



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS



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

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coe.ras@cnmipss.org

PUBLIC NOTICE OF PROPOSED RULES AND REGULATIONS WHICH ARE AMENDMENTS TO RULES AND REGULATIONS REGARDING CNMI PUBLIC SCHOOL SYSTEM RULES AND REGULATIONS

PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System ("PSS") finds that:

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Commonwealth of the Northern Mariana Islands Public School System 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 and the CNMI Administrative Procedures Act.

THE TERMS AND SUBSTANCE: The proposed amendment set forth to provide procedural guidelines for reporting of child abuse.

THE SUBJECTS AND ISSUES INVOLVED: This regulation sets forth the regulations and procedures required for Reporting Student Abuse and Regulation 60-20-910 sets forth the regulations and procedures required for Mandatory Reporting of Child Abuse.

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))

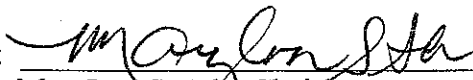
State Board of Education
Telephone: (670) 237-3027
Fax: (670) 664-3711

"Students First"
www.cnmipss.org

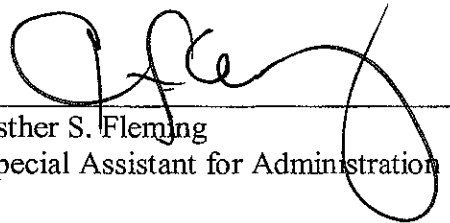
Commissioner of Education
Telephone: (670) 237-3001, 3061, 3075
Fax: (670) 664-3798

TO PROVIDE COMMENTS: All interest persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, State Board of Education, P.O. Box 501370 CK, Saipan, MP 96950, call 670-237-3027 or fax 670-664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments. (1 CMC § 9104(a) (2))

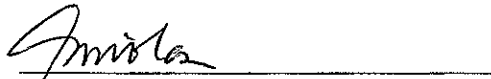
This regulation was approved at the State Board of Education Meeting on Saipan on March 16, 2011.

Submitted by: 
MaryLou S. Adaj, Chairperson
State Board of Education

June 09, 2011
Date

Received by: 
Esther S. Fleming
Special Assistant for Administration

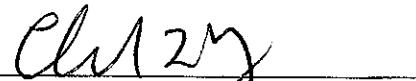
6/27/11
Date

Filed and
Recorded by: 
Esther M. San Nicolas
Commonwealth Register

06-22-11
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 this 13 day of June, 2011.


EDWARD BUCKINGHAM
Attorney General

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS SIHA

STATE BOARD OF EDUCATION
SISTEMAN ISKUELAN PUPBLIKU
P. O. BOX 501370
SAIPAN, MP 96950

NUTISIAN PUPBLIKU PUT I MANMAPROPONIN AREKLAMENTU YAN REGULASION SIHA NI MAN MA'AMENDA PARA I AREKLAMENTU YAN REGULASION SIHA GI HALUM I CNMI SISTEMAN ESKUELAN PUPBLIKU

MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sankattan na Islas Mariãnas Sistemán Eskuelan Pupblíku ("PSS") ha sodda' na:

MA'INTENSIONA NA AKSION PARA U MA'ADÁPTA ESTI SIHA MAN MAPROPONI NA AREKLAMENTU YAN REGULASION SIHA: I Commonwealth gi Sangkattan na Islas Mariãnas Siha, Sistemán Eskuelan Pupblíku ("PSS") ha intensiona para u adápta komu petmanenti na regulasion siha ni mañechettun gi manmapropóni na Regulasion siha, sigun gi areklamentu siha gi Áktun Administrative Procedures, 1 CMC § 9104 (a). I Regulasion siha para u ifektibu gi halum dies (10) dihas dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth. (1 CMC § 9105 (b))

ÁTURIDÁT: I manmapropóni na amendasion siha para i PSS na regulasion siha man macho'gui sigun gi aturidát i Kuetpu komu mapribeniyi ginin i Attikulu XV gi Konstitusion CNMI , Lai Pupblíku 6-10 yan i Áktun i CNMI Administrative Procedures.

I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I mapropóni na amendasion mapega mo'na para u pribeniyi maneran giniha siha para i kiniháyin child abuse.


SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA: Esti na regulasion mapega mo'na i regulasion yan manera siha ni madimánda para i Kiniháyin Student Abuse yan i Regulasion 60-20-910 ni mapega mo'na i regulasion yan i manera siha ni madimánda para i Mandatory Reporting of Child Abuse.

