



American Samoa Compilation of School Discipline Laws and Regulations

Prepared: January 31, 2020

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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American Samoa Codes Cited

American Samoa Revised Laws

Title 13. Health and Economic Welfare Services

Chapter 10. Medicine and Drugs

- 13.1020. Prohibited actions
- 13.1022. Possession of controlled substance unlawful

Title 16. Educational Institutions

Chapter 03. General Provisions

- 16.0301. Standards for schools - Responsibility of Director of Education
- 16.0302. Required attendance at schools
- 16.0303. Responsibility of parents
- 16.0308. Truancy - Investigation - Notice to parents - Penalty

Chapter 05. Public Schools

- 16.0512. Conduct of pupils

Title 46. Criminal Justice

Chapter 33. Defense of Justification

- 46.3311. Use of force by persons with responsibility for care, discipline, or safety of others

Chapter 42. Weapons

- 46.4203. Unlawful use of weapons

American Samoa Regulations

American Samoa Department of Education

These documents were shared via email communication from AS DOE to the NCSSLE on April 8, 2015; a publicly accessible version of this document has not been identified. For more information, contact: <http://www2.ed.gov/about/contacts/state/as.html>. As of January 2020, NCSSLE is requesting for updated handbooks from AS DOE.

Personnel Policy Handbook

- 15. Teaching code of conduct
- 19. Records and reports
- 48. Smoking in public places/workplaces
- 52. Mandated reports on abuse, neglect, and trafficking (of a child or minor)

Student Policy Handbook

- 1. Compulsory attendance
- 9. Truancy
- 13. Dress and appearance
- 20. Student discipline - Cooperation with law enforcement
- 21. Cooperation with police officers

22. Control of dangerous and anti-social behavior - Bullying
23. Searching students
24. Student suspension, exemption, exclusion
25. Suspension, exemption, excluded, or expelled - Definitions
26. Student exclusion from school
27. Attendance - Checking, absences and excuses
30. Student records
31. Maintenance and storage of academic records/documents
33. Social events/class trips
36. Athletic activities - Student safety
37. Freedom of expression - Publications
38. Care of school property
52. Student grievances
54. Safe and drug free policy
55. Use of technology
56. Student transportation

General Provisions

Authority to develop and establish rules of conduct

LAWS

16.0301. Standards for schools - Responsibility of Director of Education.

The Director of Education shall determine for all types of schools efficient and adequate standards for the physical plant, lighting, ventilation, sanitation, safety, equipment and supplies, instruction operation, supervision, recognition and teaching, curriculum, library, maintenance, administration and he may grant certificates of to schools meeting such standards.

REGULATIONS

Student Policy Handbook. Section 13. Dress and appearance.

The Department reserves the right to insist that student dress, personal appearance, and conduct shall be of such character as to not disrupt or detract from the educational environment of the school nor tend to diminish the instructional effectiveness or disciplinary control of the teacher.

Scope

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

Student Policy Handbook. Section 54. Safe and drug free policy.

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities. [...]

Communication of policy

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 13. Dress and appearance.

The Department reserves the right to insist that student dress, personal appearance, and conduct shall be of such character as to not disrupt or detract from the educational environment of the school nor tend to diminish the instructional effectiveness or disciplinary control of the teacher.

4. Information. Handbooks and/or newsletters prepared at each elementary or high school shall express uniformity on specific requirements and exhibitions. Each school will be responsible for inservice activities to acquaint students and staff with the enforcement procedure of those requirements.

Statements shall be included which:

- a. Prohibit wearing transparent, see-through, tank tops, bare midriff, strapless, high slits, mini skirts, or low-cut clothing.
- b. Prohibit wearing cut-offs and other brief attire.
- c. Prohibit the wearing of hats and sun glasses in inappropriate areas such as classrooms and other areas designated by the principal.
- d. Prohibit slogans or advertising on clothing which by their controversial or obscene nature disrupt the educational setting.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

1. Classroom discipline is largely a teacher responsibility and should, in most instances, be handled by the teacher.
2. If the teacher is confronted with a situation so serious that it should be brought to the principal's attention, or is confronted with a situation specified in the department's guidelines as unacceptable behavior, the teacher should refer the students involved to the principal or principal's designee.
3. A written report describing this incident must be sent to the office with the student within 24 hours thereafter. If the teacher desires a student-teacher-administrator conference, the teacher should so indicate in the written report. Every effort should be made to hold such conference immediately following the instructional period to determine the appropriate action.
4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

Alternatives to suspension

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

- D. Probation. A student may be placed on probation with the understanding that he must fulfill certain stipulated conditions agreed to by the student, the parents and the school. Failure to comply with the provisions of the probation may result in final suspension from school.

Use of corporal punishment

LAWS

A.S.C.A. § 46.3311. Use of force by persons with responsibility for care, discipline, or safety of others.

(a) The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and

(1) the actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

(2) the force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme emotional distress. [...]

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

B. Corporal punishment

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

B. Corporal Punishment.

1. Corporal punishment is strictly prohibited in all phases of education.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

K. Search and seizure

Student Policy Handbook. Section 23. Searching students.

Personal search of students will be made with caution and only when there is reasonable suspicion or belief that a student may be jeopardizing the health, safety or welfare of other students and personnel in the school or the welfare of the institution.

The decision to search a student will be made by the school principal or his designated representative. In all instances of search of a student or in the seizure of illegal or dangerous materials from a student, it will

be made in the presence of at least one adult witness. Students will not be allowed to search other students.

Searching Students or Student Lockers. It is legally permissible to search a student's desk or locker at any time, including routine searches, for prohibited items. Searching a student's person is subject to serious legal safeguards and must be approached with care. The following guidelines are generally applicable.

- A. A student may be searched with the student's permission.
- B. A student may be searched for weapons if there is cause to believe student is carrying a weapon. Cause should be defensible in court and should usually be related to a recent disorder involving weapons or to an immediate threat of danger reasonable cause.
- C. School personnel should call for the proper law enforcement agency to assist in dangerous situations.
- D. Students should not be searched by school personnel without permission, for non-threatening items which may pose threats to safety, welfare, health and/or order. If require a search for such items, the student's parents and/or legal guardians or proper law enforcement agency should be called to make the search.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 33. Social events/class trips.

[...] Participation in school authorized social events and class trips is a privilege which may be denied to students who demonstrate a disregard for Department regulations and rules for student conduct.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

- A. Classroom discipline
- B. Corporal punishment
- C. Detaining students
- D. Weapons and dangerous implements
- E. Drugs and alcoholic beverages
- G. Theft and extortion
- H. Destruction of property
- I. Disruption of school
- J. Physical and verbal assault
- K. Search and seizure

Students who violate discipline rules may be subject to suspension, expulsion, or other disciplinary action in accordance with the Territorial statutes. A positive approach to discipline will be practiced whenever possible.

[...] Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

D. Probation. A student may be placed on probation with the understanding that he must fulfill certain stipulated conditions agreed to by the student, the parents and the school. Failure to comply with the provisions of the probation may result in final suspension from school.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for expulsion or other disciplinary action.

Actions taken to control and correct undesirable student behavior should take individual circumstances into account, but must always be most concerned for the safety and educational welfare of all students.

It is the principal's responsibility to take actions as necessary to protect other students and school personnel from dangerous or socially detrimental actions of students. When there is serious doubt, the student should be suspended until the matter is resolved.

The following acts constitute dangerous or anti-social student behavior.

A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

B. Assault on a School Employee. A student shall not intentionally cause or attempt to cause physical injury or intentionally behave in such a way as could reasonably cause physical injury to a school employee.

C. Physical Abuse on Any Person. A student shall not intentionally do serious bodily injury to any person. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.

D. Repeated School Violations. A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals, or other authorized school personnel during any period of time when the student is properly under the authority of school personnel.

F. Theft, Loss, or Destruction of School and/or Private Property. A student shall not intentionally cause or attempt to cause substantial damage or attempt to steal school or private property. Students and their parents shall be held responsible within the limits of the law for restitution for damage to Department property. Parents and students are responsible for instructional supplies and materials loaned to students. Students responsible for minor damage may be dealt with by the principal in the manner judged most suitable, followed by a report to the appropriate Assistant Director. In the event the student or guardian refuses to make the proper restitution voluntarily, a full re-port of the case shall be referred to the appropriate Assistant Director and Deputy Director who shall seek advice and assistance of the Director of Education in making recovery.

I. Disruption of School

1. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.

2. Neither shall a student engage in, nor urge, other students to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process, or function of the school if such a disruption or obstruction is reasonably certain to result from the student's action.

