecting the applicant's criminal record
- (5) The applicant shall provide proof that sufficient funds are or will be available from an identified and reliable financial source to defray educational, living, and medical expenses for the applicant during the period of anticipated study. Proof may be offered in the form of a letter from the person who will be responsible for supporting the applicant while in the Commonwealth stating the commitment to be financially responsible for the applicant, salary statements or bank statements showing financial ability to support the applicant, proof of student loans or grants, proof of medical insurance, or other information that establishes proof of the necessary financial capability.

(c) Qualified Educational Institution

- (1) An applicant for a foreign student entry permit shall have applied and been admitted to a qualified educational institution in the Commonwealth. A qualified educational institution is one that has been licensed by the Secretary of Commerce or established by Commonwealth law and that meets the requirements of §20-30.5-401 of these regulations.
- (2) An official of a qualified educational institution shall sign the application for a Foreign Student Entry Permit certifying admission to the institution, payment by the foreign student or suitable arrangements for payment of tuition and fees for the school year immediately following admission, and the capability and intention of the institution to comply with these regulations in connection with the foreign student's presence in the Commonwealth.

(d) Qualified Sponsor

An applicant for a foreign student entry permit shall have a qualified sponsor who is an individual person who meets the applicable statutory and regulatory requirements. The qualified sponsor must sign the application for a Foreign Student Entry Permit.

- (1) A sponsor of a foreign student has obligations and responsibilities that continue throughout the time the foreign student is within the Commonwealth. A sponsor has responsibility for providing adequate living quarters, living expenses, medical care, tuition, and all other expenses for the foreign student. Each person seeking to sponsor a foreign student must maintain residence within the Commonwealth, provided however, this requirement does not apply to a sponsor who is out of the Commonwealth on orders from any branch of the military service of the United States or a National Guard of any State, or Reserve Unit, but who entered the service from the Commonwealth and who intends to return to the Commonwealth upon completion of the tour of duty. Sponsors living outside the Commonwealth do not qualify.

- (2) A sponsor of a foreign student may be an official or affiliate of a qualified educational institution. In all cases, an individual person must be responsible for the well-being of the foreign student while in the Commonwealth, however the qualified educational institution's financial capability and student boarding arrangements may be offered in support of the sponsor's qualifications.
- (3) The Secretary may refuse to allow a person to be a sponsor if that person fails to comply with Commonwealth immigration laws, sponsors a person who violates those laws, or otherwise fails to meet and maintain the qualifications of a sponsor as stated by law or these regulations. The burden is at all times on the sponsor to prove eligibility and qualifications to become or continue being a sponsor.
- (4) The Secretary may refuse to allow a person to be a sponsor if that person has been barred from employing foreign national workers in the Commonwealth.
- (5) The Secretary may refuse to allow a person who is not a parent of the applicant to act as a sponsor if that person fails to demonstrate sufficient income to ensure that all expenses of the applicant (together with any other aliens sponsored) will be paid and the applicant does not become a burden on the public services of the Commonwealth. To be eligible as a non-parent sponsor of an alien applying for a Foreign Student Entry Permit, the sponsor must demonstrate income over the immediately preceding four months at a rate that will provide a gross annual income of at least \$20,000.00 or the sponsor must demonstrate an average bank balance of \$3,000 for the immediately preceding three months. The Secretary may waive this income requirement in the interests of the Commonwealth.
- (6) The Secretary may refuse to allow a parent to be a sponsor of a child who is an alien applying to be a foreign student if the parent-sponsor fails to demonstrate income over the immediately preceding four months at a rate that will provide a gross annual income totaling 40 hours per week for 52 weeks at the prevailing minimum wage. The Secretary may waive this income requirement in the interests of the Commonwealth.

(e) Health certificate

An alien applying for a Foreign Student Entry Permit shall be in good health.

