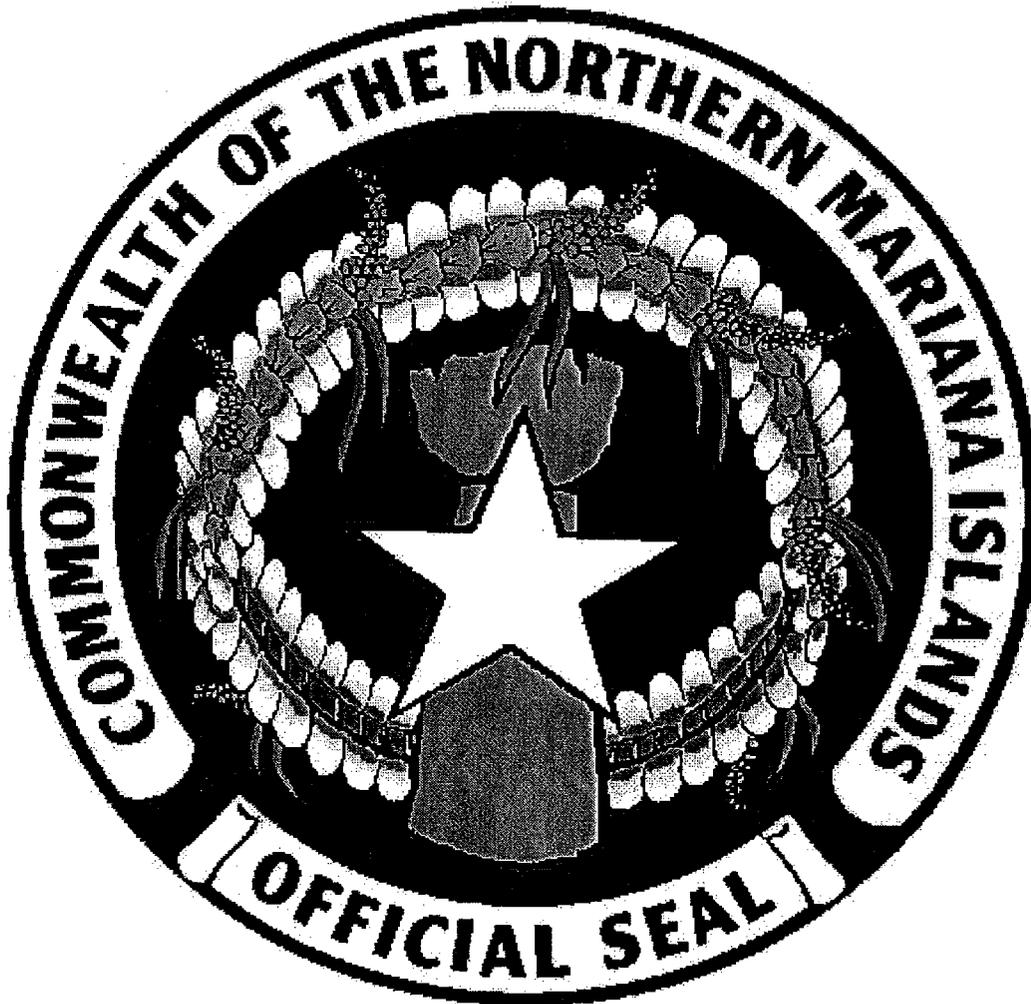


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY
Volcanic Activity on 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

WHEREAS, the volcanic activity and seismic phenomena which prompted said Declaration continues to exist on the island of Anatahan;

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, do hereby extend a state of disaster emergency in the Commonwealth with respect to 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prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for alike term, and giving reasons for extending the emergency.

Dated this 28th day of December 2006.

[Handwritten signature of Benigno R. Fitial]
BENIGNO R. FITIAL

- 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)
Director of Emergency Management (Fax: 322-7743)
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 Asst. for Programs and Legislative Review (Fax: 664-2313)



Commonwealth of the Northern Mariana Islands
Commonwealth Board of Accountancy

David Burger, Chair
Caller Box 10007, Capitol Hill, Saipan, MP 96950
(Office of the Governor, 2nd Floor Juan A. Sablan Building, Capitol Hill, Saipan)
tel: 670.664.2200 fax: 670.664.2211

**PUBLIC NOTICE OF EMERGENCY REGULATIONS OF
The Commonwealth Board of Accountancy**

Prior Publication in the Commonwealth Register of Related Proposed Regulations, Volume 27, Number 10, pp 025191-210, of Nov. 25, 2005, and of Adoption Thereof, Volume 28, Number 1, pp 25511-12, of January 30, 2006.

Regulations of the Commonwealth Board of Accountancy: Articles ■ - 24

Please take notice that the Commonwealth Board of Accountancy hereby adopts as emergency regulations the attached regulations. I further request and direct that this Notice be published in the Commonwealth Register.

Pursuant to 1 CMC §§ 9104(b) and 9105(b)(2), these adopted regulations are effective immediately upon publication in the Commonwealth Register.

Reasons for Emergency Adoption: The Board finds that immediate effectiveness of these Regulations is required by the public interest: Prior to the publication of these Regulations the Commonwealth enacted the Accountancy Act of 2002, PL 13-52. The Act provided, among other things, that the use of the term "accountant" and "certified public accountant" shall be restricted to those educated and licensed for the practice of public accountancy according to a strict code of conduct. Such regulation is required to protect the public and encourage fair dealing and disclosure in government, business and personal commercial affairs. In order to undertake the licensure and regulation which the Act requires of the Board these regulations must first be placed into effect. The Board adopted the Regulations for publication as emergency regulations at its meeting of December 26, 2006.

Procedure: The Board is following the procedures of 1 CMC § 9104(b) to adopt these Regulations on an emergency basis for 120 days. The Board shall take appropriate measures to make these Regulations known to the persons who may be affected by them (1 CMC § 9105(b)(2) (emergency regs)). The Board intends to publish these Regulations as proposed regulations for permanent adoption, and to receive comments regarding them.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 27th day of December, 2006, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



DAVID BURGER,

Date 12/27/2006

Chair, Commonwealth Board of Accountancy

Concurred by:


BENIGNO R. FITIAL
Governor

12/27/06
Date

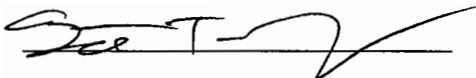
Received by:


ESTHER S. FLEMING
Special Assistant for Administration

12/27/06
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 certified emergency regulations 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 27th day of December, 2006.



MATTHEW T. GREGORY,
Attorney General

Filed and
Recorded by:


BERNADITA B. DE LA CRUZ
Commonwealth Register

12/28/06
Date

0 Notice of Emergency BoA general regs Articles 1 - 24.wpd

Commonwealth of the Northern Mariana Islands (CNMI) Accountancy Act

Administrative Rules and Regulations Standards for Regulation, Including Self-Reporting

December 2006

**Notes: The numbering of these Articles/Rules is linked to the numbering of Accountancy Act of 2002 Sections.
Each Article of the Rules starts on a separate page.**

Commonwealth of the Northern Mariana Islands (CNMI)
Accountancy Act Administrative Rules and Regulations

Regulation

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ARTICLE 1
Preamble

The Commonwealth of the Northern Mariana Islands (CNMI) Board of Accountancy, pursuant to its authority under the Accountancy Act of 2002, PL 13-52, adopts these Rules.

ARTICLE 2

Purpose

The purpose of these rules is to promote and protect the public interest by implementing the provisions of CNMI Accountancy Act, which provide for the issuance and renewal of certificates as certified public accountants; the issuance and renewal of permits to firms and the regulation of licensees, all to enhance the reliability of information which is used for guidance in financial transactions or accounting for or assessing the financial status or performance of commercial, noncommercial and governmental enterprises.

ARTICLE 3 DEFINITIONS

Rule 3-1 - Terms used in these rules.

For purposes of these Rules the following terms have the meanings indicated:

(a) "Act" means the Accountancy Act of 2002, PL 13-52.

(b) "Financial statements" means statements and footnotes related thereto that undertake to present an actual or anticipated financial position as of a point in time, or results of operations, cash flow, or changes in financial position for a period of time, in conformity with generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory service reports to support recommendations to a client; nor does it include tax returns and supporting schedules.

Rule 3-2 - Manager.

"Manager" when used in these Rules has the same meaning as the term "manager" in a limited liability company.

Rule 3-3 - Member.

"**Member**" when used in these Rules has the same meaning as the term "member" in a limited liability company.

Rule 3-4 - The statutory term "report."

This term, as defined in Section 3@) of the **Act** and used in Section **14(a)** of the Act, and in these Rules, includes forms of language contained in a report which refers to financial statements, when such forms of language express or deny any assurance as to the reliability of the financial statements to which it refers. Among the possible sources of such forms of language are pronouncements by authoritative bodies describing the work that should be performed **and/or** the responsibilities that should be assumed, for specified kinds of professional engagements, and in addition prescribing the form of report, which should be issued upon completion of such engagements. A form of report prescribed by such a pronouncement will ordinarily constitute a form of language, which is conventionally understood as implying assurance and expertise. For this reason, as provided in Section 14 of the Act, the term "report" includes the issuance of reports using the forms of language set out in the **AICPA's** Statement on Standards for Accounting and Review Services No. 1 (**SSARS 1**), for reports with respect to both "reviews" of financial statements, and also compilations of financial statements, as well as the forms of language for "special reports" set out in the **AICPA's** Statement on Auditing Standards No. 14, No. 35 and No. 62 (**SAS 14, 35 and 62**) or successor pronouncements.

Rule 3-5 - Jurisdictional Testing Centers

Jurisdiction Test Centers are high security Computer Based Test (CBT) centers operated by State Boards or their designees and approved by the National Association of State Boards of Accountancy (NASBA), a non-profit organization, for the purpose of delivering the UNIFORM

Accountancy Act Administrative Rules and Regulations, December 2006 Page 6

CPA EXAMINATION in computer format. The American Institute of Certified Public Accountants (AICPA), a non-profit organization, owns the UNIFORM CPA EXAMINATION and will only allow it to be administered in a high security environment approved by NASBA per the CBT Services Agreement.

Rule 3-6 – Rule

“Rule” means any rule, regulation, or other written directive of general application duly adopted by the Board, including but not limited to "regulation" as defined in the Administrative Procedure Act, 1 CMC sections 9101-15.

ARTICLE 4
CNMI BOARD OF ACCOUNTANCY

Rule 4-1 - Board meetings.

The Board shall meet at least four (4) times each year. The chair or a quorum of the Board shall have the authority to call meetings of the Board. The Board shall follow and apply the rules of procedure, (1 CMC § 9101 et seq.), as regards notice and conduct of meetings.

Rule 4-2 - Election and tenure of officers.

At its first meeting in each calendar year, the Board shall elect from among its members a chair, a vice-chair, and such other officers as the Board may require. The officers shall assume the duties of their respective offices at the conclusion of the meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection.

Rule 4-3 - Duties of officers.

The chair or, in the event of the chair's absence or inability to act, the vice-chair shall preside at all meetings of the Board. The Board shall determine other duties of the officers.

Rule 4-4 - Fees.

Fees charged by the Board shall be as established from time to time. The fees shall be in effect, as follows:

(a) Exam applications (Initial and Re-Exam).

(1) Application Processing Fee, Forty Dollars (\$40.00)/exam part.

(2) NASBA/Prometric/AICPA Fees, Actual amounts specified in the CBT Services Agreement between AICPA, NASBA, and Prometric.

(3) Jurisdictional Testing Fee, Fifty Dollars (\$50)/part to be given to the CNMI Board of Accountancy and Fifty Dollars (\$50)/part to be given to the Jurisdictional Testing Center operator designated by the CNMI Board of Accountancy.

(b) Certification/licensure.

(1) Initial.

(2) Active, One Hundred Fifty Dollars (\$150.00).

(3) Inactive, One Hundred Fifty Dollars (\$150.00).

(4) Foreign, One Hundred Fifty Dollars (\$150.00).

(5) Substantial Equivalency, One Hundred Fifty Dollars (\$150.00).

(c) Renewal.

(1) Active, One Hundred Dollars (\$100.00).

(2) Inactive, One Hundred Dollars (\$100.00).

(3) Foreign, One Hundred Dollars (\$100.00).

(4) Substantial Equivalency, One Hundred Dollars (\$100.00).

(d) Reinstatement.

(1) Active, Two Hundred Dollars (\$200.00).

(2) Inactive, Two Hundred Dollars (\$200.00).

- (3) Foreign, Two Hundred Dollars (\$200.00).
- (4) Substantial Equivalency, One Hundred Fifty Dollars (\$150.00).

(e) Provisional (every ninety (90) days).

- (1) Active, One Hundred Dollars (\$100.00).
- (2) Inactive, One Hundred Dollars (\$100.00).
- (3) Foreign, One Hundred Dollars (\$100.00).
- (4) Substantial Equivalency, One Hundred Dollars (\$100.00).

(f) Firm Permits to Practice:

- (1) Initial Two Hundred Fifty Dollars (\$250.00).
- (2) Renewal Two Hundred Dollars (\$200.00) (annually).
- (3) Reinstatement Two Hundred Fifty Dollars (\$250.00).
- (4) Provisional Two Hundred Dollars (\$200.00) (every ninety (90) days).

(g) Delinquency fee for Certification, licensee, or Firm Permit to Practice Renewal applications received **after** April 30, Two Dollars (\$2.00)/day (minimum Fifty Dollars (\$50.00)).

(h) Copies of records, Twenty Cents (\$0.20)/ page plus additional research at fully burdened lowest clerical staff cost.

(i) Annual reports of the Board, Ten Dollars (\$10.00)/copy.

Rule 4-5 - Obligation of licensees to notify the Board of changes of address and other information.

Each licensee shall notify the Board in writing within thirty (30) days of any change of address or, in the case of individual licensees, change of employment.

Rule 4-6 - Communications.

A licensee shall respond in writing to any communication from the Board requesting a response, within thirty (30) days of the mailing of such communication by registered or certified mail, to the last address furnished to the Board by the licensee.

ARTICLE 5
CERTIFIED PUBLIC ACCOUNTANTS

Rule 5-1 - Semester hour; accredited colleges, universities, schools and programs; credit for courses.

(a) As used in these Rules, a "semester hour" means the conventional college semester hour. Quarter hours may be converted to semester hours by multiplying them by **two-thirds**.

(b) As used in these Rules, "accreditation" refers to the process of quality control of the education process. There are three different levels of accreditation referred to in these Rules and the degree to which the Board relies on accreditation differs according to the level at which the degree-granting institution is accredited. The three levels of accreditation are:

(1) Level one accreditation (the educational institution) is granted to a four-year **degree-granting** college or university that is accredited by one or more recognized regional accrediting agencies (or successor agencies).

The following regional accrediting agencies are recognized by the Board.

(A) Middle States Association of Colleges and Schools (MSA), Middle States Commission on Higher Education, Web: www.msche.org.

(B) Northwest Commission on Colleges and Universities (NWCCU), Web: www.nwccu.org.

(C) New England Association of Schools and Colleges (NEASC-CME), Commission on Institutions of Higher Education, Web: www.neasc.org.

(D) Southern Association of Colleges and Schools (SACS) Commission on Colleges, Web: www.sacscoc.org.

(E) North Central Association of Colleges and Schools (NCA-HLC), The Higher Learning Commission, Web: www.ncahigherlearningcommission.org.

(F) Western Association of Schools and Colleges (WASC-ACSCU) Accrediting Commission for Senior Colleges and Universities, Web: www.wascweb.org, Note: As of April 2006, the Northern Marianas College was accredited by WASC-ACSCU.

(2) Level two accreditation (the business school) is granted to a business school or college of business that has been accredited by a national accreditation agency recognized by the Board such as the "American Assembly of Collegiate Schools of Business" (AACSB) (Web: www.aacsb.edu) following a specific and comprehensive review of their faculty, resources, and curricula. In evaluating a candidate's credentials, the Board may choose to rely on this accreditation as evidence that the institution's business school has met minimum overall standards of quality for such schools.