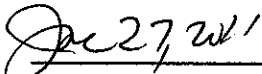
DIREKSION PARA U MAPO'LU YAN MAPUPBLIKA: Esti i Manmapropóni na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi Seksiona ni manmapropóni yan nuebu na ma'adápta na regulasion siha (1 CMC §9102 (a)(1) yan mapega gi halum i kombenienti na lugát siha gi halum ufisinan gubietnamentu gi kada distriton senadot, parehu English yan i dos na lingguâhin natibu. (1 CMC §9104(a) (1))

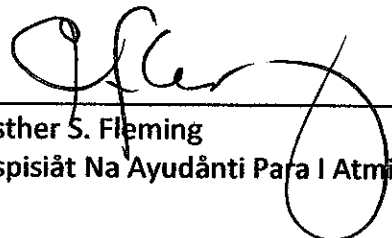
PARA U MAPRIBENIYI OPIÑON SIHA: Todu maninterisâo na petsona siña ma'eksamina i manmapropóni na amendasion siha yan u mana'hálum i tinigi' imfetmasion, pusision, pat diklârasion inaksepta pat kinentran i manmapropóni na amendasion siha guatu gi Kabiseyu, Kuetpon Idukasion,

P.O. Box 501370 C.K., Saipan, MP 96950, ágang 237-3027 pat fax 664-3711 gi halum i trenta (30) dihas ni tinattitíyi ni fechan publikasion gi halum i Rehistran Commonwealth gi esti na amendasion siha. (1 CMC §9104(a) (2))

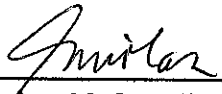
Esti na regulasion ma'aprueba gi huntan Kuetpun Idukasion gi islan Saipan gi Måtsu 16, 2011.

Nina'hålum as: 
MaryLou S. Ada, Kabiseyu
Kuetpun Idukasion


Fecha

Rinisibi as: 
Esther S. Fleming
Espisiåt Na Ayudånti Para I Atministrasion

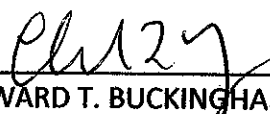
10/27/11
Fecha

Pine'lu yan
Ninota as: 
Esther M. San Nicolas
Rehistran Commonwealth

06.27.11
Fecha

Sigun i 1 CMC §2153(e) (I Abugådu Heneråt ha aprueba i regulasion siha na para u macho'gui komu fotma) yan 1 CMC §9104 (a)(3) (hentan inaprueban Abugådu Heneråt) I manmaproponi na regulasion siha ni mañechettun guini ni manmarebisa yan manma'aprueba komu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapublika, 1 CMC §2153(f)(publikasion i areklamentu yan regulasion siha).

Mafecha guini gi diha 13, Huniu 2011.


EDWARD T. BUCKINGHAM
Abugådu Heneråt

MÁNGEMÁNGIL IGHA EBWE FILLÓÓY POMWOL ALLÉGH: Gakkool Toulap mellól Commonwealth Téél falúw kka falúwasch Efang Marianas, Alléghúl Gakkool Toulap (PSS) e tipeli ebwe ipighil fillóóy Pomwol Allégh kka e appasch bwelle reel mwóghutul Administrative Procedure Act, 1 CMC Tálil 9104 (a). Allégh kkaal ebwe kkamall llól seigh (10) ráálil ngáre schagh raa fillóóy me akkatééló llól Commonwealth Register. (1 CMC lálil 9105 (b))

BWÁNGIL: Pomwol ssiwel kkaal sáangi alléghúl PSS ebwe akkaté bwelle reel bwáng ye e toowow mereel Article XV mellól CNMI Allégh Lapalap. Alléghúl Toulap 6-10 , me mwóghutul CNMI Administrative Procedure Act.

AWEEWE ME KKAPASAL: Pomwol ssiwel kkaal nge aa amwólaátá reel tappal schéél (alughulugh) Certificates me yááyál ngáli milikka aa ssiwel.

KKAPASAL ME AWEEWE KKA EYOOR: Reel apilúghulugh yeel a schuu ló mwáál llól mwóghutughut reel ebwe evaluate li jaar bwaghir schóól afal llól CNMI Public School System.

AFALAFAL REEL AMMWELIL ME AKKATÉÉL: Pomwol allégh ebwe akkatééló Commonwealth Register llól Tálil ye rekke Pomwoli me fillóóy allégh kka e ffé. (1CMC Tálil 9102 (a)(1) me appasch llól civic center me llól bwulasiyool gobenno kkaal llól senatorial district, e weewe schagh llól mwáliyeer Amerikkónu, Refaluwasch me Remeraalis (1CMC Tálil 9104 (a)(1)).

