



# **Guam Compilation of School Discipline Laws and Regulations**

Prepared: April 3, 2019

## ***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 April 2019. 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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##### **Chapter 8. Ministerial Officers of the Court**

- § 8107. Marshal; appointment of special deputies
- § 8108. Special deputy marshal; duties, compensation

#### **Title 9. Crimes and Corrections**

##### **Chapter 28. Public Indecency**

##### **Article 2. Obscenity and Related Offenses**

- § 28.100. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; crime defined and punished
- § 28.101. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; mandatory distribution of information brochure about sexting by retail stores who sell cellular telephone equipment or cellular telephone equipment service contracts

##### **Chapter 67. Guam Uniform Controlled Substances Act**

##### **Article 1. Definitions**

- § 67.101. Definitions

##### **Article 4. Offenses and Penalties**

- § 67.401.2. Illegal possession; defined and punishment
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##### **Chapter 71. The Guam Gun-Free School Zone Act of 2004**

- § 71.10. Title
- § 71.20. Definitions
- § 71.30. Persons not allowed to possess firearms
- § 71.40. Prohibition on discharge of firearm
- § 71.60. Punishment
- § 71.61. Information for sentencing
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### **Division 2. Department of Education**

#### **Chapter 3. Department of Education**

##### **Article 1. Administration of the Department of Education**

- § 3102.1. Duties of the Guam education board
- § 3112.1. Same: Policy against bullying
- § 3112.2. Safe schools program: School crime stoppers

#### **Chapter 4. Curriculum and Texts**

- § 4125. Internet safety in course curricula

#### **Chapter 5. Teaching**

- § 5114. Same: Maintenance of discipline

#### **Chapter 6. Pupils**

##### **Article 1. Pupils Generally**

- § 6102. Duty to send children to school
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##### **Article 4. Pupil Truancy, Suspension and Expulsion**

- § 6402. Habitual truant
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- § 42101. Definitions
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- § 48000. Title
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## **Guam Regulations**

### **Board Policies**

#### **d. Student Conduct (400-473)**

- 400. Code of conduct
- 405. Student suspension expulsion
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- 409. Prohibiting harassment, intimidation or bullying, cyberbullying, sexting, sexual harassment
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#### **h. Community Relations (800-836)**

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## **General Provisions**

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **17 GCA § 3102.1. Duties of the Guam education board.**

The Guam Education Board shall be responsible for all policies that govern the Department of Education (hereinafter "Department"). The Board shall have the authority to delegate such of its powers as it may deem appropriate, but shall retain the ultimate responsibility for the exercise of its powers.

The Board, among other duties, shall perform the following in accordance with applicable law:

- (j) establish student discipline policy;
- (r) the role of the Board, as with any legislative body, is to act collectively, not individually. Any Board member shall report to I Liheslaturan Guåhan any potential or alleged violation of this Subsection. The Board shall not:
  - (1) interfere in or micro-manage the affairs of the Department, or schools within the Department; or
  - (2) involve itself with student discipline cases, unless expressly authorized by public law, and only to the extent authorized by public law.
- (s) adopt a policy concerning the use of electronic security systems on school campuses, to include, but not limited to, emergency contact protocols.

##### **17 GCA § 3112.1. Same: Policy against bullying.**

(b) The Guam Education Board (Board) shall adopt a policy prohibiting "harassment, intimidation, or bullying" and "cyberbullying" at school. The content of the policy shall be determined by the Board but shall contain at least the components in Subsection (c). The policy shall be adopted through a process that includes representation of parents or guardians, pupils, teachers, staff, administrators, volunteers, and community representatives.

##### **17 GCA § 6409. Authority for suspension or expulsion of pupils.**

The Superintendent shall determine by regulation the grounds for suspension or expulsion of pupils from school, and the procedure whereby such suspension or expulsion is determined. Such regulation shall include grounds for suspensions or expulsions, length of suspensions and the procedures for review of suspension or expulsion orders. In adopting the regulation establishing procedures for suspending or expelling pupils, the Superintendent shall follow the guidelines established therefore by local and Federal laws and regulations. Such hearings and procedures as are established by the Superintendent pursuant to this Article shall provide any pupil against whom suspension or expulsion procedures are initiated with due process of law. Such procedures are exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated, Administrative Adjudication Law.

##### **17 GCA § 6410. Student discipline advisory councils.**

In carrying out the provision of § 6409, the Superintendent may authorize the creation of a Student Discipline Advisory Council for each elementary and secondary school. Such Councils shall be given the power to establish standards of student behavior, and shall have authority to hear charges of violations of such standards, and to recommend appropriate disciplinary action to the principal. The procedure for expelling pupils shall require that before expulsion, the accused pupil be given a hearing before the Student Discipline Advisory Council of the student's school, if such exists.



**17 GCA § 48003. Designation of school zones: Responsibilities of the schools.**

The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

- (a) It shall be the responsibility of schools, both public and private, and their respective governing boards or their designees, or the chief administrative officer in the case of private schools, to coordinate the establishment and designation of the drug free school zones.

**REGULATIONS**

**Board Policy d.400. Code of conduct.**

Each principal shall establish rules and regulations concerning the conduct of students consistent with positive behavior supports, policies of the Board, and the Student Conduct Procedural Manual.

**Scope**

**LAWS**

**9 GCA § 67.101. Definitions.**

As used in this Act:

- (ii) Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250') of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.
- (jj) School means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning.
- (kk) Accompanying Grounds means the respective campuses, recreational areas, athletic fields, student housing, or other property of each school which are owned, used, or operated by their respective governing boards of the schools or chief administrative officers in the case of a private school.

**9 GCA § 71.20. Definitions.**

As used in this Chapter, the following definitions shall apply:

- (a) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.

**17 GCA § 3112.1. Same: Policy against bullying.**

(a) As used in this Section:

- (1) "At school" means in a classroom, elsewhere on or within school fences or at a school-sponsored activity or event whether or not it is held on school premises.

**17 GCA § 5114. Same: Maintenance of discipline.**

Every teacher in the public schools shall hold pupils to strict account for their conduct while on the school premises and when on authorized off-campus school activities.

### **17 GCA § 48001. Definitions.**

Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250) of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

## **REGULATIONS**

### **Board Policy d.405. Student suspension expulsion.**

#### IV. Jurisdiction.

Students are subject to suspension or expulsion for misconduct committed:

- A. At any time or place on the school campus;
- B. At any school activity, wherever located;
- C. Off-campus at any time if the misconduct interferes directly with the educational
- D. In any circumstances establishing that the student's continued presence in the school mission of the school constitutes a threat to others (e.g., a student who is charged with murder outside of school).

### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

#### I. Purpose

It is the policy of the Guam Education Board to ensure that students who attend the Department of Education (DOE) are safe, secure, and can count on being treated with respect. Schools shall be free from harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment and shall provide an environment that is conducive to learning. School administrators shall ensure that the school environment is free of any threat while attending school and any school sponsored activities. This requires a fundamental change in the way that administrators and employees in the DOE view harassment, intimidation or bullying, cyberbullying, sexting sexual harassment and fraternization.

The school principal and employees must recognize that minor events, which do not rise to the level of violations of school rules or a crime, may still create an environment which makes students feel uncomfortable or even terrified at the prospect of attending school. This policy is to allow students active participation in school affairs without fear and threat of harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment.

This policy will also follow federal antidiscrimination laws enforced by the Office of Civil Rights (OCR). The statutes that OCR enforces includes Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.

#### II. Coverage

This policy governs all students within the jurisdiction of DOE and is intended to prohibit bullying, cyberbullying, sexting and sexual harassment in the public school system. The term "at school" is defined in 17 GCA Section 3112.1 that states (a) "'at school' means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official bus stop, or at a school-sponsored activity or event whether or not it is held on school premises."

### **Board Policy d.430. Smoking and possession of tobacco products.**

The Board of Education, in consideration of the health and safety of students within the school system, believes that a total ban on student smoking and possession of tobacco products within the school campus would be in the best interest of our school children. It is the policy of this Board that smoking and possession of tobacco products by all public school students is strictly prohibited at all times on any school property, in all school buses and at school activities, both on and off-campus. It is also the policy of the Board that smoking by adults is strictly prohibited on campus in any areas accessible to students. Note: for the purposes of this policy, electronic cigarettes, vapor pens, hookah related products and all other nicotine products or substitutes are included under the category of tobacco products.

## **Communication of policy**

### **LAWS**

#### **9 GCA § 71.80. Notice.**

(a) The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, "Warning this is a Gun-Free Zone" at the main entrances of the covered facilities within their control on or before January 1, 2005. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.

(b) The Guam Police Department within sixty (60) days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.

#### **17 GCA § 3112.1. Same: Policy against bullying.**

(c) The policy shall include at least each of the following components:

(10) A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored activities.

(d) The Board shall adopt the policy under this Section and transmit a copy of its policy to the Superintendent of Education by June 30, 2011.

(e) The Board shall ensure that notice of the policy under this Section is included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for all schools, and in its pupil handbooks.

#### **17 GCA § 48003. Designation of school zones: Responsibilities of the schools.**

The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

(b) The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall place and maintain permanently affixed and plainly visible signs at the main entrances of each school which identify the school and its accompanying grounds as a drug free school zone and which outline the penalties associated with violations of the Drug Free School Zones Act. The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall determine the actual size of such signs.

(c) Upon enactment, a copy of the Drug Free School Zones Act shall be transmitted to the respective governing boards, or the chief administrative officers in the case of private schools, and it shall be their responsibility, at their discretion, to disseminate the information to parent groups and to the community.

## REGULATIONS

### **Board Policy d.405. Student suspension expulsion.**

V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

- A. The Superintendent shall establish a standard operating procedure that standardizes how schools refer students for behavioral incidences and administer interventions/consequences. The procedures shall include the following:
- B. A standard Office Discipline Referral form that identifies behaviors by levels of severity with corresponding interventions /consequences.
- C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.
- D. A method of recording, managing and reporting discipline data using the DOE student information system.
- E. Any student suspended from any school shall not be accepted into a DOE school, until such time a due process review has been provided to the student and the consequences or conditions as stipulated have been met.

### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

- B. All schools shall include the provisions of this policy in their student handbook.

### **Board Policy d.435. Bus conduct.**

All school bus riders will conform to school bus rules established by the Superintendent of Education.

No student shall disembark from a school bus until it has arrived at the student's regular destination either the school grounds, the regular disembarkation stop, and/or any other designated disembarkation.

The Superintendent shall establish a Memorandum of Understanding with Department of Public Works regarding the transportation of students and develop an SOP for bus conduct of students. The SOP will be included in the student and parent handbook.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Board Policy d.405. Student suspension expulsion.**

V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

A. The Superintendent shall establish a standard operating procedure that standardizes how schools refer students for behavioral incidences and administer interventions/consequences. The procedures shall include the following:

B. A standard Office Discipline Referral form that identifies behaviors by levels of severity with corresponding interventions /consequences.

C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Alternatives to suspension**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Use of corporal punishment**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Board Policy d.410. Corporal punishment.**

The Department of Education does not condone or use corporal punishment.

## **Use of student and locker searches**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **Board Policy d.407. Student searches and seizures.**

The Superintendent shall establish and implement standard operating procedures for student searches and seizures. The type and number of searches conducted on each campus, and the results of those searches, shall be reported to the Board annually.

#### **Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.**

##### **II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages**

School administrators are authorized to conduct searches of students, their possessions, and their lockers whenever they have reasonable suspicion that the students are in possession of unauthorized medications, illegal drugs, or alcoholic beverages. However, school administrators must conduct their searches within the legal parameters allowed by the appendix of this policy. School administrators may take appropriate corrective or disciplinary action against students who are discovered to in be possession of unauthorized medications, illegal drugs, or alcoholic beverages as a result of properly conducted searches.

## **Other in-school disciplinary approaches**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***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**

No relevant regulations found.

### **Grounds for mandatory suspension or expulsion**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Board Policy d.425. Dangerous weapons.**

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term "firearm" means:

- (A) any weapon (including a starter gun) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;
- (B) the frame or receiver of any such weapon;
- (C) any firearm muffler or firearm silencer; or
- (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means:

- (A) any explosive, incendiary, or poison gas:
  - (i) bomb
  - (ii) grenade
  - (iii) rocket having a propellant charge of more than four ounces
  - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce
  - (v) mine, or
  - (vi) device similar to any of the devices described in the preceding clauses

(B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in (A) or (B) and from which a destructive device may be readily assembled.