- (1) A foreign student entering the Commonwealth, or a person entering the Commonwealth as a member of the immediate family of a foreign student, shall have in his or her possession a certificate of freedom from communicable disease. This certificate shall have been executed not more than thirty (30) days prior to the date of entry into the Commonwealth in a jurisdiction and by an authority on the approved list established pursuant to 3 CMC §4802.
- (2) The Secretary may require a foreign student admitted to the Commonwealth, or a person admitted to the Commonwealth as a member of the immediate family of a foreign student, to undergo a physical examination in the Commonwealth performed by any medical physician licensed to practice general medicine in the Commonwealth by the Commonwealth Medical

Professional Licensing Board within ten (10) business days after entry into the Commonwealth. The cost of a physical examination of a foreign student shall be paid by the foreign student.

- (3) A person subject to physical examination pursuant to subsection (b) of this section shall surrender his or her certificate of freedom from communicable disease to the examining physician or other designated person at the time of the examination. Within ten (10) business days after the examination, the examining physician shall transmit the certificate to the Secretary together with a finding as to whether there is any medical reason that the person should not be permitted to remain in the Commonwealth. This finding shall be based on the medical probability that any disease, whether or not communicable, or any disability or any other medical condition would result in significant danger to the health of the inhabitants of the Commonwealth or the need for prolonged medical care or treatment while in the Commonwealth.
- (4) Upon receiving notice that there is a medical reason that any foreign student or member of the immediate family of a foreign student should not be permitted to remain in the Commonwealth, the Secretary shall notify the educational institution and the foreign student, or immediate family member, and the affected person shall immediately surrender his or her entry permit to the Secretary for appropriate action. The Secretary shall transmit a copy of all relevant documents to the Commonwealth immigration authority, and the foreign student or family member shall be repatriated. Repatriation shall take place at the earliest date on which it is medically safe for the affected person to travel.
- (f) Other entry requirements. An alien seeking to enter the Commonwealth as a foreign student must meet the basic entry requirements set out in the regulations issued by the Immigration Division, see NMI Administrative Code §5-40.3-200, including a valid passport, documentation if a minor child is traveling to the Commonwealth unaccompanied by a parent, a landing card, and examination by an immigration inspector upon entry.

§20-30.5-105 Vocational Students from Abroad

[RESERVED]

§20-30.5-110 Minor Children of Aliens Legally in the Commonwealth

- (a) Status. An alien minor under the age of eighteen (18) who is the child of an alien parent residing legally in the Commonwealth as the holder of a permit under immigration classes 240(f) (diplomat), 240(g)(foreign investor), 240(k) (foreign worker), 240(l) (religious leader), 240(m) (missionary), 240(n) (long-term business person), 240(o) (retiree investor), 240(t) (FAS citizen), may be granted an entry permit as a foreign student.
- (b) Medical insurance. The alien parent who sponsors the alien minor must provide evidence of medical insurance for the alien minor or financial security acceptable to the Secretary sufficient to cover \$3,000 in medical expenses.

- (c) Cash bond. The alien parent who sponsors the alien minor must post a cash bond in the amount of \$750 with the Commonwealth Treasury. The Attorney General shall have the right to reimbursement from the cash bond for any expense incurred by the Commonwealth as a result of the presence of the minor alien or for the repatriation of the minor alien if necessary. Unless forfeited pursuant to these regulations, a cash bond shall expire upon satisfactory final departure of the alien minor or upon other regularization of the alien minor's immigration status. Any amounts outstanding shall be returned to the alien parent within thirty (30) days.
- (d) Affidavit. The alien parent who sponsors the alien minor must provide a sworn affidavit with respect to the living arrangements for the alien minor and the financial capability to meet the living costs, tuition, and other expenses of the alien minor.
- (e) Term. The Foreign Student Entry Permit granted to an alien minor who is the child of an alien parent lawfully in the Commonwealth shall be valid while the parent holds legal immigration status in the Commonwealth and for a period after the expiration of the parent's legal status not to exceed thirty (30) days after the end of the school year in which the parent's legal status expired.

