

TITLE 75: OFFICE OF THE GOVERNOR

SUBCHAPTER 75-20.2 HONOR SCHOLARSHIP PROGRAM FOR POST SECONDARY EDUCATION RULES AND REGULATIONS

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Subchapter Authority: 3 CMC §§ 1341-1343; Executive Order 94-3 § 211.

Subchapter History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012); Emergency 34 Com. Reg. 32483 (July 29, 2012); Amdts Adopted 33 Com. Reg. 31395 (Feb. 24, 2011); Amdts Proposed 33 Com. Reg. 31265 (Jan. 24, 2011); Amdts Adopted 27 Com. Reg. 24522 (May 18, 2005); Amdts Proposed 27 Com. Reg. 24109 (Mar. 17, 2005); Amdts Emergency and Proposed 26 Com. Reg. 23084 (Nov. 30, 2004) (effective for 120 days from Oct. 27, 2004);* Adopted 23 Com. Reg. 18389 (Sept. 24, 2001); Emergency and Proposed 23 Com. Reg. 18183 (July 20, 2001) (effective for 120 days from July 13, 2001); Emergency and Proposed 21 Com. Reg. 16871 (Aug. 23, 1999) (effective for 120 days from Aug. 18, 1999).

*A notice of permanent adoption for the November 2004 amendments was never published.

Commission Comment: 3 CMC § 1304 creates the Northern Marianas College as a nonprofit public corporation, under the general control and direction of the Board of Regents of the Northern Marianas College. See also 3 CMC § 1311. The Board of Regents is authorized to review eligibility based on established policy or criteria and to establish awards for all publicly funded financial assistance for post-secondary education of Commonwealth students within the Commonwealth. 3 CMC § 1316(d).

PL 7-32 (effective June 20, 1991), the “Postsecondary Education Scholarship Act of 1990,” codified as amended at 3 CMC §§ 1341-1343, created annual scholarships for CNMI high school graduates to attend accredited colleges or universities in the Commonwealth or the United States. See 3 CMC § 1342.

PL 14-37 (effective Oct. 22, 2004), the “CNMI Honor Scholarship Act of 2004,” repealed and reenacted 3 CMC §§ 1341 and 1342. See PL 14-37 § 3. The act continues the original scholarship program with clarifications as to who is eligible for the awards. 3 CMC § 1343 authorizes the Northern Marianas College Board of Regents to administer the provisions of the act and promulgate necessary regulations.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 211:

Section 211. Scholarships.

(a) All functions of the Northern Marianas College Board of Regents relating to student scholarships, except those donated, bequeathed, or granted to the College by parties outside the Commonwealth Government, are transferred to the Office of the Governor.

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(b) There is hereby established in the Office of the Governor a Scholarship Advisory Board consisting of nine members who shall be appointed by and serve at the pleasure of the Governor. At least two of the members shall be from Tinian, and at least two from Rota. Not more than five of the board members shall be associated with a single political party. The Board shall review applications for scholarships and make recommendations to the Governor with respect thereto. The Board shall also recommend objective standards for the award of scholarships. The provisions of [PL 8-41] shall not apply to the Board.

(c) As used in this section, the term “scholarships” includes student grants, student loans, and other programs of student financial assistance. The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

The May 2005 amendments repealed and re-promulgated this subchapter in its entirety.

On February 20, 2009, the Commonwealth Supreme Court ruled that the regulations in this chapter failed to implement the statutorily-mandated criteria set forth in 3 CMC § 1342(b), and issued the following order:

The scholarship board shall promptly:

(1) Promulgate rules and regulations consistent with the statutory language of 3 CMC § 1342, which requires the scholarship board to weigh the applicants’ respective grade point averages, SAT or ACT scores, extra-curricular activities, the difficulty of the high school coursework, and at least two letters of recommendation in selecting scholarship recipients. In promulgating the rules and regulations, the scholarship board must assign a percentage value to all the statutorily-mandated criteria set forth in Section 1342(b). Additionally, the regulations must adequately set forth the methodology for ensuring that the scholarship board uniformly evaluates the difficulty of the applicants’ coursework; and

(2) Reevaluate the entire set of applications for the 2006 honor scholarships, and award the scholarships based on the statutorily-mandated criteria set forth in 3 CMC § 1342(b).

Calvo v. Northern Mariana Islands Scholarship Advisory Board, 2009 MP 2 ¶ 31.

The 2011 amendments repealed and re-promulgated this subchapter. The 2012 amendments also repealed and re-promulgated this subchapter.