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

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Administrative procedures related to suspension and expulsion**

### **LAWS**

#### **17 GCA § 6409. Authority for suspension or expulsion of pupils.**

The Superintendent shall determine by regulation the grounds for suspension or expulsion of pupils from school, and the procedure whereby such suspension or expulsion is determined. Such regulation shall include grounds for suspensions or expulsions, length of suspensions and the procedures for review of suspension or expulsion orders. In adopting the regulation establishing procedures for suspending or expelling pupils, the Superintendent shall follow the guidelines established therefore by local and Federal laws and regulations. Such hearings and procedures as are established by the Superintendent pursuant to this Article shall provide any pupil against whom suspension or expulsion procedures are initiated with due process of law. Such procedures are exempt from the provisions of Chapter 9 of Title 5 of the Guam Code Annotated, Administrative Adjudication Law.

#### **17 GCA § 6410. Student discipline advisory councils.**

In carrying out the provision of § 6409, the Superintendent may authorize the creation of a Student Discipline Advisory Council for each elementary and secondary school. Such Councils shall be given the power to establish standards of student behavior, and shall have authority to hear charges of violations of such standards, and to recommend appropriate disciplinary action to the principal. The procedure for expelling pupils shall require that before expulsion, the accused pupil be given a hearing before the Student Discipline Advisory Council of the student's school, if such exists.

### **REGULATIONS**

#### **Board Policy d.405. Student suspension expulsion.**

##### **I. Introduction.**

The following policy shall be observed for suspensions and expulsion of students in the public schools. Officials should use the least amount of discipline necessary under the circumstances to correct a student and to protect the school's educational environment.

##### **II. Definitions.**



- A. For the purpose of this policy, the word “parent” shall mean the immediate parent or the person In Loco Parentis, provided that person is of legal adult age.
- B. “Council” refers to the Discipline Advisory Council (DAC) for each school.
- C. Due Process - An established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual.
- D. Suspension Days - Days classes are in session.
- E. Expulsion - Dismissal of a public school student from the school system for no more than a period of 180 instructional days.
- F. Compulsory Age - Any student who has turned 5 years old on or before July 31<sup>st</sup> and any student who has not reached the age of 16 years.

### III. Confidentiality.

All proceedings and records of proceedings, under this policy shall be confidential. If disciplinary action is taken, a record shall be filed in the student’s cumulative folder and subjected to the same access restrictions applicable to any other material duties, shall have access to this material on the same basis as members of a school administration.

Per the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99), schools must have written permission from the parent or eligible student in order to release any information from a student’s education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the follow conditions (34 CFR §99.31)

- A. School officials with legitimate educational interest;
- B. Other schools to which a student is transferring;
- C. Specified officials for audit or evaluation purposes;
- D. Appropriate parties in connection with financial aid to a student;
- E. Organizations conducting certain studies for or on behalf of the school;
- F. Accrediting organizations;
- G. To comply with a judicial order or lawfully issued subpoena;
- H. Appropriate officials in cases of health and safety emergencies; and
- I. State and local authorities, within a juvenile justice system, pursuant to specific State law.

### IV. Jurisdiction.

Students are subject to suspension or expulsion for misconduct committed:

- A. At any time or place on the school campus;
- B. At any school activity, wherever located;
- C. Off-campus at any time if the misconduct interferes directly with the educational mission of the school.
- D. In any circumstances establishing that the student’s continued presence in the school constitutes a threat to others (e.g., a student who is charged with murder outside of school).

### V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

- A. The Superintendent shall establish a standard operating procedure that standardizes how schools refer students for behavioral incidences and administer interventions/consequences. The procedures shall include the following:
- B. A standard Office Discipline Referral form that identifies behaviors by levels of severity with corresponding interventions /consequences.

C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

D. A method of recording, managing and reporting discipline data using the DOE student information system.

E. Any student suspended from any school shall not be accepted into a DOE school, until such time a due process review has been provided to the student and the consequences or conditions as stipulated have been met.

#### VI. Discipline advisory council (DAC).

A. Each school shall have a Disciplinary Advisory Council, DAC. The Council shall have the power to advise the School Principal/Assistant Principal in establishing and amending student conduct regulations for the school. The Council shall also conduct a hearing regarding suspensions exceeding ten (10) school days alternate placements, expulsions and/or referral to another agency.

B. In regard to proposed suspensions, the Council shall, after hearing, make the actual decision, subject only to revocation of the suspension by the Superintendent of Education as provided below. In regards to proposed expulsions, the Council shall, after a hearing, make a recommendation to the Superintendent of Education.

#### VII. Alternative education (alternative school).

An alternative education shall be provided for a student of compulsory attendance age that has been expelled. This placement, as recommended by the Council, shall be the responsibility of, and coordinated by, the School Principal or Assistant Principal of the school from which the student has been suspended, for more than ten (10) days. The Superintendent of Education may provide alternative education for students over the compulsory attendance age in consideration of the welfare of the student, parent(s), and community.

#### VIII. Expulsions:

A. School Principals or Assistant Principals have the authority to seek the expulsion of students in order to ensure the safety of all students by initiating a DAC Hearing and following the procedures set forth in the standard operating procedures.

B. Once a Discipline Advisory Council has completed a hearing, the Council shall make written findings and a recommendation to the Superintendent of Education for the sanction of expulsion.

C. Grounds for Expulsion shall be consistent with those listed in Standard Operating Procedure 1200-018: Student Conduct Procedural Manual..

D. Applicability of sanctions.

1. Any student of expelled from any school shall not be accepted into a DOE school, until such time that the student receives approval to return from the Superintendent of Education.

2. The length of expulsion shall be determined by the Superintendent of Education in accordance with the standard operating procedure governing student conduct.

3. Students of compulsory age will be provided an alternative educational placement, if in existence, the expulsion is upheld by the Discipline Advisory Council and the Superintendent.

## **In-school suspension**

### **LAWS**

No relevant laws found.

## **REGULATIONS**

No relevant regulations found.

## **Return to school following removal**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **Board Policy d.405. Student suspension expulsion.**

VIII. Expulsions:

D. Applicability of sanctions.

1. Any student of expelled from any school shall not be accepted into a DOE school, until such time that the student receives approval to return from the Superintendent of Education.
2. The length of expulsion shall be determined by the Superintendent of Education in accordance with the standard operating procedure governing student conduct.
3. Students of compulsory age will be provided an alternative educational placement, if in existence, the expulsion is upheld by the Discipline Advisory Council and the Superintendent.

## **Use of restraint and seclusion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Alternative placements**

### **LAWS**

#### **17 GCA § 42101. Definitions.**

As used in this Chapter:

- (a) student means a student enrolled or accepted for enrollment in an alternative education program;
- (b) alternative education program or program means a wide ranging system of alternative programs significantly different from the conventional curricula of the public secondary school system which is open to students on an optional basis; and

#### **17 GCA § 42102. Organization.**

The Territorial Board of Education shall promulgate policies, rules and regulations governing the alternative education program.

#### **17 GCA § 42103. Curriculum.**

The alternative education program shall consist of a curriculum that would permit those students who do not profit from the conventional classroom program to pursue studies that would permit completion of

basic life skills, career guidance, including work experience which would take into consideration an open entry-open exit procedure for enrolling and discharging students.

**17 GCA § 42104. Enrollment and withdrawal.**

Students may enroll in the alternative education program at the beginning of an academic period and may withdraw from the program only at the end of said period. A student shall be admitted to the program:

- (1) at the request of the student and his parents;
- (2) at the request of at least three (3) of the student's teachers with the consent of the student's guidance counselor, principal and the student himself and the student's parents;
- (3) at the request of the administrator of the Pupil Personnel Office of the department with the consent of the student and his parents; and
- (4) at the direction of a judge of the Superior Court.

**17 GCA § 42105. Community involvement.**

The Territorial Board of Education shall endeavor to obtain the participation of the community as a major part of the alternative education program. This participation shall consist among other things, utilization of community resources in employment, and on-the-job training, and the use of parents, professionals, technicians, clergy, government leaders and other talented members of the community of teachers or resource personnel in the education and training of students in the program.

**17 GCA § 42106. Designation.**

The Territorial Board of Education shall designate the school(s) for the implementation of the alternative education program.

**17 GCA § 42107. Funding.**

The Territorial Board of Education shall prepare a budget for implementation of the alternative education program and submit same to the Legislature no later than six (6) months before the beginning of each academic year.

**17 GCA § 42108. Screening committee.**

Each school authorized to establish a program shall have a screening committee to assist the program staff in determining the eligibility of students referred for enrollment in the program. Members of such committee shall be appointed by the principal of the participating school.

**17 GCA § 42109. Credits and certification.**

The joint board shall establish policies on credits and certification requirements for the program. Such policies shall include credits to be earned for each course or combination of courses and work experience. Credits earned in the program may be applied to the requirements for graduation from the traditional high school course for students who withdraw from the program.

**17 GCA § 42110. Certificates for graduating students.**

The joint board shall adopt a certification standard which awards the student for competencies acquired through the program. Such certification shall state the student's employability in an occupational area or the obtaining of credentials required for acceptance in a more advanced educational or technical program.

## **REGULATIONS**

### **Board Policy d.405. Student suspension expulsion.**

VII. Alternative education (alternative school).

An alternative education shall be provided for a student of compulsory attendance age that has been expelled. This placement, as recommended by the Council, shall be the responsibility of, and coordinated by, the School Principal or Assistant Principal of the school from which the student has been suspended, for more than ten (10) days. The Superintendent of Education may provide alternative education for students over the compulsory attendance age in consideration of the welfare of the student, parent(s), and community.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

##### **9 GCA § 71.10. Title.**

This Chapter shall be known, and may be cited, as “The Guam Gun-Free School Zone Act of 2004.”

##### **9 GCA § 71.20. Definitions.**

As used in this Chapter, the following definitions shall apply:

- (a) “School zone” means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.
- (b) “Firearm” shall mean as defined in 10 GCA § 60100.

##### **9 GCA § 71.30. Persons not allowed to possess firearms.**

Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in paragraph (a) of Subdivision § 71.20, shall be punished as specified Subdivision § 71.60.

##### **9 GCA § 71.40. Prohibition on discharge of firearm.**

It shall be unlawful for any person to discharge, or attempt to discharge, a firearm in a school zone, as defined in paragraph (a) of Subdivision § 71.20. The prohibition contained in this Subdivision does not apply to the discharge of a firearm if the firearm is discharged in an area that is designated as a shooting range at a University or College.

##### **9 GCA § 71.60. Punishment.**

Any person who violates § 71.30, § 71.40, or § 71.50 of this Act shall be guilty of a felony of the third degree and any person who is convicted of an offense pursuant to § 71.30, § 71.40, or § 71.50 shall be sentenced as follows:

- (a) For a first offense, the Court shall impose a sentence of imprisonment of no more than three (3) years, a fine of not less than One Thousand Dollars (\$1,000.00), and mandatory community service of no less than one hundred and fifty (150) hours.
- (b) In cases where the person has been convicted of felonies under any provision of this Chapter, the person shall be sentenced to a term of imprisonment which shall not be less than five (5) years and in addition, may be fined not more than Fifteen Thousand Dollars (\$15,000.00). This sentence, if for a term of years, shall include a special parole term of not less than one (1) year in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Sentence in these cases must also include mandatory community service of no less than one hundred and fifty (150) hours unless the term of imprisonment is for life.
- (c) The Court shall apply any minimum sentence, fine or community service specified in this Section, except in unusual cases where the interests of justice would best be served by granting probation or suspending the execution or imposition of sentence without the minimum imprisonment, fine or community service required in this Subdivision or by granting probation or suspending the execution or imposition of sentence with conditions other than those set forth in this Section, in which case the Court

shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by this disposition.

**9 GCA § 71.61. Information for sentencing.**

Except as otherwise provided in Chapter 80 of Title 9 of the Guam Code Annotated, no limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which the Superior Court of Guam may receive and consider for the purpose of imposing an appropriate sentence under this Chapter.

**9 GCA § 71.70. What constitutes a loaded firearm.**

For the purposes of this Chapter, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

**9 GCA § 71.80. Notice.**

(a) The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, "Warning this is a Gun-Free Zone" at the main entrances of the covered facilities within their control on or before January 1, 2005. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.

(b) The Guam Police Department within sixty (60) days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.

**9 GCA § 71.81. Not applicable to peace officers and military.**

This Chapter does not apply to a duly appointed peace officer as defined in § 5.55, Article 2, Chapter 5, Title 8, Guam Code Annotated, a full-time paid peace officer of another state or the Federal government who is carrying out official duties while in Guam, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of Guam or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard engaged in the performance of his or her duties.

**9 GCA § 71.82. Not applicable to security guards.**

This Chapter does not apply to an on-duty security guard authorized to carry a loaded firearm, provided the security guard is an employee of an entity contracted by the school for security purposes.

**REGULATIONS**

**Board Policy d.425. Dangerous weapons.**

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one

year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term "firearm" means:

- (A) any weapon (including a starter gun) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;
- (B) the frame or receiver of any such weapon;
- (C) any firearm muffler or firearm silencer; or
- (D) any destructive device. Such term does not include an antique firearm.