(3) Level three accreditation (the accounting program or department) is granted to an accounting program or department that has been accredited by a national accreditation agency recognized by the Board such as the AACSB. Accounting programs or departments accredited in this manner have met standards substantially higher and much more specific than those required for level one or level two accreditation. For level three accreditation, the accounting program or department must meet a stringent set of standards that

addresses faculty credentials, student quality, physical facilities, and curricula. Graduates who submit transcripts from accredited accounting programs may be deemed to have met the Board's specific accounting and business course requirements.

(c) A candidate is considered as graduating from an accredited educational institution if at the time the educational institution grants the applicant's degree, it is accredited at the appropriate level as outlined in these Rules.

(d) If an educational institution was not accredited at the time an applicant's degree was received but is so accredited at the time the application is filed with the Board, the institution will be deemed to be accredited for the purpose of subsection (c), provided that it --

(1) certifies that the applicant's total educational program would qualify the applicant for graduation with a baccalaureate degree during the time the institution has been accredited; and

(2) furnishes the Board satisfactory proof, including college catalogue course numbers and descriptions, that the pre-accrediting courses used to qualify the applicant as an accounting major are substantially equivalent to post-accrediting courses.

(e) If an applicant's degree was received at an accredited educational institution pursuant to subsection (c) or (d), but the educational program which was used to qualify the applicant as an accounting major included courses taken at non-accredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which **applicant's** degree was received, provided the accredited institution **either—**

(1) has accepted such courses by including them in its official transcript; or

(2) has certified to the Board that it will accept such courses for credit toward graduation.

(f) A graduate of a four-year degree-granting college or university not accredited at the time applicant's degree was received or at the time the application was filed will be deemed to be a graduate of an accredited educational institution if--

(1) a credentials evaluation service approved by the Board certifies that the applicant's degree is equivalent to a degree from an accredited educational institution defined in subsection **(b)(1)**; or

(A) an accredited educational institution as defined by subsection **(b)(1)** accepts applicant's non-accredited baccalaureate degree for admission to a graduate business degree program;

(B) the applicant satisfactorily completes at least fifteen semester hours, or the equivalent, in post-baccalaureate education at the accredited educational institution, of which at least nine semester hours, or the equivalent, shall be in accounting; and

(C) the accredited educational institution certifies that the applicant is in good standing for the continuation in the graduate program, or has maintained a grade point average in these courses that is necessary for graduation.

(g) The advanced subjects completed to qualify under subsection **(f)(2)** may not be used to satisfy the requirements of section (h).

(h) The accounting and business concentration or equivalent contemplated by Section **5(c)** of the Act shall consist of the semester hours specified in Rule 5-2 below. No more than 6 hours will be recognized for internships or life experience.

Rule 5-2-1 Examination Education Requirement.

For purposes of Section **5(c)(1)** of the Act, an applicant will be deemed to have met the Examination Education Requirement if the applicant has met any one of the following five conditions:

(a) Earned a graduate degree with a concentration in accounting from an accounting program or department that is accredited (level three accreditation) by an accrediting agency recognized by the Board.

(b) Earned a graduate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the Board and completed at least 24 semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting.

(c) Earned a baccalaureate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the Board and

(1) completed 24 semester hours in accounting at the undergraduate or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting; and

(2) completed at least 24 semester hours in business courses (other than accounting) at the undergraduate or graduate level.

(d) Earned a baccalaureate or higher degree from an accredited educational institution (level one accreditation) including:

(1) at least 24 semester hours of accounting at the upper division or graduate level, including coverage of, but not necessarily separate courses in, the subjects of

financial accounting, auditing, taxation, and management accounting (Upper division is normally defined as junior or senior level. In accounting, this would normally be all courses taken beyond the elementary level.); and

(2) at least 24 semester hours in business courses (other than accounting) at the undergraduate or graduate level.

(e) Earned an Associate of Arts degree or higher degree from an accredited educational institution (level one accreditation) including at least 21 semester credit hours in upper division accounting as follows:

3 credits earned in Auditing, and

6 credits earned in Federal Taxation, and

12 additional credits must be earned in upper division accounting courses.

Rule 5-2-2 Certification Education Requirement.

For purposes of Section **5(c)(2)** of the Act, an applicant will be deemed to have met the Certification Education Requirement if the applicant has met any one of the following four conditions:

(a) Earned a graduate degree with a concentration in accounting from an accounting program or department that is accredited (level three accreditation) by an accrediting agency recognized by the Board.

(b) Earned a graduate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the Board and completed at least 24 semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subjects of **financial** accounting, auditing, taxation, and management accounting.

(c) Earned a baccalaureate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the Board and completed 24 semester hours in accounting at the undergraduate or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting; and completed at least 24 semester hours in business courses (other than accounting) at the undergraduate or graduate level.

(d) Earned a baccalaureate or higher degree from an accredited educational institution (level one accreditation) including:

(1) at least 24 semester hours of accounting at the upper division or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting (Upper division is normally

defined as junior or senior level. In accounting, this would normally be all courses taken beyond the elementary level.); and

(2) at least 24 semester hours in business courses (other than accounting) at the undergraduate or graduate level.

Rule 5-3 - Applications for examination.

(a) Applications to take the Certified Public Accountant Examination must be made on a form provided by the Board and filed with the Board by a due date specified by the Board in the application form.

(b) An application will not be considered filed until the application fee and examination fee required by these Rules and all required supporting documents have been received, including proof of identity as determined by the Board and specified on the application form, official transcripts and proof that the Candidate has satisfied the education requirement.

(c) A Candidate who fails to appear for the examination shall forfeit all fees charged for both the application and the examination.

(d) The Board or its designee will forward notification of eligibility for the computer-based examination to **NASBA's** National Candidate Database.

Rule 5-4 - Time and place of examination.

Upon the implementation of a computer-based examination, eligible Candidates shall be notified of the time and place of the examination or shall independently contact the Board or a test center operator identified by the Board to schedule the time and place for the examination at an approved test site. Scheduling reexaminations must be made in accordance with Rule 5-7(b) below.

Rule 5-5 - Examination content.

The examination required by Section 5 of the Act shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the Board may require.

Rule 5-6 – Determining and Reporting Examination Grades

A Candidate shall be required to pass all Test Sections of the examination provided for in subsection **5(d)** of the Act in order to qualify for a certificate. Upon receipt of advisory grades from the examination provider, the Board will review and may adopt the examination grades and will report the official results to the Candidate. Prior to the implementation of a computer-based examination, a passing grade for each Test Section

shall be 75. Upon implementation of a computer-based examination, a passing grade for each Test Section shall be 75.

Rule 5-7 – Retake and Granting of Credit Requirements

(a) A Candidate shall be required to pass all sections of the examination provided for in Section **5(d)** of the Act in order to qualify for a certificate. Prior to the implementation of a computer-based examination, if at a given sitting of the examination a Candidate passes two or more but not all sections, then the Candidate shall be given credit for those sections that the Candidate has passed and need not sit for reexamination in those sections, provided ~~that-~~

(1) at that sitting the Candidate wrote all sections of the examination for which the Candidate does not have credit;

(2) the Candidate attained a minimum grade of 50 on each section taken at that sitting;

(3) the Candidate passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(4) at each subsequent sitting at which the Candidate seeks to pass any additional sections, the Candidate sits for all sections for which the Candidate does not have credit;

(5) in order to receive credit for passing additional sections in any such subsequent sitting, the Candidate attains a minimum grade of 50 on sections taken at that sitting.

(b) Upon the implementation of a computer-based examination, a Candidate may take the required Test Sections individually and in any order. Credit for any Test **Section(s)** passed shall be valid for eighteen months from the actual date the Candidate took that Test Section, without having to attain a minimum score on any failed Test **Section(s)** and without regard to whether the Candidate has taken other Test Sections.

(1) Candidates must pass all four Test Sections of the Uniform CPA Examination within a rolling eighteen-month period, which begins on the date that the first Test **Section(s)** passed is taken.

(2) Candidates cannot retake a failed Test **Section(s)** in the same examination window. An examination window refers to a three-month period in which Candidates have an opportunity to take the CPA examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus, Candidates will be able to test two out of the three months within an examination window.

(3) In the event all four Test Sections of the Uniform CPA Examination are not passed within the rolling eighteen-month period, credit for any Test **Section(s)** passed outside the eighteen-month period will expire and that Test **Section(s)** must be retaken.

(c) Candidates having earned conditional credits on the paper-and-pencil examination, as of the launch date of the computer-based Uniform CPA Examination, will retain conditional credits for the corresponding Test Sections of the computer-based CPA examination as follows:

Paper-and-Pencil Examination	Computer-Based Examination
Auditing	Auditing and Attestation
Financial Accounting & Reporting (FARE)	Financial Accounting & Reporting
Accounting and Reporting (ARE)	Regulation
Business Law & Professional Responsibilities (LPR)	Business Environment & Concepts

(1) Candidates who have attained conditional status as of the launch date of the **computer-**based Uniform CPA Examination will be allowed a transition period to complete any remaining Test Sections of the CPA examination. The transition is the maximum number of opportunities that Candidates who have conditioned under the paper-and-pencil examination have remaining, at the launch of the computer-based CPA examination, to complete all remaining Test Sections, or the number of remaining opportunities under the paper-and-pencil examination, multiplied by six months, whichever is first exhausted.

(2) If a previously conditioned Candidate does not pass all remaining Test Sections during the transition period, conditional credits earned under the paper-and-pencil examination will expire and the Candidate will lose credit for the Test Sections earned under the **paper-**and-pencil examination. However, any Test **Section(s)** passed during the transition period is subject to the conditioning provisions of the computer-based examination as indicated in the aforementioned conditioning recommendation, except that a previously conditioned Candidate will not lose conditional credit for a Test Section of the computer-based examination that is passed during the transition period, even though more than eighteen months may have elapsed from the date the Test Section is passed, until the end of the transition period.

(d) A Candidate shall retain credit for any and all Test Sections of an examination passed in another state if such credit would have been given, under then applicable requirements, if the Candidate had taken the examination in the CNMI.

(e) The Board may in particular cases extend the term of conditional credit validity notwithstanding the requirements of subsections (a), (b), (c), and (d), upon a showing that the credit was lost by reason of circumstances beyond the **Candidate's** control.

(f) A Candidate shall be deemed to have passed the Uniform CPA Examination once the Candidate holds at the same time valid credit for passing each of the four Test Sections of the examination. For purposes of this section, credit for passing a Test Section of the computer-based examination is valid from the actual date of the Testing Event for that Test Section, regardless of the date the Candidate actually receives notice of the passing grade.

Rule 5-8 – Candidate Testing Fee

The Candidate shall, for each Test Section scheduled by the Candidate to the Board or its designee, pay a Candidate Testing Fee that includes the actual fees charged by the AICPA, NASBA, and the Test Delivery Service Provider, as well as reasonable application fees established by the CNMI Board.

Rule 5-9 – Cheating

(a) Cheating by a Candidate in applying for, taking or subsequent to the examination will be deemed to invalidate any grade otherwise earned by a Candidate on any Test Section of the examination, and may warrant summary expulsion from the test site and disqualification from taking the examination for a specified period of time.

(b) For purposes of this Rule, the following actions or attempted activities, among others, may be considered cheating:

(1) Falsifying or misrepresenting educational credentials or other information required for admission to the examination;

(2) Communication with others inside or outside the test site while the examination is in progress;

(3) Copying another Candidate's answers while the examination is in progress;

(4) Substitution of another person to sit in the test site in the stead of a Candidate;

(5) Reference to crib sheets, textbooks or other material or electronic media (other than that provided to the Candidate as part of the examination) inside or outside the test site while the examination is in progress.

(6) Violating the nondisclosure prohibitions of the examination or aiding or abetting another in doing so.

(7) Retaking or attempting to retake a Test Section by an individual holding a valid Certificate or by a Candidate who has unexpired credit for having already passed the same Test Section, unless the individual has been directed to retake a Test Section pursuant to Board order or unless the individual has been expressly authorized by the Board to participate in a "secret shopper" program.

(c) In any case where it appears that cheating has occurred or is occurring, the Board or its representatives may either summarily expel the Candidate involved from the examination or move the Candidate to a position in the Test Center away from other examinees where the Candidate can be watched more closely.

(d) In any case where the Board believes that it has evidence that a Candidate has cheated on the examination, including those cases where the Candidate has been expelled from the examination, the Board shall conduct an investigation and may conduct a hearing

consistent with the requirements of the **CNMI's** Administrative Procedures Act following the examination session for the purpose of determining whether or not there was cheating, and if so what remedy should be applied. In such proceedings, the Board shall decide:

- (1) Whether the Candidate shall be given credit for any portion of the examination completed in that session; and
 - (2) Whether the Candidate shall be barred from taking the examination and if so, for what period of time.
- (e) In any case where the Board or its representative permits a Candidate to continue taking the examination, it may, depending on the circumstances:
- (1) Admonish the Candidate;
 - (2) Seat the Candidate in a segregated location for the rest of the examination;
 - (3) Keep a record of the Candidate's seat location and identifying information, and the names and identifying information of the Candidates in close proximity of the Candidate; and notify the National Candidate Database and the AICPA **and/or** the Test Center of the circumstances, so that the Candidate may be more closely monitored in future examination sessions.
- (f) In any case in which a Candidate is refused credit for any Test Section of an examination taken, disqualified from taking any Test Section, or barred from taking the examination in the future, the Board will provide to the Board of Accountancy of any other state to which the Candidate may apply for the examination information as to the Board's findings and actions taken.

Rule 5-10 – Security and Irregularities

Notwithstanding any other provisions under these rules, the Board may postpone scheduled examinations, the release of grades, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of the contents of an examination; suspected or actual negligence, errors, omissions, or irregularities in conducting an examination; or for any other reasonable cause or unforeseen circumstance.

ARTICLE 6
ISSUANCE OF CERTIFICATES AND RENEWAL OF CERTIFICATES, CONTINUING
PROFESSIONAL EDUCATION AND RECIPROCITY

Rule 6-1 - Applications.

(a) Applications for initial certificates and for renewal of certificates pursuant to the Act shall be made on a form provided by the Board and, in the case of applications for renewal, shall be filed no later than 60 days prior to the expiration date set by these rules.

Applications will not be considered filed until the applicable fee prescribed in the Rules is received. If an application for renewal is filed late, the delinquency fee prescribed in the Rules shall also accompany it.

(b) Applications for renewal of certificates shall be accompanied by evidence satisfactory to the Board that the applicant has complied with the continuing professional education requirements under Section 6(d) of the Act and of these Rules.

Rule 6-2 - Experience required for initial certificate.

The experience required to be demonstrated for issuance of an initial certificate pursuant to Section 5(f) of the Act shall meet the requirements of this rule.

(a) Experience may consist of providing any type of **services** or advice using accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills.

(b) The applicant shall have their experience verified to the Board by a licensee as defined in the Act or from another state. Acceptable experience shall include employment in industry, government, academia or public practice. The Board shall look at such factors as the complexity and diversity of the work.

(c) One year of experience shall consist of full or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in subsection (a) above.

Rule 6-3 - Evidence of applicant's experience.

(a) Any licensee who has been requested by an applicant to submit to the Board evidence of the applicant's experience and has refused to do so shall, upon request by the Board, explain in writing or in person the basis for such refusal.

(b) The Board may require any licensee who has furnished evidence of an applicant's experience to substantiate the information.

(c) Any applicant may be required to appear before the Board or its representative to supplement or verify evidence of experience.

(d) The Board may inspect documentation relating to an applicant's claimed experience.

Rule 6-4 - Continuing professional education requirements for renewal of the certificate. The following requirements of continuing professional education apply to the renewal of certificates pursuant to Section **6(d)** of the Act.

(a) An applicant seeking renewal of a certificate shall show that the applicant has completed no less than **120** hours of continuing professional education complying with these Rules during the three-year period preceding renewal, with a minimum of **20** hours in each year. An applicant seeking renewal of a certificate shall demonstrate participation in a program of learning meeting the standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA.