§20-30.5-115 Transfers

- (a) Transfer to a qualified educational institution. A student attending a qualified educational institution under a Foreign Student Entry Permit may transfer to another qualified educational institution without exiting the Commonwealth by filing with the Secretary the documentation of admission.
- (b) Transfer in the event of disqualification. In the event that the certification of the educational institution to enroll foreign students is revoked by the Secretary, the holder of a Foreign Student Entry Permit shall have thirty (30) days to enroll in another qualified educational institution or otherwise regularize his or her immigration status to an appropriate classification.

§20-30.5-120 Employment

- (a) General. Nothing in these regulations shall authorize the holder of a Foreign Student Entry Permit to be employed in the Commonwealth except as provided in these regulations.
- (b) Permitted employment
 - (1) Work study programs: The holder of a Foreign Student Entry Permit may work in an on-campus work/study program sponsored and regulated by the educational institution attended by the student and intended to defray the cost of tuition or living expenses.
 - (2) Internships: The holder of a Foreign Student Entry Permit may work in an internship program in the private sector in the student's field of study not more than 20 hours a week.

- (3) Academic research and training: The holder of a Foreign Student Entry Permit may work in paid activities focused on academic research or training provided that the activity must be related to the student's primary field of education.
- (4) Part-time employment: The holder of a Foreign Student Entry permit may work part-time in the private sector not more than 10 hours a week in a job registered with the Department of Labor as a part-time job.

PART 200 Eligibility of Immediate Relatives of Foreign Students

Section 20-30.5-201 Credentials of immediate relatives of foreign students

Section 20-30.5-205 Entry permits for immediate relatives of foreign students

§20-30.5-201 Credentials of immediate relatives of foreign students

- (d) A parent or step-parent of a foreign student shall produce birth certificates or adoption certifications to demonstrate the relationship.
- (e) A spouse to whom a foreign student is legally married shall produce marriage certificates or records to demonstrate the relationship.
- (f) A minor child who is the natural or adopted son or daughter of a foreign student, who is under the age of eighteen (18) years and a dependent of the foreign student shall produce birth certificates or adoption records to demonstrate the relationship.
- (g) A dependent child of any age who is the natural or adopted son or daughter of a foreign student and who is disabled and by reason of disability is a dependent of the foreign student shall produce birth certificates or adoption records to demonstrate the relationship and medical certification as to the disability.

§20-30.5-205 Entry permits for immediate relatives of foreign students

- (a) Entry permit. Immediate relatives of persons granted a Foreign Student Entry Permit may be granted an entry permit as an Immediate Relative of an Alien by the Director of Immigration upon the recommendation of the Secretary.
- (b) Requirements
 - (1) A parent who seeks entry as an immediate relative of a student must post a cash bond in the amount of twice the cost of return travel to the point of origin at the time of application. If the parent is the sponsor of the foreign student, the parent must meet the requirements set out in §20-30.5-101(d).

- (2) A foreign student who seeks entry for a spouse or child must post a cash bond in the amount of twice the cost of return travel to the point of origin at the time of application, medical insurance or a substitute acceptable to the Secretary to ensure that the dependent of the foreign student does not become a burden on the Commonwealth, and proof that sufficient funds are available from an identified and reliable source to defray living expenses for the dependent during the term of the student's Foreign Student Entry Permit.
- (c) Term. The entry permit of the immediate relative shall remain valid only while the Foreign Student Entry Permit upon which the immediate relative's permit is based remains valid.