3. While this list is not intended to be "Exclusive", the following acts, when done for the purpose of causing a substantial and material disruption or obstruction of any lawful mission, process, or function of the school, illustrate the kinds of offenses encompassed here:

a. Occupying any school building, school-grounds, or part thereof with intent to deprive others of its use.

b. Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room.

c. Setting fire to or substantially damaging any school building or property.

d. Firing, displaying or threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose.

- e. Preventing of or attempting to prevent by physical act the convening or continued functioning of any school, class, or activity or of any lawful meeting or assembly on the school campus.
- f. Preventing students from attending a class or school activity.
- g. Except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on a school campus.
- h. Continuously and intentionally making noise or acting in any manner so as to interfere seriously with the teacher's ability to conduct class.

Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.

Students enrolled in grades nine through twelve who accumulate more than three unexcused absences or who accumulate more than twenty combined excused and unexcused absences may be excluded from all classes for the remainder of the semester in which these absences occur. No credits will be earned during that semester by any excluded student. Excuses are to be filed in the individual students' personal folders.

Student Policy Handbook. Section 36. Athletic activities - Student safety.

[...] Any student found hurling objects at school buses at any time will be subjected to disciplinary actions and may result in indefinite suspension. [...]

Student Policy Handbook. Section 38. Care of school property.

[...] Students who cause damage to school property shall be subject to disciplinary action, and their parents or guardians shall be held responsible within the limits of the Territorial Statutes for restitution for such damage. [...]

Grounds for mandatory suspension or expulsion

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for expulsion or other disciplinary action.

Actions taken to control and correct undesirable student behavior should take individual circumstances into account, but must always be most concerned for the safety and educational welfare of all students.

It is the principal's responsibility to take actions as necessary to protect other students and school personnel from dangerous or socially detrimental actions of students. When there is serious doubt, the student should be suspended until the matter is resolved.

The following acts constitute dangerous or anti-social student behavior.

- E. Immoral Conduct. Any student who commits or attempts to induce another student to commit an act or acts of immoral conduct that in the principal's judgment may be harmful to others or may bring discredit to the Department shall be suspended until suitable corrective action can be determined. If it appears that the law may have been violated, the student shall be referred to the proper law enforcement agency. After study of the problem, the student shall either be (1) readmitted or (2) continue on suspension with recommendation for further action.

G. Unlawful Drugs/Alcoholic Beverages. Any student who is found to possess, or to have used recently, or to have in any way encouraged the illegal use by another of any alcoholic beverages, narcotics, or drugs shall be suspended until the problem is investigated. If circumstances and/or tangible evidence cause suspicion that an illegal act has been committed, the student shall be referred to the proper law enforcement agency. The suspension shall continue until it has been determined whether the student's attendance is a threat to the welfare of other students, at which time the student shall be either (1) readmitted to regular school pending clearance, or (2) continued on suspension and recommended for expulsion or other action.

H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

Student Policy Handbook. Section 54. Safe and drug free policy.

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities.

[...] Students who engage in these activities prohibited above shall be subject to disciplinary action as defined in the Student Section, Section 23-G, will be suspended and/or expelled from school. Violators will be reported to the Department of Public Safety as required by law and may face prosecution.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

C. Detaining Students. Students are not to be deprived of instructional physical education or of necessary time to eat lunch, either for punishment or for special help. When it is necessary for students to make up time or receive special help, the teacher may request them to report before school in the morning or detain them after school for not more than one hour.

Anticipating the natural concern of parents for immediate student return to home, no student will be detained without prior notification. All students who have bus transportation, regardless of grade level, shall have the privilege of going home the first day to inform parents that they will be detained the following day or days.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

Actions taken to control and correct undesirable student behavior should take individual circumstances into account, but must always be most concerned for the safety and educational welfare of all students.

It is the principal's responsibility to take actions as necessary to protect other students and school personnel from dangerous or socially detrimental actions of students. When there is serious doubt, the student should be suspended until the matter is resolved.

Student Policy Handbook. Section 25. Suspension, exemption, excluded, or expelled - Definitions.

The Department directs that no student be suspended, expelled, exempted, or excluded from school unless such action serves, in the best judgment of appropriate school authority, the welfare of the student or the welfare of other students, the school, or the Department.

Definitions

1. Suspension shall mean the temporary removal of a student from school.
2. Exemption shall mean the release from the legal obligation to attend school by the student's voluntary withdrawal before completion of the secondary program.
3. Exclusion shall mean the temporary termination of enrollment because of reasons or conditions such that the student's continued enrollment would be detrimental to the student, to other students, or to the educational program.
4. Expulsion shall mean the termination of enrollment as the result of behavior so serious that future attendance in the regular schools is not contemplated.

Student Policy Handbook. Section 26. Student exclusion from school.

School expulsion can only be authorized by the Director of Education on the recommendation of the school principal and the Assistant Director of the Elementary or Secondary Division. Recommendations shall include sufficient documentation requesting the action.

- a. Review of Expulsion: Upon written request of the parent(s) or guardian(s), the administration will review any expulsion case in accordance with guidelines and limitations specified in approved administrative regulations and procedures. If action by the Director seems advisable, a recommendation will be made based on the findings of the review.
- b. Procedures shall be developed governing student dismissal and must comply with appropriate due process requirements and Territorial Statutes.

Administrative procedures related to suspension and expulsion

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

The Department will cooperate with other agencies whose objectives are to promote the mental and physical well-being of youths.

As permitted by law, appropriate information shall be furnished to law enforcement agencies and cooperation given in apprehending law violators. The Department assumes the responsibility for the supervision of children while in school or engaged in school sponsored activities, but will not supervise youth activities not sponsored by the schools. Appropriate action for those students who deviate from expected and desired behavior will be provided.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

- A. Classroom discipline
- B. Corporal punishment
- C. Detaining students
- D. Weapons and dangerous implements
- E. Drugs and alcoholic beverages
- G. Theft and extortion
- H. Destruction of property
- I. Disruption of school
- J. Physical and verbal assault
- K. Search and seizure

Students who violate discipline rules may be subject to suspension, expulsion, or other disciplinary action in accordance with the Territorial statutes. A positive approach to discipline will be practiced whenever possible.

The philosophy adopted by the Department encourages positive thinking in connection with students. It is believed that most children respond to love, respect, and just treatment. It is believed, however, that discipline is some-times necessary for misconduct and can be of value in building character, but unjust punishment of the innocent and/or guilty is not tolerated.

The Department has established the following regulations and procedures to provide for disciplinary measures within the schools in compliance with the Territorial statutes.

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

1. Classroom discipline is largely a teacher responsibility and should, in most instances, be handled by the teacher.
2. If the teacher is confronted with a situation so serious that it should be brought to the principal's attention, or is confronted with a situation specified in the department's guidelines as unacceptable behavior, the teacher should refer the students involved to the principal or principal's designee.
3. A written report describing this incident must be sent to the office with the student within 24 hours thereafter. If the teacher desires a student-teacher-administrator conference, the teacher should so indicate in the written report. Every effort should be made to hold such conference immediately following the instructional period to determine the appropriate action.

4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

B. Corporal Punishment.

1. Corporal punishment is strictly prohibited in all phases of education.

C. Detaining Students. Students are not to be deprived of instructional physical education or of necessary time to eat lunch, either for punishment or for special help. When it is necessary for students to make up time or receive special help, the teacher may request them to report before school in the morning or detain them after school for not more than one hour.

Anticipating the natural concern of parents for immediate student return to home, no student will be detained without prior notification. All students who have bus transportation, regardless of grade level, shall have the privilege of going home the first day to inform parents that they will be detained the following day or days.

D. Probation. A student may be placed on probation with the understanding that he must fulfill certain stipulated conditions agreed to by the student, the parents and the school. Failure to comply with the provisions of the probation may result in final suspension from school.

E. Court Referrals. A student who has committed an act in violation of the law should be referred to law enforcement or legal authorities for disposition of the case.

Student Policy Handbook. Section 24. Student suspension, exemption, exclusion.

The school administration has the final discretionary authority to suspend, exempt, and/or exclude students within the detailed provisions of Territorial Statutes and local administrative regulations and procedures.

Student Policy Handbook. Section 25. Suspension, exemption, excluded, or expelled - Definitions.

The Department directs that no student be suspended, expelled, exempted, or excluded from school unless such action serves, in the best judgment of appropriate school authority, the welfare of the student or the welfare of other students, the school, or the Department.

Definitions

1. Suspension shall mean the temporary removal of a student from school.
2. Exemption shall mean the release from the legal obligation to attend school by the student's voluntary withdrawal before completion of the secondary program.
3. Exclusion shall mean the temporary termination of enrollment because of reasons or conditions such that the student's continued enrollment would be detrimental to the student, to other students, or to the educational program.
4. Expulsion shall mean the termination of enrollment as the result of behavior so serious that future attendance in the regular schools is not contemplated.