(b) An applicant whose certificate has lapsed shall complete no less than **120** hours of CPE complying with these rules during the three-year period preceding the date of reapplication. An applicant whose certificate has lapsed shall be required to identify and complete a program of learning designed to demonstrate the currency of the licensee's competencies directly related to his or her area of service.

(c) A licensee granted an exception from the competency requirement by the Board may discontinue use of the word "inactive" in association with their CPA or PA title upon showing that they have completed no less than **120** hours of continuing professional education complying with these Rules during the three-year period preceding their request to discontinue use of the word "inactive", with a minimum of **20** hours in each year.

(d) Of the **120** hours of CPE required by Rule 6-4 (a), at least 4 hours in every 3 years must be in ethics, earned on location in the CNMI. The course or courses must be either an accounting ethics class or a business ethics class which includes accounting ethics. The course must include core values such as ethical reasoning, integrity, objectivity, and independence and refer to relevant CNMI Board of Accountancy statutory provisions **and/** or rules. Until the CNMI Board of Accountancy identifies a regularly offered course in the CNMI, this requirement may be met by any other 4 hour accounting ethics class or a business ethics class.

Rule 6-5 - Programs qualifying for continuing professional education credit.

(a) Standards -- A program qualifies as acceptable continuing professional education for purposes of Section **6(d)** of the Act and these Rules if it is a program of learning, which contributes to the growth in the professional knowledge, and professional competence of a licensee. The program must meet the minimum standards of quality of development, presentation, measurement, and reporting of credits set forth in the Statement on Standards for Continuing Professional Education Programs jointly approved by NASBA and AICPA or such other standards acceptable to the Board.

(b) Subject Areas -- The Board will accept programs meeting the standards set forth in the Statement on Standards for Continuing Professional Education Programs jointly approved by NASBA and AICPA or standards deemed by the Board to be comparable thereto. Each person must have 6 CPE in Ethics

(c) A non-resident licensee seeking renewal of a certificate in the CNMI shall be determined to have met the CPE requirement of this rule by meeting the CPE requirements for renewal of a certificate in the state in which the licensee's principal office is located.

(1) Non-resident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the state in which the licensee's principal office is located by signing a statement to that effect on the renewal application of the CNMI.

(2) If a non-resident licensee's principal office state has no CPE requirements for renewal of a certificate, the non-resident licensee must comply with all CPE requirements for renewal of a certificate in the CNMI.

Rule 6-6 - Continuing professional education records.

(a) Applicants for renewal of certificates pursuant to the Act shall file with their applications a signed statement indicating they have met the requirements for participation in a program of continuous learning as set forth by the Board or contained in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the NASBA and the AICPA. Responsibility for documenting the acceptability of the program and the validity of the credits rests with the applicant who should retain such documentation for a period of five years following completion of each learning activity.

(b) The Board will verify on a test basis information submitted by applicants for renewal of certificates. In cases where the Board determines that the requirement is not met, the Board may grant an additional period of time in which the deficiencies can be cured. Fraudulent reporting is a basis for disciplinary action.

Rule 6-7 - Exceptions.

(a) The Board may make an exception to the requirement set out in Rule **6-4(a)** for a licensee who is retired or who does not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements or other compilation communication, or of one or more kinds of management advisory, financial advisory or consulting **services**, or the preparation of tax returns or the furnishing of advice on tax matters.

(b) The Board may in particular cases make exceptions to the requirements set out in Rule **6-4(a)** for reasons of individual hardship including health, military service, foreign residence, or other good cause.

(c) Licensees granted such an exception by the Board must place the word "inactive" adjacent to their CPA title on any business card, **letterhead or** any other document or device, with the exception of their CPA certificate, on which their CPA title appears.

(d) Licensees granted an exception by the Board must comply with a re-entry competency requirement defined by the Board as set out in Rule **6-4(c)** before they may discontinue use of the word "inactive" in association with their CPA title.

Rule 6-8 - Interstate practice.

(a) These regulations provide two distinct routes for an individual already licensed in another state to be authorized to practice in the CNMI. The applicable route depends upon whether the individual will establish a principal place of business in the CNMI. Individuals establishing a principal **place of** business in the CNMI may qualify for a reciprocal license either by substantial equivalence (see Section **6(c)(2)** and Section **23(a)** (for substantially equivalent states) or Section **23(b)** (for substantially equivalent individual qualifications)), or by experience (see Section **6(c)(1)** and Rule **6-8(b)** below). Individuals with a principal place of business in another state may offer or render services in the CNMI either pursuant to substantial equivalence (see Section **23(a)** or **(b)**), or pursuant to experience (see Rule **6-8(c)** below).

(b) Regarding an individual establishing a principal place of business in the CNMI, if the substantial equivalency standard set out in Section 23 is not applicable, the Board shall issue a reciprocal certificate to the holder of a certificate issued by another state provided that the applicant meets each of the following requirements:

(1) Has successfully completed the CPA examination. Successful completion of the examination means that the applicant passed the examination in accordance with the rules of the other state at the time it granted the applicant's initial certificate.

(2) Has, in addition to meeting the requirements of subsection **(a)**, satisfied the 4-in-10 experience requirement set out in Section **6(c)(1)(B)** of the Act.

(3) Has experience of the type required under the Act and these Rules for issuance of the initial certificate.

(4) Has met the CPE requirement pursuant to Section **6(c)(1)(C)** if applicable.

(c) Regarding an individual whose principal place of business is and remains outside the CNMI, the Board may authorize the individual to exercise practice privileges in the CNMI provided the individual meets each of the following requirements:

(1) The individual has an active CPA license in good standing issued by another state;

(2) The individual has met the 4 in 10 experience requirement specified in Section **6(c)(1)(B)** of the Act;

(3) The individual provides Notice to the Board in the same manner and on comparable forms as required for substantially equivalent practitioners under Section 23 of the Act and rules promulgated thereunder; and,

(4) The individual consents to each of the terms and conditions pertaining to the use of practice privileges as specified in Section 23 **(a)(3)** as well as rules promulgated thereunder.

Rule 6-9 - International reciprocity.

(a) The Board may designate a professional accounting credential issued in a foreign country as substantially equivalent to a CPA certificate.

(1) The Board shall rely on the International Qualifications Appraisal Board for evaluation of foreign credential equivalency.

(2) The Board may accept a foreign accounting credential in partial satisfaction of its domestic credentialing requirements if:

(A) the holder of the foreign accounting credential met the issuing **body's** education requirement and passed the issuing body's examination used to qualify its own domestic candidates; and

(B) the foreign credential is valid and in good standing at the time of application for a domestic credential.

(b) The Board shall satisfy itself through qualifying **examination(s)** that the holder of a foreign credential deemed by the Board to be substantially equivalent to a CPA certificate possesses adequate knowledge of U.S. practice standards [and the Board's regulations]. The Board shall rely on the National Association of State Boards of Accountancy or the American Institute of Certified Public Accountants to develop, administer, and grade such qualifying **examination(s)**. The Board will specify the qualifying **examination(s)** and process by resolution.

(c) An applicant for renewal of a CPA certificate originally issued in reliance on a foreign accounting credential shall:

(1) Make application for renewal at the time and in the manner prescribed by the Board for all other certificate renewals;

(2) Pay such fees as are prescribed for all other certificate renewals;

(3) If the applicant has a foreign credential in effect at the time of the application for renewal of the CPA certification, present documentation from the foreign accounting credential issuing body that the applicant's foreign credential has not been suspended or revoked and the applicant is not the subject of a current investigation. If the applicant for

renewal no longer has a foreign credential, the applicant must present proof from the foreign credentialing body that the applicant for renewal was not the subject of any disciplinary proceedings or investigations at the time that the foreign credential lapsed; and

(4) Either show completion of continuing professional education substantially equivalent to that required under Rule 6-4 within the three-year period preceding renewal application, or petition the Board for complete or partial waiver of the CPE requirement based on the ratio of foreign practice to practice in the CNMI.

(d) The holder of a CPA certificate issued in reliance on a foreign accounting credential shall report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against the CPA's foreign credential.

(e) Suspension or revocation of, or refusal to renew, the CPA's foreign accounting credential by the foreign credentialing body may be evidence of conduct reflecting adversely upon the CPA's fitness to retain the certificate and may be a basis for Board action.

(f) Conviction of a felony or any crime involving dishonesty or fraud under the laws of foreign country is evidence of conduct reflecting adversely on the CPA's fitness to retain the certificate and is a basis for Board action.

(g) The Board shall notify the appropriate foreign credentialing authorities of any sanctions imposed against a CPA.

(h) The Board may participate in joint investigations with foreign credentialing bodies and may rely on evidence supplied by such bodies in disciplinary hearings.

Rule 6-10 - Peer review for certificate holders who do not practice in a licensed firm.

A certificate holder who issues compilation reports as defined in this Act other than through a CPA firm that holds a permit under Section 7 of this Act must undergo a peer review as required under Rules 7-3 and 7-4.

ARTICLE 7
PERMITS TO PRACTICE -- FIRMS

Rule 7-1 - Applications.

(a) Applications by firms for initial issuance and for renewal of permits pursuant to Section 7 of the Act shall be made on a form provided by the Board and, in the case of applications for renewal, shall be filed no earlier than four months and no later than two months prior to the expiration date. Applications will not be considered filed until the applicable fee and all required documents prescribed in these Rules are received. If an application for permit renewal is filed late, it shall also be accompanied by the delinquency fee prescribed in these Rules.

(b) A sole proprietor may apply simultaneously for a certificate or a renewal of a certificate and a firm permit.

(c) Applications shall include the firm name, addresses and telephone numbers of the main office and of any branch offices of the firm in the CNMI the name of the person in charge of each such branch office, and the names of the partners, shareholders, members, managers, directors and officers practicing in the CNMI.

Rule 7-2 - Notification of changes by firms.

(a) A firm registered pursuant to Section 7 of the Act shall **file** with the Board a written notification of any of the following events concerning the practice of public accountancy within the CNMI within thirty (30) days after its occurrence:

- (1) Formation of a new firm;
- (2) Addition of a partner, member, manager or shareholder;
- (3) Retirement, withdrawal or death of a partner, member, manager or shareholder;
- (4) Any change in the name of the firm;
- (5) Termination of the firm;
- (6) Change in the management of any branch office in the CNMI;
- (7) Establishment of a new branch office or the closing or change of address of a branch office in the CNMI; and
- (8) The occurrence of any event or events which would cause such firm not to be in conformity with the provisions of the Act or these Rules.

(b) In the event of any change in legal form of a firm, such new firm shall within thirty (30) days of the change file an application for an initial permit in accordance with these Rules and pay the fee required by these Rules.

Rule 7-3 - Peer review as a condition for renewal of permit.

(a) The Board may establish procedures to perform the following functions:

(1) Review of financial statements and the reports of licensees thereon, to assess their compliance with applicable professional standards;

(2) Improvement of reporting practices of licensees through educational and rehabilitative measures;

(3) Referrals to the Board of cases requiring further investigation by the Board or its designees; and

(4) Verification that individuals in the firm responsible for supervising compilation or attest services and signing the accountants' report on financial statements on behalf of the firm meet the competency requirement set out in applicable professional standards.

(5) Verification that a certificate holder who issues compilation reports for the public other than through a CPA firm, who supervises such services **and/or** signs the compilation report on such financial statements, meets the competency requirements set out in applicable professional standards.

(6) Such other functions as the Board may assign to **its designees**.

(b) Reserved.

(c) The Board may also solicit for review reports of licensees and related financial statements from clients, public agencies, banks, and other users of **financial** statements.

(d) Reserved.

(e) The review of financial statements and reports of the licensees thereon shall be directed toward the following:

(1) Presentation of financial statements in conformity with generally accepted accounting principles;

(2) Compliance by licensees with generally accepted auditing standards

(3) Compliance by licensees with other professional standards; and

(4) Compliance by licensees with the Rules of the Board and other regulations relating to the performance of compilation and attest services as herein defined.

(f) In gathering information about the professional work of licensees, the Board may make use of investigators, either paid or unpaid, who are not members of the Board.

(g) In any instance where the Board finds a deficiency in the professional work of a licensee, it shall advise the licensee in writing of the deficiency. The Board may request the licensee to meet with it to discuss deficiencies. If the Board determines that a report is substandard or seriously questionable, the Board may direct that an independent reviewer other than the person who performed the review of the report conduct a review of the workpapers. The findings of any such review of the workpapers shall be transmitted by the reviewer to the Board.

Rule 7-4 - Equivalent reviews as a condition for renewal of a permit.

(a) The requirements of Rule 7-3 shall not apply with respect to any firm or certificate holder which within the three years immediately preceding the application had been subjected to a satisfactory peer review conducted in accordance with a peer review program approved by the Board.

(b) Reserved.

(c) The Board shall establish procedures and take all action necessary to ensure that the above materials remain privileged as to any third parties.

Rule 7-5 – Submission of Peer Review Reports to the Board.

(a) Regarding peer reviews conducted pursuant to these rules, the reviewed firm or individual must submit to the Board:

(1) each adverse peer review report, and

(2) each second consecutive peer review report that is adverse or modified, including a report review report that contains significant comments.

(b) The reviewed firm or individual shall submit any report described in subsection (a) to the Board within forty-five (45) days after acceptance of any such report by the administering entity;

(c) Regarding any peer review report required to be submitted to the Board pursuant to this rule, the reviewed firm must retain, for a period of seven (7) years from the date of the report acceptance, all of the following: peer review report, letter of comments, letter of response, acceptance letter signed by the reviewed firm agreeing to take corrective actions and letter of completion indicating that the firm's peer review is complete. Upon request of

the Board, the reviewed firm or individual shall timely submit such documentation to the Board;

(d) The objective of this reporting rule is primarily to reinforce the Board's efforts to ensure that only appropriately qualified CPA firms are engaged in the offering and rendering of services subject to peer review. Based upon its review of the reports submitted pursuant to this rule, the Board may consider, pursuant to hearing or by consent, additional corrective actions such as probation, practice limits, additional continuing education, pre-issuance reviews, more frequent peer reviews, and other measures, including, in severe cases, discipline against the reviewed firm and any individual licensees employed or contracted by the reviewed firm.

Rule 7-6 Internet practice

A CPA firm offering or rendering professional services via a Web site shall provide in the Web site's homepage, a name, an address, and principal state of licensure as a means for regulators and the public to contact a responsible licensee in charge at the firm regarding complaints, questions, or regulatory compliance.

Rule 7-7 - Documentation and Retention.

Licensees shall comply with all professional standards applicable to particular engagements, including, but not limited to standards adopted by recognized standards setting bodies such as the Public Company Accounting Oversight Board (PCAOB), the Comptroller General of the United States, and the Auditing Standards Board.

Rule 7-8 - Retention Period for Attest Documentation.

(a) The retention period shall be seven (7) years and shall be measured from the report date.

(b) If attest documentation is required to be kept for longer than seven (7) years because of a pending Board investigation or disciplinary action, attest documentation shall not be destroyed until the licensee has been notified in writing by the Board of the closure of a Board investigation or disciplinary proceeding.

ARTICLE 8 Reserved.

ARTICLE 9 Reserved.

ARTICLE 10
ENFORCEMENT ACTIONS AGAINST LICENSEES

Rule 10-1 - Grounds for enforcement actions against licensees.

The grounds for revocation and suspension of certificates and permits, and other disciplinary action against licensees and individuals with privileges under Section 23, are set out in Section 10 of the Act in both specific and general terms. The general terms of that provision of the Act include the following particular grounds for such disciplinary action:

Fraud or deceit in obtaining a certificate or permit, within the meaning of Section **10(a)(1)** of the Act, includes the submission to the Board of any knowingly false or forged evidence in, or in support of, an application for a certificate or permit, and cheating on an examination as defined in these Rules.