PART 300 Issuance and Revocation of Entry Permits

Section 20-30.5-301 Issuance of permits

Section 20-30.5-305 Extension and renewal of permits

Section 20-30.5-310 Denial of permits

Section 20-30.5-315 Revocation of permits

§20-30.5-301 Issuance of permits

- (a) Entry permit required. Every foreign student admitted to the Commonwealth for purposes of study at a qualified educational institution must have an entry permit issued by the Commonwealth immigration authority. The entry permit is issued when the Commonwealth immigration authority receives notification from the Secretary that a foreign student is qualified to study in the Commonwealth and other immigration requirements are satisfied. The entry permit is delivered to the foreign student after the student arrives in the Commonwealth when the student registers with the Department. The entry permit remains valid so long as the foreign student is engaged in study under an approved program at a qualified educational institution and registers annually with the Department.
- (b) Term. The term of an entry permit is one year. An entry permit may be issued for a two year term at the discretion of the Secretary and the payment of the required fee.

§20-30.5-305 Extension and renewal of permits

- (a) Extension and renewal of permits. Entry permits may be extended or renewed upon annual registration with the Department on or prior to the date of expiration of the entry permit so long as the requirements with respect to the qualified student, qualified educational institution, and qualified sponsor continue to be met
- (b) Limitation. The term of an extension or renewal may not exceed the length of time required to complete the degree or training program plus a reasonable time for participation in graduation ceremonies and arrangements for repatriation.

§20-30.5-310 Denial of application

(a) Written denial. The denial of an application for a Foreign Student Entry Permit shall be in writing, shall state the grounds for the denial with specificity, and shall be signed by the Secretary. The denial shall be served on the applicant within 60 days of the date of receipt of the application. The denial shall be transmitted to the Director of Immigration.

(b) Grounds for denial

The grounds for denial of an application are:

- (1) Failure to meet qualifications;
- (2) Failure to be admitted to a qualified educational institution;
- (3) Failure to provide a qualified sponsor;
- (4) A false statement made on an application or in supporting documentation;
- (5) The entry of the student is not in the interest of the Commonwealth.

(c) Notice of right to appeal. Each denial of an application shall contain a notice of the right to appeal and a reference to the section of these regulations governing appeals.

§20-30.5-315 Revocation of permits

(a) Written revocation. The revocation of a Foreign Student Entry Permit shall be in writing, shall state the grounds for revocation with specificity, and shall be signed by the Secretary. The revocation shall be served on the foreign student and shall become effective upon service. The revocation shall be transmitted to the Director of Immigration.

(b) Grounds for revocation

The grounds for revocation of a Foreign Student Entry Permit are:

- (1) Any ground on which the application could have been denied;
- (2) Any material change in circumstances affecting the qualification of the foreign student, the student's sponsor, or the educational institution attended by the student;
- (3) Any false statement made to the Department or knowing violation of a requirement for foreign student status;
- (4) Conviction of a crime;
- (5) The sponsor is no longer qualified;
- (6) Failure to maintain status as a full-time student as that status is defined by the qualified educational institution for the program in which the foreign student is enrolled and approved by the Secretary at the time of the issuance of the entry permit;
- (7) Employment not permitted by these regulations.

(c) Notice of right to appeal. Each denial of an application shall contain a notice of the right to appeal and a reference to the section of these regulations governing appeals.

PART 400 Eligibility of Educational Institutions

Section 20-30.5-401 Issuance of certification

Section 20-30.5-305 Denial of certification

Section 20-30.5-310 Revocation of certification

Section 20-30.5-315 Record-keeping requirements

Section 20-30.5-320 Inspections

§20-30.5-401 Issuance of certification

(a) Requirement of certification. Each educational institution that enrolls a student who is a holder of a Foreign Student Entry Permit must be certified by the Secretary before such enrollment. The certification reflects only the institution's authorization to accept foreign students who are present in the Commonwealth or seeking entry to the Commonwealth under a Foreign Student Entry Permit. The approval or denial of certification by the Secretary has no effect on the institution's accreditation by the Board of Regents or other academic or vocational accrediting authority.