Student Policy Handbook. Section 26. Student exclusion from school.

School expulsion can only be authorized by the Director of Education on the recommendation of the school principal and the Assistant Director of the Elementary or Secondary Division. Recommendations shall include sufficient documentation requesting the action.

- a. Review of Expulsion: Upon written request of the parent(s) or guardian(s), the administration will review any expulsion case in accordance with guidelines and limitations specified in approved administrative regulations and procedures. If action by the Director seems advisable, a recommendation will be made based on the findings of the review.

b. Procedures shall be developed governing student dismissal and must comply with appropriate due process requirements and Territorial Statutes.

Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.

The Department requires that students enrolled in schools attend school regularly in accordance with the Territorial statutes. It is the position of the Department that the educational experiences lost during an absence from school are irretrievable as the interaction in the classroom setting can seldom be duplicated through makeup work.

Students who have been absent three (3) or more consecutive school days shall be required to present to the school a written statement signed by the parent, legal guardian, or physician listing the reason for the absence. The determination of whether an absence will be excused or unexcused will be made by the principal.

Students enrolled in grades nine through twelve who accumulate more than three unexcused absences or who accumulate more than twenty combined excused and unexcused absences may be excluded from all classes for the remainder of the semester in which these absences occur. No credits will be earned during that semester by any excluded student. Excuses are to be filed in the individual students' personal folders.

I. Hearing Process

To guarantee due process, any secondary student who has been absent more than the allowable number of times (excused or unexcused absences) will be notified by the school. The parent or legal guardian of the student will then be notified of pending exclusion proceedings.

If the parent, legal guardian or student has reason to believe that there is an error in the attendance record or extenuating circumstances exist, a hearing may be requested. Such a request must be initiated by the parent, student, or legal guardian within two school days after notification. The hearing will be conducted by a review panel established within each school and composed of a principal (designee) and school instructor(s).

The student, parent or legal guardian may appear before the review panel and shall have the right to be represented by an attorney. During the hearing process, the instructors record book shall serve as the legal document of reference and will be used exclusively for determining both excused and unexcused absences.

This review panel shall have the authority to recommend to the Principal that the attendance record of the student be corrected or that the student not be excluded from school. The final determination in all hearing proceedings, rests with the secondary school principal.

J. Makeup Work.

After any absence, a student shall be required to initiate contact with school instructors to obtain appropriate makeup, work within two school days the absence. Teachers may use their discretion in providing makeup work for students who unexcused absence or who are truant. Once the contact has been made with the instructor(s), specific time interval allowed for homework completion will be determined by the instructor(s) directly following.

Student Policy Handbook. Section 52. Student grievances.

A grievance procedure shall be established by the Division of Student Information Systems & Services to offer recourse to students on matters that are not satisfactorily resolved at the school level. Examples shall include but not limited to grades, suspension, etc.

In-school suspension

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

A.S.C.A. § 46.3311. Use of force by persons with responsibility for care, discipline, or safety of others.

(a) The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and

(1) the actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and

(2) the force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme emotional distress. [...]

REGULATIONS

No relevant regulations found.

Alternative placements

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Guns-Free Schools Act)

LAWS

A.S.C.A. § 46.4203. Unlawful use of weapons.

- (a) A person commits the crime of unlawful use of weapons if he knowingly:
- (1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
 - (2) sets a spring gun;
 - (3) discharges or shoots a firearm into an inhabitable structure, boat, aircraft, vehicle, or any building or structure used for the assembling of people;
 - (4) aims a firearm or projectile weapon at another person in an angry or threatening manner, or possesses a knife, firearm, blackjack, or any other weapon readily capable of lethal use with purpose to unlawfully use the weapon against another person;
 - (5) possesses or discharges a firearm or projectile weapon while intoxicated;
 - (6) discharges a firearm within 100 yards of any occupied school house, courthouse, or church building;
 - (7) discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any out-building; or
 - (8) carries a knife, firearm, blackjack, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election district on any election day, or into any building owned or occupied by any agency of the federal government, territorial government, or political subdivision of them, or into any public assemblage of persons met for any lawful purpose.
- (b) Exemptions.
- (1) Paragraphs (a) (1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:
 - (A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;
 - (B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;
 - (C) members of the armed forces while performing their official duty.
 - (2) Paragraph (a) (1) does not apply when the actor is transporting the weapons in a nonfunctioning state or when not readily accessible.
- (c) The defendant has the burden of injecting the issue of an exemption under subsection (b).
- (d) Unlawful use of weapons is a class D felony unless committed under paragraph (a) (5), (6), (7) or (8), then it is a class B misdemeanor.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

- H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

Other weapons

LAWS

A.S.C.A. § 46.4203. Unlawful use of weapons.

(a) A person commits the crime of unlawful use of weapons if he knowingly:

- (1) carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
- (2) sets a spring gun;
- (3) discharges or shoots a firearm into an inhabitable structure, boat, aircraft, vehicle, or any building or structure used for the assembling of people;
- (4) aims a firearm or projectile weapon at another person in an angry or threatening manner, or possesses a knife, firearm, blackjack, or any other weapon readily capable of lethal use with purpose to unlawfully use the weapon against another person;
- (5) possesses or discharges a firearm or projectile weapon while intoxicated;
- (6) discharges a firearm within 100 yards of any occupied school house, courthouse, or church building;
- (7) discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any out-building; or
- (8) carries a knife, firearm, blackjack, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election district on any election day, or into any building owned or occupied by any agency of the federal government, territorial government, or political subdivision of them, or into any public assemblage of persons met for any lawful purpose.

(b) Exemptions.

- (1) Paragraphs (a) (1), (3), (4), (6), (7) and (8) do not apply to or affect any of the following:
 - (A) peace officers, or any person summoned by these officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer;
 - (B) wardens, superintendents and keepers of prisons, jails and other institutions for the detention of persons accused or convicted of crime;
 - (C) members of the armed forces while performing their official duty.

(2) Paragraph (a) (1) does not apply when the actor is transporting the weapons in a nonfunctioning state or when not readily accessible.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(d) Unlawful use of weapons is a class D felony unless committed under paragraph (a) (5), (6), (7) or (8), then it is a class B misdemeanor.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

D. Weapons and dangerous implements

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

Students with chronic disciplinary issues

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

D. Repeated School Violations. A student shall not repeatedly fail to comply with directions of teachers, student teachers, substitute teachers, teacher aides, principals, or other authorized school personnel during any period of time when the student is properly under the authority of school personnel.

Attendance and truancy

LAWS

A.S.C.A. § 16.0302. Required attendance at schools.

Attendance at a public or private school shall be required of all children between 5 and 18 years of age inclusive, unless excused or excluded for good reason by the Director of Education.

A.S.C.A. § 16.0303. Responsibility of parents.

(a) Any adult person having the direct supervision of a child for school purposes shall be regarded as the parent of the child, whether the natural parent or parent by adoption, or guardian or custodian, legal or otherwise.

(b) A parent is responsible for the regular attendance of his child during the period of legal school age.

A.S.C.A. § 16.0308. Truancy - Investigation - Notice to parents - Penalty.

(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.

(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.

(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.

(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than \$15, or confined in prison for not more than 1 month, or both.

REGULATIONS

Student Policy Handbook. Section 1. Compulsory attendance.

Students are required to attend school through the age of eighteen or have successfully completed and graduated from the secondary education program. Special provisions shall be provided for disabled or challenged students from 3 to 21 years of age by the Special Education Division.

Student Policy Handbook. Section 9. Truancy.

Territorial law mandates compulsory education for all children ages 5 to 18 inclusively, or from ECE through Grade 12, unless excused or excluded for good reason by the Director of Education. Non-attendance at the schools without legitimate reason constitutes truancy. Students suspected of being truant are to be referred to the School Principal for appropriate action. The current truancy law provides for prosecution of negligent parents/legal guardians.

Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.

The Department requires that students enrolled in schools attend school regularly in accordance with the Territorial statutes. It is the position of the Department that the educational experiences lost during an absence from school are irretrievable as the interaction in the classroom setting can seldom be duplicated through makeup work.

Students who have been absent three (3) or more consecutive school days shall be required to present to the school a written statement signed by the parent, legal guardian, or physician listing the reason for the

absence. The determination of whether an absence will be excused or unexcused will be made by the principal.

Students enrolled in grades nine through twelve who accumulate more than three unexcused absences or who accumulate more than twenty combined excused and unexcused absences may be excluded from all classes for the remainder of the semester in which these absences occur. No credits will be earned during that semester by any excluded student. Excuses are to be filed in the individual students' personal folders.