(b) Dishonesty, fraud or gross negligence, within the meaning of Section **10(a)(5)** of the Act, include knowingly, or through gross negligence, making misleading, deceptive or untrue representations in the performance of services.

(c) Violations of the Act or of Rules promulgated under the Act, within the meaning of Section **10(a)(6)** of the Act, include --

(1) Using the CPA title or providing attest or compilation services in the CNMI without a certificate or permit to practice issued under Sections 6 and 7 or without properly qualifying to practice across state lines under the substantial equivalency provision of the Act.

(2) Using or attempting to use a certificate or permit which has been suspended or revoked;

(3) Making any false or misleading statement, in support of an application for a certificate or a permit filed by another;

(4) Failure of a licensee to provide any explanation requested by the Board regarding evidence submitted by the licensee in support of an application filed by another, or regarding a failure or refusal to submit such evidence; and failure by a licensee to furnish for inspection upon request by the Board or its representative documentation relating to any evidence submitted by the licensee in support of such an application;

(5) Failure to satisfy the continuing professional education requirements set out in Section **6(d)** of the Act **and/or** failure to comply with the continuing education requirements of these Rules;

(6) Failure to comply with professional standards as to the attest **and/or** compilation competency requirement for those who supervise attest **and/or** compilation engagements and sign reports on financial statements or other compilation communications with respect to financial statements; or

(7) Failure to comply with the applicable peer review requirements set out in Section 6(j) and Section 7(h) of the Act and these Rules.

(8) Failure to renew a license or privileges under Section 23, unless the licensee or privilege holder has notified the Board in writing or electronically in advance.

(d) Conduct reflecting adversely upon the licensee's fitness to perform services, within the meaning of Section 10(a)(10) of the Act, includes:

(1) Adjudication as mentally incompetent;

(2) Fiscal dishonesty of any kind;

(3) Presenting as one's own a certificate or permit issued to another;

(4) Concealment of information regarding violations by other licensees of the Act or the Rules thereunder when questioned or requested by the Board; and

(5) Willfully failing to file a report or record required by CNMI, state or federal law; willfully impeding or obstructing the filing of such a report or record, or inducing another person to impede or obstruct such filing by another; and the making or filing of such a report or record which one knows to be false.

Rule 10-2 - Return of certificate or permit to practice.

Any licensee whose certificate or permit issued by the Board is subsequently suspended or revoked shall promptly return such certificate or permit to the Board.

ARTICLE 11
ENFORCEMENT PROCEDURES – INVESTIGATIONS

Rule 11-1 - Review of professional work product.

The Board may solicit and receive publicly available reports of licensees and individuals with privileges under Section 23 of this Act and related financial statements from clients, public agencies, banks, and other users of **financial** statements on a general and random basis without regard to whether an application for renewal of the particular licensee is then pending or whether there is any formal complaint or suspicion of impropriety on the part of any particular licensee or an individual with privileges under Section 23 of this Act; and it may review such reports and otherwise proceed with respect to the results of any such review in the fashion prescribed in Rule 7-3.

Rule 11-2 – Reporting Convictions, Judgments, and Administrative Proceedings.

(a) Licensees shall notify the Board, on a form and in the manner prescribed by the Board, within forty-five (45) days of:

(1) Receipt of an adverse peer review or a PCAOB firm inspection report containing criticisms of or identifying potential defects in the quality control systems.

(2) Receipt of a second consecutive peer review report that is adverse or modified, including a peer review report that contains significant comments; or

(3) Imposition upon the licensee of discipline, including, but not limited to, censure, reprimand, sanction, probation, civil penalty, fine, consent decree or order, suspension, revocation, or modification of a license, certificate, permit or practice rights by:

(i) the Securities and Exchange Commission (SEC), PCAOB, Internal Revenue Service (IRS) (actions by the Director of Practice), or

(ii) another state board of accountancy for any cause other than failure to pay a professional license fee by the due date or failure to meet the continuing professional education requirements of another state board of accountancy; or

(iii) any other federal or state agency regarding the licensee's conduct while rendering professional **services**, or

(iv) any foreign authority or credentialing body that regulates the practice of accountancy.

(4) Occurrence of any matter reportable that must be reported by the licensee to the PCAOB pursuant to **Sarbanes-Oxley** Section **102(b)(2)(f)** and PCAOB Rules and forms adopted pursuant thereto;

(5) Notice of disciplinary charges filed by the SEC, PCAOB, IRS, or another state board of accountancy, or a CNMI, or a federal or state taxing, insurance or securities regulatory authority, or foreign authority or credentialing body that regulates the practice of accountancy;

(6) Any judgment, award or settlement of a civil action or arbitration proceeding of \$150,000 or more in which the licensee was a party if the matter included allegations of gross negligence, violation of specific standards of practice, fraud, or misappropriation of funds in the practice of accounting; provided, however, licensed firms shall only notify the Board regarding civil judgments, settlements or arbitration awards directly involving the firm's practice of public accounting in the CNMI; or

(7) Criminal charges, deferred prosecution or conviction or plea of no contest to which the licensee is a defendant if the crime is:

(i) any felony under the laws of the United States or of any state of the United States or any foreign jurisdiction; or

(ii) a misdemeanor if an essential element of the offense is dishonesty, deceit, or fraud.

(b) The licensee designated by each CPA firm pursuant to UAA Section **7(c)(2)(A)** (as responsible for the proper registration of the firm) shall report any matter reportable under this rule to which a non-licensee owner with a principal place of business in the CNMI is a party.

(c) Reports of pending matters or reports of private litigation resolved by settlement or arbitration shall be deemed confidential records not subject to public disclosure (to the extent permitted by the **CNMI's** law on Public Records) unless and until the pending matters are concluded or the Board commences a contested case proceeding based upon the subject matter of such reports.

(d) During the pendency of a reported matter, the reporting licensee may submit a written explanatory statement to be included in the **licensee's** record. If reported charges or allegations are subsequently concluded in the licensee's favor or otherwise closed without disciplinary action by this Board, upon the reporting licensee's request, documents received pursuant to said report shall be expunged from the Board's records.

ARTICLE 12
ENFORCEMENT PROCEDURES -- HEARINGS BY THE BOARD

Rule 12-1 - Complaints and notices of hearing.

(a) A complaint issued by the Board pursuant to Section **12(a)** of the Act will include --

- (1) A statement of matters asserted or charged; and
- (2) References to any particular sections of the Act or of the Rules which are asserted to have been involved in unlawful conduct.

(b) When the complaint and notice of hearing are served pursuant to Section **12(a)** of the Act, they **will be** accompanied by --

- (1) A copy of the Board's Rules under this Article 12;
- (2) A copy of Section 12 of the Act;
- (3) A copy of any particular sections of the Act or of any Rule asserted to have been violated; and
- (4) A brief statement calling attention to the rights of the licensee or an individual with privileges under Section 23, under the Act and the Rules, to examine reports and evidence in advance of the hearing; to appear by counsel at the hearing to present evidence; and to appeal an adverse decision.

Rule 12-2 - Examination and copying of documents.

Under Section **12(b)** of the Act a respondent has the right in advance of the hearing to examine and copy any report of investigation and documentary or testimonial evidence and summaries of evidence in the **Board's** possession relating to the subject matter of the complaint. The right of examination may be exercised by the respondent or the respondent's attorney or agent at the **Board's** office where the records in question are kept, during regular business hours, on three days' advance notice in writing. Copies will be promptly furnished of any documents or other materials designated for copying, but the Board may charge a fee for such copying pursuant to these Rules.

Rule 12-3 - Conduct of hearing.

(a) A hearing under Section 12 of the Act shall be conducted by and shall be under the control of a presiding officer appointed by the Board.

(b) The order of proceedings shall be as follows:

- (1) Statement and presentation of evidence supporting the complaint by the investigating officer, if any, by a Board member designated for that purpose, or by counsel.
 - (2) Statement and presentation of evidence of the respondent, in person (or in the case of a firm through a partner, officer, director, member, manager or shareholder) **and/or** by counsel.
 - (3) Rebuttal evidence in support of the complaint.
 - (4) Surrebuttal evidence of the respondent.
 - (5) Closing statements.
 - (6) Board decision, which pursuant to Section **12(h)** of the Act must be by written vote of a majority of the Board excluding members disqualified under Section **12(d)** of the Act to sustain any charge and impose any penalty.
- (c) The presiding officer, Board members, the respondent and the person presenting the complaint shall have the right to question or examine or cross-examine any witness.
 - (d) The burden of proof to support a violation of the Act or Rules rests with the Board.
 - (e) The hearing may be continued with recesses as determined by the presiding officer.
 - (f) The presiding officer may set reasonable time limits for oral presentation.
 - (g) Exhibits shall be marked, and preserved along with the stenographic transcript as part of the record of the hearing.

Rule 12-4 - Evidentiary rules.

- (a) Under Section **12(f)** of the Act, the Board is not bound by technical rules of evidence, and in its discretion may consider any evidence of a kind commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (b) All such evidence that is offered and not objected to will be received by the presiding officer unless the presiding officer determines that it is irrelevant, immaterial or unduly repetitious.
- (c) Evidence may be received provisionally, subject to a later ruling by the presiding officer as to its admissibility; but any such ruling must be made before closing statements are heard pursuant to Rule **12-3(b)(5)**.

Rule 12-5 - Publication of decisions.

Decisions by the Board following hearings under Section 12 of the Act will, if they sustain any charge, be made public. Decisions that do not sustain a charge may be made public at the Board's discretion.

ARTICLE 13
REINSTATEMENT

Rule 13-1 - Applications for relief from disciplinary penalties.

(a) A person whose certificate has been revoked or suspended or an individual whose privileges under Section 23 have been revoked or limited, or a firm whose permit to practice has been revoked or suspended or a person or firm that has been put on probation pursuant to Section 10 of the Act may apply to the Board for modification of the suspension, revocation or probation after completion of all requirements contained in the Board's original order.

(b) The application shall be in writing; shall set out and, as appropriate, substantiate the reasons constituting good cause for the relief sought, and shall be accompanied by at least two supporting recommendations, under oath, from licensees who have personal knowledge of the activities of the applicant since the suspension or revocation was imposed.

Rule 13-2 - Action by the Board.

(a) An application pursuant to Rule 13-1 will ordinarily be processed by the Board upon the basis of the materials submitted in support thereof, supplemented by such additional inquiries as the Board may require. At the Board's discretion a hearing may be held on an application, following procedures the Board may **find** suitable for the particular case.

(b) The Board may impose appropriate terms and conditions for reinstatement of a certificate, permit or privileges under Section 23 or modification of a suspension, revocation or probation.

(c) In considering an application under Rule 13-1, the Board may consider all activities of the applicant since the disciplinary penalty from which relief is sought was imposed, the offense for which the applicant was disciplined, the **applicant's** activities during the time the certificate or privileges under Section 23 or permit was in good standing, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity.

(d) No application for reinstatement will be considered while the applicant is under sentence for any criminal offense, including any period during which the applicant is on court-imposed probation or parole.

ARTICLE 14
UNLAWFUL ACTS

Rule 14-1 - Misleading CPA firm names.

A CPA firm name is misleading within the meaning of Section 14(i) of the Act if, among other things:

- (a) The CPA firm name implies the existence of a corporation when the firm is not a corporation;
- (b) The CPA firm name implies existence of a partnership when there is not a partnership (as in "Smith & Jones, C.P.A.s");
- (c) The CPA firm name includes the name of a person who is neither a present nor a past partner, member or shareholder of the firm; or
- (d) The CPA firm name includes the name of a person who is not a CPA if the title "CPAs" is included in the firm name.

Rule 14-2 - Fictitious firm names.

A fictitious CPA firm name (that is, one not consisting of the names or initials of one or more present or former partners, members or shareholders) may not be used by a CPA firm unless such name has been registered with and approved by the Board as not being false or misleading.

Rule 14-3 - Safe harbor language.

Non-licensees may use the following disclaimer language in connection with financial statements to not be in violation of the Act:

"I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of financial statements information that is the representation of management (owners).

I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.

Articles 15-22 of the Rules is reserved

ARTICLE 23
SUBSTANTIAL EQUIVALANCY

Rule 23-1- NOTIFICATION AND INTERNET PRACTICE

(a) A qualified individual seeking practice privileges in the CNMI pursuant to Accountancy law Section **23(a)** or (b) shall comply with the notice requirement as follows:

(1) Notice may be given electronically or in writing on forms established by this Board;

(2) Notice is immediately due and shall be received by the Board within 30 days after the individual knowingly avails **him/herself** of the laws of the CNMI by:

(A) Accepting an engagement or an assignment to render professional services in the CNMI, or

(B) Offering to render professional services through direct solicitation or marketing targeted to persons in the CNMI.

(3) In lieu of the procedure set out in paragraph **(a)(2)**, at anytime prior to entering the CNMI, an individual, directly or through the individual's firm, may be included in a master notice to all participating substantially equivalent jurisdictions including the CNMI Board by giving notice to the NASBA National Qualification Appraisal Service [or other comparable service designated by the Board]; and, provided the firm accepts responsibility for each such individual's compliance with the accountancy laws and rules of the CNMI for so long as the individual is included in the **firm's** master notice, keeps the master notice reasonably current and renews the notice annually. In any event, the individual seeking practice privileges is responsible for complying with the requirement that the notification required under Accountancy law Section 23 has been made.

(b) Notice shall be renewed on the same cycle as the Board requires for license renewals, for so long as the individual intends to use Accountancy law Section 23 privileges in the CNMI.

(c) Notice shall be amended within 30 days after the individual changes his principal place of business or within 30 days after the license has been denied, revoked, or suspended in any jurisdiction.

(d) A non-resident individual shall not be deemed to have entered the CNMI for purposes of Accountancy law Section 23 and notice is not required under Section 23 if the individual's contact with the CNMI is limited to any of the following activities:

(1) teaching either a college or continuing professional education course,

(2) delivering a lecture,

(3) moderating a panel discussion,

(4) rendering professional services to the individual's employer or to persons employed by the individual's employer, including affiliated, parent, or subsidiary entities, provided such services are not rendered for the employer's clients.

(e) An individual entering into an engagement to provide professional services via a Web site pursuant to Section 23 shall disclose, via any such Web site, the individual's principal state of licensure, license number and an address as a means for regulators and the public to contact the individual regarding complaints, questions or regulatory compliance.

Article 24

Code of Professional Conduct.

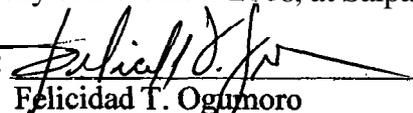
- (a) Ethical Rules. In the case of **CPA's**, the Code of Professional Conduct of this Board are those published separately for purposes of convenience and are those published by the American Institute of **CPA's** entitled Code of Professional Conduct, as adopted, and any amendments made to the same thereafter. These Rules shall be known as the Code of Professional Conduct.
- (b) The Code of Professional Conduct is incorporated herein by reference and shall have the full force and effect of a regulation of this Board.
- (c) The Code and these Rules and Regulations are promulgated for the purpose of maintaining high standards of professional conduct by those licensed and registered as Certified Public Accountants.

PUBLIC NOTICE
PROPOSED AMENDMENT TO RULES AND REGULATIONS FOR
THE SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAM

The Saipan Higher Education Financial Assistance Board for the Saipan Higher Education Financial Assistance Program under the Office of the Mayor of Saipan hereby notifies the general public of its intention to adopt amendments to Section Ten, Sixteen and Nineteen of the rules and regulations governing the SHEFA program. These amended regulations are promulgated pursuant to the authority set forth in Saipan Local Law 13-21. Specifically, the amendments to the rules and regulations on Section Ten is to repeal and re-enact in its entirety the existing rules and regulations on that section pertaining to eligibility for SHEFA Fund Financial Assistance. Section Sixteen would clarify and align the terms and conditions set forth in the proposed amendments herein with the proposed amendments in Section Nineteen to the SHEFA rules and regulations all of which were first published in the Commonwealth Register in Volume 27, Number 10 on November 25, 2005, and adopted pursuant to a Certification of Adoption published in the Commonwealth Register on April 17, 2006 in Volume 28, Number 4 on page 25622.