## **Other weapons**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **Board Policy d.425. Dangerous weapons.**

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction.

The term "firearm" means:

- (A) any weapon (including a starter gun) which will or is designed to or may readily convert to expel a projectile by the action of an explosive;
- (B) the frame or receiver of any such weapon;
- (C) any firearm muffler or firearm silencer; or
- (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means:

- (A) any explosive, incendiary, or poison gas:
  - (i) bomb
  - (ii) grenade
  - (iii) rocket having a propellant charge of more than four ounces
  - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce
  - (v) mine, or
  - (vi) device similar to any of the devices described in the preceding clauses
- (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and



(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in (A) or (B) and from which a destructive device may be readily assembled.

## **Students with chronic disciplinary issues**

### **LAWS**

#### **17 GCA § 6402. Habitual truant.**

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil's school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

### **REGULATIONS**

No relevant regulations found.

## **Attendance and truancy**

### **LAWS**

#### **17 GCA § 6102. Duty to send children to school.**

(a) Any parent, guardian or other person having control or charge of any child who is at least five (5) years of age and has not reached the age of eighteen (18) years, not exempted under the provisions of this Article, shall send the child to a public or private full-time day school for the full-time of which such schools are in session, except that the starting date of school for children five (5) years of age shall be determined by the provisions of §§ 6103 and 6107 of this Article.

#### **17 GCA § 6402. Habitual truant.**

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil's school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

### **REGULATIONS**

#### **Board Policy d.411. Attendance.**

There is a plethora of educational research that shows the strong relationship between student attendance and academic success. The Board acknowledges that students need to be in school and engaged in learning with their teachers and peers. Excessive absences or tardiness erode this understanding and may lead to incomplete and unsatisfactory work, a reduced capacity to meet curricular standards, and lower course grades. Parents/guardians are partners with the school and faculty ensuring that students attend and arrive in class on time every day of the school year. Therefore, parents shall inform the school immediately when a child does not attend school. School personnel and teachers (to include substitutes or other personnel covering classroom instruction) shall inform parents, as soon as possible, but no later than the end of the school day when a child does not attend class. As partners in education, parents are expected to review their child's attendance, academics and social behavior on a daily basis using parent portal.

The Board acknowledges that academic achievement entails many components and those academic credentials should reflect more than just the product of quizzes, examinations, and papers. These alone do not adequately prepare students for the challenges awaiting them after graduation. An additional essential component of academic excellence is the development of good work habits necessary to successfully compete in an increasingly competitive work force. Attendance is the cornerstone for the development of such good work habits. The Board believes that the Department must place great emphasis on student attendance and do everything possible to ensure students come to school every day.

Students who are under the compulsory education age are required to attend school full-time, notwithstanding their inability to receive a passing grade in any course. A compulsory aged student who has incurred twelve (12) or more unexcused absences in a school year shall be referred to the Superintendent of Education. Pursuant to 17 GGA §6402, the Superintendent of Education has the explicate authority to review and approve all habitual truant petition to family court.

Upon enactment of this policy, the Superintendent shall establish uniform procedures across elementary, middle, and high schools for tracking student attendance. The Student Conduct Procedural Manual (SOP 1200-018) can be referenced to further clarify definitions and language addressed in this policy.

## **Substance use**

### **LAWS**

#### **9 GCA § 67.101. Definitions.**

As used in this Act:

(ii) Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250') of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

(jj) School means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning.

(kk) Accompanying Grounds means the respective campuses, recreational areas, athletic fields, student housing, or other property of each school which are owned, used, or operated by their respective governing boards of the schools or chief administrative officers in the case of a private school.

#### **9 GCA § 67.401.2. Illegal possession; defined and punishment.**

(a) It is unlawful for any person knowingly or intentionally to possess a controlled substance, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Act.

(b) Any person who violates Subsection (a) with respect to:

(1) any controlled substance except marijuana shall be guilty of a felony of the third degree.

(2) more than one (1) ounce of marijuana shall be guilty of a petty misdemeanor.

(3) one (1) ounce or less of marijuana shall be guilty of a violation and punished by a fine of One Hundred Dollars (\$100.00).

(c) A person who commits a crime under 9 GCA §§ 67.401.2(b)(2) or (3) within the Drug-Free School Zone shall be guilty of a misdemeanor.

(d) A person who commits a crime under §§ 67.401.1 or 67.401.2(b)(1) within the Drug-Free School Zone shall be guilty of the same class of felony had the offense been committed outside the Drug-Free School Zone.

(e) A person who knowingly fails to report any violation of this Chapter within the Drug Free-School Zone is guilty of a misdemeanor.

**9 GCA § 67.407. Distribution to persons under age eighteen (18), to persons suffering from a mental illness, disease or defect, or to pregnant persons; Distribution near schools or drug free school zones; Penalties.**

(c) Any person who is found guilty of an offense pursuant to § 67.401.1(a)(1) of this Chapter by distributing a substance listed in Schedule I or II as per Appendices A and B of this Chapter, which is a narcotic drug, in or on a school, or within the Drug Free School Zone as defined herein, shall be sentenced to serve, in addition to the sentence prescribed by § 67.401.4 of this Chapter, a term of five (5) years imprisonment. Imposition or execution of such sentence shall not be suspended and probation shall not be granted. Parole or work release shall not be granted until the offender has served the additional five (5) years prescribed by this Subsection.

**17 GCA § 48000. Title.**

This Chapter shall be known as the Drug Free School Zones Act.

**17 GCA § 48001. Definitions.**

Drug Free School Zone means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty feet (250) of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station. Notwithstanding the provisions of this Section, a Drug Free School Zone shall not include private real property which is not a school or the accompanying grounds of a school.

**17 GCA § 48002. Establishment of drug free school zones.**

There is hereby established a Drug Free School Zone as defined in this Chapter. Any person who commits an offense under Chapter 67 of Title 9 of the Guam Code Annotated within the Drug Free School Zone shall be in violation of this Chapter and punished in accordance with Article 4, Chapter 67 of Title 9 of the Guam Code Annotated.

**17 GCA § 48003. Designation of school zones: Responsibilities of the schools.**

The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

(a) It shall be the responsibility of schools, both public and private, and their respective governing boards or their designees, or the chief administrative officer in the case of private schools, to coordinate the establishment and designation of the drug free school zones.

(b) The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall place and maintain permanently affixed and plainly visible signs at the main entrances of each school which identify the school and its accompanying grounds as a drug free school zone and which outline the penalties associated with violations of the Drug Free School Zones Act. The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall determine the actual size of such signs.

(c) Upon enactment, a copy of the Drug Free School Zones Act shall be transmitted to the respective governing boards, or the chief administrative officers in the case of private schools, and it shall be their responsibility, at their discretion, to disseminate the information to parent groups and to the community.

(d) The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall transmit to the Legislature, within ninety (90) days, a status report on the establishment and designation of the drug free school zones within their respective jurisdictions.

### **17 GCA § 48004. Drug free school zone maps.**

The respective governing boards of the schools or their designees, or the chief administrative officer in the case of any private school, shall prepare drug free school zone maps for their respective jurisdictions and shall submit copies of the original maps to the Office of the Attorney General as well as to the Department of Land Management for the purposes of record-keeping. These shall constitute the official record as to the location and boundaries of each drug free school zone. The respective governing boards of the schools or their designees, or the chief administrative officer in the case of any private school, shall notify the Office of the Attorney General and the Department of Land Management whenever there are changes in the location and boundaries of any school property and drug free school zone.

## **REGULATIONS**

### **Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.**

#### I. Introduction

The following guidelines are issued to provide direction to school administrators regarding suspected or actual possession, use, and distribution of illegal drugs, unauthorized medication, and alcoholic beverages by students of the Department of Education. Refer to the policy of the Territorial Board of Education on medication for guidance on the authorized possession and use of medication by students.

#### II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages

School administrators are authorized to conduct searches of students, their possessions, and their lockers whenever they have reasonable suspicion that the students are in possession of unauthorized medications, illegal drugs, or alcoholic beverages. However, school administrators must conduct their searches within the legal parameters allowed by the appendix of this policy. School administrators may take appropriate corrective or disciplinary action against students who are discovered to in be possession of unauthorized medications, illegal drugs, or alcoholic beverages as a result of properly conducted searches.

A student suspected of having used or of being under the influence of an illegal drug or alcoholic beverage, but who is not reasonably suspected of possessing such substances, shall be referred to the appropriate health and/or guidance counselor, who shall act in the best interests of the child. The counselor(s) who work with these students shall abide by the Department's procedures on confidentiality while working with them.

#### III. Possession of Suspected Illegal Drugs and Alcoholic Beverages

Students shall be referred to the Guam Police Department upon the determination of a school's administration that they are in possession of suspected illegal drugs on the school's campus or at a school activity.

Minor students shall be referred to the Guam Police Department upon the determination of a school's administration that they are in possession of alcoholic beverages on the school's campus or at a school activity.

#### IV. Possession of Medication Without Proper Authorization

Students who are in possession of medication without proper authorization on a school's campus or at a school approved activity shall be referred to the school's administration, which shall:

1. determine why the students were in possession of the unauthorized medication, and
2. take appropriate corrective or disciplinary action based on the findings of the above investigation.

#### V. Discovery of Suspected Illegal Drugs Not in Anyone's Possession

A school's administration shall turn over suspected illegal drugs that are not in anyone's possession which are found on its campus or at a school activity to the Guam Police Department for proper identification and disposal. It shall also be responsible for informing its health and guidance services staff of the identity of the substances upon receipt of such feedback from the police.

### **Board Policy d.421. Prescription and over the counter medication.**

#### Prescription Medication

Schools health counselors or designated personnel will administer only those medications to their students and employees which these students are required to receive while they are on campus or at school activities. Criteria developed by the Guam Public School System regarding the administration of medication are to be filed at the office of the school health counselor. In addition procedures, approved by the Superintendent, will be in place for the receipt, administration, and accountability for all medications that are regulated by the Federal Narcotics Act and local law.

#### Over the Counter Medication

School Health Counselors or designated personnel may administer over-the-counter medication to students and employees which are prescribed in, and in accordance with, medication protocols approved by the Guam Public School System, and the Department of Public Health and Social Services, providing all minors' parents/guardians have submitted annual written consent.

#### Self Medication

Students/employees may possess medication on campus and at school activities for self-medication with the permission of the school authorities and the consent of their parents.

All procedures and protocols will be reviewed and, where appropriate, updated annually.

### **Board Policy d.430. Smoking and possession of tobacco products.**

The Board of Education, in consideration of the health and safety of students within the school system, believes that a total ban on student smoking and possession of tobacco products within the school campus would be in the best interest of our school children. It is the policy of this Board that smoking and possession of tobacco products by all public school students is strictly prohibited at all times on any school property, in all school buses and at school activities, both on and off-campus. It is also the policy of the Board that smoking by adults is strictly prohibited on campus in any areas accessible to students. Note: for the purposes of this policy, electronic cigarettes, vapor pens, hookah related products and all other nicotine products or substitutes are included under the category of tobacco products.

Disciplinary procedures to be enforced for student violations of this policy are as follows:

For Elementary Students. The disciplinary measures to be taken with elementary students who violate this policy shall be in accordance with those procedures delineated in the Student Conduct Procedural Manual (SCPM) and the Office Discipline Referral (ODR) form and approved by the appropriate Deputy Superintendent relative to student smoking and possession of tobacco products. The approved procedures must be in written form and disseminated by the appropriate Deputy Superintendent, to all elementary schools.

For Secondary Students. Each offense shall be handled as a Level 3 and progressively disciplined in accordance with the Student Conduct Procedural Manual and the Office Discipline Referral (ODR) Form.

## **Bullying, harassment, or hazing**

### **LAWS**

#### **9 GCA § 28.101. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; mandatory distribution of information brochure about sexting by retail stores who sell cellular telephone equipment or cellular telephone equipment service contracts.**

(a) Definitions. As used in this Section:

- (1) Cellular telephone equipment or equipment means a wireless telephone handset used in conjunction with wireless telephone service.
- (2) Wireless telephone service means commercial mobile radio service, as defined in Subsection (d) of Section 332 of the Communications Act of 1934 (47 U.S.C. s.332).
- (3) Sexting is defined in § 28.100 (a) of Title 9, Guam Code Annotated.
- (4) Store or other retail mercantile establishment or store means a place where merchandise is displayed, held, stored or sold or offered to the public for sale on Guam.

(b) It shall be an unlawful practice for any store or other retail mercantile establishment to sell cellular telephone equipment to an individual, or to sell a contract for cellular telephone equipment service to an individual, or to renew a contract for cellular telephone equipment service with an individual, unless the store encloses an informational brochure with such equipment or contract that informs the individual about the dangers of the practice known as sexting.