A. Attendance-Checking.

Attendance shall be checked carefully in accordance with individual school practices. Students not accounted for shall be reported to the Principal so that a check can be made as to their whereabouts.

Teachers must take daily attendance in their own classes and home-rooms. This is one responsibility that must not be delegated to a student.

With the availability of today's technology, teachers are now required to enter student attendance into the Student Management System (SMS) the first 10 minutes of class. [Teachers who have self-contained classrooms are to take daily attendance before instruction.]

B. Cause of Absence.

Each school will include specific directions in the student handbook and/or procedures relative to the manner in which students will be readmitted to class subsequent to an absence. In all cases, schools will insist upon parental confirmation of the reason for absence and/or tardiness.

C. Classification of Absences.

The determination of the proper classification requires the exercise of judgment on the part of the teacher or principal. To support this judgment, the student or parent may be required to furnish reasonable evidence of the cause of absence. For example, although a statement of illness is ordinarily accepted, the statement may be challenged for good reason and the parent is required to obtain a statement from a physician.

To insure uniformity in practice, the following classifications of absences shall be used:

1. Excused Absence for causes over which the student and parent had no control and absences for causes which are acceptable in the estimation of the principal.
2. Unexcused Absence for educationally unacceptable causes, or absence for which the reason has not been determined or verified.
3. Truant-Absence resulting from parent's failure or refusal to require a student's attendance for educationally unacceptable reasons; the student's failure or refusal to attend school when so directed by the parent or school official; or the student's absence without official permission from school or class after arriving at school.

D. Responsibility for Work Missed During Absences.

Teachers shall provide an opportunity for student's makeup work missed because of an excused absence, and students shall be held accountable for the work.

Teachers may use their discretion in providing makeup work for students who have an unexcused absence or who are truant.

The makeup work must be completed within a reasonable length of time. It should be communicated to students that classroom participation is an integral part of their total evaluation and will have a direct bearing on grades.

The primary aim of attendance enforcement is to identify the cause of student absence and through the capacities of the principal, the Department or community agencies, remove the cause of absence so that the student may benefit from the educational opportunities afforded the student.

The Division of Instructional Services is responsible for developing and implementing procedures for attendance enforcement and will specify these procedures in the student and teachers' Manual.

E. Attendance Enforcement for Secondary Schools.

Attendance enforcement is a shared responsibility. The parent, legal guardian, or other person in the Territory having control or charge of any student shall require to send the student to school during all times the public school is in session.

Schools are responsible for maintaining accurate attendance records for each student enrolled. Schools are responsible for notifying the student, parent, or legal guardian of absences that have occurred.

Limitations of Absences

A student will be considered absent when that student is not present for all or any part of a regular school day. For all students in grades nine through twelve, the number of absences shall be limited to three (3) per semester. The number of approved prearranged absences shall be limited to five (5) days per semester. The total number of excused, prearranged, and unexcused absences shall be limited to twenty per semester.

F. Classification of Excuses.

1. Excused absence, as defined by this regulation shall include an absence caused by illness or medical appointments, a death in the immediate family, mandated court appearances, religious holidays, or an emergency outside the control of the student or student's family. Such excuses are subject to the approval of the principal.
2. Prearranged-Approved prearranged absences shall be limited to no more than five school days per semester.
3. Unexcused-Absences for reasons other than those listed above will be classified as unexcused. Examples of unexcused absences include, but are not limited to: class cuts, babysitting personal business, activities while securing a health card, student job hunting or vehicle breakdown.
4. Absences of students who miss class or classes participating in a school-sanctioned activity or while on suspension will not be included in either the excused or unexcused absence totals.

G. Communication from Parents.

Within two school days after any absence, a student shall be required to present to the school a written statement signed by the parent, legal guardian, or physician who lists the reason for the absence. Non-compliance will result in the absence being considered unexcused.

H. Student Exclusion and Communication to Parents.

When a student has been absent the maximum number of times during a semester, the student may be excluded from attendance for the remainder of that school semester and no academic credit may be earned during this time period.

Prior to exclusion, either for excused or unexcused absences, the parent, legal guardian, and student will be notified, in writing, of the attendance record through notices mailed to the recorded residence of the student. These notices will be mailed after the second and fifth unexcused absences. Notices for all other absences will be mailed after the fifth, ninth, fifteenth, and eighteenth total absences.

Schools are required to conduct parent conferences whenever excessive absenteeism is identified. A parent conference must be scheduled after the third absence.

I. Hearing Process

To guarantee due process, any secondary student who has been absent more than the allowable number of times (excused or unexcused absences) will be notified by the school. The parent or legal guardian of the student will then be notified of pending exclusion proceedings.

If the parent, legal guardian or student has reason to believe that there is an error in the attendance record or extenuating circumstances exist, a hearing may be requested. Such a request must be initiated by the parent, student, or legal guardian within two school days after notification. The hearing will be conducted by a review panel established within each school and composed of a principal (designee) and school instructor(s).

The student, parent or legal guardian may appear before the review panel and shall have the right to be represented by an attorney. During the hearing process, the instructor's record book shall serve as the legal document of reference and will be used exclusively for determining both excused and unexcused absences.

This review panel shall have the authority to recommend to the Principal that the attendance record of the student be corrected or that the student not be excluded from school. The final determination in all hearing proceedings, rests with the secondary school principal.

J. Makeup Work.

After any absence, a student shall be required to initiate contact with school instructors to obtain appropriate makeup, work within two school days of the absence. Teachers may use their discretion in providing makeup work for students who have unexcused absence or who are truant. Once the contact has been made with the instructor(s), specific time interval allowed for homework completion will be determined by the instructor(s) directly following.

Substance use

LAWS

A.S.C.A. § 13.1020. Prohibited actions.

[...] (c) Any person who violates this section by delivering, dispensing, distributing, producing, manufacturing or who attempts to deliver, dispense, distribute, produce, or manufacture a controlled substance in any school or on any school campus in the Territory is guilty of a crime and upon conviction shall be imprisoned for a mandatory term of 10 years without the possibility of parole, and fined \$10,000.00.

A.S.C.A. § 13.1022. Possession of controlled substance unlawful.

(a) Except as authorized by the director, it is unlawful for a person to possess a controlled substance.

(b) A person who violates this section is guilty of a felony and shall be punished as follows:

(1) for a first offense, a fine not less than \$5,000 and not more than \$20,000 or not less than 5 years and not more than 10 years in prison, or both;

(2) for a second offense, a fine not less than \$20,000 and not more than \$30,000 or not less than 10 years and not more than 20 years in prison, or both; and

(3) for a third offense, a fine not less than \$30,000 and not more than \$40,000 or not less than 15 years and not more than 30 years in prison, or both;

There shall be no parole for a conviction under this section.

(c) The above penalties are mandatory.

REGULATIONS

Personnel Policy Handbook. Section 48. Smoking in public places/workplaces.

It is against the law to smoke in public places and in places of employment. Smoking is therefore prohibited in all school facilities, campuses, and places of employment.

This communication shall be communicated to all departmental employees and all its prospective employees upon their application for employment.

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Regulations and procedures should provide strong and direct support to teachers and administrators in such topics as:

- E. Drugs and alcoholic beverages

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

- G. Unlawful Drugs/Alcoholic Beverages. Any student who is found to possess, or to have used recently, or to have in any way encouraged the illegal use by another of any alcoholic beverages, narcotics, or drugs shall be suspended until the problem is investigated. If circumstances and/or tangible evidence cause suspicion that an illegal act has been committed, the student shall be referred to the proper law enforcement agency. The suspension shall continue until it has been determined whether the students' attendance is a threat to the welfare of other students, at which time the student shall be either (1) readmitted to regular school pending clearance, or (2) continued on suspension and recommended for expulsion or other action.

Student Policy Handbook. Section 54. Safe and drug free policy.

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities.

Any student found in violation of the compliance code on the use of alcohol and/or illegal drugs any time on school campus or while participating in school sponsored activities will be required to do the following:

- A. Attend a parental/guardian conference with school authorities
- B. Receive available school counseling services;
- C. Enroll in rehabilitation programs and services offered by other government agencies.

Students who engage in these activities prohibited above shall be subject to disciplinary action as defined in the Student Section, Section 23-G, will be suspended and/or expelled from school. Violators will be reported to the Department of Public Safety as required by law and may face prosecution.

Bullying, harassment, or hazing

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

Student Policy Handbook. Section 55. Use of technology.