All interested persons may examine the proposed amended regulations and submit written comments to the Chairperson, Saipan Higher Education Financial Assistance Program, P.O. 10001, PMB 3648, Saipan MP 96950 or by facsimile at (670) 233-5996 or E-mail: contact@saipanshefa.com within 30 calendar days following the publication of this notice in the Commonwealth Register.

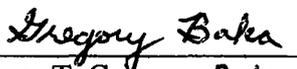
Dated this 7th day of December 2006, at Saipan, Northern Mariana Islands.

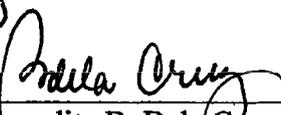
Submitted by: 
Felicidad T. Ogunoro
Chairperson, SHEFA Board

12/7/06
Date

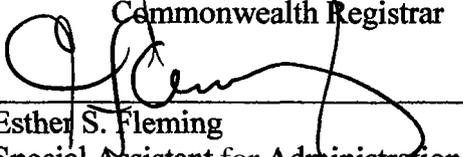
Pursuant to 1 CMC & 2153, as amended by PL 10-50, the proposed regulations for the Saipan Higher Education Financial Assistance Program, a copy of which is attached hereto, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 12 day of Dec , 2006,


Matthew T. Gregory Baka
Attorney General (Acting)

Filed and Recorded by: 
Bernadita B. De la Cruz
Commonwealth Registrar

12/12/06
Date

Received by: 
Esther S. Fleming
Special Assistant for Administration

12/12/06
Date

The Municipality of Saipan

Office of the Mayor of Saipan

Proposed Amendments to the Rules and Regulations for the Saipan Higher Education
Financial Assistance Program
(SHEFA)

Citation of Statutory Authority: The proposed regulations for the Saipan Higher Education Financial Assistance are promulgated pursuant to Saipan Local Law (SLL) 13-21.

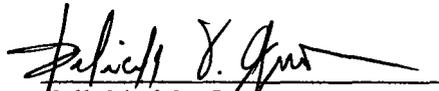
Statement of Goals and Objectives: To implement the provisions of Saipan Local Law 13-21 and by amending Section Ten, Section Sixteen and Section Nineteen of the existing rules and regulations of the Saipan Higher Education Financial Assistance (SHEFA).

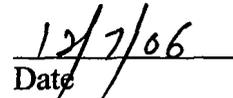
Brief Summary of the Rules: The proposed amendments to the rules and regulations for section ten is to repeal and re-enact in its entirety the existing rules and regulations on that section pertaining to eligibility for SHEFA Fund Financial Assistance. The proposed amendments to section sixteen is intended to clarify and align the terms and conditions set forth in the proposed amendments herein with the proposed amendments in section nineteen, in which the proposed amendments in section nineteen specifically supplements the **definition** of terms in Public Law 13-21 and the existing SHEFA rules and regulations.

For Further Information. Contact: Chairperson, Saipan Higher Education Financial Assistance Program, P.O. 10001, PMB 3648, Saipan MP 96950, telephone: (670) 233-5995 or by facsimile at (670) 233-5996 or at E-mail: contact@saipanshefa.com

Citation of Related and / or **Affected** Statutes, Regulations and Orders: Saipan Local Law 13-21 and SHEFA Rules and Regulations and SHEFA Directive #1.

Submitted By:


Felicidad T. Ogunoro
Chairwoman, SHEFA
Board of Directors


Date

NOTISIAN PUPBLIKU

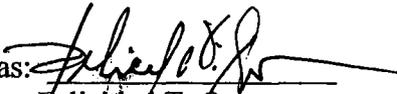
MAN MAPROPONE NA AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA PARA I PROGRAMAN AYUDON SALAPE PARA LA'TAKHILO NA EDUKASION G NA SAIPAN (SHEFA)

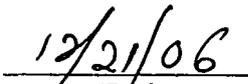
I Kuetpon I Ayudon Salape' Para La'takhilo Na Edukasion Giya Saipan para I Programan Ayudon Saliipe' Para La'takhilo Na Edukasion Giya Saipan (SHEFA) papa I Ofisinan I Atkâtden Saipan este na momento a infofotma I pupbliku henerât pot I intension niha para u ma'adopta I amendasion siha para I Seksiona Dies (10), Dies-i-Sais (16) yan Dies-i-Nuebe (19) ginén I areklamento yan regulasion siha ni ginibiebetna I Programan Ayudon Salape' Para La'takhilo Na Edukasion Giya Saipan (SHEFA). Este siha man ma'arnenda na regulasion siha man ma'establesi sigun I aturidât ni mamensiona gi Lai giya Saipan 13-21. **Espesifikâtmente**, I amendasion siha para I areklamento yan regulasion siha gi Seksiona Dies (10) para u **madiroga** ya matalun otdena gi enteramente I areklamento yan regulasion ni man eksiste gi **eyu** na seksiona ni **tineteke** I **kuâlifikasion** Ayudon Salape' para I Programan Ayudon Salape' Para La'takhilo Na Edukasion Giya Saipan. Siempre I Seksiona Dies-I-Sais (16) a **klarifika** yan **areklâo** I tiempo yan kondision siha ni man **mamensiona** gi I man mapropone **na** amendasion **guine** yan I man mapropone na amendasion gi Seksiona Dies-I-Nuebe (19) para I **Areklamento** yan Regulasion I SHEFA todú ni man mapupblika **fine'nina** gi **Rehistran** I Commonwealth gi **Baluma** 27, **Numiru** 10 gi Nubiembre 25,2005, ya **ma'adopta** sigun para I **Setifikasion** I **Inadoptasion** ni **mapupblika** gi **Rehistran** I Commonwealth gi **Abrit** 17,2006 gi **Baluma** 28, **Numiru** 4 gi **pâhina** 25622.

Todú i **man** enterasao na **petsona siña** ma **ina** i man mapropone **na** amendasion i regulasion ya ma entrega halom **tinige'** opinion **guatto** i Kabiseya, gi **Programan** i Ayudon Saliipe' Para I La'takhilo' Na Edukasion Giya Saipan, gi P.O Box 10001, PMB 3648, Saipan MP 96950 pat fax gi 233-5996 pat **Email:** contact@saipanshefa.com halom trenta (30) dias **tinatitiye'** ni pupublikasion este na na notisia gi **Rehistran** i Commonwealth.

Ma Fecha gi este **mina siette** na **dia** gi **Disembre**, 2006, giya Saipan, I **Sankattan** Siha Na Islas Marianas.

Ninahâlom as:

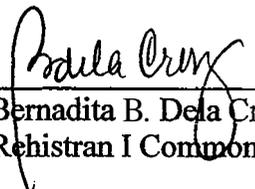

Felicidad T. Ogumoro
Kabiseya, Kuetpon I SHEFA


Fecha

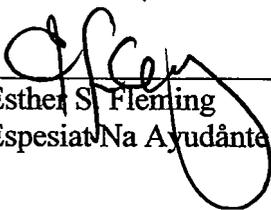
Sigun i Lai 1 CMC Seksiona 2153, ni inamenda nu i Lai Publiku 10-50, i ma propone na regulasion siha para i Prográman i Ayudon Salápe' Para La' Takhilo Na Edukasion Giya Saipan, i che'che'ton na kopia esta man ma ina yan aprueba pot para u fotma yan suficiente ligát ginen i Ofisinan Abugao Henerát.

Ma Fecha gi este mina _____ na dia gi _____, 2006.

Mathew T. Gregory
Abugádu Henerát

Pinelo' yan Marikot as: 
Bernadita B. Dela Cruz
Rehistran I Commonwealth

12/22/06
Fecha

Maresibe' as: 
Esther S. Fleming
Espesiat Na Ayudánte Para I Atministrasion

12/27/06
Fecha

MUNISIPÁT SAIPAN

OFISINAN I ATKÂTDEN SAIPAN

MAN MAPROPONE NA AMENDASION PARA I AREKLAMENTO YAN REGULASION SIHA PARA I PROGRÂMAN AYUDON SALÂPE' PARA LA'TAKHILO NA EDUKASION GIYA SAIPAN (SHEFA)

Annok I AturidÂt I Lai: I Man Mapropone na regulasion siha para I Ayudon Salâpe' Para La'takhilo na Edukasion Giya Saipan man ma'establesi **sigun I Lokât na Lai (SLL) 13-21.**

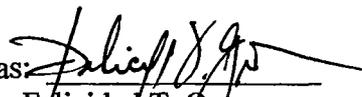
Mensâhen Finiho yan Diniseha Siha: Para **u matutuhon ma'enfuetsa** I probension siha gi Lain Lokât Saipan 13-21 ya **ginen ma'amemenda** Seksiona Dies (10), Seksiona Dies-I-sais (16) yan Seksiona Dies-I-nuebe (19) gi I man eksisite na **areklamento** yan regulasion siha gi Ayudon Salâpe' Para La'takhilo na Edukasion Giya Saipan (SHEFA).

Kada'da' Na Mensâhe Pot I Areklamento Siha: I man mapropone na amendasion siha para I areklamento yan regulasion ni **tineteke I amendasion siha** para I areklamento yan regulasion siha gi Seksiona Dies (10) para **u madiroga** ya **matalun** otdena gi **enteramente** I areklamento yan regulasion ni man **eksiste** gi eyu na seksiona ni **tineteke I kuâlifikasion** Ayudon Salâpe para I Progrâman Ayudon Salâpe' Para La'Takhilo Na Edukasion Giya Saipan. I man mapropone na amendasion siha para I seksiona dies-I-sais (16) a intensiona para u **klarifika** yan **areklâo** I tiempo yan kondision siha ni man mamensiona gi I man mapropone na **amendasion guine** yan I man mapropone na amendasion gi Seksiona Dies-I-Nuebe (19), **anai** I man mapropone na amendasion siha gi seksiona **dies-I-nuebe (19) espesifikâtmente** a tulaika I **difinision I mensâhe** gi Lai **Pupbliku 13-21** yan I man eksiste na areklamento yan regulasion I Ayudon Salâpe' Para La'Takhilo Na Edukasion Giya Saipan (SHEFA).

Para Mâs Infotmasion, Âgang: I Kabiseyan I Progrâman Ayudon Salâpe' Para La'Takhilo Na Edukasion Giya Saipan, gi P.O. Box 10001, PMB 3648, Saipan MP 96950. Numirun Tilifon: (670) 233-5995 osino facsimile gi (670) 233-5996 pat **email: contact@saipanshefa.com.**

Annok I Man Achule yan/pat Man Inafekta na Lai, Regulasion yan Otden Siha: Lain Lokât Saipan 13-21 yan I Areklamento yan Regulasion Siha yan I Otden 1 para I Ayudon Salâpe' Para La'Takhilo Na Edukasion Giya Saipan (SHEFA).

Nina Halom as:


Felicidad T. Ogumoro
Kabiseyan, SHEFA
Direktot Siha gi Kuetpo

12/21/06
Fecha

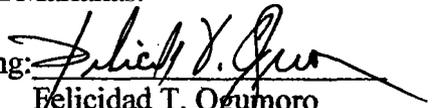
**ARONGOL TOULAP
POMWOL LLIWEL NGÁLI ALLÉGHÚL KKAAL REEL PROGRÓMAAL
IMWAL ABWUNGUBWUNG IYE LLANG MELLÓL SEIPÉL**

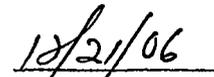
Mwiischil Saipan Higher Education Financial Assistance iye elo faal Bwulasiyool Maghalayil Seipél ekke arongaar toulap igha ebwe fillóoy lliwel kka llól Tálil Seigh (10), Seigh me oloow (16) me Seigh me tiwoow (19) llól allégh kka e lemeli progrómaal SHEFA. Ssiwelil allégh kka ebwe akkaté bwelle bwáng iye aa fféerló mellól Alléghúl Seipél 13-21. Schéschéél, lliwel mel16l allégh kkaal llól Tálil Seigh (10) iye ebwe fféer sefáál me allégh sefáál llól alongal allégh kka eyoor ighila sáangi tálil ye rebwe fil llól Fundool SHEFA. Tálil seigh me oloow (16) iye ebwe affata me ghol fengal aweweel me kkapasal lliwel kkaal mel16l pomwol lliwel kka llól Tálil Seigh me tiwoow (19) ngáli alléghúl SHEFA ikka aa akkatéeló mellól Commonwealth Register llól Volume 27, Numero seigh (10) Sarobwél (November) 25,2005, me fillóoy bwelle alúghúlúghúl (Certification) filló ye aa akkatéeló llól Commonwealth Register ótol Séétá (April) 17, 2006 mel16l Volume 28, Numero faawu (4) llól peigh 25622.

Schóókka re tipeli nge emmwel rebwe amweri fischiy powmol allegh kkaal me atotoolong ischil reel samwool yeel, Saipan Higher Education Financial Assistance Program, P.O 10001, PMB 3648, Seipél MP 96950 me ngáre facsimile reel (670) 233-5996 ngare Email reel: contact@saipanshefa.com llól eliigh (30) ráálil mwiril schagh yaal akkatéeló mel16l Commonwealth Register.

Rállil ye fisuuw (7th) ótol Tumwur (December) 3006, mellól Seipél, Téel Falúw Kka Falúwasch Marianas.

Isáliyallong:


Felicidad T. Ogunoro
Samwoolul, Mwiischil SHEFA

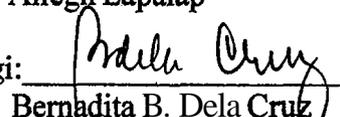

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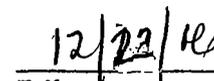
Sáangi allégh ye 1 CMC me 2153, iye aa lliweló mereel Alléghúl Toulap ye 10-50, pomwol alléghul Saipan Higher Education Financial Assistance Program, tilighial ye e appasch nge raa takkal amweri fischiy me allégheló mereel CNMI Bwulasiyool Sów Bwungul Allégh Lapalap.

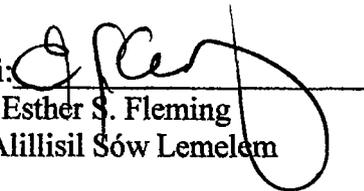
Rállil ye ____ llól ____, 2005

Matthew T. Gregory
Sów Bwungul Allégh Lapalap

Ammwel sáangi:


Bernadita B. Dela Cruz
Commonwealth Registrar


Rál

Mwir sáangi: 
Esther S. Fleming
Sów Alillisil Sów Lemelem

12/27/06
Rál

Alléghúl Seipél

Bwulasiyool Maghalaay mellól Seipél

Pomwol lliwel kkaal ngáli Alléghúl kkaal bwelle Saipan Higher Education Financial Assistance Program (SHEFA)

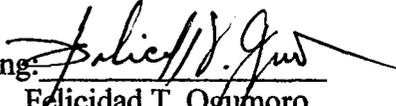
Akkatéél Bwángil: Pomwol alléghúl kkaal ngáli Saipan Higher Education Financial Assistance ekke akkaté bwelle reel Alléghúl SeipCl (SLL) 13-21.

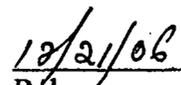
Aweweel pomwol lliwel: Rebwe ayoora alléghúl Seipél ye 13-21 bwelle rebwe fillóoy Tálil Seigh (10), Tálil Seigh me oloow (16) me Tálil Seigh me tiwoow (19) mellól allégh kka eyoor sáangi Saipan Higher Education Financial Assistance (SHEFA).

Eghús aweweel allégh kkaal: Pomwol lliwel kkaal ngáli me allégh kkaal bwelle Tálil seigh ebwe fféér sefáál me allégh sefáál mellól alongal allégh kka re ayoora ighila 116l tálil igha ebwe fillong Alillisil SHEFA. Pomwol lliwel kkaal ngáli tálil seigh me oloow (16) nge ebwe affata me ghol fengal aweweel me kkapasal iye ekke bwáári 116l tálil seigh me tiwoow, bwelle igha pomwol lliwel ye 116l tálil seigh me tiwoow ebwe sóbweey yaal schééli aweweel mellól Alléghúl Toulap ye 13-21 me alléghúl SHEFA ikka ighila.