PL 18-40 (Mar. 21, 2014) dissolved the Scholarship Office and replaced it with a new CNMI Scholarship Office, independent of the Office of the Governor. Section 5(c) of the Public Law provided, “The policies, rules and regulations of the Scholarship Office shall continue as policies, rules and regulations of the CNMI Scholarship Office until amended or repealed by the CNMI Scholarship Board of Directors.”

Part 001 - General Provisions

§ 75-20.2-001 Purpose

These regulations implement the provisions of the CNMI Honor Scholarship Act, 3 CMC § 1342. They repeal and replace the Honor Scholarship Program For Post Secondary Education Rules and Regulations, NMIAC § 75-20.2. They are promulgated pursuant to, and in accordance, with the Supreme Court Order in *Calvo v. Northern Mariana Islands Scholarship Advisory Board*, 2009 MP 2.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

§ 75-20.2-005 Definitions for Implementing Public Law 14-37

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- (a) “Cumulative Grade Point Average”: The Grade Point Average for all terms combined. The recipient must have a 3.00 cumulative GPA on a 4.00 scale at the end of each school year.
- (b) “Full-Time Status”: Twelve (12) credits per enrollment period. Courses that are repeated will not be counted as fulfillment of a student’s full-time enrollment status.
- (c) “Probation”: A condition placed on a student who failed to comply with the statutory requirement or in any of the Rules and Regulations promulgated by the Scholarship Advisory Board.
- (d) “Termination”: Discontinued from the program.
- (e) “SAT”: Scholastic Achievement Test.
- (f) “ACT”: American College Testing.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission corrected the spelling of “full-time” in subsection (b), corrected the spelling of “Regulations” in subsection (c), and inserted periods at the ends of subsections (e) and (f) pursuant to 1 CMC § 3806(g). The Commission inserted quotation marks around terms defined.

Part 100 - Scholarship Application and Award

§ 75-20.2-101 Application

- (a) All Applications and required documents must be received by the CNMI Scholarship Advisory Board, Office of the Governor, on or before June 30th of the year for which the scholarship is to be commenced. Note: If the Deadline falls on a weekend or a holiday, deadline will be on the next working day.
- (b) The required documents include, but are not limited to:
 - (1) an official high school transcript, inclusive of the last quarter’s 12th grade*;
 - (2) a letter of acceptance from an accredited college or university;
 - (3) proof of compliance with statutory requirements, as demonstrated by, but not limited to*
 - (4) Scholastic Achievement Test (SAT) and/or American College Testing (ACT), two letters of recommendation, a description of extra-curricular activities, and proof of citizenship and residency such as a U.S. passport, parents’ CNMI tax forms, CNMI voter registration, or other similar documents deemed acceptable or appropriate to the Scholarship Advisory Board.
- (c) At the beginning of each academic year on-going recipients must submit all the required documents to maintain their scholarship.

* So in original.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

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Commission Comment: The Commission corrected the spelling of “extra-curricular” in subsection (b)(4) pursuant to 1 CMC § 3806(g).

§ 75-20.2-105 Selection Criteria

(a) The Scholarship Advisory Board shall meet after July 15th for the purpose of selecting the scholarship recipients.

(b) The Scholarship Advisory Board shall review and evaluate the applications of applicants using the criteria established by law and those imposed by the NMI Supreme Court.

(1) Applicants must be a U.S. citizen or a U.S. national.

(2) Applicants must be newly high school graduates who have attained a combination of highest cumulative grade point average and highest SAT and/or ACT score. In addition, applicants’ extra-curricular activities, difficulty of courses taken, and at least two letters of recommendation will be used in the selection process.

Process of Ranking Scholarship:

(i) 80% of the rank will be determined by the applicants’ cumulative grade point average and difficulty of courses. The Scholarship Advisory Board (“SAB”) has determined that the public/private education system in the NMI is valid in that all high schools in the NMI are accredited. Moreover, all high schools in the NMI allow their students to take Advanced Placement (AP) or honor courses. These courses allow students who wish to take more difficult courses to be rewarded via a higher Cumulative Grade Point Average. This is so because all schools in the NMI give students who take AP or honors courses grades on a five point scale instead of the traditional 4 point scale. The SAB rejects the process of norming GPAs because this would fail to distinguish students who took AP or honors courses and those students who did not. The board has studied the problem and believes this is the best way to incorporate the difficulty of a student’s coursework. Students will be ranked according their cumulative grade point average from highest to lowest with the highest-ranking student receiving a “one.”