Acceptable Use of Information Technology: By accessing ASDOE's Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition, ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

3. Technology products, devices, services and use shall conform to ASDOE policies/directives.

e) Students must be instructed on appropriate behavior when utilizing the ASDOE technology resources, especially online or web content. Instructions for appropriate use of social networking websites, chat rooms, cyberbullying awareness and response must be included in the instruction to students.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, embarrassing pictures, videos, websites, or fake profiles. Messages and images can be posted anonymously and distributed quickly to a wide audience through the social media.

Students are to refrain from such actions and behaviors. Should cyberbullying happens, it is important to document and report the behavior/student so it can be addressed.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 13. Dress and appearance.

The Department reserves the right to insist that student dress, personal appearance, and conduct shall be of such character as to not disrupt or detract from the educational environment of the school nor tend to diminish the instructional effectiveness or disciplinary control of the teacher.

A. School Uniform. All students in the public elementary and secondary schools in American Samoa shall be encouraged, but not forced, to wear school uniforms. The involvement of students, parents, teachers and administrators in choosing the uniform is highly desirable. Care should be taken to assure that the uniform chosen is not prohibitive in cost.

1. Community Standards. The DOE reserves the right to insist that the dress and grooming of students is within the limits of generally accepted community standards and that students shall be required to show proper attention to personal cleanliness.

2. Educational Environment. Students' dress, personal appearance and conduct are required to be of such character as not to disrupt or detract from the educational environment of the school. Any style which tends to diminish instructional effectiveness or discipline control by teachers is not acceptable.
3. Responsibility. School administrators and Territorial Parent Council shall determine which types of dress or appearance disrupt or detract from the educational and cultural expectation of the Department.
4. Information. Handbooks and/or newsletters prepared at each elementary or high school shall express uniformity on specific requirements and exhibitions. Each school will be responsible for inservice activities to acquaint students and staff with the enforcement procedure of those requirements. Statements shall be included which:
 - a. Prohibit wearing transparent, see-through, tank tops, bare midriff, strapless, high slits, mini skirts, or low-cut clothing.
 - b. Prohibit wearing cut-offs and other brief attire.
 - c. Prohibit the wearing of hats and sun glasses in inappropriate areas such as classrooms and other areas designated by the principal.
 - d. Prohibit slogans or advertising on clothing which by their controversial or obscene nature disrupt the educational setting.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

- B. Assault on a School Employee. A student shall not intentionally cause or attempt to cause physical injury or intentionally behave in such a way as could reasonably cause physical injury to a school employee.
- C. Physical Abuse on Any Person. A student shall not intentionally do serious bodily injury to any person. Neither self-defense nor action undertaken on the reasonable belief that it was necessary to protect some other person is to be considered an intentional act under this rule.
- E. Immoral Conduct. Any student who commits or attempts to induce another student to commit an act or acts of immoral conduct that in the principal's judgment may be harmful to others or may bring discredit to the Department shall be suspended until suitable corrective action can be determined. If it appears that the law may have been violated, the student shall be referred to the proper law enforcement agency. After study of the problem, the student shall either be (1) readmitted or (2) continue on suspension with recommendation for further action.
- F. Theft, Loss, or Destruction of School and/or Private Property. A student shall not intentionally cause or attempt to cause substantial damage or attempt to steal school or private property. Students and their parents shall be held responsible within the limits of the law for restitution for damage to Department property. Parents and students are responsible for instructional supplies and materials loaned to students. Students responsible for minor damage may be dealt with by the principal in the manner judged most suitable, followed by a report to the appropriate Assistant Director. In the event the student or guardian refuses to make the proper restitution voluntarily, a full re-port of the case shall be referred to the appropriate Assistant Director and Deputy Director who shall seek advice and assistance of the Director of Education in making recovery.
- I. Disruption of School
 1. A student shall not by use of violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct intentionally cause the substantial and material disruption or obstruction of any lawful mission, process, or function of the school.

2. Neither shall a student engage in, nor urge, other students to engage in such conduct for the purpose of causing the substantial and material disruption or obstruction of any lawful mission, process, or function of the school if such a disruption or obstruction is reasonably certain to result from the student's action.
3. While this list is not intended to be "Exclusive", the following acts, when done for the purpose of causing a substantial and material disruption or obstruction of any lawful mission, process, or function of the school, illustrate the kinds of offenses encompassed here:
 - a. Occupying any school building, school-grounds, or part thereof with intent to deprive others of its use.
 - b. Blocking the entrance or exit of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of, the building or corridor or room.
 - c. Setting fire to or substantially damaging any school building or property.
 - d. Firing, displaying or threatening use of firearms, explosives or other weapons on the school premises for any unlawful purpose.
 - e. Preventing of or attempting to prevent by physical act the convening or continued functioning of any school, class, or activity or of any lawful meeting or assembly on the school campus.
 - f. Preventing students from attending a class or school activity.
 - g. Except under the direct instruction of the principal, blocking normal pedestrian or vehicular traffic on a school campus.
 - h. Continuously and intentionally making noise or acting in any manner so as to interfere seriously with the teacher's ability to conduct class.

Student Policy Handbook. Section 33. Social events/class trips.

The Department recognizes the value of social events and class trips in enhancing and enriching school experiences for students of the Territory. The Department shall therefore make school facilities available and provide appropriate staff for the conduct of such events or trips which have appropriate administrative authorization. The Department shall not be responsible for any unauthorized event or trip.

As voluntary participants in school authorized social events and class trips, students shall comply with established Department regulations and rules for student conduct. For all class trips conducted off campus, students must have a signed note from parents authorizing students to participate. Students who do not comply with these rules and regulations shall be subject to disciplinary action. Participation in school authorized social events and class trips is a privilege which may be denied to students who demonstrate a disregard for Department regulations and rules for student conduct.

A. Elementary Schools. In observance of the following recognized special days, teachers and classes may prepare and carry out suitable educational activities. It is expected that these special day activities will function as educational projects, and that these activities will not exceed one hour of instruction. Activities are appropriate in all grades, kindergarten through eight for Halloween, Thanksgiving, Christmas, Valentine's Day, Samoan Day Festivities, Easter, and May Day.

B. Secondary Schools. Using the following guidelines, each secondary school principal will develop rules and regulations for scheduling social events in the school:

1. The principal must approve all social activities organized and sanctioned by the school.
2. All social activities sponsored by school organizations must be adequately chaperoned.
3. Social events will generally end at 11:00 p.m. but must never be scheduled to cause a curfew conflict for students.

4. Social activities should normally be held on school property. If a social event is scheduled at a non-school facility, additional safeguards of supervision by staff and parents, and control should be exerted.

C. Non-DOE sponsored Activities. Some activities take place involving student groups who are neither sponsored nor sanctioned by the Department are not authorized on school grounds without prior approval. When the school is aware of the development of plans of this nature, the administration should take immediate action to communicate to parents that the activity is not a part of a school program.

Student Policy Handbook. Section 36. Athletic activities - Student safety.

[...] Administrators, Coaches, and Referees/Umpires will ensure student safety is at the forefront of any games-during and after. To further ensure student safety, it is imperative the following measures are taken:

5. Students riding the school bus must refrain from excessive noise, sticking body limbs or objects out the school bus windows.

Administrator(s) boarding the school bus is/are responsible for student safety along with the School Bus Driver.

Any altercations occurring during or after the games must be reported to the proper school authorities immediately. A written report must be filed with the school principal with copies submitted to the respective school leaders within 24 hours.

Any student found hurling objects at school buses at any time will be subjected to disciplinary actions and may result in indefinite suspension. [...]

Student Policy Handbook. Section 38. Care of school property.

The Department expects students to develop a pride in their schools and to respect school property. The Department, therefore, charges all students of public schools with responsibility for the care of school property and the school supplies and equipment entrusted to them.

Students who cause damage to school property shall be subject to disciplinary action, and their parents or guardians shall be held responsible within the limits of the Territorial Statutes for restitution for such damage.

A. Responsibility for Material. Students and their parents or guardian shall be responsible for all damage to or loss of textbooks, library books, or other materials, equipment, or school property loaned to or used by the student and shall reimburse the Department for such loss or damage.

B. Damage Assessment. The Principal shall be responsible for collecting the full purchase price of any such item that is lost, destroyed, or so damaged as to make the item unfit for future use. The principal may also assess fines for limited damage that results from abuse or neglect on the part of the student. Information about prices can be obtained from the following sources:

1. Textbook Coordinator and Specialists, Division of Curriculum and Instructional.
2. Library Books-Office of Library Services.
3. Supplies and Equipment-Business Office, Department of Education.

C. Accounting. Money collected as prescribed above is to be turned in to the Financial Business Office, Department of Education each day of collection.

Student Policy Handbook. Section 55. Use of technology.