(1) The informational brochure required pursuant to this Subsection (b) shall include, but not be limited to, an explanation of the types of criminal penalties that may be imposed on an individual who engages in sexting, as well as a list of the names, telephone numbers, and addresses of agencies qualified and available to answer questions related to sexting, such as the Office of the Attorney General, Consumer Protection Division, or any other government or nonprofit organizations that is dedicated to educating communities about safety and self-responsibility when using cellular telephone equipment.

(2) The Office of the Attorney General, Consumer Protection Division, the Guam Police Department, and the Department of Revenue and Taxation shall notify all stores that sell cellular telephone equipment or cellular telephone equipment service contracts, of the requirements of this Act by advertising in local newspapers of general circulation on Guam, and shall prepare an information brochure on sexting and make copies available to all such stores.

(3) The Office of the Attorney General shall annually report to I Liheslatura on the effectiveness of the brochure preparation and distribution required by this Subsection.

(c) The owners of any store or other retail mercantile establishment which violates Subsection (b) shall be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00) per each violation, and if applicable be subject to the sentence imposed for corporations under § 80.16 of Title 9 G.C.A.

#### **9 GCA § 28.100. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; crime.**

(g) A juvenile or minor who commits the offense of Illegal Use of a Computer or Telecommunications Device to Disseminate Prohibited Materials Involving a Minor- Sexting, may be eligible for a diversionary program.

(4) The educational program shall provide information concerning:

(D) the connection between bullying and cyberbullying and juveniles sharing sexually suggestive or explicit materials.

**17 GCA § 3112.1. Same: Policy against bullying.**

(a) As used in this Section:

(1) "At school" means in a classroom, elsewhere on or within school fences or at a school-sponsored activity or event whether or not it is held on school premises.

(2) "Harassment, intimidation, or bullying" means any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission or the education of any pupil. "Harassment, intimidation, or bullying" includes, but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic.

(3) "Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully as defined in the above Subsection (2).

(b) The Guam Education Board (Board) shall adopt a policy prohibiting "harassment, intimidation, or bullying" and "cyberbullying" at school. The content of the policy shall be determined by the Board but shall contain at least the components in Subsection (c). The policy shall be adopted through a process that includes representation of parents or guardians, pupils, teachers, staff, administrators, volunteers, and community representatives.

(c) The policy shall include at least each of the following components:

(1) A statement prohibiting "harassment, intimidation, or bullying" and "cyberbullying" of a pupil.

(2) A definition of "harassment, intimidation, or bullying" and "cyberbullying" that includes at least the acts described in the definition in this Section.

(3) A description of the type of behavior expected from each pupil.

(4) Consequences and appropriate remedial action for a person who commits an act of "harassment, intimidation, or bullying" and "cyberbullying".

(5) A procedure for reporting an act of "harassment, intimidation, or bullying" and "cyberbullying", including a provision that permits a person to report an act of "harassment, intimidation, or bullying" and "cyberbullying" anonymously. However, this Subsection shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation.

(7) The range of ways in which a school will respond once an incident of "harassment, intimidation, or bullying" and "cyberbullying" is identified.

(8) A statement that prohibits reprisal or retaliation against any person who reports an act of "harassment, intimidation, or bullying" and "cyberbullying", and the consequences and appropriate remedial action for a person who engages in that type of reprisal or retaliation.

(9) Consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of "harassment, intimidation, or bullying" and "cyberbullying".

- (10) A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored activities.
- (11) A school employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of “harassment, intimidation, or bullying” and “cyberbullying”.
- (12) A school employee or volunteer who has witnessed, or has reliable information that a pupil has been subjected to “harassment, intimidation, or bullying” and “cyberbullying”, whether verbal or physical, shall report the incident to the appropriate school official designated by the Board policy.
- (13) A school employee who promptly reports an incident of “harassment, intimidation, or bullying” and “cyberbullying” to the appropriate school official designated by the Board policy, and who makes this report in compliance with the procedures in the policy prohibiting “harassment, intimidation, or bullying” and “cyberbullying” is not liable for damages arising from any failure to remedy the reported incident.
- (d) The Board shall adopt the policy under this Section and transmit a copy of its policy to the Superintendent of Education by June 30, 2011.
- (e) The Board shall ensure that notice of the policy under this Section is included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for all schools, and in its pupil handbooks.
- (f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.
- (g) Each school shall do all of the following:
- (1) Provide training on the school’s “harassment, intimidation, or bullying” and “cyberbullying” policies to the school community and volunteers who have significant contact with pupils; and
  - (2) Develop a process for discussing the “harassment, intimidation, or bullying” and “cyberbullying” policy with pupils as part of the curriculum.
- (h) A school shall incorporate information regarding its policy against “harassment, intimidation, or bullying” and “cyberbullying” into its employee training program.
- (i) This Section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This Section does not create or alter any tort liability.
- (j) The Board shall establish rules for appropriate disciplinary action for the Department of Education personnel who do not comply with the policy prohibiting “harassment, intimidation, or bullying” and “cyberbullying”.
- (k) “Harassment, intimidation, or bullying” and “cyberbullying” are CRIMINAL IN NATURE and any of these actions can constitute a criminal offense that is chargeable under Guam law.

## **REGULATIONS**

### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

Message from the Board of Education:

The Department of Education (DOE) does not condone or tolerate acts of sexual misconduct perpetrated against our students. Public education is grounded in public trust. In upholding that trust, we remain committed to creating and maintaining a public school system where no student will be fearful of coming to school or assigned worksite. Students must feel safe and secure at all times. DOE is committed to



providing a supportive, secure and safe learning environment and workplace that is free of all forms of harassment and sexual misconduct.

Whereas, it is the Board's intent to ensure students are free of sexual misconduct and harassment within the public school system as follows:

### I. Purpose

It is the policy of the Guam Education Board to ensure that students who attend the Department of Education (DOE) are safe, secure, and can count on being treated with respect. Schools shall be free from harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment and shall provide an environment that is conducive to learning. School administrators shall ensure that the school environment is free of any threat while attending school and any school sponsored activities. This requires a fundamental change in the way that administrators and employees in the DOE view harassment, intimidation or bullying, cyberbullying, sexting sexual harassment and fraternization.

The school principal and employees must recognize that minor events, which do not rise to the level of violations of school rules or a crime, may still create an environment which makes students feel uncomfortable or even terrified at the prospect of attending school. This policy is to allow students active participation in school affairs without fear and threat of harassment, intimidation or bullying, cyberbullying, sexting and sexual harassment.

This policy will also follow federal antidiscrimination laws enforced by the Office of Civil Rights (OCR). The statutes that OCR enforces includes Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.

### II. Coverage

This policy governs all students within the jurisdiction of DOE and is intended to prohibit bullying, cyberbullying, sexting and sexual harassment in the public school system. The term "at school" is defined in 17 GCA Section 3112.1 that states (a) "'at school' means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official bus stop, or at a school-sponsored activity or event whether or not it is held on school premises."

### III. Definitions

#### A. Harassment, Intimidation or Bullying

1. 17 GCA Section 3112.1 (a) "any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school's educational mission or the education of any pupil. Harassment, intimidation, or bullying includes but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil's religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic".

2. Bullying behavior components:

- a. aggressive behavior that involves unwanted, negative actions
- b. involves a pattern of behavior repeated over time
- c. involves an imbalance of power or strength

3. Common forms of harassment, intimidation or bullying include:

- a. Repeated negative behaviors intended to frighten or cause distress to a student or group of students. Behaviors also include assault & battery, pushing and shoving, teasing, and name calling.
- b. Posting of negative messages on the bathroom walls, school walls, and classroom walls thus creating an atmosphere which causes distress to the point that a student or students are frightened to attend school or their classes.
- c. Verbal expressions, physical acts, and gestures and antagonism intended to strike fear with students and school staff.
- d. Threatening notes, phone calls, and other electronic communications which indicate some form of retaliation.
- e. Aggressive behavior of an individual or group meant to use greater power by threatening and generally oppressing a targeted individual or group of individuals.
- f. Acts of intimidation that prevents students from engaging in the academic and learning process.
- g. An action that targets a student or group of students and cause distress or suggest oppression based on race, color, religion, disability and beliefs and further causes students to lose focus and performance in the learning process.
- h. Physical aggression such as assault, kicking, punching, hitting and biting.
- i. Physical and aggressive gestures imitating an action to hit another person.
- j. Extortion for lunch money or other student property.
- k. Teasing in such a manner as to impact a student's, emotional, or academic functioning.
- l. Writing nasty notes on walls, paper, or other surfaces in an attempt to demean and defame a person's character or integrity.
- m. Other behaviors meant to create a climate of fear and that affects the daily functioning on students on and off campus.
- n. Behaviors that causes or intends to cause social exclusion or isolation of another student; lies, false rumors and/or other behaviors that promotes relational aggression.
- o. Having money or other things taken or damaged or threatening or forced others to engage in bullying behaviors

## B. Cyberbullying

1. The use of any electronic communication device to harass, intimidate or bully as defined in 17 GCA Section 3112.1 (2). Cyberbullying is bullying through email, instant messaging, in a chat room, on a website, or through digital messages or images sent to a cell phone (Kowalski et al. 2008). Cyberbullying like traditional bullying involves an imbalance of power, aggression, and repetitive negative action.
2. Common forms of cyberbullying include but are not limited to the following:
  - a. Harassment: Repeatedly sending offensive, rude, and insulting messages
  - b. Denigration: "Dissing" someone online. Sending or posting cruel gossip or rumors about a person to damage his or her reputation or friendships.
  - c. Flaming: Online "fighting" using electronic messages with angry, vulgar language
  - d. Impersonation: Breaking into someone's email or social networking account posing as that person and sending messages to make the person look bad, get that person into trouble or danger, or damage that person's reputation or friendships.
  - e. Outing and Trickery: Sharing someone's secrets or embarrassing information online. Tricking someone into revealing secrets or embarrassing information which is then shared online.

- f. Cyber Stalking: Repeatedly sending messages that include threats of harm or are highly intimidating; engaging in other online activities that make a person afraid for his or her safety.
- g. Exclusion: Intentionally excluding someone from an online group like a “buddy list” or a game.
- h. Trolling: Intentionally posting provocative messages about sensitive subjects to create conflict, upset people, and bait them into “flaming” or fighting.

### C. Sexting

1. 9 GCA §28.100; a minor is guilty of an offense of Illegal Use of a Computer Telecommunications Device Involving a Minor, otherwise known as sexting, if the minor, by use of a computer or any telecommunications device, recklessly or knowingly creates, receives, exchanges, sends, disseminates, transmits or possesses a photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity.

3. Examples and common forms of sexting include but are not limited to the following:

- a. Electronically transmitting offensive, sexually explicit and/or inappropriate pictures, images or drawings that damages a student’s reputation, educational standing or social standing or that interferes with the educational mission of the school.
- b. Electronically transmitting offensive messages, postings, texts, instant messages and/or other forms of written communication that contain sexual context that interferes with the educational mission of the school.
- c. Electronically transmitting offensive music, sound bites, voices, noises or any recorded material that contain sexually explicit and/or inappropriate content that interferes with the educational mission of the school.

### D. Sexual Harassment

1. Office of Civil Rights Title IX - Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student’s ability to participate in or to receive benefits, services, or opportunities in the school’s program. Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX.

Sexual harassment may occur as a pattern of degrading sexual speech or action ranging from verbal or physical annoyances or distractions to deliberate intimidation and frank threats or sexual demands. Forms of sexual harassment may include but not limited to the following;

- a. verbal, non-verbal, and physical sexual behaviors
- b. coerced sex
- c. sexual jokes and innuendoes
- d. remarks about a person's body
- e. turning discussions inappropriately to sexual topics
- f. whistling or cat calls
- g. looking a person up and down or staring in a sexually suggestive manner
- h. invading someone's personal space or blocking her/his path
- i. sexually explicit visuals such as pin-ups
- j. suggestions of sexual intimacy
- k. repeated requests for dates
- l. unwanted letters, electronic mail or other computer communications

m. unwanted gifts

n. touching, hugging, massaging, and other gestures or sounds that a reasonable person of the same sex as the recipient would find offensive

#### IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

A. Public schools are required to form bullying and cyberbullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.

B. All schools shall include the provisions of this policy in their student handbook.

C. Each school will be responsible for teaching behavioral expectations to their students in their respective school communities. Each school shall develop a process for discussing harassment, intimidation, or bullying policy with pupils as part of the curriculum.

#### V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

##### A. Responsibility of Students and/or Parents

1. Students and/or parents shall immediately report incidences to the school principal, a teacher, school aide or school employee. The school staff or personnel shall comply with the requirements of 19GCA Chapter 13 as outlined below.

2. Each student shall adhere to the behavioral expectations of their respective school community.

##### B. Responsibility of Teachers, School Staff, and Volunteers

1. Teachers and school staff who receive complaints of bullying and sexual harassment by students shall fully comply with 19 GCA Chapter 13 on these matters.

2. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare.”

3. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.”

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.

In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.

C. Responsibility of School Principals or Principal's Designee

1. School principals shall maintain an educational and work environment free of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment. The responsibility includes discussing the policy with students and employees and formulating school level policies consistent with the District standard operating procedures. Principals will develop a system for students to report acts of bullying, harassment, or intimidation anonymously.

2. School principals shall fully comply with 19 GCA Chapter 13 on these matters.

3. 19 GCA Chapter 13 is known as the "Child Protective Act" under Guam law. In §13101(b) it states, "Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child's welfare."

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§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim "privileged communications" as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.

In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.5. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyberbullying incidences.

6. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.

7. Investigate and document complaints promptly in ways designed to respect the privacy of all parties involved.

8. Immediately refer the students involved in the incidences to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyberbullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal.

9. Follow related policies concerning appropriate disciplinary and other actions pursuant to Board Policy 405 and the District Discipline/Truancy Data Manual.

D. Responsibility of Student Support Services Administrator:

1. Assist the Superintendent in the oversight of this policy.

2. Provide assistance to the schools in regards to training and the latest research on of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment in schools.

3. Monitor, assess, and use the disciplinary information contained in the Superintendent's Annual State of Public Education Report in the planning and implementation of appropriate staff development.

4. Submit a monthly District Discipline Data report to the Superintendent.

VI. Non-Compliance

Non-compliance to this policy will result in appropriate disciplinary action.

VIII. Further Action by the Superintendent

The Superintendent shall create appropriate standard operating procedures for implementation of this policy within 30 days of its adoption. School administrator will ensure that the standard operating procedures are followed.

## Other special infractions or conditions

### LAWS

**9 GCA § 28.100. Illegal use of a computer or telecommunications device to disseminate prohibited materials involving a minor- sexting; crime.**

(a) A minor is guilty of an offense of Illegal Use of a Computer Telecommunications Device Involving a Minor, otherwise known as Sexting, if the minor, by use of a computer or any telecommunications device, recklessly or knowingly creates, receives, exchanges, sends, disseminates, transmits or possesses a

photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity.

(b) It is no defense to a charge under this Section that the minor creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows themselves in a state of nudity.

(c) Applicability. This Section shall not apply to the use of a computer or a telecommunications device to transmit or distribute a photograph or other depiction involving sexual intercourse, deviate sexual intercourse, sadism, masochism or masturbation. This Section does not prohibit a person guilty under this Section to be charged with other chargeable criminal sex offenses under Guam law.

(d) An offense under this Section constitutes a "status offense". Any minor found to commit an offense under this Section shall be found guilty of illegal use of a telecommunications device involving a minor in a state of nudity, a delinquent act that would be a misdemeanor if it could be committed as an adult.

(e) A minor who violates this Section is guilty of a separate offense for each separate photograph, video, or other material that shows a minor in a state of nudity which is created, received, exchanged, sent, or possessed.

(f) Any minor who is convicted of a violation of this Section shall be ordered in addition to the sentence ordered by the Court, as part of his or her sentence, to participate in the educational program similar to that discussed under Subsection (g) of this Section.

(g) A juvenile or minor who commits the offense of Illegal Use of a Computer or Telecommunications Device to Disseminate Prohibited Materials Involving a Minor- Sexting, may be eligible for a diversionary program.

(1) As used herein, 'eligible offense' means an offense chargeable under this Section where:

(A) the facts of the case involve the creation, exhibition or distribution without malicious intent of a photograph depicting nudity as defined in that section through the use of a telecommunications device or a computer; and

(B) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

(2) The Office of the Attorney General, Family Division, or whichever designated division of the Office of the Attorney General that addresses matters involving juveniles in the community of Guam, will incorporate such a diversionary program under its current services. Such diversionary program would be similar to or incorporated under the current Pre-Adjudicatory Diversionary Program that the Office of the Attorney General currently utilizes. The program would require the Office of the Attorney General to develop an educational program for juveniles who commit an eligible offense as defined in this Act. The Office of the Attorney General shall then consult with the Judiciary of Guam, Juvenile Probation Division, to discuss and implement such educational program, to include the same or similar conditions as the current Pre-Adjudicatory Diversionary Program in place between the Office of the Attorney General and Judiciary of Guam, Juvenile Probation Office. The Office of the Attorney General shall be the sole agency responsible for the determination as to whether a minor may be admitted into the diversionary program. A juvenile who successfully completes the program would have the opportunity to avoid prosecution, and any records relating to such an offense, upon completion of the program, would be dismissed and expunged.

(3) Admission to the program shall be limited to juveniles who:

(A) have not previously been adjudicated delinquent for or convicted of a criminal offense under Title 9 of the Guam Code Annotated that constitutes a third degree felony or greater;

(B) were not aware that their actions could constitute and did not have the intent to commit a criminal offense;

(C) may be harmed by the imposition of criminal sanctions; and

(D) would likely be deterred from engaging in similar conduct in the future by completing the program.

(4) The educational program shall provide information concerning:

(A) the legal consequences of and penalties for sharing sexually suggestive or explicit materials, including applicable local and federal statutes;

(B) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(C) how the unique characteristics of cyberspace and the Internet, including searchability, replicability, and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(D) the connection between bullying and cyberbullying and juveniles sharing sexually suggestive or explicit materials.

(5) The Attorney General may promulgate guidelines to effectuate the provisions of this Section.

### **17 GCA § 7110. Entry with intent to cause fight.**

Every person who at any time enters any school campus maintained by the Department of Education with the intent of entering into a fight with any person or causing disruption on said school campus is guilty of a misdemeanor and punishable by a fine of Three Hundred Dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both.

## **REGULATIONS**

### **Board Policy d.406. Student cell phone use on school campus.**

Introduction:

It is the policy of Department of Education that the use of cellular phones by students is a privilege that is allowed on school campuses within the parameters of this policy. The purpose of this policy is to ensure that student possession and use of cellular phones does not interfere with academic instruction, does not disrupt school operations, and its use is not in violation of the law.

Rationale:

In order to properly prepare students for life and promote excellence, the Department of Education embraces the appropriate use of technology. DOE students need to be exposed to available and newly developed technologies in order to properly prepare for higher education, the world of work, and as contributing citizens in society. However, inappropriate use and corresponding consequences need to be clearly delineated.

The Guam Education Board, in consideration of student safety and academic integrity within the school system, believes that appropriate standard operating procedures should govern student possession and use of cell phones within the school campus. Educators from across the country are exploring the integration and instructional use of technology, including camera cell phones, web-enabled cell phones, and cell phones with multi-media capabilities. However, school districts, including Guam, have also had to deal with such devices being used inappropriately on school campuses, causing disruption, leading to academic dishonesty, cyber bullying and sexting.

Policy:

1. Cellular phone use by students is ALLOWED, if part of academic instruction and for students with specific needs that require such devices as per their Individualized Education Program (IEP), 504 Plan, or Individualized Health Plan (IHP).



2. The Superintendent shall develop a Standard Operating Procedures (SOP) governing the possession and use of cell phones. The Superintendent shall ensure the implementation of the policy.
3. The SOP developed under this policy shall outline when confiscation shall occur.

**Board Policy d.440. Permission to leave school grounds.**

Students may not leave the school grounds from the time of their arrival until the time they leave at the end of the day unless they have written permission from both their parents/legal guardian(s) and principal to do so.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **17 GCA § 3112.1. Same: Policy against bullying.**

(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

(g) Each school shall do all of the following:

- (1) provide training on the school's "harassment, intimidation, or bullying" and "cyberbullying" policies to the school community and volunteers who have significant contact with pupils; and
- (2) develop a process for discussing the "harassment, intimidation, or bullying" and "cyberbullying" policy with pupils as part of the curriculum.

##### **17 GCA § 4125. Internet safety in course curricula.**

The Guam Education Board shall, by Board policy, adopt internet usage safety standards in the curriculum of each course where internet usage is required or may be used by students for successful completion and mastery of the course subject matter. The standards may include, but not be limited to, teaching students to avoid computer viruses, identity theft, phishing and bank theft scams, exposure to violent, pornographic and obscene imagery, solicitation from sexual predators, and cyberbullying.

#### **REGULATIONS**

##### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

- A. Public schools are required to form bullying and cyberbullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.
- B. All schools shall include the provisions of this policy in their student handbook.
- C. Each school will be responsible for teaching behavioral expectations to their students in their respective school communities. Each school shall develop a process for discussing harassment, intimidation, or bullying policy with pupils as part of the curriculum.

### **Behavioral interventions and student support services**

#### **LAWS**

##### **17 GCA § 3112.1. Same: Policy against bullying.**

(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

## REGULATIONS

### **Board Policy d.405. Student suspension expulsion.**

V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

C. Behavioral incidences and interventions/consequences that have operational definitions and is categorized by level of severity and is assigned a code generated by the DOE student information system.

### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

C. Responsibility of School Principals or Principal's Designee

5. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyberbullying incidences.

8. Immediately refer the students involved in the incidences to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyberbullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal.

### **Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.**

II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages

A student suspected of having used or of being under the influence of an illegal drug or alcoholic beverage, but who is not reasonably suspected of possessing such substances, shall be referred to the appropriate health and/or guidance counselor, who shall act in the best interests of the child. The counselor(s) who work with these students shall abide by the Department's procedures on confidentiality while working with them.

## Professional development

## LAWS

### **17 GCA § 3112.1. Same: Policy against bullying.**

(g) Each school shall do all of the following:

(1) provide training on the school's "harassment, intimidation, or bullying" and "cyberbullying" policies to the school community and volunteers who have significant contact with pupils; [...]

(h) A school shall incorporate information regarding its policy against "harassment, intimidation, or bullying" and "cyberbullying" into its employee training program.

## REGULATIONS

No relevant regulations found.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

##### **17 GCA § 3112.1. Same: Policy against bullying.**

(c) The policy shall include at least each of the following components:

(5) A procedure for reporting an act of “harassment, intimidation, or bullying” and “cyberbullying”, including a provision that permits a person to report an act of “harassment, intimidation, or bullying” and “cyberbullying” anonymously. However, this Subsection shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

(6) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal’s designee as the person responsible for the investigation.

(11) A school employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of “harassment, intimidation, or bullying” and “cyberbullying”.

(12) A school employee or volunteer who has witnessed, or has reliable information that a pupil has been subjected to “harassment, intimidation, or bullying” and “cyberbullying”, whether verbal or physical, shall report the incident to the appropriate school official designated by the Board policy.

#### **REGULATIONS**

##### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

###### A. Responsibility of Students and/or Parents

1. Students and/or parents shall immediately report incidences to the school principal, a teacher, school aide or school employee. The school staff or personnel shall comply with the requirements of 19GCA Chapter 13 as outlined below.
2. Each student shall adhere to the behavioral expectations of their respective school community.

###### B. Responsibility of Teachers, School Staff, and Volunteers

1. Teachers and school staff who receive complaints of bullying and sexual harassment by students shall fully comply with 19 GCA Chapter 13 on these matters.
2. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare.”
3. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or

neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.”

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

§13202. Any Person Permitted to Report.

In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.

#### C. Responsibility of School Principals or Principal's Designee

1. School principals shall maintain an educational and work environment free of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment. The responsibility includes discussing the policy with students and employees and formulating school level policies consistent with the District standard operating procedures. Principals will develop a system for students to report acts of bullying, harassment, or intimidation anonymously.

2. School principals shall fully comply with 19 GCA Chapter 13 on these matters.

3. 19 GCA Chapter 13 is known as the “Child Protective Act” under Guam law. In §13101(b) it states, “Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare.”

4. There is a reporting requirement under this section of the law. Article 2 entitled the “Child Abuse and Neglect Reporting Act” mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim “privileged communications” as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

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In addition to those persons and officials required to report suspected child abuse or neglect, any person may make such report if that person has reasonable cause to suspect that a child is an abused or neglected child.

§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department.5. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyberbullying incidences.

6. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.

7. Investigate and document complaints promptly in ways designed to respect the privacy of all parties involved.

8. Immediately refer the students involved in the incidences to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyberbullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal.

9. Follow related policies concerning appropriate disciplinary and other actions pursuant to Board Policy 405 and the District Discipline/Truancy Data Manual.

D. Responsibility of Student Support Services Administrator:

1. Assist the Superintendent in the oversight of this policy.

2. Provide assistance to the schools in regards to training and the latest research on of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment in schools.

3. Monitor, assess, and use the disciplinary information contained in the Superintendent's Annual State of Public Education Report in the planning and implementation of appropriate staff development.

4. Submit a monthly District Discipline Data report to the Superintendent.

### **Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.**

#### I. Introduction

The following guidelines are issued to provide direction to school administrators regarding suspected or actual possession, use, and distribution of illegal drugs, unauthorized medication, and alcoholic

beverages by students of the Department of Education. Refer to the policy of the Territorial Board of Education on medication for guidance on the authorized possession and use of medication by students.