(ii) 14% of the rank will be determined by the single highest total SAT or ACT score that the applicant received on a given testing day. Scores may not be combined. ACT scores will be converted to an equivalent SAT score. Students will be ranked according to their highest total SAT (or converted ACT) score from highest to lowest with the highest-ranking student receiving a “one.”

(iii) 3% of the rank shall be determined by the student's extra-curricular activities. Prior to the SAB meeting, the student's extra-curricular activities will be separated from any identification markers. The individual Board members will then judge the extra-curricular activities on a scale of “one,” “two,” or “three.” Outstanding extra-curricular activities shall receive a “one,” average activities shall receive a “two” and subaverage activities shall receive a “three.” Each Board member voting shall make their own decision based on years of service and the nature thereof. Compensated extra-curricular activities shall not be considered. Upon each member awarding the total activities a “one,” “two,” or “three,” the high and low score shall be discarded and the average of all scores shall be determined. All averages shall be rounded to the nearest whole number. Thus, a 2.3 is a 2 and a 1.9 is a 2. (Extra-curricular activities must be certified by the coordinate* of the event.)

(iv) 3% of the rank shall be determined by the student's letters of recommendation. Prior to the SAB meeting, the student’s letters of recommendation will be separated from any identification markers. The individual Board members will then judge the letters of

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recommendation on a scale of “one,” “two,” or “three.” Outstanding recommendations shall receive a “one,” average recommendations shall receive a “two” and subaverage recommendations shall receive a “three.” Each Board member voting shall make their own decision based on the nature of the letter. The author of the letter shall not be considered. Upon each member awarding the letters a “one,” “two,” or “three,” the high and low score shall be discarded and the average of all scores shall be determined. All averages shall be rounded to the nearest whole number. Thus, a 2.3 is a 2 and a 1.9 is a 2.

(v) Once applicants have a rank for their grade point average, SAT/ACT score, extra-curricular activities, and letters of recommendation, the rankings will be multiplied by the appropriate percentage and totaled. The applicants with the ranking closest to one will receive the awards in order until all the available scholarships under the program are provided.

(vi) The following example shows how the ranking process works.

Student	CGPA (rank)	80% GPA Score	SAT/ACT (rank)	14% SAT/ACT Score	Extra Curric.	3% Extra Curric. Score	LOR (rank)	3% LOR Score	Total	Place
A	4.25 (1)	.8	1275 (6)	.84	2	.06	3	.09	1.79	1
F	4.15 (2)	1.6	1400 (3)	.42	2	.06	2	.06	2.14	2
E	4.1 (3)	2.4	1000 (8)	1.12	3	.09	2	.06	3.67	4
G	4.06 (4)	3.2	1600 (1)	.14	2	.06	1	.03	3.43	3
I	4.01 (5)	4	1500 (2)	.28	2	.06	2	.06	4.4	5
C	4 (6)	4.8	1325 (4)	.56	1	.03	2	.06	5.48	6
B	4 (6)	4.8	1300 (5)	.70	2	.06	2	.06	5.62	7
H	3.99 (7)	5.6	1325 (4)	.56	2	.06	2	.06	6.28	8
D	3.75 (8)	6.4	1250 (7)	.98	2	.06	1	.03	7.47	9

Under this example, if eight scholarships were available, the individuals ranked first through eighth will receive awards. In other words, only applicant D would not receive an award.

(vii) For the purpose of a tiebreaker, the SAB shall use the highest Cumulative Grade Point Average. Thus, for the students who are tied, the one(s) with the highest CGPA wins the award(s).

(3) Applicants graduating within the CNMI must have attended school within the CNMI for a minimum total of six years. Within the six years requirement, applicants must have attended the CNMI* - two years immediately preceding the date of the award.

(4) In addition to the subsection (b)(1) and (b)(2) requirement, applicants graduating from a high school within the United States of America or its territories as one of the top students, scholastically are eligible to apply, provided that the applicant has attained the highest scholastic achievement with a 4.0 or higher cumulative grade point average and whose parent(s) are bona fide CNMI resident(s) at the time of application and have been so for a minimum period of eight years prior to the date of application.

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* So in original.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission corrected the capitalization of “national” in subsection (b)(1) and “author” in subsection (b)(2)(iv) pursuant to 1 CMC § 3806(f). The Commission inserted a comma after the word “taken” in subsection (b)(2), corrected the word “GPA’s” to “GPAs” in subsection (b)(2)(i), corrected the placement of the apostrophe in the word “student’s” in subsection (b)(2)(i), corrected the slash after the word “score” to a period in subsection (b)(2)(ii), converted the brackets to parentheses and placed the word in parentheses in sentence format in subsection (b)(2)(iii), and corrected the spelling of “bona fide” in subsection (b)(4) pursuant to 1 CMC § 3806(g). The Commission struck the figures “6” and “2” in subsection (b)(3) and “8” in subsection (b)(4) pursuant to 1 CMC § 3806(e). The Commission changed the phrase “3.2.1 and 3.2.2 requirement” in subsection (b)(4) to “subsection (b)(1) and (b)(2) requirement” pursuant to 1 CMC § 3806(c).