ISISILONGOL AGHIYEGH: Schóókka re tipeli nge emmwel óubwe ischilong reel samwool, Board of Education, P.O. Box 501370 CK, Seipél mp 96950, faingi 237-3027 me ngáre fax reel 664-3711 llól elligh (30) ráálil mwiril yaal akkatééló llól Commonwealth Register sangi ssiwel kkaal. (1CMC Tálil 9104 (a)(2)).

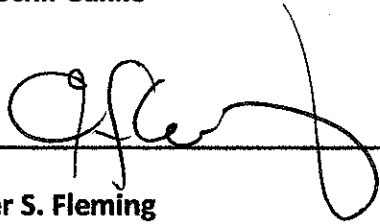
Allégh kkaal nge aa ammwel sáangi schulapeer mwiischil Gakko (Board of Education) wóól Séipél wóól Mááilap 16, 2011.


Mary Lou S. Ada

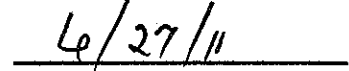

Ráál

Mwiischil Gakko

Mwir Sáangi:



Esther S. Fleming



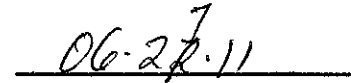
Ráál

Sów alillisil Sów Iemelem

Ammwel Sáangi:



Esther M. San Nicolas

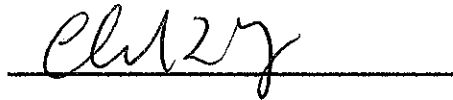


Ráál

Commonwealth Register

Sáangi allégh ye 1 CMC táilil 2153(e) (alughulugh me AG reel allégh kka ebwe akkaté ighila) Pomwol allégh kka e appasch nge raa takkal amweri fischiiy me alléghélo mereel AG Sów Bwúngúl Allégh Lapalap me ebwe akkatééló (1CMC Táilil 2153 (f) akkatéél allégh kkaal).

Ráál ye 13 Ilól Alimaté 2011



Edward Buckingham

Sów Bwúngúl Allégh Lapalap

PROPOSED REVISED CHILD ABUSE REPORTING POLICY

1) Child Abuse defined:

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

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

2) Definitions:

- a. "Child": For the purposes of this policy, a person is a "child" if they are under the age of 18.
- b. "Custody": For the purposes of this policy, a person has "custody" over a child if they are the child's parent (including natural parents, stepparents and adopted parents), legal guardian, foster parent, the employee of a public or private residential home or facility in which the child is living or any other person over the age of 18 responsible for the child's welfare in a residential setting.
- c. "Position of Authority": For the purposes of this policy, a person occupies a "position of authority" over a child if that person is the child's employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem (a person appointed by a court to look after a child's best interests), babysitter or someone who occupies a substantially similar position, and police and/or probation officers.
- d. "Sexual Penetration": For the purposes of this policy, "sexual penetration" means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body.
- e. "Sexual Contact": For the purposes of this policy, "sexual contact" means any touching of the sexual or other intimate parts of another person or any touching of another person by a person's sexual or other intimate parts done with the intent of gratifying or arousing the sexual desire of either party.

3) Persons with a duty to report under this policy:

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

4) Designation of liaison for purposes of internal reporting:

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

5) Procedure for reporting:

a. Reporting to the CNMI Department of Public Safety:

- i. Immediately upon becoming aware that an act of Child Abuse has occurred or will occur, or developing a reasonable cause to believe that an act of Child Abuse has occurred or will occur, the PSS employee shall contact the CNMI Department of Public Safety and inform them of such. This contact shall be made within twenty-four (24) hours of the PSS employee first knowing of the act of Child Abuse has occurred or will occur or first forming a reasonable cause to believe that an act of Child Abuse has occurred or will occur.
- ii. When reporting to the Department of Public Safety, the PSS employee shall include a statement of the time, date, circumstances and details or information which gave rise to the knowledge or suspicion that the child in question is, or will become, a victim of Child Abuse.
- iii. The PSS employee's responsibility to contact the CNMI Department of Public Safety is non-delegable.

b. Internal Reporting:

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

time, he or she shall contact the head administrator of their respective school or the head of their respective department.

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

6) Immunity for good faith effort to report:

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

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

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