## II. Suspicion That Students Are in Possession of Unauthorized Drugs or Alcoholic Beverages

School administrators are authorized to conduct searches of students, their possessions, and their lockers whenever they have reasonable suspicion that the students are in possession of unauthorized medications, illegal drugs, or alcoholic beverages. However, school administrators must conduct their searches within the legal parameters allowed by the appendix of this policy. School administrators may take appropriate corrective or disciplinary action against students who are discovered to in be possession of unauthorized medications, illegal drugs, or alcoholic beverages as a result of properly conducted searches.

A student suspected of having used or of being under the influence of an illegal drug or alcoholic beverage, but who is not reasonably suspected of possessing such substances, shall be referred to the appropriate health and/or guidance counselor, who shall act in the best interests of the child. The counselor(s) who work with these students shall abide by the Department's procedures on confidentiality while working with them.

## III. Possession of Suspected Illegal Drugs and Alcoholic Beverages

Students shall be referred to the Guam Police Department upon the determination of a school's administration that they are in possession of suspected illegal drugs on the school's campus or at a school activity.

Minor students shall be referred to the Guam Police Department upon the determination of a school's administration that they are in possession of alcoholic beverages on the school's campus or at a school activity.

## IV. Possession of Medication Without Proper Authorization

Students who are in possession of medication without proper authorization on a school's campus or at a school approved activity shall be referred to the school's administration, which shall:

1. determine why the students were in possession of the unauthorized medication, and
2. take appropriate corrective or disciplinary action based on the findings of the above investigation.

## V. Discovery of Suspected Illegal Drugs Not in Anyone's Possession

A school's administration shall turn over suspected illegal drugs that are not in anyone's possession which are found on its campus or at a school activity to the Guam Police Department for proper identification and disposal. It shall also be responsible for informing its health and guidance services staff of the identity of the substances upon receipt of such feedback from the police.

### **Board Policy d.425. Dangerous weapons.**

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction. [...]

**Board Policy d.430. Smoking and possession of tobacco products.**

The Board of Education, in consideration of the health and safety of students within the school system, believes that a total ban on student smoking and possession of tobacco products within the school campus would be in the best interest of our school children. It is the policy of this Board that smoking and possession of tobacco products by all public school students is strictly prohibited at all times on any school property, in all school buses and at school activities, both on and off-campus. It is also the policy of the Board that smoking by adults is strictly prohibited on campus in any areas accessible to students. Note: for the purposes of this policy, electronic cigarettes, vapor pens, hookah related products and all other nicotine products or substitutes are included under the category of tobacco products.

Disciplinary procedures to be enforced for student violations of this policy are as follows:

For Elementary Students. The disciplinary measures to be taken with elementary students who violate this policy shall be in accordance with those procedures delineated in the Student Conduct Procedural Manual (SCPM) and the Office Discipline Referral (ODR) form and approved by the appropriate Deputy Superintendent relative to student smoking and possession of tobacco products. The approved procedures must be in written form and disseminated by the appropriate Deputy Superintendent, to all elementary schools.

For Secondary Students. Each offense shall be handled as a Level 3 and progressively disciplined in accordance with the Student Conduct Procedural Manual and the Office Discipline Referral (ODR) Form.

## **Parental notification**

### **LAWS**

**17 GCA § 6404. Same: Delivery of truant.**

The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant's parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil's school, shall bring the child before the Family Court.

**17 GCA § 6405. Same: Disposition.**

The attendance officer shall promptly report to the Department of Education and to the parent the disposition made by the attendance officer of the truant.

### **REGULATIONS**

**Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

C. Responsibility of School Principals or Principal's Designee

6. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.



## Reporting and referrals between schools and law enforcement

### LAWS

#### **17 GCA § 3112.1. Same: Policy against bullying.**

(k) “harassment, intimidation, or bullying” and “cyberbullying” are CRIMINAL IN NATURE and any of these actions can constitute a criminal offense that is chargeable under Guam law.

#### **17 GCA § 3112.2. Safe schools program: School crime stoppers.**

The Guam Education Board (Board) shall adopt a policy to address crimes being committed within the Guam Department of Education (GDOE) schools. The Board shall implement crime-prevention efforts found successful in other jurisdictions and implement such policies.

The policy shall include, but is not limited to, the following:

(a) School Safety Coordinator. Each school shall identify a School Safety Coordinator (an administrator or school counselor) who will be responsible for overseeing the Program for individual GDOE schools.

(b) School Crime Stoppers Coordinator. The Guam Police Department Chief of Police will assign an employee of the Guam Police Department to serve as the School Crime Stoppers Coordinator to work with GDOE School Safety Coordinators, and to serve as liaison to Guam Crime Stoppers, Inc. and the Guam Police Department.

(1) The School Crime Stoppers Coordinator will be responsible for organizing awareness and education events for students, and the broader community, with the Guam Police Department, the Guam Crime Stoppers, the Office of the Attorney General, the Mayors Council of Guam, and other relative agencies and organizations, as well as training events for administrators, faculty, staff, school parent organizations and families.

(2) Partnership with Guam Crime Stoppers, Inc. The Board shall explore options of developing a partnership with Guam Crime Stoppers, Inc. to identify the School Crime Stoppers Program needs, such as securing phone services, the possible implementation of procedures for online web tips for the reporting of crimes that occur on GDOE campuses, and other related needs.

(3) The School Crime Stoppers Coordinator will forward reports of tips and calls that have led to arrests for crimes to the Guam Crime Stoppers Board of Directors for disposition, in accordance with the organization’s current procedures. For infractions or instances where the event is not a criminal activity, the School Safety Coordinator and the School Crime Stopper Coordinator will determine, or make a referral for, the appropriate disciplinary action, or make a referral to the appropriate entity.

(4) The School Crime Stoppers Coordinator and the School Safety Coordinators shall coordinate with the Guam Crime Stoppers, Inc., and make recommendations for policy relative to fundraising efforts to support the School Crime Stoppers program. Said recommendations shall be presented to the GDOE Board and Superintendent of Education for consideration and subsequent development of policy.

(c) Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.

(1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.

(2) The data shall be published quarterly for public review on the Guam Department of Education website.

(d) Both the School Safety Coordinators and the School Crime Stopper Coordinator will be responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the coordinators shall forward it to the appropriate authorities for disposition.

(e) Implementation. The Program shall be implemented in all Guam Department of Education schools.

**17 GCA § 6402. Habitual truant.**

A pupil is a habitual truant if the pupil has incurred twelve (12) or more unexcused absences in a school year, and is of compulsory attendance age. If any pupil is a habitual truant, the principal of the pupil's school shall request the Superintendent to file a petition concerning such habitual truant in the Family Court or the Superior Court of Guam.

**17 GCA § 6406. Report to court and social services.**

Any pupil who has once been adjudged a habitual truant, or who is again reported as a truant one (1) or more days, or is late to school for thirty (30) or more minutes on one (1) or more days without excuse, shall be reported by the Superintendent or the attendance officer to the Family Court.

**17 GCA § 6407. Court hearing.**

If the Court, after hearing, finds that the allegations of habitual truancy are sustained by evidence, it may order that the child be detained and maintained in a school supervised by the Court for the remainder of the current school term, or it may order that the child be turned over to the custody of the Division of Social Services where the child shall be provided casework treatment and services.

**17 GCA § 6408. Submission of report.**

The attendance officer shall report monthly to the Superintendent the number and types of reports and requests made by each school on Guam pursuant to this Article, and whether each school within Guam has complied with the provisions of this Article.

**REGULATIONS**

**Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

C. Responsibility of School Principals or Principal's Designee

4. There is a reporting requirement under this section of the law. Article 2 entitled the "Child Abuse and Neglect Reporting Act" mandates how cases should be handled. All teachers and school staff are required to adhere to the law which states:

§13201. Persons Required to Report Suspected Child Abuse or Neglect.

(A) Any person who, in the course of his or her employment, occupation or practice of his or her profession, comes into contact with children shall report when he or she has reason to suspect on the basis of his medical, professional or other training and experience that a child is an abused or neglected child. No person may claim "privileged communications" as a basis for his or her refusal or failure to report suspected child abuse or neglect or to provide Child Protective Services or the Guam Police Department with required information. Such privileges are specifically abrogated with respect to reporting suspected child abuse or neglect or of providing information to the agency.

(B) Persons required to report suspected child abuse under Subsection (a) include, but are not limited to, any licensed physician, medical examiner, dentist, osteopath, optometrist, chiropractor, podiatrist, intern, registered nurse, licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of persons, Christian Science practitioner, clergy member of any religious faith, or other similar functionary or employee of any church, place of worship, or other religious organization whose primary duties consist of teaching, spreading the faith, church governance, supervision of a religious order, or supervision or participation in religious ritual and worship, school administrator, school teacher, school nurse, school counselor, social services worker, day care center worker, or any other child care or foster care worker, mental health professional, peace officer or law enforcement official.

The law further indicates that anyone can make these reports and sets strict timelines for reporting:

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§13203. Reporting Responsibilities.

(a) Reporting procedures. Reports suspected child abuse or neglect from persons required to report under § 13201 shall be made immediately by telephone and followed up in writing within 48 hours after the oral report. Oral reports shall be made to Child Protective Services or to the Guam Police Department. Board Policy d.420. Control of unauthorized drugs and alcoholic beverages.

### III. Possession of Suspected Illegal Drugs and Alcoholic Beverages

Students shall be referred to the Guam Police Department upon the determination of a school's administration that they are in possession of suspected illegal drugs on the school's campus or at a school activity.

Minor students shall be referred to the Guam Police Department upon the determination of a school's administration that they are in possession of alcoholic beverages on the school's campus or at a school activity.

### V. Discovery of Suspected Illegal Drugs Not in Anyone's Possession

A school's administration shall turn over suspected illegal drugs that are not in anyone's possession which are found on its campus or at a school activity to the Guam Police Department for proper identification and disposal. It shall also be responsible for informing its health and guidance services staff of the identity of the substances upon receipt of such feedback from the police.

### **Board Policy d.425. Dangerous weapons.**

Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted. If it is determined that possession of an instrument is illegal under the laws of Guam, or if the student threatens or attacks another person with it on campus or at a school related activity, the student shall be referred to the Guam Police Department and dealt with according to the provisions of Board Policy 405.

If the weapon is determined to be a firearm, upon an adjudication of guilt made pursuant to the provisions of Board Policy 405, the student must be expelled from a regular school setting for a minimum of one year. The Director of Education may, upon a showing that such expulsion violates other legal rights of the student, modify this sanction. [...]

### **Board Policy h.810. Cooperation with law enforcement authorities.**

Cooperation with Law Enforcement:

The Guam Public School System will cooperate to the extent permitted by law all law and assist in their legal functions and mandates. In furtherance of this policy, care should be exercised to ensure that:

1. The individual pupil and employee's rights and feelings are respected.
2. The pupil and employee are protected from unnecessary humiliation and damage to his reputation.
3. The rights and responsibilities of parents or guardians of pupils and of employees are observed.
4. GPSS is responsible to help each pupil and employee in the most constructive way possible.

When Action is initiated by Law Enforcement:

- a) The school may permit law enforcement officers to interview minor students at the school provided at least one (1) parent or legal guardian is present and consents in writing to the interview. Such consent to the interview at the school is independent of, and prior to, any warnings the officers may be required to give to the minor student prior to the interview. If at all possible, the interview should be conducted away from school.
- b) Law enforcement shall first report to the principal in the school's main office and should indicate to the principal the reason they are on campus and why they want to talk to a student or employee.
- c) The officer is required to identify himself to the principal. If the principal is not satisfied with the identification, he should check with the agency in question.

When Action is initiated by the School:

The principal should call law enforcement when a case, in his/her judgment, warrants such assistance. If this occurs, the principal should immediately endeavor to notify the Office of the Superintendent, as well as the Public Information Officer.

When Action is initiated by Law Enforcement or by the School:

The principal should provide a private room for questioning.

1. The Guam Education Policy Board wholeheartedly condemns any strategy, which would encourage the use of any student or employee as an undercover agent for law enforcement.
2. The Guam Education Policy Board is morally opposed to the concept that any other agency, department, business or organization is justified in suborning any student or employee of the Guam Public School System to bribery or promises of reward for performance of nefarious acts.
3. The Guam Education Policy Board unanimously endorses education for children in a healthy, mentally stimulating atmosphere and feels that education is its own reward.

### **Board Policy d.472. School crime stoppers program.**

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

- IV. The Principal or designated personnel is be responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the SSC and SCSC coordinators shall forward it to the appropriate authorities for disposition.

## Disclosure of school records

### LAWS

No relevant laws found.