§ 75-20.2-110 Scholarship Award

- (a) Either the actual cost of the scholarship benefits as established by P.L. 14-37 or the amount of fifteen thousand dollars which ever* is less, will be awarded to each recipient for each academic year. Awards will be decreased by any amount the recipient receives from other grants or scholarships.
- (b) The award will pay for costs directly related to the student’s educational needs, including but not limited to tuition, textbooks, school supplies, and housing allowance, provided that the amount allocated for room and board shall not exceed \$5,000.00 or 50% of the institution’s estimated room and board expense, whichever is less.
- (c) The award per term will be prorated.
- (d) If a recipient either dropped out of school or is terminated by the school, all scholarship privileges will be terminated immediately and the recipient will be required to remit the whole amount of moneys provided through this scholarship fund to the CNMI government.
- (e) Scholarship may not be used to cover for expenses not included in the institution’s definition for cost of attendance.
- (f) If an applicant declines an award or receives scholarship funds from other sources that equal the full amount of applicants’ cost of attendance, the applicant will not be provided an award under this program. The applicant’s award will instead be provided to the next eligible applicant by rank.

* So in original.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission corrected the capitalization of “fifteen thousand” and struck the figure “\$15,000” in subsection (a) pursuant to 1 CMC § 3806(e) and (f). The Commission corrected the spelling of the word “scholarships” in subsection (a) pursuant to 1 CMC § 3806(g). The Commission corrected the phrase “Institutions Definition for Cost of Attendance” in subsection (e) to “institution’s definition for cost of attendance” pursuant to 1 CMC § 3806(f) and (g).

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§ 75-20.2-115 Scholarship Maintenance and Conditions

- (a) The recipient graduating from high-school selected for the scholarship may continue to receive scholarship but no more than five academic years, as long as he/she maintains the required cumulative GPA of 3.00 on a 4.00 scale at the end of each school year.
- (b) The recipient must submit a certified copy of the institution's cost of attendance each academic year. If the recipient fails to submit the institution's cost of attendance all scholarship privileges will be deferred until the Scholarship Advisory Board receives such document.
- (c) The recipient must enroll and maintain a full-time status each enrollment period.
- (d) At the end of each enrollment period, the recipient must provide the Scholarship Advisory Board with a copy of his/her grade report for the enrollment period ending. At the end of each academic year, the student must provide the Scholarship Advisory Board with an official sealed transcript. If the recipient fails to submit the official transcript or the grade report, all scholarship privileges will be deferred until the Scholarship Advisory Board receives such document(s).
- (e) The recipient must sign and have notarized a Memorandum of Agreement approved by the Scholarship Advisory Board for each academic year in order to receive scholarship benefits. This Memorandum of Agreement shall set forth the terms and conditions pursuant to which scholarship benefits will be granted to the recipient. Each Agreement must be notarized and returned to the Scholarship Advisory Board before the recipient will receive any scholarship benefits.
- (d) A recipient who is enrolled in a two-year institution must have prior approval from the Scholarship Advisory Board prior to enrolling in any two-year institution for a third academic year.
- (e) All scholarship recipients must declare their field of study before the beginning of their second year in college. The Scholarship Advisory Board will hold awards until this information is received in writing, via fax, or email or via an appropriate mail service to the following address:
- Scholarship Advisory Board
Office of the Governor
Caller Box 10007
Saipan, MP 96950
- Facsimile: 670-664-4759
Email Address: cnmisab@cnmischolarship.com
- (f) All scholarship recipients must advise the Scholarship Advisory Board of both their school and CNMI address each time there is a change.

- (g) A recipient is not eligible for same or lower level of education.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission struck the figures “5” in subsection (a) and “3rd” in subsection (d) pursuant to 1 CMC § 3806(e). The Commission corrected the phrase “Institutions’ Cost of Attendance” in subsection (b) to “institution’s cost of attendance” pursuant to 1 CMC § 3806(f) and (g).