(b) Application for certification

Each educational institution seeking certification by the Secretary shall file a letter application that includes the following information:

- (1) The name and address of the educational institution;
- (2) The name and title of the person authorized to apply for certification;
- (3) The number of years the educational institution has operated in the Commonwealth;
- (4) The affiliations, if any that the educational institution has with educational entities in the Commonwealth, and any accreditation by accrediting authorities within the Commonwealth;
- (5) The affiliations, if any, that the educational institution has with educational entities outside the Commonwealth, and any accreditations by accrediting authorities outside the Commonwealth;
- (6) The total number of students enrolled in each of the past five years;
- (7) The total number of faculty members and administrators employed in each of the past five years;
- (8) The curriculum or program of study offered by the institution and the degrees or certifications of completion awarded by the institution, attaching supporting documentation of catalogs, bulletins, websites or other announcements as to the curriculum or program of study offered;
- (9) The size of the physical facilities occupied by the educational institution;
- (10) The health facilities or capabilities provided by the institution for the protection of students;
- (11) Copies of the advertising directed at students during the past year;
- (12) The institution's legal status as a corporation, LLC, partnership, or individual proprietorship attaching supporting documentation with respect to legal status such as articles of incorporation and business license;

- (13) The institution's tax status as for-profit or non-profit.
 - (14) A copy of audited financial statements prepared by a U.S. Certified Public Accountant within the prior 12 months;
 - (15) The name and address of the person who is the institution's agent for the service of process.
- (c) Foreign Student Education Oversight Panel. Upon receipt of an application for certification as a qualified educational institution, the Secretary shall convene and chair an oversight panel comprised of at least one representative from each of the following: the Northern Marianas College, the Department of Commerce, the Saipan Chamber of Commerce, the Public School System, and the community at large. The oversight panel will advise the Secretary with respect to the issuance of a certification for the applying educational institution. The Secretary may waive the convening of an oversight panel if the educational institution is in good standing with a nationally recognized accrediting body. The Secretary may also convene an oversight panel for an annual review of each qualified educational institution to assure that the requirements for certification continue to be met or for a special review of a qualifying educational institution that loses its accreditation by a nationally recognized accrediting body.
- (d) Statements made under penalty of perjury. Statements made in an application for certification are representations to the Commonwealth government that are made under penalty of perjury.
- (e) Issuance of certification. The Secretary's certification will be evidenced by a document naming the educational institution. Certifications remain in effect until revoked by the Secretary.
- (f) Conditional certification. The Secretary may issue conditional certifications where it is in the interest of the Commonwealth to do so. Any conditions on certification must be evidenced on the certification document.
- (g) Change of circumstance. Any material change in any of the facts presented to the Secretary in the application for certification must be reported to the Secretary within 90 days of the occurrence of the change. Changes in enrollment must be reported annually in January of each year.

§20-30.5-405 Denial of certification

(a) Denial in writing. The denial of a certification shall be in writing, shall state the grounds for revocation with specificity, and shall be signed by the Secretary. The denial shall be served on the educational institution and shall become effective upon service.

(b) Grounds for denial of certification

The grounds for denial of certification are:

- (1) Any failure to meet the requirements for the qualification of the educational institution;
 - (2) Any false statement made to the Department;
 - (3) False or materially misleading statements in advertising directed at students.
- (c) Notice of right to appeal. Each denial of an application shall contain a notice of the right to appeal and a reference to the section of these regulations governing appeals.

§20-30.5-410 Revocation of certification

(a) Revocation of certification. The Secretary may revoke the certification of an educational institution by written notice at any time, such revocation to become effective 30 days after service of the notice on the educational institution.

(b) Grounds for revocation

The Secretary shall state each of the grounds for revocation of certification in the written notice issued with respect to the revocation. The grounds are:

- (1) A false statement of a material fact made in any application or supplementary documentation provided to the Department;
- (2) A change in circumstance with respect to any material qualification of the institution or a foreign student not reported to the Department in a timely manner;
- (3) Unhealthful or unsafe conditions at the physical facilities used by the institution or other conditions substantially detrimental to the well-being of students enrolled at the institution;
- (4) Failure to keep records as required;
- (5) Failure to comply with a request for inspection;
- (6) False or misleading statements or representations in advertising;
- (7) A material failure to comply with the Department's regulations;
- (8) Change of ownership without prior approval of the Secretary;
- (9) Insolvency or lack of sufficient financial resources to support reasonable operations of the educational institution;
- (10) Cessation of the business.