Reel ammataf **faingi:** Chairperson, Saipan Higher Education Financial Assistance Program, P.O 10001, PMB 3648, Saipan MP 96950, tilifoon: (670) 233-5995 me ngáre facsimile reel (670) 233-5996 me ngáre E-mail: contact@saipanshefa.com

Aweweel akkáaw Allégh: Alléghúl SeipCl 13-21 me Alléghúl SHEFA me mmwal tingóreyal SHEFA.

Isáliyallong: 
Felicidad T. Ogumoro
Samwoolul, SHEFA
Board of Directors


Rál

AMENDMENT TO THE SHEFA REGULATIONS

SECTION TEN

Section Ten of the SHEFA Rules and Regulations is hereby repealed and re-enacted to read as follows: (Amended text is underlined.)

SECTION TEN

~~Eligibility for SHEFA Fund Financial Assistance: All applicants must meet the requirements in section nine and the following additional requirements. A student/applicant must: 1. graduate from high school with a high school diploma or high school equivalent diploma. 2. have cumulative high school grade point average (GPA) of at least 2.5 upon graduation. 3. be accepted or enrolled on fulltime status as determined by the institution (excluding remedial preparatory or non-credit courses) in a US accredited college or university. Exception to fulltime enrollment status of certified disabled applicants will be granted on a case-by-case basis. 4. if awarded financial assistance, must sign a promissory note / memorandum of agreement enabling all financial assistance received from the SHEFA fund subject to debt conversion and debt convertible, and future assistance contingent on funds availability pursuant to law. 5. meet all conditions for continuing assistance from SHEFA as provided in section eleven of these rules and regulations. 6. eligibility for SHEFA assistance for the undergraduate degree is for a maximum of four academic years, with a provision for one additional academic year for specialized majors and / or content area certification by the institution, not including summer for Bachelor's Degree (BA/BS) and two academic years not including summer for an Associate Degree (AA/AS). For a graduate degree (MS/MS) eligibility for assistance is for two academic years not including summer, and for an advanced degree it is for three academic years not including summer, with a provision for one additional academic year for dissertation and defense; medical degree training requirements; or J.D. academic work or related residency training requirement. 7. provide all required documents and documentation of eligibility as provided for in section twelve of these rules and regulations. 8. maintain at least the minimum cumulative grade point average as a condition for continuing assistance pursuant to section eleven herein. 9. no fulltime employee of the CNMI government and / or on education and training leave status is eligible for financial assistance from the SHEFA fund.~~

Eligibility for SHEFA Fund Financial Assistance:

1. All applicants must meet the requirements in Section Nine of these Rules and

Regulations and the following additional requirements:

a. Graduate from high school with a high school diploma or high school equivalent diploma;

- b. Have a cumulative high school grade point average of at least 2.5 upon graduation;
- c. Be accepted to or enrolled on full-time status as required by SHEFA, which does not include a developmental or remedial course(s) or a course taken as non-credit course(s) in a U.S. accredited college or university. [Exception to fulltime enrollment status of certified disabled applicants may be granted on a case-by-case basis.]
- d. If awarded financial assistance, a recipient must sign a promissory note/memorandum of agreement providing that all financial assistance received from the SHEFA fund be subject to debt conversion and debt convertible and that future assistance be contingent on funds availability pursuant to law;
- e. Meet all conditions for continuing assistance from SHEFA as provided in these Rules and Regulations;
- f. Provide all required documents and documentation of eligibility as required by these Rules and Regulations, including but not limited to those specifically identified in Section Twelve of these Rules and Regulations; and
- g. Maintain at least the Minimum Grade Point Average as a condition and prerequisite for continuing assistance. which for Undergraduate students is 2.5 Cumulative GPA; for Performance-Based Scholarshiv students is 3.5 term**; for Graduate and Advanced students is 3.0 Cumulative GPA; for priority field of study is 2.5 Cumulative GPA; and for loan is 2.5 Cumulative GPA.

** Term refers to Fall Term and Spring Term per academic year for applicant or recipient on semester system: Fall Term, Winter Term and Spring Term for applicant or recipient on quarter system; Winter and Spring Term GPA may be combined in computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarshiv for semester term is awarded on the fall and spring semester and fall and spring for the quarter term.

2. Eligibility for SHEFA Fund Financial Assistance shall be limited to the following maximum time periods: Be eligible for financial assistance for the limited times as follows:

a. For an Associate Degree (AA/AS), a maximum of two academic years not including summer;

b. For a Bachelor's Degree (BA/BS), a maximum of four academic years, with a provision for one additional academic year for specialized majors and/or content-area certification by the institution not including summer;

c. For a graduate degree (MA/MS), a maximum of two academic years not including summer for a graduate degree (MA/MS);

d. For an advanced degree, a maximum of three academic years not including summer, with a provision for up to three additional academic years for dissertation writing, dissertation defense, and internship or medical degree training requirements, and up to two years for Jurisprudence work or related residency, internship or related training requirements.

AMENDMENT TO THE SHEFA REGULATIONS

SECTION SIXTEEN

Section Sixteen of the SHEFA Rules and Regulations is hereby amended to read as follows: (Amended text is underlined.)

Promissory Note / Memorandum of Agreement: Form, Repayment Term, Incorporated below is the SHEFA Promissory Note / Memorandum of Agreement stipulating repayment of any type of financial assistance received by the signator(s) of the agreement subject to the conditions herein specified as part of the SHEFA rules and regulations.

As a condition of receiving Saipan Higher Education Financial Assistance, the recipient of any type of financial assistance shall agree in writing to the terms and conditions of such financial assistance and to repay such financial assistance in accordance with Saipan

Local Law No. 13-21 and any amendments thereto and the applicable Rules and Regulations. Said agreement shall be in writing and be in the form approved by the Board and incorporated herein as part of this regulation by reference.

THIS PROMISSORY NOTE/ MEMORANDUM OF AGREEMENT made and entered into this _____ day of _____, 20_____, by and between the Board of **SHEFA** for the Municipality of Saipan within the **Office** of the Mayor of Saipan and _____, and / or with his/her parent, _____, if below **18** years, hereinafter referred to as the "Debtor" at address: _____ (permanent & current postal address) residing in _____ (village) of SAIPAN.

WITNESSETH

WHEREAS, Saipan Local Law (SLL) **13-21** established the Saipan Higher Education Financial Assistance within the Office of the Mayor of Saipan to be governed by the Saipan Higher Education Financial Assistance Board (**SHEFA**);

WHEREAS, the **SHEFA** Board, in administering the **SHEFA fund**, will enter into a legally binding and enforceable Promissory Note / Memorandum of Agreement with a qualified and eligible resident of Saipan together with a parent, if recipient of **SHEFA financial** assistance is below **18** years, prior to the disbursement of any **SHEFA fund**. In entering into a mutually binding promissory note / memorandum of understanding, the **SHEFA** board becomes the "Lender" of record for **SHEFA** fund and the recipient of **SHEFA** financial assistance together with the parent, if recipient is below 18 years, become severally and collectively the "Debtor" of any and all type and amount of **SHEFA** financial assistance received and acknowledged herein pursuant to Section Eight (**8**) of the **SHEFA** rules and regulations including: 1. Grant-in-Aid. 2. Scholarship. and 3. Loan.

WHEREAS, the Saipan Higher Education Financial Assistance (**SHEFA**) is established as a supplementary financial assistance to eligible residents of the Municipality of Saipan, inclusive of the Northern Islands who desire to pursue post-secondary education at a U.S. accredited institution of higher learning on Saipan or abroad on the condition that a recipient of **SHEFA** fund shall return to Saipan pursuant to **SHEFA** rules and regulations for purposes of employment, and to provide services to the private or public sector or both, in recognition of the need for educated citizenry and workforce on Saipan.

NOW, THEREFORE, in consideration of **SHEFA** financial assistance including grant-in-aid, scholarship and loan which recipient / debtor received and acknowledged by signing this promissory note / memorandum of understanding between the Debtor AND the Lender, the Debtor agrees, covenants and represents as follows:

1. The Debtor is admitted to or enrolled in _____ (name of institution), a U.S. accredited post-secondary institution of higher learning in pursuit of a degree in _____ (specify type of degree or certificate, e.g., A.A., B.A., M.A., PH.D., J.D., M.D., etc. and field of study).

2. The Debtor shall utilize all financial assistance for educational expenses directly related or incidental to attendance and continued attendance at ~~said an~~ institution of record and shall take ~~full-time load of credits~~ at least a minimum of 12 credits for undergraduate; 12 credits for graduate; and 12 credits for advanced standing and maintains the minimum or higher grade point average (GPA) in accordance with the SHEFA Rules and Regulations.

3. The Debtor shall complete the required credits at each academic term for the financial assistance received (mark one):

- i. Undergraduate Full-Time: Twelve (12) or more credits
- ii. Graduate Full-Time: ~~Defined by the institution~~
 Twelve (12) or more credits
- iii. Advanced Full-Time: ~~Defined by the institution~~
 Twelve (12) or more credits

4. The Debtor shall maintain at the end of each academic term the required cumulative grade point average and term grade point average as it applies below by marking the appropriate category:

- i. Undergraduate: 2.5 Cumulative GPA ~~Full-Time~~
 Twelve (12) or more credits
- ii. Performance-Based
 Scholarship 3.5 Term ~~**GPA Full-Time~~
 Twelve (12) or more credits

**Term refers to Fall Term and Spring Term per academic year for applicant or recipient on semester system; Fall Term, Winter Term and Spring Term for applicant or recipient on quarter system; Winter and Spring Term GPA may be combined in computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarship for semester term is awarded on the fall and spring semester and fall and spring for quarter term.

- iii. Graduate: 3.0 Cumulative GPA ~~Full-Time~~
 Twelve (12) or more credits
- iv. Advanced: 3.0 Cumulative GPA ~~Full-Time~~
 Twelve (12) or more credits

v. Priority Field of Study: 2.5 Cumulative GPA

vi. Loan Applicant / Recipient: 2.5 Cumulative GPA.

5. The Debtor shall submit a copy of **his/her** official grade report / transcript promptly after the conclusion of each academic term directly **from** the institution to the SHEFA Office. The grade report submittal will determine the eligibility for continued assistance on every subsequent term. ~~At the end of each academic year, however, an official transcript must be sent directly from the school to the SHEFA Office .~~ Within ninety (90) days upon matriculation from the institution of record, the Debtor shall submit a copy of his/her college degree and vroof of employment on Saipan or the Northern Islands. The Debtor also fully understands and agrees to his / her legal obligations pursuant to the exvlicit and implicit terms and conditions set forth in this promissory note / memorandum of agreement.

6. The Debtor **understands, acknowledges and accepts** the ~~following maximum~~ duration of eligibility for financial assistance **from** the SHEFA fund:

- | | | |
|------------------|---|--------------------|
| 2 Academic Years | - | Associate Degree |
| 4 Academic Years | - | Bachelors' Degree* |
| 2 Academic Years | - | Graduate Degree |
| 3 Academic Years | - | Advanced Degree** |

**maximum of five (5) academic years for specialized majors and / or suecialized certification by the institution of higher education of record*

*** maximum of ~~four(4)~~ three (3) academic years not including summer. with a provision for up to three (3) additional academic years for dissertation writing dissertation defense, and internshiu reauirements or medical degree training requirement, or specialized J.D. training requirement and up to two (2) years for Jurisprudence work or related residency, internshiu or related training requirements.*

7. The Debtor hereby declares that **he/she** is not pursuing an academic program that leads to a religious studies degree, and shall not take religion courses not specifically prescribed in the Individualized Degree Plan (IDP).

8. The Debtor shall agree to return to Saipan within three (3) months after the completion of his/her degree plan or termination of or non-enrollment from the institution of record, and provide services by working on Saipan for any employer—whether in the private or public sector or both. The Debtor further agrees to **perform** services in the private or public sector or both on Saipan for a period equal to the period for which the Debtor received financial assistance under Section **8(1)(2)** of these rules and regulations from the Lender. The Debtor agrees to pay back twenty-five (25%) of the total amount of loan received under Section **8(3)** of these rules and regulations and a **minimum** of three (3) years service to either in the private or public sector or both on Saipan. If the recipient of **SHEFA** financial assistance does not return back to Saipan after completion of his/her studies, or non-enrollment from school or termination from the institution of record, he / she must repay the entire debt back on all **SHEFA funds** received under Section **8(1)(2)(3)** of these rules and regulations with interest in accordance with this Promissory Note / Memorandum of Agreement.

9. The Debtor understand and hereby agree that failure to comply with any part of sections 1-8 of this Promissory Note / Memorandum of Agreement and the **SHEFA** rules and regulations will constitute a material breach of the promissory note / memorandum of agreement and a default, and will require the Debtor to pay the entire award received. If such a default occurs, the Debtor must repay their entire debt to the Lender with equal monthly payments within (6) years of the default. The Debtor may repay according to any of the following repayment options as shown below.

Total Debt for repayment	Per Month 12 months	Per Month 24 months	Per Month 36 months	Per Month 48 months	Per Month 60 months	Per Month 72 months
\$1,000 - \$4,999	\$84 - \$417	\$42 - \$209	\$28 - \$139	\$121 - \$104	\$17 - \$84	\$14 - \$70
\$5,000 - \$9,999	\$417 - \$834	\$209 - \$417	\$139 - \$278	\$104 - \$209	\$84 - \$167	\$70 - \$139
\$10,000 - \$14,999	\$834 - \$1,250	\$417 - \$625	\$278 - \$417	\$209 - \$313	\$167 - \$250	\$139 - \$209
\$15,000 - \$19,999	\$1,250 - \$1,667	\$625 - \$834	\$417 - \$556	\$313 - \$417	\$250 - \$334	\$209 - \$278
\$20,000 - \$24,999	\$1,667 - \$2,084	\$834 - \$1,042	\$556 - \$694	\$417 - \$521	\$334 - \$417	\$278 - \$348
\$25,000 - \$29,999	\$2,084 - \$2,500	\$1,042 - \$1,250	\$694 - \$834	\$521 - \$625	\$417 - \$500	\$348 - \$417
\$30,000 - \$34,999	\$2,500 - \$2,917	\$1,250 - \$1,459	\$834 - \$973	\$625 - \$730	\$500 - \$584	\$417 - \$487
\$35,000 - \$40,999	\$2,917 - \$3,334	\$1,459 - \$1,667	\$973 - \$1,111	\$730 - \$834	\$584 - \$667	\$487 - \$556

The Debtor must inform the Lender of which repayment schedule he or she has accepted within thirty (30) days of the default. If the Debtor does not select a repayment schedule within thirty (30) days, the Debtor will be deemed to have selected the "Per Month 72 Months" repayment schedule listed above. The **Debtor(s)**'s first monthly payment shall be due on the **first** of the month following the default, but at least thirty (30) days after the default. All subsequent payments will be due on the first of each following month

until the Debtor repay the entire debt to the Lender. Note: The Debtor may pay the balance in full at any time within the schedule plan.

10. If the Debtor fails to pay any monthly payment, or of any part of any monthly payment, ("Payment Default") then the whole principal sum shall become immediately due and payable at the option of the Lender, without notice, and interest shall accrue at the rate of five percent (5%) per annum on the total **amount outstanding**. Interest shall accrue until Debtor **fully** cures the Payment Default by paying all past due monthly payments and all accrued interest. Payments received shall be applied **first** to the accrued interest and then the balance thereof to the principal.