Acceptable Use of Information Technology: By accessing ASDOE's Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition,

ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

4. Pornography is strictly prohibited. Pornography of any kind is strictly prohibited from ASDOE Technology Resources. Users hereby agree to refrain from use of pornography of any kind. Users also have an affirmative duty to prevent such use of any device entrusted to them.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 54. Safe and drug free policy.

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities.

Any student found in violation of the compliance code on the use of alcohol and/or illegal drugs any time on school campus or while participating in school sponsored activities will be required to do the following:

- A. Attend a parental/guardian conference with school authorities
- B. Receive available school counseling services;
- C. Enroll in rehabilitation programs and services offered by other government agencies.

Professional development

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

Each school principal will follow disciplinary procedures in accordance with those established by the Department. The principal, when feasible, will involve school staff and the parent organization, if any.

A. Classroom Discipline.

1. Classroom discipline is largely a teacher responsibility and should, in most instances, be handled by the teacher.
2. If the teacher is confronted with a situation so serious that it should be brought to the principal's attention, or is confronted with a situation specified in the department's guidelines as unacceptable behavior, the teacher should refer the students involved to the principal or principal's designee.
3. A written report describing this incident must be sent to the office with the student within 24 hours thereafter. If the teacher desires a student-teacher-administrator conference, the teacher should so indicate in the written report. Every effort should be made to hold such conference immediately following the instructional period to determine the appropriate action.
4. Disciplinary action should be taken as soon as possible and the student returned to the classroom, unless the behavior warrants a future conference or referral to an alternative program.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The law charges every teacher and principal with maintaining order and discipline among students and provides that students who do not comply with reasonable rules may be recommended for expulsion or other disciplinary action.

The following acts constitute dangerous or anti-social student behavior.

A. Bullying: A student shall not intimidate, harass, or bully another student through the use of words or actions. Behavior includes direct physical contact such as hitting or shoving, verbal assaults such as teasing or name-calling, and/or social manipulation or isolation.

The Department expects students and staff to immediately report any incidents of bullying to the principal. Staff who witness such acts shall take immediate steps to intervene. This policy applies to students on school campus or off campus, while traveling to and from school, or during lunch period or a school sponsored activity.

Students in violation of bullying are subject to disciplinary action and may lead to suspension.

F. Theft, Loss, or Destruction of School and/or Private Property. A student shall not intentionally cause or attempt to cause substantial damage or attempt to steal school or private property. Students and their parents shall be held responsible within the limits of the law for restitution for damage to Department property. Parents and students are responsible for instructional supplies and materials loaned to students. Students responsible for minor damage may be dealt with by the principal in the manner judged most suitable, followed by a report to the appropriate Assistant Director. In the event the student or guardian refuses to make the proper restitution voluntarily, a full re-port of the case shall be

referred to the appropriate Assistant Director and Deputy Director who shall seek advice and assistance of the Director of Education in making recovery.

Student Policy Handbook. Section 55. Use of technology.

Acceptable Use of Information Technology: By accessing ASDOE's Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition, ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

3. Technology products, devices, services and use shall conform to ASDOE policies/directives.

e) Students must be instructed on appropriate behavior when utilizing the ASDOE technology resources, especially online or web content. Instructions for appropriate use of social networking websites, chat rooms, cyberbullying awareness and response must be included in the instruction to students.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, embarrassing pictures, videos, websites, or fake profiles. Messages and images can be posted anonymously and distributed quickly to a wide audience through the social media.

Students are to refrain from such actions and behaviors. Should cyberbullying happens, it is important to document and report the behavior/student so it can be addressed.

Parental notification

LAWS

A.S.C.A. § 16.0308. Truancy - Investigation - Notice to parents - Penalty.

(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.

(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.

(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.

(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than \$15, or confined in prison for not more than 1 month, or both.

REGULATIONS

Student Policy Handbook. Section 21. Cooperation with police officers.

The interviewing of school students on campus by police officers will be conducted only in the presence of the school principal or his appointed representative. Parents need to be informed their child is being interviewed as soon as possible. Should the police official attempt to remove the student from campus, he should be allowed to do so only if he has written permission from a parent or has legal warrant for the student's arrest.

Student Policy Handbook. Section 27. Attendance - Checking, absences and excuses.

G. Communication from Parents.

Within two school days after any absence, a student shall be required to present to the school a written statement signed by the parent, legal guardian, or physician who lists the reason for the absence. Non-compliance will result in the absence being considered unexcused.

H. Student Exclusion and Communication to Parents.

When a student has been absent the maximum number of times during a semester, the student may be excluded from attendance for the remainder of that school semester and no academic credit may be earned during this time period.

Prior to exclusion, either for excused or unexcused absences, the parent, legal guardian, and student will be notified, in writing, of the attendance record through notices mailed to the recorded residence of the student. These notices will be mailed after the second and fifth unexcused absences. Notices for all other absences will be mailed after the fifth, ninth, fifteenth, and eighteenth total absences.

Schools are required to conduct parent conferences whenever excessive absenteeism is identified. A parent conference must be scheduled after the third absence.

Reporting and referrals between schools and law enforcement

LAWS

A.S.C.A. § 16.0308. Truancy - Investigation - Notice to parents - Penalty.

- (a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.
- (b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.
- (c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.
- (d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than \$15, or confined in prison for not more than 1 month, or both.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

The Department will cooperate with other agencies whose objectives are to promote the mental and physical well-being of youths.

As permitted by law, appropriate information shall be furnished to law enforcement agencies and cooperation given in apprehending law violators. The Department assumes the responsibility for the supervision of children while in school or engaged in school sponsored activities, but will not supervise youth activities not sponsored by the schools. Appropriate action for those students who deviate from expected and desired behavior will be provided.

- E. Court Referrals. A student who has committed an act in violation of the law should be referred to law enforcement or legal authorities for disposition of the case.

Student Policy Handbook. Section 21. Cooperation with police officers.

The interviewing of school students on campus by police officers will be conducted only in the presence of the school principal or his appointed representative. Parents need to be informed their child is being interviewed as soon as possible. Should the police official attempt to remove the student from campus, he

should be allowed to do so only if he has written permission from a parent or has legal warrant for the student's arrest.

Student Policy Handbook. Section 22. Control of dangerous and anti-social behavior - Bullying.

The following acts constitute dangerous or anti-social student behavior.

E. Immoral Conduct. Any student who commits or attempts to induce another student to commit an act or acts of immoral conduct that in the principal's judgment may be harmful to others or may bring discredit to the Department shall be suspended until suitable corrective action can be determined. If it appears that the law may have been violated, the student shall be referred to the proper law enforcement agency. After study of the problem, the student shall either be (1) readmitted or (2) continue on suspension with recommendation for further action.

G. Unlawful Drugs/Alcoholic Beverages. Any student who is found to possess, or to have used recently, or to have in any way encouraged the illegal use by another of any alcoholic beverages, narcotics, or drugs shall be suspended until the problem is investigated. If circumstances and/or tangible evidence cause suspicion that an illegal act has been committed, the student shall be referred to the proper law enforcement agency. The suspension shall continue until it has been determined whether the student's attendance is a threat to the welfare of other students, at which time the student shall be either (1) readmitted to regular school pending clearance, or (2) continued on suspension and recommended for expulsion or other action.

H. Weapons.

1. Implements manufactured, used, or intended for use or on as weapons may not be carried at school way to or from school. Students found in possession of weapons shall immediately be referred to the appropriate law enforcement agency and suspended from school until a thorough investigation is made of the circumstances. Unless there is satisfactory evidence that the student's continued attendance will not be dangerous to other persons, expulsion proceedings shall be initiated.

2. The following items are specifically prohibited: snap-blade knives, non-closing knives, knives with blades, firearms, explosives including caps and firecrackers, "first loads," and "brass knuckles," chairs, iron bars, sling shots, metal cake cutters, water pistols (with chemicals) any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such a shell, cartridge or bomb, and other objects capable of being used as weapons will be considered as such unless the circumstances indicate the contrary. All weapons, whether or not listed herein, are similarly prohibited. The use of any normally non-dangerous implement such as a stone, table fork, board, stick, or baseball bat as a weapon shall come under the provisions of this section.

Student Policy Handbook. Section 23. Searching students.

Searching Students or Student Lockers. It is legally permissible to search a student's desk or locker at any time, including routine searches, for prohibited items. Searching a student's person is subject to serious legal safeguards and must be approached with care. The following guidelines are generally applicable.

C. School personnel should call for the proper law enforcement agency to assist in dangerous situations.

Student Policy Handbook. Section 54. Safe and drug free policy.