### REGULATIONS

#### **Board Policy d.405. Student suspension expulsion.**

III. Confidentiality.

All proceedings and records of proceedings, under this policy shall be confidential. If disciplinary action is taken, a record shall be filed in the student's cumulative folder and subjected to the same access restrictions applicable to any other material duties, shall have access to this material on the same basis as members of a school administration.

Per the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99), schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the follow conditions (34 CFR §99.31)

- A. School officials with legitimate educational interest;
- B. Other schools to which a student is transferring;
- C. Specified officials for audit or evaluation purposes;
- D. Appropriate parties in connection with financial aid to a student;
- E. Organizations conducting certain studies for or on behalf of the school;
- F. Accrediting organizations;
- G. To comply with a judicial order or lawfully issued subpoena;
- H. Appropriate officials in cases of health and safety emergencies; and
- I. State and local authorities, within a juvenile justice system, pursuant to specific State law.

#### **Board Policy h.825. Student records.**

I. Definitions

A) Education records: All of the written information maintained by the Department of Education (the Department) which relate to a student-regardless of the manner in which the written information is maintained-except for:

- 1) records of personnel which are in the sole possession of the maker and are not accessible or revealed to any other individual except a substitute
- 2) records of a law enforcement unit of an educational agency or institution which are maintained apart form educational records, maintained solely for law enforcement purposes, and not disclosed to individuals other than law enforcement

B) Eligible student: A student who has reached 18 years of age or is attending a postsecondary educational institution

C) Directory information: Information relating to a student including the student's: name; date of birth; school; grade in which the student is enrolled; time period(s) during which he/she is/was in attendance at a school; village of residence; participation in officially recognized activities and sports; weights and heights of members of athletic teams; degrees and awards granted

D) Legitimate educational interest: the need of a school official to know the contents of a student's educational records in order to perform a function required by his/her duties and responsibilities as a school official

E) Parent: A biological parent of a student (except if his/her rights under the Family Educational Privacy Rights Act have been terminated by a court order); a guardian; or a person acting as a parent in the absence of a parent or guardian

F) Student: Any person who attends or has attended a program of instruction of the Department of Education

G) School Officials:

- 1) persons employed by/under contract with the Department
- 2) persons duly elected to the Territorial Board of Education
- 3) persons appointed by the Department to an administrative or supervisory position

## II. Access to Educational Records

A. When Permission From A Parent Or Eligible Student Is Not Required: The following may have access to-or, as circumstances dictate, be provided with either a copy of or the original set of-a student's educational records without having obtained permission from the student's parent or an eligible student;

- 1) The student him/herself
- 2) The student's parents, except for parents: 1) who are prohibited by court order from having access to the records, or 2) whose child is an eligible student, unless the child is being claimed by the parent as a tax deduction
- 3) School officials who have a legitimate educational interest in the records, providing that such access shall be limited to only those records to which the legitimate educational interest applies
- 4) Schools in which the student has enrolled
- 5) Certain federal and state authorities if the records are needed to audit or evaluate a federally funded program, provided that any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and personally identifiable data shall be destroyed when no longer needed for such an audit or evaluation
- 6) Persons who are involved with an application for financial aid
- 7) Organizations which are conducting studies for or on behalf of the Department for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, providing that the studies are conducted in a manner which will not permit the personal identification of students and the parents by individuals other than representatives of the organizations and the information will be destroyed when no longer needed for the purposes for which the study was conducted
- 8) Accrediting organizations in order to carry out their accrediting functions
- 9) Parties identified by a court order which requires the release of information contained in a student's educational records, provided the Department makes a reasonable effort to notify the parent of the student (or the student if he/she has reached eighteen years of age or is attending a postsecondary educational institution) of the order in advance of compliance
- 10) Appropriate parties in connection with an emergency, providing that all four of the following criteria exist and providing that the information which is released is limited to only that which is needed to address the emergency:

- a) there is a serious threat to the health or safety of the student or other persons
- b) the information which is requested is necessary to deal with the emergency
- c) the party to whom the information would be disclosed is in a position to deal with the emergency
- d) time is of the essence in dealing with the emergency

11) Persons/organizations which request directory information, providing that they can show reasonable cause for wanting the directory information, and providing that only directory information is released to such persons or organizations

B. When Permission From A Parent Or Eligible Student Is Required: A parent, or the student if he/she is an eligible student, must consent in writing to providing access to or releasing educational records to any persons or parties not covered by the conditions or criteria listed in section (A) above. The written consent must include at least:

- 1) the signature of the parent or eligible student
- 2) the date on which the consent was signed
- 3) a specification of the records to be disclosed
- 4) the purpose(s) of the disclosure
- 5) the parties or class of parties to whom the disclosure may be made
- 6) if applicable, the date on which the consent is to terminate

### III. Rights of Parents and Eligible Students

Parents and eligible students have the following rights. The rights accorded to and the consent required of parents are accorded only to students who reach the age of eighteen or who are attending postsecondary educational institutions. The status of eligible students who are claimed by their parents for tax deduction purposes does not otherwise affect the rights accorded to and the consent required of eligible students.

- A) to inspect and review the educational records of the student in accordance with the following:
  - 1) the inspection shall be allowed within a reasonable amount of time, not to exceed 45 days after the request has been made
  - 2) the custodian of the records may require that the inspection of the records be scheduled by appointment, providing that annual notice of such a requirement is provided to parents as required by Part IV.
  - 3) The custodian of the records provide the parent or eligible student at the time of inspection with a listing of:
    - a) the types of educational records being maintained,
    - b) the location of every part of the educational records, inclusive of
    - c) the titles and addresses of the officials responsible for the records
  - 4) the custodian of the records shall have personnel who are qualified and capable of explaining the records present at the time of the inspection, and the custodian of the records shall provide a response to reasonable requests for explanations and interpretations of the records within a reasonable amount of time of the requests
  - 5) The parent or eligible student shall be provided with a copy of the records where failure to do so would effectively prevent a parent or eligible student from exercising their right to inspect and review the records

6) The parent or eligible student shall be restricted to inspecting and reviewing only specific information which pertains to their child or the eligible student when educational records contain information on more than one student

7) Parents and eligible students may be charged a copying fee of up to 25 cents for every page provided to them at multiple locations of educational records if applicable

B) To request to amend education records in accordance with the following:

1) the request may be made either verbally or in writing

2) the parent or eligible student shall be informed within a reasonable amount of time of whether the request has been denied or granted

3) if the request is denied, the parent or eligible student shall be informed of the reason of the denial and that they have the right to a hearing to challenge the content of the educational records

4) if a hearing is requested, the following shall apply:

a) the hearing shall be held within a reasonable period of time after the request for the hearing has been received

b) the parent or eligible student shall be given reasonable advance notice of the date, place, and time of the hearing

c) the hearing shall be conducted by an official of the Department who does not have a direct interest in its outcome

d) the parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the hearing issues, and may be assisted by persons of his/her choice

e) the decision stemming from the hearing shall be made within a reasonable amount of time after the conclusion of the hearing

f) the decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision

5) If, as a result of the request as per Item (1) or the hearing as per Item (4), it is determined that it is necessary to amend the educational records, the indicated amendment shall be made as soon as possible, but prior to when the educational records are transferred to another location.

6) If, as a result of the hearing as per Item (4) it is determined that the educational records do not have to be amended, the parents or eligible student shall be informed that they have the right to place in the educational records of the student a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision. Any statement so placed in a student's educational records shall be maintained in the records as long as the records or contested portion thereof is maintained.

C) To refuse to permit the disclosure of any or all of the information contained in a student's educational records designated as directory information to persons or parties other than those specified by Section II, Items A1-A10; and to be informed of the effect of such a refusal will or may have upon the student, providing that such refusal is provided to the custodian of the records in writing.

#### IV. Responsibilities of Custodians of Educational Records

A) To ensure that the information contained in students' educational records are not disclosed to unauthorized parties through any means, written, verbal, or otherwise

B) To provide parents and eligible students with annual notice of the following. Such notice shall be given by means, which are most likely to inform parents and eligible students, inclusive of providing for the need to effectively notify parents of students identified as having a primary or home language other than English.



- 1) The types of educational records being maintained and their locations
  - 2) persons responsible for maintaining each type of record
  - 3) the original set of educational records will be forwarded to any school in which a child has enrolled- provided that the school in possession of the records shall not release them until it has received a request on official letterhead from the school in which the student has enrolled. Parents and eligible students cannot be given the original set of cumulative records at the time of transfer or withdrawal of the student.
  - 4) Their rights as specified by Section III of this policy
  - 5) That Board Policy 825 explains the regulations of the Department regarding students' educational records, and that they may obtain a copy of this policy from their child's school
  - 6) That parents and eligible students have the right to file a complaint with the Department regarding alleged failure of a custodian of educational records to abide by the provisions of this policy
- C) When a disclosure is made pursuant to Section II.B of this policy:
- 1) to maintain a record in the student's educational records of the information listed in Section II.B of this policy; and,
  - 2) to provide a parent or eligible student with a copy of the records which are disclosed if so requested by the parent or eligible student.
- D) to comply with all other of the provisions of this policy not specified above.

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

### **LAWS**

#### **17 GCA § 6408. Submission of report.**

The attendance officer shall report monthly to the Superintendent the number and types of reports and requests made by each school on Guam pursuant to this Article, and whether each school within Guam has complied with the provisions of this Article.

### **REGULATIONS**

#### **Board Policy d.405. Student suspension expulsion.**

V. Standard process for administering behavioral citations interventions/consequences and/or adjudications

- D. A method of recording, managing and reporting discipline data using the DOE student information system.

#### **Board Policy d.407. Student searches and seizures.**

The Superintendent shall establish and implement standard operating procedures for student searches and seizures. The type and number of searches conducted on each campus, and the results of those searches, shall be reported to the Board annually.

#### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

D. Responsibility of Student Support Services Administrator:

3. Monitor, assess, and use the disciplinary information contained in the Superintendent's Annual State of Public Education Report in the planning and implementation of appropriate staff development.
4. Submit a monthly District Discipline Data report to the Superintendent.

**Board Policy d.472. School crime stoppers program.**

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

III. Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.

- 1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.
- 2) The data shall be published quarterly for public review on the Guam Department of Education website.

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

### **Authority and power to implement school arrest**

#### **LAWS**

##### **17 GCA § 6403. Attendance officer.**

The Superintendent shall appoint employees of the Department of Education, as Attendance Officers. The Attendance Officers, any peace officer, principal, or dean may take into custody during school hours, without warrant, any truant found away from the truant's home and who has been reported truant. For the purposes of Title 10 GCA, Chapter 55, § 55102, Attendance Officers are not classified as public safety and law enforcement officers.

##### **17 GCA § 6404. Same: Delivery of truant.**

The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant's parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil's school, shall bring the child before the Family Court.

##### **17 GCA § 6405. Same: Disposition.**

The attendance officer shall promptly report to the Department of Education and to the parent the disposition made by the attendance officer of the truant.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

##### **17 GCA § 8107. Marshal; appointment of special deputies.**

(a) The Chief Justice, at the request of the Marshal of the Court, may appoint employees of

- (1) the Department of Law,
- (2) the Department of Revenue & Taxation of the government of Guam, and
- (3) the School Attendance Officers of the Department of Education as Special Deputy Marshals of the Guam Judiciary. Such appointments shall be for as long as such employees remain in their employment with their respective departments, unless sooner revoked by the Chief Justice, whichever is earlier.

(b) The School Attendance Officers of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

#### **REGULATIONS**

No relevant regulations found.

## **MOUs, authorization, and/or funding**

### **LAWS**

#### **17 GCA § 8107. Marshal; appointment of special deputies.**

- (a) The Chief Justice, at the request of the Marshal of the Court, may appoint employees of
- (1) the Department of Law,
  - (2) the Department of Revenue & Taxation of the government of Guam, and
  - (3) the School Attendance Officers of the Department of Education as Special Deputy Marshals of the Guam Judiciary. Such appointments shall be for as long as such employees remain in their employment with their respective departments, unless sooner revoked by the Chief Justice, whichever is earlier.
- (b) The School Attendance Officers of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

#### **17 GCA § 8108. Special deputy marshal; duties, compensation.**

- (a) The employees of the Department of Law who are appointed as deputies under § 8107 of this Chapter shall exercise their office only in cases wherein the government of Guam is a party.
- (b) The employees of the Department of Revenue and Taxation who are appointed as deputies under said § 8107 shall exercise their office only in matters concerning the income tax laws and other tax and revenue laws of Guam.
- (c) The School Attendance Officers of the Department of Education under § 8107 shall exercise their office only in matters concerning truancy proceedings of the Superior Court of Guam.
- (d) No deputies under said § 8107 shall be entitled to compensation in addition to the compensation they are receiving as employees of the government of Guam.