11. Military Deferral. The time for the Debtor to comply with the requirements of Section 8, above, shall be extended upon request if the Debtor enlist in the armed forces of the United States of America. Specifically, the Debtor's obligation to comply with the requirements of Section 8 shall be deferred, upon request, until the Debtor's service in the **armed** forces ends. The Debtor may take advantage of this deferral for a maximum of three years **after** the termination or completion of **his/her** degree play or non-enrollment **from** an institution of higher education of record. Once the Debtor's service in the armed forces ends or three years passes **from** the termination or completion of **his/her** degree plan or non-enrollment **from** institution of higher education of record, whichever event occurs first, the Debtor shall have to comply with the requirements of Section 8. All deferrals granted under this section are not valid unless approved in writing by SHEFA. The Debtor must renew his or her deferral annually.

12. In the event of commencement of suit to enforce payment of this Promissory Note / Memorandum of Agreement, the undersigned **agree(s)** to pay to the Lender for attorney's fees as the Court in the Commonwealth of the Northern Mariana Islands may deem reasonable.

13. The recipient of **SHEFA financial** assistance together with the parent, if applicant is below 18 years, fully understands and agrees that compliance with the provisions in this Promissory Note / Memorandum of Agreement and all provisions of the **SHEFA** rules and regulations shall constitute a condition for any and all financial assistance herein by **SHEFA** as hereby acknowledged and attested to by both the recipient and parent, if recipient is below 18 years. Moreover, this **agreement** shall authorize **SHEFA** to request and obtain any and all necessary information from other agencies related to the application for financial assistance, and shall **further** authorize the **SHEFA** Office to provide essential information and data such as resume, **diploma** or **degree**, name and contact mailing; or e-mail addresses to **potential employer(s)** on Saivan, including **posting** such information and data on **SHEFA's website** or its **affiliate** on Saivan.

14. The parties agree that the courts of the Commonwealth of the Northern Mariana Islands (Superior Court and Supreme Court) shall have exclusive jurisdiction over any Action involving this Promissory **Note/Memorandum** of Agreement.

This Agreement shall be interpreted using the laws of the Commonwealth of the Northern Mariana Islands.

IN WITNESS WHEREOF, the recipient (Debtor) **and** / or parent, if recipient is below **18** years, have hereunto set his / her or their **hand(s)** on the date first above written.

Print Recipient Name / Signature

Date

Print Parent Name / Signature, if Recipient is below 18 yrs.

Date

NOTARY PUBLIC:

On this ____ **day** _____ of 20____, before me appeared _____ and _____ (recipient parent, if recipient is below **18** years), who executed the agreement contained herein, and duly acknowledge to me that **he/she** and parent, if recipient is below 18 years, executed the same freely and voluntarily for the uses and purposes therein mentioned.

Notary Public (Print & Sign) My Commission expires: _____

For SHEFA:

Chairman, Board of SHEFA

Date

For the Municipality of Saipan:

MAYOR JUAN BORJA TUDELA

Date

AMENDMENT TO THE SHEFA REGULATIONS

SECTION NINETEEN

Section Nineteen of the **SHEFA** Rules and Regulations is hereby amended to read as follows: (Amended text is underlined.)

SECTION NINETEEN

SHEFA Application Form, Terms

1. Incorporated as part of the rules and regulations governing the **SHEFA** financial assistance is the **SHEFA** Application **Form** for both new applicants and on-going applicants. No application, either new or on-going, for **SHEFA** financial assistance, will be received, considered or reviewed by **SHEFA** unless ~~such~~ the application is completed, signed and accompanied by all required documents in support of the application. The required documents include, but not limited to information indicated on the application form and / or by other written directive or public announcement.

2. The words and terms used in these rules and regulations shall have the meanings indicated and shall include the plural unless the context clearly indicates otherwise. The definitions herein provided shall supplement the definitions provided in Saivan Local Law 13-21.

3. "U.S. Accredited Institution of Higher Education/Learning" means

an institution of higher learning which has the approval of the United States Department of Education. Such institution may be located in the United States of America. its commonwealths, possessions or territories or in foreign countries.

4. "Institution of Record" means the U.S. Accredited Institution of Higher Education/Learning from which the SHEFA applicant or recipient is seeking a degree and which the SHEFA applicant or recipient has identified in the application for financial assistance and/or the promissory note and memorandum of agreement between SHEFA and the recipient of financial assistance.

5. "Fulltime Status" means the registration and enrollment at the student's Institution of Record from the beginning and throughout the entire academic period (i.e., semester or quarter term) for which SHEFA financial aid is provided and shall require the following:

a. Undergraduate Degree students: Twelve (12) semester or quarter credits taken

concurrently throughout an entire academic term, i.e., Fall Semester, Fall Quarter, Spring Semester, or Spring or Winter Quarter;

b. Graduate Degree and Advanced Degree students: Twelve (12) semester or quarter credits taken concurrently throughout an entire academic term, i.e., Fall Semester, Fall Quarter, Spring Semester, or Spring or Winter Quarter, unless the student is working on a dissertation, engaged in a mandatory internship required by the program, or engaged in other related required field work or studies outside of a formal didactic setting; and

c. Sequential Class Program: Students enrolled in degree program in a U.S. Accredited Institute of Higher Learning that provides classes on a sequential instead of on a concurrent basis may be considered in fulltime status and be eligible for financial assistance on a pro rata basis depending on the number of credit hours in which the student is enrolled at a given term (i.e., Fall semester/quarter or Winter/Spring semester/quarter).

Provided, however, that no credit shall be counted toward fulltime status for a class from which the student withdraws, for a religion course (unless it is a mandatory prerequisite for a program major field of study or general education requirement), for repetition of a class for which credit has previously been counted: for audit of a class; for a class for which the student receives a grade of incomplete; for a class for which the student receives a failing grade; or for a class unrelated to a declared field of study and not included in the student's individualized degree plan (IDP).

Provided further that, in the event a student does not meet the requirement of full-time status because of withdrawal from a class or because of receiving a grade of incomplete or failing grade, the student shall immediately cure the credit deficiency the following semester by taking and completing sufficient credits to constitute fulltime status plus credits sufficient to make up the credit deficiency during the previous Fall or Spring semester/quarter. A repeat course is in addition to a fulltime status and not counted toward fulltime status.

6. "Cumulative Grade Point Average" ("GPA") means the cumulative made point average at the student's Institute of Record as determined by the student's Institute of Record; and, if the student has not yet attended the student's Institute of Record, then the cumulative grade point average at the U.S. Accredited Institution of Higher Education/Learning last and most recently attended by the student as determined by that institution; and, if the student has not yet attended a U.S. Accredited Institution of Higher Education/Learning, then the cumulative grade point average at the high school from which the student graduated. In other words, Cumulative Grade Point Average means the student's cumulative grade point average at the student's most recent and latest institution of learning, regardless of any grade point average previously attained in any other institute of higher learning.

7. "Minimum Grade Point Average" means the Cumulative or Term Grade Point Average required to be attained prior to receiving Saipan Higher Education Financial Assistance and required to be attained at the end of each academic period for which Saipan Higher Education Financial Assistance has been provided. The Minimum Grade Point Average required is to meet the following:

- a. Undergraduate students: 2.5 Cumulative GPA;
- b. Performance-Based Scholarship students: 3.5 Term* GPA;
- c. Graduate and Advanced students: 3.0 Cumulative GPA;

- d. Priority Field of Study students: 2.5 Cumulative GPA; and
- e. Loan students: 2.5 Cumulative GPA.

* Term refers to Fall Term and Spring Term per academic year for applicant or recipient on semester system; Fall Term, Winter Term and Spring Term for applicant or recipient on quarter system; Winter and Spring Term GPA may be combined in computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarship for semester term is awarded on the fall and spring semester and fall and spring for quarter term.

8. "Residence" means that place where that person has lived on account of birth, parental residence or established (i.e., not casual) physical dwelling on Saipan or the Northern Islands, which that person makes Saipan or the Northern Islands home by a credible and verifiable information or data.

As a legitimate, established and bona fide resident, the individual and / or parent for and on whom the individual is economically dependent for financial support and is in fact claimed by either or both parent(s) as a dependent, regularly files taxes at his/her place of residence: maintains an established street and / or postal address, home telephone number and a Saipan driver's license, including but not limited to, maintaining affiliation with recognized and identifiable professional, religious or fraternal life or association at his/her place of residence and registered to vote and has in fact exercised the right to vote on Saipan or the Northern Islands.

Moreover, residency as operationally applied by SHEFA is a place where a person's presence or residence is well established beyond mere physical presence on Saipan or the Northern Islands. It is not transitory residence in nature, in fact or in deed. A person's presence or residence is not on account of a temporary absence from his/her other established or legitimate residence elsewhere in the Commonwealth or outside of the Commonwealth, either on a short-term or long-term basis, or whose presence on Saipan or the Northern Islands is for other temporary purposes such as private or public employment, school, medical, or other temporary needs, temporary permit or guest or any other acts or intent, where a person's presence or residence on Saipan or the Northern Islands is deemed unequivocal or raises a specter of reasonable doubt and more than a casual presence, and thus makes Saipan or the Northern Islands home.

Also, the person's presence or residence on Saipan or the Northern Islands is not on account of a person for and on whom she is economically dependent on for financial support (i.e., more than half of his/her support from parent(s)) and / or claimed as a dependent on tax filing.

9. "Individualized Degree Plan (I.D.P.)" means a prescribed course of study by major field of study of an institution delineating the core course requirements, electives, field work and thesis or dissertation requirements which leads to a degree within a prescribed timeframe for matriculation.

PUBLIC NOTICE

PROPOSED AMENDMENTS TO PUBLIC SCHOOL SYSTEM POLICIES AND REGULATIONS REGARDING SPECIAL EDUCATION SERVICES, INCLUDING SERVICES TO STUDENTS PLACED BY THEIR PARENTS IN PRIVATE SCHOOLS

The Board of Education (Board) for the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intention to amend PSS policies and regulations regarding special education programs. PSS is repealing Regulation 6260 regarding services to students placed by their parents in private schools and adopting a new policy 6265 regarding instructional materials for print disabilities. Although CNMI law does not require PSS to follow the notice and comment process for changes in policies, PSS includes the changes to policies in this publication to **inform** the public of recent changes in federal law that apply to PSS's Special Education Program. The amendments are noted in the attached.

Statutory Authority: The proposed amendments to PSS policies and 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.

Goals and Objectives:

PSS must revise its policies regulations to comply with the 2004 Reauthorization of the Individuals with Disabilities Education Act (IDEA) and the U.S. Department of Education Regulations promulgated in August 2006. PSS is repealing Regulation 6260 because federal law and PSS's Special Education Procedural Manual govern the services for students eligible for special education placed by their parents in private schools.

Summary of Proposed Amendments: The proposed amendments ensure compliance with federal law and avoid duplication and possible conflict between federal law and local procedure.

Citation of Related and/or Affected Board Regulations:

Policy and Regulation 6260: SPED Services for Students in Private Schools

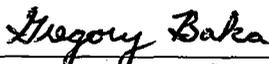
Contact Person: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 664-3727 or fax 664-3711 within thirty (30) calendar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

Dated this 18th day of December 2006, at Saipan, Northern Mariana Islands.

BOARD OF EDUCATION

By: 
ROMAN C. BENAVENTE
Board of Education Chairperson

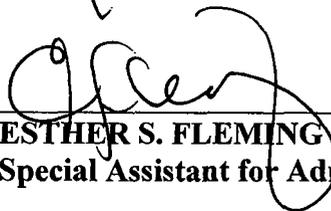
Pursuant to 1 CMC Section 2153, as amended by Public Law 10-50, the proposed amendments to Board of Education regulations, copies of which are attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.


~~Matthew T. Gregory Baka~~
CNMI Attorney General (Acting)

Date: 20 December 2006

Filed By: 
BERNADITA B. DELA CRUZ

Date: 12-20-06

Received By: 
ESTHER S. FLEMING
Special Assistant for Administration

Date: 12-21-06

NOTISIAN PUPBLIKU

MAPROPONE I AMENDASION SIHA PARA I AREKLAMENTO YAN REGULASION SISTEMAN ESKUELAN PUPBLIKU NI TINETEKA I SETBISIUN SPECIAL EDUCATION, A ENKLUSU SETBISIU SIHA PARA I ESTUDIÁNTE NI MAN MAPOLU NI MAÑAINAN NIHA GI ESKUELAN PRIBET SIHA

I Kuetpon I Edukasion para I Commonwealth I Sankattan Siha Na Islas Marianas **manotififika** I publiku **henerát** pot I intension-niha para u ma'amenda I areklamento yan regulasion I Sistemán Eskuelan Publiku **ni** tineteka I Setbisiun **Prográman** Special Education, I Sistemán Eskuelan Publiku a diroroga I Regulasion 6260 **ni** tineteka I setbisiu siha para I **estudiánte** ni man mapolu ni maiianan niha gi eskuelan pribet ya ma'adodopta nuebu na areklamento 6265 **ni** tineteka **matiriát** leksion siha para **disabilidát ma'imprinta**. Entonses I **lai** giya CNMI ti a rekomenda I Sistemán Eskuelan Publiku para u matatiyi **maneran** I notisia yan opinion para u **matulaika** gi areklamento **siha**, I Sistemán Eskuelan Publiku a **enklusu** I **tinilaika** siha **para** I areklamento gi este na **publikasion** para u **infotna** I publiku pot I man nuebu siha na **tinilaika** gi **lai federát** ni a **aplika** I Regulasion Sistemán Eskuelan Publiku yan I **Prográman** special Education gi Sistemán Eskuelan Publiku. I amendasion man manota gi I man che'che'ton siha.

Aturidát I Lai: I man mapropone na amendasion siha para I areklamento yan regulasion siha gi Sistemán Eskuelan Publiku man ma'establesi **sigun** I **aturidát** I Kuetpo ni maprobeniyi **gi** **Atikulu XV** gi CNMI Constitution, Lai Publiku 6-10 yan I Akton Areklamenton **Atministradot** CNMI.

Finiho yan Diniseha:

Debi di I Sistemán Eskuelan Publiku u maribisa I areklamenton regulasion siha ni para u konsiste ni I Akton 2004 Reauthorization pot I **Petsonma** siha ni man gai **Disabilidát (IDEA)** yan Regulasion **Dipáttamenton** Edukasion **Estádus** Unidos ma'establesi gi Agostu 2006. I Sistemán Eskuelan Publiku a diroroga I Regulasion 6260 pot **rason** na I Lai gi **Federát** yan I Lepblon Areklamenton I Special Education gi Sistemán Eskuelan Publiku **magubietna** I setbisiu siha para I **estudiante** ni man **kuálikáo** para special education ya para u fan mapolu ni **mañainan** niha gi eskuelan pribet siha.

Sumária pot I Man Mapropone na Amendasion Siha: I man mapropone na amendasion para u **asigura** na u matatiye' I **lai federát** ya u **suháyi** I duplikasion yan **háfa** para u **kinontra** gi **entalo** I lai gi **federát** yan I areklamenton I **lukát**.

Annok I Man Achule' yan/pat Inafekta Na Regulasion I Kuetpo:

Areklamento yan Regulasion 6260: Setbisiu para **Estudiánte** siha ni man mapolu ni maiianan niha Gi **Eskuelan** Pribet ya man masesetbi ni Setbisiun **Prográman** Special Education

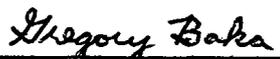
Petsona Ni Para U Ma'ágang: Todu i ~~man~~ enteresao na **petsona siña** ma'eksamina i man mapropone na amendasion yan **regulasion** siha ya hu **fan nahalom tinige'** opinion, pusion, pat **deklarasion** para pat i **kumokontra** i mapropone na **amendasion** siha guatto i Kabiseyon i **Kuetpo**, Kuetpon i **Edukasion**, gi P.O. Box 501370 CK, **Saipan**, MP 96950, ágan i numiru 664-3727 pat **fax** gi 664-3711 gi **halom trenta** (30) **diha** siha gi **kalendário** tinatitiye' i fechan i publikasion gi **Rehistran** i Commonwealth pot este na **amendasion** siha.

Mafecha este gi mina 19th na ha'áne gi **Disembre** 2006, giya Saipan I Sankattan Siha Na Islas ~~Marías~~.