§20-30.5-415 Record-keeping and reporting

(a) Records with respect to foreign students

The educational institution shall maintain the following records during a foreign student's enrollment and for at least two years after termination of the student's enrollment:

- (1) Photocopy of the foreign student's passport;
 - (2) Photocopy of the foreign student's entry permit;
 - (3) A current address and description of the place where the student physically resides;
 - (4) Date of first enrollment as a student;
 - (5) Degree program and field of study;
 - (6) Academic status in each term while enrolled and credits or courses completed;
 - (7) Payment of tuition and fees;
 - (8) Date of termination of enrollment as a student.
- (b) Availability. All records maintained by the educational institution with respect to any foreign student shall be made available to the Secretary upon request.

(c) Reporting

The educational institution shall report to the Department of Commerce as follows:

- (1) Report on completion: The institution shall report within 30 days when a foreign student who has been accepted by the institution has completed the course of study for which the student was accepted. The institution shall report, in each such case, whether the student will no longer be attending the institution.
- (2) Report on enrollment: The institution shall report at the beginning of each term or session whether each foreign student who has been accepted by the institution (and as to whom no report on completion has been submitted) is still enrolled and whether the student is enrolled as a full-time or part-time status.
- (3) Report on status: The institution shall report within 30 days when a foreign student who has been accepted by the institution and is still enrolled has failed to complete a program of study within the time typically required to complete that program, and the reason for any extension of time granted by the institution to complete the program.

§20-30.5-420 Inspections

The Secretary or a duly authorized agent may inspect the physical premises of the educational institution and its records at any time during normal business hours upon reasonable notice to the institution.

PART 500 Appeals

Section 20-30.5-501 Commencing an appeal

Section 20-30.5-505 Hearings on appeal

Section 20-30.5-510 Judicial review

§20-30.5-501 Commencing an appeal.

- (a) Commencing an appeal. An appeal is commenced by filing a notice of appeal on the standard form provided by the Department and payment of the fee required in §20-30.5-015(f) of these regulations. A notice of appeal must be filed within fifteen (15) days of service of the decision on the party who is appealing.
- (b) Content of notice. The notice of appeal shall state the reasons for the appeal and shall be supported by a statement of facts and supporting documentation setting forth the grounds for contesting the decision.

§20-30.5-505 Hearings on appeal

- (a) Hearing officer. The Secretary shall appoint a hearing officer to decide the appeal and prepare an opinion. The hearing officer may decide the appeal on the written submissions of the appellant and the government which shall be made on a schedule prescribed by the hearing officer. The hearing officer may order a hearing on the record, however no hearing or oral argument on an appeal is required. The hearing officer shall notify the appellant of the time and place for any hearing on the appeal and shall not schedule the hearing with less than fifteen (15) days notice or change a hearing date with less than fifteen (15) days notice.
- (b) Proceedings. In a review on appeal, the hearing officer may restrict review to the existing record, supplement the record with new evidence, or hear the matter *de novo* pursuant to 1 CMC §§9109 and 9110. Upon completion of review, the hearing officer shall affirm, reverse, or modify the findings, decision, or order of the Department. The hearing officer's decision shall constitute final agency action for purposes of judicial review.

§20-30.5-510 Judicial review

Judicial review of a final agency action is authorized after exhaustion of all administrative remedies and shall be initiated within thirty (30) days of the final action. Judicial review shall be pursuant to 1 CMC §9112. Appeal from a final action by the agency shall be directly to the Commonwealth Superior Court.