### **REGULATIONS**

#### **Board Policy d.472. School crime stoppers program.**

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

- I. School Safety Coordinator. Each school shall identify a School Safety Coordinator (SSC) (an Administrator, School Counselor, School Resource Officer (SRO) or designee) who will be responsible for overseeing the Program for individual GDOE schools as a collateral duty. Specific duties for the SSC shall be stipulated in the Standard Operating Procedures developed by the Superintendent.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

V. Interventions against Harassment, Intimidation, Bullying, and Cyberbullying, Sexting and Sexual Harassment and Reporting Requirements

D. Responsibility of Student Support Services Administrator:

1. Assist the Superintendent in the oversight of this policy.
2. Provide assistance to the schools in regards to training and the latest research on of harassment, intimidation, bullying cyberbullying, sexting and sexual harassment in schools.
3. Monitor, assess, and use the disciplinary information contained in the Superintendent's Annual State of Public Education Report in the planning and implementation of appropriate staff development.
4. Submit a monthly District Discipline Data report to the Superintendent.

VIII. Further Action by the Superintendent

The Superintendent shall create appropriate standard operating procedures for implementation of this policy within 30 days of its adoption. School administrator will ensure that the standard operating procedures are followed.

### **Funding appropriations**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

##### **17 GCA § 3112.1. Same: Policy against bullying.**

(c) The policy shall include at least each of the following components:

(13) A school employee who promptly reports an incident of “harassment, intimidation, or bullying” and “cyberbullying” to the appropriate school official designated by the Board policy, and who makes this report in compliance with the procedures in the policy prohibiting “harassment, intimidation, or bullying” and “cyberbullying” is not liable for damages arising from any failure to remedy the reported incident.

#### **REGULATIONS**

##### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

VI. Non-Compliance

Non-compliance to this policy will result in appropriate disciplinary action.

### **Community input or involvement**

#### **LAWS**

##### **17 GCA § 3112.1. Same: Policy against bullying.**

(f) Public schools are required to form "bullying" and "cyberbullying" prevention task forces; implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcement, assistance organizations, and community members. School community is defined as parents or guardians, pupils, teachers, staff, and administrators.

##### **17 GCA § 42105. Community involvement.**

The Territorial Board of Education shall endeavor to obtain the participation of the community as a major part of the alternative education program. This participation shall consist among other things, utilization of community resources in employment, and on-the-job training, and the use of parents, professionals, technicians, clergy, government leaders and other talented members of the community of teachers or resource personnel in the education and training of students in the program.

#### **REGULATIONS**

##### **Board Policy d.409. Prevention and intervention against harassment, intimidation or bullying, cyberbullying, sexting, and sexual harassment.**

IV. Prevention against Harassment, Intimidation, Bullying, Cyberbullying, Sexting and Sexual Harassment

A. Public schools are required to form bullying and cyberbullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.

## Other or Uncategorized

### LAWS

#### **17 GCA § 5114. Same: Maintenance of discipline.**

Every teacher in the public schools shall hold pupils to strict account for their conduct while on the school premises and when on authorized off-campus school activities.

#### **17 GCA § 6111. Liability for injury to property.**

The parent or guardian of any pupil who willfully cuts, defaces or otherwise injures in any way any property, real or personal, belonging to a school or the Department of Education, shall be liable for all damages so caused by the pupil. The parent or guardian of a pupil shall be liable to the school for all property belonging to the school loaned to the pupil and not returned upon demand of an employee of the school authorized by the Superintendent to make the demand.

### REGULATIONS

#### **Board Policy d.435. Bus conduct.**

All school bus riders will conform to school bus rules established by the Superintendent of Education.

No student shall disembark from a school bus until it has arrived at the student's regular destination either the school grounds, the regular disembarkation stop, and/or any other designated disembarkation.

The Superintendent shall establish a Memorandum of Understanding with Department of Public Works regarding the transportation of students and develop an SOP for bus conduct of students. The SOP will be included in the student and parent handbook.

#### **Board Policy d.471. Unsafe schools choice option "persistently dangerous schools".**

A public elementary or secondary school is considered to be "persistently dangerous" if each of the following two conditions exists for three-consecutive school years:

- (1) The school has a federal or state gun-free schools violation or a violent criminal
- (2) The School has expelled students, under Board Policy, for any of the following offense has been committed by a student or a non-student on school property, and offenses:
  - a. Aggravated assault or battery upon any school employee - 9 G.C.A. §19.20.
  - b. Brandishing a deadly weapon - 9 G.C.A §16.10
  - c. Causing serious physical injury to another person, except in self-defense - 9 G.C.A §19.20.
  - d. Possessing, selling, or furnishing a firearm - 9 G.C.A §16.10
  - e. Robbery or extortion - 9 G.C.A. §40.10 & §40.20.
  - f. Selling a controlled substance - 9 G.C.A. Chapter 67
  - g. Sexual assault - 9 G.C.A. §25.15 & §25.20

The number of expulsions for these offenses must exceed one of the following rates:

- (a) for the school of fewer than 300 enrolled students, three expulsions
- (b) for a larger school, one expulsion for every 100 enrolled students or fraction thereof.

#### **Board Policy d.472. School crime stoppers program.**

In accordance to 17 GCA 3112.2., Safe Schools Program: School Crime Stoppers, the Board intends to address the continual rash of crimes that have victimized our students and our community for years, and

that there is a need to implement measures so students, faculty, staff, administrators, and the entire community can take ownership of the protection of our island schools and put a stop to these senseless acts so that school communities can continuously function with a sense of security and safety.

At a minimum, the program will include:

I. School Safety Coordinator. Each school shall identify a School Safety Coordinator (SSC) (an Administrator, School Counselor, School Resource Officer (SRO) or designee) who will be responsible for overseeing the Program for individual GDOE schools as a collateral duty. Specific duties for the SSC shall be stipulated in the Standard Operating Procedures developed by the Superintendent.

II. School Crime Stoppers Coordinator. A School Crime Stoppers Coordinator (SCSC) who is an employee of the Guam Police Department assigned by the Chief of Police will work with GDOE School Safety Coordinators, and to serve as liaison to Guam Crime Stoppers, Inc. and the Guam Police Department.

1) The School Crime Stoppers Coordinator will be responsible for organizing awareness and education events for students, and the broader community, with the Guam Police Department, the Guam Crime Stoppers, the Office of the Attorney General, the Mayors Council of Guam, and other relative agencies and organizations, as well as training events for administrators, faculty, staff, school parent organizations and families.

2) Partnership with Guam Crime Stoppers, Inc. The School Principal or assigned personnel in partnership with Guam Crime Stoppers, Inc. shall identify the School Crime Stoppers Program needs, such as securing phone services, the possible implementation of procedures for online web tips for the reporting of crimes that occur on GDOE campuses, and other related needs.

3) The School Crime Stoppers Coordinator will forward reports of tips and calls that have led to arrests for crimes to the Guam Crime Stoppers Board of Directors for disposition, in accordance with the organization's current procedures. For infractions or instances where the event is not a criminal activity, the School Safety Coordinator and the School Crime Stopper Coordinator will determine, or make a referral for, the appropriate disciplinary action, or make a referral to the appropriate entity.

4) The School Crime Stoppers Coordinator and the School Safety Coordinators shall coordinate with the Guam Crime Stoppers, Inc., and make recommendations to support the School Crime Stoppers program.

III. Data Collection. The Guam Department of Education School Safety Coordinators and School Crime Stoppers Coordinator will work in tandem to collect statistical data generated from call-ins or web tips of crimes or violations.

1) Statistical data may be used to obtain grants intent on increasing student involvement and achievement, and the promotion of safe, crime-free schools and communities.

2) The data shall be published quarterly for public review on the Guam Department of Education website.

IV. The Principal or designated personnel is be responsible for determining what appropriate disciplinary action will be taken or referrals will be made to appropriate authorities if what is reported is not a crime. If what is reported, however, is a crime, the SSC and SCSC coordinators shall forward it to the appropriate authorities for disposition.

V. Implementation. The Program shall be implemented in all Guam Department of Education schools.

#### **Board Policy d.473. Children's Internet Protection Act: Internet content filtering/safety policy.**

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the Guam Department of Education (GDOE, District) has adopted and will enforce this Internet Safety Policy that ensures the use of technology protection measures (i.e.



filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are, or may be considered obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. Further, appropriate monitoring of online activities of minors as determined by the school administrator, will also be enforced to ensure the safety of students when accessing the internet.

The Guam Education Board's (GEB) decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the school's programs. This policy will help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed necessary by the applicable school administrators and division heads, will be enforced to ensure compliance with CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet and World Wide Web may include, but shall not be limited to, the following guidelines:

1. Ensuring the presence of a teacher and/or other appropriate district personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, chat rooms, instant messaging and other forms of direct electronic communications. As determined by the appropriate school administrator, the use of email and chat rooms may be blocked as deemed necessary to ensure the safety of such students;
2. Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
3. In compliance with this internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities Children's Internet Protection Act: Internet Content Filtering / Safety Policy by minors are prohibited by the District and student violations of such policies may result in disciplinary action; and
4. Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor", "child pornography," "harmful to minors", "obscene", "technology protection measure", "sexual act", and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor or other person authorized by the Guam Department of Education.

GDOE shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., block/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction:

In accordance with CIPA, GDOE will provide, to students in Kindergarten through 12th Grade, instruction designed to promote the proper and safe use of the internet. To be in compliance with FCC regulations for CIPA and E-Rate, GDOE is required to provide students instruction in appropriate online behavior, Social Networking and Cyber Bullying. Curricula for such a course of study shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet.

Notification/Authorization:

As adopted in Board Policy 379, GDOE's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the internet.

Student's use of the District's computer system is conditioned upon written agreement by all students and their parents/guardians that student use of the district's computer system will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the district's computer system. All such Acceptable Use Agreements shall be kept on file by the Schools or Divisions and must be furnished upon request.

GDOE has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Content Filtering/Safety Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the GDOE's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology.

## 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 Guam provide additional context to 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>		
Student Support Services Division, Guam Department of Education (GDOE)	Supports all public schools in the areas of student safety and discipline, behavioral health supports, counseling, truancy prevention, and Section 504 of Rehabilitation Act of 1973. Provides guidance regarding board policies and standard operating procedures governing student conduct and safety.	<a href="https://sites.google.com/a/gdoe.net/studentsupportservices/home">https://sites.google.com/a/gdoe.net/studentsupportservices/home</a>
Standard Operating Procedures, GDOE	Provides links to standard school operating procedures, including campus security, student searches, cell phone use, controlled substances, school crime, school attendance and conduct, and bullying, harassment, and intimidation.	<a href="https://sites.google.com/a/gdoe.net/gdoe/SOP">https://sites.google.com/a/gdoe.net/gdoe/SOP</a>
<i>Documents</i>		
Positive Behavior Interventions & Supports (PBIS) Guidebook (July, 2014), GDOE	Guidebook provides district and schools a framework for implementing PBIS with the focus on Tier I- Universal Intervention made available to all faculty and staff throughout the district.	<a href="https://docs.google.com/viewer?a=v&amp;pid=sites&amp;srcid=Z2RvZS5uZXR8c3R1ZGVudHN1cHBvcnRzZXJ2aWNlc3xneDo3MDNhOWY4NmZlYzA3N2U">https://docs.google.com/viewer?a=v&amp;pid=sites&amp;srcid=Z2RvZS5uZXR8c3R1ZGVudHN1cHBvcnRzZXJ2aWNlc3xneDo3MDNhOWY4NmZlYzA3N2U</a>
Student Conduct Procedural Manual (August 2018), GDOE	Guidance manual on school discipline issues and attendance designed to provide uniform and consistent procedures when addressing student conduct.	<a href="https://docs.google.com/viewer?a=v&amp;pid=sites&amp;srcid=Z2RvZS5uZXR8Z2RvZXxneDozZjFIMmEzZDg0ZTkYOGYw">https://docs.google.com/viewer?a=v&amp;pid=sites&amp;srcid=Z2RvZS5uZXR8Z2RvZXxneDozZjFIMmEzZDg0ZTkYOGYw</a>
<i>Other Resources</i>		
Student Support Services Division (SSSD) Training, GDOE	Student Support Services Division provides training and facilitate meetings throughout the district for school administrators, school counselors, teachers, and staff on student conduct and safety. Training resources, including materials and presentation on discipline, truancy prevention, challenging behaviors, among others.	<a href="https://sites.google.com/a/gdoe.net/studentsupportservices/home">https://sites.google.com/a/gdoe.net/studentsupportservices/home</a>

Title	Description	Website address (if applicable)
District Student Conduct Reports 2017-2018, GDOE	Monthly student conduct reports on student's non-compulsory aged unexcused absences, suspension, and truancy	<a href="https://sites.google.com/a/gdoe.net/studentsupportservices/dscr-2017-2018">https://sites.google.com/a/gdoe.net/studentsupportservices/dscr-2017-2018</a>