All student enrolled in the Public School System are prohibited from participating in any activity relating to the unlawful manufacture, distribution, possession use and/or sale of illegal drugs at any time while on the school premises, or at any school sponsored activities. [...]

Students who engage in these activities prohibited above shall be subject to disciplinary action as defined in the Student Section, Section 23-G, will be suspended and/or expelled from school. Violators will be reported to the Department of Public Safety as required by law and may face prosecution.

Disclosure of school records

LAWS

No relevant laws found.

REGULATIONS

Personnel Policy Handbook. Section 15. Teaching code of conduct.

The Department is committed to the concept of creating a learning environment that nurtures to fulfill the potential of all students. The Department responsibly accepts that every child has a right to an uninterrupted education from all work stoppage tactics. It is the philosophy of the DOE that all teachers are obligated to help foster civic virtues such as integrity, responsibility, cooperation, loyalty, and respect for the law, for human life, for others, and for one's self.

A. Ethical Conduct toward Students. The teacher deals considerately and justly with each student, and seeks to resolve problems, including discipline, according to law and school policy.

2. The teacher does not reveal confidential information about students, unless required by law.

Personnel Policy Handbook. Section 19. Records and reports.

Teachers shall keep required records and reports and shall compile information necessary for the successful execution of their work required by the principal.

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

As permitted by law, appropriate information shall be furnished to law enforcement agencies and cooperation given in apprehending law violators. The Department assumes the responsibility for the supervision of children while in school or engaged in school sponsored activities, but will not supervise youth activities not sponsored by the schools. Appropriate action for those students who deviate from expected and desired behavior will be provided.

Student Policy Handbook. Section 30. Student records.

The Department recognizes the confidential nature of student records and that the primary purpose of keeping records on a student is for the educational welfare and advancement of the student. Those persons, agencies, or firms seeking information from or access to student records must come with-in that exceptions of the Family Educational Rights and Privacy act of 1974.

Student records are the property of the Department of Education and all confidential records and/or information will be dealt with professionally.

A. Handling.

Administrative regulations shall be established for the compilation, maintenance, release, destruction and security of student records in conformance with federal requirements.

Student official records will be housed at the school principal's office and in the Student Records Office in the Department of Education.

Data are recorded in all student records under the direction of certificated professional personnel responsible for the information.

At the time of enrollment, a cumulative record file folder is to be established for students new to the public schools in the Territory.

When the student withdraws or transfers, cumulative folders are to be turned in to the Student Records Office in the Department of Education. These folders are to be checked for inclusion of all records including a statement indicating money owed and reason for debt, if the student left school owing for lost books, property damage, or other reasons.

B. Release of Information.

All school records of students are confidential. All records containing personal student information will be governed by the following principles:

1. Parents have the right, upon written request, to inspect any or all records relating directly to their dependent and legal wards. The right accorded to parents transfer to the students upon attainment of their eighteenth birthday.
2. The Department maintains the following educational records: student academic permanent records, achievement and scholastic aptitude test results, attendance and discipline file, class record books, grade books, health inventory, and special student services folder (if any). Questions regarding educational records at the schools should be directed to the principal. Questions regarding records at the Department of Education central office should be directed to the Deputy Director for Instructional Support Services.
3. Any request from parents or students eighteen years of age or older must be complied with in a reasonable length of time not to exceed ten school days from the date of receipt of request.
4. Parents or eligible students may, by written request to the principal of the school, challenge the content of student records in order to ensure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students. Such request may become a part of the students' record.

Within ten school days after receiving such a notice from a parent or eligible student, the principal shall notify the parent or eligible student in writing of the principal's decision and the reasons for the decision. The parent or eligible student shall have the right to appeal this decision to the designated Deputy Director, within ten school days after receipt of the principal's letter. The Deputy Director for Instructional Support Services, within fifteen working days of receipt of such an appeal, shall convene an impartial panel and hold a hearing on the matter.

The parent or eligible student shall be informed in writing of the date and time of the hearing. Such notification shall be well in advance of the hearing date to allow time for the parent or eligible student to engage legal counsel and prepare and assemble any evidence the parent or eligible student wishes to present.

The hearing panel shall make its decision in writing within five working days after conclusion of the hearing.

The following persons and agencies may have access to all student records without the written consent of the parent or eligible student:

- a. School administrators, certificated employees, and designated support staff having a "legitimate educational interest." (Legitimate educational interest is defined as those activities having a direct effect on advancing a student's educational level, coupled with concern for the student's social, emotional and/or physical welfare.
- b. Officials of other schools or school systems in which a student intends to enroll.
- c. Representatives of accrediting organizations in order to carry out their accrediting functions.
- d. Contracted organizations conducting studies and/or test-related services for the Department.

e. Federal and state agencies in connection with student applications for, or receipt of, financial aid.

Any authorized persons on the above list other than the school administrators, certificated employees, and classified support staff who request or obtain access to a student record must indicate in writing the date and specific reason for the request. This statement is to become a permanent part of that record even if the request is denied. Information may be released to others only:

a. With the written consent of the parent or eligible student specifying the records to be the reasons for such release, to whom and use to be made of the information; and with a copy of the records to be released transmitted to the parent or eligible student upon request. released,

b. When such information is furnished in compliance with judicial order or pursuant to any lawfully issued subpoena, upon the condition that the parent or eligible student is notified in advance of the compliance by the school with the subpoena reasonable effort, the parent or eligible student cannot be reached, the court order or subpoena must be honored if, after in case of extreme health or safety emergencies.

Periodic review procedures shall be established for students' educational records in order to ensure accuracy and relevancy.

Each school shall give parents of students in attendance or eligible students in attendance annual notice of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice shall also inform parents or eligible students that copies of this Administrative Regulations are available, upon request, in the principal's office.

Any questions or unusual requests should be referred to the Deputy Di-rector for Instructional Services.

Student Policy Handbook. Section 31. Maintenance and storage of academic records/documents.

The maintenance of Student Academic Records or Cumulative Student Progress Records (CSPR) and all related documents is the responsibility of the school principals. Principals may elect to assign that responsibility to the school counselor(s) or other appropriate personnel.

Records and academic documents are to be kept in locked file cabinets at all times and are not be removed from the school premises unless they are being forwarded to the Student Records Office at the Central Office.

CSPRs are received and stored by the Student Records Office for any of the following reasons;

1. students transfer between local public and private schools;
2. students transfer off island;
3. students are dropped;
4. students are promoted from elementary to high school or graduated from high school.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

A.S.C.A. § 16.0308. Truancy - Investigation - Notice to parents - Penalty.

(a) The truant officer, when notified by any school official, shall investigate all cases of truancy or nonattendance at school.

(b) If any parent fails to send any child under his control to some certified school, the truant officer shall, as soon as practicable after he is notified thereof, give notice to such person that such child shall be present at the proper public school on the day following receipt of such notice.

(c) The truant officer, after giving notice to any person having control of any child not attending school, shall determine whether the notice has been complied with, and if not complied with, the truant officer shall thereupon make complaint against such person before the district court wherein the person resides.

(d) Any person having control of a child who fails to comply with an order of the truant officer shall be fined not more than \$15, or confined in prison for not more than 1 month, or both.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

No relevant laws found.

REGULATIONS

Student Policy Handbook. Section 20. Student discipline - Cooperation with law enforcement.

The Department will cooperate with other agencies whose objectives are to promote the mental and physical well-being of youths.

Other or Uncategorized

LAWS

A.S.C.A. § 16.0512. Conduct of pupils.

Any person attending any class in any public school shall be designated as a pupil. It shall be the duty of every pupil to carry out the instructions of teachers and principal and to obey the school laws and regulations of the Director of Education pertaining to conduct and child welfare.

REGULATIONS

Personnel Policy Handbook. Section 52. Mandated reports on abuse, neglect, and trafficking (of a child or minor).

Any person who has reasonable cause to know or suspect that a child or student has been subjected to "abuse" or "neglect", or is a victim of "human trafficking", shall immediately report such incident to the School Principal (or immediate supervisor at the worksite) who shall then report such incident to the appropriate legal authorities.

Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services or to engage in commercial sex acts, or both, is guilty of human trafficking" and is a Class B Felony.

A person commits the crime of "child abuse" if he/she knowingly:

1. Causes injury to a child by unreasonable force by;
 - 1) Burning, biting, or cutting a child;
 - 2) Striking a child with a closed fist;
 - 3) Shaking, kicking, or throwing a child;

- 4) Interfering with the child's breathing;
- 5) Threatening or injuring a child with a dangerous instrument;
- 6) Other act that creates a substantial risk of harm or death to the child.

2. Inflicts serious emotional damage to a child as evidenced by severe anxiety, depression, withdrawal, substantial change in behavior, emotional response, cognition and that such injury is diagnosed by a medical doctor or psychologist.

