CONSTITUTION
of the
NORTHERN MARIANA ISLANDS
ANNOTATED
ARTICLE XV: EDUCATION

Section 1: Elementary and Secondary Education.

a) Every person in the Northern Mariana Islands has the right to free, compulsory and public elementary and secondary education within age and educational levels provided by law. The educational system shall provide maximum educational and training opportunities and be sensitive and responsive to the needs and desires of the community as it pursues its central objective of developing human potential. The educational system shall also provide support and guidance for students in assessing areas of interest and ability, in clarifying values and goals, and in providing students with clear and accurate information so they may gain the most from their educational experience. The educational system shall recognize the distinct and unique cultural heritage and indigenous way of life of the people and shall be committed to provide for the language needs of the people and the preservation of their cultural integrity within a global community.

b) Administration of the public elementary and secondary education system of the Commonwealth shall be the responsibility of a superintendent of education appointed by a representative board of education. The board of education shall formulate policy and exercise control over the public school system through the superintendent. Other matters pertaining to its operations and duties shall be provided by law.

c) The board of education shall have five members, elected at large on a nonpartisan basis as follows: one from the first senatorial district, one from the second senatorial district and three from the third senatorial district. Elected members of the board of education shall serve terms of four years except that the terms of the first members elected shall be determined by drawing of lots with three members serving a term of four years and two members serving a term of two years. The governor shall appoint three nonvoting ex-officio members to the board of education: one member shall be a student attending a public school; one member shall be a representative of nonpublic schools; and one member selected by an exclusive bargaining representative of the teachers within the Department of Education. Elected members of the board shall serve commencing on the second Monday of January in the year following the regular general election at which they were elected.

d) A member of the board of education shall be qualified to vote in the Commonwealth, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least five years immediately preceding the date on which the member takes office. A longer residency and domicile requirement may be provided by law.

e) The public elementary and secondary education system shall be guaranteed an annual budget of not less than fifteen percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.
Art. XV, § 2

History: Ratified 1977, effective 1978; amended 1985 by Amendment 38, effective the second Monday of January, 1988 (January 11, 1988). This section originally provided:

Section 1: Education.

a) Every person in the Northern Mariana Islands shall have the right to free, compulsory and public elementary and secondary education within age and educational levels provided by law.

b) There shall be higher education and adult education within the Northern Mariana Islands consistent with the needs and resources of the people as provided by law.

Amendment 38 also adopted article XV, § 2 (next section, higher and adult continuing education) and repealed article III, § 13 (establishing department of education headed by superintendent and board of education), effective the second Monday of January, 1988 (January 11, 1988).

Cross Reference: See article XV, § 2 (next section, higher and adult continuing education).

Related Commonwealth Code Sections: See generally 3 CMC § 1101 et seq. (3 CMC, Div. 1, education) and 1 CMC § 2261 et seq. (board and commissioner of education).

Comment: All elected public officials, including members of the board of education, are subject to recall pursuant to article IX, § 3.

Section 2: Higher and Adult Continuing Education.

a) The legislature shall established by law a Northern Marianas College that shall be headed by a president. The president of the college shall be appointed by a representative board of regents. The board of regents shall be appointed to staggered terms by the governor and shall have autonomy in the administration of its affairs and shall formulate policy relating to the higher education needs of the Commonwealth of the Northern Mariana Islands. The composition of the board of regents and other matters pertaining to its operations and duties shall be provided by law.

b) The mission of the college shall be to provide the best quality and meaningful postsecondary and adult educational opportunities for the purpose of improving the quality of life for the individual and for the Commonwealth as a whole. The college shall be responsible for providing education in the areas of adult and continuing education, postsecondary and adult vocational education and professional development for the people of the Commonwealth.

c) The college shall be guaranteed an annual budget of not less than one percent of the general revenues of the Commonwealth. The budgetary appropriation may not be reprogrammed for other purposes, and any unencumbered fund balance at the end of a fiscal year shall be available for reappropriation.

History: Adopted 1985 by Amendment 38. Amendment 38 also amended article XV, § 1 (preceding section, elementary and secondary education) and repealed article III, § 13 (establishing department of education headed by superintendent and board of education), effective the second Monday of January, 1988 (January 11, 1988).

Cross Reference: See article XV, § 1 (preceding section, elementary and secondary education).

Related Commonwealth Code Sections: See generally 3 CMC § 1301 et seq. (Postsecondary Education Act of 1984):
see also 4 CMC § 1803 (tax revenue to college trust fund). Concerning scholarships, see 3 CMC § 1341 et seq., as amended by Executive Order 94-3 (Postsecondary Education Scholarship Act of 1990) and 10 CMC § 2201 et seq. (Tinian Municipal Scholarship Act of 1986).

ARTICLE XVI: CORPORATIONS

Section 1: Corporations. No private business corporation shall be organized and no existing corporate charter shall be extended or amended except by general laws.

History: Ratified 1977, effective 1978.

Cross References: See article XI, § 4(d) (Marianas Public Land Corporation to have powers available to corporation under Commonwealth law) and Schedule on Transitional Matters § 6 (continuity of corporations).

Related Commonwealth Code Sections: See generally 4 CMC § 4101 et seq.; see also 4 CMC §§ 5118 and 5121 (suspension of corporate charter for Consumer Protection Act violations).

Comment: According to the Analysis:

A private business corporation is a corporation organized for the purpose of making a profit that does not include government participation or have government sponsorship. The phrase “business corporation” includes, but is not limited to, joint stock companies, mutual companies and private associations. Charitable, educational, scientific and other types of non-profit corporations are not covered by this section. Public corporations such as the Marianas Public Land Corporation established under [article] XI are not covered by this section.

Id. at 185-86.

ARTICLE XVII: OATH OF OFFICE

Section 1: Oath of Office. All members of the legislature and officers and employees of the Commonwealth and its political subdivisions taking office shall take and subscribe to the following oath or affirmation:

I do solemnly affirm (or swear) that I will support and defend the Constitution and laws of the Commonwealth of the Northern Mariana Islands, the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the applicable provisions of the Constitution, laws and treaties of the United States of America, and that I will faithfully discharge my duties to the best of my ability (so help me God).

History: Ratified 1977, effective 1978.

Cross Reference: See article VIII, § 4 (taking office after elections).

Related Commonwealth Code Sections: See 3 CMC § 5209 (loyalty oath for civil defense program employees).

Comment: Covenant § 204 provides: "[a]ll members of the legislature of the Northern Mariana Islands and all officers and employees of the Government of the Northern Mariana Islands will take an oath or affirmation to support this Covenant, those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands, and the Constitution and laws of the Northern Mariana Islands."