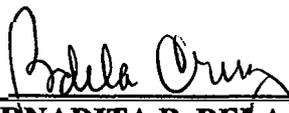
KUETPON I EDUKASION

Ginen as: 
ROMAN C. BENAVENTE
Kabiseyon I Kuetpon Edukasion

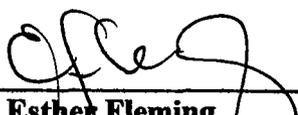
Sigun i Lai 1 CMC Seksiona 2153, ni **inamenda ginen** i Lai **Pupbliku 10-50**, i mapropone na **regulasion** yan **amendasion** ni Kuetpon i Edukasion i kopia siha ni man ch'che'ton este na momento, esta ~~man~~ maribisa yan aprueba pot para u **fortma** yan **ligát** suficiente ginen i Ofisinan i Abugádo Henerát.


~~Matthew F. Gregory Baka~~
Segundon i Abugádo Henerát i CNMI

Fecha: 20 Disembre 2006

Pine'lo as: 
BERNADITA B. DELA CRUZ
Rehistran i Commonwealth

Fecha: 12-20-06

Marisibe' as: 
Esthey Fleming
Espesift Na Ayudante Para I Atministrasion

Fecha: 12-21-06

ARONGORONGOLTOULAP

POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL IMWAL MELEITEY (GAKKO) BWELLE REEL AWEWEEL SPECIAL EDUCATION, E BWAL TOOLONG ALILLISIIR OLIGHÁT KKA RE ATOLONGOOR LLÓL GAKKOOL PRIVATE

Mwiischil Imwal meleitey (Board) mel16l Commonwealth Téel Faléwasch Marianas nge ekke arongaar aramas toulap reel aghiyeghil igha ebwe fillóoy alléghúl me ammwelil PSS bwelle reel progrómaal special education.. PSS nge e féerú sefáli Alléghúl 6260 reer atel meleitey kka ileer me sameer e atolongoor l1ol gakkool private me fillooy allegh kka e ffe 6265 bwelle instructional materials ngaliir ate kka rese bwang. Inaamwo igha alléghúl CNMI ese bwal yááyá ngáli PSS igha rebwe ttabweey ammataf yeel me aweweel mwghutul ye ssiweli allégh kkaal, PSS e bwal ssiweli allégh e akkatéwow reel toulap bwelle ssiwel llól alléghúl federóod iye e ghil ngáli PSS Progrómaal Special Education me alléghúl PSS kaal. Lliwel kkaal nge eyoor 116l schéel tilighi yeel.

Akkatéel Bwángil: Pomwol lliwel ngáli alléghúl PSS me ammwelil e akkaté bwelle bwángil Mwiisch iye e tooto mereel Article XV mellÚl CNMI Allégh Lapalap, Alléghúl Toulap 6-10 me CNMI Administrative Procedure Act.

Aweweel Pomwol Allégh: Alléghúl PSS kkaal nge ebwe fféer sefáal bwelle rebwe tabweey alléghúl aramas kka re semwaayúl iligh 116l 2004 (ADEA) me Alléghúl U.S. Department iye ebwe akkaté ótol Elúyél (August) 2006. PSS nge ebwe féerú sefáal Alléghúl 6260 bweigha alleghul federood me tilighial PSS kkaal iye e lemeli kkapaseer atel meleitey kka rebwe bwughi special services melloi private schools.

Aweweel Pomwol Lliwel: Pomwol lliwel kkaal nge ebwe alúghúlúgh alléghúl federóod me esóbw fféer sefáal me schéschéel fitighoghoor alléghúl federóod me alléghúl faley.

Akkáaw allégh me Alléghúl mwiisch kka weires:

Alléghúl me Ammwelil 6260: Alillisiir atel meleiteyil mel16l Gakkool private

Aramas ye ubwe faingi: Schóókka re tipeli nge emmwel rebwe amweri pomwol lliwel kkaal me ischilong mángemáng, aweewe ngare eyoor aghiyegh reel pomwol kkaal ngáli Samwool, Mwiischil Imwal meleitey. P.O. Box 1370 CK, Seipél, MP 96950, faingi 664-3727 me ngáre fax reel 664-3711 116l eliigh (30) rállil mwiril schagh yaal akkatéeló 116l Commonwealth Register bwelle lliwel kkaal.

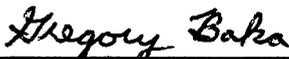
Rááílil ye 19th llól Tumwur (December) 2006, mellól Seipél, Téél Falúw kka Falúwasch.

MWIISCHIL IMWAL MELEITEY

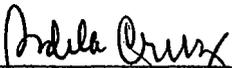
Sáangi: 
ROMAN C. BENAVENTE

Samwoolul Mwiischil Imwal meleitey

Sáangi allégh ye 1 CMC Tálil 2153, iye aa lliweló mereel Alléghúl Toulap 10-50, pomwol lliwel kkaal ngáli alléghúl Mwiischil Imwal meleitey, tilighial ikka e appasch ighila, raa takkal amweri fischiy me aléghélghéló mereel Bwulasiyool Sów Bwungul Allégh Lapalap.


~~Matthew F. Gregory Baka~~
Acting ngáli **CNMI Sów Bwungul Allégh Lapalap**

20 Tumwur 2006
Rál

Ammwel sáangi: 
BERNADITA B. DELA CRUZ

12-20-06
Rál

Mwir sáangi: 
ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

12-21-06
Rál

Instruction

Special Education Services for Students with Disabilities Enrolled in Private Schools

The Public School System (PSS) will ensure that all children with disabilities residing in the CNMI, including those children attending private schools, are identified and evaluated. PSS will follow the child find and evaluation procedures as outlined in its eligibility document to identify and evaluate students enrolled in private schools by their parents. PSS will locate, identify, and evaluate all children ages three (3) to twenty-one (21) with disabilities enrolled by their parents in private schools, including religious schools, who may be eligible for special education and related services.

PSS will offer a free, appropriate public education (FAPE) to all children ages three (3) to twenty-one (21) with disabilities voluntarily enrolled by their parents in private schools, including religious schools who are determined to be eligible for special education and related services. However, pursuant to the Individuals with Disabilities Education Act (IDEA), a child enrolled in a private school by his or her parent has no individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Special education and related services provided to students enrolled in private schools shall be determined in accordance with federal law, state eligibility documents, state performance plans, ~~special and special education procedures and Board Regulation 6250.~~ PSS will consult, in a timely and meaningful way, with private school representatives and representatives of parentally placed private school children with disabilities during the design and development of special education and related services for parentally placed private school children as required by law and set forth in PSS's Special Education Procedure Manual.

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

Instruction

Special Education Services for Students with Disabilities Enrolled in Private Schools

REPEALED IN ITS ENTIRETY. Please refer to applicable law and PSS Special Education Procedural Manual Section 8: "Private School for Parentally Placed Students".

~~(a) — Definitions~~

~~1. Private School Children with Disabilities. As used in this regulation, private school children with disabilities, means children with disabilities voluntarily enrolled by their parents in private schools or facilities.~~

~~2. Private School or Facility. As used in this regulation, private school or facility, means private full-time day school, including religious schools, or any other educational institution program, arrangement, or facility not sponsored, maintained, or managed by the CNMI State Board of Education.~~

~~(b) — Child Find~~

~~1. PSS shall locate, identify, and evaluate all private school children with disabilities including religious school children residing in the CNMI in accordance with 34 CFR §300.125 and 300.220. Child find activities shall ensure equitable participation of children in private school and include consultation with public and private school representatives of children ages three (3) to twenty-one (21) with disabilities regarding how to carry out intervention and referral activities.~~

~~2. PSS shall ensure that materials are distributed to representatives of private school children with disabilities (private school administrators, teachers, parents, and/or students). These materials shall include, but are not limited to, criteria for special education and related services eligibility and special education and related services referral procedures under federal and state laws and regulations.~~

~~(c) — Special Education Referral~~

~~Students shall be referred for special education and related services only after the resources of the general education program have been considered and utilized, when appropriate. If, after considering and utilizing general education resources when appropriate, representatives of private school children with disabilities (private school administrators, teachers, and parents) determine that a private school child may be eligible for special education and related services, a referral shall be directed to the private school child's public school of residence or to the PSS Early Childhood Special Education Program for preschool students.~~

~~(d) — Initial Individual Education Program (IEP) Team Meeting~~

~~1. The school of residence, or the preschool assessment team shall convene the initial IEP team meeting.~~

~~2. If the IEP team determines that a private school child with a disability is eligible for special education and related services, an IEP will be written, making a specific offer of FAPE (free appropriate public education) for the student at a public school site.~~

~~3. If the parent(s) of a private school child with a disability agree with and consent to the IEP developed by the IEP team, the IEP shall be implemented when the student enrolls in public school.~~

~~4. If the parent(s) of a private school child with a disability agree with BUT ~~are~~ — IEP developed by the IEP team, the IEP team shall:~~

~~A. Ask the parents to indicate their agreement with the following statement on the student's Service Plan form: *I have met with the IEP team that has developed an IEP that describes a free and appropriate public education for my child. However, I am electing to enroll my child in a private/home school.*~~

~~B. Develop a Service Plan on the PSS form in accordance with this regulation and special education procedures as well as federal and state laws and regulations.~~

~~(e) — Consultation with representatives of private school children with disabilities.~~

~~1. — PSS shall consult, in a timely and meaningful way, with private school and parent representatives of private school children with disabilities to consider~~

~~A. Which disabling conditions shall be considered;~~

~~B. Which children will receive services;~~

~~C. What services will be provided;~~

~~D. How and where the services will be provided; and~~

~~E. How the services provided will be evaluated.~~

~~2. PSS shall give appropriate representatives of private school children with disabilities a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in this regulation.~~

~~3. The consultation required by paragraph (e)(1) of this regulation shall occur before PSS makes any decision that affects the opportunities of private school children with disabilities to receive special education and related services.~~

~~4. After consultation, PSS shall make the final decisions with respect to the services to be provided to eligible private school children.~~

~~(f) Services provided~~

~~1. No private school child with a disability is entitled to any service or to any amount of a service the child would receive if enrolled in a public school.~~

~~2. Private school children with disabilities may receive a different amount of services than children with disabilities in public schools.~~

~~3. The services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.~~

~~4. Pursuant to federal and state law regulations, PSS shall spend a proportionate share of federal funds to provide special education and related services to private school children with disabilities ages three (3) to twenty one (21) eligible for special education and related services.~~

~~(g) Services Plan~~

~~For each child determined to receive services under paragraph (e) of this regulation, PSS shall:~~

~~1. Initiate and conduct meetings to develop, review, and revise a Services Plan for the child.~~

~~2. Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, PSS shall use other methods to ensure participation by the private school, including individual or conference telephone calls.~~

~~3. The Services Plan must describe the specific special education and related services that PSS will provide to the child. The Services Plan must, to the extent appropriate:~~

~~A. Meet the requirements of 34 CFR §300.347, with respect to the services provided; and~~

~~B. Be developed, reviewed, and revised consistent with 34 CFR §§300.342-300.346.~~

~~(h) Child Count~~

~~1. The PSS shall conduct an annual child count to the number of private school children with disabilities. (34 CFR §300.453(a)).~~

~~2. The PSS shall consult with the representatives of private school children to inform them how the annual count of the number of private school children with disabilities is conducted. (34 CFR §300.451).~~

~~3. The child count shall be conducted for attendance on December 1.~~

~~(i) Dispute Resolution~~

~~1. When FAPE is not at issue, special education due process procedures are not available to parents for resolving concerns about the services provided to private school children with disabilities voluntarily placed by their parents.~~

~~2. PSS is not required to pay for the cost of educating a child with a disability at a private school, including special education and related services, if: (1) PSS made FAPE available to the child, and (2) the parents voluntarily elected to place their child in a private school.~~

~~3. Disputes regarding whether PSS made FAPE available to the child (initial identification location, and evaluation of the parentally placed private school child with a disability) may be resolved pursuant to local policy and procedure and/or by filing a complaint.~~

~~4. Disputes regarding these procedural guidelines regarding children with disabilities enrolled by their parents in private schools may be resolved pursuant to local policy and procedure and/or by filing a complaint.~~

Instruction**Instructional Materials for t Disabilities**

The Public School System (PSS) adopts the National Instructional Materials Accessibility Standard (NIMAS) for the purpose of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register. PSS will coordinate with the National Instructional Materials Access Center as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for the purchase of print instructional materials enters, into a written contract with the publisher of the print materials to:

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

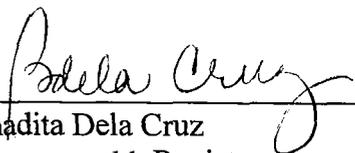
Public Notice
NOTICE AND CERTIFICATION OF ADOPTION OF THE
AMENDED REGULATIONS TO THE
RULES AND REGULATIONS FOR SMILING COVE MARINA

I, Sylvan O. Igisomar, Director of Fish and Wildlife for the Commonwealth of the Northern Mariana Islands, which is promulgating the Amended Regulations to the Rules and Regulations for Smiling Cove Marina, published in the Commonwealth Register, Volume 28, Number 10, at pages 26231 through and including 26255, by signature below, hereby certify that as published such Rules and Regulations are a true, complete, and correct copy of the Rules & Regulations for Smiling Cove Marina previously proposed by the Director of Fish & Wildlife, which after the expiration of appropriate time for public comments have been adopted.

I hereby request and direct that this Public Notice be published in the CNMI Commonwealth Register. Copies of the Amended Regulations are available at the Smiling Cove Marina Office.

I declare under penalty of perjury that the aforementioned rules and regulations are true and correct and that this declaration was executed on the 19th day of December, 2006, Saipan, Commonwealth of the Northern Mariana Islands.


Sylvan O. Igisomar
Director, Division of Fish and Wildlife


Bernadita Dela Cruz
Commonwealth Registrar

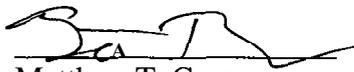
12-19-06
Date

**NOTICE AND CERTIFICATION OF
EMERGENCY AMENDMENTS TO
THE IMMIGRATION REGULATIONS**

I, Matthew T. Gregory, Attorney General, promulgated Emergency Amendments to the Immigration Regulations published in the Commonwealth Register, Volume 28, Number 8, August 24, 2006, at pages 25997 to 26018, which included amendments to Section 706(H) of the Immigration Regulations (Foreign Student Entry Permits), Section 706(J) (Distinguished Merit Entry Permit), and 706(R) (Alien Student Attendance Permit). During the notice and comment period, which has now expired, I received no comments regarding the emergency amendments to Section 706(H) and 706(J), and, therefore, I hereby certify that the amendments to these Regulations, as published in the Commonwealth Register, Volume 28, Number 8, August 24, 2006, at pages 25997 to 26014, and 26018, are a true and correct copy of the Regulations previously proposed, and are now finally adopted without modification. I further request and direct that this Notice and Certification be published in the CNMI Commonwealth Register.

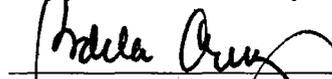
With respect to the emergency amendments to Section 706(R) (Alien Student Attendance Permit) (Commonwealth Register, Volume 28, Number 8, August 24, 2006 at pages 26015 to 26017), I have received comments from the Commissioner of Education that raise important concerns about the Section that we have not yet fully addressed. Accordingly, I am not finally adopting the amendments to Section 706 (R) at this time.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Saipan, Commonwealth of the Northern Mariana Islands on the dates indicated:


Matthew T. Gregory
Attorney General

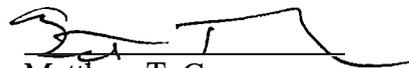
12/5/06
Date

Filed and Recorded By:


Bernadita B. Dela Cruz
Commonwealth Register
Date: 12/5/06

Pursuant to 1 CMC §2153, as amended, the above certification has been reviewed and approved as to form and legal sufficiency by the Office of the Attorney General.

Dated: 12/5/06


Matthew T. Gregory
Attorney General