§ 75-20.2-120 Probation and Termination

(a) The recipient must maintain a full-time status and have a GPA of 3.00 on a 4.0 scale cumulatively at the end of each academic year. If the recipient fails to maintain a required GPA, or if the number of credit hours drops below that of full-time status at the end of an enrollment period or the student fails to comply with the statutory requirements or the terms of the Memorandum of Agreement, the student will be placed on probation for the following academic year.

(b) Scholarship benefits will be awarded during the probation period. However, the student must make up the credits lacking while also maintaining a full-time (12 credits) status. By the end of the probationary enrollment period the student must be able to meet the minimum GPA requirement and be in compliance with the statutory requirements and the terms of the students’* Memorandum of Agreement.

(c) If the student does not meet the required GPA requirements or does not complete the credits lacking in addition to maintaining full-time status or is not in compliance with the statutory requirements or the terms of the Memorandum of Agreement during the probationary enrollment period, the scholarship benefits will terminate immediately, and the recipient will not be allowed any future participation in the program.

* So in original.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission corrected the spelling of “full-time” in subsection (a) and “make up” in subsection (b) pursuant to 1 CMC § 3806(g).

§ 75-20.2-125 Transfer or Change of Field of Study

Permission must first be obtained from the Scholarship Administrator if a recipient wants to transfer to another institution or change his/her field of study. A request shall be in writing and, if the request is to another institution, an acceptance letter from the institution to which a student is transferring must be submitted with the request for an approval of transfer.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

§ 75-20.2-130 Repayment

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- (a) All recipients of such scholarship are required to return to the CNMI no later than three months after completion of their degree program.
- (b) Recipients, who fail to complete his/her educational degree program, will be required to repay the amount of scholarship awarded. The amount may either be repaid in full or in installments as determined by the Scholarship Advisory Board and the recipient.
- (c) Legal proceedings will be taken to recover the total amount of scholarships awarded in order to enforce the requirements provided in subsections (a) and (b). The recipient shall also pay all legal expenses and fees incurred by the government in the effort to recover scholarship awards.
- (d) No penalty shall be imposed on a recipient who obtain their baccalaureate degree and decides to enter a post-graduate degree program. The repayment or cancellation of such scholarship will be deferred until the student obtains their post-graduate degree whether or not the student is receiving scholarship funds. However, should the student cease his/her post-graduate program, he/she must return to the CNMI within three months to commence work. Failure to return will result in the student being required to repay all scholarship awards previously received.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission struck the figure “3” in subsections (a) and (d) pursuant to 1 CMC § 3806(e). The Commission changed the phrase “§ 8.1 and 8.2 above” in subsection (c) to “subsections (a) and (b)” pursuant to 1 CMC § 3806(d). The Commission corrected the capitalization of “degree program” in subsection (d) pursuant to 1 CMC § 3806(f).

§ 75-20.2-135 Fraudulent Information

All documents received by the Scholarship Advisory Board are subject to verification from the Institution and sources from which it came. The applicant and his or her family or authorized representatives are individually responsible for the integrity of such documents. Recipients and the authorized representative who submit documents that are false or tampered in any way(s) will result in the recipient immediate and permanent removal from any Scholarship program administered by Scholarship Advisory Board. Documents include but are not limited to application, supporting documents, grade reports, transcript, etc.

§ 75-20.2-140 Appeals

- (a) A recipient who is denied P.L. 14-37* has the right to appeal to the Scholarship Advisory Board.
- (b) The appeal must be in writing addressed to the Chairperson of the Scholarship Advisory Board.

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(c) The appeal must be postmarked or hand-delivered no later than twenty-one calendar days after notification of the decision by the Scholarship Administrator. If notification is via mail it shall be given via a certified mail, return receipt requested.

(d) The appeal to the Scholarship Advisory Board shall be heard and decided pursuant to applicable CNMI law, including, but not limited to, the CNMI Administrative Procedure Act, 1 CMC Section 9101 et seq.

(e) All decisions by Scholarship Advisory Board on appeals are final regarding the administrative review process.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission struck the figure “21” in subsection (c) pursuant to 1 CMC § 3806(e). The Commission removed the period after the word “et” in subsection (d) pursuant to 1 CMC § 3806(g).

Part 200 - Miscellaneous Provisions

§ 75-20.2-201 Effective Date

These Rules and Regulations shall take effect as soon as possible.

History: Adopted 34 Com. Reg. 33116 (Nov. 29, 2012); Proposed 34 Com. Reg. 32750 (Aug. 29, 2012).

Commission Comment: The Commission corrected the spelling of “effective” in the section title pursuant to 1 CMC § 3806(g). The Commission corrected “Regulation” to “Regulations” pursuant to 1 CMC § 3806(g).