A parent, guardian, or other person legally charged with the care or custody of a child is guilty of "neglect" or "child-neglect" if he/she purposely or knowingly:

- 1) Fails or refuses to provide a child with necessary food, clothing, shelter, mental health, guidance, or well being;
- 2) Fails to provide the necessary education to a child;
- 3) Fails to protect a child from conditions or actions that seriously endangers or can be injurious to the child's physical, mental, or emotional health;
- 4) Fails to provide the necessary supervision or child care arrangements for the child;
- 5) Uses an illegal substance while pregnant;
- 6) Abandons or ceases providing care for a child without making appropriate provisions for substitute care.

A parent, guardian, or other person legally charged with the care or custody of the child is guilty of "child neglect" if he/she knowingly allows another individual to mistreat or abuse a child through acts prohibited in 1 through 8 above, and is reasonable able to prevent it from occurring.

Student Policy Handbook. Section 37. Freedom of expression - Publications.

Students have the right of freedom of expression within the school system; however, the right of expression encompasses the concepts of fairness, responsibility, and expressed in such a manner not disruptive to other individuals or to the educational process. Written expressions are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion. All publications will be governed by the canons of responsible journalism and will be free from libel, obscenity, undocumented allegations, attacks on personal integrity or the techniques of harassment and innuendo.

A. Supervision. Prior to publication and distribution in the school by a student or students, approval of the school administration is required.

B. Responsibility. The student or students issuing the publication shall sign name to indicate authorship and responsibility.

Student Policy Handbook. Section 55. Use of technology.

ASDOE's Policy regarding the "Acceptable Use of Technology Resources" is to establish the basic structure for acceptable use of ASDOE's technology resources by students, teachers, faculty, staff, and any other individuals using these resources. The policy constitutes an Internet safety policy within the meaning of the Children's Internet Protection Act (CIPA) as required by 47 U.S.C. S 54.

Acceptable Use: It is the department's intention and requirement that any ASDOE technology resources or devices shall be (a) used for educational or business purpose only, (b) used in a lawful and ethical manner, (c) conform to ASDOE technology and security standards, and (d) comply with all ASDOE policies and procedures. Persons using ASDOE technology resources are responsible for ensuring compliance with these requirements on any device issued to, or used, by that person.

Applicability and Scope: Policies enclosed apply to all individuals using ASDOE technology resources or electronic communications system or service in any manner including but not limited to the following system and services:

1. Telephones, cell phones, personal communication service devices, radios, pagers, facsimile systems;
2. Computers (including but not limited to desktops, laptops, tablets, and other computer systems), hardware, printers, personal digital devices, wired and wireless networks;
3. Email, web content and systems, intranet and internet services;
4. Video systems including distance learning and educational television or ETV systems;
5. Software including but not limited to instructional and office software, district financial systems, human resources systems, and student information systems.
6. All other ASDOE information technology or electronic communications and devices, whether owned, leased or contracted, or otherwise utilized by ASDOE or its employees.

Acceptable Use of Information Technology: By accessing ASDOE's Technology Resources and Services, user accepts without limitation or qualification the terms and conditions of these standards. In addition, ASDOE employees are required to sign the agreement provided before accessing any Technology Resources or Services.

1. Use of Technology Resources or devices shall be lawful and ethical.
 - a) Unlawful, threatening, harassing, libelous, defamatory, obscene or offensive use is prohibited;
 - b) Access to visual depictions that may be obscene, pornographic or harmful to minors is prohibited. Any depictions of child pornography found on any device shall result in automatic suspension;
 - c) Using false or deceptive identity is prohibited;
 - d) Unauthorized access to or alteration or disruption of communications, filtering or monitoring, or computer system is prohibited;
 - e) Compliance with copyright, trademark, patent and other property rights is mandatory and required of any person using ASDOE's technology resources. Records of all licenses must be maintained and provided to the ASDOE upon request.

Users should be aware that the availability of an item on the web does not mean it is without copyright protection. No copyright symbol or other notification is required for protection under the copyright act and permission of the copyright owner is generally required before copying, downloading, or distributing material protected by copyright.
 - f) Use of technology resources must comply with all applicable ASDOE policies, regulations, and directives.
2. Technology Resources must comply with all applicable ASDOE policies, regulations and directives.
 - a) Use of technology resources for commercial, personal, political and religious purposes is prohibited;
 - b) Personal calls on desktop or landline phones are limited to incidental local calls.
 - c) The cost of personal long distance calls and personal cell phone calls must be reimbursed to ASDOE. Individuals making long distance calls or using cell phones for personal use is responsible for submitting reimbursement to the ASDOE Business Office.
3. Technology products, devices, services and use shall conform to ASDOE policies/directives.
 - a) Only authorized hardware or software may be installed on ASDOE systems. Any hardware or software person desires to be installed must first be approved by the Technology Office.

b) Websites or web pages created for ASDOE or any of its schools or affiliate organizations must first be approved by ASDOE Central Office management.

c) Technology and communication systems must be used in a secured manner and are the responsibilities of persons to whom they are as-signed. These include but not limited to the following:

d) manner and are the responsibilities of persons to whom they are as-signed. These include but not limited to the following:

1. Passwords are not to be shared, posted or disclosed to anyone other than the person to whom they are assigned;
2. Anti-virus scans are to be made on any software, executable code, scripts, email or other data on devices to be connected to the net-works;
3. Personal, confidential, or identification information for students, or other persons protected by law, must be protected and is not to be disclosed to unauthorized persons;

e) Students must be instructed on appropriate behavior when utilizing the ASDOE technology resources, especially online or web content. Instructions for appropriate use of social networking websites, chat rooms, cyberbullying awareness and response must be included in the instruction to students.

Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, embarrassing pictures, videos, websites, or fake profiles. Messages and images can be posted anonymously and distributed quickly to a wide audience through the social media.

Students are to refrain from such actions and behaviors. Should cyberbullying happens, it is important to document and report the behavior/student so it can be addressed.

4. Pornography is strictly prohibited. Pornography of any kind is strictly prohibited from ASDOE Technology Resources. Users hereby agree to refrain from use of pornography of any kind. Users also have an affirmative duty to prevent such use of any device entrusted to them.

5. Responsibilities - Conditions of Use.

By using ASDOE's technology resources, USERS agree to comply with terms of these policies and regulations.

Users also have a responsibility to ensure that students and minors are safe and secure in the use of all electronic communications including email, chat rooms, instant messaging, etc.

Students use of technology resources shall be supervised at all times and must comply with the safety procedures of this policy.

Technology resources shall be filtered for appropriate usage and content. Filtering shall be provided for all internet enabled computers or devices used.

Users shall have no expectation of privacy. By using the ASDOE's Technology Resources and electronic communications, USERS waive any expectation of privacy they may have. Use of Technology Resources and electronic communications may be monitored, logged, disclosed, deleted, or terminated. Online activities of minors shall be monitored for appropriate use at all times.

Users must protect these technology resources and services from abuse and to ensure all users comply with these policies. Users shall immediately report any violations to the ASDOE Central Office management.

5. Disclaimers.

No warranties for the accuracy, quality, functionality or availability of technology and communications are expressed or implied by these policies or the Department.

The Department assumes no responsibility or liability for accuracy, integrity, quality, or acceptability of information or content of non ASDOE technology including but not limited to non-ASDOE websites which may have links to ASDOE websites. User are cautioned to use due care when accessing non-district information technology resources and are strictly liable for any adverse effects it may have on the Department.

Student Policy Handbook. Section 56. Student transportation.

School Bus Safety. School bus drivers/operators, children/students, parents, and school officials all share a responsibility to ensure students get to and from schools safely. Discipline in riding the school bus is a cooperative effort for all stake-holders and must be addressed to ensure the safety of all students.

Government-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by American Samoa provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Guidance & Counseling, American Samoa Department of Education (ASDOE)	Provides an overview of the Guidance and Counseling office and addresses school climate and safety including the student success and safety program.	https://www.doe.as/District/Department/12-Secondary-Office/Portal/guidance-counseling
<i>Documents</i>		
No relevant resources found.		
<i>Other Resources</i>		
American Samoa Longitudinal Data System, American Samoa Center for Education and Workforce Statistics	Aggregated data for K-12 schools addressing enrollment, graduation, dropouts, attendance, and assessments, including links to school report cards.	https://lds.doe.as/PublicDashboard/portalHome.jsp
Testing, Evaluation, and Accountability, ASDOE	Annual territorial and school performance reports.	https://www.doe.as/District/Department/16-TESTING-EVALUATION-ACCOUNTABILITY/Portal/territorial-school-performance-reports